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## CITY PLANS PANEL

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Meeting to be held in Civic Hall, Leeds on  
Thursday, 26th September, 2013  
at 1.30 pm

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### 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				

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**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><b>SITE VISIT LETTER</b></p> <p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	

Item No	Ward	Item Not Open		Page No
2			<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF PRESS AND PUBLIC</b></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><b>RESOLVED</b> – 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><b>LATE ITEMS</b></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><b>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</b></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>	

Item No	Ward	Item Not Open		Page No
5			<b>APOLOGIES FOR ABSENCE</b>	
6			<b>MINUTES</b>  To approve the minutes of the City Plans Panel meeting held on 29 <sup>th</sup> August 2013  (minutes attached)	3 - 12
7	City and Hunslet		<b>APPLICATIONS 13/02967/FU/13/02968/FU AND 13/02969/RM - LAND BOUNDED BY EASTGATE, GEORGE STREET AND MILLGARTH STREET LS2 - VICTORIA GATE</b>  Further to minute 36 of the City Plans Panel meeting held on 1 <sup>st</sup> August 2013, where Panel considered a position statement on proposals for a major mixed-use development on land bounded by Eastgate, George Street and Millgarth Street LS2, to consider a report of the Chief Planning Officer on the following three applications for phase 1 of Victoria Gate, for determination: <ol style="list-style-type: none"> <li data-bbox="683 1160 1406 1413">1 – <u>Victoria Gate Arcades</u> Application 13/02967/FU – Major mixed-use 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</li> <li data-bbox="683 1451 1406 1671">2 <u>Multi-storey car park</u> 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</li> <li data-bbox="683 1709 1406 1895">3 <u>John Lewis Store</u> Application 13/02969/RM – Reserved Matters approval for Plot HQ1 (to be occupied by John Lewis) of the outline planning permission</li> </ol> (report attached)	13 - 98

Item No	Ward	Item Not Open		Page No
8	Wetherby		<p><b>APPLICATION 13/03061/OT - THORP ARCH ESTATE WETHERBY LS23 - POSITION STATEMENT</b></p> <p>Further to minute 86 of the City Plans Panel meeting held on 14<sup>th</sup> March 2013, where Panel received a pre-application presentation on proposals for a major residential development at Thorp Arch Estate, to consider a report of the Chief Planning Officer setting out the current position on an outline application submitted for residential development with associated parking, landscaping, primary school, village centre, retail development, sports pavilion, play area, amenity space and associated highway works</p> <p>(report attached)</p>	99 - 154
9			<p><b>DATE AND TIME OF NEXT MEETING</b></p> <p>Thursday 24th October 2013 at 1.30pm</p>	

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To all Members of City Plans Panel

**Chief Executive's Department**  
Governance Services  
4<sup>th</sup> Floor West  
Civic Hall  
Leeds LS1 1UR

Contact: Angela M Bloor  
Tel: 0113 247 4754  
Fax: 0113 395 1599  
angela.bloor@leeds.gov.uk  
Your reference:  
Our reference: site visits  
Date 17<sup>th</sup> September 2013

Dear Councillor

**SITE VISITS – CITY PLANS PANEL – 26<sup>TH</sup> SEPTEMBER 2013**

Prior to the meeting of City Plans Panel on Thursday 26<sup>th</sup> September 2013, the following site visits will take place:

9.30am		Depart Civic Hall
10.00am	Wetherby	Thorp Arch Estate, Wetherby LS23 - to view the site in respect of a position statement on application 13/03061/OT – Outline application for residential development with associated parking, landscaping, primary school, village centre, retail development, sports pavilion, play area, amenity space and associated off site highway works  Depart approximately 10.45am
11.15am	City and Hunslet	Land bounded by Eastgate, George Street and Millgarth Street LS2 – 3 applications for phase 1 of Victoria Gate
12 noon approximately		Return to Civic Hall

For those Members requiring transport, a minibus will leave the Civic Hall at **9.30am**. Please notify Daljit Singh (Tel: 247 8010) if you wish to take advantage of this and meet in the Ante Chamber at **9.25am**.

Yours sincerely

Angela M Bloor  
Governance Officer





## CITY PLANS PANEL

THURSDAY, 29TH AUGUST, 2013

**PRESENT:** Councillor D Congreve in the Chair

Councillors P Gruen, D Blackburn,  
M Hamilton, S Hamilton, G Latty,  
T Leadley, N Walshaw, J Cummins,  
J Lewis, J McKenna and A McKenna

### 40 Election of Chair

In the absence of Councillor Taggart, nominations to chair the meeting were sought

**RESOLVED** - That Councillor Congreve be asked to Chair the meeting

Councillor Congreve in the Chair

### 41 Chair's opening remarks

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

The Chair also stated that the pre-application presentations in respect of Merrion House (Preapp/11/00700) and Bridgewater Place (Preapp/13/00693) had been withdrawn from the agenda and would be presented to Panel at a future date

### 42 Late Items

Although there were no formal late items, the Panel was in receipt of the following supplementary information which had been circulated prior to the meeting:

Application 13/02861/FU – educational campus at former Yorkshire Chemicals site, Black Bull Street LS10 – an addendum to the submitted report and a plan showing the extent of the s.278 Highway works (minute 46 refers)

Pre-application 13/00656 – student accommodation at City Campus Calverley Street LS1 – a revised site location plan (minute 48 refers)

### 43 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests

#### **44 Apologies for Absence**

Apologies for absence had been received from Councillor Taggart; Councillor Nash and Councillor Ingham, who were substituted for respectively by Councillor Congreve; Councillor J McKenna and Councillor A McKenna

#### **45 Minutes**

**RESOLVED** - That the minutes of the City Plans Panel meeting held on 1st August 2013 be approved

#### **46 Application 13/02861/FU - 3 storey educational campus, external amenity spaces, car parking, servicing facilities and associated landscaping - Former Yorkshire Chemicals, Black Bull Street, Hunslet**

Further to minute 10 of the City Plans Panel meeting held on 6<sup>th</sup> June 2013, where Panel considered a pre-application presentation on proposals for a new educational campus for Leeds College of Building, Members considered the formal application. The Panel was also in receipt of an additional report which provided further information on several matters, including the provision of off-site highway works; public transport improvements, including the comments of Metro; details of the Section 106 obligations and further proposed conditions which had been circulated prior to the meeting

Plans, graphics, drawings and sample materials were displayed at the meeting

Officers presented the report and outlined the revisions to the scheme since it was last presented to Members, with more animation to the north gable being provided; additional windows to increase natural surveillance to the cycleway/footpath and the additional of parapet coping detail to the south block and increased planting within the scheme

Reference and respect was paid to the adjacent Alf Cooke building, with the use of brick to the elevation facing that building. Further historic references to the industrial heritage of the area were provided through the saw-tooth design of the workshop roofs and a further industrial reference point would be provided by the provision of a metal clad chimney – required for the biomass boiler - rising out of the two storey block

Regarding landscaping, together with the creation of a small public space, green routes would be provided along Hunslet Lane and a boulevard effect would be created through tree planting along Black Bull Street with Members being informed that any further schemes along Black Bull Street would add to the tree planting along this route

In relation to off-site highway works, Members were referred to the information contained in the additional report which set out a range of measures to support the development and achieve the wider regeneration objectives which had been identified in the South Bank Planning Statement and which included the provision of additional controlled crossings; upgrading of an existing crossing; amendment to waiting restrictions in the area and

Draft minutes to be approved at the meeting  
To be held on 26<sup>th</sup> September 2013

widening of the footway at Cudbear Street along the site's frontage. Members were informed that the estimated cost of these works was approximately £150,000 and the works would be controlled by a Grampian condition to be delivered prior to the occupation of the college building

In terms of the S106 package, less than the standard amount of public realm was being delivered, this being 12% of the site area, whereas the policy requirement would be 20%. However, taking into account the additional wider pedestrian and cycle connectivity the scheme would bring, it was proposed that a commuted sum of £30,000 in-lieu of on-site provision be accepted, with this funding to be spent on feasibility and design work on the City Centre Park

Members welcomed the proposals and the alterations made to the scheme to address some of the Panel's previous concerns

Members commented on the following matters:

- the green cladding to one element of the scheme with some concerns that the sample material was brighter; more acidic and less suitable than the shade shown on the graphics. The suggestion of using myrtle green, a colour adopted by Hunslet Football Club, was also made
- the need for further detail on the materials proposed for the chimney
- the possibility of providing a green roof
- whether the development would increase employment at the site
- the proposed public transport contribution and the need for this to be clarified
- the importance of providing apprenticeships during the construction of the building and the need for this to be better defined
- if approved when work would commence on site

The following responses were provided

- that the shade of green cladding had been discussed and that it was necessary to consider the shade in relation to the proposed planting. Large panels of the proposed materials would be erected on site to see how these worked and to ensure they did not clash
- that a metal clad chimney with a black top was proposed, which would match that on the Alf Cooke building. Whilst a brick chimney had been considered this would have required a bigger diameter, which had not been considered appropriate
- that discussions could take place about providing a green roof but these would require potentially significant changes to the roof structure
- that in terms of public transport contributions, Metro had requested a new shelter with real-time display to bus stop 10621 on Hunslet Road, which had been agreed. However, Metro's request for a real-time display within the college's communal area costing £5,000 had not been agreed to by the applicant, as free Wi-Fi was being provided and computer terminals around the college could be used to access the Metro website for public

transport information. Concerns were raised by Members that a permanent display was not being provided and that staff and students would need to look for this information, rather than it being readily available. The Deputy Area Planning Manager suggested that a computer terminal be made readily accessible with the Metro web-site displayed, with Members finding this proposal acceptable

- regarding jobs and skills, that the scheme provided the possibility to gain specific experience on a range of disciplines and that the possibility of this would be discussed with the applicant to see how this unique opportunity could be factored in with jobs and skills initiatives
- that if approved, work would commence on site in October 2013

**RESOLVED** - To defer and delegate approval to the Chief Planning Officer subject to the specified conditions set out in the submitted report and those in the additional report (and any others which he might consider appropriate) and following the completion of a Section 106 Agreement to cover the following matters:

- bus stop improvement contribution of £20,000 and the requirement to provide a readily accessible terminal within the communal area of the college which would display the Metro web-site
- public realm contribution of £30,000 towards public realm improvements in lieu of meeting the requirements of UDPR Policy CC10
- travel plan monitoring fee in accordance with the Travel Plans SPD £2500 prior to first occupation
- public access to the route along the northern edge of the site and to an area by the building entrance at the south west corner of the site
- employment and training opportunities for local people in City and Hunslet Ward or any adjoining Ward
- management fee of £2250 payable within one month of commencement of development
- 

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

**47 Preapp/13/00578 - Pre-application presentation of proposals for 10 storey hotel building and associated public realm works on land at Greek Street**

Plans, photographs and graphics were displayed at the meeting. A Members site visit had taken place earlier in the day

The Panel considered a report of the Chief Planning Officer on pre-application proposals for a 10 storey hotel and public realm works on land at Greek Street and received a presentation on behalf of the developers

Draft minutes to be approved at the meeting  
To be held on 26<sup>th</sup> September 2013

Members were informed that Bond Court was a strategic location, was surrounded by several major quarters in the City Centre, as well as being a main thoroughfare and close to the railway station. The proposals for a four star-plus boutique hotel in this location would also enhance the mixed offer which currently existed along Greek Street and would form a catalyst for regeneration of this area. This would also include the regeneration of Bond Court which, despite benefitting from high levels of footfall, suffered from conflicting servicing and traffic arrangements, making it currently an unattractive location for pedestrians. The overhang from Akbar's restaurant to Minerva House would also be demolished to open up pedestrian links into the wider area. No servicing would be permitted through Bond Court to further enhance the pedestrian nature of this area

In terms of land ownership in this area, the site and the adjacent buildings of Minerva House and Capitol House were in the same ownership, with refurbishments planned for both of these, which would complement the proposed new hotel

The design of the hotel would provide active frontages on all sides, with a bar on Greek Street and outside areas, partially undercover. The hotel entrance would be off Bond Court. No car parking would be provided on the site

Generous sized bedrooms were proposed for the hotel, with the standard room size being 24sqm; 30sqm for family rooms and suites with the largest suite being 45sqm

On the Greek Street elevation large areas of glazing were proposed at ground and first floor level, with other materials being reconstituted granite; reconstituted stone panelling and zinc panelling to the top floor. To Bond Court a dramatic curve would be created which would encourage pedestrians into this area and would also avoid the creation of a blank gable end to Minerva House

In terms of operator, this would be a world-wide operator of boutique hotels which saw Leeds as a location to develop its brand and bring a new hotel offer to the city, along with restaurants and bars

Members commented on the following matters:

- the location of the hotel entrance in Bond Court in view of the taxi rank being located in Greek Street and how visitors would manage with luggage in view of there being no on-site car parking
- whether the top floor of the building would have a public use
- the opportunity to close Russell Street to traffic and pedestrianise it
- the entrance to the hotel and how this would look
- how Bond Court would work once the alterations, new development and public realm were in place
- the need for a public transport contribution towards the proposed nearby NGT stop
- the large areas of glazing on the corner of the Greek Street elevation, with concerns that this was too extensive; detracted from the building; did not relate to the rest of the scheme and weakened this focal point

- the view of the building from East Parade, particularly the expanse of dark cladding which was reminiscent of a media screen and the need for this element to be improved
- the orientation of the hotel, with the bar terraces overlooking Greek Street, with the view that these features would be better sited to overlook Bond Court
- whether the proposals, particularly for the Greek Street frontage were out of character
- the need for the developers to discuss with Officers the issue of the location of the taxi rank and how the hotel would be accessed
- the lighting proposals and the need to see night time images of the hotel and the internal lighting relationship, including lighting proposals for Minerva House
- the need for greater details of the elevational treatments to be provided, to enable Members to see the level of detail being proposed
- the need to consider the relationship between the hotel use and the adjacent Pennine House which had recently been granted planning permission for use as student accommodation
- to welcome the proposals; the changes to Bond Court and for a good, extensive scheme of pedestrianisation through and beyond the site to be provided
- 

The following responses were provided:

- that a drop off point would be situated in Bond Court, where the hotel entrance was sited. The proposed operator for the hotel was of the view that most visitors would arrive either by train or taxi and for those patrons using their own car, they would be greeted at the hotel and the car taken and parked off-site
- that the top floor of the building would be habitable hotel rooms but that a terrace was proposed at this location
- regarding closing Russell Street to vehicles, that several buildings used Russell Street for servicing for their premises
- the use of shared surfaces was proposed, together with dropped kerbs, so there would not be a sense of separation in respect of the hotel entrance and drop off point
- on the design issues, it was accepted that better quality, more detailed graphics would better illustrate particular aspects of the scheme, which had prompted comments

In response to the specific points raised in the report, Members provided the following comments:

- that the proposed use of the site as a hotel was appropriate
- that the majority view was that in principle, the appearance of the building in the various street views was acceptable but that much greater detail was required when the scheme was next presented to Panel

- that in this particular situation, the 7m distance between the proposed hotel and the existing Minerva House was considered to be acceptable. The Head of Planning Services stated that the exposed gable of Capitol House would need to be appropriately dealt with
- that there would be a need for contributions towards the NGT and public transport improvements
- that Panel was agreeable on this scheme for no car parking to be provided but that Members' comments about the taxi rank access should be noted

**RESOLVED** - To note the report, the presentation and the comments now made

**48 Preapp/13/00656 - Pre-application presentation of proposal for new student accommodation buildings - City Campus, Woodhouse Lane and Calverley Street LS1**

Plans, including a revised location plan circulated prior to the meeting, together with graphics and a model were displayed at the meeting. A Members site visit had taken place earlier in the day

The Panel considered a report of the Chief Planning Officer on pre-application proposals for two new student accommodation buildings at the former Leeds Metropolitan University's City Campus site; the proposals representing the third and final phase of the developer's masterplan. Members received a presentation on the scheme on behalf of the developer

Members were informed that the proposals were for blocks, partly linked at ground floor level and providing student accommodation in a mix of studios and cluster flats, study and common room area and a small ancillary retail unit. A total of 410 bedspaces were proposed with 20 of these being DDA accessible

Areas of hard and soft landscaping would be provided which would include undulating lawns to address the changing levels on the site and new tree and shrub planting would enhance this publicly accessible space

The proposed materials were high quality pre-cast concrete and glazing with the use of some lighter colour materials to reflect the Portland Stone of the Civic Hall

After hearing the presentation and viewing the model, Members commented on the following matters:

- the need for connectivity between the two buildings and the Rose Bowl and for improved access across Portland Way. Members were informed there was a new crossing approximately halfway along Portland Way, although it was accepted that this did not exactly align with the proposed pedestrian route through the development
- the design of the proposals, with mixed views on this; that the design was sympathetic to the surrounding campus environment and the view that what was proposed was a continuation of the established grid pattern, whereas some slight move away from the existing buildings might be an improvement

- concern about how the public space would work and whether it would receive any sun
- whether there was a need for further student accommodation and that a cross-party Working Group had been established to look into this matter, had taken advice from a range of sources including Unipol and Renew; and was soon to report its recommendations to Executive Board and that the applicant would need to demonstrate to Panel there was a need for this development
- that there was unlikely to be another site more suitable for student accommodation and if approved, this could return some large houses in Headingley currently used for student housing, back into family homes
- the difficulties in assessing need as it could be that if this scheme was approved and developed, then other student schemes either in the pipeline or approved but not yet implemented, might not proceed
- whether some of the student accommodation schemes built 10 – 12 years ago and which were not full could be converted to residential accommodation and if so, the implications in terms of the loss of S106 contributions which would have been part of a residential scheme but not a student accommodation scheme

In response to the specific points raised in the report, Members provided the following comments:

- concerning the appropriateness of additional student accommodation in this area, having regard to local and national policies, the supply of other consented schemes and the proximity to the universities, Members questioned the need for further student accommodation and was of the view that the applicant would need to outline the argument for this development and produce evidence in support of it
- regarding the proposed layout and overall massing of the development, the majority view was that this was acceptable
- in respect of the proposed use of materials and the overall architectural approach, this was considered to be acceptable as it fitted in with the design of other buildings on site, but that if approved, a high quality appearance must be delivered
- on landscaping, the general approach to this was considered to be acceptable and that new trees should be planted in suitable ground conditions to ensure that the trees would thrive and be positive additions to the landscape
- that in general terms the Panel considered that the development produced an acceptable and appropriate response to issues of connectivity and accessibility, although concerns remained about access over Portland Way and that there would be a need for contributions for public transport

**RESOLVED** - To note the report, the presentation and the comments now made



**49 Date and Time of Next Meetings**

Thursday 19<sup>th</sup> September 2013 at 1.30pm in the Civic Hall, Leeds  
(additional meeting)

Thursday 26<sup>th</sup> September 2013 at 1.30pm in the Civic Hall, Leeds

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Originator: Sarah McMahon

Tel: 2478171

## Report of the Chief Planning Officer

### PLANS PANEL CITY CENTRE

Date: 26 SEPTEMBER 2013

#### Subject: PLANNING 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:

1. 13/02967/FU - 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:

1. A Travel Plan monitoring and evaluation fee of £15,000.00.
2. A public transport infrastructure improvements contribution for Phase 1 of £262, 472
3. The employment and training of local people.
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.
6. The protection of the NGT public transport corridor.
7. Management fee payable within one month of commencement of development.

2. 13/02968/FU - 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:

1. The employment and training of local people.
2. The provision, maintenance and the hours of public access of defined areas of public realm and landscaping.
3. The protection of the NGT public transport corridor.
4. Access to the Lady Beck culvert beneath the multi storey car park.
5. Management fee payable within one month of commencement of development.

3. 13/02969/RM - Defer and delegate to the Chief Planning Officer for approval, subject to the specified conditions (and any others which he might consider appropriate).

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 13/02967/FU**

1. Time Limit
2. Approved Plans
3. The maximum and minimum floor space for each use permitted.
4. A shop/unit frontage and signage design code to be submitted.
5. Submission of details of any enabling works and any highway works.
6. Submission of details of all external site lighting.
7. Submission of details of external walling and roofing materials (including plant area screens).
8. Submission of detailed 1 to 20 scale drawings.
9. Submission of details of the public realm surfacing
10. Details of the existing and proposed ground levels and proposed floor levels with reference to fixed datum points within or adjacent to the site.
11. Details of secure long stay cycle parking facilities, lockers, showers and changing facilities.
12. Details of secure short stay cycle parking facilities.
13. Details of the proposed highway works.
14. Details of a signage scheme to direct traffic to and from the development.
15. Details of the method of servicing the operating properties within the application site.
16. Details of both hard and soft landscape works.
17. Five years replanting plan of any damaged or lost trees or plants.
18. Details of the means and measures of biodiversity protection and enhancements.

19. Submission of Demolition and Construction Management Plans.
20. Submission of a management strategy identifying measures to reduce the visual impact of the development during demolition and construction.
21. Hours of demolition and construction works.
22. Site investigations shall be undertaken to establish the exact situation regarding coal mining legacy issues.
23. Details of a recycled material content plan (using the Waste and Resources Programme's (WRAP) recycled content toolkit), a Site Waste Management Plan for the construction stage, a waste management plan for the buildings occupation and a BREEAM assessment.
24. Should it be the case that the development of the Low Carbon Energy Centre (planning application reference 11/01194/FU) is not implemented then details of alternative arrangements to meet the energy needs of the development.
25. Details of a programme of architectural investigation and recording.
26. Details of archaeological investigation and recording.
27. Details of fixed mechanical plant and building service plant.
28. Submission of a sound insulation scheme.
29. Submission of the method of storage and disposal of litter and waste materials, including recycling facilities.
30. No external storage of refuse.
31. Details of surface water drainage works.
32. No discharges of foul water from the development.
33. Surface water from areas used by vehicles shall be passed through an oil and petrol interceptor.
34. Accordance with the approved Flood Risk
35. Submission of a Phase II Desk Study (Environmental Report)
36. 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.
37. Remediation works shall be carried out in accordance with the approved Remediation Statement.
38. An access strategy to provide full access to and within the site to be submitted.
39. Submission of a strategy identifying the routes around that plot which shall be maintained and made available to members of the public during construction.
40. Submission of full details of any combustion plant.

### **Conditions for 13/02968/FU**

1. Time Limit
2. Approved Plans
3. Submission of details of any enabling works and any highway works.
4. Submission of details of all external site lighting.
5. Submission of details of external walling or roofing (including plant area screens) materials.
6. Submission of details of 1 to 20 scale drawings detail of roof lines and treatments, entrance points, and heights and relationship to existing and proposed structures of any plant area screens
7. Submission of details of the public realm surfacing.
8. Submission of details of the existing and proposed ground levels and proposed floor levels with reference to fixed datum points within or adjacent to the site.
9. Submission of details of secure long stay cycle parking facilities, lockers, showers and changing facilities.

10. Completion of details of the proposed highway works.
11. Submission of a signage scheme to direct traffic to and from the development.
12. Submission of a Car Park Management Plan.
13. Submission of details, including the number and locations, of all electric car charging points within the multi storey car park.
14. Details of the location of two car club spaces and a free trial membership for all employees
15. Submission of details of both hard and soft landscape
16. Five years replanting plan of any damaged or lost trees or plants.
17. Details of the means and measures of biodiversity protection and enhancements
18. Submission of Demolition and Construction Management Plans.
19. Submission of a management strategy identifying measures to reduce the visual impact of the development during demolition and construction.
20. Hours of demolition and construction works.
21. Site investigations shall be undertaken to establish the exact situation regarding coal mining legacy issues.
22. Details of a programme of architectural investigation and recording.
23. Details of a recycled material content plan (using the Waste and Resources Programme's (WRAP) recycled content toolkit), a Site Waste Management Plan for the construction stage and a waste management plan for the buildings occupation. .
24. Details of surface water drainage works.
25. No discharges of foul water from the development.
26. Surface water from areas used by vehicles shall be passed through an oil and petrol interceptor.
27. Accordance with the approved Flood Risk
28. Submission of a Phase II Desk Study (Environmental Report)
29. 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.
30. Remediation works shall be carried out in accordance with the approved Remediation Statement.
31. An access strategy to provide full access to and within the site to be submitted.
32. Submission of a strategy identifying the routes around that plot which shall be maintained and made available to members of the public during construction.
33. Phase 1 buildings to be implemented together.
34. Details of changes to the multi storey car park when NGT comes forward.

### **Conditions for 13/02968/FU**

1. Trigger for the implementation of the Phase 2 John Lewis Eastgate entrance.

**All Conditions for all applications are provided in full in Appendix 1.**

### **1.0 INTRODUCTION:**

- 1.1 The applications were put before Members at pre-application stage on the 13 December 2012 and 11 April 2013 and as a Position Statement at Plans Panel on the 1 August 2013. Members made a number of comments which are detailed in Section 5.0 below and in Appendix 3. The applications have been amended to respond to these comments and are now brought back to Plans Panel to allow Members to consider this first phase of a major retail led, mixed use development.

## 2.0 PROPOSALS:

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:

### 2.3 **Arcades**

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.

#### Key components of 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.

### 2.4 **Multi Storey Car Park**

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.

#### Key Components of the 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

### 2.5 **John Lewis Department Store**

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.

#### Key components of the 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

2.6 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 2.

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

2.7 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.

2.8 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.

