



PLANS PANEL (CITY CENTRE)

Meeting to be held in Civic Hall Leeds on
Thursday, 12th May, 2011
at 1.30 pm

MEMBERSHIP

Councillors

G Driver	C Campbell	A Castle	D Blackburn
S Hamilton	M Hamilton	G Latty	
E Nash	J Monaghan		
B Selby (Chair)			
N Taggart			

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Chief Democratic Services Officer at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p>	

Item No	Ward	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATIONS OF INTEREST</p> <p>To declare any personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct</p>	
5			<p>APOLOGIES FOR ABSENCE</p>	
6			<p>MINUTES</p> <p>To approve the minutes of the Plans Panel City Centre meeting held on 10th March 2011</p> <p>(minutes attached)</p>	15 - 20
7	City and Hunslet;		<p>APPLICATION 11/00058/FU - MUSHROOM STREET SHEEPSCAR LS9</p> <p>To consider a report of the Chief Planning Officer on an application for an extension of Unit 1 to form additional self-contained workshop (B2)</p> <p>(report attached)</p>	21 - 28

Item No	Ward	Item Not Open		Page No
8	City and Hunslet;		<p>APPLICATIONS 11/01000/OT AND 11/01003/LI - EASTGATE AND HAREWOOD QUARTER AND TEMPLAR HOUSE LADY LANE LS2</p> <p>To consider a report of the Chief Planning Officer setting out the current position in respect of major redevelopment, landscaping, car parking and associated highway works together with a Listed Building application to renovate and repair external fabric of building</p> <p>(report attached)</p>	29 - 78
9	City and Hunslet;		<p>APPLICATION 11/01194/FU - FORMER PARK LANE COLLEGE BUILDING - BRIDGE STREET - 1-2 AND 27-30 LADYBECK CLOSE LS2</p> <p>To consider a report of the Chief Planning Officer setting out the current position in respect of an application to demolish all buildings and to erect a low carbon energy centre to include highway works and the realignment of Ladybeck Close</p> <p>(report attached)</p>	79 - 90
10	All Wards;		<p>'PLANNING FOR GROWTH' - NATIONAL ADVICE</p> <p>To consider a report of the Chief Planning Officer informing Members of information sent to all Local Planning Authorities in England by the Chief Planning (Communities and Local Government) in respect of the national objectives in 'Planning for Growth'</p> <p>(report attached)</p>	91 - 98
11			<p>DATE AND TIME OF NEXT MEETING</p> <p>Thursday 9th June 2011 at 1.30pm</p>	

To:
Plans Panel City Centre Members
and appropriate Ward Members

Chief Executive's Department
Governance Services
4th Floor West
Civic Hall
Leeds LS1 1UR

Contact: Angela Bloor
Tel: 0113 247 4754
Fax: 0113 395 1599
angela.bloor@leeds.gov.uk
Your reference:
Our reference: ccpp/sitevisit/
4th May 2011

Dear Councillor

PLANS PANEL CITY CENTRE – THURSDAY 12TH MAY 2011

Prior to the meeting on Thursday 12th May 2011 there will be a site visit, and I set out below the details:

Depart Civic Hall Ante Chamber at 10.00am to travel by bus:

10.15am – 6 Bingley Street LS3 – proposed mixed use development

10.45am – Mushroom Street Sheepscar – extension of Unit 1 to form additional self-contained workshop

11.15am – Former Park Lane College Building Bridge Street and 1-2 Ladybeck Close LS2 – proposed demolition of existing buildings and erection of low carbon energy centre and associated highway works

12.00 noon (approximately) – return to Civic Hall

Please could you let Daljit Singh know (2478170) if you will be attending the site visits and assemble in the Ante Chamber at 9.55am.

Please note that after the formal meeting there will be a pre-application presentation on proposals for a mixed use development – up to 10 storeys (A1,A3, B1 use) – and parking at 6 Bingley Street LS3 and I attach a copy of a report on these proposals to this letter.

Yours sincerely

Angela M Bloor
Governance Officer

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Report of the Chief Planning Officer

PLANS PANEL CITY CENTRE

Date: 12 May 2011

Subject: PRE-APPLICATION – Proposal for mixed use development up to 10 storeys (A1, A3, B1 use) and associated parking at 6 Bingley Street Leeds LS3 1LX

Electoral Wards Affected:

City and Hunslet

No

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: This report is brought to Panel for information. The Developer will be asked to present the emerging scheme to allow Members to consider and comment on the proposals.

1.0 INTRODUCTION:

1.1 This site has had a number of years of pre-application discussion, initially for a student housing scheme with ground floor restaurant, and in more recent years, an office scheme with ground floor restaurant and small retail unit. An application was submitted in 2009, which was subsequently refused under delegated powers on design and highways grounds. The submission of an acceptable indicative parking and vehicle circulation within the site, transport assessment, travel plan and section 106 agreement in line with adopted policy would resolve the highways concerns. The reason for refusal on urban design grounds was as follows:

“The application proposal, by reason of its proposed level of floorspace and its indicative layout and siting, scale and massing, and resultant density and bulk, is considered to be an overdevelopment of the site detrimental to the character and visual amenity of the streetscene and the surrounding area. The overdominant height and massing would result in inadequate levels of daylight and sunlight, privacy, outlook, and spatial standards, detrimental to the amenities of nearby residents and the pedestrian environment. The proposal is therefore contrary to

advice in Planning Policy Statement 1: Delivering Sustainable Development, Policies GP5, BD2, BD5, CC3, N12 and N13 of the Unitary Development Plan Review 2006, and adopted Supplementary Planning Guidance in the form of the Leeds City Centre Urban Design Strategy (September 2000)."

- 1.2 The proposals are presented to Panel to allow Members to comment on the evolving scheme and raise any issues, particularly in relation to addressing the above reason for refusal, prior to the intended submission of an outline application later in the year. Officers remain concerned that the proposal does not address the above reason for refusal, and the following report sets out the issues for consideration.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site currently consists of the three storey pitched roof brick and render Maxi's restaurant, with surface car parking to the south and east. The restaurant is some 3-4 metres lower than Bingley Street at its junction with Cavendish Street at the north western corner of the site. At the rear of the restaurant is a single storey lean-to up against the retaining wall, this appears to be in use as additional storage and kitchens. To the north is a two storey red-brick public house The Highland, which has residential use at its upper floor, and features 5 south facing windows, approximately 15 metres from the northern boundary of the application site.

- 2.2 The section of Cavendish Street at this point is part tarmac and part cobble, and is blocked by the gates of the BT depot which closes off this part of the street. The BT building is a part 5/part 6 storey brick building which sits above and behind a retaining wall some 3 metres above the car park of the Maxi's restaurant. A fence runs along the site boundary behind an overgrown area above the retaining wall.

To the west lies the former RSPCA site, now a cleared site. This site has full planning permission for a part 6/7/8/9 storey student housing block, which Plans Panel agreed in September 2008 (ref. 08/02061/FU). This site was the subject of an appeal against a larger proposal for student housing, which was dismissed by a Planning Inspector on the grounds of its overdominant bulk and height (appeal ref. APP/N4720/A/07/2040528/NWF dismissed August 2007 – decision attached to this report). To the south of this lies a flooring warehouse at 84 Kirkstall Road, which has outline planning permission for a part 8/9/10/11 storey mixed use office/hotel/residential/bar/ restaurant scheme (ref. 06/02359/OT agreed at Plans Panel April 2007).

- 2.3 To the south of the site lies the part one/part two storey Napoleons Casino building in beige brick with mansard roof.

- 2.4 To the east lies the Graham's bathroom warehouse and associated car park. This consists of a two storey brick and metal clad warehouse and showroom. It is served from the same access road as Maxis, and is separated by a metal fence along the boundary with the restaurant car park.

- 2.5 The surrounding area is characterised by student housing, offices, and leisure uses. The area was mainly commercial and industrial in character; however recent developments have increased the mix of uses and facilities in the area, which lies unallocated within the designated City Centre and for car parking standards purposes the Fringe Commuter Parking Control Area. The site also lies within the area covered by informal supplementary planning guidance, the Kirkstall Road Renaissance Area Planning Framework 2007, which suggests that a building in this

area could go up to approximately 10/12 storeys in height (subject to normal design and amenity considerations).

3.0 PROPOSAL

- 3.1 The proposal is for outline approval with indicative layout, scale and means of access. It will show how the floorspace may stack up in three-dimensional form. It will not include details of appearance or landscaping.
- 3.2 The refused scheme in 2009 was a part 8, part 9 storey office building with a proposed height of approximately 28 metres above Cavendish Street. It included ground floor retail and restaurant, with two levels of car parking above the restaurant use. The layout of the building was 'L-shaped', with the higher part of the block parallel to Cavendish Street at 9 storeys, and a sloping projecting wing along Bingley Street, which would reach a height of 8 storeys. The layout allowed for a public space in the south-eastern corner of the site.
- 3.3 The revised proposal consists of a part 8, part 9, part 10 storey block, with ground floor retail unit, restaurant, two floors of parking, and offices above. The layout of the building volume remains 'L-shaped'. The wing parallel to Cavendish Street has not been reduced in height, but has been reconfigured to step from 9 storeys in front of The Highland pub, up to 10 storeys in front of the BT building (approximately 29m and 33m high respectively when measured on Cavendish Street).
- 3.4 The other change from the previous refusal relates to the southern projecting wing towards Kirkstall Road which has been reduced in width by approximately 5m from the fourth storey upwards.
- 3.5 An area of public open space is located at the south eastern corner of the site. This could be added to if neighbouring sites were to come forward for redevelopment at any time in the future.
- 3.6 The car parking for the block would be accessed from Cavendish Street, with servicing for the restaurant from the public space. Two levels of car parking (accessed at grade from Cavendish Street) at first and second floor would provide 58 car parking spaces.

4.0 HISTORY OF NEGOTIATIONS

- 4.1 Following the refusal of the 2009 application, the developer's architect has been in contact with officers to discuss how the previous reasons for refusal can be addressed, in particular layout and height. However, officers still have concerns about the proposed form of the building, and are of the view that the current proposal does not address the previous reason for refusal at this site in terms of its excessive height and bulk, or the consideration of wider physical and visual impact on the character of the surrounding area and the pedestrian environment.
- 4.2 The appeal Inspector's observations at the adjacent former RSCPA site on the character and appearance of the area at paragraphs 12, 13 and 16 of the appeal decision letter are considered particularly relevant to the current proposals.
- 4.3 At Paragraph 12 the Inspector states that buildings of a similar height and scale to the appeal proposal (26-34m) are a feature of this area. He considered that the design, mass and density of future developments in the area, and its close proximity to a street pattern originally designed for more domestic scale buildings, should be

considered more carefully to ensure that they avoid the shortcomings of some recent developments. Following the appeal decision, informal pre-application officer advice in this area, including at 6 Bingley Street, has directed potential developers to the appeal Inspector's comments, that proposed building heights should generally be lower than the scale of nearby student housing developments that emerged up to 2007, and that the spaces between buildings should be more generous.

- 4.4 The Inspector reasoned at Paragraph 13 that whilst the Planning Framework for the area indicates maximum building heights stepping upwards towards the City Centre, not all buildings in the area should reach those heights. He notes that good design should have regard to existing character, seek to provide variety and interest, and thus enhance the area as it changes over time. It is considered that the current proposal at 6 Bingley Street, whilst also following guidance set out in the Planning Framework, should not reach the maximum height that is proposed of some 29m above ground level, which is considered to be excessive in this context.
- 4.5 At Paragraph 16, the Inspector states the proposed appeal scheme would create a sense of visual over-dominance for pedestrian users of Cavendish Street and Abbey Street, and that due to the presence of a number of taller buildings grouped around narrow streets, adverse wind conditions may occur. It is considered that the current proposal at 6 Bingley Street is too high, and does not afford enough space between it and nearby existing buildings. Officers have concerns that the pedestrian environment would be dominated along a route identified for pedestrian improvements in the Planning Framework, by linking the riverside to Little Woodhouse, via Bingley Street and the steps leading to Burley Street. The creation of a harsh pedestrian environment, unduly dominated by tall buildings relatively close to the back edge of footpath would not be considered to be an enhancement on the existing streetscape. It is also considered that a wider chamfered corner to Cavendish Street and Bingley Street, in conjunction with a reduction in scale, may go some way to address the potential overdominance to existing buildings and the pedestrian environment.
- 4.6 The Inspector concluded at paragraph 17 on the effect of the proposed development on the character and appearance of the area, that whilst the proposed development reflects some of the characteristics of the surrounding area these were generally its poorer characteristics. He considered that the proposal would result in an unsatisfactory and unacceptable visual relationship to the adjacent buildings on Cavendish Street and Abbey Street, and that this would be significantly detrimental to the developing character and appearance of the area, and fail to enhance it. Officers have similar concerns that the current pre-application proposal for the neighbouring site at 6 Bingley Street would not enhance the character of the area, due to its proposed height, scale and relationship to nearby existing buildings and the pedestrian environment.
- 4.7 The current proposal at 6 Bingley Street, would be some 15m from the residential accommodation above the Highland Pub. This is unchanged from the scheme refused in 2009. The appeal Inspector's consideration of the height and scale of the proposal, together with the proximity of adjacent buildings, impact on the living conditions of occupiers in relation to visual dominance, and the loss of privacy, sunlight and daylight, are also particularly relevant to this pre-application proposal.

