



Report of the Chief Planning Officer

PLANS PANEL CITY CENTRE

Date: 26th May 2010

Subject: APPLICATION 10/01477/EXT – Extension of time period for application 06/03333/OT for major redevelopment involving mixed use to provide retail stores, restaurants, bars and offices within use classes A1, A2, A3, A4, A5 and B1 and housing (class C3), cinema (class D2), gym (class D2), medical centre (class D1), church drop in facility, creche (class D1) and hotel (class C1), with associated highways works, open space, landscaping, car parking, pedestrian facilities and re-alignment of culvert.

APPLICANT

The Leeds Partnership

DATE VALID

7/4/10

TARGET DATE

28/7/10

Electoral Wards Affected:

City & Hunslet, Burmantofts and Richmond Hill

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Approve in principle and defer and refer to the Secretary of State for the Department of Communities and Local Government as a Departure from the Statutory Development Plan and for consultation under the Town and Country Planning (Consultation) (England) Direction 2009, and delegate approval to the Chief Planning Officer subject to the specified conditions (such conditions being the same as those attached to the original outline consent (updated as appropriate)) (and others which he might consider appropriate) and the completion of a Section 106 Agreement to cover the following matters (such matters being the same as those obligations agreed with the original outline consent);

- affordable housing provision
- public realm provision
- access and maintenance
- greenspace contribution
- contribution to education
- employment and training initiatives
- use of Templar House
- re-use of railings

- provision of travel plans
- public transport contribution
- highway requirements
- retail delivery

should the Secretary of State decide not to call in the application for determination.

In the circumstances where the Secretary of State has decided not to call in the application and the Section 106 has not been completed within 3 months of the resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer.

A full list of conditions and the reasons for approval can be found at Appendix 1.

1.0 INTRODUCTION:

- 1.1 The major retail-led mixed use Eastgate and Harewood Quarter development received outline consent on 24th August 2007. This outline application was given a standard three year time limit for the submission of reserved matters. This consent expires on 24th August 2010 and due to a change in economic circumstances, reserved matters submissions will not be made prior to this expiry date. Therefore an application to extend the time for submitting the reserved matters and implementing the scheme has been submitted.
- 1.2 The ability to extend the time limit for implementing existing planning permissions was brought into force on 1 October 2009 via an amendment to the Town and Country Planning (General Development Procedure) (England) Order 1995. As outlined in accompanying guidance published by the Department for Communities and Local Government (DCLG) 'Greater Flexibility for Planning Permissions guidance (November 2009)' this measure was introduced in order to make it easier for developers and Local Planning Authorities to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve. Only one extension of time application is permitted for any approved application.
- 1.3 The submitted application seeks to extend the limit for a further three years for the submission of reserved matters and implementation of the previously approved outline planning application which brings forward a mixed use development comprising retail, residential, office, community, leisure, hotel, bars and restaurants with associated parking, landscaping, new public realm and open space.
- 1.4 No amendments are proposed to the approved scheme as part of this application submission.
- 1.5 The DCLG guidance suggests that, Local Planning Authorities (LPAs) should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date. While these applications should, of course, be determined in accordance with the requirements of s.38(6) of the Planning and Compulsory Purchase Act 2004, namely that the application should be

determined in accordance with the development plan unless material planning considerations indicate otherwise, LPAs should, in making their decisions, focus their attention on development plan policies and other material considerations (including national policies on matters such as climate change) which may have changed since the original grant of permission.

- 1.6 LPAs may refuse applications to extend the time limit for permissions where changes in the development plan or other relevant material considerations indicate the proposal should no longer be treated favourably. As highlighted below, it is not considered that there has been any change to the development plan or to any other material considerations that would warrant anything but an approval of this extension of time application.
- 1.7 If approved, this extension of time application will give the Leeds Partnership (the applicant) greater confidence in the ability to deliver a scheme. However, discussions have commenced on modifications to the Eastgate and Harewood Quarter scheme and Members will receive a presentation regarding these emerging proposals in the near future. However, the potential submission of a revised scheme is not material to the determination of the current application.

2.0 PROPOSAL:

- 2.1 This application seeks to extend the time limit for the submission of reserved matters and implementation of the outline permission 06/03333/OT granted on 24th August 2007 for a further three years. Application 06/03333/OT related to the major retail-led mixed use scheme for the redevelopment of the area known as the Eastgate and Harewood Quarter. The extension of time application (as with the original outline application) seeks approval for the principle of development and the means of access only with all other matters reserved.
- 2.2 All components of the scheme are exactly the same as the original outline application.
- 2.3 A detailed description of the proposal can be found in section 4.0 of the 8/2/07 panel report at Appendix 4.
- 2.4 The development is supported by the range of technical documents submitted with the original outline application and a full list of these documents can be found at paragraph 2.3 of the 8/2/07 panel report found at Appendix 4.
- 2.5 To reflect the changes in policy and in the area since the original outline approval in August 2007, a number of updates to the technical documents have been submitted with the current application for the extension of time. These documents are listed below:
 - Updated Planning Statement.
 - Updated Retail Statement.
 - Updated Townscape Assessment.
 - Updated Transport Assessment.
 - Updated Environmental Statement.

- Updated Sustainability Statement.
- Updated Flood Risk Assessment now including a Sequential Test.

3.0 SITE AND SURROUNDINGS:

3.1 The application site is the same as for the original outline application, 06/03333/OT. A full detailed description of the site and the surrounding area can be found in section 3.0 of the 8/2/07 panel report at Appendix 4.

4.0 RELEVANT PLANNING HISTORY:

4.1 The original outline planning consent, 06/03333/OT, was granted consent on 24th August 2007 following a panel resolution to approve in principle on 8th February 2007 and a referral to the Secretary of State. The decision was subject to applications for judicial review by the West Yorkshire Passenger Transport Executive (WYPTE) and landowners on the site. These challenges led to the agreed public transport contribution being reviewed and increased in relation to recent policy changes at that time and to supplementary reasons for granting planning permission being agreed by Panel on 27th March 2008 (see Appendix 3). The time limit for the submission of reserved matters pursuant to this outline consent expires 24th August 2010.

4.2 A copy of the panel reports from the 8th February 2007 and 27th March 2008 are appended to this report with the former containing a list of significant planning applications affecting the site in the 30 years up to February 2007.

4.3 The relevant applications to affect the site since February 2007 are outlined below:

- 09/05538/LI - Listed building application for the demolition of the railings at the former Appleyards Filling Station. Following referral to the Secretary of State this application was granted a five year consent on 31/3/10 subject to conditions requiring the railings be repaired and reused within the Eastgate and Harewood Quarter development.
- 09/04368/LI – Listed building application to repair and renovate the external fabric of Templar House, Lady Lane. Approved 2/12/09.
- 09/9/00291/MOD – Non-material amendment application to alter highway design. Approved 19/10/09.
- 06/03334/LI – Listed building application for the demolition of the railings at the former Appleyards Filling Station. Following referral to the Secretary of State this application was granted a three year consent on 29/3/07 subject to conditions requiring the railings be repaired and reused within the Eastgate and Harewood Quarter development. This consent has expired but is replaced by the recent consent above.

4.4 It was clear from an early stage in the process that it would not be possible to acquire all the land required for the development within a reasonable timescale. Compulsory purchase provides the mechanism to secure the necessary land and interests in such a situation. On 19th April 2006 Executive Board authorised the making of a Compulsory Purchase Order (CPO). The Leeds City Council (Eastgate and Harewood Quarter, Leeds) Compulsory Purchase Order 2007 was subsequently made on 18th April 2007. The Public Inquiry into the CPO took place between November 2007

and February 2008. The CPO was confirmed by the Secretary of State for Communities and Local Government in June 2008 and the associated Stopping Up Order confirmed by the Secretary of State for Transport in July 2008.

5.0 HISTORY OF NEGOTIATIONS:

5.1 The original outline consent was subject to extensive public consultation, officer discussions and a number of panel presentations/workshops. Since the application was approved in August 2007 officers have continued discussions on the progression of the scheme and agreed the submission of an extension of time application would be appropriate. The extent of policy change was discussed earlier this year and the scope of the additional/updated documents submitted in support of the extension was agreed.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 An advert was placed in the Leeds Weekly News on 15/4/10 and site notices were erected at various points around the site on 14/4/10.

6.2 No representations have been received.

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory:

7.2 **Environment Agency:** No objection subject to the previous conditions attached to 06/03333/OT being attached to the extension of time application.

7.3 **Highways:** No objection subject to the conditions and S106 items being carried forward from the original consent.

7.4 **Yorkshire Forward:** Yorkshire Forward welcome the application as the development will assist in achieving the vision outlined in the Regional Economic Strategy for Leeds to become 'an internationally competitive city at the heart of a prosperous region'. The development should aim for a high sustainability standard as conditioned by the original application.

7.5 **British Waterways:** No objection.

7.6 **English Heritage:** No objection.

7.7 **Highways Agency:** No objection.

7.8 **Government Office for Yorkshire and the Humber:** No objection.

7.9 **Natural England:** Ecological survey work is considered to be relevant for two years therefore those surveys that form part of the original application will be out of date. The surveys should be reconsidered and the Landscape and Visual Impact Assessment should be re-visited to assess whether there has been significant changes to the landscape.

Response: The updated Environmental Statement makes reference to a 2010 review of the previous surveys and site walkover by a qualified

ecologist and concludes that the development will have a negligible impact during the construction phase subject to the described mitigation. Conditions added to the original consent require that pre-demolition surveys to take place and the appropriate mitigation undertaken. The Visual Impact Assessment has been updated and there is considered to be no significant change to the site.

7.10 Non-statutory:

7.11 **Public Transport Officer:** No objection subject to the public transport contribution and protection of the New Generation Transport (NGT) alignment and associated surfacing works remaining as per the original Section 106 agreement and deed of variation.

7.12 **Neighbourhoods and Housing:** No objection.

7.13 **Contaminated Land Team:** No objection subject to conditions.

7.14 **Retail Policy:** The scheme has been reanalysed and has taken into account the change in policy (the introduction of Planning Policy Statement 4 'Planning for Sustainable Economic Development' (PPS4) and the Yorkshire and Humber Plan, Regional Spatial Strategy (RSS)) and the changed economic circumstances. It has been concluded that retail policy continues to support the scheme and therefore no objection to the extension of time.

7.15 **Mains Drainage:** No objection subject to the conditions on the original approval.

7.16 **Yorkshire Water:** No objection subject to standard conditions relating to drainage and easements to the water mains and sewers that cross the site.

7.17 **Metro:** No objection subject to the conditions and S106 requirements being carried forward from the original consent.

7.18 **West Yorkshire Archaeology Advisory Service (WYAAS):** The site lies at the edge of the known medieval settlement of Leeds. There is local, regional and national archaeological significance at the site both above and below ground that will be affected by the scheme. Archaeological evaluation should take place prior to any further groundworks at the site. Recording should take place and there is concern regarding the setting of the Lyon Works and removal of the Eastgate 'Bookends'. A condition regarding the archaeological evaluation and recording is requested.

Response: These comments reflect the previous comments received by WYAAS and are discussed in detail in the 8/2/07 panel report at Appendix 4. As with the previous outline application, the requested condition will be applied to this extension of time application.

8.0 PLANNING POLICIES:

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

9.0 MAIN ISSUES

- Extension of time applications.
- Unchanged policy and material considerations since the original consent
- Changes in policy and material considerations since the original consent.
- Conditions and Section 106 obligations.

10.0 APPRAISAL

10.1 Extension of Time Applications

- 10.1.1 As highlighted in the introduction, the ability to extend the time limit for implementing planning permissions was introduced on 1 October 2009 via an amendment to the Town and Country Planning (General Development Procedure) (England) Order 1995. This change was introduced to allow developers greater flexibility in delivering already approved schemes during the economic downturn.
- 10.1.2 It is only possible to apply to extend a planning permission if the permission is extant on 1 October 2009, if the permission is still extant when the extension of time application is submitted, and if the development has not already commenced. The Eastgate and Harewood Quarter scheme meets the eligibility criteria.
- 10.1.3 As the scheme has been approved before, the principle of this development has been established. However, the current application to extend the time limit for implementation must be considered against current policy guidance and other material considerations which may have changed since the original grant of permission.
- 10.1.4 This application seeks to extend the time limit for a previously approved scheme, which has not changed. However, since the original decision there have been some changes in policy and some minor changes in material considerations. These are discussed in paragraph 10.3 below and were considered by the updated planning documents submitted by the applicant.

10.2 Unchanged policy and material considerations since the original consent

- 10.2.1 The vast majority of policies and material considerations have not changed since the original grant of consent. The detailed assessment of these policies and material considerations is set out in the original panel report and is considered to be appropriate to the determination of the current application (for reference, the original panel report from 8/2/07 is attached at Appendix 4).
- 10.2.2 In summary, the proposed development would comprehensively regenerate and redevelop a substantial part of the city centre which, for a significant period, has suffered from a lack of investment, has been underused and largely detracts from the wider area. The scheme is entirely situated on previously developed land and is located in a sustainable city centre position. The development would bring forward an efficient use of land which would be well integrated into the existing city centre and would be supported by a sound and comprehensive highway strategy. Permeability within the site would be significantly improved and the urban grain restored.

The built development will involve buildings of high quality and internationally recognised spaces. Whilst a limited amount of historic fabric would be lost as part of the development the overall impact on the historic environment would be positive and the individual losses are unavoidable if the wider benefits are to be realised. Consequently, the development would represent a major contribution to the renaissance of the city centre and would help Leeds to go up a league as a city.

10.2.3 The scheme would improve physical and economic links with areas and communities beyond the site, deliver affordable housing, and provide significant opportunities for employment and training initiatives for the most deprived people within the city. In doing so the development would help to close the gap between the most disadvantaged people and the rest of the city.

10.2.4 The scheme would address weaknesses in the city's current retail offer and would enhance its regional shopping role. In bringing forward these improvements the scheme would reinforce Leeds' role as the regional centre, re-establish its position competitively with other major cities and help cement Leeds' role as a city of European significance.

10.3 Changes in policy and other material considerations since the original consent

10.3.1 There have been changes to both the development plan and national planning guidance since the original application was granted consent. These changes are discussed below starting with the development plan and then national planning guidance.

10.3.2 The Development Plan

10.3.3 Regional Spatial Strategy

10.3.4 The significant change to the development plan has been the adoption of the Regional Spatial Strategy (RSS) for Yorkshire and Humber in May 2008 as a replacement to the earlier RSS. The vision of the RSS is to create a world-class region, where the economic, environmental and social well-being of all people is advancing more rapidly and more sustainably than its competitors. Particular emphasis is placed on the Leeds City Region.

10.3.5 The Eastgate and Harewood Quarter development is a scheme that will significantly enhance the retail and general attractiveness of the city centre, Leeds on the whole and therefore the Leeds City Region. The scheme will deliver a significant amount of retail, residential and office floorspace plus associated leisure uses and delivers significant improvements to the public realm. The proposal incorporates a number of sustainability measures and will assist in meeting housing targets set out in the RSS.

10.3.6 The proposed scheme is considered to accord with the aims and objectives of RSS policy.

10.3.7 Unitary Development Review (UDPR) (2006)

10.3.8 No policies have been added to the UDPR since the original approval. However, the following policies that were considered at the time of the original consent have been deleted:

- T4 that promotes pedestrianisation schemes.
- BC1 that seeks to secure the retention, continued use and proper maintenance and where necessary the retention of listed buildings.
- LT1 that gives priority to the siting of new leisure facilities at locations accessible to all sections of the community.
- LT7 that encourages visitor accommodation in accordance with hotel policy.
- HO3 that encourages development of hotels within the city centre.

10.3.9 These policies expired on 19th July 2009 and were not considered necessary for renewal as the thrust of the policy was retained elsewhere within the UDPR or within national planning guidance therefore there would be no policy vacuum.

10.3.10 The deletion of these policies is not considered to be significant in the determination of the current extension of time application. As outlined in the original 8/2/07 panel report (Appendix 4) the proposal largely accords with UDPR policies. Members should note that the proposals do not wholly accord with UDPR retail policy in that the proposal would comprise a significant retail element on a site that is partly outside the Prime Shopping Quarter. However, this was fully considered in the 8/2/07 panel report at Appendix 4 and, on balance, the proposals were considered acceptable. The proposals have not been altered since the previous submission and there has been no policy change in this respect. However, there is a legal requirement to refer the proposals to the Secretary of State on this basis.

10.3.11 Supplementary Planning Document 5 'Public Transport Improvements and Developer Contributions' (SPD5)

10.3.12 Whereas this document was not formally adopted until July 2008, it was introduced for development control purposes from June 2007. As such the requirement to pay a contribution toward public transport improvements was considered prior to consent being granted. The agreed contribution toward public transport improvements reflects the now adopted SPD5 and will be secured via the updated S106 agreement.

10.3.13 Tall Buildings Design Guide

10.3.14 This SPD was adopted in April 2010 and provides guidance as to where tall buildings should and should not be built. The document highlights the importance of urban design and seeks to protect the best elements already established within the city.

10.3.15 This SPD provides further guidance regarding tall buildings but flows from, and accords with, UDPR policy considered at the time of the original application that sets a number of urban design principles. The Eastgate and Harewood Quarter development does include a taller building at its northwest corner and this building is considered to be consistent with the guidance in the adopted SPD.

10.3.16 National Planning Guidance

10.3.17 Planning and Climate Change (Supplement to Planning Policy Statement 1 (PPS1))

10.3.18 This PPS on climate change supplements PPS1 and was introduced in December 2007. The document sets out how Planning should contribute to reducing emissions and stabilising climate change and take into account the unavoidable consequences. Planning authorities should ensure proposed development is consistent with the policies in this PPS and use planning conditions or obligations to secure the provision and longer-term management and maintenance of those aspects of a development required to ensure compliance with the policies in this PPS.

10.3.19 The consented scheme and the updated sustainability statement fully consider the sustainability credentials of the scheme. As with the previous approval, the addition of a planning condition that requires the scheme to incorporate a number of sustainability measures including BREEAM targets and green roofs and will ensure the scheme is delivered in accordance with the PPS1 supplement.

10.3.20 PPS4 'Planning for Sustainable Economic Growth'

10.3.21 This PPS was introduced in December 2009 and consolidates national planning guidance on economic, retail and town centre development which were covered by the previous PPG4: Industrial, Commercial Development and Small Firms (November 1992) and PPS6: Planning for Town Centres (April 2006). PPS4 applies to all planning applications for economic development and seeks to achieve sustainable economic growth via policies that identify appropriate main town centre uses.

10.3.22 The updated retail statement submitted with this application considers this change in policy and changes in other material consideration including the implementation of retail developments elsewhere in the region and the economic downturn. Having examined this updated retail statement it is considered that the Eastgate and Harewood Quarter development accords with PPS4 as it will deliver economic growth without having a detrimental impact on other centres and proposed retail developments within the region.

10.3.23 PPS5: Planning for the Historic Environment

10.3.24 This PPS was introduced in March 2010 and replaces Planning Policy Guidance Note 15 (PPG15) 'Planning and the Historic Environment' and PPG16 'Archaeology and Planning'. The policies in this PPS seek to meet the Government's aim that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations.

10.3.25 The proposed scheme and original consent considered all heritage assets and the location and type of these assets influenced the layout, form and scale of the development, conditions and planning obligations within the S106. As before, the scheme delivers significant overall benefits to areas and buildings of designated importance within and around the site. The loss of other buildings of merit is unavoidable if the wider benefits of the

scheme are to be achieved. Therefore the current application is considered compliant with PPS5 guidance.

10.3.26 A minor material change on site is that the works have taken place to ensure further physical decay of Templar House, a grade II listed building on Lady Lane is prevented. This building has been protected to ensure it can be fully renovated and form an integral part of the main development.

10.3.27 Other material changes

10.3.28 There have been no other significant material changes relevant to this application, to the site or its surroundings other than those described in 10.3.22 and 10.3.26 above.

10.4 Conditions and section 106 obligations

10.4.1 All relevant conditions from the previous outline consent will be applied to the extension of time application, a list of these conditions can be found at Appendix 1.

10.4.2 The section 106 agreement will include the same range of obligations that were associated with the outline consent.

10.4.3 As part of Central Government's move to streamlining the planning obligation process it has introduced the Community Infrastructure Levy Regulations 2010. This came in to force on April 6th and will require that all matters to be resolved by a Section 106 planning obligation have to pass 3 statutory tests. The relevant tests are set out in regulation 122 of the Regulations and are as follows:

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

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

10.4.4 As with the original S106, there are 12 matters to be covered by the new S106 (see 'recommendation' box at the beginning of this report). These 12 matters have been considered against the current tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

11.0 CONCLUSION

11.1 This extension of time application results from the recent changes in legislation that allows the time limits of extant permissions to be extended during the economic downturn. National planning guidance provides that a positive and constructive approach should be adopted to applications such as the current application which improve the prospect of sustainable development being taken forward quickly. However, a new planning consent would be granted and changes in policy and other material considerations have been examined. The proposed development has not changed and there have been no material changes to the site or

surrounding area. The updated supporting documents submitted with the application has fully considered the changes in policy and the proposed development is considered acceptable following detailed consideration against all up to date development plan policies and national guidance. A grant of consent will allow the Leeds Partnership to progress the development of the Eastgate and Harewood Quarter and therefore allow for the regeneration of a major area of the City Centre. For the reasons outlined above it is requested that members agree to the extension of time application.

Background Papers:

Application file 10/01477/EXT.

Original outline consent file 06/03333/OT.

Notices were served on the freehold and leasehold interests on the site as identified by a survey dated September 2009.

APPENDIX 1: DRAFT CONDITIONS AND REASONS FOR APPROVAL

- 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
Access
Scale
Appearance
The landscaping of the site

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

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

- 2) Application for approval of all reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. 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 details of the Reserved Matters submitted pursuant to this permission shall be in accordance with the Development Specification contained at table 5.1 of the Environmental Statement, as amended and updated, and Tables 1 and 2 of LP1, as amended, unless provided for in any subsequent conditions attached to this permission.

In order to define the permission and as the development is the subject of an Environmental Assessment and any deviation from the identified specification may have an impact which has not been assessed by that process.

- 4) The Reserved Matters details submitted pursuant to this permission shall be in accordance with the Design Guidelines (LP2), as amended, and Parameter Plans 2, 3, 4, 5, 6 and 7, as amended, unless provided for in any subsequent conditions attached to this permission.

In order to secure the satisfactory development of the application site in accordance with agreed principles and objectives.

- 5) All parts of the development as specified within the identified parameters other than for the residential element shall be completed and made available upon first occupation of the development unless otherwise agreed in writing by the Local Planning Authority.

In order to ensure the comprehensive redevelopment and efficient use of the site.

- 6) Prior to the commencement of any:
- (a) Enabling works; and
 - (b) Any highway works, bus station works or bus facilities,

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

In the interests of highway safety and in order to ensure minimum disruption to the highway network during the construction process.

- 7) Prior to the commencement of works of construction in the course of the erection of buildings within the development hereby permitted which are to contain retail floorspace a detailed scheme shall be submitted and approved in writing by the Local Planning Authority identifying the mix of retail units to be delivered. The scheme shall incorporate a department store, an anchor store, major shop units and other large units, and a wide range of further shop units. The development shall be occupied in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

In order to ensure the delivery of the appropriate retail content within the development to address the existing weaknesses in Leeds City Centre retail provision identified in the Retail Statement.

- 8) Prior to the commencement of works of construction in the course of the erection of any of the buildings within the development hereby permitted which are to contain retail floorspace a scheme to define the shopping frontages shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the LP2 Design Guidelines and will specify the primary shopping streets within which at least 80% of the shopping frontage shall comprises A1 retail use unless otherwise agreed in writing by the Local Planning Authority. The development shall be occupied in accordance with the approved scheme.

In order to ensure the delivery of appropriate levels of retail content within specified locations within the development.

- 9) Unless otherwise agreed in writing by the Local Planning Authority, within plots HQ1 (south), HQ2 (south), HQ3, HQ4 and HQ5 food shop (sale of convenience goods) provision shall be small scale (with individual unit shops not to exceed 80 sq.m net retail floor space) or ancillary to other uses. In aggregate, the total net retail food shopping area shall not exceed 500sq.m net within this area.

In accordance with the provisions of the UDPR Markets Area proposal statement.

- 10) Prior to the commencement of works of construction in the course of the erection of any of the buildings within the development which are to contain retail floor space full details and location of a Shopmobility facility for use by members of the general

public shall be submitted to and approved in writing by the Local Planning Authority. The facility shall be provided prior to the first occupation of the development for retail purposes and shall thereafter be maintained.

In order provide satisfactory access within the development.

- 11) Prior to the commencement of works of construction in the course of the erection of any of the buildings within the development hereby permitted the location and details of facilities for use by bus drivers on Vicar Lane (north) shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided prior to the first use of the development and shall thereafter be maintained.

In order to provide necessary replacement facilities for relocated bus routes and stops to Vicar Lane.

- 12) Prior to the commencement of development a scheme for the provision of temporary bus facilities, including details of bus driver and passenger waiting facilities and a programme of implementation, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

To ensure the provision of adequate facilities for bus drivers and passengers during the period between the re-routing of buses and the completion of the development.

- 13) Prior to first use of the development a multi-faith prayer room for up to 20 people, including washing facilities, shall be provided and shall be made available for use by members of the general public during the opening hours of the building in which it is located. The prayer room shall thereafter be maintained.

In order to provide appropriate facilities and to secure the satisfactory development of the site.

- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification) planning permission shall be obtained before any change of use of any A3 premises referred to in this permission, to any use within Use Class A2 as detailed in the Town and Country Planning (Use Classes) Order 1987 (or any order revoking or re-enacting that order with or without modification); or any B1 premises referred to in this permission, to any use within Use Classes B8 as detailed in the Town and Country Planning (Use Classes) Order 1987 (or any order revoking or re-enacting that order with or without modification).

In order that the Local Planning Authority can retain control over uses which it considers could be harmful to the character of the area and the viability of the City Centre in general.

- 15) Prior to the commencement of works of construction in the course of the erection of any of the buildings within the development which are to contain retail floor space a document defining design principles for the detailed design of shop fronts, including external shop signage, shall be submitted to and approved in writing by the Local

Planning Authority. Subsequent details shall be in accordance with the details thereby agreed.

In the interests of visual amenity and to ensure the satisfactory development of the site.

- 16) The form, design and environment of the Templar Arcade Character Area shall accord with the principles and objectives outlined in LP2 and shall be further informed by the Farrell's Galleria Typology Study dated January 2007.

In the interests of amenity and to secure satisfactory development of this part of the site.

- 17) Notwithstanding the details identified within the LP2 Design Guidelines and Parameter Plan 6 the maximum height of the southern part of Plot EQ4a for a minimum depth of 10 metres shall not be more than 10% taller in height above ground level than the maximum height of EQ7a.

In the interests of visual amenity and the townscape of the area.

- 18) Notwithstanding the details identified within the LP2 Design Guidelines and Parameter Plan 6 the maximum height of the southern part of Plot EQ4b for the depth of EQ4c shall not be more than 10% taller in height above ground level than the maximum height of EQ7c at its eastern end.

In the interests of visual amenity and the townscape of the area.

- 19) Notwithstanding the details identified within the LP2 Design Guidelines and Parameter Plan 5 no part of building plots EQ10, EQ1a, EQ1b, EQ1c or EQ2a shall project within 5 metres of the outer structure of the Inner Ring Road unless otherwise agreed in writing by the Local Planning Authority.

In order to ensure satisfactory access can be achieved to the Inner Ring Road for maintenance purposes.

- 20) No works of construction in the course of the erection of any of the buildings in the relevant part of the site shall be commenced until full details of the following have been submitted to and approved in writing by the Local Planning Authority in respect of such part of the site-

- (a) 1 to 20 scale drawings of the detail of roof line and eaves treatments, ground floor treatments, including shopfronts and entrance points; and
- (b) 1 to 20 scale section drawings of each type of window, bay and balcony proposed.

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

In the interests of visual amenity.

- 21) 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, apparatus 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.

- 22) The highest level of plot EQ1 shall not be used for uncovered car parking.

In the interests of visual amenity.

- 23) Unless otherwise approved in writing by the Local Planning Authority no works of construction in the course of the erection of any buildings shall take place within the relevant part of the site until a scheme of external lighting for the buildings in that part of the site has been submitted to and approved in writing by the Local Planning Authority. In particular, the scheme shall address full details of the proposed lighting strategy for the multi-storey car park. The scheme shall be implemented in accordance with the approved details prior to the first use of the relevant part of the development and thereafter retained.

In the interests of visual amenity and to secure a satisfactory appearance of the development at night-time.

- 24) No part of the development shall be occupied until provision has been made in the means of access both to and within such part of the development, and within any sanitary conveniences, for the needs of employees and members of the public who are disabled within such part of the development. All such facilities shall thereafter be retained and made available for use.

In order to provide satisfactory access within the development.

- 25) Unless otherwise approved in writing by the Local Planning Authority, no works of construction in the course of the erection of any buildings shall take place in the relevant part of the site until details and samples of all external building materials, including window frames and glazing for the relevant part of the development, 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.

- 26) Unless otherwise approved in writing by the Local Planning Authority, no works of construction in the course of the erection of any buildings shall take place within the relevant part of the site until details and samples of all surfacing materials for the relevant part of the development 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 surfacing works shall be constructed from the materials thereby approved.

In the interests of visual amenity.

- 27) Unless otherwise approved in writing by the Local Planning Authority, construction of external building materials shall not be commenced within the relevant part of the site until sample panels of the building materials to be used, including panels to identify the recess of windows into buildings for the relevant part of the development, have been approved in writing by the Local Planning Authority. The panels shall be erected on site to establish the details of the type, bonding and coursing of stone and colour and type of jointing material. The materials shall be constructed in strict accordance with the sample panels, which shall not be demolished prior to the completion of the development unless otherwise agreed in writing by the Local Planning Authority.

In the interests of visual amenity.

- 28) No development shall take place until proposals for the removal, relocation or redesign of the existing external police station staircase on the west elevation of the Millgarth Street building have been submitted to and approved in writing by the Local Planning Authority. The works thereby agreed shall be implemented prior to first occupation of the development unless otherwise approved in writing by the Local Planning Authority.

In order not to prejudice the operation of the police station.

- 29) There shall be no habitable rooms in any residential development in the west elevation of plots HQ1 and HQ5 unless otherwise agreed in writing by the Local Planning Authority.

In order to control overlooking to protect the residential amenities of occupiers of properties on the west side of Harewood Street.

- 30) Unless otherwise agreed in writing by the Local Planning Authority, no works of construction in the course of the erection of any of the buildings within the development hereby permitted shall commence within the relevant part of the site until full details of both hard and soft landscape works and a programme for its provision as part of the development have been submitted to and approved in writing by the Local Planning Authority. These details shall include (a) proposed finished levels and/or contours, (b) means of enclosure, (c) car parking layouts, (d) other vehicle and pedestrian access and circulation areas, (e) hard surfacing areas, (f) minor artefacts and structures, (g) proposed and existing functional services above and below ground, (h) bus passenger waiting facilities. Soft landscape works shall include (i) planting plans, including proposals to increase biodiversity, (j) written specifications (including cultivation and other operations associated with plant and grass establishment), (k) schedules of plants noting species, planting sizes and proposed numbers/densities, (l) implementation programme.

To ensure that, where necessary, the materials and street furniture conform to standards and specifications appropriate for use in the highway and to ensure the provision of amenity afforded by appropriate landscape design.

- 31) Hard and soft landscape works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority. The hard landscape works shall be completed in accordance with the programme approved pursuant to Condition 30 above. The soft landscape works shall be completed by no later than the end of the planting season following the substantial completion of the development or as otherwise agreed pursuant to the programme approved pursuant to Condition 30 above. The hard and soft 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 hard and soft landscaping in accordance with the approved proposals.

- 32) No existing trees/hedges/bushes shall be removed, uprooted or destroyed nor shall any trees be pruned, topped or lopped or suffer root severance other than in accordance with the approved plan (Parameter Plan 2 (EGATE/PA/002)) and particulars unless otherwise agreed 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.

- 33) Unless otherwise agreed in writing with the Local Planning Authority, replacement trees shall be planted in appropriate locations within the development and new highways arrangements hereby permitted in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. In particular the scheme shall provide that the existing trees indicated for removal along Dyer Street, York Street and St Peter's Street on drawing Parameter Plan 2 (EGATE/PA/002) shall be replaced within the streetscape and bus station curtilage respectively. They should be replaced with an appropriate species and a comparable size in relation to the existing trees and should endeavour to recreate the formal tree planting which exists.

To ensure the continuity of amenity afforded by existing trees and vegetation.

- 34) The positions of trees identified pursuant to Condition 33 shall be shown in conjunction with the routes of statutory undertakers and telecommunication company's equipment, traffic signs, traffic lights and street lighting columns.

To provide sustainable tree planting.

- 35) The soft landscape details to be submitted pursuant to Condition 30 shall provide full construction details of tree pits and raised planted areas. These shall include:

- (a) The depth and area of the growing media;
- (b) Specification of topsoils including additives and mulches;
- (c) Passive irrigation including directed use of grey water/roof water or surface water; and
- (d) Means of drainage.

To ensure that the cultural requirements for viable tree and soft landscape establishments are integrated into the structural design of the development.

- 36) Unless otherwise agreed in writing by the Local Planning Authority, no works of construction in the course of the erection of any buildings within any part of the development hereby permitted shall take place until a plan, schedule and specification for landscape management for such part of the development has been submitted to and approved in writing by the Local Planning Authority. This shall include reference to planting and hard landscaped areas, including paving, fencing and other features. The schedules shall identify the frequency of operations for each type of landscape asset and reflect the enhanced maintenance requirement of planted areas during the establishment period. It shall provide for an annual inspection during late Summer for any areas of shrub planting and the identification of the replacements required in the Autumn planting season. If development is phased, maintenance shall commence when each phase of development is substantially completed. Prior to planting, all landscaped areas shall be cultivated and maintained in a weed free condition by mechanical cultivation or chemical control. Maintenance shall be carried out thereafter in accordance with the approved management plan.

To ensure successful establishment and after-care of the completed landscape scheme.

- 37) 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.

- 38) Prior to the commencement of development an arts strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy thereby approved shall be implemented in the course of the construction of the development.

In order to secure satisfactory appearance of the development.

- 39) No development shall take place on any part of the site other than to the culvert until a precautionary survey of all existing buildings and structures on the relevant part of the site has been carried out by a licensed bat worker and the results of the survey have been submitted to and agreed in writing with the Local Planning Authority. The survey shall provide details of the location and type of any bat roosts present, an assessment of the likely impact of the proposed development on bats, recommendations for avoiding or mitigating adverse impacts and provision for monitoring where appropriate. All subsequent work on site shall thereafter be carried out in accordance with the recommendations of the report unless otherwise agreed in writing with the Local Planning Authority.

