



Report of the Chief Planning Officer

PLANS PANEL CITY CENTRE

Date: 12 MAY 2011

Subject: POSITION STATEMENT FOR APPLICATIONS 11/01000/OT - an Outline Application 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 and, 11/01003/LI – a Listed Building Application for works to renovate and repair external fabric of Templar House, at Templar House, Lady Lane, Leeds, LS2 7LP.

APPLICANT	DATE VALID	TARGET DATE
Hammersons UK Properties PLC	10 March 2011	30 June 2011

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:

Members are requested to note the contents of this position statement and are invited to comment in relation to the key issues of the mix and level of proposed uses, the principles of the design, scale and layout, the treatment of heritage assets, the transport and parking arrangements, the sustainability credentials, the public realm provision and landscaping, and the Section 106 obligations and all other items which are highlighted in the report.

1.0 INTRODUCTION:

1.1 The scheme is presented to Members at an early stage for their consideration and comment on the key matters raised by the proposal. Members will recall that the

original scheme (06/03333/OT) was submitted as an Outline Application for a major redevelopment involving mixed use to provide retail stores, restaurants, bars and offices within use classes A1,A2,A3,A4,A5 and B1 and housing (class C3), cinema (class D2), gym (class D2), medical centre (class D1), church drop in facility, crèche (class D1) and hotel (class C1), with associated highways works, open space, landscaping, car parking, pedestrian facilities and re-alignment of a culvert. This was approved on the 24 August 2007.

- 1.2 An extension of time for implementing this consent was approved on 9 July 2010.
- 1.3 The Applicant has now re-examined the original proposals with a view to providing a more viable and deliverable development proposal, in the context of the changed economic market. The full details of the proposed amendment are given below and include a reduction in the range of proposed uses, a reduction in the site area, a change in the location of the proposed anchor store and inclusion of a second anchor store, the provision of public realm arrangements and a proposed bridge link/walkway over Eastgate.

2.0 PROPOSAL:

- 2.1 As stated the proposal is an outline planning application for a major retail-led mixed use development scheme. This would comprise the provision of 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, as well as a Listed Building application to renovate and repair the external fabric of the Grade II Listed Templar House.
- 2.2 All detailed matters are reserved, these being access, appearance, landscaping, layout and scale.
- 2.3 In accordance with Government guidance (Circular 01/2006) the extent of the development is precisely defined within the development specification and a series of parameter plans. These documents establish the proposed uses and the maximum and minimum gross external floor area that each use may have, an indicative layout, an indication of the maximum and minimum limits for building heights, an indication of the limits for the widths and lengths of each building, the positioning of proposed pedestrian areas and access points, and an indication of the location of proposed covered areas.
- 2.4 The development specification and parameter plans are supported by design guidelines, which set out the key design principles and objectives for various defined character areas across the development, and for each building plot. Any reserved matters will also be assessed against the objectives and principles contained within these guidelines, in addition to the parameter plans.
- 2.5 The land use and maximum and minimum floor space parameters for each type of proposed use are laid out in the following table and a comparison between this and the previous consented scheme can be found in Appendix 1.

Land Use and Floor Space Parameters		
--	--	--

Type of Use	Max Gross External Area metres ²	Min Gross External Area metres ²
A1, A2, A3, A4 and A5	117 080 m ²	79 800 m ²
Office B1	9 832 m ²	5 000 m ²
Gym D2	3 500 m ²	0
Medical Centre D1	400 m ²	0
Crèche/Nursery D1	400 m ²	0
Multi Faith Prayer Room D1	50 m ²	20 m ²
Changing Places toilets and changing facilities	24 m ²	12 m ²
Total Area	131 286 m²	84 832 m²
Public Car Parking	2700 bays	2200 bays
Replacement Police Car Parking	80 bays	0
Total number of parking bays	2780 bays	2200 Bays

- 2.6 The development scheme area can be divided into three interlocking areas in respect of the site, these being Eastgate itself, the site south of Eastgate and the site north of Eastgate.
- 2.7 Eastgate is at the heart of the development proposal and here there is a proposal to retain its civic east –west axial route whilst creating an enhanced pedestrianised environment along its length. Part of the Blomfield terrace to the north of Eastgate would be demolished, to be replicated further to the east along Eastgate, allowing the creation of a new public space, Eastgate Square, at this key location within the development. The rebuilt element would be designed such that it reflected the architectural principles established by Blomfield along Eastgate. New ‘bookend’ elements would frame the new square, which itself would provide setting for the refurbished Grade II Templar House.
- 2.8 To the southern side of Eastgate it is proposed that part, or all, of the existing terrace will be demolished and replaced with new buildings. The eastern most of these buildings would be one of the two major anchor stores which would front onto Eastgate. A new pedestrian route would be created running north-south to the west of this anchor store dividing it from the other potential building/extension on this southern side.
- 2.9 Due to the location of the above mentioned anchor store and its relationship to the rest of the development, and in particular the proposed multi storey car park, there is a requirement for a bridge/walkway to be sited across Eastgate. This would provide an additional pedestrian connection for the anchor store to the rebuilt ‘Blomfield’ block on the north side of Eastgate, and would be positioned at first floor level. The design parameters for the walkway have been identified in the Design Guidelines submitted as part of the planning application and its agreed that it

should be as transparent and lightweight as possible, be designed to ensure that key views up and down Eastgate, particularly of the Millennium Fountain roundabout, are retained, be solely supported by the buildings to the north and south such that there is no requirement for structures on Eastgate and maintain an agreed highway clearance to allow NGT to travel beneath it.

- 2.10 In the area to the south of Eastgate as well as the anchor store, which would occupy the site running from Eastgate to George Street, there would be a number of other blocks proposed, providing a variety of sizes of flexible units. These would be divided by two new key pedestrian routes in the form of a reinstatement of the former Ebenezer Street, and the creation of the new Blomfield Street.
- 2.11 The larger part of the development would be to the north of Eastgate. This would comprise a variety of scales of connected retail units, with a second anchor store to be positioned to the north-western corner. Through the centres of these units would lie a C shaped arcade. Due to the fall of the land to this side of the site this arcade would be on two levels allowing for at grade pedestrian access from Eastgate, Vicar Lane and Lady Lane. A further entrance off Bridge Street to the arcade would be via a set of steps due to the constraints of the topography.
- 2.12 The arcade would be open at each end, and naturally ventilated. Its roof would be a key design component and would be designed to be light and elegant, making a positive contribution to the immediate space and roofscape of the wider area. The roof would be supported by the adjacent buildings and constructed using light permeable materials. The arcade would connect to both Eastgate Square and Templar Square and would be a contemporary addition to the tradition of arcades in Leeds City Centre.
- 2.13 A multi storey car park to accommodate approximately 2700 car parking spaces would sit above the units, with the mass of this structure being pushed towards the Inner Ring Road. The car parking would have entrance and exit points to both Vicar Lane and Bridge Street and its ramps would be expressed as sculptural forms rather than being part of the main body of the building. This would provide landmark features whilst helping to reduce the overall visual mass of the car park. Due to the scale of this block it is important for the car park facades to have an open skin of fins or cladding, which would also allow for natural ventilation.
- 2.14 Key views from 29 points have been identified to allow the scale and mass of the proposed development to be considered in the context of the wider City Centre. Views affecting the Grade I Listed Kirkgate Market and the City Centre Conservation Area in particular have been examined to ensure there will be no significant detrimental impact on the visual amenity of the existing buildings, spaces and streetscapes.
- 2.15 The principal changes from the previous consented scheme for the Eastgate and Harewood Quarter (06/03333/OT extended by 10/0147/EXT) that are currently proposed are:
- The range of proposed uses has been altered such that the scheme no longer includes the following uses: housing (class C3), cinema (class D2), church drop in facility and hotel (class C1). In terms of the range and mix of uses the amended proposal is for A1 retail, A2 financial and professional services, A3 cafes and restaurants, A4 pubs and bars, A5 hot food takeaway, B1 offices, D1 medical centre, crèche and multi faith prayer room and D2 gym.

- The layout has been altered such that the majority of Ladybeck Close and the Blomfield Petrol Station roundabout are excluded from the red line site boundary. The positions of building blocks on the master plan layout has also been reconfigured across the site. As such the proposal now sits fully within the Prime Shopping Quarter and is therefore in conformity with Leeds Unitary Development Plan Review 2006 shopping policies and Planning Policy Statement 4: Planning for Sustainable Economic Growth.

- The massing parameters, which detail the maximum and minimum heights and building plot footprints have been reassessed. These take into account the minimum requirements for all street widths, including pedestrian only and shared areas.

- The location of the anchor department store has been altered. The store is to be sited to the north-western corner of the site near the junction of Vicar Lane and New York Road (the Inner Ring Road). A second anchor store would be positioned to the south eastern corner of the site to the west of Millgarth Police Station and adjacent to Millgarth Street.

- The revised proposal involves the breaking through, and removal of a section of the Blomfield buildings to the north of Eastgate to create a new public space, 'Eastgate Square', which would front on to what is to be the refurbished and reused Grade II Listed Templar House.

- To the south side of Eastgate a section at the eastern end of the 'Blomfield' building is proposed either for demolition and replacement with a new building (one of the anchor stores) and an extension, or to be partially retained and enhanced via new façade treatments.

- The layout of the main part of the Eastgate north side of the proposal would require parts of Lady Lane to be built upon.

- To link the anchor store on the south- eastern corner of the site to car parking on the northern side of Eastgate, a bridge link/walkway over Eastgate is proposed.

- A covered arcade/street is proposed on the area of the development to the north of Eastgate.

- Due to topography issues, existing underground structures and services, NGT route requirements and off street servicing proposals, amendments are proposed to the hard and soft landscaping scheme. Principally there is a requirement for a reduction in the number of trees on site in relation to the landscaping principles agreed on the previous approved outline consent.

- To the southern part of the site the historic Ebenezer Street, which currently has surface car parking upon it, is to be reinstated as a pedestrianised area.

- In addition to the above mentioned new public space Eastgate Square and pedestrianised covered, part covered and open streets, a further public space is to be created adjacent to the Templar Public House to the north west of the site.

- The Developer is also proposing to locate a Low Carbon Energy Centre on a site to the east of the proposed Eastgate and Harewood development fronting Bridge

Street. A separate full planning application has been submitted for this proposal (planning reference 11/01194/FU) to be considered alongside this main outline planning application and the listed building application.