2.9 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)

- 2.10 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 on the Phase 1 areas of the site is surface car parking in the Union Street Car Park. The areas affected by Phase 1 site are as detailed below.
- 3.3 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.

- 3.4 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.
- 3.5 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.
- 3.6 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 A pre-application 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.
- 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 The scheme was subsequently brought to Plans Panel following the submission of the three planning applications as a Position Statement. Members made the following comments:

- the stepped entrance to John Lewis, with concerns about people with mobility difficulties accessing the store.
- the level of opacity of the windows on the John Lewis store and the need to ensure views were not spoiled by careless positioning of fittings etc.
- the loss of car parking spaces due to development now taking place on the Union Street car park and the point at when the MSCP would be built
- whether the building now housing Hoagy's Bar, which was original 1950s Blomfield would be demolished.
- the need to ensure that the sub-station doors were treated to resist graffiti as were the lower levels of the MSCP
- the wind study and the levels used to assess this
- the need to ensure that the pleated brickwork weathered at the same rate.
- that the design and layout of the proposals were acceptable, however Panel required the full double width pedestrian access from Eastgate to be delivered in the first phase, particularly as it was felt it could help provide better disabled access to the John Lewis store
- that the approach to transport and the provision of the multi storey car park appeared to be acceptable, although an explanation of the traffic levels around the site at peak times should be provided in the next report to Panel.
- that the public realm and landscaping strategy was considered to be acceptable
- that the demolitions were justified and that the approach to heritage assets was appropriate

5.6 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.
- 6.5 Three comments have been received from the public in respect of all three applications (13/02967/FU, 13/02968/FU and 13/02969/RM) 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.
  3. In considering the proposed car park the traffic flows, public transport links and servicing needs of Kirkgate Market needs to be considered.
  4. That Eastgate should not be pedestrianised and should be retained as a key vehicular route.
  5. That the scheme needs to consider its contextual impact on Kirkgate Market and contribute to its character.
- 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 the appraisal section.
  2. These matters are discussed below in the appraisal section.
  3. These matters are discussed below in the appraisal section.
  4. Phase 1 of the overall scheme does not include the pedestrianisation of Eastgate.
  5. This matter is discussed below in the appraisal section.
- 6.6 Comments have been received from Leeds Civic Trust who state that they support the principles of the scheme but have concerns about the cleaning and anti-bird roosting capabilities of the facades, the possible heaviness of the brickwork to the upper levels of the Arcade buildings, the appearance of Harewood Street and the interior arcades, and access into the casino. They also state they are concerned about lack of active frontages to the John Lewis building at street level and question what is proposed for Phase 2 of the overall scheme and what is to happen to that area of the site prior to Phase 2 coming into being. In respect of Phase 2 they are concerned that the buildings on this side of the site should not be demolished to make way for additional car park (which they consider is not needed in this area of the City Centre) and the buildings should be retained and reused as a first option until the full Phase 2 proposals come forward. These matters are addressed in the appraisal section below.

## 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.
- 7.3 Highways state that the servicing and waste collection details are acceptable, that a minimum 30mm kerb check will be required other than at pedestrian crossing points on the enhanced highways works, and that the Transport Assessment needs to be amended to show the justification that the number of cycle spaces to demonstrate that this meets projected demand, and that the Union Street access into the car park should be one lane only. Highways request Conditions to cover cycle and motorcycle provision and servicing arrangements.
- 7.4 Mains Drainage state that they have no objections subject to surface water drainage works being Conditioned.
- 7.5 Yorkshire Water state that Conditions are required to cover surface water drainage, foul and surface water, piped discharge of water and access to the culverted beck.
- 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.
- 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.
- 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 state that Conditions should be applied controlling the hours of demolition and construction, a construction management plan, compliance with current construction legislation, and sound insulation scheme.
- 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.

- 7.15 West Yorkshire Archaeological Advisory Service state that this proposal lies in an area of potential archaeological significance and as such a programme of archaeological recording is required.
- 7.16 NGT/Transport Policy Officer states that a public transport contribution of £262,472 is required for Phase 1.
- 7.17 Metro state that they have no objection in principle to the proposals but that they are keen to continue discussion with Officers and the Applicant with regards to the management of demolition programme to the buildings on the site, the details of the off site highways works to George Street and Vicar Lane which are to come forward via the Section 278 highways legal agreement, the protection of the realigned NGT route and how this will be accessed and its detailed design when this part of the City Centre loop is to come forward, that the public transport infrastructure improvements contribution should be £262,472 for Phase 1 (from the sum already agreed under the Outline consent 12/03002/OT for the wider scheme), that a contribution to new bus shelters on Eastgate may be required if the existing ones cannot be reinstalled and a contribution to a communications plan for the relocation of bus stops during the demolition and constructions phases will be required, that the car parking provision for Phase 2 will need to be reappraised, that traffic management to prevent congestion on the nearby Eastgate roundabout is addressed in respect of users of the car park, and that servicing be during limited hours, in line with existing arrangements in the City Centre.  
Response: These matters are dealt with below in the appraisal as well as via Conditions and the Section 106 and 278 legal agreements.
- 7.18 Retail Policy Consultants (Colliers) who have been commissioned from the original Outline consent (11/0100/OT) and throughout the planning process of the development, to appraise and provide expert opinion on the Retail Statement as consultees on behalf of the Local Planning Authority state that the proposed development is consistent with the key strategies for town centre policies in Leeds and the scale of the development will deliver further significant enhancement of the city centre shopping offer whilst keeping within the overall balance of scale of development.
- 7.19 Wind Consultants (BRE) acting as consultees on behalf of the Local Planning Authority state that whilst there are a few matters on the Windy Stidy 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
- 7.20 Public Rights of Way state that there are no definitive or claimed rights of way affecting the site.
- 7.21 Architectural Police Liaison Officer provides advice on Safer Places, Designing for Community Safety and Secure by Design.  
Response: The information provided has been forwarded on to the Applicant.
- 7.22 West Yorkshire Ecology no response received to date
- 7.23 Licensing no response received to date



7.24 TravelWise state that the trip generation targets for Phase 1 have now been agreed, but ask for further information to be provided with regard to cycle parking, motorcycle parking and electric car charging points.

Response: These matters will be Conditioned for the full details to be agreed.

## **8.0 PLANNING POLICIES:**

8.1 A full list of up to date policies can be found at Appendix 4.

## **9.0 MAIN ISSUES:**

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

## **10.0 APPRAISAL:**

10.1 Strategic Importance

10.2 The effect of Section 38 (6) of the Planning and Compulsory Purchase Act 2004 is that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

10.3 The scheme is considered to be of strategic importance to the City of Leeds. The scheme would be of considerable high quality such that it would act as a new landmark. In addition the Development aims to broaden the city's architectural and retailing experience by creating a distinctive Leeds destination that reflects the strong tradition of arcades that exists in the City Centre. The scheme would play an important role in reinforcing both the regional and national status of Leeds to the advantage of both retailers and consumers.

10.4 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 a significant number of 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. 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 capital, helping to re-establish its position competitively with other major cities and cement Leeds as a city of European importance.

#### 10.5 Principle of the proposed uses and their mix

10.6 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.

10.7 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.

10.8 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 Applicant states that their key objectives are to deliver a skills package and training services to meet the needs of the development, to ensure early engagement with the contractors and tenants to deliver targeted recruitment services, work in partnership with Employment Leeds and other key organisations, and undertake activities including job road shows, pre-employment training courses, information days and site tours, dedicated job websites, recruitment fairs and school programmes.

10.9 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.

- 10.10 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.
- 10.11 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 these parties would assist the implementation of such possible regeneration and encourage mutual success.
- 10.12 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 4 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.
- 10.13 Layout, scale and design
- 10.14 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.

10.15 Arcades

The internal character is very much focused on that of arcades rather than malls. The details which form the character of arcades such as those found in the Victoria Quarter, Thornton's Arcade and the Grand Arcade have been referenced and interpreted in a contemporary manner. 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.

10.16 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. Natural materials will be used wherever possible to compliment the surrounding buildings and also for their weathering properties.

10.17 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 (which are likely to include the Casino entrance), 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.

10.18 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.

- 10.19 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.
- 10.20 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.
- 10.21 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.
- 10.22 Multi Storey Car Park  
The multi storey car park would be positioned on the site of the Millgarth Police station.
- 10.23 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.
- 10.24 As detailed below in paragraph 10.43 there will be a need at some point in the future to create a tunnel (of some 53 metres length, by at least 13 metres wide and 6.2 metres 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.

10.25 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.

10.26 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.

10.27 Due to the fall of the land at the eastern end, and the need to accommodate a two level servicing basement into the building, part of the ground floor level of the store would be elevated above street level. As a result, and in common with a number of other buildings in Leeds City Centre (such as the City Museum, the Town Hall and Broadgate where it fronts onto Dortmund Square) the proposal is to ground the building on plinth, to add an element of visual interest and civic grandeur in those areas where it is not possible to have active frontage directly on the street. The plinth would be of an elegant distinctive design with a strong decorative pattern of varying width vertical pleating in stonework. However, active frontage with views into the store and/or of dressed display areas will be provided where possible.

10.28 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.

10.29 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. Behind this would be a lobby area with steps beyond onto the store's ground floor. 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, leading onto a ramped lobby. The implementation of the Phase 2 version of the entrance will be controlled via a planning condition.

10.30 The Applicant has advised that it is not possible to provide the Phase 2 version of the entrance to the store from Eastgate in Phase 1 due to a number of physical

constraints. Firstly the gradients and cross falls in the arcades need to be dealt with to ensure that the arcades are level and accessible throughout, this means the natural fall of the site needs to be accounted for elsewhere. Secondly the basement service yards to the John Lewis building are set at their lowest AOD level and cannot be dropped further, meaning that the building cannot be sunk deeper into the ground. The height within the basement cannot be reduced further as this would adversely affect the vehicle access ramps within it. Thirdly the levels in the John Lewis Building are designed to allow it to connect at grade with the short bridge links to the multi storey car park.

10.31 Due to the fall in the land along Eastgate the Applicants considered that the John Lewis building must be positioned such that the entrance to Eastgate is approximately 1 metres above the footpath. To provide an internal ramp under such circumstances would result in a ramp of some 20 metres which would significantly affect the area of trading floor within the ground floor of the retail unit. Therefore, the proposal is to provide an entrance from Eastgate with some 6 internal steps and also an internal platform lift adjacent to these steps, to ensure that the entrance is accessible at Phase 1. This would also mean a potentially smaller lobby area can be created than with the ramped version of this entrance. Officers will continue to investigate design options for the Phase 2 Eastgate entrance to ensure the change in levels between the entrance and Eastgate can be accommodated.

10.32 Transport, access and connectivity

10.33 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 short stay car parking spaces, with 35 disabled parking bays and 17 spaces for parent and child provision, all in accessible locations. Therefore, 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. It is noted that these 815 spaces are in addition to the 2700 approved on the original outline applications (11/01000/OT and 12/03002/OT) for the wider scheme. As such it has been agreed with the Applicant that a review of car parking numbers will be undertaken when detailed discussions about Phase 2 are taking place to appraise whether the 2700 is still a requirement or not. A smart ticketing system will be incorporated with tariffs to be agreed to control and promote short stay car parking and the details of this will be addressed under a planning condition.

10.34 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, as agreed in principle on the Outline consents 11/0100/OT and its amendment 12/03002/OT. 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. The Applicant has considered the matter of management of vehicles at peak flow times to prevent significant queuing and has put forward the following measure that will be employed:

1. VMS (Variable Message Sign) Signage – the external VMS signs will be linked to counting loops on the new MSCP inbound and outbound lanes to trigger an indication that the car park is 'Full' – the VMS system will seek to re-direct cars to

alternative locations early enough to minimise traffic queues on entry to the new MSCP (this could be triggered when it reaches 85 to 90% capacity for example).

2. Car Park Control System - a Control Column associated with the entry barriers includes a back-up intercom linked to Centre Management. The entry system can operate in 'Traffic Jam Mode' (TJM) which can be switched on by Centre Management directly or according to a preset timetable of known busy periods (this can be developed from operational experience). A queue limit detection system at the new MSCP entry would be used to provide a warning to the Centre Management Control Room that the operation of TJM is required. In TJM mode, the entry control column can double ticket issue speed.

3. Manual Intervention – In the unlikely event that the entry demand continue to maintain a traffic queue at the entry, the car park entry would revert to manual intervention by Centre Management. The queue would be cleared by the automatic opening of the barriers to allow traffic to pass and / or the intervention of Centre Management to clear any blockage. Staff would either direct traffic out of the car park and if appropriate, close the access using cones.

- 10.35 20 motorcycle parking spaces are proposed to be provided in the overall scheme and 7 of these will come forward as part of Phase1 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. A review of the level proposed for Phase 1 has been actioned and this phase of the scheme will now deliver 72 of these cycle spaces 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.
- 10.36 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 (with the carriageway for vehicles being a maximum of 11 metres and the footpaths either side varying in width from 3 metres to over 6 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.
- 10.37 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.
- 10.38 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.



- 10.39 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.
- 10.40 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.
- 10.41 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.
- 10.42 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.
- 10.43 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.
- 10.44 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.

- 10.45 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.
- 10.46 A number of objectives are defined on the submitted Travel Plan as follows:
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.
- 10.47 Public Realm and Landscaping
- 10.48 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.
- 10.49 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.

- 10.50 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 neighbouring sites.
- 10.51 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 to 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.
- 10.52 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.
- 10.53 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.
- 10.54 Heritage and Archaeology
- 10.55 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.
- 10.56 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.

- 10.57 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.
- 10.58 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.
- 10.59 The existing substation is a simple red brick walled 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.
- 10.60 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.
- 10.61 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.
- 10.62 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.

10.63 Drainage and Flood Risk

- 10.64 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.
- 10.65 The Sequential Test undertaken in respect of the approved 2011 Outline consent (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.
- 10.66 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.
- 10.67 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.
- 10.68 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.
- 10.69 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.



10.70 Sustainability

- 10.71 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.
- 10.72 The energy strategy appraisal indicates that Victoria Gate Arcade and John Lewis Developments would be targeting reduction in CO<sub>2</sub> emissions of approximately 17.8% above the targets set out in Building Regulations Part L 2010 through using energy efficient design.
- 10.73 The Applicant is considering the use of air source heat pumps (ASHP) by tenants in order to provide additional CO<sub>2</sub> 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 CO<sub>2</sub> 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.
- 10.74 EIA Studies
- 10.75 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.
- 10.76 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.

- 10.77 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.
- 10.78 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 one flat within County House still receive levels of daylight and sunlight in line with BRE guidelines, with this one window being impacted moderately (whilst the other windows in this flat measured as receiving a good level of daylight and sunlight). The room with the affected window is stated to be a living room which also has other unaffected windows. As such no mitigation measures are proposed.
- 10.79 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 (NO<sub>2</sub>) and possibly Particulate Matter (PM<sub>10</sub> 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.
- 10.80 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.
- 10.81 S106 Obligations
- 10.82 A list of planning obligations were agreed under the original and amended Outline consents (11/0100/OT and 13/03002/OT). Those relevant to Phase 1 of the wider scheme are brought forward (and revised as necessary) on a further S106 legal agreement in respect of the currently submitted full planning applications for Phase 1 (planning references 13/02967/FU and 13/02968/FU). These carried forward 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 £262, 472.
  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.
  7. Access to the Lady Beck culvert beneath the multi storey car park.
  8. Management fee payable within one month of commencement of development.

The details of all S106 planning obligations can be found in Appendix 5.

#### 10.83 Equality

- 10.84 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 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.
- 10.85 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.
- 10.86 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.



- 10.87 Further to this as stated earlier in this report 35 of the 815 proposed car parking spaces 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 under Planning Conditions and via Building Regulations.
- 10.88 Phase 2
- 10.89 Questions have been raised by Leeds Civic Trust with regards to what is proposed for Phase 2 of the overall scheme and what is to happen to that area of the site prior to Phase 2 coming into being. It is the case that Phase 2 does not form part of the currently submitted trio of planning applications. However, Officers are soon to commence pre-application discussions with the Applicants regarding their proposed design concepts, uses and timescales for both Phase 2 and any interim treatment of the site. The outcomes of these discussions, once they have reached an appropriate stage, will be reported to Plans Panel in due course.

## **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 and 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. The development has been designed in such a manner to ensure that it would integrate effectively and beneficially with Quarry Hill, Kirkgate Market and Kirkgate beyond as well as with the Victoria Quarter. 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 and enhancing the role of Leeds as a regional capital. 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. Therefore the proposal is considered to be acceptable and is recommended for approval

## **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 Proposed Conditions**

### **13/02967/FU**

#### **Time Limit and Approved Plans**

1) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Imposed pursuant to the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and to take account of the significant scale, nature and land assembly requirements of the development.

2) The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.

For the avoidance of doubt and in the interests of proper planning.

#### **Layout, Scale and Uses**

3) No less than 70% of the retail floor space on the ground floor of the development hereby permitted (not including the arcades or shared space such as refuse rooms, servicing corridors or shared facilities) shall be used for A1 retail purposes, unless otherwise approved in writing by the Local Planning Authority.

To ensure the site is developed in accordance with the submitted application and to ensure that there is no departure in floor space that would be to the detriment of the retail vitality and viability of Leeds Town Centre in accordance with Policy GP5 and S1 of the Leeds UDPR and Government Guidance contained in the National Planning Policy Framework 2012.

#### **Design Principles and External Appearance**

4) Prior to the commencement of the development a shop/unit frontage and signage design code showing locations and amounts of clear glazing and window displays and signage zone, locations and details of all new entrances including those to substations, fire escapes and other back of house areas and setting parameters for scale, type and materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

In the interests of visual amenity, the character and appearance of the host building, the street scene and the nearby Conservation Area, to maintain the vitality and

viability of the Prime Shopping Quarter and in accordance with Policies GP5, S1 and CC21 of the Leeds UDPR.

5) Prior to the commencement of any:

(a) Enabling works; and

(b) Highway works

programmes identifying the phasing of those works referred to shall be submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the agreed programmes unless otherwise agreed in writing by the Local Planning Authority.

In the interests of highway safety and in order to ensure minimum disruption to the highway network during the construction process in accordance with Policies GP5 and T2 of the Leeds UDPR.

6) No occupation of a Building Plot shall commence until details of all external site lighting (excluding lighting to the public highway) has been submitted to and approved in writing by the Local Planning Authority. Details of the external site lighting shall include details of the lighting units, levels of illumination and hours of use. No lighting shall be provided (at the plot) other than in accordance with the approved scheme.

In the interests of visual amenity and to secure a satisfactory appearance of the development at night-time and in accordance with Policy GP5 of the Leeds UDPR.

7) Prior to the construction of any external walling or roofing, details of all of the walling and roofing materials (including plant area screens) to be used in the construction of external surfaces of the building, including samples and sample panels within that plot, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

In the interests of visual amenity and in accordance with UDPR Policies GP5 and N12.

8) Prior to the construction of any external walling or roofing, the following details shall be submitted to and approved in writing by the Local Planning Authority:-

(a) 1 to 20 scale drawings of the detail of roof lines and eaves treatments, ground floor (and first floor within the Arcade) elevation treatments including shopfronts (including scale, design approach, materials, components including stall risers and fasciae, and any double height frontages) and entrance points, and

- (b) cross sections of upper level windows showing recesses and reveals and
- (c) heights and relationship to existing and proposed structures of any plant area screens

The works shall be carried out in accordance with the details thereby approved.

In the interests of visual amenity and in accordance with UDPR Policies GP5 and N12.

9) Prior to the construction of hard landscaped areas shall not commence until details of the public realm surfacing materials in accordance with plan 5 of the Section 106 Agreement that relates to this planning permission, including samples within that plot hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

In the interests of visual amenity and in accordance with UDPR Policies GP5 and N12.

10) Prior to the commencement of the development plans showing details of the existing and proposed ground levels and proposed floor levels with reference to fixed datum points within or adjacent to the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the details so approved and shall be retained thereafter as such.

To ensure that the works are carried out at suitable levels in relation to adjoining properties and highways in the interests of visual and highways amenity and in accordance with Policies GP5 , N12 and T2 of the Leeds UDPR.

### Highways and Movement

11) Prior to the occupation of the development details of secure long stay cycle parking facilities, lockers, showers and changing facilities for all commercial uses in that part of the site shall be provided. The facilities so approved shall be made available prior to first use of the relevant part of the development and thereafter maintained, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of highway safety and to comply with Policies GP5, T2, T7A within the UDPR.

12) Prior to commencement of development details of secure short stay cycle parking facilities for all uses in that part of the site shall be provided. The facilities so approved shall be made available prior to first use of the relevant part of the

development and thereafter maintained, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of highway safety, sustainable transport and to comply with relevant Policies GP5, T2, T7A within the UDPR.

13) Notwithstanding the details on the hereby approved plans the highway works on Vicar Lane and George Street related to the outline planning consent 12/03002/OT and included in the S278 Agreement for that consent (12/03002/OT) shall also be provided for this development along with further works necessary on George Street to provide an accessible route to the arcade.

The approved details shall be implemented and completed before first occupation of the development or as otherwise agreed as part of the phased development of the site pursuant to Condition number 5, unless otherwise agreed with the Local Planning Authority.

In the interests of highway safety and in accordance with Policies GP5 and T2 of the Leeds UDPR.

14) Prior to the commencement of the development a signage scheme to direct traffic to and from the development, and traffic diverted as a result of changes to the highway network necessary to accommodate the development, shall be submitted to and agreed in writing with the Local Planning Authority. The approved signage scheme shall be implemented and completed before first occupation of the development or as otherwise agreed as part of the phased development of the site pursuant to Condition number 5, unless otherwise agreed with the Local Planning Authority.

In the interests of highway safety and in accordance with Policies GP5 and T2 of the Leeds UDPR.

15) Prior to the occupation of the development a statement and plans, setting out the details of the method of servicing the operating properties within the application site shall be submitted to and approved in writing by the Local Planning Authority. These details shall clearly indicate vehicle turning areas as well as details of all consultations with operators of the properties using the servicing area and how their views have affected the submitted details. The servicing shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority

In order to ensure that adequate on site servicing arrangements are provided prior to occupation of the site and to ensure the free and safe use of the Highway in accordance with policy T2 of Leeds UDP (Review) 2006. (Review) 2006.

## Landscaping and Nature Conservation

16) Prior to the commencement of the development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include (a) proposed finished levels and/or contours, (b) means of enclosure, (c) car parking layouts, (d) other vehicle and pedestrian access and circulation areas, (e) hard surfacing areas, (f) minor artefacts and structures (eg, furniture, play equipment, refuse or other storage units, signs, lighting etc.), (g) proposed and existing functional services above and below ground (eg. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.). Soft landscape works shall include (h) planting plans, (i) written specifications (including cultivation and other operations associated with plant and grass establishment), (j) schedules of plants which takes into account the timing of planting seasons, including all trees noting species, planting sizes and proposed numbers/densities and locations, (k) implementation programme and (l) a schedule of landscape maintenance for a minimum period of 5 years.

To ensure the provision of amenity afforded by appropriate landscape design and in accordance with Policies GP5, LD1 and LD2 of the Leeds UDPR.

17) If, within a period of five years from the planting of any trees or plants, those trees or plants or any trees or plants planted in replacement for them is removed, uprooted, destroyed or dies or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to a variation.

To ensure the maintenance of a healthy landscape scheme and in accordance with Policies GP5 and LD1 of the Leeds UDPR.

18) Prior to commencement of the development a scheme detailing the means and measures of biodiversity protection and enhancements, including the results of precautionary survey work of all existing buildings and structures on the relevant part of the site, (to be carried out by an appropriately licensed worker) and a programme for the implementation of this scheme, has been submitted to and agreed in writing with the Local Planning Authority. The survey shall include details of the location and type of any bat and bird roosts present, an assessment of the likely impact of the proposed development on bats and birds, recommendations for avoiding or mitigating adverse impacts (including details of the provision of bat and bird boxes) and provision for monitoring where appropriate. All subsequent work on site shall thereafter be carried out in accordance with the recommendations of the report and the scheme shall be based on the recommendations detailed in Chapter 16 of the Environmental Statement (HUK10), unless otherwise agreed in writing with the Local Planning Authority.



To protect the existing biodiversity on site including any bats and birds which may roost on the site, and to comply with the recommendations of Chapter 16 of the Environmental Statement (HUK10) and in accordance with Policies GP5 and N51 of the Leeds UDPR.

#### Demolition and Construction

19) Development shall not commence until Demolition and Construction Management Plans including details of any phasing strategy for demolition and construction of each building plot of the development, has been submitted to and approved in writing by the Local Planning Authority. This plan will include details of the routing, parking and storage of construction and demolition traffic; arrangements for the servicing of Kirkgate Market; arrangements for any temporary vehicle parking, general traffic management and street cleaning; construction and demolition operations and hours of working; control of demolition and construction noise; the methods to be employed to prevent mud, grit and dirt being carried onto the public highway and details of adequate vehicle cleansing facilities; the details of measures to be taken to suppress dust, vibration and air quality; and location of site compounds and plan and equipment storage, offices and concrete batching plants. The development shall be carried out in accordance with the approved details.

In order to secure the satisfactory development of the site and in the interests of amenity, and to comply with the recommendations of the Environmental Statement and in accordance with Policy GP5 of the Leeds UDPR.

