



## Report of the Chief Planning Officer

### *CITY PLANS PANEL*

Date: 25 October 2012

Subject: LAND FORMERLY YORKSHIRE CHEMICALS SITE, BLACK BULL STREET, LEEDS LS10

### 12/03975/FU 6 STOREY DATA CENTRE WITH CAR PARKING – POSITION STATEMENT

#### APPLICANT

AQL (Leeds) Ltd.

#### DATE VALID

17 September 2012

#### TARGET DATE

17 December 2012

#### Electoral Wards Affected:

City and Hunslet

Yes

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: For Members to note the content of the report and to provide feedback on the questions posed at section 11.0 of this report.**

## 1.0 INTRODUCTION:

- 1.1 This application is brought to Plans Panel as it is a significant major application for a data centre in the City Centre. This report is a Position Statement to update Members on the progress of the recently submitted planning application, to request further comment, with a view to making a recommendation at the November Plans Panel.
- 1.2 Leeds is one of the country's most important regional internet centres. The future growth of the economy of the City will be enabled by superfast broadband connections, which will unlock potential, support innovation, improve productivity, make it easier to start and grow new businesses in the area, and in turn generate employment and prosperity. Digital infrastructure provision is a priority for the Leeds City Region Local Economic Partnership, and this application proposal would enable the delivery of digital infrastructure to support these aims and give Leeds a competitive edge in this sector of the economy.

## **2.0 PROPOSAL:**

- 2.1 The proposal is for a 6 storey data centre. A number of documents have been submitted in support of this proposal:
- Scaled Plans
  - Design Statement (including indicative masterplan for the wider site)
  - Statement of Community Involvement
  - Access Statement
  - Sustainability Statement
  - Transport Assessment
  - Flood Risk Assessment including Sequential Test Assessment
  - Drainage Statement
  - Noise Statement
  - Air Quality Statement
  - Ecology Statement
  - Land Contamination Studies
  - Utilities Statement
  - Travel Plan
  - Archaeological Assessment
  - Coal Mining Risk Assessment
- 2.2 Site owners Yorkshire Design Group have prepared an illustrative masterplan for the wider 3.14 ha site, and a full scheme design for a data centre to be located on the northern part of the land to the west of Black Bull Street. The proposed data centre plot is also one of the most contaminated parts of the site, and its development for this less sensitive use, as a first phase, allows the site to be cleaned up in advance of more sensitive end uses being developed. This application proposal includes the remediation of the wider site.
- 2.3 The data centre site is some 0.65 hectare in area. The proposed building would be 32m in height, giving some 11664 square metres of floor area. Meeting rooms and support staff office accommodation would be located around the edges of the floorplates, and the ground floor reception would be visible from Black Bull Street through a clear glazed link. The two building forms either side of the glazed link would be clad in zinc, above a black brick base. The zinc cladding would be fixed in a random width vertical order. The roof parapet louvres and random-pattern recessed panels would be clad in a warmer tone of zinc, which would serve to highlight the expression of these features.
- 2.4 The building would be accessed from Cudbear Street through a 34 space car park, with 4 disabled bays, 10 long stay cycle spaces, and short stay cycle parking. This would be enclosed on all sides.
- 2.5 The building would be set back some 7m from the back edge of the footway to Black Bull Street, which would give a landscaped setting to the street. A water feature is also proposed to the Black Bull Street frontage. To the north and south of the building would be 7.5m landscaped pedestrian and cycle routes, which would form the first contributions towards a green network of routes between the future City Centre Park and New Dock. Similar routes are indicated on the illustrative masterplan for the eastern side of Black Bull Street.
- 2.6 There is potential for waste heat from the data centre to deliver a sustainable district energy system to serve nearby buildings, including any potential future housing scheme that may be delivered to the east of Black Bull Street.

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The wider site is located to the east and west of Black Bull Street and comprises the former Yorkshire Chemicals site. It has a site area of approximately 3.14 hectares. The wider site ownership consists primarily of two pieces of land, one between Chadwick Street and Black Bull Street and the other between Black Bull Street and Cudbear Street, bounded at the south by Hunslet Lane. There is also a small parcel of land to the west of Cudbear Street. Both Black Bull Street, which is three lanes southbound and Hunslet Lane, which is four lanes two way, form part of the strategic road network through the City Centre.
- 3.2 Yorkshire Design Group aim to bring forward the first phase of development on the northern half of the site to the west of Black Bull Street only, and this would form the boundary of this full planning application for a data centre.
- 3.3 The site lies unallocated within the designated City Centre in the Leeds Unitary Development Plan Review 2006. The surrounding area is a mixture of uses including residential, offices, food and drink, and retail, at Brewery Wharf, Indigo Blu, New Dock, Leeds City Office Park and Crown Point Retail Park. The conversion of the Grade II listed Alf Cooke Printworks to form a campus for Leeds City College is currently underway. Other nearby listed buildings are the Grade II\* listed Chadwick Lodge, the Grade II listed 16-18 Crown Point Road/35-41 Hunslet Road former Tetley's buildings. Unlisted heritage assets in the area include the Crown Public House, former Tetley's malshouses, and Globe Iron Works on Crown Point Road, and The Malthouse on Chadwick Street.
- 3.4 The site lies adjacent to the area covered by the South Bank Planning Statement (see attached plan South Bank Urban Design Principles 1). It has a key role in contributing towards the economic growth of the City Centre on the south side of the River Aire. It also has potential to complement the Council and nearby landowner's aspirations for the City Centre Park, with new greened pedestrian and cycle routes linking across the area from Holbeck Urban Village to New Dock and beyond.
- 3.5 The site lies within the extension to the draft Aire Valley Area Action Plan. The role of the northern end of the Aire Valley, within the City Centre, will be geared towards the provision of some housing, but with significant provision of new workspaces and offices for growing digital and creative businesses. This will enable a clustering of similar industries on a number of nearby sites, such as the former Tetley Brewery, and reconfigured space at New Dock (see attached plan South Bank Development Progress June 2012).

### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 Detailed discussions with the Council regarding this site have taken place since mid-2005 following the closure and subsequent demolition of Yorkshire Chemicals. This led to the submission of an outline planning application in 2006 (ref. 06/04601/OT), which was approved at Plans Panel (City Centre) in 2008, and subsequently granted permission in 2009 for a multi-level mixed use development comprising predominantly residential (678 flats and 43 townhouses), with office, hotel, leisure, retail, car showroom, community uses, public space and car parking. This permission expired in July 2012.
- 4.2 Previous site owners Gladedale and their professional team presented a pre-application residential scheme to Plans Panel (City Centre) on 22 December 2012,

and subsequently submitted a new outline application for 252 residential units, including 150 townhouses, in February 2012 (application ref. 12/00653/OT). This application was withdrawn by Gladedale in June 2012.

- 4.3 Allied London recently acquired the nearby commercial units at New Dock, and presented their emerging strategy for the area to Plans Panel (City Centre) 5 July 2012. The connectivity and relationships between the various future potential uses at New Dock, the former Tetley Brewery site, and the former Yorkshire Chemicals site are particularly important in terms of realising the City's aspirations for a well-connected South Bank. Allied London are at an early stage in developing their proposals for future major investment to reinvigorate New Dock as a major tourist and visitor attraction, a destination for start-up digital and creative businesses, a place to live, and a place for leisure for residents and workers, in a manner which would complement the City's aspirations for the City Centre Park on the South Bank. Their proposals seek to reconfigure the existing ground floor uses to create a new office hub for digital and creative industries, provide day-to-day convenience retail, and concentrate restaurant offer fronting the water. The proposals explore how a more positive use of the water space for floating retail, food, drink and office premises, and the potential of Leeds Dam Island for a food and drink use, could be achieved. The proposals aim to make Armouries Square, originally designed as a hard-surfaced events space for the Royal Armouries, more attractive for residents, workers and visitors to use during the day and in the evening. The consensus of the Plans Panel was that Members welcomed the proposals in principle, considered that it was the right general approach for the area, and that the proposal would complement the City's vision for the waterfront, South Bank and the City Centre Park.

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Pre-application meetings were held with officers regarding this data centre proposal from June 2012, prior to the submission of a full planning application in September 2012. The agent/site owner and architect presented the scheme for information to Plans Panel (City Centre) on 30 August 2012. Members made the following comments:
- Members welcomed the presentation and the vision and to acknowledge the importance of the issue
  - Members welcomed the proposal for providing combined heat and power to adjoining sites and buildings, but to acknowledge that traffic calming measures would be a challenge
  - The need to address the design of the building with a view to making it more 'human' and to consider introducing further changes to improve the elevational appearance
  - To welcome the proposal to establish a Data Centre in Leeds, but to suggest improvements to the overall appearance of the building and acknowledge that Black Bull Street was a potential hotspot for speeding traffic
  - To welcome the landscaping proposals to the front of the building
  - To request the applicant to consider illuminating the building at night
  - At the request of the Chair, the applicant responded to the issues raised at the meeting and acknowledged that the photographs did not do the building justice. In view of the importance of the application, he welcomed the opportunity of re-considering the design aspects of the building and re-affirmed that Black Bull Street did not require three lanes of traffic and that traffic calming measures were possible.

- The Chief Planning Officer addressed the meeting and requested Members to support the proposals, in principle, and that he would have further discussions with the applicant with regards to work on the design of the building, travel implications, elevations and materials with a view to receiving a full planning application at the October meeting.

5.2 It was resolved by Members that:

- That the report and pre-application presentation be noted.
- That the proposals be supported, in principle, and that the Chief Planning Officer be requested to have further discussions with the applicant with regards to work on the design of the building, travel implications, elevations and materials with a view to receiving a full planning application at the October meeting.