To protect any bats which may roost on the site.

- 40) Prior to the commencement of development in the relevant part of the site, details of bat and bird boxes and provision for roosting bats and nesting birds within the fabric of buildings shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented in the course of the construction of the development and thereafter maintained.

To provide biodiversity enhancement.

- 41) No demolition or removal of any trees, shrubs or other vegetation shall be carried out during the period 1 March to 31 August unless the trees, shrubs or other vegetation have been inspected by a suitably qualified ecologist immediately prior to the clearance to confirm that no active nests are present. Should active nests (including nests in the process of being built) be discovered at this time, demolition of that tree, shrub or other vegetation shall be suspended until such time as the chicks have fledged or the nest is no longer in use. Confirmation that the tree, shrub or vegetation have been inspected and confirmed to be free of active nests should be submitted in writing to the Local Planning Authority.

To ensure the protection of wild birds during the breeding season.

- 42) All highway works, including cycle routes, alterations to the access and egress to the bus station, and those works identified on WSP drawing 0181-GA-/267B and as required by the Section 278 agreement shall be completed prior to the first occupation of the development or as otherwise agreed as part of the phasing programme approved pursuant to Condition 6, unless otherwise approved in writing by the Local Planning Authority.

In the interests of highway safety.

- 43) Prior to any works to the bus station in accordance with drawing 0181/GA-318 Rev E - Proposed Bus Station Access Arrangements option 3 a "bus station vehicular tracking exercise" shall be carried out in accordance with details which shall first be agreed in writing with the Local Planning Authority. The findings of the "tracking exercise" shall inform any subsequent detailed design. The works to the bus station shall be completed in accordance with the details thereby approved and in accordance with the phasing programme of works approved pursuant to Condition 6.

In order to demonstrate off-site, prior to development, that the proposals for the bus station are operationally acceptable and achievable.

- 44) All new and improved city centre bus facilities identified on drawings 0181-GA-364 Rev D - "Possible Saw Tooth and Taxi Rank Arrangement on Vicar Lane" and Figure 45B - "Proposed Bus Facilities" shall be completed prior to the first occupation of the development or as otherwise agreed as part of the phasing programme approved pursuant to Condition 6 unless otherwise approved in writing by the Local Planning Authority.

In the interests of highway safety and to ensure provision of the necessary highway infrastructure and public transport facilities.

- 45) A review of the Proposed Bus Stop Utilisation arrangements identified on drawing 0181-GA-363 Rev D shall be submitted to the Local Planning Authority 6 months prior to the implementation of the scheme. The review shall consider any changes in bus services and revise the bus stop allocations accordingly. The scheme shall be implemented in accordance with the details which shall be approved in writing by the Local Planning Authority.

In order to ensure provision of the necessary public transport facilities.

- 46) Pedestrian and vehicular access to and from the bus, coach and police stations during the course of the development shall be maintained at all times in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority.

To ensure disruption to public transport facilities is minimised.

- 47) Further to Condition 30 prior to the commencement of works of construction in the course of the erection of any of the buildings within the development hereby permitted details of all vehicle parking layouts including vehicular accesses and egresses, access controls, parking bays, and manoeuvring space within the scheme shall be submitted and approved in writing by the Local Planning Authority. The layout should include the identification of spaces for the use by disabled drivers, motorcycle parking and cycle parking. The facilities so approved shall be made available prior to first use of the relevant part of the development and thereafter maintained.

To ensure the provision of the necessary access and parking requirements in the interests of highway safety and to comply with policies within the UDPR.

- 48) Further to Condition 30 prior to the commencement of works of construction in the course of the erection of any of the buildings within the development hereby permitted details of all operational vehicle parking layouts including vehicular accesses and egresses, access controls, service areas, parking bays, and manoeuvring space within the scheme shall be submitted and approved in writing by the Local Planning Authority. The layout should include the identification of spaces for the use by service, delivery and operational vehicles. The facilities so approved shall be made available prior to first use of the relevant part of the development and thereafter maintained.

To ensure the provision of the necessary delivery and service facilities in the interests of highway safety and to comply with policies within the UDPR.

- 49) Further to Conditions 47 and 48 the number of car parking spaces, motorcycle spaces and service spaces provided shall relate to the scale of development for which Reserved Matters approval is granted and shall be in accordance with the UDPR and the Transport Assessment LP8 (as amended and updated). The maximum number of car parking spaces within the multi-storey car park shall be 2700 and the maximum number of car parking spaces within the basement car park shall be 400 residential and 80 police.

In the interests of highway safety and to comply with policies within the UDPR and the Transport Assessment.

- 50) Prior to the commencement of any works of construction in the course of the erection of any buildings within the development a Car Park Management Plan for all off-street parking areas shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan should include proposals for parking prior to the substantive opening of the development, details of the pricing structure to promote short stay parking for all non-residential uses, and proposals for the use of the basement parking area should at any time it not be required by the Police. The Car Park Management Plan shall not be varied without the prior written consent of the Local Planning Authority.

In the interests of highway safety and to encourage sustainable methods of travel.

- 51) The residential parking spaces within the basement parking area shall only be used by occupiers of residential developments within the scheme hereby approved.

In the interests of highway safety, sustainable transport and for the avoidance of doubt.

- 52) The police parking spaces within the basement parking area shall only be used by people employed at Millgarth police station.

In the interests of highway safety, sustainable transport and for the avoidance of doubt.

- 53) Prior to the commencement of any works of construction in the course of the erection of any buildings within the development a scheme of highway works, including provision of Urban Traffic Control CCTV cameras and city wide highway signage shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed prior to the first occupation of the development or as otherwise agreed as part of the phasing programme approved pursuant to Condition 6, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of highway safety.

- 54) No works of construction in the course of the erection of any buildings in the relevant part of the site shall take place until details of secure cycle parking facilities for any residential development in that part of the site have been submitted and approved in writing. The facilities so approved shall be made available prior to first use of the relevant part of the development and thereafter maintained.

In the interests of highway safety, sustainable transport and to comply with relevant policies within the UDPR.

- 55) No works of construction in the course of the erection of any buildings in the relevant part of the site shall take place until details of secure cycle parking facilities, lockers, showers and changing facilities for all commercial uses in that part of the site have been submitted and approved in writing. The facilities so approved shall be made

available prior to first use of the relevant part of the development and thereafter maintained.

In the interests of highway safety, sustainable transport and to comply with relevant policies within the UDPR.

- 56) No works of construction in the course of the erection of any buildings in the relevant part of the site shall take place until details of secure short stay cycle parking facilities for all uses in that part of the site have been submitted and approved in writing. The facilities so approved shall be made available prior to first use of the relevant part of the development and thereafter maintained.

In the interests of highway safety, sustainable transport and to comply with relevant policies within the UDPR.

- 57) An access strategy to identify relevant measures introduced to provide full access within and around the site including routes appropriate for use by people with disabilities shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

In order to provide satisfactory access to the development.

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

In order to identify adequate access during the development.

- 59) No lighting fitment shall be installed on the site in such a way that the source of light is a hazard to users of adjoining or nearby highways or pilots of aircraft.

In the interests of highway and airspace safety.

- 60) An Environmental Management Plan, to include routing of construction and demolition traffic; general traffic management and street cleaning; construction and demolition operations and hours of working; control of demolition and construction noise, vibration and air quality; location of site compounds, offices and concrete batching plants, shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development and implemented in accordance with the agreed plan as the development proceeds.

In order to secure the satisfactory development of the site and in the interests of amenity.

- 61) No development shall take place on any part of the site until a plan showing satisfactory details of provision to be made for the storage, parking, loading and unloading of contractors' plant, equipment and materials, and the parking of vehicles of the workforce, within the relevant part of the site, have been submitted to and

approved in writing by the Local Planning Authority. Such facilities shall be provided for the duration of site works.

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

- 62) A maximum of 611,500 cubic metres of ground shall be excavated from the site.

In the interests of amenity, sustainability and as assessed within the Environmental Statement.

- 63) A management strategy identifying measures to maintain the visual appearance of buildings, including shopfronts, as they become vacant prior to their redevelopment shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented in accordance with the approved details.

In the interests of visual amenity.

- 64) A management strategy identifying measures to reduce the visual impact of the development, including details of temporary screening of the site, together with viewing portals, information panels and opportunities for temporary public art, shall be submitted to and approved in writing by the Local Planning Authority before works commence in the relevant part of the site. The strategy shall be implemented in accordance with the approved details.

In the interests of visual amenity.

- 65) No works, including the highway works, shall begin at the site until full details of the methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development hereby approved, have been submitted for the approval in writing of the Local Planning Authority. The methods thereby approved shall be implemented at the commencement of work on site, and shall be thereafter be retained and employed until completion of works on site.

To ensure that mud is not deposited on the highways surrounding the site.

- 66) No development involving the demolition or construction of buildings shall take place until details of measures to be taken to suppress dust have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved measures for dust suppression approved under the foregoing condition have been provided. Such measures shall thereafter be retained and maintained during the construction process.

In the interests of amenity.

- 67) All loaded lorries leaving the site carrying waste materials shall be securely sheeted.

To ensure that waste is not deposited on the highways surrounding the site.

- 68) No waste material shall be burnt within the boundary of the site during the construction period.

In the interests of amenity.

- 69) The detailed design and construction of the development shall incorporate the following sustainable measures unless otherwise agreed in writing by the Local Planning Authority.
- (a) Sustainable drainage systems;
 - (b) Measures for rainwater collection and greywater recycling;
 - (c) Minimum BREEAM rating of "very good" for dwellings and "very good" or "excellent" for non-residential buildings;
 - (d) Exploration of the potential for green roofs on each building plot; and
 - (e) Measures to enable the collection of domestic and commercial refuse suitable for recycling.
 - (f) Measures to secure at least 10% of the energy supply from decentralised and renewable or low-carbon sources in accordance with RSS Policy ENV5.

In the interests of sustainability and the satisfactory development of the site.

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

To ensure necessary archaeological and architectural investigation and recording.

- 71) Prior to the commencement of demolition within the relevant part of the site an inventory of features to be salvaged from that part of the site shall be submitted to and approved in writing by the Local Planning Authority. The inventory shall identify proposals for the careful removal, storage and re-use of features within the development and shall be implemented in accordance with the details thereby agreed unless otherwise approved in writing by the Local Planning Authority.

To ensure preservation and re-use of architectural or historic features of interest.

- 72) Further to Condition 71 a method statement for the careful demolition, salvage and storage of materials and rebuilding of the northern and southern bookends (plots EQ7c and HQ2) shall be submitted to and approved in writing by the Local Planning Authority prior to their demolition. The relocated bookends shall be constructed strictly in accordance with the details thereby agreed.

In the interests of visual amenity.

- 73) In the event that the Lady Beck culvert is to be re-aligned, before any development within 20 metres of the existing Lady Beck culvert centreline commences the existing Lady Beck culvert must be diverted in accordance with detailed plans which shall be submitted to and approved by the Local Planning Authority. The diversion route must be substantially in accordance with either the short route or long route submitted on

drawings included in the developers 'Flood Risk Assessment - Response to Leeds City Council Queries, revision A01', dated 21st December 2006. The culvert capacity should be no less than the existing capacity. The diversion work must be carried out in accordance with a method statement and associated temporary works details which shall first be approved in writing by the Local Planning Authority.

To ensure that the development does not increase flood risk.

- 74) Adequate defence measures must be included to prevent the basement car park flooding in the event of extreme flood events. These should incorporate a 300mm freeboard above water levels caused by the worst 1 in 100 year flow in Lady Beck (coinciding with the worst 1 in 10 year River Aire flow) and the worst 1 in 100 year flow in the River Aire. In all cases the flows calculated must include a 20% allowance for climate change. There must be no openings, doorways or vents from the basement area set below this level.

To ensure that the development is free from unacceptable flood risk.

- 75) No building work shall be carried out within 9 metres of the outer face of the Lady Beck culvert to the south of the former filling station except in accordance with plans submitted to and approved by the Local Planning Authority, showing an adequate horizontal and vertical offset of permanent works so as to permit the rapid dismantling, removal and reconstruction of the culvert without the need to dismantle any part of the permanent works.

To ensure that the development does not increase flood risk.

- 76) In the event that the Lady Beck culvert is not realigned, the details of any foundations which extend within 10 metres of the centreline of the culvert, or any basement servicing area beneath the development which extends within 10 metres of the centreline of the culvert, shall be submitted to and agreed in writing by the Local Planning Authority before any development in the relevant part of the site commences. The foundations to those buildings and structures shall be completed fully in accordance with the details thereby approved.

In order to ensure appropriate foundation design and positioning and to ensure that the development does not increase flood risk.

- 77) A separate system of drainage for foul and surface water shall be provided.

To ensure that a separate system of drainage is provided.

- 78) Before any part of the development commences details of works for dealing with surface water discharges from the relevant part of the development including any off-site watercourse works shall be submitted to and approved by the Council.

To ensure that the site can be properly drained without flooding.

- 79) No piped discharge of surface water from any part of the application site shall take place until works to provide a satisfactory outfall for surface water for the relevant

part of the site have been completed in accordance with details which shall have been submitted to and approved by the Local Planning Authority.

To ensure that the site is properly drained and surface water is not discharged to the foul sewage system which will prevent overloading.

- 80) Surface water from vehicle parking areas shall be passed through an oil interceptor of adequate capacity prior to discharge to the watercourse. Roof drainage should not be passed through an oil interceptor.

To prevent pollution of the watercourse.

- 81) This site should be drained by Sustainable Drainage methods with infiltration methods used in preference. Where these are not practicable due to ground conditions (to be demonstrated by a feasibility study submission to the Local Planning Authority) other approved means of flow attenuation must be utilised.

To ensure compliance with the council's sustainable drainage policy.

- 82) Unless otherwise agreed in writing by the Local Planning Authority, no part of the development shall take place until details of the proposed means of disposal of foul water drainage, including details of any balancing works for the relevant part of the development and offsite works have been submitted to and approved by the Local Planning Authority.

To ensure that the development can be properly drained.

- 83) No building shall be occupied or brought into use prior to the completion of the approved foul drainage works in the relevant part of the site.

To ensure that no foul water discharges take place until proper provision has been made for its disposal.

- 84) No development in the course of construction of a building involving a swimming pool shall take place in the relevant part of the site until details of the facilities for the disposal and treatment of filter back wash and swimming pool water have been submitted to and approved by the Local Planning Authority. The facilities thereby approved shall be implemented prior to the first use of the swimming pool and thereafter maintained.

To ensure that the development can be properly drained without damage to the local water environment.

- 85) No development shall commence in the relevant part of the site until a remediation statement for that part of the site has been submitted to and approved in writing by the Local Planning Authority. If it is concluded in the remediation statement that remedial works are necessary, then the remediation statement shall demonstrate how the works will render the relevant part of the site 'suitable for use' and shall describe the works in relation to the development hereby permitted. It shall include full details and a programme of any works to be undertaken, proposed site clean-up

criteria, site management procedures, contingencies and how the works will be validated.

To enable the Local Planning Authority to determine whether the proposed remediation works will make the site 'suitable for use' and to ensure that contamination will not present any significant environmental risks.

- 86) No works required by an approved remediation statement, including any additional intrusive investigation works or monitoring activities, shall commence unless the Local Planning Authority has received three working days' prior written notification of the date of commencement of such works.

To enable the Local Planning Authority to monitor remediation works.

- 87) Prior to the commencement of any relevant part of the development other than any works required by this condition, any remediation works required by an approved remediation statement shall be fully carried out in accordance with that statement (or any subsequent revision to it), unless otherwise agreed in writing by the Local Planning Authority.

To ensure that the site is suitable for the development hereby permitted and that any contamination present at the site will not present a significant environmental risk.

- 88) In the event that remediation is unable to proceed in accordance with an approved remediation statement by, for example, reason of increased quantities of material to be moved or treated or contamination being more extensive than expected or other unforeseen circumstances, the Local Planning Authority shall be notified immediately. A revised remediation statement shall forthwith be submitted for the approval in writing of the Local Planning Authority. Works shall thereafter be carried out in accordance with the approved revised remediation statement.

To enable the Local Planning Authority to determine whether the proposed remediation works will make the site 'suitable for use' and to ensure that contamination will not present any significant environmental risks.

- 89) In the event that unexpected significant contamination is encountered during any development works, including works required by an approved remediation statement, works in the affected part of the site must cease and the Local Planning Authority shall be notified in writing immediately. The Local Planning Authority may at this stage request that a remediation statement, outlining plans for further investigation and the proposed method of dealing with the contamination, be submitted for written approval prior to development works continuing in the affected part of the site.

To enable the Local Planning Authority to ensure that contamination (expected or otherwise) at the site will not present any significant environmental risks and that the site will be made 'suitable for use'.

- 90) Within 3 months of the completion of any remediation works detailed in the approved remediation statement or prior to the start of the development hereby permitted, whichever is the earlier, a validation report shall be submitted to and approved in writing by the Local Planning Authority. This report shall:-

- (a) Describe the remediation works carried out and any significant variations from the works set down in the approved remediation statement;
- (b) Include and discuss substantiating data (analytical or otherwise); and
- (c) Confirm that the remediation objectives set down in the remediation statement have been achieved.

To enable the Local Planning Authority to determine whether the site has been made 'suitable for use' and that contamination has been dealt with so as not to present any significant environmental risks.

- 91) Unless otherwise agreed in writing with the Local Planning Authority no residential development shall be commenced in the relevant part of the site until details of a sound insulation scheme designed to protect the amenity of occupants of the proposed residential accommodation from noise emitted from the proposed development, nearby commercial premises, and road traffic has been submitted and approved in writing by the Local Planning Authority. The scheme should also include means by which the habitable rooms can be effectively cooled and rapidly ventilated without the need to open windows. The relevant residential units shall not be occupied until the sound insulation works have been completed, and any such noise insulation as may be approved shall be retained thereafter.

In the interests of residential amenity.

- 92) Prior to the occupation of any uses within Use Classes A3, A4, A5, or D2 in the relevant part of the site a noise insulation scheme designed to protect habitable rooms in buildings neighbouring the site shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented prior to the occupation of the relevant commercial premises and thereafter retained unless otherwise agreed by the Local Planning Authority.

In the interests of residential amenity.

- 93) Prior to the commencement of development in the relevant part of the site a scheme detailing the method of storage and disposal of litter and waste materials, including recycling facilities, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a description of the facilities to be provided including, where appropriate, lockable containers and details for how the recyclable materials will be collected from the site with timescales for collection. The approved scheme shall be implemented before the relevant part of the development hereby permitted is brought into use and no waste or litter shall be stored or disposed of other than in accordance with the approved scheme.

In the interests of amenity and to promote recycling.

- 94) There shall be no external storage of refuse containers on the site whatsoever.

In the interests of amenity.

- 95) No mechanical ventilation or air conditioning system shall be installed or operated within premises within Use Classes A1/A2 until details of the installation and

operation of the system within that premises have been submitted to and approved in writing by the Local Planning Authority. The system shall thereafter only be installed and operated in accordance with the approved details.

In the interests of amenity.

- 96) Prior to the commencement of any works of construction in the course of the erection of any buildings within the development containing uses within Use Classes A3/A4/A5 details of the extract ventilation system, including details of a filter to remove odour, and the methods of treatment of the emissions, shall be submitted to and approved in writing by the Local Planning Authority. The relevant development shall not be occupied until the works approved in accordance with this condition have been completed. Such works shall thereafter be retained.

In the interests of amenity and visual amenity.

- 97) No mechanical ventilation or air conditioning system shall be installed or operated within premises within Use Classes A3/A4/A5 until details of the installation and operation of the system have been submitted to and approved in writing by the Local Planning Authority. The system shall thereafter only be installed and operated in accordance with the approved details.

In the interests of amenity.

- 98) No use within premises within Use Classes A3/A4/A5 shall be brought into operation until a grease trap has been provided on the drainage outlet(s) from the food preparation area(s) in the relevant buildings. The grease traps shall be retained at all times thereafter.

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

- 99) Prior to the commencement of any works of construction in the course of the erection of any buildings containing uses with Use Class C1 details of any extract ventilation system, including details of a filter to remove odour, and the methods of treatment of the emissions, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the works approved in accordance with this condition have been completed. Such works shall thereafter be retained.

In the interests of amenity and visual amenity.

- 100) No mechanical ventilation or air conditioning system shall be installed or operated within any premises within Use Class C1 until details of the installation and operation of the system have been submitted to and approved in writing by the Local Planning Authority. The system shall thereafter only be installed and operated in accordance with the approved details.

In the interests of amenity.

101) No uses within premises within Use Class C1 shall be brought into operation until a grease trap has been provided on the drainage outlets from the food preparation areas in the relevant buildings. The grease traps shall be retained at all times thereafter.

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

102) No mechanical ventilation or air conditioning system shall be installed or operated within premises within Use Classes D1/D2 until details of the installation and operation of the system have been submitted to and approved in writing by the Local Planning Authority. The system shall thereafter only be installed and operated in accordance with the approved details.

In the interests of amenity.

103) Prior to the commencement of any works of construction in the course of the erection of any buildings containing uses within Use Class B1 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, shall be 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.

104) Prior to the first use of the development details shall be submitted for approval of the Local Planning Authority of the measures taken to ensure that the quality of any 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.

105) 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.

106) REASONS FOR GRANTING PERMISSION

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 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).

On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.

Leeds Unitary Development Plan Review 2006

SA1, SA2, SA4, SA5, SA6, SA7, SA8, SA9, SP3, SP7, SP8, SG4, GP5, GP10, GP11, N12, N13, N17, N23, N29, N38A, N38B, N39B, N51, BD2, BD5, BD15, T2, T2B, T2C, T5, T6, T7, T7A, T7B, T9, T13, T15, T24, T26, T28, CCP1, H3, H9, H11, E14, S1, R3, R5, A4, CC1, CC3, CC5, CC6, CC8, CC10, CC11, CC12, CC13, CC14, CC17, CC19, CC21, CC26, CC27, CC29, CC30, WM3, BC7, ARC4, ARC5, ARC6, LD1, LD2.

The scheme accords with the objectives and principles identified within Supplementary Planning Guidance 2 (Leisure Developments and Other Key Town Centre Uses); together with Revised Supplementary Guidance 3 (Affordable Housing Policy Guidance note); Supplementary Guidance 4 (Greenspace Relating to New Housing Development); Supplementary Planning Document (SPD) 5 (Public Transport Improvements and Developer Contributions); Supplementary Guidance 10 (Sustainable Development Design Guide); Supplementary Policy Guidance 11 (Contributions for School Provision); Leeds Residential Design Guide Neighbourhoods for Living (Supplementary Planning Guidance 13); Leeds City Centre Urban Design Strategy (Supplementary Planning Guidance 14), Eastgate and Harewood (SPD) and the Tall Buildings Design Guide SPD.

2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states: `If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise;. The City Council determined that the development was very substantially in accordance with the Development Plan as a whole. However, it was determined that, as part of the site is located beyond the defined UPDR Prime Shopping Quarter, the application was a departure from part of the Development Plan. The application was advertised as such.

The City Council considers that the following material considerations justify a departure from the Development Plan and justify the grant of planning permission :-

(a) The Eastgate and Harewood Quarter scheme will deliver up to 112,000 square metres of new retail development; new modern office space; leisure and cultural uses; up to 600 residential units including affordable housing; the restoration of listed buildings and significant improvements to the setting of the City Centre conservation area; extensive pedestrianisation and the creation of high quality public realm.

(b) The development is substantially in accordance with the Development Plan as a whole.

(c) The scheme would be in accordance with the Eastgate and Harewood Supplementary Planning Document, the Regional Spatial Strategy, relevant national planning policy in the form of PPS 1, PPS 3, PPS 4, PPS 5, PPS 9, PPG 13, PPG24 and PPG25 and other adopted supplementary planning guidance.

(d) The development was assessed against the shopping policies in the UDPR and PPS4 and the City Council concluded that no harm would be caused by retail development in this part of the city centre. In fact, that part of the development which lies outside the Prime Shopping Quarter is considered to be critical to the delivery of the whole scheme and its wider benefits whilst providing an opportunity to ensure that there is a proper definition to the Prime Shopping Quarter visible from major routes.

(e) The proposed development would comprehensively regenerate and redevelop a substantial part of the city centre which, for a significant period, has suffered from a lack of investment, has been underused and largely detracts from the wider area. The scheme is entirely situated on previously developed land and is located in a sustainable city centre position. The development would bring forward an efficient use of land which would be well integrated into the existing city centre and would be supported by a sound and comprehensive highway strategy. Permeability within the site would be significantly improved and the urban grain restored. The built development will involve buildings of high quality and internationally recognised spaces. Whilst a limited amount of historic fabric would be lost as part of the development the overall impact on the historic environment would be positive and the individual losses are unavoidable if the wider benefits are to be realised. Consequently the development would represent a major contribution to the renaissance of the city centre and would help Leeds to go up a league as a city.

(f) The scheme would improve physical and economic links with areas and communities beyond the site, deliver affordable housing, and provide significant opportunities for employment and training initiatives for the most deprived people within the city. In doing so the development would help to close the gap between the most disadvantaged people and the rest of the city.

(g) The scheme would address weaknesses in the city's current retail offer and would enhance its regional shopping role. In bringing forward these improvements the scheme would reinforce Leeds' role as the regional centre, re-establish its position competitively with other major cities and help cement Leeds' role as a city of European significance.

(h) The scheme would be in accordance with the City Council's community strategy "Vision for Leeds 2004 to 2020". The scheme represents a key opportunity towards achieving the following key aims of the strategy :-
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.

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

DEVELOPMENT PLAN POLICIES WHICH ARE RELEVANT TO THE DECISION TO GRANT PLANNING PERMISSION INCLUDE THE FOLLOWING:

Regional Spatial Strategy (RSS)

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

Unitary Development Plan (Review 2006) (UDPR)

- SA1 Aims to secure the highest possible quality of the environment
- SA2 Encourages development in locations that will reduce the need to travel and promote the use of public transport and other sustainable modes of transport.
- SA4 Promotes and strengthens the economic base of Leeds by identification of a balanced range of sites for development
- SA5 Seeks to ensure that a wide range of shops is available in locations to which all sections of the community have access by a choice of means of transport
- SA6 Encourages the provision of facilities for leisure activities
- SA7 Promotes the physical and economic regeneration of urban land and buildings within the urban areas
- SA8 Seeks to ensure that all sections of the community have safe and easy access to housing, employment, shops and other facilities
- SA9 Supports the aspiration of Leeds to become one of the principal cities of Europe
- SP3 New development will be concentrated largely within the main urban areas on sites well served by public transport in order to maximise the potential of existing infrastructure.
- SP7 Priority to be given to the maintenance and enhancement of the city centre
- SP8 Considers the role of the city centre and explains that it will be enhanced by:

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

SG4 Ensures that proposals Sustainable development principles are consistent with the principles of sustainable development

- GP5 Proposals must resolve detailed planning considerations
- GP10 Sustainability assessment will be required
- GP11 Development must meet sustainable design principles

N12 Proposals for development to respect the fundamental priorities for urban design

* Spaces between buildings are of considerable importance. Development should create a series of linked and varied spaces that are defined by buildings and landscape elements;

* The best buildings of the past should be retained. New buildings should be of good design in their own right as well as good neighbours;

- * New developments should respect the character and scale of buildings and the routes that connect them;
- * Movement on foot and on bicycle should be encouraged;
- * Developments should assist people to find their way around with ease;
- * Developments should, where possible, be adaptable for other future uses;
- * Design and inclusion of facilities should reflect the needs of elderly people and of people with disabilities and restricted mobility;
- * Visual interest should be encouraged throughout;
- * Development should be designed so as to reduce the risk of crime

N13 The design of all new buildings should be of high quality and have regard to the character and appearance of their surroundings. Good contemporary design which is sympathetic or complimentary to its setting will be welcomed.

N17 Listed building features to be preserved

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

N29 Sites of archaeological importance will be preserved and appropriate investigation required.

N38A Development should not increase the risk of flooding

N38B Planning applications to be accompanied by flood risk assessments

N39B Re-opening of culverts will be actively promoted.

N51 Enhance existing wildlife habitats and provide new areas for wildlife

BD2 The design and siting of new buildings should complement and, where possible, enhance existing vistas, skylines and landmarks

BD5 Consideration given to both own amenity and their surroundings.

BD15 Encourages public art

T2 New development should normally:

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

T2B Developments likely to create significant travel demand to be accompanied by a transport assessment

T2C Planning applications which are significant generators of travel demand should be accompanied by a travel plan

T5 Safe and secure access for pedestrians and cyclists to be provided.

T6 Satisfactory access and provision for disabled people to be provided

T7 Promotes development and maintenance of new cycle routes

T7A Identifies cycle parking guidelines (A9C)

T7B Identifies motorcycle parking guidelines (A9D)

T9 Encourages an effective public transport service

T13 Protects Supertram routes

T15 Measures giving priority to bus movements will be supported

T24 Identifies parking requirements (Appendix A9A, A9B)

T26 Supports short stay car parking in the city centre core parking area
T28 Manages the growth of long-stay commuter car parking (A9B)
CCP1 Parking guidelines for city centre office development

H3 Brings forward housing land in three phases. The supporting paragraphs explain that most of the city's housing land needs for the whole of the review period to 2016 can be met from existing brownfield reserves within the main urban areas. Leeds City Centre is included as one of these areas.

H9 Seeks a balanced provision in terms of size and type of dwellings

H11 Housing developments to provide and maintain appropriate affordable housing requirements.

E14 City centre will remain the principal location for new prime office development

S1 The City Centre role as the regional shopping centre will be promoted by:

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

R3 Use of compulsory purchase to achieve regeneration benefits will be supported

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

A4 Design to ensure a safe and secure environment

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

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

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

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

CC8 Requires new developments to respect the spatial character and grain of the city centres traditional building blocks.

CC10 Provision of 20% public open space in the city centre on sites of more than 0.5ha

CC11 Commits to enhanced pedestrian corridors and to upgrading of streets

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

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

CC14 Supports proposals to introduce a Supertram system.

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

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

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

CC26 Provision of new, and retention and enhancement of existing, cultural, entertainment and recreational facilities.

CC27 Encouragement for the principal use in Quarters and Areas. Other uses will be encouraged which service the Quarter, add variety and support the attractiveness of the area for the principal use.

CC29 Requires additional uses to the main uses for large developments

CC30 Outside of the defined Quarters and Proposal Areas of the City Centre development for shopping (except ancillary shopping), major industrial uses and entertainment will not normally be permitted and other proposals will be judged on their merits.

Prime Shopping Quarter strategy

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

Proposal Area 15 - Kirkgate Markets Area

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

Proposal Area 16 - Templar Street

The Statement comments that the site has potential for retail development with the Vicar Lane frontage having particular potential for retailing. There is also scope for subsidiary uses, particularly leisure and entertainment, and significant office use above ground floor. Catering uses would also complement the neighbouring

Entertainment Quarter, and residential uses which would not prejudice the retail and leisure function would also be appropriate. The area also represents a major opportunity for public short stay parking. Pedestrian linkages to the Vicar Lane and Eastgate are noted as being particularly important. Public space should also be provided in any scheme.

WM3 Measures to reduce and re-use waste during construction required

BC7 Development within Conservation Areas will normally be required to be in traditional local materials

ARC4 Presumes against development on nationally important archaeological remains

ARC5 Requirement for archaeological evaluation to inform planning decisions

ARC6 Requirement for investigation and recording

LD1 Identifies requirements for landscape schemes

LD2 Outlines design issues for new roads.

APPENDIX 2: PLANNING POLICIES AND GUIDANCE

The Development Plan

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

Regional Spatial Strategy (RSS)

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

Unitary Development Plan (Review 2006) (UDPR)

Strategic context

SA1 aims to secure the highest possible quality of the environment

SA2 encourages development in location that will reduce the need to travel and promote the use of public transport and other sustainable modes of transport.

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

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

SA6 encourages the provision of facilities for leisure activities

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

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

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

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

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

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

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

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

GP5 indicates that development proposals must resolve detailed planning considerations

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

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

Urban Design

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

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

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

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

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

N38A Development should not increase the risk of flooding

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

N39B the re-opening of culverts will be actively promoted

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

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

BD15 encourages public art.

Transport

T2 New development should normally:

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

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

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

T5 requires safe and secure access for pedestrians and cyclists

T6 requires satisfactory access and provision for disabled people

T7 promotes development and maintenance of new cycle routes

T7A identifies cycle parking guidelines (A9C)

T7B identifies motorcycle parking guidelines (A9D)

T9 encourages an effective public transport service

T13 protects Supertram routes

T15 measures giving priority to bus movements will be supported
T24 identifies parking requirements within Volume 2 (Appendix A9A, A9B)
T26 supports short stay car parking in the city centre core parking area
T28 manages the growth of long-stay commuter car parking (A9B)
CCP1 refers to parking guidelines for city centre office development

Housing

H3 brings forward housing land in three phases. The supporting paragraphs explain that most of the city's housing land needs for the whole of the review period to 2016 can be met from existing brownfield reserves within the main urban areas. Leeds City Centre is included as one of these areas.

H9 seeks a balanced provision in terms of size and type of dwellings

H11 provides a target of 15% affordable housing in the City Centre with 40% social rented and 60% sub market.

Economy

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

Shopping

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

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

Urban regeneration

R3 supports the use of compulsory purchase to achieve regeneration benefits

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

Access

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

Waste

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

Conservation Areas and Listed Buildings

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

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

Archaeology

N29 protects archaeological remains from development

ARC4 presumes against development on nationally important remains

ARC5 requirement for evaluation to inform planning decisions

ARC6 requirement for investigation and recording

Landscape

LD1 identifies requirements for landscape schemes

LD2 outlines design issues for new roads

City Centre

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

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

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

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

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

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

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

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

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

CC14 supports proposals to introduce a Supertram system.

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

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

CC21 The majority of the site is located within the Prime Shopping Quarter. Shopping development is supported as the principal use within the identified Prime Shopping Quarter, subject to the provisions of Proposal Area Statements. Outside that Quarter ancillary shopping development will be accepted provided that it contributes to overall planning objectives as reflected in Quarter or Proposal Area Statements.

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

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

CC29 requires additional uses to the main uses for large developments

CC30 recognises that outside of the defined Quarters and Proposal Areas of the City Centre development for shopping (except ancillary shopping), major industrial uses and entertainment will not normally be permitted and other proposals will be judged on their merits.

The Prime Shopping Quarter strategy is to:

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

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

Proposal Area 15 - Kirkgate Markets Area

The Statement identifies the area as the most important remaining area for retail expansion in the city centre. It suggests that the area presents an exciting opportunity for quality shopping on a substantial

scale. The retail development should relate to the established shopping core to the west of Vicar Lane and it is identified as a key stepping stone to surrounding proposals areas such as Templar Street. Any development should compliment the markets. The statement also recognises the opportunity for leisure use, restaurants, offices and housing as part of a range of uses that would add to the life and vitality of the city throughout the day.