20) Development shall not commence until a management strategy identifying measures to reduce the visual impact of the development, including details of temporary screening of the site, together with viewing portals, information panels and opportunities for temporary public art, has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented in accordance with the approved details.

In the interests of visual amenity and in accordance with Policies GP5 and BD15 of the Leeds UDPR.

21) No demolition or construction works shall take place before the hours of 8am Monday to Saturdays, nor after 6pm Monday to Friday and 1pm on Saturdays, or at any time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of the residential amenity of occupants of nearby property and in accordance with guidance in the National Planning Policy Framework 2012 and Leeds Unitary Development Plan Review 2006 Policy GP5.

22) Prior to the commencement of development site investigations shall be undertaken with the result submitted to and approved in writing by the Local Planning Authority, to establish the exact situation regarding coal mining legacy



issues on the site. In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings, any such remedial works identified by the site investigation shall be undertaken prior to commencement of the development and agreed in writing by the Local Planning Authority.

To ensure the safety and stability of the proposed development and surrounding areas, and in accordance with the National Planning Policy Framework 2012 and Leeds Unitary Development Plan Review Policy GP5.

### Sustainability

23) Prior to the commencement of the development a 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 (reflecting the BREEAM Very Good aspirations of the scheme), shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the detailed scheme; and

(a) within 12 months of full practical completion a post-construction review statement shall be submitted by the applicant and approved in writing by the Local Planning Authority.

(b) The development 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.

In the interests of amenity, to promote the use of recycled material and to promote the implementation of sustainability measures within Leeds City Centre and in accordance with Policies GP5, GP11 and GP12 of the Leeds UDPR and the NPPF.

24) Should it be the case that the development of the Low Carbon Energy Centre (planning application reference 11/01194/FU) is not implemented then details of alternative arrangements to meet the energy needs of the development shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development, and thereafter be implemented in accordance with the approved details.

In the interests of amenity and to promote the implementation of sustainability measures within Leeds City Centre and in accordance with Policies GP5 and GP11 of the Leeds UDPR.

## Heritage and Archaeology

25) Unless otherwise agreed in writing by the Local Planning Authority no demolition works shall take place until the applicant, or their agents or successors in title, has completed a programme of architectural investigation and recording by an appropriately qualified and experienced archaeological organisation in the relevant part of the site, in accordance with an archaeological strategy and written scheme of investigation which has been approved in writing by the Local Planning Authority.

To ensure necessary archaeological and architectural investigation and recording and in accordance with Policies ARC5 and ARC6 of the Leeds UDPR.

26) Unless otherwise agreed in writing by the Local Planning Authority no development, intrusive site preparation or ground investigation works shall take place until the applicant, or their agents or successors in title, has completed a programme of archaeological investigation and recording by an appropriately qualified and experienced archaeological organisation in the relevant part of the site, in accordance with an archaeological strategy and written scheme of investigation which has been approved in writing by the Local Planning Authority.

To ensure necessary archaeological and architectural investigation and recording and in accordance with Policies ARC5 and ARC6 of the Leeds UDPR.

## Plant, Noise and Waste

27) The development shall be brought into use until details of fixed mechanical plant and building service plant, including details of installation and operation of any extract/ventilation systems (including any filters to remove odours), details of any external flue pipes or other excrescences and any air conditioning systems serving the development hereby permitted, have been submitted to and approved in writing by the Local Planning Authority. The rating level of noise (in accordance with BS4142) from fixed mechanical units associated with the site shall fall at least 5dB(A) below the minimum monitored background noise level at a location 1m from the facade of the nearest Noise Sensitive Receptor, during the daytime (07:00 to 23:00) or night time (23:00 to 07:00) seven days a week.

In the interests of amenity and to comply with the National Planning Policy Framework 2012 and UDPR Policy GP5.

28) The development shall not be brought into use until details of a sound insulation scheme designed to protect the amenity of occupants of nearby noise sensitive premises from noise emitted from the proposed development has been submitted to and approved in writing by the local planning authority. The said scheme shall detail physical mitigation works as well as the nature of hours of servicing, deliveries and opening. The use hereby approved shall not commence

until the works have been completed, and any such noise insulation as may be approved shall be retained thereafter.

In the interests of amenity and to comply with the National Planning Policy Framework 2012 and UDPR Policy GP5.

29) Prior to occupation of the 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.

In the interests of amenity and to promote recycling and to comply with UDPR policy WM3.

30) There shall be no external storage of refuse unless otherwise agreed in writing by the Local Planning Authority.

In the interests of amenity and to prevent the occurrence of unsightly refuse storage bins and in accordance with Policy GP5 of the Leeds UDPR.

### Drainage

31) Development shall not commence until a scheme detailing surface water drainage works has been submitted to and approved in writing by the Local Planning Authority (Drainage plans and summary of calculations and investigations). The works shall be implemented in accordance with the approved scheme before the development is brought into use, or as set out in the approved phasing details. The surface water drainage scheme will need to comply with Council's Minimum Development Control Standards for Flood Risk - see the Natural Resources and Waste LDF.

In the interests of flood prevention and effective surface water management in accordance with Policy GP5 of the Leeds UDPR the Natural Resources and Waste LDF and Government Guidance contained in the National Planning Policy Framework 2012.

32) There shall be no discharges of foul water from the development until a foul drainage scheme including details of provision for its future maintenance (e.g. adoption by the Water Company) has been implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

To ensure satisfactory drainage and pollution prevention in accordance with adopted Leeds UDP Review (2006) policy GP5 and the National Planning Policy Framework 2012.

33) Surface water from areas used by vehicles shall be passed through an oil and petrol interceptor of adequate capacity prior to discharge to the public sewer. Roof water shall not be passed through the traditional 'stage' or full retention type of separator. The interceptor shall be retained and maintained thereafter.

To ensure pollution prevention in accordance with adopted Leeds UDP Review (2006) policy GP5 and the National Planning Policy Framework 2012.

34) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), produced by Waterman Transport and Development dated June 2013.

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.

In the interests of flood prevention and effective surface water management in accordance with Policy GP5 of the Leeds UDPR and Government Guidance contained in the National Planning Policy Framework 2012.

### Contamination

35) Development shall not commence until an Environmental (Phase 2) Report has been submitted to, and approved in writing by, the Local Planning Authority. The Phase 2 report is to be in accordance with the approved Phase 1 report and:

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.

To ensure that the presence of contamination is identified, risks assessed and proposed remediation works are agreed in order to make the site suitable for use in accordance with the National Planning Framework 2012 and Leeds Unitary Development Plan Review 2006 Policy GP5.

36) 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.

To ensure that any necessary remediation works are identified to make the site suitable for use in accordance with the National Planning Framework 2012 and Leeds Unitary Development Plan Review 2006 Policy GP5.

37) 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.

To ensure that the remediation works are fully implemented as agreed and the site has been demonstrated to be suitable for use in accordance with the National Planning Framework 2012 and Leeds Unitary Development Plan Review 2006 Policy GP5.

#### Access and Pedestrian Routes

38) An access strategy to identify relevant measures introduced to provide full access to and within the site including routes appropriate for use by people with disabilities and within sanitary conveniences, for the needs of employees and members of the public who are disabled, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development.

In order to provide satisfactory access to the development and in accordance with Policies A4 and GP5 of the Leeds UDPR.

39) Prior to works commencing on the development a strategy identifying the routes around the development which shall be maintained and made available to members of the public during construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The strategy so identified shall be fully implemented unless otherwise agreed in writing by the Local Planning Authority.

In order to identify adequate access during the development and in accordance with Policies A4 and GP5 of the Leeds UDPR.

## Environmental Impact Assessment Studies

40) Prior to commencement of the development full details of any combustion plant, shall be submitted to and approved in writing by the Local Planning Authority. The details shall be based on the recommendations detailed in Chapter 12 of the Environmental Statement (HB-09A), unless otherwise agreed in writing with the Local Planning Authority and thereafter be implemented in accordance with the approved details.

In the interests of amenity, and to comply with the recommendations of Chapter 12 of the Environmental Statement (HB-09A) and in accordance with Policy GP5 of the Leeds UDPR

## **13/02968/FU**

### Time Limit and Approved Plans

1) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Imposed pursuant to the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and to take account of the significant scale, nature and land assembly requirements of the development.

2) The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.

For the avoidance of doubt and in the interests of proper planning.

3) Prior to the commencement of any:

(a) Enabling works; and

(b) Highway works

programmes identifying the phasing of those works referred to shall be submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the agreed programmes unless otherwise agreed in writing by the Local Planning Authority.

In the interests of highway safety and in order to ensure minimum disruption to the highway network during the construction process in accordance with Policies GP5 and T2 of the Leeds UDPR.

## Design Principles and External Appearance

4) No occupation of the Development shall commence until details of all external site lighting (excluding lighting to the public highway) has been submitted to and approved in writing by the Local Planning Authority. Details of the external site lighting shall include details of the lighting units, levels of illumination and hours of use. The lighting shall be provided in accordance with the approved scheme prior to first occupation of the development.

In the interests of visual amenity and to secure a satisfactory appearance of the development at night-time and in accordance with guidance in the National Planning Policy Framework 2012 and Leeds Unitary Development Plan Review 2006 Policy GP5.

5) Prior to construction of any external walling or roofing, details of all of the walling and roofing materials (including plant area screens) to be used in the construction of external surfaces of the building, including samples and sample panels shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

In the interests of visual amenity and in accordance with guidance in the National Planning Policy Framework 2012 and Leeds Unitary Development Plan Review 2006 Policies GP5 and N12.

6) Prior to construction of any external walling or roofing, the following details shall be submitted to and approved in writing by the Local Planning Authority:-

(a) 1 to 20 scale drawings of the detail of roof lines and treatments, entrance points, and heights and relationship to existing and proposed structures of any plant area screens

The works shall be carried out in accordance with the details thereby approved. The works shall be carried out in accordance with the details thereby approved.

In the interests of visual amenity and in accordance with guidance in the National Planning Policy Framework 2012 and Leeds Unitary Development Plan Review 2006 Policies GP5 and N12.

7) Prior to construction of the hard landscaped areas details of the public realm surfacing materials including samples hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

In the interests of visual amenity and in accordance with guidance in the National Planning Policy Framework 2012 and Leeds Unitary Development Plan Review 2006 Policies GP5 and N12.



8) Prior to the commencement of development plans showing details of the existing and proposed ground levels and proposed floor levels with reference to fixed datum points within or adjacent to the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the details so approved and shall be retained thereafter as such.

To ensure that the works are carried out at suitable levels in relation to adjoining properties and highways in the interests of visual and highways amenity and in accordance with Policies GP5 , N12 and T2 of the Leeds UDPR.

### Highways and Movement

9) Prior to the occupation of the development details of secure long stay cycle parking facilities, including details of the relocation of the parking should the NGT be constructed through the car park, details of the management of the stands (to ensure spaces are allocated to all employees and visitors of the developments consented under planning consents 13/02967/FU and 13/02969/RM), lockers, showers and changing facilities for all commercial uses in that part of the site shall be submitted to and approved on writing by the Local Planning Authority. The facilities so approved shall be made available prior to first use of the relevant part of the development and thereafter maintained, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of highway safety and to comply with Policies GP5, T2, T7A within the UDPR.

10) The highway works shown on drawing **WTD-SA-S278-008 L0?** shall be completed prior to occupation of the development.

In the interests of highway safety and in accordance with Policies GP5 and T2 of the Leeds UDPR.

11) Prior to the commencement of the development a signage scheme to direct traffic to and from the development, and traffic diverted as a result of changes to the highway network necessary to accommodate the development, shall be submitted to and agreed in writing with the Local Planning Authority. The approved signage scheme shall be implemented and completed before first occupation of the development and as agreed as part of the phased development of the site pursuant to Condition number 3, unless otherwise agreed with the Local Planning Authority.

In the interests of highway safety and in accordance with Policies GP5 and T2 of the Leeds UDPR.



12) Prior to the first occupation of the development a Car Park Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan should include proposals for parking prior to the substantive opening of the development, details of the pricing structure (tariff) and any other controls to promote short stay parking for all commercial uses, detail of the car park access / egress controls to ensure efficient entry and egress to the car park from the public highway and to ensure queues of vehicles do not encroach on the Eastgate Roundabout circulatory carriageway, pedestrian crossings or the NGT route. The Car Park Management Plan shall not be varied without the prior written consent of the Local Planning Authority.

In the interests of highway safety and to encourage sustainable methods of travel and in accordance with the National Planning Policy Framework 2012 and Policies GP5 ,T2, T24, T26 and T28 of the Leeds UDPR.

13) Notwithstanding the details on the hereby approved plans, and prior to commencement of the development details, including the number and locations, of all electric car charging points within the multi storey car park shall be provided. The electric car charging points so approved shall be made available prior to first use of the relevant part of the development and thereafter maintained, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of highway safety, sustainable transport and in accordance with the National Planning Policy Framework 2012 and Policies GP5, T2, T7A within the UDPR.

14) In accordance with the hereby approved Framework Travel Plan (HB8) dated September 2013, details of the location of two car club spaces and a free trial membership for all employees of the development consented under planning applications 12/03002/OT and 13/02967/FU shall be submitted to and approved on writing by the Local Planning Authority.

In the interests of sustainable transport and in accordance with the National Planning Policy Framework 2012 and Policies GP5, T2, T7A within the UDPR

#### Landscaping and Nature Conservation

15) Prior to the commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include (a) proposed finished levels and/or contours, (b) means of enclosure, (c) car parking layouts, (d) other vehicle and pedestrian access and circulation areas, (e) hard surfacing areas, (f) minor artefacts and structures (eg, furniture, play equipment, refuse or other storage units, signs, lighting etc.), (g) proposed and existing functional services above and below ground (eg.

drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.). Soft landscape works shall include (h) planting plans, (i) written specifications (including cultivation and other operations associated with plant and grass establishment), (j) schedules of plants which takes into account the timing of planting seasons, including all trees noting species, planting sizes and proposed numbers/densities and locations, (k) implementation programme and (l) a schedule of landscape maintenance for a minimum period of 5 years.

To ensure the provision of amenity afforded by appropriate landscape design and in accordance with Policies GP5, LD1 and LD2 of the Leeds UDPR.

16) If, within a period of five years from the planting of any trees or plants, those trees or plants or any trees or plants planted in replacement for them is removed, uprooted, destroyed or dies or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to a variation.

To ensure the maintenance of a healthy landscape scheme and in accordance with Policies GP5 and LD1 of the Leeds UDPR.

17) No development shall commence until a scheme detailing the means and measures of biodiversity protection and enhancements, including a precautionary survey of the building, has been carried out by an appropriately licensed worker and a programme for the implementation of this scheme, with the results of the survey, have been submitted to and agreed in writing with the Local Planning Authority. The survey shall include details of the location and type of any bat and bird roosts present, an assessment of the likely impact of the proposed development on bats and birds, recommendations for avoiding or mitigating adverse impacts (including details of the provision of bat and bird boxes) and provision for monitoring where appropriate. All subsequent work on site shall thereafter be carried out in accordance with the recommendations of the report and the scheme shall be based on the recommendations detailed in Chapter 16 of the Environmental Statement (HB9-A), unless otherwise agreed in writing with the Local Planning Authority.

To protect the existing biodiversity on site including any bats and birds which may roost on the site, and to comply with the recommendations of Chapter 16 of the Environmental Statement (HB9-A) and in accordance with Policies GP5 and N51 of the Leeds UDPR.

### Demolition and Construction

18) Development shall not commence until Demolition and Construction Management Plans including details of any phasing strategy for demolition and construction of the development, has been submitted to and approved in writing by

the Local Planning Authority. This plan will include details of the routing, parking and storage of construction and demolition traffic; arrangements for the servicing of Kirkgate Market; arrangements for any temporary vehicle parking, general traffic management and street cleaning; construction and demolition operations and hours of working; control of demolition and construction noise; the methods to be employed to prevent mud, grit and dirt being carried onto the public highway and details of adequate vehicle cleansing facilities; the details of measures to be taken to suppress dust, vibration and air quality; and location of site compounds and plan and equipment storage, offices and concrete batching plants. The development shall be carried out in accordance with the approved details.

In order to secure the satisfactory development of the site and in the interests of amenity, and to comply with the recommendations of the Environmental Statement and in accordance with Policy GP5 of the Leeds UDPR.

19) Development shall not commence until a management strategy identifying measures to reduce the visual impact of the development, including details of temporary screening of the site, together with viewing portals, information panels and opportunities for temporary public art, has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented in accordance with the approved details.

In the interests of visual amenity and in accordance with Policies GP5 and BD15 of the Leeds UDPR.

20) No demolition or construction works shall take place before the hours of 8am Monday to Saturdays, nor after 6pm Monday to Friday and 1pm on Saturdays, or at any time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of the residential amenity of occupants of nearby property and in accordance with guidance in the National Planning Policy Framework 2012 and Leeds Unitary Development Plan Review 2006 Policy GP5.

21) Prior to the commencement of development site investigations shall be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site. In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings, any such remedial works identified by the site investigation shall be undertaken prior to commencement of the development and agreed in writing by the Local Planning Authority.

To ensure the safety and stability of the proposed development and surrounding areas, and in accordance with the National Planning Policy Framework 2012 and Leeds Unitary Development Plan Review Policy GP5.

## Heritage and Archaeology

22) Prior to commencement of the Development no intrusive site preparation or ground investigation works shall take place until the applicant, or their agents or successors in title, has completed a programme of archaeological investigation and recording by an appropriately qualified and experienced archaeological organisation in the relevant part of the site, in accordance with an archaeological strategy and written scheme of investigation which has been approved in writing by the Local Planning Authority.

To ensure necessary archaeological and architectural investigation and recording and in accordance with Policies ARC5 and ARC6 of the Leeds UDPR.

## Sustainability

23) Prior to the commencement of development a detailed scheme comprising (i) a recycled material content plan (using the Waste and Resources Programme's (WRAP) recycled content toolkit) and (ii) a Site Waste Management Plan for the construction stage shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the detailed scheme; and

(a) within 12 months of full practical completion a post-construction review statement shall be submitted by the applicant and approved in writing by the Local Planning Authority.

(b) The development 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.

In the interests of amenity, to promote the use of recycled material and to promote the implementation of sustainability measures within Leeds City Centre and in accordance with Policies GP5, GP11 and GP12 of the Leeds UDPR and the NPPF.

## Drainage

24) Development shall not commence until a scheme detailing surface water drainage works has been submitted to and approved in writing by the Local Planning Authority (Drainage plans and summary of calculations and investigations). The works shall be implemented in accordance with the approved scheme before the development is brought into use, or as set out in the approved phasing details. The surface water drainage scheme will need to comply with Council's Minimum Development Control Standards for Flood Risk - see the Natural Resources and Waste LDF.

In the interests of flood prevention and effective surface water management in accordance with Policy GP5 of the Leeds UDPR, the Natural Resources and Waste LDF and Government Guidance contained in the National Planning Policy Framework 2012.

25) There shall be no discharges of foul water from the development until a foul drainage scheme including details of provision for its future maintenance (e.g. adoption by the Water Company) has been implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

To ensure satisfactory drainage and pollution prevention in accordance with adopted Leeds UDP Review (2006) policy GP5 and the National Planning Policy Framework 2012.

26) Surface water from areas used by vehicles shall be passed through an oil and petrol interceptor of adequate capacity prior to discharge to the public sewer. Roof water shall not be passed through the traditional 'stage' or full retention type of separator. The interceptor shall be retained and maintained thereafter.

To ensure pollution prevention in accordance with adopted Leeds UDP Review (2006) policy GP5 and the National Planning Policy Framework 2012.

27) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated June 2013.

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.

In the interests of flood prevention and effective surface water management in accordance with Policy GP5 of the Leeds UDPR and Government Guidance contained in the National Planning Policy Framework 2012.

### Contamination

28) Development shall not commence until an Environmental (Phase 2) Report has been submitted to, and approved in writing by, the Local Planning Authority. The Phase 2 report is to be in accordance with the approved Phase 1 report and:

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.

To ensure that the presence of contamination is identified, risks assessed and proposed remediation works are agreed in order to make the site suitable for use in accordance with national and Leeds City Council's planning guidance.

29) 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.

To ensure that any necessary remediation works are identified to make the site suitable for use in accordance with national and Leeds City Council's planning guidance.

30) 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.

To ensure that the remediation works are fully implemented as agreed and the site has been demonstrated to be suitable for use in accordance with national and Leeds City Council's planning guidance.

#### Access and Pedestrian Routes

31) An access strategy to identify relevant measures introduced to provide full access to and within the site including routes appropriate for use by people with disabilities and within sanitary conveniences, for the needs of employees and members of the public who are disabled, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development.

In order to provide satisfactory access to the development and in accordance with Policies A4 and GP5 of the Leeds UDPR.

32) Prior to works commencing on the development a strategy identifying the routes around the development which shall be maintained and made available to members of the public during construction of the plot shall be submitted to and approved in writing by the Local Planning Authority. The strategy so identified shall be fully implemented unless otherwise agreed in writing by the Local Planning Authority.

In order to identify adequate access during the development and in accordance with Policies A4 and GP5 of the Leeds UDPR.

#### Tie back for Phase 1 Buildings

33) No development authorised by this permission shall commence until the Phase 1 elements of planning permission reference 12/03002/OT and 13/02969/RM have been implemented and development pursuant to this permission 13/02968/FU shall only be carried out together with development pursuant to the Phase 1 elements of planning permission reference 12/03002/OT so as to achieve an overall development scheme for Phase 1 of the Victoria Gate Development.

To ensure that the development authorised by this permission is carried out together with development pursuant to the Phase 1 elements of planning permission reference 12/03002/OT and 13/02969/RM so as to achieve an overall development scheme for Phase 1 of the Victoria Gate Development.

#### NGT

34) Should the New Generation Transport (NGT) trolley bus scheme City Centre loop be implemented, full details of the design and layout of the tunnel through the multi storey car and the revised ground floor layout and elevations for the wider amended multi storey car park building shall be submitted to and approved in writing by the Local Planning Authority.

In the interests of amenity and to promote the implementation of the relevant section of the NGT City Centre route and in accordance with Policies GP5 of the Leeds UDPR.

#### **13/02969/RM**

1) Notwithstanding the details on the hereby approved plans, full details of the Phase 2 John Lewis Eastgate entrance as indicated on the drawings reference 080-ACME-JL1-00-1109 (dated 6 June 2013) and 080-ACME-JL1-XX-1301 (dated 6 June 2013) shall be submitted to and approved in writing by the Local Planning



Authority prior to the commencement of the Phase 2 development (approved under planning consent 12/03002/OT). The entrance works shall be implemented as approved prior to occupation of the Phase 2 development.

In the interests of securing enhanced disabled access and to ensure highway safety in accordance with UDPR Policies GP5 and T6.