5.0 ISSUES

Members are asked to consider the following matters in particular:

- 5.1 The appropriateness of the proposed layout, including the location of the servicing and vehicular accesses in relation to neighbouring buildings, and the proposed public open space.
- 5.2 The appropriateness of the proposed height and massing, in the context of:
- (a) the character of the surrounding area;
 - (b) the amenities of existing buildings;
 - (c) the future pedestrian environment in terms of visual and physical dominance to Bingley Street and Cavendish Street;
- 5.3 The appropriateness of the depth and angle of the chamfered corner to Cavendish Street and Bingley Street given:
- (a) the proximity and scale to the neighbouring existing and permitted buildings;
 - (b) the visual and physical dominance of the proposal including impact on daylight, sunlight and the quality of the pedestrian environment;
 - (c) the potential of this area to be a node in north-south connection.
- 5.4 Whether the proposal supports policy aspirations within the Kirkstall Road Renaissance Area Planning Framework 2007 for an enhanced north-south pedestrian route between Burley Street, Kirkstall Road and the Riverside beyond.

Background Papers:

Previous application file 09/02339/OT

Site off Cavendish Street Appeal Decision APP/N4720/A/07/2040528/NWF (attached)



Appeal Decision

Hearing held on 17 July 2007

Site visit made on 17 July 2007

by **J D S Gillis BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:enquiries@pins.gsi.gov.uk

Date: 1 August 2007

Appeal Ref: APP/N4720/A/07/2040528 Site off Cavendish Street, Leeds, LS3 1AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Magro Ltd. against the decision of Leeds City Council.
- The application Ref P/06/02379/RM, dated 7 April 2006, was refused by notice dated 26 January 2007.
- The development proposed is multi level development up to 11 storeys comprising 127 clusters with 361 bedrooms and 54 studio flats, with ground floor retail unit and basement car parking.

Summary of Decision: The appeal is dismissed.

Procedural matters

1. The application sought planning permission for matters reserved under an outline planning permission granted in December 2002 [Ref. 20/401/02/OT] for student accommodation on the site [an extension of time for the submission of details of the reserved matters was granted in December 2005]. The application originally specified development up to 13 storeys in height with 157 units of residential accommodation, in addition to the ancillary accommodation indicated above. Various amendments to the original scheme were undertaken prior to determination by the Council.
 2. The application form indicated that the reserved matters details submitted related to design, external appearance and landscaping, but siting and access were also included on the plans and considered by the Council. It was confirmed at the Hearing that all these matters were included in the application. I will consider the appeal on that basis.
 3. At the Hearing I pointed out that there were discrepancies between the description of the proposed development on the Council's Decision Notice and the submitted plans. In particular while the Decision Notice stated 11 storeys the plans showed that the proposal comprised basement, ground floor and 11 further floors, although the scale of and accommodation on the top floor would be very limited. In addition the plans showed that the proposed residential accommodation comprised 74 clusters with 364 bedrooms together with 50 studio flats, making 414 bedrooms in total. The parties agreed that the proposed development was as shown on the plans and that the Decision Notice was incorrect in its description of the proposal.
 4. The total bedroom accommodation would be one fewer than indicated by the Decision Notice. I do not consider that this is material. While the numbers of
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clusters and studio flats require amendment this appears to have arisen from double counting of the studio flats, with their inclusion as clusters as well as separate units. I do not consider that the necessary corrections are significant in terms of the impact of the proposed development.

5. The incorrect description of the height of the proposal is, in my view, more significant and Mr W McKinnon, an interested third party present at the Hearing, indicated that he had not appreciated the difference between the description and the submitted plans and this could affect the views he wished to express. However, I am satisfied that the submitted plans had been correctly referenced and available for inspection. Furthermore, Mr McKinnon being present and invited to speak at the Hearing was able to express his views adequately to me. I consider that neither he nor any other interested party had been materially disadvantaged by the discrepancies.
6. In these circumstances, and as agreed by the parties, I shall consider the appeal on the basis of the revised description together with the submitted plans.
7. I also noted that the submitted plans omit any bathroom facilities for an individual room on levels 3 to 8 inclusive. It was accepted by the parties that this was an error in the plans. I do not consider that it is material to my consideration of the case before me.
8. I am aware that some local residents expressed concern, especially at the application stage, as to the impact of further student accommodation on the local community and area. It was suggested at the Hearing that this may also have influenced Council Members in rejecting the officer recommendation for approval of the submitted proposal. However, the appeal relates only to the refusal of planning permission for the detailed reserved matters specified above. Permission for the provision of student accommodation on the appeal site was granted by the outline planning permission in December 2002. Hence the principle of student accommodation on the site has been established and is not a matter before me in this appeal.

Main issues

9. From the representations received in writing and at the Hearing, and my inspection of the site and surrounding area, I consider that the main issues in this case are:
 - The effect of the proposed development on the character and appearance of the area;
 - Whether the proposal would result in material harm to the living conditions of occupiers of nearby residential accommodation in relation to visual dominance and loss of privacy, sunlight and daylight; and
 - Whether the proposal would provide acceptable residential accommodation for the prospective occupiers in relation to visual dominance, privacy, sunlight, daylight and outdoor space.

Reasoning

10. The appeal site is located towards the western edge of the city centre in an area currently of mixed development, but including a significant amount of residential development designed primarily as student accommodation – in particular the sites immediately to the north and west and also further to the north-west. The area is undergoing redevelopment within the context of its city centre edge location, with an emphasis on multi-storey developments for student accommodation, hotels and other commercial uses. The land immediately to the south of the appeal site, and in the ownership of the appellant, has received outline planning permission for a mixed development including these uses.
11. On the first issue, the proposed development would be set back somewhat from the edges of the site but the building would nevertheless occupy a very substantial proportion of the land. It would occupy all sides of the site except for the vehicular access from the western side and a three storey gap on the eastern side. A central courtyard would provide an open area largely enclosed by the proposed building. The building would be stepped down to the south, with the highest section at its north-eastern corner and a block comprising lower ground, ground and 8 further floors at its southern end.
12. Buildings of this height and scale, covering significant proportions of their sites, are represented in the area – especially the other blocks of student accommodation. In this respect the proposal would not be uncharacteristic or out of context in terms of its general appearance. However, the character and appearance of the area is clearly changing as redevelopment proceeds. I consider that the scale of development in the area as a whole needs very careful consideration to ensure that the design, mass and density of future developments avoid the shortcomings apparent in some of the existing development. I consider that insufficient attention has been given in the area generally to the impact of the close proximity of tall buildings to a street pattern originally designed for more domestic scale buildings.
13. I note that the Council's design guidance for the general area indicates maximum building heights that seek to reflect the topography of the area and rising towards the main part of the city centre. While it is argued that the proposed development follows that guidance I do not consider that such guidance intends that all future developments should attain the maximum heights indicated. While good design should have regard to the existing character and appearance it should also seek to provide variety and interest and thus enhance the area and relate to emerging changes in its character and appearance.
14. At the Hearing the Council's officers accepted that lessons needed to be learned from some of the existing developments in the area – particularly in relation to the extent of site coverage and the physical arrangement between tall buildings. In this context I note the amendments to the originally submitted scheme, particularly in relation to the Bingley Street frontage. The potential development of the adjacent site to the east had been recognised and some allowance made to seek to ensure a more satisfactory relationship than if the appeal site was built up too close to the rear edge of the footpath.

15. I consider that the proposed development would fail to achieve such a satisfactory relationship to the existing buildings on the opposite side of Cavendish Street and, even more so, Abbey Street. Apart from the partial overlapping area between Sentinel Towers and The Tannery the street scene of Cavendish Street is typified by tall buildings facing lower buildings. This is fairly general throughout the local area, with the exception of the recent and current developments on either side of the link created northwards from the western end of Cavendish Street.
16. In addition to this unsatisfactory visual relationship, I consider that the proposed building would create a sense of over-dominance for pedestrian users of Cavendish Street and Abbey Street. In addition it was accepted at the Hearing that the potential implications for air movements and wind had not been considered in the design of the proposed development. I consider that the close physical relationship of such tall buildings as existing on the adjacent sites and proposed on the appeal site could result in very adverse conditions due to funnelling air movements. The gaps on the east and west sides of the proposed building could exacerbate this feature, creating eddies in the wind movement. Such conditions would add to the discomfort of pedestrians in the area.
17. I conclude on the first issue, therefore, that while the proposed development reflects some of the characteristics of the surrounding area these are generally the poorer characteristics. I consider that the proposal would result in an unsatisfactory and unacceptable visual and physical relationship to the adjacent buildings on Cavendish Street and Abbey Street. This would be significantly detrimental to the developing character and appearance of the area and fail to enhance it.
18. Thus the proposal would conflict with policies GP5, BD5, N12 and N13 of the Leeds Unitary Development Plan Review, adopted in 2006, and with the national policy emphasis on the importance of good design given in Planning Policy Statement 1, *Delivering Sustainable Development* [PPS1] and PPS3, *Housing*.
19. Turning to the second issue, the close physical relationship of the proposed building to the adjacent buildings would have a significant impact on living conditions of occupiers. I accept that residential accommodation not intended for full-time occupation may be acceptable at different standards to that designed for full-time use. I also recognise that in an area of redevelopment such as this it would not be realistic to expect the appeal site to continue in its current form and scale of development.
20. Nevertheless I consider that the proximity to the adjacent buildings, together with the height, mass and scale of the proposal, would result in material harm to the living conditions of a significant number of occupiers of these adjacent buildings in relation to visual dominance and loss of privacy, sunlight and daylight – particularly for occupants on the lower floors. The proposed development would thus be contrary to policies GP5 and BD5 of the adopted development plan and fail to satisfy national policies set out in PPS1 and PPS3.
21. I further consider that similar harm would result to prospective occupiers of the proposed development due to such proximity to adjacent buildings, and also

- the small scale of the proposed internal courtyard. As a result of the height, scale and mass of the southern section of the proposed building, albeit of a lower height than the northern section, occupiers of accommodation facing on to the courtyard would also suffer material harm to their living conditions arising from visual dominance and loss of privacy, sunlight and daylight.
22. I recognise that the proposed internal layout seeks to locate the communal areas – where the need for privacy may be less – closest to the adjacent buildings. I also note that the window design of some of the accommodation seeks to reduce loss of privacy while attempting to reduce loss of natural light. However, these factors appear to seek to mitigate the problems that result from the form, scale, mass and height of the proposed building, arising from the desire to maximise use of the site. I consider that many of the potential future occupiers of the proposed development would suffer from unacceptable loss of privacy, daylight and sunlight, together with visual dominance, particularly those occupants of accommodation on the lower floors.
23. In relation to outdoor space provision I consider that the proposed courtyard would be inadequate not only in terms of usable space but also due to the fact that it would be in almost permanent shadow and potentially windswept. Thus it would provide neither adequate privacy nor natural light to the adjoining residential accommodation nor an area conducive to use for social interaction.
24. Hence I conclude on this issue that the proposed development would result in significant harm to the living conditions of many prospective occupiers due to visual dominance and lack of privacy, sunlight, daylight and adequate usable outdoor space. Thus it would again conflict with policies GP5 and BD5 of the adopted development plan and national policies in PPS1 and PPS3.
25. I have had regard to all other matters raised and recognise that national policy is to make effective use of previously developed land in urban areas. However, such policy recognises the need to reflect and enhance the character and appearance of the area and provide acceptable living conditions. Neither this nor any of the other matters raised is sufficient to outweigh those that have led to my decision. I conclude that the proposed development would be contrary to national and adopted development plan policies and is unacceptable.

