



---

## CITY PLANS PANEL

---

Meeting to be held in the Civic Hall, Leeds on  
Thursday, 27th September, 2012  
at 1.30 pm

---

### MEMBERSHIP

#### Councillors

P Gruen	M Hamilton	R Procter	T Leadley	D Blackburn
N Taggart (Chair)		G Latty		
S Hamilton				
J McKenna				
E Nash				
N Walshaw				
J Hardy				
T Murray				

---

**Agenda compiled by:**  
**Stuart Robinson**  
**Governance Services**  
**Civic Hall**  
**Tel: 0113 24 74360**

# AGENDA

Item No	Ward	Item Not Open		Page No
1			<p data-bbox="678 427 1406 495"><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p data-bbox="678 573 1358 719">To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded)</p> <p data-bbox="678 757 1390 902">(*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> <p><b>No exempt items or information have been identified on the agenda</b></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>	

Item No	Ward	Item Not Open		Page No
4			<p><b>DECLARATIONS OF DISCLOSABLE PECUNIARY AND OTHER 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 13-18 of the Members' Code of Conduct. Also to declare any other significant interests which the Member wishes to declare in the public interest, in accordance with paragraphs 19-20 of the Members' Code of Conduct.</p>	
5			<p><b>APOLOGIES FOR ABSENCE</b></p>	
6			<p><b>MINUTES OF THE PREVIOUS MEETING</b></p> <p>To receive the minutes of the former Plans Panel (City Centre) meeting held on 30<sup>th</sup> August 2012 for the purpose of noting and also to note the intention that they will be submitted to the Chair of that meeting for approval and signature.</p>	3 - 14

Item No	Ward	Item Not Open		Page No
7	City and Hunslet		<p><b>APPLICATION 12/03002/OT - AN OUTLINE PLANNING APPLICATION FOR THE VARIATION OF CONDITION 3 OF PLANNING PERMISSION 11/01000/OT TO ALLOW FOR A LEISURE USE (D2 USE CLASS) AND CASINO USE (SUI GENERIS) AS PART OF A RETAIL-LED MIXED USE DEVELOPMENT AND NON MATERIAL AMENDMENT 12/9/00098/MOD TO AMEND THE DEVELOPMENT DESCRIPTION TO INCLUDE LEISURE USE (D2 USE CLASS) AND CASINO USE (SUI GENERIS) AT EASTGATE QUARTERS, LEEDS - LAND BOUND BY NEW YORK ROAD (INNER RING ROAD A64) TO THE NORTH, BRIDGE STREET AND MILGARTH STREET TO THE EAST, GEORGE STREET AND DYER STREET TO THE SOUTH AND VICAR LANE AND HAREWOOD STREET TO THE WEST LS2</b></p> <p>To consider a report of the Chief Planning Officer on an outline planning application for the variation of Condition 3 of Planning Permission 11/01000/OT to allow for a leisure use (D2 Use Class) and Casino use (Sui Generis) as Part of a Retail-Led Mixed Use Development and Non Material Amendment 12/9/00098/MOD to Amend the Development Description to include Leisure use (D2 Use Class) and Casino use (Sui Generis) at Eastgate Quarters, Leeds on land bound by New York Road (Inner Ring Road A64) to the North, Bridge Street and Milgarth Street to the East, George Street and Dyer Street to the South and Vicar Lane and Harewood Street to the West LS2.</p> <p>Also attached is a Digital Media Overarching Report in relation to Agenda Item 8 and 9.</p>	15 - 66
8	City and Hunslet		<p><b>APPLICATION 12/03419/FU - ALTERATIONS TO FORM DIGITAL MEDIA ADVERTISING DISPLAY AND APPLICATION 12/03420/ADV ONE ILLUMINATED DIGITAL MEDIA ADVERTISING DISPLAY AT 59-61 ALBION STREET, LS1</b></p> <p>To consider a report of the Chief Planning Officer for alterations to form Digital Media Advertising Display and for one Illuminated Digital Media Advertising Display at 59-61 Albion Street, LS1.</p>	67 - 72