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

Design Guidelines (HUK2)
Design and Access Statement (HUK3-1)
Built Heritage Assessment (HUK3-2)
Planning Statement (HUK4)
Retail Statement (HUK5)
Statement of Community Involvement (HUK6)
Townscape Assessment (HUK7)
Transport Assessment (HUK8)
Travel Plan (HUK9)
Environmental Statement (HUK10)
Non-Technical Summary (HUK11)
Sustainability Statement (HUK12)
Energy Statement (HUK13)
Site Investigation and Geo-Environmental Report (HUK14)
Flood Risk Assessment (HUK15)
Utilities Statement (HUK16)
Conservation Strategy (HUK17)
Schedule of Works to Templar House (HUK18)

2.17 The Applicant has also submitted an Environmental Impact Assessment (EIA). 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 which covers the following areas:

- EIA methodology
- The existing site
- Alternatives and design evolution
- The proposed development
- Development programme and construction
- Planning policy context
- Socio economics
- Townscape and visual amenity
- Built heritage
- Transport and access
- Air quality
- Noise and vibration
- Archaeology
- Ground conditions and water resources
- Ecology
- Wind
- Daylight, sunlight and overshadowing
- Cumulative Impacts
- Summary of mitigation measures
- Residual impacts.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site 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 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.
09/04368/LI – Listed building application to repair and renovate the external fabric of Templar House, Lady Lane. Approved 2 December 2009.
- 4.3 11/01194/FU - In addition there is a current non-determined 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. This would be at the former Park Lane College Building, Bridge Street, Nos 1 - 2 and 27 - 30 Ladybeck Close which is to the east of the Eastgate and Harewood proposal site.
- 4.4 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 Penetcostal Church to the Agnes Stewart school site on 29 June 2010. The Applicant is seeking to revise the proposal and states that a further planning application for the relocation of the Church to the school site is to be submitted shortly.
- 4.5 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.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The proposal has been the subject of detailed pre-application discussions between the Applicants, their Architects and Local Authority Officers for several months, and was presented to Members at the Plans Panel of 22 July 2010. Whilst Members welcomed the proposals they stressed the need for further discussion on the following points:

- Details of the bridge across Eastgate
- Details of the break through, and the removal of a section of the Blomfield buildings to the north of Eastgate to create a new public space, and the removal of part of and extension to the block on the south side of Eastgate
- A justification of the demolition of the Lyons Works Building
- A justification and more details of the building over and treatment of Lady Lane
- Details of public realm and landscaping
- An understanding of the mix of uses on site
- An understanding of the arts and cultural offer of the scheme
- Details of connections through and around the site and of the 'shoppers route'
- Details of what the scheme will bring to the City in terms of employment and training opportunities for local people

5.2 A further pre-application presentation was subsequently brought back to Members on 16 September 2010 which aimed at focusing on the key study areas from the above list of comments. Members made the following comments:

- Has all been done to try to accommodate Lyons Works in to the scheme?
- How will the pedestrian links to the Arena and Civic Quarter be improved?
- Does the site include Millgarth Police Station?
- The raised walkway across Eastgate needs to be elegant and as unobtrusive as possible to ensure it is not a visual barrier, design details and principles of the bridge are need.
- Views up and down Eastgate from the raised walkway would be good.
- Open spaces are a welcome feature.
- There appear to be fewer trees than on the previous scheme, the landscaping and greening of the site need more thought.
- The cowls on the roof of Lyons Works are an important feature and should be retained and reused elsewhere in the scheme.
- The Lyons family name needs to be retained, possibly in street naming.

5.3 Member's will recall attending a fact finding visit to the Applicant's Highcross development in Leicester on 31 January 2011. The party was given a presentation on the success of a retail services course which had been designed in conjunction with Hammersons to provide essential training for local people with the aim of taking up jobs that were generated in the new development. Members asked questions in relation to the involvement of other organisations such as the job centre service and the Council, whether the development was taking away staff from existing retailers in the centre and the timescale of the course. The party was then taken to the management suite at the Highcross development. En-route the characters of the town centre and the development itself were pointed out including the elevated bridge/walkway linking John Lewis to the car park, pedestrianised streets and the successful covered market. At the management suite a presentation was provided on the history and progression of the Highcross development.

5.4 The Applicants undertook a 2 day public exhibition on 24 and 25 September 2010, at the Cross Arcade in the Victoria Quarter, to allow local residents and stakeholders to view the scheme. Visitors to the exhibition were asked to complete a questionnaire. Amongst the various questions asked were; what appealed to them about the scheme, whether they were in favour of regeneration of the area, whether they thought Leeds would benefit from the development, if they liked the inclusion of particular details such as Templar House and whether pedestrianisation was favoured

or not. Comments gained from completed questionnaires at the exhibition were collated to allow the Applicant to better understand local opinions of the proposed development.

- 5.5 In addition, the Applicants conducted a number of other public consultation exercises which are detailed in the submitted Statement of Community Involvement. The means used were a combination of letters, a leaflet for Kirkgate Market, an Eastgate website, social media, local media, meetings with local groups and two City Centre Plans Panel pre-application presentations. Groups and individuals consulted included stakeholders, Members, Officers, residents, businesses, Leeds and West Yorkshire organisations and other third parties.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The outline application was publicised via a Site Notice posted on 18 March 2011 expiring on 8 April 2011 for a 'Proposed Major Development Which Affects the Setting of a Listed Building and the Character of a Conservation Area and Accompanied by an Environmental Statement', and in the Leeds Weekly news edition printed the week of 7 April 2011.
- 6.2 The Listed Building Consent application was publicised via a Site Notice posted on 18 March 2011 expiring on 8 April 2011 for an 'Application for Listed Building Consent', and in the Leeds Weekly news edition printed the week of 7 April 2011.
- 6.3 164 letters of comment have been received detailing the following points:
1. The Eastgate proposals are welcome in the current economic situation and the John Lewis building has the potential to be a city icon and a world class building, and should not be like Selfridges at the Birmingham Bull Ring and it should not have a windowless façade to Millgarth Street.
 2. The reinstatement of Ebenezer Street would provide a high quality extension to the Victoria Quarter.
 3. The arcade entrances are contemporary and complement the historic Eastgate axis and the arches of the arcade are aesthetically pleasing and it looks like an arcade not a shopping centre.
 4. The proposed public square would be a new, well proportioned leisure space, which would work well with Templar House.
 5. The proposed use of trees would bring calm to the street scene
 6. The proposed car park entrances are architecturally pleasing and practical.
 7. The relationship between the arcade and the car park is weak and they need to compliment each other. The car park could overwhelm Bridge Street and needs to be screened, possibly with greenery.
 8. The exteriors to Vicar Lane and Bridge Street could be bland, overbearing and over-dominant, these elements need careful design.
 9. The loss of some architecturally interesting buildings including parts of the Eastgate terraces, Circle House, Lyons Works and the Wharrams Building is regrettable. Ways to reuse these buildings should be examined. The loss of Lady Lane means the obliteration of a historic important street and adversely affects the setting of Templar House
 10. Whilst the arcade is a strong feature it lacks one detail, this being an ornamental clock or modern piece of sculpture to entrench the view that it is an arcade and not just another shopping centre. However, the arcade looks promising.
 11. The lack of retail units to Bridge Street and Millgarth Street could harm connectivity to Mabgate and the expansion of the retail core.

12. The scheme should not prevent future public service traffic being restored in addition to the protected NGT route.
13. Whilst the new car parking facilities more than cover the loss, allowances for future demand following completion need to be considered.
14. The lower level delivery facilities and collection points are applauded.
15. It is important that George Street is widened sufficiently to accommodate the bus route, deliveries, collections, and pedestrian flows.
16. There is a worry that the pedestrian bridge over Eastgate will detract from the composition of buildings, it strikes a raw note.
17. The Blomfield concept appears to be appreciated and not at risk.
18. That the wisdom of a wide public space on Eastgate is questionable.
19. To close Eastgate permanently to traffic would be a disaster since the traffic changes will take years to come to fruition.
20. The analysis of the bus traffic is incorrect and the rerouting of buses will lead to traffic congestion and negatively impact on pedestrian movements.
21. The capacity of the servicing strategy is a concern and the loss of private car access to George Street will increase demand on the defined loading bays. In addition the John Lewis anchor store vehicle entrance will add to congestion on George Street and will mean no active frontage will face the Markets.
22. Is Templar House actually worth preserving and does it have any relevance today?
23. The western end of the southern Blomfield range should be retained and reused.
24. Overall the development seems to have merit.
25. The scheme will be complimentary to Kirkgate Market in that it will provide a different type of retail outlets from the Markets, and it will draw visitors to the city.
26. Markets forces of higher rents in the Trinity and Eastgate schemes could have the affect to reduce rents elsewhere in the city centre.
27. New developments in Leeds are essential if the city is to maintain its premier status and be capable of locally responding to consumer demand and fight of competition from other northern cities. The proposal will provide long needed investment and has the potential to transform this part of Leeds.
28. The scale of the proposal is likely to impact negatively on surrounding towns and cities and retail floorspace demand in Leeds City Centre is low. In addition, the proposal would draw trade away from the traditional retail core and would be inward looking.
29. The reduced access to 18 hours in the arcade will adversely affect the use of Templar Street
30. The surface car parking on Millgarth Street conflicts with the NGT route.
31. The Heritage Statement does not sufficiently address PPS5 of acknowledge the full extent of the heritage assets on the site and in the wider area. In addition the siting of large modern buildings next to historic listed buildings would remove the sense of place and detract from the setting of these heritage assets
32. The increased pollution levels from the development would be detrimental to the fabric of historic frontages on heritage assets.
33. There has been inadequate consultation by the Applicant with regard to the scheme.
34. There is anxiety about preserving Kirkgate Markets future, identity, purpose and heritage and there is concern about social inclusion.
35. The promotion of Kirkgate Markets is concern and is considered to be inadequate and uninspiring.
36. An inconsistent rents policy and high levels of service/maintenance charges for Kirkgate Market.
37. Perceived unfairness and inconsistency with regard to encroachment.