Formal Decision

26. I dismiss the appeal.

JDS Gillis

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr R Baxter	Turley Associates, 33 Park Place, Leeds, LS1 2RY
Ms S Sparling	DLA Architecture, 6 Saw Mill Yard, Round Foundry, Holbeck, Leeds, LS11 5WH
Mr D Taylor	DLA Architecture
Mr D Barrass	Magro Ltd, 7 Cottage Street, Leeds, LS6 4DD
Mr C Ure	7 Cottage Street, Leeds, LS6 4DD

FOR THE LOCAL PLANNING AUTHORITY:

Mr C Briggs	Principal Planning Officer, Leeds City Council
Mr H Skrzypecki	Leeds City Council

INTERESTED PERSON:

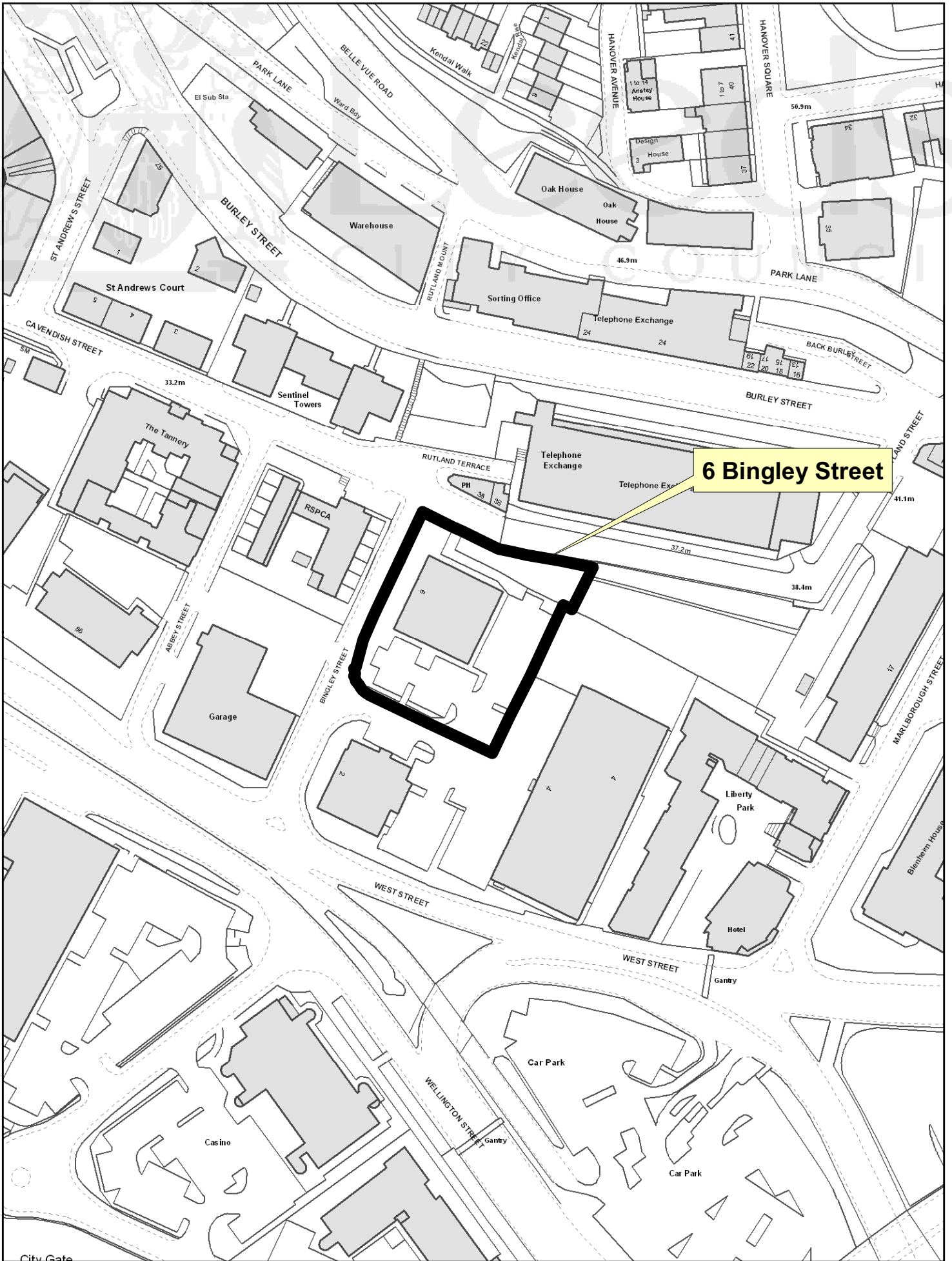
Mr W McKinnon	18 Kendal Walk, Leeds, LS3 1NP
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DOCUMENTS

- 1 Letter of notification of the Hearing and list of persons notified
- 2 Letter received in response to notification of the Hearing

PLANS

Plan A1- 27	The application plans [being the location plan and plans numbered 2005-098/027 Rev I, /028 Rev I, /029 Rev G, /030 Rev F, /031 Rev D, /033 Rev G, /054 Rev H, /064 Rev C, /065 Rev G, /066 Rev H, /067 Rev F, /068 Rev G, /069 Rev G, /070 Rev D, /071 Rev D, /072 Rev D, /073 Rev D, /601, /801 Rev D, /802, /803 Rev B, 9005-016/103 Rev B, /105 Rev B, /106 Rev B, /107 and /108]
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CITY CENTRE PANEL

Plans Panel (City Centre)

Thursday, 10th March, 2011

PRESENT: Councillor B Selby in the Chair

Councillors D Blackburn, C Campbell,
G Driver, M Hamilton, S Hamilton, G Latty,
J Monaghan, E Nash, N Taggart and
R Wood

80 Chair's opening remarks

The Chair welcomed everyone to the meeting and asked Members and Officers to introduce themselves

81 Declarations of Interest

The following Members declared personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct

Application 10/04792/FU – 62-64 Sheepscar Street North LS2 – Councillor Monaghan declared personal and prejudicial interests through being a resident of Merchants House which was located above the subject premises and having objected to the proposals (minute 85 refers)

Application 10/04792/FU – 62-64 Sheepscar Street North LS2 – Councillor Martin Hamilton declared a personal interest through being a Ward colleague of Councillor Monaghan who had objected to the proposals (minute 85 refers)

82 Apologies for Absence

Apologies for absence were received from Councillor Castle who was substituted for by Councillor Wood and from Mr Sellens, Head of Planning Services

83 Minutes

RESOLVED - That the minutes of the Plans Panel City Centre meeting held on 10th February 2011 be approved

84 Application 11/00755//RM -New Pedestrian Crossing adjacent to Leeds Arena - Clay Pit Lane LS2

Further to minute 51 of the Plans Panel City Centre meeting held on 12th November 2010 where Panel considered reserved matters in respect of the Arena development, Members considered a report of the Chief Planning Officer seeking approval in principle to proposals for the design of the Clay Pit Lane pedestrian crossing

Plans, graphics, photographs and a precedent image were displayed at the meeting

Members were informed that the statutory advertising period for the application would expire on 22nd March 2011

Officers presented the report and informed Members that due to the significant difference in land levels across Claypit Lane, this had limited the opportunities for siting the crossing where it had been indicated at the time of the outline planning application. Therefore other possibilities had been considered

The proposed crossing would be located in a similar position to that existing, immediately north of the junction of Providence Place and Clay Pit Lane, to the front of Hepworth House. The crossing would be the maximum width permitted by the Secretary of State, this being 10 metres. The outbound carriageway would need to be reduced in width by approximately 1.5 metres to enable the central reservation and the northern footway outside Hepworth House to be widened. To help define the crossing and relate it to the Arena development, green granite chippings were proposed in the carriageway, with new paving being provided throughout the Clay Pit Lane corridor

Members' comments on guard rails had been taken into account. Due to the design of the crossing (which although technically being two crossings, would operate like a single one), guard rails were not necessary

In event mode, timings for the crossing would be pre-programmed and would take account of the size of the arena event; for all other times the crossing would operate similar to other signalised pedestrian crossings

An adjustment to the size of the southern development plot would be necessary to provide sufficient space for movement to/from the arena. To compensate for this reduction, the northern development plot would be increased in scale, although the final form of these would be determined at the detailed planning application stage

Members were informed that the arena operator had requested the Council to decide quickly on the treatment of these plots as, perhaps understandably, the operator did not wish for these to begin to be developed within months of the arena opening

Members commented on the following matters:

- whether there were proposals to amend the design of the zig-zag pedestrian crossing at Woodhouse Lane which would also be used by people going to/from the arena
- the innovative design of the arena and disappointment that views of it would be blocked to drivers and pedestrians by the development plots along Clay Pit Lane
- that the colouration of the granite chippings should be considered in relation to the colours to be used on the arena
- the likely numbers using the crossing; that on arrival, the numbers would be staggered over a period of time but once an event had ended there could be 5000 people needing to cross Clay Pit Lane and whether it was possible to stop traffic for 2-3 minutes to manage the numbers
- the need to clarify what had been agreed in respect of the landscaping including the development plots

- the impact of pedestrian movement on residents of Queen Square and that people going to/from Woodhouse Lane car park should be encouraged to use Providence Place
- that the absence of guard rails in the proposal was welcomed

Officers provided the following responses

- that improvements to the Woodhouse Lane pedestrian crossing would be considered although it was uncertain that a single crossing could be achieved for this site
- in terms of the number of people using the pedestrian crossing, research indicated that for a 60 second green time, it was possible for 720 people to cross per minute and on that estimate, Officers were satisfied that the proposals would cater for the amount of movement likely to be generated by the arena use. However, as part of the traffic management plan there would be a separate signals timing plan for events and this would be closely monitored for the first few events, with adjustments being made if necessary
- concerning the landscaping, Officers outlined the overall scope of what had been agreed as part of the Reserved Matters application (the areas that would be hard and soft landscaped and the design concept for these), but stated that the exact details of the street furniture, material samples and soft planting remained outstanding. In terms of the development plots, it was likely that a decision would be made by December 2011 on whether development would take place on those plots in time for the arena opening. If development was going to be delayed then the areas would be temporarily landscaped
- in relation to pedestrian movement, there would be directional signs provided to discourage people from cutting across Queen Square

RESOLVED - To approve the application in principle and to defer and delegate final approval to the Chief Planning Officer subject to the conditions set out in the submitted report (and any others which he might consider appropriate) and subject to no new issues being raised prior to the expiry of the statutory notification period

85 Application 10/04792/FU - Change of use of vacant building to Church (Use Class D1) at 62-64 North Street Leeds LS2

(Having declared personal and prejudicial interests on this matter, Councillor Monaghan withdrew from the meeting)

Plans and photographs were displayed at the meeting. A site visit had taken place earlier in the day which some Members had attended

Officers presented the report which related to a change of use of two former retail units to a church with ancillary café and book shop at 62-64 North Street which formed part of a residential building known as Merchants House

The proposed opening hours were 06.30 – 22.30, with 4 services being held each day. Whilst current congregation numbers stood at 80, the building could accommodate approximately 176 people

The recommendation to Members was to refuse the application with a possible reason for this being included in the submitted report

The Panel heard representations from an objector and a representative of the applicant who attended the meeting

Members discussed the following matters:

- the number and type of services being held at the church and the likely numbers attending the services throughout the day
- the existing levels of noise due to the current ground floor uses which included a bar
- whether on-street parking would be an issue
- whether a disused church might be more appropriate for use by the applicant
- that consideration should be given to including the impact of non-retail uses on the area in the reason for refusal
- the impact of the proposal on residential amenity
- the concerns regarding noise transference and that despite the applicant including floor insulation, that the effectiveness of this had not been proven
- whether there was adequate egress in the event of a fire and concerns that the proposals as presented did not suggest this was the case

The Panel considered how to proceed

The Central Area Planning Manager stated that a reason for refusal based upon the impact on the retail frontage could be difficult to sustain as even if the application was approved there would be over 50% retail use of the properties along that frontage which would be acceptable in policy terms

The Panel's Highways Officer informed Members that car parking had been carefully considered and that the site had been inspected on a Sunday morning, the day when the largest number of users of the church could reasonably be expected. Whilst there was some on-street parking, it was felt there was sufficient parking around the site, including a multi-storey car park and because of this, it was felt that a reason for refusal based on car parking could not be sustained

RESOLVED - That the application be refused for the following reason:

The Local Planning Authority considers the proposed change of use to a church would result in an unacceptable impact on the amenities of the occupiers of nearby premises, particularly the residents in Merchants House. The applicant has not sufficiently demonstrated there will be no adverse impact from structural borne noise transference whilst the hours of use and potential number of people visiting the premises could adversely impact upon the general amenity of the area. For the reasons outlined above, the application is considered contrary to policy GP5 of the Leeds Unitary Development Plan (Review) 2006

(Councillor Taggart joined the meeting during consideration of this matter)

(Following consideration of this matter, Councillor Monaghan resumed his seat in the meeting)

86 Draft Planning Statement - Sovereign Street LS1

Members considered a report of the Chief Planning Officer on the Sovereign Street Draft Planning Statement which set out development potential for the site of the former Queen's Hall, which was currently operating as a car park. A copy of the Draft Planning Statement was appended to the report

Plans, photographs, architect's drawings and graphics were displayed at the meeting

Officers presented the report and provided some background information on the area which had been the site of a proposal known as 'The Kissing Towers' which had been withdrawn by the developer in 2008. Executive Board had twice considered the future of the site and had resolved that the site had the potential to integrate the first element of a high quality green space in the City Centre in line with the aspirations for the area which had emerged from the Leeds City Centre Vision Conference in 2008. On this basis a draft Planning Statement had been prepared which was currently out for consultation, with Plans Panel City Centre Members' comments being sought as part of this process which ended on 18th March

Three plots had been identified for development with some indication of the scale of buildings being included, with these plots being set around a central area of green space to realise the key aspiration of improving connections into the South Bank and the proposed city centre park. A connection northwards towards City Square was envisaged through opening up a disused railway arch as a pedestrian route. A further connection from a bridge link across the river was envisaged, although the land in question was not owned by the Council

Members commented on the following matters:

- that the land was a development site, not a park
- that the site was in close proximity to a high proportion of office development in Leeds and that car parking was needed as evidenced by the reaction to the Inspector's decisions last year on unauthorised long-term parking around Holbeck Urban Village
- that too much of the site was proposed for buildings, leaving insufficient space for city centre residents and workers to enjoy an open, green area
- the possibility of deleting block C, increasing the height of block B to compensate, so long as what was built was something special and then increasing the amount of open space
- that a bridge over the river was crucial to what was done on the site as the bridge link to a possible city centre park on the Tetley's site would provide an appropriate avenue to take people to the park
- that the existing car park use was not tenable
- the importance of the site particularly in view of the funding which had been secured for the southern entrance to the railway station and the need for the right impression of the city to be created on that site
- that the site would never be a park in the way one was envisaged but it would be a significant attraction to those in the area and that the site would be better without buildings
- that a decision was needed on the Brewery site which had been considered as a potential city centre park site, although there were drawbacks with that site due to its relatively isolated position from offices and residential development. Sovereign Street was closer to residential development and employment uses and if this was

developed as a green area, the Brewery site could be considered for different forms of redevelopment

- that if buildings were to be sited there they should respect the historic buildings surrounding the area, especially those on Swinegate
- the need to make connections to the south of the city to maintain interest in that area
- the need to consider how the site linked into the Waterfront Strategy and for access to the river to be improved to provide facilities for water sports

The Civic Architect informed Members that the announcement by Carlsberg Tetley of their withdrawal from Leeds had provided the opportunity for discussions with adjacent landowners and had led to the draft South Bank Planning Statement being drawn up which included at its heart, proposals for a city centre park. The draft South Bank Planning Statement which complemented the Sovereign Street Draft Planning Statement. In relation to the Sovereign Street site, it was felt that a 'soft green space' would better describe this area rather than a park

RESOLVED - To note the report and the comments now made

87 Date and time of next meeting

Thursday 7th April 2011 at 1.30pm in the Civic Hall, Leeds



Originator: Andrew Windress

Tel: 0113 3951247

Report of the Chief Planning Officer

PLANS PANEL CITY CENTRE

Date: 12 May 2011

Subject: APPLICATION 11/00058/FU – RETROSPECTIVE APPLICATION FOR EXTENSION OF UNIT 1 TO FORM ADDITIONAL SELF-CONTAINED WORKSHOP (B2) AT MUSHROOM STREET, SHEEPSCAR, LS9 7NB.

APPLICANT	DATE VALID	TARGET DATE
GSA Engineering	11 January 2011	8 March 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: REFUSE for the following reason:

The Local Planning Authority considers that the retention of unit 1A results in a demand for parking which cannot be satisfactorily accommodated within the site, causing servicing difficulties and an exacerbation of the existing level of on street parking on Mushroom Street to the detriment of highway safety and is therefore contrary to policies GP5, T2 and T24 of the Leeds Unitary Development Plan (Review 2006)

1.0 INTRODUCTION:

1.1 The application seeks to regularise unauthorised works that have created an additional workshop at Mushroom Street. Cllr Iqbal, a ward member, supports the application and has requested the application be presented to Panel.

2.0 PROPOSAL:

2.1 Retrospective planning permission is sought for an extension to one of the existing workshops within the site to create an additional general industrial workshop (gate manufacturers, use class B2). The 'wrap around' extension is to the rear and side of

unit 1. Works are understood to have commenced in September 2008 with completion and occupation shortly after.

3.0 SITE AND SURROUNDINGS:

3.1 The application site comprises two single storey industrial units (one of which is extended) located in an enclosed yard off Mushroom Street. The units are built in blockwork and metal cladding. The site is located within a busy primarily commercial area, characterised by mainly modern industrial and warehouse buildings. The surrounding streets are heavily congested with car parking. This is an unallocated site as defined by the Leeds Unitary Development Plan Review 2006.

4.0 RELEVANT PLANNING HISTORY:

4.1 The site has a complex planning history, with a number of planning applications from 2005 onwards, relating to the construction of the 2nd workshop building and subsequent proposals for extensions to the two workshop buildings. Prior to 2005 the site was occupied by one light industrial unit (now known as Unit 1) approved under planning application ref: 34/131/92/FU approved on 6 December 1992.

4.2 34/157/93/OT: Outline application to erect vehicle repair garage - Refused 13 October 1993

This outline application to erect a vehicle repair garage was refused on highway safety grounds including; an inadequate number of car parking spaces (3 spaces) that would lead to vehicles being parked on the street and an impediment to the free flow of traffic. Also the location of the roller shutter doors and car parking spaces at the rear of the footway would have lead to vehicles reversing onto the highway.

4.3 34/160/05/FU: Detached workshop to existing works - Refused 07/06/2005

The above application sought to build a second workshop with a small annexe incorporating kitchen and WC facilities. The application was refused on the grounds of highway safety as the proposed detached workshop would result in an insufficient car parking provision to accommodate the observed demand on site, and the yard would be of an insufficient size to accommodate turning by commercial vehicles associated with the units. The proposed unit would have also resulted in an inadequate car parking arrangement resulting in a substandard manoeuvring aisle and the reduction of the width of access from Mushroom Street.

4.4 34/282/05/FU: Detached workshop to works - Approved 13 October 2005

In response to the earlier 2005 refusal, an amended application was submitted. The proposed second workshop building was reduced in size and 4 car parking spaces removed to enable off street servicing to the site. Highways did not object to the proposal, provided the use was principally for engineering purposes and not solely for the repair/ testing of cars, which would require more car parking spaces. The planning consent was conditioned requiring the second workshop premises to be used for engineering works only, unless otherwise agreed in writing by the Local Planning Authority.

4.5 06/06454/FU: Alterations including single storey side extension and new pitched roof to rear of workshop (Unit 1) - Approved 18 December 2006

The above application was approved for a single storey extension to the rear of the property to be used as storage. The approved extension was not constructed in accordance with approved plans resulting in the rear/side 'wrap around' extension now applied for. The extension as built is almost double its original size and has resulted in the loss of 2 of the car parking spaces indicated on the 2005 approval for the 2nd unit. The extension is now occupied by a gate manufacturer, who previously occupied unit 1 (which is now let to Pitstop motors) resulting in three businesses operating from the yard.

4.6 09/01978/FU: Enclosing of 2 parking spaces to works (Unit 2) - Approved 19 August 2009

This application related to the neighbouring unit and involves the enclosure of two car parking spaces to the side of Unit 2. Planning conditions were imposed to restrict the use of the enclosure to ancillary car parking for the existing business.

4.7 10/00757/FU: Retrospective application for retention and change of use of the single storey extension to Unit 1 as a self contained workshop - Withdrawn on 10 June 2010.

This resulted in an objection from the occupier of Unit 2 and Council Officers raised concerns about the adverse impact on existing amenities of the resulting parking, access and servicing arrangements.

5.0 HISTORY OF NEGOTIATIONS:

5.1 Cllr Iqbal became involved in the 2010 withdrawn planning application. He was keen to support all the existing businesses on the site.

5.2 Meetings were held with the applicant's agent, Cllr Iqbal and the occupier of Unit 2 both prior to and following the withdrawal of the planning application. The applicant was advised to reach an agreement with all yard users to manage and resolve the parking issues within the yard, including the implementation for a trial period of the agreed vehicle management measures, prior to submitting a revised application. The yellow hatching currently visible within the yard was introduced shortly after withdrawal of the planning application.

5.3 However an objection was received in November 2010 from Unit 2 confirming that the parking issues at the site were still ongoing. This has resulted in the current application.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application was publicised via a Site Notice posted on 21 January 2011 expiring on 11 February 2011.

6.2 Cllr Iqbal was consulted on 14 January 2011 and a response was received on 28 March 2011 that outlined support for the application. Cllr Iqbal stated that the applicant's business does not attract large volumes of customers to the premises and that most customers ring to agree appointments for the applicant to visit the customer to discuss the work to be carried out (gate design/fitting). Cllr Iqbal questions whether the highways surveys carried out attributed increased traffic or parking to the applicant but believes most of the highway issues are created by the operator in Unit 1, Pitstop Motors. Cllr Iqbal considers GSA Engineering are being

penalised for something they do not contribute to and that in difficult financial times small businesses should be supported, not eliminated.

6.3 Three letters of objection received from Leeds Exchange Engines (Unit 2) on 11 and 23 February and 21 April 2011 raising the following issues:

6.3.1 Residential Amenity:

- The site is located in an area that is increasingly residential in focus.
- It is alleged that Unit 1 does not abide by their set opening hours and it is noted by nature the car repair industry is likely to work late to finish repair work.
- The site is now noisier during the day.

Response: There are residential units within the area, the nearest known being 1-7 Cherry Row 35 metres away. However, given the juxtaposition of intervening buildings and the nature of existing authorised commercial uses in the area it is considered that the proposed use would not unduly increase the level of noise disturbance for nearby properties.

6.3.2 Nature of the use of Unit 1 as vehicle repairs and MOT testing centre:

- Previously approved permissions at the site specifically excluded any use for the purposes of car repair.
- When the yard was split in 2005 GSA were chosen as they were the only non car repair related business.

Response: GSA is a gate manufacturer that once occupied Unit 1 but has since leased to Pitstop car repairs and MOT Testing. GSA now operates from the extension known as unit 1A. Only the use of Unit 2 is restricted to engineering works by the previous planning permissions. Please see relevant planning history referring to previously approved/refused applications.

6.3.3 Negative Impact upon trade of Unit 2:

- Agreement between Unit 1 and Unit 2 to pass any engineering business to Leeds Exchange engines and car repair work to Pitstop.

Response: This is an informal agreement between the two businesses, not a material planning consideration fundamental to the determination of the application.

6.3.4 Parking:

- From the outset the yard was not considered large enough to contain sufficient parking for even a single business in connection with car repair/servicing.
- The very nature of the car repair use creates large volumes of traffic, staff and customers, exactly why this use was controlled in previous applications at the site.
- Specific car parking requirements for car repair/servicing could not be met in 1992 and 2005. This cannot have improved.
- Previously approved layout omitted parking in areas shown as 8 to 12 on the submitted plan, to provide a turning area to allow vehicles to enter and leave the site in forward gear, upon the insistence of the Local Planning Authority.
- The unauthorised extension of Unit 1 covers two parking spaces and space that would be available for vehicle turning.
- Recovery of broken down vehicles obstructs the yard and often the whole street.

- Car Parking spaces available to Pitstop Motors are continually filled with immobile vehicles awaiting parts or repair.
- Attempts to agree an organised approach to parking within the site have proved fruitless as Pitstop have ignored agreements made.
- Site plan and Certificate A are inaccurate. The red line is shown around the whole yard and certificate A is signed that presumes the whole site is within the ownership of the applicant. This is not the case. Half the yard is owned by Unit 2, no notice has been served on the neighbouring unit, nor has certificate B been signed.

Response: With regard to the certificate/application form being incorrectly completed, the Local Planning Authority is not in a position to get involved in disputes over ownership as this is civil issue between 3rd parties. However in this case it is considered that the objector has not been prejudiced in respect of consultation, as they have been notified by the Local Planning Authority and has used the opportunity to comment upon the application. It should also be noted that the determination of this planning application would not prejudice or override the ownership rights of the occupiers of the site.

The parking issues raised are addressed in the appraisal section below.

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory:

7.2 None required due to the nature of the application.

7.3 Non-statutory:

7.4 Highways: Objection. The extension protrudes in to the parking and servicing area and could only add to the servicing and parking constraints related to the 3 businesses operating at the site. The extension removes space which would have been available for parking whilst increasing the size of the small workshop/storage building at the back of the site. Given the parking problems experienced by adjacent businesses and the difficulties in accommodating deliveries within the site boundary a highway objection is raised. The small extension should be removed and the area reinstated for parking purposes as per the original permission.

7.5 Neighbourhoods and Housing: No adverse comments.

8.0 PLANNING POLICIES:

8.1 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. There are no RSS policies of particular relevance, all issues are covered by the UDPR policies identified below.

