



CITY PLANS PANEL

Meeting to be held in Civic Hall, Leeds on
Thursday, 1st August, 2013
at 1.30 pm

MEMBERSHIP

Councillors

P Gruen	M Hamilton	R Procter	T Leadley	D Blackburn
N Taggart (Chair)		G Latty		
S Hamilton				
E Nash				
N Walshaw				
M Ingham				
J Cummins				
J Lewis				

**Agenda compiled by:
Angela Bloor
Governance Services
Civic Hall
Tel: 0113 24 74754**

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p data-bbox="678 322 975 353">SITE VISIT LETTER</p> <p data-bbox="678 465 1406 533">APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p data-bbox="678 613 1358 757">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 data-bbox="678 792 1390 936">(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	

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2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF 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>	
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 DISCLOSABLE PECUNIARY INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p>	

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5			APOLOGIES FOR ABSENCE	
6			MINUTES To approve the minutes of the City Plans Panel meetings held on 25th June 2013 and 4 th July 2013 (minutes attached)	3 - 26
7	City and Hunslet		APPLICATION 11/03655/FU - MERRION WAY LS2 To consider a report of the Chief Planning Officer on an application for alterations and extensions to form two A3 units and construction of 144 bedroom hotel (report attached)	27 - 54
8	City and Hunslet		APPLICATION 13/01428/FU - 68-72 NEW BRIGGATE LS1 To consider a report of the Chief Planning Officer on an application for change of use from drinking establishment to form lap dancing club (report attached)	55 - 64
9	City and Hunslet		APPLICATION 13/01872/FU - WHITEHALL ROAD LOWER WORTLEY To consider a report of the Chief Planning Officer on an application for a 128 bedroom hotel with associated landscaping (report attached)	65 - 84

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10	Calverley and Farsley		<p>APPLICATION 12/04046/OT - LAND OFF BAGLEY LANE/CALVERLEY LANE RODLEY</p> <p>To consider a report of the Chief Planning Officer on an outline application for residential development</p> <p>(report attached)</p>	85 - 108
11	City and Hunslet		<p>VICTORIA GATE - PHASE ONE - POSITION STATEMENTS - LAND BOUNDED BY EASTGATE, GEORGE STREET AND MILLGARTH STREET LS2</p> <p>Further to minute 108 of the City Plans Panel meeting held on 11th April 2013, where Panel considered a further pre-application presentation on a major retail led development in the City Centre, to consider a report of the Chief Planning Officer setting out the current position in respect of the following applications forming Phase 1 of the Victoria Gate proposals:</p> <p>1 – Victoria Gate Arcades</p> <p>Application 13/02967/FU – Major mixed-use retail led development including the demolition of all buildings and construction of retail (use classes A1,A2,A3,A4, A5), leisure (use class D2)/casino (sui generis), public realm works and landscaping</p> <p>2 – Multi-storey car park</p> <p>Application 13/02968/FU – Demolition of Millgarth Police Station and the erection of a multi-storey car park and associated landscaping, means of access and highway works</p> <p>3 – John Lewis store</p> <p>Application 13/02969/RM – Reserved Matters approval for plot HQ1 (to be occupied by John Lewis) of the outline planning permission</p> <p>(report attached)</p>	109 - 164

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12	Beeston and Holbeck; Morley North		<p>WHITE ROSE SHOPPING CENTRE, DEWSBURY ROAD MORLEY AND LAND SOUTH OF WHITE ROSE SHOPPING CENTRE DEWSBURY ROAD MORLEY - POSITION STATEMENTS</p> <p>Further to minute 24 of the City Plans Panel meeting held on 25th October 2012, where Panel received a pre-application presentation on proposals for the expansion of the White Rose Shopping Centre, to consider a further report of the Chief Planning Officer setting out the current position in respect of the following applications:</p> <p>1 White Rose Shopping Centre</p> <p>Application 13/01640/OT – Outline application for part demolition and alteration of existing buildings and erect extensions to form new and enlarged retail units , Class A1, A3, A5, D2 (cinema); alterations to existing and creation of new public realm and landscaping, alterations to existing vehicular access and creation of new vehicular, pedestrian, service access; alterations to car park configuration, together with infrastructure and associated works</p> <p>2 Land South of White Rose Shopping Centre</p> <p>Application 13/02684/FU – Demolition of existing buildings and re-development of site for use as car parking, with improvements to access, landscaping works and enhancements, new culvert to Cotton Mill Beck and upgrading of existing pedestrian crossing and associated works</p> <p>(report attached)</p>	165 - 200

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13	City and Hunslet		<p>APPLICATION 13/02034/FU - WAREHOUSE HILL - 14 - 28 THE CALLS LS2 - POSITION STATEMENT</p> <p>Further to minute 112 of the City Plans Panel meeting held on 11th April 2013, where Panel received a pre-application presentation on proposals for a mixed-use riverside development at The Calls, to consider a further report of the Chief Planning Officer setting out the current position in respect of the proposals for the demolition of 14-18 The Calls, 28 The Calls and the mission hut building and construction of 77 apartments and bar/restaurant/office space (use classes A3/A3/B1) and laying out of public open space</p> <p>(report attached)</p>	201 - 218
14			<p>DATE AND TIME OF NEXT MEETINGS</p> <p>Thursday 29th August 2013 at 1.30pm Thursday 19th September 2013 at 1.30pm – additional meeting Thursday 26th September 2013 at 1.30pm</p>	

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

To all Members of City Plans Panel

Contact: Angela M Bloor
Tel: 0113 247 4754
Fax: 0113 395 1599
angela.bloor@leeds.gov.uk
Your reference:
Our reference: site visits
Date 23rd July 2013

Dear Councillor

SITE VISITS – CITY PLANS PANEL – 1ST AUGUST 2013

Prior to the meeting of City Plans Panel on Thursday 1st August 2013, the following site visits will take place:

9.15am		Depart Civic Hall
9.30am	Calverley and Farsley	Land off Bagley Lane/Calverley Lane Rodley – Application 12/04046/OT – outline application for residential development – depart 10.00am
10.15am	Morley North and Beeston and Holbeck	White Rose Shopping Centre – Applications 13/01640/OT and 13/02684/FU proposals for part demolition, alterations and extensions to form enlarged retail units and re-development of land for use as car parking together with improvements to access and landscaping – depart 10.45am
11.00am	City and Hunslet	68-72 New Briggate – Application 13/01428/FU – change of use from drinking establishment to form lap dancing club – depart 11.20am
11.30am	City and Hunslet	Merrion Way – Application 11/03655/FU – alterations and extensions to form two A3 units and construction of 144 bedroom hotel
12.00 noon approximately		Return to Civic Hall

For those Members requiring transport, a minibus will leave the Civic Hall at **9.15am**. Please notify Daljit Singh (Tel: 247 8010) if you wish to take advantage of this and meet in the Ante Chamber at **9.10am**.

Yours sincerely

Angela M Bloor
Governance Officer



CITY PLANS PANEL

TUESDAY, 25TH JUNE, 2013

PRESENT: Councillor N Taggart in the Chair

Councillors P Gruen, D Blackburn,
M Hamilton, S Hamilton, G Latty,
T Leadley, E Nash, N Walshaw, M Ingham,
J Cummins, B Anderson and J McKenna

12 **Declarations of Disclosable Pecuniary Interests**

There were no declarations of disclosable interests

13 **Apologies for Absence**

Apologies for absence were received from Councillor J Lewis and Councillor R Procter who were substituted for by Councillor J McKenna and Councillor B Anderson respectively

14 **Chair's remarks**

The Chair outlined the procedure for the meeting which would commence with a brief overview of the NGT scheme, followed by details of the 7 sections of the route being outlined, on a north to south basis, with the opportunity for registered speakers to have up to 6 minutes, per section of the route to address the Panel. There would be the opportunity for the NGT team to pick up on issues raised, together with further information from Planning Officers where relevant, which would be followed by questions and comments from the Panel, before moving to the next part of the route

The Chair stressed that the purpose of the meeting was not to discuss the merits or demerits of any transport system. The meeting was proceeding on the presumption that NGT had in principle approval from the Council's Executive Board and therefore the meeting would be focussing on the planning aspects of the scheme and seeing if improvements to it could be made to deliver the best possible scheme for the City. It was noted that the comments of the Panel were without prejudice to individual Members' views on the broader merits of the scheme

The Chief Planning Officer stated that that this was the final stage before the scheme was put before the Secretary of State for the Transport and Works Order Act, which would be followed by a Public Inquiry and the purpose of this meeting was to assist the Local Planning Authority in forming its views on its submission to that Order. There would be a further opportunity for City Plans

Draft minutes to be approved at the
Meeting to be held on 1st August 2013

Panel to consider the proposals when these had been finalised, following further consultation

As discussions remained on-going about the impact on Conservation Areas, Listed Buildings etc, draft conditions had been drawn up but that these would be considered further and revised where necessary

15 Submission of the Transport and Works Act Order - Application for the New Generation Transport (NGT) Scheme

Members considered a report of the Chief Planning Officer on the submissions of the Transport and Works Act Order application for the New Generation Transport (NGT) Scheme. Appended to the report was a schedule of draft conditions proposed and a copy of the Design Statement

Plans, photographs and graphics were displayed at the meeting. To assist Members when considering the route of NGT, two screens had been provided, one showing the proposal in diagrammatic form and the other showing the site as it currently was, as depicted on Google Earth

Officers and representatives of the NGT team presented an overview of the proposals and provided information relating to:

- the policy basis for NGT
- possible extensions to the route in the future
- the improvements and on-going interventions already made to public transport
- funding issues and the rolling investment programme which would provide greater investment and opportunities
- the benefits of NGT
- greater efficiency and reduced journey times, with the trolley buses having transponders to allow them priority through the traffic
- consultation and engagement
- future timescales, with 2016-2020 being the timescale for construction and commencement of the scheme
- planning issues relating to the impact of proposals on Conservation Areas and Listed Buildings
- the provision for cyclists and pedestrians in the scheme, including the use of shared surfaces in some locations
- the number and location of substations along the route and the amount of overhead line equipment which would be necessary
- the impact of the proposals on taxi rank provision in the City Centre, with a temporary site being identified at Meadow Lane

In respect of the Design Statement, Members were informed that this was a key document which set out the design intent and standards and also

Draft minutes to be approved at the Meeting to be held on 1st August 2013

included issues relating to sustainability, environmental management and maintenance and would supplement the Environmental Statement

The main drivers of the design of the scheme were outlined as were the design objectives and overarching principles, which would include a co-ordinated and consistent design approach; the need to minimise the impact of infrastructure and to minimise clutter, with the project providing an opportunity to review and consolidate existing highway clutter

In terms of landscaping, NGT would create green corridors wherever practical. Whilst there would be some tree loss, there would be a 3 for 1 replacement policy, with 1500 – 1600 new trees to replace the 400 trees which would be felled to accommodate the proposals. Where particularly good trees were to be removed, this would be replaced by a 'super replacement specimen' mature tree, where appropriate.

Regarding woodland and scrub, some 3000sqm of this would be lost but this would be replaced by 30,000sqm of woodland and scrub land

In summary, the approach to design was to raise design quality and promote a fresh, new transport offer for Leeds which would have a co-ordinated approach to design and branding

Members commented on the following matters:

- the process of the scheme going to the Secretary of State and whether there would be flexibility built in so that changes in circumstances or new issues which arose could be dealt with
- the need for the text of the Design Statement to properly respect pedestrians and cyclists by not abbreviating these words
- that the images in the Design Statement should depict the trolley bus scheme being proposed and not trams
- tree planting; whether a greater number of trees would be provided in the south which currently did not benefit from as much greenery as in the north of the city; that as many species would be deciduous whether there would be safety issues as a result of leaf drop; the impact on Environmental Services with likely increased need for leaf clearing and how colour could be introduced along the route in the winter months
- the method to be used to ensure that what Members are shown on the schematics, will be what is provided and the need for information about the construction phase and measures to be taken to minimise the impact of this
- the overhead line equipment, whether building owners could refuse to agree to fixings being attached to their buildings and the need to appreciate that some modern buildings whilst appearing solid, were

clad in a relatively thin, artificial stone and whether these could withstand the weight of the fixtures to be attached to them

The following responses were provided:

- that there would be some flexibility in the TWOA documents and if made by the Secretary of State, would contain powers tied to the drawings and plans which would include limits of demarcation, i.e. margins of tolerance
- that the comments made about the text and images would be addressed
- that the approach to tree planting had been to maximise the provision of new trees along the route, although there were some restrictions in terms of available space and location of utilities, however there would be a large amount of tree planting in the south of the city, especially in Belle Isle
- that the possibility of achieving better winter interest or colour into the planting would be considered. In terms of leaf drop and safety, whilst noting the concerns, it was important to achieve green corridors and that in the long term, there could be a greater maintenance requirement
- that phasing of works, construction compounds and the construction strategy would form part of the TWOA and the Public Inquiry would consider the planning conditions and controls; that the draft conditions appended to the report addressed issues regarding construction and trees, and in respect of the cross sections displayed, these were theoretical but that the detailed plans would show planting, stops and surfacing etc
- concerning overhead line equipment, discussions would take place with building owners to ensure the building was adequate to take the equipment and that the Order would contain a mix of rights and process for owners to ask for the fittings to be sited elsewhere

The Panel then considered the route of the NGT, north to south, on a section by section basis

Holt Park to Bodington via Otley Old Road

Members were provided with the following information:

- this section was where the NGT would be mainly running on streets
- that the scheme was complimentary to the Holt Park District Centre where the aim was to separate NGT from general traffic to reduce congestion and delay
- that bus movements outside the Asda supermarket would remain

- there would 6 car parking spaces lost, with some spaces also being lost at the nearby health centre, although there would be re-provision in the main car park
- a plaza would be provided, which would house the NGT stop and would create a sense of place around the stop
- the location of substations in this section were highlighted
- that new planting would break down the impact of the overhead line equipment
- that a Park and Ride with 830 spaces would be provided in this section, which would be well screened
- that replacement sports pitches at Weetwood, Lawnswood and Bodington would be provided to mitigate against the loss of pitches with the possibility that the increase in provision could enable the public to have use of these facilities
- that the proposals would result in a net gain of 150 trees

The Panel then heard representations on the proposals for this section from three objectors. Concerns were raised in respect of the proposed park and ride scheme in Holt Park, its layout and the impact that this would have on accessibility to and from an adjacent children's nursery and related safety issues. Objectors also noted that this section of the route affected several conservation areas. These areas are of special architectural or historic interest, the character of which needs to be preserved or enhanced. Further issues were raised in terms of tree loss and the lack of information in terms of tree surveys. Concerns were raised with regard to the fact that the proposals would cause unnecessary environmental harm and create clutter in the streetscape, at odds with the character and appearance of the conservation areas

The Planning Projects Manager updated the Panel and advised that the second substation along this section was sited on greenspace and that measures would be needed to compensate for this loss

Receipt of a further representation was reported

Members discussed this section of the route and commented on the following matters:

- the relocation of the recycling facilities and that an alternative location for these should be sought
- concern about the Asda car park becoming an unofficial Park and Ride; the possibility of increased on-street parking and some reassurances about how this could be addressed, with a residents parking scheme being suggested

- the impact of the proposals on the nearby nursery and whether some car parking spaces could be reserved in the supermarket car park for a drop off/pick point for parents
- road safety issues and that some consideration should be given to traffic speeds in this area and that where possible, 20mph routes should be included
- the possibility of the Holt Park link being used as a drop off for Leeds Bradford Airport
- proposals to expand Lawnswood Cemetery and how these related to the NGT route
- the number of spaces at the Park and Ride and whether this was sufficient
- that the proposals conflicted with people's ability to access the Wellbeing Centre
- the entrance point to the Park and Ride needed to be reviewed to ensure that there was no conflict between pedestrian safety, cars and buses. Members also raised issues in relation to suggestions that the number of buses would be reduced there; that there would be more cars on the road and additional car parking spaces would be required. Members also sought confirmation that sufficient park and ride spaces would be provided
- the rationale for the spur leading up to Holt Park
- the proposals for the junction with Otley Road and Otley Old Road
- the need for more consultation with local people

The following responses were provided:

- that further consideration could be given to the location of the recycling facilities
- that there was no intention for the Asda car park to become an unofficial Park and Ride; that to address local concerns about this it would be possible to introduce limited waiting times for people parking and/or residents parking. On this approach, Members were not persuaded that this was appropriate and considered that measures should be planned for at this stage. In response to the possibility of introducing a residents parking scheme and how the cost of this could be met, Members were informed that it was not possible at this stage to provide such detail
- that during construction access to the nursery and health centre would be maintained at all times; that the existing footpath from the nursery would not be altered and that a boundary treatment could be provided, if required. Regarding a drop off/pick up point for parents, the existing arrangements could continue, despite slight

changes to the plaza design and that further discussions should take place with the operators on this matter

- that Highways were aware of the issues regarding traffic calming and that the traffic speeds had yet to be finalised
- that in respect of a link to the airport, it was felt that this would not be attractive to users
- that any expansion of Lawnswood Cemetery was a planning matter
- that a range of factors had been used to determine the level of parking at Bodington Park and Ride, with Officers being satisfied on this
- the spur, and that the Department of Transport had in the past considered an analysis of the route and passenger numbers and that it would generate revenue and attract passengers and was therefore critical to the viability of the scheme
- that the junction with Otley Road and Otley Old Road would be traffic lighted and fully signal controlled, with the trolley buses having precedence
- that further consultation would be carried out

The Chair advised that the proposals would come back to City Plans Panel in later in the year and that it was hoped that progress on issues raised could be made

The Panel then considered the next section of the route

Lawnswood and West Park – Ancaster Road to Otley Road/Otley Old Road junction, including Lawnswood Roundabout

Members were provided with the following information:

- this section contained a mix of NGT and public transport lanes
- that the key issue in this area was significant tree loss, due to the need for lane widening, although there would be a net gain on 150 trees
- that there had been design changes at West Park and that dialogue was continuing with local businesses on this
- that traffic modelling at Lawnswood Roundabout had shown that the proposals for the junction would provide the reliability NGT required
- that centre running for the vehicles had been considered over nearside running
- that it would not be possible to retain the trees to the north of the approach to the roundabout but that mitigation tree planting would aim to create a new tree structure, with an image shown of the likely appearance of the trees after 15 years of growth
- that soft green verges were being provided and that a grassed track was being proposed

- that the existing roundabout would be modified and the wall and trees by the police station would be retained
- that there would be an impact on some residential properties, with a 1.8 metre strip being required
- that the floral display and grassed area on the existing roundabout would be recreated in the new design of the roundabout

The Panel then heard representations on the proposals from an objector

The Planning Projects Manager updated the Panel and advised that the Conservation areas were West Park and Weetwood. The receipt of 5 additional representations was reported

Members discussed this section of the route and commented on the following matters:

- provision for cyclists, with clarity being sought on the current cycling provision and what was proposed
- how cycle lanes would be identified
- concerns about safety around Lawnswood School
- tree loss, the need for details of the number to be removed and the level of replanting and that winter flowering cherry would be a suitable species to brighten up this area
- the need for graphics to be provided showing the extent of the newly planted tree cover after 4-5 years growth
- that the roundabout regularly experienced congestion and traffic queuing; that there were proposals for future development in the area and how the NGT proposals would work in view of this
- whether when planning applications came forward for developments in this area, Metro would object to these on the grounds of congestion which would affect NGT journey times

The following responses were provided

- that cycling provision would comprise two different routes, to cater both for experienced and less confident cyclists. There would be the use of existing cycle paths and some new ones would be provided. For those cycle routes on the carriageway there would be sufficient lane width for buses to easily pass cyclists and the proposals represented a significant gain to cycling facilities
- that through discussions, it was made clear that cycling groups did not want the cycle lane demarcating on certain sections of the highway and this request had been met
- that if Lawnswood School had safety concerns about the use of shared surfaces close to the school, this could be looked at further

- that the level of tree loss and replacement planting was, to the north of the roundabout 38 trees removed and 63 replanted; to the south, around Lawnswood School, 23 trees removed and 19 replanted and at West Park 1 or 2 trees would be removed but that there was no room for replanting. That the trees would be 4 – 5m high when they were planted
- in terms of traffic congestion, that improvements on the A6120 traffic signals controls would deal with bottlenecks and that the trolley bus would have transponders which would enable them to get through, ahead of other vehicles. Regarding traffic growth, this had been taken into account. Whilst it was not possible to give guarantees about increased capacity as a result of other developments, what was being put in for the NGT would be for the betterment of the area and that as other developments came on board, it would be for those individual applications to address any highways and traffic issues arising from them. The Head of Planning Services stated that traffic modelling on future schemes would need to be taken into account by developers

The Head of Planning Services summarised the main concerns raised by the objectors as safety around Lawnswood School; the sharing of stops and the moving of the wall at Spenfield. It was stated that the full impact of the proposals on the Conservation Area would be better understood once the Environmental Statement had been published. Members' request for graphics showing tree growth in this section of the route after 4-5 years was reiterated

The Chief Planning Officer stressed the need for clarity about the segregation of cyclist facilities and pedestrian movements around Lawnswood School and beyond as Members did not appear to be fully satisfied on the information which had been provided

The Panel then considered the next section of the route

Otley Road Shaw Lane to Ancaster Road

Members were provided with the following information:

- this section was a mix of dedicated NGT and shared bus lanes
- that concerns had been raised about the loss of trees and verges, particularly at the Three Horseshoes Pub, where a new plaza was being proposed
- that there would be a net gain of 15 semi-mature trees in this section
- a substation would be located in this section, with this being set back from Churchwood Avenue and being screened by trees

- that the most significant change was the closure of Weetwood Lane, outside the Three Horseshoes Pub, to create a new public square
- to address the pinch point in this area, the corridor would be widened, although it would not be possible to retain the kerb lines and mature trees would be removed
- some resurfacing would be provided, with the tarmac being refreshed and an amount of York stone being laid

The Panel then heard representations on the proposals for this section from two objectors

Members discussed this section of the route and commented on the following matters:

- the closure of part of Weetwood Lane had not been discussed in the workshops which Members had attended and it was unclear as to what purpose this proposal served
- previous highway proposals to close part of Weetwood Lane had been rejected by Highways and Transportation Officers earlier this year
- the need for clarity about the 5 traffic lanes being proposed in this location
- whether commercial vehicles would be able to access the pub and the shops, for servicing and what the likely manoeuvre would be for a large vehicle delivering to the pub
- the need for a site visit to fully understand what was being proposed
- whether closing St Chad's Lane and keeping Weetwood Lane open had been considered
- what the provision for cyclists would be in this section of the NGT route
- the proposals to refresh the tarmac and that the opportunity should be taken to provide a better quality surface

The following responses were provided:

- that the proposals to close part of Weetwood Lane were not new and that the closure of this road, rather than St Chad's Road was to provide a better pedestrian environment and an opportunity to support the local shops in this area, although this proposal had been rejected by Highway Officers earlier in the year
- that highways had been considering a scheme to close part of Weetwood Lane, but as part of the proposed route was

earmarked for NGT, it was felt, in the interests of transparency, that the previous proposals should no longer be pursued

- that the 5 traffic lanes would be required for inbound and outbound NGT; inbound and outbound general traffic and a right turn lane into St Chad's Road
- regarding servicing arrangements to the shops and pub, that small vehicles would be able to turn around and that larger vehicles would have the option of reversing into this area. It was accepted that these arrangements should be reviewed
- it was confirmed that new cycling facilities, between St Chad's and Weetwood Lane would be shared with NGT

In view of a site visit to this section having been requested, the Chair agreed to this and advised that this would take place at the next available opportunity

The Panel then considered the next section of the route

Headingley to Shaw Lane to Hyde Park Corner

Members were provided with the following information:

- This section had areas where the NGT would be incorporated with normal traffic, have dedicated areas and run on dedicated public transport areas.
- Parts of this section had the most significant areas of tree loss – where possible replacement trees would be provided.
- Details of walls that would have to be demolished and rebuilt.
- Bypassing Headingley Centre with a purpose built grass NGT track with pedestrian and cycle routes.
- The inclusion of an NGT turn round facility.
- Siting of substation.
- Need to carry out road widening – this would be easier to do on the southern side where there would be less disruption – this would include some demolition, rebuilding of walls and resurfacing of pavements.

An objector to the scheme raised concerns including the following:

- the loss of heritage in a conservation area
- the loss of mature trees, walls and buildings
- new planting to replace 100 year old trees was not acceptable
- Listed structures would be demolished
- all local resident and community groups were against the scheme
- the scheme would be detrimental to the wellbeing of residents
- particularly the old and vulnerable
- that the scheme did not represent the best use of public monies

In response to Members comments and questions, the following issues were discussed:

- additional objections that had been received in relation to the Headingley and Hyde Park Conservation areas lighting of the Headingley bypass. This would be unobtrusive low level lighting
- the inclusion of a turn round facility would allow for more frequent shorter journeys in to the city centre during peak hours
- the possibility of re-using stone from demolished walls and buildings over head line provision – where possible this would be tethered to existing pillars and buildings but there had been no detailed design yet
- material to be used for surfacing pavements

In summary to discussion on this section, key issues noted included the impact on heritage, particularly trees and structures

The Panel then considered the next section of the route

Woodhouse Moor – Clarendon Road to Hyde Park Corner Junction

Members were provided with the following information:

- significant changes included improvements to the public realm
- there would be widening of footpaths and demolition of a row of shops to create new open public spaces
- junction improvements to keep free flowing traffic
- grassed NGT section on Monument Moor – this would prevent widening of the current highway and removal of existing trees. There would also be improvements to steps and re-siting of the statue
- new pavements made with natural York stone

An objector to the scheme raised concerns including the following:

- the history of Woodhouse Moor and impacts on the heritage
- loss of greenspace and play areas
- reference to deputations that had been submitted to Council
- suggestion that the NGT should be kept to run along Woodhouse Street
- the scheme did not make the best use of public monies

In response to Members comments and questions, the following issues were discussed:

- provision for cyclists – this would be mixed across this section with some advisory lanes and some mixed with NGT/bus lanes

- the play area was on private land and currently disused. There were no children's play facilities. Members discussed the possibility of including a children's play area and using felled trees to create an adventure playground
- there would be a net increase of 100 trees in this section
- potential environmental improvements to the area

The Panel then considered the next section of the route

Universities Area – Clarendon Road to the top of Cookridge Street

Members were provided with the following information:

- the most significant change to this section would be the creation of a public transport access only corridor along Woodhouse Lane
- measures to change current traffic including making Blenheim Way a two way system and the inclusion of a new roundabout to re-route traffic
- discussions had been held with the Universities regarding access to their sites
- pedestrian access including pedestrian routes to the Arena and pavement improvements
- siting of a substation

An objector to the scheme raised concerns including the following:

- the scheme would be detrimental to what was felt to be to most attractive route into the city centre
- new traffic schemes would seem to encourage more car users
- the NGT scheme was only 50% segregated from current traffic and would not improve access
- if the scheme went ahead this stretch of the A660 would be damaged irrevocably
- the scheme did not make the best use of public monies

In response to Members comments and questions, the following issues were discussed:

- impact of car use and congestion – as part of the business case it had to be ensured that congestion was maintained at similar or reduced levels and it was aimed to improve congestion. The proposed traffic scheme would allow more through movement of traffic and reduce congestion at junctions
- running speeds of the NGT and whether these would be an improvement on current journey times into the city.

The Panel then considered the next section of the route

City Centre – Cookridge Street to New Dock

Members were provided with the following information:

- locations of stops including Cookridge Street, The Arena, City Square and Trinity
- route through the City
- proposals to widen footpaths and create pedestrianized streets
- the use of building fixings rather than poles for overhead lines

An objector to the scheme raised concerns including the following:

- the scheme would run on previously pedestrian areas
- detrimental effect on the amenity of Millennium Square
- the proposal to remove the only large tree in the City Centre

A member of the public spoke in support of the scheme and raised the following issues:

- there was currently a distinct lack of connectivity between the north and the south of the city
- the NGT would provide opportunity for a transport link to assets such as the Royal Armouries and new developments in the south of the city

In response to Members comments and questions, the following issues were discussed:

- the road at the side of Millennium Square where the NGT was proposed to go had previously been left available for the Supertram scheme
- measures to denote the route of the NGT through pedestrian areas
- opportunities to tie in with developments at City Park and Brewery Wharf
- use of materials on surfacing in the city centre
- the location of the sub-station was acceptable

The Panel then considered the next section of the route:

Southern Section – New Dock to Stourton Park & Ride

Members were provided with the following information:

- this section would see the highest proportion of NGT only routes
- proposed route changes from Belle Isle Road to Belle Isle Circus
- creation of new routes for pedestrians and cyclists

- impact on way to Hunslet Town Centre through a pedestrianized residential area – screening would be offered
- changes in the scheme due to the HS2 proposals
- the NGT park and ride depot

An objector to the scheme raised concerns including the following:

- disruption the scheme would cause to residents and traffic
- impact on underground facilities
- damage to historical landmarks
- there would only be 3 stops between the start of the line and the city centre – this would not generate enough passengers as people would continue to use buses
- the scheme would damage business and property values
- alternative routes were suggested

In response to Members comments and questions, the following issues were discussed:

- concerns regarding the pedestrian area at Whitfield Square
- grass track through Belle Isle
- siting of substations
- design standards for the park and ride area
- concern regarding the route of the NGT through Pym Street and associated safety issues

Members were then asked to consider the recommendations as outlined in the report:

RESOLVED –

- (1) That Members' views on the draft planning conditions as set out in (appendix 1), the draft design statement as set out in (appendix 2) and the siting of sub-stations together with views on the planning issues identified in order to inform the progression of the Transport and Works Act Order application be noted
- (2) That the Panel support in principle the completion of a S106 agreement, or other suitable mechanism, to provide local training and employment initiatives which arise from the construction, management and operation of these NGT proposals
- (3) That the Panel support proposals for taxi parking at Meadow Lane on a temporary basis only, as this land is required as part of proposals for the city park, as proposed in the South Bank Planning Framework, and a replacement permanent facility will need to be identified and provided

16 Date and Time of Next Meeting

Draft minutes to be approved at the Meeting to be held on 1st August 2013

Thursday 4th July 2013 at 1.30pm

CITY PLANS PANEL

THURSDAY, 4TH JULY, 2013

PRESENT: Councillor N Taggart in the Chair

Councillors P Gruen, R Procter,
D Blackburn, M Hamilton, S Hamilton,
T Leadley, E Nash, N Walshaw, M Ingham,
J Cummins and J Lewis

17 Chair's Opening Remarks

The Chair welcomed everyone to the July Meeting of City Plans Panel.

It was reported that an additional meeting of the Panel had been arranged for Thursday 19th September 2013 for the purpose of considering the East Leeds Extension application. Site visit in the morning, Panel to commence at 1.30pm

Panel Members were asked to note these arrangements

18 Late Items

Although there were no formal late items, the Panel were in receipt of the report dealing with the St Michael's College application and supplementary information concerning City Centre Telephone boxes

19 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests

20 Apologies for Absence

Apologies for absence had been received from Councillor Latty

21 Minutes of the Previous Meeting

RESOLVED – That the minutes of the City Plans Panel meeting held on 6th June 2013 be accepted as a true and correct record

22 PREAPP/12/01142 - Pre-application presentation - Proposal for Anaerobic Digestion Plant at Knostrop Waste Water Treatment Works, Pontefract Lane, Leeds

Draft minutes to be approved at the meeting
to be held on Thursday, 1st August, 2013

Plans, photographs and graphics were displayed at the meeting.

A Members site visit had taken place earlier in the day

The Chief Planning Officer submitted a report which set out details of a pre-application proposal for the development of an anaerobic digestion plant facility to process food waste at the Knostrop Waste Water Treatment Works, Pontefract Lane, Leeds.

Members received a presentation on the scheme from the applicant's representative Mr P Kelly (Kelda Water) and Ms J Kaslik (RPS the applicant's agent)

Ms Kaslik highlighted the key issues of the proposal which included:

- The proposed development and site location
- The site context
- The anaerobic digestion plant process
- Intention to process 48,000 tonnes of organic waste per annum
- The generation of renewable/ low carbon energy
- 24 hour operation
- Processing plant to operate under negative pressure (reduced odour emissions)
- Spoil Management programme
- Landscaping and biodiversity
- The need for the development
- The pre-application consultation undertaken
- The technical assessment
- Aspiration of the company to achieve 50% of their own electricity requirements
- Intended target for submission of Planning Application August 2013

Members commented on the following matters:

- In terms of consultation, could it be ensured that Temple Newsam Ward Members were included as part of the consultation process
- Concerns about possible odours from vehicles
- An understanding of the vehicle movements for the whole of the site
- An assurance that the landscaped bund would not be removed in the summer when wildlife is active and that additional planting would be carried out
- What the benefit would be to the local community
- Would waste be received from outside the Leeds Area
- The electricity generated on site, how would this energy be used
- That it would be useful to have a Master plan for the site, together with details of other waste facilities planned in the area which would be beneficial in terms of assessing cumulative impact

- Whether there was an existing facility which could be visited by Panel Members
- That the existing trees on the boundary of the water treatment works needed to be better managed
- Whether there was ability to expand the facility in the future

In responding, the applicant's representative confirmed that Temple Newsam Ward Members would be consulted.

On the issue of possible odour from vehicles Mr Kelly said that materials entering the site arrived in sealed vehicles preventing odour from escaping. Also fast closing doors, negative pressure and bio-filter within the building would help to mitigate any potential odour nuisance. A permit from the Environment Agency was required for emissions released from the stack

Responding to the removal of the bund and additional planting, the details and management of this process could be a condition of the planning application

Commenting on the possibility of receiving waste from outside the Leeds area, Mr Kelly said the site was designed to receive local waste. The facility could be expanded in the future but that would require planning permission

On the issue of electricity generated on site and how would it be used. Mr Kelly said the electricity would power the sewage facility; there were currently no plans to sell power to the National Grid. There would be no direct benefit to the public, but the proposed plant would reduce the operator's costs which could indirectly benefit water rate payers. With regard to the vehicle movements it would be ensured that the hours of operation did not cause a problem in the area

Members were informed that there were two older facilities in the local area – Rochdale and Calderdale – which could be visited, although the current proposal would be bespoke for this site

Regarding a Master Plan for the site and the whole area, Mr Kelly said that such plans would be produced

Feedback from Panel Members

- Members were of the opinion that the proposed use of the site was appropriate in principle
- Concerning the issue of cumulative impact, Members requested further information on other proposals in the area
- Members were supportive of improved landscaping and screening, welcomed the potential low carbon energy benefits but required further details of the appearance of the proposed plant
- The form, massing and location of the proposal was acceptable in principle but further details, in particular relating to design quality and to views of the development from the East Leeds Link Road, were required

- The proposed access arrangement appeared to be suitable subject to appropriate screening arrangements
- The proposed landscaping arrangements appeared to be suitable subject to limiting any adverse impact on existing wildlife in connection with the works to the bund and that additional planting including enhancement to the tree boundary be carried out in mitigation
- Impact upon the amenity – Members wanted to ensure that there would be no additional adverse impact in terms of potential odour and noise nuisance and expressed an interest in visiting one of the existing operating facilities

The Chair thanked Mr Kelly and Ms Kaslik for their attendance and presentation commenting that the proposal appeared to be moving in the right direction

RESOLVED – To note the report, the presentation and the comments now made

23 PREAPP/13/00675 - Pre-application presentation - Installation of former BT Telephone Boxes across City Centre (Various locations)

Plans, photographs and graphics were displayed at the meeting.

The Chief Planning Officer submitted a report which set out details of a proposal to install a number of former BT Kiosks (Coloured blue) at various locations across the City Centre as part of a new telecommunications initiative.

Members were informed that the applicant was seeking to exercise their permitted development rights under Part 24 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended)

It was reported that the City Council's Asset Management Section had commented on the proposal which had been circulated to Panel Members as supplementary information.

Members received a presentation on the scheme from the applicant's representative Ms J Wilkinson and Ms Hendry (AQL)

In explaining the proposal Ms Wilkinson said the intention was to site 12 former BT telephone kiosks (Sir Giles Gilbert Scott K6 telephone boxes) around the City Centre at various pedestrian and footpath locations. The size of the box is, as their original 1935 dimensions 2.4m tall x 0.9m wide.

Functions include

- 999 emergency calling
- Free telephony
- Free wi-fi access (high speed, unconnected, unlimited access)

Draft minutes to be approved at the meeting
to be held on Thursday, 1st August, 2013

- Disabled accessibility
- Interactive kiosk – way finder & public information
- Video blogging – leave video feedback – the public’s memories of that location
- Technology demonstrator – Bluetooth proximity

Commenting on the role of the Panel for this particular application, the Area Planning Manager said Members’ views were requested on the proposed design and locations of the boxes; it was not for the Panel to question the need for the boxes.

Members provided the following feedback on each of the proposed locations:

- 1) Adjacent to Salem United Reformed Church, Hunslet Road. – Members expressed concern about the narrowness of the footway and requested repositioning of the box to Salem Place
- 2) Adjacent to 9 -11 Hunslet Road – Members expressed concern at the proximity to a Listed Building and the narrowness of the footway, requested officers to look again at proposed location
- 3) Adjacent to 15 Bridge End – Members expressed concern about the proximity of the Listed Leeds Bridge. Requested the box to be repositioned to the north side of the lighting column
- 4) Crown Point Road, Near to junction with Bowman Lane – Conflict with NGT Trolley Bus Scheme, generally acceptable in the vicinity but further discussions required
- 5) Armouries Way – Near to Knights Way Bridge – Supported subject to satisfactory disable access
- 6) Corn Exchange - Members expressed concern at the proximity to a Listed Building, could not support at this location, requested further discussions with a view to relocation on the other side of the road
- 7) Adjacent to 133 – 135 Briggate – Reluctant to support, wish to see precinct area de-cluttered. Request officers to explore an alternative location
- 8a) Headrow – Near to Core Shopping Centre entrance – Concern that there were already a number of existing boxes in the area, possible pedestrian flow issues. Request officers to explore an alternative location
- 8b) Dortmund Square – Adjacent to 28 Headrow - Concern that there are already a number of existing boxes in the area, possible pedestrian flow issues. Request officers to explore an alternative location

- 9) Calverley Street – Adjacent to Nelson Mandela Gardens – Not supported in this location. Request officers to explore an alternative location
- 10) Victoria Gardens opposite 159 Headrow – Not supported in this location. Request officers to explore an alternative location
- 11&12) City Square – Outside former Post Office / Leeds City Station – Outside North entrance – Only 1 box required in City Square area, acceptable in general location but further negotiations required on exact location

RESOLVED – To note the report, the presentation and the comments now made

24 Preapp/13/00354 - Pre-application presentation - Demolition of Extensions to St Michael's College and Police Depot and construction of 335 Student Bedspaces, 302 Keyworkers Studios and 66 Apartments at St Johns Road, Woodhouse, Leeds 3

Plans, photographs and graphics were displayed at the meeting.

A Members site visit had taken place earlier in the day

The Chief Planning Officer submitted a report which set out details of a pre-application proposal for a residential development at St John's Road and Belle Vue Road, Woodhouse, Leeds 3

It was reported that the proposals were to provide a mixed residential development which would comprise student accommodation; key worker studios and open market apartments on a key site, close to the city centre. Currently the site housed a former school and police depot. The proposal was to retain the 1908 element of St Michael's Catholic College, but to demolish the extensions which had been erected. The adjacent former police depot would also be demolished

Members received a presentation on the scheme from the applicant's representative Mr A Shaw (Watkins Jones Group) and Mr Grimshaw (Stephen Levrant Heritage Architecture)

Mr Shaw highlighted the key issues of the proposal which included:

- The heritage context – Site evolution
- Significance of site components
- Architectural context – Positive contributor to the neighbourhood
- Key design parameters
- Significant consultation undertaken
- Retain the 1908 element of St Michael's Catholic College

- Re-use of the site supporting mixed use residential and student accommodation (Student accommodation element 33%)
- Retention of mature trees on site with additional planting
- The proposed development would bring forward many benefits to the local area and the city e.g. employment opportunities for local people

Members commented on the following matters:

- whether appropriate market research been undertaken to explore the viability of creating student accommodation together with key worker studios apartments on this site
- to welcome the proposal to retain the 1908 element of St Michael's Catholic College
- whether appropriate consultation been undertaken with the local community
- that an objective assessment on the viability of the student market would be welcomed
- that the proposals were trying to squeeze too much on the site and whether larger sized units had been considered, particularly for the key workers
- Desire for a prestigious scheme with quality design and materials, good landscaping and to include a community benefit element
- Concern about the scale and close proximity of the proposed student block to Kelso Gardens
- a preference for pitched roofs on the new blocks
- to welcome proposals for underground car parking

In responding, Mr Shaw, commenting on the viability of the scheme and the market research undertaken said that the Watkins Jones Group was one of the largest producers of student accommodation in the Country with a proven track record. Addressing the issue of including key worker studio apartments within the development, Mr Shaw said feedback from post graduate students suggested there was a market for this type of accommodation. Commenting on the quality of design and use of materials, Mr Shaw confirmed the development was a quality scheme. Responding to the concerns raised about Kelso Gardens and the proximity to the new development, Mr Shaw said that further consideration would be given to this issue

Feedback from Panel Members

- Members were of the opinion that the sensitive redevelopment of the site, including refurbishment of the 1908 college building, in terms of scale and use, should be encouraged and that any development that takes place should provide employment and training opportunities for local people
- That subject to further analysis of the need for additional student accommodation taking place, Members were supportive that additional student development in this area was appropriate having regard to local and national policies relating to the objective of creating balanced

communities and the supply of other consented schemes and pre-application enquires for student accommodation

- Members were of the opinion that the scheme provides an acceptable mix of housing sizes, however, there were questions over the unit sizes for the key workers accommodation
- Members called for further clarification around the definition of 'key workers' including their income levels and the proposed rentals in respect of the provision of affordable housing
- Members requested further consideration of the schemes effect on residents living conditions in houses in Kelso Gardens and Consort View
- It was the general opinion of Members that the location, massing and design quality of the buildings should be of high quality. Members were also concerned about the relationship of some of the proposed buildings adjacent to existing housing
- Members were of the opinion that the development should provide greenspace on site
- Members were of the opinion that it was important that existing trees were appropriately protected from construction work and that new buildings should be arranged so as not to result in their future removal
- Members supported in principle the introduction of community uses into the development

In summing up the Chair said, Members welcomed the relationship between the old college building and the new student accommodation and in general were supportive of what the developers were trying to achieve

RESOLVED – To note the report, the presentation and the comments now made

25 Date and Time of Next Meeting

RESOLVED – To note that the next meeting will take place on Thursday 1st August 2013 at 1.30pm in the Civic Hall, Leeds



Originator: Tim Hart

Tel: 3952083

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 1st August 2013

ALTERATIONS AND EXTENSIONS TO FORM TWO A3 UNITS AND CONSTRUCTION OF 144 BEDROOM HOTEL, MERRION WAY, BRUNSWICK TERRACE AND TOWER HOUSE STREET, LEEDS. REFERENCE 11/03655/FU

APPLICANT

Mars Pension Trustees Ltd

DATE VALID

3rd October 2011

TARGET DATE

2nd January 2012

Electoral Wards Affected:

City & Hunslet

No Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

DEFER and DELEGATE to the Chief Planning Officer for approval subject to the specified conditions (and any others which he might consider appropriate) and the completion of a Section 106 agreement to include the following obligations; public transport contribution (£36,190); travel plan and monitoring fee (£2,785); employment and training initiatives; maintenance of street furniture in Brunswick Terrace; Section 106 management fee (£750). In the circumstances where the Section 106 has not been completed within 3 months of the resolution to grant planning permission the final determination of the application shall be delegated to the Chief Planning Officer.

SUGGESTED CONDITIONS

Conditions

- 1 3 Year Time Limit
- 2 Notification of Commencement
- 3 Development to be in accordance with approved plans.
- 4 Protection of existing trees to BS5837 in accordance with submitted details.
- 5 Details of contractor's storage and parking.
- 6 Details of methods to control dirt, dust and noise during construction.

- 7 Code of construction practice including construction times 0730-1900 weekdays and 0800-1300 on Saturdays.
- 8 Land contamination desk study / site investigation report
- 9 Land contamination remediation statement
- 10 Land contamination verification report.
- 11 1:20 architectural details.
- 12 Details and sample panel of all external facing materials
- 13 Cycle, motorcycle and disabled person's parking to be provided.
- 14 Provision of a drop-off point on Merrion Way before occupation of the hotel.
- 15 Servicing management plan to be submitted with servicing before 1200 hours.
- 16 Details and implementation programme of hard and soft landscaping including off-site works.
- 17 Landscape management details.
- 18 Remedial landscaping works if planting fails.
- 19 Details of method, storage and disposal of refuse and litter.
- 20 Extract ventilation details.
- 21 Sound insulation.
- 22 Provision of a grease trap.
- 23 Development to be in accordance with the submitted Drainage Statement.
- 24 BREEAM pre-assessment report to be provided including details of Low and Zero Carbon technologies; an Excellent standard to be achieved; and post construction certification.

1.0 INTRODUCTION

- 1.1 This application comprises alterations and extensions to the two storey podium building on the northern side of Merrion Way to form two new A3 units and a 13 storey hotel. As part of the scheme the extended podium building will be reclad and the space around the building will be laid out as extended public realm. The scheme forms a crucial component in the regeneration of the arena quarter.
- 1.2 The application was considered by Plans Panel (City Centre) on 22nd December 2011 following a site visit. A decision on the application was deferred by Panel to enable officers to discuss the scale, position and design of the taller hotel element of the scheme with developers due to its impact on views of the arena from Merrion Way. This report focuses only on the revised design, relevant changes in policy and the revised wind study. The report should be read in conjunction with the original Plans Panel report which is attached as Appendix 1 and the full minutes of the meeting are reproduced at Appendix 2.
- 1.3 Since the application was considered by Plans Panel the scheme has been reviewed and revised responding to Member's comments; the changing requirements of existing tenants; and also the commercial requirements of potential operators.

2.0 REVISED PROPOSALS

- 2.1 The proposed hotel would be located in the space between the east end of the podium building and the Tower North Central offices. The front of the new tower would be aligned with the front of the podium whilst the rear elevation would extend to a similar line as the rear of the Tower North Central offices. The building would comprise 13 levels of bedroom accommodation with a plant level contained in the fourteenth floor.

- 2.2 The hotel would be accessed via a single storey reception area formed between the new building and the Tower North Central offices. A corridor would run north-south along the spine of the hotel with rooms to both sides. Windows on the east elevation opposite Tower North Central offices would be directed so as to avoid overlooking.
- 2.3 A two storey A3 unit would be situated at the base of the hotel tower. It would have access points to front and rear.
- 2.4 A second A3 unit would wrap around the western end of the podium building. It would incorporate existing unused floorspace in the podium and extend 2.3 metres beyond the overhang at the west end of the building. The northern limb of this unit would be two storeys in height, projecting 8 metres beyond the rear of the existing building. A service yard with sliding doors would be formed on the rear elevation of the podium between the two A3 units.
- 2.5 Space around the periphery of the building would be laid out as public realm. If the development is phased the first phase would comprise the widening of Brunswick Terrace to the side and rear through the infilling of the access ramp, and removal of boundary walls and the rear parking area, with new hard landscaping as an extension to that which has been delivered by the arena development. The second phase would be triggered by the construction of the second A3 unit and hotel. It would comprise resurfacing of existing pedestrian footways along Merrion Way and Tower House Street, the provision of two new trees, and the replacement of the existing steps up to the terrace which will be enhanced by new hard and soft landscaping, including new seating provision.

3.0 PUBLIC/LOCAL RESPONSE

- 3.1 Site notices advertising the revised plans were erected on 14th December 2012. The revisions were also advertised in the YEP on 20th December 2012. No public representations were received to these notifications.
- 3.2 Leeds Civic Trust (LCT) responded to the proposals originally presented to Plans Panel in 2011. At the time LCT stated that they would prefer the disabled parking spaces to be relocated from Brunswick Terrace and indicated that they would prefer for more of the arena to be visible from Merrion Way.

4.0 CONSULTATIONS

- 4.1 LCC Highways – no objections subject to conditions relating to cycle and motorcycle parking; the carrying out of highway works on Brunswick Terrace and Merrion Way before opening of the development; and deliveries and servicing before 12 noon.
- 4.2 LCC Travelwise – a revised travel plan review fee of £2,785 is required.
- 4.3 LCC NGT - A revised public transport contribution of £36,190 is required.
- 4.4 The Council sought an independent review of the revised desktop wind study. In the first instance a quantitative study was requested from the applicant. This took some months to procure. However, a wind tunnel study has now been submitted and subsequently independently reviewed on behalf of the Council. It is considered that the wind environment around the development will be satisfactory for both pedestrians and vehicles.

5.0 POLICY UPDATE

5.1 Since the application was considered by Plans Panel City Centre the development plan framework has changed involving the revocation of the Regional Spatial Strategy, the introduction of the National Planning Policy Framework and the adoption of the Natural Resources and Waste Development Plan Document.

5.2 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

5.3 Draft Core Strategy (DCS)

5.3.1 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013.

5.3.2 As the Council has submitted the Publication Draft Core Strategy for independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

5.3.3 Spatial Policy 3 states the importance of the City Centre will be maintained and enhanced by (i) Promoting the City Centre's role as the regional capital for major new retail, leisure, hotel, culture and office development and (vii) enhancing streets. Spatial Policy 8 states that a competitive local economy will be supported through (ii) promoting leisure and tourism; and (vii) developing the City Centre for main town centre uses. Policy CC1 promotes the development of the City Centre including improvements to the public realm. Policy P10 states alterations to existing buildings should provide good design appropriate to its scale and function. Policy T2 refers to accessibility requirements noting that development should be located in accessible locations adequately served by highways.

5.4 National Planning Policy Framework

5.4.1 The NPPF identifies the presumption in favour of sustainable development (para 14). High quality design is one of the core planning principles (para 17). Local Planning Authorities (LPA's) should recognise town centres as the heart of their communities and support their vitality and viability (para. 23). Decisions should ensure safe and suitable access to the site is provided (para 32) and developments should accommodate the efficient delivery of goods and supplies (para 35).

6.0 MAIN ISSUES IN RESPECT OF THE REVISIONS

- Design
- Wind impact

7.0 APPRAISAL

7.1 Design

- 7.1.1 Since the application was last considered by Plans Panel the scheme has been meaningfully revised in response to Members comments regarding the impact of the proposed tall building upon views of the arena and also views from the arena piazza into Brunswick Terrace. The revised configuration involves a taller building situated at the east end of the podium enabling clear views of the arena to be retained from Merrion Way. When viewed from the egress from the Merrion Centre Northern Mall the mass of the tall building is subsumed against the background of the taller Tower North Central office block and the new building helps to frame views of the arena.
- 7.1.2 The proposed tall building would be 8 metres from offices in Tower North Central. As noted, windows in the new building would be arranged so as to ensure that there would be no overlooking. The close proximity of the buildings is enabled by the location of the lift and stair core within the office building opposite the proposed hotel. These areas would not be harmed by a loss of light whilst the offices themselves also benefit from daylighting from windows on the north, south and east elevations of the building.
- 7.1.3 By relocating the mass of the development towards the east the sense of enclosure presented by the earlier scheme is eliminated. Consequently, when viewed from the arena piazza to the north west, the proposed development has a more open and comfortable relationship with Brunswick Terrace.
- 7.1.4 Whilst the key move relates to the larger building the form of the extensions to the west end of the podium building have also been refined. Building edges are now square to the existing building creating a more rational form whilst maintaining key views of the arena. The existing vehicle ramp will be infilled and a new, active frontage will be formed on the west elevation, wrapping around onto the northern elevation where the existing surface car parking will be replaced by the new building and extended public realm. Consequently, the appearance of the rear of the property, particularly important when viewed from the arena piazza, will be radically improved.
- 7.1.5 The revisions to the layout deliver a more homogenous appearance to the development. A simple palette of black, white and grey shades and simple forms provide a suitably balanced response to the existing podium and tower. At the same time the development would appear as a subtle backdrop to the form and colour of the arena.