38. There is concern regarding levels of vacant units with the Market and the deleterious state of Kirkgate Market's infrastructure.
39. The poor relationship between the Market staff and traders and the lack of strategy and the perception by traders and others that the Market is not run as a business.
40. The scheme could result in another featureless and bog-standard shopping area.
42. Reduced car parking spaces will affect all shoppers.
43. How damaging will the scheme be to Leeds City Council's plans to reduce carbon emissions by 40%?
44. Height restrictions in the proposed multi storey car park could mean that traders are unable to park their vans and large vehicles within.
45. The scheme does not comply with the Development Plan in that the proposal would be detrimental to Kirkgate Market for the following reasons;
- a) There are concerns over the potential for the whole site to be closed for the full 42 month period of construction and the impact this could have on the surrounding area and in particular the Markets, with regard to noise, dust and disturbance.
 - b) That pedestrianising of Eastgate will increase traffic chaos around Kirkgate Markets resulting in the Market becoming a traffic island, with George Street becoming a major and congested bus route.
 - c) The loss of customer and trader parking on the George Street car park and changes to trader servicing arrangements will be detrimental to the Markets and will exacerbate existing parking issues in the area.
 - d) The height of the proposed John Lewis anchor store would mean it would be overbearing on the surrounding context and would be visually detrimental to Kirkgate Market and the cultural heritage of Leeds will be lost if the several areas of archaeological interest identified by West Yorkshire Archaeological Advisory Service (WYAAS) are built upon.
 - e) The proposed scheme would be inward looking with a 'circular' design and there would be poor connectivity between Eastgate and Kirkgate Market and pedestrians will not be encouraged to move from one to the other due to the volume of traffic on George Street creating a barrier. The result would be that the Markets area will be less safe for pedestrians discouraging footfall.
 - f) That Eastgate would result in unfair and ruinous competition with Kirkgate Market to the detriment of the small independent traders within with a threat to jobs and livelihoods of employees and traders, and consumer choice would be undermined if the Market suffered as a result of the development.
46. There would be poor cycling linkages with the Market.
47. The plans from the 1980s to develop the Markets area are more favourable to Kirkgate Market and the traders than the current proposals.
48. The proposal would have an impact overtime on the poorer people in our community who currently benefit from access to lower priced fresh fruit and vegetables available in Kirkgate Market and undermining the Market would not help 'narrow the gap'.
49. The 'promise of prosperity' that this development makes can not be proven.
50. Leeds should be encouraged to be more individual rather than bringing yet more high street names to the city.
51. The proposed scheme is not a mixed development as it does not have the required diversity of uses to constitute such a development.
52. That the S106 obligations offer very little in the way of contributions to or the enhancement Kirkgate Market.

Response: Comments will largely be addressed in the appraisal (Section 10.0) of this report, however in response to points 9, 10, 11, 16 and 18 it is the case that this is an outline planning application on which appearance is a reserved matter.

Therefore, these comments are duly noted and will be considered at the detailed design stage/s of the scheme.

With regard to point 31 there are many examples across Leeds City Centre of contemporary buildings being sited adjacent to and even attached to listed buildings which work successfully. In this case the design details of the scheme which will come forward at reserved matters stage will dictate how the scheme preserves or enhances the contextual heritage assets.

In response to point 32 there is no evidence that any of the proposed uses would result in increased pollution levels in Leeds City Centre and any increase in pollution from car fumes is likely to be concentrated around the multi storey car park which is to the north of the site at the furthest point away from the most important heritage assets.

Whilst points 34, 35, 36, 37, 38 and 39 are duly noted and acknowledged as genuine concerns, these matters are beyond the remit of the Applicant and should more properly be addressed to Kirkgate Market management and Leeds City Council.

With regard to point 45 a) the Applicant has stated the construction time would be closer to 36 months and that strict legislation is in place which does not allow construction sites to emit vast quantities of dust or excessive noise. In respect of point c) the Applicant advises that the loss of the adjacent car park will be mitigated by the proposal to provide up to 2,700 spaces in a multi-storey car park which will be 230 metres away from Kirkgate Market.

Point e) refers to connectivity between the site and the Market and it is considered that Eastgate will benefit the whole city of Leeds, including Kirkgate Market in that it will attract more footfall and shoppers to the area creating a retail circuit which includes and embraces the Market. With reference to point f) the Applicant has stated that Eastgate should not be in competition with the market but will complement the retail offer by providing a different type of retail provision than that offered in Kirkgate Market.

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory:

7.2 Environment Agency state that the proposal will only be acceptable if the measures detailed in the Flood Risk Assessment are implemented and as such this needs to be secured via a condition.

Response: Any approval will be conditioned accordingly.

7.3 Highways have raised concerns regarding the wind testing results at three locations indicating an unacceptable impact and that some mitigation measures need to be designed in. Highways also state that the Stopping Up of streets requested by the Developer has not been agreed with Leeds City Council and as a result associated agreement with Utilities can not be considered to have been reached. The Highways Officer also requests clarity on some details of the Parameter Plans, the Design Guidelines and Building Design details in the Design and Access Statement with regard to the limits of deviation, layouts, servicing arrangements, cycling, bus and taxi arrangements, the Police car parking on Millgarth Street and access. The Officer advises that use of rising bollards is not supported by Leeds City Council and other means of preventing vehicular access are required. Further to this the Officer states that the proposed minimum headroom of 5.7 metres across the full width of the street under the walkway spanning Eastgate should be conditioned.

The Officer has requested clarity on a number of matters in the Transport Assessment including the requested Stopping Up, the NGT route, cycle improvements, lighting, bus gates, taxi ranks, trip generation and distribution, modal

split, access controls, general and public transport impacts, car parking highways layouts and servicing arrangement.

Response: The Applicant is exploring what mitigating measures can be used to address the wind speeds issue.

The Stopping Up of streets within the Eastgate and Harewood Quarter is a matter to be dealt with separately to the outline planning application. However agreement to such Stopping Up would be required from Leeds City Council's Highways Department and it is noted that no such agreement has been reached.

The Applicant is preparing a response to clarify the matters raised with regard to the Parameter Plans, the Design Guidelines and Building Design details in the Design and Access Statement

Any approval will be conditioned accordingly with regard to the minimum headroom under the Eastgate walkway.

The Applicant is preparing a response to clarify the matters raised with regard to the Transport Assessment.

- 7.4 Mains Drainage state that the Flood Risk Assessment appears to adequately cover the issues of potential flooding. As such they would not object to the proposal provided any decision is conditioned such that proposed drainage means and method accord with the Flood Risk Assessment. They also state that although the Environment Agency have stated that no mitigation will be required for any building within the floodplain, the Applicants need to provide details that show that the proposals will not adversely affect the flow of floodwater in the area of Lady Beck. Response: Any approval will be conditioned accordingly. The Applicant is currently working on the requested additional information regarding floodwater flow for submission.
- 7.5 Yorkshire Water state that disposal of surface water techniques: soakaways/infiltration/SuDS, water course and sewers need to be considered and requested a set of conditions to cover all drainage matters be applied if consent is granted. Response: Any approval will be conditioned accordingly
- 7.6 English Heritage state that the scheme provides the opportunity to enhance an area of the city dominated by vacant sites and empty buildings and they look forward to seeing the building designs and creation of public open space detailed to enhance the adjacent heritage assets and those retained within the scheme.
- 7.7 Highways Agency state that if the proposal is to be approved then a condition should be attached limiting the total amount of floor space for each use Response: the application will be conditioned accordingly.
- 7.8 National Amenity Societies for Listed Buildings no response received to date
- 7.9 Natural England state that they are accepting of the conclusions drawn in the ecological section of the Environment Statement, and recognise that the urban nature of the site offers limited opportunities for wildlife. The repeat of bat surveys in 2010 is welcomed and the conclusions accepted provided further survey work is undertaken prior to demolition of any buildings on site. In addition, they state that they would like to encourage the Applicants to consider the provision of green roofs and green walls on buildings, and that tree planting should utilise native species. Response: The application is in outline form with all landscaping details being reserved matters. However, the Applicants will be made aware of these comments to ensure they are taken into account at the detailed design stage. Any approval will be

conditioned to ensure a further bat survey is undertaken prior to demolition works commencing.

7.10 Yorkshire Forward no response received to date

7.11 **Non-statutory:**

7.12 Neighbourhoods and Housing state that there may be noise and odour issues from the bars, restaurants and car parking areas of the development which could affect existing residents of nearby dwellings. As such a set of conditions are suggested to control noise and emissions, hours of opening, operation and delivery, waste and recycling material storage and disposal, extract and ventilation systems, air conditioning systems and the requirement for any grease traps.

7.13 CABE no response received to date

7.14 Coal Authority state that the site falls within the defined Coal Mining Development Referral Area and records show that within the site there are coal mining features and hazards. However, the up to date coal mining information provided by the Applicants in the Geo-Environmental Risk Assessment Report and the Environmental Statement correctly assess that the coal mining legacy only poses a low risk to the development. As such the Coal Authority is satisfied with the broad conclusions drawn by the technical documents provided.

7.15 NGT/Transport Policy Officer no response received to date

7.16 TravelWise state that a number of amendments are required to the Travel Plan to ensure it is compliant with the draft Travel Plan SPD and Department of Transport guidance. The areas requiring further clarity are the nature of the framework travel plan approach, modal split, corporate responsibility, a car park management plan, cycle and motorcycle parking, a named Travel Plan Co-ordinator, delivery vehicles, and targets. TravelWise also request that the Travel Plan once agreed be appended to the S106, and that a free car club trial be offered to all staff with the Applicant making a contribution of £9,000 to this provision.

7.17 Nature Conservation state that if planning permission is to be granted, then a condition requiring details of biodiversity protection and enhancement measures to be submitted at reserved matters stage is required. These should be based on the recommendation of Chapter 16 of the Environmental Statement and will need to include provision for pre-demolition bat surveys.

Response: Any approval will be conditioned accordingly.

7.18 West Yorkshire Archaeological Advisory Service state with regard to Templar House that an appropriate level of architectural and archaeological recording should be carried out prior to commencement of any works on site. With regard to the outline proposal they state that they do not agree with the Applicant's appraisal of the level of significance of archaeology on the site identified during evaluation and that all archaeological eras have importance. WYAAS consider that the No. 1 Millgarth Street, Nos 96-104 Vicar Lane, 6-8 Templar Street, 5-7 Bridge Street, 10 Templar Street, Lyons Works, the Grade II Listed Templar House, the Bridge Street Pentecostal Church, Nos 44-46 and 29-31 Eastgate all have archaeological and architectural merit. This combined with the potential impact on possible below ground archaeological remains means that WYAAS consider the development would have a moderate adverse impact, rather than as stated by the

Applicant a minor adverse impact. WYAAS state that further evaluation and mitigation is required before they can make an informed decision about the archaeological impacts. As such further archaeological evaluation is required prior to any further groundworks at the site and they require a condition to cover this requirement. WYAAS also state that the North Bar Stone must be archaeologically recorded, carefully removed from the fabric of No 104 Vicar Lane and reinstated within the new development as close to its current location as possible.

- 7.19 Leeds Civic Trust state that they would be able to support the scheme if the Millgarth Police Station site were to be included in the red line boundary so that if a development opportunity occurs it can be actioned upon, that a more comprehensive review of traffic routes to the east of the site be undertaken to downgrade the St Peters Street/Crown Point Bridge loop road/s leading to more simplified pedestrian routes, that the quality of the proposed walkway/bridge across Eastgate is assured. Other issues which they also wish to be considered are the impact on the Markets and George Street, a plan B if NGT does not go ahead, the need for full planning applications for the details of the scheme, enhanced public and specifically children's amenities, that the names of the public spaces including the squares need careful consideration.