**APPENDIX 2 – 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.

<b>Types of Use</b>	<b>12/03002/OT</b>	<b>12/03002/OT</b>	<b>13/02967/FU Victoria Gate Arcades</b>	<b>13/02968/FU Multi Storey Car Park</b>	<b>13/02969/RM John Lewis</b>
	<b>Maximum Gross External Area sq metres</b>	<b>Minimum Gross External Area sq metres</b>	<b>Maximum Gross External Area sq metres</b>	<b>Maximum Gross External Area sq metres</b>	<b>Maximum Gross External Area sq metres</b>
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			
<b>Total Gross External Area</b>	<b>136 286 sq m</b>	<b>84 832 sq m</b>	<b>17,971 sq m</b>	<b>26,317 sq m</b>	<b>30,122 sq m</b>
Car Parking	2700	2200		815	
Replacement Police Car Parking	80	0			
<b>Total number of parking bays</b>	<b>2780</b>	<b>2200</b>		<b>815</b>	

**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 AND POSITION STATEMENT FROM 1 AUGUST 2013**

**13 December 2012**

**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**

**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.

### **1 August 2013**

#### **Victoria Gate - Phase One - Position statements - Victoria Gate - Land owned by Eastgate, George Street and Millgarth Street LS2**

Further to minute 108 of the City Plans Panel meeting held on 11th April 2013, where Panel received a presentation on the latest proposals for a major mixed-use development for the Eastgate and Harewood Quarter, Members considered a report setting out the current position on the three applications which would form Victoria Gate, the new name for the development Plans, drawings, graphics and a model of the proposals in the wider context of the City Centre were displayed at the meeting

Officers presented the report and outlined the three applications

In terms of design of the proposals, whilst the 1950s Blomfield-style buildings would be demolished, the replacement block would emulate the characteristics of Blomfield. An analysis of the rhythms of the Blomfield buildings opposite the phase one site had been undertaken which had led to the design of the new block with strong vertical rhythms, pleated brickwork and stone corners

To the George Street façade, there would be a plinth, a strong corner and again, strong rhythms to the façade, with a high level of glazing and use of red brick

The provision of a sub-station would be required and this would be sited to appear as a unit amongst the shop fronts, with an artistic treatment to the doors

In relation to the multi-storey car park (MSCP), this would provide approximately 815 car park spaces, with around 35 disabled parking spaces and some parent and child spaces and cycle parking provision. Space would be required within the car park to accommodate part of the NGT route, which introducing some active uses in this location being considered

The John Lewis store would create a statement building, using a strongly ordered diagrid form with diamond shape frames of white terracotta with glazed and terracotta infills. An entrance to the store from George Street, close to the market was proposed and this would be a feature entrance, would be stepped, generous and visible. Two further entrances were proposed from the arcades. Concerning the absence of an entrance into the store from Eastgate, at least in the first phase of the development, Members' comments had been taken on board. What was now proposed was a single entrance in phase 1, with a double width entrance being provided in the second phase. Members views on this proposal were sought. The exterior of the car park would comprise twisted metal fins which would 'ghost' the diamond shape of the John Lewis façade. The base of the car park would be of more solid appearance, with a perforated mesh being likely, rather than the industrial appearance of the higher levels of the car park. Having examined the model of the scheme in detail, Members discussed the application and commented on the following matters:

- the stepped entrance to John Lewis, with concerns about people with mobility difficulties accessing the store. Members were informed that Officers shared these concerns and had raised the matter with the applicant who have their own access officer
- the level of opacity of the windows on the John Lewis store and the need to ensure views were not spoiled by careless positioning of fittings etc. In response, Members were advised that sufficient blank panels existed to ensure that back of house activities were not located within public view
- the loss of car parking spaces due to development now taking place on the Union Street car park and the point at when the MSCP would be built. In respect of this it was stated that the construction of the MSCP was likely to be the last part of the development as much depended upon when West Yorkshire Police were able to vacate to their new premises on Elland Road. In the meantime, better management and promotion of other car parks in the area would be needed and that some surface car parking would still remain on the site of the second phase of the development, with the possibility of that being enhanced, but that discussions on this were continuing
- whether the building now housing Hoagy's Bar, which was original 1950s Blomfield would be demolished. Members were informed that Hoagy's Bar would, and since the 2011 revisions, always had been marked for demolition
- the need to ensure that the sub-station doors were treated to resist graffiti as were the lower levels of the MSCP
- the wind study and the levels used to assess this
- the need to ensure that the pleated brickwork weathered at the same rate. Members were informed that this was to be demonstrated

In response to the specific points raised in the report, Members provided the following comments: · that the design and layout of the proposals were acceptable, however Panel required the full double width pedestrian access from Eastgate to be delivered in the first phase, particularly as it

was felt it could help provide better disabled access to the John Lewis store

- that the approach to transport and the provision of the multistorey car park appeared to be acceptable, although an explanation of the traffic levels around the site at peak times should be provided in the next report to Panel. The Chief Planning Officer stressed that these matters had been settled at the outline application stage and could not be revisited but could be provided for information
- that the public realm and landscaping strategy was considered to be acceptable
- that the demolitions were justified and that the approach to heritage assets was appropriate.

**APPENDIX 4: 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.

### **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 6<sup>th</sup> 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 8<sup>th</sup> 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 9<sup>th</sup> 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 10<sup>th</sup> 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 12<sup>th</sup> 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.

### **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 are 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 5 : 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 £262, 472.
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.

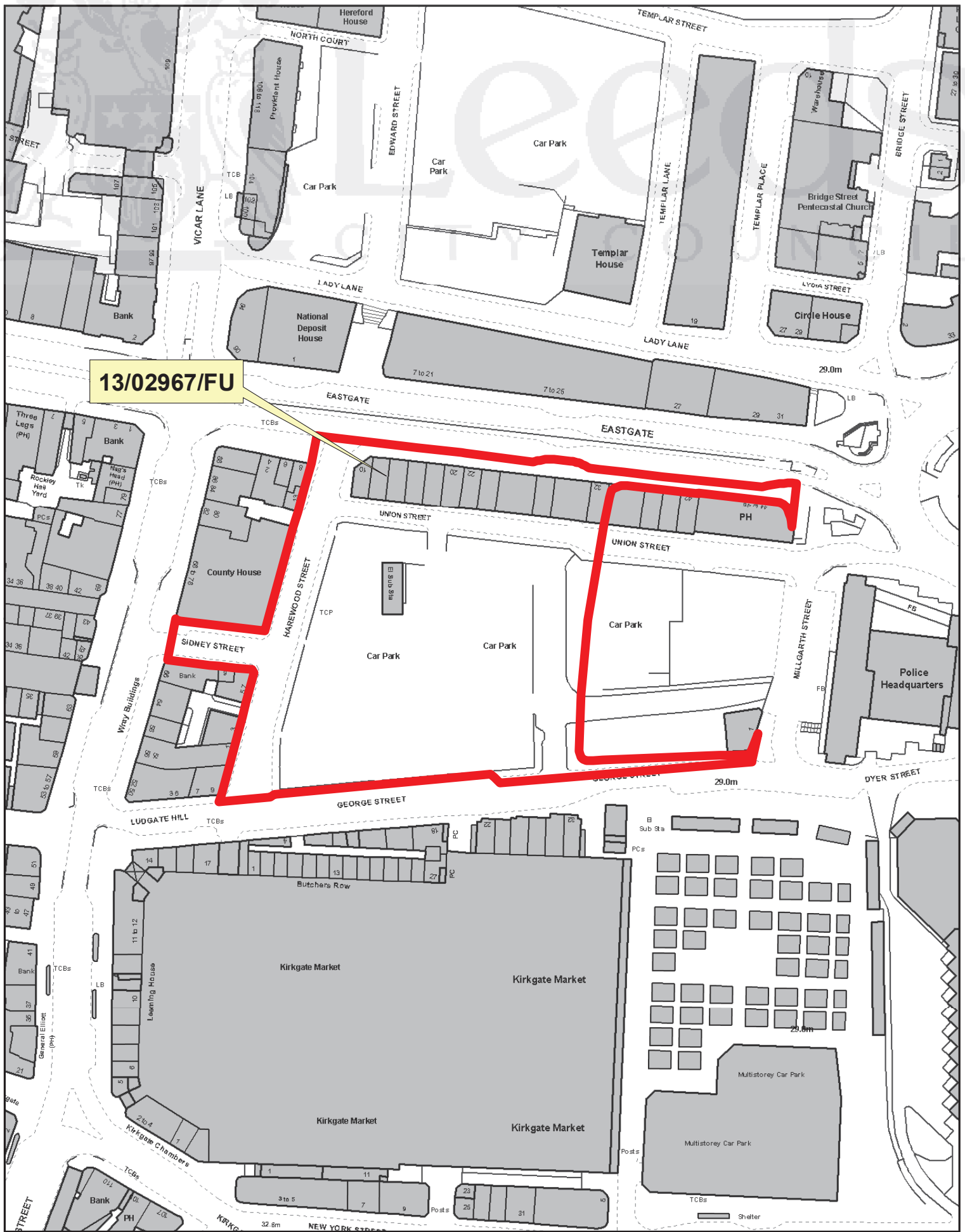
6. The protection of the NGT public transport corridor.

7. Access to the Lady Beck culvert beneath the multi storey car park.

8. Management fee payable within one month of commencement of development.

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

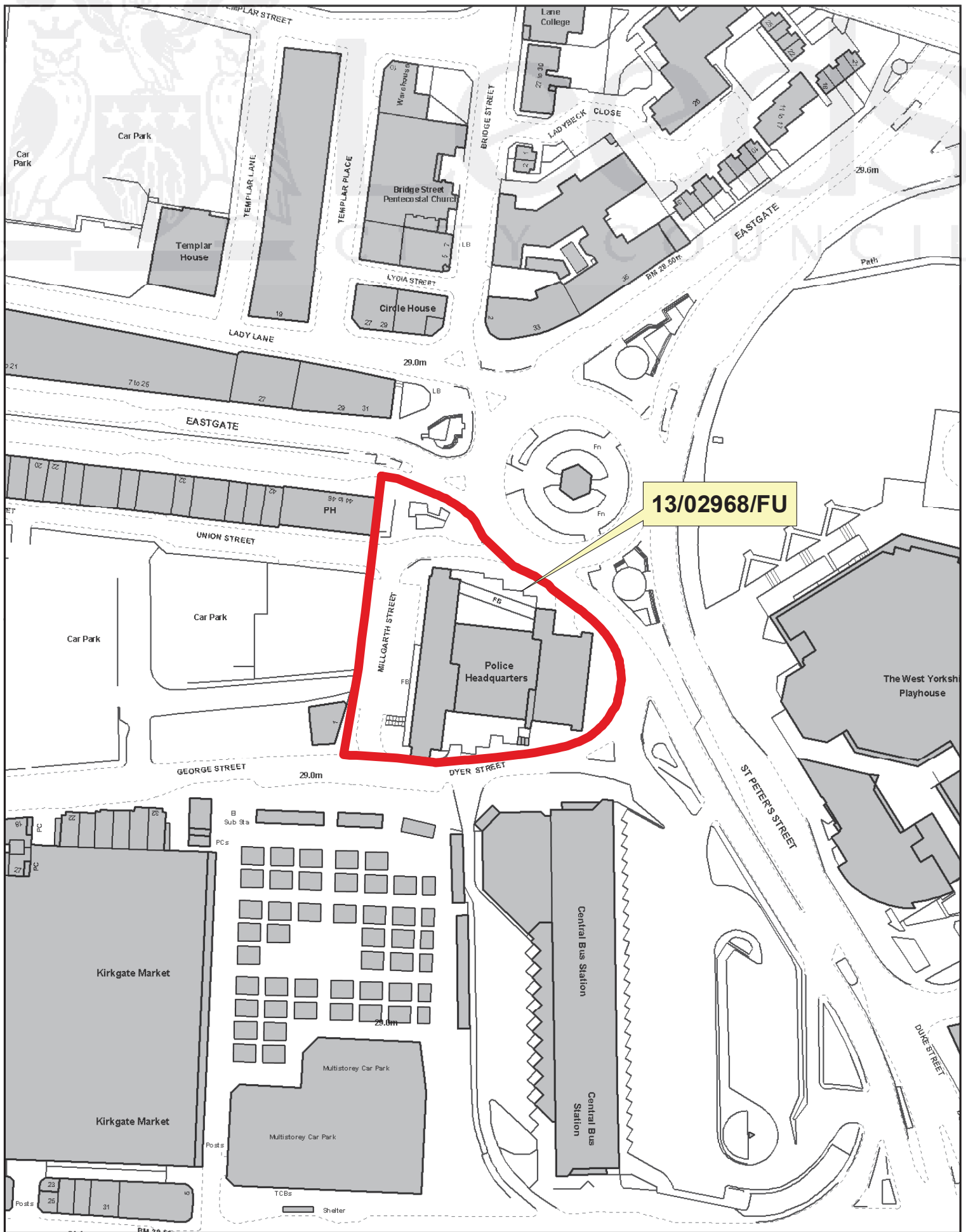




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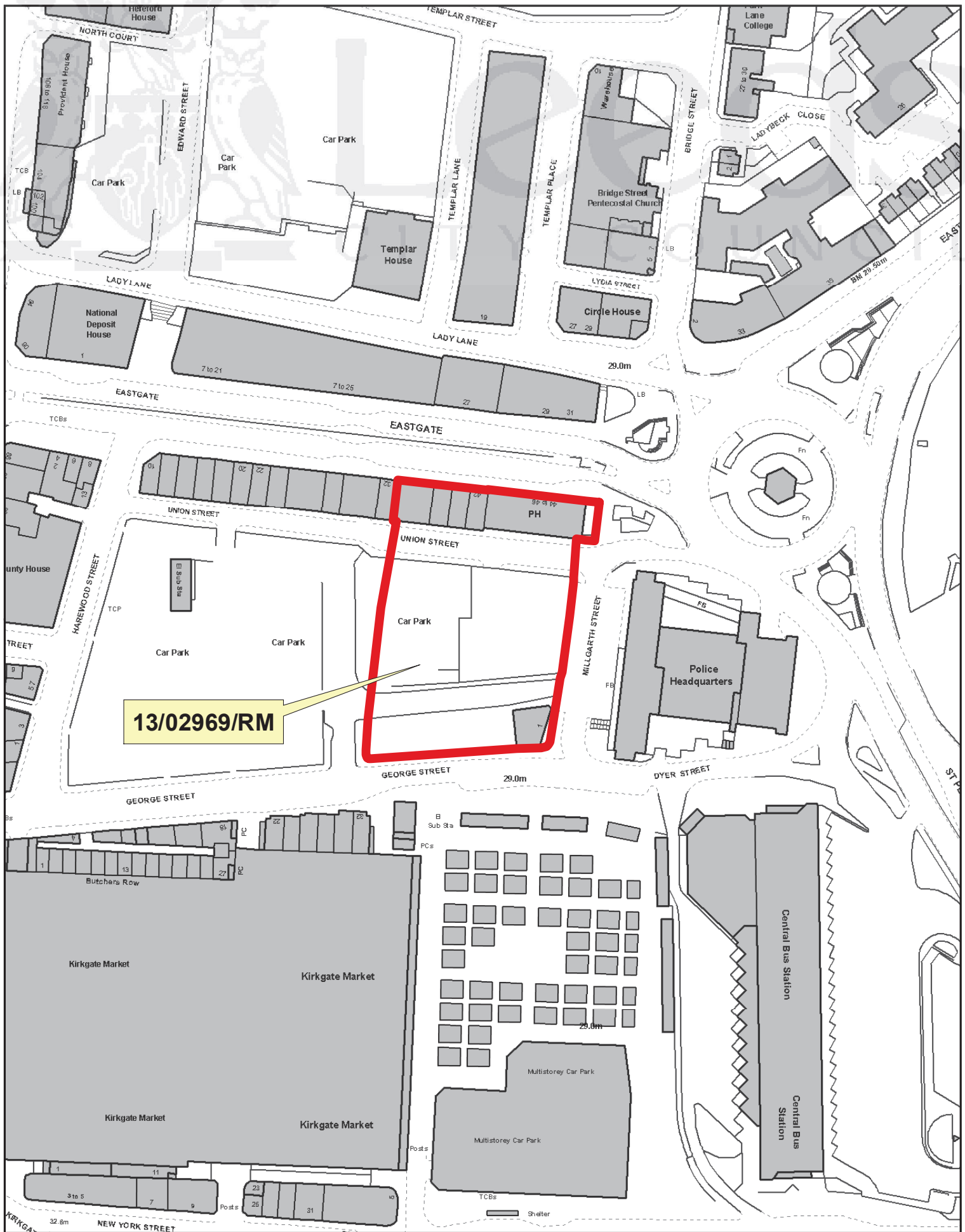
# CITY PLANS PANEL





# CITY PLANS PANEL





**13/02969/RM**

# CITY PLANS PANEL



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Originator: David Newbury/Aaron  
Casey  
Tel: 0113 247 8056

## Report of the Chief Planning Officer

### CITY PLANS PANEL - POSITION STATEMENT

Date: 26<sup>th</sup> September 2013

**Subject: 13/03061/OT - Outline Planning Application for residential development with associated parking, landscaping, primary school, village centre, retail development, sports pavilion, play area, amenity space and associated off site highway works at Thorp Arch Estate, Wetherby, LS23 7FZ.**

#### Electoral Wards Affected:

**Wetherby**

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 presentation and to provide any comments on the proposals.**

#### **1.0 INTRODUCTION:**

- 1.1 This Position Statement relates to a an outline planning application for a development that includes up to 2000 houses, associated community facilities, sports pitches, village centre, primary school, open space, enhanced bus service and relief road. Approval is sought for the principle of development and means of access at this stage. All other matters including layout, appearance, scale and landscaping are reserved for future consideration and approval.
- 1.2 Members will recall that two pre-application presentations have been made to the City Plans Panels on 27<sup>th</sup> September 2012 and 14<sup>th</sup> March 2013.

- 1.3 In September 2012 the proposed redevelopment was for part of the site for up to 1,150 two to five bedroom dwellings (35% affordable housing), a new primary school and associated access, landscaping and public open space. The two principal outcomes from that Panel were that Members wanted to see a comprehensive and sustainable masterplan for the whole of Thorp Arch Trading Estate and that a community Forum should be set up to discuss the proposals.
- 1.4 This report includes a section that updates Members on the discussions that have taken place at the community Forum and how as a result the development proposals have evolved.
- 1.5 In March 2013 the scheme was for circa 1,700 dwellings, new primary school, sport pitches, community facilities, retail provision, bus service provision and a relief road. At that Panel Members were of the view that the revised proposal, subject to the provision of a relief road, represented a comprehensive and sustainable form of development. A fuller summary of the meetings is provided later in this report.
- 1.6 This report seeks to update Panel Members on the progress of the planning application and seek comments on the key issues relating to the development proposals.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The Thorp Arch Estate (TAE), Wetherby covers approximately 159 hectares (391 acres) with 103 hectares (254 acres) of developed land providing a range of employment uses, a retail park, and ancillary leisure and other supporting services. The Estate with its 140 businesses has approximately 2000 employees with a further 2000 people employed on the adjoining British Library, HMP Wealstun and Rudgate sites.
- 2.2 The land surrounding the Estate is rural agricultural land. Immediately to the north of the Estate the large buildings of the British Lending Library dominate the landscape. The northwest boundary is formed by the solid fencing surrounding HMP Wealstun; although partially screened by trees the perimeter fence would benefit from further screen planting.
- 2.3 To the west of the Trading Estate is a section of a Sustrans route that links the Estate to Wetherby. This Sustrans route utilises a former railway line and is in part set within a former railway cutting. Two stone listed field bridges (grade II) cross the Sustrans route. The southern end of the route falls within Thorp Arch Conservation Area and the central section forms part of a Leeds Nature Area. The fields to the south west of the Sustrans route fall within a Special Landscape Area. At the southern end of the Sustrans route is a residential property known as Station House (grade II listed) and to northwest at its junction with Wetherby Road is a pair of semi-detached houses often referred to as Walton Gates.



2.4 To the north of the Estate is the village of Walton and to the southwest are the settlements of Thorp Arch and Boston Spa. Access from Thorp Arch to Boston Spa is gained via Thorp Arch Bridge. This is a grade II listed structure and is of single carriageway width. Wetherby is the nearest large town and is some 3 miles to the west. There are other residential neighbourhoods and individual dwellings in the immediate vicinity of the site.

2.5 The local road network has a rural character.

### **3.0 CITY PLANS PANEL 27<sup>TH</sup> SEPTEMBER 2012**

3.1 At the September City Plans Panel Members received a presentation from the prospective applicant concerning an outline for the development proposals described at 1.3 above. Members also heard from a representative of Thorp Arch and Walton Parish Councils.

3.2 The main outcomes from this Panel may be summarised as follows:

- No objections were raised to the principle of a sustainable residential development so long as it was supported with the appropriate infrastructure to serve the needs of its residents and offset the impact of the development on the local communities.
- The nature of the development appeared disjointed and concerns were raised in respect of residential development on the 'Wighill Lane' site, as this was not well related to the rest of the proposed development or Walton village.
- A sustainable and comprehensive masterplan for the whole of the site that sets out the vision for the development of the Trading Estate as a whole is required.
- Further details required around a number of matters including proposed public transport, possible Primary School and Community Centre and investment in the industrial estate.
- It would be premature to comment in any detail at this stage. However, the mix and type of housing was too vague and required local housing needs assessment. Affordable housing should be 35%.
- Concerns were raised that the site was not sustainable and that significant measures should be proposed to make the development so. These included appropriate highway and public transport provision, environmental measures and appropriate facilities for the residents of the proposed development and details of what measures that would be put in place to help integrate this development with existing communities.
- That proper and meaningful public consultation should take place, including a Consultation Committee to be established.

3.3 A copy of the minutes are attached at **Appendix1**.



#### 4.0 CITY PLANS PANEL 14<sup>TH</sup> MARCH 2013

4.1 At the March 2013 Panel Members received a presentation for a scheme described at 1.5 above. Members also heard from a representative from Walton Parish Council who was speaking on behalf of Walton, Thorp Arch and Boston Spa Parish Councils. The main points discussed may be summarised as follows (attached at **Appendix 2** is the Panel minute):

- The western route, with mixed views about the suitability of using the railway cutting to site the relief road. Members were generally concerned about impact on listed structures and ecology and questioned the suitability of this route
- That no detailed transport assessment had taken place and that this should be commenced as soon as possible and should include an assessment for the relief road to the Wetherby Bypass.
- That the provision of a relief road was a crucial factor in the proposals
- The benefit of consultative forums
- That the proposals could make a significant contribution to the Council's Core Strategy and that community benefits could flow from the scheme and that, whilst accepting there were some major issues to be resolved, this could be a scheme which could be supported, particularly in view of the public support it had, dependent upon the delivery of the
- Affordable housing, that in this location the requirement was 35% and that an open-minded approach might be adopted in view of progressing the proposals in terms of the costs associated with the scheme and the wider benefits it would bring to the city
- That subject to the provision of a relief road, the revised scheme represented the comprehensive and sustainable form of development which Members were looking for
- That a relief road was essential and that more work was needed on this, including costing's, with there being mixed views on the suitability of the site of the old railway line; to note the views of the Parish Councils that only route B could be supported locally and the need for the assessment to include from the relief road to the Wetherby Bypass
- That Members were satisfied with the quantum of development but a set of proposals and options were needed and consideration had to be given to the timing of the delivery of the relief road
- That it could be appropriate in this case to apply a 'roof tax' to contribute to the funding of the relief road
- Mixed views on the principle of the use of a proportion of monies that would have otherwise been used to deliver affordable housing to be used to finance a relief road and the need for further information and options to be provided
- That a co-operative approach was supported and that this should include the Yorkshire Water site, with it to be designated for housing development
- Members were of the view that an explanation of how the co-operative scheme for the whole of the estate will be delivered should form part of the planning application

- Members encouraged Officers to address the issues of design, house types, cycle ways etc. at an early stage and the need to link this with the sense of place discussions at the consultative forum, together with issues relating to Keyland Development's extant permission for industrial use on a nearby site

#### **4.0 THE THORP ARCH ESTATE CONSULTATIVE FORUM**

4.1 As Members are aware following the September Panel a forum was established to discuss development proposals for the site. The Forum comprises representatives of Rockspring (the prospective applicant), Walton, Thorp Arch and Boston Spa Parish Councils, the British Library, Wealstun Prison, Councillors John Procter and Gerald Wilkinson who chairs the Forum. The Forum has also been attended by a planning officer and various other officers as appropriate and necessary.

4.2 The Forum has now met on 9 occasions, the most recent being on 14<sup>th</sup> August 2013, and has discussed a wide range of issues that have centered on the following matters:

- The principle of and scale of residential development,
- The masterplanning of the site and the future of industrial estate,
- The form of development and how to create a sense of place,
- The range and scale of facilities to be provided on site,
- The form and nature of community facilities to be provided on site,
- The impact of the development on local communities,
- Highway issues including the need and provision of a relief road and how this can be delivered. In addition there is a clear desire from the local community representatives to deter/prevent 'new' traffic away from using Thorp Arch Bridge (this bridge is listed, single carriageway and links Thorp Arch to Boston Spa).

4.3 Clearly the various members of the Forum have different interests and this largely influences their respective perspectives and approach to the development proposals. Rockspring have set out that they want to follow a strategy that minimises the risk of challenge to the grant of planning permission and to pursue a scheme that they see as being compliant with planning policy. Originally their preferred strategy was to develop a scheme for a large scale residential development (in the order of 800 to 1000 dwellings) that is concentrated on land that was previously developed but now largely unused. In addition this proposal would largely retain and facilitate the enhancement of the business/industrial park and retail offer. Their assessment was that this could be achieved through the utilisation of the existing local highway network although localised highway works would be required at key junctions. Rockspring's intention was that this development would meet planning policy requirements such as affordable housing, educational needs, public transport provision and greenspace. In their view the element of risk was further reduced by a development that is wholly contained within their own land. Rockspring had calculated that this approach would result in a residential scheme of around 800 to 1000 dwellings and that

would allow for the expansion and enhancement of industrial/business development on the site. Nevertheless Rockspring have listened and entered into discussion with other Forum members to consider whether their preferred development can be revised to take account of the views of the representatives of the local communities.

- 4.4 The local community view expressed through the Forum has been largely influenced by the desire to achieve a development that sits comfortably with the established character of the area, that provides appropriate community facilities on site and whose impact on neighbouring communities is minimised. At the outset there was some concern about any large-scale development on the site. However, over the passage of time and in light of the discussions that have taken place that view has shifted. Although not all members of the Forum now share the same view, Boston Spa and Walton Parish Councils have largely been supportive of a larger scale of residential development on the site (assuming it addresses the points already identified) if an appropriate relief road is provided. In doing so the impact of traffic from the development on existing local residents can be minimised, greater certainty can be provided to local communities in that such a proposal represents a reasonably comprehensive plan for the whole of TAE as opposed to a piecemeal development and that it will help reduce the pressure for the development of greenfield sites in the locality. It should also be noted that the Forum had no concerns about the replacement of the existing retail park with a new retail facility. This was ultimately removed from the scheme by Rockspring due to concerns raised by planning officers that part of the proposal would be contrary to local and national planning policy.
- 4.5 However, over the passage of time Thorp Arch Parish Council have crystallised its view of the proposal and now object to any residential development on the site. Their particular concerns relate to the increased growth of traffic, the impact of the relief road on the landscape and setting of the village, the disruption to the SUSTRANS route, the impact upon the character of the area through the creation of a new settlement and that the site is not in a sustainable location (it is considered by the Parish Council that the UDP Inspector's comments that the site is not sustainable remain relevant).
- 4.6 It is important to note that the Forum has considered a number of potential routes for the relief road and a very strong preference has been expressed by the community representatives (now excluding Thorp Arch PC) for a new road that runs largely parallel and to the south west of the existing SUSTRANS route.