7.2 Wind impact

7.2.1 The revised application is supported by a wind study which has been independently reviewed on behalf of the Council. The areas around the building are considered to be suitable for the intended use. Although the report did not review the impact of wind on vehicles it is considered reasonable to accept that the wind speeds identified would not have an unacceptable impact on vehicles.

7.3 Conclusion

7.3.1 The existing buildings and surrounding space is generally low quality and detract from the appearance of the area. When approving the arena development on the northern fringe of the city centre it was envisaged that it would act as a catalyst for regeneration of the area. The current proposals involve a major investment and improvement in the building fabric and public realm and enhance the appearance of the area. The revised scheme responds positively to Plans Panels earlier comments and would form a crucial component in the regeneration of the northern area of the city centre. In doing so the development will create a significant number of jobs.

7.3.2 The proposals accord with the Development Plan and other material planning guidance. Accordingly, the application is recommended for approval subject to appropriate conditions and the completion of a Section 106 agreement.

Background Papers:

Application file 11/03655/FU



Originator: Tim Hart

Tel: 3952083

Report of the Chief Planning Officer

PLANS PANEL CITY CENTRE

Date: 22nd DECEMBER 2011

Subject: CHANGE OF USE OF GROUND FLOOR OFFICES TO A3 (RESTAURANT), EXTENSIONS TO FORM TWO A3 UNITS, EXTENSION TO CASINO AND CONSTRUCTION OF 102 BEDROOM SERVICED APARTMENTS, MERRION WAY, BRUNSWICK TERRACE AND TOWER HOUSE STREET, LEEDS. REFERENCE 11/03655/FU

APPLICANT	DATE VALID	TARGET DATE
Mars Pension Trustees Ltd	3/10/11	2/1/12

Electoral Wards Affected:

City and Hunslet

No Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

DEFER and DELEGATE to the Chief Planning Officer for approval subject to the specified conditions (and any others which he might consider appropriate) and the completion of a Section 106 agreement to include the following obligations; public transport contribution (£37,450); travel plan and monitoring fee (£2,835); employment and training initiatives; restriction to serviced apartment use; maintenance of street furniture in Brunswick Terrace; Section 106 management fee (£750). In the circumstances where the Section 106 has not been completed within 3 months of the resolution to grant planning permission the final determination of the application shall be delegated to the Chief Planning Officer.

Conditions

1. 3 Year Time Limit
2. Notification of Commencement
3. Development to be in accordance with approved plans.

4. Protection of existing trees to BS5837 in accordance with submitted details.
5. Details of contractor's storage and parking.
6. Details of methods to control dirt, dust and noise during construction.
7. Code of construction practice including construction times 0730-1900 weekdays and 0800-1300 on Saturdays.
8. Land contamination desk study / site investigation report
9. Land contamination remediation statement
10. Land contamination verification report.
11. 1:20 architectural details.
12. Details and sample panel of all external facing materials including brise soleil and feature glazing.
13. Details of measures to mitigate the impact of strong winds.
14. Cycle, motorcycle and disabled person's parking to be provided.
15. Provision of a drop-off point on Merrion Way before occupation of the serviced apartments.
16. Servicing management plan to be submitted with servicing before 1200 hours.
17. Details of hard and soft landscaping including paving treatment to terrace and details of cantilever and recladding of terrace wall, bollards, external lighting, balustrades, tree grilles and tree guards and implementation before first occupation of new commercial units.
18. Landscape management details.
19. Remedial landscaping works if planting fails.
20. Details of method, storage and disposal of refuse and litter.
21. Extract ventilation details.
22. Sound insulation.
23. Provision of a grease trap.
24. Development to be in accordance with the submitted Drainage Statement.
25. BREEAM pre-assessment report to be provided including details of Low and Zero Carbon technologies; a Very Good standard to be achieved; and post construction certification.

Reasons for approval:

The application is considered to comply with Regional Spatial Strategy policies YH1, YH4, LCR1, ENV5, E2, and E3; and Unitary Development Plan Review policies SA1, SA2, SA7, SA8, SA9, GP5, GP7, GP11, N12, N13, N23, N25, T2, T2D, T5, T6, T7A, T7B, T24, R5, A4, CC3, CC9, CC11, CC31, BD2, BD3, BD4, BD5, and LD1; Public Transport Improvements and Developer Contributions, Travel Plans (draft), Building Today for Tomorrow – Sustainable Design and Construction SPD's and Leeds City Centre Urban Design Strategy SPG, and having regard to all other material considerations the application is recommended for approval.

1.0 INTRODUCTION

- 1.1 The site is located between the Merrion Centre and the arena. The existing environment surrounding the site is largely of low quality. However, the scheme forms a crucial component in the regeneration of the northern area of the city centre envisaged when planning permission was granted for the arena.
- 1.2 The applicant's team presented emerging proposals to Plans Panel on 10th February 2011 following a Panel site visit. A summary of Panel's comments is included at paragraph 4.2. Since that time the scheme has been revised in response to Member's comments, inputs from the Civic Architect and design and landscape officers. Critically, the proposals have also had to acknowledge the long leases of existing tenants.

- 1.3 The application is brought to Plans Panel as the proposals involve major refurbishment and investment of around £15m in a significant site within the city centre. The applicant hopes to be on site by Easter 2012 thereby enabling opening at the same time as the arena.

2.0 SITE AND SURROUNDINGS

- 2.1 The site is located between Merrion Way, Brunswick Terrace and Tower House Street towards the northern edge of the city centre. There is a gradual fall in levels from the west to the east. The site contains two buildings constructed in the mid-1960's.

- 2.2 A two storey podium building, currently occupied by Wetherspoons public house and the Grosvenor casino, is located on the west side of the site. Only the elevation facing Merrion Way has an active frontage. The rear elevation, in particular, presents a very low quality appearance. The building, and terrace to the front, sits over a basement car park used by occupiers of Tower House, accessed via two vehicular ramps down from Brunswick Terrace. The terraced area to the front of the building is used for seating. The yard to the rear of the building is used for parking and servicing by the casino and Wetherspoons. At ground level there is a landscaped space to the east of the building enclosed by railings. The area of grass to the front of the terrace contains 5 trees and helps to give Merrion Way a green appearance. The UDPR identifies space around the side and front buildings as Protected public space.

- 2.2 Tower House is a 19 storey office building situated at the east end of the site. The ground floor of the building is at the level of the terrace. A flight of stairs at the end of the terrace descends down to street level around the junction of Merrion Way and Tower House Street. The lowest, street, level of Tower House is occupied by a substation and building management equipment.

- 2.3 The surrounding area is characterised by a number of large scale buildings. Yorkshire Bank is located to the west of Brunswick Terrace. The street contains 5 mature trees and 6 disabled persons parking spaces. The Merrion Centre and associated car park are located on the south side of Merrion Way. The 25 storey Opal building containing student accommodation is situated to the north east. Leeds arena is currently under construction directly to the north of Brunswick Terrace.

3.0 PROPOSALS

- 3.1 The proposals involve the retention and expansion of accommodation for existing tenants and uses, the provision of three new A3 restaurant uses at ground floor, and the construction of a new ten storey building containing 102 serviced apartments. The public realm around the site will be significantly improved.

3.2 Buildings

- 3.2.1 Extensions are proposed to three sides of the existing podium building. The existing vehicular ramp to the basement on the west side of the building will be infilled. This enables both the extension of existing public realm to the side of the building and also the formation of a new A3 unit which will incorporate and wrap around the northwest corner of the podium. The unit would be accessed from Brunswick Terrace with active frontages on both the side and rear elevations. A new canopy would be constructed across much of the Merrion Way elevation of the podium to

provide shelter and also continuity across the frontage. The first floor of the podium would be reclad in two horizontal bands of rainscreen cladding. The upper band would have a light grey finish to contrast with a dark grey/black band below. The top band would incorporate narrow horizontal strips of white LED feature lighting.

3.2.2 The existing casino is located at the eastern end of the podium building, with first floor accommodation extending over the Wetherspoons premises. The casino would be extended 10m back at ground floor with a new access created from Brunswick Terrace. First floor casino accommodation would be extended across much of the rear of the podium. Part of the first floor of the casino extension would sit over a new enclosed service yard to be used for bins and storage.

3.2.3 It is proposed to develop the space between the existing podium and Tower House. At ground floor level this would comprise access to the proposed serviced apartments and a new A3 restaurant which would have a principal access to the front and also access from Brunswick Terrace. The serviced apartments would extend 9 storeys directly above this new floorspace. A third of the 10 storey tower would be clad in dark rainscreen cladding as a vertical extension of the horizontal podium element. South facing windows in this component of the building would be set back from the building frame and fitted with brise soleil. A 6 storey serviced apartment wing would extend over the new casino extension with rooms facing the arena and glazed corridors facing towards Merrion Way. The majority of the building would be finished in through-coloured white render with infill glazing systems. The top level of this building would be 15m shorter than the levels below and would be clad in zinc.

3.2.4 A new single storey entrance to Tower House would replace that existing on the west side of the building. The ground floor of Tower House would be converted to restaurant use with access from the existing terrace. The ground and basement elevations of this building would be reclad in facing brick with powder coated aluminium frames to new glazing.

3.3 Public realm and lighting

3.3.1 Whilst the existing green space in front of the site provides a valuable amenity to the appearance of the streetscene the terrace to the front of the building appears dated, and that to the side and rear is cluttered and detracts from the setting of the building and the wider area.

3.3.2 The landscape proposals aim to form new and improved connections and also to significantly enhance the public realm around the site. It is proposed that:

- Brunswick Terrace to the rear would be widened by 4m through the removal of the rear boundary wall and involving the seamless extension of the pedestrian space to be provided by the arena development. New seating, matching that proposed at the arena, would be provided along the site boundary to be used both as an amenity and also to control vehicular movement. The applicant would be responsible for the maintenance of the benches.
- The existing ramp to the west side of the building would be infilled. The majority of the resulting space will be laid out as new public realm as an extension of the limb of Brunswick Terrace to the side of the building.
- The footways along the west side of Tower House Street and the north side of Merrion Way will be resurfaced in materials to match those proposed around the arena and on the south side of Merrion Way as part of the Merrion Centre New Front scheme.

- The podium terrace will be resurfaced and the front face refaced in brick to match that proposed at the base of Tower House. The terrace will incorporate two cantilevered extensions projecting forward towards Merrion Way. The existing railings will be removed and replaced by a clear balustrade aiding visual connection between the terrace and greenspace. New granite and timber faced raised planters on the terrace will incorporate new seating and planting. New granite steps will be formed at the east end of the terrace. Two new trees are proposed to the south of Tower House.

3.3.3 The building will be in use for much of the day and night and there is an opportunity to enhance both the building and the local night-time environment through appropriate lighting. Lighting proposals have been submitted with the application. The details identify how the lighting will reinforce the architectural form of the buildings through a combination of light levels, varying intensity, light pattern and light direction. The proposals include the introduction of surface mounted projectors to “crown” Tower House. Downlights would be used at low level to illuminate lower levels of the building.

3.3.4 Uplighting is proposed to the underside of the brise soleil to accentuate the serviced apartment building facing Merrion Way. Deep reveals to the southern and western elevation would define the extent of the structure.

3.3.5 The upper face of the podium building would be highlighted by narrow horizontal strips of white LED feature lighting arranged in random strips to draw the eye along the southern elevation. Entrances would be highlighted with increased light levels to assist users of the building. Downlights would be added to key architectural elements such as façade columns and mullions, and to the underside of the canopy.

3.4 Transport

3.4.1 The development involves the removal of the existing surface car park to the rear of the podium building. The western ramp to the basement car park will be removed whilst the eastern ramp will be widened to enable two-way access. The number of existing spaces in the basement car park will be reduced to allow the provision of services and storage facilities, the provision of 12 disabled persons parking spaces, provision of 35 long-stay cycle spaces, showers and a locker room. As a result the number of car parking spaces would reduce from 156 to 92.

3.4.2 A 4m wide route will be protected along the north side of the extended building to allow service vehicle access to the service yard from Brunswick Terrace. Vehicles will follow an anti-clockwise route from Merrion Way via Tower House Street. Vehicular access will be time-limited to ensure conflict with arena events does not arise and to ensure that the space can be utilised as public realm during the remainder of the day. Access will be controlled by retractable bollards.

3.4.2 Hotel drop-off is to be facilitated through minor widening of Merrion Way close to the front of Tower House. Direct access for people with mobility difficulties will be available using a new drop-off area proposed within the basement car park adjacent to the lift core.

3.4.3 Pedestrian movement will be enhanced through the public realm improvements described at paragraph 3.3.2. 13 short stay cycle stands for public use will be provided on the podium terrace.

- 3.4.4 A public transport contribution of £37,450 will be paid in accordance with the Public Transport Improvements and Developer Contributions Supplementary Planning Document.
- 3.4.5 There will be three types of travel plan for the development:
- A Master Travel Plan providing an overarching framework to formulate individual Occupier Travel Plans.
 - Compulsory Occupier Travel Plans, aimed primarily at employees.
 - Voluntary Occupier Travel Plans will be encouraged for the uses unaffected by the planning application.
- 3.4.6 The Plans' objectives are to reduce travel by private car; to encourage a reduction in car dependency; to encourage multi-occupancy car usage; to increase awareness of the environmental and health implications of different travel choices; to promote sustainable travel choices; to maximise accessibility for walking, cycling and public transport and to maximise transport choices.
- 3.4.7 The Master Travel Plan includes a range of measures designed to reduce the need to travel; to encourage sustainable transport modes; initiatives to support walking, cycling and public transport and to reduce single occupancy car use. It includes the following actions:
- High quality public realm around the periphery of the site including the widening of Brunswick Terrace to the side and rear, and new pavement surfacing to Merrion Way and Tower House Street
 - 35 long stay secure and covered cycle spaces, 13 short stay cycle stands and the provision of changing facilities and secure lockers
 - Removal of surface car parking and a reduction in basement parking space resulting in an overall removal of 64 parking spaces
 - 20% of car parking to be allocated to car sharers
 - Provision of travel plan information boards
 - Appointment of a permanent travel plan coordinator 6 months before occupation
 - Surveys, annual monitoring reports, and the preparation of action plans identifying mitigation measures where travel plan targets are not met.
- 3.4.8 A travel plan monitoring fee is to be secured by a clause in the section 106 agreement. It is considered that the Travel Plan measures and mitigation which reflect those recently agreed at the Merrion Centre are acceptable.

4.0 PLANNING HISTORY

- 4.1 The existing buildings were constructed in the 1960's. Part of the podium was used by Leeds Metropolitan University for educational purposes during the 1990's but it has otherwise been used for a mix of leisure uses with limited alteration since its construction. Tower House was reclad nearly a decade ago and has remained in office use.
- 4.2 The applicant's team presented emerging proposals for the site to Plans Panel on 10th February 2011 following a Panel site visit (PREAPP/10/00296). Plans Panel commented on the following matters:

- The preference for redevelopment of the site, including a taller building on the podium site
- The desirability of fragmenting the podium to create a new route
- The loss of space to the side of the building and obstruction of views of the arena
- The need for improvements to the rear of the existing podium building
- The need to fully mitigate for the loss of protected open space
- The development needing to appear homogenous
- The proposed bridge link to the tower appearing incongruous
- Additional planting and improvements to the edge of the terrace would be supported
- Servicing arrangements need to be resolved
- Disabled peoples parking spaces would be better retained in their current location

4.3 Since Plans Panel the scheme has been revised in response to Member's comments in conjunction with further pre-application discussions with the Civic Architect and officers.

5.0 CONSULTATIONS

5.1 Statutory

LCC Highways (15.11.11) The number of car parking spaces, long-stay cycle spaces and motorcycle spaces are acceptable. Short stay cycle parking spaces are required in the public realm. Access arrangements to the basement are acceptable. Servicing should be outside the arena event times as confirmed by the Transport consultant. Submission of a servicing management plan should be conditioned. A commuted sum is required for maintenance of seats proposed along Brunswick Terrace. A S278 agreement is required for minor widening of Merrion Way to enable the provision of a drop-off point. A TRO is needed for these works.

5.2 Non statutory

Leeds District Police ALO (21.10.11) A robust access and control system is required. Doors and windows should be in line with the requirements of the UK Police Flagship Secured by Design scheme. Advice from the Counter Terrorism Unit should be obtained.

West Yorkshire Counter Terrorism Unit (9.11.11) The integrity of the Arena perimeter will not be compromised by the proposals. There are already agreed retractable PAS68/69 bollards which delineate Merrion Way and provide proportionate and cost commensurate Hostile Vehicle Mitigation protection measures.

LCC Access (4.10.11) No objection.

LCC Travelwise (12.12.11) The Travel Plan is acceptable. It should be included in the S106 agreement along with the Travel Plan review fee of £2,835.

LCC NGT (17.11.11) The development will generate a large number of trips of which a proportion will have to be accommodated on the public transport network. A contribution of £37,450 to public transport is required.

LCC Environmental Services (10.10.11) The refuse collection arrangements look acceptable. Collection will need to be arranged through a private contractor.

LCC Contaminated Land (19.10.11) No objection subject to conditions.

LCC Flood Risk Management (25.10.11) No objection subject to the development being carried out in accordance with the submitted Drainage Statement.

Yorkshire Water (1.12.11) Conditions regarding drainage details recommended.

LCC Environmental Protection Team (15.11.11) The site is located in a fairly busy area of the city centre near to the arena and student accommodation. It should be possible to negate noise and odours associated with the development by appropriate planning conditions, although noise from customers coming and going is more difficult to control. A sound insulation scheme will be required for the serviced apartments to protect them from noise from the A3 units and external noise. Conditions are recommended.

LCC Licensing (8.11.11) Premises licenses will be required for premises selling alcohol or providing entertainment. The area is within the Cumulative Impact Policy (CIP) area where the presumption is to refuse new licenses unless the applicants can demonstrate that the granting of such licenses would not have an adverse effect on the CIP. The casino will need to apply to vary their casino and premises licence.

LCC Sustainability (2.12.11) The submitted Sustainability Statement closely follows the SPD guidelines. A BREEAM "Very Good" standard is proposed and outline energy demand and CO2 calculations have been undertaken. Further clarity is required regarding Low and Zero Carbon technologies that will be used. Conditions are recommended.

6.0 PUBLIC/LOCAL RESPONSE

6.1 Site notices advertising the application were erected on Merrion Way and Wade Lane on 14th October 2011. The application was also advertised as a Major development in Leeds Weekly News on 13th October.

6.2 Leeds Civic Trust (11.11.11) commented on the application following a presentation by the architects. LCT supports the scheme in principal and has no issues with the overall design concept. LCT particularly like the usable sitting space for members of the public, improvements to the public realm on Merrion Way and Brunswick Terrace, and the lighting scheme.

LCT would prefer the existing disabled person's parking spaces to be relocated to allow a wider pedestrian route to the arena.

Response – whilst the applicant would support the relocation of the parking spaces they are outside the applicant's control.

LCT would prefer more of the arena to be visible from Merrion Way. It is important that an impressive view of the arena is possible from the Merrion Centre exit.

Response - the arena is a very large building. The serviced apartment building would help to frame key views of the front of the arena whilst concealing views from Merrion Way of the blank side elevation of the arena.

LCT concludes that the proposed refurbishment works are desperately needed to ensure that the arena is situated in the best surroundings.

- 6.3 One letter has been received supporting redevelopment of the site, in particular the lighting scheme. High quality facing materials are needed.

7.0 POLICY

- 7.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Regional Spatial Strategy (May 2008) and the Unitary Development Plan Review 2006 (UDPR).

7.2 Regional Spatial Strategy

- 7.1.1 A number of the policies in the RSS are relevant to the proposal emphasising the role of Leeds as a regional centre (in particular LCR1 and YH4), the need for a quality environment with encouragement to the reuse of previously developed land (E3), and the role of city and town centres as the focus for activity (E2). Policy ENV 5 promotes energy efficient buildings.

- 7.1.2 The Regional Transport Strategy forms part of the RSS. Policy T1 identifies aims for personal travel reduction and modal shift to modes with lower environmental impacts. Policy T5 states that access to all main destinations should be improved. Access for all groups in society should be enhanced (B1).

7.2 Unitary Development Plan Review (UDPR)

- 7.2.1 The site is located within the City Centre boundary. It falls within a Prestige Development Area where prestige development, including for offices, leisure, entertainment, recreation and hotel uses, are supported (CC31). The UDPR Proposals Map identifies areas of the site not occupied by buildings, including the space between the podium and Tower House, as public space. City Centre UDPR Policies CC3, CC9, CC11, CC13 and CC31 seek improvements and enhancements to existing public spaces and improved accessibility to them.

- 7.2.2 Other relevant UDPR policies include:

- SA1 Protect and enhance the quality of the environment.
- SA2 Encourage development in locations that reduce the need for travel.
- SA7 Promotes the physical and economic regeneration of urban land and buildings.
- SA8 Ensure that all the community have safe and easy access to facilities.
- SA9 Promotes the development of the city centre.

- GP5 Detailed planning considerations to be resolved
- GP7 Planning obligations
- GP11 Development must meet sustainable design principles

- N12 Priorities for urban design
 - i Development should create a series of linked and varied spaces defined by buildings and landscape elements
 - ii New buildings should be of good design
 - iii Developments should respect the character and scale of buildings and the routes that connect them.

- iv Movement on foot and bicycle should be encouraged.
- v Developments should assist people to find their way around.
- vii Design and facilities should reflect the needs of those with restricted mobility.
- viii Visual interest should be encouraged.
- ix Development should be designed to reduce the risk of crime.
- N13 All new buildings should be designed to a high quality and have regard to the surroundings. Contemporary design will be welcomed.
- N23 Space around new development should provide a visually attractive setting. Existing features which make a positive contribution should be retained.
- N25 Boundaries of sites and paving materials.

- T2 New development to be adequately served by highways and not to materially add to problems of safety, environment or efficiency on the highway network; be capable of being adequately served by public transport; to make adequate provision for cycling
- T2D Developer contributions where public transport accessibility would otherwise be unacceptable.
- T5 Satisfactory safe and secure access for pedestrians and cyclists.
- T6 Provision for people with mobility problems.
- T7A, T7B, T24 Cycle parking, motorcycle parking requirements and car parking guidelines.

- R5 Opportunities will be sought to secure appropriate employment and training associated with construction and operation of the development.

- A4 Design of safe and secure environments, including consideration of access arrangements, public space, servicing and maintenance, materials and lighting.

7.2.3 UDPR Appendices

Policies within the appendices typically elaborate policies in the main document. Policies BD2, BD3, BD4, and BD5 identify building design requirements. LD1 sets out requirements for landscape schemes.

7.3 Supplementary Planning Guidance, other guidance and emerging policy

7.3.1 Public Transport Improvements and Developer Contributions SPD (August 2008)

The SPD identifies the need for, and scale of, developer contributions in order to bring forward required enhancements to strategic public transport infrastructure in accordance with PPG13, and UDPR.

7.3.2 Travel Plan SPD (draft August 2011)

The SPD identifies the requirement for Travel Plans; advises what type of travel plan is appropriate; what they should include; how they shall be delivered; and how they shall be monitored and enforced.

7.3.3 Building Today for Tomorrow – Sustainable Design and Construction SPD (August 2011)

The SPD identifies the sustainable design and construction standards sought in new developments.

7.3.4 SPG 14 Leeds City Centre Urban Design Strategy (September 2000)

The proposed development falls within the North Street/Clay Pit Lane study area of the design guide. The guide promotes the retention and enhancement of strong building lines in new development; the regeneration and re-use of existing buildings; the enhancement of spaces with additional soft landscape along Merrion Way; more active frontages and pedestrian-friendly environments including along Brunswick Terrace.

7.4 National Policy

7.4.1 PPS1 Delivering Sustainable Development (January 2005)

Planning should facilitate and promote sustainable patterns of development.

7.4.2 PPS4 Planning for Sustainable Economic Growth (December 2009)

PPS4 states that a positive and constructive approach should be adopted by local planning authorities towards planning applications for economic development (EC10). This policy was supplemented in the Minister of State's statement of 23rd March 2011 in which he stated that local planning authorities should take a positive approach to development to support economic growth.

7.4.3 PPG13 Transport (March 2001)

Key objectives of the PPG are to encourage more sustainable patterns of development and to reduce the need to travel by private car.

8.0 KEY ISSUES

1. Principle of development
2. Building and landscape design
3. Transport
4. Wind
5. Sustainability
6. Section 106

9.0 APPRAISAL

9.1 Principle of development

9.1.1 The site is located in the City Centre and the existing and proposed uses are supported in such locations by PPS4. The uses would help to reinforce the function of this part of the city centre as a major cultural and visitor centre in accordance with RSS policies YH4 and E2. Similarly, strategic UDPR policies promote the location of leisure facilities in sustainable locations such as this.

9.1.2 The UDPR Proposals Map identifies the site within a Prestige Development Area. Prestige development, including for offices, leisure, entertainment, recreation and hotel uses, are supported (CC31). The proposed uses reflect the UDPR designation.

9.1.3 Areas of the site not occupied by buildings, including the space between the podium and Tower House, are identified in the UDPR as public space. Although in private

ownership development of these areas is not normally supported unless there is appropriate mitigation. Mitigation proposals include the following:

- The widening of Brunswick Terrace to the side and rear through the removal of the access ramp, boundary wall and rear parking area, incorporating new hard landscaping as an extension to that being delivered by the arena development.
- Resurfacing of existing pedestrian footways along Merrion Way and Tower House Street and the provision of two new trees.
- Replacement of existing steps up to the terrace which will be enhanced by new hard and soft landscaping, including new seating provision.

9.1.4 Consequently, the proposals accord with the overall aims of the Development Plan and national planning guidance. The principle of development is therefore acceptable.

9.2 Building and landscape design

9.2.1 As noted, although the scheme has had to be developed around the existing occupiers of the podium building who benefit from long leases, it brings forward a development that has active frontages on three sides. The massing of the development has been designed as a series of meaningful steps rising up towards Tower House with a new positive edge along Brunswick Terrace. At the same time the building proposals respect and help to frame key views of the arena. Materials and colours have been chosen from a simple monochromatic palette so as to respond and uplift the form of the buildings, whilst avoiding competition with the arena to the rear. The proposals include a lighting scheme which will add additional interest to the building and the local evening environment.

9.2.2 The building design proposals will enhance the existing appearance of the site and wider streetscene and accord with policies N12 and N13 of the UDPR.

9.2.3 The existing space around the building is low quality. Areas to the side and rear of the building are used for servicing and parking functions, and present a particularly poor appearance. There is no current public access to these areas. Existing hard landscaping is tired and in need of refurbishment. The scheme delivers new usable and publicly accessible space designed as a seamless extension to the arena's public realm. In combination with the building proposals, the public realm proposals will re-instate Brunswick Terrace as a street, able to accommodate significant pedestrian movement. The terrace area will be enhanced through new hard and soft landscaping and the provision of new steps. To complete the scheme public footways on Merrion Way and Tower House Street neighbouring the site will also be resurfaced in materials to match those proposed to adjacent sites.

9.2.4 The landscaping and public realm proposals will significantly enhance the streetscene and accord with UDPR Policies CC3, CC9, CC11, CC13 and CC31.

9.3 Transport

9.3.1 The application was accompanied by a Transport Statement which identifies the transport impacts of the development. Drop off facilities would be provided in acceptable locations in close proximity to the serviced apartment entrance. A defined route will be provided along Brunswick Terrace for servicing which will be managed to avoid conflict with arena operations and pedestrian movements. The amount of car parking will reduce with remaining spaces shared by daytime and night-time occupiers.

9.3.2 The proposals raise no specific road safety concerns and accord with UDPR policies GP5 and T2.

9.3.3 The application was accompanied by a Travel Plan aimed at reducing car use. The Travel Plan has also been strengthened during the course of the application reflecting measures and mitigation recently agreed at the Merrion Centre. A travel plan monitoring fee is to be secured by a clause in the section 106 agreement. It is considered that the Travel Plan accords with the requirements of the draft SPD and is acceptable.

9.3.4 As the development will generate trips which will have to be accommodated on the public transport networks a public transport contribution of £37,450 is required in line with the adopted SPD.

9.4 Wind

9.4.1 Primarily due to the scale of surrounding buildings and the proposed introduction of a new building reaching 10 storeys in height, the application was accompanied by a wind study. The study assesses the impact of the development on the wind environment surrounding the development. The study suggests that the proposed stepped arrangement of the development, with low rise on the west side, will help to disperse downdrafted winds. At the eastern end, the building will help to reduce wind levels in the eastern part of Merrion Way. Likely areas of windiness are identified at the south west corner of the arena, and to the south of Tower House close to its entrance. Mitigation in the form of trees or screens is suggested. The wind study concludes that the off-site impact is likely to be neutral or positive. This will be independently verified.

9.5 Sustainability

9.5.1 The application was accompanied by a Sustainability Statement in accordance with UDPR policy GP11 and the recent SPD. The development will be low carbon in design involving sustainable materials, waste segregation and recycling strategies. Mechanical services and facades will help to address climate change considerations. The applicant has confirmed that Low and Zero Carbon technologies will be used to deliver 10 per cent of the energy demand in accordance with RSS policy ENV5. The use of air source heat pumps and small scale combined heat and power (CHP) will be investigated as part of the next stage of design. Additionally, a minimum BREEAM "Very Good" standard will be achieved to accord with current requirements.

9.6 Section 106

9.6.1 The Section 106 agreement will include the following:

- Public transport contribution £37,450.
- Implementation of Travel Plan and evaluation fee £2,835
- Restriction to serviced apartment use
- Employment and training initiatives
- Maintenance of street furniture in Brunswick Terrace
- Section 106 management fee

9.6.2 The Section 106 obligations are compliant with the Community Infrastructure Levy Regulations 2010 Statutory Tests.

9.7 Conclusion

9.7.1 The existing environment surrounding the site is largely low quality. When approving the arena development on the northern fringe of the city centre it was envisaged that it would act as a catalyst for investment and regeneration of the area. In particular, it was expected that the arena would help to sustain and develop supporting functions such as hotels, restaurants and related businesses. The current scheme seeks to respond to the opportunities arising from its location by introducing and supplementing uses which reflect those ambitions. At the same time the proposals involve a major investment and improvement in the building fabric and public realm and enhance the appearance of the area. The scheme is located in a key location between the arena and Merrion Centre such that the proposals form a crucial component in the regeneration of the northern area of the city centre. In doing so the development will create a significant number of jobs.

9.7.2 The proposals accord with the Development Plan and other material planning guidance. Accordingly the application is recommended for approval subject to appropriate conditions and the completion of a Section 106 agreement.

Background Papers:

Application file 11/03655/FU, pre-application PREAPP/10/00296

Certificate of ownership: notice served on Leeds City Council

47 Application 11/03655/FU - Change of use of ground floor offices to A3 (Restaurant), extensions to form two A3 units, extension to Casino and construction of 102 Bedroom Serviced Apartments, Merrion Way, Brunswick Terrace and Tower House Street, Leeds

Plans, architects drawings and photographs of the site were displayed at the meeting along with computer generated graphics showing the development in situ. Plans showing the footprint of the current buildings were displayed for comparison with the proposals. Members had visited the site prior to the meeting. Officers outlined the proposals which included new active frontages to Brunswick Terrace, ground and first floor extensions to the casino, new shopfronts and recladding of the podium building, construction of a part 6 and part 10 storey serviced apartment building, a new entrance into Tower House and important public realm around the site which is pivotal to the regeneration of the area. The uses would help to reinforce the function of this part of the city centre as a major leisure and visitor centre. Key issues to consider were highlighted as being:

Buildings

- The resurfacing of the terrace over the basement car park, together with extended public realm to the side (enabled by the infilling of the existing ramp) and rear (enabled by the removal of the surface car park) to improve pedestrian access and the appearance of the area.
- The delivery of a series of meaningful steps in building mass rising towards Tower House.
- The protection and framing of key views of the arena at ground and upper levels.
- The use of a calm monochromatic palette of materials responding to the form of the existing buildings whilst avoiding conflict with the detail of the arena building to the rear.
- The recladding of the base of Tower House to form a positive base to the building.
- The provision of a comprehensive lighting scheme around the development adding additional interest to the building and evening environment.

Public realm

- Footways around the periphery of the site to be resurfaced with materials consistent with those to be used at the Merrion Centre and the arena.
- Concrete steps outside Tower House to be replaced with granite steps.
- Railings to the front of the podium to be replaced with a clear balustrade to present a more open vista.
- New planting and seating proposals on the terrace and two trees to the front of Tower House as an extension to existing trees to the front of the terrace.

Computer generated graphics showing the development in the street scene were displayed, including night time views showing the lighting scheme which incorporated a crown of uplighters to Tower House and horizontal strip lighting to the podium elevations.

The Panel noted that any development proposals were constrained by the podium building - which would not support any vertical extensions and was leased until 2037. Members commented that any development here should be of the highest quality and discussed the following matters:

- the apart/hotel was intended for stays of up to 90 days

- the single width extension provided rooms facing Brunswick Terrace connected by a single corridor which faced onto Merrion Way
- queried whether there was a need for the apart/hotel element
- Some Members voiced concern that the apart/hotel extension obscured the view of the Arena from the south and expressed the opinion that the iconic design of the Arena should retain views around it.
- The need to reconsider the current siting of the disabled parking bays on Brunswick Terrace as this would be a busy pedestrian route. Officers reported that provision of the disabled parking bays was outside the remit of this developer, however discussions had begun with the Arena developer on their possible removal
- Members had regard to the width and future use of Brunswick Terrace once the proposed tall buildings were developed and queried whether a wind assessment had been undertaken. Officers reported the results of a survey had found a neutral /slightly positive impact and a proposed condition required measures to mitigate any adverse impact.

(Councillor Jarosz withdrew from the meeting for a short time at this point)

Members generally welcomed the principle of the redevelopment and proposed use of the site but remained concerned about its impact on views of the Arena and commented that although the redevelopment would improve Brunswick Terrace and the existing buildings, the design was uninspiring and presented a missed opportunity.

Officers referred to the Unitary Development Plan which earmarked this site where development of this type and scale was encouraged and to previous Panel discussions on the Arena development when Members had supported the suggestion that the Arena would be set in a landscape of tall buildings. Officers concluded that the Arena would remain a focal point, with only the oblique view of the southern Arena elevation partially obscured by the proposals before Panel. Officers outlined the discussions held between the developer and the Design Team to achieve these proposals.

Some Members were concerned over the design of the narrow apart/hotel extension and commented that too much was being proposed for the site. Members considered whether the apart/hotel could be moved eastwards to reveal more of the Arena. The Panel noted a comment that the treatment of the Merrion Way end elevation of the apart/hotel presented an attractive frame and whether a similar treatment would benefit the other elevations of the apart/hotel. Members also noted a comment that a taller build adjacent to Tower House could be acceptable if the apart/hotel extension was lower or moved back.

The Panel noted the officer recommendation to defer and delegate approval to the Chief Planning Officer, however were not minded to do so.

RESOLVED – To defer determination of the application for one cycle to allow time for further discussion with the developers on the issues raised by Panel, namely the scale, position and design of the apart/hotel element to the rear of the podium.

APPENDIX 3 – Proposed conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The Local Planning Authority shall be notified in writing of the date of the commencement of development at least one week prior to such commencement.
- 3) The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.
- 4)
 - a) No works shall commence until all existing trees shown to be retained on the approved plans are fully safeguarded by protective fencing and ground protection in accordance with approved plans and specifications and the provisions of British Standard 5837:2005 Trees in Relation to Construction, unless otherwise agreed in writing by the Local Planning Authority. Such measures shall be retained for the duration of any demolition and/or approved works.
 - b) No equipment, machinery or materials shall be used, stored or burnt within any protected area. Ground levels within these areas shall not be altered, nor any excavations undertaken including the provision of any underground services, without the prior written approval of the Local Planning Authority.
- 5) Development shall not commence until details of access, storage, parking, loading and unloading of all contractors' plant, equipment, materials and vehicles (including workforce parking) have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided for the duration of construction works.
- 6) Prior to the commencement of development measures to ensure that mud and grit are not carried onto the public highway, and details of measures to suppress dust, shall be submitted to and approved in writing by the local planning authority. The measures thereby agreed shall be implemented throughout the course of the construction works.
- 7) No development shall take place until the details of measures to mitigate the effects of construction have been submitted and approved in writing by the Local Planning Authority. The measures shall confirm that no building operation, including delivery of building materials, shall take place before 0730 hours on weekdays and 0800 hours on Saturdays, or after 1900 hours on weekdays and 1300 hours on Saturdays, with no operation on Sundays or Bank Holidays unless otherwise agreed in writing with the Local Planning Authority. Any agreed measures shall form a Code of Construction Practice for this development. Activities must be carried out in accordance with the requirements of the agreed Code of Construction Practice, unless otherwise agreed in writing by the Local Planning Authority.
- 8) Development shall not commence until a Phase I Desk Study has been submitted to, and approved in writing by, the Local Planning Authority and:
 - (a) Where the approved Phase I Desk Study indicates that intrusive investigation is necessary, development shall not commence until a Phase II Site Investigation Report has been submitted to, and approved in writing by, the Local Planning Authority,
 - (b) Where remediation measures are shown to be necessary in the Phase I/Phase II Reports and/or where soil or soil forming material is being imported to site, development shall not commence until a Remediation Statement demonstrating how the site will be made suitable for the intended use has been submitted to, and approved in writing by, the Local

Planning Authority. The Remediation Statement shall include a programme for all works and for the provision of Verification Reports.

9) If remediation is unable to proceed in accordance with the approved Remediation Statement, or where significant unexpected contamination is encountered, the Local Planning Authority shall be notified in writing immediately and operations on the affected part of the site shall cease. An amended or new Remediation Statement shall be submitted to, and approved in writing by, the Local Planning Authority prior to any further remediation works which shall thereafter be carried out in accordance with the revised approved Statement.

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

11) The following works shall not be commenced until typical 1:20 scale drawings of the proposed shopfronts, service yard gates, cladding and rainscreen systems have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the details thereby approved.

12) Details and samples of all external facing and finishing materials including glazing, cladding, render, and canopy treatments shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The finishes shall be constructed in accordance with the details thereby agreed.

13) The facilities for short and long-stay cycle parking, motorcycle parking and disabled persons car parking identified on drawings 204A and xxxx shall be provided prior to first occupation of the development hereby approved. The facilities shall thereafter be maintained unless otherwise agreed in writing by the Local Planning Authority.

14) Prior to the first occupation of the hotel a drop-off point shall be provided on Merrion Way in the position identified on drawing 200C in accordance with the details which shall have been submitted and approved in writing by the Local Planning Authority.

15) Prior to the first occupation of the development a servicing management plan, including details of measures to ensure that servicing and deliveries take place before 1200 hours shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall be implemented in accordance with the details thereby agreed and thereafter maintained.

16) Notwithstanding the submitted details development shall not commence until full details of both hard and soft landscape works, including an implementation programme, have been submitted to and approved in writing by the Local Planning Authority. Hard landscape details shall include:

- (a) samples of hard surfacing treatment, and details of tree grilles and guards
- (b) steps, balustrades, seating benches, planters and retaining walls
- (c) external lighting
- (d) short and long stay cycle stands and motorcycle anchor points

Soft landscape works shall include:

(d) details of tree and shrub establishment, including an implementation programme.

All hard and soft landscaping works shown on drawing xxxxxxxx, including the resurfacing of Merrion Way and the repaving of Brunswick Terrace, shall be carried out in accordance with the approved details and British Standard BS 4428:1989 Code of Practice for General Landscape Operations, prior to first occupation of the development.

17) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The landscape management plan shall be carried out as approved.

18) If within a period of five years from the date of the planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the Local Planning Authority.

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

20) Details of the extract ventilation systems, including details of filters to remove odour, and the methods of treatment of the emissions, shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. That part of the development shall not be occupied until the works approved in accordance with this condition have been completed. Such works shall thereafter be retained.

21) Details of a sound insulation scheme designed to protect the amenity of nearby occupants from noise emitted from the proposed development, and occupants of the development from nearby noise sources, shall be submitted and approved in writing by the Local Planning Authority. The relevant parts of the development shall not be occupied until the approved works have been completed, and any such noise insulation as may be approved shall be retained thereafter.

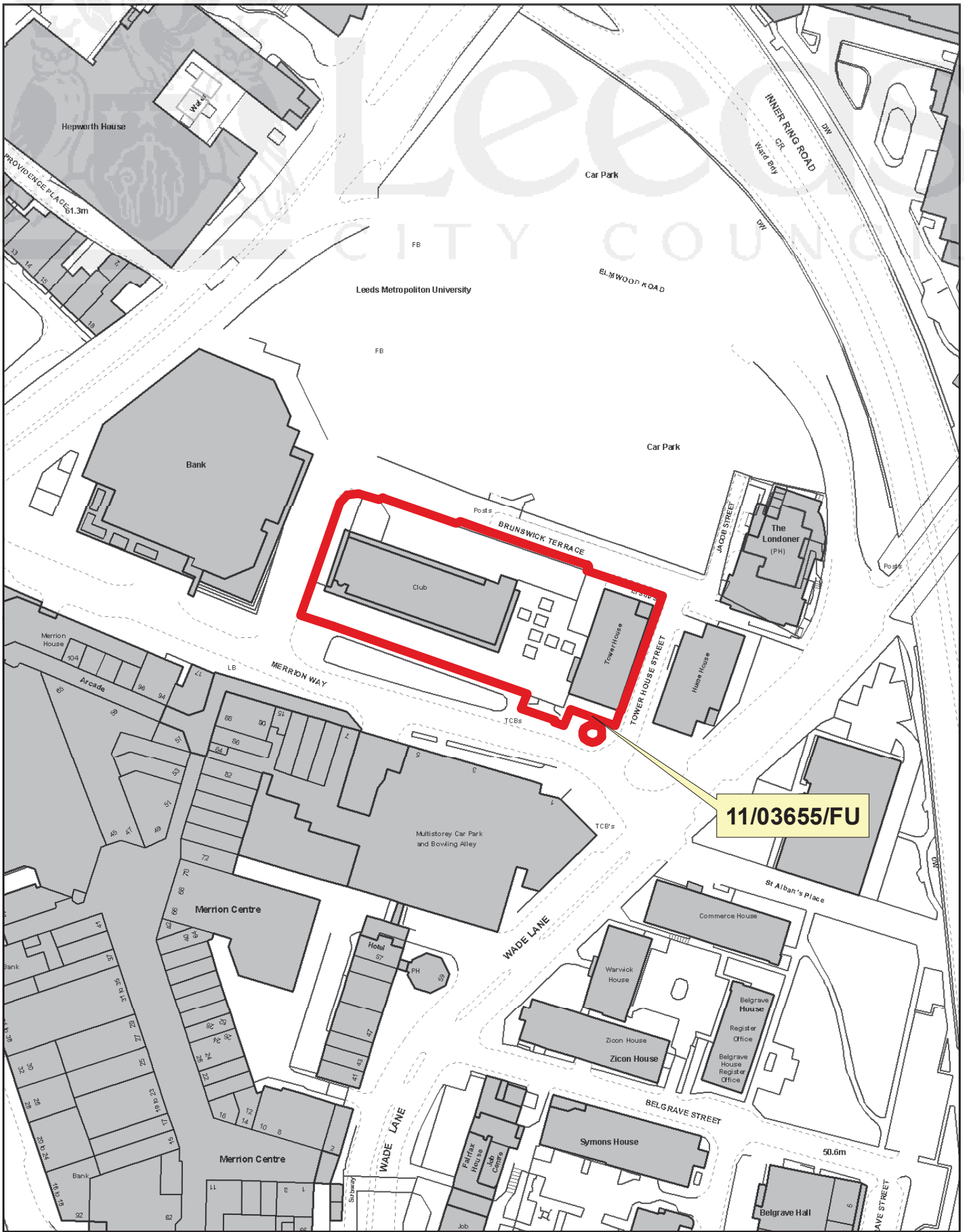
22) A grease trap shall be provided on the drainage outlets from all commercial food preparation areas prior to their first use and thereafter maintained and retained.

23) The site shall be developed in accordance with the Drainage Statement from Arup (Ref: 215093/0.01.08) dated 18th August 2011.

24) Prior to the commencement of development (i) a pre-assessment using the BREEAM assessment method confirming the development will achieve an Excellent standard, (ii) an energy analysis showing the percentage of on-site energy that will be produced by Low and Zero Carbon (LZC) technologies and a carbon reduction target for the development; shall be submitted and approved by the Local Planning Authority and the development shall be carried out in accordance with the detailed scheme; and

(a) Prior to the occupation of the development a BRE certified BREEAM final assessment and associated paper work showing the development has met the BREEAM Excellent standard, and final confirmation of the percentage of on-site energy that will be produced by Low and Zero Carbon (LZC) technologies and the carbon reduction target for the development will be provided and approved in writing by the Local Planning Authority

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



CITY PLANS PANEL



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Originator: Tim Hart

Tel: 3952083

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 1st AUGUST 2013

CHANGE OF USE OF BUILDING TO FORM LAP DANCING CLUB, 68-72 NEW BRIGGATE, LEEDS 1 (REFERENCE 13/01428/FU)

APPLICANT

Illuminati Ventures Ltd

DATE VALID

15th April 2013

TARGET DATE

10th June 2013

Electoral Wards Affected:

City & Hunslet

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT PERMISSION subject to the conditions set out below (and any others which might be considered appropriate).

SUGGESTED CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.
- 3 The use hereby approved shall not commence until a scheme to control noise emitted from the premises has been approved in writing by the Local Planning Authority and implemented as approved. The scheme shall provide that the LAeq of entertainment noise does not exceed the representative background noise level LA90 (without entertainment noise), and the LAeq of entertainment noise shall be at least 3dB below the background noise level LA90 (without entertainment noise) in octaves between 63 and 125Hz when measured at the nearest noise sensitive premises. The approved scheme shall thereafter be retained.
- 4 The hours of use of the premises shall be restricted to 2100 hours to 0600 hours.

- 5 The hours of delivery to and from the premises, together with loading and unloading within the premises shall be restricted to 0800 hours to 2100 hours Monday to Saturday with no such operations taking place on Sundays and Bank Holidays.
- 6 There shall be no storage of refuse outside the approved refuse storage area.
- 7 The existing flue on Merrion Place shall be removed prior to first use of the premises.
- 8 Details of any external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The works shall only be carried out in accordance with the details thereby agreed.

This permission does not give consent to any advertisement intended to be displayed on the site for which separate express consent may be necessary under the Town and Country Planning (Control of Advertisements) Regulations 2007.

1.0 INTRODUCTION

- 1.1 This application seeks permission for the use of the premises as a lap dancing club. The application is presented to Plans Panel due to the sensitivity of the proposal. Associated applications for Licensing Act 2003 (regulated entertainment) and for a Sex Establishment Licence (Sexual Entertainment Venue) have been made to Entertainment Licensing.

2.0 SITE AND SURROUNDINGS

- 2.1 68-72 New Briggate is located immediately north of the junction of New Briggate with Merrion Place. The Victorian property comprises 4 levels of floorspace including the lower ground floor area. The building is triangular in shape with its principal frontage facing New Briggate. There is an entrance to upper floors of the building at the corner of New Briggate and Merrion Place and, although there is a fire exit and large flue onto Merrion Place, the Merrion Place elevation is very plain. The lower floors of the building were last used as a bar with a licence until 3am, with a separate lap dancing club operating on the upper floors since 2005.
- 2.2 The property is situated at the northern end of New Briggate, approximately 100 metres north of the Grand Theatre beyond Merrion Street and Merrion Place. Richer Sounds, an electrical goods shop, is situated in the former chest clinic immediately to the east. This property has an extant planning permission for conversion of the upper floors to seven flats. Nearby properties to the south are primarily in use as bars, restaurants and hot food takeaways. There is also a private hire car booking office. Residential property is located in Crispin House and Merchants House approximately 100 metres to the north of the site beyond the North Street / Inner Ring Road major highway intersection. There is also a manager's flat at The Wrens on the west side of New Briggate and a flat in Merrion Place.

3.0 PROPOSAL

- 3.1 It is proposed to use the building as a lap-dancing club. Public access into the building would be from New Briggate. The lower ground floor would be used for storage and toilets. The ground floor would be primarily used as a public area and bar, with a small stage and three dance booths. The first floor would contain 12 dance booths. The second floor identifies three lounge areas, toilets and staff

facilities. Permission is sought for the premises to be open 2100-0600 hours seven days a week. External alterations comprise the formation of a new gated opening on Merrion Place to provide access to a new bin store, and the removal of a large redundant flue fronting Merrion Place.

- 3.2 The Design and Access Statement includes the following information regarding the use:

“The proposed use as a lap dancing venue is a public access venue opening to male and female over 18 years of age. It is not a private members club and not a traditional night club with public dance floors and loud music.

The venue is used as a variety of uses, including, as a traditional bar serving alcohol and non-alcohol and snacks, a striptease show, with the dancing girls doing a strip dance on the stage/dance pole and private dancing with a dancing girl doing a striptease show for individual customers in the private booths, please note that the private dances are strip shows only and there is no form of body contact allowed, this is strictly adhered to and controlled by the SEV Licensing Act”.

4.0 RELEVANT PLANNING HISTORY

- 4.1 Planning permission was granted in 1983 for the change of use of a shop to A3 restaurant (20/378/83/1). In 1998 permission was granted for a new frontage to the restaurant bar (20/689/97/FU). Permission was granted in 1998 to use part of the second floor as staff bedrooms (20/294/98/FU).
- 4.2 A planning application to use the lower two floors of the building as a lap-dancing club was withdrawn earlier this year when it became evident that the upper floors did not have the benefit of planning permission for use as a lap-dancing club (13/00017/FU).
- 4.3 Licensing records show that the upper floors commenced providing entertainment and alcohol in 2005. Upon introduction of the licensing of Sexual Entertainment Venues the same floors acquired a Sex Establishment Licence in 2012.

5.0 PUBLIC/LOCAL RESPONSE

- 5.1 Site notices advertising the application were erected in the area on 3rd May 2013.
- 5.2 One letter of objection has been received from SARSVL (Support After Rape & Sexual Assault Leeds). SARSVL believes that having any sexual establishments in Leeds is incompatible with the Council’s Child Friendly Leeds policy, the Equality Act and the Violence Against Women Strategy. SARSVL suggests that wherever lap-dance and strip clubs appear, women’s quality of life deteriorates as a result, with increased reports of rape. SARSVL refers to new licensing policy and states that the premises are next door to the Grand Theatre, a family-friendly space.