Response: With regard to the Millgarth Police Station site this has been excluded from the red line boundary for three reasons. Firstly, as part of the reappraisal of the scheme the overall footprint has been reduced to make it more viable and cohesive and extending the footprint out again would have a potentially negative impact on the likelihood of the scheme being able to be brought forward in its current form. Therefore, as Millgarth Police Station is outside the red line boundary it is not possible for the Applicant to propose a scheme for its redevelopment. Secondly the date when the Police are likely to leave the Millgarth site is unknown, and thirdly the Lady Beck runs under the Millgarth site creating a major constraint to the opportunities for development of this area. It is however the case that the Eastgate and Harewood scheme will set the parameters that will steer any future development of the Millgarth site.

The transport modeling is still being undertaken however it is not within the Applicant's area of responsibility to downgrade this part of the public highway network around the city centre and Leeds City Council's Highways Department have no plans to action such a downgrade. However, it is the case that works are to be undertaken to rationalise the pedestrian crossings around the Millennium Fountain roundabout and along St Peters Street towards the bus station, to improve pedestrian connections and routes in this area.

The design principles for the proposed walkway/bridge are proposed as part of the design guidelines of the outline planning applications with all details reserved for submission to ensure a high quality, appropriate walkway results.

The relationship to the Markets and George Street is an ongoing matter of consideration in the masterplanning of the scheme, in respect of connectivity and pedestrian movements, traffic and parking, servicing, complimentary design and uses and views. The importance of the relationship between the proposed scheme and the Market's area will continue through the detail design stage when the reserved matters are submitted.

The production of a plan B scenario should it be the case that NGT does not come forward is a matter for Leeds City Council rather than the Applicants to consider and address, as this would require a wider consideration of areas across the city of Leeds where NGT routes are planned.

It is the case that all matters of the detailed design of the proposal are reserved and as such if consent is granted for the outline planning application this will be conditioned to state that reserved matters must be submitted within a set timescale

(usually within 3 years).

The scheme does propose to provide public amenities including public toilets, and the cultural strategy will take into account the requirement for events and activities specifically targeted at children and young people.

The naming of streets and spaces on the submitted drawings is indicative only at this stage to aid navigation around the plans.

- 7.20 Metro state that they do not object to the principal of the development but they are unable to support the current proposal until the following issues are resolved: agreement on the scale of the public transport infrastructure improvements contribution, mitigation plan for bus servicing routings and stopping allocations, public transport infrastructure requirements, impact on the number of buses using the bus station, junction arrangements, NGT route implications. Metro have also stated that they will be providing what they believe to be the optimum solution with necessary infrastructure improvements by the end of May 2011.
- 7.21 Retail Consultants (Colliers) state that whilst they do not agree with some of the conclusions drawn in the Retail Statement in respect of the shopping hierarchy and the role of the White Rose Shopping Centre and that growth in the city centre should be apportioned an appropriate additional element of growth, there is agreement with the overall conclusions of the Retail Statement with regard to compliance with the Development Plan and national policies. They also state that delays in delivery of other major retail led schemes in the region can not be seen as a consequence of the major commitments in Leeds City Centre. They consider that there are clear qualitative deficiencies in the current retail stock in Leeds City Centre, that Leeds City Centre has been constrained by a lack of good sized modern floorplate units which the proposal and the Trinity scheme independently and collectively will readdress, that following the completion of Trinity and the subsequent completion of the Eastgate and Harewood scheme there will be periods of readjustment and consolidation but that this is common in city centres and an inevitable consequence of growth and adaptation, that the proposal relates well physically to the city centre's existing framework and provides scope for improvement of areas which remain marginal, and improvement in respect of retail representation in the areas around Kirkgate Market, Vicar Lane to the north of The Headrow and Eastgate. The Retail Consultant also states that the scale of floorspace is appropriate as is the potential balance of uses. Finally, they suggest that the option of phasing be introduced to allow flexibility of delivery of the development.
- 7.22 Environmental Assessment Manager states, with regard to the Wind Study in the Environmental Statement, Leeds is vulnerable to wind damage, consideration of existing buildings, and large vehicles need to be taken into account and the Tall Buildings Design Guide & the Local Climate Impacts Profile (LCLIP) should be referenced. Very gusty winds are often experienced in Leeds and strong to gale westerly winds create turbulent flows when crossing the Pennines (standing wave effects), the Aire Valley acts as a funnel accelerating winds, there is a drag effect created by tall and angular buildings. Wind is a sensitive issue in Leeds in light of the recent incident adjacent to Bridgewater Place and the wind study undertaken relates to typical conditions/seasons/Wind Rose data, but does not take account of extreme conditions/ winds greater than Force 8 and gusting of over 60mph or the effects on pedestrians, cyclists, and HGVs being blown over due to the possible affects of the new buildings. The officer also stated that climate change effects are not fully understood, however Leeds is vulnerable to wind damage now, this problem could get worse in future decades and that location 33 (NW corner) and 92 (SE corner)

identified in the report are of particular concerns, with unacceptable levels of wind predicted. As such mitigation measures are required for these areas.

8.0 PLANNING POLICIES:

8.1 A full list of up to date policies can be found at Appendix 2. Those policies in *italics* have been adopted or introduced since the determination of the previous original outline consent 06/03333/OT.

9.0 MAIN ISSUES:

1. Principle of the proposed uses and their mix
2. Layout, scale and design
3. Transport, access and connectivity
4. Public Realm and Landscaping
5. Heritage and Archaeology
6. Drainage and Flood Risk
7. Sustainability
8. EIA Studies
9. S106 Obligations
10. Equality

10.0 APPRAISAL:

- 10.1 Principle of the proposed uses and their mix
- 10.2 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 maximises 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).
- 10.3 The scheme would be an efficient use of a previously developed land, located in a sustainable city centre position, which would generate a significant number of local employment opportunities. The Applicant has stated that the scheme has the potential to create approximately 873 full time (or equivalent) jobs during the demolition and construction phases and between 2289 and 5128 full time (or equivalent) employment opportunities upon completion. In addition, the Applicant proposes to provide skills training in order to assist local people to take advantage of these job opportunities created by the development. The location of the proposal would improve the physical and economic links of the city centre with areas and communities beyond the site. In bringing forward these improvements the scheme reflects the objectives of the RSS and would reinforce the role of Leeds at a regional

centre, re-establish its position competitively with other major cities and help cement Leeds as a city of European significance.

- 10.4 As a result of a reappraisal of the development priorities and opportunities for this site, key changes to the approved scheme have been made with a reduction in the proposed types of use as well as a reduced site area. This has resulted in an increased retail led approach with the site being now fully within the Prime Shopping Quarter, as well as still overlapping a corner of the Entertainment Quarter. This reduced site area means that whilst the previous scheme (06/03333/OT) was considered as a departure from the Leeds Unitary Development Plan Review 2006 (UDP), this current proposal does not need to be considered as such.
- 10.5 The sequential and impact tests required by PPS4 focus on what main town centres uses are and if they are appropriate in the context of the development proposed and in line with the Development Plan (UDP). Analysis of the submitted Retail Statement conclude that there is general agreement with the overall conclusions drawn with regard to compliance with the Development Plan and national policies. It also agreed that delays in the delivery of other major retail led schemes in the region can not be seen as a consequence of the major commitments in Leeds City Centre. The Statement identifies that there are clear qualitative deficiencies in the current retail stock in the city centre. Indeed it is the case that Leeds City Centre has been constrained by a lack of good sized modern floorplate units which this proposal and the Trinity scheme independently and collectively will readdress.
- 10.6 It can be considered that following the completion of Trinity and the subsequent completion of the Eastgate and Harewood scheme there will be periods of readjustment and consolidation, however this is a common occurrence in city centres and is an inevitable consequence of growth and adaptation. The proposal is considered to relate well physically to the city centre's existing framework and provides scope for improvement of marginal areas, and improvement in respect of retail representation in the areas around Kirkgate Market, Vicar Lane to the north of The Headrow and Eastgate.
- 10.7 There are 41 existing residential units within the site, located off Bridge Street and in the Blomfield terrace to the northern side of Eastgate. Most are sited in upper floors of existing buildings and the scheme as proposed requires the removal of these existing dwellings. In addition due to the economic downturn, resulting in changes in the residential market, the submitted scheme does not propose any future elements of residential use. It is the case the UDP seeks to resist the loss of existing city centre housing, however the retention of the existing dwellings in this instance would hinder the design of the overall scheme, in particular the proposed creation of a new public square off Eastgate. In addition, the Eastgate and Harewood development is a scheme of such importance in bringing forward a range of public benefits and revitalising an area of the city centre much in need of change, that on balance these factors are considered to outweigh the loss of a relatively low level of existing housing.
- 10.8 As such, the principle of the proposed uses are considered to accord with the aspirations and objectives of these national, regional and local policies (Appendix 2). Despite the changes to the mix of uses and site area the proposal is still considered to offer a unique opportunity to create a new, vibrant retail led development, potentially transforming an unfinished corner of the Prime Shopping Quarter. The development of this part of the Prime Shopping Quarter would be beneficial in that it would result in increased footfall across the eastern side of the City Centre, could

stimulate activity in this area and across the wider City Centre and potentially create approximately 2289 to 5128 new jobs for local people. As such the proposal is considered consolidate and strengthen the role of the Prime Shopping Quarter and the wider City Centre, and would comprehensively regenerate and redevelop a substantial part of the city centre which has for a significant period suffered from a lack of investment. As such the proposed uses and their mix are considered to be acceptable and appropriate for this location.

10.9 **Do Members support the principle of the proposed uses and their mix?**

10.10 Layout, scale and design

- 10.11 The overarching design approach aims to create a new part of Leeds which is thriving, socially inclusive, sustainable, enjoyable and a model for future urban communities. The ambition is to give Leeds a high quality place that is varied and diverse. The development, as designed, aims to accord with the UDP's strategic aims to secure an enhanced environment, through high quality new buildings, conservation of the better existing buildings, provision, retention and enhancement of public spaces and the management and enhancement of the existing environmental quality.
- 10.12 As such the scheme can be viewed as an interconnected ensemble of buildings and spaces (as detailed in Section 2.0) each with its own defined but connected design characteristic principles and objectives in terms of streetscape, traffic, edges, frontage and uses, environment and street furniture. The scheme aims to create a scheme which will regenerate and fully integrate a new piece of urban fabric into the existing context of Leeds City Centre by establishing a retail-led, mixed used development with extensive public realm allowing for enhanced pedestrian movement, and the creation of a modern arcade and other new buildings which would reflect the context of the existing city centre, and the preservation of listed buildings.
- 10.13 The proposal is submitted as an outline planning application with access, appearance, landscaping, layout and scale all being reserved matters. As such it is important that parameters are set for the scheme to define the general arrangement and general scale of the buildings, public streets and spaces to ensure that they respect the context of the existing city centre. Therefore, a number of Parameter Plans have been provided as part of the application covering; the extent of the red line boundary, which existing buildings on site are to be retained and which are to be demolished, where Listed Buildings are located on site, the locations of existing trees to be removed, the layout of all proposed buildings with a key to the plot numbers, a plan of the means of access and types of access point, types of transport, cycle routes, bus routes and the NGT route, key pedestrian routes, and plans showing the horizontal and vertical limits of deviation for all buildings.
- 10.14 Where the Parameter Plans allow for horizontal movement of buildings there are defined set street widths which must be retained regardless of how buildings may shift at the detailed design stage. The objective of defining minimum street widths is to maintain adequate daylight and movement, and to reflect the city centre context of urban street patterns. In addition, there will be a requirement for a 5 metre easement to the Inner Ring Road (for maintenance purposes) and a 3 metre easement for the NGT route along Eastgate and Millgarth Street. These matters will be controlled via condition.