## **6.0 PUBLIC/LOCAL RESPONSE:**

6.1 Application publicity consisted of:

6.1.1 Site Notice - Notice of Proposed Major Development posted 28 September 2012, expiry 19 October 2012.

6.1.2 Press Notice - Notice of Proposed Major Development published 4 October 2012, expiry 25 October 2012.

6.2 Ward Members consulted 20 September 2012 and 24 September 2012 - no comment at time of writing.

6.2 Leeds Waterfront Association consulted 20 September 2012: No comment at time of writing.

6.3 Leeds Civic Trust consulted 20 September – response dated 4 October 2012 :

6.3.1 Leeds Civic Trust expresses strong support for the construction of the proposed Data Centre and looks forward to this as the first element in the wider regeneration of the South Bank area. They comment as follows:

- The Trust feels that the development is just the type of building required to help cement the city's key role in telecommunications and the internet, and we appreciate that this is an almost perfect location in terms of connectivity.
- The design is a simple expression of the building use and we feel that this is the correct approach to the project.
- welcome the outline masterplan which has been prepared, showing potential pedestrian routes both east/west and north/south through what has the potential to become an important residential area at the heart of the city.
- the building will be a 'dark box' and further consideration needs to be given to the concept of modelling the facade (binary numbers were discussed) and/or introducing lighting – we understand that the final elevational treatment is yet to be determined and we will seek to be kept informed as this develops.
- the quality of the design and construction will be vital if this simple design is to be as effective as shown in the plans.
- we welcome the concept of 'Black Bull Boulevard' and hope that this will be extended across adjoining sites as these are developed – however, we feel that rather than providing a pavement adjoining the highway, then a planted

strip and then the principal footpath, the section alongside the highway should be of minimal width so as to allow the main footway to be widened.

- feel that with the opening of John Smeaton Way and alternative links to the motorway, the opportunity should be taken to reduce the width of Black Bull Street and slow traffic – there are only two lanes over Crown Point Bridge so surely this width can be continued up to the Hunslet Road traffic lights?
- trust that the applicant will continue to explore the potential for using waste heat from the Data Centre to warm nearby residential or commercial developments.

6.4 Comment made on Leeds City Council website on 29 September 2012 by Mr. G. Brown, Colton, Leeds. Support expressed for the principle, form and massing of the proposal, but concern expressed regarding the proposed cladding material.

## **7.0 CONSULTATIONS RESPONSES:**

### **7.1 Statutory:**

7.1.1 Highways Agency: Holding direction issued pending further details of staffing numbers. Further details have been provided and the Highways Agency have confirmed that the Travel Plan is acceptable, and that they would not object to the proposal on the basis of its minimal impact on the Strategic Road Network

7.1.2 Leeds City Council Transport Development Services: In principle, traffic impact and transportation provision is considered acceptable. At the time of writing, negotiations are in progress between officers and the applicant regarding a number of detailed highways matters, including servicing, and the provision of a new pedestrian crossing to Crown Point Road, the upgrading of the existing pelican crossing close to the junction of Hunslet Lane and Butterley Street to a Toucan Crossing, and the widening of the Cudbear Street footway to 2 metres wide for the full length of the site frontage. The Travel Plan is considered acceptable.

7.1.3 Environment Agency: No objection subject to conditions regarding the implementation of the recommendations of the flood risk assessment, and the submission of detailed land contamination reports to cover preliminary risk assessment, site investigation, remediation strategy, verification plan, detailed of any unexpected contamination and its remediation, and monitoring, maintenance and any necessary contingency action. A number of detailed reports have been submitted and a revised comment has been sought from the Environment Agency at the time of writing.

7.1.4 Yorkshire Water: No comments received at time of writing.

7.1.5 Coal Authority: Objection subject to provision of acceptable coal mining risk assessment. A coal mining risk assessment has now been submitted and the response of the Coal Authority is awaited.

7.1.6 Canal and Rivers Trust: No objection

7.1.7 Health and Safety Executive: No objection

### **7.2 Non-statutory:**

- 7.2.1 West Yorkshire Archaeology Advisory Service: No comments received at time of writing.
- 7.2.2 Leeds City Council Environmental Protection: No comments received at time of writing.
- 7.2.3 Leeds City Council Flood Risk Management: No objection subject to implementation of development in accordance with the submitted FRA, and a condition regarding surface water drainage details.
- 7.2.4 Leeds City Council Nature Conservation: No objection subject to conditions regarding removal of invasive species, restriction on vegetation removal between 1 March and 31 August, and provision of bird nesting and bat roosting sites.
- 7.2.5 West Yorkshire Metro – no objection subject to the provision of a strategic public transport contribution in accordance with SPD5 Public Transport Improvements and Developer Contributions.

## **8.0 PLANNING POLICIES:**

### **8.1 Development Plan**

The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006) (UDP) along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy still being at the draft stage. The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development.

### **8.2 Regional Spatial Strategy (RSS) (adopted May 2008):**

YH1: Spatial pattern of development and core approach.

YH2: Sustainable development.

YH4: focus development on regional cities.

YH5: Focus development on principal towns.

YH7: location of development.

LCR1: Leeds City Region sub area policy.

LCR2: regionally significant investment priorities, Leeds city region.

### **8.3 Leeds Unitary Development Plan Review 2006**

Relevant policies include:

SA1: Secure the highest possible quality of environment.