## **5.0 THE APPLICATION PROPOSALS**

- 5.1 Since the start of pre-application discussions the development proposals have evolved significantly. The revised proposals take the form of a masterplan for the whole of TAE and include the Keyland site and comprise in summary:

- Up to 2000 dwellings;
- A village centre comprising a convenience store and other small retail outlets.
- Community facilities including sports pitches Proposals for the readjustment of land uses including the consolidation of commercial/industrial development to the south;
- A hub containing retail and community facilities; and
- Off site infrastructure including a relief road.

### Application Documents

5.2 The application has been submitted in outline with all matters (layout, design, scale, landscaping) save for access reserved for later approval. Due to the scale of the proposed development and its potential effects the applicant has carried out an environmental impact assessment. The application has also been accompanied by the following documents:

- Planning Statement
- Estate Vision Document
- Design and Access Statement
- Transport Assessment
- Travel Planning Framework
- Housing Market Report
- Overarching Sustainability Statement
- S106 Heads of Terms/ Draft s106
- Employment Land Report
- Utilities Statement

### Section 106 Agreement

5.3 The draft heads of terms for the Section 106 Agreement comprises the following matters:

- Affordable Housing: To provide 35% affordable housing with the size of the units being aligned to meet local needs. Discussions are ongoing to determine whether all or a proportion of the affordable housing is provided on site with a commuted sum to deliver such housing elsewhere in the city.
- Relief Road: The delivery of a relief road prior to the construction of the first house on the site.
- Public Transport Provision: Prior to the commencement of development to submit to the Council for approval details of a bus shuttle service to and from Wetherby which in conjunction with the diversion of the existing bus service number 770 (or any replacement service) and any other existing public services will provide a 15 minute service between Wetherby and the development between the hours of 07.00 and 22.00 seven days a week. No later than the occupation of the 100th dwelling to commence the bus shuttle service and to continue it thereafter in accordance with the approved details for a period of no less than 10 (ten) years.

- Bus Stops: Not to occupy the development until a contribution of £120,000 for the provision of 4 bus stops including real time information display boards has been paid to the Council.
- Pedestrian Crossing to Walton: Not to occupy the development until a contribution of a sum to be determined for the provision the provision of a pedestrian crossing to Walton Village has been paid to the Council.
- Pedestrian and Cycle Links: Not to occupy the development until a contribution of £100,000 for the making of improved pedestrian links and connections from the development to the cycleway network within the Walton area has been paid to the Council.
- Traffic Calming in Walton Village: Not to occupy the development until a contribution of moneys to be determined for the provision of traffic calming measures in Walton Village has been paid to the Council.
- Travel Plans: For the school and residential development and to pay a travel plan monitoring fee to the Council for the monitoring of the provisions of the approved travel plan.
- Metrocard: Prior to the occupation of the development to enter into an agreement with the West Yorkshire Passenger Transport Executive incorporating for the provision of one “Bus Only” Metrocard for the use by each resident.
- Education: Prior to the commencement of development to submit to the Council for approval details of a primary school to be provided as part of the development designed to accommodate 2.5 classes per year group in multiples of 30 pupils and attendant infrastructure.
- Greenspace: Not to commence development until a plan showing the extent of the area(s) of greenspace to be provided as part of the development together with the details of soft and hard landscaping, play equipment and seating and proposals for the future maintenance of the greenspace in perpetuity has been submitted to and approved by the Council. Not to occupy or permit the occupation of any phase of the development until the greenspace for that phase has been laid out and completed in accordance with the approved plan. To maintain the greenspace in perpetuity in accordance with the approved plan.
- Sports Facilities: Not to commence development until a scheme for the location, specification for and construction of sports facilities comprising two sports pitches [type to be agreed], two tennis courts, a bowling green and a 5000 sq. ft. sports pavilion of 5000 sq. ft. together with a timetable for their provision and proposals for their future maintenance in perpetuity has been submitted to and approved by the Council. To construct the sports facilities and make them available for use by the public in accordance with the approved plan. To maintain the sports facilities in perpetuity in accordance with the approved plan.
- SEGI: Not to occupy more than a number of dwellings to be specified until the SEGI has been transferred to the Council or to the Council’s nominee together with a commuted sum for its future management.
- Employment: From the start of the tendering process for the construction of the Development and throughout the period when the Development is under construction to seek to cooperate and work closely with Leeds City Council Jobs and Skills Service with respect to the provision of

employment and training opportunities arising from the construction of the Development.

- 5.4 One matter that is currently not included within the Sec.106 is a proposal for the re-investment of some of the profits from the residential development into the infrastructure of the remaining employment area. Negotiations are still ongoing in respect of this issue. It is considered that such a clause is required to help achieve a comprehensive and sustainable development solution for the whole of the site.

#### Planning Performance Agreement

- 5.5 The application is subject to a Planning Performance Agreement (PPA) that sets out, amongst other matters, the key dates in the processing and determination of the planning application. The PPA targets this Panel for the presentation of a position statement and the City Plans Panel of 21<sup>st</sup> November for the determination of the planning application. The dates set out in the PPA can be subject to review depending on the circumstances that prevail at any point in time.

#### Indicative Layout and Primary School

- 5.6 The indicative layout that has been submitted has evolved following negotiations and discussion with the Consultative Forum, officers and consultees such as English Heritage. At the heart of the scheme is a village centre that includes provision for a small convenience store and a primary school. The primary school will be delivered by the conversion and extension of an existing building known as Queen Mary House. It is so known due to the presence of 3 funnel like structures that give the building the appearance of ocean liner. This is arguably the one building of any significant architectural interest/merit that exists on the site. Emanating out from the centre is a number of residential neighbourhoods. The layout of the residential part of the scheme reflects and is heavily influenced by the historic street pattern set by the original munitions factory and process that operated at the site. Beyond and interspersed within the residential elements are areas of open space. The open space includes areas for informal recreation, nature conservation and formal sports provision. As part of the open space it is proposed to retain, in some form, a series of the original grass bunkers that enclosed some of the original munitions buildings. In this way a further reference to the historical use of the site is retained. The proposal seeks to retain the most significant and protected trees and undertake new woodland planting within the site and substantial planting to the boundaries and between the residential part of the site and the retained employment area.

#### Scale and Appearance of the dwellings

- 5.7 These matters are reserved for later consideration. However, the Design and Access Statement set out principles that are intended to guide future submissions. The statement states “the local character of the built form within the neighbouring villages is an important element in forming the character of



the new village, and the merging of local characteristics with the sites historical and green characteristics should combine to form a new community with an individual identity that fits into its locality” (page 81). In essence the aim of the Design and Access statement is that the appearance, scale, proportions and materials of the houses in the new village should reflect that set by neighbouring settlements. The scale of the dwellings is stated to be 2 and 3 storey. The community centre is also proposed to be a two storey building.

### The Relief Road

- 5.8 Members will recall that a number of options for routes of a Relief Road have been considered and the one that forms part of this application reflects the preference expressed through the Consultative Forum (but it should be noted that Thorp Arch Parish Council has since withdrawn their support for the scheme). The proposed road is shown largely to run adjacent to an existing Sustrans route, although it will cut across the line of the Sustrans route at a point between Station House and the Leeds United indoor training facility. The road also runs across land that is in third party ownerships and overall the road has a length of around 1.4 miles.
- 5.9 The Relief Road runs from the western edge of the Trading Estate at a point immediately to the south of HMP Wealstun. The Relief Road crosses the route of the existing Walton Road/Church Causeway. This part of Walton Road and Church Causeway would be reconfigured so that it forms a staggered junction with the Relief Road. This staggered junction has been designed so as to try to prevent traffic using the Relief Road turning left towards Thorp Arch but it does continue to allow traffic, and residents, from Walton to USE Church Causeway to access Thorp Arch. Once the Relief Road has crossed the existing route of Walton Road and Church Causeway it is shown to progress through open farmland some 50m to the north of the nearest residential property Station House (this property is listed). The Relief Road then cuts across the existing Sustrans route at a point approximately 330m to the north west of Station House and 100m to the south east of the Leeds United indoor training facility. The precise design of how the road crosses the Sustrans route is still under discussion but it is likely to take the form of a bridge or a bridge and embankment. The route then continues to the south west of the Sustrans route through open farmland. It is shown to run to the rear of a pair of residential properties known as Walton Gates to form a new junction with and to link into Wetherby Road. When scaled from the submitted application plan the route is shown to run approximately 20-30m to rear of these houses.
- 5.10 In addition to the junctions described above new junctions would be created with the Relief Road and Wood Lane (a road that has the character of a country lane and that currently links Wetherby Road with Thorp Arch village) and that section of Wetherby Road between Walton Gates and Walton village.
- 5.11 It is proposed to create a landscaped mound to the south western edge of the Relief Road to help screen views of it across open farmland from Thorp Arch



and surrounding countryside. Material submitted in support of the application indicates that the existing topography will largely screen views of the Relief Road from the village. However, the mound will have the added benefit of forming an acoustic screen. It is proposed to undertake woodland planting to both sides of the Relief Road and to create an area of nature conservation between the a section of the Relief Road and the Sustrans route.

#### Other off-site highway works

- 5.12 In addition to the works already mentioned it is also proposed to undertake the following:
- Provide a bus gate at the northern end of Street 5. This will stop traffic from the Estate accessing or exiting the site from Wighill Lane access adjacent to the British Library. But it will continue to allow traffic associated with the Library to use this access.
  - Provide a puffin crossing on Wighill Lane. This will provide a pedestrian link to and from the development to Walton.
  - Traffic calming measures within Walton Village to discourage vehicles from 'rat running' through the village.
  - Bridge widening over the A1(M).
- 5.13 Where it is proposed to reconfigure and close sections of existing roads that land will be landscaped. This includes the section of Wetherby Road to the north of Walton Gates. This section of road will become redundant through the introduction of the Relief Road with revised access arrangements being made to these residents and a farm to the north.

## **6.0 PLANNING HISTORY**

- 6.1 There are no planning applications that relate to this site that have direct bearing and relevance to the consideration of this proposal. However, in 2005 the UDP Inspector considered a proposal to allocate part of the Trading Estate for 1,500 houses in 2005, 50% of which would be affordable. It was proposed that employment uses would be consolidated in the southern and eastern parts of the Estate and a new neighbourhood centre would be provided adjacent to the "Buywell Centre". The Inspector noted that the existing road network was poor in that it was rural in nature and poorly maintained. The Inspector concluded that the site was inherently unsustainable "...in terms of location, accessibility, and the ability to sustain sufficient local services and facilities has not been shown to be certain of improvement to the necessary extent".

## **7.0 PUBLIC/LOCAL RESPONSE**

- 7.1 Members are advised that this is a summary of the numerous and detailed representations received to date.
- 7.2 The issues raised have been set out in this section under various subject headings in the interests of clarity. To date a total figure of 136 letters of

representation have been received in response to the neighbour notifications issued on the 17 July 2013, the newspaper advert printed in the Boston Spa and Wetherby News on the 8 August 2013 and the site notices dated 26 July 2013.

7.3 128 letters of objection have been received with 6 offering support. Objections have been received from local residents, a detailed and lengthy objection from a local action group (TAG), Thorp Arch Parish Council (along with representation from a Highways Consultant on their behalf in respect of highways matters) and Alec Shelbrooke MP. Walton Parish Council have written in support of the scheme subject to certain conditions being met. These are described later in this section of the report.

7.4 Set out below are details of objections to the scheme:

### **Summary of Objections:**

#### Sustainability and policy

- The site is not sustainable. The site has previously been rejected as an unsustainable location for residential development at the Leeds UDP Review public inquiry during 2005/6. The proposal at this time for TATE was for 1500 houses where the Inspector considered the submitted evidence which included over 300 letters of opposition. Unless the applicant can provide evidence that either the underlying principles have changed or that the physical environment is significantly different from that prevailing in 2005/6 then the Inspector's findings that the site is unsustainable remain.
- The NPPF is absent on how to apply an approach to sustainability; however the Core Strategy interprets this as settlement location, transport connections and accessibility. The principles contained within PPG3 at the time of the 2005/6 Inquiry carry through to the new guidance.
- Since the UDP Inquiry the physical environment has had some improvements to the highway system, with a new round-about providing access to TATE on the north-east side and re-surfacing of the C78. However on the negative side the original access directly onto the A1(M) from the C78 at Wetherby have been lost and such access now requires travelling for about 2.7km south and 3.5km north around the LAR with three round-about in either direction prior to reaching the access round-about to the A1(M). Overall the highway links to the site are arguably worse than at the time of the inquiry.
- The site is not within the Leeds Settlement Hierarchy.
- Has no direct linkage to Leeds centre other than by private vehicle or by a limited bus service that would have journey time of approximately 1hr.
- There are no existing facilities within 2km of the proposed housing.
- The proposed development would not be linked to any existing settlements and can therefore be classed as a new settlement and therefore has to be self

sufficient to meet sustainability criteria and there is no likelihood of this being achievable.

- There is no phasing information to indicate how and when facilities and subsidised transport will be introduced or removed.
- Medical provision will be distant at best and local NHS capacity to absorb future residents has not been demonstrated.
- The provision of secondary schooling has not been clarified.
- The residents occupying the first houses will have no facilities with no demand for ancillary retail until there is a significant increase in resident numbers once more housing is completed. Therefore future residents will travel to Boston Spa.
- Trips to Boston Spa on foot or bike is long and difficult (changes in levels and terrain with sections of the route being in close proximity to passing traffic). This journey by these methods are not practical on a day to day basis.
- Guidance for sustainable communities suggest a range of 5k to 15k homes as being the minimum size for self containment.
- The Inspector at the 2005/6 PI was unconvinced that any bus service would survive the subsidised period.
- TATE will become a dormitory settlement for workers in York, Harrogate and Leeds rather than a settlement of self containment.
- TATE is not accessible by walking (poor footpaths, narrow dangerous bridge, steep terrain).
- The Sustran route is not a practical route to travel by cycle in the dark (i.e. dangerous) nor is it functional for a commuting option.
- There is no mention of secondary school locations or capacity.
- The development is in conflict with the emerging Core Strategy inter alia of permitting a new settlement in a rural area if such a settlement functionally requires a rural location. Also the Spatial Vision set out in chapter 3 and contrary to policies 4.1.7 and 4.1.14.
- The site is politically driven to avoid 'pepper potting' around the local villages and that local neighbourhood planning groups have been informed by Councillors that no further housing sites will be brought forward in the outer North-East quadrant as the proposed scheme for up to 2k dwellings will meet the local housing need.
- The housing supply figures quoted by the Applicant referring to Thorp Arch and Walton has little in relation to Leeds. The Leeds numbers taken as

averages are also meaningless since Leeds has a wide distribution of housing neighbourhoods. The Applicant needs to use local housing data.

- The site is not wholly Brownfield. Much of the site has never been developed or where demolished has returned to a natural state.
- The land proposed to be used for the relief road is Greenfield of high agricultural value and in a Conservation Area.
- If LCC are considering granting outline planning permission then the application should be referred for a call in by an Inspector as a departure from the development plan.
- If the LCC is pursuing this approach because it is desperate to boost its housing supply numbers, this is misplaced because of the likely time lag in getting such a difficult site underway, and more likely than not placing delivery of a large number of homes towards the medium term rather than the short. In contrast, it is understood there are planning permissions for over 1000 units already available in Outer North East Leeds. In addition, a planning application for 400 units is being considered by LCC at Spofforth Hill, Wetherby. In addition, there are other locations closer to Wetherby where development could be achieved with more ease, in shorter periods of time, and without seriously affecting existing communities.
- The risk is that the build up of new households will be slow. This would be a major disincentive to the provision of services and public transport for the new residential location until later stages. LCC are acting irresponsibly by not recognising this risk and admitting how unsatisfactory this could be for new residents, who could be isolated from proper service provision, and particularly for occupiers of affordable housing who might be dependent upon what could be a limited public transport service.
- The scheme fails to propose even intend to produce limited health services for the site.
- The serious risk that the applicant/developer could not sustain the major financial subsidies needed over a lengthy period of time to overcome the sites inherent unsustainability.
- The site is “premature” prior to the adoption of the DPD.

#### Economic

- The reality will be that volume house builders will build on the site using their own workforce thus removing the opportunity for local building companies.
- The development is being promoted on the hypothesis that there will be significant numbers of people living and working at TATE which is the same hypothesis put to the inspector at the 2005/6 public inquiry. There is no evidence that existing workers want to live on site. The cost of housing in the surrounding area would be out of reach for most employees.

- There is no foreseeable significant growth of the TATE employment levels; therefore no demand.
- The average house prices within the area will be out of the reach of workers on TATE.
- The level of employment suggested by the Applicant as part of the constructions period is questioned as the figures quoted are unsubstantiated.
- Loss of employment land.

#### Environmental and ecological

- The 3.0m 'scrape' over the site to clear the potential array of contaminants (asbestos, explosive residues, cyanide) will create a large amount of material to remove from the site which is to be transported an unknown distance to unknown locations and its disposal will be environmentally damaging.
- The best current practice for sites like this, provided that no contamination is affected surrounding areas or water resources is to leave the contaminated area undisturbed (with the exception of removing exposed asbestos). Due to the potential contaminants the site should not be developed.
- The development will create a car based community (per the Inspectors conclusions in the UDP Review inquiry).
- No facilities are practically accessible by foot or bike.
- The provision on site for any facilities is uncertain. If the number of properties equate to a viable convenience store residents of the houses will do their shopping in Wetherby or Boston Spa and will travel by car.
- Applicant aiming to avoid any environmental obligations (CSH standards) by offsetting green standards against the provision of other facilities i.e. a new school.
- The waste assessment refers to 900-1150 dwellings and not on the submitted scheme for up to 2k houses.
- The roads on the estate are to be lit. This will affect the bat population.
- Flood risk.
- Loss of wildlife habitat (woodland, scrub and grasslands)
- Loss of botanical areas.
- Out of character with the surrounding rural villages.
- Loss of 40 acres of Conservation landscape.

- The relief road will cut across the sustrans route with possible harm to the Listed bridge, the adjacent open land and harm the Conservation Area.
- The remains of the ROFF including the Listed buildings/structures in and around the site are of national significance and the large scale residential development would have a damaging effect on the heritage of the remains of the ROFF.
- Yorkshire Wildlife Trust (not a consultee) object to the current application due to the lack of information regarding the biodiversity value of the site. They are concerned by the Landscape & Ecology Mitigation Plan which shows the loss of a significant area of the SEGI/LWS sites with no buffer around the areas to be retained and only a limited amount of mitigation. They believe that the current application is therefore contrary to policies SA1, N49, N50, N51 and N52 of the Leeds UDP as well as paragraph 118 of the NPPF.

#### Highways matters

- Extra traffic generated by the development going to/through Boston Spa will exacerbate the congestion issues (The Packhorse bridge/bridge road/ T-junction) cutting off Boston Spa for periods of the day.
- Limited public transport provision proposed with a 30 minute service between Leeds and Harrogate (No.770/771) and a shuttle bus with unspecified hours travelling to Wetherby. This will be inadequate to serve up to 2k homes.
- It is likely that the traffic increase in Thorp Arch village main street will exceed 25%. If so, according to the design manual for roads and bridges the noise increase will exceed 3%.
- Disagreement with the public transport provision for TATE being assessed in-line with developments elsewhere in the area (i.e. Former Clariant Works for 400 dwellings and Church Fields for 153 dwellings).
- The existing trip generation does not include all of the proposed land uses which are likely to have an influence on the highway network.
- A comparison of journey times between existing routes and the proposed relief road show similar results, questioning the requirement for the relief road.
- A greater proportion of traffic will travel through Boston Spa and Thorp Arch to reach the proposed development.
- No analysis in the submitted Travel Assessment why the existing highway network cannot be upgraded to accommodate an increase in the absence of a relief road.
- The proposed traffic growth covers only the first phase of the proposed scheme up to 2023 (55% of the development).

- Existing facilities are outside comfortable walking distances from TATE.
- The additional bus service for 10 years is not in line with the construction period of the site.
- Access to rail services are poor by bus resulting in residents travelling between 50 minutes and 1hr to reach Harrogate and Leeds train stations respectively.
- Access to rail services are poor via car (Garforth, Harrogate, Wetherby and York)
- Accident analysis fails to include the route through Boston Spa.
- The proposed mitigation would force additional traffic to use Wood Lane which has substandard width and a poor alignment and would increase traffic through the centre of Thorp Arch.
- There has been a lack of scenario testing submitted on implications through Boston Spa and Thorp Arch addressing highway capacity concerns in this area.
- The relief road will not work and consideration should be given to the southern exit from the estate following the Rudgate Route to the A64 and A1 which would negate traffic problems from Thorp Arch and Boston Spa.

#### Consultation process

- The Statement of Community Involvement (“SCI”) submitted by the Applicant is largely fiction rather than fact. The only consultation with the community was an event to present a scheme for 1150 on the 6 June 2012. This scheme had no relief road and minimal community facilities and bears almost no relation to the submitted scheme. An event on the 18 May 2013 presented a scheme for 1700 houses with a relief road and increased community facilities and including some public transport proposals. TAG believe that this was not a consultation as the scheme was virtually finished with increased housing number (x 2000) and the removal of retail provision (replaced by housing).
- The consultation process was poor and badly handled. Differing views have not been taken into account and outcomes incorrectly reported with consultation taking place late in the process.
- The Consultative Forum meetings were effectively secret and the minutes were withheld.
- The timing of the application is questioned with submission being at a time during the holiday period when many residents were absent and the period to provide comments to the Council was the 29 August presented little time to respond.



- TAG consider that the process of consultation for the SCI is flawed and in contravention of The Community Involvement in Planning – The Government Objectives (Feb 2004) as no real connection with communities offering a tangible stake in decision making has occurred.
- The Applicant has only sought to engage with leaders of the Parish Councils, have prevented open and transparent discussions on issues when that has been sought and in conjunction with Ward Members and Planning Officers created the Consultative Forum which met without the involvement of the local community electorate to devise the current scheme which only became known to the wider community on the 18 May 2013.
- The method of community involvement and the closed nature of the consultative forum meetings goes against the grain of the Localism Act and the Councils code of conduct (i.e failure to provide minutes outside the Freedom of Information route).
- Failure to disclose copies of minutes between the applicant, its advisors, Council Planning Officers, Ward Members, Panel Members, and leaders of the local Parish Councils.
- No minutes are available on a meeting that took place between stakeholders in London on the 5 March 2013.
- TAG are of the view that the closed meetings is an indication of an approach by the Applicant to achieve a pre-determined decision.
- There is not total community support from residents of Thorp Arch.

#### Viability/Deliverability

- The proposed relief road, off-site highways works and land acquisition issues from local landowners to allow development pose an issue of delivering the works.
- Landowners do not support the scheme and Compulsory Purchase Orders can lead to a costly process.
- It is unlikely that phase 1 (1100 houses) of the development as proposed will be completed in the 10 years period as proposed.
- Costs associated with infrastructure, contamination mitigation, affordable housing and all other costs (e.g. public transport) may render the scheme unviable.
- It is accepted that Walton and Thorp Arch should take a reasonable share of housing (a figure of 20-30 houses are suggested for Thorp Arch if an appropriate site can be located).
- Risks in the nature of the planning application itself. It is for outline planning permission. The scheme proposed is illustrative only with all matters

reserved. The applicant is not the developer. Some of the measures required to boost the sustainability qualities of the site might not be included at the detailed stage because it would be a developer facing the cost realities not a land owner wanting a planning permission

In addition to the above Alec Shellbrooke MP has also written to the Council to voice his objection to the proposals. Mr Shellbrooke's objection is summarised below:

- Leeds City Council's Strategic Housing Land Availability Assessment highlights the Thorp Arch Trading Estate site as 'green' for future development. The Outer North East quadrant has been allocated a figure of 5,000 units. It is Mr Shellbrooke's opinion that Leeds City Council's housing figures equate to a copy of the Regional Spatial Strategy (RSS) and that this target for house building was abolished shortly after the last election.
- One of the biggest problems with the figures derived, including those in the RSS, is that they were based on a predicted population rise in the city, calculated on figures past. Since that time, two fundamental changes have occurred.

(i) GDP shrank by over 6%, leading to one of the deepest recessions in history and leaving the current Government with a mountain of debt and unprecedented deficit. This consequently led to a fall in demand for new homes with fewer people able to secure mortgages.

(ii) Much more significant aspect is the current Government's strategic policies of gaining control of unfettered immigration, something previously promoted by the last Labour Government's open door policy. The 2011 census confirmed the immigration policies of the last Labour Government allowed over 2.1million immigrants access to Great Britain on a permanent basis. Clearly, this resulted in growing pressure for homes, especially in our city, which has had a disproportionate flow of immigration compared to other cities in the country. In the first half of this current Parliament, net immigration has been cut by a third. This is a deliberate policy of this Government; to return levels of immigration to the tens of thousands, not the hundreds of thousands per year.

Therefore, these fundamental changes in immigration policy now resulting in lower immigration figures in Leeds surely means the housing target figures set by the Council are out of date.

