



Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 27 SEPTEMBER 2012

Subject: APPLICATION 12/03002/OT – An Outline Planning Application for the variation of condition 3 of planning permission 11/01000/OT to allow for leisure use (D2 use class) and casino use (sui generis) as part of a retail-led mixed use development, and

NON MATERIAL AMENDMENT 12/9/00098/MOD – To amend the development description to include leisure use (D2 use class) and casino use (sui generis) at the Eastgate and Harewood Quarter, Leeds – Land bound by New York Road (Inner Ring Road A64) to the North, Bridge Street and Millgarth Street to the East, George Street and Dyer Street to the South, and Vicar Lane and Harewood Street to the West, Leeds, LS2.

APPLICANT	DATE VALID	TARGET DATE
Hammersons UK Properties PLC	10 July 2012	30 October 2012

Electoral Wards Affected:

City & Hunslet

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

12/03002/OT

1. Defer and Delegate to the Chief Planning Officer to grant Outline Planning Permission, subject to the specified conditions (and any others which might be considered appropriate) and following completing of a Section 106 Agreement Deed of Variation to bind the previous application (11/01000/OT) and the current application.

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

12/9/00098/MOD

2. Defer and Delegate to the Chief Planning Officer to agree the Non Material Amendment to amend the development description to include leisure use (D2 use class) and casino use (sui generis).

Conditions 12/03002/OT

1. Reserved Matters - access, appearance, landscaping, layout and scale
2. Time Limit not later than 5 September 2016 (this being 5 years from the permission date on the original planning application 11/01000/OT) for the submission of reserved matters and 3 years thereafter for commencement of development.
3. Gross External Floorspace (GEA) floor space maximum and minimum limits for each use
4. List of Approved plans and drawings
5. Masterplan and potential phasing of implementation of uses
6. Clear glazing to ground floor windows
7. Minimum headroom of 5.7 metres below Eastgate walkway for full width to be used by vehicles
8. Provision of facility for Shopmobility
9. Details of a multi-faith prayer room, including washing facilities
10. 5 metre easement to the Ring Road
11. Phasing of any enabling, highway and bus station works or bus facilities
12. Lighting scheme
13. All external walling and roofing materials
14. 1:20 details of detail of roof lines, eaves shopfronts double height frontages, entrance points, replacement and new buildings, junctions of new build elements with the existing structures of Templar House, Templar Hotel, 90-94 Vicar Lane and the elements of the Eastgate Blomfield terraces to be retained, cross sections of upper level windows showing recesses and reveals and heights and relationship to existing and proposed structures of any plant area screens.
15. All external surfacing materials
16. Details of existing and proposed levels including Ordnance Survey Data
17. Permanent waiting facilities for use by bus drivers on Vicar Lane
18. Temporary bus drivers waiting facilities on Vicar Lane
19. Details and location of the public conveniences, real time information displays and public seating
20. Details of all vehicle parking layouts including motorcycle and cycle parking and electric car charging points
21. Details of long stay cycle parking, showers and changing facilities
22. Submission of a Car Park Management Plan
23. Details of secure short stay cycle parking facilities
24. Off site highways works to be addressed via a Section 278 Legal Agreement
25. Details of a hard and soft landscaping scheme, its implementation and maintenance
26. Replacement of any trees lost within 5 years of planting
27. Details of the means and measures of biodiversity protection and enhancements including a precautionary bat survey
28. Compliance with agreed Arts and Cultural Strategy
29. Submission of a Demolition and Construction Management Plan
30. Submission of a management strategy identifying measures to reduce the visual impact of the development

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

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

Reasons for approval of 12/03002OT : The application is considered to comply with policies SA1, SA2, SA4, SA5, SA6, SA7, SA8, SA9, SP3, SP7, SP8, SG4, GP5, GP11, GP12, N12, N13, N23, N38A, N38B, N39A, N39B, N51, BD2, BD5, BD15, T2, T2B, T2C, T2D, T5, T6, T7, T7A, T7B, T9, T13, T15, T24, T26, T28, CCP1, E14, S1, R3, R5, A4, WM3, BC7, N17, N29, ARC4, ARC5, ARC6, LD1, LD2, CC1, CC3, CC5, CC6, CC8, CC10, CC11, CC12, CC13, CC14, CC17, CC19, CC21, CC26, CC27 and CC29 of the UDP Review, as well as guidance contained within the Eastgate and Harewood Supplementary Planning Document, Public Transport Improvements and Developer Contributions, Tall Buildings Design Guide, Travel Plans (draft), Leeds – City Centre Urban Design Strategy (CCUDS): Improving Our Streets, Spaces and Buildings (urban design principles based on the distinctive qualities of Leeds City Centre), The RSS for Yorkshire and Humber and the National Planning Policy Framework 2012 (NPPF) having regard to all other material considerations, as such the application is recommended for approval.

In making the recommendation to grant permission for this development the appraisal has taken into account all material planning considerations including the submitted Environmental Statement, the comments of any statutory and other consultees, public representations about the application and Government guidance and policy as detailed in the National Planning Policy Framework 2012 (NPPF) and (as specified

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

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

(a) The Eastgate and Harewood Quarter scheme will deliver up to 117,080 square metres of new retail development; new modern office space, leisure and cultural uses, the restoration of listed buildings and significant improvements to the setting of the City Centre conservation area, extensive pedestrianisation and the creation of high quality public realm.

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

(c) The scheme would be in accordance with the Eastgate and Harewood Supplementary Planning Document, the Regional Spatial Strategy, the National Planning Policy Framework 2012 (NPPF) and other adopted supplementary planning guidance.

(d) The development was assessed against the shopping policies in the UDPR and the NPPF and the City Council concluded that no harm would be caused by retail development in this part of the city centre.

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

(f) The scheme would improve physical and economic links with areas and communities beyond the site, 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.

1.0 INTRODUCTION:

- 1.1 The proposals are brought to allow Members to consider whether the changes to the mix of uses in the approved Eastgate and Harewood Quarter would be appropriate and of benefit to the scheme, and to the wider City Centre and metropolitan district of Leeds.