6.0 CONSULTATION RESPONSES

6.1 Non-statutory:

- 6.1.1 Licensing – the licence applications have attracted objections from Members, an MP and activist groups. The LA03 (drinking) licence application has been adjourned pending determination of the planning application. The premises are within the Cumulative Impact Policy area as set out in the Council's Statement of Licensing Policy, albeit the Police do not have any objection on this basis.
- 6.1.2 The Council adopted a Sex Establishment Statement of Licensing Policy in June 2011 which came into effect in September 2011. This was at the same time the Council adopted the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 which allowed it to control sex establishments including sexual entertainment venues, sex shops and sex cinemas (SEV's).
- 6.1.3 Under this policy the Council stated that all applications for sex establishments would be considered on a case by case basis and under this policy seven lap-dancing clubs were issued sex establishments licences which came into effect on the 1st October 2012, including Black Diamond at 68-72 New Briggate which was issued a licence to operate between 10pm and 4am Sunday to Thursday and 10pm and 5am Friday and Saturday. The licence had standard conditions attached.
- 6.1.4 In July 2012 the Licensing Committee decided to review the policy to ensure it still met the needs of the people of Leeds. An important part of this review included a survey of the Citizen's Panel to garner the public's view on the location and numbers of lapdancing clubs.
- 6.1.5 As a consequence of this consultation the working group consulted upon a draft policy for sex establishments. The policy was approved by Executive Board on 17th July 2013 and will take effect from 1st September 2013. The policy states that there shall be no SEVs outside of the city centre (defined by Entertainment Licensing as the city centre core). It states that there shall be no more than 4 SEVs in the city centre and not in sensitive locations or near sensitive uses.

Sensitive uses include:

- Schools and other areas of education
- Play areas/parks
- Youth facilities
- Residential areas
- Women's refuge facilities
- Family leisure facilities such as cinemas, theatres and concert halls
- Places of worship
- Places used for celebration or commemoration
- Cultural leisure facilities such as libraries, museums
- Retail shopping areas
- Historic buildings

Sensitive locations are:

- Millennium Square, Calverley Street
- City Square
- The area around the combined Courts
- The Headrow, Eastgate
- East Parade, Park Row
- New Briggate, Briggate
- Albion Street, Woodhouse Lane
- Merrion Centre, Merrion Street
- Boar Lane
- New Station Street, Wellington Street

- 6.1.6 This new policy will come into effect on 1st September 2013 and will be the policy under which the renewal applications of all seven lap dancing clubs will be determined. Although Black Diamond/Tantric Blue is located near to family leisure facilities (the Grand Theatre and the Arena), and close to New Briggate, this does not automatically mean that the licence will not be granted. There may be other matters that the applicant will bring to the hearing to be taken into consideration and the licensing sub-committee is able to depart from the policy if it has clear and cogent reasons to do so.
- 6.1.7 A sexual entertainment venue is subject to a number of conditions including the hours during which the premises may operate; the Licensing Authority also control the external appearance and all signage/advertising material associated with the premises through an approval process via the Licensing Sub Committee.
- 6.1.8 It is generally a requirement of the Licensing Sub-Committee that a separate smoking area is provided for the dancers/staff, preferably a secluded and safe area that is not accessible by members of the public.
- 6.2.1 West Yorkshire Police – no detrimental comments.
- 6.3.1 Environmental Protection Team (EPT) – state that when the premises previously operated as a bar EPT received a number of complaints concerning loud music emanating from the premises. The complaints seemed to relate to the operation of loud speakers within the doorway.
- 6.3.2 EPT comment that there are a number of lap dancing clubs in the city centre and that these rarely result in complaints of public nuisance. It is understood that music levels associated with such establishments are significantly lower than that of a typical city centre bar. A noise report submitted with the application stipulates that amplified music will be played at background music levels. If this forms part of a satisfactory sound insulation scheme then music from the premises is unlikely to result in disturbance to nearby occupants. It is recommended that conditions relating to a sound mitigation scheme, operating hours and delivery hours are added if permission is granted.
- 6.4.1 Transport Development Services – the scheme does not affect road safety. No objection.

7.0 PLANNING POLICIES

7.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Unitary Development Plan Review 2006 (UDPR) and the Natural Resources and Waste Local Plan 2013 (NRWLP). The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

7.2 Development Plan

7.3 Unitary Development Plan Review (2006)

68-72 New Briggate is located in the Entertainment Quarter (CC27). Policy CC26 supports the new provision of entertainment facilities in the city centre, in particular, in the Entertainment Quarter. The main objective of the Quarter is to provide a geographical focus for evening entertainment and associated uses.

68-72 New Briggate is defined as a secondary shopping frontage. Policy SF3 states that change of use of retail at ground floor to non-retail (A2, A3, amusement centres, and taxi offices) may be acceptable where the proportion of retail frontage remains sufficient to sustain the retail function of the parade.

Policy GP5 requires proposals to avoid loss of amenity. Any alterations should respect the form of the existing building (BD6).

7.4 Draft Core Strategy

The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013.

As the Council has submitted the Publication Draft Core Strategy for independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination. It has recently passed the Duty to Cooperate Test.

Spatial Policy 3 states the city centre's role as the regional capital will be promoted by new retail, leisure, culture and office development. A network of streets and spaces should be created and enhanced to make the city centre more attractive and family friendly. Policy CC1 states that a concentration of shops with ground floor frontages should be maintained in the Prime Shopping Quarter for reasons of vitality. Policy P10 states alterations to existing buildings should provide good design appropriate to its scale and function.

7.5 National Planning Policy Framework

Planning should proactively drive and support sustainable economic development; and seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (para. 17). Competitive town centres that promote customer choice and a diverse retail offer should be promoted (para 23). Paragraph 123 says decisions should aim to avoid noise giving rise to significant adverse impacts on health and quality of life; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise.

8.0 **MAIN ISSUES**

- Principle of the proposed uses
- Moral considerations
- Amenity and streetscene issues
- Diversity and equality
- Other issues
- Conclusion

9.0 **APPRAISAL**

9.1 Principle of the proposed uses

9.1.1 The building was used as a restaurant and for ancillary uses from the 1980's. Subsequently, the lower floors were used as a bar and the upper floors were used as a separate lap-dancing club. No planning permission was sought for these uses and no lawful development certificate has been sought. The proposed use does not fall within any use class (sui generis) and it is considered to be materially different to the previous uses such that planning permission is required.

9.1.2 The premises are located within the Entertainment Quarter where UDPR policies seek to focus evening entertainment and associated uses. The nature of the use is an entertainment use opening during the night-time and consequently, in principle, the use reflects the type of use identified in the Development Plan.

9.1.3 Although on the fringe of the city centre the New Briggate frontage is identified as a secondary shopping frontage where a proportion of retail use should be maintained in order to sustain the retail function of the parade. In this case the parade comprises solely the application premises. In considering the 1993 application to change the use of the premises to a restaurant the officer report to Planning Sub Committee stated that the benefits of maintaining a retail presence were then hard to

identify. Other than for Richer Sounds the retail composition of the area has diminished further since the 1990's whilst the entertainment component has increased. As the retail function of the frontage has already been lost it is not considered that the use would be harmful to the retail viability of the area whilst the use would help to support the night-time economy.

9.2 Moral issues

- 9.2.1 In principle, any consideration which relates to the use and development of land is capable of being a planning consideration, but whether it is in any given case will depend upon the particular circumstances. The courts are the arbiters of what constitutes a material consideration and have held that public opposition per se is not. In cases where fears or concerns are genuinely held by members of the public, these may constitute a material consideration but case law suggests that such fears would have to be shown to relate to material considerations, or be objectively justified or have land use consequences in their own right. Moral objections to developments, such as those involving gambling, drinking or sex, are given little weight in decision making unless there is some tangible land use or amenity impact deriving from such activities which can be shown.
- 9.2.2 There have been few planning appeals specifically referring to lap-dancing clubs. In a 2010 appeal in Bristol the Planning Inspector identified that the main issue in that case was the impact upon the vitality and viability of the retail frontage and moral issues were not considered. In a 2011 appeal in Portsmouth the Inspector noted that representations were made with regard to gender equality, child safeguarding and moral issues but opined that they were not matters that he was able to consider and that the proposal was considered on the planning merits.

9.3 Amenity and streetscene issues

- 9.3.1 The property is located on the fringe of the city centre in an area which experiences significant night-time activity generating noise and activity from bars, restaurants, hot-food take-aways, clubs, private hire and taxi ranks. Immediately to the north there is also the major highway infrastructure which whilst busy at peak times is relatively quiet in the early hours of the morning, albeit there are peaks of noise. Residential accommodation in the immediate vicinity is limited other than apartments in buildings approximately 100 metres to the north and flats have also been approved in the adjacent building.
- 9.3.2 Environmental Protection records show that there were a number of complaints regarding amplified noise emitted from the former bar premises. It is apparent that music levels associated with the proposed use are significantly lower than that of a typical city centre bar. Consequently, despite the proposed hours of use, it is likely that noise will significantly reduce relative to noise generated by the most recent use of the property. Further, the change of use provides the opportunity to apply noise controls to ensure that any music at the premises will be inaudible at the nearest noise sensitive premises. In this regard, flats approved in the upper levels of the adjacent building (74 New Briggate) will need to be taken into account.
- 9.3.3 The premises have historically stored large waste bins on the Merrion Place footway detracting from the appearance of the area. The current proposal involves the provision of an enclosed off-street storage area for the bins. Together with the removal of the external flue the bin store would improve the appearance of the area.
- 9.3.4 The nature of the activity proposed within the premises is such that views into the building need to be restricted. It is not proposed to make any alterations to the current arrangement where film has been applied to the ground floor windows and

the upper floor glazing has been painted black. A consequence of the use is therefore that the building effectively presents a blank, inactive, frontage adversely affecting the vitality of the immediate area. However, despite being situated at an entrance point into the city centre the extent and arrangement of highways is such that the premises do not attract significant attention from either pedestrians or vehicle occupants. Further, the alignment of the road is such that the site is not seen in the same vista as the Grand Theatre to the south.

9.4 Diversity and equality

9.4.1 The City Council has a key ambition for Leeds to be a child friendly city, in creating places where children and young people feel safe and welcome. The objector states that the use would be incompatible with this objective. The position of the building relative to the city centre attractions for young people is such that pedestrian footfall in this part of New Briggate is low. Further, as the building's windows are blanked out; no external reference to the nature of the use within the building are allowed; and given the proposed hours of use it is not considered that it would be readily evident to children and young people what the premises was used for.

9.5 Other issues

9.5.1 Reference has been made by the objector to the proposed Licensing policy relating to sex establishment venues which seeks to avoid sensitive locations. However, a recent Court decision has confirmed that planning and licensing are two distinct regimes and decisions in each regime must be made in accordance with the material considerations relevant for that regime. Consequently, the Licensing Committee will be free to reach its own conclusions, taking account of the Licensing Policy and will not be bound by the planning decision.

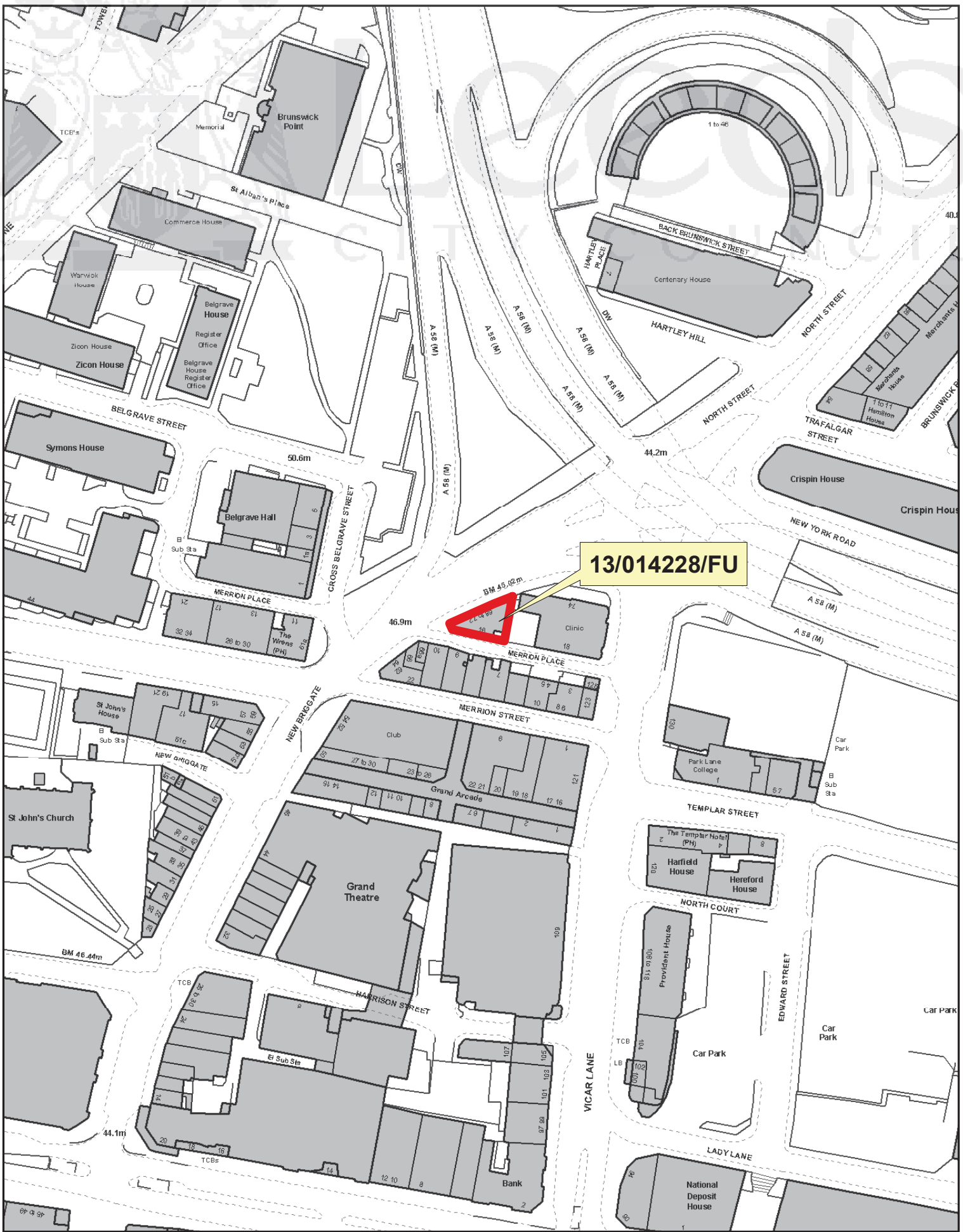
9.5.2 The premises are situated in a location where existing on-street parking controls regulate parking activity. There is no provision for customer parking around the site and customers would be expected to arrive on foot or by taxi. Deliveries would take place to the rear of the building on Merrion Place which is primarily used by vehicles for servicing. As such, the development would not affect highway safety.

9.6 Conclusion

The proposed use is compatible with the Entertainment Quarter designation. Evidence suggests that the use would be likely to have less of a direct impact on the amenities of the locality than the use of the building primarily as a drinking establishment. Some beneficial alterations are proposed to the rear of the premises whereas the use necessitates a blank frontage which does not contribute to either the vitality or the appearance of the area. However, the peripheral, largely isolated, position is such that the impact on the area is negligible. No objections have been raised by consultees including the Police and Environmental Protection and accordingly, on balance, the application is recommended for approval.

Background Papers:

Application file 13/01428/FU



CITY PLANS PANEL





Originator: C. Briggs

Tel: 0113 2224409

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 1 August 2013

Subject: APPLICATION 13/01872/FU 128 BEDROOM HOTEL WITH ASSOCIATED LANDSCAPING AT WHITEHALL ROAD, LEEDS LS1 4BN

APPLICANT

GMI (Whitehall Road) Ltd.

DATE VALID

7 May 2013

TARGET DATE

6 August 2013

Electoral Wards Affected:

City and Hunslet

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Defer and delegate to the Chief Planning Officer for approval, subject to the specified conditions (and any others which he might consider appropriate), and following the completion of a Section 106 Agreement to cover the following matters:

- Contribution to public transport improvements in accordance with SPD5 prior to first occupation £22198
- Provision of 1 car club space prior to first occupation
- Public access around the site
- Travel plan implementation and monitoring fee prior to first occupation £2500
- Employment and training opportunities for local people in City and Hunslet or any adjoining Ward.
- Management fee payable within one month of commencement of development £750

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

Conditions for 13/01872/FU

1. Time Limit (3 years)
2. Development in accordance with approved plans
3. Samples of all external walling and roofing materials.
4. Construction of a sample panel of all external walling materials.
5. Samples of all external surfacing materials.
6. Detailed 1:20 scale working drawings shall be submitted including cross sections of ground floor treatments, window bays and roofline/eaves.
7. Hard and/or soft landscaping scheme .
8. Maintenance of landscaping scheme.
9. Waste storage and disposal details, including recycling and details of security of and access to the bins.
10. Provision of cycle and motorcycle parking.
11. Details of installation and operation of air conditioning including odour filtration.
12. Details of a noise attenuation scheme including all plant.
13. Contaminated land information.
14. Amendment of remediation statement.
15. Submission of verification reports.
16. Specified hours for delivery, loading and unloading 0700 -2000 Monday to Saturday with no such operations Sundays and Bank Holidays
17. Details of works for dealing with surface water discharges from the development required.
18. No piped discharge of surface water from the development prior to completion of approved surface water drainage works.
19. Areas to be used by vehicles to be laid out prior to occupation
20. Details of disabled parking bays
21. Details of entrance ramp and handrails
22. Construction Management plan
23. Sustainability - Submission of detailed scheme comprising (i) a recycled material content plan (using the Waste and Resources Programme's (WRAP) recycled content toolkit), (ii) a Site Waste Management Plan for the construction stage, (iii) a waste management plan for the buildings occupation and (iv) a BREEAM assessment to at least Very Good rating or equivalent
24. Implementation of off-site highways works
25. Implementation of flood risk assessment measures

The following are non-standard conditions which can be found in full in Appendix 1 – 24, 25

1.0 INTRODUCTION:

- 1.1 This application is brought to Panel as it is a significant major full planning application for a new hotel development in the West End of the City Centre, close to the railway station.

2.0 PROPOSAL:

- 2.1 The proposal is for a 9 storey 128 bedroom hotel building on part of the site facing Whitehall Road that was subject of a hotel and office scheme, application reference 11/04293/FU approved at Plans Panel (City Centre) December 2011. This application is to develop a hotel only building, with the remainder of the site laid out as landscaping. The revised building proposal would be within the siting and height parameters of the existing approved scheme, and develop just over half of the original application plot boundary. The building would be approximately 33m high to

the top of the plant room, set some 7-8m back from the parapet facing Whitehall Road. The height to the building parapet would be approximately 30m high. This application proposal is some 10 metres lower in height at their highest points, and some 30 metres narrower across the width of the plot fronting Whitehall Road than the extant approval. The proposal would be some 7 metres lower in height than the No.1 Whitehall Riverside office building to the south. The upper storeys of the building would be approximately 21m apart. The single storey service area to the rear would be approximately 11m from the neighbouring building. The eastern elevation would be approximately 5m from the existing sub station wall.

- 2.2 A number of documents have been submitted in support of this proposal:
- Scaled Plans
 - Design and Access Statement (including Statement of Community Involvement)
 - Transport Assessment
 - Flood Risk Assessment
 - Noise Statement
 - Land Contamination Desk Top Study
 - Land Contamination Site Investigation
 - Travel Plan
 - Flood Risk Sequential Test
 - Sustainability Statement
 - Coal Recovery Assessment
 - Daylight and Sunlight Assessment
 - Wind Assessment
- 2.3 The building would employ a simple palette of materials to contrast with the nearby residential and hotel buildings built in the last 10 years, and to complement the No.1 Whitehall Riverside office building. The building would be clad in black anodised aluminium rainscreen panels (similar to the nearby Leeds One office building also on Whitehall Road) with deeply recessed windows, arranged in vertical slots along each elevation. Asymmetrical raked window reveals would be paired together, and expressed in a natural anodised aluminium finish, giving variety to the façade and balancing the visual relationship between the window elements and the main cladding material.
- 2.4 The hotel would incorporate restaurant and bar facilities at ground floor. The ground floor would be raised in order to meet flood risk requirements, and it would present an active full height glazed frontage to Whitehall Road. The building entrance would be located at the north east corner of the building, facing onto Whitehall Road and the pedestrian route to the riverside.
- 2.5 Two disabled parking bays and a car club parking bay would be located at the rear of the building, accessed from the service road to the south of the building.
- 2.6 As a result of the reduced size of building footprint from the 2011 approval, a temporary landscaped area of some 34m by 25m is now proposed. It would feature a large grassed area with paths leading across the site towards the riverside. The area would include wildflower meadow, earthwork mounds, ornamental planting to the building edge, and Himalyan Birch trees clustered around the road frontage.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is currently an open grassed area, and is bounded at its eastern boundary by a 5m high red brick wall, which partially encloses an electricity sub-station. Immediately to the east of the substation are two very recent constructions: the 14

storey Whitehall Quays residential development, primarily built using red brick and silver cladding; and the 8 storey red brick and stone Novotel hotel on Whitehall Road. The site is in close proximity to a number of large redevelopment sites including the proposed Wellington Place scheme to the north of Whitehall Road, the West Point residential scheme (to the north east), No. 1 Whitehall Riverside (immediately to the south), and the 16 storey residential and office block at the western end of the Whitehall Riverside site known as Whitehall Waterfront.

- 3.2 The site has previously formed part of an outline planning permission for most of the south side of Whitehall Road between the end of Northern Street and Monk Bridge. It was allocated for an 8 storey multi-storey car park however the outline permission has now expired. Two subsequent full planning permissions for 10-12 storey office buildings have been granted in recent years, however these have also now expired. In December 2011, following a Plans Panel City Centre resolution to approve, planning permission was granted at this site for a part 6 part 10 storey mixed use development comprising 6000 square metres of office space and 130 bed hotel.
- 3.3 The site lies within the designated City Centre Prime Office Quarter and within flood risk zone 3 a (i).

4.0 RELEVANT PLANNING HISTORY:

- 4.1 13/02619/OT Outline application for 3 office buildings, multi-storey car park and pavilion unit, with ground floor food, drink and gym uses and public realm – pending consideration at the adjacent site to the south west. This scheme was the subject of a pre-application presentation to May 2013 City Plans Panel – See Appendix 3 for a plan showing the emerging context of the area taken from that application. The plan also shows the hotel subject of this application, and the approved mixed use Wellington Place scheme to the north of Whitehall Road.
- 4.2 11/04023/FU Part 6 and part 10 storey mixed use development comprising office space (Class B1) and 130 bed hotel (Class C1) with basement car parking – approved at Plans Panel (City Centre) December 2011.
- 4.3 06/04682/FU 11 storey office block (elevational changes to previous approval 20/192/04/FU) – approved 9 November 2006.
- 4.4 20/192/04/FU Part 10 part 12 storey office block with undercroft car parking – approved 29 July 2004.
- 4.5 20/299/00/OT Outline application to erect 4 office blocks (c50 000 sqm) 2 residential blocks (c400 units) 2 cafe bars, retail units & c1000 space multi storey car park – approved 10 October 2001. The current application site was identified as an 8 storey multi-storey car park with ground floor café/bar use under this outline planning permission.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Pre-application meetings have been held with the developer GMI regarding this site with officers during January and February 2013 following the decision to pursue a hotel only scheme at this site.
- 5.2 At pre-application stage, City and Hunslet Ward Members were consulted by email on 4 March 2013. No comments were received.

5.3 GMI and their architects presented to City Plans Panel on 14 March 2013. Some Members had concerns regarding the proposed cladding material, however Members were generally supportive of the scheme. The minutes of the presentation and subsequent discussion are attached at Appendix 2 of this report.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Application publicity consisted of:

6.1.1 Site Notice of Proposed Major Development posted 10.05.2013, expired 07.06.2013

6.1.2 Press Notice of Proposed Major Development published 16.05.2013, expired 06.06.2013

6.1.3 City and Hunslet Ward Members consulted 10.05.2013 and 13.05.2013 - no comments received.

6.2 Letter of comment from Leeds Civic Trust received 24.05.2013 (comments responded to at Paragraph 10.2):

- supports the principle of a hotel scheme in this location
- disappointed by the quality of the design and the lack of 'spark'
- the building looks top heavy, with a dark bulk sitting on top of a lighter base, the two do not really go together
- given the fact that the corner facing Northern Street is going to be particularly prominent, there is no design response other than taking away a couple of windows – it needs a feature here (public art?)
- the entrance area is very much underplayed, with a structural column, a glazed screen and planting rather hiding it away – it needs better signposting and a gathering space to also accommodate pedestrians waiting to cross at the traffic lights outside.

6.3 One letter of objection from a resident at Flat 306 West Point, Wellington Street received 11.06.2013. The concerns can be summarised as follows:

- The proposal would add to existing traffic problems in the area (Response to highways related comments see paragraph 10.3)
- The hotel and bar would have a negative impact for residents of West Point in terms of late night noise, disturbance and litter, particularly from smokers.
- The distance between the proposed building and West Point is too close.
- The proposed building would significantly reduce daylight and sunlight in flats and on balconies in West Point.
- The hotel rooms would look directly into apartment rooms at West Point. (Response to amenity-related comments – see paragraph 10.5)
- The building would be an overbearing monolithic structure with a dark and uniform appearance (Response to comments on design see paragraph 10.2)

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory:

7.1.1 Leeds City Council Transport Development Services:

The proposal is considered acceptable in terms of traffic impact, transportation provision and road safety. The following conditions are recommended:

- The proposal should not cause distress wind conditions around the building
- Cycle and motorcycle parking shall be provided in accordance with the drawings
- Off-site highways works consisting of directional signage for cyclists, the realignment of the kerb line to accommodate the new cycle lane and associated lining/hatching, and road lining to Whitehall Road opposite the site frontage shall be provided prior to the occupation of the building
- Section 106 agreement is required to secure the public transport contribution, car club space and travel plan monitoring and fee.

7.1.2 Environment Agency:

No objection subject to a condition requiring the recommendations of the submitted Flood Risk Assessment to be implemented.

7.1.3 Yorkshire Water:

No objection subject to conditions regarding surface water drainage.

7.1.4 Coal Authority:

No objection

7.2 Non-statutory:

7.2.1 Leeds City Council Environmental Protection:

No objection subject to conditions regarding details of construction management, sound insulation to plant and machinery, odour filters, mechanical plant, and restrictions to hours of delivery to 0700-2000 Monday to Saturday only, with no deliveries on Sundays or Bank Holidays.

7.2.2 Leeds City Council Flood Risk Management:

No objection subject to conditions regarding surface water drainage and the implementation of the scheme in accordance with the submitted FRA.

7.2.3 West Yorkshire Police:

No objection.

8.0 PLANNING POLICIES:

8.1 Development Plan

Leeds Unitary Development Plan Review 2006 (UDPR)

Leeds UDPR policies require that matters such as good urban design principles, sustainability, flood risk, highways and transportation issues, public realm, landscaping, biodiversity and access for all are addressed through the planning application process. The site lies within the designated City Centre, as an identified Proposal Area within the Prime Office Quarter (Proposal Area 1 : Whitehall Road (South Side)). This allocates the area as principally office use, with other uses bringing activity and variety, such as hotels. The Whitehall Waterfront and Riverside West mixed office/residential schemes and Whitehall Quay mixed residential/hotel/office scheme have all contributed to this aim. The proposal area also identifies opportunity for small scale retail and food and drink uses. The statement also requires new development to provide for the riverside walkway, and public realm to connect the area to the sites to the north. The development of

Whitehall Waterfront to the west and No. 1 Whitehall Riverside to the south under the now expired outline planning permission delivered the riverside walkway for the full length of the wider site, and the pedestrian bridge over the River Aire.

Other relevant policies include:

GP5 all relevant planning considerations

GP7 planning obligations

GP11 sustainability

GP12 sustainability

A1 improving access for all

A4 safety and security provision

N12 urban design

N13 design and new buildings

N29 archaeology

BD2 design and new buildings

BD4 all mechanical plant

BD5 amenity and new buildings

CC1 City Centre and planning obligations

CC3 City Centre character

CC10 public space and level of provision

CC11 streets and pedestrian corridors

CC12 public space and connectivity

CC13 public spaces and design criteria

CC27 Prime Office Quarter

Prime Office Quarter Proposal Area 1: Whitehall Road (South Side)

T2 transport provision for development

T2D public transport provision for development

T2C Travel plans and new development

T5 pedestrian and cycle provision

T6 provision for the disabled

T7A cycle parking

T7B motorcycle parking

LD1 landscaping

R5 employment and training for local residents associated with the construction and subsequent use of developments

N38A development and flood risk

N38B planning applications and flood risk assessments

N39A sustainable drainage systems

N51 Nature conservation

8.2 Leeds Natural Resources and Waste DPD 2013

The Natural Resources and Waste Local Plan was adopted by Leeds City Council on 16th January 2013 and is part of the Local Development Framework. The plan sets out where land is needed to enable the City to manage resources, like minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. Policies regarding coal recovery, flood risk, drainage, and air quality are applicable to this proposal.

8.3 Relevant Supplementary Planning Guidance includes:

SPD Street Design Guide

SPD5 Public Transport Improvements and Developer Contributions

SPD Travel Plans

SPD Sustainable Design and Construction

Leeds Waterfront Strategy

8.4 Draft Core Strategy

The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013. As the Council has submitted the Publication Draft Core Strategy for independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination. Spatial Policies 1 Location of Development and 2 Hierarchy of Centres aim to concentrate the development of visitor facilities in Leeds City Centre, and Spatial Policy 3 Role of Leeds City Centre seeks to maintain and enhance the role of the City Centre as an economic driver for the District and City Region, by promoting the City Centre's role as the regional capital for major new hotel development.

8.5 National Planning Policy Framework

The NPPF includes policy guidance on sustainable development, economic growth, transport, design, and climate change. The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. The NPPF advocates a presumption in favour of sustainable development, and a "centres first" approach to main town centre uses such as hotels. The location of hotel development within the City Centre, close to the railway station meets this requirement to locate such uses in sustainable locations. The NPPF also promotes economic growth in order to create jobs and prosperity. It is considered that the proposed use would meet the objectives of the National Planning Policy Framework in terms of meeting the objectives of sustainable development, and promoting the economic growth of the City.

Section 7 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important that design is inclusive and of high quality. Key principles include:

- Establishing a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- Optimising the potential of the site to accommodate development;
- Respond to local character and history;
- Reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- Create safe and accessible environments; and
- Development to be visually attractive as a result of good architecture and appropriate landscaping.

8.6 Relevant National Planning Policy Practice Guides

NPPF Practice Guide Flood Risk

9.0 MAIN ISSUES

1. Principle of use
2. Urban design and landscaping
3. Transportation
4. Wind
5. Flood risk
6. Sustainability
7. Amenity
8. Planning obligations

10.0 APPRAISAL

10.1 Principle of use

- 10.1.1 The application site lies within the designated City Centre, and is allocated as a specific proposal area within the Prime Office Quarter – Proposal Area 1 Whitehall Road (South Side). UDPR Policy CC19 states that office use will be supported as the principal use within the Quarter. Under UDPR Policy CC27, proposals for other uses which service the area, add variety and vitality, support the attractiveness of the area and would not prejudice its function, would generally be encouraged. This is supported by the Prime Office Quarter Proposal Area Statement 1 which specifically states that office use would be the principal use, with hotel identified as an appropriate supporting use.
- 10.1.2 The proposal would meet the objectives of the Draft Leeds Core Strategy as it would add to the provision of visitor facilities in the City Centre.
- 10.1.3 The proposal would accord with the NPPF as a hotel is a designated town centre use. The proposal would also meet NPPF objectives by promoting economic growth in a sustainable location such as Leeds City Centre.

10.2 Urban design and landscaping

- 10.2.1 The design and scale of the proposed building at 9 storeys is considered to be appropriate to the scale and character of neighbouring buildings and the surrounding area. It is considered that the scale responds to the context and scale of Whitehall Road as it leads away from the railway station. The scale of existing and proposed buildings is generally around 8-10+ storeys across the Whitehall Quay, West Point, Whitehall Riverside and Wellington Place sites.
- 10.2.2 The proposal for this block is considered to be appropriate to the architectural features and materials of surrounding existing and proposed developments. It is considered that the modern, calm design in metal panels would complement the wide variety of materials in the area, such as the red brick/terracotta, render, silver panelling and glazing of the nearby Whitehall Quay, West Point, Whitehall Waterfront developments. It is considered that this contemporary design would enhance its setting and start to deliver the next steps in the regeneration of the West End of the City Centre. The window rhythm is intended to give a vertical emphasis, which would complement the architectural language of the Wellington Place indicative proposals. It is considered that the design features provide appropriate modern detailing. The glazing would be recessed to create a meaningful window reveal, with one side splayed in a natural finish aluminium panel, which would give visual interest to the elevations.
- 10.3.3 The buildings along Whitehall Road contain a wide mix of materials and styles of building, from Victorian to mid 2000s, including black metal and blue brickwork. The materials proposed in the application are suitable for this location within the Prime Office Quarter. The street level visuals for the scheme include a view from

Whitehall Road at the junction with Aire Street, in which the varied mix of materials can be clearly seen. Black anodised aluminium has reflective qualities and will change in appearance in differing light conditions. Samples will be available at Plans Panel for Members to view.

- 10.2.4 The quality of the external materials would be controlled through the provision of working drawing details and large on-site material samples panels by condition. 1:50 and 1:20 typical bays and sections have been submitted to establish the detailing of the elevations, and this would be reinforced at working drawing stage by conditions. Full details of mechanical plant would be required by condition in order to control its potential amenity and visual impact.
- 10.2.5 The routes and spaces around the building would also be appropriate to the continuing regeneration of this part of the city centre and in accordance with the Leeds Waterfront Strategy and the UDPR Proposal Area Statement. The riverside walkway and pedestrian bridge have been delivered as part of previous permissions for this wider site, and the current proposal provides for connections to the riverside beyond the neighbouring block at No.1 Whitehall Riverside. This application proposal would not prejudice the development of the remainder of the wider site along similar lines to that previously approved.
- 10.2.6 Regarding the concerns of the objector in relation to visual links with the canal, the West Point apartments are on the edge of the Prime Office Quarter, and all the land to the south has been designated since 2001 as a Proposal Area for office-led mixed use redevelopment. A number of office, hotel and residential schemes have been built and occupied as a result. All the remaining vacant land to the west and southwest of the apartments is likely to be developed in the coming years, which would be consistent with the UDPR allocation for the area. A visual link to the canal from West Point diagonally across the Whitehall Riverside site has not featured in the previous approvals for its redevelopment, nor are they in the current application. Such views are temporary pending the permanent redevelopment of the land in line with the UDPR, and the current direct views of the River Aire footbridge across the temporary surface car park would be interrupted by new office development over time. Significant views between buildings do feature in the current proposal for the adjoining site – application reference 13/02619/OT. The current hotel application subject of this report is considerably smaller than the current 2011 hotel/office approval, and therefore less of an intrusion visually to the residents of West Point when looking westwards along Whitehall Road than if the extant permission were built.
- 10.2.7 It is considered that the temporary landscaping scheme to the west of the building would be a positive addition, appropriate to the character of the building and that emerging in the surrounding area. Exact details of hard and soft landscaping, including samples of surfacing materials, would be controlled by condition. The larger Whitehall Riverside masterplan application includes this area as a permanently landscaped area with a pavilion café located within it. The permanent treatment would be delivered with the first phase of the development to the west, subject to the detailed consideration of that application in due course.
- 10.2.8 Leeds Civic Trust's comments regarding the prominence of the entrance, appropriate signage proposals would be considered separately under an advertisement consent application, which could draw attention to the building entrance to enable customers to identify it. It is not considered that this particular building should create a focal point in its own right, it is a City Centre street frontage building which complements the surrounding context.

10.3 **Transportation**

- 10.3.1 The site lies within the city centre core parking area, with widespread on-street parking restrictions. It is also readily available by bus and train. Within this context, it is considered that the lack of general on-site car parking provision would not cause highways safety or amenity problems. There would however be some provision for disabled and car club users.
- 10.3.2 With regard to the concerns of the objector, it is considered that hotel users would use the drop off facility on the service road.
- 10.3.3 To further reduce reliance on the private car the submitted Travel Plan includes the following measures:
- provision of shower facilities to encourage cycle use for hotel staff.
 - appropriate secure storage for cyclists and motorcyclists
 - provision of short stay cycle spaces for visitors
 - improvements to local pedestrian and cycle connectivity through the provision of cycle lane and cycle route signposting
 - provision of a real-time bus display in the hotel reception
 - Arrangements for the monitoring and take-up of the Travel Plan measures for hotel staff and hotel guests, and revising the Travel Plan as necessary.
 - Provision of one car club space on-site
 - Provision of a budget for the promotion of sustainable travel incentives in the event that travel plan targets are not met

The applicant will also be providing a contribution towards strategic public transport improvements in accordance with SPD5.

10.4 **Wind**

- 10.4.1 The applicant has submitted a wind assessment in support of the proposal which states that the wind environment would be acceptable for all users in the vicinity of the building and that the building is unlikely to generate wind conditions that would cause distress to pedestrians, or result in a danger to high-sided or other road vehicles. The Council instructed an independent wind expert to review the report, and they have confirmed that the findings of the report are reasonable.

10.5 **Flood Risk**

- 10.5.1 The proposed development is for hotel use, which is classed as 'more vulnerable' under the NPPF. The sequential and exceptions tests therefore apply. The applicant has submitted a sequential test that demonstrates that no sequentially preferable sites with a lower flood risk are available to deliver this project within the Prime Office Quarter Proposal Area 1 as defined by the UDPR. Most of the Proposal Area lies within Zone 3a(ii). This site has a lower probability of flooding as it lies in Zone 3a(i). The exceptions test has therefore been applied, and the site is considered sustainable given its location within the Prime Office Quarter Proposal Area accessible to pedestrians and cyclists and close to public transport links, the site is previously developed land, and through the submission of an acceptable flood risk assessment, the proposal would adequately safeguard against potential flooding impact. The proposal is an appropriate use for the City Centre as identified in the NPPF, and the site is within a specific Proposal Area which is identified to deliver the regeneration of the area through the large scale office development and other complementary uses (specifically hotels).

10.6 **Sustainability**

- 10.6.1 The proposal will meet at least a BREEAM Very Good rating of 65%, and a planning

condition to provide details of the verification of this will be applied. Adopted SPD policy states that from January 2013 new hotels meet the BREEAM Excellent standard. However, in accordance with policy, a minimum of 10% energy generation will be developed through on site low carbon energy sources in the form of air heat source pumps and hot water combined heat and power (CHP). CO2 emissions will be reduced by a combination of the introduction of the low carbon technology, and enhanced u-value and air tightness values. Adopted policy would seek to achieve 20% better than building regulations in terms of carbon emissions. This scheme would deliver a reduction of 24.9%. On this basis, it is considered that the reduced carbon emissions of the project mitigate the shortfall in the BREEAM accreditation in this case. A green roof would be provided above the single storey element of the building at the rear. Full details of the types of sustainability measures that the future hotel and restaurant use corporately has been submitted, and this includes food recycling, cooking oil recycling, low water use systems, low energy lighting and heating and air conditioning controls.

10.7 **Amenity**

- 10.7.1 A local resident at the nearby West Point residential building to the north east of the application site has objected to the proposal. Their concerns include overlooking and loss of privacy, loss of sunlight and daylight, visual overdominance, loss of views of the canal, and noise and disturbance. Whilst these concerns are acknowledged, the present open aspect and lack of activity outside peak commuter times at this nearby site enjoyed by West Point to the south is a temporary condition, pending redevelopment in accordance with longstanding adopted policy objectives, approved and extant planning permissions and future regeneration schemes for the West End.
- 10.7.2 Regarding the distances between West Point and the proposed hotel, it is not considered that the relationship between the windows of the proposed and existing buildings is too close. The distance from the nearest edge of the balconies at West Point to the nearest hotel bedroom window would be approximately 28.5m, which is in excess of the generally more dense character of the City Centre streets in the vicinity of the site. It is therefore considered that the proposed building would not have an unduly adverse impact on the amenity of the residents of West Point.
- 10.7.3 The windows within the proposed building would not directly overlook the West Point building. They would be offset by some 12 metres at the nearest point, and these apartment windows are also set behind balconies. Therefore it is unlikely that there would be opportunity for hotel residents to look directly into residential accommodation beyond the balcony edges at a distance considered to be detrimental to normal levels of privacy in a City Centre context.
- 10.7.4 Regarding concerns about the loss of daylight and sunlight within flats in West Point, the applicant has submitted a sun path analysis plan undertaken by the Building Research Establishment (BRE). This confirms that there would be little adverse impact arising as a result of this development. The building proposed in the current application is smaller than the 2011 approval for the site and would therefore have less impact on daylight and sunlight. The BRE report associated with the application is quantitative and indicates that all windows on West Point would comfortably meet guidelines if balconies were removed. The report states that it is the balconies that limit existing levels of daylight and sunlight to windows rather than the proposed development. It should be noted that the BRE Report "Site layout for daylight and sunlight : a guide to good practice" is a tool to assist in forming a judgement about daylight and sunlight issues. It does not form part of any statutory,

national or local planning policy. As with approval of West Point itself in 2001, the earlier approval of the 2001 Whitehall Road Outline, and subsequent schemes on this plot since in 2004, 2006 and 2011, it is considered that this proposal would not result in unacceptable living conditions at West Point.

- 10.7.5 It has been the adopted policy aspiration of the Council since the 2001 that city centre residential development would be part of a wide mix of uses in the Prime Office and Riverside Quarters including offices, hotels, bars and restaurants, and contribute to the continuation of a successful and vibrant City Centre. The area currently consists of a mix of residential, offices, hotels with supporting ground floor bars, cafes, shops and restaurants. In this context it is not considered that there would be significant additional adverse impact on residential amenity. However, a condition would be applied to ensure that a sound insulation scheme is submitted to ensure that there is no adverse breakout of noise from the proposed uses and associated plant. Hotel use is consistent with the policy text of the UDP and its subsequent review, which has been adopted since 2001 and pre-dates the West Point development.
- 10.7.6 The proposals are consistent with the Whitehall Riverside outline permission which was approved in 2001. There have been several approvals for large scale buildings on the site and the most recent approval contains hotel use in 2011. The proposed building line is broadly consistent to the existing building line, and with those approved in 2001 (approved the same year as the West Point development), 2004, 2006 and 2011.

10.8 **Planning obligations**

- 10.8.1 A Section 106 Agreement would be signed in connection with the planning application, with the following obligations:

- Public transport contribution in accordance with SPD5 £22198
- Provision of 1 car club space
- Travel plan monitoring fee in accordance with the Travel Plans SPD £2500
- Public access to the route along the eastern end of the site to link to the riverside
- Cooperation with local jobs and skills training initiatives. This would involve making reasonable endeavours to cooperate and work closely with Employment Leeds to develop an employment and training scheme to promote employment opportunities for local people in City and Hunslet and any adjoining Ward during the construction works, from the start of the tendering process and reasonable endeavours would also be made to agree a method statement with the future occupiers to identify employment and training opportunities, to provide every six months details of recruitment and retention of local people as employees and training of apprentices, and identify any vacancies on a monthly basis to Employment Leeds.
- Section 106 management fee £750

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

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

- necessary to make the development acceptable in planning terms;
- directly related to the development; and

- fairly and reasonably related in scale and kind to the development.'

As listed above (and also in the 'recommendation' box at the beginning of this report), there are matters to be covered by a Section 106 agreement. These matters have been considered against the current tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

11.0 CONCLUSION

- 11.1 It is considered that the submitted full planning application would result in the re-use of a long vacant brownfield site, and support employment through the provision of visitor facilities in a sustainable location in the City Centre close to the railway station. It is therefore considered that the proposal would contribute positively to the enhancement and regeneration of the Riverside and West End area of the Prime Office Quarter in the City Centre.

Background Papers:

Application files 13/01872/FU, 13/02619/OT, 11/04023/FU, 06/04682/FU, 20/192/04/FU, 20/299/00/OT

Appendix 1 Non-standard conditions

22. Prior to the commencement of development, full details of the highways works identified on approved Fore Consulting drawing no. 3036/SK004/001 Revision A shall be submitted to and approved in writing by the Local Planning Authority, including:
- a) Directional signage for cyclists
 - b) Realignment of the kerb line to accommodate the new cycle lane and associated lining/hatching
 - c) Road lining to Whitehall Road opposite the site frontage

The above works should be implemented prior to first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of pedestrian and vehicular safety, in order to accord with the NPPF and Leeds UDPR Policies T2 and T5.

23. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated March 2013 and the following mitigation measures detailed within the FRA:
1. Managing the surface water run-off generated by the site as per the surface water drainage strategy in the FRA.
 2. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven (utilising the EA Flood Warning Service).
 3. Finished floor levels are set no lower than 30.775m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

To ensure safe access and egress from and to the site, and to reduce the risk of flooding to the proposed development and future occupants in accordance with the NPPF and Leeds UDPR Policy N38B

Appendix 2 Minutes of Pre-application Presentation to City Plans Panel 14 March 2013.

85 Preapp/13/00159 - Proposals for hotel development - Whitehall Road, Leeds, LS1 Minutes approved at the meeting held on 11th April 2013.

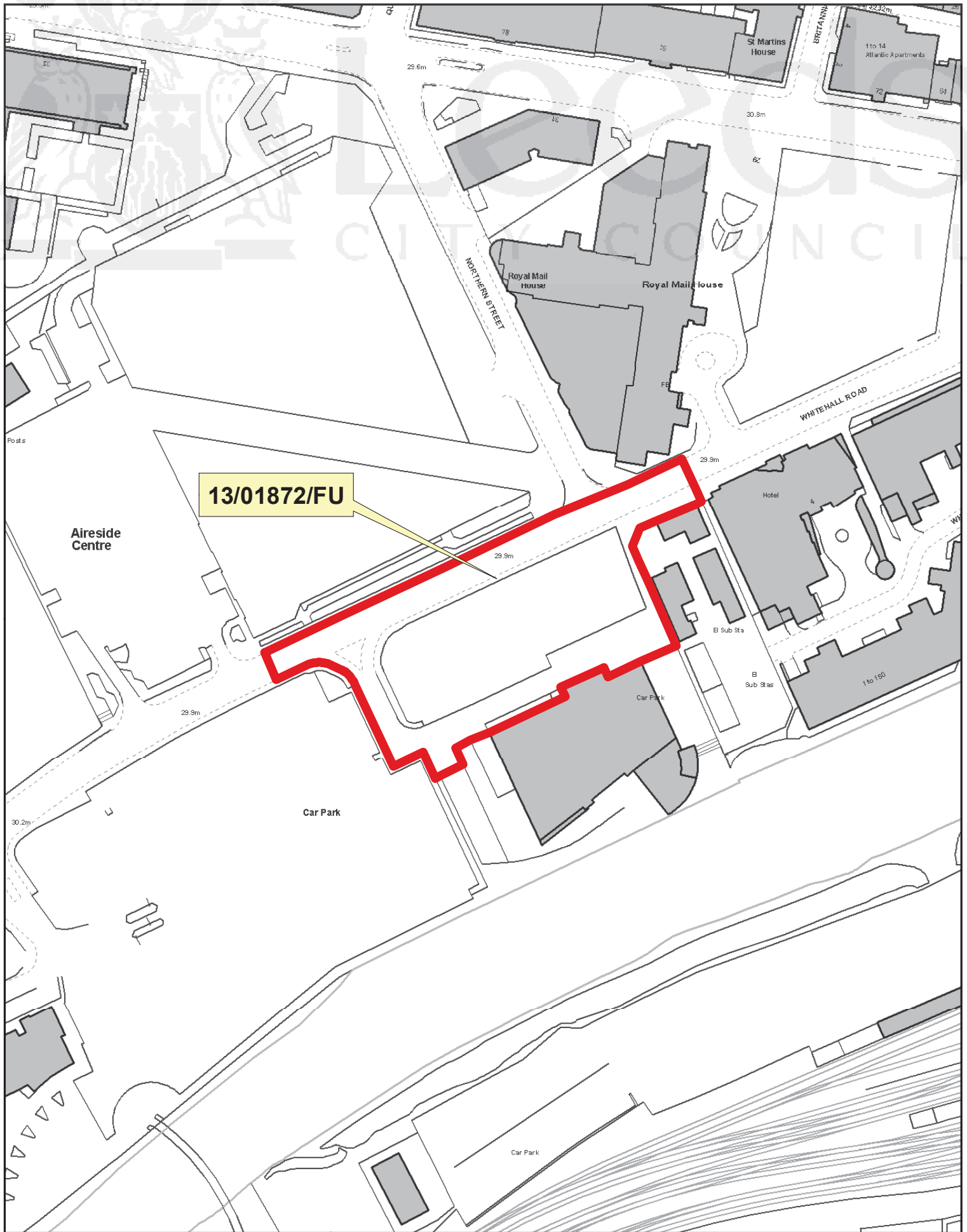
Members commented on the following matters:-

- uncertainty about the metal cladding on this site; that natural materials as proposed in the previous scheme for the site might be better and concerns that the ground floor was reminiscent of a 1960s shopping parade
- the large windows being proposed, including windows to one side elevation and the welcome effect of these in the overall scheme
- that the quality of the workmanship was a key factor when considering metal clad buildings
- the high quality of the adjacent No1 Whitehall and whether the design of the proposed building was right for this site
- that metal cladding used elsewhere within Leeds had not always proved successful and the effects of colour changes which occurred during the day could be questioned
- the possibility of including renewables on the roof

In summing up the discussions, the Chair, whilst noting the mix of views about the cladding and the proposed colours, felt there was much merit in the scheme which had been presented and whilst accepting that it was right to compare the scheme in relation to No1 Whitehall, the site was also adjacent to the Novotel and that it was felt this was an appropriate location for the proposed use.

RESOLVED – To note the report, the presentation and the comments now made.

Appendix 3 Composite Whitehall Road Plan showing the approved Wellington Place scheme, this hotel application site, and the current planning application proposal for Whitehall Road South 13/02619/OT



13/01872/FU

CITY PLANS PANEL



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Originator: Mathias Franklin
Tel: 0113 24 77019

Report of the Chief Planning Officer -

CITY PLANS PANEL

Date: 1ST August 2013

Subject: Application 12/04046/OT Outline application for Residential Development on land at Calverley Lane / Bagley Lane, Farsley.

APPLICANT	DATE VALID	TARGET DATE
Hallam Land Management Ltd. DW Wilson and trustees of the Thurstaston Park Trust.	06.08.2012	05.05.2012

Electoral Wards Affected:

Calverley and Farsley

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION

Members are asked to review and agree the suggested reasons for refusal should the Council have had the opportunity to determine the application

1. The Local Planning Authority considers that the release of the Kirklees Knowl PAS site for housing development would be premature being contrary to Policy N34 of the adopted Leeds Unitary Development Plan Review (2006) and contrary to Paragraph 85 bullet point 4 of the National Planning Policy Framework because its suitability needs to be comprehensively reviewed as part of the preparation of the Site Allocations Plan. The size of the site, the possible need for a school and the availability of other housing development opportunities in the locality means that the site does not fulfill the exceptional criteria set out in the interim housing delivery policy approved by Leeds City Council's Executive Board 13/3/13 to justify early release ahead of the comprehensive assessment of safeguarded land being undertaken in the Site Allocations Plan.
2. There are outstanding highway objections in relation to the lack of a direct safe pedestrian and cycle route along the Ring Road to access schools and New Pudsey Train station. As such the development is detrimental to highway safety which is

contrary to policies N12, T1, T2, T5, T7 and GP5 of the adopted Leeds Unitary Development Plan (Review) 2006 and the guidance contained within the adopted Street Design Guide SPD.