- 10.15 The range of heights detailed on the parameter plans for each building relate to the context of the surrounding area and topography into which they would sit. The general height range of buildings (with parameters for maximum and minimum heights for each building) rises from a potential low point close to Kirkgate Market, with the tallest elements being to the north of the site adjacent to the Inner Ring Road, where the retail units with multi storey car park above could be between 6 and 12 storeys tall. In addition, the anchor store set to the south-eastern corner of the site adjacent to Millgarth Street could have between 4 and 6 storeys in height. The heights of proposed buildings have been carefully defined to allow the scheme to relate to the existing surrounding buildings and the topography of Leeds City Centre whilst providing the quantum of development required to ensure the scheme is deliverable. As such building heights vary across the site to take account of height of existing nearby buildings and to preserve important views of the Grade I listed Kirkgate Market and the Grade II listed Templar House. This means the tallest elements are set at the lowest point of the site to the east, as well as to the north adjacent to the Inner Ring Road where tall buildings are more contextually appropriate.
- 10.16 The submitted Design Specification lays out the maximum and minimum floor space requirement for each type of use. This specification sits along side the parameter plans as a means of defining the extent of each use across the scheme. Conditions will be applied if consent is granted to control where retail floor space is to be located and in particular the location of any food retail units, which will in turn define what units are available for the other A class uses proposed, to ensure the creation of an active vibrant area beyond the normal shopping hours throughout the site. As support to the Parameter Plans a set of Design Guidelines have also been established to detail the major elements of land use, layout, form and scale, amount and other key development principles. The guidelines draw together these key areas into an overall masterplan for the scheme, with the aim being that they provide the basis for detailed design discussions at reserved matters stage to deliver the overarching design concept.
- 10.17 The parameters plans and design guidelines are considered to be well constructed and acceptable. These design guides would allow the scheme to take account of and relate to the historic street patterns, and building heights and forms in Leeds City Centre, acknowledge the relationships that need to be made to the City Centre Conservation Area, listed buildings and other heritage assets whilst proposing a new high quality, well integrated regeneration development.
- 10.18 **Do Members support the principles of the proposed layout, scale and design?**
- 10.19 Transport, access and connectivity
- 10.20 The site as existing is to a large degree covered by surface car parks on both the Eastgate and Harewood sides, with a total car parking provision of some 1082 spaces. A major element of the scheme is a new multi storey car park which will sit to the north of the site close to the Inner Ring Road. This would house in the region of 2700 car parking spaces, with 6% of this total being for disabled parking provision. As such there would be an increase in car parking spaces of some 1618 spaces as a result of this new provision. It is also the case that there will be a number of electric car charging points in the multi-storey car park. This reflects the level of approved car parking on the previous scheme (planning references 06/03333/OT and 10/01477/EXT) and would be in line with UDP guidelines on car parking levels for the types and scale of development uses proposed.

- 10.21 In addition to this because the development would be built partly on land currently occupied by Police car parking on the Harewood side of the site, 80 car parking spaces are proposed along Millgarth Street to provide dedicated operational and staff parking bays for the Police. This provision would partly cover the existing area of Police parking but would extend to the south across the pavement adjacent to the building No. 1 Millgarth Street, and to the north across the eastern end of Union Street and the current raised planter on what is now pedestrian footway. As such this constitutes a change of use of these areas of land.
- 10.22 20 motorcycle parking spaces are proposed in the vicinity of the site, in locations yet to be agreed and 110 cycle parking spaces across the site are also proposed. In addition to this showers and lockers would be provided in the development's management suite, and defined cycle routes are to be laid out across the site, tying into existing City Centre cycle routes.
- 10.23 The proposal would result in changes to the volumes and movement of traffic and the public transport network. As a result as well as enhancement of the streets and spaces within the site boundary, a number of off site highways works are required. These would include new bus gates at George Street, and New Briggate, and junction works at various points around and beyond the outer edges of the site. In addition, George Street is to be widened and its one way system reversed such that the traffic flow is westbound, to accommodate buses and servicing for both the scheme and Kirkgate Market.
- 10.24 As part of the overall proposal the Applicant is seeking to pedestrianise Eastgate, Edward Street, Harewood Street, Lady Lane, Templar Street, Sidney Street and Lydia Street and create a pedestrianised Ebenezer Street, Blomfield Street and Little Templar Street. The positioning of pedestrianised streets has been considered to ensure that linkages to the wider city centre are created, enhancing connectivity through and across the site. Where streets to the edges of the site remain open to vehicles new pedestrian crossings will be provided where required. This pedestrianisation is considered to be a positive enhancement allowing increased and more flexible pedestrian movements around and across the site. It is hoped that when the development comes forward that it could act as a catalyst to other regeneration projects nearby including the regeneration of the important historic local asset, Kirkgate Market to the south, and the Quarry Hill site to the east, with opportunities for further pedestrian connections being made to these sites and beyond.
- 10.25 In addition to the pedestrianisation of streets the Applicant is also seeking the Stopping Up of a number of existing public highways across the site. As such they will be making a separate application to Highways for this Stopping Up under Section 247 of the Town and Country Planning Act. The Applicants state that the Stopping Up is necessary to enable the development and have defined two categories of requirement as follows:
1. areas to be stopped up and built upon which affects Edward Street, Templar Street, Templar Lane, Templar Place, Lydia Street, North Court, Union Street and the majority of Lady Lane.
 2. areas to be stopped up in order to implement the public realm strategy which affects Eastgate, Sidney Street and Harewood Street.
- It should be noted that the Highways officer has advised that the principle of the Stopping Up for either category has not been agreed by Leeds City Council at this stage.

- 10.26 As with the previously consented scheme for the development of the Eastgate and Harewood Quarter, there is a proposal to remove all buses from Eastgate and relocate their stops and routes elsewhere. As such north bound buses would turn left out of the bus station into Dyer Street, travel west along George Street and turn right onto Vicar Lane to continue their journey and rejoin their route/s at the Eastgate/Headrow junction.
- 10.27 Buses heading east bound towards the bus station will travel south along Vicar Lane, and turn into Kirkgate to travel down York Street to then access the bus station via Duke Street. The existing east bound buses that run along Duncan Street and those that currently arrive at the station via Regent Street to the north, York Street to the east and Duke Street to the south, will not change their routes. Some buses that currently terminate at the bus station may, as a result of the scheme, terminate on Vicar Lane, adjacent to the development site.
- 10.28 Due to the changes in bus routing there will be a requirement to provide temporary (during the construction period) and permanent bus driver's facilities within the scheme. These would be sited close to Vicar Lane and details would be addressed via conditions if consent is granted. In addition, passenger waiting facilities will also be required and the approach proposed is that these will be fully integrated within the development rather than as a defined waiting area. Again the details of these facilities would be conditioned to come forward as part of a reserved matters application. In addition, the existing taxi rank to Vicar Lane will be replaced by two new ranks providing a total of 7 spaces. Further to this the taxi rank on Dyer Street will be extended to allow space for up to 8 taxis to be accommodated. This would result in a total increase of 5 taxi spaces.
- 10.29 The rerouting of buses and pedestrianisation of Eastgate would not affect the NGT enhanced transport corridor which runs along Millgarth Street and Eastgate and is defined as a protected route in the Leeds UDP. The NGT route will remain as indicated in the UDP and will be further protected via a clause in the Section 106 Legal Agreement.
- 10.30 The submitted Transport Assessment also sets out a servicing strategy. Servicing for the development north of Eastgate will be off-street via a new service yard proposed to the northern end of the site. This yard would be accessed from Bridge Street. The anchor store to the south-eastern corner of the Harewood side of the site would have its own basement service yard as well as a customer collect area for bulky goods. Both would be accessed from George Street. As the intention is to encourage boutique shopping units to the south of Eastgate, this area will be serviced on street via restricted hours (between 18.00 and 10.00).
- 10.31 In addition, dedicated loading bays would be provided along George Street to service both the kiosks on this northern side and Kirkgate Market. To further assist the functioning of the Markets a defined area is to be laid out by the Applicants for use by Kirkgate Market only. This would be for traders parking, loading and unloading to the south-eastern corner of the outdoor part of Kirkgate Market and would be of a size to accommodate 25 parking spaces, but would be laid out in such a manner that it was flexible to the requirements of its users. This matter would be addressed via a clause in the Section 106 Legal Agreement.
- 10.32 Due to the submission being an outline planning application with all matters reserved the submitted Travel Plan is in framework format. The main objectives of

this document would be to reduce the number of single occupancy car journeys for employees, customers and visitors and to promote other alternative sustainable means of transport. As such targets are required for the maximum percentage of staff at the development to travel to work by single occupancy car journeys and for the maximum percentage of customers/visitors to travel to the development by car. The overarching aim would be for all mode split targets to be met within 3 years of initial occupation of the development. Once the targets have been achieved the level of single occupancy car journeys to work / car journeys to/from the development must be maintained at this level, or reduced further.

- 10.33 As stated in Sections 7.3 and 7.16 above further information is required from the Applicant with regard to a number of matters on both the Transport Assessment and the Travel Plan. Therefore, the Applicant is currently undertaking works to address and respond to the matters raised.
- 10.34 **Do Members support the principles of the proposed transport strategy, access arrangements and connectivity across and through the site?**
- 10.35 Public Realm and Landscaping
- 10.36 A vital, integral element of the proposed scheme would be the public realm and landscaping of the site's streets and spaces. Whilst landscaping is a reserved matter a Public Realm Strategy has been produced to establish principles and lay foundations for the detail landscape design work to follow.
- 10.37 Pedestrianisation of these streets and spaces is a key component of the public realm strategy with the aim being to build on and enhance the existing pedestrian focused environment in Leeds City Centre. The aim is to create a distinctive scheme which has not only its own identity but compliments the existing streets and buildings into which it would slot. The pedestrianised spaces proposed would integrate into the existing urban fabric creating new connections and stopping points as well as linking to those existing in the wider area. The majority of the sites public streets and spaces would be open to the general public 24 hours a day, with the only exception being the new Templar Arcade which would be fully accessible by all for 18 hours each day.
- 10.38 It is proposed to create two new civic spaces within the site. The first would be Eastgate Square a space which would involve the breaking through, and removal of a section of the Blomfield buildings to the north of Eastgate. This positioning would place this important new public space at the heart of the scheme where it would front what is to be the refurbished and reused Grade II Listed Templar House. Eastgate Square is proposed to be a flexible, dynamic space allowing it to be used for a wide variety of activities and events including cultural and social events, sports, seasonal fairs and children's activities.
- 10.39 The second significant public space would be Templar Square, positioned to the north-western corner of the site adjacent the Templar Hotel Public House, and leading into the scheme's arcade via Little Templar Street. This proposed space creates a strong link with pedestrian routes to the west via The Grand Arcade, Harrison Street, Merrion Street and Merrion Place. Whilst a more modest space than the Eastgate Square in terms of scale and potential use, Templar Square will provide a calm, contemporary space which would compliment what will be the refurbished Templar Hotel.

