



Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 22 November 2012

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

12/03975/FU 6 STOREY DATA CENTRE WITH CAR PARKING

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: DEFER and DELEGATE to the Chief Planning Officer for approval subject to the signing of a Section 106 Agreement to cover the provision and maintenance of publicly accessible landscaped areas as identified on plan 1209-[P]-002 E, public transport contribution in accordance with SPD5 Public Transport Improvements and Developer Contributions of £11290, cooperation with local jobs and skills training initiatives and a Section 106 management fee of £750, and the following specified conditions:

Conditions

- 1) Time limit
- 2) Plans Schedule
- 3) Details and samples of all external walling and roofing materials
- 4) Sample panel of all external facing materials
- 5) Typical 1:20/1:50 scale typical working drawings of junctions of materials, glazing, recesses and parapet
- 6) Details and samples of all surfacing materials
- 7) Details of hard and soft landscape works
- 8) Landscape management plan
- 9) Details of boundary treatments

- 10) All areas to be used by vehicles to be fully laid out, surfaced and drained prior to use
- 11) Details of cycle/motorcycle and facilities
- 12) Details of refuse and recycling facilities
- 13) Details of foul and surface water drainage
- 14) Unless otherwise agreed, 3m easement to water main on the site
- 15) Separate systems of drainage for foul and surface water drainage
- 16) No piped discharge of surface water
- 17) Sustainability (BREEAM Very Good accreditation, green roofs to generator houses, photovoltaic array, 10% renewable energy, 20% CO2 reduction)
- 18) Development in accordance with Flood Risk Assessment
- 19) Land contamination studies (for blue line land ownership)
- 20) Amended remediation strategy (for blue line land ownership)
- 21) Remediation Statement verification (for blue line land ownership)
- 22) Details of mechanical plant/air conditioning including noise attenuation
- 23) Details of contractors' equipment
- 24) Details of mud and dirt prevention during works
- 25) Details of dust minimisation during works
- 26) Building operations hours 07.30-1900 Monday to Friday, 0800-1900 Saturday, no works on Sundays or Bank Holidays
- 27) Any vegetation clearance to be outside bird nesting season
- 28) Implementation of the approved Travel Plan and its measures
- 29) Fibre optic cable installation traffic management statement

The following non-standard conditions are to follow prior to Plans Panel: 14, 17, 18, 28, 29

Reason for approval 12/03975/FU:

The application is considered to comply with the policies SA1 GP5 GP7 GP11 GP12 BD2 A1 A4 N12 N13 N29 BD4 CC1 CC3 CC10 CC11 CC12 CC13 CC30 T2 T2C T2D T5 T6 T7A T7B T24 LD1 R5 N38A N38B N39 N51 of the Leeds Unitary Development Plan Review 2006, the Yorkshire and Humber Regional Spatial Strategy 2008, as well as supplementary planning guidance in SPD5 Public Transport Improvements and Developer Contributions, SPD Travel Plans, SPD Sustainable Design and Construction, City Centre Urban Design Strategy, and national guidance contained within the National Planning Policy Framework and its Practice Guides, and having regard to all other material considerations, as such the application is recommended for approval.

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. Leeds is one of the country's most important regional internet centres, and some sources claim that the city hosts up to a third of all internet traffic.
- 1.2 Leeds is already embarking on two ambitious plans to roll out high speed broadband through the Government's rural and urban programmes. The City is committed to deploying the best digital infrastructure which will act as a key contributor to delivering the Leeds Growth Strategy. The future growth of the City's economy will be underpinned by high speed digital infrastructure, which will unlock potential, support innovation, improve productivity, grow new start up businesses in the area, generating employment and prosperity. The addition of this new data centre may also attract many of the larger Internet Service Providers, which would help the city to deliver its ambitious digital plans. 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 across the City's priority sectors.

- 1.3 At City Plans Panel 25 October 2012, Members were presented with an update on the progress of the submitted planning application. Details of the full comments by Members are attached at Appendix 2, and are discussed in the Appraisal section of this report. In summary, Members generally supported the principle of the scheme, but requested further information regarding the following:
- the sustainability credentials of the proposed building
 - to view a large scale sample of the proposed zinc cladding material in order to understand its quality and properties
 - that wind be fully considered
 - that Carlsberg's objections be fully considered
 - and that discussions regarding the section 106 requirement for public realm provision be concluded

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 and addendum
 - 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
 - Wind assessment
 - Daylight/sunlight study
- 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 within the ownership of Yorkshire Design Group.
- 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. Two emergency generator houses would be situated in the car park, and these would feature green roofs.