SP3: New development concentrated largely within or adjoining the main urban areas.

GP5 all relevant planning considerations

GP7 planning obligations

GP11 sustainability

GP12 sustainability

BD6 all alterations

A1 improving access for all

A4 safety and security provision

N12 urban design

N13 design and new buildings

N25 boundary treatments

N29 archaeology

ARC6 archaeology

BD4 all mechanical plant  
CC1 City Centre and planning obligations  
CC3 City Centre character  
CC10 public space and level of provision  
CC11 streets and pedestrian corridors  
CC12 public space and connectivity  
CC13 public spaces and design criteria  
CC30 unallocated sites within the City Centre  
T2 transport provision for development  
T2C Travel Plans  
T2D public transport provision for development  
T5 pedestrian and cycle provision  
T6 provision for the disabled  
T7A cycle parking  
T7B motorcycle parking  
T24 Car parking provision  
LD1 landscaping  
N38A Development and flood risk  
N38B Planning applications and flood risk assessments  
N39A Sustainable drainage systems  
R5 employment and training for local residents associated with the construction and subsequent use of developments

### **8.3 Relevant Supplementary Planning Guidance includes:**

SPD Designing for Community Safety  
SPG22 Sustainable Urban Drainage  
SPD Street Design Guide  
SPD5 Public Transport Improvements and Developer Contributions  
SPD Travel Plans  
SPD Sustainable Design and Construction  
City Centre Urban Design Strategy  
South Bank Planning Statement

### **8.4 National Planning Policy Framework**

8.4.1 The NPPF includes policy guidance on sustainable development, economic growth, transport, design, and climate change.

### **8.5 Relevant National Planning Policy Practice Guides**

PPS25 Practice Guide

## **9.0 MAIN ISSUES**

1. Principle of use
2. Urban design
3. Landscaping and public realm provision
4. Transportation
5. Flood risk
6. Land Contamination
7. Sustainability
8. Planning obligations

## **10.0 APPRAISAL**

### **10.1 Principle of use**

- 10.1.1 The application site lies within the designated City Centre, but is unallocated for any particular uses. Therefore UDP Policy CC30 states that proposals of this nature would be determined on their merits. Data centre use would therefore be acceptable in principle. It is not considered that the proposed use would give rise to amenity concerns within the context of a mixed residential/commercial area, and the building would be subject to a condition to ensure noise from any external plant does not cause nuisance. In terms of supporting uses to serve the staff and visitors, the site is located close to retail and food and drink provision at Crown Point Retail Park, Brewery Wharf and New Dock. It is therefore considered that the provision of greater mix of uses on the site is not necessary in this case.
- 10.1.2 The wider site has potential for new digital and creative office workspace, leisure, residential uses, public realm and new pedestrian connections on the rest of the site. The applicant states that the sites close to the data centre will be very attractive to businesses looking for increased data connectivity. They state that a data centre will be a catalyst for the creation of a new hub for high technology digital and creative media on the South Bank, and be a positive step for the City Centre's future economic competitiveness and growth in a national and international context.
- 10.1.3 It is considered that the proposed use would meet the objectives of the National Planning Policy Framework in terms of meeting the objectives of sustainable development, and promoting the economic growth of the City.
- 10.1.4 Are Members of the view that the principle of locating a data centre building on part of this site appropriate, given the potential importance of such a facility to the City Centre economy, and as a catalyst for the regeneration of the South Bank?**

## **10.2 Urban design principles**

- 10.2.1 This site is particularly important in forming east-west connections between Bridge End, the City Centre Park (former Tetley site) and New Dock. The landowner has recognised the importance of an indicative masterplan for the rest of their site ownership to give assurance that new green enhancements and connections will be made, on an interim and long term phased basis to achieve this synergy with adjoining sites.
- 10.2.2 The form of the data centre would be similar in height to the previous permission for residential and commercial uses at the site, and would be comparable to the height of Indigo Blu and buildings at Clarence Dock.
- 10.2.3 The proposed cladding of the data centre would provide a robust, crisply detailed contemporary building which would support and complement the more recent development at New Dock and prominent historic character of the listed Alf Cookes Printworks. It is considered that it would provide quality and visual interest in terms of its form, rhythm, materials, and appropriate modern detailing.
- 10.2.4 The quality of the external materials can be controlled through the provision of material samples panels by condition. 1:50 and 1:20 typical bays and sections have been submitted for each building to establish the detailing of the elevations, and this would be reinforced at working drawing stage by conditions. Full details of mechanical plant would be required by condition in order to control its amenity and visual impact.