8.2 Leeds Unitary Development Plan Review 2006 (UDPR)

- Policy GP5 (All planning considerations)
- Policy BD6 (All alterations)
- Policy T2 (Adequate highway and access arrangements)
- Policy T24 (Parking Provision)

- 8.3 Government Planning Policy Guidance/Statements
- PPS1 Delivering Sustainable Development
 - PPS4 Planning for Sustainable Economic Growth

9.0 MAIN ISSUES

Highway Safety
Design and Visual Amenity

10.0 APPRAISAL

10.1 Highway Safety

- 10.1.1 An extension to Unit 1 was approved in December 2006 and was intended to operate as a store to the existing workshop accommodated by GSA. This extension essentially infilled a small area behind the existing large workshop already used for the storage of materials. The approved extension permitted the retention of two parking spaces adjacent to Unit 1. However, the approved extension was not constructed but an extension approximately 50% bigger has been constructed that has removed these two parking spaces and permitted the creation of an additional commercial unit occupied by GSA, a gate manufacturer, whilst the original unit 1 has been occupied by a motor vehicle repairs and MOT testing facility.
- 10.1.2 The UDPR recommends a maximum of 2 car parking spaces for the gate manufacturer in Unit 1A; these are included in the submitted plan.
- 10.1.3 The Leeds Unitary Development Plan Review 2006 (UDPR) states that parking requirements for a vehicle service garage should be considered on its own merits. It has been observed on numerous site visits by Officers that the parking provision on site is grossly insufficient to accommodate the demand for parking generated by the use of Unit 1 for motor vehicle repairs workshop and an MOT testing facility. Officers have visited the site throughout 2010 plus dates in February, March and April 2011, photographs taken during those site visits will be presented to Members.
- 10.1.4 A hatched area had been introduced to the site in an attempt to define a reserved servicing and turning area for the three businesses operating from the site. However Highways Officers have confirmed the extent of this hatching is not large enough to accommodate the turning of larger vehicles. In addition it is observed that the hatched area is routinely parked on by visitors, creating conflict within the site that often results in dangerous manoeuvres requiring vehicles to reverse out onto the highway and double parking on the highway.
- 10.1.5 It is suggested by the applicant that only car repairs are offered at the site and the use as an MOT testing centre is discontinued. However it is considered that even a use exclusively for car repair also has great potential to create a demand for parking that cannot be accommodated on site safely.
- 10.1.5 Whereas Planning Policy Statement 4 'Planning for Sustainable Economic Growth' (PPS4) seeks to promote sustainable economic growth, policy EC10 of PPS4 specifically refers to the effect of economic development upon road traffic levels and accessibility of the site. The site is observed to be unable to meet demand for parking spaces upon the site causing congestion within the site and onto Mushroom Street, and is therefore considered not to accord with the objectives of this policy.

10.2 Design and Visual Amenity

- 10.2.1 The extension to Unit 1 is located in an enclosed and recessed position within the yard in respect of its visibility from Mushroom Street. From the rear the view of the extension is obscured by further light industrial units accessed from Skinner Lane. The extension is of a modest scale (approximately half the height of the existing buildings on the site) and appears to be of a timber construction with a flat roofed finish. It has been painted in a white and blue colour to match the colours of Unit 1. It is considered that in the context of the existing character of functional industrial and warehouse buildings in this area and due to its partial screening by existing buildings and boundary fencing, that the extension does not have an adverse impact on the visual amenity of the site or wider area.

11.0 **CONCLUSION**

- 11.1 The extension constructed has resulted in an additional commercial unit operating from this site. It has been observed over a prolonged period of time that current uses at the site generate a significant demand for parking. The addition of another commercial unit has further increased the parking demand that cannot be safely accommodated within the yard and consequently leads to vehicular movements and practices that are considered detrimental to highway safety. As a result the application does not accord with policies GP5, T2 and T24 of the UDPR and is recommended for refusal.

Background Papers:

Application File: 11/00058/FU

Historic Files:

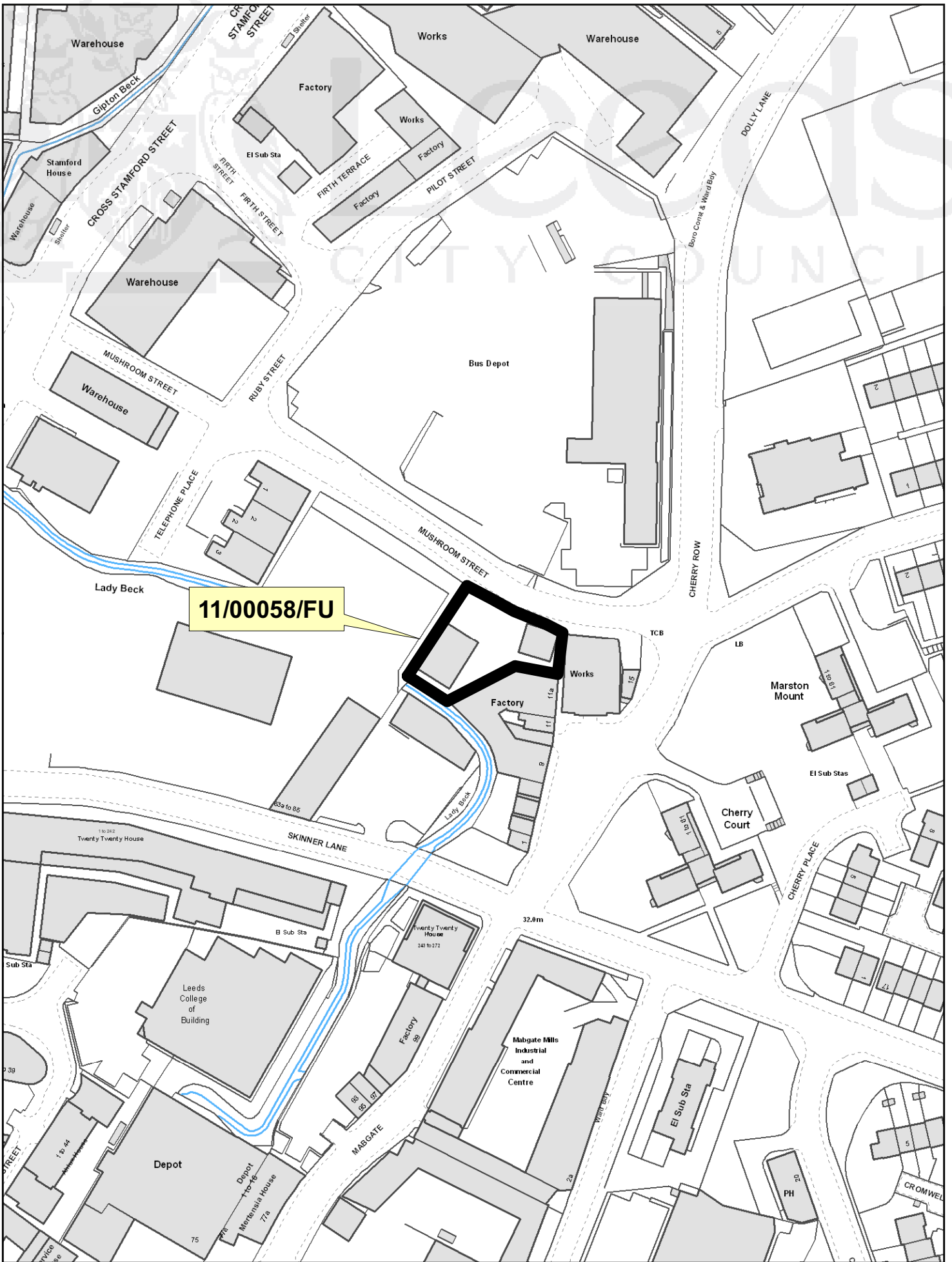
10/00757/FU

09/01978/FU

06/06454/FU

34/282/05/FU

34/160/05/FU



CITY CENTRE PANEL



Originator: Sarah McMahon

Tel: 2478171

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		
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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.

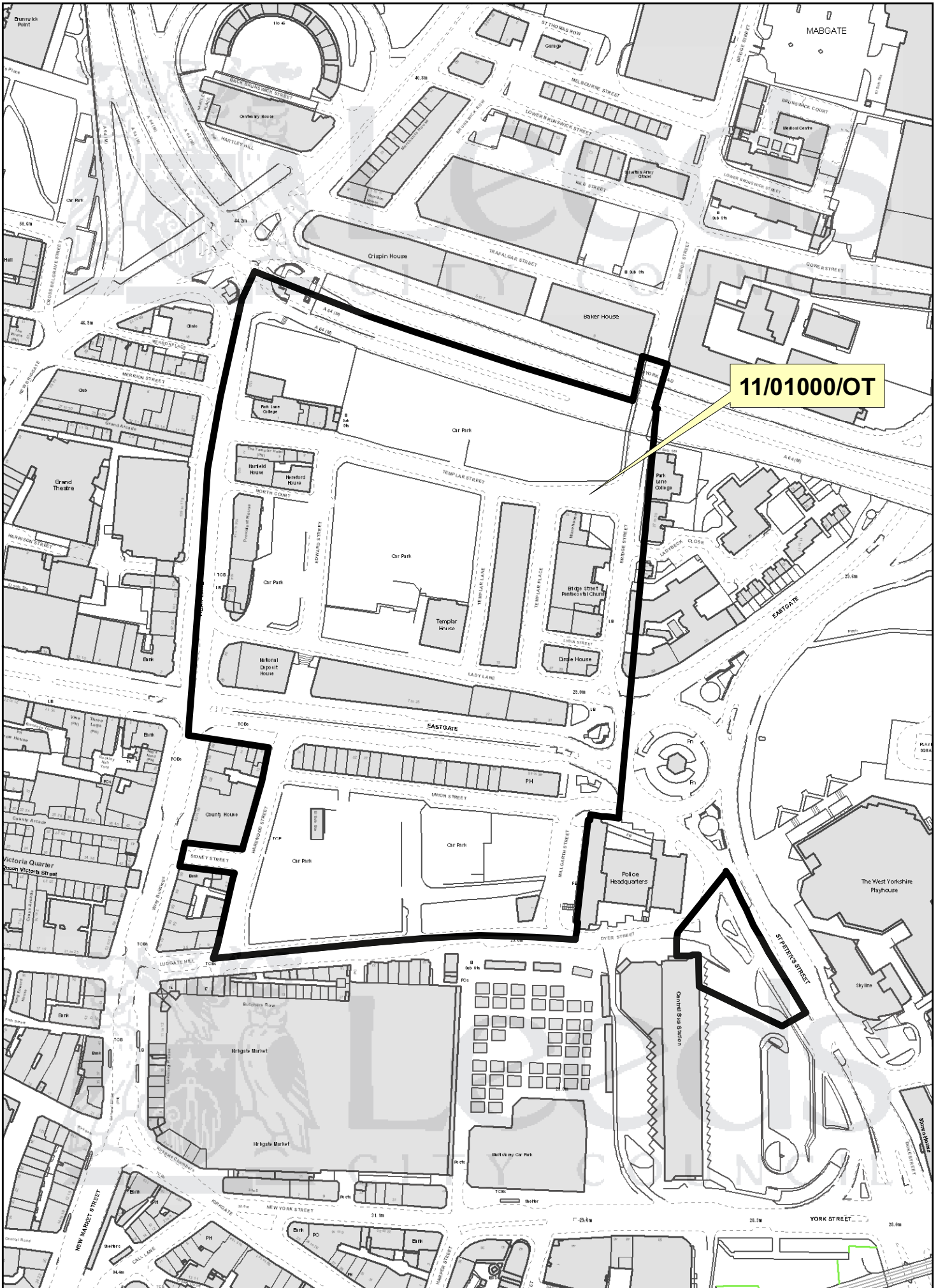
PPS25 Development and Flood Risk (December 2006)

- 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:

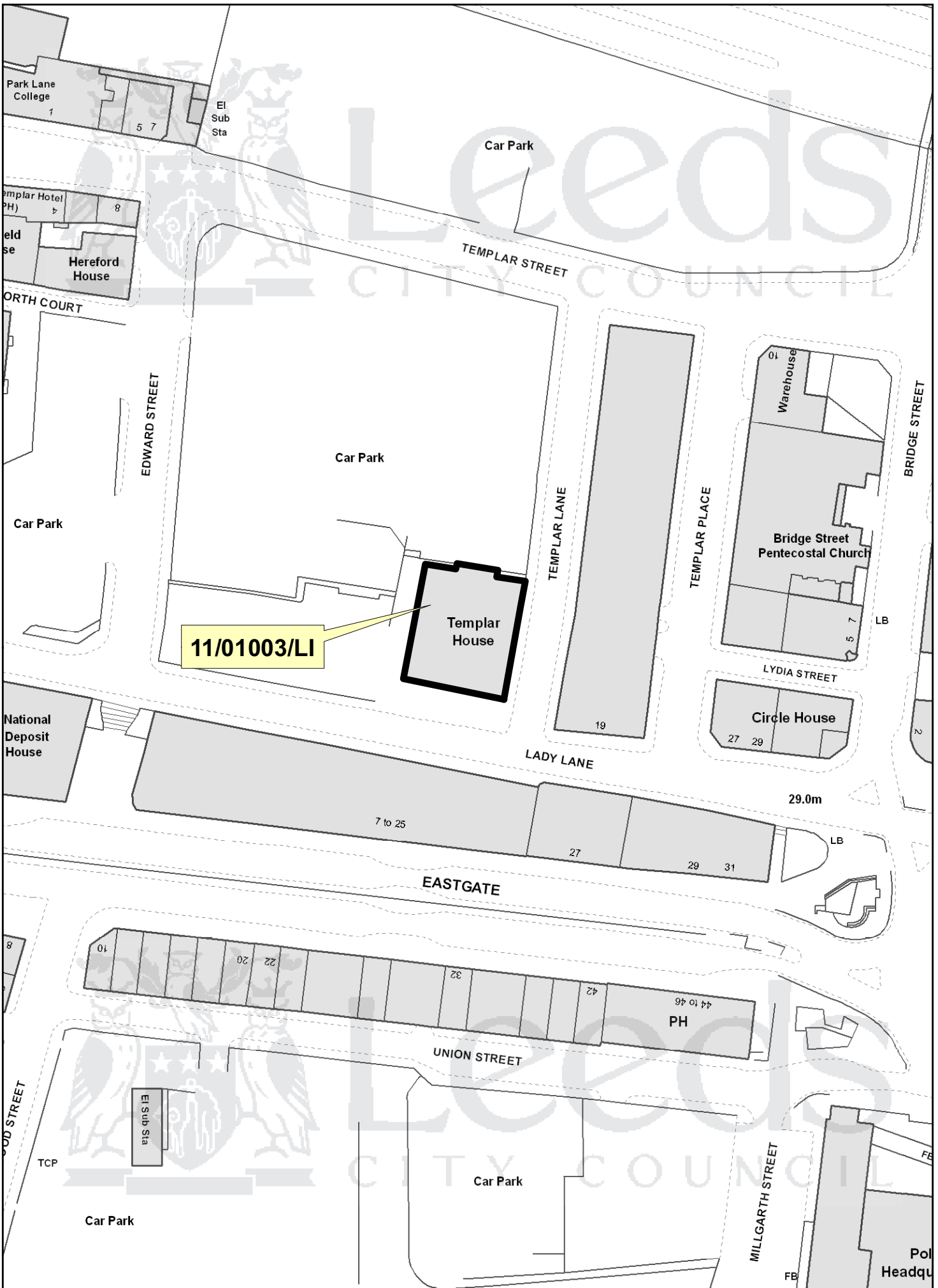
- Have regard to policies in the PPS and the RSS
- Ensure that applications are supported by site-specific flood risk assessments
- Apply a sequential approach at a site level by directing the most vulnerable development to areas of lowest flood risk
- Give priority to the use of SUDS
Ensure that all 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