- Before any building takes place in Leeds as a result of the SHLAA, a revaluation of the figures proposed needs to be undertaken which will, Mr Shellbrooke believes, relieve villages in constituencies such as his, from totally unnecessary expansion on this scale.
- Thorp Arch village will struggle to accommodate the proposed expansion in respect of increased traffic and pressure on local services.

## Summary of Letters of Support

- 7.5 Set out below are the reasons for support set out in letters of representation from local residents:
- The relief road and provision of a school is essential.
  - There has been good communication with the local community.
  - Re-use of Brownfield makes sense.
  - The scheme will provide much needed housing.
  - Will provide a new lease of life to the estate.
- 7.6 In addition to the above points Walton Parish Council have expressed support for the scheme subject to various matters. Set out below is a summary of Walton Parish Council's comments.
- 7.7 The Parish Council support the development of the site, on the express condition that a relief road was provided to mitigate the traffic impacts on not just Walton but also Boston Spa and Thorp Arch. The development proposal has been debated by the Walton Parish Neighbourhood Plan Steering Group and the consensus of that Group is that the PC should support the development of this brownfield site before building on Green belt/rural/farm land within the designated area. The Steering Group has also supported the promotion of this site in the LCC Site Allocation Process.

This support is subject to the below heads of terms:

### Affordable Housing

The Council has received local comments about the nature of the Affordable Housing to be provided on site. In particular, there is a local shortage of property to rent for agricultural workers, many who travel miles currently to get to work. There should be provision of smaller affordable homes and residential care facilities for local elderly residents. There should be the provision of discounted purchase scheme homes to assist future generations of local young people get themselves established on the housing ladder.

### Relief Road

For avoidance of doubt, Walton Parish Council's support of this Planning Application is absolutely conditional on the completion of the relief road prior to commencement of any residential development on the site.

### Bus Infrastructure

The Council would wish to ensure that the phasing of the changes to the services, including the introduction of new shuttle services, is carefully managed, in full consultation so as not to result in any diminution of service to users along the Walton Road, in particular residents of Walton Chase, Woodlands, Rudgate Park and employees and visitors to HMP Wealstun.

### Crossing Contribution

The puffin crossing should be provided at the same time as the other traffic calming measures.

#### Cycleway Contribution

These funds should be directed to delivering a dedicated cycle track and pedestrian route from the south side of Wighill Lane where the Puffin Crossing joins to provide a continuous route travelling through the centre of the new community and on to link up with Route 66 of the National Cycle Network on the south west of the new development. When linked up to the proposed Walton Cycle track on the western side of Walton, to Route 66 at Walton Gates, it will provide the residents of the new community, Walton and other nearby communities with a valuable safe circular route for cycling, running and walking, improving the inter community connectivity, reducing the reliance on cars and promoting healthy lifestyle habits amongst residents.

#### Traffic Calming - provision

The definitive list of traffic management/calming measures should be as follows:

- (i) The provision of the Bus Gate on Street 5, south of the entrance to the British Library before the existing Roundabout.
- (ii) The provision of gateway build outs on Smiddy Hill, School Lane and Springs Lane, Walton.
- (iii) The introduction of a 20 mph speed limit on School Lane, Main Street, Smiddy Hill (along which the proposed Walton Cycle track will divert walkers and cyclists) and along Springs Lane to a new speed limit boundary beyond the vehicular entrance to the Walton Cricket Club Grounds.
- (iv) The introduction of a HGV Point Closure on Springs Lane, Walton between Springs Lane Farm and the entrance to the Village Cricket Club.
- (v) The provision of a kerbed footpath, along the eastern side of Springs Lane, from Main Street, Walton to the pedestrian entrance to Walton Cricket Club.

#### Traffic Calming Measures – Timing

All of the above measures must be completed prior to the opening of the new relief road.

#### Education

Mindful of the chronic lack of pupil capacity in the local primary school, the Council wishes to ensure that the provision of the nursery and primary school on the development is phased so that it can accommodate the new residents' children from their point of occupation of homes in the new development.

### Waste Strategy - Removal of Contaminated materials from site

There remains a local concern about the toxic/dangerous nature of some waste which may be uncovered and subsequently need to be removed from site during the completion of this large development. The Parish Council is satisfied that routing the transport of such materials off site for correct disposal via the new relief road will minimise the potential contact with residential properties. The Planning Authority should apply a planning condition to the permission which ensures that all contaminated material be routed off the site via the Rudgate Roundabout, Wighill Lane, Rudgate and the B1224 to the Motorway network or the new relief route only, and that it is expressly prohibited to carry contaminated waste arising from the site at any time after the granting of Permission on any other local road. These are the two most effective routes to minimise the potential contact with residential properties and therefore minimise local anxieties.

### Site Access - Construction Related Traffic

Mindful of the concerns of residents about the significant volume of construction traffic the Parish Council would wish, to see a condition attached to the permission, to ensure that other than along the new Relief Road there should only be one permitted access route to the Site for all Construction Related Traffic; via the B1224, Rudgate, Wighill Lane and the Rudgate Roundabout entrance to the Estate. Such a condition is critical, not just for the peace of mind of residents of Walton but also residents of Grange Avenue, Rudgate Park, Woodlands and Walton Chase.

## **8.0 CONSULTATION RESPONSES**

### 8.1 Waste management

The refuse collection arrangements for the above look to be acceptable but it would be better to comment at a later more detailed stage.

### 8.2 Cycling Officer

The cycle route looks acceptable, although detail will need to be agreed with LCC and with Sustrans, who provided part of the funding for the existing National Cycle Network Route, and who maintain it under agreement. Information on the restrictions for traffic to Thorp Arch would be helpful. These should exempt cyclists.

### 8.3 Contaminated Land Team

The submitted details are still under consideration by colleagues in the Contaminated Land Team.

### 8.4 Landscaping

The Landscape Officer has raised significant concerns regarding the impact that the relief road would have on the SUSTRAN route and the surrounding landscaping. The objective must be to maintain the connectivity of the SUSTRANS route in terms of the SUSTRANS route itself; keeping the historic connections; keeping the visual and the ecological continuity. Consideration of the setting of the listed structures and that of the listed buildings. Key

consideration after that is light penetration into the underside of the road to ensure that it is still an attractive and safe route for pedestrians/ cyclists and allow vegetation to grow. Light penetration could be maximised by lifting the road up as high as possible. This would additionally lift the road out of the main line of sight for pedestrians travelling south from the first bridge. This would allow the dramatic vista down the rail tract to be retained. Open sides and an open structural support system are other considerations for light penetration. A central verge lightwell could be considered (similar to elsewhere in Leeds).

Keep the Sustrans route as it stands including the part that runs alongside the property containing the listed railway sheds building. Although there is no public access, visual observation is possible and it is important that this is retained.

The proposal needs to be combined with some enhancement to the general historic area (including repair and maintenance to the listed bridge structure and the retaining walls including the removal of vegetation that is overgrowing the central railway line to the southern end). This would help mitigate the loss in this area of trees/ railway path character and the general environment impact of a large road over the sustrans route.

- 8.5 North Yorkshire County Council (“NYCC”) and Selby District Council (“SDC”) NYCC have raised an objection on the impact the scheme would have on the highway network outside LCC’s control. This objection will remain until the necessary mitigation has been discussed and agreed with NYCC.

SDC would not offer detailed responses on issues other than strategic issues that could affect Selby District.

There is concern over the lack of cross-boundary consideration given in the submitted application in regard to highway impact. It is highly unlikely that there would be no traffic movement between Thorp Arch and Tadcaster. Tadcaster is defined as a Local Service Centre in the Selby District Core Strategy Local Plan (to be adopted later this year, having been found sound by the Inspector in June). Tadcaster plays an important role as the hub for a large number of villages in the area, and Thorp Arch is the home of employment for a number of people in those villages, and Tadcaster itself.

The application appears to consider that all traffic shall move between the site and Wetherby/A1(M), however such a notion is contested. The attraction of the local services and facilities in Tadcaster itself (shopping, schools, leisure centre, swimming pool, theatre, community centres, evening economy etc) cannot be ignored. Indeed, Tadcaster is similar to Wetherby in such terms, and broadly the same distance from the site. The impacts of traffic on Tadcaster cannot be properly considered without any information, and thus the application **cannot** be supported.

It is also noted that the proposed development would invariably impact upon the A64 at Tadcaster, with a corresponding impact upon the limited junctions



there. The A64 is already subject to detailed cross-boundary scrutiny due to its existing capacity issues. Tadcaster is anticipated to grow with its own development quantum and thus the application fails to recognise the impacts upon the strategic highway network at this location.

It is considered essential that the highway impact is investigated on; Wighill Lane where it leads to Tadcaster, the main junctions within Tadcaster, the junctions with the A64, and the A659 between Boston Spa and Tadcaster.

8.6 Public Rights of Way  
No objections.

8.7 Ainsty Drainage Board  
No objection subject to a condition for a scheme for the provision of surface water drainage works.

8.8 Natural England  
From the information provided with this application, it does not appear to fall within the scope of the consultations that Natural England would routinely comment on. The lack of specific comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated sites, landscapes or species. It is for the local authority to determine whether or not this application is consistent with national or local policies on biodiversity and landscape and other bodies and individuals may be able to help the Local Planning Authority (LPA) to fully take account of the environmental value of this site in the decision making process, LPAs should seek the views of their own ecologists when determining the environmental impacts of this development.

8.9 West Yorkshire Police  
No objections. The principles of Crime Prevention through Environmental Design (CPTED) should be fully taken on board by the developers.

8.10 Environment Agency  
Awaiting comments.

8.11 Highways Agency  
The Highways Agency are unable to respond positively until issues relating to the Transport Assessment have been resolved. The proposed development is greater than that considered at pre-application stage therefore trip generation and distribution need a detailed review. There appears to have been some reduction in trip rates since the pre-application scheme but these have not been explained. Therefore the modelling needs to be reviewed to ensure that the trip generation has been reasonably reflected in the highways impact, particularly those at J45 of the M1.

8.12 West Yorkshire Ecology ("WYE")  
Objection on the grounds that the application does not include sufficient, up to date information on the biodiversity of the site and, from an assessment



based on information held by West Yorkshire Ecology (the local ecological records centre), WYE consider that the development will have an unacceptable impact on regionally important species rich grassland communities. This includes two areas designated as Sites of Ecological and Geological Importance in the Leeds UDP and additional areas which also meet new Local Wildlife Site selection criteria. Thorp Arch Trading Estate SEGI and Thorp Arch Disused Railway SEGI, are recognised as being of regional importance for their Lowland Calcareous Grassland community a UK Biodiversity Action Plan Priority Habitat. The site has for many years supported the largest number of pyramidal orchids in West Yorkshire with counts of over 1000 spikes.

There is also an impressive range of other quality indicator species for the proposal site.

The calcareous grassland component of this site is the largest example of this habitat type within West Yorkshire and is of regional importance and therefore of high environmental value. WYE consider that this proposal is unacceptable for a site with known high biodiversity interest. It is clear from the information WYE hold that the current proposal will result in substantial loss of biodiversity interest of regional importance.

The mitigation for biodiversity loss to the development is currently totally inadequate, particularly in respect of the calcareous grassland. Much of the retained SEGI area appears to have been selected for its trees and landscape value, rather than the principal interest, the species rich grassland. The scrub and secondary woodland does have a value particularly for breeding birds but the effectiveness of any mitigation strategy for biodiversity must be judged primarily against the species rich grassland interest. This application does not meet the requirements of Policies SA1, N49, N50, N51 or N52 of the Leeds UDP, nor does it conform to Policies G7 and G8 in the emerging LDF.

#### 8.13 Air Quality

No objections. Given the location of the proposal it is unlikely that any air quality standards will be breached at that site. However, it is likely that such a development will lead to a notable increase in vehicle ownership given the remote location which could have a knock-on effect on the wider road network and levels of road transport emissions. In recognition of this we welcome the measures outlined in the submitted Travel Plan, but feel that measure CU7 is inadequate and needs strengthening. As it stands it is proposed that 'electric car use will be monitored and encouraged. If there is a continued substantial use of the electric car as a mode of transport to and from the site then the installation of an electric car point(s) will be considered'. In support of Leeds City Council's policies to encourage uptake of low emission vehicles throughout the District and in anticipation of Government measures to incentivise purchase of electric vehicles we would like to see all properties with their own integral parking space having a power point installed to enable 'slow' recharging of EVs to take place in addition to any others that the Applicant has in mind.

#### 8.14 Policy

The site is brownfield and is part unallocated and part allocated in the UDP for employment use. The Core Strategy Submission (including the Key Diagram) identifies the site at Thorp Arch Trading Estate as an 'opportunity for regeneration and brownfield land/residential development'. This reflects that the site is unique in Leeds being a large brownfield site with associated employment which is not in the green belt. Although it is not part of the settlement hierarchy as set out in the draft Core Strategy, and therefore is not inherently a sustainable location for new growth, it nevertheless therefore has the opportunity to meet some of the housing requirement if sustainability criteria can be met. Its development would alleviate some of the pressure on the need to develop the green belt in this area of Leeds, a factor to be weighed up in judging relative sustainability principles whether it would be more sustainable to locate 2,000 dwellings on this brownfield non-green belt site compared to 2,000 dwellings primarily on greenfield/green belt sites elsewhere in the area. Although the Core Strategy has not yet undergone public examination, its policies and approach hold some weight. However, as a brownfield site an application for Thorp Arch Trading Estate is not in any case premature ahead of its identification in the Core Strategy and potential allocation in the Site Allocations Plan. It must also be assessed under UDP policies. UDP Policy H4 requires that development on unallocated sites which lie in the main and smaller urban areas, or in a demonstrably sustainable location, will be permitted provided it is clearly within the capacity of existing and proposed infrastructure. The key issues are therefore whether it is in a sustainable location with an acceptable level of infrastructure.

The site was promoted by the Council in the UDP Review as a strategic housing site for 1,500 dwellings and a neighbourhood centre, but this was rejected by the Inspector in the Inquiry in June 2005. The Inspector's rejection was based primarily on the lack of evidence provided to support that the proposals to improve the site's accessibility and sustainability would be feasible and viable, including that the costs could be met by the development.

A great deal of evidence has now been produced in relation to all the sustainability issues including detailed transport modelling and identified upgrades to roads and the bus and cycle network, provision of community facilities, and assurance that the developers will meet all the costs. The proposals for contributions and mitigation are set out in the draft S106 agreement.

The key sustainability criteria to be demonstrated are accessibility, local facilities including education, and sustainable construction. There is the need to improve public transport and to generally make the site accessible, improve and promote cycling and walking, improve connectivity, and embrace best practice in sustainable construction, energy efficiency, environmental protection and enhancement and sustainable drainage. Key other relevant UDP policies relate to employment and greenspace. Subject to these being adequately demonstrated the principle of the scheme is supported.

Natural resources and Waste Local Plan (NRWLP) Thorp Arch Estate is identified in the NRWLP as an industrial estate which is a preferred location

for new waste management facilities and therefore such facilities will be supported (site 213, Policy Waste 5). However, this does not preclude its development for other uses, plus this potential function could still be employed in the remaining part of the estate once the housing is built.

The Hope concrete batching plant (formerly Lafarge until January 2013) within the very east of the application site is also identified as a safeguarded asphalt and concrete batching plant (Site 28) where Policy Minerals 12 'Safeguarding Minerals Processing Sites' applies. At present, it is not considered that the application conforms with this element of the NRWLP as the future of The Hope is unclear.

Employment Sites - UDP Policy E7 restricts use of employment sites (including those allocated for employment) for alternative uses unless a number of criteria can be met. It is considered that on the evidence available there is an adequate long term supply of employment land and that the loss of this site to alternative uses would not pose any harm to the Council's interests in providing opportunities for local employment and therefore the application meets the criteria in E7. The development is also assumed to support the ongoing employment use in the wider Estate by providing local housing, and by rationalising the Estate through further refurbishment and redevelopment.

Transport - The key element of improving the sustainability of the site is in improving public transport links.

Greenspace - UDP Policy N2.1 requires 0.2 ha of local amenity space per 50 dwellings which equates to 8ha for 2,000 dwellings. Policy N2.2 requires a local recreational area of 2.8 ha within 400m, and N2.3 requires 12 ha of neighbourhood parks within 800m. The application proposes 9.90 ha of new public open space which includes 2.65 ha of community playing pitches. The provision of greenspace is considered to meet the requirements on site for Policy N2.1 and N2.2. There is also a playing pitch provided within the new primary school.

Access to the existing woodland would also be created through a new footpath network, which needs to be taken into consideration as additional open space. The site as a whole will provide 15.55 hectares of new woodland, 2.65 of community sports, and 11.78 of new open space, coming to a total of 29.99 ha. In reflecting its location and proximity to the open countryside (which while not a formal designation does provide a crucial element of greenspace and recreation) it is therefore considered that there is no need to also require a greenspace contribution under Policy N2.3 in this instance.

Retail and community facilities - The Core Strategy Submission Policy P7 relates to the creation of new centres, and it is considered the scheme meets the criteria in P7. UDP Policy S9 contains a number of criteria for new retail floorspace, including the requirement for a sequential test and potentially an impact test. There is a fallback position that there is an open A1 consent for the existing 2,230 sqm retail park within the site. The Estate also contains

other main town centre uses such as restaurant and gym which may move into the new centre and the total increase in floorspace may therefore not be as much as 5,000 sqm. As it is also a requirement for residential development to provide a village centre and top up convenience shopping in order to improve sustainability, then taken together it is considered that it would not be necessary or appropriate to require a sequential test in this instance and the policy meets the criteria in Policy S9.

Education - Provision of a primary school within the site is necessary due to the projected number of new pupils it will give rise to and the lack of capacity or potential capacity at the existing primary school at Thorp Arch. It is considered that provision of the primary school will overcome one of the key arguments that the site is an unsustainable location.

Draft Section 106 Agreement - The provision of 35% affordable housing is confirmed in the S106 Heads of terms in line with the policy requirement. The other policy requirements as discussed in this response are also confirmed, with 'triggers' to be agreed.

Conclusion - The application is supported as a package of sustainable measures which override its inherently unsustainable location. This is, however, subject to detailed comments from other colleagues.

However, the scheme is not supported in terms of Policy Minerals 12 'Safeguarding Minerals Processing Sites' of the Natural resources and Waste Local Plan as it provides no certainty that the concrete batching facility will definitely be retained within the Estate. Further information has been sought from the applicant and the operator in this regard.

#### 8.15 TravelWise

In accordance with the SPD on Travel Plans the agreed residential and school Travel Plans should be included in the Section 106 Agreement along with the following:

- a) Leeds City Council Travel Plan Review fee of £17040 (£12,000 for residential, £2540 for food store and £2500 for the school)
- b) Bus only MetroCard scheme
- c) Securing the £50,000 travel plan mitigation fund, set out in para 8.17 of the travel plan

Conditions should cover the following:

- cycle and motorcycle parking for development
- shower for staff at retail and school
- electric vehicle charging points in garages for dwellings, and at food retail

Details of the Travel Plan still need to be agreed including the following areas:

- Transport Impact - Trip generation figures need to be agreed.
- Travel to School - The travel plan needs to influence travel to school

- Targets and Time Frames - The targets should cover all trips. The travel plan should set out a timescale for when the mode split targets will be met.
- Monitoring & Review - Monitoring will need to continue until a minimum of 5 years after completion of the development.

#### School Travel Plan

Section 106 - In accordance with the SPD on Travel Plans a Travel Plan Monitoring and Evaluation fee of £2500 should be secured.

Highway infrastructure should be provided to ensure that pupils can safely walk, cycle and catch the bus to school. Facilities within the school grounds should also be provided to promote, walking and cycling.

#### 8.16 West Yorkshire Archaeology

There is potential for regionally significant archaeological remains to be affected by development of hitherto undeveloped areas. The Thorp Arch ROFF is of national significance. While the proposed development scheme will preserve some of the character and physical remains of the site additional targeted archaeological evaluation and recording is considered necessary to offset any loss of to these heritage assets prior to and during development. A new roadway from Thorp Arch and new construction in previously undeveloped areas has the potential to uncover and destroy archaeological remains from the late prehistoric, and Roman and medieval periods. WYAAS are generally supportive of the application for conversion and adaptive reuse of the site. However, in order to secure this the WYAAS recommend:

1. Pre-determination archaeological evaluation of the Western Relief Road and areas which were not developed as part of the ROFF. Further archaeological excavation or the preservation of nationally significant remains in situ may be necessary in these areas after evaluation.
2. Post determination:
  - a. Post determination but prior to demolition or redevelopment archaeological and architectural record of the Queen Mary Buildings and a pump house. In addition the WYAAS would recommend:
  - b. A photographic record of the ROFF by means of low level aerial photography prior to demolition or development (E.G. photography from a pole, kite, balloon or remote controlled vehicle) and
  - c. An interpretative earthwork survey of a selected area to illustrate the sequence of construction of roadways, clearways and earthworks.

This record may be secured by placing a suitably worded condition.

#### 8.17 Environmental Protection Team

No objections subject to a number of conditions.

#### 8.18 Yorkshire Water

This development will generate create significant volumes of both foul and surface water. Thorp Arch and some surrounding villages currently drain to Thorp Arch Waste Water Treatment Work, a small rural treatment facility with limited capacity.

Thorp Arch WwTW has only very limited capacity and the volume of additional flows loads arising from a development of this size would cause the works to fail agreed standards. Yorkshire Water Services therefore have serious concerns regarding this application because of the risks associated with the foul drainage strategy and consequent effects on the environment and objects to the proposals until further information can be provided.

#### 8.19 Public Transport Contributions (NGT)

The proposed development will generate a large number of trips, a proportion of which will have to be accommodated on the public transport network. The scheme has, therefore, been assessed in accordance with the City Councils adopted Supplementary Planning Document (SPD) "Public Transport Improvements and Developer Contributions".

As a result of this assessment, it is clear that the proposed use will have a significant travel impact. The SPD sets out that where a site does not meet accessibility criteria the formulaic approach should not be used and instead the developer is required to bring the site up to the appropriate standard. The developer is proposing to subsidise new bus services which would result in a 15 minute frequency service to Wetherby and 30 minute frequency service to Leeds. Assessing the site against the Core Strategy accessibility standards it is clear that some, but not all standards are met.

Notwithstanding the above; a contribution equivalent to £2,452,425 based on 2000 residential houses is required. This sum needs to be considered against the proposed subsidy of bus services and any benefits deriving from the proposed relief road.

Some form of improvements should be available from first occupation.

#### 8.20 Mains Drainage

No objections and Drainage are generally satisfied with the scope and content of the Flood Risk Assessment and have suggested conditions.

#### 8.21 Leeds Civic Trust

The Trust is very keen to see development on brownfield rather than greenfield sites. While Thorp Arch is a long way out from Leeds City Centre, which is likely to be an employment destination for many residents, we acknowledge that there is local demand for lower-cost dwellings to serve nearby employers.

The key at Thorp Arch will be to make the community as sustainable as possible and the Civic Trust note that the number of dwellings proposed is such as to make the site large enough to attract appropriate community support services, a school and local-level retailing. A major factor will be whether the bus companies will introduce bus services from the outset, so ensuring that residents do not get into the 'car mode' when they first move in. We are pleased to note that the developer has included proposals for bus services to run through the estate but it is important that financial support is



provided for this initially so there is no delay. Bus services must run into the evenings and at weekends to meet the leisure needs of the settlement. The Civic Trust note that cycle and footpath routes will provide access to nearby communities and these too should be provided at an early stage.

The Civic Trust are also pleased that their suggestion that the school and local centre should be linked has been adopted and that some of the blast mounds, though not the buildings they protected, will be retained within the open space. There should be information boards associated with these. The layout of houses on the site of the current retail park does retain the pattern of these original buildings but we would prefer to see at least the north-east building and blast mounding, closest to the local centre, retained and used for community purposes, to give some meaning to the pattern and a complete physical connection with the heritage of the site.

The proposed scale with both daytime and evening demand for heat and power would be an appropriate site for exploring the potential for district heating from a local generating plant and suggest that this be explored.

The development of a site of this scale at Thorp Arch could be an appropriate way in which to meet the housing needs of north east Leeds but only if high quality public and sustainable transport options are provided at an early stage to support the also essential highway infrastructure.

## 8.22 Highways

Highways have requested the following in their interim comments:

1. A sensitivity test in order to understand the impact of alternative trip route scenarios.
2. An assessment of impact through Thorp Arch, and Thorp Arch Bridge and at High Street/ Bridge Road in both capacity and safety terms.
3. A Non-Motorised User Audit.
4. A Road Safety Audit and assessment of the proposed highway works to confirm that it conforms to current design guidance.
5. Concerns regarding the proposed restricted movements junction layout and enforceability.

In addition the following comments from Highways have been provided:

### (i) Traffic Generation, Distribution and Traffic Figures.

Whilst we welcome the provision of the village centre, it would not be unreasonable to assume that it would not be viable without business from outside of the development site. Consideration is given to the UDP Review Inspector's comments in this regard therefore the combination of retail alongside a potential fast food use, public house, crèche, community and leisure uses, and a 120 space car park will undoubtedly generate traffic in its own right. As such, the traffic generation for these uses should be calculated and the traffic figures and models should reflect this additional traffic.