**10.2.5 Do Members agree that the principle of the proposed external cladding materials would be acceptable, subject to viewing a large sample on-site prior to the November Plans Panel meeting , and subject to conditions requiring further site samples and working drawings at construction phase?**

### **10.3 Provision of landscaping and public realm**

10.3.1 Under Policy CC10, this site would have to deliver 20% of its site area as useable public realm. This would be maintained as publicly accessible private land via the Section 106 agreement. This site would contribute two 7.5m wide pedestrian/cycle routes to the north and south of the proposed building, which would form part of a network of greened routes linking developments across the south of the City Centre to the City Park and New Dock. It would also provide a wide tree-lined buffer to the frontage to Black Bull Street, and provide new pedestrian crossings which promote the onward pedestrian connections outlined in the South Bank Planning Statement. However, the landscaped setting to the building and to Black Bull Street is not considered to be useable public open space. The two connection routes which are necessary to give appropriate permeability through the area could be considered as publicly accessible space in relation to Policy CC10, however they would not form the full width of these routes within this proposal boundary. Acknowledging the indicative masterplan submitted with this planning application, the proposed use of this site and the lack of a firm proposal for rest of the land to the west of Black Bull Street, would limit the quality and function of any public space within this application boundary. The focus of useable public space in the area is highlighted by the South Bank Planning Statement as the City Centre Park, and it is considered that where nearby sites are unable to contribute through on-site provision, a commuted sum is provided based on the cost of laying out the equivalent area as landscaped public realm.

**11.1.2 Do Members view this proposal's contribution to public open space (two landscaped pedestrian routes and a landscaped setting to Black Bull Street) as adequate, or should it make a financial contribution in lieu of the balance of 20% useable publicly accessible space required by UDPR Policy CC10?**

10.3.2 The hard and soft landscaped pedestrian routes and spaces within the development would be attractive and enhance the setting of the building. It is considered that the scheme would retain and reinforce the identity and distinctive character of this building, and would upgrade the physical environment to complement the use. The proposal would upgrade the physical environment and create a place that can bring together the first elements of a transformation of sites fronting Black Bull Street. The landscaping and boundary treatments proposed have also been designed with the security and visual appearance of the scheme in mind, through the use of passive landscape measures for example to prevent ram-raiding. The landscaping of the site would be designed in a positive manner appropriate to the character of the area and the character of paving materials would accord with the character of the building. Exact details of hard and soft landscaping, including details of tree pits and soils depths, planting plans, boundary treatments, bollards, raised planters, lighting, CCTV, landscape management and maintenance plans, and samples of surfacing materials, would be controlled by condition prior to commencement of development to ensure continuity of high quality materials and planting across the site.

**10.3.3 Do Members have any comments on the quality of the street and landscape planting around the proposal?**

## 10.4 **Transportation**

- 10.4.1 The site lies within the fringe commuter control parking area, and the parking provision proposed complies with the UDP maximum parking guidelines for the site.
- 10.4.2 To further reduce reliance on the private car the submitted Travel Plan is considered acceptable and includes the following measures:
- provision of staff shower facilities to encourage cycle use
  - appropriate secure storage for cyclists and motorcyclists
  - provision of electric vehicle charging points
  - improvements to local pedestrian and cycle connectivity through the provision of two new cycle and pedestrian routes across the site, new crossing facilities at Crown Point Road, improved toucan crossing facilities at the junction of Hunslet Lane and Butterley Street, and a widened footway to Cudbear Street.
  - arrangements for the monitoring and take-up of the Travel Plan measures and revising the Travel Plan as necessary.
- 10.4.3 The applicant will also be providing a contribution towards strategic public transport improvements in accordance with SPD5 Public Transport Contributions and Developer Contributions.
- 10.4.4 It is considered that the development would provide for enhancements to the strategic public transport network, and to local pedestrian connectivity. This proposal would deliver the start of a range of pedestrian improvements that would link from Bridge End, through the former Tetley Brewery site via a re-opened Hunslet Road, across Crown Point Road, through this application site, and across Black Bull Street, linking to New Dock. The development would also, encourage safe and secure cycle and motorcycle usage/storage, electric vehicle usage through provision of charging points, and an adequate level of car parking.
- 10.4.5 Do Members agree that the location and width of the pedestrian and cycle routes within the proposal would contribute towards the aspirations for a well-connected South Bank and City Centre Park, with new greened pedestrian and cycle routes linking across the area from Holbeck Urban Village to New Dock and beyond?**

## 10.5 **Flood Risk**

- 10.5.1 The proposed development is for a use which is classed as 'less vulnerable' under the PPS25 Practice Guide and is therefore appropriate in Flood Zones 2 and 3A, subject to the measures identified in the submitted flood risk assessment, which has been agreed with the Environment Agency. The measures include raising the finished floor level of the building by 0.30m, and the identification of emergency evacuation routes. The siting of this data centre within the City Centre and Aire Valley would assist in fulfilling regeneration objectives, as identified in the Leeds Strategic Flood Risk Assessment, and the emerging Leeds Core Strategy and Aire Valley Area Action Plan. It is an appropriate use for the City Centre, in accordance with the UDPR and the National Planning Framework.

## 10.6 **Land Contamination**

- 10.6.1 The outcome of the consultation process with Leeds City Council's Land Contamination team, the Environment Agency, and the Coal Authority, will be reported to Members at Plans Panel in due course.

## 10.7 **Sustainability**

10.7.1 The proposal will meet BREEAM Very Good accreditation, in accordance with the Sustainable Design and Construction SPD. At the time of writing, discussions are in progress with officers regarding the potential for efficient energy use in the cooling of the building, and the potential for waste heat recovery to provide district heating. Discussions will include how exploration the requirements for the physical infrastructure to be installed to allow future connection to a district energy system in the future.