Proposal Area 16 – Templar Street

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

Supplementary Planning Guidance

The Leeds City Centre Urban Design Strategy (September 2000)

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

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

Leeds Residential Design Guide – Neighbourhoods for Living (December 2003)

The SPG provides a series of themes and design principles for developers to consider so that residential proposals respond to the site and surrounding area. The following is a summary of the Key Themes and Principles as set out in the residential design guide:

Use – creating neighbourhoods, density and mixed uses

Space – making attractive spaces that work, safer places, private spaces, publicly accessible spaces, designing for parking, wildlife

Movement – making connections, developing the movement network

Form – local character, scale and massing, landmarks, views and focal points, quality buildings, homes for the future, privacy and intrusion.

Eastgate and Harewood Supplementary Planning Document

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

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

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

- Complete the development of an incomplete shopping Quarter of the City through creation of vibrant, retail led, mixed-use area. The mix of uses should maximise the use of the site and include retail, leisure, commercial, residential and community uses
- Extend and regenerate Leeds' shopping offer and enhance its attractiveness as a regional centre; and to assist the City Centre to become one of the principal cities of Europe
- Enhance the public realm through pedestrianisation or street closures if necessary, and encourage pedestrian linkages from the side to the market, river, Sheepscar, Mabgate, Victoria Quarter and Quarry Hill, integrated into the existing fabric of the city centre.
- Reinforce the urban route along the Headrow to Quarry Hill and thus integrate Quarry Hill into the City Centre.
- Generate a vital, mixed-use quarter with a retail emphasis and a complimentary mix of uses, activities and spaces creating "the new place for Leeds".

- Create the development framework which promotes a varied urban form, rich in architectural style and character
- Create an opportunity for landmark buildings and memorable places
- Restrict access to through traffic using local streets and where possible, integrate the traffic displaced by, and accessing, the development into the improved highway network in recognition of safety and capacity constraints.
- Support and promote the urban regeneration of adjacent sites and activities at Kirkgate Market, Quarry Hill, Regent Street, Mabgate and Victoria Quarter.
- Create a new place which is unique and authentically Leeds.
- Create opportunities the training and employment for wider benefit of the people of Leeds.
- Preserve where both practical and appropriate, existing historic assets and their settings.

Vision for Leeds 2004 to 2020

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

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

Public Transport Improvements and Developer Contributions (July 2008)

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

Tall Buildings Design Guide (April 2010)

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

National Planning Guidance:

PPS1 : Creating Sustainable Communities (January 2005)

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

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

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

Paragraph 12 advises that pre-application discussions are critically important in ensuring a better mutual understanding of objectives and constraints that exist.

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

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

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

- Recognise that economic development can deliver environmental and social benefits;
- Recognise the wider sub-regional, regional or national benefits of economic development and consider these alongside any adverse impacts;
- Ensure that suitable locations are available for industrial, commercial, retail, public sector (e.g. health and education) tourism and leisure developments, so that the economy can prosper;

- Provide for improved productivity, choice and competition, particularly when technological and other requirements of modern business are changing rapidly;
- Recognise that all local economies are subject to change; planning authorities should be sensitive to these changes and the implications for development and growth;
- Actively promote and facilitate good quality development, which is sustainable and consistent with their plans... (paragraph 23)".

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

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

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

PPS3 Housing (November 2006)

The PPS puts in place a new national policy framework for planning for housing, identifying a more responsive approach to land supply at the local level. The PPS indicates that LPA's are not required to have regard to it when making decisions on planning applications until 1st April 2007.

The main themes the PPS identifies in determining planning applications are:

- Achieving good quality housing (paragraphs 12-19)
- Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people (paragraphs 20-30)
- The suitability of land for housing, including its environmental sustainability (paragraphs 36-39)
- Using land effectively and efficiently (paragraphs 40-51)
- Ensuring the proposed development is in line with planning for housing objectives

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

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

PPS5: Planning for the Historic Environment (March 2010)

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

PPS 9: Biodiversity and Geological Conservation (August 2005)

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

PPG13: Transport (March 2001)

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

- “Actively manage the pattern of urban growth to make the fullest use of public transport, and focus major generators of travel demand in City, town and district centres and near to major public transport interchanges;
- Locate day to day facilities which need to be near their clients in local centres so that they are accessible by walking and cycling;
- Accommodate housing principally within existing urban areas, planning for increased intensity of development for both housing and other uses at locations which are highly accessible by public transport, walking and cycling;

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

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

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

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

PPG24 Planning & Noise (September 1994)

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

PPS25 Development and Flood Risk (December 2006)

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

In determining planning applications LPA's should:

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

APPENDIX 3: 27TH MARCH 2008 PANEL REPORT PROVIDING SUMMARY REASONS FOR APPROVAL OF 06/03333/OT



AGENDA
ITEM NO.:

Originator: Tim Hart

Tel: 395 2083

REPORT OF THE CHIEF PLANNING OFFICER

PANEL: CITY CENTRE

DATE: 27th MARCH 2008

SUBJECT: Eastgate and Harewood Quarter, Outline application for major redevelopment (06/03333/OT) – Summary reasons for the grant of planning permission.

Electoral Wards Affected:

City & Hunslet, Burmantofts and Richmond Hill

Specific Implications For:

Ethnic Minorities

Women

Disabled People

RECOMMENDATION: that Members confirm the summary reasons for the grant of planning permission and a summary of the development plan policies and proposals relevant to the decision as set out in Section 6

1.0 Introduction

1.1 The decision of the Council to grant planning permission for the above development has been challenged by way of judicial review. The essence of the judicial review is that the Council failed to give adequate reasons for its decision to grant planning permission. Although the High Court has granted permission for the legal challenge to proceed, Mr Justice Mitting considered the alleged defect in the Council's decision to be curable. He said that the Council could easily give adequate reasons. If it chose to do so, the challenge could be disposed of by remitting the matter to the Council to give adequate reasons.

The Council has taken legal advice. It has decided that it should provide adequate reasons in line with the Order of Mitting J. This report sets out the background to the consideration of the application and identifies the draft summary reasons for the grant of planning permission.

2.0 The Planning Application and Decision

- 2.1 The Eastgate and Harewood Quarter boundary extends to nearly 10 hectares of land wholly located within the City Centre boundary. However, notwithstanding the adopted Eastgate and Harewood Supplementary Planning Document which includes the entirety of the site, an area of the site in the Ladybeck area falls beyond the Prime Shopping Quarter identified within the Unitary Development Plan (Review 2006)(UDPR)(see plan). As a consequence, the application was advertised as a departure in the Press and on site.
- 2.2 Following extensive pre-application discussion, a series of presentations and a site visit, Plans Panel considered the outline planning application on 8th February 2007. Plans Panel accepted the officer recommendation to approve the application in principle and to refer the application to the Secretary of State as a departure from the Development Plan and under the Shopping Direction, and to delegate approval to the Chief Planning Officer subject to conditions and the completion of a Section 106 agreement should the Secretary of State decide not to call the application in. A copy of the original report and minutes of the meeting is attached to the end of this report.

The application was referred to the Secretary of State under the Town and Country Planning (Development Plans and Consultation)(Departures) Directions 1999 on 15th February 2007. On 20th March 2007 the Government Office for Yorkshire and the Humber confirmed that the Secretary of State had concluded that her intervention would not be justified. The decision whether to grant planning permission therefore remained with the Council. Following completion of the Section 106 agreement planning permission was granted subject to conditions on 24th August 2007.

- 2.3 The Decision Notice was subsequently issued by the Council. This purported to identify a summary of the reasons for the grant of planning permission. A copy extract of the Decision Notice setting out the original reasons for granting permission is attached to this report.

3.0 The Legal Requirement

- 3.1 Amendments to the Town and Country Planning (General Development Procedure) Order 1995 in 2003 introduced an obligation on Councils to give reasons for the granting of planning permission and to include a summary of the policies and proposals in the development which are relevant to the decision to grant permission.

- 3.2 The requirement set out in Article 22 of the Town and Country Planning (General Development Procedure) Order 1995 is as follows:

"22(1) When the local planning authority give notice of a decision or determination on an application for planning permission or for approval of reserved matters and -

- (b) planning permission is granted subject to conditions, the notice shall:
- (i) include a summary of the reasons for the grant together with a summary of the policies and proposals in the development plan which are relevant to the decision to grant permission; and
 - (ii) shall state clearly and precisely their full reasons for each condition imposed [specifying all policies and proposals in the development plan which are relevant to the decision];"

4.0 The Judicial Review

- 4.1 Following the opening of the Eastgate and Harewood Quarter Compulsory Purchase Order (CPO) Inquiry in November 2007, an application were made by John Ogden Properties Ltd, John Ogden Pension Scheme, Oakgate Group Plc, and Associated Tower Cinemas (hereafter referred to as Ogdens), and objectors to the CPO, to the High Court to judicially review the decision by the Council to grant outline planning permission for the Eastgate/Harewood development.
- 4.4 Ogdens' application for judicial review was made on two grounds:
1. That the Council's reasons for granting planning permission were inadequate because they give no indication as to what factors led the Panel to decide to depart from the Development Plan; and
 2. That the Council has provided no summary of development plan policies relevant to the decision.
- 4.5 On 5th February 2008 limited permission was granted to Ogdens to apply for judicial review on the first ground. The Judge considered that the reasons given by the Council explaining why the Council had determined that material considerations outweighed the departure from the development plan were inadequate. However, as set out above, he considered that the defect is curable. The Council could give adequate reasons for the decision.

The Judge did not grant permission for the second ground of the challenge to proceed.

5.0 Consideration of the Planning Application

- 5.1 The Plans Panel report of 8th February 2007 identified the main issues relevant to the determination as being:
- Compliance with the Development Plan
 - Layout, scale and design
 - Heritage and archaeology
 - Transport and connectivity
 - Retail impact
 - Drainage and flooding issues
 - Public realm
 - Sustainability, environment and ecology
 - Housing provision
 - Mix of uses
 - Employment and training
 - Impact on surrounding occupiers
 - Impact on existing on-site occupiers
- 5.2 Part of the application site lies outside the Prime Shopping Quarter identified in the UDPR. The application was therefore advertised as a departure from the UDPR. The issue of the departure was primarily considered in the sections of the report dealing with compliance with the Development Plan (10.1) and Retail Impact (10.5.3). As indicated in the Minutes of the meeting Officers also verbally advised Members of the departure, the reasons for it and process that would be required as a result. A slide identifying the area of the departure was also displayed. No specific note of

discussion of this matter by Members was minuted. However, officer notes indicate that Councillor Latty asked whether the John Lewis store would pull shoppers away from the rest of the Prime Shopping Quarter and that Councillor Carter commented that John Lewis is very welcome and that people would shop throughout Leeds.

5.3 Members resolved to approve the application in principle and defer and refer to the Secretary of State for the Department of Communities and Local Government as a Departure from the Statutory Development Plan and for consultation under the Town and Country Planning (Shopping Development)(England and Wales)(No2) Direction 1993, and delegate approval to the Chief Planning Officer subject to the specified conditions contained within the submitted report (and others which he may consider appropriate, including to comments noted above) and the completion of a Section106 Agreement to cover the following matters (and such others as the Director of Legal & Democratic Services might consider appropriate) should the Secretary of State decide not to call the application in for determination:

- affordable housing provision
- public realm provision
- access and maintenance
- greenspace contribution
- contribution to education
- employment and training initiatives
- repair and use of Templar House
- re-use of railings
- provision of travel plans
- public transport contribution
- highway requirements
- retail delivery

5.4 Councillor McKenna and Councillor Nash voted against the recommendation.

6.0 Summary of reasons

As identified above, officers have decided, following the receipt of legal advice, that the Council should provide adequate reasons and should provide a summary of the policies and proposals in the development plan which are relevant to the decision to grant planning permission.

The following is the draft summary of reasons for the grant of planning permission and a summary of the development plan policies and proposals relevant to the decision.

SUPPLEMENTARY REASONS FOR GRANTING PERMISSION

1. In granting permission for this development the City Council has taken into account all material planning considerations including the submitted Environmental Statement, the comments of any statutory and other consultees, public representations about the application and Government guidance and policy as detailed in the Planning Policy Guidance Notes and Statements, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG) and Supplementary Planning Documents (SPD), and the Development Plan consisting of the Regional Spatial Strategy 2004 (RSS) and the Leeds Unitary Development Plan Review 2006 (UDPR).

Regional Spatial Strategy

P1, E1, SOC3, T1, T6, N2, R2, S1, S3, S4, S5, S6, H4

Leeds Unitary Development Plan Review 2006

SA1, SA2, SA4, SA5, SA6, SA7, SA8, SA9, SP3, SP7, SP8, SG4, GP5, GP10, GP11, N12, N13, N17, N23, N29, N38A, N38B, N39B, N51, BD2, BD5, BD15, T2, T2B, T2C, T4, T5, T6, T7, T7A, T7B, T9, T13, T15, T24, T26, T28, CCP1, H3, H9, H11, E14, S1, R3, R5, LT1, LT7, HO3, A4, CC1, CC3, CC5, CC6, CC8, CC10, CC11, CC12, CC13, CC14, CC17, CC19, CC21, CC26, CC27, CC29, CC30, WM3, BC1, BC7, ARC4, ARC5, ARC6, LD1, LD2.

The scheme accords with the objectives and principles identified within Supplementary Planning Guidance 2 (Leisure Developments and Other Key Town Centre Uses); together with Revised Supplementary Guidance 3 (Affordable Housing Policy Guidance note); Supplementary Guidance 4 (Greenspace Relating to New Housing Development); Supplementary Guidance 5 (Guidelines for Assessing Developer Contributions to Leeds Supertram); Supplementary Guidance 10 (Sustainable Development Design Guide); Supplementary Policy Guidance 11 (Contributions for School Provision); Leeds Residential Design Guide Neighbourhoods for Living (Supplementary Planning Guidance 13); Leeds City Centre Urban Design Strategy (Supplementary Planning Guidance 14), and Eastgate and Harewood (SPD)

2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states: "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". The City Council determined that the development was very substantially in accordance with the Development Plan as a whole. However, it was determined that, as part of the site is located beyond the defined UPDR Prime Shopping Quarter, the application was a departure from part of the Development Plan. The application was advertised as such.

The City Council considers that the following material considerations justify a departure from the Development Plan and justify the grant of planning permission :-

- (a) The Eastgate and Harewood Quarter scheme will deliver up to 112,000 square metres of new retail development; new modern office space; leisure and cultural uses; up to 600 residential units including affordable housing; the restoration of listed buildings and significant improvements to the setting of the City Centre conservation area; extensive pedestrianisation and the creation of high quality public realm.
- (b) The development is substantially in accordance with the Development Plan as a whole.
- (c) The scheme would be in accordance with the Eastgate and Harewood Supplementary Planning Document,, the emerging Regional Spatial Strategy, relevant national planning policy in the form of PPS 1, PPS 3, PPG4, PPS 6, PPS9, PPG 13, and PPG 15, PPG16, PPG24 and PPG25 and other adopted supplementary planning guidance.
- (d) The development was assessed against the shopping policies in the UDPR and PPS6 and the City Council concluded that no harm would be caused by retail development in this part of the city centre. In fact, that part of the development which lies outside the Prime Shopping Quarter is considered to be critical to the delivery of the whole scheme and its wider benefits whilst providing an opportunity to ensure that there is a proper definition to the Prime Shopping Quarter visible from major routes.
- (e) The proposed development would comprehensively regenerate and redevelop a substantial part of the city centre which, for a significant period, has suffered from a lack of investment, has been underused and largely detracts from the wider area. The scheme is entirely situated on previously developed land and is located in a sustainable city centre position. The development would bring forward an efficient use of land which would be well integrated into the existing city centre and would be supported by a sound and comprehensive highway strategy. Permeability within the site would be significantly improved and the urban grain restored. The built

development will involve buildings of high quality and internationally recognised spaces. Whilst a limited amount of historic fabric would be lost as part of the development the overall impact on the historic environment would be positive and the individual losses are unavoidable if the wider benefits are to be realised. Consequently the development would represent a major contribution to the renaissance of the city centre and would help Leeds to go up a league as a city.

- (f) The scheme would improve physical and economic links with areas and communities beyond the site, deliver affordable housing, and provide significant opportunities for employment and training initiatives for the most deprived people within the city. In doing so the development would help to close the gap between the most disadvantaged people and the rest of the city.
- (g) The scheme would address weaknesses in the city's current retail offer and would enhance its regional shopping role. In bringing forward these improvements the scheme would reinforce Leeds' role as the regional centre, re-establish its position competitively with other major cities and help cement Leeds' role as a city of European significance.
- (h) The scheme would be in accordance with the City Council's community strategy "Vision for Leeds 2004 to 2020". The scheme represents a key opportunity towards achieving the following key aims of the strategy :-

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.

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

A summary of the development plan policies relevant to the decision to grant planning permission is annexed for information.

SUMMARY OF DEVELOPMENT PLAN POLICIES WHICH ARE RELEVANT TO THE DECISION TO GRANT PLANNING PERMISSION

Regional Spatial Strategy (RSS)

The vision of the RSS is to create a world-class region, where the economic, environmental and social well-being of all people is advancing more rapidly and more sustainably than its competitors. The RSS deals with the concept of the West Yorkshire Sub Region and lists the main urban area of Leeds as one of the settlements within the sub region where economic and housing development will be the focus.

- P1 Strategic patterns of development – wherever possible development should be located in urban areas.
- E1 Town and city centres will be the focus for shopping, cultural, social, leisure and business services. Existing centres will be the focus of efforts to upgrade the environment.
- SOC3 Promotes major retail and leisure development in town centres whilst restricting out-of-centre development.

- T1 Development should be planned to make best use of existing transportation networks.
- T6 Transport in main urban areas – including investment in public transport measures, public transport infrastructure, and parking policies to seek progressive reduction in long-stay parking capacity.
- N2 Historic and cultural resources – new development to reflect the need for good design, respecting or enhancing local character.
- R2 Development and flood risk to be considered in line with PPG25. In previously developed areas where flood risk is lower development should be of an appropriate type and design incorporating appropriate flood defence.
- S1 Sustainability appraisals to be carried out and proposals should achieve sustainable development principles
- S3 Urban and rural renaissance – an integrated approach to development is required.
- S4 The quality of life in urban and rural settlements to be raised through improvements to the environment.
- S5 Implications for climate change should be taken into account.
- S6 Sustainable use of physical resources to be achieved by minimising resource demands from development; of transport; facilitating sustainable waste management; and promoting sustainable construction.
- H4 Housing size, type and affordability to meet targets for affordable housing following housing needs assessment.

Unitary Development Plan (Review 2006) (UDPR)

- SA1 Aims to secure the highest possible quality of the environment
- SA2 Encourages development in locations that will reduce the need to travel and promote the use of public transport and other sustainable modes of transport.
- SA4 Promotes and strengthens the economic base of Leeds by identification of a balanced range of sites for development
- SA5 Seeks to ensure that a wide range of shops is available in locations to which all sections of the community have access by a choice of means of transport
- SA6 Encourages the provision of facilities for leisure activities
- SA7 Promotes the physical and economic regeneration of urban land and buildings within the urban areas
- SA8 Seeks to ensure that all sections of the community have safe and easy access to housing, employment, shops and other facilities
- SA9 Supports the aspiration of Leeds to become one of the principal cities of Europe
- SP3 New development will be concentrated largely within the main urban areas on sites well served by public transport in order to maximise the potential of existing infrastructure.
- SP7 Priority to be given to the maintenance and enhancement of the city centre
- SP8 Considers the role of the city centre and explains that it will be enhanced by:
 1. a planned approach to the expansion of Centre uses within a defined City Centre boundary;
 2. an environmental strategy concerned with improving urban design, and provision and enhancement of linked greenspaces;
 3. transport improvements within the Council’s Transport Strategy;
 4. provision for primary land-use activities;
 5. a broad land use approach involving mixed uses within a “Quarters philosophy”.
- SG4 Ensures that proposals Sustainable development principles are consistent with the principles of sustainable development
- GP5 Proposals must resolve detailed planning considerations
- GP10 Sustainability assessment will be required
- GP11 Development must meet sustainable design principles

- N12 Proposals for development to respect the fundamental priorities for urban design
- Spaces between buildings are of considerable importance. Development should create a series of linked and varied spaces that are defined by buildings and landscape elements;
 - The best buildings of the past should be retained. New buildings should be of good design in their own right as well as good neighbours;
 - New developments should respect the character and scale of buildings and the routes that connect them;
 - Movement on foot and on bicycle should be encouraged;
 - Developments should assist people to find their way around with ease;
 - Developments should, where possible, be adaptable for other future uses;
 - Design and inclusion of facilities should reflect the needs of elderly people and of people with disabilities and restricted mobility;
 - Visual interest should be encouraged throughout;
 - Development should be designed so as to reduce the risk of crime
- N13 The design of all new buildings should be of high quality and have regard to the character and appearance of their surroundings. Good contemporary design which is sympathetic or complimentary to its setting will be welcomed.
- N17 Listed building features to be preserved
- N23 Incidental open space around development should provide a visually attractive setting for the development and where appropriate contribute to informal public recreation.
- N29 Sites of archaeological importance will be preserved and appropriate investigation required.
- N38A Development should not increase the risk of flooding
- N38B Planning applications to be accompanied by flood risk assessments
- N39B Re-opening of culverts will be actively promoted.
- N51 Enhance existing wildlife habitats and provide new areas for wildlife
- BD2 The design and siting of new buildings should complement and, where possible, enhance existing vistas, skylines and landmarks
- BD5 Consideration given to both own amenity and their surroundings.
- BD15 Encourages public art
- T2 New development should normally:
1. be served adequately by existing or programmed highways or by improvements to the highway network, and will not create or materially add to problems of safety, environment or efficiency on the highway network; and
 2. be capable of being adequately served by public transport and taxi services;
 3. make adequate provision for easy, safe and secure cycle use and parking;
 4. in the case of residential development, be within convenient walking distance of local facilities and does not create problems of personal accessibility”.
- T2B Developments likely to create significant travel demand to be accompanied by a transport assessment
- T2C Planning applications which are significant generators of travel demand should be accompanied by a travel plan
- T4 Promotes pedestrianisation schemes
- T5 Safe and secure access for pedestrians and cyclists to be provided.
- T6 Satisfactory access and provision for disabled people to be provided
- T7 Promotes development and maintenance of new cycle routes
- T7A Identifies cycle parking guidelines (A9C)
- T7B Identifies motorcycle parking guidelines (A9D)
- T9 Encourages an effective public transport service
- T13 Protects Supertram routes

- T15 Measures giving priority to bus movements will be supported
- T24 Identifies parking requirements (Appendix A9A, A9B)
- T26 Supports short stay car parking in the city centre core parking area
- T28 Manages the growth of long-stay commuter car parking (A9B)
- CCP1 Parking guidelines for city centre office development
- H3 Brings forward housing land in three phases. The supporting paragraphs explain that most of the city's housing land needs for the whole of the review period to 2016 can be met from existing brownfield reserves within the main urban areas. Leeds City Centre is included as one of these areas.
- H9 Seeks a balanced provision in terms of size and type of dwellings
- H11 Housing developments to provide and maintain appropriate affordable housing requirements.
- E14 City centre will remain the principal location for new prime office development
- S1 The City Centre role as the regional shopping centre will be promoted by:
1. Consolidating retailing within a defined shopping Quarter;
 2. Identification of separate locations suitable for major retail development;
 3. A comprehensive strategy for environmental improvement; and
 4. A strategy for improving the transport system and parking;
- R3 Use of compulsory purchase to achieve regeneration benefits will be supported
- R5 Seeks to secure employment and training associated with construction and subsequent use
- LT1 Gives priority to the siting of new leisure facilities at locations accessible to all sections of the community
- LT7 Encourages visitor accommodation in accordance with hotel policy
- HO3 Encourages development of hotels within the city centre.
- A4 Design to ensure a safe and secure environment
- CC1 Advises where the need is for planning obligations in the city centre
- CC3 Seeks to upgrade the environment of the city centre and encourage good innovative designs of new buildings and spaces
- CC5 Requires that all development in conservation areas or its immediate setting should be designed so as to preserve and enhance the character of the area and that the height of new buildings should relate to surrounding buildings and be within one storey of them.
- CC6 Indicates that proposals for high buildings outside conservation areas and gateway locations will be considered on their merits.
- CC8 Requires new developments to respect the spatial character and grain of the city centre's traditional building blocks.
- CC10 Provision of 20% public open space in the city centre on sites of more than 0.5ha
- CC11 Commits to enhanced pedestrian corridors and to upgrading of streets
- CC12 Requires new development and new public spaces to relate and connect with existing patterns of streets, corridors and spaces.
- CC13 Encourages new public spaces to be imaginatively designed and be safe, attractive and accessible for all
- CC14 Supports proposals to introduce a Supertram system.
- CC17 Need for additional short stay car parking close to the Prime Shopping Quarter including in the markets and Templar Street area
- CC19 Advises that outside the Prime Office Quarter and Prestige Development Areas office development will be accepted provided that it contributes to overall planning objectives.

- CC21 Shopping development is supported as the principal use within the identified Prime Shopping Quarter, subject to the provisions of Proposal Area Statements
- CC26 Provision of new, and retention and enhancement of existing, cultural, entertainment and recreational facilities.
- CC27 Encouragement for the principal use in Quarters and Areas. Other uses will be encouraged which service the Quarter, add variety and support the attractiveness of the area for the principal use.
- CC29 Requires additional uses to the main uses for large developments
- CC30 Outside of the defined Quarters and Proposal Areas of the City Centre development for shopping (except ancillary shopping), major industrial uses and entertainment will not normally be permitted and other proposals will be judged on their merits.

Prime Shopping Quarter strategy

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

Proposal Area 15 - Kirkgate Markets Area

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

Proposal Area 16 – Templar Street

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

- WM3 Measures to reduce and re-use waste during construction required
- BC1 Retention, continued use, proper maintenance and where necessary the retention of listed buildings.

- BC7 Development within Conservation Areas will normally be required to be in traditional local materials
- ARC4 Presumes against development on nationally important archaeological remains
- ARC5 Requirement for archaeological evaluation to inform planning decisions
- ARC6 Requirement for investigation and recording
- LD1 Identifies requirements for landscape schemes
- LD2 Outlines design issues for new roads

7.0 Recommendation

- 7.1 Members are recommended to confirm that these are the summary reasons for the grant of planning permission and a summary of the development plan policies and proposals relevant to the decision.

Background Papers

8th February 2007 City Centre Panel report

1st March 2007 City Centre Panel minutes

Eastgate and Harewood Quarter Planning Decision Notice (06/03333/OT)

Eastgate and Harewood Supplementary Planning Document (October 2005)

Unitary Development Plan (Review 2006)

Judicial review application 23rd November 2007

Decision of Honourable Justice Mitting 5th February 2008



eastgate & harewood qtr report.doc 0603333OT.pdf \$\$\$Minutes.doc.pdf 06_03333_OT_EXTRACT_rev1.pdf



ITEM NO.: 1

Originator: Tim Hart

Tel: 39 52083

**REPORT OF THE CHIEF PLANNING OFFICER
PLANS PANEL (CITY CENTRE)
DATE: 8th FEBRUARY 2007**

SUBJECT : Outline application for major redevelopment involving mixed use to provide retail stores, restaurants, bars and offices within use classes A1, A2, A3, A4, A5 and B1, and housing C3, cinema and gym D2, medical centre D1, church facility, crèche D1, and hotel C1, with associated highway works, open space, landscaping, car parking, pedestrian facilities and re-alignment of a culverted watercourse.

Eastgate and Harewood Quarter (06/03333/OT)

Electoral Wards Affected:

City & Hunslet

Burmantofts and Richmond Hill

Specific Implications For:

Ethnic Minorities

Women

Disabled People

RECOMMENDATION

Approve in principle and defer and refer to the Secretary of State for the Department of Communities and Local Government as a Departure from the Statutory Development Plan and for consultation under the Town and Country Planning (Shopping Development)(England and Wales)(No.2) Direction 1993, and delegate approval to the Chief Planning Officer subject to the specified conditions (and others which he might consider appropriate) and the completion of a Section 106 Agreement to cover the following matters should the Secretary of State decide not to call the application in for determination

- affordable housing provision
- public realm provision
- access and maintenance
- greenspace contribution
- contribution to education
- employment and training initiatives
- repair and use of Templar House
- re-use of railings
- provision of travel plans
- public transport contribution
- highway requirements

**- retail delivery
should the Secretary of State decide not to call in the application for determination.**

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1.0 INTRODUCTION

1.1 The application seeks permission for the comprehensive redevelopment and regeneration of a large area of land within the city centre through a retail-led mixed use development, the closure and alteration of highways and new and enhanced pedestrian routes. The application was submitted following extensive public consultation and a series of presentations have been made to Members as the scheme has evolved through an iterative process. Members visited the site on 4th January 2007.

2.0 THE STRUCTURE OF THE APPLICATION

2.1 In common with many applications of this scale the application was submitted in outline form. All matters, with exception of the principal means of access, are reserved for future approval. However, in accordance with recent government guidance the general extent of development is precisely defined within a development specification and a series of parameter plans. Together, these documents establish the proposed uses and the potential magnitude of such uses; an indicative layout; an indication of the upper and lower limits for height, width and length of each building; proposed pedestrian areas, covered areas and also the means of access. These are set out below in more detail within the Proposals section.

2.2 The development specification and parameter plans are supported by design guidelines. The design guidelines set out the key design principles and objectives for development within various character areas between buildings and each of the building plots. They have been prepared in order to provide additional guidance on the future form, use and appearance of buildings and routes around the development. Any reserved matters applications will also be assessed against the objectives and principles contained within these guidelines in addition to the parameter plans.

2.3 Supporting documents

The application is supported by a range of technical documentation set out in the table below:

Reference	Document Title
LP1	Planning application forms, certificates and plans
LP 2	Design Guidelines
LP3	Design Statement
LP4	Planning Statement
LP5	Retail Statement
LP6	Consultation Assessment Report
LP7	Townscape Assessment Report
LP8	Transport Assessment – Volume 1 Text
LP8a	Transport Assessment – Volume 2 Figures
LP8b	Transport Assessment – Volume 3 Appendices

LP8c	Transport Assessment – Volume 4 Traffic Flow Diagrams
LP8d	Transport Assessment – Volume 5 Junction Capacity Analysis
LP9	Travel Plan Framework
LP10	Environmental Statement
LP10a	Environmental Statement Appendices - Vol 1
LP10b	Environmental Statement Appendices – Vol 2
LP11	Environmental Statement – Non Technical Summary
LP12	Sustainability Statement
LP13	Site Investigation & Geo Environmental Report
LP14	Flood Risk Assessment
LP15	Built Heritage Assessment Report
LP16	Conservation Strategy
LP17	Schedule of works and outline specification - The Railings surrounding the former Appleyard's
LP18	PPG 15 Statement - The Railings Surrounding the former Appleyard's Filling Station
LP19	Schedule of works and outline specification - Templar House
LP20	PPG 15 Statement - Templar House

2.4 Environmental impact assessment

Due to the scale of the development the proposals constitute Environmental Impact Assessment (EIA) Development. EIA is the procedure by which a project's likely environmental effects are brought together in a systematic way. Analysis of the results can identify means by which a project can be modified or adverse effects mitigated, in order to reduce or avoid possible adverse effects. Consequently, an EIA has been undertaken, the results of which are contained in the Environmental Statement (ES). The EIA is based upon the parameters identified in the planning application. The ES covers the following issues:

- EIA methodology.
- Existing uses and activities.
- Alternatives and design evolution.
- The proposed development.
- Development programme and construction.
- Planning and land use.
- Socio economics.
- Built heritage.
- Townscape and visual assessment.
- Archaeology.
- Transportation and access.
- Noise and vibration.
- Air quality.
- Wind.
- Daylight, sunlight and overshadowing.
- Ground conditions and water resources.

- Ecology.
- Cumulative impacts.
- Mitigation.
- Residual impacts.

2.5 Associated applications

Listed building applications to carry out works to Templar House and the railings around the former Appleyard's filling station were submitted to accompany the substantive application.

3.0 SITE AND SURROUNDINGS

3.1 The application site forms the north east quadrant of Leeds City Centre and extends to approximately 9.99 hectares in size. It is logically defined by New York Road (Inner Ring Road A58M/A64M) to the north, Eastgate and St Peter's Street to the east, George Street, Dyer Street and York Street to the south and Harewood Street and Vicar Lane to the west. Millgarth Police Station is excluded from the planning application boundary. Ground levels fall by approximately 13m from the north west (former ABC site) to the south east corner (bus station) of the site.

3.2 The magnitude of the site is such that it contains a varied mix of property and land uses. However, a significant use of land use is open, surface car parking (2.26 hectares). Lady Lane, Edward Street, Union Street, Templar Street, Templar Lane and on-street car parking accounts for approximately 1080 surface parking spaces. Existing buildings on site are commonly three or four storeys in height, typically retail (A1) or food and drink (A3 and A4) uses at ground floor level and mainly office (B1) or residential uses above.

3.3 North east segment

In the north east corner of the site there is an area of housing within Ladybeck Close, which was constructed during the late 1980's. The housing is managed by English Churches Housing Group and comprises low rise apartment blocks and semi-detached housing. Nearby, there is Bridge Street Pentecostal Church (1930), an annexe of Park Lane Further Education College, a job centre (1937), the former Marquis of Granby public house (1933), and Circle House (1938) which is used mainly as offices.

3.4 North central segment

Saxon Hawke House (Lyon Works) is a former clothing factory constructed in 3 phases between 1914 (northern end adjacent to Templar Street) and 1937 (southern end adjacent to Lady Lane). To the west of Templar Lane, Templar House is a grade II listed building constructed as a chapel in 1840. The building has been unoccupied for some time and is in a very poor structural condition with no remaining internal features of interest. To the south, 34 Lady Lane is one of the few buildings on the site dating from before 1900 although it was remodelled in the 1930's. The building is encompassed within the northern Eastgate terrace.

3.5 North west segment

The north-western frontage of the site abuts Vicar Lane. The former ABC cinema was demolished during 2006. Templar Hotel, at the junction with Templar Street, is a mid-late 19th Century building used as a public house. 100-104 Vicar Lane originally formed part of the West Yorkshire Bus Station but is now in a variety of commercial uses.

3.6 Central spine and southern segment

In 1924 a scheme to demolish the properties on the north side of the Headrow to create a new, grand, street running from the Town Hall to Mabgate Circus was agreed. In order to achieve a unifying theme, Sir Reginald Blomfield was appointed to design the buildings that would face onto the new street. 90-94 Vicar Lane is located at the junction with Eastgate. The building is grade II listed and is one of the four similar corner blocks (only 3 were completed) at this junction designed by Blomfield. However, few of the buildings within Eastgate were ultimately designed by Blomfield.