- 10.40 In both of the new public squares and along parts of Eastgate it is likely that street cafes will spill out of nearby café, restaurants and bar uses (A3 and A4). It is the case that in appropriate locations and appropriate numbers street cafes can add to the vitality, colour and life to areas of pedestrianised public realm. As such whilst the details still need to be agreed the principle of street cafes as part of the proposed development scheme is acceptable. Other more permanent street furniture, including street lighting, seating, litter bins and way finders, will need to be taken into account, and be of high quality in terms of design, appropriate numbers and installation, to ensure street clutter is avoided.
- 10.41 The public realm of the scheme also has a part to play in the wider arts and cultural strategy for the Eastgate Quarter with the site creating physical links with the Entertainment Quarter to the west, and the existing cluster of cultural facilities such as the Playhouse, BBC Leeds, Leeds College of Music, the Red Ladder Theatre Company, Phoenix Dance, and the Northern Ballet to the east. In addition, as elements of public art a water feature and feature lighting would be sited within Eastgate Square.
- 10.42 The site is urban in nature being located fully within the city centre. As such much of the proposed public realm would be hard surfaced, with a palette of materials and subtle patterning being used to define and reinforce the character areas identified in the overarching Design Guidelines. However, there is a need for greening of the urban built form, to ensure a softer, more appealing environment for users of the development.
- 10.43 Therefore, a tree planting strategy has been established and will be developed in detail at reserved matter stage, with tree planting focusing on selected edge of building areas, and a partial promenade of trees up the lower part of Eastgate. A select number of trees would be sited in Eastgate Square and would be carefully positioned to ensure that their presence does not reduce the flexibility of use of this public space. The species and size of trees is yet to be decided upon and will need to take account of the environment into which the trees are to be placed, the position of any existing utilities and other structures forming part of the development, as well as the protected NGT route running along Eastgate via Millgarth Street. Areas where other lower scale planting could be sited will also be considered at the detailed design stage.
- 10.44 Whilst full details of the landscaping and public realm are to come forward via the reserved matters application/s and conditions, it is the case that the landscaping and public realm strategies are considered to be acceptable and would allow the scheme to bring forward new pedestrian routes which would connect well to the existing street pattern, with high quality accessible public spaces and streets.
- 10.45 **Do Members support the principles of the proposed public realm and landscaping?**
- 10.46 Heritage and Archaeology
- 10.47 Whilst large areas of the site have been cleared and laid out as surface car parking it is the case that there are a number of buildings of interest remaining some of which will need to be demolished for the scheme to be brought forward. These include the Grade II Listed Templar House and 90-94 Vicar Lane (which are both to be retained), as well as the notable non-listed Lyons Works, Blomfield terraces that run down Eastgate itself, Circle House, Templar Hotel, the Wharrams Building, No

1 Millgarth Street, the Bridge Street Pentecostal Church and Nos 5-7, 6-8 and 10 Templar Street. Beyond the site but of contextual relevance are the Grade I Listed Kirkgate Market and Grade II Listed former Appleyards petrol filling station (Millennium Fountain) to the east of Eastgate.

- 10.48 As part of the proposal the listed Templar House will be renovated and integrated into the scheme as detailed below in Sections 10.58- 10.60. The listed 90-94 Vicar Lane is also an important heritage asset and as such will be retained and refurbished with the potential to have restaurant and retail use at ground floor level. Although physically unaffected by the proposals, the character of both the listed Kirkgate Market and former Appleyards petrol filling station could be impacted upon by the scheme. As such the importance of these listed heritage assets has been taken into account in establishing the design principles and parameters for the development and key views of these two important listed buildings will be retained.
- 10.49 The non-listed Templar Hotel is considered to have some historical and architectural importance and will also be retained and refurbished. In addition, the unlisted Blomfield's Eastgate terrace buildings and bookends have local, historical and architectural importance as part of Blomfield's proposal for a civic east-west axis across the city centre. The northern terrace and bookend on Eastgate was constructed in the early to mid 20th century and was based on the design aspiration laid down by Blomfield. The southern terrace across Eastgate was a later addition of less integrity in terms of its Blomfield influence and detailing. Due to the importance of the northern range it is proposed to rebuild the section which is to be demolished, to make way for the provision of a new public square, in a more easterly position along Eastgate. This would include the reintroduction of the eastern bookend as well as new bookends where the cut buildings would meet this new public space. The rebuilt element would reflect the design principles laid down by Blomfield and this detailed design would come forward at reserved matters stage. The loss of all or part the southern range would be considered to have a minor adverse impact, with this terrace being of less architectural and historical merit. In addition, the loss of part of this range is a requirement for the anchor store, a key element of the overall development scheme, to be sited to the eastern end of Eastgate. As such the level of retention, rebuild and removal of the Eastgate terraces is considered to be justified and acceptable.
- 10.50 The non-listed Wharram's Building is a remnant of a mid to late 19th century block sited to the rear of the north Eastgate Blomfield terrace. Whilst this building does have some historical significance it has lost much of its context and the integrity of its original fabric has deteriorated. Due to the proposal to rebuild a new block in this location which would take its design principles from Blomfield's ethos on design, it is the case that demolition of the Wharrams Building is required to enable the scheme to be developed in this manner.
- 10.51 The early 20th century Lyons Works is also unlisted but retains some historic and architectural interest. During the pre-application process attempts were made by the Applicant to explore whether or not this building could be retained and incorporated into the development scheme. However it has been determined that this is not possible for two reasons. Firstly the floor to ceiling heights in Lyons Works are much more generous than those proposed in the new built elements of the scheme and taller than the type of unit height normally demanded by retailers in new buildings. Therefore it would be very difficult to tie Lyons Works in to the new built elements without creating some very awkward junctions and shifts in floor levels. Secondly retaining Lyons Works would affect the manner in which the

proposed multi storey car park would be laid out forcing more of the mass of the car park to the highest point of site where it meets Vicar Lane at the north-west corner. This would have a detrimental affect on the ability of the scheme to site the second anchor store at this corner and would adversely affect the visual amenity of the surrounding area, in particular the Grand Arcade across Vicar Lane and Crispin House across the Inner Ring Road. As such the demolition of Lyons Works is required to ensure the scheme can be delivered as proposed.

- 10.52 Circle House, No 1 Millgarth Street, the Bridge Street Pentecostal Church and Nos 5-7, 6-8 and 10 Templar Street are buildings of mixed architectural styles and value ranging in era from late 19th to early 20th century. As stated these buildings are not listed and whilst they do have some architectural and historical merit they are not considered to be exceptional examples of their architectural styles and eras. As such their loss to allow the wider development scheme to be brought forward is considered to have a minor adverse impact on the retention of the architectural heritage of Leeds City Centre. Despite this it will be important to undertake an architectural recording of all buildings across the site which need to be demolished to enable the proposal, to recognise and document their place in the historical development of Leeds City Centre.
- 10.53 The archaeological assessment undertaken as part of the Environmental Impact Assessment identifies that the site lies on the edge of the known medieval settlements of Leeds. The study looked at Pre-Medieval, Medieval and Post-Medieval eras and acknowledges that there have been some recorded finds, in the form of early cellars cut into the bedrock, a burial ground and the potential remains of a medieval chantry chapel. As such there is the potential for important archaeological deposits to be located in the area. The study concludes that the proposal would have a minor adverse impact, however WYAAS consider the site to have more interest than this and that the development would have a moderate adverse impact on any remains of interest. As a result additional evaluation work will be secured via condition to cover more extensive areas of the site once access to currently unavailable areas has been obtained.
- 10.54 One archaeological heritage asset of particular note is the North Bar Stone which is reputed to be part of the original northern gate to the town. This is currently located within the fabric of 100- 104 Vicar Lane. It is incorporated into the building and covered over with a wooden panel. WYAAS have stated that the North Bar Stone must be archaeologically recorded, carefully removed from the fabric of 100-104 Vicar Lane and reinstated within the new development as close to its current location as possible. This will be secured via condition.
- 10.55 Lady Lane is acknowledged as one of the oldest streets in Leeds. As such it has significance in the manner in which the city's streetscape has been shaped. Originally Lady Lane was a well connected principal route. However, after the creation of Eastgate, which turns it's back on Lady Lane and is set approximately 2.5 metres above this older street, Lady Lane became increasingly disconnected and physically overshadowed with its character becoming one of a secondary route. This also had an adverse impact on the Grade II Listed Templar House which fronts Lady Lane, resulting in the importance of this heritage asset being undermined by its 'backstreet' location. As a result of the levels difference between Eastgate and Lady Lane and the negative impact on Templar House it is not possible to retain Lady Lane in its entirety in the proposed scheme. Therefore, it is proposed to build over some parts of Lady Lane with sections of this street retained and elevated to the west of the proposal site where this street meets Vicar Lane, and across the

proposed Eastgate Square. To remember Lady Lane it is proposed to introduce a line of inset artistically formed metal work into the paving across the new Eastgate Square between the new bookends to re-trace its location.