## 10.8 **Planning obligations**

10.8.1 A Section 106 Agreement is under negotiation in connection with the planning application, with the following obligations:

- Contribution to local public realm enhancements for the proposed City Centre Park in lieu of the balance of 20% on site provision (UDP Policy CC10) prior to first occupation
- Public transport contribution in accordance with SPD5 Public Transport Improvements and Developer Contributions
- Revocation of extant hazardous substances consent relating to former use of site
- Cooperation with local jobs and skills training initiatives would be expected through the provisions of a Section 106 clause in accordance with UDP Policy R5
- Section 106 management fee

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

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

- (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.'

As listed above, there are matters to be covered by a Section 106 agreement. These matters have been considered against the current tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

## 11.0 **CONCLUSION**

11.1 Members are requested to consider all the matters raised within this report in order to provide officers with appropriate comments and / or advice on the proposal. Specifically, feedback is requested from Members on the following matters:

11.1.3 Are Members of the view that the principle of locating a data centre building on part of this site appropriate, given the potential importance of such a facility to the City Centre economy, and as a catalyst for the regeneration of the South Bank?

- 11.1.4 Do Members agree that the principle of the proposed materials would be acceptable, subject to viewing a large sample on-site, and subject to conditions requiring further site samples and working drawings at construction phase?
- 11.1.5 Do Members view this proposal's contribution to public open space (two landscaped pedestrian routes and a landscaped setting to Black Bull Street) as adequate, or should it make a financial contribution in lieu of the balance of 20% useable publicly accessible space required by UDPR Policy CC10?
- 11.1.6 Do Members have any comments on the quality of the street and landscape planting around the proposal?
- 11.1.7 Do Members agree that the location and width of the pedestrian and cycle routes within the proposal would contribute towards the aspirations for a well-connected South Bank and City Centre Park, with new greened pedestrian and cycle routes linking across the area from Holbeck Urban Village to New Dock and beyond?