3.6.1 1-5 Eastgate forms part of the same block as 90-94 Vicar Lane. The building is a post-war interpretation of its neighbour but does not have any of the architectural flourishes associated with the original designs. The northern Eastgate terrace (7-31 Eastgate) is situated to the east of this block beyond a staircase leading down to Lady Lane and Edward Street. The terrace, stepping down from west to east, is 130m in length. 7-27 (1953) Eastgate generally follows the outline plan and is clearly inspired by Blomfield, however, its architecture is not sufficiently high quality to meet the criteria for listing. 29-31 Eastgate (1930-33) was designed by Blomfield. Despite being the northern terminal block of the Headrow-Eastgate Beaux Arts theme (“bookend”) it is much plainer and less refined than others further to the west.

3.6.2 The terrace on the southern side of Eastgate is a similar length and height to that on the northern side. The majority of the run (10-42 Eastgate) dates from the late 1950’s and is a pale reflection of the buildings opposite. The shop fronts are plain and dull and the horizontal lines of the blocks are in contrast to the strong vertical lines of Blomfield’s buildings which act as a balance to their large scale. The rear elevation facing Union Street is particularly uninspiring. 44-46 Eastgate, the southern “bookend” is similar to its northern counterpart. Beyond the open car parks and the police headquarters (outside the site) part of Leeds Central Bus Station is located within the application site boundary.

3.6.3 The millennium fountain is located within a Blomfield designed building located at the intersection of Eastgate (west), Eastgate (north-east) and St Peter’s Street. The grade II listed building was constructed as a petrol station in 1932. The surrounding railings were listed grade II as having group value as part of the composition with the filling station.

3.7 Landscaping and existing environment

Although extending to nearly 10 hectares the site contains limited existing vegetation. What there is is largely contained within the St Peter's Street corridor and around Ladybeck Close. There is no public realm of note. The Ladybeck water course is culverted beneath the eastern part of the site, flowing in a north-south direction, generally following the alignment of St Peter's Street and Eastgate (north).

3.8 Surrounding areas

The northern boundary of the site is dominated by the Inner Ring Road A58M/A64M. Substantial buildings to the north of New York Road include Crispin House, a listed building, and the former British Gas offices adjacent to Bridge Street. Beyond the north-east corner of the site the A64M is elevated relative to the site such that vehicular and pedestrian access to the north and north-east towards Mabgate is under bridged structures. Along the eastern boundary Eastgate (north) and St Peter's Street form part of the Loop Road. The road separates the site from existing and planned facilities on Quarry Hill to the east.

3.9 To the south of the site beyond George Street is Kirkgate Market. An open market is laid out at the eastern end whilst the earlier, western portion is a grade I listed building. Harewood Street runs in a north-south direction in the south-west extent of the site. It marks the boundary to the City Centre Conservation Area and the main retail core of the city to the west of Vicar Lane. The buildings backing onto Harewood Street generally front Vicar Lane and are listed. The western side of Vicar Lane, north of the Headrow/Eastgate, are outside of the conservation area but include listed buildings at 2 The Headrow, the Grand Arcade and Leeds Chest Clinic opposite the north-western corner of the site.

4.0 THE PROPOSED DEVELOPMENT

4.1 Key components

The key components of the scheme described within the application are summarised as follows:

- The restoration, refurbishment and integration of Templar House, Templar Hotel, 90-94 Vicar Lane, the former Appleyard's Filling Station and numbers 7 to 27 of the Eastgate Terrace, which includes 34 Lady Lane.
- Demolition of the railings surrounding the former Appleyard's Filling Station and their restoration and storage pending relocation within the site under a further planning application.
- The demolition of all other existing structures on the site (Phase III of Lyons Works may be retained).
- Possible realignment of the culverted Lady Beck, under Eastgate and St Peter's Street on the eastern boundary of the site.
- Provision of new retail development with direct and level access across the site between Vicar Lane, Inner Ring Road, St Peter's Street, Bridge Street, Eastgate and George Street.
- Provision of a new primary anchor department store.
- New, modern city centre office space.

- Supporting leisure, cultural and community uses including a multi-screen cinema, gymnasium/health and fitness centre, medical centre, crèche and drop in centre for Bridge Street Pentecostal Church.
- A 60-120 room hotel.
- A maximum of 600 residential units of which 15% will be affordable.
- Creation of a new urban square in the central part of the site and high-quality public realm throughout.
- In order to create the development site it is proposed to close and pedestrianise a number of existing streets, and remove or restrict vehicular traffic from the following roads: Eastgate (between Vicar Lane and St Peter's Street; Bridge Street (between Lady Lane and the Inner Ring Road); Lady Lane, Edward Street, Templar Street, Templar Lane, Templar Place, Lydia Street, North Court; Union Street and Harewood Street, Sidney Street and Millgarth Street. Some of these streets will be required for controlled on-street servicing.
- Up to 2,700 public parking spaces in a dedicated new multi-storey car park adjacent to the Inner Ring Road (A64M). As part of this allocation there will be an element of long stay parking for the office and hotel uses provided on site which will be in line with Leeds City Council's parking standards. Basement car parking below the primary anchor department store will also provide up to 400 parking spaces for on site residents and 80 replacement car parking spaces for Millgarth Police Station.
- Provision of a dedicated below ground service area, to serve the majority of the development.
- Pedestrianisation of Eastgate, with allowance for the provision of a potential future high quality public transport system.
- Enhanced pedestrian and cycle linkages through the site including arcaded streets and a glazed galleria and improved linkages to adjoining areas such as Quarry Hill. Pedestrian streets will incorporate soft and hard landscaping, water features, street furniture, cycle parking facilities and sensitive street lighting.

4.2 Retail Uses

- 4.2.1 A major element of the proposals is the provision of new retail floorspace intended to substantially enhance and increase the retail offer of Leeds City Centre. The primary anchor department store would be located within the north eastern part of the site with the main retail frontage on Bridge Street and the new galleria, Templar Arcade. The department store would be directly linked to the on-site car parking facilities.
- 4.2.2 The proposals would also allow for a further new anchor department store or three major shop units (MSU's) to be located within the north western part of the site, with the main retail frontages opening into Edward Street and Templar Arcade. An anchor store at this location could trade over four floors, and be directly linked to the on site car parking facilities. Each of the blocks on the southern side of the site, the Harewood Quarter, also include significant retail provision.
- 4.2.3 The proposals allow for a range of unit sizes trading over one or two floors, offering opportunities both to national and independent retailers. The units will be designed to provide flexible space, ensuring the ability to accommodate future retail space demands.

4.3 Residential Uses

4.3.1 The proposals include the provision of a minimum of 300 and a maximum of 600 residential units. The precise number and type of units will be dependent upon prevailing market demand and the needs of the city. At least 15% of the residential development that is brought forward is committed to be affordable.

4.3.2 A large proportion of the residential units would be located above retail units. Plots EQ4, EQ5, EQ7, EQ10, HQ1, HQ2, HQ4 and HQ5 are identified as the possible locations. The original submission identified a large residential tower on the site of the former ABC cinema (EQ10). During the course of the application the scale of the building has been moderated. It is suggested that plots EQ5, HQ1, HQ4 and HQ5 may incorporate residential courtyards.

4.4 Commercial Uses

4.4.1 A significant component of office accommodation is proposed above the ground floor retail uses within northern part of the development.

4.5 Leisure, Cultural and Community Uses

Consent for a cinema is sought within the scheme along with a gymnasium/health and fitness centre.

4.5.1 A 120 bedroom hotel is also proposed along the western side of the site and would be located above ground floor retail units.

4.5.2 In addition a varied range of other supporting uses are proposed, intended to create vitality and viability in this part of the city. This would include supporting uses for the residential population of the scheme including convenience retail, a medical centre, crèche and church drop in facility. A prayer room would also be provided which could be used by both employees and visitors to the development.

4.6 Food and Drink Uses

Restaurants, cafes and bars are intended throughout the scheme. These units would be focused around new public spaces including Templar Square, Templar Court and Blomfield Square where they are intended to generate activity outside of the normal retail trading hours.

4.7 Details for which approval is sought

4.7.1 The application is for outline planning permission and the final components of the scheme will have to reflect social and economic circumstances closer to the time of implementation. However, consent is sought for the following range and extent of uses:

	Maximum gross external square metres	Minimum gross external square metres
Retail (A1-A2)	112,040	79,800
A3/A4/A5	5,040	4,310
Office (B1)	9,750	1,350
Cinema (D2)	6,300	0

Gym (D2)	4,880	2,050
Medical centre (D1)	830	560
Crèche/nursery (D1)	780	280
Church facility	1,050	530
Hotel (C1)	7,040	3,470

	Number of residential units (min-max)
Residential units	300-600

Car parking	Spaces (maximum)
Public	2700
Residential	400
Replacement parking for police station	80

It should be noted that the total amount of maximum floorspace identified exceeds the total amount of floorspace that could be sought at Reserved Matters stage as the parameters do not allow for each of the maximum figures to be delivered.

4.7.2 Access, Transport and Parking

4.7.2.1 The application seeks approval of the principal means of vehicular access to the site with limits of deviation to allow for a degree of flexibility in the detailed design process. Accesses are shown at the northern end of Vicar Lane (gaining access to the public car park); from Hope Street (a new road between Bridge Street and Eastgate (north) gaining access to the public car park and service areas); from Eastgate (north) (to the basement residential parking and replacement police parking); from Eastgate western end and from George Street to the protected public transport corridor; and from George Street onto Harewood Street (for restricted servicing).

4.7.2.2 To ensure that the Eastgate and Harewood Quarter has an attractive public realm environment, the proposals seek to pedestrianise the western limb of Eastgate between the Headrow and the former filling station. This would also be reserved as a high quality Public Transport Corridor following the line of the former Supertram corridor. By reserving this corridor, the flexibility for potentially introducing a high quality, limited bus service in the future would be maintained and safeguarded. The Headrow would also be refurbished between Briggate and Vicar Lane to provide a gateway to the development. The form this would take would be determined at the detailed design stage.

4.7.2.3 The re-routing of existing bus services is required to enable the pedestrianisation of Eastgate. The Transport Assessment identifies in some detail how this can be achieved. Buses currently heading west along Eastgate will be routed along George Street and Vicar Lane, and the current one-way routing on George Street will be reversed. Buses heading east will use Vicar Lane and New York Street/York Street. Some services (Bradford/Halifax routes) that currently use Headrow/Eastgate to reach the bus station, only to return back along Eastgate, will be routed from the Headrow, via New Briggate and Vicar Lane to return to the Headrow. Some other services that currently use Eastgate/Vicar Lane south bound without stopping will be rerouted along Kirkgate. A new bus stopping and lay over area will be created on Vicar Lane (north) outside the development with high quality shelters, real time and driver facilities for these buses.

- 4.7.2.4 Changes are also proposed to the bus station egress/Dyer Street/St Peter's Street junction. This is as a result of the changes on St Peter's Street with the removal of the existing roundabout and the rerouting of services. Buses that currently U-turn around the Eastgate roundabout to head south will be able to turn right onto St Peter's Street directly from the bus station. The egress also allows buses to turn directly onto Dyer St/George Street to head west. The changes will also mean that National Express coaches that currently have to pass through the bus station will be able to turn directly from St Peter's Street into Dyer Street to access the coach station.
- 4.7.2.5 The allocation of services to stops has been reviewed and services would be reallocated to stops to provide a better balance of the number of buses using stops whilst still maintaining the grouping of services on common routes and a good distribution of stops used by each service. Where stops are being changed, they will be provided with raised kerbs, city centre standard shelters and real time.
- 4.7.2.6 It has been agreed with the developer that a corridor will be protected along Millgarth Street and Eastgate for the replacement of the Supertram scheme.
- 4.7.2.7 George Street and Vicar Lane will receive some refurbishment in the process of changing bus stop arrangements, loading arrangements, taxi ranks and pedestrian arrangements. Harewood Street and Sidney Street would be pedestrianised and refurbished, although Harewood Street would have restricted access for servicing. Call Lane would only be available for buses, taxis and cycles between Duncan Street and New York Street and Cloth Hall Street would be closed to vehicles to remove the through traffic route. The developer would provide funding for an enhanced level of enforcement of the traffic management measures.
- 4.7.2.8 The proposals include a multi-storey car park which would provide up to 2,700 public car parking spaces to meet the needs of shoppers. Located within the northern part of the site, adjacent to New York Road (Inner Ring Road A64M), the location of the car park allows for linkages with the site and surrounding area with dedicated pedestrian access to the primary department anchor store and other retail units.
- 4.7.2.9 There would be a maximum of 400 spaces for new residents located in a basement area beneath the primary anchor department store. The basement parking facilities would also provide up to 80 replacement car parking spaces for Millgarth Police Station. A minimum of 6% of the parking spaces are proposed to be disabled persons parking. A shopmobility facility will also be located on site.
- 4.7.2.10 Secure cycle parking would be provided throughout the development. Additionally, controlled crossing facilities would be provided and new safe routes set out through the site, which would link to existing cycle facilities on the surrounding road and cycle network. A cycle route would be provided along Eastgate (east-west) and Eastgate (north), linking with routes leading to the east of the city.

4.7.3 Layout and scale

16 principal building plots are identified. The proposed building plot key is attached at Appendix 1 at the end of this report.

4.7.3.1 The building lines are subject to limits of deviation where buildings may be built within a defined distance from the building line identified. These details are shown on plans submitted with the application. The limits are generally smaller in the more sensitive parts of the scheme from a townscape perspective or adjacent to listed buildings. As such, no deviation is shown along Vicar Lane to the south of the Templar Hotel; along Eastgate between 90-94 Vicar Lane and the relocated bookends whose position would be fixed; or the eastern elevation of the Twenty-first century bookends. Parameters enabling a variation of up to +8 metres to -6 metres are identified in less sensitive areas such as alongside the Inner Ring Road. However, whilst separate building plots each have their own building line tolerances the minimum width between the buildings is fixed. As such, whilst the precise footprint of the buildings is not always identified the minimum space that must be achieved between them, notwithstanding the tolerances, is.

4.7.3.2 The vertical limits of deviation shown on Parameter Plan 6 identify the maximum and minimum heights of the built development within each area of the site. The minimum building height does not apply to courtyards intended within plots HQ1, HQ4, HQ5 and EQ5. No development, including building plant would be permitted to exceed the identified height limits. Whilst permission is sought for the maximum/minimum building plot heights the approximate number of storeys which the maximum height would allow is set out below.

4.7.3.3 Possible uses

The table also identifies possible uses within the building plots:

Plot	Description	Proposed uses	Approximate number of storeys
EQ1a-c	Retail units, offices, and non-residential institution with car parking above	A1, A2, A3, A4, A5, B1 and D1	5
EQ2a-c	Primary anchor department store	A1, A2, A3, A4 and A5	4
EQ3	Templar House	A1, A2, A3, A4, A5 and D1 or other use	As existing
EQ4a-c	Retail units with cinema and residential above	A1, A2, A3, A4, A5, D2 and C3	5
EQ5	Retail units with church, hotel, office and residential above	A1, A2, A3, A4, A5, D1, C1, C3 and B1	5
EQ6	Retail with office and hotel above	A1, A2, A3, A4, A5, B1 and C1	To match 90-94 Vicar Lane
EQ7	Retail with hotel and residential above	A1, A2, A3, A4, A5, B1, C1 and C3	New build to match retained building
EQ8	Templar Hotel	A4	Extension to match retained building

EQ10	Residential/hotel tower with retail below	A1, A2, A3, A4, A5, C1 and C3	14
HQ1	Retail with hotel, office and residential above	A1, A2, A3, A4, A5, B1, C1 and C3	4
HQ2	Retail with hotel and residential above	A1, A2, A3, A4, A5, C1 and C3	4
HQ3	Retail	A1, A2, A3, A4, A5	4
HQ4	Retail with residential above	A1, A2, A3, A4, A5 and C3	4
HQ5	Retail with residential above	A1, A2, A3, A4, A5 and C3	3
HQ6	Retail with non-residential institution above	A1, A2, A3, A4, A5 and D1	3
HQ7	Former petrol station	A1, A2, A3, A4, A5 and D1	Existing building to be retained
Templar Arcade	Glass roof		6

4.7.4 Design

4.7.4.1 As noted above, the application seeks approval of Design Guidelines which further inform the basic parameter plans. The guidelines refer individually to the 14 character areas and 16 building plots.

4.7.4.2 As an example of the character areas Eastgate, Blomfield Square and Templar Arcade are of special note.

The objective for Eastgate is to create a new piece of public realm that will make Eastgate a nationally recognised civic boulevard. The following principles are identified to help achieve this objective:

- The street should be a pedestrian dominated tree-lined boulevard with active uses.
- North-south pedestrian linkages through the terrace should be provided articulated in a manner similar to the access to The Light from the Headrow.
- The streetscape should reflect the historic character of Eastgate and the Headrow.
- The streetscene should be designed to accommodate a restricted Public Transport Corridor.
- Intersections should be treated as pedestrian priority spaces.
- New buildings should create a grand, civic scale based on Blomfield but reinterpreted.
- The environment should be an open street with street furniture designed using an integrated approach to minimise street clutter and facilitate easy pedestrian movement.

4.7.4.3 The objective in Blomfield Square is to create a major, new, pedestrian space providing an enhanced setting to the former petrol station and the relocated bookends the views of which should be maintained. The following principles are identified to help achieve this objective:

- The space should be defined by the view from Quarry Hill towards the relocated bookends.
- The space should be a symmetrical composition flanked by buildings of equal height.
- The space should have a green feel and incorporate trees and/or lawns.
- Materials should differentiate the square from Eastgate.
- The listed railings should be restored and reinstated to suit the design of the new space.
- The design should incorporate the existing sculpture.
- The lighting design should be distinctive.
- The street should be active frontages wherever possible.

4.7.4.4 Templar Arcade is proposed to run through the centre of the Eastgate Quarter between Bridge Street and Vicar Lane opposite the Grand Arcade. The objective is to create a primary covered two level pedestrian shopping street consisting of individually expressed buildings. The principles to be applied to achieve this include the following:

- Neighbouring ground levels should be integrated into the design.
- The arcade should be a grand, two level, street and a prime retail destination.
- It should be a covered pedestrian street with an external character and creatively extend covered Leeds.
- It should be an internationally recognised space, the design of which should be inspired by the character of local arcades.
- Buildings and floor finishes should use external finishes.
- The roof should be supported by the adjacent buildings, constructed in light, permeable materials to create an atmosphere comparable to a street without a roof.
- Upper levels should be designed to animate the arcade.

4.7.5 Design Guidelines

4.7.5.1 The Design Guidelines are structured in a similar way in respect to each of the individual building plots. Examples of these are set out below:

4.7.5.2 Plot EQ1 is the building located alongside the Inner Ring Road. The identified objective is to express the building as a series of smaller buildings to reflect the scale and grain of the historic fabric of the area. The design principles include:

- Resolving the differences in scale between Templar Arcade and the Inner Ring Road. The car park elevation should positively address the Inner Ring Road and should be of sufficient quality to attract people.
- The building should be expressed as a series of buildings incorporating routes and ginnels.
- Each shop front should have a design appropriate for an external street.
- The top of the car park should be visually appealing and be designed as an external public space.
- The loading facilities shall be located in the retail basement.
- Building services should be located within the building footprint as far as is practicable.

4.7.5.3 Plot EQ2 is the primary department store. The stated objective is to create an identifiable landmark building. In general, the three separate building plots should be articulated as individual components whilst reading together as a single composition.

- As with plot EQ1 the Inner Ring Road elevation should positively address the Inner Ring Road and should be of sufficient quality to attract people. The top level should also be designed as an external public space.
- The eastern end of the car park should be an architectural feature marking the eastern gateway. The feature should be created with the buildings mass and façade and not signage.
- The main entrance to the department store should be aligned with the axis of Templar Arcade. An active ground floor façade along Bridge Street should be incorporated in the design.
- The eastern façade of the department store should provide interest to pedestrians and traffic.
- The southern end of this plot, together with plot HQ6, constitute the 21st Century bookends. They should be read as a pair and of equal height.
- The elevations facing Blomfield Square should be primary facades and permeable where possible and animate the square. The façade should preserve the view of the bookends and respond to the setting of the former filling station.
- The Blomfield Square elevation should respond to the rhythm and proportion of the existing Eastgate terraces.

4.7.5.4 The buildings wrapping around Templar House are collectively identified as plot EQ4. The objective is to express the building as a composition of smaller buildings that fit the scale and grain of the existing urban fabric. The principles to be applied in design of the plot include:

- The lowest level should be considered as ground level and the upper levels of buildings animated by active uses.
- The building facades should be of external character and quality. Verticality should be a key design principle.
- The elements should each have their own individual expression within an overall composition.
- The treatment of the upper levels should respond to the divisions of the blocks below.
- The ginnel should have external finishes.
- Elevations to Lady Lane should be a more intimate shopping experience with a variety of scales and sizes that reflect the setting of Templar House.
- There are 2 options for Lyons Works phase 3.

A Demolish and rebuild to a similar mass and footprint

B Retain, refurbish and re-use the building

- Upper levels around Templar House should be set back from it to provide an appropriate setting.

4.7.5.5 Plot HQ2 is located at the eastern end of the southern Eastgate terrace. The objective is to create a city centre block based upon Blomfield's original proposals. Some of the design principles to achieve this are set out below:

- The bookend should salvage and re-use as much as possible of the original building when rebuilt in its new location. New work should match existing design and materials.
- The Eastgate terrace component should be expressed as distinct from the Ebenezer Street component. It should be expressed as a terrace based upon Blomfield's original proposals and relate to the northern terrace. It is not intended that it is reproduction architecture.
- The plot should form a unified piece of architecture with plot HQ1 and linked to it by an archway similar to but of a lesser order than in the northern terrace.
- There should be active frontages.
- Building massing and levels should follow the topography.
- Roof level plant should be contained within the roof profile.
- The building should act as a gateway building.
- The eastern portion must not be greater than the eaves height of the reconstructed bookend.
- The proposed architecture must be in sympathy with the style of the reconstructed bookends in terms of proportion and datums.

Studies within the Design Statement illustrate how the scheme could potentially be developed by applying the requirements of the parameter plans and also the principles and objectives of the Design Guidelines.

4.7.6 Landscape, Open Space and Public Realm

- 4.7.6.1 Collectively, the character areas form the public realm to the development. The principles which the scheme adopts include several new and locally distinct spaces. The public realm includes the streets that would connect the existing and the new townscape, the spaces that are intended for relaxation, and "moments" which are smaller gathering spaces usually associated with public art.
- 4.7.6.2 All of the streets within the scheme would be designed to be "pedestrian friendly". This would involve the removal of all private vehicular traffic from Eastgate between St Peter's Street and Vicar Lane with the exception of limited on-street servicing during restricted periods. Templar Street, Edward Street, Bridge Street, Lady Lane (limited servicing), Harewood Street (limited servicing), Ebenezer Street and several newly created ginnels would also be pedestrianised.
- 4.7.6.3 The pedestrianisation of Eastgate would create a key public space within the area. The street would have its own identity through the use of distinctive paving and surface treatments, combined with water features, tree planting and seating areas. The intention is to create a green boulevard. Beyond the site boundary the length of the Headrow between Eastgate and Briggate would be included in improvement works although the form this will take is still being debated. Further, George Street and parts of Vicar Lane (south of Eastgate) would also be refurbished in response to changes to highways, bus stop arrangements, loading facilities and pedestrian usage.
- 4.7.6.4 The streets within the development would have different characters depending upon their function, surrounding uses, traffic arrangements and the buildings adjacent to them. In addition to Headrow/Eastgate the strategy identifies several types of street:

- Traditional Leeds pedestrian street, such as Lady Lane, would draw on Leeds heritage material palette.
- Leeds shopping street, such as Ebenezer Street, would form an eastwards extension of existing streets such as King Edward Street.
- Covered street, Templar Arcade, which would be a street with a canopy and arcade character.
- New ginnels will be influenced by existing ginnels and yards and be art driven.

4.7.6.5 A new civic space known as Blomfield Square is proposed on Eastgate primarily to the west of the former filling station. The space would incorporate water and planting. The space would extend over 3200 square metres (for comparison, the public space in City Square covers 3600 square metres). A series of smaller, local, spaces are proposed within the development. These are Templar Square, Templar Court, Hope Place and Harewood Place.

4.7.6.6 The proposals also aim to facilitate improved pedestrian connectivity between the site and its surroundings through improvements to the public realm, in particular:

- Along Bridge Street in order to develop links between the north of the Inner Ring Road and the site.
- Across St Peter's Street to Quarry Hill.
- Improvements to George Street to facilitate links between the development and Kirkgate market.
- Towards Mabgate beneath and beyond the Inner Ring Road flyover.
- Across Vicar Lane, linking to the Grand Arcade.
- Across Vicar Lane, linking to the Victoria Quarter. Sidney Street would be pedestrianised to form a pedestrian route from the Victoria Quarter into Ebenezer Street.

4.7.6.7 Cumulatively, the public realm within the site covers 2.54 hectares (34% of the developable site area). This is made up of public space, new streets (such as Ebenezer Street) and enhanced existing streets within the site boundary (therefore not including enhancements to the identified section of The Headrow). Discussions are ongoing regarding the provision, access arrangements and maintenance of these areas of public realm. The developers have also indicated that they intend offering a contribution towards the provision or improvement of local greenspace beyond the site boundary, such as at Mabgate or Lovell Park.

4.7.6.8 Areas of semi-private realm containing soft landscaping are intended in the residential courtyards. Further, there may still be opportunities for additional public greenspace to be brought forward through a roof top park as part of the detailed design process.

4.8 Phasing

4.8.1 The scheme is intended to be implemented in one phase following the acquisition of the site although there is a possibility that some residential elements may follow later. The development is expected to be constructed within a programme of approximately 48 months. It is intended that the entire retail element of the scheme opens at the same time. It is currently planned to open in 2012.

4.9 Section 106 agreement

4.9.1 In order to help identify the planning obligations which would be attached in the event of planning permission being granted negotiations are ongoing regarding the Heads of Terms. Currently, the following topics are being discussed:

- Affordable housing provision. 15% of the units will be affordable and provided within the site. 40% would be social rented and 60% would be submarket unless the city's requirements alter between now and implementation. The location of the units is to be agreed through this mechanism although it is likely that the social rented housing would be in one block and the sub-market housing pepperpotted throughout the scheme. The developers have agreed to the principle of using best endeavours to ensure that existing social housing/hostel facilities are also replaced.
- Public realm provision, access and maintenance. Discussions are ongoing regarding the areas which would be owned and maintained by the developer, but accessible to the public; and areas which would remain as public highway but cleansed by the developer. The Reserved Matters will identify precise areas to be accessible to members of the public; the location of facilities such as lifts and escalators to provide access to such areas; the materials to be used; the hours of public access (currently all areas of public realm will be accessible 24 hours a day other than the galleria and Edward Street (north) which would be open 18 hours a day).
- Greenspace contribution. The developer has agreed to provide a contribution towards additional or improved greenspace in the area. The sum is being negotiated. Officers are intending that the agreement includes flexibility to enable the possibility of a roof top park to be brought forward as part of the detailed design process.
- Education contribution. The developer will make a financial contribution arising from any requirement for additional school places resulting from family dwellings (flats with 3 or more bedrooms and houses with 2 or more bedrooms) within the residential element of the scheme.
- Employment and training initiatives. A scheme shall be submitted and approved early in the process which will address the employment of local contractors for construction, and co-operation with Leeds City Council Jobs and Skills with regard to training and employment.
- Use of Templar House. The Agreement will identify a date by which works to stabilise and repair the external envelope of this listed building should be carried out. Due to the condition of the building this should be at an early date. The Agreement will also bring forward a scheme for the use and future maintenance of the building.
- Re-use of railings. The Agreement will include provision for the repair and re-use of the railings currently located around the former filling station in an appropriate location within the site.
- Provision of travel plan. The Agreement will enforce the requirement for a series of Travel Plans in accordance with the objectives of a Travel Plan framework which is currently being discussed.
- Public transport contribution. The level of the contribution to help deliver a Bus Rapid Transit scheme (or alternative), is being negotiated.

- Market trader car parking. The developer is offering a contribution towards a scheme to overcome localised congestion on George Street.
- Highways requirements. In addition to those issues identified above a package of highway-related requirements is being discussed. The topics include:
 1. Car parking charges to identify a pricing structure that would have a punitive tariff for people parking longer than 5 hours.
 2. Management plan for the car park.
 3. Variable message and “city”-wide signing.
 4. Vicar Lane bus driver facilities
 5. Enforcement of Traffic Regulation Orders
 6. Easement to Inner Ring Road
 7. Co-operation regarding proposals for Public Transport Corridor
 8. Dedication of new highway
- The size of retail units to ensure delivery of an appropriate range of unit sizes.
- Fees

5.0 PLANNING HISTORY

5.1 Planning applications

The most significant applications affecting the site during the past 30 years are set out below. The list also gives details of use of the surface car parks as an indication of their longevity:

- 20/47/74 – Outline application to demolish existing premises and comprehensively develop to site, Vicar Lane, Sidney Street, Harewood Street, Union Street and Millgarth Street. Withdrawn 22.9.75.
- 20/264/75 – Use of vacant site as temporary car park, Union Street. Approved 1.9.75
- 20/31/76 – Use of vacant land as temporary car park, Lady Lane, Edward Street and Templar Lane. Approved 23.2.76
- 20/46/77 – Renewal of outline application to demolish shops, offices, bus station and toffee factory and to comprehensively redevelop comprising retail shopping, multi-storey car parks, bus station etc, Vicar Lane, Templar Street, Bridge Street, Templar Lane, Lady Lane and Harrison Street. A 14.3.77.
- 20/103/77 – Demolition of existing buildings, laying out of access roads, office block, shopping mall, multi-storey car park, bus station, Vicar Lane, Lady Lane, Templar Lane, Templar Street and Edward Street. Withdrawn 31.10.77.
- 20/172/84 – Laying out of access and erection of supermarket with basement car park, Edward Street, Templar Lane, Templar Street and Bridge Street. Withdrawn 29.12.89.
- 86/20/202 - Laying out of access roads and erection of 5 storey shopping development, comprising new covered market hall, open market, 2 storey shopping mall, multi-screen cinema, covered bus station, Vicar Lane, Harewood Street, Union Street, Dyer Street, St Peters Street, New York Street and Quarry Hill. Withdrawn 13.10.89.
- 86/20/424 – Laying out of access roads, part demolition of market hall and erection of 5 storey shopping development, comprising new covered market hall, open market, 2 storey shopping mall, multi-screen cinema, covered bus station, Vicar Lane, Harewood Street, Union Street, Dyer Street, St Peters Street, New York Street and Quarry Hill. A 30.10.86.

- 87/20/614 – Laying out of access roads, part demolition of market hall and erection of 5 storey shopping development, comprising new covered market hall, open market, 2 storey shopping mall, multi-screen cinema, covered bus station, Vicar Lane, Harewood Street, Union Street, Dyer Street, St Peters Street, New York Street and Quarry Hill. A 31.3.88.
- 20/11/94/OT – Outline application to erect office, retail and leisure development with multi story car park, Edward Street and Templar Street. Withdrawn 18.1.95.
- 20/290/94/FU – Retail and leisure development and multi-storey car park, Templar Street, Edward Street, Templar Lane and Lady Lane. Withdrawn 1.12.97.
- 20/371/98/OT – Outline application to erect leisure development with multi-screen cinema, restaurant, retail and multi-storey car parking, Templar Street and Edward Street. Withdrawn 29.4.99.
- 20/599/99/FU – 4 storey development of retail, hotel, flats and car parking, Sydney Street, Harewood Street, George Street, Millgarth Street and Union Street. Approved in principle. Withdrawn November 2006.

A full site history is available on request.

5.2 Applications for listing

Following an application to list, in February 2006 English Heritage confirmed that the Secretary of State would not be listing the following buildings:

- 1-5 Eastgate (National Deposit House).
- 7-25 Eastgate.
- 27-31 Eastgate (northern “bookend”).
- 10-42 Eastgate.
- 44-46 Eastgate (southern “bookend”).

5.3 Certificates of Immunity

In addition to confirmation that the above buildings would not be listed the applicant has applied for Certificates of Immunity against listing to DCMS for the following buildings:

- 35 Eastgate.
- 100-104 Vicar Lane.
- 6-8 Templar Street.
- 10 Templar Street.
- 5-7 Bridge Street.
- Millgarth Street Factory.
- Templar Hotel.
- Lyons Works.
- Circle House, 27-29 Lady Lane

This process enables a prospective developer to obtain a decision from the Secretary of State listing the building or a guarantee against listing for the ensuing 5 years.

5.3.1 In December 2006 DCMS confirmed that Circle House was not of sufficient architectural or historic interest to be listed and confirmed that the certificate of

immunity from listing be granted. No decisions have been received for the remaining buildings.

5.4 Compulsory Purchase

- 5.4.1 On 19th April 2006 Executive Board approved proposals to secure the making, confirmation and implementation of a Compulsory Purchase Order to facilitate the assembly of the site.

6.0 STATUTORY CONSULTATIONS

Countryside Agency: Did not wish to be consulted on the application.

English Heritage: We have been pleased to have been involved in pre-application discussions over the form of this major scheme for the city centre. The site is not currently within a conservation area, and has a low level of impact on listed structures and their settings. However, the site is of some local interest and contains areas where there is historic interest such as the medieval origins of Lady Lane.

We very much welcome the proposal to complete the planned 1930's scheme for the Headrow and Eastgate in the spirit of the designs of the architect Sir Reginald Blomfield. By this means the local distinctiveness of the area would be considerably strengthened and the quality of Leeds' most famous street would be greatly enhanced. We urge you to ensure that his element of the scheme is secured as part of any grant of planning permission."

Environment Agency: 6th September 2006 - The Environment Agency has no objections to the proposed development provided that conditions are applied in relation to:

- The realigned Ladybeck culvert be designed to cope with a 1% flood event, including an additional 20% allowance for climate change; prevention of sediment being released during construction.
- The minimum basement levels of the development.
- Surface water drainage (flooding and oil interception).
- Investigation, recording and remediation of contamination.

The Environment Agency was reconsult in December 2006 following the submission of revised proposals for the culvert realignment.

17th January 2007 – no objection to either the “long-diversion” or the “short diversion”. However, to leave the culvert on its current alignment and subsequently build over it would severely impact upon the operating authority’s ability to undertake future maintenance and improvement work to the culvert.

Government Office for Yorkshire and the Humber: The Government Office has no comment to make.

Local Highway Authority: 24th January 2007

Modelling of the highway network affected by the development has been concluded and various changes and improvements have been agreed to ameliorate the impact of the development, including significant changes to St Peter's Street and junction improvements at North Street/Vicar Lane and Marsh Lane/Shannon Street junctions.