- 10.56 The City Centre Conservation Area covers part of the site to its south-western corner, extending to the centre line of the southern part of Harewood Street and running a short way along George Street. The replacement of the surface car park off Harewood Street and George Street with proposed new development blocks would have a positive enhancing impact on the character of this part of the City Centre Conservation Area, by virtue of extending the street network and through the high quality and complementary nature of the design proposed.
- 10.57 The Listed Building application specifically addresses works required for the renovation and repair of the Grade II Listed Templar House. The building has had a number of past uses and has most recently lain dormant and unoccupied. As a result the physical state of Templar House has deteriorated over a number of years and recent stabilising works have had to be undertaken (which was granted consent under Listed Building application reference 09/04368/LI).
- 10.58 The works now proposed involve the repair and replacement (where necessary) of masonry, the re-pointing of walls using a lime based mortar, re-pointing and flashing to the parapet and copings, the retention and repair of the roof structure and replacement of tiles with like-for-like Welsh slate tiles, some external cleaning where necessary and repairs to external ironwork. In addition, the entrance steps to the bay on the front elevation would be reinstated, as well as further structural works to the interior with regard to the requirement for steel beams and floor slabs and stabilisation of staircase.
- 10.59 The works would result in significant stabilisation and visual enhancement of the Grade II Listed Building, which would result in the building being able to be returned to an active use, as a restaurant. The proposals for Templar House are therefore seen as aesthetic and structural improvements that would both preserve and enhance the character of this important historic asset.
- 10.60 **Do Members support the principles of the approach taken to heritage assets conservation and demolitions and to the archaeology?**
- 10.61 Drainage and Flood Risk
- 10.62 The majority of the site lies within Flood Zone 1 and as such is at low risk of flooding, however, a portion of the site to the north-eastern corner lies within Flood Zones 2 and 3 with the potential for flooding being medium to high risk. As a result the Flood Risk Assessment examines the site and the potential risks and looks at what mitigating actions may be required. The Environment Agency has appraised the Flood Risk Assessment and finds it to be acceptable in its approach, details and outcomes.
- 10.63 A Sequential Test has also been produced as part of the Flood Risk Assessment which has undertaken to examine possible alternative sites for this proposal. Due to the scale and retail led nature of the development, as well as the comprehensive regeneration benefits which can only be achieved if the scheme is not disaggregated, a search area for these sites was established based on the defined City Centre Prime Shopping Quarter and sites of an approximate area of 7

hectares. This search area was agreed with the Local Planning Authority at the pre-application stage.

- 10.64 The adopted UDP identifies two Proposal Areas within the Prime Shopping Quarter for new significant retail led development, these being Proposal Areas 15 (Kirkgate Markets Area) and 16 (Templar Street). The site of the proposal covers these Proposal Areas. This is reinforced by the aims and objectives of the Eastgate and Harewood Quarter Supplementary Planning Document.
- 10.65 In addition, there are no other sites within the defined search area of sufficient size to accommodate a regeneration scheme of this scale. As such it is concluded that there are no alternative less vulnerable sites currently available within the search area for this scheme.
- 10.66 On site measures to deal with any flooding incidents include the majority of entrances, ventilation shafts and ramps to buildings being set at or above 29.72 metres AOD (Above Ordnance Datum), the ground floor finished floor levels being set at 32.5 metres AOD and a plan for safe access and egress from lower levels of the proposed development to land above the peak flood level in Flood Zone 1.
- 10.67 In addition, surface water run off from the site will be reduced by 30% and will discharge to the public combined sewers, which are to be diverted to accommodate the development. Further to this various Sustainable Drainage methods (SuDS) will be explored to ascertain which are the most useful and appropriate for the development and site.
- 10.68 **Do Members support the principles of the strategy for drainage and managing flood risk?**
- 10.69 Sustainability
- 10.70 The submitted Sustainability Statement and Energy Statement indicates that the proposal is intended to achieve a pre-assessment BREEAM rating of Very Good, with an aspiration for Excellent. This would be done via a variety of economic, social and environmental objectives including;
- Improving good quality employment opportunities
 - Improving conditions which enable business success
 - Reuse of Brownfield land
 - Use of a Combined Heat and Power system (CHP) via a low carbon energy centre
 - The use of timber from sustainable sources
 - Reuse of demolition materials where possible
 - Natural Ventilation to the arcade
 - Energy efficient lighting
 - Dual flush WCs and pulsed output water meters
 - Siting photovoltaic modules on appropriate, available roof spaces
 - Provision of electric car charging points in the proposed car park.
- 10.71 The use of a combined heat and power system only could reduce CO₂ emissions by 5 to 10%, with photovoltaic modules accounting for a potential reduction of some 0.4 to 13%. An overall reduction in carbon emissions of 15-20% (when compared to existing Building Regulations requirements) could be achieved by combining the right technologies. Should it be the case that the off site low carbon energy centre, which has the capacity to supply energy to a number of other sites around the

proposal's location, can not be brought to fruition then the proposal would incorporate a small scale combined heat and power system to serve the Eastgate and Harewood scheme only.

- 10.72 **Do Members support the principle sustainable measures proposed? Are Members comfortable that there is an acceptable fall back position should the low carbon energy centre not come forward?**
- 10.73 EIA Studies
- 10.74 A series of studies have been undertaken as part of the Environmental Impact Assessment process and these are detailed in the Environmental Statement. The areas focused on in these documents are Socio economics, townscape and visual amenity, built heritage, transport and access, air quality, noise and vibration, archaeology, ground conditions and water resources, ecology, wind, daylight, sunlight and overshadowing and assessment of cumulative impacts and mitigation measures.
- 10.75 Of particular note are the findings of the wind study in which two locations of concern are identified. The places of concern are location 33, at the north-west corner adjacent to the junction of the Inner Ring Road and Vicar Lane and location 92 at the South-East corner adjacent to the junction of George Street, Dyer Street and Millgarth Street. These parts of the development site are stated to have predicted wind conditions suitable for 'roads and car parks' for location 33 and 'business walking' for location 92. Both of these types of wind conditions are the least comfortable and least safe for pedestrians and cyclists. As such mitigation is required to reduce the potential impact of strong winds. Such mitigation could come forward in the form of landscaping, sculptural screens and/or canopies and wind gutters. Whilst the principles for requiring mitigation are set in the document now, the actual details are to come forward as part of the detailed design at the reserved matters stage.
- 10.76 In addition, the Environmental Statement also indicates in the section headed Sunlight and Overshadowing that there will be some overshadowing of Nos 1-2 and 27-30 Lady Beck Close. However the level of impact would be reduced from substantial to moderate or negligible if the minimum horizontal and vertical parameters were applied to the scheme in this location, rather than the maximum limits for the development being used. It should also be noted that Nos 1-2 and 27-30 Lady Beck Close are proposed for demolition under the planning application (reference 11/01194/FU) for the proposed low carbon energy centre.
- 10.77 An air quality assessment was undertaken as part of the Environmental Impact Assessment. This report indicates that residential areas close to the application site will be in excess of allowable levels with regard to Nitrogen Dioxide (NO₂) and possibly Particulate Matter (PM₁₀ D's). The report concludes that the development will have a negative impact on the surrounding air quality, but that due to an anticipated general improvement in vehicle emissions in years to come the overall levels of pollution will be less than at the present time. However it should be noted that consultation comments from Leeds City Council's internal air quality experts are currently awaited.
- 10.78 **Do Members support the principles and findings of the Environmental Impact Assessment?**

10.79 S106 Obligations

10.80 The proposal would result in the requirement for a Section 106 Legal Agreement containing the following requirements:

1. A Public Transport Infrastructure Improvements Contribution. The Applicant has offered £750,000 and in line with the public transport SPD further justification and clarification on the level of the contribution is being sought from the Applicant before this sum can be agreed.
2. The employment and training of local people.
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.

10.81 As part of Central Government's move to streamlining the planning obligation process it has introduced the Community Infrastructure Levy Regulations 2010. This came in to force on 6 April 2010 and 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.

10.82 The 7 above noted S106 obligations 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.

10.83 **Do Members support the list of S106 obligations for this development scheme?**

10.84 Equality

10.85 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 recent 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.

- 10.86 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 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.
- 10.87 It is also the case that the development proposal would be open for use by all and intends to provide retail and other services that benefit the local and wider community. In addition, to aid inclusion of all, it is intended to provide a multi-faith prayer room, Changing Place toilet and changing facilities and a crèche as part of the proposed scheme. The Bridge Street Pentecostal Church currently sited on west side of Bridge Street is to be relocated to the Agnes Stewart school site and the Applicants will be submitting a separate full application for this proposal in due course.
- 10.88 Further to this as stated earlier in this report 6% of the proposed car parking will provide disabled parking bays in accessible locations. The scheme also proposes an access strategy which aims to make all elements of the new development as accessible as possible with particular regard to level access points at entrances, and along pedestrian walkways, wayfinding and signage, seating, appropriate lighting, and the provision of auxiliary aids. Detailed matters of access arrangements will follow as part of the reserved matters submission and via Building Regulations.

11.0 CONCLUSION:

- 11.1 This report is being brought at an early stage so that issues can be identified and addressed as the application is progressed. Member's views on the identified matters would be helpful at this stage on this important project for the city.

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

APPENDIX 1 – FLOOR SPACE COMPARISON TABLES

Proposed mix of uses and floor space parameters for the previous consented scheme – 06/03333/OT and 10/01477/EXT

Type of Use	Maximum Gross External Square Metres ²	Minimum Gross External Square Metres ²
Retail (A1-A2)	112,040 m ²	79,800 m ²
A3/A4/A5	5,040 m ²	4,310 m ²
Office (B1)	9,750 m ²	1,350 m ²
Cinema (D2)	6,300 m ²	0
Gym (D2)	4,880 m ²	2,050 m ²
Medical centre (D1)	830 m ²	560 m ²
Crèche/nursery (D1)	780 m ²	280 m ²
Church facility	1,050 m ²	530 m ²
Hotel (C1)	7,040 m ²	3,470 m ²
Total	147 710 m²	92 350 m²
	Number of residential units (min-max)	
Residential units	300-600	
Car parking	Spaces (maximum)	
Public	2700	
Residential	400	
Replacement parking for police station	80	

Proposed mix of uses and floor space parameters for the revised proposed scheme – 11/01000/OT. The principle changes are the omission of residential, cinema, hotel and the one site church facility, with an overall reduction in gross external area of 16 424 m² (maximum) and 7518 m² (minimum).

Land Use and Floor Space Parameters		
Type of Use	Maximum Gross External Area metres ²	Minimum Gross External Area metres ²
A1, A2, A3, A4 and A5	117 080 m ²	79 800 m ²
Office B1	9 832 m ²	5 000 m ²
Gym D2	3 500 m ²	0
Medical Centre D1	400 m ²	0
Crèche/Nursery D1	400 m ²	0
Multi Faith Prayer Room D1	50 m ²	20 m ²

Changing Places toilets and changing facilities	24 m ²	12 m ²
Total Area	131 286 m²	84 832 m²
Public Car Parking	2700 bays	2200 bays
Replacement Police Car Parking	80 bays	0
Total number of parking bays	2780 bays	2200 Bays

APPENDIX 2: PLANNING POLICIES AND GUIDANCE

The Development Plan

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

Regional Spatial Strategy (RSS)

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

Unitary Development Plan (Review 2006) (UDPR)

Strategic context

SA1 aims to secure the highest possible quality of the environment

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

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

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

SA6 encourages the provision of facilities for leisure activities

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

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

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

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

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

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

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

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

GP5 indicates that development proposals must resolve detailed planning considerations

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

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

Urban Design

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

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

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

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

complimentary to its setting will be welcomed”.