**Background Papers:**

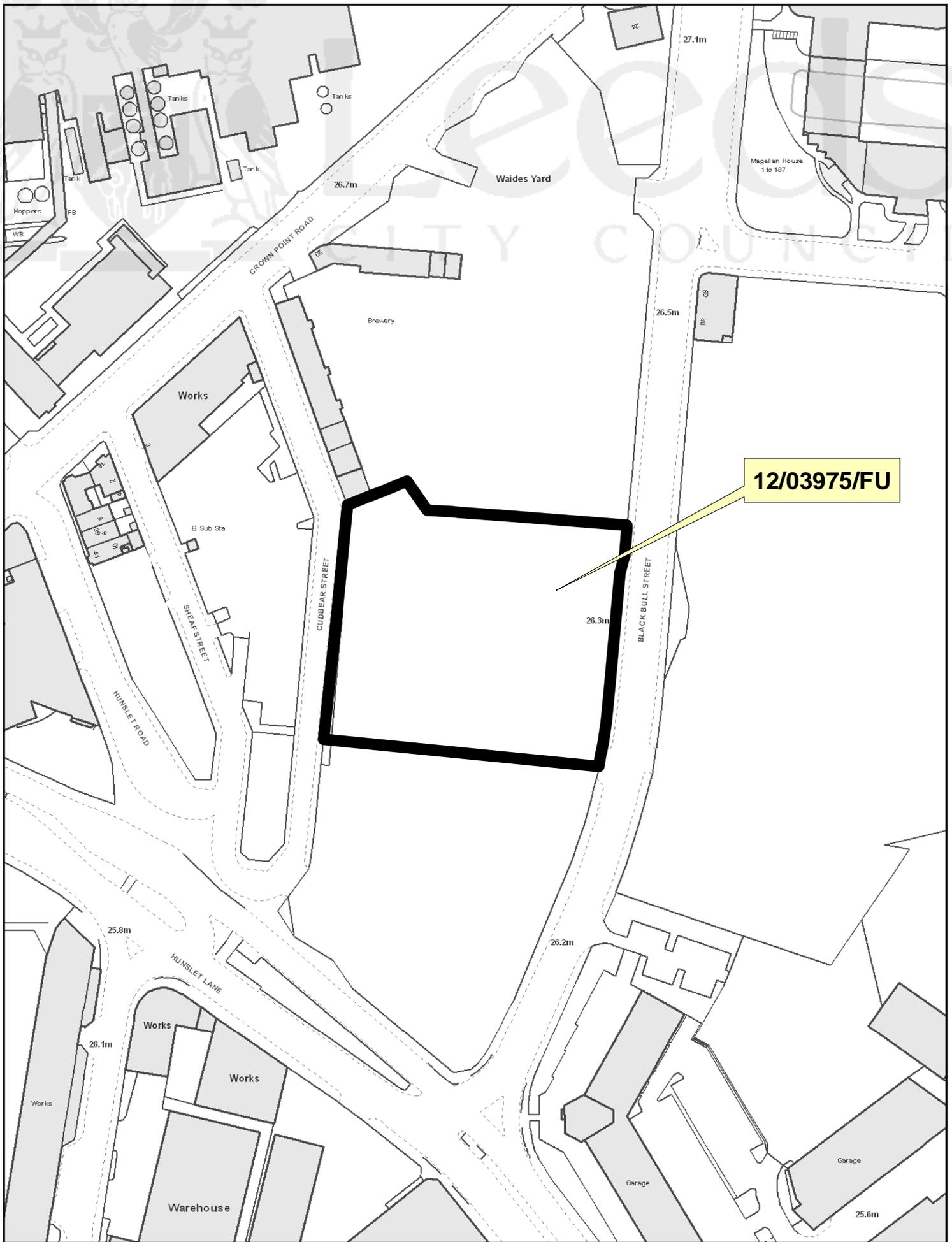
Application file 12/03975/FU

Certificate of Ownership B signed by applicant and Notice No.1 served on site owner  
Yorkshire Design Group