2.0 PROPOSAL:

1. Variation of Condition Application 12/03002/OT

- 2.1 The application 12/03002/OT seeks to vary Condition 3 as approved on planning permission 11/01000/OT for the redevelopment of the site. This Condition details the ranges of total gross external floor space for each consented use, giving a maximum and minimum floor space figure for each of the said uses. The proposal is to amend the approved use Gym (Class D2) to Leisure (Class D2) and to amend the potential maximum gross external floor space for this use from 3,500 metres² to 11,000 metres². The second variation proposed to Condition 3 is the addition of a new use, Casino (Sui Generis) with a range of gross external floor space of 0 metres² to 5,000 metres².
- 2.2 The original scheme for the Eastgate and Harewood Quarter development, under application 06/03333/OT (approved on 24 August 2007 and extended under reference 10/01477/EXT on 9 July 2010), was a retail led mixed use scheme with an overall floorspace parameter ranging from a maximum of 147, 710 metres² to a minimum of 92,350 metres². This scheme included retail, bars, restaurants, offices, a cinema, a gym, a medical centre, a crèche, church facilities, a hotel, residential and car parking.
- 2.3 The development proposal was reconsidered by the Applicant and the revised scheme was submitted under planning application 11/01000/OT. Here the mix of use was rationalised to retail, bars, restaurants, office space, a gym, a medical centre, a crèche, a multi faith prayer room, car parking and changing places facilities. This resulted in the overall floorspace parameters changing to a maximum of 131,286 metres² and a minimum of 84,832 metres².
- 2.4 The changes details in Section 2.1 for the current proposal (application reference 12/03002/OT) proposes a maximum overall floor space parameter of 136,286 metres² and a minimum of 84,832 metres². This is a potential 5,000 metres² overall increase in floorspace on that approved under the previous application, 11/01000/OT. However the actual increase in proposed floor space for the amended D2 use and the new Casino use would amount to 12,500 metres² which would result in an overall maximum floorspace parameter of 143, 786 metre².
- 2.5 Therefore, to ensure that the maximum floor space figure of 136,286 metres², as submitted on the Use and Floor Space Parameters table (found in the Design and Access Statement) is not exceeded, other uses listed in the table may reduce in floor space to ensure that the overall increase in gross external floor space does not amount to more than 5,000 metres². In addition the Applicant will consider the use of mezzanines, changes to floor to ceiling heights and the minimising of ancillary/service area space where possible.
- 2.6 The land use and maximum and minimum floor space parameters for each type of proposed use and a comparison between this and the previous consented schemes

can be found in Appendix 1. The amendments currently submitted under this application (12/03002/OT) are set out in italics in the table.

2. Non Material Amendment 12/9/00098/MOD

2.7 The non material amendment 12/9/00098/MOD, seeks to amend the development's description such that it includes Leisure Use (D2) and Casino Use (Sui Generis) As Casino Use (Sui Generis) can not be considered to be non material this Non Material Amendment needs to be considered in the combination with the submitted Section 73 application for Variation of Condition 3, planning reference 12/03002/OT.

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

Design and Access Statement Addendum (HUK3)
Planning Statement Addendum (HUK4)
Transport Statement Addendum (HUK8)
Travel Plan Framework (HUK9)
Environmental Statement Addendum (HUK10)
Energy Statement Addendum (HUK13)

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

- Summary of Changes
- Methodology
- Socio Economics
- Air quality
- Noise
- Residual impacts of the entire Environmental Statement.

3.0 SITE AND SURROUNDINGS:

3.1 The application site extends to approximately 6.9 hectares in size and forms the north east quadrant of Leeds City Centre. It is defined by New York Road (Inner Ring Road A58M/A64M) to the north, Bridge Street to the east, George Street and Dyer Street to the south and Harewood Street and Vicar Lane to the west. Millgarth Police Station, Millennium Fountain (former Appleyards petrol filling station) and the Ladybeck Close area are all now excluded from the amended proposals site boundary. Ground levels fall by approximately 14m from the north west (former ABC site) to the south east corner (bus station) of the site.

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

number of these existing buildings have become vacant since the consent was granted for the original outline scheme in August 2007.

3.3 North central segment

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

3.4 North west segment

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

3.5 Central spine and southern segment

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

3.6 1-5 Eastgate forms part of the same block as 90-94 Vicar Lane. The building is a post-war interpretation of its neighbour. The northern Eastgate terrace (7-31 Eastgate) is situated to the east of this block beyond a staircase leading down to Lady Lane and Edward Street. The terrace, stepping down from west to east, is 130m in length. 7-27 (1953) Eastgate generally follows the outline plan and is clearly inspired by Blomfield. 29-31 Eastgate (1930-33) was designed by Blomfield.

3.7 The terrace on the southern side of Eastgate is a similar length and height to that on the northern side. The majority of the run (10-42 Eastgate) dates from the late 1950's. 44-46 Eastgate, the southern 'bookend' is similar to its northern counterpart. Beyond the open car parks and the police headquarters (outside the site) part of Leeds Central Bus Station is located within the application site boundary.

3.8 The Millennium Fountain, whilst outside the demise of the current proposal, is of importance still and is located within a Blomfield designed building located at the intersection of Eastgate (west), Eastgate (north-east) and St Peter's Street. The grade II listed building was constructed as a petrol station in 1932. The surrounding railings were listed grade II as having group value as part of the composition with the filling station.

4.0 **RELEVANT PLANNING HISTORY:**

4.1 The original outline planning permission (06/03333/OT) was granted consent on 24th August 2007 and permission was extended on 9 July 2010 (10/01477/EXT).