- 3 The development would require a signed Section 106 Agreement to cover affordable housing, education, greenspace, public transport, travel planning and off site highway works. The Council anticipates that a Section 106 agreement covering these matters should be provided prior to the Inquiry however, it reserves the right to contest these matters at the appeal should the Section 106 Agreement not be completed or cover all the requirements.

1.0 INTRODUCTION

- 1.1 An outline planning application for residential development was submitted to the council on 21st September 2012. The applicant appealed against non-determination of the application on 25th June 2013. This report is to establish what decision Plans Panel would have made if they had been in a position to determine the application.
- 1.2 Members are asked to note the content of this report and accept the officer's recommendation to support the suggested reasons for refusal as outlined above in the upcoming public inquiry scheduled to start on the 19th November and last for 4 days.
- 1.3 This is an application for new residential development on a 17.8 ha site designated as a Protected Area of Search in the adopted UDP. Such sites are designated under policy N34 of the adopted UDP and are intended to ensure the long term endurance of the Green Belt and to provide for long term development needs if required. The application is recommended for refusal and key considerations in reaching this recommendation are matters of housing land supply, sustainability and prematurity vis-à-vis preparation of the Site Allocations Plan. Whilst the city council considers that it has an appropriate housing supply to meet the requirements of planning policy, the Interim Policy has been designed to facilitate the release of some PAS sites to strengthen the supply of achievable housing. It will be shown in this report why the development is contrary to this Interim Policy.
- 1.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the need to determine applications in accordance with the development plan unless material considerations indicate otherwise.
- 1.5 The proposal does not accord with the current development plan which comprises the UDP Review (2006) in that the proposal is designated as a Protected Area of Search.
- 1.6 The National Planning Policy Framework is a material consideration and Annex 1 sets out that whilst relevant policies adopted since 2004 may be given full weight depending on their degree of consistency with the NPPF, decision takers may also give weight to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF.
- 1.7 The Council has submitted its Core Strategy to the Secretary of State and it will be subject to an examination in public in the autumn. The document is considered by the Council to be sound and in line with the policies of the NPPF and the Planning and

Compulsory Purchase Act 2004 as amended by the Localism Act 2011. An initial hearing session has been held and the Inspector is satisfied that the Council have fulfilled the legal obligations of the Localism Act as they pertain to the Duty to Cooperate. The Core Strategy is now progressing to formal hearing sessions in the autumn. The Council is currently progressing a Site Allocations Development Plan Document, which at its current stage of Issues and Options will seek views on, among other things, the allocation of UDP Protected Areas of Search for development. This was published in June 2013 with 8 weeks of public consultation from 3/6/13 to 29/7/13. The supporting text to Policy N34 of the Unitary Development Plan expects the suitability of the protected sites for development to be comprehensively reviewed through the Local Development Framework (para 5.4.9) The Site Allocations DPD is the vehicle being pursued by Leeds City Council for taking decisions on the suitability of such sites for development.

Housing Land Supply position

- 1.9 The NPPF states in paragraph 47 that local authorities should boost significantly the supply of housing. It sets out mechanisms for achieving this, including:
- use an evidence base to ensure that the Local Plan meets the full objectively assessed needs for market and affordable housing;
 - identify and update annually a supply of specific deliverable sites sufficient to provide for five years' worth of supply;
 - identify a supply of specific deliverable sites or broad locations for growth for years 6 to 10 and years 11 to 15,
- 1.10 In terms of establishing the full objectively assessed needs for market and affordable housing the Submission Draft Core Strategy sets a plan-period of 2012 to 2028 and establishes a housing requirement of 3,660 homes per annum between 2012 and the end of 2016/17 and 4,700 homes per annum between 2017/18 and 2028. This totals 70,000 net new homes which provide a significant increase over rates set in the UDP Review.
- 1.11 The Core Strategy housing requirement has been devised on the basis of meeting its full objectively assessed housing needs. These are set out in the Strategic Housing Market Assessment (SHMA), which is an independent and up to date evidence base, as required by paragraph 159 of the NPPF and reflects the latest household and population projections as well as levels of future and unmet need for affordable housing.
- 1.12 In terms of identifying a five year supply of deliverable land the Council identified that as of September 2012 there was a current supply of land equivalent to 5.3 years' worth of housing requirements. The Council has since taken a number of steps to improve provision since then.
- 1.13 The current five year housing requirement is 20,307 homes between 2013 and 2018, made up of the following elements:
- the Submission Core Strategy housing requirement of four years' worth of housing requirements set at 3,660 homes per annum totaling 14,640 homes for 2013/14 to 2016/17,
 - the Submission Core Strategy housing requirement of one years' worth of housing requirements set at 4,700 homes per annum for 2017/18, and
 - a buffer of 5% to ensure choice and competition in the market for land equivalent to 967 homes.

- 1.14 The Government advises that should there be a record of persistent under delivery then the buffer should be extended to 20% to provide a realistic prospect of achieving the planned supply. There is no record of persistent under delivery against the Core Strategy base date of 2012.
- 1.15 The current five year land supply is made up of sites allocated in the UDP Review, sites with planning permission and sites which form part of the Site Allocations Document. In total the Council has land sufficient to deliver 21,472 within the next five years.
The five year supply (as at 31st September 2012) is made up of the following types of supply:
- allocated sites with planning permission
 - sites with planning permission
 - allocated sites without planning permission
 - an estimate of anticipated windfall sites
 - SHLAA sites without planning permission
 - an element of Protected Area of Search sites which have fallen into the current five year supply and may come forward on the basis of the interim release policy
- 1.16 The current 5 year supply contains 30% greenfield and 70% previously developed land. This is based on the sites that have been submitted to the Council through the SHLAA process and accords with the Core Strategy approach to previously developed land as set out in Policy H1. This also fits with the Core Planning principles of the NPPF and the Secretary of States recent speech to the Royal Town Planning Convention (11 July 2013) where he states that not only should green belts be protected but that “we are also sending out a clear signal of our determination to harness the developed land we’ve got. To make sure we are using every square inch of underused brownfield land, every vacant home and every disused building, every stalled site.”
- 1.17 In addition to the land supply position, the Site Allocations Document is in the process of identifying specific deliverable sites for years 6 to 10 of the Core Strategy plan period and specific sites for years 11 to 15.
- 1.18 However a recent decision by the Council’s Executive Board in relation to the current 5 year land supply for Leeds and related efforts to boost significantly the supply of housing in the current economic climate is also material to this proposal. The Executive Board approved an interim policy with criteria to release certain PAS sites, ahead of the Site Allocations Plan.

2.0 PROPOSAL:

- 2.1 The application is made in outline to consider the principle of the development. All matters are reserved except for Access to the site. An indicative masterplan showing details of the layout, scale, appearance and landscaping have been provided and refer to a development of approximately 400 dwellings (ranging from 2 bedroom terrace houses through 5 bedroom detached houses) with associated road infrastructure, parking provision, amenity space and landscaping. These details will be considered under future applications for approval of Reserved Matters.
- 2.2 The submitted plans detail that the main access will be from Calverley Lane and will take the form of a roundabout to connect the site to Calverley Lane. A secondary

access from the site to Bagley Lane is also shown on the indicative masterplan. There are a number of off site highway works required as part of the development which are as follows:

- The construction of a roundabout on Calverley Lane to provide access into the site approximately 100metres south of the A6120 Ring Road
- It is proposed to reduce the existing national speed limit to 30mph along Calverley Lane site frontage.
- A second vehicle access to the east of the site will be taken through the Bellways development to emerge onto Bagley Lane at a new junction just south of Oaklands Road. The applicants have secured a right of access agreement with Bellway.
- In addition to these vehicular connections additional cycle and pedestrian accesses are proposed to link Pettrie Crescent to the north, Oaklands Road to the east, Kirklees Close to the south and links to Calverley Lane to the west including a connection in the far south-western corner of the site.

2.3 The application is accompanied by a draft S106 agreement (Heads of terms) which will make provision for greenspace on site and a contribution towards off site greenspace, 15% affordable housing, contribution to education provision, highway works detailed above (and any additional works required yet to be agreed) and a contribution towards the Public Transport Infrastructure SPD, landscaping maintenance, metrocards, funding to bus stops in the area, Travel Plan measures and contributions and any other matters that arise through the course of the application.

3.0 SITE AND SURROUNDINGS:

3.1 The site is located off the Ring Road to the east of Calverley Lane. The site area is 17.8 hectares. The land is currently used for agriculture and the site is highest at the Ring Road Calverley Lane Junction and there is a significant slope down to Farsley and Bagley Lane which are the south side of the land. The land has significant vegetation both on its boundaries and throughout the site. There is also a line of electric pylons which go from the east of the site to the west. Between the site and the Outer Ring Road is another small PAS site of approximately 1.55hectares.

3.2 On the southern boundary is a residential development which links the site to Farsley and to the east is another area of housing linking the development to Rodley. To the north of the site is the Ring Road and the other side of the road is a garden centre. The land the opposite side of the Ring Road is within the green belt.

3.3 To the west of the site on the opposite side of Calverley Lane is a smaller site which is also a PAS site and pre application discussions have been held in relation to residential development. This would be for 60 to 70 houses. Also to the west of the site and adjoining the smaller PAS site is the edge of the Farsley Conservation Area. The land within the Conservation Area facing the site is designated within the adopted UDP as N1 Greenspace and is an area of public open space.

3.4 The site is allocated as PAS land within the Unitary Development Plan.

4.0 RELEVANT PLANNING HISTORY:

4.1 Council Officers have met with the applicant to discuss the application. The discussions revolved around the principle of development.

4.2 Prior to the submission of the application the applicant held a community consultation event on the 20 June 2012 at Pudsey Civic Hall. The applicant then followed up the consultation event with a leaflet drop to local residents and stakeholders. The applicant states that about 200 people attended the consultation event. 65 feedback forms were received from residents to the applicant. The applicant summaries the main issues as being:

- Could the layout of the site adjacent to Kirklees Close and Petrie Crescent be changed, to improve the amenity for existing residents
- Could further landscaping be included to screen existing homes?
- Can the local road network cope with additional traffic?
- What is the potential impact on local services?
- The loss of green space in the area is unfortunate.
- Is there need for more housing in the area?

4.3 The site was originally designated as Green Belt in the Pudsey Local Plan. Then in the 2001 adopted UDP the originally UDP Inspector removed the site from the Green Belt after he concluded that the land was needed to help long term planning for growth and development and he considered that the site did not fulfill the function of Green Belt. In 2006 the site was reviewed again by the Planning Inspector who retained the PAS land designation but differed in his view from the 2001 Inspector in that he felt the site did have the potential to fulfill some of the Green Belt objectives.

4.4 The applicant wrote to the Council on the 4th June 2013 outlining its views on the position with the application. It consider that the Council did not have a 5 year housing land supply, rather it felt the figure was closer to 3 years. In addition the letter outlined the applicants view on the Interim Policy. Finally the applicants also outlined a serious of off site highway proposals they would be prepared to deliver should the application be approved. This included the works listed in the Proposals section of this report and also included providing land at Rodley Roundabout which the applicants own to help contribute towards a signalization scheme. The applicants have not offered to provide a cycleway/footpath link along the Ring Road from the site to Priesthorpe School.

5.0 PUBLIC/LOCAL RESPONSE:

5.1 The application was advertised by site notice posted on site on the 5th October 2012 and an advert was placed in the Yorkshire Evening Post on the 26th September 2012.

5.2 Publicity expiry date was the 16th November. To date there have been 388 representations received to the publicity of this application. 386 of these are objections. The following issues have been raised:-

- The owners of land off Calverley Lane opposite the application site have objected to the application on the grounds that the proposed access roundabout into the site from Calverley Lane does not provide their site which is allocated as PAS land in the UDP with a suitable form of access due to there being a 6metre easement around the electricity pylon located north of the access.
- The site is PAS land and shouldn't be developed
- The site should be returned to Green Belt

- There are too many houses already for the area
- The road network cannot cope with further development
- The extra houses will change the character of the area and the village feel
- There are already lots of new housing developments in the area
- There are drainage issues with the site
- The site has wildlife and ecological value
- The design of the houses will not enhance the conservation area
- The site is suitable for farming use
- The schools cannot cope with extra houses in the area
- There is highway safety issues
- The site would merge Rodley and Farsley into one
- The site is used for recreation land
- The Rodley Roundabout and Dawson's corner Roundabout are already over congested
- The Clariant site approved over 500 houses
- Devaluation of neighbours properties
- Local GP and medical services are already struggling
- Affect human rights, article 8, right to a private life.
- The development will affect crime rates.
- Bus services are not great in the locality
- There is concern about the construction of the development which could last 5 years or more
- The development is contrary to the NPPF
- The development would be harmful to highway safety
- The development would result in the farmer losing work
- Water pressure at the top of the hill is not good
- Is the waste facility at New Scarborough able to cope with increased volume

6.4 Councillors Carter, Wood and Marjoram object to the application on the following points:

1. The land is designated PAS land (Protected Area of Search). This means that it should only be considered as a possible site for housing as part of the Council's new Local Development Plan. We believe it can then also be considered as unsustainable, and returned to the green belt.
2. The highways infrastructure is totally inadequate to accommodate an extra 400 dwellings, the majority of which would access the site via Bagley Lane – Rodley and Farsley, Town Street Farsley, and Calverley Lane.
3. All local schools are currently full, and likely to remain so for a number of years to come. Therefore there is insufficient education provision in the area.
4. Recently approval was given to the development of over 500 houses on the Clariant/Sandoz site, off the Ring Road. This development will have a major impact on the area, and make the Kirklees Knoll site in Farsley even more unsustainable.
5. Kirklees Knoll is high quality pasture land, currently leased to a local farmer. It is not redundant green space, but a vital part of the green environment. We would therefore urge Leeds City Council's Planning Committee to reject this application.

6.5 Stuart Andrews MP has objected to the application on the following grounds:

- The land is designated as PAS and should not be considered until the Local Development Scheme is agreed.
- The proposal would be harmful to highway safety. The infrastructure around the area cannot cope with 400 dwellings.
- There is no safe route from the site for pedestrians or cyclists.
- Traffic calming measures are not desirable or practical.
- There is inadequate education provision in the locality.
- The Clariant site has already been approved for over 500 houses.
- The land is used for farming and is not redundant greenspace
- The development would result in Farsley and Rodley losing their distinctiveness
- The development would result in the loss of views and woodland
- Although there is no 5 year land supply arrangement in place for Leeds council's core strategy is nearing completion.
- The census figures will likely show a slow-down in population growth
- The Core strategy seeks to provide 6000 dwellings in north Leeds. There are enough brownfield sites with planning permission to contribute towards this target.
- The scheme is not sustainable.
- The proposal does not empower communities or accord with the aims of neighbourhood planning.
- The proposal would harm tree, some with TPO's
- There would be harm to ecology, wildlife and historical significance

7.0 CONSULTATION RESPONSES:

Highways

7.2 The proposals cannot be supported as submitted. There are outstanding concerns that need to be resolved in relation to the site access and the neighbouring PAS land access, to pedestrian/cycle access along the Ring Road and further traffic calming measures in the area. The pedestrian /cycle route along the Ring Road would considerably shorten the distance by approximately 200m to Farefield Primary School and Priesthorpe High School along with employment at large office units on Cote Lane as well as Pudsey Railway Station. The route would not only be shorter than the existing route along Farsley Town Street but also avoid the descent into Farsley and climb out the other side. As such the route along the Ring Road is considered to provide an attractive route to the existing options.

7.3 The impact of the development on Rodley Roundabout has been assessed. The proposals as submitted are considered sufficient to address the impact of the development. The works involved to mitigate the impact include widening of both Rodley Lane approaches and the A6120 Horsforth New Road exit to provide two lanes in each case

7.4 It is also noted that the site does not meet the accessibility criteria to public transport as set out in the Public Transport SPD. In addition contribution towards the Public Transport Infrastructure SPD is required.

Neighbourhoods and housing

7.5 No objections in principle subject to conditions for operating hours, measures for dust suppression during construction, details of litter and waste management and before commencement of site works all residential properties surrounding the site shall be notified in writing of the proposed development.

Flood Risk Management

7.6 Conditional approval recommended

Travelwise

7.7 The site clearly does not meet accessibility standards set out in the RSS, LCC draft Core Strategy and adopted public transport SPD. The SPD states that where a site does not meet the accessibility criteria measures should be taken to bring local public transport up to the required standard rather than apply a formulaic approach. If approval granted there would be a contribution of £413,040.

Metro

7.8 Metro considers too much of the site is located outside of the 400 metre catchment of public transport to be acceptable. Whilst it is accepted that some people will walk over 400 metre to catch a bus the extent of the site that is proposed outside of the 400 metre catchment is not supported. A reduced application footprint would however be considered acceptable. There is a requirement for 4 bus stops to have real time information stops and 2 bus stops requiring bus shelters. In addition the developer should be required to enter into Metro Residential MetroCard Scheme (Bus Only Tickets). The RMC scheme would be necessary to encourage public transport use given the extended walking distance that public transport users would be required to make. On balance, Metro feel that too much of the site is located outside the usual 400 metre catchment of public transport to be acceptable. Whilst we accept that some users would be prepared to walk over 400 metres, the extent of the site that is proposed to be outside the 400 metres is not supported. A reduced application footprint would however be considered acceptable.

Public Rights of Way

7.9 Public Footpath No.18 Pudsey abuts the site on its southern boundary and a claimed footpath which has been used by the public and has possibly acquired public status abuts the site on its eastern boundary are shown on the attached plan.

7.10 Pudsey Footpath No.18 is a narrow closed in path at the moment; ideally we would like to see it widened to 2 metres and tarmaced. The path should not be fenced in as it would benefit from being part of the development. The link from Pudsey Footpath No.18 and the adopted highway at Kirklees Close would also benefit from surface improvements. The developer should consider the status of the paths through the green space and whether they should be dedicated as public rights of way or adopted.

Yorkshire Water

7.11 Conditional approval recommended

Environment Agency

7.12 The proposed development will only meet the requirements of the National Planning Policy Framework if the measure(s) as detailed in the Flood Risk Assessment dated February 2012 submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Coal Authority

7.13 No objection to the application subject to a condition to ensure that in the event of site investigations confirming the need to treat and shallow mine areas the workings required should be approved and implemented prior to the commencement of development

Leeds Civic Trust

- 7.14 The proposal would harm the setting of the Farsley and Rodley Conservation Areas. The site is allocated as PAS land and there are other sites available and other sites recently approved for housing which should be developed first. The scheme would overload the existing transport infrastructure. The public transport in the area is not sufficient to cope with the development. The proposal is considered unsustainable.

Children's Services LCC

- 7.15 Children's Services recently presented a report to the Executive board on the 17th July 2013. This report sought to outline the current position with regards the need to provide additional school places within the Farsley and Caverley area to accommodate the growing population and also to meet with the proposed housing growth. The Executive Board report refers to the draft Core Strategy and also identifies that this site could have the potential to provide a location for a new school although it does mention that no firm decisions have been taken so far.

- 7.16 This site along with the Clariant and Riverside Mills sites will add to demand for school places. Children's Services have considered this site at the pre-application stage as being potentially suitable for a new school and noted this could potentially be provided in lieu of a contribution. The development proposals do not generate requirements for a school by themselves but in combination with recently approved other developments in the locality (referred to above) a new school might be required which could be sited on the site. Contribution requested:

- 7.17 Primary: $400 \text{ (dwellings)} \times \text{£}12,257 \text{ (cost multipliers)} \times 0.25 \text{ (yield per pupil)} \times 0.97 \text{ (location cost)} = \text{£}1,188,929.00$

- 7.18 Secondary: This application would generate 40 secondary age pupils. The secondary situation must be viewed differently, as there is a greater element of parental choice and parents are willing to travel further afield. The West area as a whole is projected to run out of capacity in 2017, with 1,277 pupils for 1,260 places. This is for pupils we know already exist, therefore, any new housing would create extra pressure. We would therefore seek a full contribution towards secondary education:

Secondary: $400 \text{ (dwellings)} \times \text{£}18,469 \text{ (cost multipliers)} \times 0.10 \text{ (yield per pupil)} \times 0.97 \text{ (location cost)} = \text{£}716,597.20$

8.0 EXECUTIVE BOARD DECISION OF 13TH MARCH 2013

- 8.1 The Housing delivery report was presented to Executive Board on the 13th March 2013. The report outlines an interim policy which will assist Leeds in strengthening its supply of achievable housing land pending the adoption of Leeds Site Allocations Development Plan Document which will identify a comprehensive range of new housing sites and establish the green belt boundary. The Interim Policy is as follows:-

- 8.2 In advance of the Site Allocations DPD , development for housing on Protected Area of Search (PAS) land will only be supported if the following criteria are met:-**

- (i) **Locations must be well related to the Main Urban Area or Major Settlements in the Settlement Hierarchy as defined in the Core Strategy Publication Draft;**

(ii) Sites must not exceed 10ha in size (“sites” in this context meaning the areas of land identified in the Unitary Development Plan) and there should be no sub- division of larger sites to bring them below the 10ha threshold; and

(iii) The land is not needed , or potentially needed for alternative uses

In cases that meet criteria (i) and (iii) above, development for housing on further PAS land may be supported if:

(iv) It is an area where housing land development opportunity is Demonstrably lacking; and

(v) The development proposed includes or facilitates significant planning benefits such as but not limited to:

a) A clear and binding linkage to the redevelopment of a significant brownfield site in a regeneration area;

b) Proposals to address a significant infrastructure deficit in the locality of the site.

In all cases development proposals should satisfactorily address all other planning policies, including those in the Core Strategy.

8.3 Leeds City Council Executive Board resolved (Paragraph 201 of the Minutes 13th March 2013) that the policy criteria for the potential release of PAS sites ,as detailed within paragraph 3.3 of the submitted report be approved subject to the inclusion of criteria which

(i) Reduces from 5 years to 2 years the period by which any permission granted to develop PAS sites remains valid: and

(ii) Enables the Council to refuse permission to develop PAS sites for any other material planning reasons.

8.4 It is important to have in mind that the Interim Policy has not been subject to consultation. It set out a series of highly relevant criteria which the Council should have regard to. It should be noted that the decision to introduce the Interim policy has been challenged in the High Court by Miller Homes. The challenge is being resisted by the Council and the Interim Policy is extant.

8.5 The policy has been used to support the release of land at Fleet Lane and Royds Lane where the criteria were met. (Application 12/03400/OT Outline application for Residential Development on land at Royds Lane, Rothwell and Application 12/03401/OT - Outline Application for Residential Development at Fleet Lane, Oulton).

8.6 Executive Board Report of the 17th July indicated that this site could have the potential to accommodate a school to meet the growing population and housing need in the area. The report outlines the need to increase primary school capacity in Farsley and Caverley to accommodate short term population growth.

9.0 PLANNING POLICIES:

Development Plan

- 9.1 The development plan consists of the adopted Leeds Unitary Development Plan (Review 2006) (UDP). The Local Development Framework will eventually replace the UDP but at the moment this is still in production with the Core Strategy at submission stage with examination in October 2013.. Land abutting to the east is designated Green Belt. Relevant policies of the Submission Core Strategy may be given material weight depending on their alignment with the National Planning Policy Framework.
- 9.2 The Core Strategy was submitted to the Secretary of State on 26th April 2013 and set sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district and the Core Strategy is planning for 70,000 net new dwellings between 2012 and 2028. The strategy is planning for growth in all geographic areas of Leeds with at least 19,000 dwellings in new urban and existing settlements.
- 9.3 Leeds Unitary Development Plan (UDP) Review:
 GP5: General planning considerations.
 GP7: Use of planning obligations.
 GP11: Sustainable development.
 N2/N4: Greenspace provision/contributions.
 N10: Protection of existing public rights of way.
 N12/N13: Urban design principles.
 N23/N25: Landscape design and boundary treatment.
 N24: Development proposals abutting the Green Belt.
 N29: Archaeology.
 N34: Protected Areas of Search
 N38 (a and b): Prevention of flooding and Flood Risk Assessments.
 N39a: Sustainable drainage.
 BD5: Design considerations for new build.
 T2 (b, c, d): Accessibility issues.
 T5: Consideration of pedestrian and cyclists needs.
 T7/T7A: Cycle routes and parking.
 T24: Parking guidelines.
 H1: Provision for completion of the annual average housing requirement.
 H2: Monitoring of annual completions for dwellings.
 H3: Delivery of housing on allocated sites.
 H11/H12/H13: Affordable housing.
 LD1: Landscape schemes.
- 9.4 The Unitary Development Plan (UDP) was originally adopted in 2001 and its Review was adopted in 2006. The original UDP allocated sites for housing and designated land as PAS. The UDP Review added a phasing to the housing sites which was needed to make the plan compliant with the national planning policy of the time, Planning Policy Guidance 3. The UDP Review did not revise Policy N34 apart from deleting 6 of the 40 sites and updating the supporting text. The deleted sites became the East Leeds Extension housing allocation.

Policy N34 and supporting paragraphs is set out below:

Protected Areas of Search for Long Term Development

- 5.4.8 The Regional Spatial Strategy does not envisage any change to the general extent of Green Belt for the foreseeable future and stresses that any

proposals to replace existing boundaries should be related to a longer term time-scale than other aspects of the Development Plan. The boundaries of the Green Belt around Leeds were defined with the adoption of the UDP in 2001, and have not been changed in the UDP Review.

- 5.4.9 To ensure the necessary long-term endurance of the Green Belt, definition of its boundaries was accompanied by designation of Protected Areas of Search to provide land for longer-term development needs. Given the emphasis in the UDP on providing for new development within urban areas it is not currently envisaged that there will be a need to use any such safeguarded land during the Review period. However, it is retained both to maintain the permanence of Green Belt boundaries and to provide some flexibility for the City's long-term development. The suitability of the protected sites for development will be comprehensively reviewed as part of the preparation of the Local Development Framework, and in the light of the next Regional Spatial Strategy. Meanwhile, it is intended that no development should be permitted on this land that would prejudice the possibility of longer-term development, and any proposals for such development will be treated as departures from the Plan.

N34: WITHIN THOSE AREAS SHOWN ON THE PROPOSALS MAP UNDER THIS POLICY, DEVELOPMENT WILL BE RESTRICTED TO THAT WHICH IS NECESSARY FOR THE OPERATION OF EXISTING USES TOGETHER WITH SUCH TEMPORARY USES AS WOULD NOT PREJUDICE THE POSSIBILITY OF LONG TERM DEVELOPMENT.

- 5.4.10 The site is protected under Policy N34 as Protected Areas of Search:

- Kirklees Knowl, Farsley
- Caverley Lane, Farsley

- 9.5 Supplementary Planning Guidance / Documents:
Neighbourhoods for Living – A Guide for Residential Design in Leeds
Street Design Guide
SPG4 – Greenspace
SPG11- Education contributions
SPD- Street Design Guide
SPG25 – Greenspace and Residential Developments

National Guidance

- 9.6 Paragraph 47 of the NPPF requires that local planning authorities should identify a supply of specific, deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5%. Where there has been a record of persistent under delivery of housing the buffer should be increased to 20%.
- 9.7 Paragraph 49 requires that housing applications be considered in the context of the presumption in favour of sustainable development. Whether the development is sustainable needs to be considered against the core principles of the NPPF. Relevant policies for the supply of housing should not be considered up to date if the

local planning authority cannot demonstrate a five year supply of deliverable housing sites.

- 9.8 Paragraph 85 sets out those local authorities defining green belt boundaries should:
- ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;
 - not include land which it is unnecessary to keep permanently open;
 - where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
 - make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;
 - satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and
 - define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

Local Development Framework

- 9.9 Neither the Leeds Core Strategy or the Site Allocations Plan are proposing any new policy that would alter the approach to dealing with proposed development at this time on UDP identified PAS sites including Kirklees knowl. The draft Core Strategy was submitted to the Secretary of State in April 2013 and the examination in public is due to take place in October 2013. The Site Allocations Plan had reached Issues and Options stage during the summer 2013. A consultation exercise during June and July sought the views of the public on a range of identified sites for housing, employment and retail development and protection of greenspace.
- 9.10 The Core Strategy and Site Allocations Plan illustrate that Leeds City Council is making good progress in planning to meet the housing needs of Leeds.
- 9.11 Policy SP10 of the Core Strategy sets the requirement for the LDF to identify a new Green Belt boundary for Leeds, including the identification of future safeguarded land that maybe needed for development. It sets criteria to guide how the Green Belt boundary should be changed to accommodate new development. Because these aspects of the policy concern identification of *new* future development land, (as opposed to the early release of *existing* land) they are not of immediate relevance to this proposal. In fact part v) of Policy SP10 confirms that development proposals will continue to be considered against saved UDP policies concerning Green Belt.

10.0 MAIN ISSUES

- Development Timing in advance of the Site Allocations Plan
- 5 year land supply
- Highways
- All other Matters
- Section 106 Package
- Representations

10.1 APPRAISAL

Development Timing in advance of the Site Allocations Plan

10.2 The application site is designated as a “Protected Area of Search “(PAS) in the adopted UDP. Such sites are designated under Policy N34 which specifies that PAS sites are to be retained for possible long term development and any intermediate development should be resisted that would prejudice the potential for long development in the longer term should the need arise. The supporting text to Policy N34 states that, “The suitability of the protected sites for development will be comprehensively reviewed as part of the preparation of the Local Development Framework...” By not waiting for the comprehensive review (currently underway in preparation of Leeds’ Site Allocations Plan), a decision to approve this application now would be a departure from the Development Plan. Alone, this constitutes a reason for refusal. The proposal to develop Kirklees Knowl would be premature in advance of the conclusions of the comprehensive assessment of all PAS sites and alternative land supply opportunities that is being undertaken now through the Site Allocations Plan. Policy N34 and its supporting text should be given considerable weight because it is part of the statutory development plan for Leeds and is consistent with bullet 4 of paragraph 85 of the NPPF which expects local authorities to make clear that “...planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review...” This approach is supported by the findings of the Inspector when he reviewed the UDP in 2006. The Inspector considered that this site was important and should form part of a Comprehensive Review.

“ If and when the Council carry out a comprehensive review of all PAS sites, as I advise, then this site has important potential [Green Belt] GB attributes that should be carefully considered. Together with land south-west of Calverley Lane [see Alteration 20/021 above], it forms part of an extensive tract of open land that extends outwards from the urban edge of Farsley across the [Outer Ring Road] ORR and which is clearly seen as such from adjoining roads and from more distant viewpoints to the north. What I say about the clear urban edge on the opposite side of Calverley Lane applies here too and I consider that Kirklees Knowl could perform the same GB functions as the land there, namely checking sprawl, preventing coalescence and safeguarding the countryside from encroachment ”.

10.3 These should be clear factors in assessing the suitability of the site and this should take place through the Site Allocations process.

10.4 As set out above the Council has put in place an Interim Policy pending the further progress of the Site Allocations DPD Kirklees Knowl needs to be assessed against the interim policy to see if it meets the criteria for possible early release.

10.5 The criteria of the interim policy are intended to ensure that large PAS or those with alternative use, which have significance in their size and locational impact, will only be identified as housing sites through the development plan process, namely the Site Allocations Plan. This leaves the smaller PAS sites that comply with the interim policy criteria as capable of being released for development in advance of the Sites DPD process. The Interim Policy is a relevant material planning consideration that should be afforded weight in the determination of this appeal. The performance of Kirklees Knowl against the interim policy criteria is considered below:

10.6 Criterion (i) *Locations must be well related to the Main Urban Area or Major Settlements in the Settlement Hierarchy as defined in the Core Strategy Publication Draft.* The site is within the main urban area of Leeds. As such the development of the site would form an extension to the main urban area. It is considered that the

site satisfies criteria (i). Criterion (ii) *Sites must not exceed 10ha in size and there should be no sub division of larger sites to bring them below the 10ha threshold.* The application site is above this threshold and fails the Interim Policy on this basis. This is important because the larger sites necessarily have a greater overall impact on the Council's locational strategy for housing.

- 10.7 Criterion (iii) *Land is not needed, or potentially needed for alternative uses.* This site is being considered for a new school which maybe required in the area due to the a growing school age population and the volume of housing in the area. A recent report presented at the Council's Executive Board meeting on the 17th July 2013 has outlined the issues within Calverley and Farsley relating to the need to provide more primary school provision to accommodate the growing local population in the short term. The report at paragraph 3.9 notes that there are 'immediate pressures for school places'. The report goes on to state
- 10.8 "Members will be aware that through the LDF the Council is proposing significant new housing in all parts of the district. The Core Strategy identifies a need to find land for an additional 4,700 dwellings in Outer West Leeds which will inevitably create a significant additional need for school places. Whilst some 2040 dwellings can be accommodated on land with planning permission or allocated housing sites the majority (2660) will be on sites that have yet to be determined. The Council is currently in the initial stages of consultation on its Sites Allocation Plan. Although the future distribution of housing is therefore uncertain this will inevitably require new schools as well as extensions where these are acceptable and appropriate. Sites now under consideration (in whole or in part) for school use rather than housing or employment, particularly where they are well related to major areas of population, on the basis that smaller settlements will generally see less grow that might be readily accommodated by a school extension or be of insufficient size to warrant a new school. In this respect we are already considering the potential of the site at Kirklees Knowl to help meet this future need. However, at this stage no firm decision has been taken".
- 10.9 The Site Allocations Plan Volume 1: Plan Overview released in June as part of the Issue and Options stage for Site allocations notes in para 8.11 that "Further representations on sites (including those relating to schools, built heritage and the Environment Agency) are awaited and will be included in the site assessments prior to making decisions regarding which are the favoured sites to allocate. Any further requirements arising could be reflected in detailed policy wording. In some cases the need for a new school may need to be part of an allocation."
- 10.10 The Interim policy provides that sites that meet criteria i) and iii) but exceed 10ha in size may also be accepted for early release if they meet further criteria iv) and v). Kirklees Knowl fails criterion iii), and therefore does not comply with the Interim Policy. Notwithstanding this, officers have considered the merits of the proposal at Kirklees Knowl against criteria iv) and v) too.
- 10.11 Criterion (iv) *It is an area where housing land development opportunity is Demonstrably lacking.* There are a number of development sites in the locality and the Housing Market area. Some are currently under construction including the adjoining Bagley Lane site. Others are being planned to commence soon including 330 dwellings at the former Clariant Works which is currently on site having recently received Reserved Matters approval. In addition a further 150 dwellings at Riverside Mills also have planning permission, illustrating that housing land development opportunity is not demonstrably lacking in the area.
- 10.12 Criterion (v) *the development proposed includes or facilitates significant planning benefits such as but not limited to:*

a) *A clear and binding linkage to the redevelopment of a significant brownfield site in a regeneration area;* The applicant has not linked this application to the redevelopment of a significant brownfield site in a regeneration area.

b) *Proposals to address a significant infrastructure deficit in the locality of the site.* No proposals have been submitted to address a significant infrastructure deficit in the locality of the site.

- 10.13 To summarise, the application does not meet the interim policy criteria to be released early. The land is potentially needed for a school site. There are other housing development opportunities on-going and soon to start in the area. The allocation of this site should await comprehensive assessment through the Site Allocations Plan.

Five Year Supply

- 10.14 The NPPF provides that Local Planning Authorities should identify and update annually a supply of specific deliverable sites to provide five years' worth of housing supply against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Deliverable sites should be available now, be in a suitable location and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. Sites with planning permission should be considered deliverable until permission expires subject to confidence that it will be delivered. Housing applications should be considered in the context of the presumption in favour of sustainable development, articulated in the NPPF.

- 10.15 In the past, the Council has been unable to identify a 5 year supply of housing land when assessed against post-2008 top down targets in the Yorkshire and Humber Plan (RSS to 2026) which stepped up requirements significantly at a time of severe recession. During this time (2009-2012) the Council lost ten appeals on greenfield allocated housing sites largely because of an inability to provide a sufficient 5 year supply and demonstrate a sufficiently broad portfolio of land. This was against the context of emerging new national planning policy which required a significant boosting of housing supply.

- 10.16 Nationally the 5 year supply remains a key element of housing appeals and where authorities are unable to demonstrate a 5 year supply of deliverable sites, policies in the NPPF are considered to be key material considerations and the weight to be given to Council's development plan, policies should be substantially reduced.

- 10.17 The context has now changed. The RSS was revoked on 22nd February 2013 and when assessed against the Council's Unitary Development Plan (2006) there has been no under delivery of housing up to 2012. Furthermore for the majority of the RSS period the Council met or exceeded its target until the onset of the recession. The Council has submitted its Core Strategy to the Secretary of State with a base date of 2012 and a housing requirement that is in line with the NPPF and meets the full needs for objectively assessed housing up to 2028.

- 10.18 Executive Board has approved the Authority Monitoring Report 2012, which concludes that the Council currently has a 5 year supply. The Council has identified a housing land supply sufficient to provide for 21, 472¹ units against a target of 20,307 units. This is measured against Submission Core Strategy targets and

applies a 5% buffer as required by the NPPF in the absence of persistent under delivery.

- 10.19 The current five year land supply is made up of sites allocated in the UDP Review, sites with planning permission and sites which form part of the Site Allocations Document. In total the Council has land sufficient to deliver 21,472 within the next five years.
- 10.20 The five year supply (as at 31st September 2012) is made up of the following types of supply:
- allocated sites with planning permission
 - sites with planning permission
 - allocated sites without planning permission
 - an estimate of anticipated windfall sites
 - SHLAA sites without planning permission
 - an element of Protected Area of Search sites which have fallen into the current five year supply and may come forward on the basis of the interim release policy
- 10.21 The Council currently has an identified supply of land for 29,605 units which have planning permission or are on allocated sites. However, due to deliverability assessments of the SHLAA partnership some of these sites fall outside the current 5 year supply picture. In improving economic conditions these sites could come forward earlier and contribute to the 5 year supply. In addition, some sites in the SHLAA without planning permission or which are unallocated fall into the current 5 year supply picture.
- 10.22 The SHLAA is not a policy document but determines the likely broad phasing of future identified land for housing. Simply because the SHLAA identifies that an element of PAS land has fallen into the current 5 year supply picture does not automatically provide for its suitability when measured against the Development Plan. Executive Board therefore agreed an Interim Policy approach to dealing with the release of PAS sites.
- 10.22 The application proposal does not satisfy the Interim Policy criteria for release at this time. As such the application proposal is contrary to policy N34 of the adopted UDP.

Highways Considerations

Proposed Calverley Lane access.

- 10.23 A roundabout to access the site from Calverley Lane is proposed, it was considered at the time of the submission that the roundabout would serve the development site and the site on the opposite side of the Calverley Lane and as a technical solution it would be able to provide access to both sites. However, representation has been received on behalf of the owners of the site opposite that the roundabout would not be a suitable solution due to level constraints and easement requirements around a pylon. The applicant has been made aware of these concerns which are noted in the T.A addendum, with a statement that discussion would be held over a suitable joint solution and an acceptable solution has not been submitted. The Council has not received supporting evidence from the owners of the site opposite to support their claim at the moment, however should access from the roundabout prove

unviable, an alternative access to the site is achievable subject to the roundabout reducing vehicle speeds to 30mph or less on exit

- 10.24 In order to provide a continuous footway link from the site along Calverley Lane to Farsley centre the applicants have proposed the construction of a nearside footway of 2m set back along the Calverley Lane frontage. Beyond this point they propose to tie into the existing footway by reducing the carriageway width to 5.5m. This is considered to be acceptable in principle subject to detailed design.
- 10.25 In addition the applicant's propose to reduce the existing National speed limit along the site frontage to 30mph. This would mean that the entire length of Calverley Lane would be subject to a 30mph limit with the National speed limit being reinstated at the junction with the Ring Road. This is a positive move in terms of highway safety and is supported subject to detailed design. Additional traffic calming features may be necessary on Calverley Lane to reinforce the change in speed limit.

Calverley Lane/Ring Road junction

- 10.26 The impact of the development on the junction of Calverley Lane with the Ring Road is a major cause for concern. There have been a number of accidents at this junction and in close proximity to it on the Ring Road itself. In order to accommodate the increase in traffic that the development would generate at this point a significant improvement would be necessary to improve highway safety.
- 10.27 The applicant has proposed within the T.A addendum an improvement scheme which increases the size of the central island and the length/width of the deceleration lane. It would (i) further restrict the ability of those attempting to turn right out of Calverley Lane and (ii) would improve access to Calverley Lane for those turning left from the Ring Road. Access to the Ring Road for those turning left out of Calverley Lane is improved by inclusion of a merging taper to allow a safer merge. Whilst guidance suggests that this arrangement is only appropriate to a dual carriageway, the merge is with two lanes on the main carriageway which in effect provides the same traffic condition making this element of the proposed off site highway works acceptable.

Pedestrian / Cycle link along the Ring Road

- 10.28 The council has requested that the applicant provides a pedestrian and cycle link along the verge of the Ring Road from Calverley Lane to the footbridge near Priesthorpe School, this would provide a shorter, more level route to schools, including primary schools, shops on Farfield Avenue, employment at office units on Cote Lane and the Pudsey railway station than existing routes. The applicants have declined to provide this piece of infrastructure and claim that pedestrians, including those walking to Priesthorpe High School would walk down Calverley Lane and through the existing residential streets towards Cote Lane in order to reach the footbridge over the A6120. This is not a direct or attractive route and is over 200m longer than the more direct route along the Ring Road. Whilst from within existing areas of development, use of a path alongside the Ring Road would only be advantageous from a small number of properties, it is considered that pedestrians from the development (particularly schoolchildren) would take the most direct route to their destination and that this would inevitably lead to pedestrians and possibly cyclists travelling along the side of the Ring Road. The council considers that there is sufficient verge width to provide a suitable and safe facility, which would be approximately 1600m long and would consist of a 3.5m wide shared use path separated from the Ring Road carriageway by a grass verge ideally 1.5m wide but could be as little as 0.5m where space is constrained.. This lack of a dedicated route is a concern. Although other routes exist it is considered that not providing this direct

option would be detrimental to highway safety and as such should be a reason for refusal.

10.29 Bagley Lane (Bellway access)

10.30 The proposal is for 400 units, development of this size requires two points of access. In addition to the new access on Calverley Lane, access is also proposed through the Bellway development off Bagley Lane, whilst this is only 5.5m wide and is therefore not considered to be acceptable to serve the 400 dwellings proposed, but it is suitable as a secondary means of access to the site. The expected distribution of traffic from the development suggests that less traffic would choose to use this access compared with the Calverley Lane access. At detailed layout stage it is considered a suitable traffic scheme could be designed to restrict access to fewer than 200 dwellings.

Transport Assessment:

10.31 The applicants have submitted a Transport Assessment to demonstrate the impact of the proposals on the highway network.

10.32 The trip generation rates and trip distribution have now been agreed by Officers including an 85thile trip rate for a sensitivity test.

10.33 Local junctions that would potentially be affected by the development have been tested taking account of committed development traffic flows. These show that the development would not have a detrimental impact on capacity on a number of minor junctions that would potentially be used by development traffic. However, there would be an impact on others that would worsen capacity notably the junctions of Old Road/Bradford Road, Rodley Roundabout and Dawson's Corner.

10.34 The applicants have not proposed any mitigation measures at the Dawson's Corner or Old Road/Bradford Road junctions. Officers consider that the impact of the extra traffic from the development on the Dawson's corner junction would on balance be acceptable as this junction has been signalised and there are no more major alterations available to improve this junction. However, it is considered by the Council that improvement should be provided at Rodley Roundabout to improve capacity and that the improvements suggested by the applicant, are considered sufficient to address the impact.

Traffic management

10.35 The Council along with the Bellway development has funded traffic calming measures on part of Bagley Lane and Town Street, Farsley. However, there is concern still raised by the public and local councillors that traffic speeds remain high in areas not traffic calmed, this seems to be supported by available speed measurements. Whilst not offered by the applicant at present, it is considered that Traffic Management measures would also be required on Town Street/Old Road and Bagley Lane to fully treat the network surrounding the site.

All Other Matters

- 10.36 At this stage no overriding concerns exist in respect of other planning issues including nature conservation, contaminated land, drainage and the delivery of extra care accommodation meeting an important local need. Should the site be developed it is considered that a suitable design and layout could be achieved to ensure that the proposal does not have an adverse effect upon the setting of the neighbouring Farsley Conservation Area.
- 10.37 However, the numbers of dwellings the site could accommodate cannot be known at this stage given the unresolved concerns over the impact of the development on the surrounding highway network. In addition the indicative masterplan does raise some significant concerns in relation to the amount of development that can be achieved on site. The indicative masterplan shows the majority of the public open space areas as being land located within the easement of the electric pylons and also being used to provide SUDs. The usability of these areas of public open space therefore is a concern. Furthermore the lack of indicative information to show how the sites substantial levels changes would be dealt with also raises some significant concerns. In addition the comments from the UDP Inquiry Inspectors report in 2006 would also indicate that the amount of developable space that the indicative masterplan currently suggests can be achieved would actually be reduced because more space would be required to provide extra landscape buffers. These comments raise the concern that the indicative masterplan is not a layout which should be taken forward to Reserved Matters stage should the appeal be allowed.
- 10.38 It is also considered that a development can be achieved that does not cause demonstrable harm to the amenities of neighbouring residents. The layout is indicative only. It should be possible to design the layout of a development that meets the guidelines set down in Neighbourhoods for Living. However, as outlined above the indicative masterplan submitted is not accepted by the Council due to the lack of information and the concerns expressed above in paragraph 10.37 of this report.
- 10.39 In light of the history of the use of the site as open fields it is not anticipated that there will be a level of contamination that will count against the principle of the development of the site. Accordingly conditions are suggested that require investigation to be undertaken, any remedial works to be undertaken and that it be verified that the appropriate works have been undertaken.

Section 106 Package

- 10.40 The Community Infrastructure Levy Regulations 2010 set out legal tests for the imposition of planning obligations. These provide that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is -
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development. .
- 10.41 The proposed obligations listed in the Proposals section 2.0 of this report have been considered against the legal tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. Accordingly they can be taken into account in any decision to grant

planning permission for the proposals. The applicants will be required to submit a Section 106 Agreement to address the policy requirements for this application. This Legal Agreement will need to complete prior to the appeal in order for the Council to not contest the appeal on these grounds in addition to those two reasons listed at the beginning of this report.

Representations not addressed above

- 10.42 The majority of the representations received to the publicity of this application have been dealt with through the content of this report. Devaluation of properties is not a relevant material planning consideration. The proposal is not envisaged to harm human rights legislation. The construction phase of the development is a matter which could be controlled through planning condition to lessen any impacts on residential amenity.

11.0 CONCLUSION

- 11.1 The key conclusion is that the proposal to develop Kirklees Knowl now runs contrary to UDP Policy N34 which expects the PAS sites only to be released following comprehensive assessment of development plan preparation. The interim policy is designed only to release those PAS sites early which are of a scale, location and nature that would not generate planning major planning implications that ought to be considered in a comprehensive plan making exercise. This site does have an issue that it may be required for a school. It also is in a locality that contains other development opportunities both now and in the immediate future, that mean that release now for local housing availability purposes is not of such urgency that a decision cannot wait for the conclusions of the Site Allocations Plan.
- 11.2 A Five Year Supply can be demonstrated.
- 11.3 At this stage it is considered that the applicants have proposed insufficient mitigation to accommodate the impact of the development on the highway network. . There are outstanding concerns that need to be resolved in relation to pedestrian/cycle access along the Ring Road.
- 11.4 As discussed above the indicative masterplan raises concerns in relation to how the development will respond to the significant level changes across the site and also that the much of the proposed areas of public open space are not considered usable because of their doubling up as flood storage areas and also being sited underneath electricity pylons. Although it is considered possible to create an acceptable residential masterplan for the site, the indicative masterplan is not one the Council would wish to see taken forward to Reserved Matters stage in its current format if the appeal is allowed. Furthermore the numbers of dwellings the site can reasonably accommodate is yet to be demonstrated.

Background Papers:

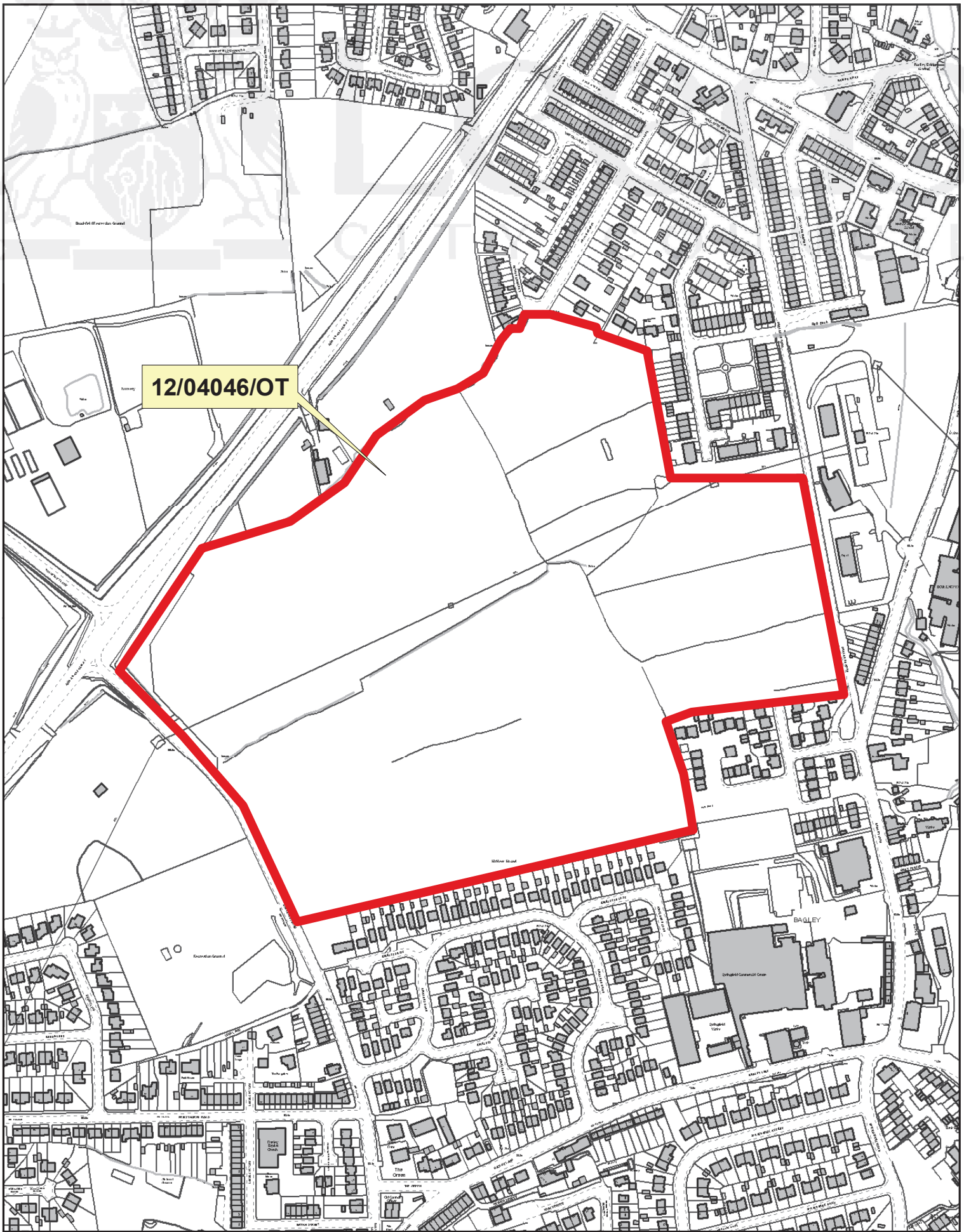
Certificate of ownership: signed by applicant.