Pedestrian movements to the development and in conjunction with other highway changes are to be addressed by the provision of additional pedestrian crossings including a more direct crossing across St Peter's Street towards Quarry Hill, and crossings on Vicar Lane and George Street to allow people to conveniently access the development. Within the development site the area will be pedestrianised with only limited service vehicle access within restricted hours.

Public Transport routes will change with the closure of Eastgate to traffic, alternative routing has been agreed with the bus operators and Metro, this will include changes to the bus station egress, enhancements to bus stops on Vicar Lane, George Street, Headrow and York Street to accommodate the changes in service routes. A reserved public transport corridor will be provided on Eastgate/Millgarth Street along the line of the Supertram corridor, to be available for a future alternative to the tram.

Cycle movements have been supported including linking of the strategic cycle route from the Burmantofts area to the city centre along Eastgate, including crossing points.

A new 2700 multi-storey car park will be provided on the site alongside the Inner Ring Road with accesses from Eastgate (north-south) and Vicar Lane. The car park provides an additional 1600 spaces to those that exist on the site currently. The developer has demonstrated that the car park will have capacity for the anticipated demand. The developer has indicated willingness to provide shopmobility facilities based within the car park.

The car parking analysis has also considered other car parks around the city centre that could be expected to be used by shoppers. The work assumes that people currently using these car parks will stay longer to shop and demonstrates that overall there will be capacity for this increased demand. There remains a good distribution of good quality car parks around the city centre, a new car park message signing system to which this development will contribute will improve the legibility of available car parking.

The main service requirement for the development will be provided in an extensive network of basements accessed via a new road from Eastgate (north-south). It has been demonstrated that 'in principle' this arrangement will work. The detail will be provided at reserved matters stage.

A framework travel plan has been prepared for the development; this requires the various different uses within the development to prepare full travel plans at appropriate times.

Subject to necessary conditions and provisions within a S106 Agreement, a satisfactory highway solution has been presented to accommodate the development and provide enhancements to the city centre highway network.

Highways Agency: The Highways Agency have no objection to the application.

Natural England: No comment to make about the application.

Yorkshire and Humber Assembly: Both the existing and draft regional strategies aim to achieve a more sustainable pattern and form of development, investment and activity across the region, putting a greater emphasis on matching needs across the region with opportunities and managing the environment as a key resource. There is particular emphasis on achieving the regeneration and renaissance of the region's city and town centres by making them the focus for housing, employment, shopping, leisure, education, health and cultural facilities in the region.

It is not felt appropriate for the Assembly to comment on matters of detail. Overall the Assembly feels that the proposed development would help to implement the existing and draft RSS.

Policies in the existing and draft RSS support a focus for development of the region's towns and cities. Leeds is identified as a Regional Centre in the draft RSS. Its success as a centre for employment, housing, retail and leisure is seen as critical to the future of the region. The regional policy context would support the principle of the application as helping to rejuvenate part of the Leeds city centre.

The draft RSS suggests that in Leeds between 30 and 39% of homes should be affordable. Given this context, the local authority is encouraged to consider what would be the appropriate mix of housing in the development.

The emphasis on improved pedestrian and cycle access and the preservation of the bus route is to be supported.

Yorkshire Water: Water mains, public combined and surface water sewers are recorded crossing the site. It may be possible to divert, alter or remove these pipes at the developer's expense. Development of the site should take place with separate systems for foul and surface water drainage. Foul water may discharge to the suitably sized public combined sewers. It is understood that a culverted watercourse is located through the site. This appears to be the obvious place for surface water disposal. On-site storage/balancing, or some other means of attenuation is likely to be required or the public sewer network could be improved to accommodate additional surface water flows. Conditions are recommended if planning permission is granted.

Yorkshire Water has no objection in principle to the Flood Risk Assessment. The culvert is not the responsibility of Yorkshire Water.

7.0 NON STATUTORY CONSULTATIONS

Access Officer: As this is an outline application few detailed access comments can be given. The following issues need to be addressed in accordance with the latest design guidance in the Reserved Matters application:

- The number, design and location of disabled persons parking spaces.
- Movement around the site. Accessing level access should not involve significant detours.
- The design of external steps and ramps.
- Widths of footpaths.
- The design of fully glazed doors.

- The number of residential units built to “lifetime homes standards”.

CABE : 4th January 2007

Summary

The aspirations of the project to develop a diverse, mixed-use and integrated new quarter within a neglected part of the city are supported. Many of the issues raised have been acknowledged and addressed. CABE consider that the inevitable tendency for retail-led proposals to focus inwardly has created some areas of weak connectivity within the city around it; the multi-level galleria space is of particular concern in this regard. With a scheme of this importance it is regretful that it is the subject of an outline application only.

Connectivity

Improvements made to connectivity and the sensitivity to the historic street patterns are welcomed. The underlying conflict between an inward looking shopping centre and a traditional street pattern plays its part in undermining efforts to integrate the development.

CABE are not surprised that the development turns it back to the north. More of the existing connections will need to be made. Careful consideration of how to avoid reinforcing the considerable barrier of the inner ring road is urged.

Levels

Given the significant changes in level there is a considerable challenge of integrating a retail proposal. Broadly speaking the scheme successfully introduces a convincing urban grain to the site and uses it to tackle the changing level, for instance, to the south of Eastgate. With three levels of balconies the galleria and Edward Street are less successful and would be more like a shopping mall than an arcade.

Site axis

The predominance of the galleria is reinforced by its strong east-west axis running parallel to Eastgate. CABE wonder whether Eastgate should be reinforced and remain as the primary street.

Existing buildings

Broadly speaking this approach is welcomed. The relocation of the existing bookends as a way of retaining the character and significance is accepted. The new Blomfield Square has the potential to become a positive and significant new public space is welcomed.

Galleria

The galleria forms an entrance to a department store and incorporates several changes of level that are not conducive to creating a legible movement network. Far more clarity is needed on the nature of the internal space. Multi-level walkways and cross bridges are characteristic of internal shopping mall environments rather than a covered or open street pattern. More thought should be given to the how the change in level can be exploited to provide better integration.

Natural ventilation is supported. The number of hours the galleria is closed should be minimised.

Multi-storey car park and department store

The department store, as an anchor store, feels tucked away and should be a much stronger presence although the increased diversity of use and visitors to this part of the city is welcomed. It is important to ensure that the elevations will not be detrimental to creating attractive places around all its edges. Wherever possible the permeability of the site should be enhanced.

Architecture

The design guidelines are welcomed but as no detailed architecture has been submitted CABE cannot comment on this aspect. There need to be adequate controls that all of the architecture lives up to the implied potential. Since many parts of the scheme will be viewed from above the roof will also need very careful consideration.

Sustainability

There is an opportunity to build-in a strategic approach to sustainability, and in particular, energy use. Targets, such as BREEAM/EcoHomes ratings, should be set.

Conclusion

Notwithstanding the reservations, the project has much to offer Leeds. The one significant regret is that it is an outline application, providing restricted assurances on the ultimate quality of the development.

City Centre Leeds: Would wish to see the impact of this development on the rest of the city centre (during construction) minimised as far as is possible so that the city centre continues to function as normal.

We think that people will be intrigued by what is happening on these two large sites. We would therefore suggest that the developers be requested to provide viewing portals or platforms and information panels so that the public can be kept informed of what will ultimately appear on site and will be able to monitor progress as development proceeds.

We envisage that the sites will be contained by substantial enclosures. In order to reduce the visual impact of the fencing we would also suggest that consideration be given to using some of the enclosure panels as "canvasses" for public art.

Countryside and Access (Learning and Leisure): The site lies within a part of Leeds which is excluded from coverage of the Definitive Map and Statement. Whilst this situation doesn't prevent any unrecorded public rights of way from subsisting, there is no record of a public right of way being claimed through the site area.

Education Leeds: A contribution would be required in relation to the number of family dwellings.

Environmental Health Division (Housing and Environmental Health): 13th October 2006 - The applicants proposals are to meet internal noise levels for residential units which are better than WHO standards. A further noise report to deal with any commercial noise aspects when the layouts have been finalised is

required. Noise from premises such as nightclubs, restaurants, bars etc, should be inaudible at the nearest noise sensitive premises. In addition, details on the use of any outdoor space, eg balconies, should also be included. Most of the noise problems currently identified involves road traffic. Noisy construction should be limited near existing residential units to daytime only.

The air quality report seems to be acceptable. No units of residential accommodation will result in the formation of an air quality management area.

The wind report also appears to be acceptable.

All residential units must comply with the Housing Act 2004.

Conditions were recommended in a response dated 9th September 2006.

Land Contamination (Development Department): No objection. The investigation has provided initial information about ground conditions at the site and the general levels of contamination present. Due to the outline status of the application and the difficulty in accessing certain parts of the site conditions recommended in addition to the recommendations outlined in the Waterman Group report.

Leeds Bradford International Airport: Subject to conditions to ensure that landscaping does not attract birds and lighting does not distract pilots no objection is raised.

Leeds Civic Trust: 30th September 2006

While there are many aspects of the final scheme which we can support there are also many to which we must object:

- The effects of comprehensive redevelopment.
Selective demolition of some buildings may be appropriate though no justification is provided for the demolition of some of those identified as of good quality. We believe there is no intrinsic need to demolish some of the better buildings, in particular Lyons Warehouse and Circle House. The changes to the scheme in terms of the Blomfield's buildings and the bookends are an improvement. In this case the rebuilding of the southern side of Eastgate in a Blomfield inspired design will provide the strong axis which was always intended.
- Diversity of uses and activity.
The approach taken will destroy the embryonic Chinatown which is developing in the area. The proposal should nurture the existing specialist markets, restaurants and uses which could give variety and richness to an otherwise sterile shopping experience. The approach has also resulted in the loss of social housing. Replacement will almost certainly not be as good in terms of location and amenity.
- Greenspace/urban realm.
A development as large as this is the opportunity to create a pocket park. The proposal does now include some formal grass in Blomfield Square which is welcomed but does not go far enough. It could be assumed without closer scrutiny that the private, first floor green spaces for residents in the new flats are public. Blomfield Square and Templar Square are significant spaces, though others are not. We have emphasised how important it is to create a link to the

northeast which will be pleasant for pedestrians. What is provided is not. This aspect must be improved.

- **Indicative building form and heights.**
The parameter plans show flexibility. There should be a maximum limit and the visuals should be honest enough to illustrate the scheme as it is actually intended. The heights shown should be reduced in the areas closest to the Eastgate axis where otherwise they will dominate these buildings. Horizontal dimensions should be fixed, based on the appropriate heights for spaces between them. Flexibility could result in spaces of completely different character from those suggested. Whilst the proposal is an outline application, more detail should be provided of the buildings which will replace existing buildings so that judgements can be made as to whether they are an improvement on those to be demolished.
- **Retail volume.**
A John Lewis store will be a major bonus for Leeds. However, the proposal as a whole adds almost a 30% increase on the city centre's existing retail space. There is a very real danger that other parts of the city centre will suffer from retail blight as a result. The local authority should be very sure that this proposal will not adversely affect the viability of the rest of the city centre.

Leeds District Architectural Liaison Officer: A development of this size will change the face of the city centre and brings with it many challenges to ensure that the finished product is a safe and sustainable area in which people will wish to live and work and feel safe doing so.

The issues are:

- The development should not be designed as an island.
- Adequate CCTV coverage should be maintained in the area. Trees should not be planted where they will compromise surveillance.
- Any "in-house" security should be encouraged to integrate with the BACIL (Business Against Crime in Leeds) scheme.
- Public car parking should be built to the standards of the ACPO-CPI "Park Mark" safer parking scheme.
- Narrow pathways without any means of escape are crime and fear generators.
- A new footbridge across the A64M is unnecessary.

Leeds Licensing: The area does not fall within an identified Licensing Cumulative Impact Area. Buildings which are to accommodate licensed/leisure facilities to be constructed with noise attenuation measures.

Main Drainage: In the context of the Ladybeck culvert Main Drainage oppose the no-diversion proposal; support the proposal for the short diversion in accordance with the submitted detail; and support the proposals for the long-diversion. Conditions are recommended to ensure appropriate design of the culvert, and any buildings over the culvert, and means to protect against potential flooding of the basement car park.

Sustainable Development Unit – Conservation:

The development has the potential to breathe life into assets such as Blomfield's Eastgate terraces, Templar House and Lyons Works. Conversely, the historic environment can be used to wed this large development into the surrounding city, thus avoiding the mistakes of the comprehensive redevelopment schemes of the

1960s, and continue the heady mix of new and old which has characterised Leeds development for the last ten years.

Designations

Apart from four listed buildings, the development area does not have any heritage designations. This is not to say that area is devoid of interest, as the developer acknowledges, and there is no doubt that if the city centre conservation area were reviewed tomorrow, Eastgate and many of the surviving buildings to the north would be recommended for inclusion.

It should also be remembered that Eastgate was said to be of near listable quality by the Department of Culture, Media and Sport and there is an outstanding application Certificate of Immunity for Lyons Works, the prolonged determination of which may indicate that the assessment is finely balanced.

Impact on listed buildings

On the whole the development would have a positive impact on the listed buildings. Templar House is to be refurbished for a new use restored in an appropriate setting, as are several listed buildings on the fringes of the site, and the 1960s extension to National Deposit House is to be rebuilt to Blomfield's design. The negative feature is that railings around Appleyard's filling station will be removed – effectively demolished – but the removal of the railings is inescapable if the former petrol filling station (also listed) is to function in its new context.

Impact on conservation area

As things stand, the development would affect the City Centre Conservation Area in so far as Eastgate is an indivisible part of a grand boulevard, the western part of which is within the area. PPG15 states that local authorities should consider the impact of developments on conservation areas whether they are within the area or outside.

Eastgate will be truncated and rebuilt with the 'bookends' reformed further west. This is regrettable in that the proportions of the street are changed, but given the asserted need to improve north south linkages to the anchor store this is least harmful response possible. In detail, further refinements are required to minimise the impact on the conservation area:

- It is important that the galleria buildings do not dominate Eastgate as reconfigured, particularly EQ4b (the easternmost element) as viewed from Quarry Hill. The design guidelines state that "The building should [only] *consider* shoulders or set backs to resolve the difference in scale" (2.5.15) when a restriction is required to limit the height of EQ4b so that it is no higher (in part or whole) than the ridge of the bookend, and the parameter plan adjusted accordingly. Incidentally, the proposals make similar restrictive provision for the new buildings in relation to the south side of the Eastgate terrace.
- There should be a check in the junction of HQ2 and the southern rebuilt bookend with the former set behind the latter (or alternatively a cut formed between the two blocks) to maintain the primacy of the Eastgate axis. Again, the design guideline should refer to this and the parameter plan adjusted accordingly.

Impact on remainder of historic environment

The loss of all the buildings in the north east sector of the site is regrettable as individually there are buildings of at least local interest such as Circle House and collectively they form a cohesive and distinctive place. However, accepting the rationale of the retail model which dictates that the anchor store must be sited here, their loss is inevitable.

Lyons Works, however, is in another category as its retention and the development are not mutually exclusive. It is scenically important and a rare survival of its type which with Templar House and Wharram's would combine to form of a tight knot of historic buildings at the heart of the new development, complementing the new piazza off Eastgate. Realistically, the building would have to be reduced in length and the interior of the building greatly modified to give it a new use such as a multi-purpose concourse to the galleria. Its demolition must be unjustified in the sense that that the developer has not adequately demonstrated that the building cannot be incorporated into the development.

Whether this development is a net contributor or net detractor from the historic environment (or neutral) is difficult to determine and would require a much more sophisticated accounting system than the developer has devised. Arguably, the major assets (listed buildings) have been safeguarded or even enhanced, and the important townscape component of Eastgate has been adapted to fit. The existing buildings in the north east sector of the site and the anchor store are competing for the same space and cannot be resolved with the best will in the world. The one note of discord is Lyons Works whose adaptation and retention would maximise the conservation output of the development.

Sustainable Development Unit – Nature Conservation: The ecology section of the ES is acceptable. Surveys for bats and freshwater crayfish have been carried out but no evidence of these species has been found.

West Yorkshire Archaeology Advisory Service (Archaeology):

The applicant has undertaken a limited field evaluation which found that a small area between Edward Street and Vicar Lane (north of Lady Lane) has been truncated by 18th century and later development, but that these remains were well-preserved, and that significant medieval (12th/13th century) and later remains (including human burials) do survive at the western end of the Union Street car park.

WYAAS do not agree with the applicant's assessment of the significance of the archaeology identified during the evaluation. All of the periods of activity described are of archaeological significance. A relative paucity of medieval remains from any of the other urban centres of West Yorkshire means that remains of this date within the development area are likely to be of regional significance. Similarly, a lack of existing archaeological information about Leeds that the later archaeology of the area is also of at least regional significance, and potentially only comparable with that from Manchester.

Built Heritage - Industrial Buildings

The area proposed for development contains a small number of architecturally undistinguished buildings which are nevertheless of local archaeological interest for their value to an understanding of the industrial development of the Lady Lane area and of Leeds as a whole. These comprise:

- 1 Millgarth Street (former Weights and Measures Offices). This building is a good, apparently little-altered example of a 1930s workshop, and is of some interest in so far as its internal arrangement may be diagnostic of its original use;
- Electricity Substation off Union Street. This building probably dates from the 1920s and constitutes a rare survival of an installation constructed by the Leeds Corporation during its period as a generator and distributor of electricity;
- 96-104 Vicar Lane (formerly Vicar Lane Bus Station). This building is a good (although altered) example of a type of small-scale inner city bus station ubiquitous in the middle of the 20th century and now virtually vanished. Please Note: the North Bar stone, a post-Medieval carved stone marking one of the northern entrances of the town, has been built into the façade of 104 Vicar Lane (currently masked by a sheet of plywood);
- 6-8 Templar Street. These buildings may represent late-19th century brewhouse and ancillary buildings associated with the adjacent Templar Hotel, and although much altered may contain diagnostic features for this use amenable to archaeological analysis;
- 5-7 Bridge Street. This building appears to be constructed of reinforced concrete and is a rather altered example of a small daylight factory of the 1930s;
- 10 Templar Street. This is a small-scale industrial building of the 1930s in a good approximation of its original condition.

In addition to the above, the area of proposed development contains the Lyons Works, a building of substantial interest to an understanding of the development of the garment industry in Leeds. Production of off-the-peg clothing began in Leeds as a home-working industry in the 1850s (largely among the Jewish community) and became one of the city's most visible and significant manufactures by the late 19th century, dominating production nationally by the early decades of the 20th century.

The Lyons Works was constructed in three phases between 1914 and 1937 (possibly benefiting initially from the boom in production of uniforms by Leeds manufacturers during the First World War) and represents an excellent and unaltered example of the type of large factory employed by the bigger clothing manufacturers at the period when the industry had become well-established but before its greatest period of prosperity. The building is open-plan and well lit, and both layout and structural detail are highly diagnostic of facilities for clothing production, which was labour-intensive, high-volume and required a high degree of close handworking. The building is of archaeological interest because its unaltered state reflects both the building technologies of the period (a mixture of cast-iron, steel and wood, progressing to steel and reinforced concrete) and contemporary thinking as regards structural forms suitable for this type of manufacture. The building is of social, cultural and historic interest as a prominent exemplar of the most prosperous period of a major Leeds industry, now defunct.

There is good survival of premises for the first decades of ready-made clothing production in Leeds city centre (including Centaur House and the Park Square building). However, as far as the WYAAS is aware, the Lyons Works is the only substantial premises from the industry's most prosperous period (from c. 1910) to survive in or near Leeds city centre.

On the grounds of scale, architectural quality, historic significance and state of preservation, the building is considered by the WYAAS to be of both regional and national interest. Although no spot-list or Certificate of Immunity request has

apparently yet been made with regard to the building, the WYAAS would consider Lyons Works to be of Listable quality.

Built Heritage - Other Buildings

Within the development area are the Grade II listed Templar House and the unlisted Bridge Street Pentecostal Church. We have received proposals for works to secure the envelope to Templar House yet have received no indication as to the plans for the interior of this building. Our primary concern with Templar House is the impact upon the setting of this important listed building from the proposed development. Proposals should take full regard of the setting of this building.

The Bridge Street Pentecostal Church represents an interesting building dating from the 1930s and is part of the building programme associated with the development of Quarry Hill. This chapel, the labour exchange and the Marquis of Granby public house are part of this wider scheme. Circle House appears to date from the second half of the 1930s and bears many similarities to the extension to the Huddersfield Co-operative Store of this period, especially in the form of the staircase and fenestration.

The 'Bookends' at 44-46 and 29-31 Eastgate form a major element of the townscape of the Eastgate area, and also relate to the 1930s redevelopment scheme. WYAAS recommend that these buildings should be preserved and incorporated into the proposed development. We note that currently it is proposed to demolish number 31 Eastgate retaining only number 29. This would considerably reduce the impact of this important element of the historic townscape of Leeds.

Impact of Proposed Development

Archaeology

The proposals will involve significant ground disturbance and will impact on below-ground archaeological remains during demolition, site preparation and construction works - particularly the removal of existing foundations, floors and basements and the construction of new foundations, basement car parking and the re-alignment of the culvert to Lady Beck.

WYAAS do not agree with the applicant's assessment of the impact of development as 'minor adverse'. We would raise the level of impact to 'moderate adverse' *for the areas which have been evaluated*. The impact on unevaluated areas cannot yet be determined. There is clear potential for the development to disturb or destroy features of archaeological interest and significant mitigation may be required.

Built Heritage

The development as proposed will result either in the demolition or substantial alteration of buildings of local, regional and national archaeological interest. This will destroy, alter, or obscure structural features and spatial arrangements which are of importance to an understanding both of the development of individual building types and of the development and social/architectural grain of Leeds city centre.

The proposed development will also alter the setting of the Grade II Templar House and is likely to place this building into a tight 'valley' between buildings

which utterly dominate, and rise above this important building. Proposals should take full regard of the setting of this listed building.

WYAAS Recommendations

Archaeology

Due to the limited scope of the pre-determination evaluation, we are not yet able to make an informed decision about the archaeological impact of the proposed development over the whole of the application site, except to say that there are clearly significant archaeological implications. We also cannot yet make a judgement about the need for preservation in situ across the site, but the evaluation has demonstrated that significant remains do survive and that further evaluation and mitigation is warranted.

As the archaeology of the majority of the development sites has not yet been evaluated, we strongly recommend that the required archaeological evaluation should be conducted prior to any further groundworks within the site, to include all site preparation works and ground investigations (see wording of condition in Section 5 below). We also advise that all evaluation work should be completed prior to the submission of a full (reserved matters) application.

Further archaeological work to mitigate the impact of the development will also be required. Its scope will depend upon the results of the evaluation, but may vary from exploring design solutions to enable preservation in situ, to archaeological recording in advance of development (an excavation), or to have an archaeologist on site during groundworks to record anything of interest that is revealed (a 'watching brief'). Any further recommendations from WYAAS will be in accordance with Leeds UDP Policies.

Built Heritage - Industrial Buildings

WYAAS would recommend that the North Bar stone be recorded archaeologically, and then carefully removed from the fabric of 104 Vicar Lane and reinstated within the new development as close as possible to its current location.

The WYAAS would recommend that every effort be made to retain the whole of the Lyons Works building within the proposed development, for the reasons given above in the Statement of Significance.

The remainder of the Industrial buildings of archaeological interest on the site are not considered by the WYAAS to be of sufficient known archaeological interest to merit preservation in situ where this is not the developer's intention.

We would recommend that all buildings identified as being of archaeological interest within section 1.2 above (including the Lyons Works) be subject to an appropriate level of archaeological and architectural recording prior to alteration or demolition, for the reasons given above, and that recording be secured by the inclusion of an appropriate condition on any consent granted.

Built Heritage – Other Buildings

WYAAS are concerned that the development proposals will impact upon the setting of Templar House.

The WYAAS would also recommend that the 'Bookends' at 44-46 and 29-31 Eastgate are retained in their entirety. These buildings make an important and

imposing entrance to the historic form of Eastgate and the Headrow and should be retained as part of this scheme.

The WYAAS recommend that the buildings described above should be subject to an appropriate level of archaeological and architectural recording prior to alteration or demolition, due to their archaeological interest and associations with the development of Quarry Hill and the 1930s townscape of Leeds, and that recording be secured by the inclusion of an appropriate condition on any consent granted.

West Yorkshire Passenger Transport Executive: Comments of 6th September were reported to Panel on 9th November. The PTE welcomed the regeneration of the Eastgate/Harewood Quarter and indicated support for the broad intentions set out in the current outline planning application. The PTE indicated that they would continue to work with the developers and the City Council to make sure the new development and the whole of the city centre is well served by public transport.

The PTE identified a number of matters directly and indirectly affecting Leeds city bus station and bus routes, which require resolution before they could fully endorse the scheme.

Matters of interest and concern:

- Impact on the bus station.
- The provision of new bus stops.
- Reserved Restricted "Quality Controlled" Public Transport Corridor.
- The Leeds City Centre Public Transport Strategy.
- Impact on bus routes.
- Disruption during the construction period.
- Supporting the LTP.

The PTE considered that some of these issues are of significant importance and will have major impacts on the PTE's operations such that they wanted these matters resolved as part of the negotiations prior to the determination of the outline planning application.

Further comments received on 8th January 2007 are summarised below:

Bus Station

The proposals at and around the bus station are in principle satisfactory subject to:

- the carrying out of a bus station test on the ground at full design stage
- confirmation that lost revenue (from departure charges and shop rentals) would be met by the developer
- an indemnity against claims arising from the proposals
- compensation for loss of land
- fees to be paid
- the identification of satisfactory phasing of works, together with compensation for reduced bus usage of the bus station during construction of the scheme

The in principal acceptance of the technical solution does not guarantee that Metro will withdraw its objection as the transfer of land will need to be agreed by the PTA and Metro's Board. Inconvenience would be reduced if the proposed works were

to be carried out at the same time as planned DDA works at the bus station. This could be achieved if the developer makes a contribution towards early delivery of the DDA works.

Bus routes and stops

An acceptable technical solution has been achieved. Bus stop utilisation proposals are, based on current service patterns, acceptable in principle. This is subject to:

- a legal agreement confirming the payments to include costs associated with the bus stop changes
- a legal agreement including details of proposed passenger waiting facilities on Vicar Lane (north)
- a legal agreement defining what vehicles would be permitted to use the protected transport route on Eastgate. If the current "Free City Buses" are not deemed suitable Metro would expect the developer to fund the purchase of vehicles that would be eligible
- assurances that rigidly enforced parking management would be in place along George Street
- funding to be available for issues which have not yet been identified

Metro would wish to see the requirements identified as conditions of any planning approval.

Yorkshire Forward: Do not consider that this application falls within their consultation criteria and therefore have no comments to make.

8.0 CONSULTATION PROCESS AND RESPONSES

8.1 Plans Panel History

Plans Panel previously received pre-application progress reports on this scheme on 13th October and 8th December 2005 and a Member workshop was held on 2nd February 2006. A presentation of the emerging scheme was considered by Panel on 2nd May and there was a further presentation on 25th May 2006 which Members will recall concentrated on transport proposals.

The planning application was received on 7th June 2006. An information report was considered by Panel on 9th November 2006. This was followed by further reports to Panel on 4th January 2007 (following a Panel site visit) and on 1st February 2007 when highway issues were considered in detail.

8.2 Pre-application publicity:

The consultation process began in Autumn 2003 when a public exhibition was held in the Merrion Centre for 5 days. Approximately 1000 people attended the exhibition and 169 of those responded to a questionnaire. A comprehensive meetings programme involving business groups, architectural and design groups, on-site interests, and political interests commenced at a similar time. In Autumn 2005 a second phase of consultation was launched. This included 3 stakeholder workshops; 3 drop-in sessions for on-site and neighbouring occupiers; the launch of a website (www.eastgateleeds.co.uk); and a public exhibition, including the

scale model, display panels and survey, in the Victoria Quarter in April 2006. 4.6% of the respondents to the survey indicated that they opposed the development. In November 2006 the applicants sent out letters and newsletters to local residents and businesses in close proximity to the site to advise them of the current situation and where further information about the proposed development could be obtained.

8.3 Comments upon the planning application:

Site notices advertising the application as being a major development, affecting the setting of a listed building, the character of a conservation area and being accompanied by an Environmental Statement were erected on 20th June. The application was advertised in the Press on 6th July. Following receipt of revised documents site notices advertising the application as being a major development, affecting the setting of a listed buildings, the character of a conservation area, as a departure from the Unitary Development Plan and being accompanied by an Environmental Statement were erected on 10th August. A further notice (under Regulation 19 of the 1999 EIA Regulations) was published in the Press on 21st December 2006 advertising the receipt of additional environmental information (in relation to the proposals for the culvert).

Representations have been received from 19 interested parties:

W H Tymms, Horsforth, Leeds

Techno Constructions Ltd, Chapel Allerton, Leeds – owners of 29/31 Eastgate

G R Planning, Dartmouth – on behalf of Argos Retail Group re 19/21 Eastgate

Wilks Head and Eve, London – on behalf of National Deposit Friendly Society re 90-94 Vicar Lane and 1-5 Eastgate

Mapeley Estates Ltd, London – on behalf of HMRC

J Dunn, Harewood Street, Leeds

D Torr, Harewood Street, Leeds

WY Playhouse, Quarry Hill, Leeds

D Waite, Leeds 15

Dunlop Haywards, Manchester – on behalf of West Yorkshire Police

English Churches Housing Group, Leeds

D Halake, Ladybeck Close, Leeds

Ison Harrison, Leeds – on behalf of Wing Lee Hong Co.

BP Entertainments, Sheffield – tenants of Saxon Hawke House

White Young Green, Leeds – on behalf of Evans Property Group owners of Vicar Lane House

Caddick Developments Ltd, Wetherby

White Young Green, Leeds – on behalf of Kaikoura Investments Ltd re former ABC cinema site

Stapleton Ltd, Isle of Man – owners of Circle House

Drivers Jonas, Manchester – on behalf of USS

The comments and concerns are summarised below:

- Supportive of the principle of the scheme and positive regeneration benefits of the scheme to the wider area.
- Supportive of the proposals for Ladybeck Close tenants
- Loss of bookends detrimental to symmetry of the Headrow and Eastgate.

- Loss of social housing without replacement.
- Loss of significant existing building (Circle House).
- The grant of planning permission would prejudice/blight the future of the existing businesses on site and other planned development in the city centre.
- There is no indication in the application what proposals or opportunities will be available for existing businesses.
- Lack of consultation.
- Chinese Quarter needs to be preserved or re-located.
- No justification provided as to why individual sites are necessary to deliver the wider scheme.
- No clarification as to why access arrangements are necessary in the identified location.
- Lack of pedestrian connectivity between the site and Quarry Hill contrary to SPD (support for a bridge).
- Additional traffic around the Loop leading to a detrimental effect on the environment.
- Additional traffic congestion as a result of the re-routing of traffic.
- There has been no rigorous analysis of the appropriateness of a tower on the site.
- Noise, smell and pollution during and following construction detrimental to existing residents.
- Loss of vehicular access and parking for neighbouring residents, and disruption of accessibility within the city centre.
- Development likely to attract crime.
- Detrimental impact on the operation of West Yorkshire police station.
- Retail development beyond the Primary Shopping Quarter.

Drivers Jonas comments on behalf of USS are summarised below:

- The location and layout of the development (including the department store beyond the Prime Shopping Quarter) will prevent proper integration with the city core
- The siting of the retail gallery and department store are likely to create separate shopping destinations and adversely affect pedestrian flow patterns
- There is retail expenditure capacity to accommodate all the proposals over time. There would be a risk of unacceptable disruption and adverse effects on the vitality and viability of the shopping area if EHQ, Trinity Quarter and Plaza Shopping Centre are constructed at the same time. Construction impacts include tenant relocation, creation of voids and car parking.
- The introduction of new retail floorspace should be managed.
- The retail assessment does not include a detailed cumulative impact assessment and does not assess the impact on committed investment.
- The implications for Eastgate and Harewood Quarter are not properly assessed.
- There is a lack of clarity regarding new infrastructure in the Transport Assessment.
- The development will upset the current city centre accessibility equilibrium.
- USS is supportive of regeneration objectives of the City Council and of the principles of Eastgate. However, there is the need for partnership and coordination to resolve potential conflicts.

9.0 MAIN ISSUES

An application of this significance in such a location raises many issues, many of which overlap. However, the topic areas are set out below:

- Compliance with the Development Plan
- Layout, scale and design
- Heritage and archaeology
- Transport and connectivity
- Retail impact
- Drainage and flooding issues
- Public realm
- Sustainability, environment and ecology
- Housing provision
- Mix of uses
- Employment and training
- Impact on surrounding occupiers
- Impact on existing on-site occupiers

Conclusions on each of these issues are set out at the end of each topic area within the Appraisal.

10.0 APPRAISAL

10.1 Compliance with the Development Plan

- 10.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications made in accordance with the Development Plan should be granted planning permission unless material considerations indicate otherwise. The Development Plan for the purposes of this application comprises the Regional Spatial Strategy for Yorkshire and the Humber and the Unitary Development Plan (Review) 2006. In arriving at a decision it will be necessary to look at the RSS and UDPR as a whole, as well as other material considerations, such as the draft RSS, the Eastgate and Harewood SPD, the Vision for Leeds, and representations. Details of national guidance and planning policies are set out at Appendix 2. Since development plans contain numerous policies as referred to below, the local planning authority must have regard to all those provisions which are relevant to the application under consideration. However, it is not necessary that the development should be in accordance with every relevant policy of the plan. If there are areas where policies pull in different directions a judgement will have to be taken whether or not the development is still firmly "in accordance" with the plan as a whole.
- 10.1.2 The entirety of the site is located within the identified City Centre boundary. However, notwithstanding the Eastgate and Harewood SPD, an area of the site in the Ladybeck area falls beyond the Prime Shopping Quarter identified in the UDPR. The application has been advertised as a departure. If Members accept the recommendation the application will need to be referred to the Government Office for Yorkshire and Humber as a departure (and also under the shopping directions due to the scale of retail development proposed).