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

N38A Development should not increase the risk of flooding

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

N39B the re-opening of culverts will be actively promoted

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

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

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

BD15 encourages public art.

Transport

T2 New development should normally:

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

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

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

T5 requires safe and secure access for pedestrians and cyclists

T6 requires satisfactory access and provision for disabled people

T7 promotes development and maintenance of new cycle routes

T7A identifies cycle parking guidelines (A9C)

T7B identifies motorcycle parking guidelines (A9D)

T9 encourages an effective public transport service

T13 protects Supertram/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.

Vision for Leeds 2004 to 2020

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

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

Public Transport Improvements and Developer Contributions (July 2008)

Developments that have a significant local travel impact will be

subject to a requirement for paying a contribution towards public transport improvements.

Tall Buildings Design Guide (April 2010)

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

Draft Supplementary Planning Documents

Travel Plans (May 2007)

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

PPS1 : Creating Sustainable Communities (January 2005)

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

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

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

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

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

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

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

Recognise that economic development can deliver environmental and social benefits;

Recognise the wider sub-regional, regional or national benefits of economic development and consider these alongside any adverse impacts;

Ensure that suitable locations are available for industrial, commercial, retail, public sector (e.g. health and education) tourism and leisure developments, so that the economy can prosper;

Provide for improved productivity, choice and competition, particularly when technological and other requirements of modern business are changing rapidly;

Recognise that all local economies are subject to change; planning authorities should be sensitive to these changes and the implications for development and growth;

Actively promote and facilitate good quality development, which is sustainable and consistent with their plans... (paragraph 23)”.

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

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

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

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

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

PPS5: Planning for the Historic Environment (March 2010)

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

PPS 9: Biodiversity and Geological Conservation (August 2005)

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

PPG13: Transport (March 2001)

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

- "Actively manage the pattern of urban growth to make the fullest use of public transport, and focus major generators of travel demand in City, town and district centres and near to major public transport interchanges;
- Locate day to day facilities which need to be near their clients in local centres so that they are accessible by walking and cycling;
- Ensure that development comprising jobs, shopping, leisure and services offer a realistic choice of access by public transport, walking and cycling; and

- Give priority to people over ease of traffic movement and plan to provide more road space to pedestrians, cyclists and public transport in town centres, local neighbourhoods and other areas with a mixture of land uses (paragraph 6) ”

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

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

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

PPG24 Planning & Noise (September 1994)

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

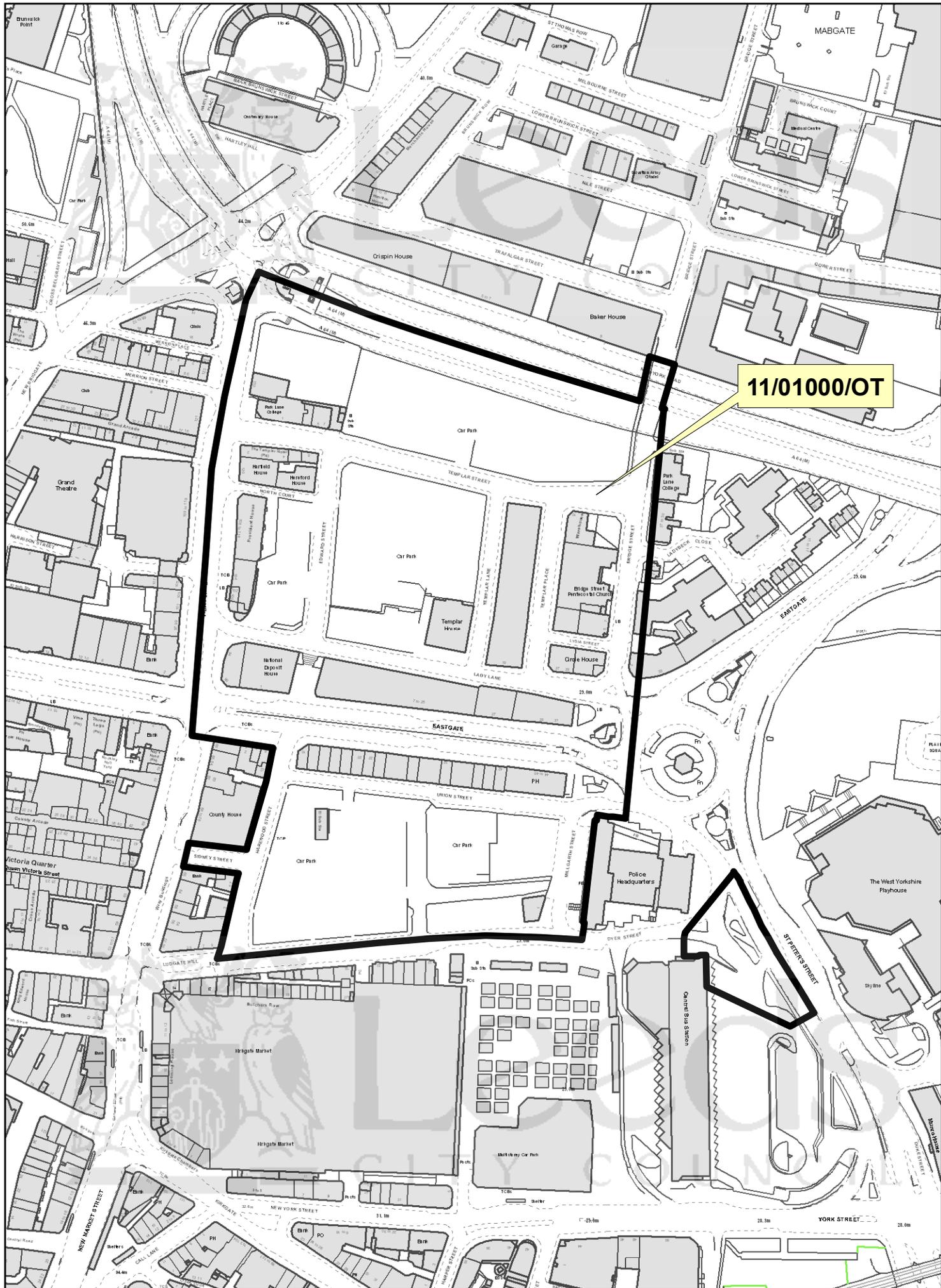
PPS25 Development and Flood Risk (December 2006)

- All forms of flooding and their impact on the natural and built environment are material planning considerations. The PPS sets out policies regarding development proposed in flood risk areas. The

aims of the policy are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding. The PPS revises and strengthens guidance in PPG25 to ensure that its policies are fully implemented.

In determining planning applications LPA's should:

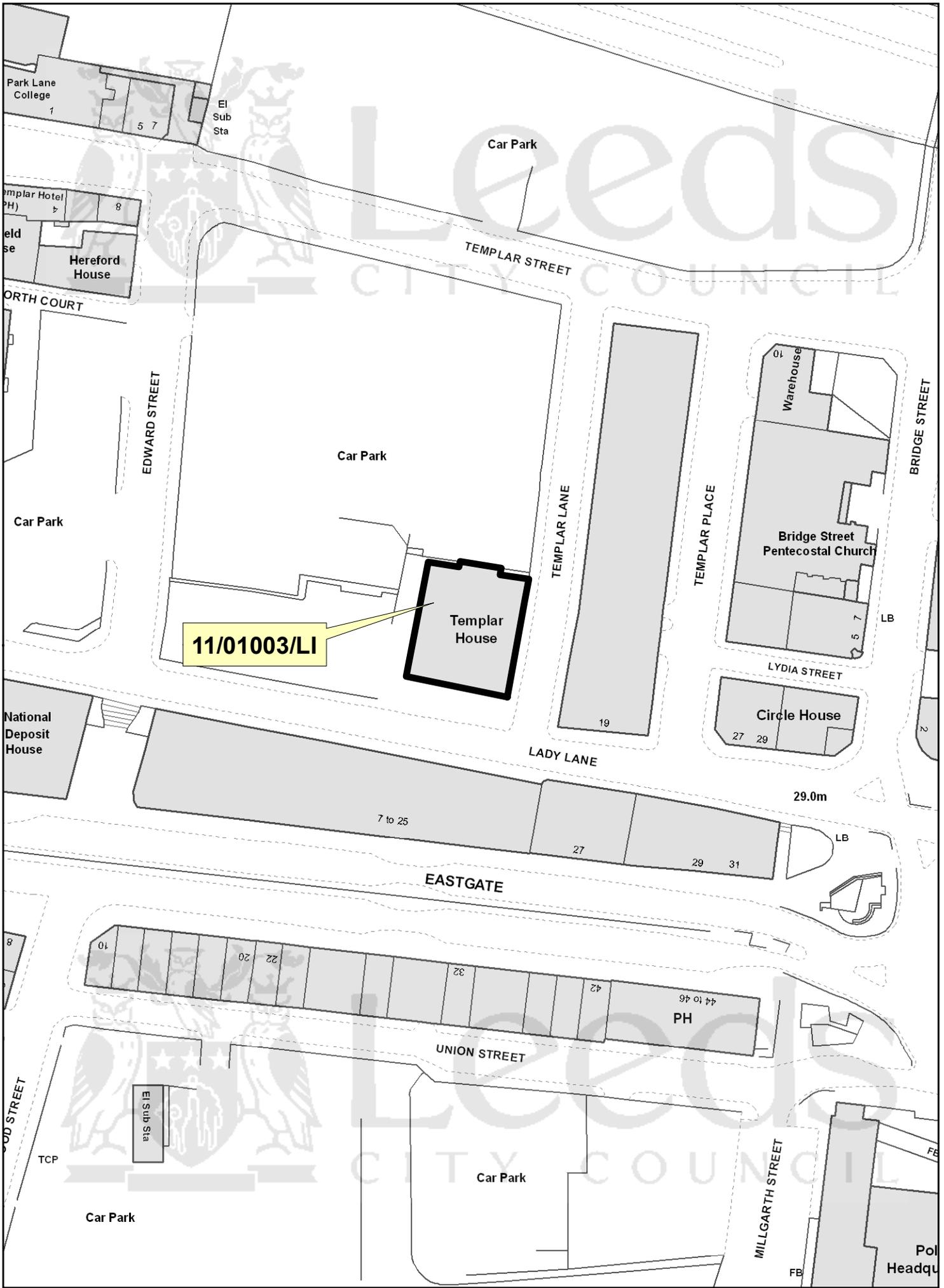
- Have regard to policies in the PPS and the RSS
- Ensure that applications are supported by site-specific flood risk assessments
- Apply a sequential approach at a site level by directing the most vulnerable development to areas of lowest flood risk
- Give priority to the use of SUDS
Ensure that all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



11/01000/OT

CITY CENTRE PANEL





CITY CENTRE PANEL