Planning application file.

Annual Monitoring Report (2012)

Executive Board Report

ⁱ The AMR approved by Executive Board stated a 5 year supply of 21,512 units. This contains a duplicated site in error and the actual position is 21,472 (40 units less). This does not affect the ability to demonstrate a 5 year supply.



12/04046/OT

CITY PLANS PANEL





Originator: Sarah McMahon
Tel: 2478171

Report of the Chief Planning Officer

PLANS PANEL CITY CENTRE

Date: 1 August 2013

Subject: POSITION STATEMENT FOR APPLICATIONS -

1. 13/02967/FU - Major mixed-use, retail-led development including the demolition of all buildings and construction of retail (use classes A1, A2, A3, A4, A5), leisure (use class D2)/casino (sui generis), public realm works and landscaping,

2. 13/02968/FU - Demolition of Millgarth Police Station and the erection of a multi-storey car park and associated landscaping, means of access and highway works and

3. 13/02969/RM - Reserved matters approval for Plot HQ1 (to be occupied by John Lewis) of the outline planning permission, at Land Bound By Eastgate, George Street And Millgarth Street, Leeds, LS2.

APPLICANT	DATE VALID	TARGET DATE
Hammersons UK Properties PLC	25 June 2013	26 September 2013

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:

This report is brought to Panel for information. Officers will present the current position reached in respect of this application to allow Members to consider the proposal

1.0 INTRODUCTION:

1.1 This position statement is intended to inform Members of the latest position in respect of the proposal for Phase 1 of the Victoria Gate (formerly known as the Eastgate and Harewood Quarter) major retail led, mixed use development. The Applicant is proposing to deliver the scheme in two phases with the first phase submitted under the current trio of applications. The scheme was originally brought before Members at pre-application stage at the City Plans Panel of the 13 December 2012 and the 11 April 2013 (Members comments are detailed below in Section 5.0 and in full minutes in Appendix 3).

2.0 PROPOSAL:

2.1 The rationale for phasing the scheme is to take into account the context of the changed economic market and to allow the Applicant to bring forward a more viable and deliverable development proposal. In addition, phasing has the advantage of allowing the city centre a period for reconsolidation after the completion and opening of the Trinity retail development.

2.2. The three applications consist of

1. A Full Application, that is outside of the parameters of the Outline consent, for the demolition of all buildings and construction of retail (use classes A1, A2, A3, A4, and A5), leisure (use class D2)/casino (sui generis) all to be housed in some 30 units in two new covered arcades, public realm works and landscaping.
2. A further Full Planning Application is submitted for an area outside the original red line site boundary of the consented Outline scheme, for the demolition of Millgarth Police Station and the erection of a multi-storey car park and associated landscaping, means of access and highway works.
3. Thirdly a Reserved Matters application for the proposed John Lewis department store building, the parameters of which were agreed on the approved Outline Planning Applications 11/01000/OT and 12/03002/OT. The submission seeks agreement on all reserved matters, these being access, appearance, landscaping, layout and scale.

2.3 Key components of Phase1 of the scheme are as follows:

Arcades

1. The demolition of all buildings within the Phase 1 site including Nos.10 to 32 and 34 to 44 Eastgate, the former Weights and Measures Building and an existing substation
2. The development of two parallel arcades aligned east-west across the site, to be contemporary interpretations of the traditional Leeds arcade, with external active frontages onto Eastgate, Harewood Street and George Street and with internal active frontages in both arcades providing a covered link to the proposed John Lewis building.
3. The provision of 42,447 sq m of retail and café/restaurant/bar floorspace (Use Classes A1, A2, A3, A4, and A5) in some 30 units (including the John Lewis Store) and up to 996 sq m of leisure-related uses Use Class D2) and 4,650 sq m of casino use, within and above the new arcades respectively.
4. The pedestrianisation of Harewood Street and Sydney Street and public realm improvements to Eastgate and George Street, including new trees, seating areas,

signage and lighting.

Multi Storey Car Park

1. The demolition of Millgarth Police Station
2. The development of an 8 level Multi storey car park (MSCP) with split-level decks comprising up to 815 spaces.
3. The relocation of the protected New Generation Transport (NGT) route from its current alignment along Millgarth Street to a new route running north-south through the centre of the site of the Multi Storey Car Park

John Lewis Department Store

1. The development of a new 5 floored (plus basement servicing area and active roof level) retail department store to be occupied by John Lewis
2. A high-quality design to all buildings that is influenced by the existing character and context of Leeds but that seeks to be inspirational in its own right and forms a new character area as part of Victoria Gate

- 2.4 The land use and maximum floor space parameters for each type of proposed use are laid out in the following table and a comparison between this and the consented Outline scheme can be found in Appendix 1.

Land Use and Floor Space Parameters	
Type of Use	Max Gross External Area sq metres
A1, A2, A3, A4 and A5	42,447 sq m
Leisure Use D2	996 sq m
Casino	4,650 sq m
Total Area	48,093 sq m
Public Car Parking	815

- 2.5 The development scheme area for Phase 1 can be divided into three interlocking areas in respect of the site, these being the western end of the Union Street car park and the southern range of buildings fronting onto Eastgate (together with Sydney Street and Harewood Street) where two new arcades are proposed, the eastern end of the Union Street car park and the southern range of buildings fronting onto Eastgate, where the new John Lewis department store building is proposed, and the Millgarth Police Station site, where a new multi storey car park is proposed.
- 2.6 Key views from 21 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.

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

Design and Access Statement (HB-03, JL-03 and CP-03)
Planning Statement (HB-04 and CP-04)
Retail Statement (HB-05)
Statement of Community Involvement (HB-06 and CP-05)
Transport Assessment (HB-07 and CP-06)
Travel Plan (HB-08)
Environmental Statement (HB-09A)
Non-Technical Summary (HB-09B)
Environmental Statement Technical Appendices (HB-09C)
Sustainability Statement (HB-10)
Energy Statement (HB-11)
Phase I Environmental Risk Assessment (HB-12 and CP-07)
Flood Risk Assessment (HB-13 and CP-08)
Foul Sewerage and Utilities Statement (HUB-14 and CP-09)
Coal Mining Assessment Report (HB-15 and CP-10)

2.8 The Applicant has also submitted an Environmental Impact Assessment (EIA) as an integral part of the application. EIA is the procedure by which a project's likely environmental effects are brought together and analysed to identify where modifications and/or mitigation measures are required. The Environmental Impact Assessment Statement has been submitted to assess the Full Planning Application 13/02967/FU in conjunction with the cumulative impacts of the other parts of the wider proposed scheme submitted under the Full Planning Application 13/02968/FU and the Reserved Matters Application 13/02969/RM. The EIA results are contained in the Environmental Statement and its appendices which cover the following areas:

- EIA methodology
- The existing land use
- Alternatives and design evolution
- The proposed development
- Development programme, demolition and construction
- Planning policy context
- Socio economics
- Townscape and visual amenity
- Transport
- Air quality
- Noise and vibration
- Ground conditions and contamination
- Flood risk and drainage
- Ecology
- Wind
- Daylight, sunlight and overshadowing
- Cumulative Impacts
- Residual impacts and mitigation measures

3.0 SITE AND SURROUNDINGS:

3.1 The full application site (covering both Phase 1 and Phase 2 of the proposal) extends to approximately 6.9 hectares in size and forms the north east quadrant of Leeds City Centre. It is defined by New York Road (Inner Ring Road A58M/A64M) to the north, Bridge Street to the east, George Street and Dyer Street to the south and Harewood

Street and Vicar Lane to the west. Millgarth Police Station, Millennium Fountain (former Appleyards petrol filling station) and the Ladybeck Close area are all now excluded from the amended proposals site boundary. Ground levels fall by approximately 14m from the north west (former ABC site) to the south east corner (bus station) of the site.

- 3.2 The site contains a varied mix of property and land uses. However, a significant land use is surface car parking (2.26 hectares). Lady Lane, Edward Street, Union Street, Templar Street, Templar Lane and on-street car parking accounts for approximately 1080 surface parking spaces. The Union Street car park forms part of the site which is to be developed for Phase 1 of the wider scheme. 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 previous 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.

To the south eastern end of the site is the Millgarth Police Station site. This is largely covered by a 1970s red brick building, which has housed the Police services here since 1976. The culverted Lady Beck runs north to south under the site. Beyond the open car parks and the police headquarters, part of Leeds Central Bus Station is located within the application site boundary. These areas of the site form part of the space to be developed under Phase 1 of the scheme.

- 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 for the previous Eastgate and Harewood Quarter Development scheme (06/03333/OT) was granted consent on 24th August 2007 and permission was extended on 9 July 2010 (10/01477/EXT).
- 4.2 Subsequently a revised scheme was submitted under outline planning application 11/0100/OT for major redevelopment, including demolition, involving mixed use to provide retail stores, restaurants, bars and offices (A1, A2, A3, A4, A5 and B1 Use Classes), gym (D2 Use Class), medical centre, crèche, multi-faith prayer room (D1 Use Classes), changing places toilet facilities, with new squares and public realm, landscaping, car parking and associated highway works, at the Eastgate And Harewood Quarter, Leeds, LS2 . This was approved on 6 September 2011 A Non Material Amendment planning reference 12/9/00055/MOD to amend the description to refer to leisure use (D2 use class) instead of gym (D2 use class) was approved on 4 April 2012.
- 4.3 A subsequent Section 73, Variation of Condition application, planning reference 12/03002/OT, was submitted seeking the variation of condition 3 of planning permission 11/01000/OT to allow for Leisure Use (D2 use class) and Casino Use (sui generis) as part of a retail-led mixed use development. This application was approved on 30 October 2012. A Non Material Amendment planning reference 12/9/00098/MOD to amend the description to add in Casino Use (Sui Generis) was also submitted in parallel to the Variation of Condition application (12/03002/OT) and this was approved on 2 October 2012.
- 4.4 Other applications of relevance are:
- 4.5 13/01393/FU – For the demolition of an existing substation and erection of a new substation on adjacent land was approved on 21 May 2013.
- 4.6 11/01003/LI - Listed Building Application for works to renovate and repair external fabric of Templar House, at Templar House, Lady Lane was approved on 21 July 2011.
- 4.7 09/05538/LI - Listed building application for the demolition of the railings at the former Appleyards Filling Station. Following referral to the Secretary of State this application was granted a five year consent on 31 March 2010 subject to conditions requiring the

railings be repaired and reused within the Eastgate and Harewood Quarter development.

- 4.8 11/01194/FU – An application for the demolition of all buildings and the erection of a Low Carbon Energy Centre, primary substation, transformers and a gas meter unit; and associated landscaping, means of enclosure and highway works including the realignment of Ladybeck Close, was approved on 14 July 2011.
- 4.9 11/02884/FU – An application for part demolition of school, construction of new church, with youth hall, meeting rooms, cafe and toilets, including extension of part of remaining school to form crèche, kindergarten, auditorium, games room, teaching rooms, meeting rooms, offices and kitchen, with car parking and landscaping and laying out of new access to allow the relocation of the Bridge Street Pentecostal Church to the Agnes Stewart site, was approved on 5 October 2011.
- 4.10 Whilst not strictly part of the planning history, it should be noted that on 19th April 2006 Executive Board authorised the making of a Compulsory Purchase Order (CPO). The Leeds City Council (Eastgate and Harewood Quarter, Leeds) Compulsory Purchase Order 2007 was subsequently made on 18th April 2007. The Public Inquiry into the CPO took place between November 2007 and February 2008. The CPO was confirmed by the Secretary of State for Communities and Local Government in June 2008 and the associated Stopping Up Order for the original consented scheme was confirmed by the Secretary of State for Transport in July 2008. The CPO has been implemented by way of notices to treat served on the 7th of April 2011. Accordingly, the site assembly process to enable the proposal to be implemented (if planning permission is granted) is well advanced.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The original outline application was brought back to Plans Panel for determination on 7 July 2011 where Members resolved to grant outline planning permission. The application was subsequently approved, following completion of the Section 106 Legal Agreement, on 6 September 2011.
- 5.2 The scheme returned to Plans Panel on 27 September 2012 with a Section 73 Outline Planning Application to vary Condition 3 and a Non Material Amendment submission to alter the description, such that a new use, Casino Use (Sui Generis) could be introduced, and the approved Gym Use (D2) could be amended to a broader Leisure Use (D2) with a potentially large floor space. Members resolved to grant outline planning permission at this Panel. The application was subsequently approved, following completion of the Section 106 Legal Agreement, on 30 October 2012.
- 5.3 An update presentation was given to Members at the City Plans Panel on 13 December 2012. The presentation focused on amendments to the layout to Phase 1 such that routes through and around the scheme become more permeable whilst making effective use of the land, the integration of the scheme in to the wider City Centre, the public realm provision and connectivity, the creation of two new arcades running east –west across the site from Harewood Street to the proposed Blomfield Street and car parking provision. Members made the following comments:

that the detail of the John Lewis store had changed since the original planning permission had been granted; whether because of this there would now be the need for a bridge over

Eastgate

the need for details on achieving a safe transition to the development from the Victoria Quarter

the design of the John Lewis building and whether it would look at odds with the Blomfield architecture which dominated this part of the city

the need for the treatment of the John Lewis store to be consistent all the way round

that the demolition of Millgarth Police Station was welcomed but that there was a need to consider a similar treatment for the car park as would be on the John Lewis façade

the need to ensure there was no queuing traffic from the car park and that the exit was situated opposite the coach station on Dyer Street with concerns about whether there was sufficient capacity on that street□

- 5.4 A further pre-application presentation was brought to Plans Panel of 11 April 2013. Members were shown further proposals for the layout and detail the buildings and spaces in Phase 1 of the development, with particular focus on the treatment of the elevations of the Harewood and John Lewis buildings, as well as the connectivity around and through the site, the public realm and landscaping provision and the car parking provision requirements. Members made the following comments:

the proposed new arcades, the design of which were well received and the roof treatment which was welcomed and which would provide an element of consistency between other roofs and arcades in the City

the Vicar Lane frontages, with concern that there was an overuse of terracotta and the need for a better understanding of how this would look and the detailing of it

the lack of a pedestrian entrance to John Lewis from Eastgate; that this street was well used and was a route for many buses in the city, therefore an entrance at this point was required, to contribute to the continued vitality of Eastgate. The view that the Leicester John Lewis, which had been visited by Panel, had been designed for car owners, with no pedestrian entrance being located at the rear of the building, with concerns being raised about the similar approach being adopted towards pedestrians on this scheme

the design of the John Lewis building and that this had the potential to be something special

regarding the acceptability of the introduction of new covered arcades, their entrances and layout and the covered space on the proposed Blomfield Street, Members liked these elements, particularly the curve on the new arcades

on the proposals for the car park in respect of its height, layout, access and egress arrangements, façade treatment and proposals for addressing the future need to accommodate part of the City Centre NGT loop, the range of views were noted. The Chief Planning Officer advised that further work would be carried out on the access and egress arrangements and that it should be assumed that NGT would happen

regarding the approach to employment and training, that for clarity, priority Wards should either be listed alphabetically or by area of severity, rather than the random mix which had been presented to Panel and that Moortown and Chapel Allerton Wards should also be

included

that the car park and John Lewis store were adjacent to the arts quarter with West Yorkshire Playhouse and The Northern Ballet being sited close by and that possibly some reference to the arts could be included around that part of the site.

- 5.5 Full minutes from both Plans Panels of the 13 December 2012 and 11 April 2013 can be found in Appendix 3.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The full planning application (13/02967/FU) for the new arcades was publicised via Site Notices posted on 3 July 2013 expiring on 24 July 2013 for a Major development affecting the setting of a Listed Building and the character of a Conservation Area and accompanied by an Environmental Statement and in an edition of the Yorkshire Evening Post printed in the week of 18 July 2013.
- 6.2 The full planning application (13/02968/FU) for the new multi storey car park was publicised via Site Notices posted on 3 July 2013 expiring on 24 July 2013 for a Major development affecting the setting of a Listed Building and the character of a Conservation Area and in an edition of the Yorkshire Evening Post printed in the week of 18 July 2013.
- 6.3 The Reserved Matters application (13/02969/RM) for the new John Lewis building on Plot HQ1 was publicised via Site Notices posted on 3 July 2013 expiring on 24 July 2013 for a Major development affecting the setting of a Listed Building and the character of a Conservation Area. It should be noted that the Environmental Statement has been submitted to assess the Full Planning Application 13/02967/FU in conjunction with the cumulative impacts of the other parts of the wider proposed scheme submitted under the Full Planning Application 13/02968/FU and the Reserved Matters Application 13/02969/RM.
- 6.4 Ward Members were consulted formally on the 2 July 2013 and by the Case Officer via email on 3 July 2013. No comments have been received to date.
- 6.5 Two comments submissions received stating as follows;
1. That it is great to see the long overdue development of this area, but querying whether a high level glazed roof could be placed in to Sidney Street, whether Vicar Lane could be pedestrianised between Eastgate and Kirkgate, and whether the George Street frontage could incorporate stone in addition to brick to complement the Markets building.
 - 2 That they support the high quality cladding and effort to produce a quality building of the Multi Storey Car Park, but have concerns about the lack of active frontage at ground floor, and pedestrian access to the east of the site.
- Response:
1. The idea of a glazed roof in Sydney Street does not form part of the submission but is something that is being considered by the Developers. The other matters are discussed below in sections 10.12, 10.14 to 10.15 and 10.29.
 2. These matters are discussed below in sections 10.7, 10.19 to 10.20, 10.31 and 10.42.

7.0 CONSULTATIONS RESPONSES:

- 7.1 **Statutory:**
- 7.2 Environment Agency state that they have no objections provided the Full planning applications are Conditioned such that the Flood Risk Assessment, as submitted, is complied with and foul drainage is managed.
Response: These matters will be addressed via planning Conditions.
- 7.3 Highways no response received to date
- 7.4 Mains Drainage no response received to date
- 7.5 Yorkshire Water no response received to date
- 7.6 English Heritage state that it is important to pay attention to and not challenge the visual dominance of the Grade I listed Market Hall, and to integrate the development into the grain of the existing historic townscape by establishing strong pedestrian links and active frontages.
Response: These matters are addressed in the appraisal paragraphs 10.6, 10.10, 10.14, 10.31, 10.42, 10.43 and 10.57 below
- 7.7 Highways Agency state that they have no objections.
- 7.8 National Amenity Societies for Listed Buildings no response received to date
- 7.9 Natural England state that the proposal is unlikely to affect any statutory protected sites or landscapes, is unlikely to affect any bats however bat, and bird, boxes should be provided and opportunities to incorporate green landscaping should be explored.
Response: Whilst soft/green landscaping is shown as proposed on the submitted plans, these matters will be conditioned.
- 7.10 Canals and Rivers Trust state that the proposal falls outside their remit and as such they have no comments to make.
- 7.11 National Planning Caseworker Unit no response received to date
- 7.12 **Non-statutory:**
- 7.13 Neighbourhoods and Housing no response received to date
- 7.14 Coal Authority state that they concur with the findings of the Coal Mining Assessment Report that coal mining legacy poses a risk to the proposed development and as such intrusive site investigation works are required.
Response: As agreed with the Coal Authority this matter will be Conditioned.
- 7.15 West Yorkshire Archaeological Advisory Service no response received to date
- 7.16 NGT/Transport Policy Officer no response received to date
- 7.17 Leeds Civic Trust no response received to date
- 7.18 Metro no response received to date

- 7.19 Retail Consultants (Colliers) acting as consultees on behalf of the Local Planning Authority state that more information is required with regard to the issue of the relationship of these applications to the parameters established by the outline permission to understand how this changes the retail levels proposed.
Response: the Applicant is currently working on providing this information.
- 7.20 Wind Consultants (BRE) acting as consultees on behalf of the Local Planning Authority state that whilst there are a few matters on the Windy Study that would benefit from more clarity, the study as presented causes them no concern regarding the pedestrian wind environment around any of the proposed scenarios for the proposed scheme and locations within the proposed development have been shown to be suitable for the intended activities
- 7.21 Public Rights of Way state that there are no definitive or claimed rights of way affecting the site.
- 7.22 Access Officer no response received to date
- 7.23 Architectural Police Liaison Officer no response received to date
- 7.24 West Yorkshire Ecology no response received to date
- 7.25 Licensing no response received to date
- 7.26 TravelWise state that further information is required with regard to cycle parking, the provision of staff showers, trip generation for the Phase 1 car park, motorcycle parking and electric car charging points and clarity is sought on whether car club spaces can be provided in Phase 1 as well as in Phase 2.
Response: The Applicant has provided a revised Travel Plan which TravelWise are currently considering in respect of these points.

8.0 PLANNING POLICIES:

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

9.0 MAIN ISSUES:

1. 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 proposed mix and the levels of uses were agreed under the previous Outline Planning Applications 11/0100/OT and 12/03002/OT. The mix for Phase 1 remains appropriate, being a retail led development which would compliment the existing mix of uses across Leeds City Centre, including the recent Trinity shopping centre development.

10.3 It is considered that Phase 1 of the proposed scheme accords with the strategic aims of the Local Development Plan (UDPR) in its use of previously developed brownfield land, in an accessible sustainable city centre location. In addition the proposal offer the opportunity of a substantial level of local employment and training as well as wider physical, environmental, social and economic regeneration benefits for Leeds. The mix of use remains varied, appropriate and retail led, and is such that the proposal will add to and support both the day time and evening economies of Leeds City Centre. As such the scheme has the potential to bring significant vitality, vibrancy, trade and consumer choice to this part of the city centre.

10.4 The Applicant has stated that this initial phase of the scheme has the potential to create approximately 146 jobs, including 117 full time posts, during the demolition and construction phases and some 1717 jobs, including 1272 full time employment opportunities, upon completion. In addition, the Applicant proposes to provide skills training as part of their employment and training strategy, to assist local people, and in particular those living in deprived residential areas, 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 would emphasise the role of Leeds as a regional centre, helping to re-establish its position competitively with other major cities and cement Leeds as a city of European importance.

10.5 It is the case that with the completion of Trinity and the subsequent completion of Phase 1 of the Victoria Gate scheme there will be periods of retail readjustment and consolidation. However this is a common occurrence in city centres and is an inevitable consequence of growth and adaptation. Therefore, it is considered that such an outcome is unavoidable and was considered to be acceptable at the time of approval of the Outline Planning Applications 11/0100/OT and 12/03002/OT. The proposal is considered to connect well physically to the city centre's existing structure and provides opportunity for improvement of marginal areas, and in particular improvement in respect of retail representation in the areas around Kirkgate Market, Vicar Lane to the north of The Headrow and along the north side of Eastgate.

10.6 The relationship between the proposed first phase of the Victoria Gate development and the existing Leeds Kirkgate Market is a key consideration. Kirkgate Market is of considerable importance to Leeds in respect of the retail function it performs as well as its considerable value, in architectural and historic terms, as a Grade I Listed Building. The overarching aim of the proposal in respect of this important neighbour

is to act as a complimentary rather than competing nearby retail led development. The Victoria Gate scheme has the potential to bring new customers to the wider area including the Markets, increasing footfall not only within their own development but into neighbouring sites such as Kirkgate Market. The layout of Phase 1 has been designed to ensure that there are active frontages facing the Markets and strong pedestrian connections and desire lines between the scheme and the wider area, and in particular with the Markets, boosting and enhancing pedestrian movements in and around the area. In addition, as part of the current proposals new dedicated loading bays are to be provided on George Street for use by the Kirkgate Market traders, as well as a market traders 'parking area' (details of which are provided below in the section headed Transport, access and connectivity) to be laid out to the south-east of the outdoor market. As such it is considered that the magnitude and role of Kirkgate Market has been taken into account by the Applicants in their submitted scheme.

- 10.7 The importance of connections to the east with the Quarry Hill area have also been considered as part of the wider scheme, with the aim being to strengthen links with the cultural destinations around Quarry Hill. To this end as part of Phase 2 of the scheme improvements to the pedestrian crossings on St Peters Street are proposed. This is programmed to come forward with Phase 2 rather than as part of Phase 1 due to the works being linked to other off-site Phase 2 highways works. However, the proposed multi storey car park, has the potential to provide safe and secure parking near the Playhouse and the other cultural entities on Quarry Hill. The green landscaped area to the east of this proposed car park could enliven the general area and help to soften the effects of the traffic on St Peters Street at this point. It is considered that the scheme is a fundamental of the city's growth agenda and could prove to be a catalyst in the wider regeneration of surrounding areas including Kirkgate, the Markets, the Grand Arcade and Quarry Hill. Continued joint working between would assist the implementation of such possible regeneration and encourage mutual success.
- 10.8 Therefore, the principle of the proposed uses in Phase 1 is considered to accord with the aspirations and objectives of all relevant national and local policies (see Appendix 2 for full details of relevant policies). Despite the requirements by the Applicant for the scheme to come forward in a phased manner, the proposal is still considered to offer a unique opportunity to create a new, vibrant retail led development, potentially transforming a fragmentary 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 improved footfall across the eastern side of the City Centre, which could stimulate activity in this area and across the wider City Centre and potentially create approximately 1717 new jobs for local people. As such the proposal is considered to consolidate and support the role of the Prime Shopping Quarter and the wider City Centre, and would comprehensively regenerate and redevelop an extensive part of the city centre which has for a significant period suffered from a lack of investment. Therefore the proposed uses and their mix within Phase 1 are considered to be acceptable and appropriate for this location.
- 10.9 Layout, scale and design
- 10.10 Phase 1 of the scheme is an interconnected ensemble of buildings and spaces 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 overarching aim is 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 useable public realm allowing for enhanced pedestrian movement, and the creation of modern arcades and other new buildings which would reflect the context of the existing city centre. A lighting scheme for Phase 1 will be created which will create feature lighting to best highlight the visual attributes of each of the elements of the development.

10.11 Arcades

The internal character is very much focused on that of arcades rather than malls. As such the units are two storey, with the upper storey set back slightly, giving the arcades a generous height, and set in a clear rhythm defined by regular pilasters and consistent fascia and signage zones, patterned flooring and shop front dimensions. In addition, the space would be covered by a glass roof. The internal layout is created to form a pedestrianised loop with strong visual links to the John Lewis building to the east and to the Victoria Quarter across Vicar Lane to the west.

10.12 Externally the two blocks which each front Eastgate and George Street, and both front Harewood Street, have been designed to have two specific but related character facades, which reflect the context in which they are positioned. As a result the design has taken reference from details of surrounding buildings in terms of materials, decoration, fenestration rhythm, curved corners, scale and composition.

10.13 The design of the block facing Eastgate and wrapping round into Harewood Street is very much that of a civic building. Care has been taken to understand the rhythms of the Blomfield range to the north side of Eastgate, in terms of its horizontal plinth, façade stepping, corners, and vertical and horizontal emphasis. This has resulted in the proposed building having a strongly defined but stepped stone (or reconstituted stone) plinth which would frame the clear glazed shopfronts and entrances, with pleated brick work and glazed windows/openings above, set into a defined vertical rhythm that relates to the Blomfield rhythm across Eastgate. Corners and a mid elevation feature inset would be emphasised by the use of stone with the brick and glazing. The horizontal order of the Blomfield range to the north is one of a reducing scale of levels as you rise up the building. To add a new dimension to the streetscene and visual interest, this order has been reversed on the proposed building such that the horizontal layers increase in depth, above the plinth, up the façade. The resulting elevation has a good balance of order combined with aesthetic appeal and 3-dimensionality which is appropriate to the contextual setting it will be placed within and is of a civic scale and character.

10.14 The second block of this part of the development fronts on to George Street (and also wraps around into Harewood Street) and this building focuses its design concept on the context of the Victoria Quarter and the buildings in between this and the proposal site that front Vicar Lane and the listed part of Kirkgate Market. As such the approach here references the ornamentality of these buildings, their materiality (largely red brick and red terracotta), their strong horizontal lines, dark plinths and regular pilaster rhythms. Thus the proposed building to this side of the site also uses 3 dimensional brick work but more emphasis is given to the horizontal banding and no stone is proposed at the corners or in the feature inset. Instead the focus is on the rhythm of patterned brick work and red terracotta and glazed openings in the upper floors, with a strong black stepped plinth around the ground floor frontages. As with the proposed building facing Eastgate the horizontal levels increase in depth as they ascend the building. The overall effect is

one of high quality and subtlety, reflecting the rich architectural and historical qualities of the contextual buildings it references.

- 10.15 One further important element to note regarding the George Street façade is the incorporation of a new electricity substation. This would front onto George Street and as such care needs to be taken to make its frontage an attractive feature in the wider façade. Therefore, the substation will be constructed such that it can accommodate perforated feature doors (due to the requirements for the substation to be ventilated), which could come forward as ornamental metal gates, patterned mesh or fret cut patterned panels.
- 10.16 The roof would start at the western end of the arcades space with a grid shell pattern fanning out across clear glazed roof panes set into a frame. The character of the roof would change as it moved along the arcades such that it would become a clear glazed rising pitched roof. Across the area between the arcades and the John Lewis building the roof would again evolve such that the pitches would be increased to allow the roof to neatly blend into the diagrid of the John Lewis façade.
- 10.17 Accessible entrances to the arcades are proposed to the western end where they meet Harewood Street, and to the middle of the site in the area between the arcades and the John Lewis store. The aim has been to create 'arcade' style entrances, but contemporary interpretations of this type of historic feature. As such the entrances will be defined portals with carefully positioned solid diamond shaped columns with clear glazed panels and doors between and a solid fascia above. These columns and fascia are proposed to be either Portland or reconstituted stone and would frame the entrances giving them the due presence of a traditional arcade entrance with a modern approach.
- 10.18 Multi Storey Car Park
The multi storey car park would be positioned on the site of the Millgarth Police station.
- 10.19 The car park would be a stand-alone 8 storey split deck building which would sit in close proximity to the proposed John Lewis building, to which it would be linked by two pedestrian bridges. Visually the car park facade will take the form of straight and twisted metal anodised aluminum vertical fins that would be shaped such that they 'ghost' the diagrid pattern of the John Lewis façade. To the base and across the slot between the car park and the John Lewis block a less open treatment is required. As such it is proposed that this would be either metal panels in a lace/knitted woven pattern or perforated panels with an interpretation of the sculptural twist of the fins above. The manner in which the top of the car park is treated has been examined and it has been concluded that the preferred approach is to allow the fins to meet the sky rather than having a defined cap. This is considered to help to visually reduce the mass of the building against the skyline and in the context of the neighbouring John Lewis building.
- 10.20 As detailed below in paragraph 10.36 there will be a need at some point in the future to create a tunnel (of some 53 m length, by at least 13 m, 6.2 m in height) through the proposed car park to accommodate the New Generation Transport (NGT) trolley bus. This means a section of temporary removable car decks is proposed over the area where NGT is to run which would be removed for the introduction of the trolley bus city centre loop. This would have the added benefit of creating some potential useable units to the eastern end of the building at ground floor, which could, at a future date, increase vitality and vibrancy in this location.

- 10.21 John Lewis Building
The building would be positioned to the eastern end of the site and would be 5 storeys of retail floor space, plus a useable roof space (for an ancillary A3 restaurant use) and a basement servicing/back of house area. The aim has been to produce an iconic building, which has its own distinctive identity whilst referencing the contextual historical and architectural detailing of nearby city centre areas and buildings.
- 10.22 This has resulted in a proposal of very high quality design, stature and materiality. The façade is to be a sculptural wrap in the form of a strongly ordered diagrid with curved corners for the full height of the building, with clearly delineated pilasters, shop windows and entrances at ground floor level. The diamond shaped frames of this diagrid are proposed to be white terracotta with a variety of clear glazed or decoratively patterned terracotta infill panels within the diamond shapes, reflecting the rich tradition of highly ornamental buildings such as those found in and around the nearby Victoria Quarter. Although the bridge link across Eastgate (approved under the original Outline proposals) will not come forward until Phase 2, the building has been designed such that a section of the façade can be removed to accommodate the bridge without this having a negative impact on the rhythm of the diagrid patterning.
- 10.23 Due to the fall of the land at the eastern end, part of the ground floor level of the store would be elevated above street level. As a result the proposal is to ground the building on plinth, to add an element of visual interest and grandeur in those areas where it is not possible to have active frontage directly on the street. However, active frontage with views into the store and/or of dressed display areas will be provided where possible.
- 10.24 Entrances to the proposed department store are indicated to the south-west corner onto George Street, and two entrances from inside the proposed arcades to the west facing façade of the building. The George Street entrance is a curved opening up a broad sweep of generous steps. The two arcade entrances would both be generously scaled, accessible double doors. A further entrance is proposed to Eastgate. This Eastgate entrance is proposed in two forms in respect of Phase 1 and Phase 2 of the wider Victoria Gate scheme. In Phase 1 it is proposed that one set of double doors is provided of some 1.8 m in width (with the full opening in which the doors sit being some 3.2 m wide), adjacent to a clear glazed shopfront panel of an equivalent size. When Phase 2 comes forward it is proposed to replace this clear glazed shopfront panel with a second set of doors of equivalent dimensions, give two sets of double doors to the Eastgate entrance.
- 10.25 Do Members consider the design and layout to be acceptable? Do Members consider the Eastgate entrance solution to be acceptable?**
- 10.26 Transport, access and connectivity
- 10.27 The Phase 1 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 325 spaces. A major new element of the scheme is a multi storey car park which will sit adjacent to the proposed John Lewis building to the eastern end of the site. The car park would be connected to John Lewis on two levels by short bridge links. The proposal would house in the region of 815 car parking spaces, with 35 disabled parking bays and 17 spaces for parent and child provision, all in accessible

locations. As such there would be an increase in car parking spaces of at least 490 spaces as a result of this new provision. This would be in line with UDP guidelines on car parking levels for the types and scale of development uses proposed. The car park would be accessed from Union Street via a realigned turn off from the adjacent roundabout and will egress eastward onto George Street/Dyer Street. It is also the case that there will be two electric car charging points in the multi-storey car park in locations to be agreed.

- 10.28 20 motorcycle parking spaces are proposed to be provided in the overall scheme and 7 of these will come forward as part of Phase 1 and will be located within the multi storey car park. In addition, the consented outline for the full scheme proposed a total of 110 cycle parking spaces. Phase 1 will deliver 40 of these cycle space with some being positioned in the new car park and others being located across the site. In addition to this showers and lockers would be provided in the Phase 1 management suite.
- 10.29 In addition, the layout of George Street will be remodelled and upgraded with an increase in street width to approximately 15.45 metres at the narrowest widening to some 17 metres, to accommodate formal and informal raised pedestrian crossing points to link the development with the market and bus station, loading bays, a future bus stop, the existing taxi rank and improved footway width. This raised platform enhancement will also take place along a stretch of Vicar Lane (and Ludgate Hill) and will run from the north-western corner of Kirkgate Market along Vicar Lane to just beyond the northern side of Sidney Street, with improved lighting, kerb realignment and a reduction in clutter by rationalisation of street furniture.
- 10.30 As part of the overall proposal the Applicant is seeking to pedestrianise Harewood Street and Sidney Street. The positioning and widths of pedestrianised streets are designed 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.
- 10.31 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 and integrates into the City Centre that it could act as a catalyst to other regeneration projects nearby, including Kirkgate Market, the terrace of buildings on Kirkgate to the south, and the Quarry Hill site to the east, with opportunities for further enhanced pedestrian connections being made to these sites and beyond.
- 10.32 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 for both Phases 1 and 2. The mechanism for achieving this will be by way of an application to the Secretary of State under section 247 of the Town and Country Planning Act 1990 (as amended). Orders under section 247 of the Act authorise the stopping-up of any highway, if the Secretary of State is satisfied to do so, in order to enable development to be carried out in accordance with a planning permission.
- 10.33 The Applicants state that the Stopping Up is necessary to enable the development to proceed and have defined two categories of requirement for the entire scheme as follows:
1. Areas to be stopped up to accommodate built development 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.

- 10.34 It should be noted that a decision on the timing of the stopping-up application and the precise areas to be stopped-up will be made following the grant of full planning permission and the granting of the reserved matters. Whilst Council officers are supportive of the proposed development on the areas of highway from a planning perspective, the Council has yet to formally decide whether it would support applications to the Secretary of State for stopping up orders as local highways authority. There are no concerns expressed with regard to the principle of the stopping up for the areas which will accommodate built development (assuming planning permission is forthcoming) (category 1). However, the highways case for the stopping up of the areas that will accommodate public realm (category 2) requires further discussion and consideration. In addition, for Phase 1 the only proposed stopping up would be of Union Street, Sidney Street and Harewood Street.
- 10.35 It is the case that on the consented Outline scheme for the development there is a proposal to remove all buses from Eastgate and relocate their stops and routes elsewhere. However, these changes will not come forward with Phase 1 and will only be actioned when Phase 2 of the development is implemented. Therefore, the bus routes on Eastgate will remain although the exact position of the existing stops on this street will be reconsidered to ensure that there are no conflicts with important entrances into the Phase 1 Victoria Gate development.
- 10.36 The Lady Beck (or Sheepscar Beck) is a culverted beck that runs beneath the Millgarth Police Station. It is proposed as part of the new Multi Storey Car Park that the future New Generation Transport (NGT) scheme in this part of the City would follow the route of this culvert. As such this would mean that sections of the lower decks of the car park would be removed at a future date, creating a generously scaled tunnel through the car park, to accommodate the route. As such this tunnel would be approximately 53 m in length, with a minimum width of around 13 m, and a vertical clearance of 6.2 m with the electrification wires being attached to the soffit of the tunnel. This differs from the consented scheme where the protected NGT route between Eastgate and George Street ran along Millgarth Street. The provision of an NGT route is protected under the UDP and will be further protected in this new location via a clause in the Section 106 Legal Agreement.
- 10.37 The submitted Transport Assessment also sets out a servicing strategy. Servicing for the John Lewis building will be in its own self contained basement service area accessed from George Street. In addition, this part of the scheme also has its own customer collect facility for shoppers and it is intended that this would be provided in the proposed adjacent Multi Storey Car Park. For the remainder of the Phase 1 site the proposed servicing arrangements will take place on-street from Harewood Street and George Street, to allow goods to be delivered through the front door of each unit. As with other areas in the city centre, servicing hours will be restricted to minimise vehicle and pedestrian interaction.
- 10.38 In addition, a number of dedicated loading bays would be provided along George Street to service both the units on this northern side of the street and Kirkgate Market. The submitted plans show that the widening of the enhanced George Street could effectively accommodate 3 metre wide footways, twenty five 2.7 metre wide loading bays and a 5.5 metre wide carriageway. 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.

- 10.39 A number of objectives are defined on the submitted Travel Plan as follows:
Minimise the impact of congestion, noise and pollution on local residents;
1. Work with LCC towards reducing car journeys to/from the Site;
2. Where appropriate, reduce the need for unnecessary travel and ensure that those that do have to travel (both employees and visitors) do so in a way that is sustainable;
3. Specify measures to encourage management, including all employees and visitors, to use travel modes other than the car, especially travel in the car alone;
4. Promote the use of public transport, motorcycles, car sharing, walking and cycling when getting to and from the Site;
5. Reduce the environmental impact of travel demand by raising awareness amongst employees and visitors and encouraging environmentally friendly behaviour;
6. Minimise delivery vehicle trips by appropriate scheduling and/or wherever practical with emission reduction initiatives;
7. Encourage retailers to promote home delivery services as an alternative to using car travel for transporting bulky items;
8. Encourage any food retailers to commit to reducing food miles;
9. Work towards meeting LCC targets for reducing non-work related trips.
- 10.40 Do Members consider the approach to transport and the provision of the multi storey car park to be acceptable?**
- 10.41 Public Realm and Landscaping
- 10.42 A fundamental, integral constituent of the proposed scheme would be the public realm and landscaping of the site's streets and spaces. 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.
- 10.43 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 arcaded areas which would be fully accessible by all for most likely 18 hours each day.
- 10.44 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 visual 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. As such a defined and green landscaped area of public realm, including tree planting, is proposed to the eastern edge of the site adjacent to the proposed multi storey car park, where it faces on to St Peters Street, with the Playhouse and Quarry Hill beyond. This will be a significant enhancement to what is currently a harsh, hard surfaced area

adjacent to a heavily trafficked road and roundabout. The green landscaping will soften and enliven this area to the benefit of both the Victoria Gate scheme and nearby neighbouring sites.

- 10.45 The remainder of the overall 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, focused on high quality concrete/stone setts and granite-aggregate paving and subtle patterning being used to define and reinforce the character areas. However, in addition the area to the east of the proposed car park above, there is a need for greening of the wider urban built form within the boundary of the site, to ensure a softer, more appealing environment for users of the development.
- 10.46 Therefore, a tree planting strategy has been established with tree planting focusing on selected edge of building areas, The species and size of trees 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 and through the proposed car park site, and as such this will be subject to a Planning Condition.
- 10.47 Seating will be provided at appropriate locations across the full Phase 1 site, and feature lighting will be incorporated to highlight the façade details of the buildings and the landscaped areas. 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.
- 10.48 Do Members consider the public realm and landscaping strategy to be acceptable?**
- 10.49 Heritage and Archaeology
- 10.50 Whilst the largest area of the Phase 1 site has been cleared and laid out as surface car parking it is the case that there are a number of buildings of interest remaining which will need to be demolished for the scheme to be brought forward. These include the unlisted southern Blomfield style terrace that runs down Eastgate itself, the unlisted former Weights and Measures Building (at 1 Millgarth Street), Millgarth Police Station and an electricity substation.
- 10.51 The southern range of buildings on Eastgate, and this block's bookend has local, historical and architectural importance as part of Blomfield's proposal for a civic east-west axis across the city centre. However, this southern terrace was a later addition of less integrity in terms of its Blomfield influence and detailing. As a result the loss of 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 (John Lewis), a key element of the overall development scheme, to be sited to the eastern end of Eastgate.
- 10.52 The former Weights and Measures Building at 1 Millgarth Street as stated above is not listed and is not within the boundary of the City Centre Conservation Area. The building is a two storey interwar structure which is in a very poor state of repair. The loss of the building is also a requirement for the important component of the development, the John Lewis department store.

- 10.53 The Millgarth Police Station is a 6 storey inward facing red brick block built circa 1972. Its character is such that it has very poor interface with the surrounding streets, with high plain brick work generally at ground level upwards, broken by metal security grilles and gates. The building has been assessed as having negligible heritage significance.
- 10.54 The existing substation is a simple red brick building of very little architectural or historical merit. This substation is scheduled for demolition to be replaced by a new modern standard substation, which is to be erected on adjacent land within the site. This replacement substation will be integrated into the wider Phase 1 development, both physically and visually.
- 10.55 As stated none of these buildings are listed and whilst the Weights and Measures Building does have some architectural and historical merit none of them are 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.
- 10.56 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.
- 10.57 The City Centre Conservation Area covers part of the site to its south-western corner, covering the western end of the Grade I Listed Kirkgate Market, extending to the centre line of the southern part of Harewood Street and running a short way along George Street. The current site is dominated by unsightly surface car parking off Harewood Street and George Street. The replacement of this existing arrangement with proposed new buildings and spaces of contemporary but complimentary design would enhance the setting of the Grade I Listed Markets building and the Conservation Area, bringing more activity and vibrancy to the location. The existing street network would be expanded with new and enhanced pedestrian routes of a high quality design, which would reflect the historic urban grain found within the City Centre Conservation Area. As such it is considered that the proposals would make a positive contribution to and an enhancement of the setting of the Grade I Listed Building and this part of the wider City Centre Conservation Area.
- 10.58 Do Members consider the demolitions to be justified and the consideration of nearby heritage assets to be appropriate?**

- 10.59 Drainage and Flood Risk
- 10.60 The majority of the site lies within Flood Zone 1 and as such is at low risk of flooding, however, the portion of the site to the eastern side (covering the multi storey car park and part of the John Lewis building proposals) 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.
- 10.61 The Sequential Test undertaken in respect of the approved 2011 Outline (planning reference 11/0100/OT) remains relevant and has been reconsidered alongside a further Sequential Test for the proposed multi storey car park (which did not form part of the original approved scheme). 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 and remains the appropriate area of search.
- 10.62 It also remains the case that 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.
- 10.63 In addition, there are still 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.
- 10.64 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 29.8 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. In addition, a one metre high, hydraulic flood gate will be installed at the top of the ramp to the John Lewis basement areas.
- 10.65 In addition, surface water run off from the site will be reduced by 30% and will discharge to the public combined sewers. The on-site surface water system will be designed to attenuate run-off for up to the 1 in 100-year storm including 20% climate change so as to reduce the risk of flooding. 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.
- 10.66 Sustainability
- 10.67 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

Façade treatment and glazing design and specification to reduce solar gain and retail cooling requirements

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

A Travel Plan promoting sustainable modes of transport

The provision of electric car charging points in the proposed car park.

- 10.68 The energy strategy appraisal indicates that Victoria Gate Arcade and John Lewis Developments would be targeting reduction in CO₂ emissions of approximately 17.8% above the targets set out in Building Regulations Part L 2010 through using energy efficient design.
- 10.69 The Applicant is considering the use of air source heat pumps (ASHP) by tenants in order to provide additional CO₂ emissions reductions, where implemented to serve 50% of the space heating and 100% of the space cooling demand across Phase 1, the ASHPs could provide a further 1.9% reduction in CO₂ beyond Building Regulations Part L 2010. This would be equivalent to 13% of the total regulated energy demand of the development. The design of the buildings permits a future connection to the Low Carbon Energy Centre that has been approved for the wider Victoria Quarter Development but which will not come forward until Phase 2 of the wider scheme is implemented.
- 10.70 EIA Studies
- 10.71 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- economic, 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 the assessment of cumulative impacts and mitigation measures.
- 10.72 Of particular note are the findings of the wind study which is discussed in both the Environmental Statement and in a separate Windy Study document. It is the case that when wind tunnel testing was done on the Outline scheme two locations of concern were identified, 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 were 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 and mean that winds could exceed Beaufort Force 6, which is the level recognised as being the maximum for pedestrian and cyclist comfort.
- 10.73 The current wind study has remodelled the site on the basis of the wind tunnel testing using a 1:300 scale physical model of the proposed Phase 1 buildings. Wind

speeds and frequency of occurrence were measured and assessed against the Lawson Comfort Criteria (which considers wind events up to and exceeding Beaufort Force 6). The results of the testing found that fifty-six locations are suitable for sitting use, thirty-two locations suitable for standing/entrance use, and three locations are suitable for leisure walking. This means that there are now no locations where winds would exceed Beaufort Force 6 and as such no specific mitigation measures are required.

- 10.74 The question of the impact on the daylight and sunlight to the nearest residential dwellings at County House was considered under the original Outline scheme. At that time it was concluded that at the minimum height parameter the impact was negligible or minor, but at the maximum height parameter the impact was minor to moderate. The relationship has been reassessed and the analysis indicates that the impact would be minor with all but one window in County House still receive levels of daylight and sunlight in line with BRE guidelines, with this one window being impacted moderately. As such no mitigation measures are proposed.
- 10.75 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 potentially minor adverse 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.
- 10.76 However, to ensure the impacts are mitigated against as much as is possible the demolition and construction phases will be routinely subject to environmental management control measures to prevent and control dust and emissions. In addition the Travel Plan will be implemented to encourage non-car, more sustainable, modes of transport such as walking, cycling or using public transport are actively encouraged and supported.
- 10.77 S106 Obligations
- 10.78 The details of all S106 planning obligations can be found in Appendix 4.
- 10.79 Equality
- 10.80 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.

- 10.81 On the Phase 1 part of the Victoria Gate site it is the case that there has been a historic concentration of businesses some occupied by the representatives of diverse communities. Whilst there are still remnants of this occupation, many businesses have already relocated successfully to other locations. In the circumstances Officers do not consider that Section 71 requirements are integral to these decisions, or that the proposals would in any way have a disproportionate impact on these diverse communities.
- 10.82 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.
- 10.83 Further to this as stated earlier in this report 35 of the 815 proposed car parking will provide disabled parking bays and 17 of the spaces will be for parent and child provision, both 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 also follow via Building Regulations.

11.0 CONCLUSION:

- 11.1 It is considered that the proposal for Phase 1 is in accordance with the Development Plan as a whole. The proposed development would comprehensively regenerate and redevelop a significant part of the city centre which, for a substantial period, has suffered from a lack of investment, has been underused. The scheme would allow the level of attractiveness and vibrancy of the area to increase substantially. In addition, the proposal is wholly situated on previously developed land and is located in a sustainable city centre location. The development would bring forward an efficient use of land which would be well assimilated into the existing city centre and could prove to have a positive effect on the regeneration of other surrounding areas. Permeability within the site would be substantially improved and the urban grain re-established. The built development will involve buildings of high quality set within appropriate useable public spaces.
- 11.2 The scheme would also improve physical and economic links with areas and communities outside the site and provide significant opportunities for employment and training initiatives for local people. In bringing forward these improvements the scheme would reinforce Leeds' role as the regional centre, helping to re-establish its position competitively with other major cities. Consequently, the development would represent a major contribution to the renaissance of the city centre and would assist to cement Leeds' role as a city of European importance and in its aims to become the best UK city.

12.0 QUESTIONS:

The key questions Members will have to consider include the following:

10.25 Do Members consider the design and layout to be acceptable? Do Members consider the Eastgate entrance solution to be acceptable?

10.40 Do Members consider the approach to transport and the provision of the multi storey car park to be acceptable?

10.48 Do Members consider the public realm and landscaping strategy to be acceptable?

10.58 Do Members consider the demolitions to be justified and the consideration of nearby heritage assets to be appropriate?

Background Papers:

Planning Application 06/03333/OT
Listed Building Application 06/03334/LI
Listed Building Application 09/05538/LI
Listed Building Application 09/04368/LI
Non Material Amendment 09/9/00291/MOD
Planning Application 10/01477/FU
Planning Application 11/01000/OT
Planning Application 11/01003/LI
Planning Application 11/01194/FU
Non Material Amendment 12/9/00055/MOD
Planning Application 12/03002/OT
Non Material Amendment 12/9/00098/MOD
Planning Application 13/02967/FU
Planning Application 13/02968/FU
Planning Application 13/02969/RM

APPENDIX 1 – FLOOR SPACE COMPARISON TABLES 13/02967/FU, 13/02968/FU and 13/02969/RM

This table provides the mix of uses and floor space parameters for the consented amended scheme – 12/03002/OT approved on 30 October 2012, and for the current submissions for Phase 1 of the scheme 13/02967/FU, 13/02968/FU and 13/02969/RM.