Item No	Ward	Item Not Open		Page No
9	City and Hunslet		<p><b>APPLICATION 12/03408/ADV - DIGITAL MEDIA SCREEN TO SHOPPING CENTRE AND 12/03409/FU - VARIATION OF CONDITION 45 OF APPLICATION REF NO 1/03290/FU (CHANGE OF USE FROM RETAIL (A1) TO FOOD AND DRINK, HEALTH CLINIC AND LEISURE USES (A3, A4,D1/D2) AND ANCILLARY MALL SPACE; ASSOCIATED PUBLIC REALM WORKS, EXTERNAL ALTERATIONS INCLUDING IMPROVED ENTRANCE TO EXISTING SHOPPING CENTRE AND ASSOCIATED WORKS AS A REVISION TO PLANNING APPLICATION REF NO P/09/01742/FU) FOR A MINOR MATERIAL AMENDMENT TO MODIFY THE ALIGNMENT OF THE BOND STREET/ALBION STREET CORNER AT FIRST AND SECOND FLOOR LEVELS TO ACCOMMODATE A DIGITAL MEDIA SCREEN AT TRINITY WEST SHOPPING CENTRE, ALBION STREET, LS1</b></p> <p>To consider a report of the Chief Planning Officer for a Digital Media Screen to Shopping Centre and variation of Condition 45 of Application Ref No 1/03290/FU (Change of Use from Retail (A1) to Food and Drink, Health Clinic and Leisure Uses (A3, A4,D1/D2) and Ancillary Mall Space; Associated Public Realm Works, External Alterations including Improved Entrance to Existing Shopping Centre and Associated Works as a Revision to Planning Application Ref No P/09/01742/FU) for a Minor Material Amendment to Modify the Alignment of the Bond Street/Albion Street Corner at First and Second Floor Levels to Accommodate a Digital Media Screen at Trinity West Shopping Centre, Albion Street, LS1.</p>	73 - 96

Item No	Ward	Item Not Open		Page No
10	<p data-bbox="264 181 456 322"><b>Burmantofts and Richmond Hill</b></p> <p data-bbox="264 367 395 434"><b>Temple Newsam</b></p>		<p data-bbox="676 181 1398 506"><b>POSITION STATEMENT - APPLICATION 12/02668/FU - ENERGY RECOVERY FACILITY (WITH MECHANICAL PRE-TREATMENT) FOR THE INCINERATION OF RESIDUAL MUNICIPAL SOLID WASTE AND COMMERCIAL AND INDUSTRIAL WASTE, AND ASSOCIATED INFRASTRUCTURE TO FORMER WHOLESALE MARKET SITE, NEWMARKET APPROACH, CROSS GREEN INDUSTRIAL ESTATE, LS9</b></p> <p data-bbox="676 551 1390 837">To consider a report of the Chief Planning Officer on a position statement in relation to a Energy Recovery Facility (with Mechanical Pre-treatment) for the Incineration of Residual Municipal Solid Waste and Commercial and Industrial Waste, and Associated Infrastructure to Former Wholesale Market Site, Newmarket Approach, Cross Green Industrial Estate, LS9.</p>	97 - 120
11	<p data-bbox="264 913 411 943"><b>Wetherby</b></p>		<p data-bbox="676 913 1390 1088"><b>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, LS22</b></p> <p data-bbox="676 1133 1385 1272">To consider a report of the Chief Planning Officer and to receive a pre- application for the laying out of access and erection of circa 1150 houses at Thorp Arch Estate, Wetherby, LS22.</p> <p data-bbox="676 1317 1385 1563"><i>This is a pre-application presentation and no formal decision on the development will be taken, however it is an opportunity for Panel Members to ask questions, raise issues, seek clarification and comment on the proposals at this stage. There is no opportunity for public speaking about the proposals outlined in the presentation.</i></p>	121 - 130