10.2 Layout, scale and design

- 10.2.1 The nature of the application is such that it has been submitted in outline with only the means of access identified for approval. As such, details of appearance, layout and scale would be submitted at the Reserved Matters stage. Whilst it may be desirable to have sight of additional detail, especially in relation to the design of key areas, the information submitted with the application surpasses recent government guidance for outline applications. However, the information submitted for approval involves several drawings (the parameter plans) which define the general arrangement and scale of buildings within the development. In addition, the Design Guidelines (LP2) identify the key design principles, objectives and minimum benchmarks of quality for the development within each of the spaces between buildings and the building plots themselves. This document would inform the details of form, appearance and layout required for subsequent Reserved Matters applications.
- 10.2.2 Parameter Plan 3 identifies the basic building plots of the scheme. A copy of the drawing is attached at Appendix 1. Parameter Plan 5 (Horizontal Limits of Deviation) and Parameter Plan 7 (Key Pedestrian Routes) the layout and street pattern is defined. Whilst details of improved connectivity are set out at 11.4.7 below the routes throughout the scheme respond well to the historic network of streets and grain of development within the wider city centre and provide significant improvements to the permeability of the site. Similarly, the minimum widths of streets identified respect the proportions observed within the existing city core. Consequently, the scheme accords with UDPR policies N12 and CC8.
- 10.2.3 The footprint of the building plots is identified on Parameter Plan 5. Whereas some flexibility is identified (subject to the minimum street width caveat) in combination with LP2 acceptable positions have been secured. Where necessary, such as the new southern Eastgate terrace (HQ1/HQ2), and the eastern termination of the new bookends (EQ2C and HQ6), the position has been fixed. Further, the symmetry across the axis of Eastgate is established by this document. The tapering of the new bookends in the suggested format has a number of advantages including maintaining views of the original (relocated) bookends, framing the filling station, and helping to form the new space. At the “pinch-point” approximately 7-9 metres would be maintained between the former filling station building and the new bookend. This should be adequate to enable access around the former filling station. Whilst more space would be achieved if the pinch-point were to be moved, not all the advantages outlined above would be achieved.
- 10.2.4 Elsewhere, the flexibility identified responds to the sensitivity of the location, relationship with nearby buildings and requirements to preserve key views including that of the market domes from the north. The development would therefore accord with UDPR policy BD2.
- 10.2.5 Together, Parameter Plans 5 and 6 (Vertical Limits) control the range of scales within which each of the buildings would be designed at Reserved Matters stage. During the course of the application the mass of several buildings has been more closely defined. This was in order to ensure that an appropriate relationship with neighbouring buildings and suitable townscape is delivered.

- 10.2.6 In general, there would be a gradual increase in height from south to north, culminating in the arcade and multi-storey car park adjacent to the Inner Ring Road, responding to the mass of buildings to the north of the A64M. Proposals for a 25 storey building in the north-west corner of the site (EQ10) have been revised such that the maximum height of the building reflects an extant approval for a 13 storey building on the site. The height of other buildings fronting Vicar Lane would closely resemble that of 90-94 Vicar Lane, the listed building which is to be retained at the junction with Eastgate.
- 10.2.7 Plot EQ4 is situated in the centre of the northern part of the development wrapping around Templar House. The building incorporates “shoulders” either side of Templar House to help respond to the change in scale. The means by which the mass of the building to the north of Templar House acceptably responds to the character of the listed building would be a particularly challenging task at the detailed design stage. Concerns remain that the eastern extent of the building would, if built to the maximum proportions identified, appear to unduly dominate the northern bookend. Consequently, should consent be granted, a condition would be applied to ensure that its height is not noticeably greater than the bookend.
- 10.2.8 The new southern Eastgate terrace would echo the retained northern terrace with massing following the changing topography along Eastgate. The scale of buildings south of Eastgate responds to buildings beyond the periphery of the site.
- 10.2.9 Elements of the text within the Design Guidelines, which go hand in hand with the parameter plans, have been amended during the course of the application to produce more clarity and certainty to inform any future Reserved Matters submission. Whilst a detailed design coding for the proposed arcade has not been requested a typology study, as presented to Members on 4th January, has been submitted for information. It is considered that this simple document acceptably outlines the principles which will inform the detailed design of this critical component of the development.
- 10.3 Heritage and archaeology
- 10.3.1 On the whole the areas on both sides of Eastgate have little remaining historic urban fabric and much of the earlier street grain has been eradicated by car parking. However, that is not to say that the area is devoid of interest. Four listed buildings are present and there are other buildings of historic or architectural interest, including the Eastgate terraces themselves and a collection of buildings towards the north-east corner of the site of varying interest, including Lyons Works.
- 10.3.2 In response to PPG15, UDPR policy N12 and principles within the Eastgate and Harewood Supplementary Planning Document, the best buildings of the past should be retained wherever practicable, reconciling the need for economic growth with the need to protect the natural and historic environment.
- 10.3.3 The applicant’s conservation strategy for the historic environment is to:

- Preserve the elements of highest significance

- Preserve and enhance the special historic and architectural character and setting of historic areas affected by the development
- Assist in formulation of proposals that respect the historic character of the site
- Demonstrate that the proposal provides economic and social benefits to the city without undue impact on the historic environment

As noted above, a series of documents including Townscape Assessment (LP7), Conservation Strategy (LP16), and the Built Heritage report submitted with the application considered these issues in some detail. A further report “Heritage Strategy and the Lyons Works” was presented to, and discussed by Panel on 4th January 2007. Officers comments are set out below.

10.3.4 Impact on listed buildings

Listed building consent has been granted to repair the external fabric of Templar House and a new use for the building will be promoted by the Section 106 Agreement. At the same time the Design Guidelines will ensure that Reserved Matters details will deliver an appropriate setting for the building. The importance of the building will also be enhanced by the formation of the new archway through the northern Eastgate terrace.

The 1960’s extension to 90-94 Vicar Lane is to be demolished and rebuilt to Blomfield’s original design, other than for the formation of an archway on the eastern elevation leading towards Edward Street.

The setting of the former petrol filling station would change as a result of the changes to the highway arrangement and the associated removal of the railings. However, the structure would remain as a punctuation landmark within a new setting.

The negative feature is that railings around Appleyard’s filling station would be removed. As noted, the delivery of the highway scheme and the retention of railings are incompatible. Further, the railings are no longer in their original configuration and are in a poor condition. The Section 106 agreement would ensure the repair of the railings and their relocation in an appropriate location within the scheme. A decision on an appropriate location would be best informed once there is more clarity regarding the detailed arrangements of areas of public realm .

The setting of several listed buildings on the fringes of the site would be enhanced by the development. In particular, these include the market and buildings on the west side of Harewood Street.

On balance, the development would have a significant positive impact on the listed buildings within and around the site.

10.3.5 Impact on the conservation area

The City Centre conservation area is primarily located to the south-west of the site. It extends to the centre line of the southern portion of Harewood Street and returns a little way along George Street. As such, a small portion of the site is within the

conservation area. By virtue of the juxtaposition there is also potential for the development to affect the setting of the conservation area beyond the site.

In the same way that the new blocks alongside Harewood Street would enhance the setting of listed buildings to the west, the replacement of surface car parking with the proposed built development would have a wholly positive impact upon the setting of this part of the conservation area.

As Eastgate is at the eastern end of a grand boulevard, also containing Westgate and the Headrow, it has been suggested that development within this area would impact upon the conservation area. However, by virtue of the remote location of the conservation area to the west, and as it does not include the Headrow corridor until the area close to Victoria Gardens, it is considered that any impact on its character and appearance would be negligible.

10.3.6 Impact on the remainder of the historic environment

The Eastgate terraces are an important feature in the townscape of Leeds. They are to be reduced in length with the “bookends” being rebuilt 12.2m west of their current location. The southern terrace, beyond the bookend, would be rebuilt in a new interpretation of the Blomfield design. Archways will be inserted in both terraces, that in the northern terrace using the Blomfield arch from “The Light”, to create new pedestrian routes. Members will recall a presentation where studies for the retention of the bookends were reviewed. The work was reproduced within the submitted Design Statement and was referred to again in the heritage strategy document discussed on 4th January. It is considered that the shortening of the terraces is justified by the benefits to connectivity between areas to the north and south of Eastgate with Eastgate meeting with Bridge Street, Ebenezer Street and Millgarth Street to create the new civic square referred to as Blomfield Square.

It has been noted that there are several buildings in the north east sector of the site which collectively form a distinctive place. These include Wharrams Building, Templar House, Lyons Works and Circle House. Wharrams Building is to be restored and significant works to Templar House have been described above. Circle House makes a positive contribution to the streetscape and is of some historical and architectural interest, but as recently confirmed by the DCMS lacks the special interest to justify its listing. The building also stands in a location that would affect pedestrian connections and the delivery of the anchor store upon. As the building is neither listed nor affects the setting of the conservation area, and given the wider benefits that would be derived, its loss is justified. The “Twenty first century” bookends may also incorporate elements in their design which refer to the Circle House corner window.

The Lyons Works, now known as Saxon Hawke House, is currently located in the heart of the Eastgate element of the site. The building was built as a clothing factory in three phases, with the first two phases being the most memorable designed in a simple Arts and Crafts influenced style. The southernmost, latest, phase adjacent to Lady Lane was constructed in the 1930's. Further details regarding the history of the building are included in the WYAAS consultation response.

Studies in the Design Statement suggest that it would be impractical to retain the northern part of the building primarily due to its conflict with the proposed arcade. In the application the building is shown to be demolished in its entirety or the final, southern, phase possibly being retained.

The desirability of retaining the earlier phases have been reviewed at length in response to consultation comments and as it is recognised that these phases have some merit. This process involved the preparation of the Lyons Works heritage strategy document and a presentation by the applicant at Panel on 4th January 2007. Officers have concluded that options to cut back the building (involving the demolition of phase 1 but retention of phase 2) would unfortunately be impracticable due to the differences in levels and scale between the proposed arcade area and Lyons Works, and the requirements for the service basement serving the wider development below the building. As the building is neither listed nor affects the setting of the conservation area, and given the wider benefits that would be derived, its loss is justified. A condition has been suggested that would require the architectural recording of the building should consent be granted.

The Templar Hotel will be retained and low quality neighbouring buildings will be removed. A new square to the side of the building should improve the setting of the building.

In summary, there are significant overall benefits to areas and buildings of designated importance within and around the site. The loss of other buildings which it is recognised are of some merit is unavoidable if the scheme which offers significant wider benefits is to be achieved. The proposal is therefore largely consistent with advice in PPS1, PPG15, policies with the Development Plan (including CC5, BC1 and N17) and guidance contained within the Eastgate and Harewood SPD.

10.3.7 Archaeology

Prior to the submission of the outline planning application a desk-based assessment conducted by the applicants confirmed that the site lies at the edge of the known medieval settlement of Leeds. As such, there was the potential for important archaeological deposits within areas of the site. Limited archaeological evaluation involving the investigation of two trenches and two pits to examine the potential remains of a medieval chantry chapel or early deposits took place in April 2006. Trenches close to Lady Lane/Edward Street revealed cellars which were cut into the bedrock. The trenches closest to Harewood Street revealed truncation of earlier deposits by cellars and basements in one area, and disturbance of a burial ground by the creation of a water tank in the Second World War in the other.

The applicants consider that the development of housing and factory buildings is likely to have had a significant impact on any archaeological remains that may have been present on the site prior to the Eighteenth century and that the remains of later buildings would not be considered of more than local importance. As such they conclude that the effects of the construction process would, at worst, have a minor adverse impact and that no further work need occur beyond the parts of the site designated as having archaeological value. WYAAS consider that the remains are of more interest and that further on-site evaluation is warranted. It is intended to secure additional evaluation work across more extensive areas of the

site, by condition, when access becomes available. This cannot be currently achieved due to access constraints. The approach would accord with UDPR policies ARC5 and ARC6 and guidance contained within PPG16.

10.4 Transport and connectivity

The planning application seeks to identify the principal means of access to the site and is reliant upon significant changes to the highway network. Consequently, extensive consultation between various highway officers, other key stakeholders and the applicants began well in advance of the submission of the application. The discussions were undertaken in order to examine whether the transport strategy would acceptably accommodate the proposed development with its requirements such as parking and servicing, whilst maintaining additional traffic movements, providing suitable alternative arrangements for affected neighbours (such as the bus operators, police station, local businesses and residents), whilst improving access for public transport, cyclists and pedestrians within and beyond the site. Members received a pre-application presentation on the transport proposals on 25th May 2006 and there was a further presentation focussed on this issue on 1st February 2007.

10.4.1 Transport Philosophy

The city's transport strategy is to discourage through traffic from the heart of the city centre by the provision of The Loop and Inner Ring Road (IRR). However, historical routes cutting through the city centre are still used: these include routes such as Eastgate/Headrow/New Briggate by traffic from the south towards the Merrion Centre area; Vicar Lane/Lady Lane by traffic which should be on the Loop and Lower Briggate/Boar Lane/Duncan Street/York Street. The use of these routes by through traffic increases delay to vehicles needing access to these areas, such as taxis and public transport, and detracts from the pedestrian environment.

The Eastgate and Harewood Quarter (EHQ) proposals will reduce the use of the above routes by through traffic by the closure of a number of roads to traffic, including Eastgate and Lady Lane, combined with traffic management measures on Duncan Street to remove the route through York Street for through traffic.

The impact of the changes will be to add more traffic to certain sections of the Loop and IRR, but in turn to relieve other roads inside the Loop of through traffic to accommodate changes in public transport and improve the pedestrian environment.

10.4.2 Impact on the Loop

Traffic modelling has been undertaken on a section of the Loop from Merrion Street/New Briggate through New York Road/Regent Street to St Peter's Street/York Street. Additionally other sections of the network including Regent Street from Sheepscar Street roundabout, Marsh Lane/Shannon Street area to the east of Quarry House and Headrow/Vicar Lane/Boar Lane/The Calls have also been modelled. The extent of modelling was determined based on the extent of where significant changes to traffic flow are predicted to occur. The other limiting

criterion was that the cycle time of a junction could not be changed as this would impact on the co-ordination of signals around the whole of the Loop.

The operation and appearance of St Peter's Street/Eastgate (north) would change with the removal of the existing roundabout around the former filling station. U-turn facilities a little further to the north will provide the turning movements that the roundabout currently provides. The changes would mean that the carriageway would pass to the east of the existing pump house, enabling the formation of the new Blomfield Square at the eastern end of Eastgate (east-west).

Modelling of the highway network affected by the development has been concluded and various changes and improvements have been agreed to ameliorate the impact of the development, including significant changes to St Peter's Street and junction improvements at North Street/Vicar Lane and Marsh Lane/Shannon Street junctions. Whilst not producing the significant benefits claimed by the applicants the proposals are acceptable.

10.4.3 Public Transport

The changes to public transport as a result of the development are significant. The proposals would close Eastgate (east-west), a busy bus route, to traffic although a high quality public transport corridor would be protected along this route. The proposals have been discussed and agreed in principle with Metro and the bus operators (First, Arriva, Blazefield).

Buses that currently stop on Eastgate will have stops on Vicar Lane or George Street. Passengers currently using stops on Eastgate may have to walk a little further to catch a bus, either to Vicar Lane or to the bus station. However, passengers should not generally have increased distances to walk and will generally see improved facilities at the stops.

The allocation of services to stops has been carefully considered and services would be reallocated to stops to provide a better balance of the number of buses using stops whilst still maintaining the grouping of services on common routes and a good distribution of stops used by each service.

The changes to the bus station egress will enable buses to turn right onto St Peter's Street directly from the bus station. The changes would also mean that National Express coaches that currently have to pass through the bus station will be able to turn directly from St Peter's Street into Dyer Street to access the coach station.

Consequently, on balance, it is considered that there would be a minor overall benefit to public transport operations in accordance with UDPR policies SA2, T2, T9, T13 and T15.

10.4.4 Car Parking

The car parking for the development comprises the main shoppers car park of up to 2700 spaces, and a basement car park for residential occupiers (up to 400 spaces) and the police (80 spaces). The development results in the loss of 1,082

existing public parking spaces and a number of private spaces. The development would therefore provide around 1600 additional public parking spaces to the city centre.

The site lies within the Core Car Parking policy area. Additionally, site specific guidance is provided in the UDP (Review 2006). Objective vii of the Prime Shopping Quarter Strategy is to “ensure sufficient short-stay shoppers’ car parking is available to serve the area”. Kirkgate Markets Proposal Area statement identifies the requirement for short-stay parking for at least 1000 spaces; whilst the Templar Street statement indicates that “the area represents a major opportunity for public short-stay parking”. The aspiration for more short stay parking in both these areas is identified on the UDPR Proposals Map.

The size of the shopper car park has been established by a calculation of expected journeys based on surveys of existing car parks around the city centre. An allowance has been made for shoppers staying longer than currently due to the increased opportunities. The car park calculation allows for other proposed uses within the development such as the cinema, creche and 50 long-stay office spaces. The car park is predicted to operate at 90% capacity on Saturdays, which is considered an appropriate level. Long-stay parking levels to serve business needs reflect relevant guidelines in the UDPR.

The short-stay car park would operate on a pay on exit basis as with other city centre car parks. This means of operation helps minimise the time taken for vehicles to enter the car park. The only effective way of limiting its use by commuters wishing to park all day is to have a punitive tariff for people parking for longer than 5 hours. The pricing structure would be agreed in the Section 106 Agreement.

The size of both car parks has been determined on the basis of the maximum development outlined. As the development proposals identify a wide range of potential uses and floor areas there may be a need for readjustment to reflect the final scheme. This would be controlled by planning condition.

The car parking analysis has also considered other car parks around the city centre that could be expected to be used by shoppers. The work assumes that people currently using these car parks will stay longer to shop and demonstrates that overall there will be capacity for this increased demand. There remains a good distribution of good quality car parks around the city centre. A new car park message signing system to which this development will contribute will improve the legibility of available car parking.

Notwithstanding national, regional and local aspirations to encourage sustainable transport modes the development would at the same time accord with the ambitions of UDPR policies T26 and CC17. These policies encourage the provision of additional short-stay parking required in order to support and enhance centrally-located activities. In doing so the additional short-stay parking would help those activities to actively compete with retail and leisure facilities in unsustainable out of town location accessible only by means of the private car.

10.4.5 Servicing

The scheme primarily involves servicing from a new basement, accessed from the Hope Street access with egress onto Bridge Street. The basement would cross Eastgate via a tunnel. A limited amount of controlled on-street servicing will be required. However, the general servicing strategy would benefit the pedestrian and potential residential environment, and also provide flexibility by permitting future redevelopment of individual blocks.

At the current time traders working in the open market between the bus station and covered market typically queue up in their vehicles on George Street towards the end of the afternoon awaiting access to clear away the goods from the stalls. Should this continue without mitigation once works to George Street have been completed this would lead to disruption to the general flow of traffic and would be likely to cause significant delays within the bus station. A location has been identified towards the south-east of the open market for parking of these vehicles and the developer is willing to make a contribution towards the provision of this facility. Should this approach be adopted a longer-term strategy may ultimately be needed to address potential conflict with the Supertram route and also any proposals for the market itself which may be forthcoming.

10.4.6 Travel Plan

Whereas the development is located in a sustainable city centre location a framework travel plan is being discussed with the developer to encourage sustainable travel patterns. This would address all future uses proposed within the development. Detailed Travel Plans would be secured through the Section 106 agreement.

10.4.7 Pedestrian connectivity

The site currently experiences poor internal and external pedestrian linkages. This has prevented incremental development within the heart of the Eastgate and Harewood areas beyond the Eastgate terraces over a protracted period. The approach delivered by the general layout, highway proposals and public realm strategy, is to build a new pedestrian focussed environment. The Design Statement (LP3) explains in detail how the masterplan achieves this.

Internally, the new urban grain created, incorporating streets, ginnels and cut-throughs (such as through the Eastgate terraces) will significantly improve pedestrian movement around the site. This is accompanied by the extensive pedestrianisation proposed in accordance with UDPR policies N12 and CC11. The movement would be promoted by the creation of destinations in more challenging parts of the site.

UDPR policy CC12 and the SPD require new development to relate and connect with existing patterns of streets, corridors and spaces. Accessibility between the site and the more established parts of the city centre is achieved by arranging new routes which integrate with existing routes on the fringes of the site. These connections would be enhanced by the provision of new signal controlled pedestrian crossings:

- across Vicar Lane outside the pedestrian entrance to the site adjacent to the Templar Hotel. This will provide for pedestrians using the Grand Arcade.
- across Vicar Lane between the Victoria Quarter and Sidney Street. Sidney Street will be pedestrianised and form a pedestrian route into the new Ebenezer Street.
- across George Street linking each of the main Market accesses and ginnels through the new development.

The scheme also involves proposals to improve linkages between the city core and areas beyond. A new pedestrian crossing would be provided across St Peter's Street on the east-west axis of Eastgate towards Quarry Hill. Pedestrian crossings would be rearranged outside the bus station across both St Peter's Street and Dyer Street. The form of the crossings will be determined at the detailed design stage. However, the arrangements for crossing between Eastgate and the Quarry Hill area would be significantly improved and simplified compared with the current arrangement. Links to Mabgate to the north would be dramatically enhanced by improvements to the A64M underpasses at Eastgate (north)/Regent Street and Bridge Street.

Consequently, the scheme presents opportunities to provide effective pedestrian links between the established city core with areas such as Quarry Hill and beyond. The improved linkages within the site and to peripheral areas will help to meet the aspirations of the RSS, UDPR policies SA8 and N12, the Leeds City Centre Urban Design Strategy and the Eastgate and Harewood SPD.

10.4.8 Cycling facilities

Provision for cyclists would also be delivered by the development. At the U-turn location on Eastgate (north) Toucan crossings, which are similar to pelican crossings but can be legally used by cyclists, will be provided. These will support the creation of part of the strategic cycle route from east Leeds which uses St Mary's Street and Mabgate. The route will be a shared cycle/footway from Mabgate along the eastern side of Eastgate (north) to the Toucan, from where it will continue along the western side before turning into Eastgate (east-west). An appropriate level of cycle storage facilities would also be provided throughout the development responding to the needs of both the residential and commercial element of the scheme. As such the scheme will accord with policies T2, T5 and T7 of the UDPR .

10.5 Retail impact

10.5.1 Background

The UDPR is the starting point for the assessment of the retail led scheme. The UDP has recently been selectively reviewed and is up to date and in general conformity with regional and national planning guidance.

Policy S1 in the UDPR defines the role of Leeds City Centre as the regional shopping centre and sets out the intention to promote and enhance this role. A major means to achieving and maintaining the regional role status is through the consolidation of retailing within the defined Prime Shopping Quarter, in particular, by identifying specific locations for major retail development.

Two Proposals Areas in the Prime Shopping Quarter, Templar Street and Kirkgate Markets Area, are the only two major sites promoted in the UDPR to ensure that the Prime Shopping Quarter is consolidated and enhanced. Both sites have been promoted from early in the evolution of the UDP stretching back into the later 1980's following the failure of earlier schemes. The Eastgate and Harewood Quarter proposals would ensure the delivery of these key development site components of the Prime Shopping Quarter and the prospect of this scheme being taken forward is to be encouraged. Policy CC30 recognises that outside the defined Quarters and Proposal Areas development for shopping (except ancillary) will not normally be permitted

The proposal is a critical development to take the regional shopping role of the city centre forward to ensure that the shopping function of the city centre can properly meet the needs of the shoppers that rely on it and help to maintain Leeds up a league.

10.5.2 Competitive pressures on the city centre

There has been minimal additional new additional retail floorspace achieved in the Prime Shopping Quarter for some considerable time. City centre development sites take a long-time to evolve and bring to fruition as site acquisition can and do take considerable time. There have been many qualitative improvements delivered and achieved through the promotion and management of the city centre and there have been some innovative developments that have managed to squeeze additional new floorspace out of existing buildings. In some instances there has been a major loss of retail floorspace. In recent years Leeds city centre has lost the Alder's department store which is currently being redeveloped as smaller units.

All this time, out-of-centre retail sites in and around Leeds have continued to extend, expand and attract retailers to them that had previously only had a presence in town and city centres. The competitive pressures on the Prime Shopping Quarter have continued to grow. In order to retain its competitive position, to maintain its role as a regional shopping centre and to be able to continue to be the economic driver of the Leeds city region there needs to be an expansion of the retail floorspace within the city centre. The current scheme offers an opportunity to meet that challenge and maintain and enhance the regional shopping centre role. It will enable sites that have been identified for some time to be brought forward for much needed new additional retail floorspace.

10.5.3 Planning Policy Setting

The Regional Spatial Strategy has gone through its Examination in 2006 and intends to carry forward the retail and town centre policy direction of the current RSS with few changes. The current RSS now forms part of the new style Development Plan system. It sets the scene for the production of the Local Development Frameworks at a district level. However, the proposed changes to the draft RSS are minimal for retail and town centre policy and it reserves the right to review retail and town centre policy comprehensively when the RSS is itself next reviewed.

Policies in the current RSS and in the draft Plan recognise the role of existing city and town centres and the need to strengthen them. This approach includes Leeds City Centre. City and town centres are recognised to be the main focus of shopping and leisure development. No further development or large-scale expansion is permitted at out-of-centre regional or sub regional shopping centres including Meadowhall and White Rose.

In the context set by RSS there is general support for additional retail development to be located within Leeds City Centre at the Eastgate and Harewood Quarter site.

The application was accompanied by a Retail Statement that addresses the national, regional and local policy context for the scheme. In addition a commentary on the commercial and economic assessment of the scheme proposals is provided. The Retail Statement is extensive in its scope and has been developed following discussions with the applicants about the scope, methodology and the conclusions. In many respects the Retail Statement extends beyond what is strictly required but it has done so to ensure that a sound consideration has been made to support the scheme.

The application site is largely within the Prime Shopping Quarter and in this context is mainly in accordance with the Development Plan, the adopted UDPR and the RSS. It is largely supported and encouraged by national, regional and Leeds based planning policy and there is no requirement to carry out the extensive consideration of the proposals on how they might have an effect on the rest of the city centre, the external effects on other centres but to ensure a thorough consideration of such a major scheme the applicants have done so and in a thorough and comprehensive manner.

Planning Policy Statement 6 “Planning for Town Centres”

PPS6 sets the national policy. It offers guidance on how to plan for town and city centres and provides the framework for assessing planning applications for retail development and other main town centre uses. PPS6 identifies town and city centres as the preferred location for retail development. The applicants have submitted, as part of their supporting documentation, a Retail Statement that addresses in a comprehensive and robust manner the requirements placed on developments proposed in city centres by PPS6.

In so far as the site falls within the defined Prime Shopping Quarter and encompasses the two Proposal Sites promoted in the UDPR for retail led development, the submission is in accordance with an approved development plan. As a consequence PPS6 does not require the full five key tests to be addressed by the development.

However part of the proposed development site, much of EQ2 in the extreme north-eastern corner, falls outside the defined Prime Shopping Quarter as defined in the UDPR. In Leeds City Centre, for shopping policy assessment purposes, the PSQ has always been recognised as being that part of the city centre where retail development will be encouraged and located. The city centre area is much more extensive in area than the compact defined Prime Shopping Quarter, but in the more extensive area retailing would not be normally encouraged. This part of the scheme is recognised as being critical to the presentation and planning of the

whole site and offers an opportunity to ensure that there is a proper definition to the PSQ visible from major routes. This section falls outside, but is adjacent to, the PSQ and is included in the adopted Eastgate and Harewood Supplementary Planning Document. However, the application would need to be referred to the Secretary of State given the departure from the Development Plan.

The inclusion of land adjacent to, but outside the PSQ, does take the development site beyond the boundaries of the defined PSQ but still manages to maintain one of its key qualities, its compactness. At the same time UDPR policy SP8 does make reference to a planned approach to the expansion of centre uses within the defined city centre boundary to enhance the role of the city centre. However, the extension of the scheme beyond the PSQ boundaries causes that part of the scheme to be more rigorously tested, as its edge-of-centre location relative to the PSQ, triggering the five key tests of out-of-centre retail development set down in PPS6 and mirrored closely in the UDPR Policy S5.

The five key tests in PPS6 are;

- the need for development;
- that the development is of an appropriate scale;
- that there are no more central sites for the development (sequential test);
- that there are no unacceptable impacts on existing centres; and
- that locations are accessible.

Local planning authorities are required to assess planning applications on the basis of the above key considerations and the evidence presented. As a general rule, the development should satisfy all these considerations. In making their decision, local planning authorities should also consider relevant local issues and other material considerations. The approach in the Retail Statement has been guided by the requirements of PPS6. Following discussions with officers the applicants have structured the Retail Statement to ensure that it addresses matters relative to the situation in Leeds City Centre.

The supporting Retail Statement correctly states that it is not necessary to demonstrate the quantitative and qualitative 'need' for the retail proposals located in the PSQ, one of the five key tests of PPS6. Nor is it necessary to address the 'sequential test' for a location that falls entirely within the defined PSQ.

However, even for town and city centre located developments which are fully supported and encouraged by PPS6 to be within a city centre there is one test set by PPS6 that still applies, which is of '*an appropriate scale*'. Sensitive to this issue the Retail Statement does address and test whether what is being proposed is appropriate in scale. This key test is explained in PPS6 which suggests that the aim should be to locate appropriate type and scale of development in the right type of centre to ensure that it fits into that centre and that it complements its role and function. The applicants have taken a very wide interpretation of what factors can and could be relevant to a test of '*an appropriate scale*' to ensure a robust and full testing of the scheme.

The '*appropriate scale*' test requires that '*...the scale of opportunities identified are directly related to the role and function of the centre and its catchment*' and to '*locate the appropriate scale of development in the right type of centre*'. In these

respects it is considered that the Retail Statement demonstrates that the development is of an '*an appropriate scale*'. The retail context of the planning application is explored to ensure that it relates to enhancing the function and role of Leeds City Centre as a regional shopping centre and aims to underpin that function.

In addition, the applicants have undertaken a market and economic assessment. The scope of this assessment covers the issue of the retail role of the city centre in relation to other centres and the internal requirements of retailers within Leeds City Centre and the degree to which those requirements are met or would be addressed by the scheme. The economic need and capacity for the scheme has been assessed using a retail capacity study using data acquired by the applicants from an extensive household survey across the catchment area of Leeds City Centre. The results have been used to construct a detailed retail model of the comparison goods market (non-food shopping). It shows there is sufficient retail spend associated with Leeds City Centre to support the scheme and other schemes in the planning pipeline with the city centre, namely the Trinity Quarter scheme.

Whilst some of the economic and market analysis has been prompted to address the matter of '*an appropriate scale*', the part of the site that lies outside the PSQ requires a more extensive testing of quantitative and qualitative 'need' which has also been covered in the assessment of the economic and market assessment. The work done has been extensive and comprehensive and underpins the justification for the relatively small area of the site that extends beyond the PSQ. In addition, it is sensitive to commenting and reporting on the possible internal effects that could occur within the city centre caused by the introduction of a large increase of new and additional retail floorspace to the city centre PSQ.

The PPS6 key test of the '*sequential approach*' to site selection applies to the area of the application that lies outside the PSQ. The '*sequential approach*' to site selection requires the first preference for locating retail and other main town centre uses to be on sites within existing centres and then the next order of preference is edge-of-centre and finally out-of centre. The application sites falls mainly within the PSQ. The justification for the small expansion is that the use and activity proposed in the extension area cannot be accommodated within the PSQ boundary and the only way to accommodate it and maintain the compactness of the PSQ as a whole is to abut the expansion area contiguous with the PSQ. In this context this addition and extension of the application site beyond the PSQ boundary is entirely consistent with a vigorous application of the '*sequential approach*'.

10.5.4 Retail Policy summary

The Eastgate and Harewood Quarter scheme would help to ensure that Leeds City Centre can continue to deliver its regional shopping centre role. It will allow the city centre to compete effectively with out-of-centre competition and re-establish its position competitively with other major cities. It will provide the level of accessible retailing that underpins sustainable development principles by focussing and concentrating retail development in the Prime Shopping Quarter and accepting a modest extension of that area.

The proposals are supported by UDPR policies that promote sustainable development and the development of Kirkgate Market and the Templar Street Proposals Areas, whilst enabling scope for enhancement and renewal to occur elsewhere in the Prime Shopping Quarter.

10.5.5 Economic Assessment

Reservations have been expressed, by Driver Jonas on behalf of USS, about the assessment of how pipeline retail development across the catchment area will affect trading patterns and turnover levels. The objector expresses concern about where the £400m turnover attracted by the Eastgate is diverted from. It is not clear from the nature of the objection whether the focus of concern is about the results achieved, the lack of clarity about the steps taken to get to the results or the prospect of an alternative interpretation being placed on the results offered by the applicant. The applicants are adamant that they have provided the data in a format that addresses all the concerns expressed by Drivers Jonas. In the circumstances, it is difficult to arbitrate on the claims and counter claims proffered by both respondents. Either Drivers Jonas are happy with the transparency and scope of the applicants forecasting work or they are not. Drivers Jonas are the only ones to be able to properly respond on this matter.

10.5.6 Timing and retailer demand

Drivers Jonas speculate about both the Trinity Quarter and Eastgate and Harewood Quarter schemes starting/opening at the same time and the implications for being able to attract appropriate retailer tenants. Although there is an acceptance by Drivers Jonas that there is sufficient retail expenditure to support both proposals they cast doubts whether there will be sufficient retailers to populate both schemes.

The Trinity Quarter scheme has planning consent and the Compulsory Purchase process has been confirmed. The current scheme has yet to go through all these key steps and is some considerable time behind Trinity Quarter in these respects. If Trinity Quarter is progressed the likelihood is that it will and could be open and trading well in advance of the Eastgate and Harewood Quarter. However, there is an acceptance from the agents for both schemes that there is sufficient expenditure to support both developments. Where there is some disagreement is whether there are sufficient retailers.

The reality is that any forecast made now may have to be considerably modified over time and any speculation about retailer demand made now is not going to reflect actuality in 2012. The retailers seeking space now will not necessarily be the same retailers seeking accommodation in 2012. Any forecast made now can only be indicative of a level of demand. Retailers requirements will change over time but as long as there is a sufficient quantity of retail expenditure to support both schemes, which both parties are in broad agreement on, then there should be confidence that Trinity Quarter and Eastgate and Harewood Quarter can be developed together.

The city centre needs this additional retail floorspace to enhance its regional shopping centre role or it will continue to have its premier position eroded by out-of-centre competition.

10.5.7 Position of the Department Store and linkages to the main shopping area

Drivers Jonas comment that part of the Leeds Partnership site, the part of the site that it is expected to accommodate the department store, is outside the current Prime Shopping Quarter. It is accepted that this is the case but it is considered that a minor expansion of the Prime Shopping Quarter is justified and necessary to deliver the current comprehensive development as described above. As a result the city centre will directly benefit from an enhanced Prime Shopping Quarter and shopping function.

As a consequence of locating the department store at the furthest point from the existing retail core, the benefits to the city centre as a whole of introducing a full range department store will, in Drivers Jonas view, be significantly reduced. Their suggestion is that walking distances and the compact nature of the Prime Shopping Quarter will be significantly compromised.

The part of the site that lies outside the Prime Shopping Quarter has been referred to elsewhere but it immediately abuts it and sits between the PSQ and the body of established retail warehousing on Regent Street. It is a logical location to expand and consolidate shopping in the city centre. It would be difficult to find a location in and around the Prime Shopping Quarter that could fulfil this rounding off function better. Terminating the proposed development at the existing PSQ boundary would leave an awkward relationship with the scale of retained buildings and would prevent the delivery of the proposed highway strategy.