Types of Use	12/03002/OT	12/03002/OT	13/02967/FU Victoria Gate Arcades	13/02968/FU Multi Storey Car Park	13/02969/RM John Lewis
	Maximum Gross External Area sq metres	Minimum Gross External Area sq metres	Maximum Gross External Area sq metres	Maximum Gross External Area sq metres	Maximum Gross External Area sq metres
A1, A2, A3, A4 and A5	117 080 sq m	79 800 sq m	12,325 sq m		30,122 sq m
<i>Assembly and Leisure D2</i>	11 000 sq m	0 sq m	996 sq m		
<i>Casino (Sui Generis)</i>	5 000 sq m	0 sq m	4,650 sq m		
Medical Centre D1	400 sq m	0 sq m			
Office (B1)	9 832 sq m	5 000 sq m			
Cinema (D2)					
Crèche/nursery (D1)	400 sq m	0 sq m			
Multi Faith Prayer Room D1	50 sq m	20 sq m			
Changing Places toilets and changing facilities	24 sq m	12 sq m			
Total Gross External Area	136 286 sq m	84 832 sq m	17,971 sq m	26,317 sq m	30,122 sq m
Car Parking	2700	2200		815	
Replacement Police Car Parking	80	0			
Total number of parking bays	2780	2200		815	

APPENDIX 2: PLANNING POLICIES AND GUIDANCE
13/02967/FU, 13/02968/FU and 12/02969RM

The Development Plan

The Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (January 2013) 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.

Unitary Development Plan (Review 2006) (UDPR)

Strategic context

SA1 aims to secure the highest possible quality of the environment

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

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

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

SA6 encourages the provision of facilities for leisure activities

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

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

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

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

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

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

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

Quarters philosophy”.

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

GP5 indicates that development proposals must resolve detailed planning considerations

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

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

Urban Design

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

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

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

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

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

N38A Development should not increase the risk of flooding

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

for such assessments

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

N39B the re-opening of culverts will be actively promoted

N51 encourages new development to enhance existing wildlife habitats and provide new areas for wildlife where opportunities arise
BD2 states that the design and siting of new buildings should complement and, where possible, enhance existing vistas, skylines and landmarks.

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

BD15 encourages public art.

Transport

T2 New development should normally:

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

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

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

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

T5 requires safe and secure access for pedestrians and cyclists

T6 requires satisfactory access and provision for disabled people

T7 promotes development and maintenance of new cycle routes

T7A identifies cycle parking guidelines (A9C)

T7B identifies motorcycle parking guidelines (A9D)

T9 encourages an effective public transport service

T13 protects Supertram/NGT routes

T15 measures giving priority to bus movements will be supported

T24 identifies parking requirements within Volume 2 (Appendix A9A, A9B)

T26 supports short stay car parking in the city centre core

parking area

T28 manages the growth of long-stay commuter car parking (A9B)

CCP1 refers to parking guidelines for city centre office development

Economy

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

Shopping

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

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

Urban regeneration

R3 supports the use of compulsory purchase to achieve regeneration benefits

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

Access

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

Waste

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

Conservation Areas and Listed Buildings

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

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

Archaeology

N29 protects archaeological remains from development

ARC4 presumes against development on nationally important remains

ARC5 requirement for evaluation to inform planning decisions

ARC6 requirement for investigation and recording

Landscape

LD1 identifies requirements for landscape schemes

LD2 outlines design issues for new roads

City Centre

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

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

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

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

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

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

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

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

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

CC14 supports proposals to introduce a Supertram system.

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

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

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

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

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

CC29 requires additional uses to the main uses for large developments

The Prime Shopping Quarter strategy is to:

1. Retain the existing compact nature of the prime shopping area.
2. Ensure that sufficient sites are available to accommodate future growth in City Centre retailing and direct major retail development to

- the area.
3. Protect identified active shopping frontages.
 4. Achieve a greater mix of uses, where these do not prejudice the primary retailing function of the area.
 5. Achieve a range of specific environmental improvements, through conservation, high quality new development, creation of public space and management of the Quarter.
 6. Improve ease and comfort of movement to and within the Quarter by public transport, cycle and foot with specific regard to the needs of disabled people.
 7. Ensure sufficient short stay shopper's parking is available to serve the area
 8. Achieve a full range of facilities to serve the needs of all shoppers as part of new developments.

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

Proposal Area 15 - Kirkgate Markets Area

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

Proposal Area 16 – Templar Street

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

Natural Resources and Waste Development Plan Document (Adopted January 2013)

Vision and Strategic Objectives –

1. An efficient use of natural resources
2. A zero waste high recycling society

3. A low carbon economy
4. A high level of environmental protection

Policy Water 4: Development in Flood Risk Areas

All developments are required to consider the effect of the proposed development on flood risk, both on-site and off-site the detail of which should be commensurate with the scale and impact of the development. Within zones 2 and 3a proposals must:

- Pass the Sequential Test and if necessary the Exceptions Test as required by the NPPF.
- Make space within the site for storage of flood water, the extent of which to be determined by the Flood Risk Assessment.
- Must not create an increase in flood risk elsewhere.

Policy Water 7: Surface Water Run-off

All developments are required to ensure no increase in the rate of surface water run-off to the existing formal drainage system.

Development will be expected to incorporate sustainable drainage techniques wherever possible.

- On previously developed sites peak flow rates must be reduced by at least 30%
- On sites which have not previously been connected to the drainage infrastructure, or watercourse, surface water run off rates will not exceed the 'greenfield' run-off rate (i.e. the rate at which water flows over land which has not previously been developed).

Supplementary Planning Guidance

The Leeds City Centre Urban Design Strategy (September 2000)

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

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

yards and arcades

Eastgate and Harewood Supplementary Planning Document

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

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

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

- Complete the development of an incomplete shopping Quarter of the City through creation of vibrant, retail led, mixed-use area. The mix of uses should maximise the use of the site and include retail, leisure, commercial, residential and community uses
- Extend and regenerate Leeds' shopping offer and enhance its attractiveness as a regional centre; and to assist the City Centre to become one of the principal cities of Europe
- Enhance the public realm through pedestrianisation or street closures if necessary, and encourage pedestrian linkages from the side to the market, river, Sheepscar, Mabgate, Victoria Quarter and Quarry Hill, integrated into the existing fabric of the city centre.
- Reinforce the urban route along the Headrow to Quarry Hill and thus integrate Quarry Hill into the City Centre.
- Generate a vital, mixed-use quarter with a retail emphasis and a complimentary mix of uses, activities and spaces creating "the new place for Leeds".
- Create the development framework which promotes a varied urban form, rich in architectural style and character
- Create an opportunity for landmark buildings and memorable places
- Restrict access to through traffic using local streets and where possible, integrate the traffic displaced by, and accessing, the development into the improved highway network in recognition of safety and capacity constraints.

- Support and promote the urban regeneration of adjacent sites and activities at Kirkgate Market, Quarry Hill, Regent Street, Mabgate and Victoria Quarter.
- Create a new place which is unique and authentically Leeds.
- Create opportunities the training and employment for wider benefit of the people of Leeds.
- Preserve where both practical and appropriate, existing historic assets and their settings.

Leeds Growth Strategy

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

The seven core priorities are:

health and medical
 financial and business services
 low carbon manufacturing
 creative, cultural and digital
 retail
 housing and construction
 social enterprise and the third sector.

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

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

Tall Buildings Design Guide (April 2010)

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

Travel Plans (September 2012)

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

National Planning Guidance

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

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

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

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

The 9th principle listed states that planning should promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions.

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

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

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

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

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

Paragraph 60 of the NPPF states that planning policies and decisions

should not attempt to impose architectural styles or particular tastes, and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness.

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

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

Draft Core Strategy

The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013.

As the Council has submitted the Publication Draft Core Strategy for independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

The Core Strategy's Spatial Vision and Objectives state that

- Leeds will have maintained and strengthened its position at the heart of the City Region and has grown a strong diverse and successful urban and rural economy, with skilled people and competitive businesses, which are sustainable, innovative, creative and entrepreneurial. All communities will have equal chances to access jobs and training opportunities through the growth of local businesses.
- Leeds City Centre will remain a successful destination for the people of Leeds and beyond, with a vibrant commercial, leisure and cultural offer. The Trinity and Victoria Gate centres will be well established and the South Bank will be integrated into the City Centre, which includes a new City Centre park acting as a gateway to the Aire Valley.

Objectives - In supporting the continued vitality, economic development and distinctiveness of the City Centre as the regional centre, the Core Strategy will:

- (i) 1. Accommodate first and foremost the needs of offices, shops, hotels, institutions and leisure and entertainment uses, accepting that there is a place for residential and supporting facilities such as parks, convenience stores, health centres, nurseries and schools.
2. Strengthen the vibrancy, distinctive character and cultural appeal of the City Centre.

- (ii) 7. Deliver economic development which makes best use of land and premises across the district in sustainable locations, accessible to the community and wider labour market.
- (iii) 10. Promote the role of town and local centres as the heart of the community which provide a focus for shopping, leisure, economic development and community facilities, while supporting the role of the City Centre.
- (iv) 16. Ensure new development takes place in locations that are or will be accessible by a choice of means of transport, including walking, cycling, and public transport.

Relevant Policies are:

Spatial Policy 1: Location Of Development states that;

- (i) The majority of new development should be concentrated within urban areas taking advantage of existing services, high levels of accessibility and priorities for urban regeneration and an appropriate balance of brownfield and greenfield land.
- (iv) To prioritise new office, retail, service, leisure and cultural facilities in Leeds City Centre and the town centres across the district, maximising the opportunities that the existing services and high levels of accessibility and sustainability to new development
- (v) To promote economic prosperity, job retention and opportunities for growth:
 - a. In existing established locations for industry and warehousing land and premises,
 - b. In key strategic* locations for job growth including the City Centre

Spatial Policy 2: Hierarchy of Centres & Spatial Approach to Retailing, Offices, Intensive Leisure & Culture states that:

The Council supports a centres first approach supported by sequential and impact assessments. The Council will direct retailing, offices, intensive leisure and culture, and community development to the city centre and designated town and local centres in order to promote their vitality and viability as the focus for shopping, employment, leisure, culture, and community services.

Spatial Policy 3: Role Of Leeds City Centre states that the importance of the City Centre as an economic driver for the District and City Region will be maintained and enhanced by:

- (i) Promoting the City Centre's role as the regional capital for major new retail, leisure, hotel, culture and office development;
- (iv) Comprehensively planning the redevelopment and re-use of vacant and under-used sites and buildings for mixed use development and new areas of public space;

Spatial Policy 8: Economic Development Priorities states that a competitive local economy will be supported through:

- (iii) Job retention and creation, promoting the need for a skilled

workforce, educational attainment and reducing barriers to employment opportunities.

(vi) Supporting training / skills and job creation initiatives via planning agreements linked to the implementation of appropriate developments given planning permission.

(vii) Developing the city centre and the town/local centres as the core location for new retail and office employment and other main town centre uses.

Spatial Policy 11: Transport Infrastructure Investment Priorities states that the delivery of an integrated transport strategy for Leeds will be supported, which takes account of:

(iv) Expansion of the Leeds Core Cycle Network to improve local connectivity;

(v) Improved facilities for pedestrians to promote safety and accessibility, particularly connectivity between the 'Rim' and the City Centre;

(vi) Measures to deliver safer roads;

(vii) The provision of infrastructure to serve new development

(xi) Provision for people with impaired mobility to improve accessibility.

Policy P10: Design states that:

New development for buildings and spaces, and alterations to existing, should be based on a thorough contextual analysis to and provide good design that is appropriate to its location, scale and function.

Proposals will be supported where they accord with the following key principles;

(i) The size, scale, design and layout of the development is appropriate to its location and respects the character and quality of the external spaces is appropriate to its context and respects the character and quality of surrounding buildings; the streets and spaces that make up the public realm and the wider locality, The development protects the visual, residential and general amenity of the area including useable space, privacy, noise, air quality and satisfactory penetration of daylight and sunlight,

(ii) The development protects the visual, residential and general amenity of the area including useable space, privacy, noise, air quality and satisfactory penetration of daylight and sunlight, and enhances the district's existing, historic and natural assets, in particular, historic and natural site features and locally important buildings, spaces, skylines and views,

(iii) The development protects and enhance the district's historic assets in particular existing natural site features, historically and locally important buildings, skylines and views, the visual, residential and general amenity of the area through positive design that protects and enhances surrounding routes, useable space, privacy, air quality and satisfactory penetration of sunlight and daylight,

- (iv) Car parking, cycle, waste and recycling storage should be designed in a positive manner and be integral to the development,
- (v) The development creates a safe and secure environment that reduce the opportunities for crime without compromising community cohesion,
- (vi) The development is accessible to all users.

Policy P11: Conservation states that development proposals will be expected to demonstrate a full understanding of historic assets affected. Heritage statements assessing the significance of assets, the impact of proposals and mitigation measures will be required to be submitted by developers to accompany development proposals.

Policy T1: Transport Management states that support will be given to the following management priorities:

- (i) Develop and provide tailored, interactive, readily available information and support that encourages and incentivises more sustainable travel choices on a regular basis.
- (ii) Sustainable travel proposals including travel planning measures for employers.
- (iii) Parking policies controlling the use and supply of car parking across the city:
 - a) To ensure adequate parking for shoppers and visitors to support the health and vitality of the city and town centres.
 - c) To support wider transport strategy objectives for sustainable travel and to minimise congestion during peak periods.

Policy T2: Accessibility Requirements and New Development states that new development should be located in accessible locations that are adequately served by existing or programmed highways, by public transport and with safe and secure access for pedestrians, cyclists and people with impaired mobility:

- (i) In locations where development is otherwise considered acceptable new infrastructure may be required on/off site to ensure that there is adequate provision for access from the highway network, by public transport and for cyclists, pedestrians and people with impaired mobility, which will not create or materially add to problems of safety, environment or efficiency on the highway network.
- (ii) Developer contributions may be required for, or towards, improvements to the off site highway and the strategic road network, and to pedestrian, cycle, and public transport provision. These will be secured where appropriate through Section 106 Agreements and/or the Community Infrastructure Levy, and by planning conditions.
- (iii) Significant trip generating sites will need to provide Transport Assessments/Transport Statements in accordance with national guidance.
- (iv) Travel plans will be required to accompany planning applications in accordance with national thresholds and the Travel Plans SPD.
- (v) Parking provision will be required for cars, motorcycles and cycles in accordance with current guidelines.

Policy G5: Open Space Provision in the City Centre states that within the City Centre, open space provision will be sought for sites over 0.5 hectares as follows:

- (i) Commercial developments to provide a minimum an equivalent of 20% of the total site area.
- (iii) Mixed use development to provide the greater area an equivalent of either 20% of the total site area, or a minimum of 0.41 hectares per 1,000 population of open space.

In areas of adequate open space supply or where it can be demonstrated that not all the required on site delivery of open space can be achieved due to site specific issues, contributions towards the City Centre park and new pedestrianisation will take priority.

Policy EN1: Climate Change – Carbon Dioxide Reduction states that all developments of over 1,000 square metres of floorspace,(including conversion where feasible) whether new-build or conversion, will be required to:

- (i) Reduce total predicted carbon dioxide emissions to achieve 20% less than the Building Regulations Target Emission Rate until 2016 when all development should be zero carbon; and,
- (ii) Provide a minimum of 10% of the predicted energy needs of the development from low carbon energy.

Policy EN2: Sustainable Design and Construction states that to require developments of 1,000 or more square metres or 10 or more dwellings (including conversion) where feasible) to meet at least the standard set by BREEAM or Code for Sustainable Homes as shown in the table below. A post construction review certificate will be required prior to occupation.

Policy EN5: Managing Flood Risk states that the Council will manage and mitigate flood risk by:

- (i) Avoiding or Avoiding development in flood risk areas by applying the sequential approach and where this is not possible, mitigating development in flood risk areas in line with guidance in PPS25 by mitigating measures, in line with the NPPF, both in the allocation of sites for development and in the determination of planning applications.
- (ii) Protecting areas of functional floodplain as shown on the Leeds SFRA from development (except for water compatible uses and essential infrastructure).
- (iii) Requiring flood risk to be considered for all development commensurate with the scale and impact of the proposed development and mitigated where appropriate.
- (iv) Reducing the speed and volume of surface water run-off as part of new build developments.
- (v) Making space for flood water in high flood risk areas.
- (vi) Reducing the residual risks within Areas of Rapid Inundation.
- (vii) Encouraging the removal of existing culverting where practicable

and appropriate.

(viii) The development of the Leeds Flood Alleviation Scheme.

Policy EN6: Strategic Waste Management states that to manage waste and recycling:

(i) Development will be required to demonstrate measures to reduce and re-use waste both during construction and throughout the life of the development; and

(ii) Sufficient space will be provided within all new developments (including conversions) to enable separation, storage, and collection of recyclable materials to take place.

Policy ID2: Planning Obligations and Developer Contributions states that Section 106 planning obligations will be required as part of a planning permission where this is necessary, directly related to the development, and reasonably related in scale and kind in order to make a specific development acceptable and where a planning condition would not be effective.

In order to provide the necessary infrastructure and facilities to support the growth of Leeds and the proposals and policies in the Core Strategy, developer contributions will be sought through Section 106 planning obligations and the Community Infrastructure Levy as appropriate.

APPENDIX 3: PLANS PANEL MINUTES FROM MEETINGS OF 13 DECEMBER 2012 AND 11 APRIL 2013 FOR THE PRE-APPLICATION SCHEME NOW SUBMITTED AS 13/02967/FU, 13/02968/FU and 12/02969RM

13 December 2012

50 Preapp/10/00300 - Update presentation for alterations and amendments to the approved Eastgate and Harewood Quarter Development scheme - Land bounded by New York Road (Inner Ring Road A64) to the North, Bridge Street and Millgarth Street to the East, George Street and Dyer Street to the South and Vicar Lane and Harewood Street to the West, LS2

Further to minute 6 of the City Plans Panel meeting held on 27th September 2012, where Panel resolved to grant outline planning permission for amendments to the mix of uses for the Eastgate and Harewood Quarter development, Members considered a pre-application presentation for alterations and amendments to the approved scheme. Plans, photographs, graphics and precedent images were displayed at the meeting.

Officers introduced the report and Members then received a presentation on the proposals on behalf of the developer. Members were informed that agreement had been reached with John Lewis for their anchor store and that work had been continuing with the Council to vary the proposals in order to bring the scheme forward in a phased way. Along with Millgarth Police Station which had been acquired by the Council, the Victoria Quarter had recently been acquired by the developer.

Consideration was now being given to creating links from the Victoria Quarter to the Eastgate and Harewood Quarter development to form one scheme and this would necessitate some changes.

Consideration was being given to whether a 21st century covered space could be created, with the intention being to take as inspiration and reference, the quality of the Leeds' historic arcades.

In terms of car parking, John Lewis was keen to have a car park on the site and having considered the scheme in detail in order to deliver the car park in the first phase of development, the proposal was to demolish the Millgarth Police Station and move the NGT route onto the Ladybeck culvert, thereby leaving an adequate footprint on one side for the car park and a decent footprint for the retail development.

The Leeds John Lewis would be designed with specific reference to the city, for example its cloth industry to ensure that it was of its time and place; was memorable and recognisable and that it stood for the city and the company. The design of the building also had to work for the store to ensure there was sufficient daylight and there was flexibility to changing retail trends. The time line for the scheme was given, with Members being informed that public consultation would commence in February 2013, with the application for Phase 1 being submitted in April and determined possibly in August 2013, with a start on site in 2014 and completion in autumn 2016.

Members commented on the following matters:

General design issues

- that the detail of the John Lewis store had changed since the original planning permission had been granted; whether because of this there would now be the need for a bridge over Eastgate and how this change would affect the power generation plant off Bridge Street which had been approved
- the arcaded part of the scheme to the north of Eastgate and whether this remained part of the proposals
- that the original scheme was to create a new quarter whilst retaining much of what was there to enable a flow through from the Trinity scheme, however this did not now seem to be the case
- the need for details on achieving a safe transition to the development from the Victoria Quarter
- the design of the John Lewis building and whether it would look at odds with the Blomfield architecture which dominated this part of the city
- the need for the treatment of the John Lewis store to be consistent all the way round and not, as in the case of the Leicester store to have bland and functional rear elevations
- Car park and highways
- that the demolition of Millgarth Police Station was welcomed but that there was a need to consider a similar treatment for the car park as would be on the John Lewis façade; that this was a very important issue and that despite its use, the car park should not look like one. As the site was a key gateway into the city it was important that the scheme was met by something which befitted the city and that in view of the likely cost of the John Lewis building, a poor quality car park would not be accepted
- the need to ensure there was no queuing traffic from the car park and that the exit was situated opposite the coach station on Dyer Street with concerns about whether there was sufficient capacity on that street
- that expectations for this development were high and that for many people, car parks were dark and unattractive but that for this scheme something much better had to be produced and that it would set the standard of how multi-storey car parks should look and that strategically, this was very important
- the possibility of integrating the car park into the store at basement level and the success of the Selfridges basement car park on Oxford Street, London
- that the availability of the Millgarth site could provide an opportunity to redesign the building, rather than simply bolting on the car park

The following responses were provided by the developer's representatives:

General design issues

- that the intention of building a bridge over Eastgate would need to be reviewed in the light of the development of the scheme

- that the Energy Centre on Bridge Street formed part of the second phase of development; that the developers were looking to future-proof phase 1 and to connect this to the energy centre when it came on line, as there would not be a sufficient number of shops in phase 1, however discussions were ongoing with the Council about connecting the markets to the Energy Centre
- that the Eastgate and Harewood Quarter did not compete with the Trinity development as it was for a different market
- that the transition to the development from the Victoria Quarter would be through the use of a raised platform on Vicar Lane (between the County Arcade entrance and the application site), which would enable this to be step free whilst still retaining vehicular access. Whilst a pedestrian-first approach was being encouraged, it was not possible to take the buses off Vicar Lane as there was nowhere else to divert them to. Whilst the final design of this had not been reached as discussions were still ongoing with highways, there would be an extended area of public realm
- in terms of the Reginald Blomfield architecture, this was stronger on the northern side of the site, with the southern side being more diverse. Whilst the Blomfield language was white Portland Stone and then brick, the use of Portland Stone on the John Lewis building was favoured, with this giving an element of the Blomfield language, whilst not trying to mimic it
- regarding the rear of the John Lewis store, this would be the site of the customer collect area and the design of this would be brought back to Panel

Car park and highways

- that the aim was for the car park to be of the same design quality as the John Lewis store however, the budget for the cladding of the car park was less than that for the store and that it was not as easy to work with a small budget and for it to look the same and that a different model was being considered with interest being introduced through other elements
- in terms of the operation of the car park, John Lewis required tickets and machines, with these being located far into the car park to allow for queuing traffic to be within the car park. The car park would provide 600 car parking spaces and the volume of traffic would be controlled going in by ramps, and exiting by traffic lights, so it was felt there would not be queuing traffic on the highway
- in respect of the car park exit, work had been undertaken with highways over a long period of time with Members being informed that the developer was confident that a solution had been found which works both on entering and exiting the car park
- regarding the quality of the car park, as Hammersons were the largest retail owner in the UK, they knew how to build, manage and run car parks; the aim was for this car park to be the one of choice and there was a commitment to delivering the best car

park in Leeds

- in respect of the massing and wrapping of the car park, every option had been considered, including a basement or roof top car park. The problem of integrating the car park into the John Lewis store was that it would create a building which would be overbearing
- that Members' comments about the car park were noted and the developer was mindful that the car park had to be a building of high quality

The Chief Planning Officer referred to the issues which had been raised about the scheme and the phasing and stated that if the whole of the Eastgate and Harewood Quarter was fully built out from the start, this could result in Trinity experiencing some empty shop units, whereas by phasing the development, prime and unique shops would be delivered in the first phase. This could only be seen as an economic advantage and adding to the prestige of the city and that Leeds was in a privileged position in respect of this scheme and that it was important for everyone to support the scheme

In summing up the debate, the Chair provided the following comments:

- that Panel understood the changes proposed to the scheme
- that the external design of the car park was a vital component of the whole scheme
- that concerns remained about how the car park would operate and that it must not lead to queuing traffic
- that Members were pleased with the relationship of the scheme to both the Victoria Quarter and the markets and that the proposed new arcades were welcomed.

11 April 2013

108 Preapp/10/00300 - Alterations and amendments to the approved Eastgate and Harewood Quarter development scheme at land bounded by New York Road (Inner Ring Road A64) to the north, Bridge Street and

Millgarth to the East, George Street and Dyer Street to the South and Vicar Lane and Harewood Street to the West LS2

Councillor J Procter joined the meeting at this point

Further to minute 50 of the City Plans Panel meeting held on 13th December 2012, where Panel considered a preapplication presentation in respect of proposals for the Eastgate and Harewood Quarter, Members considered a report of the Chief Planning Officer and received a presentation from the applicant's representatives

Plans, graphics, precedent images and a sample of the proposed car park cladding were displayed at the meeting

Members were informed of the latest revisions to the first phase of the scheme which related to the Harewood retail and leisure block; John Lewis and the car park

Images of the proposed twin arcades which would help link the scheme to the Victoria Quarter were shown as were the designs for the buildings along Eastgate and George Street. In terms of timescale, public consultation on the revised scheme would take place on 16th – 20th April, with a view to the application being determined by Panel in August 2013.

Details of the community engagement and employment opportunities and training arising from the scheme were provided.

Members were informed there would be engagement with the Council and other key organisations and with tenants at an early stage, once they had signed up for the scheme.

Whilst the whole of the city was a target for employment creation, Wards which should be focussed upon would be identified, with a list of possible wards being displayed at the meeting, with Members being informed that a skills package would be put in place which would include an interview guarantee.

A range of methods would be used to inform people about the opportunities the development would create, including road shows, job fairs and working with schools, based on schemes elsewhere in the country. Members were informed that the recruitment programme for Highcross in Leicester had reached over 30,000 people, with in excess of 2,000 jobs being created, 72% of which were taken up by people who had been unemployed and that work was still being undertaken with local colleges to assist in recruitment when new businesses opened. A similar scheme would be put in place for recruitment and training for the Eastgate and Harewood Quarter development.

Members commented on the following matters:

- the Wards listed; that Moortown and Chapel Allerton had not been included
- the design of the car park, with mixed views on this; that as a standalone building it was good but concerns that it did not sit well alongside the John Lewis building; that it was too dominant and the cladding material did not look sufficiently robust; the need to better understand how the effect on the car park was achieved, i.e. by shadow or colours and whether the car park was the same height as the John Lewis store
- whether it was the intention of the applicant to build and operate the car park
- the jointed appearance of the proposal and that the car park could be split from the John Lewis store and that the buildings did not provide the overall gateway development
- the proposed new arcades, the design of which were well received and the roof treatment which was welcomed and which would provide an element of consistency between other roofs and arcades in the City
- the Vicar Lane frontages, with concern that there was an overuse of terracotta and the need for a better understanding of how this would look and the detailing of it
- that originally a bridge was proposed over Eastgate and whether this would remain in the revised scheme
- the lack of a pedestrian entrance to John Lewis from Eastgate; that this street was well used and was a route for many buses in the city, therefore an entrance at this point was required, to contribute to the continued vitality of Eastgate. The view that the Leicester John Lewis,

which had been visited by Panel, had been designed for car owners, with no pedestrian entrance being located at the rear of the building, with concerns being raised about the similar approach being adopted towards pedestrians on this scheme

- that The Core on The Headrow was not as effective as it could be due to inadequate pedestrian access
- the design of the John Lewis building and that this had the potential to be something special

The following responses were provided

- concerning the bridge, that the façade and structure of the John Lewis building would enable a bridge to be provided in the future if that was required

- that the applicant would build and operate the car park

- the elevations of the buildings on Vicar Lane and Eastgate and the concerns which had been raised about the use of terracotta, with the applicant's architect being of the view that how the graphics were appearing to Members on screen did not fully reflect the appearance of the buildings and that the intention on Vicar Lane was to provide a complex brick façade with elements of terracotta

- that the applicant was keen to provide pedestrian access into John Lewis from Eastgate but that John Lewis would consider this at phase 2 of the scheme, with pedestrian access being from the Harewood Arcades in the first phase of the development. On this point the Chief Planning Officer stated that a pedestrian entrance to John Lewis off Eastgate had been a feature of all the previous applications and that Members views were sought on this issue

In response to the specific issues raised in the report, Panel provided the following responses:

- regarding the acceptability of the introduction of new covered arcades, their entrances and layout and the covered space on the proposed Blomfield Street, Members liked these elements, particularly the curve on the new arcades

- on the design approach to the facades, including the location and extent of active frontage of the Harewood buildings to George Street and Eastgate and wrapping the corners of Harewood Street and Blomfield Street, Members were reasonably satisfied on this as shown but required further details. The Chief Planning Officer informed Panel that further work was being undertaken to relate the market to this development and stated that in terms of the elevations shown at the meeting, this was work in progress

- in respect of the design approach to the facades, including the level of active frontage, of the John Lewis building, the nature and visibility of the John Lewis west facing signage zone and the proposed delayed provision of a customer entrance to the John Lewis store from Eastgate, to note Members requirements for a pedestrian access from Eastgate into the store to be operational from day one. In terms of the signage, the Chief Planning Officer stated that John Lewis desired large rooftop signs, which Officers had concerns about. On the matter of signage, whilst understanding the principle of this, Members required further details to be provided. A request was also made for graphics

to be provided which also showed the market in relation to the development

- on the proposals for the car park in respect of its height, layout, access and egress arrangements, façade treatment and proposals for addressing the future need to accommodate part of the City Centre NGT loop, the range of views were noted. The Chief Planning Officer advised that further work would be carried out on the access and egress arrangements and that it should be assumed that NGT would happen

- regarding the approach to employment and training, that for clarity, priority Wards should either be listed alphabetically or by area of severity, rather than the random mix which had been presented to Panel and that Moortown and Chapel Allerton Wards should also be included

- regarding any other comments Members wished to make, that the car park and John Lewis store were adjacent to the arts quarter with West Yorkshire Playhouse and The Northern Ballet being sited close by and that possibly some reference to the arts could be included around that part of the site

RESOLVED - To note the report, the information provided and the comments now made.

APPENDIX 4: S106 PLANNING OBLIGATIONS

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

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

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

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

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

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

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.

These obligations were considered against the legal tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. These obligations were carried forward on a Deed of Variation to bind the amendment outline planning application 12/03002/OT to the original outline planning application 11/01000/OT.

The currently submitted full planning applications for Phase 1 (planning references 13/02967/FU and 13/02968/FU) bring forward those obligations relevant to Phase 1 of the development as follows:

1. A Travel Plan monitoring and evaluation fee of £15,000.00.
2. A public transport infrastructure improvements contribution for Phase 1 of £247, 497
3. The employment and training of local people. The Employment and Training Scheme shall contain:
 - a) Details of how the Developer shall co-operate with the Council's Jobs and Skills Service from the start of the tendering process for the construction of the Development and throughout construction of the Development;
 - b) Details of how the Developer shall work with the Council to identify target groups within local communities to deliver training ranging from pre-employment to skills development in partnership with the public sector and voluntary organisations.
 - c) A commitment from the Developer to use its reasonable endeavours to use local contractors and sub-contractors in the construction of the Development;
 - d) A commitment from the Developer to use its reasonable endeavours to employ local people in the construction and operation of the Development; and

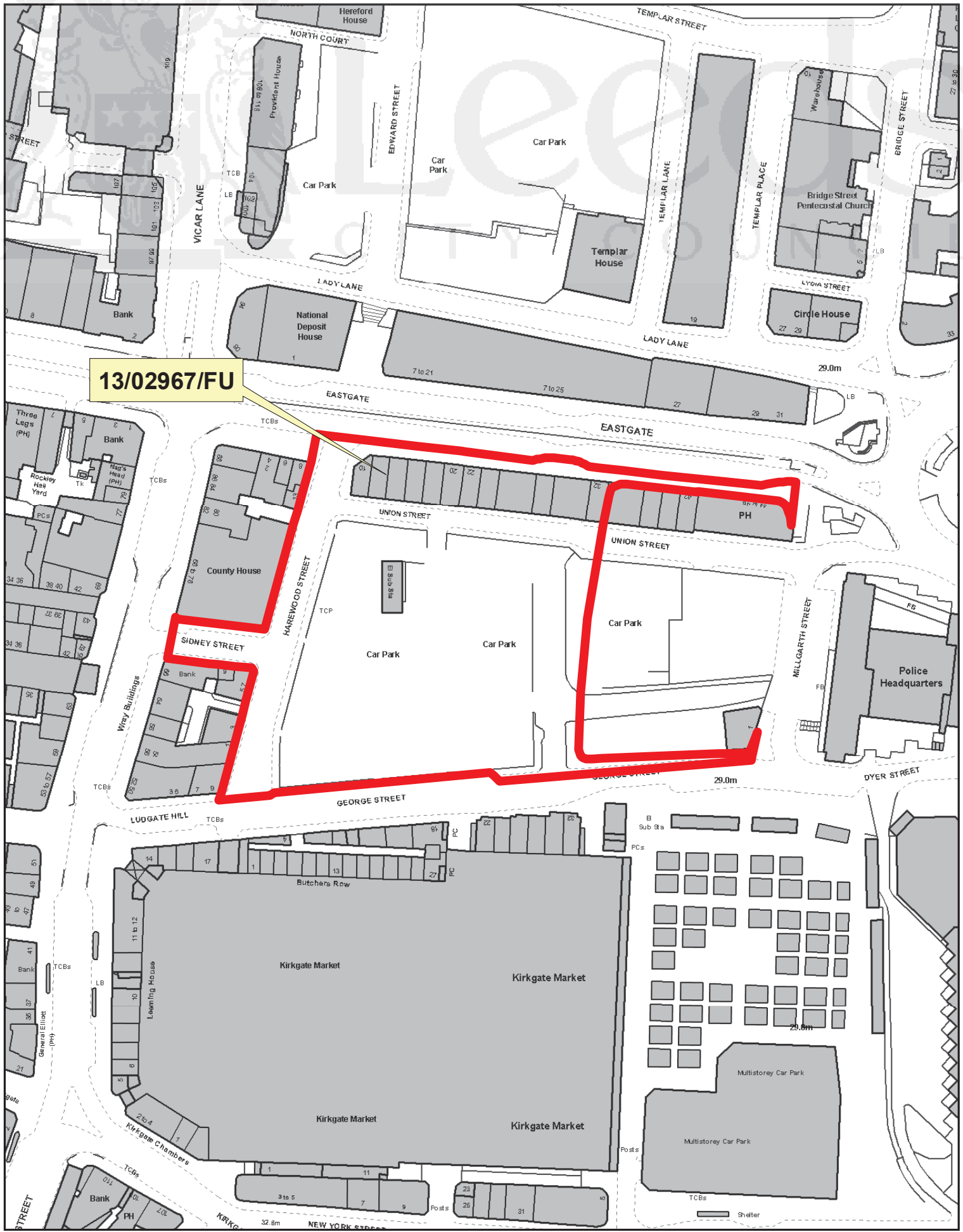
e) The procedure by which the Developer shall notify employment vacancies to local employment agencies.

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.

6. The protection of the NGT public transport corridor.

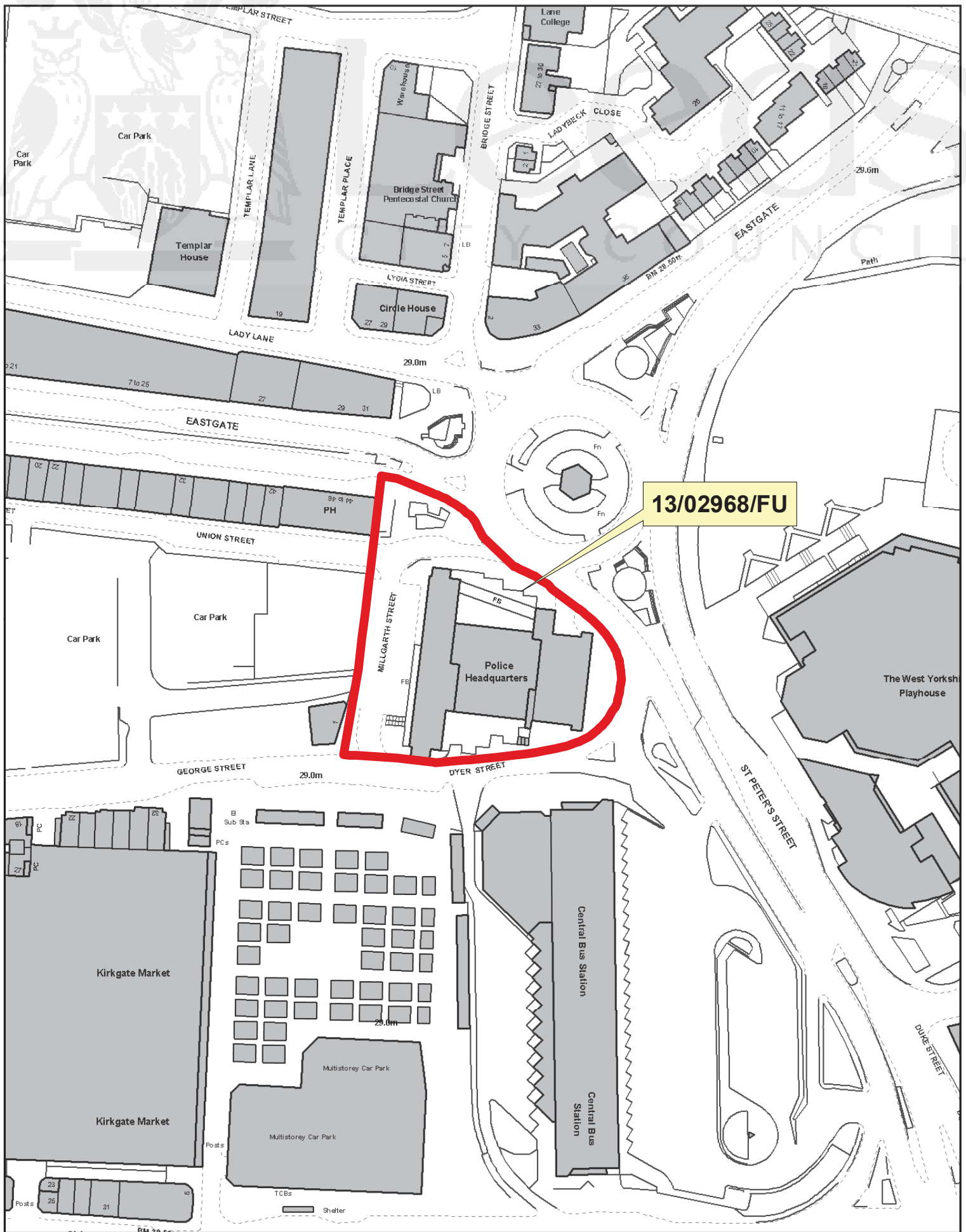
These obligations have been reconsidered against the legal tests and are still considered necessary, directly related to the development.



13/02967/FU

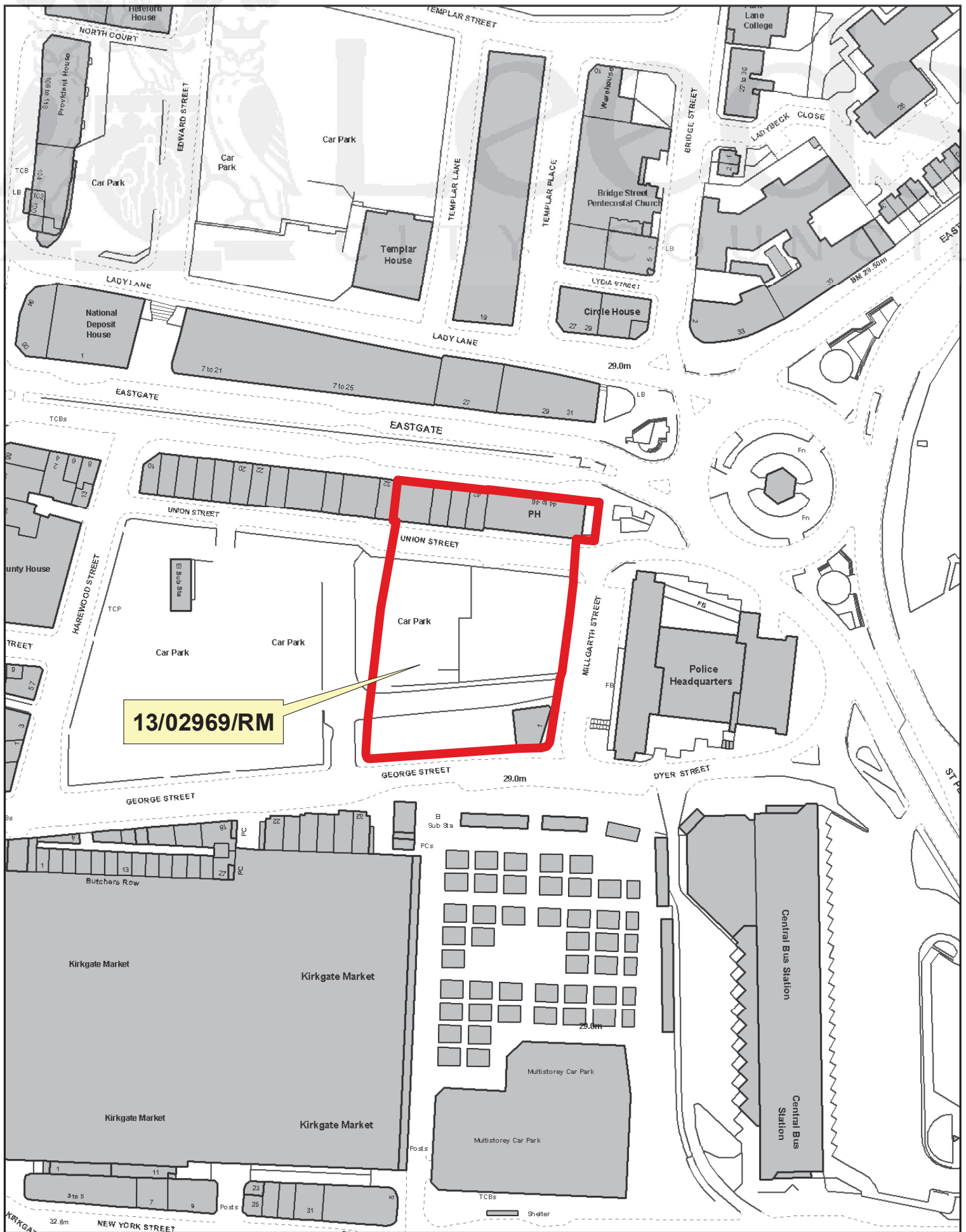
CITY PLANS PANEL





CITY PLANS PANEL





CITY PLANS PANEL





Originator: Jillian Rann
Tel: 0113 222 4409

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 1st August 2013

Subject: POSITION STATEMENT

1. **Application 13/01640/OT – Outline application for part demolition and alteration of existing buildings and erect extensions to form new and enlarged retail units, Class A1, A3, A5, D2 (Cinema); alterations to existing and creation of new public realm and landscaping; alterations to existing vehicular access and creation of new vehicular, pedestrian and service accesses; alterations to car park configuration; infrastructure and associated works – White Rose Shopping Centre, Dewsbury Road, Morley, Leeds, LS11 8LU.**

2. **Application 13/02684/FU – Demolition of existing buildings and redevelopment of site for use as car parking, with improvements to access, landscaping works and enhancements, new culvert to Cotton Mill beck and upgrading of existing pedestrian crossing and associated works – Land south of White Rose Shopping Centre, Dewsbury Road, Morley, Leeds, LS11 8LL.**

APPLICANT	DATE VALID	TARGET DATE
Ravenseft Properties Ltd	10 th April 2013 & 20 th June 2013	26 th October 2013

Electoral Wards Affected:

Site is within Morley North Ward and close to the boundary with Beeston and Holbeck

Yes Ward Members consulted (referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

For Members to note the content of the report and to provide feedback on the questions in section 11.0

1.0 INTRODUCTION

- 1.1 These applications are brought to Plans Panel as they relate to a significant major development and a departure from the Development Plan in relation to the provision of additional out-of-centre floorspace at the White Rose Shopping Centre (WRSC). The proposals consist of two applications: an outline application for the additional floorspace, and a full application for the change of use and redevelopment of the former office building and scrap yard site to the south to provide staff car parking for the extended shopping centre.
- 1.2 A pre-application presentation was made to City Plans Panel on 25th October 2012. This report is a Position Statement to update Members on the progress of the applications now submitted, and to request further comment, with a view to making a recommendation to City Plans Panel later in the year.

2.0 PROPOSAL:

- 2.1 Whilst the proposals for the centre itself and for the off-site car parking have been submitted as separate applications, the car park scheme forms an integral component of the proposals for the extended shopping centre, and the two applications are therefore being considered together. The key aspects of each are summarised below.

A) Application 13/01640/OT – Extensions to WRSC and associated works

- 2.2 The proposals for the WRSC can be divided into four main elements as follows:

- a) Debenhams extension and additional retail units
- b) Primark extension
- c) Cinema
- d) Additional catering units

All floor areas quoted relate to the gross internal floor area rather than net retail floor areas.

Debenhams extension

- 2.3 The first of the four key development zones relates to the area to the east of the existing Debenhams store at the northernmost end of the centre, where it is proposed to provide an additional 3326m² of floorspace for the Debenhams store over two levels.

Additional retail units

- 2.4 It is proposed to provide 3 new smaller single storey A1 retail units (with a combined floor area of 1858m²) to the south of the proposed extension to Debenhams, extending the existing mall entrance at this point further to the east.

Primark extension

- 2.5 This element of the proposals consists of a three storey extension to the east of the existing Primark store in the central part of the centre. The two lower floors of the proposed extension would provide an additional 3994m² of A1 floorspace for the Primark store, whilst the top floor would provide additional storage and 'back of house' provision for the unit, amounting to around 1870m².

Cinema

- 2.6 An extension of 4136m² is proposed to the west of the centre, to the north of the existing entrance to the food court area, where it is proposed to introduce a new cinema (D2 use) with up to 12 screens.
- Additional catering units
- 2.7 To the south of the proposed cinema, on either side of the existing food court entrance, it is proposed to provide a further 2322m² of additional catering units (A3/A5 use). These would connect to existing catering units which have already been granted permission in this area as discussed below, and which are currently under construction.
- 2.8 The proposed extensions would be constructed on areas of existing parking, leading to the loss of around 670 of the centre's existing 4697 spaces. Prior to the submission of the application, discussions were held with the developer regarding the re-provision of some parking on site in the form of decked car parking, however, the submitted details advise that for viability reasons, this proposal this has not been brought forward as part of the application. It is now proposed instead to re-provide the lost spaces through a combination of reconfiguring some areas of existing parking on site, and the provision of 574 staff car parking spaces on the area of land to the south as part of the accompanying application, the details of which are below.
- 2.9 The parking proposals for the site and on the land to the south would be limited solely to re-providing the existing spaces which would be lost as part of the development. It is not proposed to provide any additional parking to cater for the proposed extensions.
- 2.10 The application is in outline, with all matters reserved, but is accompanied by a series of parameter plans identifying the key parameters of the scheme. These are intended to provide sufficient certainty over what is proposed to allow the implications of the development to be fully assessed and the key design principles to be established whilst retaining the flexibility to allow more detailed design and layout matters to be finalised once the final operational requirements of each tenant are known. The plans include:
- Identification of a development 'zones' for each extension. These show the maximum extent of the area within which it would be constructed, based on plans indicating the minimum and maximum extent of each of the elevations and the degree of variation in each of these.
 - Plans showing the minimum and maximum height of each of the proposed extensions/buildings in relation to the existing building.
 - Areas where demolition and remodelling are proposed and areas where parking spaces and trees would be lost and access routes would need to be reconfigured.
 - Key vehicle, pedestrian and cycle routes, positions of cycle parking and taxi drop-off locations.
 - Customer entrances, canopies and areas of public realm around these, defining minimum and maximum dimensions for each of these areas, and new tree planting.
 - Indicative elevations have also been provided, showing areas of fenestration and main frontages.
- 2.11 The applications are accompanied by a range of other supporting documents, including:

- Travel Plan
- Transport Assessment
- Draft Employment and Training Strategy and Contract
- Flood Risk Assessment
- Retail/Economic Impact Assessment
- Sustainability Statement
- Contamination and Coal Mining Risk Assessment Studies
- Statement of Community Involvement.

2.12 The application also specifies Heads of Terms for a Section 106 Agreement to cover the following issues, which are discussed in more detail in the appraisal section below:

- Public Transport contribution
- Improvements to on-site bus station
- Local employment and training
- Public realm works/landscaping on Dewsbury Road, opposite the site to the east.
- Improvements to the pedestrian link between the bus station and the adjacent White Rose Office Park site.

B) Application 13/02684/FU – Off-site staff car park

2.13 It is proposed to provide 574 staff car parking spaces for the extended centre on the site of the former office building and breaker's yard to the south. The scheme includes the demolition of all buildings on the site. Access is proposed from the WRSC's southern perimeter road via an existing entrance, which currently serves a substation and gas control compound, and which is proposed to be widened and extended into the proposed parking area by providing a culvert across Cotton Mill Beck. The existing vehicular entrance from Dewsbury Road into the north eastern part of the site is to be closed off. The access from Dewsbury Road in the south eastern part of the site is proposed to be retained, although the submitted details confirm that this would only be used for emergency vehicles access, and would be barrier controlled to prevent its use by staff.

2.14 Pedestrian access from the car park to the Centre would lead across the perimeter road, through the car park to the east of the Sainsbury's petrol station, across the car park access road, where the existing zebra crossing is proposed to be upgraded to a pelican crossing, and towards the mall entrance in the south eastern part of the Centre. The submitted details advise that the pedestrian route through the car park would be covered by CCTV.

2.15 Although some trees and areas of vegetation are proposed to be removed to facilitate the provision of the culvert across the beck, and to lay out a pedestrian access through the centre of the site, the majority of the existing trees and vegetation are proposed to be retained, and supplemented with additional planting within the car parking areas. It is proposed to remove areas of hardstanding in the eastern part of the site, adjacent to Dewsbury Road, and to carry out earthworks to provide a grassed embankment along this frontage to provide screening of the car park from Dewsbury Road.

2.16 Details submitted with the application confirm that the off-site car park is intended for use by staff only, as part of a staff parking management strategy which seeks to restrict staff parking to car parks further from the centre, retaining the more

convenient car parks for customer use, and to reduce car-based travel among staff and encourage alternative modes of transport.

3.0 SITE AND SURROUNDINGS:

- 3.1 The WRSC is a substantial retail centre in south Leeds with over 100 retail and restaurant units, including a Sainsbury's supermarket and large anchor stores at Debenhams and Primark, and around 4700 car parking spaces. It is one of the three main destinations for comparison shopping in the Leeds district along with the City Centre and the Owlcotes centre in Pudsey. The centre was built in the 1990's after being refused planning permission and subsequently allowed on appeal in 1989.
- 3.2 The centre is located in south Leeds, to the north east of Morley, north west of Middleton and south west of Beeston. The site is bordered to the east by Dewsbury Road, which runs north-south from Junction 1 of the M621 to Junction 28 of the M62, and to the west by the Leeds-Huddersfield-Manchester railway line. The surrounding area is mixed in character, with offices at the White Rose Office Park to the north, residential properties on the opposite side of Dewsbury Road to the east, and open land to the west and south.
- 3.3 Permission has recently been granted for extensions to various units in the centre, and to the food court area. These were considered initially as part of an outline application, approved in March 2011, and a number of reserved matters applications for various aspects of the development have subsequently been granted and, in some cases, implemented.
- 3.4 The staff car park proposals relate to an area of land to the south of the centre. The northern part of the site is occupied by a three storey brick building, formerly used as an office but now vacant, with an attached single storey warehouse to the rear, and with areas of hardstanding to the front and rear. The area immediately to the south along the site frontage is also surfaced with hardstanding, and is understood to have been a petrol filling station at some point in the past, although this was demolished some time ago and this part of the site has been vacant for over 10 years. The southern part of the site, to the rear of this former filling station, was formerly used as a car breaker's yard, a use which benefits from a lawful use certificate granted in 1994. Whilst vacant at present, the site contains areas of hardstanding and a small office building associated with this former use.
- 3.5 The site slopes uphill from Dewsbury Road towards the area of open land to the west, with some steeper gradients in the eastern part of the site. An existing access from the WRSC southern perimeter road into the northern part of the site, which at present serves a substation and gas control station, and which is proposed to be widened and extended to provide access to the car park. There are relatively wide belts of trees and vegetation around the site's southern and western boundaries, and along Cotton Mill Beck which runs to the north, as well as a belt of trees running through the middle of the site. At present, the site is also enclosed by metal palisade fencing.