Item No	Ward	Item Not Open		Page No
12	Hyde Park and Woodhouse		<p><b>PRE - APPLICATION - PREAPP/11/01185 - PROPOSED UNDERGRADUATE LIBRARY BUILDING AT THE UNIVERSITY OF LEEDS CAR PARK ADJACENT TO EMMANUEL CHURCH, HILLARY PLACE</b></p> <p>To consider a report of the Chief Planning Officer and to receive a pre-application presentation in relation to a proposed undergraduate Library Building at the University of Leeds car park adjacent to Emmanuel Church, Hillary Place.</p> <p><i>This is a pre-application presentation and no formal decision on the development will be taken, however it is an opportunity for Panel Members to ask questions, raise issues, seek clarification and comment on the proposals at this stage. There is no opportunity for public speaking about the proposals outlined in the presentation.</i></p>	131 - 136
13	City and Hunslet		<p><b>PRE - APPLICATION - PREAPP/12/00421 - PROPOSED REDEVELOPMENT TO FORM 9-17 STOREY STUDENT ACCOMMODATION BUILDING, WITH GROUND FLOOR CAFE AND A3 USE AT THE JUNCTION OF CROPPER GATE, WESTGATE AND WELLINGTON STEET, LS1</b></p> <p>To consider a report of the Chief Planning Officer and to receive a pre-application in relation to proposed redevelopment to form 9-17 Storey Student Accommodation Building, with Ground Floor Cafe and A3 use at the Junction of Cropper Gate, Westgate and Wellington Steet, LS1.</p> <p><i>This is a pre-application presentation and no formal decision on the development will be taken, however it is an opportunity for Panel Members to ask questions, raise issues, seek clarification and comment on the proposals at this stage. There is no opportunity for public speaking about the proposals outlined in the presentation.</i></p>	137 - 140
14			<p><b>DATE AND TIME OF NEXT MEETING</b></p> <p>Thursday 25<sup>th</sup> October 2012 at 1.30pm in the Civic Hall, Leeds.</p>	



To:  
City Plans Panel Members and  
appropriate Ward Members

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

Contact: Stuart Robinson  
Tel: 0113 247 4360  
Fax: 0113 395 1599  
stuart.robinson@leeds.gov.uk  
Your reference:  
Our reference: ccpp/sitevisit/  
19<sup>th</sup> September 2012

Dear Councillor

**CITY PLANS PANEL – THURSDAY 27<sup>th</sup> SEPTEMBER 2012 at 1.30 PM**

Prior to the meeting on Thursday 27<sup>th</sup> September 2012 there will be site visits in respect of the following:

- 9:15 am – PREAPP/11/00459 – Erection of circa 1150 houses at Thorp Arch
- 10:15 am Estate, LS22
- 10:30 am - APPLICATION 12/02668/FU - Energy Recovery Facility at Newmarket
- 11:00 am Approach, LS9
- 11:10 am - PREAPP/12/00421 – Student Accommodation Building, Cropper Gate,
- 11:30 am Westgate and Wellington Street, LS1
- 11:40 am - PREAPP/11/01185 – Proposed Undergraduate Building, Hillary Place
- 12 noon
- 12:10 pm- APPLICATION 12/03419/FU – One Illuminated Digital Media
- 12:30 pm Advertising Display, 59-61 Albion Street, LS1
- APPLICATION 12/03408/ADV – Digital Media Screen to Shopping  
Centre, Trinity West Shopping Centre, Albion Street, LS1

Panel Members are requested to meet in the Civic Hall ante-chamber for 9.05am, in readiness for a prompt 9.15am start. A mini-bus will be provided. Please could you let Daljit Singh know (24 78010) if you will be attending the site visits.

The formal Panel meeting will commence at 1.30 pm as usual.