- 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 landscaped pedestrian routes, which would form the first contributions towards a green network of routes between the future City Centre Park and New Dock, as identified in the South Bank Planning Statement. 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 At City Plans Panel 25 October 2012, Members were presented with an update on the progress of this application. Full comments are attached at Appendix 2 of this report, and relevant issues are discussed in the Appraisal section.

5.2 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. Details of Members' comments are attached at Appendix 2.

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. Support expressed for the principle, form and massing of the proposal, but concern expressed regarding the proposed cladding material.
- 6.5 Comment in support of application made on public access by Mr. S. Tahir, Dock Street, on 22 October 2012, stating that the proposal is to be applauded, as it would be an innovative use of a long derelict site, an exciting addition to Leeds that would bring jobs and encourage further digital industries to locate in the City, and would not be overbearing when compared to nearby Clarence Dock and Brewery Wharf.
- 6.6 Objection by letter dated 19 October 2012 on behalf of Carlsberg UK Ltd. expressing concern regarding the following:
- the height of the building
 - the effect of daylight and sunlight to the north
 - concern about wind generation
 - noise from the cooling plant
 - air quality impact of emergency generators
 - the building did not respond to wider connections
- 6.7 Objection by email dated 30 October by Ms. M. Hodge, Kippax, stating the following concerns:
- The building would be a blight on the landscape due to its brutalist design
 - A more beneficial use of the site would be an amenity/tourist attraction such as a leisure complex, science museum or aquarium to boost visitors to achieve the goal of becoming a “child-friendly” city, to act as a catalyst for the regeneration of the area, and boost visitors to the South Bank and New Dock
 - A data centre would be better located in the Aire Valley

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory:

- 7.1.1 Highways Agency: No objection subject to a condition requiring the implementation of the travel plan.
- 7.1.2 Leeds City Council Transport Development Services: In principle, traffic impact and transportation provision is considered acceptable, subject to the widening of the Cudbear Street footway to 2 metres wide for the full length of the site frontage, the implementation of the Travel Plan, further details of the electric car charging points, details of the programme of fibre optic cables works in order to minimise traffic disruption during works, and provision of new pedestrian routes and crossing upgrades – see section 10.4 of this report.
- 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, details 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 Coal Authority: No objection
- 7.1.5 Canal and Rivers Trust: No objection
- 7.1.6 Health and Safety Executive: No objection

7.2 Non-statutory:

- 7.2.1 West Yorkshire Archaeology Advisory Service: No objection.
- 7.2.2 Leeds City Council Environmental Protection: Updated comments awaited.
- 7.2.3 Leeds City Council Flood Risk Management: No objection subject to implementation of development in accordance with the submitted flood risk assessment, 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.
- 7.2.6 Yorkshire Water: No objection subject to conditions

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.

ENV5: renewable energy

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
BD4 all mechanical plant
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
R5 employment and training for local residents associated with the construction and subsequent use of developments

N38A development and flood risk
N38B planning applications and flood risk assessments
N39A sustainable drainage systems

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. Amenity
9. 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 to nearby occupiers. 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. 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's future economic competitiveness and growth in a national and international context. In response to comments received from an objector, it is considered that the City Centre Park and New Dock (including the Royal Armouries) would be/are child friendly visitor attractions in this area. Whilst this site is located between these existing and future attractions, changes in the characteristics of the area over the next few years, such as new pedestrian connections, will improve the child friendliness of the area generally.

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.

10.2 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 pedestrian connections will be made, on an interim and long term phased basis to achieve 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 New Dock. The submitted daylight and sunlight study shows that the proposal would create less shadow at different times of the day throughout the year than the previously approved scheme. It is considered that the impact of the proposal on daylight and sunlight in the context of the surrounding area would be acceptable.

- 10.2.3 The application has been supported by a wind study, which at the time of writing is the subject of independent assessment on behalf of the Local Planning Authority. The findings of the assessment will be updated verbally at Plans Panel.
- 10.2.4 The proposed zinc 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. The colour of zinc cladding presented at Plans Panel in October was a response by the applicant to comments made by Members regarding the sample presented in August 2012. Prior to the Plans Panel meeting on 22 November 2012, a site visit will take place in order to view a large scale sample at the site of the proposed zinc system, to allow Members to further consider the colour of the cladding.
- 10.2.5 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.