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Originator: Andrew Windress

Tel: 3951247

Report of the Chief Planning Officer

PLANS PANEL CITY CENTRE

Date: 12 May 2011

Subject: POSITION STATEMENT FOR APPLICATION 11/01194/FU – 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.

APPLICANT	DATE VALID	TARGET DATE
Hammerson UK Properties PLC	25/3/11	15/7/11

Electoral Wards Affected:

City and Hunslet

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Members are requested to note the contents of this position statement and comment on the main issues highlighted in the report.

1.0 INTRODUCTION:

1.1 A low carbon energy centre is proposed at Bridge Street that is intended to provide low carbon heating, cooling and power to the Eastgate Quarters development and other premises nearby. Due to the relationship to the Eastgate Quarters development plus the prominence of the site and Members previous interest in the proposals the application is reported to Panel in the form of a position statement with an intended presentation for determination by Panel in July.

2.0 PROPOSAL:

2.1 Full planning permission is sought for a low carbon energy centre (LCEC) at Bridge Street/Ladybeck Close. To accommodate the LCEC the existing five storey former Park Lane College building plus numbers 1-2 and 27-30 Ladybeck Close are to be demolished. Ladybeck Close will also be realigned.

- 2.2 The proposed LCEC is intended to provide combined cooling, heating and power to existing and proposed buildings within the vicinity of the site with its primary purpose being to serve the proposed Eastgate Quarters development. The LCEC is to accommodate a variety of equipment including gas-fired boilers, a biomass boiler, a Combined Heat and Power (CHP) engine plus transformers in the adjoining primary substation. Further information regarding the equipment and operations is contained within the appraisal section.
- 2.3 The building's footprint is located on the back edge of the Bridge Street footway as with the existing former college building but extends further south and has a slight kinks in its alignment. Equipment is stored on three levels but with increased floor to ceiling heights and a varied but high parapet the effective height of the building is around one storey higher than the existing five storey former college building at around 21-25m in height. The primary substation is located at the northern end of the building and is around 10m in height. A chimney will extend out of the roof up to 54m above ground level.
- 2.4 The building is faced with three dimensional concrete and metal mesh panels of varying scales that will be coloured in an 'earthy' red/brown. The three dimensional aspect of the façade varies across each elevation to respond to its specific context. At ground level a section of the Bridge Street elevation will be glazed to provide views of the machinery and give the public an indication of the role of the LCEC.
- 2.5 Vehicular access and egress will be from the realigned Ladybeck Close and adjacent to the Inner Ring Road (IRR). At the rear of the building will be the service route and two car parking spaces. The building will be remotely operated but visited daily by an engineer. There will be three deliveries of biomass (wood pellets) per week and a fortnightly collection of ash. These deliveries will be timed to avoid highway peak hours, weekends and evenings.
- 2.6 There will be a single storey gas meter enclosure beyond the access road at the rear of the site, this will be in concrete with the same 'earthy' finish as the main building. The site will be enclosed at the sides and rear by a stretched and angled metal mesh fence and gates 2.1m high.
- 2.7 New tree planting will take place on the southern side of the realigned Ladybeck Close and outside the boundary fence at the rear of the site.
- 2.8 The application has been supported by the following documents:
- Planning Statement.
 - Statement of Community Involvement.
 - Transport Statement.
 - Sustainability Statement.
 - Foul Sewerage and Utilities Assessment.
 - Design and Access Statement.
 - Environmental Statement incorporating chapters/documents relating to wind, trees, flooding, noise, air quality, visual impact, daylight and sunlight, ground conditions and water resources, ecology and heritage.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to a 0.3 hectare site located in the northeast corner of the UDPR defined City Centre bound by the IRR to the north, Bridge Street to the west, Ladybeck Close to the south and the Ladybeck Hostel is to the east.
- 3.2 The site is generally flat and currently comprises of the five-storey former Park Lane College building that is currently utilised by Bridge Street Pentecostal Church, the two-storey apartment building 27-30 Ladybeck Close and semi-detached dwellings at 1 and 2 Ladybeck Close. The site boundary also incorporates part of Ladybeck Close and Bridge Street.
- 3.3 There is a three-storey residential hostel to the immediate east of the site with two-storey residential properties beyond. All the residential properties within and adjacent to the site are managed by The Riverside Group Ltd, a social housing provider. The IRR retaining wall is to the north with surface car parking across Bridge Street to the west. The area also includes a variety of commercial properties of varying scale, Department of Works and Pensions (DWP) building to the south and Bridge Street Pentecostal Church. The IRR is set 7m above the site to the north.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 11/01000/OT relates to the proposed Eastgate Quarters development currently under consideration on land to the east of the site.
- 4.2 06/03333/OT (approved 24.08.2007) and 10/01477/EXT (approved 09.07.2010) relate to the original Eastgate Quarters development that incorporated the site currently proposed to accommodate the LCEC.
- 4.3 08/01948/FU (pending decision) relates to the proposed redevelopment of the 'Centrica' site on the northern side of the IRR. The proposals include four residential and hotel buildings ranging from 23 to 40 storeys in height and have been agreed by Panel but still await the signing of the Section 106 agreement.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Officers commenced discussions with the applicant in June 2008 regarding the delivery of a LCEC on St Mary's Street to the east of the application site. This site was ultimately discounted by the applicant due its greenfield designation, highway implications and distance from developments the LCEC was intended to serve.
- 5.2 Consideration was also given to locating the LCEC at 17 Regent Street on the site of the former Homburgs fancy dress shop. However, this site was discounted by the applicant due to policy requirements seeking a retail warehouse uses in this location and the distance of the site from intended customers.
- 5.3 After discounting the other available sites various options on the proposed site were examined and developed with officers. The 22/7/10 and 16/9/10 pre-application presentations to Panel regarding the Eastgate Quarters proposal highlighted the intended location of the LCEC. Members showed a general interest in the operations and intentions of the LCEC but no detailed comment was made.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 Site notices were posted on 1/4/11 and an advert placed in the Leeds Weekly News on 7/4/11 that highlighted the submission of this major application accompanied by an Environmental Statement.
- 6.2 Leeds Civic Trust supports the proposed LCEC. The Trust welcomes the commitment to a low energy development, the local generation of energy and the potential for sale of energy to other users in the city centre. The Trust appreciate the care that has gone into the design of the building and hope that this will be carried through into the detailed design, construction and operation in order to minimise the impact on neighbouring residents and other users of the city centre.
- 6.3 The operators of the social housing within Ladybeck Close, The Riverside Group Ltd, object to the proposal for the following reasons and request the application be refused (a response to each point is provided in italics):
- The proposal assumes the demolition of occupied and operational Riverside properties that will be fundamentally harmful to its operations that have been successful for many years and include hostel and associated residential 'move on' accommodation. Such a demolition would be unsustainable. *Response: The applicant is continuing negotiations with Riverside regarding appropriate re-provision and compensation for the six units proposed to be demolished. A relatively small amount of units is to be demolished with the vast majority of the social housing being retained. The loss of these buildings is accepted in principle by the adopted Eastgate and Harewood Quarter SPD and previous approvals relating to the Eastgate Quarters development. Whereas the demolition of the existing buildings does remove structurally sound and operational buildings, the long term environmental benefits of the proposed LCEC are considered to outweigh the loss of these buildings. Demolition material will be re-used or recycled where possible.*
 - The lack of a robust assessment as to potential alternative locations, only three locations were discounted with one discounted on purely commercial reasons and not with regard to planning policy. *Response: Detailed discussions were held between officers and the applicant regarding the alternative sites and each of the alternatives posed some planning policy concerns. It is considered each of the sites were examined in detail and discounted for appropriate planning reasons in addition to the applicant's commercial reasons. The chosen site is appraised in full below.*
 - The site chosen was based on commercial reasons to ensure improved viability of the Eastgate Quarters. *Response: See point above.*
 - The scale of the proposed LCEC is not justified. *Response: The scale of the LCEC is based on current and maximum foreseen requirements and the technology available.*
 - If any intensification in the use of the site was to occur there would be additional deliveries and ash collections, this has not been fully considered. *Response: The proposal has been assessed on the maximum capacity scenario therefore deliveries and collections should be no greater than specified and appraised below.*
 - There will be an adverse impact on residential amenity and a perceived fear of adverse impact on human health by virtue of the nature of the proposals, the noise and general disturbance and an adverse impact on air quality therefore the site is not the Best Practicable Environmental Option (BPEO).

Response: The amenity impact and air quality is discussed in detail in the appraisal section below.

- UDPR Policy CC24 does not normally support industrial and ‘bad neighbour’ uses within the City Centre. Response: CC24 was adopted in 2001 at a time when LCEC such as that proposed were not envisaged and therefore the centralised locational requirements of LCECs not acknowledged. The policy states similar uses would ‘not normally’ be accepted but does not specifically exclude them. The amenity and air quality impact is examined in detail below.

6.4 One letter of support has been received from a member of the public. The letter states general support for the proposed low carbon energy centre and its design that ensures it does not appear like a power station. However, it is requested that further thought be given to the design of the chimney to make it look less industrial. The letter also requests further sustainability measures (solar panels, wind turbines) be incorporated into the Eastgate Quarters development and that a small newsagent or other active unit be included along Bridge Street to enliven the streetscene. Response: The design of the chimney is discussed in the appraisal section below. Sustainability measures are included in the Eastgate Quarters proposal and are considered under a separate application. A large glass window is to be provided in the Bridge Street elevation of the LCEC to ensure interest is provided along this side of Bridge Street, an active unit is not considered necessary in this instance or compatible with the proposed use.

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory:

7.2 Environment Agency: The proposal will be acceptable provided the measures outlined in the Flood Risk Assessment (FRA) are conditioned and implemented.

7.3 Highways: A further realignment of Ladybeck Close or amendment to the building footprint is required to improve forward visibility at Ladybeck Close. Response: The necessary alterations have been requested.

7.4 Yorkshire Water: No response received to date.

7.4 Non-statutory:

7.5 Contaminated Land Team: No objection subject to conditions.

7.6 Environmental Assessment Manager: Wind tunnel tests have been carried out and are fully examined by the Environmental Statement (ES). The ES uses the Lawson Comfort Criteria, the usual assessment method, for analysing the impact of wind around the proposed building. There are very few changes with regard to the impact of wind with the proposed development in place and in general there is unlikely to be any problems and no mitigation is necessary. However, the assessment does not examine the impact of extreme events on pedestrians, cyclists and road vehicles. Response: Further comment is being sought regarding extreme events.