4.0 RELEVANT PLANNING HISTORY:

A) Application 13/01640/OT – Extensions to WRSC and associated works

- 4.1 Outline permission was granted in March 2011, following a resolution by Plans Panel, for extensions to provide up to 2,048m² retail floorspace (A1 use) and up to 1,850m² restaurants and cafe floorspace (A3 use) (application 10/04190/OT). The

permission was granted subject to a legal agreement including the following obligations:

- Revocation of permitted development rights for the implementation of mezzanine floors of up to 200m² within the remaining A1 retail units in the centre
- Local employment and training initiatives
- £40,000 contribution to pay for the provision of real-time bus information within the centre
- The dedication of an area of land to the east of the centre for use as a cycle route
- Travel Plan and monitoring fee.

4.2 A number of reserved matters applications relating to this outline approval have subsequently been approved, as detailed below, and some of these are understood to have been implemented. This leaves a total of 2285m² approved floorspace still to be brought forward for development (1443m² of A1 and 842m² of A3).

- 11/01070/RM – Extension to mezzanine floor to retail unit (44m²). Approved May 2011.
- 11/01092/RM – Extension and alterations to units 52 and 53 to provide ground floor extension and mezzanine extension providing 177 square metres additional A1 floor space. Approved May 2011.
- 11/03953/RM – Extension to upper level food court providing 998m² additional A3 floor space. Approved November 2011. Two minor material amendment applications relating to this proposal have subsequently been approved as follows:
 - 12/00833/FU – Changes to approved layout, as a result of which a further 10m² of floorspace would be created, resulting in 1008m² rather than 998m² as originally approved. Approved May 2012.
 - 13/00435/FU – Changes to main elevation. Approved March 2013.
- 11/04243/RM – Amalgamation of 2 retail units and extension to mezzanine floor (101m² floorspace). Approved November 2011.
- 12/01360/RM – Reserved matters application for extensions, for the provision of 283m² retail floorspace. Approved May 2012.

4.3 All other history relates to previous extensions, changes of use of existing units within the centre, signage and the original permission for the centre, the original outline permission for which was granted on appeal in 1989 (application H23/59/87/).

4.4 Permission has recently been granted in May 2013 for the demolition of the Woodman service station and public house to the south east of the WRSC, and the redevelopment of the site with a replacement petrol station and coffee shop (application 13/01022/FU).

4.5 An application for a new office building, providing around 5500m² of additional office space, at the neighbouring White Rose Office Park site is currently under consideration (application 13/02207/FU). Discussions have been held with the applicants for this scheme in relation to improvements to the pedestrian links between the Office Park and the WRSC site and bus station, with the aim of providing a holistic approach to improving accessibility between the sites and encouraging wider public transport use across the wider employment area.

- 4.6 Outline permission for the Eastgate development within the city centre (now called 'Victoria Gate') was granted in October 2012 (application 12/03002/OT). This granted permission in principle for a variety of uses, including retail, restaurants, bars, a casino, medical centre, B1 offices, a cinema, crèche and hotel, and car parking. Applications for the first phase of this development have recently been submitted. This phase includes the John Lewis store together with other retail, restaurants and bars, a multi storey car park and a casino.
- 4.7 The Council are also currently considering an application for an out-of-centre mixed use development at Thorpe Park in the east of the city (application 12/03886/OT). This seeks outline permission for a range of uses including offices, retail and bars/restaurants, a hotel, leisure facilities and car parking.

B) Application 13/02684/FU – Off-site staff car park

- 4.8 There have been a number of applications relating to extensions and redevelopments on the office building and former petrol station in the northern and eastern parts of the site. A number of these were refused in the late 1970s on Green Belt grounds (although one was then allowed on appeal). Two more recent applications were subsequently approved: one for an extension in 1982 and one for a prefabricated office building in 1992 (applications H23/228/82/ and H23/9/92/).
- 4.6 A certificate of lawful use for vehicle dismantlers and retail sales was granted in relation to the southern part of site in December 1994 (23/82/93/CLU). An application for a detached industrial unit and offices on this part of the site was refused in February 1995 on Green Belt grounds (application 23/174/94/FU).

5.0 HISTORY OF NEGOTIATIONS AND PUBLIC CONSULTATION:

- 5.1 Prior to the submission of the application in April this year, extensive pre-application discussions took place with the developer, involving planning, highways and design officers, which culminated in a pre-application presentation by the developers to City Plans Panel in October 2012. The following matters were discussed by Members at that stage:
- Traffic impacts, particularly on Dewsbury Road. Analysis needed of cinema and times when Leeds United had an evening home game
 - Whether a residents' parking scheme could be considered by the developer to alleviate the problems on streets close to the site
 - Cinema likely to generate trips at evenings and weekends when public transport was usually less frequent and this would need to be addressed
 - Staff car parking
 - Whether application should include historical analysis to show whether Centre had ever competed with the city centre, whether by extending the Centre, Primark and Debenhams would close in Leeds city centre, and whether existing centres were trading to capacity
 - Further details of scale and design, particularly cinema.
 - Provision of some context for the scale of the proposed extensions
 - Strong commitment to creation of jobs and job guarantees for local people. To be monitored by Employment Leeds, and agreements rigorously enforced.
 - Some support for proposal to increase the level of retail floorspace and introduce a new cinema use, but concerns about levels of car parking to be provided and the design of the decked parking.
 - Proposals being against planning policy.

- Neighbouring centres and adjoining local authorities likely to have views on the proposals.
- Assurances on behalf of Debenhams and Primark regarding commitment to retaining presence in Leeds and centres in neighbouring authorities.
- That the provision of an additional cinema would provide more choice
- That there was some support for the three smaller A1 units.
- Improvements to an area of greenspace on the Ring Road should be considered.
- Improvements to the bus stops at the centre were welcomed
- Linkages with Middleton, Beeston and Morley to be specifically addressed.
- Further consultation to take place and to a wider area

5.2 The developers also carried out a programme of pre-application engagement and consultation. This included letters to MPs, south Leeds Ward Members, Morley Town Council, Leeds Civic Trust, and local community groups and organisations, meetings with officers at Wakefield, Kirklees and Bradford, public exhibitions at the Centre and at Morley Town Hall, and presentations to Morley Town Council and Beeston Village Community Forum.

5.3 A further public display at the WRSC was held by the developers on a weekend in May, to inform people about the application as submitted, and the changes including the proposed off-site car park. The developers have advised that positive feedback was received regarding the employment benefits of the proposals, the cinema and improved retail and leisure choices.

5.4 Following the submission of the application further meetings have been held with the developers and their planning and highways consultants to discuss consultee feedback and objections raised by neighbouring authorities. Further detail and clarification has also been sought in relation to the local employment and training initiatives proposed as part of the development, in the light of similar proposals included as part of the applications for Thorpe Park and the city centre Victoria Gate scheme currently under consideration by the Council. These discussions are ongoing.

6.0 PUBLIC/LOCAL RESPONSE

Ward Members

6.1 A Ward Member briefing meeting was held on 18th June, and was attended by representatives from Morley North, Beeston and Holbeck and Middleton Park Wards. Members were briefed on the proposals, and the following matters were discussed:

- WRSC's current work in terms of local employment and training and community involvement noted, but current employment and training proposals need to be set out in writing, and specific in terms of the initiatives and targets for local employment and the areas where these are to be targeted. Need for appropriate monitoring arrangements.
- Objections received from neighbouring authorities.
- Public transport proposals, including existing deficiencies in links between different parts of South Leeds, rather than into/out of city centre, and need for improvements to focus on these deficiencies.
- Traffic concerns relating to Dewsbury Road and Elland Road at peak times. Clarification sought regarding combined impact if WRSC and new office building at the Office Park are both approved and implemented.

- Off-site car park – Need to consider Green Belt implications and potential benefits compared with existing vacant buildings and lawful scrap yard use.

- 6.2 Councillor Gettings, Morley North Ward, has written in support of the two applications on the basis that the proposals would enhance the quality of life for local residents, and that the provision of additional staff car parking off-site would allow customers to park nearer the Centre.
- 6.3 Councillor Varley and Councillor Elliott, Morley South Ward, have written in support of the proposals on the grounds that they would bring a much needed leisure facility, and greater retail capacity, and would provide local people with greater opportunities for employment.
- 6.4 Councillor Gabriel and Councillor Ogilvie, Beeston and Holbeck Ward, have written in support of the two applications on the basis that the additional retail provision and new cinema would be positive for the area. They also note that the proposals could result in the creation of up to 1000 jobs, and that they are keen to ensure that as many of these as possible benefit local residents, particularly in the LS11 area.

Morley Town Council

- 6.5 The Town Council Planning Committee have objected to the application for extensions to the centre, making the following comments:
- Out of centre development contrary to policy – potential impact of retail, restaurants and cinema, on Leeds, Wakefield and Bradford city centres.
 - Parking and highway safety:
 - Increased floorspace and reduced parking provision on site.
 - Decked car parking not brought forward as part of application.
 - Cinema likely to generate increased visitor numbers and cause longer-stay parking on site.
 - Note that electronic car park signage now implemented, but previous experience of tail-backs as customers drive round looking for spaces.
 - Increased traffic – northern roundabout appears to be at capacity. Problems for buses leaving the centre.
 - Safety concerns if mall is closed on an evening and customers have to walk around the centre to bus station in the dark.
 - Note that application is outline, some of buildings appear ‘boxy’. However, inclusion of large full height windows in Primark extension is more positive than blank curtain walling which makes up much of this elevation at present.
 - Replacement of coach parking with car parking is welcomed, as is better segregation of delivery vehicles and pedestrians around Primark area.
- 6.6 The Town Council Planning Committee have advised that they support the provision of additional staff parking as a proposal in isolation, in order to alleviate existing problems, particularly at peak times, but that they do not believe that the number of spaces proposed would be sufficient to provide for or justify the increased floorspace proposed as part of the outline application. The following specific comments are made:
- Large increase in floorspace and new cinema, which would attract more visitors and increase long-stay parking means more spaces will be needed than just re-providing those lost.
 - Possibility of former mine shafts on site.

- Although in Green Belt, site is previously developed with a long industrial/commercial history. Removal of former industrial site and buildings, and increase in planting would be beneficial to Green Belt overall.
- Public footpaths around car park site should be safeguarded.
- Proposed pelican crossing is welcomed, but a second pelican should be provided across the main perimeter road.

6.7 In addition to the comments received from the Town Council Planning Committee, 3 of the individual Town Councillors have written in support of the proposals for the extensions to the centre and the off-site car parking, making the following comments:

- Cinema is a much-needed facility and this and additional restaurants are welcomed, as others in Leeds are difficult to access from this area.
- Additional retail capacity will allow Centre to remain competitive and vibrant – allowing Morley town centre to ‘piggyback’ on this success.
- Centre is an asset for south Leeds providing many jobs for local people. Proposals will generate additional local employment opportunities.
- Staff car parking will improve an area which is an eyesore and detracts from landscaped setting of the Centre at present.
- Do not believe that the proposals will have a detrimental impact on Morley Town Centre – may attract shoppers to Morley.

Other public response

6.8 The application for the extensions to the centre and associated works has been advertised as a major application and as a departure by site notice, posted 26th April 2013, and by press notice, published 17th April 2013.

6.9 The application for the off-site car park has been advertised as a major development, a departure and as affecting a public right of way, by site notice posted 5th July 2013, and by press notice published 10th July 2013.

6.10 Letters of support have been received from the following local organisations in response to the proposals:

- ‘Leeds2Success’
- The Hunslet Club
- Middleton St Mary’s Primary School
- Beeston Action for Families
- Middleton Elderly Aid
- Cardinal Youth Club, Beeston
- Whiterose Residents Association
- Hamara Centre, Beeston
- Morley Chamber of Trade and Commerce

6.11 These groups have made the following comments in support of the applications:

- Will strengthen links with Morley town centre, and complement existing businesses in Morley which are not available at WRSC.
- Valuable contribution to regeneration of the locality.
- South Leeds lacks a cinema, and proposals will provide a more accessible and affordable option than travelling into city centre or to other cinemas elsewhere – benefits for families, young people and elderly residents in a safe environment.

- Employment opportunities for local residents
- Believe it will not have a bad effect on city centre, and will enhance Leeds city as a whole.

- 6.12 One letter of objection has been received from a local resident, which raises concerns that the proposals to increase car parking on adjacent land, in addition to the new buildings, would be contrary to UDP policies which "encourage development in locations that will reduce the need for travel".
- 6.13 A letter has been received on behalf of a group of owners and investors in Bradford City Centre, including the developers of the proposed city centre Broadway project, the owners of the Leisure Exchange, and a number of others. This advises that they object to the application on the grounds that it would have a harmful impact on Bradford City Centre, in conflict with the National Planning Policy Framework. The letter advises that a detailed assessment of the White Rose proposals is currently being completed, to take account of the findings of the (now published) Bradford Retail study, and that further representations would be submitted.

7.0 **CONSULTEE RESPONSES**

A) **Application 13/01640/OT – Extensions to WRSC building and associated works**

Statutory

Environment Agency

- 7.1 No objections, subject to conditions.

Yorkshire Water

- 7.2 No objections, subject to conditions.

Highways Agency

- 7.3 Raise a number of concerns and request additional details in a number of respects, including the achievability of targets in the Travel Plan (TP), and details of the implications, and of any necessary mitigation measures, in the event that these are not achieved. They have issued a 'holding direction', recently extended until 31st August, stating that the application should not be determined until additional information has been submitted. Their comments are discussed in more detail in the 'Transport' section below.

Coal Authority

- 7.4 No objections, subject to conditions.

Non-statutory

Highways

- 7.5 Echo Highways Agency comments in some respects, including concerns regarding achievability of some of the TP targets and TA's reliance on these in drawing conclusions regarding the likely impact of the development. Clarification is sought on a number of matters, and further details have been requested regarding the transport and highway implications in the event that the TP targets were not achieved, and how any resultant impact might be mitigated. As further information in these respects is awaited, the traffic and parking implications of the proposals have not been fully assessed at this stage.

7.6 Further detail is sought in terms of improvements to the pedestrian link between the site and the neighbouring office park. Previous permission in 2011 required dedication of an area of land adjacent to the site to provide improvements to a cycle route. These works should be carried out as part of the current proposals.

7.7 Note that discussions have taken place with Metro and bus operators regarding improvements to public transport provision. These should include extension of services into the evening, and improving services in areas of identified deficiency, such as Middleton.

Public Transport

7.8 A contribution of £672,510 is sought, in accordance with the Public Transport and Developer Contributions SPD. Envisage that the contribution agreed would be spent on works to improve on-site facilities at the White Rose for public transport, improvements to bus services serving the centre, and to off-site infrastructure which would be of benefit to those services and passengers going to the WRSC.

Travelwise

7.9 As raised by the highways officer and the Highways Agency, the mode split targets are considered to be ambitious, and the TP should be developed further to incorporate details of measures to be implemented in the event that these targets are not met, and how these would be funded.

Metro

7.10 No objections in principle. The introduction of greater activity in the evening and will require changes to the bus hours of operation to allow bus users (visitors and staff) to access the cinema/restaurant facilities. The proposed funding for improvements to the bus station is welcomed. This may include covered waiting areas, additional seating and revised signage throughout the centre. The installation of Real Time information displays within the centre has been secured through the previous permission in 2011, and is currently undergoing testing, after which it is proposed to install this in the Centre.

7.11 Passengers accessing and leaving the bus station from the north (primarily to/from the Office Park) should be provided with a clear and direct route to prevent them from walking across the operational bus reversing area at the bus station.

7.12 Discussions have been held between the developer, Metro and the bus operators in relation to potential improvements to services. These are likely to include increasing the hours of operation of existing services into the evening, and improving links to parts of south Leeds by extending existing routes. Further discussions will be needed in this respect, in addition to agreeing the level of funding through a Section 106 Agreement.

Access Officer

7.13 No comments received.

LCC Retail Consultant

7.14 Initial comments have been received from the Council's retail consultant, which will be updated and finalised once the applicants have responded to the representations received. The proposals are assessed on the basis that 83% of the A1 floorspace is proposed as extensions to the existing Debenhams and Primark stores, rather than as general retail floorspace. These issues are considered in more detail below.

Employment Leeds

- 7.15 Submitted documents need to specify and quantify employment targets for both the construction phase of the development and for end-users, with projected timelines. Early dialogue with Employment Leeds would be beneficial to identify the skills and job role levels. Documents also need to define what is meant by 'local' area, as target wards differ between documents.
- 7.16 A single point of contact at the centre, with responsibility for managing the processes and procedures for targeting job opportunities at 'local people' and engaging with Employment Leeds and other partners, should be identified.
- 7.17 A meeting to discuss the matters raised is suggested.

Flood Risk Management

- 7.18 No objections, subject to conditions.

Environmental Health

- 7.19 No objection.

Contaminated Land

- 7.20 No objections, subject to conditions.

Licensing

- 7.21 No objections.

Public Rights of Way

- 7.22 A number of rights of way close to the site should remain open and available for use at all times. Opportunities for improvements to nearby rights of way, through S106 contributions/obligations, are identified. These comments have been brought to the applicant's attention and a response is awaited.

West Yorkshire Police Architectural Liaison Officer

- 7.23 It is noted that the application is in outline rather than detailed form. Guidance is provided on various aspects of design and security which are intended to inform the detailed design of the scheme.

Air Quality Management

- 7.24 No objections. Electric vehicle charging points should be provided.

Environment Policy

- 7.25 No comments received.

Response received from adjoining authorities

Kirklees Council

- 7.26 Together with Wakefield and Bradford Councils, Kirklees have jointly commissioned an appraisal of the applicant's Economic Development Assessment (EDA). This raises a number of queries regarding the methodology and findings of the EDA. Kirklees have raised concerns regarding the potential for the proposals to harm the vitality of their existing centres, and advised that they are unable to fully comment on the implications until the concerns raised in their appraisal have been addressed, and that they therefore cannot support the proposals at this stage. They request the opportunity to comment further upon receipt of a revised/updated EDA from the applicant.

Wakefield Council

- 7.27 Wakefield have responded along the same lines as Kirklees and have requested additional/revised details in the light of the queries raised in their jointly-commissioned appraisal of the EDA.

Bradford Council

- 7.28 On the basis of the applicant's EDA and the findings of the jointly-commissioned appraisal of this, Bradford have advised that they strongly object to the application on the grounds of the proposals' impact on Bradford city centre, other town centres in the Bradford District, and planned in-centre investments, including the Broadway scheme in Bradford city centre and a forthcoming shopping centre in Keighley. Various concerns raised regarding assumptions in the applicant's EDA and conclusions regarding the impacts of the proposals. In particular, they consider that the applicant's EDA underestimates the level of trade likely to be diverted from Bradford, Kirklees and Wakefield, and does not adequately address the implications of the proposals on planned investments and regeneration projects in existing centres. In common with Kirklees and Wakefield, Bradford have also requested that the applicant's EDA is revised to take account of their comments, and advised that they intend to provide further detailed comments in the light of this.

B) Application 13/02684/FU – Off-site staff car park

Statutory

Environment Agency

- 7.29 No comments received to date.

Yorkshire Water

- 7.30 No comments received to date.

Highways Agency

- 7.31 No objection, subject to the provision of the off-site parking spaces being linked by condition or legal agreement to the development of the Centre.

Coal Authority

- 7.32 No objection, subject to conditions.

Non-Statutory

Highways

- 7.33 As additional information is awaited in relation to the parking and traffic implications of the outline application proposals, it is not possible to comment fully on the proposed level of car parking provision at present. The application should not be considered or determined in isolation from the outline application for extensions to the centre, and should be linked by condition or legal agreement in the event that both are to be approved. A number of site specific matters relating specifically to the car park proposals have been raised, and have been forwarded to the applicant, from whom a response is awaited.

Travelwise

- 7.34 The development of the car park must be linked to the application for the shopping centre, and the TP should refer to this.

Access Officer

7.35 No comments received to date.

Public Rights of Way

7.36 Public footpaths adjacent to the site should be open and available for use at all times. Resurfacing of a footpath adjacent to the beck is requested as this is likely to have increased use.

Flood Risk Management

7.37 No objection, subject to conditions.

Contaminated Land

7.38 No objection, subject to conditions.

Air Quality Management

7.39 No comments received to date.

West Yorkshire Police Architectural Liaison Officer

7.40 A number of concerns and queries have been raised regarding the security of the proposed car park, including:

- The area is remote and has little natural surveillance.
- How would access to the car park be controlled? The proposals indicate that the car park is proposed for staff use only, but there do not appear to be any details in terms of barriers etc.
- The site is adjacent to a number of public footpaths. Boundary treatments will be key in terms of ensuring the security of the site. Further details in this respect would be appreciated.
- The whole area should be monitored by a CCTV system.
- The area should be well-lit during hours of darkness, which will assist the effectiveness of CCTV and in reducing the fear of crime. It is noted that the lighting is only proposed to be operational during the working hours of the centre. Concern that some staff may be returning to their vehicles or arriving outside of these hours.

8.0 PLANNING POLICIES:

Development Plan

8.1 The development plan for Leeds is the Leeds Unitary Development Plan Review 2006 (UDP)

8.2 The WRSC site is unallocated in the UDP. The following UDP policies are relevant to the consideration of the proposals:

GP5 – General planning considerations

GP7 – Planning obligations

GP11 – Development must ensure that it meets sustainable design principles

N12 – Urban design principles

N13 – Design of new buildings

N23 – Open space around built development

T2 – New development and highway safety

T2B – Submission of Transport Assessments

T2C – Requirement for Travel Plan

T2D – Public transport contributions

T5 – Access for pedestrians and cyclists

T6 – Provision for disabled people
T9 – Public transport
T24 – Parking
S5 – Criteria for major out-of-centre retailing proposals
BD5 – New buildings, design and amenity
BD6 – Extensions and alterations to existing buildings
SP7 – Priority to be given to enhancement of the City Centre and town centres

- 8.3 The area of land to the south of the centre, where the off-site staff car park is proposed, is designated as Green Belt in the UDP. The northern part of the site, around Cotton Mill Beck, is within Flood Zone 3. The following UDP policies therefore relate to this aspect of the proposals:

GP5 – General planning considerations
N33 – Green Belt
N49 – Nature conservation
T2 – Highways
LD1 – Landscaping

- 8.4 The Natural Resources and Waste Development Plan Document (DPD) was adopted in January 2013, and now forms part of the Development Plan. This document includes a number of policies relevant to the consideration of the proposals, as follows:

MINERALS3 – Surface Coal resources
AIR1 – Management of Air Quality and inclusion of low emission measures
WATER1 – Water efficiency, including incorporation of sustainable drainage
WATER6 – Flood Risk Assessments
WATER7 – Surface water run-off
LAND1 – Contaminated land
LAND2 – Replacement tree planting

Draft Core Strategy

- 8.5 The draft Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013. As the Council has submitted the Publication Draft Core Strategy for independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

- 8.6 There are a number of key principles identified in the draft Core Strategy that are of relevance to the White Rose Centre's current proposals, including:

- The adoption of the centres first approach to all uses considered to be main town centre uses and the requirement for sequential assessments and consideration to be given to the impact of any out-of centre retailing on the City Centre, other district centres and centres beyond Leeds' boundaries;
- The requirement for developers to enter into local labour and training agreements through planning obligations; and
- The requirement for new development to be accessible and adequately served by the existing highway network, by public transport, and with safe and secure access for pedestrians, cyclists and people with impaired mobility.

8.7 With regard to the development of out-of-centre retail schemes, the draft Core Strategy states that:

Out of centre shopping retail parks do not perform the role of a city, town or local centre, as they lack the broad range of facilities and services which should be available within such centres. Nevertheless major out-of-centre retailing is a feature of most regional economies, usually associated with the regional city. Such retail parks provide a valuable part of the wider retail offer and make a significant contribution to the local economy and as a source of employment. It is not in the interest of the local economy that such centres should be allowed to decline. In recognition of the important role of such retail parks it is considered that some element of the retail capacity identified in the Core Strategy could be acceptable in established retail park locations where this is clearly demonstrated not to compromise the centres first approach, including consideration of the impact on centres beyond the Leeds boundary. Such proposals should be considered within the context of the delivery of major retail proposals in the City Centre (Trinity and Eastgate).

8.8 The draft Core Strategy, at paragraphs 4.2.4 and 4.2.5, also makes reference to the development of a number of new city centre retail schemes within the city and the wider region/sub-region, including Trinity and Eastgate in Leeds, Trinity Walk in Wakefield and Westfield in Bradford, and to the need to have regard to the completion of these developments and their implications for retail trends within the region.

Supplementary Planning Documents

8.9 The following SPDs are relevant to the consideration of the application:

- Street Design Guide
- Public Transport and Developer Contributions
- Travel Plans
- Building for Tomorrow Today: Sustainable Design and Construction

Investment Strategy for South Leeds

8.10 Drawn up by Leeds City Council in partnership with key business interests in the south Leeds area and in consultation with local community groups, Ward Members, service providers and other stakeholders, the Investment Strategy for South Leeds aims to summarise the issues, opportunities and challenges facing South Leeds and the aspirations of these groups for the future. It is intended as a document identifying opportunities for actions to benefit the area and local residents, and to inform and influence future planning strategy and investment decisions and support the preparation of the Core Strategy and the subsequent site allocations document.

8.11 The Investment Strategy identifies high unemployment and poor access to services, facilities and job opportunities as being some of the main issues facing local people, who placed a high priority on the provision of better connections, particularly by public transport to areas such as Middleton, Belle Isle and Morley to provide better access to amenities and employment opportunities for these communities. This was supported by the private sector, who included enhanced and efficient public transport and skilled local labour amongst their key priorities.

8.12 Opportunities for improvements and actions in the south Leeds area identified within the strategy include:

- Exploiting the potential of White Rose/Millshaw as a public transport hub (including the possibility of a new rail halt) and shopping and leisure attraction with better facilities for young people and those working in the area.
- Concentrating services and facilities in accessible places (i.e. existing centres) and making them transport nodes.
- Improved public transport, including improvements to bus service frequency and routing to better connect residential areas, local centres and employment areas across south Leeds.
- Better connections east to west across the Dewsbury Road valley, especially for buses, walkers and cyclists, including an improved network of cycle/pedestrian routes.
- Major investments in skills, training and education, including local employment initiatives and programmes.

8.13 The strategy identifies a number of medium and long term investment opportunities for the area, which include the potential intensification of uses around the White Rose Centre and Office Park, including additional retail, office, leisure and evening economy uses. Whilst generally supported by the Council's Executive Board, it was noted by Executive Board Members in a report on the Strategy in July 2011 that this would be contrary to national planning policy, and any additional development at White Rose would therefore need to be considered in the context of securing further investment in the City Centre and in adjoining district centres such as Morley, Middleton and Beeston, and the impact on these centres, as well as others in the Leeds City Region, would need to be carefully assessed.

National Planning Policy Framework

8.14 The National Planning Policy Framework (NPPF) was published on 27th March 2012 and replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.

8.15 The NPPF supports the centres first approach, and states that local planning authorities should 'recognise town centres as the heart of their communities and pursue policies to support their viability and vitality' (paragraph 23) and apply a sequential approach to the consideration of applications for town centre uses that are not in existing centres. It also advises that 'plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised (paragraph 34) and that developments should be designed to 'give priority to pedestrian and cycle movements, and have access to high quality public transport facilities' (paragraph 35). The Framework places great emphasis on the importance of good design as a key aspect of sustainable development.

9.0 MAIN ISSUES

A) Application 13/01640/OT – Extensions to WRSC and associated works

1. Principle of development – retail policy
2. Transport
3. Local Employment and Training
4. Design
5. Section 106
6. Other issues

B) Application 13/02684/FU – Off-site car parking

1. Principle of development – Green Belt
2. Transport
3. Visual amenity and landscaping
4. Crime and security
5. Nature conservation
6. Viability
7. Other issues

10.0 APPRAISAL

A) Application 13/01640/OT – Extensions to WRSC and associated works

Principle of development – Retail policy

- 10.1 The proposals would result in a significant increase in retail floorspace on this out-of-centre site, in conflict with the centre first approach advocated in UDP and the more recent guidance in the NPPF and draft Core Strategy. UDP policy S5 refers to major retail development outside designated centres, stating such development would not normally be permitted unless:
- It is of a type that cannot be accommodated in existing centres
 - It is demonstrated there will be no adverse effect on vitality and viability of existing centres.
 - It addresses qualitative and/or quantitative deficiencies and in the case of food shopping would create a new centre to meet the needs of local residents.
 - It is readily accessible.
 - It does not entail use of land designated for housing or employment.
- 10.2 The NPPF also seeks to focus retail and other main town centre uses, including leisure uses such as cinemas, in designated centres with out of centre sites only being considered suitable if more central locations are not available. A sequential approach should be applied and impact assessments are necessary to fully understand the impact on existing centres.
- 10.3 The draft Core Strategy notes that out-of-centre retail areas provide ‘a valuable part’ of the wider retail offer of the city and the regional economy and acknowledges the significant contributions that such areas can make to the local economy and as a source of employment. It indicates that some element of the retail capacity identified in the Core Strategy could be acceptable in established retail park locations, however this would only be the case where this was ‘clearly demonstrated not to compromise the centres first approach, including consideration of the impact on centres beyond the Leeds boundary’ and that such proposals would also need to be considered within the context of the delivery of major retail proposals in the city centre, including Trinity and Eastgate.
- 10.4 In the light of the above, a critical part of the consideration of these proposals relates to their impact on Leeds city centre, on town and local centres around the White Rose centre such as Morley, and on centres beyond the Leeds boundary including Wakefield and Bradford city centres and nearby town centres in Kirklees. In addition to existing developments, regard also has to be given to planned investment in these centres.

- 10.5 Detailed applications have recently been submitted for the first phase of the 'Victoria Gate' development in Leeds City Centre. These proposals include A1, A3 and A5 uses, leisure uses and a casino. Although outline permission has been granted for the wider scheme, there are no current proposals for the second phase of the development, although it is understood that this will include further retail, restaurant/bar uses and may include a cinema. The city centre has also seen new retail and leisure development at the Trinity shopping centre, the first phase of which opened earlier this year. This includes a Primark store and Everyman cinema. The second phase of Trinity is currently under construction and scheduled to open later in the year. Leeds city centre has an existing multi-screen cinema in The Light, in addition to the recently-opened and more specialist Everyman Cinema in the Trinity centre. Leeds also has a number of out-of-centre cinemas.
- 10.6 In Wakefield city centre, the Trinity Walk development and an extension to The Ridings shopping centre have recently been implemented, and both Primark and Debenhams have existing stores in Wakefield city centre. Bradford city centre has an existing Primark store, and Debenhams are understood to have recently confirmed their commitment to a store as part of the forthcoming Broadway development. Both Bradford and Wakefield also have cinemas within or on the edge of their city centres.
- 10.7 Letters have been received from these three neighbouring authorities, and from a group of developers and investors in Bradford city centre, indicating their objection to the proposals, raising a number of concerns regarding the methodology of the applicant's EDA, and seeking further information, indicating their intention to provide further comments once this is received. Both Bradford and Wakefield Councils have also recently published up to date retail studies, which have been provided to the developer.
- 10.8 As some of this information, particularly the up to date retail studies, have only recently been provided, neither the applicant nor the Council's retail consultant have had the opportunity to fully consider these. An initial response has been provided by the developer, and forwarded to the neighbouring authorities. Their comments on this are awaited, and a full response from the developer is anticipated once further feedback is received from neighbouring authorities.
- 10.9 The majority of the retail floorspace proposed relates to extensions to the existing Debenhams and Primark stores. Although these two operators are not named as part of the application, the proposals and their likely impacts have been assessed on the basis that the majority of the floorspace would serve as extensions to existing 'anchor' stores, rather than as general A1 retail floorspace. Because of the large amount of floorspace proposed, this would be likely to have different implications for existing centres if it were to be provided as separate smaller units, or if it were to be subdivided for general A1 use in the future. In the light of this, and as the application has not been considered on this basis, further details and assurances have been sought from the developer as to how they intend to control this floorspace and prevent its subdivision or severance from the large department stores in the future. This may take the form of a planning condition or clause within a Section 106 agreement.
- 10.10 Three smaller A1 units are proposed adjacent to the proposed Debenhams extension. The implications of these and of the proposed cinema and catering units are also being considered as part of the wider development proposals.

- 10.11 The Council are currently also in the process of considering an outline application for a mixed-use development including offices, retail and restaurant uses, a hotel and leisure uses in an out-of-centre location at Thorpe Park in east Leeds. In addition to considering the individual impacts of the two applications in isolation, the cumulative impact of the two proposed developments is also currently being assessed and considered.
- 10.12 **In the light of the initial comments received, what are Members' thoughts about the proposal to increase the level of retail floorspace and introduce a new cinema use at the White Rose Centre?**
- 10.13 **What assurances do Members feel should be sought from the developers in terms of ensuring that the principal elements of the retail proposals are delivered as extensions to the existing large 'anchor' stores, and preventing their subdivision in the future in order to protect planned investment in Leeds city centre and adjoining local authorities?**

Transport

- 10.14 Many of the highways and transport issues arising from the scheme relate to both applications, and are covered in this section. Specific details relating to the staff car park application are covered in part B of this section below.
- 10.15 The main issues raised in pre-application discussions with the developers related to the implications of the proposed development in terms of traffic generation and parking requirements, and the opportunity to provide improvements to public transport facilities, cycling and pedestrian accessibility around the site and the wider area. A TA has been submitted as part of the application, which includes an assessment of the traffic generation and parking implications arising from the scheme. The application is also accompanied by a Travel Plan which identifies targets for modal shifts away from car-based travel to alternative means of transport for both staff and customers, together with measures to achieve these, including:
- A staff car parking strategy which aims to promote alternative methods of travel among staff, and to restrict staff parking to those car parks furthest from the centre (including the off-site car park), allowing the more convenient and popular car parks to remain available for customer use.
 - Public transport improvements
 - Improvements to pedestrian and cycle access
 - Promoting car sharing
 - Promotion of alternative modes of travel e.g. cycling and public transport.

Public transport linkages and opportunities for enhancement

- 10.16 The South Leeds Investment Strategy found a number of deficiencies in public transport, cycle and pedestrian linkages across the south Leeds area, with particular reference made to the poor connections between the site and areas in high unemployment in Middleton and Belle Isle, and identifies improvements as key priorities for the area. Amongst the aspirations in the Strategy is the potential for the creation of a White Rose public transport hub, providing improved access not only to the White Rose Centre itself, but also enhanced linkages to the neighbouring White Rose Office Park and other nearby office developments, improving access to the retail and employment opportunities they provide for residents of the south Leeds area.

- 10.17 In accordance with the Public Transport SPD, a contribution of £672,510 has been sought. The developers highways consultant has been involved in discussions with Metro and bus operators First and Arriva to identify existing deficiencies in public transport linkages and how these might be addressed as part of the application, and to explore the potential to extend some services into the evening to cater for the cinema use. These discussions are ongoing and further details are anticipated.
- 10.18 The provision of real-time bus information at the centre was secured as part of the 2011 outline application. This is currently undergoing testing and is likely to be implemented shortly. Improvements to the WRSC bus station, such as the provision of enhanced waiting areas, seating and signage, as well as suggestions regarding enhancements to linkages between this and neighbouring office developments have also been discussed with the developers. In the light of the increases in floorspace and reduction in parking provision proposed at the centre, improvements in these linkages and in the facilities and provision of information at the existing bus station, with a view to encouraging the use of public transport to both the White Rose Centre site and across the wider area, are critical to the consideration of the application.

Parking and impact on the local highway network

- 10.19 As noted above, the proposed extensions would be constructed on areas of existing car parking, with the resultant loss of around 670 of the centre's existing 4697 parking spaces. These spaces would be re-provided through a combination of reconfiguring existing parking areas on site, and the creation of a new car park to the south of the site, proposed as part of the accompanying application.
- 10.20 Whilst the re-provision of existing spaces is proposed, the applications do not propose any additional parking for the extended centre beyond the replacement of these lost spaces. The developers have provided a TA in support of their application, which include an assessment of the traffic generation and parking implications arising from the additional retail floorspace and the new cinema and catering units proposed.
- 10.21 The developer's TA concludes that, on the basis that the 'the extensions are not anticipated to generate significant volumes of additional traffic on the surrounding highway network' and that 'if the full Travel Plan targets are achieved, traffic flows associated with the centre will reduce below current levels.'
- 10.22 The Highways Agency and highways officers have raised a number of queries and concerns regarding some of the details and conclusions of the TA and the TP. In concluding that the proposals would have no additional impact on the highway network, the TA's relies heavily on the achievement of modal shift targets in the TP. However, highways, Travelwise and the Highways Agency have advised that some of these targets, particularly those for customers, are very ambitious, and raised concerns about the potential increased impact on the local highway network if these were not achieved.
- 10.23 In the light of the concerns raised, further clarification has been sought from the developers in regarding certain aspects of the TP, the TA and the staff parking management plan. Further details have also been requested in terms of what the implications on the highway network would be in the event that these measures were not as successful as proposed, and of mechanisms for addressing or mitigating any problems which may arise if the targets were not met.

Pedestrian and cycle linkages

10.24 In the light of the aspirations in the South Leeds Strategy to create a public transport 'hub' at the WRSC and improve pedestrian linkages between the bus station and surrounding employment sites, the proposals include improvements to the pedestrian route which links the site to the neighbouring White Rose Office Park. As the application is in outline only at this stage no further specific details in this respect have been provided, however proposals to improve pedestrian routes and connectivity to the WRSC site are also proposed as part of a current application for a new office building at the Office Park. It has therefore been suggested to both developers that they and their architects meet to discuss the proposals in this respect with a view to achieving a comprehensive and joined-up scheme spanning the two sites. Officers have offered to arrange a meeting, and a response from the developers is currently awaited.

10.25 The Section 106 agreement for the 2011 permission included an obligation to dedicate an area of land alongside Dewsbury Road to the north east of the centre to provide an improved cycle route. In the light of the significant amount of additional floorspace now proposed, and the ambitious TP modal shift targets upon which the proposals rely, highways have requested that this cycle route is now carried out and implemented as part of the development, secured through the Section 106 agreement. This has been referred to the developer and a response is awaited.

10.26 Do Members want assurances that there would be no further significant impact on the local highway network as a result of the development, particularly at peak periods, for example at Christmas and on match days?

10.27 Do Members support an integrated approach to the development of the bus station to serve the WRSC and the neighbouring Office Park, together with associated improvements to infrastructure and footpath links?

10.28 Do Members support the provision of improved bus services to local labour market areas with high levels of unemployment, as identified in the South Leeds Investment Strategy, such as Middleton Park, Beeston and Holbeck and Morley?

Local employment and training

10.29 The developer has advised that the proposed development would create around 1000 jobs (600 FTE). The Investment Strategy for South Leeds identifies high unemployment and poor access to services, facilities and job opportunities as key issues facing South Leeds residents.

10.30 In this context, and in the light of the local employment and training proposals which have been put forward for similar schemes within the city, including the Victoria Gate and Thorpe Park schemes, detailed advice on this matter was provided to the developer at pre-application stage. This highlighted the need for the following information:

- a detailed draft local employment and training strategy – an example/template strategy document was sent to the applicants for guidance regarding its format
- Identification of a named contact at the Centre to be responsible for the implementation of the Employment and Skills Plan and liaison with tenants, construction contractors, Employment Leeds etc.
- Separate and specific targets and obligations relating to the construction phase and the 'end-user' phase of the development.
- Provision for liaison with local education bodies and employment agencies.

- Provision of 'pre-employment' training – making use of the on-site training centre, The Point – to provide local people with, e.g. interview skills, to allow them to take advantage of the employment opportunities arising from the development.
- Identification of target Wards, likely to include Morley North, Morley South, Middleton Park, Beeston and Holbeck, Ardsley and Robin Hood, and City and Hunslet.
- Monitoring arrangements.

10.31 The draft local employment and training strategy submitted as part of the application included details of the wide range of community and educational initiatives in which the developers are currently engaged in South Leeds, including through the on-site training centre, The Point. However, whilst recognising the existing work in this respect and providing relatively detailed information regarding the proposals for local employment initiatives relating to the construction phase, the scheme lacked much of the information which had been requested at pre-application stage, and was not considered to adequately address other matters in relation to how end-users would be engaged to ensure that local employment opportunities would be achieved post-completion, including the setting of targets and monitoring arrangements for this stage of the development as well as the construction phase.

10.32 Following further discussions with the developers, a supplementary Employment and Training Contract has now been submitted. Employment Leeds have provided initial comments on this, re-iterating a number of previously raised comments relating to the identification of targets for local employment during both the construction and end-user phase, and the identification of target areas. It is anticipated that these are to be discussed in more detail with the developers at a meeting in the near future.

10.33 Are Members supportive of the request for further detailed and specific information as detailed in the points above, and is there any further information which Members feel should be included in the strategy?

Design and landscaping

10.34 The parameter plans for the development detail the scale parameters of the proposed buildings in terms of their height and footprint, and define customer entrance points, areas of public realm, and key active frontages and windowed elevations. These have been reviewed by design officers and whilst some specific issues in relation to the detailed design of the scheme have been identified, the approach in terms of the indicative scale and layout of these extensions is generally supported.

10.35 Detailed landscaping proposals would be submitted as part of a reserved matters application. However the submitted details advise that car park trees which have recently had to be removed because of poor health will, in some cases be replaced with native species in surrounding verges, and in others will be replaced with more appropriate species as part of a longer-term strategy for the gradual replacement of trees within these areas. Other trees and vegetation across the site are to be retained, and new trees are proposed around the new extensions.

10.36 Other public realm enhancement are proposed within the site, including the removal of the coach parking bay to the west and the reorganisation of this area to provide a larger area of public space, with tree planting, and form a wider and more prominent entrance leading into the cinema and restaurant area.

- 10.37 Following feedback from Members at the pre-application presentation to Plans Panel, the developers have also agreed to provide public realm enhancement in the form of additional planting and landscaping outside the houses on the opposite side of Dewsbury Road opposite the site. Subject to agreeing details of these matters, these aspects of the proposals are considered to be acceptable.
- 10.38 The supporting documents submitted with the application include details of sustainable design and construction measures aimed at minimising the energy consumption and carbon footprint associated with the development. The submitted details advise that the development will achieve BREEAM level 'Very Good', with an aspiration to meet 'Excellent' 'if viable.' They also advise that the development will 'seek to meet 10% of its...energy load from low carbon energy.' Specific details of how it is intended to achieve this have not been provided, although it is indicated that this is likely to include Combined Heat and Power and Ground Source Heat pumps. The submitted details also make reference to water saving measures, drainage design and choice of construction materials in seeking to minimise the impact of the development in this respect. These have been discussed with the Council's sustainable construction officer prior to the submission of the application, and comments on the submitted details are awaited.
- 10.39 **What are Members' thoughts on the parameter plans and are there any other matters which Members feel these should cover?**
- 10.40 **Do Members have any comments or suggestions regarding the design of the proposals, in particular the scale and layout of the proposed extensions?**

Section 106 Obligations

- 10.41 The developers have submitted Heads of Terms as part of the application, detailing the measures which they propose to incorporate within a Section 106 application in the event that the application were to be approved. These are as follows:
- Public transport contribution – specific improvements to bus services etc likely to be specified.
 - Local employment and training
 - Improvements to pedestrian route between the bus station and the White Rose Office Park site.
 - Improvements to on-site bus station.
 - Public realm improvements/landscaping to the area of land outside the houses on the opposite side of Dewsbury Road to the east.
- 10.42 A number of other matters have arisen out of the consultation responses, which may also form part of a Section 106 agreement, and which have been brought to the developers' attention. These include:
- Travel Plan and monitoring fee
 - Upgrading of public rights of way adjacent to the site
 - Provision of cycle route along the north eastern section of the site frontage
 - Restriction of additional A1 floorspace (except three smaller A1 units) for use solely as extensions to existing large stores, and preventing its subdivision or letting as other A1 floorspace.
- 10.43 **What are Members' thoughts regarding the obligations suggested by the applicants, the additional obligations identified in paragraph 10.42, and are**

there any further requirements which Members feel should be included in the draft Section 106?

B) Application 13/02684/FU – Off-site staff car park

Principle of development – Green Belt

- 10.44 Although part of the proposed car park site benefits from a Lawful Use Certificate for a car breaker's yard, and other parts of the site have previously been developed, the site is in the Green Belt, and the policy tests in the UDP and the NPPF in relation to development in the Green Belt apply to the consideration of the scheme.
- 10.45 Car parking is not one of the categories of development which UDP policy N33 identifies as acceptable in the Green Belt, and it therefore constitutes 'inappropriate development'. Case history in the courts has supported the categorisation of open car parking as inappropriate development, as in the case of R (on the application of MICHAEL JOHN ELLIOTT) v FIRST SECRETARY OF STATE (2007), and its impacts on the Green Belt must be considered in the light of this.
- 10.46 The NPPF states that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.' It goes on to advise that
- when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.*
- 10.47 The developer's supporting statement advises that, on the basis that the proposals relate to a previously developed site in the Green Belt and that no buildings are proposed – in fact buildings are proposed to be removed – the proposals would have no significant impact on the openness or purposes of the Green Belt and therefore are not inappropriate. Whilst this is noted, the application seeks to change the use/redevelop the land into a car park, a use which is not within the categories set out in policy N33, and which is therefore inappropriate, and has been held to be so in other cases.
- 10.48 In anticipation of this, the applicant's statement goes on to say that, even in the event that the proposals were to be considered as inappropriate development, they feel that very special circumstances exist which would outweigh the harm to the Green Belt as a result of the development. In summary these are as follows:
- The proposals would result in a less intensive use of the site than the current lawful use, and would result in the removal of derelict buildings, thus reducing the impact on openness.
 - The proposals would improve the appearance of the site by removing temporary fencing, advert hoardings and areas of scrubland and damaged hardstanding, and providing additional landscaping and improved surfacing.
 - The proposals will remove existing access points onto Dewsbury Road, with the only public access to the site being from the WRSC internal perimeter road, thereby improving highway safety.
 - The car parking will support the expansion of the WRSC, which will provide a large number of entry-level and part-time jobs that are accessible to local people most at risk of unemployment.

- The erection of car parking decks within the site as was originally included in the pre-application proposals, has not proved to be financially viable. If the proposals are to be delivered and the local employment benefits realised, this therefore relies on the provision of additional car parking on this site.
- 10.49 As inappropriate development, the creation of car parking in the Green Belt, including not just the areas of hardstanding but also the ancillary features such as lighting columns, security cabins etc, can have an impact on openness. This is in addition to the visual implications of having large areas of car parking within areas of open land. In considering the implications in this respect, it is necessary to consider these impacts in the light of the lawful and former uses of the site.
- 10.50 The fact that a development would 'tidy up' a site, is not in itself considered to constitute very special circumstances. There are many sites in areas of Green Belt which may have fallen into dereliction or disrepair, and where this argument, if accepted here, could be repeated. However, in considering the particular circumstances of the application site, a number of matters are noted, which must be weighed in the balance in considering the implications of the development for the Green Belt. The southern area benefits from a certificate of lawful use as a breakers yard, and there are existing areas of hardstanding and a building on site related to this use. If intensively used for this purpose, this could result in large numbers of scrap vehicles being stored/stacked on the site, with associated implications for both the visual character and the openness of the Green Belt. In this respect, the creation of car parking on this part of the site is unlikely to have a significantly greater impact in terms of openness and amenity than the existing lawful use.
- 10.51 The development would result in the removal of the building from the scrap yard site, as well as the larger office/warehouse building from the northern part of the site, providing some benefit in terms of openness in this respect. It is noted that much of the northern part of the site, around the former office building, is surfaced with hardstanding, and that whilst the eastern part of the site – formerly a petrol filling station – has been disused for a considerable period and has become overgrown, concealing the impacts of this former use to some extent, there is still some evidence of its use.
- 10.52 Whilst removing existing buildings from the site and providing some additional planting and landscaping, the proposed development would result in an increase in hardstanding overall across the site, removing trees from around the beck area to create the access, and would still have an impact on openness, which needs to be taken into consideration.
- 10.53 The developer has also put forward as 'very special circumstances' the fact that the proposed car park is required as an integral part of the proposed extensions to the WRSC itself, without which the proposed development, with its associated investment and employment, would not be brought forward, as it would be unviable for the developer to provide decked car parking on site as was proposed pre-application. The implications of the proposed development in terms of its impact on existing centres, highway safety etc are still under consideration, and at this stage therefore it is not possible to conclude whether the benefits of the development outweigh concerns in this respect, or are sufficient to justify the proposed inappropriate development in the Green Belt. Furthermore, whilst some viability information comparing the cost of providing decked car parking with that of the off-site parking proposed was provided pre-application, this has not been submitted for as part of the application. This would need to be submitted if it is to be used as part

of the developer's case for 'very special circumstances.' This is considered in more detail below.

- 10.54 Concerns were raised pre-application that, even if it were to be accepted that very special circumstances did exist to justify the proposed development, the establishment of a WRSC car park on this land could lead to pressures for the further extension/encroachment of the shopping centre further to the south in the future, which would be contrary to GB policy and objectives, applicants have advised that they would include a clause in s106 agreeing no further applications for development on this land for 5 years.
- 10.55 At this stage, in the light of the above, Members' views are sought on the following matters:
- 10.56 Do Members consider that the developers should provide a financial viability statement in support of their case which seeks to define 'very special circumstances' in relation to the inappropriate Green Belt development proposal, in accordance with the advice provided previously?**
- 10.57 What assurances do Members feel should be sought in terms of restricting the use of this land and preventing its further development in future?**

Transport

- 10.58 The transport issues relating to the wider development are covered in more detail above. The highways officer has raised a number of matters relating to the specific layout and access arrangements of the proposed, which have been relayed to the developer and are awaiting their response.
- 10.59 Whilst the comments of Morley Town Council are noted, both the highways officer and the highways agency have advised that the development of car parking on this land is not considered acceptable in isolation (i.e. as a stand-alone proposal independent of the proposed extensions to the shopping centre), since without the proposed extensions there would be no justification for additional parking at the centre, and this would be contrary to sustainable transport and travel planning aims and policies, which seek to reduce car use. Both have therefore advised that, in the event that permission were to be granted, the two applications must be linked, by condition or legal agreement, to prevent one being carried out without the other.
- 10.60 In some representations, it has been suggested that as well as upgrading the existing zebra crossing on the car park access road to a pelican crossing as part of improving pedestrian access from the proposed car park to the centre for staff, a second crossing should also be provided on the perimeter road. This suggestion has been passed to the highways officer for consideration as to whether this could work in practice, in terms of whether the creation of a crossing could lead to vehicles entering the centre from the dual carriageway having to stop at this point, and the potential for queues to form as a result.
- 10.61 Further information has been requested in relation to the pedestrian routes from the car park to the centre, and measures to encourage their use by staff and try to allay concerns regarding the safety and security of staff and vehicles using the car park and access routes, particularly at night.