The objector's suggestion that the introduction of the current scheme and the inclusion of the department store markedly changes the compact nature of the PSQ is not accepted. The Eastgate and Harewood Quarter site is a rounding off and consolidation of the shopping content that is largely present on the ground now. Whilst the heart of the site currently has limited retail content it does contain extensive car parking that is used by shoppers to the city centre shops. Whilst it is accepted that the development should positively reinforce routes and linkages across the shopping centre it does not stretch the extent of the city centre shopping area nor extend the prospect of realistic routes and connections. It will still be possible to walk across the extent of the shopping centre and much of the development is, of course, in close proximity to the existing bus station, coach station and major public transport corridors. The compact nature of the city centre shopping area is a strength that will be reinforced not harmed by the development.

10.5.8 Due to the scale of retail development involved in the scheme exceeding 20,000 square metres the Local Planning Authority would need to consult the Secretary of State before granting planning permission.

10.6 Drainage and flooding issues

10.6.1 The Lady Beck watercourse flows north to south within the perimeter of the site. It is a continuation of Meanwood Beck and Sheepscar Beck to the north and is a tributary of the River Aire 450m to the south of the site. Its catchment area extends over a substantial part of north Leeds. The watercourse is culverted beneath the site. The culvert measures approximately 6m wide and 4m high. The flows in the culvert during severe storms can be enormous (around 30 tonnes of water per second in a 1 in 100 year storm).

- 10.6.2 In submitting the Environmental Statement various options for the culvert were assessed by the applicants. It was determined that the realignment along the existing highways offered the best solution for the proposed development, the best hydraulic characteristics and therefore reduced potential flood risk and minimised access and maintenance issues.
- 10.6.3 Relocating the culvert would be a time consuming, costly and awkward operation to undertake. The applicant subsequently submitted revisions to the Flood Risk Assessment and an update to the Environmental Statement outlining three options for the culvert. In brief, these involve leaving the culvert where it is and building over it on the northern and southern side of the proposed Blomfield Square (no diversion); diverting part of the culvert to avoid the new building on the northern side of the proposed square but building over it on the southern side of the square (short-diversion); or relocating it within the Eastgate (north)/ St Peter's Street corridor (long-diversion).
- 10.6.4 Due to the need to ensure rapid access to the culvert from above should it become blocked both Main Drainage and the Environment Agency strongly oppose the "no diversion" proposal which involves substantial building over the culvert. However, the two remaining options identified provide acceptable solutions to the issue subject to detailed design. In this respect consent would not be given for tighter bends than shown in the short-diversion option. Conditions are proposed to ensure that one of these options is pursued and that the culvert, and any building over is suitably designed to ensure that access can be achieved. Conditions are also required to ensure that flooding of basement car parks is avoided.

10.7 Public Realm

- 10.7.1 The landscape, public realm and open space proposals have been described above at paragraph 4.7.6. Cumulatively, the public realm within the site covers 2.54 hectares (34% of the developable site area). This is made up of public space, new streets and enhanced existing streets within the site boundary. It includes new spaces referred to as Blomfield Square (3200 square metres) which would be comparable with the size of City Square, several smaller spaces and the pedestrianisation of Eastgate (east-west). The scheme also brings forward Hope Place, currently used as a Street Cleansing depot below the Inner Ring Road, to aid effective pedestrian connection with areas to the north and east.
- 10.7.2 The UDPR Proposals Map identifies proposed public spaces both north and south of Eastgate. UDPR policy CC10 requires the provision of 20% of the site as public open space on sites of more than 0.5 hectares. As noted, this requirement is exceeded. The spaces identified would be essentially "hard-landscaped". Blomfield Square will include both green areas and a water feature. Street tree planting and landscape buffers are intended elsewhere. However, as proposed, the development does not bring forward realistic opportunities for significant green spaces away from major activity routes sought by the Civic Trust. Further, "soft" green areas would have limited usability during winter months compared with predominantly "hard" landscaping which the scheme offers. It is therefore considered that the range and cumulative extent of public realm delivered by the scheme represents an acceptable response to the policy.

10.7.3 The submitted Design Guidelines indicate that the highest level of the multi-storey car park must be visually appealing and designed as an external public space. It is considered that there would be merit in this large space incorporating a “green” area, albeit, with controlled public access. However, the applicants have subsequently determined that neither public access nor “green” space can be confirmed in this location at the outline stage. Instead, they are offering a commuted sum towards enhancements of local parks beyond the site boundary, such as at Mabgate or Lovell Park. However, there may still be opportunities for additional public greenspace to be brought forward through a roof top park as part of the detailed design process.

10.8 Sustainability, environment and ecology

10.8.1 The theme of sustainable development is central to many aspects of the development proposal, not least the efficient use of brownfield land in an accessible city centre location and the transport strategy. The application is supported by a Sustainability Appraisal which identifies whether each of the sustainability criteria will be met. For instance, the developer has made a commitment to achieve a “Good” or “Very Good” BREEAM rating for retail, office and residential components of the scheme. One of the design objectives of the scheme is to minimise energy use and therefore reduce carbon emissions. As such, the requirement for heating and cooling will be minimised by the design layout and the galleria will be naturally ventilated. Whilst these details would be produced at a later stage in accordance with suggested conditions it is considered that the development is in accordance with the objectives in the RSS and policies in the UDPR which promote sustainable development.

10.8.2 The ecological appraisal concluded that the site offers few opportunities for wildlife as the vast majority of the site comprises buildings and hardstandings. Surveys for bats and freshwater crayfish found no evidence of these protected species. There is, however, limited potential for bat roosts to be discovered prior to the commencement of development and a condition is proposed to provide adequate protection and mitigation.

10.8.3 A detailed landscape survey has not been submitted nor have detailed landscaping proposals been prepared at this stage. It is therefore not possible to determine whether or not there would be a net gain in trees or soft landscaping generally. However, in line with the Environmental Statement bat and bird boxes would be incorporated within the proposals to provide suitable nesting and roosting opportunities whilst landscape details will, where possible, include ecological enhancements. These may include soft landscaping areas intended in the residential courtyards. The scheme would therefore be in accordance with UDPR policy N51.

10.9 Housing provision

10.9.1 The development will bring forward between 300 and 600 units. The precise number of units would be finalised at Reserved Matters stage. The dwellings may be dispersed within 8 of the building plots within the scheme. The submitted documents indicate the desire to provide family housing as part of the development. The design parameters provide the opportunity for several of these blocks to include internal courtyards where private open space could be provided

over retail units. The application also identifies that 15% of housing on site will be affordable in accordance with UDPR policy and SPG3 and this would be controlled through the Section 106 agreement. Discussions are also continuing regarding the replacement of the existing social housing and hostel within Ladybeck Close. The principle of re-provision will be a clause within the Section 106 agreement.

- 10.9.2 The inclusion of the residential element of the scheme is underpinned by sustainable development objectives identified within PPS1 and responds to guidance within PPG3 and PPS3. These documents promote mixed-use development, including well-designed housing, to accommodate new households and bring new life to cities. The introduction of residential development above retail units also helps in making the best use of previously developed land, again, in line with national guidance.
- 10.9.3 Whereas the site is primarily located within an area of the city identified for retailing in the UDPR (Prime Shopping Quarter) the Shopping Quarter strategy is to achieve a greater mix of uses where these do not prejudice the primary retailing function of the area. Rather than prejudice the retail function the residential development would help add vitality to the area. The use would also accord with UDPR policy CC27 and the Proposal Area statements which indicate support for uses, including residential uses, that add variety and support the attractiveness of the area for the principal use. In the same way the use would add to the mix of uses advocated within the Eastgate and Harewood SPD. In conclusion, the use is entirely appropriate in this location.
- 10.9.4 In addition to existing facilities within the city centre the residential accommodation would be accompanied by a range of uses, including a medical centre, a crèche, and a church facility, that would support the diverse residential community that is intended. Further, in accordance with SPG11 the developer will make a financial contribution arising from any requirement for additional school places resulting from family dwellings within the scheme. These facilities should help in achieving a sustainable residential community.
- 10.10 Mix of uses
- 10.10.1 In the same way that residential development would add to the vitality and vibrancy of the area the inclusion of other ancillary uses, such as offices, leisure and catering services, would help to facilitate and promote sustainable and inclusive patterns of development in accordance with national guidance in PPS1, PPG4 and PPS6. By virtue of its location and ancillary scale this would be achieved without an adverse effect on the primary retail function intended for the area. Rather, these uses would be likely to complement it in harmony with policies and guidance within the UDPR, and the Eastgate and Harewood SPD. The development proposals would also offer opportunities for existing office and recently closed leisure facilities (cinema and gym) to relocate on the site. Likewise, the extensive range of uses proposed would provide scope for embryonic activities to find new homes within the site.
- 10.11 Employment and training
- 10.11.1 The construction process would be likely to lead to a temporary loss of business for companies around the site as a result of the closure of the surface car parking.

However, it has been calculated that the construction process would itself create approximately 840 full time equivalent jobs. In addition, approximately 290 indirect jobs would result from the contractor's expenditure on local goods and services and by construction workers spending part of their income in the local area. The majority of indirect jobs created at this time would be likely to be within areas close to the city centre.

10.11.2 Based upon the likely mix of the development it is anticipated that there will be between 3,126 to 5,301 net additional jobs created by the completed development, many of which will be in the retail sector. In addition, there are likely to be approximately 1,095 to 1,855 indirect jobs created, many of which could be in the local area.

10.11.3 The significant benefits to be derived from the employment opportunities by individuals and the city are largely dependent upon the measures put in place to ensure that local people are involved in the development. Preliminary discussions between the developer and the relevant local agencies have already commenced on this matter. The Section 106 agreement would include requirements to co-operate with Leeds City Council Jobs and Skills Service; the use of local contractors and sub-contractors; and special recruitment initiatives targeted at the employment of people from the most deprived communities. In this way the development would help to narrow the gap between the most disadvantaged people and communities and the rest of the city in accordance with the aspirations of the Vision for Leeds and the requirements of UDPR policies SA8, A1 and R1.

10.12 Impact on surrounding occupiers

10.12.1 Inevitably, with a development of the scale proposed, there would be some impact on those properties and businesses directly affected during the period of construction. In the Environmental Statement (ES) the applicant identifies a commitment to implement an Environmental Protection Plan which would set out the procedures that contractors would be required to adopt to manage all the environmental impacts of the development. The details of this, which may include control over noisy construction activities close to existing residential properties, would be secured by condition. Additionally, where entitled, those affected may also claim and receive compensation.

10.12.2 The ES included a study of the impact of the development on daylight, sunlight and overshadowing of nearby residential properties, taking account of the worst-case scenario identified by the parameter plans. Despite the scale of the site there are few residential properties beyond the site in close proximity (Harewood Street and Ludgate Hill). The study concludes that the proposed buildings, if constructed to their maximum parameters, would have a negligible to minor moderate adverse impact on daylight, sunlight or overshadowing of those properties. However, it should be recalled that these properties currently abut an open, surface car park such that they experience limited obstructions affecting these indicators.

10.12.3 The proposed buildings to the east of Harewood Street (plots HQ1 and HQ5) would be a minimum distance of 12 metres from the existing buildings and are likely to be a similar height (HQ1 would be a maximum of 9 metres taller than County House). Whilst detailed building design will need to take into account the

potential for overlooking between any existing and proposed residential properties it is considered that the impact in terms of daylighting, sunlighting and overshadowing would be limited and would be justified by the significant benefits to the setting of the conservation area and of listed buildings that the development of this part of the site would give rise to. Consequently, there is no conflict with UDPR policy BD5.

10.13 Impact on existing on-site occupiers

10.13.1 The grant of planning permission would not affect existing private property rights. Ultimately, however, the development would require the relocation of existing occupiers. There is already a relocation policy in operation. This allows for the early relocation of residential occupiers (with their rights to disturbance and home loss payments payable plus the right for independent arbitration in the event of dispute); for the relocation of vulnerable occupiers such as the Hostel run by English Churches Housing; for the relocation of the Bridge Street Church (possibly to Agnes Stewart School); and for the relocation of various other occupiers including Crown and Public Sector Occupiers. The relocation policy will continue to develop further and will include relocation within the scheme and in other developments in the city centre. Formal relationships are being created to reserve space in the city centre for affected occupiers. Offers have also been made to acquire sites within the city for relocation purposes.

11.0 **CONCLUSION**

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

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

11.2 The proposed development would comprehensively regenerate and redevelop a substantial part of the city centre which, for a significant period, has suffered from a lack of investment, has been underused and largely detracts from the wider area. The scheme is entirely situated on previously developed land and is located in a sustainable city centre position. The development would bring forward an efficient use of land which would be well integrated into the existing city centre and would be supported by a sound and comprehensive highway strategy. Permeability within the site would be significantly improved and the urban grain restored. The built development will involve buildings of high quality and internationally recognised spaces. Whilst a limited amount of historic fabric would be lost as part of the development the overall impact on the historic environment would be positive and the individual losses are unavoidable if the wider benefits are to be realised. Consequently, the development would represent a major contribution to the renaissance of the city centre and would help Leeds to go up a league as a city.

- 11.3 The scheme would improve physical and economic links with areas and communities beyond the site, deliver affordable housing, and provide significant opportunities for employment and training initiatives for the most deprived people within the city. In doing so the development would help to close the gap between the most disadvantaged people and the rest of the city.
- 11.4 The scheme would address weaknesses in the city's current retail offer and would enhance its regional shopping role. In bringing forward these improvements the scheme would reinforce Leeds' role as the regional centre, re-establish its position competitively with other major cities and help cement Leeds' role as a city of European significance.
- 11.5 Therefore, for the reasons given above and having regard to all other matters raised it is considered that the proposal is in accordance with the Development Plan as a whole and is acceptable. Members are therefore recommended to approve the application in principle and refer it to the Secretary of State in accordance with the details of the recommendation above.

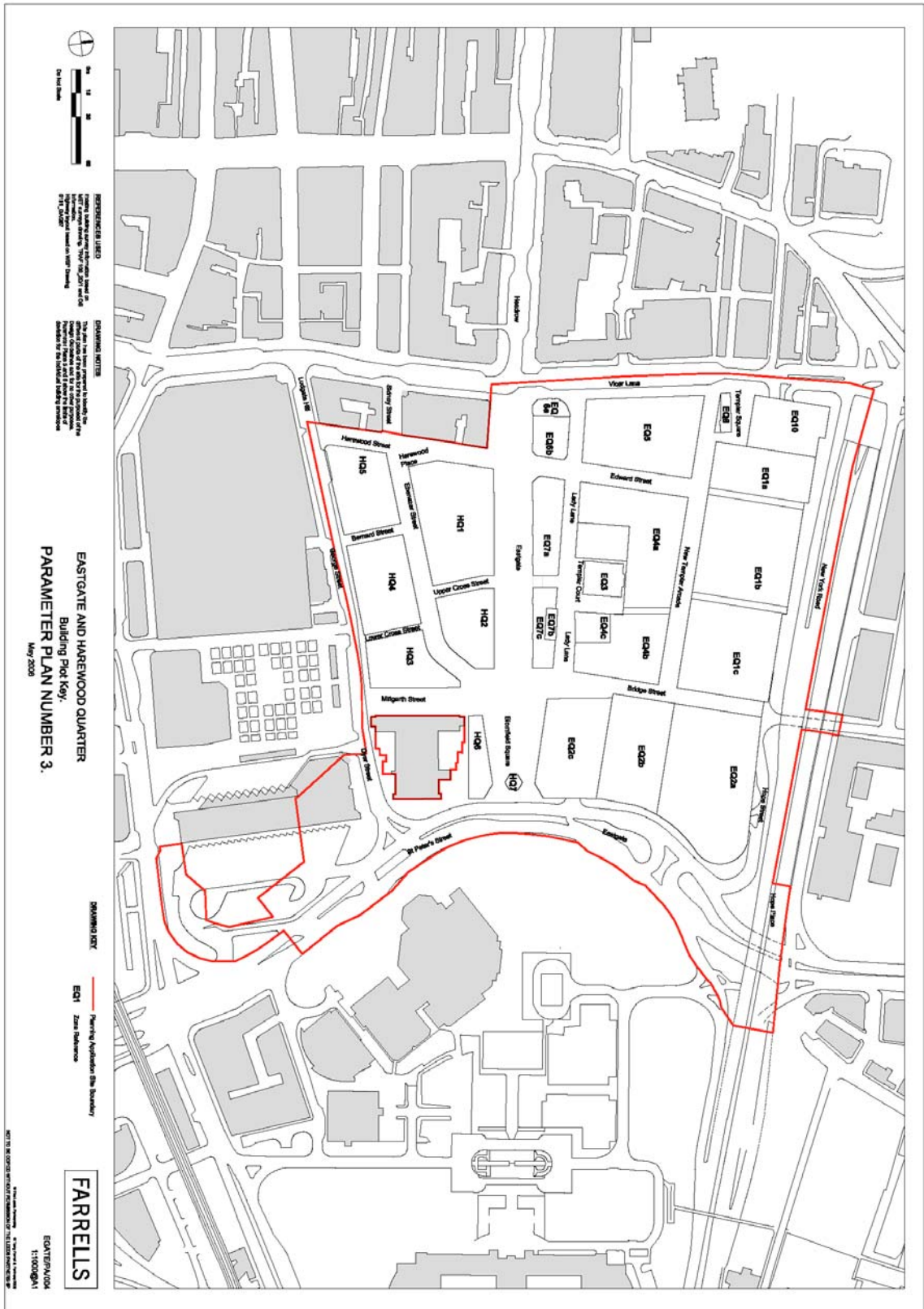
BACKGROUND PAPERS

Application file 06/03333/OT, 06/03334/LI and 06/03335/LI.

Certificate of ownership:

Notices were served on all the freehold and leasehold interests identified by a survey dated November 2005. Notice was also served on Leeds City Council as owner of various areas of land affected by the application.

APPENDIX 1 : SITE AND BUILDING PLOT PLAN



APPENDIX 2 : PLANNING POLICIES AND GUIDANCE

National Planning Guidance:

PPS1 : Creating Sustainable Communities (January 2005)

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

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

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

Paragraph 12 advises that pre-application discussions are critically important in ensuring a better mutual understanding of objectives and constraints that exist.

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

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

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

- Recognise that economic development can deliver environmental and social benefits;
- Recognise the wider sub-regional, regional or national benefits of economic development and consider these alongside any adverse impacts;
- Ensure that suitable locations are available for industrial, commercial, retail, public sector (e.g. health and education) tourism and leisure developments, so that the economy can prosper;
- Provide for improved productivity, choice and competition, particularly when technological and other requirements of modern business are changing rapidly;

- Recognise that all local economies are subject to change; planning authorities should be sensitive to these changes and the implications for development and growth;
- Actively promote and facilitate good quality development, which is sustainable and consistent with their plans... (paragraph 23)".

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

PPG3 : Housing (2000)

The PPG recognises the importance of the design of residential developments in making a significant contribution to promoting an urban renaissance and improving the quality of life (paragraph 1). The guidance states that LPA's should promote mixed use development including well-designed housing to accommodate new households and bring new life to cities (paragraph 49). LPA's should promote additional housing in town centres within the context of their overall strategy, taking into account existing balance of uses (paragraph 51).

Good design and layout of new residential developments can help achieve the Government's objectives of making the best use of previously developed land (paragraph 54). The guidance states that the design and layout of new housing development should be informed by the wider context, not just immediate neighbouring buildings. More flexible car parking standards are also advocated to ensure provision is tailored more closely to the needs of the development.

PPS3 Housing (November 2006)

The PPS puts in place a new national policy framework for planning for housing, identifying a more responsive approach to land supply at the local level. The PPS indicates that LPA's are not required to have regard to it when making decisions on planning applications until 1st April 2007.

The main themes the PPS identifies in determining planning applications are:

- Achieving good quality housing (paragraphs 12-19)
- Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people (paragraphs 20-30)
- The suitability of land for housing, including its environmental sustainability (paragraphs 36-39)
- Using land effectively and efficiently (paragraphs 40-51)
- Ensuring the proposed development is in line with planning for housing objectives

PPG4: Industrial, Commercial Development and Small Firms (November 1992)

PPG4 seeks to encourage continued economic growth in accordance with the Government's environmental objectives. The PPG promotes re-use of urban land and returning under-used or vacant urban land (previously used for industrial

purposes) to beneficial use, as important to the regeneration of towns and cities (paragraph 2). Optimum use should be made of potential sites and existing premises in inner cities and other urban areas, taking into account such factors as accessibility by public transport, particularly in the case of labour intensive uses.

PPS 6: Planning For Town Centres (April 2006)

PPS6 sets out the Government's approach to town centre development. The PPS6 seeks a proactive approach to accommodating retail growth through planned development which is well-designed, contains a mix of uses and is on a town centre site accessible by a choice of modes of transport and makes efficient use of land.

PPS6 restates the importance of sustainable development as the "core principle underpinning planning" and the role of the planning system in "facilitating and promoting sustainable and inclusive patterns of development, including the creation of vital and viable town centre (paragraph 1.1)".

The Government's approach to town centres is to: "promote their vitality and viability by:

- planning for the growth and development of existing centres; and
- promoting and enhancing existing centres, by focusing development in such centres and encouraging a wide range of services in a good environment, accessible to all."

The PPS further seeks to enhance consumer choice by making provision for a range of shopping, leisure and local services, which allow genuine choice to meet the needs of the entire community, and particularly socially-excluded groups;

- supporting efficient, competitive and innovative retail, leisure, tourism and other sectors, with improving productivity; and
- improving accessibility, ensuring that existing or new development is, or will be, accessible and well-served by a choice of means of transport (Paragraph 1.4)."

Wider objectives are also identified:

- "to promote social inclusion, ensuring that communities have access to a range of main town centre uses, and that deficiencies in provision in areas with poor access to facilities are remedied;
- to encourage investment to regenerate deprived areas, creating additional employment opportunities and an improved physical environment;
- to promote economic growth of regional, sub-regional and local economies;
- to deliver more sustainable patterns of development, ensuring that locations are fully exploited through high-density, mixed-use development and promoting sustainable transport choices, including reducing the need to travel and providing alternatives to car use; and
- to promote high quality and inclusive design, improve the quality of the public realm and open spaces, protect and enhance the architectural and historic heritage of centres, provide a sense of place and a focus for the community and for civic activity and ensure that town centres provide an attractive, accessible and safe environment for businesses, shoppers and residents (paragraph 1.5)"

The PPS identifies a requirement to accommodate growth by “more efficient use of land and buildings within existing centres.” To achieve this “local planning authorities should aim to increase the density of development, where appropriate. Opportunities within existing centres should be identified for sites suitable for development or redevelopment or where conversions and changes of use will be encouraged for specific buildings or areas (paragraph 2.4)”.

PPS6 stresses the importance of design and states that “it is essential that town centres provide a high-quality and safe environment if they are to remain attractive and competitive. Well-designed public spaces and buildings, which are fit for purpose, comfortable, safe, attractive, accessible and durable, are key elements which can improve the health, vitality and economic potential of a town centre (paragraph 2.19).”

PPS 9: Biodiversity and Geological Conservation (August 2005)

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

PPG13: Transport (March 2001)

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

- “Actively manage the pattern of urban growth to make the fullest use of public transport, and focus major generators of travel demand in City, town and district centres and near to major public transport interchanges;
- Locate day to day facilities which need to be near their clients in local centres so that they are accessible by walking and cycling;
- Accommodate housing principally within existing urban areas, planning for increased intensity of development for both housing and other uses at locations which are highly accessible by public transport, walking and cycling;
- Ensure that development comprising jobs, shopping, leisure and services offer a realistic choice of access by public transport, walking and cycling; and
- Give priority to people over ease of traffic movement and plan to provide more road space to pedestrians, cyclists and public transport in town centres, local neighbourhoods and other areas with a mixture of land uses (paragraph 6) ”

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

such as those in town centres or near transport interchanges and should proactively promote intensive development on such sites.

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

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

PPG15 Planning and the Historic Environment (September 1994)

The PPG provides guidance for the identification and protection of historic buildings, conservation areas, and other elements of the historic environment. It states that “the objective of planning processes should be to reconcile the need for economic growth with the need to protect the natural and historic environment (paragraph 1.2).” The PPG states that conservation and economic growth are not necessarily contradictory and that historic buildings can be put to good economic use.

Paragraph 2.14 of the PPG advises that the design of new buildings intended to stand alongside historic buildings needs very careful consideration. In general it is better that older buildings are “woven into the fabric of the living and working community. This can be done provided that the new buildings are carefully designed to respect their setting, follow fundamental architectural principles of scale, height, massing and alignment, and use appropriate materials.

Paragraph 2.16 states that Sections 16 and 66 the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local authorities to have regard to certain matters when considering applications for planning permission or listed building consent for works which affect a listed building such as the desirability of preserving the setting of the building.

Paragraph 2.18 states that the Secretary of State “is not generally in favour of tightening development controls over changes of use as a specific instrument of conservation policy. “Generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use. For the great majority this must mean economically viable uses if they are to survive, and new, and even continuing, uses will often necessitate some degree of adaptation”.

Paragraph 5.1 acknowledges that the Government’s sustainable development objectives and the desire to reduce the need to travel will lead to increased

development in existing centres including historic towns. Local highway and planning authorities should therefore take account of the wider implications including the impact on the historic environment.

PPG16 Archaeology and Planning (November 1990)

PPG 16 advises that all prospective developers should determine whether their site is known or likely to contain archaeological remains (PPG 16 paragraphs 19 & 22).

If archaeological remains (either below ground or as elements of the built heritage) are present, both national and local policy require that provision must be made for preservation in situ and/or by record as appropriate (PPG 16 paragraphs 25, 27 & 28).

PPG24 Planning & Noise (September 1994)

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

PPS25 Development and Flood Risk (December 2006)

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

In determining planning applications LPA's should:

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

The Development Plan

The Regional Spatial Strategy for Yorkshire and the Humber to 2016 (RSS) and the Unitary Development Plan (Review 2006) together comprise the Development Plan for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004. This section of the Act requires that applications made in accordance with the Development Plan should be granted planning permission unless material considerations indicate otherwise.

Regional Spatial Strategy (RSS)

The current RSS for Yorkshire and Humber (based on Selective Review of RPG12) was issued in December 2004. The Yorkshire and Humber Assembly, as the Regional Planning Body, have also prepared a Draft Regional Spatial Strategy which will set out the priorities for the region until 2021. The Plan was Examined in Public until 27 October 2006. However, at this time both the RSS and the draft RSS are material regional policies against which strategic applications can be considered.

The vision of the RSS is to create a world-class region, where the economic, environmental and social well-being of all people is advancing more rapidly and more sustainably than its competitors. In order to achieve this vision the main objectives of the RSS are to:

- maintain high and stable levels of economic growth and employment.
- ensure social progress, which recognises the needs of everyone.
- protect the environment.
- encouraged a prudent use of natural resources (paragraph 3.2).

Policies in existing and draft RSS support a focus for development in the region's town and city centres. Policies P1, E1 and SOC3 of the existing RSS are particularly relevant. Leeds is identified as a Regional Centre in draft RSS. SOC3 promotes major retail development in town centres and resists further out of centre regional or sub-regional shopping centre provision. The policy encourages Local Planning Authorities to maintain a good quality, level and range of provision for retail and service needs appropriate to serve catchment areas.

Leeds' success as a centre for employment, housing, retail and leisure is seen as critical to the future of the region. Policy YH5 supports high quality, modern, accessible developments in sub-regional centres that will help to transform them into places that people will want to live, work and invest. Policy S4 encourages urban regeneration and use of underused land for development, open space, recreation and amenity, and high quality intensive housing and mixed developments of land close to town centres and at points of good transport accessibility.

The RSS deals with the concept of the West Yorkshire Sub Region and lists the main urban area of Leeds as one of the settlements within the sub region where economic and housing development will be the focus.

Unitary Development Plan (Review 2006) (UDPR)

Strategic context

SA1 aims to secure the highest possible quality of the environment

SA2 encourages development in location that will reduce the need to travel and promote the use of public transport and other sustainable modes of transport.

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

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

SA6 encourages the provision of facilities for leisure activities

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

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

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

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

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

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

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

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

GP5 indicates that development proposals must resolve detailed planning considerations

GP10 states that a sustainability assessment will be required to accompany the submission of all applications for major developments.

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

Urban Design

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

- Spaces between buildings are of considerable importance. Development should create a series of linked and varied spaces that are defined by buildings and landscape elements;
- The best buildings of the past should be retained. New buildings should be of good design in their own right as well as good neighbours;

- New developments should respect the character and scale of buildings and the routes that connect them;
- Movement on foot and on bicycle should be encouraged;
- Developments should assist people to find their way around with ease;
- Developments should, where possible, be adaptable for other future uses;
- Design and inclusion of facilities should reflect the needs of elderly people and of people with disabilities and restricted mobility;
- Visual interest should be encouraged throughout;
- Development should be designed so as to reduce the risk of crime”.

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

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

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

N38A Development should not increase the risk of flooding

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

N39B the re-opening of culverts will be actively promoted

N51 encourages new development to enhance existing wildlife habitats and provide new areas for wildlife where opportunities arise

BD2 states that the design and siting of new buildings should complement and, where possible, enhance existing vistas, skylines and landmarks.

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

BD15 encourages public art.

Transport

T2 New development should normally:

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

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

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

T4 promotes pedestrianisation schemes

T5 requires safe and secure access for pedestrians and cyclists

T6 requires satisfactory access and provision for disabled people
T7 promotes development and maintenance of new cycle routes
T7A identifies cycle parking guidelines (A9C)
T7B identifies motorcycle parking guidelines (A9D)
T9 encourages an effective public transport service
T13 protects Supertram routes
T15 measures giving priority to bus movements will be supported
T24 identifies parking requirements within Volume 2 (Appendix A9A, A9B)
T26 supports short stay car parking in the city centre core parking area
T28 manages the growth of long-stay commuter car parking (A9B)
CCP1 refers to parking guidelines for city centre office development

Housing

H3 brings forward housing land in three phases. The supporting paragraphs explain that most of the city's housing land needs for the whole of the review period to 2016 can be met from existing brownfield reserves within the main urban areas. Leeds City Centre is included as one of these areas.

H9 seeks a balanced provision in terms of size and type of dwellings

H11 provides a target of 15% affordable housing in the City Centre with 40% social rented and 60% sub market.

Economy

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

Shopping

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

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

Urban regeneration

R3 supports the use of compulsory purchase to achieve regeneration benefits

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

Access

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

Waste

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

Conservation Areas and Listed Buildings

BC1 seeks to secure the retention, continued use and proper maintenance and where necessary the retention of listed buildings.

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

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

Archaeology

N29 protects archaeological remains from development

ARC4 presumes against development on nationally important remains

ARC5 requirement for evaluation to inform planning decisions

ARC6 requirement for investigation and recording

Leisure and Tourism

LT1 gives priority to the siting of new leisure facilities at locations accessible to all sections of the community

LT7 encourages visitor accommodation in accordance with hotel policy

HO3 encourages development of hotels within the city centre.

Landscape

LD1 identifies requirements for landscape schemes

LD2 outlines design issues for new roads

City Centre

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

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

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

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

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

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

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

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

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

CC14 supports proposals to introduce a Supertram system.

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

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

CC21 The majority of the site is located within the Prime Shopping Quarter.

Shopping development is supported as the principal use within the identified Prime Shopping Quarter, subject to the provisions of Proposal Area Statements. Outside that Quarter ancillary shopping development will be accepted provided that it

contributes to overall planning objectives as reflected in Quarter or Proposal Area Statements.

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

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

CC29 requires additional uses to the main uses for large developments

CC30 recognises that outside of the defined Quarters and Proposal Areas of the City Centre development for shopping (except ancillary shopping), major industrial uses and entertainment will not normally be permitted and other proposals will be judged on their merits.

The Prime Shopping Quarter strategy is to:

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

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

Proposal Area 15 - Kirkgate Markets Area

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

Proposal Area 16 – Templar Street

The Statement comments that the site has potential for retail development with the Vicar Lane frontage having particular potential for retailing. There is also scope for subsidiary uses, particularly leisure and entertainment, and significant office use above ground floor. Catering uses would also complement the neighbouring

Entertainment Quarter, and residential uses which would not prejudice the retail and leisure function would also be appropriate. The area also represents a major opportunity for public short stay parking. Pedestrian linkages to the Vicar Lane and Eastgate are noted as being particularly important. Public space should also be provided in any scheme.

Supplementary Planning Guidance

The Leeds City Centre Urban Design Strategy (September 2000)

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

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

Leeds Residential Design Guide – Neighbourhoods for Living (December 2003)

The SPG provides a series of themes and design principles for developers to consider so that residential proposals respond to the site and surrounding area. The following is a summary of the Key Themes and Principles as set out in the residential design guide:

Use – creating neighbourhoods, density and mixed uses

Space – making attractive spaces that work, safer places, private spaces, publicly accessible spaces, designing for parking, wildlife

Movement – making connections, developing the movement network

Form – local character, scale and massing, landmarks, views and focal points, quality buildings, homes for the future, privacy and intrusion.

Eastgate and Harewood Supplementary Planning Document

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

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

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

- Complete the development of an incomplete shopping Quarter of the City through creation of vibrant, retail led, mixed-use area. The mix of uses should maximise the use of the site and include retail, leisure, commercial, residential and community uses
- Extend and regenerate Leeds' shopping offer and enhance its attractiveness as a regional centre; and to assist the City Centre to become one of the principal cities of Europe
- Enhance the public realm through pedestrianisation or street closures if necessary, and encourage pedestrian linkages from the side to the market, river, Sheepscar, Mabgate, Victoria Quarter and Quarry Hill, integrated into the existing fabric of the city centre.
- Reinforce the urban route along the Headrow to Quarry Hill and thus integrate Quarry Hill into the City Centre.
- Generate a vital, mixed-use quarter with a retail emphasis and a complimentary mix of uses, activities and spaces creating "the new place for Leeds".
- Create the development framework which promotes a varied urban form, rich in architectural style and character
- Create an opportunity for landmark buildings and memorable places
- Restrict access to through traffic using local streets and where possible, integrate the traffic displaced by, and accessing, the development into the improved highway network in recognition of safety and capacity constraints.
- Support and promote the urban regeneration of adjacent sites and activities at Kirkgate Market, Quarry Hill, Regent Street, Mabgate and Victoria Quarter.
- Create a new place which is unique and authentically Leeds.
- Create opportunities the training and employment for wider benefit of the people of Leeds.
- Preserve where both practical and appropriate, existing historic assets and their settings.

Vision for Leeds 2004 to 2020

The Leeds Initiative "Vision for Leeds 2004 to 2020" is the community strategy for improving the social, environmental and economic well-being of the city and its

many communities. The scheme represents a key opportunity towards meeting the following key aims:

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

APPENDIX 3 : SUGGESTED CONDITIONS

RESERVED MATTERS

- 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.