7.7 Environmental Health (Pollution Control): No response received to date.

7.8 Mains Drainage: The conditions set out by the Environment Agency are sufficient.

- 7.9 Neighbourhoods and Housing: No objection subject to conditions relating to hours of use and delivery, noise and general amenity. *Response: The requested condition restricting the hours of use (no operation shall take place before 07.30 hours on weekdays and 08.00 hours on Saturdays or after 19.00 hours on weekdays and 13.00 hours on Saturdays. With no operation on Sundays or Bank Holidays) is not acceptable as the energy centre may be required to run 24 hours a day. Further consideration of the hours of use and noise implications are discussed in the appraisal section below.*
- 7.10 Neighbourhoods and Housing (Air Quality): No response received to date.
- 7.11 West Yorkshire Archaeological Service: No response received to date.
- 7.12 West Yorkshire Police: The building has nothing in the way of defensible space and the external finish may provide the opportunity for climbing whilst the large area of glazing at ground floor will also be tempting to vandals. There is no security strategy. *Response: The building addresses the back edge of the footway, a sought after urban design expression but is enclosed at the rear beyond the service route with a fence and gates. Anti-graffiti paint will be used at the lower levels and whereas the façade will be three dimensional it will still be difficult to climb and does not create significant concern over and above any more standard building design/form. The glazed panel will be of a necessary thickness to meet the Building Regulations. A security strategy is not a specific requirement of planning but it is considered that due consideration has been given to security and formed part of the final design.*
- 7.13 Yorkshire Forward: YF have no comment to make.

8.0 PLANNING POLICIES:

- 8.1 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. Policy ENV5 seeks to increase energy efficiency and the production of renewable energy.
- 8.2 UDPR Designation: The site is within the defined City Centre boundary but has no other designation.

Relevant UDPR Policies:

GP5: Proposals should resolve detailed planning considerations including amenity, danger to health or life.

BD2: New buildings should complement and enhance existing skylines, vistas and landmarks.

BD5: Seeks to ensure a satisfactory level of amenity for occupants and surroundings.

T2: Development proposals should not create new, or exacerbate existing, highway problems.

CC4: High quality design and appropriate scale at city centre gateway locations.

N12: Fundamental priorities for urban form.

N13: Requires all new buildings to be of high quality and have regard to character and appearance of surroundings.

N25: Boundaries should be appropriate to the character of the area.

N26: Where necessary, illustrative landscaping details should be provided.

8.3 Supplementary Planning Documents:
The Leeds City Centre Urban Design Strategy (September 2000)
Eastgate and Harewood Supplementary Planning Document (October 2005)
Building for Tomorrow Today – Sustainable Design and Construction (Draft)

8.4 National Planning Guidance:
PPS1 General Policies and Principles.
PPG13 Transport.
PPS22 Renewable Energy.
PPS23 Planning and Pollution Control.
PPG24 Planning and Noise.
PPS25 Development and Flood Risk

9.0 MAIN ISSUES

1. Principle of proposed LCEC.
2. Visual Amenity.
3. Residential Amenity.
4. Highway Safety.
5. Air Quality.

10.0 APPRAISAL

10.1 Principle of proposed LCEC.

10.2 The application site is a brownfield site that is unallocated in the UDPR. Whereas there would be a loss of residential accommodation, something still sought after, it is a relatively small amount of units to be demolished and the economic and environmental benefits of the proposed LCEC are considered to outweigh the retention of these units.

10.3 The LCEC will provide combined cooling, heating and power to existing and proposed buildings within the vicinity of the site with its primary purpose being to serve the proposed Eastgate Quarters development. The LCEC is to accommodate a variety of equipment including gas-fired boilers, a biomass boiler, a Combined Heat and Power (CHP) engine plus transformers in the adjoining primary substation.

10.4 The LCEC will provide 39.5MW of heating capacity, 26 MW of cooling capacity and 2 MW of electricity generating capacity in addition to the 33kV primary substation. This production of energy will permit the reduction of energy consumption and carbon emissions in both existing and proposed developments due to its efficiency being around double that of a typical power station and create a more sustainable community in the area.

10.5 Whereas the applicant is the same as that for the Eastgate Quarters development and the developments are closely linked, the proposed LCEC is considered under a stand alone full planning application and can be delivered independent of the Eastgate Quarters and therefore still benefit the surrounding uses and the City in general. The design and access statement identifies potential users in addition to Eastgate as being the adjacent ECHG social housing, all existing and proposed developments at Quarry Hill, Kirkgate Markets, Millgarth Police Station, plus Crispin House and the major mixed use scheme proposed at the former British Gas site on the northern side of the IRR.

10.6 For the reasons outlined above it is considered that the proposed LCEC could deliver significant carbon reduction and energy consumption benefits to the city and the principle of an LCEC in this location could be considered acceptable and is supported.

Is the proposal acceptable in principle as a stand alone development delivering low carbon energy to existing and proposed (non-Eastgate Quarters) developments?

10.7 Visual Amenity

10.8 The layout, scale and form of the proposed LCEC is driven by its function and technical considerations in addition to strategies that attempt to mitigate noise, visual and daylight impact.

10.9 The basic rectangular layout uses a similar building line to the existing former college building whilst providing a flexible floor plate that can accommodate a variety of equipment and adapt to future changes in technology. However, to avoid a consistent building line and therefore provide interest and reduce the apparent length and height of the building, kinks have been introduced to provide the eastern and western elevations with facades at different angles.

10.10 Whereas equipment is only on three levels, significant floor to ceiling heights and a high parapet are required to accommodate the necessary equipment and provide an acoustic screen. As such the maximum height of the building will be similar to the maximum height of the five storey former college building it replaces in the northern part of the site but significantly greater than the two storey residential buildings on the site. To reduce the apparent scale a varied roof line is introduced to distort perceptions in addition to the angled layout mentioned above.

10.11 A chimney that will extend to up to 54m above street will be required to ensure emissions expel at an appropriate level. Historically, the Leeds skyline incorporated many large chimneys and this relatively slim functional requirement is not considered to adversely impact upon the current skyline in this area.

10.12 With the existing and proposed context being of other large buildings currently located on the site and across the IRR plus the proposed Eastgate Quarters immediately adjacent, it is considered the scale of development is appropriate in its urban context.

10.13 The function of the building results in there being no requirement for windows. However to give the public a view into the building and therefore appreciate the internal operations, a large window has been added to the ground floor Bridge Street elevation.

10.14 A number of different options have been explored for the remainder of the façade with the final design being a mix of concrete and metal mesh that assist with acoustic insulation, the installation of the equipment and provision of ventilation where necessary.

10.15 The concrete and mesh has been moulded into three dimensional triangles that vary in scale dependent upon their location on the building. Analysis took place that identified how the building would be perceived by different 'users' ie the residents, pedestrians and motorists and the scale of the mouldings reflects this. Smaller,

tighter moulds are located at the lower levels closely relating to the residents and pedestrians whilst the larger mouldings are in locations primarily viewed from distance by the motorist.

- 10.16 The concrete and metal mesh are to be coloured in an 'earthy' tone intended to reflect the common finish to the red brick and Burmantoft Terracotta tile buildings that can be found throughout Leeds and even the corten steel on Broadcasting Place and therefore appear as a complementary structure with a soft and natural visual impact.
- 10.17 The building is intended to be illuminated from behind the façade to add further interest but without harming the amenities of the residents of Ladybeck Close.
- 10.18 The fence and gates to the side and rear will be in a fine metal mesh around 2.1m in height but with a varied angled form reflective of the main building. Much of the fence will be screened by retained and proposed landscaping along the eastern boundary facing the Ladybeck close residents.

Are the scale, form and design considered acceptable?

10.19 Residential Amenity

- 10.20 The proposal includes the demolition of numbers 1, 2 and 27-30 Ladybeck Close. It is understood the applicant has been in discussions with The Riverside Group Ltd, the operator of the social housing, with regard to the continued provision of the required facilities at the site following the demolition of these buildings.
- 10.21 The main amenity impact will be on the residents of Ladybeck Close. The scale of the building (excluding the chimney) is similar to the former college building being demolished and its location is a similar distance from the hostel and residential properties. At the northern end of the site there will be some improvement on the existing relationship as this is where the 10m high primary substation is located.
- 10.22 However, the proposed building also replaces two storey residential accommodation and therefore will significantly change the impact on the residents close to this part of the site. As highlighted above the form, massing and façade design plus the proposed landscaping is intended to reduce the perception of scale and dominance and soften the impact.
- 10.23 The residents nearest to the proposed LCEC are those in the hostel building with windows 20-35m from the building (10m from the boundary fence). Due to the layout of the hostel building, all windows are at an angle to the LCEC either facing northwest or southwest and therefore not directly facing the LCEC to the west. This will reduce the impact on the residents' amenity. Throughout the design process it was believed the impact regarding daylight and sunlight would be acceptable on the residents due to the angled nature of the windows and similar scale of that proposed to the previous college building. However, the technical daylight/sunlight study within the Environmental Statement does highlight some adverse impact on these rooms. It is understood most of the rooms will be bedrooms and be a resident's only private space but clarification is being sought. To further appreciate the impact on these residents more detailed information has been requested from the applicant.
- 10.24 The two-storey residential properties elsewhere on Ladybeck Close are over 40m from the proposed building and the daylight and sunlight impact on these properties is considered to be negligible and acceptable.

- 10.25 The proposed car park to the Eastgate Quarters would also form the backdrop to the LCEC when viewed from the residents' perspective and this taller structure would reduce the impact of the proposed LCEC.
- 10.26 The blockwork structure and concrete façade provides substantial acoustic insulation and studies have highlighted substantial background noise levels in the area primarily due to the traffic on the IRR and Eastgate. A detailed noise assessment has been carried out that has confirmed that even with all machinery operating at full capacity all day long the noise impact on the residents would be negligible. The building has been designed to house the noisier machinery at ground floor where more acoustic insulation and less ventilation can be provided whilst the majority of ventilation is located in the western elevation away from the residents.
- 10.27 Despite the general operation of the building having a negligible impact, the noise assessment does highlight some moderate adverse impact when the biomass deliveries take place, up to 3 times a week. To reduce noise the wood pellets will be sucked into the building rather than blown and deliveries will avoid peak periods for the highway network and evenings and weekends. As the deliveries will be limited in frequency and duration and will be at less sensitive hours, the impact is considered acceptable.
- 10.28 The applicant has committed to producing an Environmental Management Plan that will highlight methods to minimise any adverse noise (and general amenity) impact during demolition, construction, delivery times and general operating times and a condition will be added to any approval to ensure this document is formally examined and agreed.
- 10.29 There are no rear windows in the LCEC therefore no potential loss of privacy occurs.
- 10.30 Taking the existing relationship into account, the city centre location plus considering all those technical and design strategies adopted in the design of the building it is considered the impact on the amenity of the adjacent residents will be acceptable on balance. However, further information has been requested to clarify this assumption.

Is the impact on existing residential amenity considered acceptable?

- 10.31 Highway Safety.
- 10.32 Highways officers have been involved in the development of the scheme. The LCEC will be remotely operated therefore traffic movements are limited to a daily visit by an engineer plus up to three biomass deliveries a week and a fortnightly collection of ash. These visits are intended to be carried out outside of peak periods on the highways and can be accommodated. The service vehicles can be accommodated within the site and two parking spaces are provided for the engineer(s).
- 10.33 Prior to the construction of the Eastgate Quarters deliveries would enter the site at the northern access and exit via the realigned Ladybeck Close. However, following the construction of the Eastgate Quarters and the restriction of Bridge Street under the IRR to northbound only, access would be via Ladybeck Close and egress via the northern access. Both scenarios are acceptable in principle.

- 10.34 Highways officers have raised an issue with the forward visibility when leaving Ladybeck Close that is reduced due to the southern wall of the LCEC and curvature of the realigned Ladybeck Close. Therefore the applicant has been requested to explore how this can be improved.

Do the proposals raise any highway safety concerns?

10.35 Air Quality

- 10.36 The site is within close proximity to an Air Quality Management Area, primarily as a result of traffic levels adjacent to the social housing. A detailed assessment of air quality is enclosed within the Environmental Statement (ES). Whereas limit values of pollutants is controlled by non-planning legislation and due to the nature of the installation, its operations and emissions will be authorised and regulated by the Council, consideration is still given to the potential impact of the proposed LCEC at this time.

- 10.37 The assessment of air quality within the ES states that emissions are expelled through the 54m chimney and the best available technologies (filters, catalytic reduction equipment) will be used to ensure the emission levels meet any conditions of the permit. The technical assessment identifies the predicted operational impact as being 'negligible to minor adverse' at the various receptors around the site.

- 10.38 A consultation response is outstanding from officers in the Air Quality section of Neighbourhoods and Housing and it is hoped their comments will be presented verbally to the Panel.