**Appendices**

Plan 1 - South Bank Urban Design Principles

Plan 2 – South Bank Development Progress



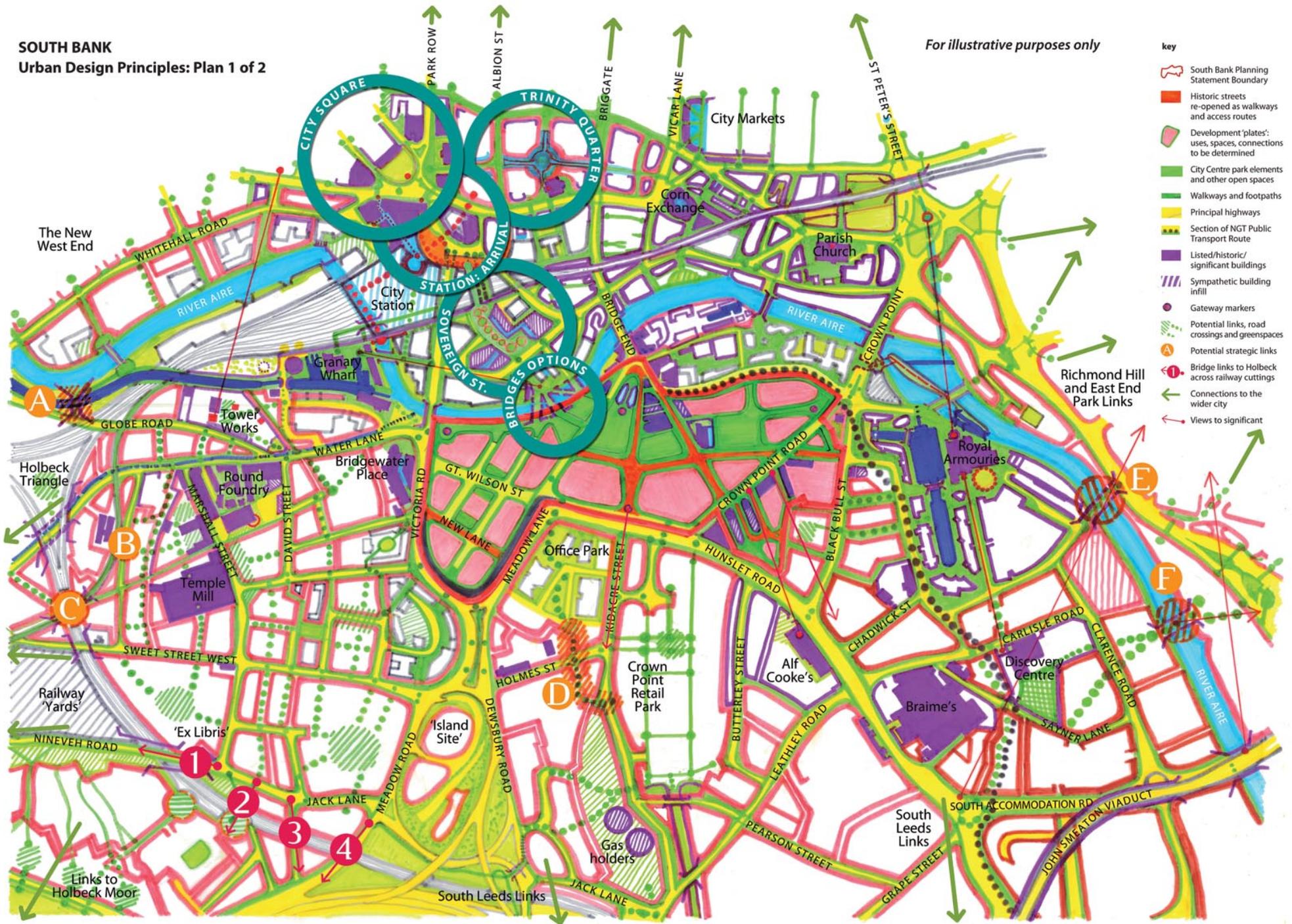
12/03975/FU

# CITY PLANS PANEL



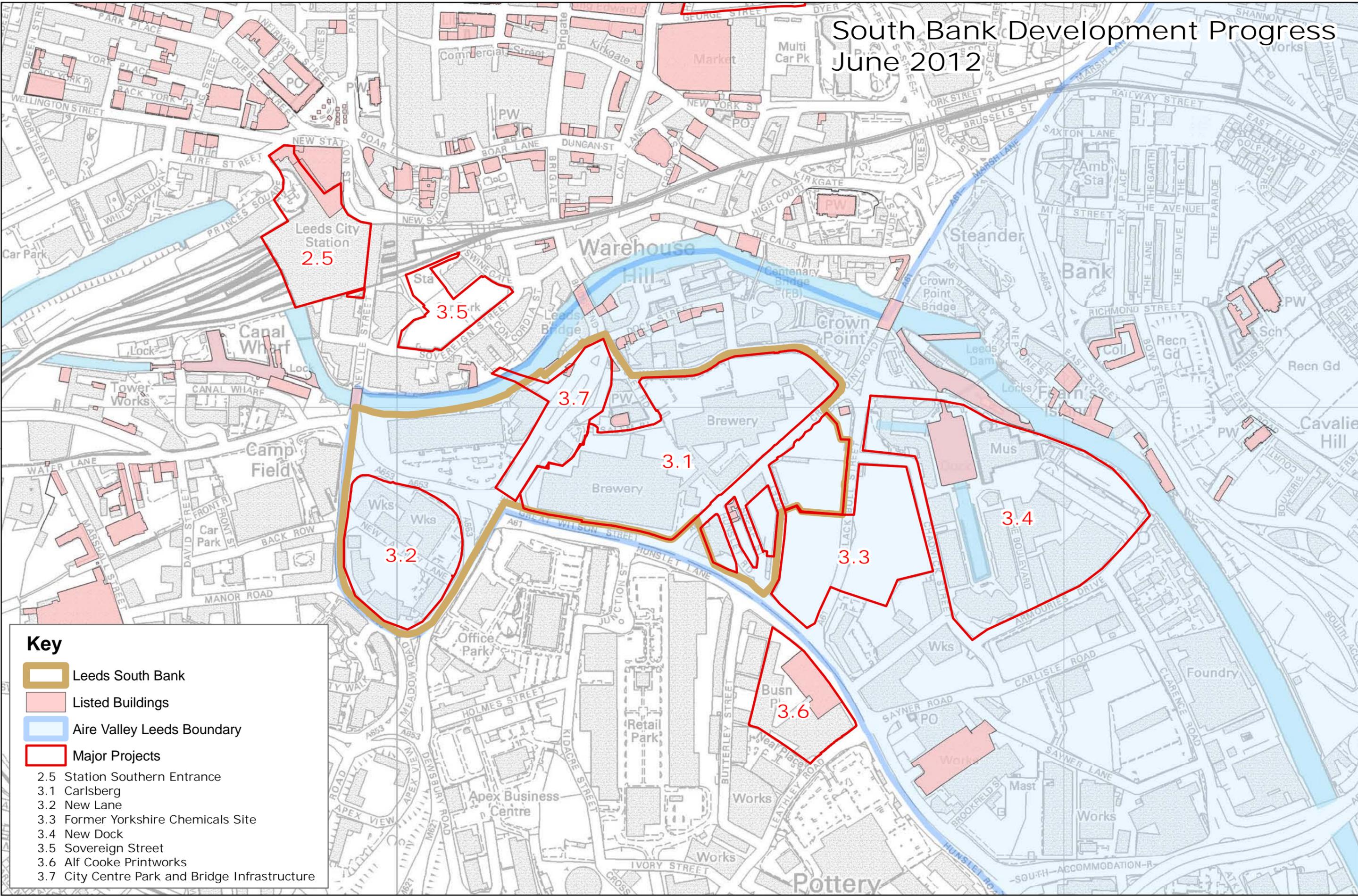
**SOUTH BANK**  
**Urban Design Principles: Plan 1 of 2**

*For illustrative purposes only*



- key**
- South Bank Planning Statement Boundary
  - Historic streets re-opened as walkways and access routes
  - Development 'plates': uses, spaces, connections to be determined
  - City Centre park elements and other open spaces
  - Walkways and footpaths
  - Principal highways
  - Section of NGT Public Transport Route
  - Listed/historic/significant buildings
  - Sympathetic building infill
  - Gateway markers
  - Potential links, road crossings and greenspaces
  - Potential strategic links
  - Bridge links to Holbeck across railway cuttings
  - Connections to the wider city
  - Views to significant

# South Bank Development Progress June 2012



**Key**

- Leeds South Bank
- Listed Buildings
- Aire Valley Leeds Boundary
- Major Projects

- 2.5 Station Southern Entrance
- 3.1 Carlsberg
- 3.2 New Lane
- 3.3 Former Yorkshire Chemicals Site
- 3.4 New Dock
- 3.5 Sovereign Street
- 3.6 Alf Cooke Printworks
- 3.7 City Centre Park and Bridge Infrastructure