- 4.2 Subsequently a revised scheme was submitted under outline planning application 11/0100/OT for major redevelopment, including demolition, involving mixed use to provide retail stores, restaurants, bars and offices (A1, A2, A3, A4, A5 and B1 Use Classes), gym (D2 Use Class), medical centre, crèche, multi-faith prayer room (D1 Use Classes), changing places toilet facilities, with new squares and public realm, landscaping, car parking and associated highway works, at the Eastgate And Harewood Quarter, Leeds, LS2 . This was approved on 6 September 2011 A Non Material Amendment planning reference 12/9/00055/MOD to amend the description to refer to leisure use (D2 use class) instead of gym (D2 use class) was approved on 4 April 2012.
- 4.3 Other applications of relevance are:
- 4.4 11/01003/LI - Listed Building Application for works to renovate and repair external fabric of Templar House, at Templar House, Lady Lane was approved on 21 July 2011.
- 4.5 09/05538/LI - Listed building application for the demolition of the railings at the former Appleyards Filling Station. Following referral to the Secretary of State this application was granted a five year consent on 31 March 2010 subject to conditions requiring the railings be repaired and reused within the Eastgate and Harewood Quarter development.
- 4.6 09/04368/LI – A Listed building application to repair and renovate the external fabric of Templar House, Lady Lane was approved 2 December 2009.
- 4.7 11/01194/FU – An application for the demolition of all buildings and the erection of a Low Carbon Energy Centre, primary substation, transformers and a gas meter unit; and associated landscaping, means of enclosure and highway works including the realignment of Ladybeck Close, was approved on 14 July 2011. This proposal aims to provide for the development's energy requirements as well as potential for use by other surrounding sites/developments.
- 4.8 11/02884/FU – An application for part demolition of school, construction of new church, with youth hall, meeting rooms, cafe and toilets, including extension of part of remaining school to form crèche, kindergarden, auditorium, games room, teaching rooms, meeting rooms, offices and kitchen, with car parking and landscaping and laying out of new access, at the Agnes Stewart site, was approved on 5 October 2011.
- 4.9 07/02508/FU – Permission was granted for the laying out of access road and erection of new auditorium and youth hall, with new car parking area to form church and community facilities for the relocation of the Bridge Street Pentecostal Church to the Agnes Stewart school site on 29 June 2010. The above two applications relate to the relocation of existing church facilities.
- 4.10 Whilst not strictly part of the planning history, it should note that on 19th April 2006 Executive Board authorised the making of a Compulsory Purchase Order (CPO). The Leeds City Council (Eastgate and Harewood Quarter, Leeds) Compulsory Purchase Order 2007 was subsequently made on 18th April 2007. The Public Inquiry into the CPO took place between November 2007 and February 2008. The CPO was confirmed by the Secretary of State for Communities and Local Government in June 2008 and the associated Stopping Up Order for the original consented scheme was

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

- 4.11 Whilst also not strictly part of the planning history, it should be noted that under provisions for Large Casinos laid down in the Gambling Act 2005, a Licensing Application is currently under consideration by the Licensing Committee Advisory Panel, for a Large Casino on the Eastgate and Harewood Quarter site. The application is at Stage 2 of the Licensing Application process and is registered under reference number GPROV/CAS/00003.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The overall scheme has been the subject of detailed discussions between the Applicants, their Architects and Local Authority Officers for a considerable number of months, and was presented to Members at the Plans Panel of 22 July 2010. Members commented on the proposals and the scheme was brought back to Plans Panel on 16 September 2010 for a further pre-application presentation. Further comments were made by Members to be taken into account in the subsequently submitted outline planning application.
- 5.2 The original outline application was then brought to Panel as a Position Statement on 12 May 2011 and Members again made comments which informed the manner in which the proposal was to be brought forward. The original outline application was brought back to Plans Panel for determination on 7 July 2011 where Members resolved to grant outline planning permission. The application was subsequently approved, following completion of the Section 106 Legal Agreement, on 6 September 2011.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The Variation of Condition application was publicised via Site Notices posted on 20 July 2012 expiring on 10 August 2012 for a 'Major Development Which Affects the Setting of a Listed Building and the Character of a Conservation Area and is Accompanied by an Environmental Statement', and in the Yorkshire Evening Post edition printed on the 20 July 2012. Ward Members were consulted on 18 July 2012; no responses have been received from them to date.
- 6.2 13 letters of comment have been received these being 12 letters of objection and 1 letters of support, and a petition of objection totaling 1171 signatures has been received. The majority of the letters and the petition have commented on the possible loss of the Templar Hotel public house, as follows:
- 6.3
1. There is concern regarding the loss of the Templar Hotel pub, which is considered to be a rare heritage pub of pleasing appearance and detail. That the pub is of historical importance and that its loss would be tragic and unnecessary. It is suggested that the public house should be incorporated in the scheme.
 2. That the Templar Hotel pub should not be changed into a casino.
 3. That the Templar Hotel pub is a traditional community pub, and that it offers the community as much leisure options as the community requires and that the redevelopment will not provide the community with what Templar Hotel already provides.

6.4 Other comments received relate to the following matters:

1. That an application for a further casino in a city which already has four is wholly unnecessary.
- 2.. That the Eastgate redevelopment will be of great benefit to Leeds, and that will regenerate this part of Leeds City Centre, and that the casino will be a lively draw that will enhance the scheme.
3. That the whole planned development will have a negative impact on the character of the area and on Kirkgate Market, with Market parking being adversely affected, as well as likely increases in traffic, noise and disturbance.

6.5 All of the above matters are responded to within the appraisal section below.

6.6 No comments have been received with regard to the non material amendment.

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory:

7.2 Highways state that they have no objections to the proposed amendments.

7.3 Mains Drainage state that the amendments are not significant in terms of Flood Risk and Drainage though full details of drainage and calculations to support them will be required.

Response: Such details will be conditioned accordingly.

7.4 Yorkshire Water state that they have no comments to make.

7.5 English Heritage state that the application should be determined in accordance with national and local policy guidance, and on the basis of the Local Planning Authority's own specialist conservation advice.

7.6 Environment Agency state that the proposed amendments will only be acceptable providing the measures as detailed in the Flood Risk Assessment 00-GE-990-WCL-RP-001 (dated January 2011), are implemented and secured by way of a planning condition.

Response: the decision will be conditioned accordingly.

7.7 Highways Agency state that they have no objection to the proposal provided the varied Condition 3 is attached to any planning permission.

Response: The variation of the condition will form part of the decision notice for any approval for this planning application.

7.8 National Amenities Societies for Listed Buildings no responses received.

7.9 Natural England state that the amendments are unlikely to have significantly different impacts on the natural environment than the original proposal.

7.10 Non-statutory:

7.11 Police Liaison Officer states that they have no detrimental comments to make, but offer guidance on crime incidents in the area and creating Safer Place. The Officer

also refers to the previous comments made under consultation on the outline planning application 11/01000/OT) with regard to the Applicant consulting the Counter Terrorism Unit and Leeds Watch.

Response: The Applicant has been made aware of these comments and guidance.