In terms of school related traffic clarification is required for the assumptions that have been made, and the assumption that only 15 of the 200 secondary school children travelling by car is considered to be unrealistic. The assumptions regarding school related journey reductions in the PM peak, and whether or not an allowance has been made for linked trips should also be clarified.

There are concerns regarding the proposed assignment of traffic for local and regional distribution patterns. It is considered unlikely that 22.89% of local distribution flows would remain in Thorp Arch.

Minor errors have been found in the traffic figures. The figures should also be amended to show additional junction turning manoeuvres, trip assignments and turning percentages.

There are concerns the methodology used for predicting trip routes. This forms part of the basis for requesting sensitivity tests, as it is more likely that drivers would use the less congested route via Wetherby when the Thorp Arch and Boston Spa route is most congested, as opposed to a route which is marginally quicker but a longer distance.

An assessment year of 2023 has been used. Although this is acceptable in principle, clarification regarding the proposed phasing is required, as information within the Planning Statement states that only 1,100 dwellings would be built in the first 10 years. On this basis the assessment year should be amended to reflect in to the year in which the development is predicted to be completed by.

Taking the above points into account, and notwithstanding the sensitivity tests, we cannot agree to the predicted traffic flows at this time.

(ii) Traffic Impact – Full Development (2000 dwellings).

The 2013 base traffic analysis has shown that all of the junctions would operate within their theoretical maximum capacity. This will be validated on-site in September.

The 2023 base plus development scenario shows that two of the assessed junctions would experience congestion. The congested junctions would be Junction 1 (A168 Privas Way/ Walton Road) and Junction 9 (Boston Road/ Privas Way/ Walton Road).

It is very important that sensitivity tests are carried out in order to understand what the impact of the development proposals would be, should traffic not behave as predicted.

In addition it is also recommended that junction assessments are carried out at the proposed relief road/Church Causeway staggered junction and at the proposed relief road/ Wighill Lane priority junction.

It must therefore be stressed that the comments regarding the acceptability of some of the submitted assessments should not be taken as our acceptability of the predicted traffic impact of the scheme as a whole.

(iii) Traffic Impact – 933 dwellings.

The Applicant has anticipated that 933 dwellings would be occupied before the relief road is constructed.

A figure showing the development flows for 933 dwellings is required

Notwithstanding the above, the outcome of the assessment has shown that all of the junctions would operate within the theoretical maximum capacity, with the exception of the Wighill Lane/ Street 5 junction. On this basis we require details of improvements to mitigate against this increase in traffic.

There are concerns about the impact of additional development traffic travelling along Church Causeway, through Thorp Arch, Thorp Arch Bridge and to Boston Spa. Although an argument has been put forward that the local highway network can accommodate the additional traffic in highways terms, there are concerns that it would cause highway safety issues. Uncontrolled and unrestricted movements to and from Church Causeway would inevitably lead to a significant amount of traffic travelling on a highway network which is considered to be substandard in terms of carriageway widths, geometry and lack of footways. This is not considered to be in the interests of highway safety or efficiency.

(iv) Access.

The application site is remote and is not considered to be in a particularly accessible or sustainable location. As such it is considered that the site goes against current objectives to reduce reliance on the private car, and is contrary to NPPF aspirations with regard to sustainable developments.

We would disagree that the site benefits from a high level of connectivity. As previously requested, an assessment of the suitability of pedestrian and cycle links is required. Where necessary, improvements should be proposed. The NMU audit needs to address accessibility and also demonstrate how the Inspectors comments in relation to poor accessibility have been addressed. The Inspectors comments relating to poor accessibility, sustainability walk and cycle distances, public transport, and journey times should be addressed.

The location of the site is not attractive for public transport users due to the long journey times. It is acknowledged that the 770 service would be diverted to serve the application site. It is also noted that a shuttle bus service would be provided. It is understood that Metro are currently considering the suitability and viability of these public transport enhancements. The comments from our Public Transport Officer regarding the timing of diverting the 770 service prior to the relief road being constructed also require clarification.

The walking distances shown in SK007 have been measured from the edge of the site and do not show what is within a reasonable walking distance for

many of the residents. A plan should be provided which indicates what would be within walking distance from the centre of the site.

Additional details about timing and the extent of funding are required.

A Road Safety Audit should be undertaken and submitted. The Road Safety Audit should assess all of the proposed off-site highway works and include the Designers Exception Response.

A geometrical and technical assessment of the proposed relief road against current design standards should also be provided. Any departures to recommended standards should be fully justified. It should be noted that this requested information is needed in order for us to be able to fully assess the proposed off-site works.

A full justification for the need for the relief road is also required. It is recommended that the Applicant provides an objective assessment of what the relief road actually achieves, and how this compares to the alternative of providing improvements on the existing local highway network. This is considered to be an important issue, as currently no information relating to the need for the relief road has been provided.

There are also concerns that the proposed restricted movements' arrangement at the Church Causeway/relief road junction would create a highway safety issue, as restricted movements would still be possible and it is unclear how 30mph speeds would be ensured.

The proposed junction improvements at the A168 Privas Way/ Walton Road roundabout are acceptable in principle, subject to the provision of the Road Safety Audit. However, given that the traffic figures and traffic impact assessment have not been fully agreed, these improvements could be subject to change. Furthermore, the bridge widening over the A1(M) is a substantial engineering operation and will involve careful traffic management. It is understood that the Highways Agency are still considering this aspect of the proposals. A fully costed scheme would be required to be agreed with LCC and the HA.

The S106 Heads of Terms refer to a contribution towards a traffic calming scheme in Walton Village. Additional detail of the traffic calming scheme and how it relates to the development proposals should be provided.

(v) Road Safety.

The shortest route for development-related traffic would be via Wood Lane, through Thorp Arch Village, across Thorp Arch Bridge and through the High Street/Bridge Road junction. This route is considered to be rural in nature and substandard in terms of carriageway widths, alignment, and presence of on-street parking and lack of footway provision. Furthermore, the bridge does not allow two-way traffic over a significant length and vehicle priority is uncontrolled, which therefore relies on oncoming vehicles giving way to each other. This is further exacerbated by the presence of on-street parking on

Bridge Road. The highway safety implications of the impact of additional traffic using this route have not been addressed and should be carefully considered within the Transport Assessment. This should also include an assessment of the impact of existing TATE traffic which would no longer be able to access Church Causeway and would use Wood Lane instead.

Conclusion:

The proposals cannot be supported as a significant amount of additional information is required and a number of points of concern should be addressed.

#### 8.23 Ecology

The Ecology Officer has expressed significant concerns regarding the implications on the SEGI within the TATE site and the implications that the proposed relief road will have. Biodiversity calculations have been conducted and the findings of these are currently being analysed. To date a formal response has yet to be received providing final comments on ecology matters. The findings of the biodiversity calculator will go some way in showing if the proposed mitigation proposed i.e. replacement ecological areas within the TATE site are of suitable quality.

##### SUSTRANS crossing point

The road needs to be high enough over the disused railway and appropriately designed to allow enough natural light through to enable vegetation to establish at the entrances and on the ground within the main tunnel feature.

##### Southern section of proposed new road adjacent to Westminster Yard and disused railway

The proposed alignment appears to go through significant areas of unimproved grassland, scrub and woodland but this is not clear from the submitted plans. It would be useful to overlay the proposed route on aerial photos to confirm this. The proposed route should be amended to ensure it passes to the east of the existing vegetation as per the attached drawings and follow the alignment of Street 1. A strip of existing scrub/young woodland and an area of unimproved grassland to the east of Street 1 should be retained on ecological grounds and to help screen the new road – which is on potentially contaminated land planned to be remediated but could be considered for exclusion from remediation in order to retain the unimproved grassland and scrub/young woodland features.

The ecology discussions are ongoing between LCC, the applicants agent and West Yorkshire Ecology.

#### 8.24 Conservation

The general outline and the proposed retention of historic “process” features appears to be acceptable. The proposals appear to be for an embankment crossing the sustrans route. The Conservation Officer is generally happy with this approach as the angle required for the road means that anything of solid construction may have too great an impact on the setting of the listed bridge. One thing that is not on plan though which was with the applicants heritage

expert, was the need for a continuous link from the listed station house and the former rail-line/listed railway bridges. The current embankment severs this relationship, so access under the embankment through tunnels etc would help maintain the legibility and mitigate somewhat the setting of the listed structures.

## **9.0 PLANNING POLICIES:**

- 9.1 The development plan is the adopted Leeds Unitary Development Plan (Review 2006) (UDP) along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy still being at the draft stage.

### Leeds Unitary Development Plan (UDP) Review:

- 9.2 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.  
N14: Preservation of listed buildings.  
N19: Development in conservation areas.  
N23/N25: Landscape design and boundary treatment.  
N24: Development proposals abutting the Green Belt or other open land.  
N29: Archaeology.  
N37/37A: Protection of Special Landscape Areas.  
N38 (a and b): Prevention of flooding and Flood Risk Assessments.  
N39a: Sustainable drainage.  
N49: Nature conservation area protection.  
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.  
T18: Strategic highway network.  
T24: Parking guidelines.  
H1: Housing supply requirements.  
H2: Monitoring of annual completions for dwellings.  
H4: Housing development on unallocated sites.  
H11/H12/H13: Affordable housing.  
E7: Loss of employment land to other uses.  
LD1: Landscape schemes.  
RL1: Rural Land.

### Draft Local Development Framework

- 9.3 The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012. 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 14th November 2012 Full Council resolved to approve the Publication Draft Core Strategy and the sustainability report for the purpose of submission to the Secretary of State for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004. Full Council also resolved on 14th November 2012 that a further period for representation be provided on pre-submission changes and any further representations received be submitted to the Secretary of State at the time the Publication Draft Core Strategy is submitted for independent examination. As the Council have resolved to move the Publication Draft Core Strategy to the next stage of 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.

- 9.4 The draft Core Strategy has been published and significant progress has been made on the site allocation issues and options document. Spatial Policy 6 sets out a housing delivery target of 70,000 new dwellings net to be delivered between 2012 and 2028. Guided by the settlement hierarchy the Council will identify 66,000 dwellings gross (62,000 net) to achieve the distribution across identified areas of the city using considerations including: sustainable locations, supported by existing or access to new local facilities, preference for the use of brownfield sites, use of design to enhance local distinctiveness, the least negative and most positive impacts on green infrastructure, corridors and nature conservation.
- 9.5 Spatial Policy sets out that the distribution of housing land will be based the inclusion of 5,000 new dwellings in the outer north east Housing Market Characteristic Area.
- 9.6 The draft Core Strategy at 4.6.17 states "... the Council consider opportunities outside the settlement hierarchy, where the delivery of sites is consistent with the overall principles of the Core Strategy, including the regeneration of previously developed land, and are in locations which are or can be made sustainable". The Core Strategy identifies Thorp Arch Trading Estate as an 'opportunity for regeneration and brownfield land/residential development'. A development of this scale could make a significant contribution towards meeting the housing provision target for the outer north-east sector of Leeds. However, ultimately its allocation for residential development would be for the development Plans Panel to decide but the discuss that takes place here will help inform that debate.

Supplementary Planning Guidance / Documents:

- 9.7 (i) Neighbourhoods for Living – A Guide for Residential Design in Leeds
- (ii) Street Design Guide
- (iii) Thorp Arch Conservation Area Appraisal and Management Plan – Part of the proposed Relief Road falls within Character Area 1, "Historic Village and Field Pattern", and that part nearest Station House within Character Area 3, "Railway Station". The Appraisal notes that there is evidence of the historic



strip field pattern. Station House and the associated engine shed are noted as being positive buildings, that opportunities should be taken to retain the inter-relationships of railway structures, that the setting of the railway station and railway bed should be protected and that opportunities to enhance the historic character and public realm within the vicinity of these buildings should be taken. The Appraisal also identifies key views, including one from the edge of the village towards the north-west end of the proposed Relief Road.

(iv) Natural Resources and Waste Local Plan (NRWLP). Thorp Arch Estate is identified in the NRWLP as an industrial estate which is a preferred location for new waste management facilities Policy Minerals 12 'Safeguarding Minerals Processing Sites' applies: "The mineral processing sites shown on the Policies Map are safeguarded to protect them against alternative uses unless it can be demonstrated that the site is no longer required to produce a supply of processed minerals." The explanatory text at 3.32 states that mineral-related activities such as facilities for concrete batching, asphalt plants and aggregate recycling facilities encourage recycling, and if they are lost to other uses then it may be very difficult to replace them in other locations.

#### Neighbourhood Plans

9.8 The Trading Estate falls within Thorp Arch Parish Council and Walton Parish Council's boundaries. The majority of the proposed development falls within Thorp Arch Parish Council's area. Both Parish Council's are preparing neighbourhood plans with Walton's plan being at a more advanced stage. Walton PC has produced a pre-submission draft of their plan. This plan includes the following aspirations:

- To protect distant vistas and village skylines,
- To improve and provide safe cycle and pedestrian links, including to Thorp Arch,
- To minimise HGV movements through residential areas.
- To increase the frequency of bus services through the parish.

9.9 The Walton Plan has been commented upon by the council and by the owners of the Trading Estate. Both parties have commented that the neighbourhood plan should address planning issues concerning the Trading Estate. As the Parish Council's share a common boundary, and this runs through the Trading Estate, there is a clear benefit in the Parish Council's working together to ensure that their respective approach to planning issues at the Trading Estate are consistent and complimentary.

#### National Planning Guidance:

9.10 National Planning Policy Framework:

- Promotion of sustainable (economic, social and environmental) development.
- Encourage the effective use of previously developed land.
- Secure high quality design.
- Promote the delivery of housing to meet local needs (5 year supply and affordable housing).



- When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:
  - if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
  - proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;
  - opportunities to incorporate biodiversity in and around developments should be encouraged;
  - planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

## **10.0 DISCUSSION OF MAIN ISSUES**

### **Context**

- 10.1 This report seeks Members comments on the scheme as it has evolved and it is not intended here to revisit issues that Members raised no objection to at previous presentations. This proposal is set against a context of central government placing an imperative on the delivery of new housing, of achieving sustainable development and at a local level emerging policy in the Core Strategy that seeks to set a housing target of the delivery of circa 70,000 new dwellings (gross) by 2028 across the city and with an indicative target of 5,000 within the outer north east area. Officers have concluded that this is a brownfield site (previously developed land) and this supports the conclusion reached by the UDP Inspector in 2005. This is largely based on the fact that the development is taking place within the historic curtilage of the munitions factory and the curtilage of the Trading Estate. Accordingly it is felt that the application site falls within the definition of previously developed land as set out in the NPPF. As such this development provides an opportunity to deliver a significant proportion of the housing requirement for the outer north east area and in doing so it should aid the council resisting the loss of some greenfield sites. It should be noted that there are not many significant opportunities identified for the delivery of appropriate sites for housing in this area. However, this application has come forward in advance of the final form and adoption of the Core Strategy.

- 10.2 Previously Members have requested a that scheme be developed that is comprehensive and sustainable and these proposals respond to that aspiration.
- 10.3 The proposal has increased in size since Members last considered the scheme in March of this year with the number of houses now proposed rising to 2000. This increase has resulted from the removal of the out of town retail element from the scheme and its replacement with housing. The other significant change to the scheme is that the route of the Relief Road has been revised. Following discussions at the Consultative Forum the route runs, in the main, adjacent to the Sustrans route rather along it.
- 10.4 Members will have also noted that following the publicity associated with receipt of the planning application a significant number of local representations have been received. The majority of these raise objections to the scheme, including from Thorp Arch Parish Council, but there are also letters of support including from Walton Parish Council.
- 10.5 There are also a number of key issues that are not at present resolved but are subject to ongoing discussions. These include:
- work to quantify the ecological impact of the development,
  - highway issues remain unresolved,
  - the details of how the Relief Road crosses the Sustrans route,
  - the mechanism to deliver the Relief Road is being progressed but further work needs to be undertaken particularly in regard of the funding, payment mechanism and the timing of the delivery of the road.
- 10.6 Balanced against this the applicant has reached agreement with officers and the Consultative Forum (excluding Thorp Arch Parish Council) over a number of matters including the scale and mix of uses, the design and general layout of the development, the design approach to appearance of the houses and the timing of the delivery of the Relief Road.
- 10.7 The report now progresses to address key issues associated with this proposal and seeks Members guidance and comment on these matters.

### **Comprehensive and sustainable masterplan**

- 10.8 The UDP Inspector came to the conclusion that the proposed allocation of the site was inherently unsustainable "...in terms of location, accessibility, and the ability to sustain sufficient local services and facilities has not been shown to be certain of improvement to the necessary extent". The planning policy context has now changed with an imperative placed on the delivery of large scale housing. However, the question whether development is sustainable or not is key. The NPPF identifies three dimensions to sustainable development: economic, social and environmental. It is set out that these factors are mutually dependent and should be sought jointly and simultaneously. The NPPF further notes that decisions need to take account of local circumstances. As the draft Core Strategy recognises the issue for development at Thorp Arch is whether it can be made sustainable.

10.9 At the present time the site is accessed via roads that are rural in character, is poorly served by public transport and there are a limited range of facilities in the immediate locality to meet the day to day needs of existing residents. Balanced against this the businesses on the Trading Estate and neighbouring uses including the prison and library provide a significant employment base.

10.10 The application proposal seeks to address this by:

- The development of a masterplan that addresses the whole of the site including both the residential development and the remaining employment land.
- Provide a range of facilities on site that have regard to and are proportionate to village life. These include a village centre to meet day to day needs, community and sporting facilities, a primary school, areas for informal recreation and improved cycle and pedestrian routes.
- Enhanced local bus service/provision.
- The regeneration of a brownfield and, in part contaminated, site.
- Measures to mitigate the ecological impact of the development.
- The development of a strategy to fund the revitalisation and enhancement of the remaining employment area.

10.11 Many of the issues set out above are discussed in more detail in the following paragraphs. However, it is for Members to provide feedback as to whether the approach adopted by the applicant is one that delivers the comprehensive and sustainable form of development that the Panel seeks.

**Question:**

*(1) Does the masterplan represent the comprehensive and sustainable form of development that Members desire?*

**Design, layout and landscaping of the housing and associated development**

10.12 This is an outline planning application and the layout of the scheme and appearance of the buildings are reserved for later consideration and approval. Accordingly at this stage only an indicative layout has been submitted and the Design and Access Statement sets out the design principles (in terms of the appearance of the houses) to be followed. These two documents do however, set the parameters for future submissions.

10.13 The indicative layout shows a road pattern that follows that set by the historic use of the site. This should help afford the new village a sense of place and identity of its own. The development creates a readily identifiable and accessible core with the primary school and village shops being at the centre of the overall development. Extensive areas of open space are also provided and these penetrate into the built up area with substantial areas around the periphery of it. The retention, in some form, of a run of the grass bunkers that are a feature of the site again adds to the sense of place.

- 10.14 The Design and Access Statement sets out design principles for the new houses that draw on the character of the neighbouring settlements. This includes the scale of new houses, the design and proportions of windows, roof treatments, the range of materials for the external finishes, architectural features and how the dwellings address the street.
- 10.15 The submitted masterplan indicates that the most significant and important trees within the Estate are to be retained as part of the proposal. It is also proposed to strengthen and enhance planting to the perimeter of the site to screen views of the prison and the British Library. New woodland planting will help create wildlife corridors. Buffer planting in association with earth bunds are proposed to separate the new residential development from the retained employment park. New woodland planting is also proposed to screen sections of the Relief Road and along its south western edge where it cuts across open fields this will also be supplemented by further earth bunding. This will help screen views of the Relief Road from views across open farmland.

**Questions:**

- (2) *Do Members consider that a high quality indicative layout has been achieved and that the appearance of the housing should reflect the guidelines set out in the Design and Access Statement?*
- (3) *Do Members consider that the applicant's landscaping strategy is appropriate?*

**Relief Road**

- 10.16 There are three key issues with the Relief Road. The first is whether what is proposed is the appropriate route for it, the second is how the relief road will be funded and the third is the timing of its delivery. Members should note that the alignment of the road is set by highway design standards and there is little scope to modify that alignment (for example the angle at which the road crosses the Sustrans route is set by highway design requirements).
- (a) The route
- 10.17 The proposed route is that favoured by the Consultative Forum (save for Thorp Arch Parish Council who now object to the principle of development). The proposed route no longer runs along the Sustrans route but it runs parallel to it and crosses it at one point. The crossing means that it does impact upon the functioning and character of the existing Sustrans route and it does have a negative impact on ecology. An alternative route that ran to the south of but following the line of the Sustrans route was considered. However, this route took it closer to existing residential properties. Therefore whilst the ecological impact of the alternative would be less its impact on the amenity of existing residents (albeit of 3 houses) would be significantly greater.
- 10.18 Members will have noted from earlier in the report that it is proposed to screen the road from views to the south through the use of landscaped mounds which

should also serve to mitigate the noise impact. Extensive planting is also proposed where the road runs to the north of the Sustrans route and with the passage of time this will largely serve to screen it from views to the north. Its greatest visual impact will be when the road crosses the Sustrans route.

- 10.19 Another key issue is the impact that the use of the road will have on residential amenity. The residents of the properties of Station House and Walton Gates are the most likely to be affected. With the degree of separation, mounding and landscaping it should be possible to mitigate the visual and noise impacts on the residents of Station House. Further work is required to understand the impacts and mitigations measures that can be implemented to protect the residents of Walton Gates.
- 10.20 Beyond this regard also needs to be had on the impact of the route on the setting of the listed Station House and associated engine shed and the listed bridges that cross the Sustrans route. As set out above a reasonable degree of separation exists between the road and Station House and to a large extent its visual impact will, over the passage of time, be mitigated by new woodland planting. Potentially the greatest impact will result from the crossing of the Sustrans route. This may create a barrier that severs the historical link between the Station House and the railway bridge. It will also have an impact on the setting of the bridge as it is impact upon views to and from the bridge. The form of the crossing is a matter that is still under consideration and discussion.

(b) Funding

- 10.21 The applicant is seeking to enter a funding arrangement with the council. The applicant is currently exploring whether they can borrow money from the council to fund the construction of the road and agree a mechanism for the paying back of any loan. This raises issues that go beyond the consideration of the planning application and the decision whether the council is agreeable to enter into a loan agreement, and the terms of any such agreement, are matters for Executive Board. At the present time the final cost of constructing the road is not known and the applicant has not agreed a purchase price for the 3<sup>rd</sup> party land. If these matters are resolved it is likely that a repayment mechanism will either be on the basis of a roof tax or staged repayments.

(c) Delivery

- 10.22 With regard to the delivery of the Relief Road it is the applicant's intention that it will be constructed prior to the commencement of the residential development. This reflects the view of the Consultative Forum. However, as set out above the applicant is still in negotiation with the landowners over the purchase of the land required for the road and discussions are also ongoing about the securing of finance to fund its acquisition and construction.
- 10.23 If the applicant is not able to secure the land and finance that facilitates the early delivery of the Relief Road that raises the issue as to whether a quantum of development can be delivered prior to its construction. Such an approach, depending on the number of houses allowed to be built, could help the applicant generate revenue to fund the delivery of the road at a later but

specified time. However, the benefit of the early delivery of the road for existing residents would be lost for a period of time. In these circumstances it is also difficult to design a mechanism that compels the applicant/developer to complete the whole of the development for which planning permission has been granted including the delivery of a Relief Road.

**Questions:**

*(4) Do Members consider that the proposed route of the Relief Road is acceptable (subject to the amenities of local residents being protected)?*

*(5) Do Members consider that the Relief Road should be delivered prior to the commencement of the construction of the housing development?*

**Highway Considerations**

10.24 A key consideration is the impact that traffic generated by the development will have on highway safety and whether local roads have the capacity to cater for such traffic. The local road network is rural in nature and Thorp Arch Bridge is only of single carriageway width. A further matter relates to the sustainability of the site and whether the measures to improve public transport provision are sufficient to enhance the sustainability of the site to an appropriate and proportion degree.

10.25 The applicant proposals include:

- Relief Road: The delivery of a relief road prior to the construction of the first house on the site.
- Public Transport Provision: Prior to the commencement of development to submit to the Council for approval details of a bus shuttle service to and from Wetherby which in conjunction with the diversion of the existing bus service number 770 (or any replacement service) and any other existing public services will provide a 15 minute service between Wetherby and the development between the hours of 07.00 and 22.00 seven days a week. No later than the occupation of the 100th dwelling to commence the bus shuttle service and to continue it thereafter in accordance with the approved details for a period of no less than 10 (ten) years.
- Bus Stops: Not to occupy the development until a contribution of £120,000 for the provision of 4 bus stops including real time information display boards has been paid to the Council.
- Pedestrian Crossing to Walton: Not to occupy the development until a contribution of a sum to be determined for the provision the provision of a pedestrian crossing to Walton Village has been paid to the Council.
- Pedestrian and Cycle Links: Not to occupy the development until a contribution of £100,000 for the making of improved pedestrian links and connections from the development to the cycleway network within the Walton area has been paid to the Council.
- Traffic Calming in Walton Village: Not to occupy the development until a contribution of moneys to be determined for the provision of traffic calming measures in Walton Village has been paid to the Council.



- Travel Plans: For the school and residential development and to pay a travel plan monitoring fee to the Council for the monitoring of the provisions of the approved travel plan.
- Metrocard: Prior to the occupation of the development to enter into an agreement with the West Yorkshire Passenger Transport Executive incorporating for the provision of one “Bus Only” Metrocard for the use by each resident.