Yours sincerely

**Stuart Robinson**  
**Governance Services**

This page is intentionally left blank

## Plans Panel (City Centre)

Thursday, 30th August, 2012

**PRESENT:** Councillor J McKenna in the Chair

Councillors S Hamilton, E Nash,  
M Hamilton, G Latty, P Gruen, M Ingham,  
N Walshaw, D Blackburn, R Procter and  
M Harland

### **27 Chair's Opening Remarks**

The Chair welcomed those in attendance to the August meeting of Plans Panel (City Centre) and asked Members and Officers to introduce themselves.

### **28 Late Items**

There were no formal late items of business to consider, however the Chair agreed to accept the following as supplementary information:-

- Application 10/00923/OT – Outline Planning Application for Redevelopment of land at Meadow Road – Appendix 1 (Conditions) (Agenda Item 7) (Minute 32 refers)

The document was not available at the time of the agenda despatch, but subsequently made available to the public on the Council's website.

### **29 Declaration of Disclosable Pecuniary and Other Interests**

There were no disclosable pecuniary and other interests declared at the meeting.

### **30 Apologies for Absence**

An apology for absence was received on behalf of Councillor N Taggart.

Notification had been received for Councillor M Harland to substitute for Councillor N Taggart.

### **31 Minutes of the Previous Meeting**

**RESOLVED** – That the minutes of the meeting held on 2<sup>nd</sup> August 2012 be confirmed as a correct record.

### **32 Application 10/00923/OT - Outline Planning Application for Redevelopment of Land at Meadow Road for Uses within the following classes B1, D2, C1, C3 (Up to 296 Residential Units) and Ancillary A1, A3, A4 AND A5 Uses, including associated works for the formation of Site Access Roads at Land Bounded by Meadow Road, Jack Lane, Bowling Green Terrace and Trent Street, Leeds 11**

The report of the Chief Planning Officer presented an outline planning application for redevelopment of land at Meadow Road for uses within the following classes B1, D2, C1, C3 (up to 296 residential units) and Ancillary A1, A3, A4 and A5 Uses, including

associated works for the formation of Site Access Roads at Land Bounded by Meadow Road, Jack Lane, Bowling Green Terrace and Trent Street, Leeds 11.

Appended to the report were copies of the following documents for the information/comment of the meeting:-

- 10/00923/OT – Conditions (Appendix 1 refers)
- Extract of the Plans Panel (City Centre) minutes of the meeting held on 1<sup>st</sup> July 2010 (Appendix 2 refers)

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

Officers briefly outlined the proposals contained in the submitted report.

In his presentation, the Senior Planner referred to a Plans Panel Members workshop which had taken place on 16<sup>th</sup> September 2010 and informed Members that the completion of the Section 106 agreement remained outstanding as at today's date. Specific reference was also made to reserved matters in this regard which would be addressed at a later stage in order to give the developer some flexibility as the scheme develops.

At the request of the Chair, the Principal Engineer, City Development briefly outlined the highway implications, works and access arrangements to the site with specific reference to the cycle routes and travel plan.

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

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

- Concerns expressed about the height of the tall building within the parameters of the site; the relationship of the said building with Bridgewater Place and that the outline permission was lacking detail and was based on trust (*The Senior Planner responded and outlined the following variations which would be dealt with individually:-*
  - *The scale of buildings would need to reflect the parameter plan*
  - *the application could have varied storey heights within the limits of the parameter plans*
  - *new parameter plans would be supplied with each reserved matters application which would be brought to Panel for agreement*
  - *the design code provides further information regarding the scale and form of the tall building and would inform the details of the proposals at reserved matters stage*
  - *Bridgewater Place was 30 storeys in height and was located on the north-south ridge of tall buildings which characterised the city centre and was referred to in the Council's tall building guidance which would be reflected by the proposed tall building on this site*
- Clarification if the proposal could have a super casino; the need for ward members to be involved in the recruitment process of the Section 106 Jobs

and Employment clause which should focus on the City & Hunslet and Beeston & Holbeck wards ; where affordable housing would be on the site  
*(The Senior Planner responded and outlined the following issues-*