- 7.12 TravelWise request that amendments be made to the Travel Plan to ensure the D2 Leisure Use and Casino Use (Sui Generis) are referred to in all appropriate sections.
Response: The Travel Plan has been revised accordingly and is now consider to be acceptable by the Travel Wise Officer
- 7.13 Access Officer no response received.
- 7.14 Local Plans state that the proposed variations would be considered acceptable in principle.
- 7.15 Neighbourhoods and Housing Response received on 14 September 2012 stating that they have no adverse comments subject to their recommendations on application 11/01000/OT being carried forward.
Response: The conditions recommended have been brought forward on to the current application.
- 7.16 Air Quality no response received
- 7.17 Asset Management no response received
- 7.18 City Centre Management Team no response received
- 7.19 Street Lighting no response received
- 7.20 Licensing no response received
- 7.21 City Services Streetscene Services no response received
- 7.22 The Coal Authority state that they have no comments or observations to make on this application.
- 7.23 Public Rights of Way state that their records show no definitive or claimed rights of way across or abutting the site.
- 7.24 Metro no response received
- 7.25 West Yorkshire Archaeological Advisory Service no response received
- 7.26 The Design Council CABA no response received
- 7.27 Leeds Civic Trust state that they object to the proposed addition of the casino and feel that there are more appropriate locations for this use to be sited. They state that they would prefer the leisure elements of the scheme to be family orientated.
Response: The application is for the addition of a Sui Generis Casino use (of a maximum of 5,000 sq metres floor space) and the amendment of the previously approved Gym Use (D2 Use Class) to wider Leisure Use (D2 Use Class), with an accompanying increase in floor space for the amended D2 Use from a maximum of 3500 sq metres to a maximum of 11,000 sq metres. As a result the proposed Casino use would not prevent the introduction of a sizeable amount of family orientated

leisure use via the broadened Leisure D2 Use Class and large maximum floor space for this leisure Use Class.

- 7.28 Environmental Policy no response received
- 7.29 Transport Policy /NGT Officer states that the submitted Transport Statement Addendum informs that there would be only a negligible increase in peak hour vehicular trips, that the changes in gross floor area are likely to be generally in the same order as the gross floor area previously used in the public transport contribution calculation, and that the casino use may well reduce public transport numbers. As such it is considered reasonable to maintain the contribution as that previously agreed on 11/01000/OT (i.e. £749,922.00). The maintained contribution should be split pro-rata based on the combination of A1, A4, A5, D2 and Casino uses, if the scheme is to be phased.
- 7.30 Contaminated Land Team state that they have no comments to make with regard to the proposed variations.
- 7.31 Nature Conservation Officer states that there do not appear to be any significant impacts on nature conservation issues as a result of this proposal for a variation of Condition 3.

8.0 PLANNING POLICIES:

- 8.1 A full list of up to date policies can be found at Appendix 2.

9.0 MAIN ISSUES:

1. The principal of the Variation of Condition 3 to amend to the mix of uses
2. The principal of the Non Material Amendment to alter the development description
3. Templar Hotel Public House
4. S106 Deed of Variation
5. Equality

APPRAISAL

- 9.1 1. The principal of the Variation of Condition 3 to amend to the mix of uses
Section 73 of Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition or conditions previously imposed on a planning permission. The Council can grant such permission unconditionally or subject to different conditions or can refuse the application if it is decided that the original conditions should continue. The original planning permission will subsist whatever the outcome of the application under section 73.
- 9.2 The development which the application under s.73 seeks to amend will by definition have been judged to be acceptable in principle at an earlier date. The application should be determined in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004 (see below) but the Panel, in making its decision should focus attention on national or local policies or other material considerations which may have changed significantly since the original grant of permission, as well as the changes sought.

- 9.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The Development Plan for the purposes of this application comprises the Regional Spatial Strategy for Yorkshire and the Humber and the Unitary Development Plan (Review) 2006. In arriving at a decision it will be necessary to look at the RSS and UDPR as a whole, as well as other material considerations, such as the Eastgate and Harewood SPD and representations. Since development plans contain numerous policies, the local planning authority must have regard to all those provisions which are relevant to the application under consideration. However, it is not necessary that the development should be in accordance with every relevant policy of the plan. If there are areas where policies pull in different directions a judgment will have to be taken whether or not the development is still firmly "in accordance" with the plan as a whole.
- 9.4 Central Government have in their ministerial statement on "Planning for Growth" advised that when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant - and consistent with their statutory obligations - they should therefore:
- 1) Consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession
 - 2) Take into account the need to maintain a flexible and responsive supply of land for key sectors,
 - 3) Consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity)
 - 4) Be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date
 - 5) Ensure that they do not impose unnecessary burdens on development. In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in the National Planning Policy Framework 2012), and that they can give clear reasons for their decisions.
- 9.5 The Leeds Unitary Development Plan Review 2006 (UDPR) sets out a number of strategic aims through which opportunities and catalysts for securing positive change can be identified. Amongst other strategic aims the UDPR seeks to promote and strengthens the economic base of Leeds by identification of a balanced range of sites for development, by ensuring that a wide range of shops is available in locations to which all sections of the community have access by a choice of means of transport, by encouraging the provision of facilities for leisure activities, by promoting the physical and economic regeneration of urban land and buildings within the urban areas, by ensuring that all sections of the community have safe and easy access to employment, shops and other facilities by maintaining and enhancing the current levels of provision in appropriate locations and by supporting the aspiration of Leeds to become one of the principal cities of Europe and maintaining and enhancing the distinctive character which the centre already possesses. In addition, the development plan looks for new development to be

concentrated largely within the main urban areas on sites well served by public transport in order to maximise the potential of existing infrastructure, and states that priority be given to the maintenance and enhancement of the city centre. When looking at the particular role of the city centre the UDPR states that it will be enhanced by:

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

- 9.6 The Gambling Act 2005 granted 17 new casino licences and in April 2008 Parliament went on to approve eight small and eight large casino licences. Leeds was awarded the right to issue a large casino licence. A large casino is one defined as having facilities for gambling covering between 1500 metres² to 3500 metres². As such as stated above in Section 4.12 the Applicant has submitted an application to Licensing for a large casino licence. This application is currently under consideration by the Licensing Committee Advisory Panel and is a separate, but relevant, matter to this planning application 12/03002/OT. As the proposed Casino use on the current submission (12/03002/OT) has a floor area of up to 5000 metres² it is the case that any areas exceeding the 3500 metres² defined above, would be given over to ancillary supporting uses, such as service areas or possibly a restaurant.
- 9.7 As previously stated in this report, the proposal is for the addition of a Casino Use (Sui Generis) and the change of an approved Gym Use (Class D2) to a larger Leisure Use (Class D2). There is a requirement to ensure that the overall mix of uses across the scheme remains retail led, and does not increase by more than a maximum gross external floor space of 5000 metres². This is necessary to ensure that the amended scheme accords with the principles of the Prime Shopping Quarter as laid down in the UDPR, and does not exceed the overall height and floor space parameters approved on the original outline planning application 11/01000/OT. To achieve this the Applicant proposes the possible use of mezzanines, alterations to floor to ceiling heights within proposed buildings and the minimising of ancillary/service area spaces where possible.
- 9.8 The UDPR promotes a mix of uses where the proposed uses do not prejudice the primary retailing function of the area, with the use of upper floors for such uses being encouraged. In addition, the Eastgate and Harewood Supplementary Planning Document states that whilst the development of the site should be retail-led, a mix of complimentary uses including leisure is appropriate.
- 9.9 The proposed amended use to Leisure (Class D2) and the additional use Casino (Sui Generis) are considered to be appropriate city centre uses. The broadening of the D2 Use from Gym to Leisure, with the associated increase in floor space would allow more flexibility and the opportunities for bringing more family orientated uses and attractions into Leeds City Centre as part of the scheme. It is also considered that such leisure and entertainment uses add to the vitality and vibrancy of the area, and assist in the promotion of vibrant day time and evening economies within Leeds City Centre.
- 9.10 The principals of the wider development and its impacts on the character of the area and Kirkgate Market, as well as parking provision, traffic movements, on and off site traffic works to accommodate required changes, and potential noise and

disturbance were all addressed on the previous approved outline planning application 11/01000/OT. The current submitted application (planning reference 12/03002/OT) proposes the addition of Casino Use (Sui Generis) and a change from the previously consented Gym Use (D2) to a broader Leisure Use (D2) only. These uses would be incorporated into the layout, and proposed floorspace and heights parameters approved under application 11/01000/OT. As such there would be no additional impact on the character or the area as a result of these amendments to the mix of uses. A revised Transport Statement has been submitted which states that the net increase in trip generation would be negligible as a result of these proposed changes, and that the approved level of car parking provision would be adequate to cover any additional need resulting from these alterations to the uses of the site. Any noise or disturbance resulting from the additional uses would be subject to the same Environmental Health controls as the uses on the approved scheme (11/01000/OT).

- 9.11 The proposals would also result in additional economic benefits. Not only could the scheme be a catalyst for further development around the site and across the wider city, but the additional and changed uses would result in the creation of approximately 347 new jobs for local people. This is in addition to the circa 2289 to 5128 new jobs already estimated to result from the Eastgate and Harewood Quarter scheme as approved under planning application 11/01000/OT.
- 9.12 In light of the High Court case with regard to the Government's desire to abolish the Regional Spatial Strategy (RSS) it is currently the case that the said RSS remains relevant and forms part of the development plan. The Regional Spatial Strategy (RSS) identifies Leeds as a City Region centre and indicates its roles and functions as being to accommodate significant growth in jobs and homes and to continue to improve the city centre's offer of high order shops and services, support economic growth of the city and wider region, protect and enhance the environment, use strategic patterns of development to maximise the opportunities for use of non car modes of transport and encourage growth in general across the south of the city region (which includes Leeds City Centre). The Strategy identified 'non-business class' sectors, which include leisure and tourism, as being key economic and employment generators.
- 9.13 The amendments to the mix of uses in the scheme and the additional employment opportunities these amendments will bring reflect the objectives of the RSS and would reinforce the role of Leeds as a regional centre, re-establish its position competitively with other major cities and help cement Leeds as city of European significance.
- 9.14 2. The principal of the Non Material Amendment to alter the development description
The proposed non material amendment seeks changes to the development description, such that Casino (Sui Generis) use is included and Gym Use (D2) is changed to Leisure Use (D2). It is considered that amending the description in this manner, when considered in combination with the detail submitted on the above noted Variation of Condition application 12/03002/OT, gives rise to no significant material planning effects in the overall context of the approved scheme. As such the non-material amendment is considered to be acceptable.
- 9.15 3. Templar Hotel Public House
A large proportion of the letters of comment received, and the petition received, relate to concerns regarding the possible loss of the Templar Hotel public house. The

scheme approved on outline planning application 11/01000/OT considers Templar Hotel, whilst not being a Listed Building, to have architectural and historic importance. As such the approved scheme retains and refurbishes Templar Hotel. The current application is for the amendment of one approved use of the site (to change D2 Gym Use to D2 Leisure Use), and the addition of another use (Sui Generis Casino) only. As such the currently submitted application (12/03002/OT) also proposes to retain and refurbish Templar Hotel and does not propose its removal.

9.16 With regard to the possible location of the Casino use, the plans submitted show that the likely location for the Casino would be on the Harewood side of the site, on what is currently the Union Street car park which would not affect the location of the Templar Hotel.

9.17 In addition whilst the Templar Hotel public house offers one type of leisure pursuit (in the form of A4 Use), and this is a use approved in the mix of uses (on application 11/0100/OT), the proposed D2 Leisure Use and Casino Use (Sui Generis) means that a wider variety of leisure uses could be brought to this area, alongside A4 uses. This could include more family orientated leisure activities and attractions.

9.18 3. S106 Deed of Variation

A legal test for the imposition of planning obligations was introduced by the Community Infrastructure Levy Regulations 2010. These provide that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is -

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

9.19 A Section 106 Legal Agreement including obligations to secure the following requirements was attached to the approved outline planning application 11/01000/OT:

1. A Public Transport Infrastructure Improvements Contribution of £749,992.00 in accordance with Policies T2 and T2D as detailed in correspondence dated 9 June 2011 at Appendix 4. The Transport Policy Officer has considered whether the proposed changes would affect the contribution, His analysis shows that the changes are negligible and as such he has determined that the level should remain £749,992.00.

2. The employment and training of local people. The Employment and Training Scheme shall contain:

- a) Details of how the Developer shall co-operate with the Council's Jobs and Skills Service from the start of the tendering process for the construction of the Development and throughout construction of the Development;
- b) Details of how the Developer shall work with the Council to identify target groups within local communities to deliver training ranging from pre-employment to skills development in partnership with the public sector and voluntary organisations.
- c) A commitment from the Developer to use its reasonable endeavours to use local contractors and sub-contractors in the construction of the Development;
- d) A commitment from the Developer to use its reasonable endeavours to employ local people in the construction and operation of the Development; and
- e) The procedure by which the Developer shall notify employment vacancies to local employment agencies.