10.3 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 pedestrian 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, as shown in the South Bank Planning Statement. It would also provide a wide tree-lined buffer to the frontage to Black Bull Street and to Cudbear Street. However, the landscaped setting to the building to the street frontages are 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. The southern route would be delivered to a permanent finish for approximately half of its width, and a temporary finish to the southern-most 7.5m. This temporary finish would take account of the possibility of the disturbance of the land to the south due to its future development. The indicative masterplan submitted with this planning application, the proposed use of this site as a data centre, 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 provision of the northern and southern pedestrian routes, including the area outside the application red-line boundary (but falling within the ownership of Yorkshire Design Group) would represent approximately 18% of the site area. It is considered in this context that this amount of landscaped public realm, in conjunction with the planting to Black Bull Street and Cudbear Street, to be secured as publicly accessible by a Section 106 agreement, would adequately meet the provisions of Policy CC10 in this case. This provision would form the start of new enhanced landscaped connections across the wider South Bank area, eventually linking Holbeck Urban Village to New Dock via the City Centre Park. Future phases of development at the former Yorkshire Chemicals site would deliver the continuation of landscaped pedestrian routes across the wider area, and pedestrian connectivity improvements such as crossings to Black Bull Street.

- 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 soil 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.

10.4 **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
- 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. It is considered on balance that further pedestrian and cycle connectivity improvements would be delivered by future developments, both on Black Bull Street, and on Crown Point Road, but not by this development, given its relatively low occupancy level. Opportunities to enhance Black Bull Street and Crown Point Road would be explored at future phases of redevelopment along both roads, including new and upgraded crossing points, increased pavement widths and lane reductions.

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 considered an appropriate use for the City Centre, in accordance with the UDPR and the National Planning Framework.

10.6 **Land Contamination**

10.6.1 Land contamination documents including desk top studies and site investigations have been submitted in support of this planning application. Appropriate planning conditions would be applied with regard to the further investigation, remediation and verification of contamination within the site ownership of Yorkshire Design Group as defined by the blue line plan submitted with the planning application, and ongoing liaison will continue with Leeds City Council and Environment Agency contaminated land officers regarding the resolution of any potential human health or ground water issues.

10.7 **Sustainability**

10.7.1 In response to Members' comments at October City Plans Panel, further details regarding the sustainability of the proposal have been provided by the applicant. A data centre is a heavy consumer of energy and therefore is considered differently to standard developments by BREEAM. The BREEAM for Data Centres scheme allows assessment of this specialised development, and the proposed building will meet the BREEAM (for Data Centres) 'Very Good' rating as a minimum. A pre-assessment would be completed prior to construction and a post construction certification would be required in order to discharge the recommended planning condition. Greywater recycling is however not part of the package of sustainability measures proposed in this case, as the building occupancy is relatively low. Cooling management systems would make use of ambient external air temperature to assist with the cooling requirement, so that 100% electrically powered cooling (using traditional condenser units) is only in use for 5% of the year. Other building management systems would ensure that building heating and lighting systems are as efficient as possible in order to meet the accreditation standard.

10.7.2 For this scheme it is appropriate to consider separately the building shell (including non-data hall areas e.g office, core, circulation) and the 'process' aspects of the building (including computer equipment, cooling plant, emergency battery power supply). The shell of the building (including non-data hall areas) would be designed to deliver the LCC standard on 20% CO2 reduction and 10% renewable energy generation. The energy usage of the office, core and circulation areas is estimated at a maximum of 105,000 KWhr per year. 10% generation of this amount can be achieved through the installation of solar photovoltaic cells on roof areas, and by the reduction of heating energy loads through the use of waste heat generated by the building's processes.