Detailed siting of the buildings;
Design;
Appearance;
Landscaping;
Layout;
Scale

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

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

- 2 Application for approval of 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 one of the following dates, whichever is the later:

1. The expiration of five years from the date of this permission.
2. The expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

Imposed pursuant to the provisions of Section 91 of the Town and Country Planning Act 1990.

- 3 The details of the Reserved Matters submitted pursuant to this permission shall be in accordance with the Development Specification contained at table 5.1 of the Environmental Statement, as amended, and Tables 1 and 2 of LP1, as amended.

In order to define the permission and as the development is the subject of an Environmental Assessment and any deviation from the identified specification may have an impact which has not been assessed by that process.

- 4 The Reserved Matters details submitted pursuant to this permission shall be in accordance with the Design Guidelines (LP2), as amended, and Parameter Plans 2, 3, 4, 5, 6 and 7, as amended, unless provided for in any subsequent conditions attached to this permission.

In order to secure the satisfactory development of the application site in accordance with agreed principles and objectives.

ELEMENTS OF THE DEVELOPMENT

- 5 All parts of the development as specified within the identified parameters other than for the residential element shall be completed and made available upon first occupation of the development unless otherwise agreed in writing by the Local Planning Authority.

In order to ensure the comprehensive redevelopment and efficient use of the site.

- 6 The residential development comprised within the scheme shall not be commenced until the details of an "Affordable Housing Scheme" have been submitted to and approved in writing by the Local Planning Authority. The Affordable Housing Scheme shall contain and address the following matters:-
the definition of the areas of the proposed development for the provision of 15% of the total number of dwellings to be provided on the site to be constructed as affordable housing units;
the type and nature of the affordable housing provision to be made as part of the development;
the arrangements the Developer shall make to ensure that such provision is affordable for both initial and subsequent occupiers; and
the occupancy criteria the Developer shall adopt for determining the identity of prospective and subsequent occupiers of such affordable housing and the means by which such occupancy criteria shall be enforced.

To ensure the provision of affordable housing in accordance with National Policy, Leeds UDPR and revised Supplementary Guidance No. 3.

- 7 Prior to the commencement of development a detailed scheme shall be submitted and approved in writing by the Local Planning Authority identifying the mix of retail units to be delivered. The scheme shall incorporate a department store, an anchor store, major shop units and other large units, and a wide range of further shop units. The scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

In order to ensure the delivery of the appropriate retail content within the development to address the existing weaknesses in Leeds City Centre retail provision identified in the Retail Statement.

- 8 A scheme to define the shopping frontages shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme shall be in accordance with the Design Guidelines and will specify the primary shopping streets within which at least 80% of the shopping frontage shall comprises A1 retail use unless otherwise agreed in writing by the Local Planning Authority. The development shall be in accordance with the approved scheme.

In order to ensure the delivery of appropriate levels of retail content within specified locations within the development.

- 9 Within plots HQ1 (south), HQ2 (south), HQ3, HQ4 and HQ5 food shop (sale of convenience goods) provision shall be small scale (unit shop not to exceed 80 sq.

m net retail floor space) or ancillary to other uses. In aggregate, the total net retail food shopping area shall not exceed 500sq.m within this area.

In accordance with the provisions of the UDPR Markets Area proposal statement.

- 10 Prior to the commencement of development details and location of a Shopmobility facility for use by members of the general public shall be submitted to and approved in writing by the Local Planning Authority. The facility shall be provided prior to the first use of the development and shall thereafter be maintained.

In order provide satisfactory access within the development.

- 11 Prior to the commencement of development details and location of facilities for use by bus drivers shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided prior to the first use of the development and shall thereafter be maintained.

In order to provide necessary replacement facilities for relocated bus routes and stops to Vicar Lane.

- 12 Prior to first use of the development a multi-faith prayer room for up to 20 people, including washing facilities, shall be provided and shall be made available for use by members of the general public. The prayer room shall thereafter be maintained.

In order to provide appropriate facilities and to secure the satisfactory development of the site.

- 13 Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification) planning permission shall be obtained before any change of use of any A3 premises referred to in this permission, to any use within Use Class A2 as detailed in the Town and Country Planning (Use Classes) Order 1987 (or any order revoking or re-enacting that order with or without modification); or any B1 premises referred to in this permission, to any use within Use Classes B8 as detailed in the Town and Country Planning (Use Classes) Order 1987 (or any order revoking or re-enacting that order with or without modification).

In order that the Local Planning Authority can retain control over uses which it considers could be harmful to the character of the area and the viability of the City Centre in general.

DESIGN AND APPEARANCE

- 14 Prior to the commencement of development a document defining design principles for the detailed design of shop fronts, including shop signage, shall be submitted to and approved in writing by the Local Planning Authority. Subsequent details shall be in accordance with the details thereby agreed.

In the interests of visual amenity and to ensure the satisfactory development of the site.

- 15 The form, design and environment of the Templar Arcade Character Area shall accord with the principles and objectives outlined in LP2 and shall be further informed by the Galleria Typology Study dated January 2007.

In the interests of amenity and to secure satisfactory development of this part of the site.

- 16 Notwithstanding the details identified within the Design Guidelines and parameter plan 6 the maximum height of the southern part of Plot EQ4a for a minimum depth of 10 metres shall not be more than 10% taller than the northern bookend EQ7c at its western end.

In the interests of visual amenity and the townscape of the area.

- 17 Notwithstanding the details identified within the Design Guidelines and parameter plan 6 the maximum height of the southern part of Plot EQ4b alongside EQ4c shall not be more than 10% taller than the rebuilt northern bookend EQ7c at its eastern end.

In the interests of visual amenity and the townscape of the area.

- 18 No building operations shall be commenced in the relevant part of the site until full details of the following have been submitted to and approved in writing by the Local Planning Authority-

- (i) 1 to 20 scale drawings of the detail of roof line and eaves treatments, ground floor treatments, including shopfronts and entrance points and
- (ii) 1 to 20 scale section drawings of each type of window bay and balcony proposed.

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

In the interests of visual amenity.

- 19 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, apparatus 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.

- 20 The highest level of plot EQ1 shall not be used for uncovered car parking.

In the interests of visual amenity.

- 21 Details of all buildings shall take account of their night-time appearance. A scheme of external lighting to the buildings shall be submitted to and approved in writing by the Local Planning Authority. In particular, the scheme shall address full

details of the proposed lighting strategy for the multi-storey car park. The strategy shall be implemented in accordance with the approved details.

In the interests of visual amenity and to secure a satisfactory appearance of the development.

- 22 The development shall not be occupied until provision has been made in the means of access both to and within the proposed development, and within sanitary conveniences, for the needs of employees and members of the public who are disabled. All such facilities shall thereafter be retained and made available for use.

In order to provide satisfactory access within the development.

- 23 No building works shall take place within the relevant part of the site until details and samples of all external building materials, including window frames and glazing, 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.

- 24 No building works shall take place within the relevant part of the site until details and samples of all 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 surfacing works shall be constructed from the materials thereby approved.

In the interests of visual amenity.

- 25 Construction of external building materials shall not be commenced within the relevant part of the site until sample panels of the building materials to be used, including panels to identify the recess of windows into buildings, have been approved in writing by the Local Planning Authority. The panels shall be erected on site to establish the details of the type, bonding and coursing of stone and colour and type of jointing material. The materials shall be constructed in strict accordance with the sample panels, which shall not be demolished prior to the completion of the development.

In the interests of visual amenity.

- 26 No development shall take place until proposals for the removal of the existing external police station staircase on the west elevation of the Millgarth Street building have been submitted to and approved in writing by the Local Planning Authority. The works thereby agreed shall be implemented prior to first use of the site unless otherwise approved in writing by the Local Planning Authority.

In order not to prejudice the operation of the police station.

- 27 There shall be no habitable rooms in the west elevation of plots HQ1 and HQ5 unless otherwise agreed in writing by the Local Planning Authority.

In order to control overlooking to protect the residential amenities of occupiers of properties on the west side of Harewood Street.

LANDSCAPE AND PUBLIC REALM

- 28 No development shall take place until full details of both hard and soft landscape works and a programme for its provision as part of the development have been submitted to and approved in writing by the Local Planning Authority. These details shall include (a) proposed finished levels and/or contours, (b) means of enclosure, (c) car parking layouts, (d) other vehicle and pedestrian access and circulation areas, (e) hard surfacing areas, (f) minor artefacts and structures (g) proposed and existing functional services above and below ground. Soft landscape works shall include (h) planting plans, including proposals to increase biodiversity, (i) written specifications (including cultivation and other operations associated with plant and grass establishment), (j) schedules of plants noting species, planting sizes and proposed numbers/densities, (k) implementation programme.

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

- 29 Hard and soft landscape works shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority. The hard landscape works shall be completed in accordance with the programme approved pursuant to condition x above. 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.

- 30 No existing trees/hedges/bushes shall be removed, uprooted or destroyed nor shall any trees be pruned, topped or lopped or suffer root severance other than in accordance with the approved plan (Parameter Plan2 (EGATE/PA/002)) and particulars without the written approval of 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.

- 31 Replacement trees shall be planted in appropriate locations within the development and new highways arrangements hereby permitted in accordance with a scheme submitted to and approved by the Local Planning Authority. In particular the scheme shall provide that the existing trees indicated for removal along Dyer Street, York Street and St Peter's Street on drawing Parameter Plan2 (EGATE/PA/002) shall be replaced within the streetscape and bus station curtilage respectively. They should be replaced with an appropriate species and a

comparable size in relation to the existing trees and should endeavour to recreate the formal street tree planting that exists.

To ensure the continuity of amenity afforded by existing trees and vegetation.

- 32 The positions of trees shall be shown in conjunction with the routes of local utility services.

To provide sustainable tree planting.

- 33 The landscape details to be submitted pursuant to condition x shall provide full construction details of tree pits and raised planted areas. These shall include:
- The depth and area of the growing media.
 - Specification of topsoils including additives and mulches.
 - Passive irrigation including directed use of grey water/roof water or surface water.
 - Means of drainage.

To ensure that the cultural requirements for viable tree and soft landscape establishments are integrated into the structural design of the development.

- 34 Unless otherwise agreed in writing by the Local Planning Authority, no works of construction in the course of the erection of any buildings within any part of the development hereby permitted shall take place until a plan, schedule and specification for landscape management has been submitted to and approved in writing by the Local Planning Authority. This shall include reference to planting and hard landscaped areas, including paving, fencing and other features. The schedules shall identify the frequency of operations for each type of landscape asset and reflect the enhanced maintenance requirement of planted areas during the establishment period. It shall provide for an annual inspection during late Summer for any areas of shrub planting and the identification of the replacements required in the Autumn planting season. If development is phased, maintenance shall commence when each phase of development is substantially completed. Prior to planting, all landscaped areas shall be cultivated and maintained in a weed free condition by mechanical cultivation or chemical control. Maintenance shall be carried out thereafter in accordance with the approved management plan.

To ensure successful establishment and after-care of the completed landscape scheme.

- 35 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.

- 36 A scheme for the maintenance of 24 hour publicly accessible pedestrian routes in all parts of the site other than in that area covered by the roof to the Templar Arcade (excluding Bridge Street) where minimum 18 hour public access (0600-

2400 hours) shall be maintained shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme shall include full details of the proposed location and appearance of any gates and the development shall not be occupied until the agreed arrangements are in place.

In order to secure appropriate pedestrian access.

- 37 An arts strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy thereby approved shall be implemented.

In order to secure satisfactory appearance of the development.

NATURE CONSERVATION

- 38 No development shall take place in the relevant part of the site until a precautionary survey of all existing buildings and structures has been carried out by a licensed bat worker and the results of the survey have been submitted to and agreed in writing with the Local Planning Authority. The survey shall provide details of the location and type of any bat roosts present, an assessment of the likely impact of the proposed development on bats, recommendations for avoiding or mitigating adverse impacts and provision for monitoring where appropriate. All subsequent work on site shall thereafter be carried out in accordance with the recommendations of the report unless otherwise agreed in writing with the Local Planning Authority.

To protect any bats which may roost on the site.

- 39 Prior to the commencement of development in the relevant part of the site details of bat and bird boxes and provision for roosting bats and nesting birds within the fabric of buildings shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall thereafter be implemented.

To provide biodiversity enhancement.

- 40 No demolition or removal of any trees, shrubs or other vegetation shall be carried out during the period 1 March to 31 August unless otherwise agreed in writing with the Local Planning Authority.

To ensure the protection of wild birds during the breeding season

HIGHWAYS AND MOVEMENT

- 41 All highway works, including cycle routes, improvements to the bus station, and those works identified on WSP drawing 0181-GA-/267B and as required by the Section 278 agreement shall be completed prior to the first occupation of the development hereby approved, including first use of the car park, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of highway safety.

- 42 Prior to the commencement of development, details of the arrangements for the provision of a contribution towards a programme of necessary off-site highway works and public transport improvements shall be submitted to and approved in writing by the Local Planning Authority unless otherwise agreed in writing. Arrangements and details of the provision shall be by means of a Section 106 agreement, or other Agreement as appropriate.

In order to secure funding for necessary highway works and to deliver appropriate public transport improvements in accordance with SPG5 .

- 43 Further to condition X (landscaping) prior to the commencement of development details of all vehicle parking layouts including vehicular accesses and egresses, access controls, service areas, parking bays, and manoeuvring space within the scheme shall be submitted and approved in writing by the Local Planning Authority. The layout should identify spaces for the use by disabled drivers, motorcycle parking and cycle parking. The facilities so approved shall be made available prior to first use of the relevant part of the development and thereafter maintained.

In the interests of highway safety and to comply with policies within the UDPR.

- 44 Prior to the commencement of development a car park management plan for all off-street parking areas shall be submitted to and approved in writing by the Local Planning Authority. The Plan should include proposals for parking prior to the substantive opening of the development, details of the pricing structure to promote short stay parking for all non-residential uses, and proposals for the use of the basement parking area should at any time it not be required by the Police. The Plan shall not be varied without the prior written consent of the Local Planning Authority.

In the interests of highway safety.

- 45 Further to condition X the number of car parking spaces and service spaces provided shall relate to the scale of development for which Reserved Matters approval is granted and shall be in accordance with UDPR parking guidelines. The maximum number of parking spaces within the multi-storey car park shall be 2700 and the maximum number of parking spaces within the basement car park shall be 400.

In the interests of highway safety and to comply with policies within the UDPR.

- 46 The residential parking spaces within the basement parking area shall only be used by occupiers of residential developments within the scheme hereby approved.

In the interests of highway safety, sustainable transport and for the avoidance of doubt.

- 47 There shall be no servicing of any part of the application site from any other area than that specifically allocated for that purpose.

In the interests of highway and pedestrian safety

- 48 Prior to the commencement of development a scheme of highway works, including provision of Urban Traffic Control CCTV cameras and city wide highway signage shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed prior to the first occupation of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority.

In the interests of highway safety.

- 49 No development shall take place in the relevant part of the site until details of secure cycle parking facilities for residential areas of the site have been submitted and approved in writing. The facilities so approved shall be made available prior to first use of the relevant part of the development and thereafter maintained.

In the interests of highway safety, sustainable transport and to comply with relevant policies within the UDPR.

- 50 No development shall take place in the relevant part of the site until details of secure cycle parking facilities, lockers, showers and changing facilities for all commercial uses within the site have been submitted and approved in writing. The facilities so approved shall be made available prior to first use of the relevant part of the development and thereafter maintained.

In the interests of highway safety, sustainable transport and to comply with relevant policies within the UDPR.

- 51 An access strategy to identify relevant measures introduced to provide full access within and around the site including routes appropriate for use by people with disabilities shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

In order to provide satisfactory access to the development.

- 52 Before the development hereby approved is brought into use a Green Travel Plan which shall demonstrate measures to encourage alternative modes of transport for staff other than single occupancy of vehicles and include timescales for when those measures shall be put into place, shall be submitted to and approved in writing by the Local Planning Authority. The provisions of the plan, which shall also include procedures for monitoring the uptake of alternative modes of travel and providing evidence of compliance to the Local Planning Authority shall be put into place and thereafter operated in accordance with the approved timescales.

In the interests of amenity and to encourage the use of transport other than single occupancy of a car in accordance with the principles of sustainable transport.

- 53 Prior to any works to the bus station a "bus station test" shall be carried out in accordance with details which shall be agreed in writing with the Local Planning Authority. The findings of the "test" shall inform any subsequent detailed design.

In order to demonstrate off-site, prior to development, that the proposals for the bus station are operationally acceptable and achievable.

- 54 Unless otherwise approved in writing by the Local Planning Authority the “Option 1” proposals for the junction of North Street, Vicar Lane, New Briggate and New York Road as shown on drawing ... shall be implemented prior to the first occupation of the development.

As the option would help to minimise the possibility of traffic queuing onto either the Inner Ring Road approaches or onto the City Centre Loop and would provide more positive arrangement for pedestrians compared with other options.

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

In order to identify adequate access during the development.

- 56 No lighting fitment shall be installed on the site in such a way that the source of light is a hazard to users of adjoining or nearby highways or pilots of aircraft.

In the interests of highway and airspace safety.

CONSTRUCTION

- 57 An Environmental Management Plan, to include routing of construction and demolition traffic; general traffic management and street cleaning; construction and demolition operations and hours of working; control of demolition and construction noise, vibration and air quality; location of site compounds, offices and concrete batching plants, shall be submitted to, and agreed in writing by the Local Planning Authority prior to the commencement of the development and implemented in accordance with the agreed plan as the development proceeds.

In order to secure the satisfactory development of the site and in the interests of amenity.

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

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

- 59 A maximum of 611,500 cubic metres of ground shall be excavated from the site.

In the interests of amenity, sustainability and as assessed within the Environmental Statement.

60 A management strategy identifying measures to maintain the visual appearance of buildings, including shopfronts, as they become vacant prior to their redevelopment shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented in accordance with the approved details.

In the interests of visual amenity

61 A management strategy identifying measures to reduce the visual impact of the development, including details of temporary screening of the site, together with viewing portals, information panels and opportunities for temporary public art, shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented in accordance with the approved details.

In the interests of visual amenity.

62 No works shall begin at the site until full details of the methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development hereby approved, have been submitted for the approval in writing of the Local Planning Authority. The methods thereby approved shall be implemented at the commencement of work on site, and shall be thereafter be retained and employed until completion of works on site.

To ensure that mud is not deposited on the road.

63 No development shall take place until details of measures to be taken to suppress dust have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved measures for dust suppression approved under the foregoing condition have been provided. Such measures shall thereafter be retained and maintained during the construction process.

In the interests of amenity.

64 All loaded lorries leaving the site carrying waste materials shall be securely sheeted.

To ensure that waste is not deposited on the highways surrounding the site.

65 No waste material shall be burnt within the boundary of the site.

In the interests of amenity.

66 The detailed design and construction of the development shall incorporate the aspirations and commitments identified within the submitted Sustainability Statement (LP12). The proposals shall include the following sustainable measures unless otherwise agreed in writing by the Local Planning Authority.

- Sustainable drainage systems
- Measures for rainwater collection and greywater recycling
- Minimum dwelling BREEAM rating of “good” with provision for “very good” where appropriate

- Exploration of the potential for green roofs on each building plot

In the interests of sustainability and the satisfactory development of the site.

HERITAGE AND ARCHAEOLOGY

- 67 Unless otherwise agreed in writing by the Local Planning Authority no development, intrusive site preparation or ground investigation works shall take place within any part of the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological and architectural recording by an appropriately qualified and experienced archaeological organisation, in accordance with an archaeological strategy and written scheme of investigation which has been approved in writing by the Local Planning Authority.

To ensure necessary archaeological and architectural recording

- 68 Prior to the commencement of demolition within the relevant part of the site an inventory of features to be salvaged shall be submitted to and approved in writing by the Local Planning Authority. The inventory shall identify proposals for the careful removal, storage and re-use of features within the development and shall be implemented in accordance with the details thereby agreed unless otherwise approved in writing by the Local Planning Authority.

To ensure preservation and re-use of architectural or historic features of interest.

- 69 Further to condition x a method statement for the careful demolition, salvage and storage of materials, and rebuilding of the northern and southern bookends (plots EQ7c and HQ2) shall be submitted to and approved in writing by the Local Planning Authority prior to their demolition. The relocated bookends shall be constructed strictly in accordance with the details thereby agreed.

In the interests of visual amenity.

DRAINAGE

- 70 Before development commences the existing Lady Beck culvert must be diverted in accordance with detailed plans submitted to and approved by the Local Planning Authority. The diversion route must be substantially in accordance with either the short route or long route submitted on drawings included in the developers 'Flood Risk Assessment - Response to Leeds City Council Queries, revision A01', dated 21st December 2006. The culvert capacity should be adequate for the worst 1 in 100 year flow (including a 20% climate change allowance). The diversion work must be carried out in accordance with a method and associated temporary works which shall first be approved in writing by the Local Planning Authority.

To ensure that the development does not increase flood risk.

- 71 Adequate defence measures must be included to prevent internal basement car park flooding in the event of extreme flood events. These should incorporate a 300mm freeboard above water levels caused by the worst 1 in 100 year flow in

Lady Beck (coinciding with the worst 1 in 10 year River Aire flow) and the worst 1 in 100 year flow in the River Aire. In all cases the flows calculated must include a 20% allowance for climate change. There must be no openings, doorways or vents from the basement area set below this level.

To ensure that the development is free from unacceptable flood risk.

- 72 No building work shall be carried out within 9 metres of the outer face of the Lady Beck culvert to the south of the former filling station except in accordance with plans submitted to and approved by the Local Planning Authority, showing an adequate horizontal and vertical offset of permanent works so as to permit the rapid dismantling, removal and reconstruction of the culvert without the need to dismantle any part of the permanent works.

To ensure that the development does not increase flood risk.

- 73 A separate system of drainage for foul and surface water shall be provided.

To ensure that a separate system of drainage is provided.

- 74 Before development commences details of works for dealing with surface water discharges from the proposed development including any off-site watercourse works shall be submitted to and approved by the Council.

To ensure that the site can be properly drained without flooding.

- 75 No piped discharge of surface water from the relevant part of the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the Local Planning Authority before development commences.

To ensure that the site is properly drained and surface water is not discharged to the foul sewage system which will prevent overloading.

- 76 Surface water from vehicle parking areas shall be passed through an oil interceptor of adequate capacity prior to discharge to the watercourse. Roof drainage should not be passed through an oil interceptor.

To prevent pollution of the watercourse.

- 77 This site should be drained by Sustainable Drainage methods with infiltration methods used in preference. Where these are not practicable due to ground conditions (to be demonstrated by a feasibility study submission) other approved means of flow attenuation must be utilised.

To ensure compliance with the council's sustainable drainage policy.

- 78 Unless otherwise agreed in writing by the Local Planning Authority, no development shall take place until details of the proposed means of disposal of foul water drainage, including details of any balancing works and offsite works have been submitted to and approved by the LPA.

To ensure that the development can be properly drained.

- 79 No building shall be occupied or brought into use prior to the completion of the approved foul drainage works in the relevant part of the site.

To ensure that no foul water discharges take place until proper provision has been made for its disposal.

- 80 No development shall take place in the relevant part of the site until details of the facilities for the disposal and treatment of filter back wash and swimming pool water have been submitted to and approved by the Local Planning Authority.

To ensure that the development can be properly drained without damage to the local water environment.

CONTAMINATION

- 81 Development shall not commence until a remediation statement has been submitted to and approved in writing by the Local Planning Authority. If it is concluded in the remediation statement that remedial works are necessary, then the remediation statement shall demonstrate how the works will render the site 'suitable for use' and shall describe the works in relation to the development hereby permitted. It shall include full details of any works to be undertaken, proposed site clean-up criteria, site management procedures, contingencies and how the works will be validated.

To enable the local planning authority to determine whether the proposed remediation works will make the site 'suitable for use' and to ensure that contamination will not present any significant environmental risks

- 82 Any works required by an approved remediation statement, including any additional intrusive investigation works or monitoring activities, shall not commence unless the Local Planning Authority has received three working days' prior written notification of the date of commencement of such works.

To enable the Local Planning Authority to monitor remediation works.

- 83 Prior to the commencement of any part of the development other than any works required by this condition, any remediation works required by an approved remediation statement shall be fully carried out in accordance with that statement (or any subsequent revision to it).

To ensure that the site is suitable for the development hereby permitted and that any contamination present at the site will not present a significant environmental risk.

- 84 In the event that remediation is unable to proceed in accordance with an approved remediation statement by, for example, reason of increased quantities of material to be moved or treated or contamination being more extensive than expected or other unforeseen circumstances, the Local Planning Authority shall be notified immediately. A revised remediation statement shall forthwith be submitted for the

approval in writing of the Local Planning Authority. Works shall thereafter be carried out in accordance with the approved revised remediation statement.

To enable the Local Planning Authority to determine whether the proposed remediation works will make the site 'suitable for use' and to ensure that contamination will not present any significant environmental risks.

- 85 In the event that unexpected significant contamination is encountered during any development works including works required by an approved remediation statement, works in the affected part of the site must cease and the local planning authority shall be notified in writing immediately. The local planning authority may at this stage request that a remediation statement, outlining plans for further investigation and the proposed method of dealing with the contamination, be submitted for written approval prior to development works continuing in the affected part of the site.

To enable the Local Planning Authority to ensure that contamination (expected or otherwise) at the site will not present any significant environmental risks and that the site will be made 'suitable for use'.

- 86 Within 3 months of the completion of the remediation works detailed in the approved remediation statement or prior to the start of the development hereby permitted, whichever is the earlier, a validation report shall be submitted to and approved in writing by the Local Planning Authority. This report shall:-

- 1) Describe the remediation works carried out and any significant variations from the works set down in the approved remediation statement;
- 2) Include and discuss substantiating data (analytical or otherwise); and
- 3) Confirm that the remediation objectives set down in the remediation statement have been achieved.

To enable the Local Planning Authority to determine whether the site has been made 'suitable for use' and that contamination has been dealt with so as not to present any significant environmental risks.

ENVIRONMENTAL HEALTH

- 87 Prior to the commencement of construction of the residential element of the development a scheme shall be submitted to and approved by the Local Planning Authority which will demonstrate that the internal noise levels in habitable rooms resulting from the external level of noise, including nearby commercial premises and road traffic, will be no more than 30 dB $L_{Aeq, 5 \text{ minutes}}$ between 23:00 and 07:00 or 35 dB $L_{Aeq, 1 \text{ hour}}$ between 07:00 and 23:00. The scheme should also include means by which the habitable rooms can be effectively cooled and rapidly ventilated without the need to open windows. The residential use shall not be occupied until the works have been completed, and any such noise insulation as may be approved shall be retained thereafter.

In the interests of residential amenity.

- 88 Prior to the commencement of development in the relevant part of the site a scheme detailing the method of storage and disposal of litter and waste materials,

including recycling facilities, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a description of the facilities to be provided including, where appropriate, lockable containers and details for how the recyclable materials will be collected from the site with timescales for collection. The approved scheme shall be implemented before the development hereby permitted is brought into use and no waste or litter shall be stored or disposed of other than in accordance with the approved scheme.

In the interests of amenity and to promote recycling.

89 There shall be no external storage of refuse containers on the site whatsoever.

In the interests of amenity.

90 The hours of delivery to and from the A1/A2 premises, together with loading and unloading within the premises shall be restricted to ...hours to ...hours.

In the interests of amenity.

91 No mechanical ventilation or air conditioning system shall be installed or operated within A1/A2 premises until details of the installation and operation of the system have been submitted to and approved in writing by the Local Planning Authority. The system shall thereafter only be installed and operated in accordance with the approved details.

In the interests of amenity.

92 No development of A3/A4/A5 uses shall take place until details of the extract ventilation system, including details of a filter to remove odour, and the methods of treatment of the emissions, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the works approved in accordance with this condition have been completed. Such works shall thereafter be retained.

In the interests of amenity and visual amenity.

93 The opening hours of the A3/A4/A5 premises shall be restricted to ... hours to ... hours Monday to Saturday, and ... hours to ... hours on Sundays and Bank Holidays.

In the interests of amenity of nearby residents.

94 The hours of delivery to and from the A3/A4/A5 premises, together with loading and unloading within the premises shall be restricted to ... hours to ... hours.

In the interests of amenity.

95 No mechanical ventilation or air conditioning system shall be installed or operated within A3/A4/A5 premises until details of the installation and operation of the system have been submitted to and approved in writing by the Local Planning Authority. The system shall thereafter only be installed and operated in accordance with the approved details.

In the interests of amenity.

- 96 The A3/A4/A5 uses shall not be brought into operation until a grease trap has been provided on the drainage outlet(s) from the food preparation area(s). 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.

- 97 No development of C1 uses shall take place until details of the extract ventilation system, including details of a filter to remove odour, and the methods of treatment of the emissions, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the works approved in accordance with this condition have been completed. Such works shall thereafter be retained.

In the interests of amenity and visual amenity.

- 98 The hours of delivery to and from the C1 premises, together with loading and unloading within the premises shall be restricted to ... hours to ... hours.

In the interests of amenity.

- 99 No mechanical ventilation or air conditioning system shall be installed or operated within C1 premises until details of the installation and operation of the system have been submitted to and approved in writing by the Local Planning Authority. The system shall thereafter only be installed and operated in accordance with the approved details.

In the interests of amenity.

- 100 The C1 uses shall not be brought into operation until a grease trap has been provided on the drainage outlet(s) from the food preparation area(s). 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.

- 101 The opening hours of the D1/D2 premises shall be restricted to ... hours to ... hours Monday to Saturday, and ... hours to ... hours on Sundays and Bank Holidays.

In the interests of amenity of nearby residents.

- 102 The hours of delivery to and from the D1/D2 premises, together with loading and unloading within the premises shall be restricted to ... hours to ... hours.

In the interests of amenity.

- 103 No mechanical ventilation or air conditioning system shall be installed or operated within D1/D2 premises until details of the installation and operation of the system

have been submitted to and approved in writing by the Local Planning Authority. The system shall thereafter only be installed and operated in accordance with the approved details.

In the interests of amenity.

- 104 No development of B1 uses 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.

- 105 No B1 operations shall take place before ... hours on weekdays and ... hours on Saturdays nor after ... hours on weekdays and ... hours on Saturdays unless otherwise agreed in writing by the Local Planning Authority.

In the interests of residential amenity of occupants of nearby property.

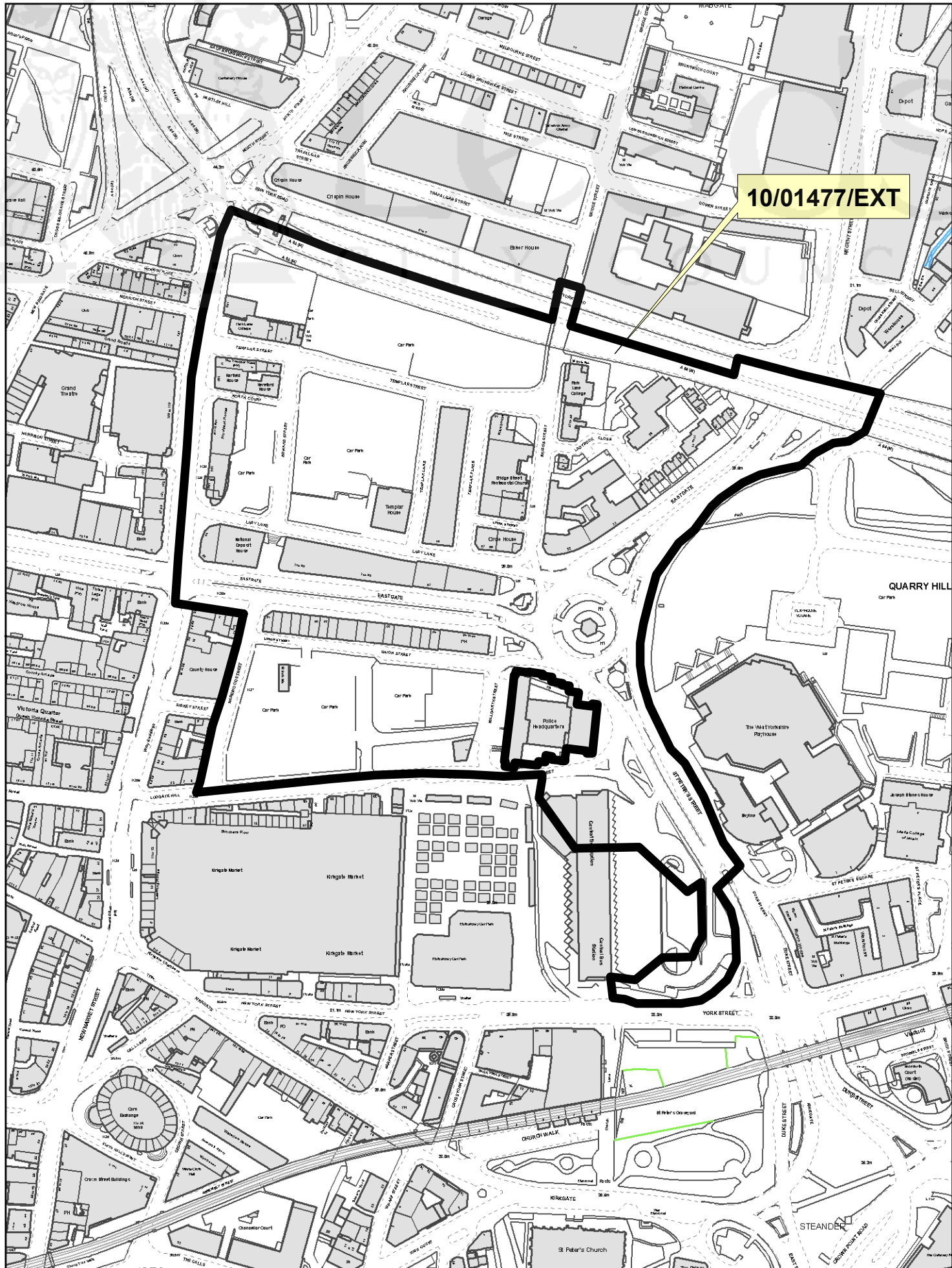
- 106 The hours of delivery to and from the B1 premises, together with loading and unloading within the premises shall be restricted to ... hours to ... hours.

In the interests of amenity.

- 107 Prior to the first use of the development details shall be submitted for approval of the Local Planning Authority of the measures taken to ensure that the quality of any television or other telecommunications services are not adversely affected by the proposals.

In order to safeguard the amenities of nearby occupiers.

Final details of conditions to be delegated to the Chief Planning Officer



10/01477/EXT

CITY CENTRE PANEL

Scale 1/3000

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