3. A Travel Plan monitoring and evaluation fee of £15,000.00.

4. The provision of an area defined for Kirkgate Market's use only for traders parking, loading and unloading to the south-eastern corner of the outdoor market.
5. The provision, maintenance and the hours of public access of defined areas of public realm and landscaping. The details of landscaping would also be addressed via appropriate conditions, at the reserved matters stage and as part of a Section 278 Legal Agreement. The proposed landscaping and public realm works amount to costs in excess of £3,000,000.00.
6. The provision of 2 Leeds Car Club spaces and a contribution of £9,000.00 to fund a one year membership of the car club for employees.
7. The protection of the NGT public transport corridor.

9. 20 These obligations were considered against the legal tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. It is the case that these obligations remain valid and as such a Deed of Variation will be completed to bind the current outline planning applications 12/03002/OT to the original outline planning application 11/01000/OT.

9.21 4. Equality

The Council has a general duty under s.71 of the Race Relations Act 1976 to have regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups. The Equality Act 2010 requires public bodies to have due regard to eliminate discrimination and to advance equality of opportunity, this is evident in UDP policy SA8. A Court of Appeal decision involving Haringey Council has confirmed that where the requirements of section 71 form, in substance, an integral part of the decision-making process then it is necessary to demonstrate that the particular requirements of Section 71 have been taken into account in coming to a decision on a planning determination. Accordingly it is the responsibility of the Local Planning Authority to consider whether the requirements of the Section 71 are integral to a planning decision. It is important to note that Section 71 is concerned with promoting equality of opportunity and good relations between different racial groups. The Court of Appeal in its decision stressed that this is not the same as the promotion of the interests of a particular racial group or racial groups.

9.22 On the Eastgate and Harewood site it is the case that there has been a historic concentration of businesses occupied by the Chinese community. Whilst there are still remnants of this occupation (the Applicant has identified that 4 businesses run by members of this community remain on site) many such businesses have already relocated successfully to other locations. In the circumstances Officers do not consider that Section 71 requirements are integral to these decisions, or that the proposals would in any way have a disproportionate impact on the Chinese community.

9. 23 It is also the case that the development proposal would be open for use by all and intends to provide retail, leisure, entertainment and other services that benefit the local and wider community.

10.0 **CONCLUSION:**

10.1 It is considered that the principle of the proposed additional and amended uses accords with the aspirations and objectives of all relevant national, regional and local policies (Appendix 2). The enriched mix of uses will aid the creation of a new,

vibrant retail led development, which has the potential to transform an unfinished corner of the Prime Shopping Quarter. It is considered that the changes would enhance and reinforce the role of the Prime Shopping Quarter and the wider City Centre, bringing substantial regeneration, employment and economic benefits to Leeds. Therefore, the proposed variation to the mix of uses is deemed to be acceptable and appropriate.

Background Papers:

Planning Application 06/03333/OT
Listed Building Application 06/03334/LI
Listed Building Application 09/05538/LI
Listed Building Application 09/04368/LI
Non Material Amendment 09/9/00291/MOD
Planning Application 10/01477/FU
Planning Application 11/01000/OT
Planning Application 11/01003/LI
Planning Application 11/01194/FU
Non Material Amendment 12/9/00098/MOD

APPENDIX 1 – FLOOR SPACE COMPARISON TABLES 12/03002/OT

This table provides the mix of uses and floor space parameters for the original consented scheme – 06/03333/OT, approved on 24 August 2007 and the extension of time for this, 10/01477/EXT approved on 9 July 2010, the mix of uses and floor space parameters for the revised scheme – 11/01000/OT approved on 6 September 2011 and the proposed mix of uses and floor space parameters for the current variation of condition application – 12/03002/OT.

Types of Use	06/03333/OT & 10/01477/EXT	06/03333/OT & 10/01477/EXT	11/01000/OT	11/0100/OT	12/03002/OT	12/03002/OT
	Maximum Gross External Area metres²	Minimum Gross External Area metres²	Maximum Gross External Area metres²	Minimum Gross External Area metres²	Maximum Gross External Area metres²	Minimum Gross External Area metres²
A1, A2, A3, A4 and A5	117 080 m ²	84 110 m ²	117 080 m ²	79 800 m ²	117 080 m ²	79 800m ²
<i>Gym D2</i>	4 880m ²	2 050 m ²	3 500m ²	0 m ²		
<i>Leisure D2</i>					11 000m ²	0 m ²
<i>Casino (Sui Generis)</i>					5 000 m ²	0 m ²
Medical Centre D1	830 m ²	560 m ²	400 m ²	0 m ²	400 m ²	0 m ²
Office (B1)	9 750 m ²	1 350 m ²	9 832 m ²	5 000 m ²	9 832 m ²	5 000 m ²
Cinema (D2)	6 300m ²	0 m ²				
Crèche/nursery (D1)	780 m ²	280 m ²	400 m ²	0 m ²	400 m ²	0 m ²
Multi Faith Prayer Room D1	1 050 m ²	530 m ²	50 m ²	20 m ²	50 m ²	20 m ²
Hotel (C1)	7 040 m ²	3 470 m ²				
Changing			24 m ²	12 m ²	24 m ²	12 m ²

Places toilets and changing facilities						
Total Gross External Area	147 710 m²	92 350 m²	131 286 m²	84 832 m²	136 286 m²	84 832 m²
Residential units	600	300				
Car Parking	2700	3100	2700	2200	2700	2200
Replacement Police Car Parking	80	80	80	0	80	0
Total number of parking bays	2780	3180	2780	2200	2780	2200

NB: Although the proposed maximum Total Gross External Area of the above list for all uses on the current application 12/03002/OT actually amounts to 143,786 metres², it is the case that the said Total Gross External Area for all uses combined shall not in fact exceed **136,286 metres²**. As such where one use is developed to its maximum gross external area, another will reduce accordingly to ensure this is the case. In addition the Applicant will consider the use of mezzanines, changes to floor to ceiling heights and the minimising of ancillary/service area space where possible.

APPENDIX 2: PLANNING POLICIES AND GUIDANCE 12/03002/OT

The Development Plan

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

Regional Spatial Strategy (RSS)

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

Unitary Development Plan (Review 2006) (UDPR)

Strategic context

SA1 aims to secure the highest possible quality of the environment

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

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

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

SA6 encourages the provision of facilities for leisure activities

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

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

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

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

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

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

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

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

GP5 indicates that development proposals must resolve detailed planning considerations

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

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

Urban Design

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

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

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

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

complimentary to its setting will be welcomed”.