10.7.3 Regarding the potential for a heat exchange network for neighbouring developments to utilise waste heat, an heat exchange matrix would be provided to enable neighbouring developments to connect up and benefit from energy at a below market cost in the form of large volumes of low grade heat. It is estimated that the maximum heat generated by the data halls would be in the order of 10MW. Factoring in a degree of energy loss in conversion to higher grade heat, and allowing for heat generation being less than maximum most of the time, it is estimated by the applicant that 6MW of energy would be available to external users. The applicant advises that based on typical usages this would provide sufficient heating for 50,000m² of office or educational space, or 300 – 500 residential properties, potentially more, subject to scheme design. Pipes of water heated by the waste energy from computer equipment will be run to the perimeter of the data

centre site to heat exchange points in two underground chambers on the East and South boundaries. Using an insulated underground water/glycol loop, this low grade heat could be fed to a neighbouring development's own heat pump system to deliver its heating requirement with low energy input. This infrastructure would be integrated within the mechanical and electrical requirement for the data centre and would be installed as part of the construction works, in readiness for connection to adjacent users as and when development occurs. The heat exchange system delivers two main benefits. It reduces the CO2 generated by the data centre's own cooling equipment. Cooler water returns from the heat exchange point, requiring less energy to cool it further for the data centre's use. Simultaneously, the system reduces the CO2 generated by the heating requirement of the neighbouring development. Associated economic benefits for the data centre operator could arise from reduced running costs, and the sale of surplus heat. Prior to connection with a neighbouring user, waste heat not utilised within the building's core and service areas will be dissipated to the atmosphere via roof mounted cooling units, as for traditional schemes.

10.7.4 It is considered that this proposal has the potential to promote the aspirations of the Aire Valley Urban Eco-Settlement, by enabling the possibility of a new district energy system to serve surrounding future developments in this part of the City Centre.

10.8 **Amenity**

10.8.1 Concerns have been expressed by the adjoining landowner Carlsberg UK regarding the potential for the data centre to cause noise issues which may affect the future development of their land immediately to the north of the application site. This part of the Carlsberg site is currently used for the storage of barrels, however in the long term, it is envisaged that the site would be redeveloped for a range of possible uses, in accordance with the South Bank Planning Statement. However, no planning application for the redevelopment of this site has been submitted. The nearest existing residential properties to the site lie at Indigo Blu, Crown Point Road, at New Dock along Chadwick Street, and at Brewery Wharf to the north of Bowman Lane. A condition would control the exact details of all external plant and any necessary noise attenuation, in order to prevent noise nuisance during the day and at night from the data centre to nearby occupiers. Comments on this matter from the Council's Environmental Protection team would be provided verbally at Plans Panel.

10.8.3 An air quality report has been submitted in support of the application. Carlsberg UK expressed concern that the use of the emergency generators may result in adverse air quality issues at the site. The generators would be tested once a month for 30 minutes and would have to meet regular emissions tests. They are capable of running on gas and diesel, and incorporate exhaust filters. Comments on this matter from the Council's Environmental Protection team would be provided verbally at Plans Panel.

10.9 **Planning obligations**

10.9.1 A Section 106 Agreement has been agreed with the applicant in connection with the planning application, with the following obligations:

- Provision and maintenance of publicly accessible landscaped areas as identified on plan 1209-[P]-002 E
- Public transport contribution in accordance with SPD5 Public Transport Improvements and Developer Contributions £11 290

- 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 £750

10.9.2 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 It is considered that this application proposal would enable the growth of new digital industries in the City, that would help enable the City to meet the emerging Leeds Core Strategy (Draft 2012) spatial vision, that by 2028, Leeds will have maintained and strengthened its position at the heart of the City Region and grown a strong diverse and successful urban economy, with skilled people and competitive businesses, which are sustainable, innovative, creative and entrepreneurial. The proposal would deliver new pedestrian routes, which would form part of the greened network of connections linking across the south of the City Centre as envisaged by the South Bank Planning Statement. The proposal would also enable the possibility of a new sustainable district energy system for future nearby developments, and contribute towards the realisation of Aire Valley Urban Eco-Settlement objectives. The application proposal is therefore recommended for approval in principle.

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

Appendix 1 Non-standard conditions – to follow

Appendix 2 Councillor comments at Plans Panels 30 August 2012 and 25 October 2012

City Plans Panel 25 October 2012

Members made the following comments:

- the colour of the proposed cladding, with a mix of views on the most appropriate colour for this