- 10.62 Do Members support the provision of a management plan for the car park and pedestrian routes to the centre, setting out measures to encourage its use by staff and ensure their safety and security in using these areas?**

Visual amenity and landscaping

- 10.63 The site is in the Green Belt and is surrounded by open land to the south and west. Whilst it is noted that parts of the site are previously developed and/or benefit from a lawful use certificate, the creation of car parking on this land would increase the amount of hardstanding across the site which, together with the associated structures such as lighting columns etc, and the parking of vehicles on this site, would have an impact on its character and appearance. However, this has to be weighed against the site's existing layout and character, which includes disused buildings, metal palisade fencing, overgrown vegetation and damaged hardstanding. A number of measures have been proposed which seek to mitigate and minimise the impact of the proposed development, and a detailed landscape impact assessment has been submitted in support of the application.
- 10.64 The measures proposed include the removal of hardstanding and vehicular access points along the Dewsbury Road site frontage and the creation of a landscaped embankment around 1.5m high which aims to screen views into the car park from vehicles travelling Dewsbury Road. The retention of a belt of trees immediately behind this initial section of parking along the site frontage would serve to screen views of the remaining car parking areas in the rear part of the site, as the land rises away from Dewsbury Road. The removal of hardstanding and its replacement with soft landscaping along this frontage would be of benefit to its visual amenity, as would the demolition of the prominent disused office building and other buildings from the site.
- 10.65 A number of trees are proposed to be removed from the site in order to facilitate the creation of the access, the culvert across the beck, and the provision of a pedestrian route through the site. However, additional tree planting is proposed within the car parking areas. The details of this, together with the landscape impact assessment provided by the developer, are currently under consideration and comments are awaited from the landscape section.
- 10.66 The submitted details advise that in order to minimise the impact of the lighting proposed as part of the development, the lights would only be operational during the operating hours of the car park (until 9pm on weekdays, 7pm on Saturday and 5pm on Sunday). However, as concerns have been raised by the ALO, as noted below, about the implications of this for staff working and requiring access to the car park later, if working late at the cinema/restaurants for example, further information has been sought in this respect.
- 10.67 What are Members' views regarding the impact of the proposed car park on the character of the area, and is there anything further Members would like to see included in terms of landscaping and screening of the proposed development?**

Crime and security

- 10.68 The police Architectural Liaison Officer (ALO) has raised a number of queries and concerns regarding the safety and security of the proposed off-site car park, and suggestions for measures which could be incorporated into its design. These have been passed onto the applicants. Amongst these comments, the ALO has noted the

proposal that the lighting within the car park would be switched off outside of Centre opening hours (times of 9pm on weekdays, 7pm on Saturdays and 5pm on Sundays are cited), and has raised concerns that there may still be use of the car park outside of these hours by staff leaving the centre later, if working at the cinema for example, or starting work earlier. Further clarification in this respect has been sought.

10.69 During pre-application discussions regarding the proposed car park, concerns were raised by officers that its remote and relatively secluded location could deter its use by staff because of concerns regarding the security of their vehicles, and their own personal security, particularly if leaving the centre alone late at night for example.

10.70 Further details were received from the applicants in response to the concerns raised, providing more information regarding the layout of the route and measures aimed at improving security and reducing the fear of crime within these areas. These included:

- Lighting and CCTV to be provided along entire pathway
- CCTV cameras around car park, linked to shopping centre's existing CCTV system.
- Construction of pedestrian shelters en route to encourage 'buddy walkers'.
- Issuing of panic alarms to staff.

10.71 The submitted details advise that CCTV and lighting would be provided within the car park, but in the light of the concerns raised by the ALO, further details in this respect have been sought.

10.72 Are there any further measures, beyond lighting and CCTV as proposed, that Members feel would be appropriate in terms of ensuring the security of the car park, and of staff using this area, particularly late at night?

Nature Conservation

10.73 As the site is surrounded by trees and open land, it is within an area identified as having a higher than average likelihood of bat activity. A bat survey of the buildings to be demolished has therefore been requested, and is understood to be being carried out on behalf of the applicants. In the meantime, detailed comments have been received from the nature conservation officer, who has advised that the bat survey should be extended to cover any trees which are to be removed as part of the proposals. He has also requested that investigation be carried out into the possibility of water vole activity along the area of the beck which is proposed to be culverted as part of the scheme, together with details of mitigation measures in relation to the findings in respect of any bat or water vole activity, and a biodiversity enhancement plan for the site. These requirements have been relayed to the developer and a response is awaited.

Viability of decked parking

10.74 During pre-application discussions, and at the time of the pre-application presentation to Plans Panel in October, the scheme for extensions to the centre included proposals for the provision of decked car parking on site to re-provide some of the parking which would be lost from the site as a result of the extensions. However, in the later stages of these pre-application discussions, the alternative scheme to provide car parking in this off-site area instead of providing decked car parking on site was submitted, together with detailed calculations which sought to

demonstrate that the need to provide decked car parking on site would make the extensions scheme unviable. This has now been put forward as part of the applicant's 'very special circumstances' in seeking to justify the development of the off-site car park in the Green Belt.

- 10.75 These viability calculations have not been submitted as part of the application, but as these are relied upon as part of these 'very special circumstances' by the developer, the application cannot be considered fully in the absence of this information, and the developer has been requested to provide these details formally as part of the application.
- 10.76 In reviewing these details pre-application, it was noted that the conclusion that the provision of decked parking on-site would make the scheme unviable relies on an assumption that the majority of the additional A1 retail floorspace would be rented at rates associated with the use of this space as extensions to existing large department stores, rather than as general A1 floorspace, which is likely to generate higher rents. If this space were to be subdivided in the future, this may mean that the viability case upon which the developer's justification for the development of the off-site car park in the Green Belt partially relies, would no longer apply. In the light of this, and as the subdivision of this space for general A1 use would also raise additional implications in relation to the impact of the development on existing centres as discussed above, it is recommended that a condition or clause in the Section 106 be included if the applications were to be approved, preventing the subdivision of this floorspace in the future.

11.0 CONCLUSION

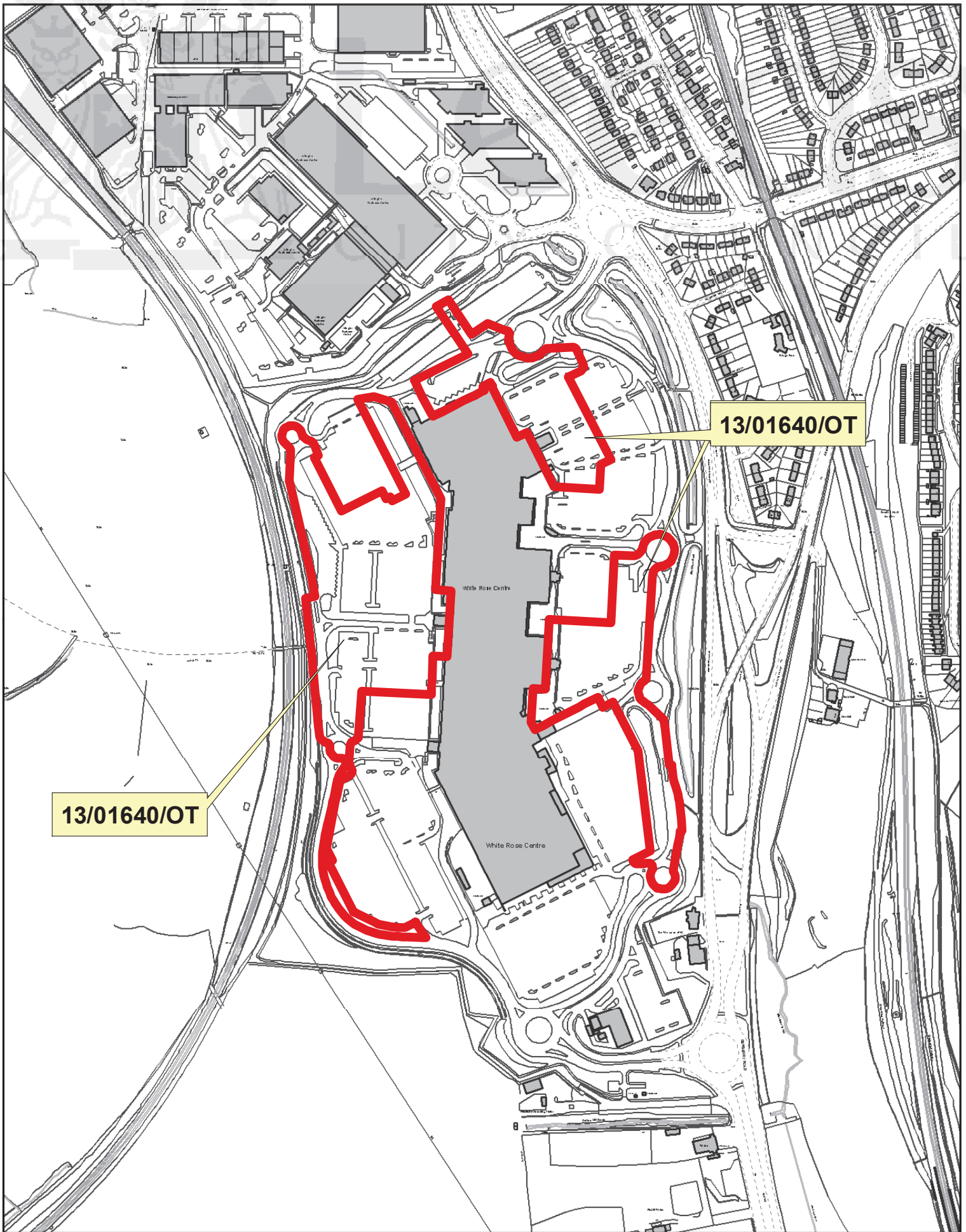
11.1 Members are asked to note the contents of the report and the presentation, and are invited to provide feedback on the issues outlined below:

- 1. In the light of the initial comments received, what are Members' thoughts about the proposal to increase the level of retail floorspace and introduce a new cinema use at the White Rose Centre?**
- 2. What assurances do Members feel should be sought from the developers in terms of ensuring that the principal elements of the retail proposals are delivered as extensions to the existing large 'anchor' stores, and preventing their subdivision in the future in order to protect planned investment in Leeds city centre and adjoining local authorities?**
- 3. Do Members want assurances that there would be no further significant impact on the local highway network as a result of the development, particularly at peak periods, for example at Christmas and on match days?**
- 4. Do Members support an integrated approach to the development of the bus station to serve the WRSC and the neighbouring Office Park, together with associated improvements to infrastructure and footpath links?**
- 5. Do Members support the provision of improved bus services to local labour market areas with high levels of unemployment, as identified in the South Leeds Investment Strategy, such as Middleton Park, Beeston and Holbeck and Morley?**
- 6. Do Members support the request for further detailed and specific information as detailed in the points above, and is there any further information which Members feel should be included in the strategy?**
- 7. What are Members' thoughts on the parameter plans and are there any other matters which Members feel these should cover?**
- 8. Do Members have any comments or suggestions regarding the design of the proposals, in particular the scale and layout of the proposed extensions?**
- 9. What are Members' thoughts regarding the obligations suggested by the applicants, the additional obligations identified in paragraph 10.42, and are there any further requirements which Members feel should be included in the draft Section 106?**
- 10. Do Members consider that the developers should provide a financial viability statement in support of their case which seeks to define 'very special circumstances' in relation to the inappropriate Green Belt development proposal, in accordance with the advice provided previously?**
- 11. What assurances do Members feel should be sought in terms of restricting the use of this land and preventing its further development in future?**
- 12. Do Members support the provision of a management plan for the car park and pedestrian routes to the centre, setting out measures to encourage its use by staff and ensure their safety and security in using these areas?**

- 13. What are Members' views regarding the impact of the proposed car park on the character of the area, and is there anything further Members would like to see included in terms of landscaping and screening of the proposed development?**
- 14. Are there any further measures, beyond lighting and CCTV as proposed, that Members feel would be appropriate in terms of ensuring the security of the car park, and of staff using this area, particularly late at night?**
- 15. Are there any other matters which Members wish to raise or other information Members feel is necessary as part of the applications?**

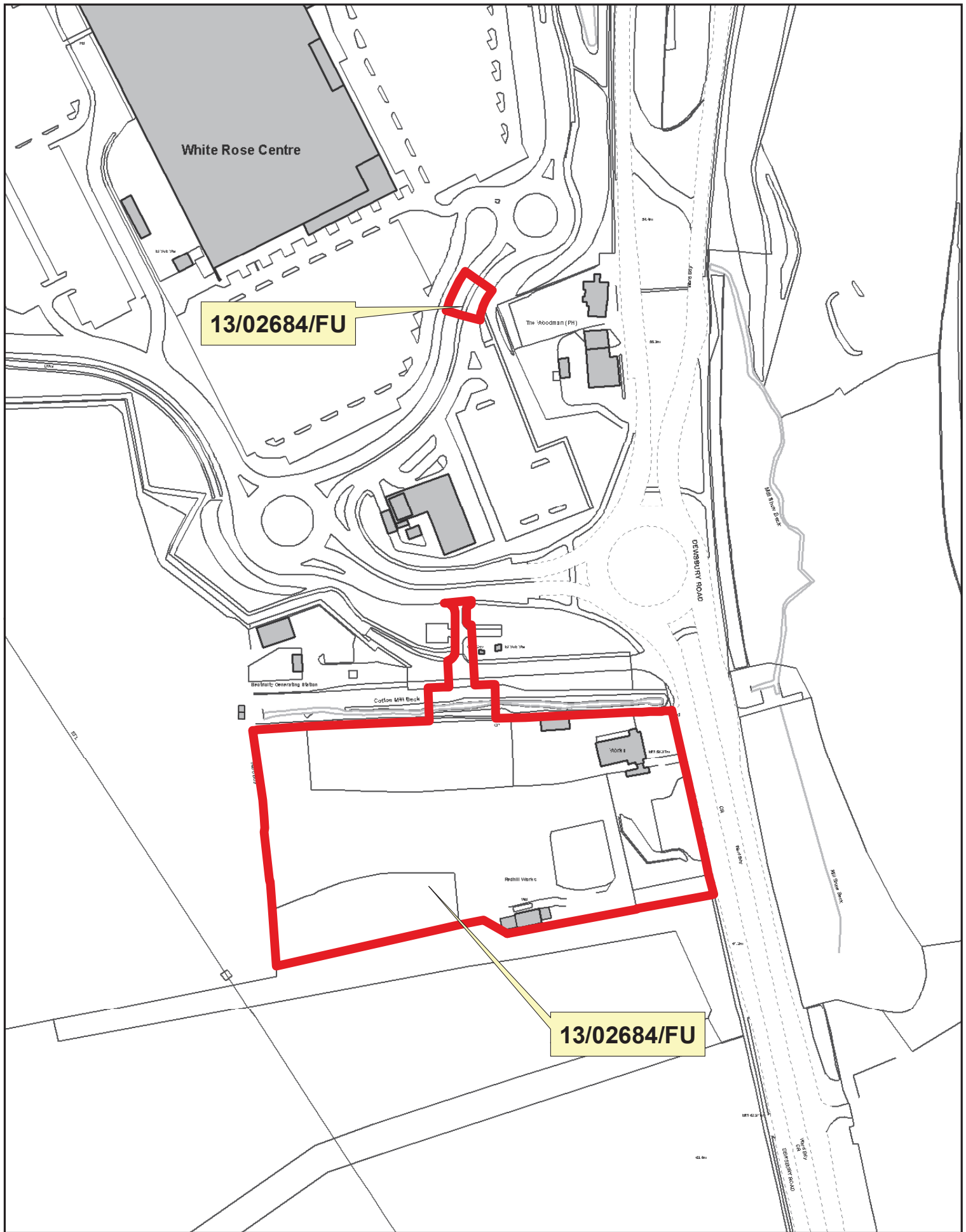
Background Papers:

Application files - 13/01640/OT & 13/02684/FU,
Certificates - Notice served and signed on behalf of applicant.



CITY PLANS PANEL





CITY PLANS PANEL



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Originator: Tim Hart
Tel: 3952083

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 1st AUGUST 2013

POSITION STATEMENT - DEMOLITION OF 14-18 THE CALLS, 28 THE CALLS AND THE MISSION HUT BUILDING, AND CONSTRUCTION OF 77 APARTMENTS AND BAR / RESTAURANT / OFFICE SPACE (USE CLASSES A3/A4/ B1) AND LAYING OUT OF PUBLIC OPEN SPACE, 14-28 THE CALLS, LEEDS 2 (REF 13/02034/FU).

APPLICANT
Commercial Development
Projects Ltd

DATE VALID
14th May 2013

TARGET DATE
13th August 2013

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: For Members to note the content of the report and to provide feedback on the questions raised at section 9 of this report.

1.0 INTRODUCTION

- 1.1 This presentation is intended to inform Members of the details of the current planning application for a large riverside site at Warehouse Hill between The Calls and the River Aire. The site has been the subject of several planning permissions during recent years. The latest, involving offices, A3/A4 uses and public space was approved in July 2011 following a lengthy design process. The current proposals involve a mixed use development comprising apartments, commercial space and a new public space laid out in a similar arrangement to that most recently approved. A pre-application presentation of the current scheme was presented to City Plans Panel in April 2013. The minutes of that meeting are attached as Appendix 1.

- 1.2 This report is brought to City Plans Panel for information. Officers will present the current position reached in respect of this application to allow Members to consider how the scheme responds to comments made regarding the pre-application proposals and to consider a subsequent issue that has arisen regarding viability.

2.0 SITE AND SURROUNDINGS

- 2.1 The application site is located within the City Centre Conservation Area between The Calls and the River Aire. The site contains a number of buildings originally built to serve trade on the river. The existing buildings fronting The Calls are of traditional design, with the rear elevations onto the riverside being functional and plain in appearance. The open wharf has been used for surface car parking for some time. There is no public access to the site at present.

- 2.2 A number of buildings have been neglected, appear rundown and adversely affect the appearance of the area and the character and appearance of the City Centre Conservation Area. In particular, 18 The Calls has been derelict for a number of years, and is in a precarious state, supported by scaffolding. Although a listed building there is an extant consent for its demolition.

- 2.3 28 The Calls is a small warehouse building, possibly the earliest surviving building on The Calls. However, it was significantly altered in the 20th Century including rendering of the original brick skin both to the front and rear elevations and alterations of window openings. Internally the structure was drastically altered and only the original roof trusses and beams survive.

- 2.4 The Mission Hut is a stone built former chapel building used by the Leeds canal and waterfront workers in the 19th and early 20th Century. The building has fallen into disrepair and has no viable function at present. There is an extant consent for its demolition.

- 2.5 2 to 12 The Calls to the northwest of the site is occupied by offices. 32 The Calls is located on the eastern fringe of the site. The listed building comprises 6 storeys fronting The Calls and 7 storeys to the riverside. The building primarily contains apartments. The Aire Bar is situated at lower level within the building with an open terrace area extending towards the river. Buildings on the southern side of the river facing the application site are primarily in residential use, including Navigation Walk. However, in common with the wider riverside area there is a mix of leisure, office and residential use.

3.0 PROPOSALS

- 3.1 The current proposals work closely with the principles of the approved scheme. As with earlier schemes 14-16 The Calls, 28 The Calls and The Mission Hut are proposed to be demolished allowing opportunities for opening up views of the river and public access into the site.

- 3.2 An “L” shaped building is proposed towards the west end of the site. The 4-7 storey building would step up in height from The Calls towards the river. The building would front The Calls close to the existing location of 14-16 The Calls, project directly towards the river, then run alongside the river behind 2-12 The Calls. The building

would accommodate two levels of parking (47 spaces) at lower ground floor level accessed from Riverside Court. The ground floor is identified as commercial space fronting The Calls and residential facing the river. Above this level the use is entirely residential. Levels 4-7 have a reduced footprint, with the top level being solely located parallel to the riverside.

- 3.3 The extant planning approval identifies the extension of 20-24 The Calls at two levels on the southern side. This extension is no longer proposed enabling the provision of a larger area of open space. The retained building would be converted to commercial space at lower ground and ground floor, with access to apartments proposed at first floor level.
- 3.4 A new building with a predominantly rectangular footprint is proposed at the eastern end of the site between 24 and 32 The Calls. The building would have a commercial use at lower ground and ground floor with 3 levels of residential accommodation above. A public route into the site is now located on the west side of this building.
- 3.5 The proposed new building materials are identified as ashlar sandstone at plinth level, rustic variegated red-blue brick walling, with aluminium/timber composite windows. The residential element of the scheme incorporates projecting and integral balconies constructed utilising mild steel balustrades and hardwood handrails overlooking the river.
- 3.6 A large public space is proposed at the heart of the site. The primary public access would be located between 20-24 The Calls and the new “L” shaped building, with additional access from the walkway at the end of Riverside Court, and from the cut to the east of 20-24 The Calls. The space will be primarily hard-surfaced with levels falling in a series of stages towards the river. A lift would be provided to allow level access between the levels.
- 3.7 The flood defence comprises a flood wall incorporated into the new development, linked into a flood wall along the terraced area. Access to the riverside is achieved by openings which would be protected by floodgates. The flood defences are designed to be consistent with the long-term standard intended for the Leeds Flood Alleviation Scheme.

4.0 RELEVANT PLANNING HISTORY

- 4.1 Application 20/262/03/FU was approved in April 2007 for redevelopment of the site to provide 74 apartments, offices and A3 bar and restaurant uses. The scheme involved the demolition of 14-16 The Calls, 18 The Calls and The Mission Hut. This consent which included a requirement for 15% affordable housing expired in April 2012.
- 4.2 Application 08/05307/FU was approved in July 2011. It involved demolition of 14-18 The Calls, 28 The Calls and The Mission Hut and the construction of two new blocks containing 5070 square metres of office accommodation and 1500 square metres of A3/A4 floorspace, with basement parking facilities. The proposed buildings framed a south-facing public space with terracing stepping down to the river.

- 4.3 Consent is in place for the demolition of 14-16 The Calls (10/04387/CA), 18 The Calls (10/04388/LI) and 28 The Calls (08/05309/CA). Each of those consents is subject to a condition that there should be no demolition before a contract for the carrying out of the works of redevelopment of the site has been agreed and planning permission has been granted for the redevelopment to which the contract relates.

5.0 PUBLIC/LOCAL RESPONSE

- 5.1 Prior to submission of the application the developer presented the scheme to Leeds Civic Trust. The developer also held a public consultation event. Site notices were displayed around the site on 31st May 2013 and the application was advertised in the YEP on 6th June 2013. No public representations have been received.
- 5.2 Councillor Nash has commented on a related application. She has requested the re-use of the street sign on the Mission Hut when the substantive Calls Wharf development has been implemented.

6.0 CONSULTATIONS RESPONSES

Statutory:

Transport Development Services:

The details of the proposed crossing on The Calls need to be considered further. A car parking management strategy is required to ensure that the car parking is used efficiently. Cycle storage needs to be identified.

Environment Agency:

The development will only be acceptable if the measures detailed in the flood risk assessment are implemented.

English Heritage:

English Heritage (EH) is broadly supportive of the proposed scheme. EH question the metal cladding and substation close to the main entrance into the site. They also advise that consideration should be given to the provision of some form of interpretation materials as part of the development.

Canal and River Trust (CRT):

CRT has no objections to the development subject to conditions relating to boundary treatment, demolition, landscaping and litter management. They also encourage the addition of visitor moorings as part of the development and the use of the river for the transportation of demolition and construction materials.

The Coal Authority:

The Coal Authority does not object to the conclusion that it would not be economically viable to recover coal from the site. Intrusive investigation should be undertaken to enable the design of any mitigation measures that may be necessary to ensure the safety and stability of the proposed development.

Non-statutory

Leeds Civic Trust (LCT):

LCT supports the development. LCT welcomes the reduction in bulk relative to the approved scheme and the larger public space that will be created. They also welcome the way in which the scheme will enhance views of the river. LCT considers that the even spread of balconies represents an improvement on the details originally submitted. They oppose the provision of gates commenting that it would allow the area to be closed off. They also suggest additional greenery would be beneficial as would means to deter the area being used by skateboarders. LCT suggests the site would be a good location for public art or for casual play features for children. Riverside railings should be the minimum necessary. The site access road should be redesigned as a shared surface. Consideration should also be given to the potential for widening pavements and providing a shared crossing on The Calls.

The Victorian Society (TVS):

TVS support Leeds Civic Trust comments. In particular, they comment that demolition should not be allowed until a main contractor for the scheme has been appointed.

LCC Regeneration Programmes:

The site falls within the City Centre Housing Market Zone where there is a current requirement for 5% affordable housing split 40% social rent and 60% submarket housing. Therefore, there is a requirement for 4 affordable units (2 for social rent and 2 for submarket housing).

Transport Development Services – Travelwise:

Refinements are required to the Travel Plan promoting additional information sources; the inclusion of a location plan identifying sustainable transport facilities; and a timescale for delivery of measures. A Travel Plan review fee of £2,500 will be required along with £6,000 compensation for loss of the pay and display bay, and £7,625 for free trial membership and usage of the car club.

Contaminated Land Team (CLT):

CLT do not require any additional soil sampling to be undertaken, unless any visual and or olfactory contamination is encountered during the additional geotechnical investigations. Conditions are recommended.

Metro

The proposals involve a significant parking reduction for this site which is welcomed. Metro support the application of the Public Transport SPD with NGT in mind to receive any contribution made.

Access:

There is a significant change in level between The Calls down to the river. More details are required regarding the design of the public open space and external landscaping arrangements. If the lift is to remain as proposed it needs to be clearly signed and the route to and from it kept clear. The step design should comply with the British Standard. The tapering steps could be dangerous. The disabled persons parking bays should be closer to the lift core and a further 2 bays should be identified which are large enough to become disabled parking bays in the future.

Flood Risk Management:

No objections subject to a condition regarding surface water drainage.

Yorkshire Water:

If planning permission is granted drainage conditions should be included.

NGT Project Team:

The development will have a significant travel impact. An indexed linked contribution of between £27,886 and £46,446 towards the cost of providing strategic public transport is required depending upon the extent of A3/A4 and B1 office provision in the scheme.

Entertainment Licensing:

The site is located in the City Centre Cumulative Impact Policy Area. The area in which the development is situated has been designated as a crime and disorder hotspot (red area). It is current policy to refuse new licence applications for bars, pubs, clubs and for premises offering late night refreshments in such areas. It is therefore uncertain whether further premises would be successful in obtaining a Premises Licence within this area.

The density of existing licensed premises in the area will bring problems for residents. Noise attenuation measures therefore need to be built into the development, including adequate ventilation systems to avoid the need to open windows.

Police Architectural Liaison Officer:

Demolition of the existing buildings and development of the scheme will benefit the community and the built environment. Gating is paramount to the scheme. The developer should also be required to include physical security hardware as required by the Secured by Design scheme.

West Yorkshire Archaeology Advisory Service:

WYAAS recommend a condition that would secure a programme of archaeological recording before development of the site.

LCC Nature Conservation:

There is a low to moderate potential for bat roosts on site. Therefore, conditions are recommended requiring up-to-date surveys and provision of bat roosting opportunities in the new buildings.

7.0 PLANNING POLICY

7.1 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

7.2 Unitary Development Plan Review (UDPR)

7.2.1 The site is located in the City Centre Conservation Area and the Riverside Proposals Area. In the Riverside Area a range of generally complementary land uses are actively encouraged (CC28). The Warehouse Hill proposal area (27a) statement indicates that the site provides a major opportunity to combine new building and public space with conservation of adjoining buildings. It states that a significant element of leisure and tourism uses is particularly suitable. Leisure uses are encouraged to spill out into the public space part of the area.

7.2.2 Policy H4 allows for residential development on unidentified, brownfield sites subject to the proposals being compatible with the area and all other normal development control considerations. UDPR policies H11-H13 set out the requirement for the provision of affordable housing. The Interim Affordable Housing policy states that 5 per cent of dwellings should be provided as affordable housing if the development is implemented in two years.

7.2.3 Other relevant UDPR policies include GP5 (detailed planning considerations to be resolved) and BD5 (ensure a satisfactory level of amenity for occupants and surroundings); GP11 and GP12 set out sustainable design requirements; N12, N13, CC3 and BD6 (priorities for urban design); T2 (development should not create or materially add to problems of safety or efficiency on the highway network); and A4 (design of safe and secure environments, including access arrangements, public space, servicing and maintenance, materials and lighting). Policies T5 and T6 require satisfactory provision for disabled people, pedestrians and cyclists. Policies N14, N18A, N18B, N19 and CC5 identify requirements to preserve listed buildings and the character of the conservation area. As the site is in the city centre and exceeds 0.5 hectares a minimum of 20% of the area should be identified as public space (CC10).

7.3 Natural Resources and Waste Local Plan 2013 (NRWLP)

7.3.1 The Natural Resources and Waste Local Plan was adopted by Leeds City Council on 16th January 2013. Policy Water 4 requires developments in flood risk areas to consider the effect of the proposed development on flood risk, both on-site and off-site including through submission of a flood risk assessment (Water 6). Policy Land

1 states that new tree planting should be introduced to create high quality environments for development.

7.4 Draft Core Strategy (DCS)

7.4.1 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013.

7.4.2 As the Council has submitted the Publication Draft Core Strategy for independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

7.4.3 Policy H2 confirms that new housing development will be acceptable in principle on non-allocated land subject to meeting accessibility standards. Policy CC1 identifies the intent to provide 10,200 in the city centre with residential uses sited on upper floors and away from major roads. H3 and H4 identify density and housing mix requirements. DCS Policy H5 states that the Council will seek affordable housing from all developments of new developments either on-site, off-site, or by way of a financial contribution if it is not possible on site.

7.4.4 Policy G5 sets out new open space requirements in city centre developments over 0.5 hectares. DCS Policies T1 and T2 identify transport management and accessibility requirements for new development. Specific accessibility standards are included in DCS Appendix 2. Policy P10 requires new development to be based on a thorough contextual analysis to provide good design appropriate to its scale and function, delivering high quality innovative design and enhancing existing landscapes and spaces, and development protects and enhance the district's historic assets in particular existing natural site features, historically and locally important buildings, skylines and views. Conservation Policy P11 states that innovative and sustainable construction which integrates with and enhances the historic environment will be encouraged. Policies EN1 and EN2 identify sustainable development criteria including achieving a BREEAM standard of Excellent from 2013 onwards.

7.5 Supplementary guidance

7.5.1 Public Transport Improvements and Developer Contributions SPD identifies where development will need to make a contribution towards public transport improvements or enhancements.

7.5.2 Building for Tomorrow Today – Sustainable Design and Construction SPD identifies sustainable development requirements.

7.5.3 Current affordable housing policy comprises both the Interim Housing Policy and Supplementary Planning Guidance (SPG) (the SPG, Feb 2003 and SPG Annex July 2005, revision April 2010). The interim affordable housing policy was approved by Executive Board on 18 May 2011.

Any application for planning permission for 15 residential units or more has to provide affordable housing in accordance with policy. Permissions granted on the basis of the interim policy will normally be time limited to 2 years implementation to ensure that permissions are implemented swiftly.

7.5.4 City Centre Urban Design Strategy September 2000 seeks to reinforce the positive qualities of character areas, re-establish urban grain, provide enclosure to streets, create visual interest, encourage excellent design, improve pedestrian connections, develop a mixture of land uses, promote active frontages and promote sustainable development.

7.5.5 Leeds Waterfront Strategy 2002 (Review 2006) guides the regeneration of Leeds Waterfront through use, links and appropriate environmental enhancement.

7.5.6 Travel Plans SPD (September 2012) identifies the need for sustainable approaches to travel.

7.5.7 SPG6 Development of Self Contained Flats and SPG13 Neighbourhoods for Living (2003) identify amenity and design considerations in developing new flats.

7.6 National Planning Policy Framework

7.6.1 One of the core planning principles in the National Planning Policy Framework (NPPF) encourages the effective use of land by reusing land that has previously been developed. Planning should proactively drive and support sustainable economic development; and seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (para. 17). Local Planning Authorities should recognise town centres as the heart of their communities and support their vitality and viability; and recognise that residential development can play an important role in ensuring the vitality of centres (para. 23).

7.6.2 Housing applications should be considered in the context of the presumption in favour of sustainable development (para. 49). Where it has been identified that affordable housing is needed policies should be set that deliver this on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (para. 50).

7.6.3 Design requirements are set out in section 7 noting that developments should establish a strong sense of place creating attractive and comfortable places to live, work and visit (para. 58). Shared spaces should be promoted to help deliver the social, recreational and cultural facilities communities require (para. 70). Section 12 refers to the historic environment. Para. 131 identifies the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; and the desirability of new development making a positive contribution to local character and distinctiveness.

8.0 MAIN ISSUES

Principle of the development
Demolition
Scale and layout
Design and appearance
Residential amenity
Highways and access
Section 106 obligations

9.0 APPRAISAL

Members are asked to comment on the scheme and to consider the following matters:

9.1 Principle of the development

9.1.1 The site is located within the city centre and constitutes previously developed land and buildings which are largely vacant and inefficiently used. Both local and national policies support the principle of the efficient and sustainable redevelopment of brownfield land in accessible locations such as this. The site benefits from an extant permission for a multi-level mixed use office and A3/A4 leisure development with basement parking. Prior to that, permission was granted for a mixed use residential, A3/A4 leisure and office development. The principle of the uses and general scale of the development have been previously agreed.

9.1.2 Entertainment Licensing have designated the wider Calls area as a hotspot area where the Cumulative Impact Policy would guide new premises licences to be refused. They comment that it is therefore uncertain whether the proposed A3/A4 premises would be successful in obtaining a premises licence. However, planning and licensing are two distinct regimes and decisions in each regime must be made in accordance with the material considerations relevant to that regime. Consequently, the Licensing Committee would be free to reach its own conclusions and will not be bound by the planning decision.

9.1.3 The Unitary Development Plan (Review) Riverside proposals area (CC28) and the related Warehouse Hill statement promote the development of the site with a range of uses to ensure vitality throughout the day; to create a significant publicly accessible riverside space; and to encourage leisure uses to spill out into the public space. The proposed mix of leisure/office and residential uses are entirely in accordance with these objectives. Further, the introduction of active uses in this location is important to the continued regeneration of the waterfront and is supported by West Yorkshire Police.

9.1.4 The extent of the proposed public space accords with UDPR policy CC10 and DCS policy G5. The proposals are in accordance with the Unitary Development Plan (Review) and also the aims of the Waterfront Strategy which seeks to increase the vitality of the area and to introduce pedestrian access to and along the river corridor. The principle of the development is therefore in accordance with the development plan.

Do Members agree that the principle of the development, including the proposed mix of uses, is acceptable?

9.2 Demolition

- 9.2.1 28 The Calls has lost its original appearance and its altered form has neither group value nor makes a strong contribution to the Conservation Area in its own right. The contribution of 28 The Calls to the conservation area is neutral to slightly positive.
- 9.2.2 It is not possible to adapt or reuse the building without major reconstruction, which is un-economic, and would change the building form yet further. The replacement building will be a high quality infill which will enliven The Calls frontage and also provide opportunity for a new public access route into the site.
- 9.2.3 The demolition of The Mission Hut and 14, 16 and 18 The Calls have been previously approved through earlier consents and their removal also formed part of the previously agreed schemes. Their condition has continued to deteriorate over time. Their removal continues to be justified by the benefits of the current proposals. However, in common with comments from Leeds Civic Trust, English Heritage and The Victorian Society, it is not considered that there is justification for demolition of these buildings before a contract for redevelopment of the site has been let. To do so would set an undesirable precedent and potentially leave gaps in the frontage without any remediation or public access for an unknown period of time.

Do Members agree that the demolition of all buildings on site, other than 20-24 The Calls, is acceptable but only at a point when it has been established that the site will definitely be redeveloped?

9.3 Scale and layout

- 9.3.1 The approved scheme was subject to a number of iterations before being agreed by Plans Panel. The proposed scheme is closely related to the mass and scale of that approval which itself represented a good response to its context.
- 9.3.2 The footprint of the “L” shaped building has been adjusted from that previously approved. The ground and first floor were previously splayed relative to The Calls but now are intended to be built up to the back of the footpath in common with neighbouring buildings.
- 9.3.3 The height of this “L” shaped building has increased by approximately 1 metre but the top level has a significant set back such that the increase is not discernible. The depth of the riverside limb of this building is also significantly reduced from that previously approved. This provides a greater separation to be achieved between the new building and offices in 2-12 The Calls.
- 9.3.4 The proposed layout involves an eastward extension of the riverside wing of the “L” shaped building towards The Calls. The projection is reduced at ground floor level enabling a pedestrian route access towards the river beneath upper floor levels of the building.
- 9.3.5 Towards the east of the site the new “Atkinson Building” is set back slightly further from the river than previously approved and is approximately 1.4 metres lower. The reduction in roofline improves the relationship with high level windows on the gable end of 32 The Calls to the east. The second public access route has also been relocated away from the eastern boundary creating a much greater separation from residential accommodation in 32 The Calls.

9.3.6 The removal of extensions to 20-24 Warehouse Hill enables a larger area of public space to be delivered. In response to the Plans Panel pre-application presentation Members commented that the larger public space was beneficial to the scheme but as part of the justification for the demolition of 14-16 and 18 The Calls, that as many

open views towards the river should be achieved. Views towards the river would be achievable at the main pedestrian entrance into the site and glimpses of the riverside should be possible across the eastern public access routes. The reuse of 20-24 The Calls may also enable views through the building to be attained.

9.3.7 In response to comments made regarding the proposed landscaping by Leeds Civic Trust revised landscaping details have been received which incorporate mooring rings for boats, anti-skateboarding measures and additional soft landscaping. This takes the form of two planters containing ornamental shrubs and one additional Tulip tree (two in total). The previously approved scheme contained five trees. In acknowledgement of policy Land 1 in the Natural Resources and Waste Local Plan, it is considered that the scale of public space created requires the provision of additional trees. These would help to provide a suitable setting for the development, help to provide a balance to the extent of hard surfacing, and provide other benefits including for biodiversity and provision of areas of shade.

Do Members agree that the scale and layout of the development and views towards the river are acceptable? Do Members consider that the soft landscaping proposals are adequate?

9.4 Design and appearance

9.4.1 The proposed new build elements of the scheme have adopted a more conventional approach than those previously approved. The elevational treatment is based upon a simple grid with regular openings. Consequently, the buildings are more closely related to the form and context of nearby riverside buildings.

9.4.2 The stone plinth to the new buildings, which is carried across the public space, reflects the vernacular of traditional warehouse buildings in the city. The predominant material at upper levels would be a variegated red brick. The upper levels of the L shaped building would be full height glazing to give the appearance of a light weight pavilion on top of the solid masonry. The proposed brick, natural stone and glazing materials are considered appropriate contextual response to this setting. Glazing is to be framed in aluminium / timber composite windows. Only three types of glazing are proposed. The larger windows would include etched glass in the side panels. The fenestration would be set in deep reveals generating a sense of solidity and permanence to the buildings.

9.4.3 The buildings have been designed with large balconies to take advantage of the south-facing riverside location. The applicant advises that the scale of the balconies, which are larger than those generally seen within the city, are required to make them usable, to help generate riverside activity and are fundamental to the scheme. Since the pre-application presentation the balconies have been reduced in number, moved away from building corners and now have a more uniform arrangement across the façade.

9.4.4 The proposed use of upper levels of the new Atkinson Building as residential accommodation has enabled the elevational treatment to be refined. In particular, windows would now have a closer relationship to the arrangement at 32 The Calls. At ground floor, openings to the commercial use would respond to both existing neighbouring buildings. Consequently, the proposed building responds well to its neighbours in both scale and appearance.

9.4.5 Demolition of 18 The Calls to form the pedestrian entrance into the site will expose the western end of the retained building at 20-24 The Calls. The condition of this gable end is not known. A narrow extension is proposed which would provide an entrance from the street into 20-24 The Calls, and also provide a recessed area to contain the proposed gates. English Heritage raised concerns regarding the intention to use painted steel for this extension. Subsequently, the applicant has confirmed that the gates themselves will be designed as a piece of public art, the details of which would ultimately be agreed by planning condition, whilst the extension itself is likely to be formed in metal, details of which would be agreed by condition as part of the discussion regarding other materials on the site.

Do Members agree that the overall architectural approach is acceptable and that the revised arrangement of the proposed balconies is appropriate?

9.5 Residential amenity

9.5.1 The impact of the proposed leisure (A3/A4) element of the scheme on nearby residential properties was reviewed in detail as part of the previously approved scheme. Previously no amplified music or external entertainment was permitted and the operator was required to clear patrons from the external space by 2200 hours. Whilst comments from the Environmental Protection Team have yet to be received as part of the current application it is likely that similar issues will apply. Consequently, subject to the receipt of EPT comments, it is expected that conditions will be designed to ensure that noise from within the building is adequately mitigated by a combination of building design and management control and the residential accommodation will be designed so as not to be adversely affected by external noise sources. Similarly, conditions will be proposed to manage the external use of the space.

9.5.2 The revisions to the form of the Atkinson Building are such that the building itself would have less of an impact upon 32 The Calls than previously approved. In particular, the relocation of the pedestrian access route to the opposite side of the new Atkinson Building would reduce the potential for disturbance.

Do Members consider that the proposed approach to residential amenity is satisfactory?

9.6 Highways and access

9.6.1 The site is located in a highly sustainable city centre location. The scheme provides 47 parking spaces which would be used by residents of the flats and potentially by staff of the commercial units. The details of how these spaces will be managed, and the location of disabled persons parking, has yet to be agreed.

- 9.6.2 One City Council Car Club parking space is sought for use by residents of the development. The space could be provided by the conversion of an existing pay and display space. Compensation for the loss of this bay equates to £6,000 and £7,625 is sought for use of the car club by residents.
- 9.6.3 The development will generate a significant number of trips, a proportion of which will have to be accommodated on the public transport network. In accordance with the Public Transport Improvements and Developer Contributions SPD a contribution of between £27,886 and £46,446 is sought.
- 9.6.4 Level access into buildings will be provided. The design of the public space will need to respond to the needs of all users. The provision of a public lift enables level access across the site where there is a significant change in levels.
- 9.6.5 The scheme proposes the provision of a new pedestrian crossing across The Calls outside the development. This would provide a safe route between the proposed development and the city centre and assist with wider connectivity in the area. Leeds Civic Trust has an aspiration for a reduction in the width of the highway and a shared surface crossing at this point. The details of this scheme would ultimately be designed by Leeds City Council Highways following the grant of planning permission in accordance with the normal approach albeit the costs of its design and implementation would need to be met by the developer.
- 9.6.6 The proposals identify gates around the development which would be closed at 2230 hours. Gates formed part of the earlier scheme. Leeds Civic Trust has raised concerns that the provision of gates would enable the site management or residents to close off the area. The provision of gates is intended to help to control the potential for disturbance and anti-social behaviour late at night. The proximity of buildings to the river in this area is such that a continuous pedestrian walkway is not achievable. Consequently, closing the gates at night-time would only affect those utilising the development. As with the previously approved scheme, it is intended that a clause would be inserted in the section 106 agreement ensuring public access into this area is achievable and maintained at all other times.

Do Members consider that the general approach to access issues is appropriate and that the proposed use of gates is acceptable?

9.7 Section 106 issues

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

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

9.7.2 The proposed scheme produces the need for the following obligations which it is considered meet the legal tests:

- Employment and training scheme
- Retention of areas to be accessed by the public
- Public transport contribution between £27,886 and £46,446
- Car club contribution £7,625
- Compensation for loss of pay and display space £6,000
- Implementation of travel plan and travel plan review fee £2,500
- Provision of pedestrian crossing
- 4 affordable housing units (2 for social rent and 2 for submarket housing) if commenced within two years.
- Management fee £2,250

9.7.3 The applicant has not provided a viability statement but states that the development is not viable at the current time. In particular, the applicant is concerned regarding the requirement for affordable housing as part of the scheme. Consequently, the applicant has requested that a clause is inserted in the section 106 agreement which would allow for viability to be reviewed at a later date. The request would need to be accompanied by a full financial appraisal and a fee to enable the Council to consider the appraisal. If it was established that the scheme is unviable the components of the section 106 agreement would be brought back to Plans Panel for consideration. This approach was taken with the section 106 attached to the previous planning permission with the agreement of Plans Panel.

9.7.4 Earlier this year the Growth and Infrastructure Act inserted a new Section 106 application and appeal procedures for the review of planning obligations on planning permissions which relate to the provision of affordable housing. These new procedures are now operational and in force. They do not replace existing powers to renegotiate S106 agreements on a voluntary basis. The new powers only enable assessment of the viability of affordable housing requirements and do not reopen any other policy considerations or merits of the permitted scheme.

Do Members consider that the proposed package of section 106 measures identified in paragraph 9.7.2 is appropriate and do Members have a view as to whether it would be acceptable for a clause to be inserted in the agreement enabling a subsequent review of viability to be undertaken?

Background Papers:

13/02034/FU, 08/05307/FU, 08/05309/CA, 20/262/03/FU, 20/261/03/CA, 07/01174/FU, 08/01340/FU & 08/00353/FU

Certificate of ownership – signed on behalf of applicants.

112 Preapp/13/00304 - Proposed development of 79 residential apartments, 1115 sqm of commercial floorspace (A3/A4) and new public space - 14-28 The Calls LS2

Plans, photographs and graphics were displayed at the meeting. Members noted that a previous scheme on this site had been agreed by City Centre Panel in 2010, however revised proposals to include an element of residential accommodation were now being presented.

Officers presented a report of the Chief Planning Officer outlining preapplication proposals for a mixed use riverside development at The Calls and Members received a presentation on behalf of the applicant

Members were informed that key elements of the previously approved scheme had been retained but that the intention was to improve on the existing scheme with better pedestrian routes and improved views through to the river and provide apartments on the scheme, with nearly all of these residential units benefitting from a riverside view. Deep balconies which would provide a liveable area, rather than just for storage, would be included.

A more shallow floor plate would be used which would enable a larger area of public open space (POS) to be provided. Steps had been introduced down to the POS which was considered to be an improvement on the permitted scheme.

A quality landscaping scheme would be provided which would include hard and soft landscaping. Main materials would comprise stone at lower levels and red brick above.

If the formal application was granted planning permission, it was hoped to commence on site in 2014.

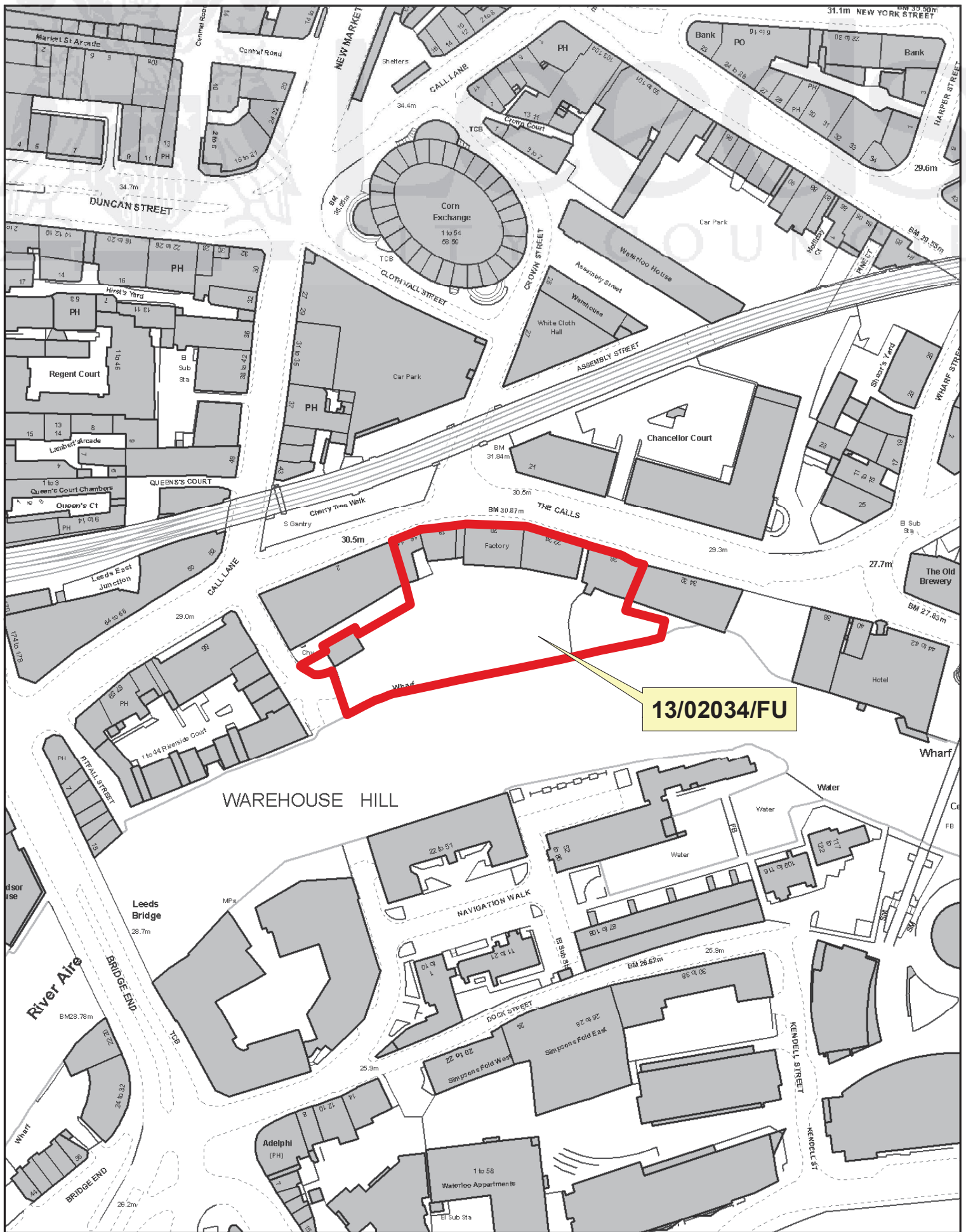
Members broadly supported the scheme and welcomed the wider balconies being proposed.

In response to the specific points raised in the report, Members provided the following comments:

- that Members agreed that the principle of the development was acceptable
- that the larger public space was beneficial to the scheme but that as part of the justification for the demolition of 14-16 and 18 The Calls, that as many open views towards the river should be achieved
- that Members agreed that the overall architectural approach was acceptable, subject to sensitive design and that the larger, usable balconies were appropriate

Safety issues were raised as a request was made for the entrances to The Calls to be gated. The Chief Planning Officer stated that safety was considered as part of the previous scheme but that the options for waterfront safety would be looked at again as part of a deliverable scheme.

RESOLVED – To note the report, the presentation and the comments now made.



CITY PLANS PANEL



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