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

N38A Development should not increase the risk of flooding

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

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

N39B the re-opening of culverts will be actively promoted

N51 encourages new development to enhance existing wildlife habitats and provide new areas for wildlife where opportunities arise

BD2 states that the design and siting of new buildings should complement and, where possible, enhance existing vistas, skylines and landmarks.

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

BD15 encourages public art.

Transport

T2 New development should normally:

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

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

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

T2D where public transport accessibility to a proposal would otherwise be unacceptable the Council will seek Developer contributions.

T5 requires safe and secure access for pedestrians and cyclists

T6 requires satisfactory access and provision for disabled people

T7 promotes development and maintenance of new cycle routes

T7A identifies cycle parking guidelines (A9C)

T7B identifies motorcycle parking guidelines (A9D)

T9 encourages an effective public transport service
T13 protects Supertram/NGT routes
T15 measures giving priority to bus movements will be supported
T24 identifies parking requirements within Volume 2 (Appendix A9A, A9B)
T26 supports short stay car parking in the city centre core parking area
T28 manages the growth of long-stay commuter car parking (A9B)
CCP1 refers to parking guidelines for city centre office development

Economy

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

Shopping

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

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

Urban regeneration

R3 supports the use of compulsory purchase to achieve regeneration benefits

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

Access

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

Waste

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

Conservation Areas and Listed Buildings

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

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

Archaeology

N29 protects archaeological remains from development
ARC4 presumes against development on nationally important remains
ARC5 requirement for evaluation to inform planning decisions
ARC6 requirement for investigation and recording

Landscape

LD1 identifies requirements for landscape schemes
LD2 outlines design issues for new roads

City Centre

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

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

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

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

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

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

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

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

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

CC14 supports proposals to introduce a Supertram system.

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

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

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

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

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

CC29 requires additional uses to the main uses for large developments

The Prime Shopping Quarter strategy is to:

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

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

Proposal Area 15 - Kirkgate Markets Area

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

Proposal Area 16 – Templar Street

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

Supplementary Planning Guidance

The Leeds City Centre Urban Design Strategy (September 2000)

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

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

Eastgate and Harewood Supplementary Planning Document

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

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

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

- Complete the development of an incomplete shopping Quarter of the City through creation of vibrant, retail led, mixed-use area. The mix of uses should maximise the use of the site and include retail, leisure, commercial, residential and community uses

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

Leeds Growth Strategy

The Leeds Growth Strategy – Getting Leeds Working is a statement of intent about the opportunities and priorities the city will pursue to deliver growth and get Leeds working to its fullest capacity.

The seven core priorities are:

health and medical
 financial and business services
 low carbon manufacturing
 creative, cultural and digital
 retail

housing and construction
social enterprise and the third sector.

Public Transport Improvements and Developer Contributions
(August 2008) and Appendix 1 (August 2011)

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

Tall Buildings Design Guide (April 2010)

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

Draft Supplementary Planning Documents

Travel Plans (September 2012)

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

National Planning Guidance

The National Planning Policy Framework 2012 (NPPF) was adopted in March 2012 and sets out the Government's planning policies and how they expect them to be applied.

Paragraph 6 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and paragraph 14 goes on to states that there should be a presumption in favour of sustainable development.

Paragraph 17 of the NPPF sets out the Core Planning Principles for plan making and decision taking. The 6th principle listed states that planning should support the transition to a low carbon future and encourage the use of renewable resources, including the development of renewable energy.

The 8th principle listed states that planning should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

The 9th principle listed states that planning should promote mixed use

developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions.

The 10th principle listed states that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

The 12th principle listed states that planning should take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

Paragraph 23 of the NPPF states that planning policies should be positive and promote competitive town centres.

Paragraph 35 of the NPPF states that plans should protect and exploit opportunities for the use of sustainable transport modes, and should give priority to pedestrians and cycle movements.

Paragraphs 56 and 57 of the NPPF state that good design is a key aspect of sustainable development, is indivisible from good planning and contributes positively to making better places for people., and that design should be of a high quality and inclusive.

Paragraph 60 of the NPPF states that planning policies and decisions should not attempt to impose architectural styles or particular tastes, and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness.

Paragraph 69 of the NPPF states planning should aim to achieve places which promote safe and accessible environments.

Paragraph 126 states that it is desirable to sustain and enhance the significance of heritage assets and that new development should make a positive contribution to local character and distinctiveness.

APPENDIX 3 NON STANDARD CONDITIONS 12/03002/OT

Matters to be Reserved and Time Limit

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

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

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

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

2. Application(s) for the approval of reserved matters for each plot of the development shall be made to the Local Planning Authority not later than 5 September 2016 (this being 5 years from the permission date on the original planning application 11/01000/OT). All plots of development hereby permitted shall be begun not later than 3 years from the date of approval of the last Reserved Matters to be approved.

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

Layout, Scale and Uses

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

Retail (Class A1) - 117,080 sq metres maximum and 79,800 sq metres minimum

Office (Class B1(a)) - 9,832 sq metres maximum and 5,000 sq metres minimum
Leisure (Class D2) - 11,000 sq metres maximum and 0 (zero) sq metres minimum
Casino (Sui Generis) – 5,000 sq metres maximum and 0 (zero) sq metres minimum
Medical Centre (Class D1) - 400 sq metres maximum and 0 (zero) sq metres minimum
Crèche/nursery (Class D1) - 400 sq metres maximum and 0 (zero) sq metres minimum
Multi-faith prayer room (Class D1) - 50 sq metres maximum and 20 sq metres minimum
Changing places and toilet facility - 24 sq metres maximum and 12 sq metres minimum

Notwithstanding the ranges permitted by this condition, the Gross External Area for all uses combined shall not exceed 136,286 sq metres.

To ensure the site is developed in accordance with the submitted application and to ensure that there is no departure in floor space that would be to the detriment of the vitality and viability of Leeds Town Centre in accordance with Policy GP5 of the Leeds UDPR and Government Guidance contained in the National Planning Policy Framework 2012.

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

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

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

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

To ensure the site is developed in accordance with the submitted application and to ensure that there is no departure in floor space that would be to the detriment of the vitality and viability of Leeds Town Centre in accordance with Policy GP5 of the Leeds UDPR and Government Guidance contained in the National Planning Policy Framework 2012.