- that the workshop proposed at the August meeting to discuss the scheme in depth had not been convened
- the sustainability of the building and the possible use for the heat generated by the building
- the importance of the visual appearance of the building from Black Bull Street
- concern about the absence of a wind assessment and to note that Members had raised the consequences of wind from the development and had been informed that it was the view of Officers that this was not an issue.
- the quality of the zinc cladding and the need to ensure this did not change shape when it was worked
- that the comments made by Carlsberg were valid and needed to be properly considered
- that issues relating to the S106 agreement should be worked out when the application was to be determined
- the good design of the building and that it could make a contribution towards the commercial growth of Leeds
- the amount of natural light available for those people employed in the building
- the importance of ensuring the building influenced the rest of the forthcoming neighbouring development
- that Members were of the view that the principle of locating a data centre building on part of the site was 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
- that Members agreed that the principle of the proposed external cladding materials would be acceptable but that there was a difference of views about the colour to be used. It was noted that large on-site sample panels would be provided on a site visit
- that regarding the proposal's contribution to public open space, the need for the provision of footpath routes was accepted, particularly to New Dock. However, the cost of the delivery of these would need to be noted and if a further sum was required, consideration could be given to allocating this towards the City Park
- that Panel was satisfied on the quality of the street and landscape planting around the proposal but that Councillor Nash be consulted on the species of trees to be planted
- that Members agreed that the location and width of the pedestrian and cycle routes within the proposal would contribute to 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
- Members resolved to note the report and the comments now made and that the outstanding issues relating to sustainability and other points made by members be addressed in the report to be presented to Panel for determination of the application.

Plans Panel (City Centre) 30 August 2012

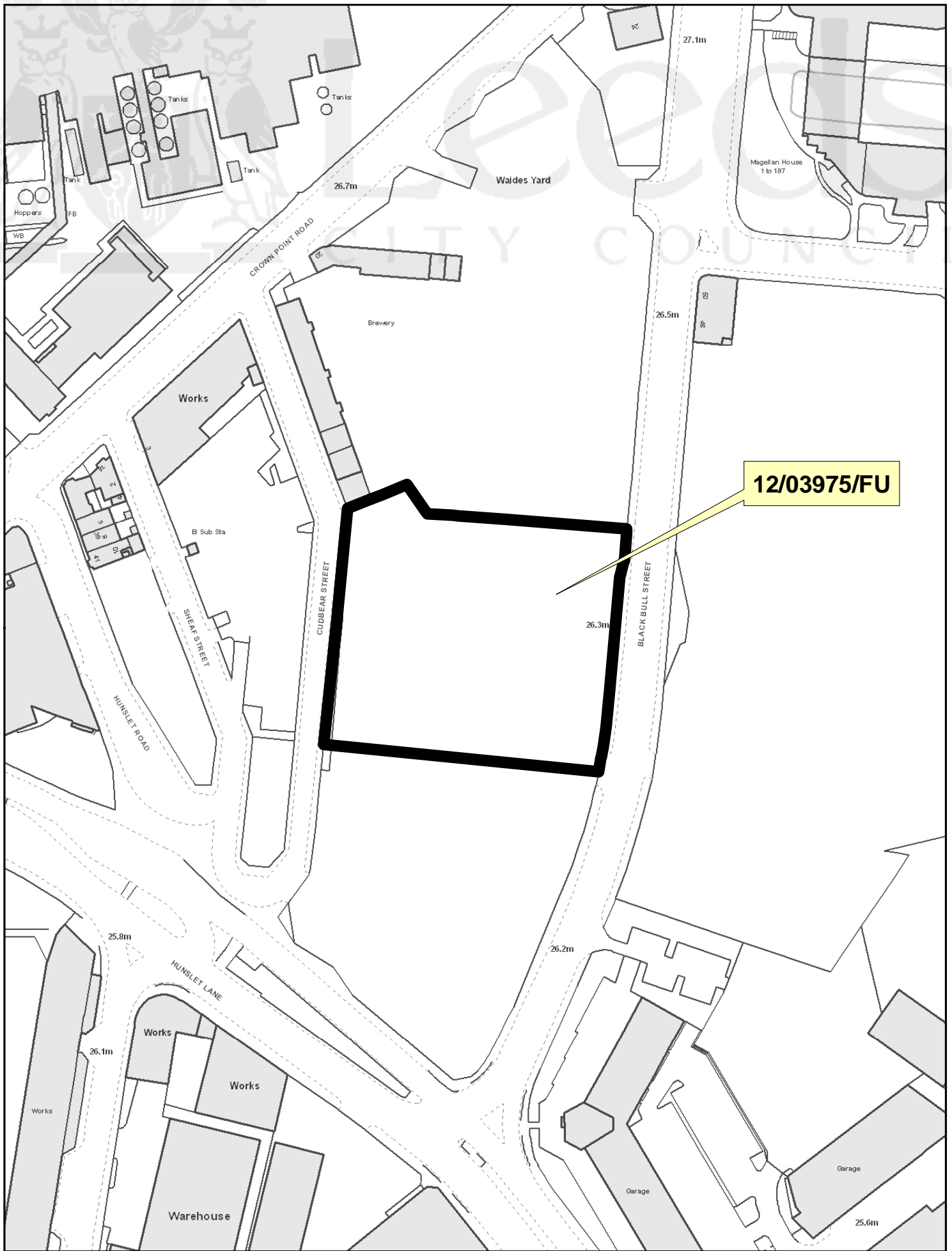
Members made the following comments:

- 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.
- 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.

Plan 1 - South Bank Urban Design Principles

Plan 2 – South Bank Development Progress



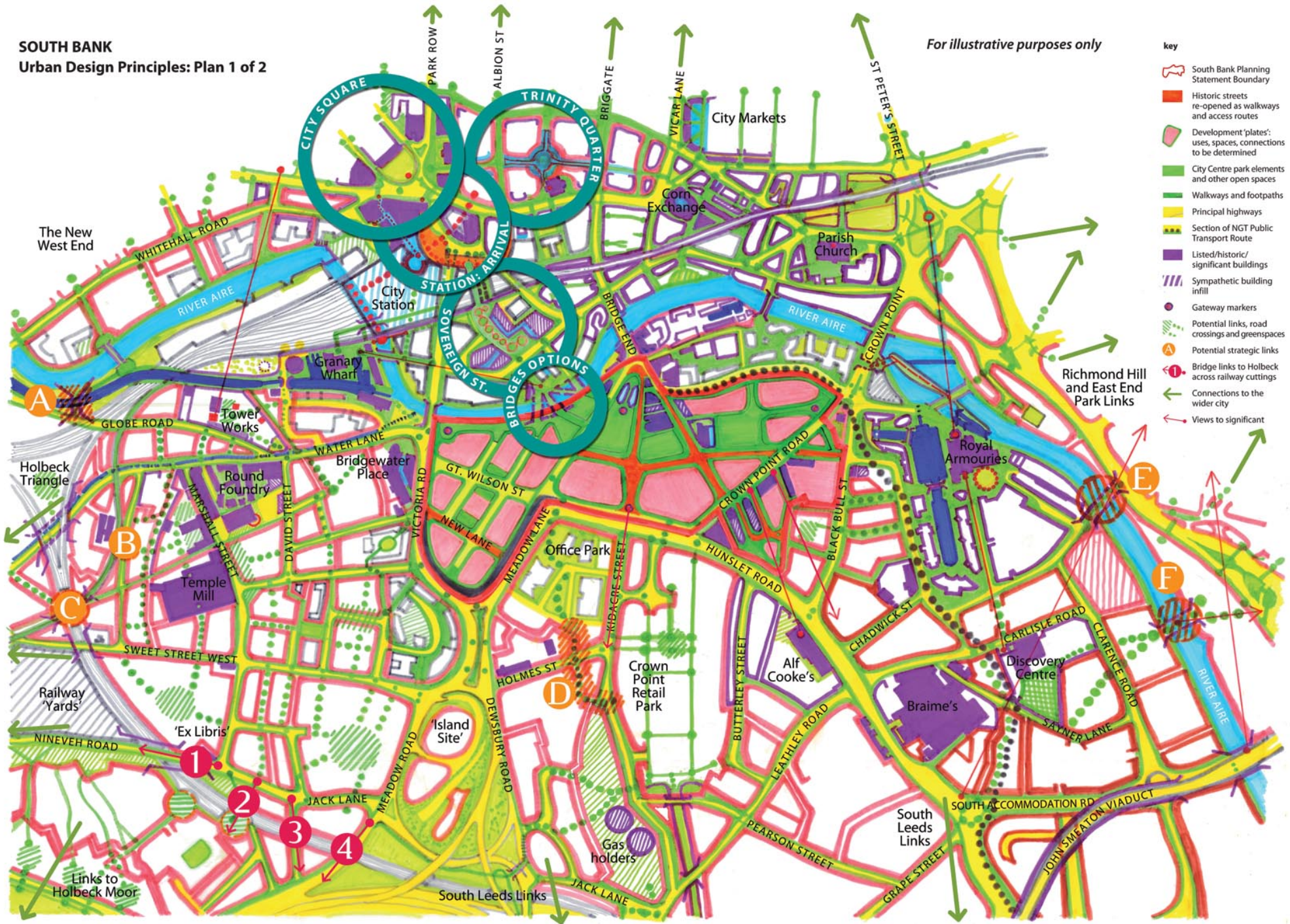
12/03975/FU

CITY PLANS PANEL



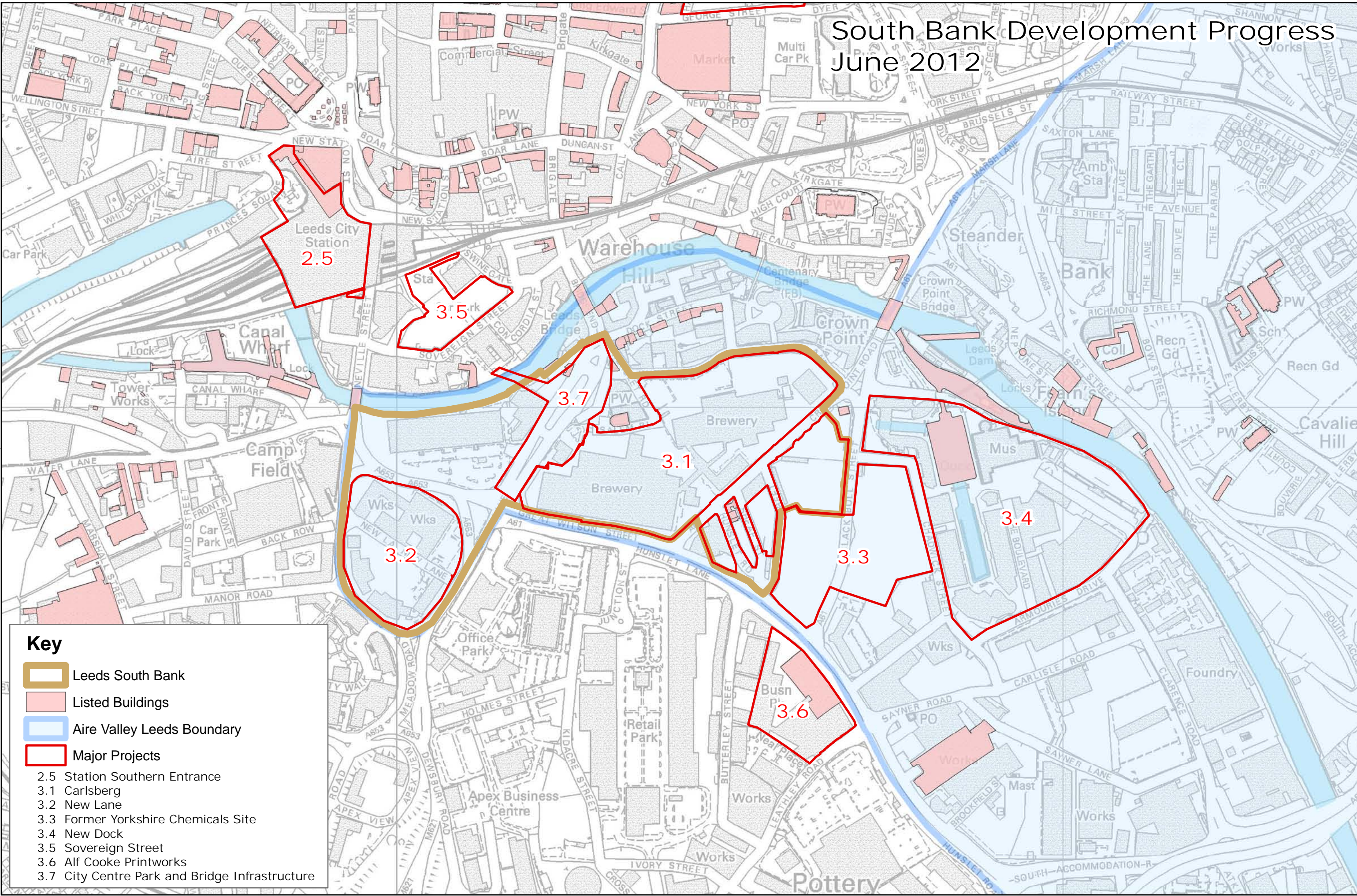
SOUTH BANK
Urban Design Principles: Plan 1 of 2

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