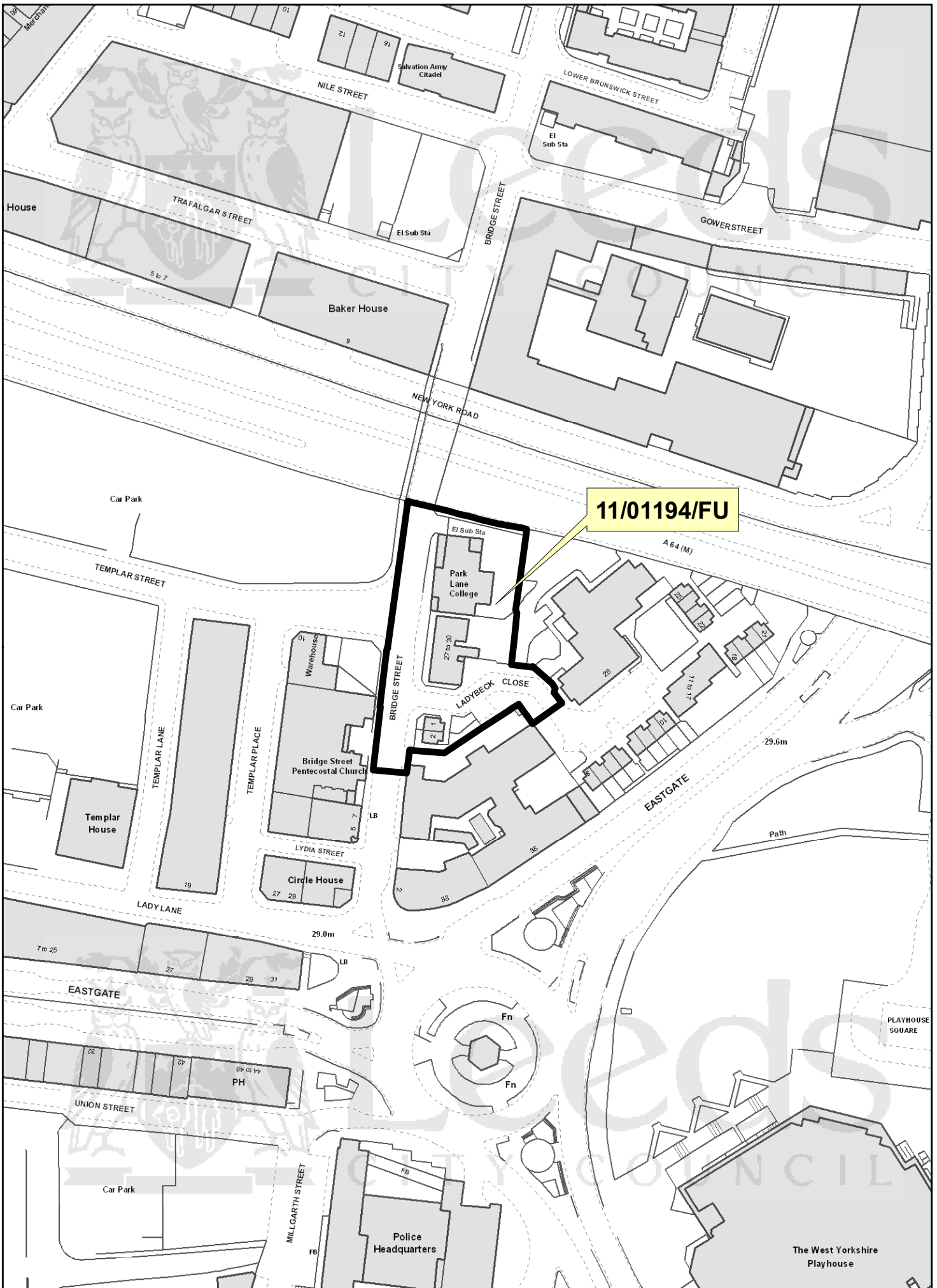
11.0 CONCLUSION

- 11.1 The proposed LCEC has the potential to provide combined heat and power to nearby properties, primarily the Eastgate Quarters, and therefore permit the reduction of energy consumption and carbon emissions. The proposal has been subject to lengthy pre-application discussions and design development to ensure the appearance and amenity impact is appropriate for its setting. There are still further issues to be examined and clarification is sought regarding the highways implications and impact on the adjacent residents. This application is presented to Panel as a position statement and members are requested to provide comment on the proposals and issues highlighted above.

Background Papers:

Application file 11/01194/FU.

Notice has been served on Leeds City Council, Riverside Group (the owners of the adjacent hostel/residential accommodation) and Yorkshire Electricity Distribution Ltd.



CITY CENTRE PANEL





Originator: Martin Sellens

Tel: 0113 2478172

Report of the Chief Planning Officer

PLANS PANEL EAST - 14TH APRIL 2011
PLANS PANEL WEST - 28TH APRIL 2011
PLANS PANEL CITY CENTRE - 12TH MAY 2011

Subject: PLANNING FOR GROWTH – NATIONAL ADVICE

Electoral Wards Affected:

ALL



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Members are asked to note the report and attached papers and to have regard to them in making planning decisions.

- 1.1 On 31st March 2011 the Chief Planner at CLG (Communities and Local Government) wrote to Chief Planning Officers in all Local Planning Authorities (LPAs)in England drawing attention to the important announcements made in support of the Budget the previous week. The Chief Planner states that the national objectives in “Planning for Growth” need to inform the decisions being made by Local Planning Authorities. The letter includes two annexes which our attention is drawn to – Annex A is a statement by the Minister (Greg Clark) on 23rd March and Annex B contains further advice on planning obligations.
- 1.2 The letter of 31st March and the two annexes are attached to this report in full for Members information.
- 1.3 The Ministerial statement at Annex A is important as it capable of being regarded as a material planning consideration and sets out the steps that the Government expects LPAs to take with immediate effect. The Government’s top priority in reforming the planning system is to promote sustainable economic growth and jobs and the clear expectation is that the answer to development and growth should wherever possible be “yes”, except where this would compromise the key sustainable development

principles set out in national planning policy. The statement makes clear that when the Secretary of State determines applications that come before him he will attach significant weight to the need to secure economic growth and employment. Officers and Members need to bear this in mind when considering planning proposals and reaching decisions.

- 1.4 Annex B gives further advice on planning obligations and states there is a need to ensure that existing planning permissions are built out to help deliver growth and support local economies. The Annex encourages LPAs, where asked to do so by developers, to review obligations taking account of local planning priorities to enable development to proceed on stalled schemes. In doing so understanding the impact of planning obligations on the viability of development will be an important consideration.

- 1.5 There are a number of examples already where we have adopted this approach to enable schemes to proceed e.g Midpoint at Dick Lane, Pudsey and two Mill conversion schemes in Morley. Members will also be aware that following consideration of viability on schemes carried out by DTZ on behalf of the Council revised amounts of affordable housing have been agreed recently as a basis for public consultation by Executive Board to form the basis of a revised interim policy position.

31 March 2011

The Chief Planning Officer
Local planning authorities in England

Dear colleague

PLANNING FOR GROWTH

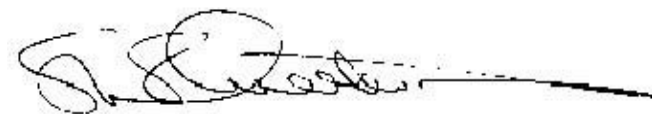
I am writing to draw your attention to the important announcements made in support of last week's Budget. The Growth Review contains ambitious proposals for further planning reform, to ensure that planning supports the sustainable development that we need as the country emerges from recession. A useful summary of the announcements can be found at:

<http://www.communities.gov.uk/newsstories/planningandbuilding/1872022> which you may find helpful for wider briefing.

These objectives need to inform the decisions that local planning authorities are taking now – through plan production as well as development management. The Minister for Decentralisation issued a Written Ministerial Statement on 23 March (**Annex A** to this letter) to emphasise this point and this statement is capable of being regarded as a material planning consideration. Your attention is drawn especially to the weight that the Secretary of State will give to this statement in cases that come before him for decision. I have also attached on **Annex B** further advice on planning obligations. I last wrote to you in May 2009 on this issue and in the light of the written Ministerial Statement take this opportunity to bring this advice up to date.

The Growth Review also announced important changes relating to previously-developed land and buildings. The Government will, through the National Planning Policy Framework, localise choice about the use of previously developed land by removing the national target for the amount of housing development that should take place on previously developed land (the 'Brownfield target').

Finally we will also begin consultation very shortly on the Government's proposals to change the Use Classes Order so that it is easier to convert vacant commercial premises to housing.



STEVE QUARTERMAIN
Chief Planner

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Annex A Written Ministerial Statement: Planning for Growth (23 March 2011)

The Minister of State for Decentralisation (Mr. Greg Clark):

The Chancellor of the Exchequer has today issued a call to action on growth, publishing an ambitious set of proposals to help rebuild Britain's economy. The planning system has a key role to play in this, by ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible. We will work quickly to reform the planning system to achieve this, but the Government recognises that many of these actions will take some months to deliver, and that there is a pressing need to ensure that the planning system does everything it can to help secure a swift return to economic growth. This statement therefore sets out the steps the Government expects local planning authorities to take with immediate effect.

The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.

The Chancellor has today set out further detail on our commitment to introduce a strong presumption in favour of sustainable development in the forthcoming National Planning Policy Framework, which will expect local planning authorities to plan positively for new development; to deal promptly and favourably with applications that comply with up-to-date plans and national planning policies; and wherever possible to approve applications where plans are absent, out of date, silent or indeterminate.

Local planning authorities should therefore press ahead without delay in preparing up-to-date development plans, and should use that opportunity to be proactive in driving and supporting the growth that this country needs. They should make every effort to identify and meet the housing, business and other development needs of their areas, and respond positively to wider opportunities for growth, taking full account of relevant economic signals such as land prices. Authorities should work together to ensure that needs and opportunities that extend beyond (or cannot be met within) their own boundaries are identified and accommodated in a sustainable way, such as housing market requirements that cover a number of areas, and the strategic infrastructure necessary to support growth.

When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant - and consistent with their statutory obligations - they should therefore:

- (i) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;
- (ii) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;
- (iii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable

communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);

(iv) be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;

(v) ensure that they do not impose unnecessary burdens on development.

In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions.

To further ensure that development can go ahead, all local authorities should reconsider, at developers' request, existing section 106 agreements that currently render schemes unviable, and where possible modify those obligations to allow development to proceed; provided this continues to ensure that the development remains acceptable in planning terms.

The Secretary of State for Communities and Local Government will take the principles in this statement into account when determining applications that come before him for decision. In particular he will attach significant weight to the need to secure economic growth and employment.

Benefits to the economy should, where relevant, be an important consideration when other development-related consents are being determined, including heritage, environmental, energy and transport consents. The Secretary of State for Culture, Olympics, Media and Sport, the Secretary of State for the Environment, Food and Rural Affairs, the Secretary of State for Energy and Climate Change and the Secretary of State for Transport have consequently agreed that to the extent it accords with the relevant statutory provisions and national policies, decisions on these other consents should place particular weight on the potential economic benefits offered by an application. They will reflect this principle in relevant decisions that come before them and encourage their agencies and non departmental bodies to adopt the same approach for the consents for which those other bodies are directly responsible.

Annex B Planning Obligations

There is a need to ensure that existing planning permissions are built out to help deliver growth and support local economies.

Planning obligations (also known as 'section 106 agreements') are contractual agreements between developers and Local Planning Authorities to deliver what is necessary to make a development acceptable in order to obtain planning consent. Where they are asked to do so, Local Planning Authorities should carefully review planning obligations to ensure that they accord with all the policy tests set out in Circular 5/05. For planning consents for buildings granted after 6 April 2010, the statutory tests set out in Community Infrastructure Levy Regulations 2010 must be met.

Understanding the impact of planning obligations on the viability of development will be an important consideration when obligations are reviewed, particularly where they were reached in different economic circumstances. An appropriate review of obligations, which takes account of local planning priorities, could allow development to proceed on stalled schemes.

The Homes and Communities Agency can provide guidance on best practice (<http://www.homesandcommunities.co.uk/qualityandinnovation>). The HCA is also able to offer advice as a critical friend to local authorities, for example where they may be facing renegotiation of large or complex developments. Where local authorities identify the need for this support as a high local priority, it will be available through the HCA's local teams. The HCA is launching a new Development Appraisal Tool in early April 2011. Local Authorities may find this and other available models to be helpful in considering viability.

The New Homes Bonus will provide a significant additional incentive for Local Authorities to consider development opportunities in their area and ensure stalled proposals come forward for completion. Commencing in April 2011, the New Homes Bonus will match fund for 6 years the additional council tax raised for new homes and long term properties brought back into use, with a premium for affordable homes. The Bonus will sit alongside national planning policy and Local Planning Authorities will continue to be bound by this.

Scale back of planning obligations

For current and future planning obligations negotiations, you will be aware that planning obligations are being scaled back through the Community Infrastructure Levy Regulations 2010. Two key features of the scale back apply to all new planning obligations whether or not CIL is introduced in an area. The first is to impose statutory tests on planning obligations for planning permissions for buildings given after 6 April 2010. Obligations must be:

- necessary to make the development acceptable;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

Second, after 2014, or the adoption of CIL whichever is sooner, Local Authorities will no longer be able to pool more than 5 planning obligations to a single project which could be funded by CIL. This will make S106 tariffs which fund such projects inoperable. The appropriate mechanism for pooled contributions will be the Community Infrastructure Levy, a fairer, more transparent and predictable mechanism where viability is properly assessed at an early stage during preparation of the charging schedule.

Transparency

It is important that planning obligations are made available to the general public to assist in understanding those measures which will address the impact of the development. Article 36 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 requires that a copy of any planning obligation is kept on the planning register (either in paper or electronic form), together with details of any modification or discharge of the obligation.

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