Design Principles and External Appearance

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

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

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

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

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

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

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

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

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

writing by the Local Planning Authority.

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

11. Prior to the commencement of any:

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

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

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

12. No occupation of a Building Plot, as shown on Parameter Plan 3, shall commence until details of all external site lighting (excluding lighting to the public highway) has been submitted to and approved in writing by the Local Planning Authority. Details of the external site lighting shall include details of the lighting units, levels of illumination and hours of use. No lighting shall be provided (at the plot) other than in accordance with the approved scheme.

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

13. In relation to an individual Building Plot, as shown on Parameter Plan 3, before construction of any external walling or roofing, details of all of the walling and roofing materials (including plant area screens) to be used in the construction of external surfaces of the building, including samples and sample panels within that plot, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

14. In relation to an individual Building Plot, , as shown on Parameter Plan 3, before construction of any external walling or roofing, the following details shall be submitted to and approved in writing by the Local Planning Authority:-

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

- (b) details of replacement and new buildings including all elevations
- (c) junctions of new build elements with the existing structures of Templar House, Templar Hotel, 90-94 Vicar Lane and the elements of the Eastgate Blomfield terraces to be retained and
- (d) cross sections of upper level windows showing recesses and reveals and
- (e) heights and relationship to existing and proposed structures of any plant area screens

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

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

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

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

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

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

Highways and Movement

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

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

18. Prior to the commencement of development a scheme for the provision of temporary bus drivers waiting facilities, including the details of temporary portakabin style facilities and a programme of implementation, shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the agreed details unless otherwise agreed in writing by the local planning authority

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

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

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

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

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

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

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

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

maintained, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

24. Prior to the commencement of the development full design details of the proposed highway works shall be submitted to and approved in writing by the local planning authority. The detailed highway design shall be in accordance with the works required by the Section 278 Agreement, including signing and lining, traffic signal alterations, bus stops with shelters, real time information screens, raised kerbs to new or altered bus stop locations, and the following drawings:

WTD SA 95 0270 A03 and accompanying extract drawings WTD SA 95 0271 A02 showing works to Vicar Lane.

WTD SA 95 0272 A03 showing works to George Street.

WTD SA 95 0273 A02 showing works to the Gower Street/Regent Street junction; and

WTD SA 95 0274 A02 showing works to York Street.

The approved details shall be implemented and completed before first occupation of the development or as otherwise agreed as part of the phased development of the site pursuant to Condition number 5, unless otherwise agreed with the Local Planning Authority.

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

25. Prior to the commencement of the development a signage scheme to direct traffic to and from the development, and traffic diverted as a result of changes to the highway network necessary to accommodate the development, shall be submitted to and agreed in writing with the Local Planning Authority. The approved signage scheme shall be implemented and completed before first occupation of the development or as otherwise agreed as part of the phased development of the site pursuant to Condition number 5, unless otherwise agreed with the Local Planning Authority.

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

Landscaping and Nature Conservation

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

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

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

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

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

based on the recommendations detailed in Chapter 16 of the Environmental Statement (HUK10), unless otherwise agreed in writing with the Local Planning Authority.

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

Arts and Cultural Strategy

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

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

Construction

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

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

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

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

Sustainability

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

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

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

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

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

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

Heritage and Archaeology

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

investigation which has been approved in writing by the Local Planning Authority.

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

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

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

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

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

Plant, Noise and Waste

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

In the interests of amenity and to comply with the National Planning Policy Framework 2012 and UDPR Policy GP5.

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

In the interests of amenity and to comply with the National Planning Policy Framework 2012 and UDPR Policy GP5.

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

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

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

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

Drainage

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

To ensure sustainable drainage and flood prevention in accordance with policies GP5, N39A of the adopted Leeds UDP Review (2006) and the National Planning Policy Framework 2012.

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

Authority.

To ensure satisfactory drainage and pollution prevention in accordance with adopted Leeds UDP Review (2006) policy GP5 and the National Planning Policy Framework 2012.

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

To ensure pollution prevention in accordance with adopted Leeds UDP Review (2006) policy GP5 and the National Planning Policy Framework 2012.

Contamination

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

To ensure that the presence of land contamination at the site has been determined and that the environmental risks it presents have been assessed and in accordance with Policy GP5 of the Leeds UDPR and Government Guidance contained in the National Planning Policy Framework 2012.

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

To enable the local planning authority to determine whether the proposed remediation works will make the site 'suitable for use' and to ensure that contamination will not present any significant environmental risks in accordance with Policy GP5 of the Leeds Unitary Development Plan and the National Planning Policy Framework 2012.

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

to, and approved in writing by, the Local Planning Authority prior to any further remediation works which shall thereafter be carried out in accordance with the revised approved Statement.

To ensure that any necessary remediation works are identified to make the site 'suitable for use' in accordance with Policy GP5 of the Leeds Unitary Development Plan and the National Planning Policy Framework 2012.

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

To ensure that the remediation works are fully implemented as agreed and the site has been demonstrated to be 'suitable for use' in accordance with Policy GP5 of the Leeds Unitary Development Plan and the National Planning Policy Framework 2012.

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

In the interests of flood prevention and effective surface water management in accordance with Policy GP5 of the Leeds UDPR and Government Guidance contained in the National Planning Policy Framework 2012.

Access and Pedestrian Routes

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

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

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

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

Environmental Impact Assessment Studies

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

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

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

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

Buses

53. Prior to any works to the bus station in accordance with drawing WTD SA 95 0270 A03 a "bus station vehicular tracking exercise" shall be carried out in accordance with details which shall first be agreed in writing with the Local Planning Authority. The findings of the "tracking exercise" shall inform any subsequent detailed design. The works to the bus station shall be completed in accordance with the details thereby approved and in accordance with the phasing programme of works approved pursuant to Condition 11.

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

54. A review of the Proposed Bus Stop Utilisation arrangements identified on drawing WTD SA 95 0270 A03 shall be submitted to the Local Planning Authority 6 months prior to the occupation of the scheme. For the avoidance of doubt the review shall only consider any changes in bus services from the assessment contained in the Transport Assessment and revise the bus stop allocations accordingly and there will be no requirement for any additional bus infrastructure required pursuant to Condition 24. The bus stop utilisation arrangements shall be implemented in accordance with the details which shall be approved in writing by the Local Planning Authority.

In order to ensure adequate public transport accessibility to the site in accordance with Policies GP5 and T2 of the Leeds UDPR.