10.26 These matters are still subject to discussion with the applicant. Areas of particular concern are the impact of traffic on the use of Thorp Arch Bridge, the junction of Bridge Road with the High Street in Boston Spa and the use of Wood Lane. At this moment in time the following matters remain outstanding:

- Predicted traffic flows are not agreed including local flows of traffic to Thorp Arch.
- Further work needs to be undertaken to understand the impact on key local junctions
- A more detailed assessment of the suitability of pedestrian and cycle links is required.
- A road safety audit is required and should assess all of the proposed off site highway works (relief road, restricted movement junction, bridge widening, junction improvements and pedestrian crossing).
- A geometrical and technical assessment of the proposed relief road needs to be undertaken.
- A highway justification for the relief road is required.
- Further work is required in respect of the proposed restricted movements junction at the Church Causeway/relief road in that the design of the junction would not prevent inappropriate manoeuvres.
- The highway safety implications of additional traffic using Wood Lane to Thorp Arch Bridge and Bridge Road need to be assessed.

10.27 In light of the above it is clear that there are a number of matters outstanding and until these issues are resolved it will not be known whether the scheme will be acceptable in highway terms.

10.28 However, there is a particular point that Members guidance is sought. The applicant has proposed to stagger the junction of the Relief Road with Walton Road and Church Causeway to try and restrict access for traffic from the development to Thorp Arch Bridge. This arrangement would allow existing residents from Walton and neighbouring communities to continue to access Thorp Arch via Church Causeway. However, there is a Highways concern that the junction as currently designed will not prevent traffic from the development accessing Church Causeway and that this could lead to highway safety issues in Thorp Arch and particularly around the Bridge. This issue may be able to be resolved by amending the junction design. An alternative to this junction arrangement is to provide a bus gate along Church Causeway. This would prohibit the use of Church Causeway by private vehicles wishing to travel from the development, Walton and neighbouring communities to Thorp Arch. This was a concern for the residents of Walton. However, ultimately this may be



the only solution to the treatment of this junction that is acceptable to the council's highway team. However, as yet Highways do not consider that sufficient and compelling information has been presented to allay their concerns. In any event it may be prudent to build clauses into any Section 106 Agreement that allow the effectiveness of the agreed traffic mitigation measures to be reviewed and alternative or additional measures to be put in place if a need arises.

**Question:**

*(6) Do Members have a preference for the use of a bus gate or a suitably designed staggered junction to limit the use of Church Causeway by traffic generated by the development?*

**Ecology**

10.29 The development affects land designated as SEGI and Leeds Nature Area. These are not statutory designations (i.e. not of national importance) but are designations that exist in the Unitary Development Plan and should be afforded appropriate weight. There are also areas outside of these designations that potentially have ecological value. Whilst discussions are ongoing it remains likely that not all of the ecological impacts can be mitigated. It may be some of the impacts will be considered to be significant in ecological terms. The greatest impacts are likely to be through the loss of calcareous grassland and natural habitat for wildlife. This will in the main result from the carrying out of built development on areas of SEGI and other sensitive ecological areas and through the relief road crossing the SUSTRANS route. These impacts need to be balanced against any benefits the development will deliver and the mitigation measures proposed.

10.30 The applicant has yet to formalize their proposals to offset the nature conservation and ecological impacts of the development. Where development is proposed on some areas of SEGI the applicant proposes to address this through the transplanting of areas of calcareous grassland and in effect creating new areas of SEGI. In addition it is also proposed through new planting to create new wildlife and ecological corridors.

**Question:**

*(7) Do Members consider the approach taken by the applicant to address the ecological impact of the development to be appropriate and proportionate in the context of trying to deliver a sustainable form of housing development on the site?*

**Section 106 Agreement and Affordable Housing**

10.31 It is the applicant's proposal to provide 35% affordable housing so that the development meets the local planning policy requirement. However, policy sets out that the mix of affordable housing should reflect, on a pro-rata basis, the mix of the development. The applicant has proposed that the mix of affordable units should reflect identified local need rather than the mix of open

market housing proposed. The applicant has set out that if affordable housing is provided on a pro-rata basis this will impact upon the viability of the scheme and the applicant is likely to seek a reduction in affordable housing provision to offset the cost of the Relief Road. Comments are awaited on this aspect of the proposal from colleagues in the Housing Investment Team.

10.32 In addition the applicant is content to provide all of the affordable housing on site or a proportion on site with a commuted sum towards off site provision. The applicant has submitted a Housing Market Assessment in support of their proposals. The data indicates that a mix of housing is required to be aimed at higher income groups and those households with moderate incomes seeking to trade up. It also shows a requirement from older people who may well be interested in downsizing to 2 or 3 bedroom properties. It is concluded that a mix of 2, 3, 4 and 5 bed housing will be required to cater for demand within Leeds and from incoming households, families seeking to trade up, and young 'family builders', as highlighted in the Leeds SHMA and draft Core Strategy. As a result the applicant is currently proposing a housing mix for the development as follows:

<b>Proposed Housing Mix Type</b>	<b>Size</b>	<b>Mix</b>
2 bed terrace	650	20%
3 bed semi	900	25%
3 bed detached	950	25%
4 bed detached	1,250	20%
4/5 bed detached	1,600	10%

10.33 The council's information sources on housing demand in Wetherby includes:

- Social housing demand taken from the Leeds Homes Register (LHR)
- Demand analysis as part of the Older People's Housing and Care Project

Information on social housing need and demand has been taken from the Leeds Homes Performance Management Summary, which analyses information from the LHR providing a 'snapshot' on a quarterly and yearly basis. In considering the information available from the LHR, a mix of 1, 2 and 3 bed accommodation would reflect housing need and housing demand in Wetherby (for social rented units) as well as meet predicted demand across the city as a result of Welfare Reform. A degree of housing for older people (in particular extra care) as part of the affordable housing requirement would assist in meeting a known demand for this type of housing in the Wetherby area.

10.34 At the present time there appears some discrepancy between the mix of housing proposed and the council's current assessment of housing need and demand. This is a matter that is the subject of ongoing discussions the outcome of which may have a bearing on the mix and size of units to be provided as part of the affordable offer.

10.35 The applicant also proposes to relocate existing businesses affected by the redevelopment proposals, upgrade and refurbish retained buildings and provide new buildings to meet tenant's needs, carry out landscaping works to improve the setting of the retained employment area and develop a Health and Innovation Park. There is agreement between officers and the applicant to the principle of some of the revenue resulting from the residential development being channeled towards realizing the enhancement of the infrastructure of the retained employment estate. What this actually involves and the way this is to be delivered is still under discussion. A further issue that needs to be considered is development of a strategy to aid the retention of those businesses affected by the development on the site.

**Questions:**

*(8)(a) In the circumstances where the applicant demonstrates that the development is not viable do Members have any concerns about the principle of offsetting the cost of the Relief Road against a proportion of the affordable housing requirement?*

*(b) Do If Members consider it appropriate to accept a commuted sum in lieu of some affordable housing what proportion should be delivered on site?*

*(9) Do Members have any comment to make in respect of the mix and size of the units to be delivered as part of the development?*

*(10) Do Members consider it appropriate that clauses should be built into the Section 106 Agreement that facilitate the enhancement and upgrading of the infrastructure on the retained employment area as a result of this development?*

## **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:

**(1) Does the masterplan represent the comprehensive and sustainable form of development that Members desired?**

**(2) Do Members consider that a high quality indicative layout has been achieved and that the appearance of the housing should reflect the guidelines set out in the Design and Access Statement?**

**(3) Do Members consider that the applicant's landscaping strategy is appropriate?**

**(4) Do Members consider that the proposed route of the Relief Road is acceptable (subject to the amenities of local residents being protected)?**

**(5) Do Members consider that the Relief Road should be delivered prior to the commencement of the construction of the housing development?**

**(6) Do Members have a preference for the use of a bus gate or a suitably designed staggered junction to limit the use of Church Causeway by traffic generated by the development?**

**(7) Do Members consider the approach taken by the applicant to address the ecological impact of the development to be appropriate and proportionate in the context of trying to deliver a sustainable form of housing development on the site?**

**(8)(a) In the circumstances where the applicant demonstrates that the development is not viable do Members have any concerns about the principle of offsetting the cost of the Relief Road against a proportion of the affordable housing requirement?**

**(b) Do If Members consider it appropriate to accept a commuted sum in lieu of some affordable housing what proportion should be delivered on site?**

**(9) Do Members have any comment to make in respect of the mix and size of the units to be delivered as part of the development?**

**(10) Do Members consider it appropriate that clauses should be included in the Section 106 Agreement that facilitate the enhancement and upgrading of the infrastructure on the retained employment area as a result of this development?**

**(11) Do Members consider that the approach adopted by the applicant is moving towards the delivery of a comprehensive and sustainable form of development and are there any other matters that Members consider the applicant should undertake to help deliver such a development?**

**Background Papers:**

Application file 13/03061/OT

Notice served on:

Susanna Albenia Ewart

Chaytor c/o Ringleys Solicitors LLP 19 Cookridge Street Leeds

Wrigley c/o Ringleys Solicitors LLP 19 Cookridge Street Leeds

Ashwin c/o Ringleys Solicitors LLP 19 Cookridge Street Leeds

John Thomas Kilby & Christine Denise Kilby

Mary Genevieve Kilby

Thomas Matthew Kilby

David Wilson & Martin Wilson

Marie Nanette Simpson

Edward James Simpson

Sustrans Ltd

Leeds City Council

Keyland Developments Ltd

DFS Furniture Company Ltd

The British Library Board

Northern Power Grid National Grid National Grid

Highways Agency

**EXTRACT FROM MINUTE OF:**

**CITY PLANS PANEL**

**THURSDAY, 27TH SEPTEMBER, 2012**

**PRESENT:**

Councillor N Taggart in the Chair, Councillors S Hamilton, G Latty, T Leadley, J McKenna, E Nash, N Walshaw, J Hardy, T Murray, Campbell and Procter

**Pre - Application - Preapp/11/00459 - Pre Application Presentation for the Laying Out of Access and Erection of Circa 1150 Houses at Thorp Arch Estate, Wetherby, Leeds 22**

The report of the Chief Planning Officer introduced a pre-application presentation in relation to the laying out of access and erection of circa 1150 houses at Thorp Arch Estate, Wetherby, Leeds 22.

The following representatives attended and addressed the meeting:-

- Sue Ansbro – WYG Planning Consultants (Applicants Representative)
- Colin Pool – Clerk to Walton and Thorp Arch Parish Council's

Members were shown detailed plans and photographs of the scheme and had previously visited the site prior to the meeting.

The applicants representative addressed the meeting and highlighted the following issues:-

- The proposed application is a Policy Compliant scheme
- The application supports Thorp Arch as an employment area
- The sustainability of the Thorp Arch Trading Estate was a key issue for the developers
- A previous Planning Inspector's report concluded that there were no employment land supply issues
- Thorp Arch was the only major brown field site in East Leeds
- A substantial amount of public consultation had already been carried out (i.e. meetings with Ward Councillors, Local Parish Council's, the leafletting of properties in the Thorp Arch, Walton and Boston Spa areas and a dedicated website)
- Affordable housing 35%
- Introduce alternative highway arrangements
- Proposed new public transport arrangements
- Proposed new community facilities (New school)
- New cycleway and pedestrian routes
- Sustainability proposals
- The undertaking of an environmental impact assessment

In conclusion Ms Ansbro suggested that if the application was to be approved it would create employment opportunities in the area, deliver housing growth and lead to sustainable development

The Chair then invited questions and comments from Members on the specific proposals of the pre-application.

In summary, specific reference was made to the following issues:-

- Had meaningful consultation taken place with the neighbouring Parish Council's and local residents?
- The intention of the developers to "press ahead" with a full application without addressing concerns raised by the public
- A suggestion that family housing (2, 3 & 4 bedroom properties) be included within the housing proposals
- The integration of the neighbouring villages; Walton and Thorp Arch into the proposal was an important factor
- Seek to deliver the aspirations of Walton Parish Council in linking the proposals to the village
- Proposed community facilities
- Not convinced about the sustainability of the development, in particular the existing retail park required substantial investment
- Concerns about transport network, in view of the amount of proposed new housing
- Proposals around public transport
- The suggestion that the application was being pushed through prior to the implementation of the Localism Bill

The Chair then invited Mr Colin Pool Clerk to Walton and Thorp Arch Parish Council's to comment on the proposals and highlighted the following issues:-

- The Thorp Arch site was requisitioned by the military in 1942 to build a munitions factory. The site was chosen because it was in an isolated area, the road network was poor, all movements to and from the site were by rail
  - To this day the road network remains poor
  - The proposal to build a substantial number of houses in the area would create havoc on the local road network
  - Local Parish Council's were made aware of the proposals in May 2012, they were not consulted, "they were told what was going to happen"
  - Developers appeared to be confident that the application would be granted on appeal
  - Concerns about the sustainability of the site
  - Proper highway solutions required
  - The proposed development appears to have not being properly thought through (Disjointed)
  - Concerns that failure to address major issues would have adverse implications for the two neighbouring communities
  - Not opposed to development in the area but major issues require addressing
- At this point in the meeting the Chair, Councillor Taggart left the meeting, Councillor J McKenna assumed the Chair.

The Chair then invited questions and comments from Members on the specific issues raised by Mr Pool.

In summary, specific reference was made to the following issues:-

- Parish Council's not opposed to development but concerns around infrastructure and sustainability of the site
- No meaningful consultation carried out
- Original housing proposal was 250 houses now 1100
- Neighbourhood Plan suggest development but highlights major concerns of the highway network



In concluding discussions, the Chair put forward the following specific matters for Members consideration:-

**- Do Members have any comments to make about the principle and scale of residential development in this location?**

No objections were raised to the principle of residential development so long as it was supported with the appropriate infrastructure to serve the needs of its residents and offset the impact of the development on the local communities. The nature of the development appeared disjointed and concerns were raised in respect of residential development on the 'Wighill Lane' site as this was not well related to the rest of the proposed development or Walton village

**- What are Members thoughts on the approach to the indicative masterplan for the site?**

Require a comprehensive plan for the whole of the site that sets out the vision for the development of the Trading Estate as a whole.

Further details required around a number of matters including proposed public transport, possible Primary School and Community Centre and investment in the industrial estate

**- What are Members views on the nature, mix and type of housing provision (including affordable housing) on this site?**

It would be premature to comment in any detail at this stage.

However, the mix and type of housing was too vague and required local housing needs assessment. Affordable housing should be 35%

**- Do Members have any particular concerns, beyond those identified in the report, around the issue of sustainability, traffic impact and accessibility?**

Yes. Concerns were raised that the site was not sustainable and that significant measures should be proposed to make the development so. These included appropriate highway and public transport provision, environmental measures and appropriate facilities for the residents of the proposed development and details of what measures that would be put in place to help integrate this development with existing communities

**- What are Members thoughts on the nature and location of greenspaces on site and how these link into the wider strategic green areas?**

Premature at this stage in the absence of the information requested above

**- In the context set by the appropriate planning regulations do Members consider that the proposed heads of terms cover the appropriate obligations?**

Premature to consider at this stage in light of previous comments made

**- Are there any other issues Members would like to raise?**

That proper and meaningful public consultation should take place, including a Consultation Committee to be established

**RESOLVED** – That the report and pre- application presentation be noted.



### EXTRACT FROM THE MINUTE OF:

#### **CITY PLANS PANEL THURSDAY, 14TH MARCH, 2013**

#### **PRESENT:**

Councillor N Taggart in the Chair, Councillors P Gruen, D Blackburn, M Hamilton, S Hamilton, G Latty, T Leadley, J McKenna, E Nash, N Walshaw, J Hardy, T Murray and J Procter

#### **Preapp/11/00459 - Proposals for laying out of access and erection of circa 1700 houses - Thorp Arch Estate, Wetherby, LS22**

The Chair stated that although the Press and Public had been excluded, he would on this occasion use his discretion to enable a community representative, Parish Councillor Brown, Chair of Walton Parish Council, to address the Panel and to remain in the room to hear the discussions on the understanding that the confidential nature of the discussions was respected

Further to minute 10 of the City Plans Panel meeting held on 27<sup>th</sup> September 2012, where Panel considered a pre-application presentation on proposals for the redevelopment of part of the site up to 1150 residential dwellings, with new primary school, access, landscaping and public open space, Panel considered a report of the Chief Planning Officer and further pre-application presentation providing details of discussions on the proposals at the newly-established community forum

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

The Chief Planning Officer presented the report and Panel then received a presentation on behalf of the proposed developers. Members were informed that the developers had listened to the views expressed at Panel and had taken on board the wish for an integrated masterplan for the whole estate and the setting up of a consultative forum

A revised scheme had been presented to the forum where it became clear that the main priority was the provision of a relief road, with the Parish Councils indicating their support for housing, including the possibility of increased levels of housing, if the relief road could be delivered

A heart was also required within the scheme, comprising community shopping centre, playing fields and a separate sports centre

Following on from this a further scheme was devised which was more favourable to the Parish Councils, however one particular issue was the location for the possible additional housing, which currently was part of an industrial estate. Funding and deliverability of the relief road was also an issue which would need to be addressed by the developer working in conjunction with the Council. In terms of the route of a relief road, two options had been drawn up with the Parish Councils being unanimous that the route should be along the western route. Whilst the delivery of

the relief road would ideally be at the start of the scheme, the funding issues alluded to needed to be taken into account and work currently was being done on this. In answer to a point raised by Panel, no specific costings for a relief road had been drawn up

The Panel then heard from Councillor Brown, Chair of Walton Parish Council who was speaking on behalf of Walton, Boston Spa and Thorp Arch Parish Councils

Councillor Brown stated there was local support for in the region of 1700 properties and the provision of a relief road on the western route and that the proposals would bring a brownfield site back into use; provide a new, self-contained and sustainable community; would segregate industrial use from residential use and encourage the evolution of local retail facilities and create employment

Of the two routes proposed for a relief road, the route over the Ministry of Justice land was not acceptable as it would cut through and sever the community of Woodlands and Walton and would sever the Grange Park/Rudgate Park community. It would also not relieve traffic problems in respect to of Thorp Arch and Boston Spa nor address the issues with HGV traffic. The western route for the relief road would however provide a total solution for Boston Spa and Thorp Arch and had total support in the community

The timing of the road was crucial in the scheme as currently at peak times the local road network was heavily congested and that erecting further housing before the implementation of the new road was not acceptable

Concerns were also expressed about construction traffic and the need for some land remediation works, and that traffic and materials from this should not be passing through existing communities

Councillor Brown urged Panel to encourage all parties to work together to devise a scheme whereby the relief road could be delivered upfront and also highlighted the need for Yorkshire Water, which owned land in the area, to be brought into the discussions to ensure that any planning application submitted was a complete one, for Members' consideration

The Parish Councils were also keen to be involved in discussions on the planning obligations package and there was a need for the consultative forum to be retained after the planning process and be continued until the forum itself felt it was no longer needed

Members discussed the proposals and commented on the following matters:-

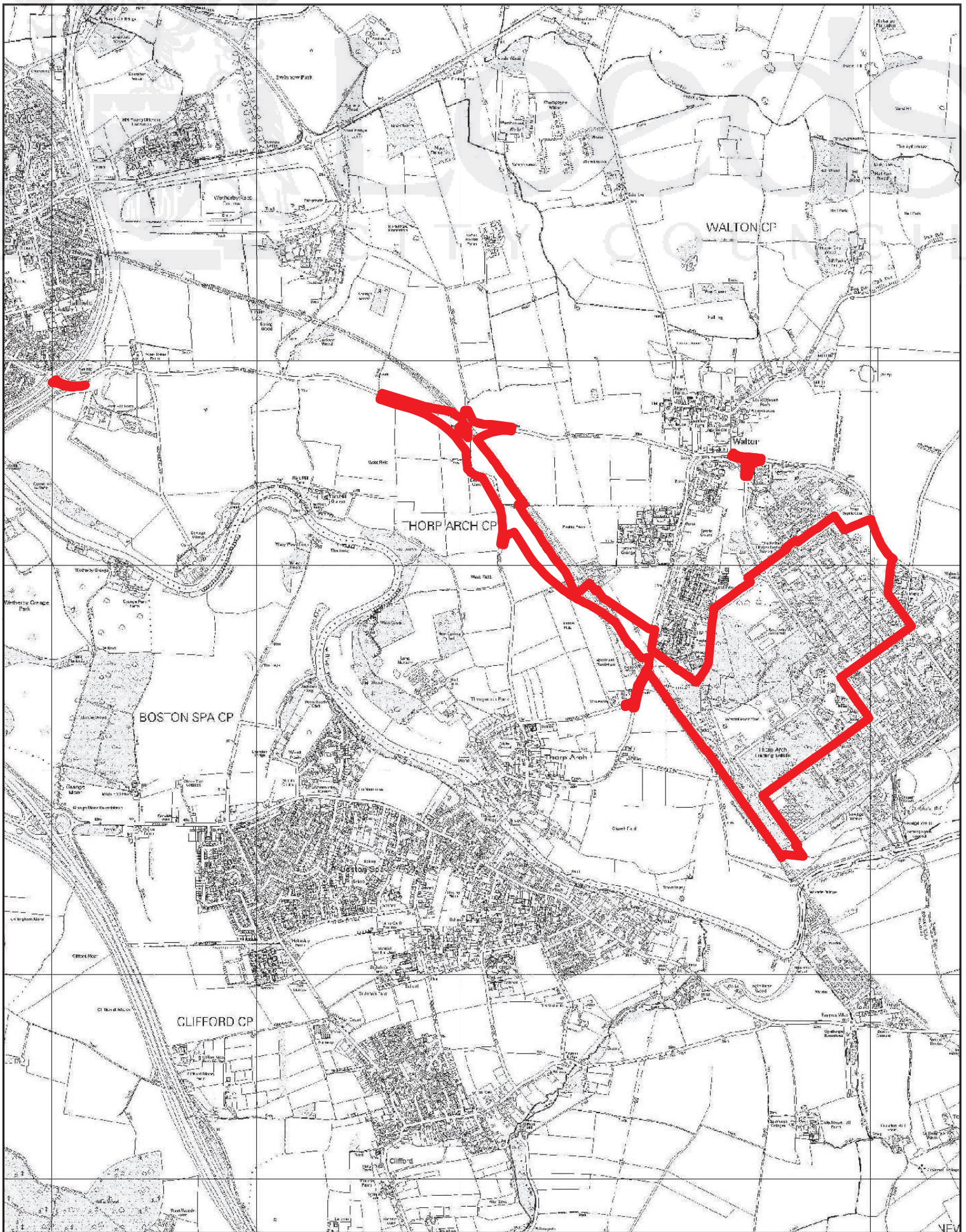
- the western route, with mixed views about the suitability of using the railway cutting to site the relief road. Members were generally concerned about impact on listed structures and ecology and questioned the suitability of this route
- that no detailed transport assessment had taken place and that this should be commenced as soon as possible and should include an assessment for the relief road to the Wetherby Bypass
- that the provision of a relief road was a crucial factor in the proposals

Councillor Gruen declared a significant interest as he felt it was in the public interest to do so, in view of the meetings he had attended with Officers and the developers about these proposals

- the benefit of consultative forums and the hard work done by Ward Members in informing the community about the scheme and its wider, strategic interests
  - that the proposals could make a significant contribution to the Council's Core Strategy and that community benefits could flow from the scheme and that, whilst accepting there were some major issues to be resolved, this could be a scheme which could be supported, particularly in view of the public support it had, dependent upon the delivery of the relief road and other planning matters
  - affordable housing, that in this location the requirement was 35% and that an open-minded approach might be adopted in view of progressing the proposals in terms of the costs associated with the scheme and the wider benefits it would bring to the city
- The Panel's highways representative stated that there were two major issues when considering siting a development of this size in this location; that the traffic access to Boston Spa would be managed and the existing roundabout at the Wetherby Bypass would need to be improved. These matters will need to be looked at in detail
- In response to the specific questions posed in the report, Panel provided the following responses:-
- that subject to the provision of a relief road, the revised scheme represented the comprehensive and sustainable form of development which Members were looking for
  - that a relief road was essential and that more work was needed on this, including costings, with there being mixed views on the suitability of the site of the old railway line; to note the views of the Parish Councils that only route B could be supported locally and the need for the assessment to include from the relief road to the Wetherby Bypass
  - that Members were satisfied with the quantum of development but a set of proposals and options were needed and consideration had to be given to the timing of the delivery of the relief road
  - that it could be appropriate in this case to apply a 'roof tax' to contribute to the funding of the relief road
  - mixed views on the principle of the use of a proportion of monies that would have otherwise been used to deliver affordable housing to be used to finance a relief road and the need for further information and options to be provided
  - That a co-operative approach was supported and that this should include the Yorkshire Water site, with it to be designated for housing development
  - Members were of the view that an explanation of how the co-operative scheme for the whole of the estate will be delivered should form part of the planning application
- Members encouraged Officers to address the issues of design, house types, cycle ways etc at an early stage and the need to link this with the sense of place discussions at the consultative forum, together with issues relating to Keyland Development's extant permission for industrial use on a nearby site

**RESOLVED** – To note the report, the presentations and the comments now made





# CITY PLANS PANEL