- *The proposal did not include a super casino*
- *Local ward members would be involved in the Section 106 recruitment process*
- *Reserved matters would determine the location of affordable housing)*
- Clarification if a wind study had been undertaken on the site  
*(The Senior Planner responded and confirmed that a wind study had been submitted with specific detail to be addressed through reserved matters)*
- Concerns that the tall building had no relationship with the buildings below it; the blocks provided do not work and cast a shadow over the development; the development should not be pepper potted; clarification as to why Section 106 monies should be spent to create local jobs  
*(The Head of Planning Services responded and confirmed that in accordance with the policy requirements of Section 106 monies, local ward members would be consulted on where Section 106 monies was to be spent. The Chief Planning Officer confirmed that the developer was meeting the Section 106 policies in full and that any variations would be brought back to Plans Panel.*  
*In concluding, the Senior Planner informed the meeting that a full daylight and sunlight assessment had been undertaken with regards to the shadow effect. In relation to pepper potting across the site, phasing plans would be required by condition to control the timing of development across the site )*
- Concerns that the site was within a high crime area and that crime levels should be addressed as a matter of urgency; Metro's concerns regarding the level of car parking; that education provision should be addressed and that a phased approach should be introduced periodically  
*(The Chief Planning Officer responded and confirmed that ongoing discussions were been held with Children's Services in relation to where the monies would be spent around Inner City/Education priorities. The Deputy Area Planning Manager informed the meeting that at this stage Members were being requested to agree the principles of the development as defined by the use and parameter plans within the outline scheme. The specific details of the proposals would come back to Panel at reserved matters stage and adequate controls to achieve a secure environment and design would be discussed at that stage. The Senior Planner informed the meeting that a second city bus was not being sought by Metro. and does not form part of the list of public transport contributions identified in the SPD. In concluding, the Head of Planning Services referred to brownfield sites across the city and confirmed that the parameters had been looked at carefully and in a planned way. In relation to this proposal he recommended that the following two conditions should be attached to the application:-*
  - *the need to address the maximum amount of floor space on the site for each use*
  - *the need to implement a clear phased approach and master plan for each aspect of the development required to ensure flexibility and consistency)*
- Clarification if the scale of public art had been addressed by the developer

*(The Senior Planner responded and confirmed that a large piece of art work would be undertaken and work on this matter had already commenced as a result of one of the conditions added to the temporary car park approval.)*

- The need for progress on this site in view of the previous history and delays; the need for additional green space on the site
- Clarification of when the landscaping would commence and whom would be in charge of this issue

*(The Senior Planner responded and informed the meeting of the extent of landscaping that would be delivered with each phase of the development. The Deputy Area Planning Manager confirmed that the developer would provide the landscaping)*

- Reference to the multi-storey car park building and the need to ensure that no ginnells and allyway space is provided by the side of the building

In concluding, the Chair sought further comments on the proposals prior to making a decision on the application.

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

- The need for the meeting to acknowledge that the high crime rate in the City and Hunslet ward was mainly as a result of shoplifting and pick pocketing; the fact that there was no children in the City and Hunslet ward, apart from pre-school children, together with a need for money to be spent on pre-school/nursery provision within the area
- To welcome the development, but to acknowledge that a degree of flexibility was being sought for the quantum of proposed development but that adequate controls were in place to inform the design of the full details through the parameter plans and design code.

## **RESOLVED –**

a) That the application be deferred and delegated to the Chief Planning Officer for approval subject to the conditions specified in Appendix 1 and the completion of a Section 106 agreement to include the following obligations;

- public transport contribution (£1,101,310);
- education contribution (equating to £2980.42 for each 3+ bed dwelling if more than fifty 3 bed dwellings are provided);

Securing the travel plan, car club contribution and travel plan monitoring fee (£15,000);

- penalties (including financial) if the travel plan targets are not met;
- delivery of 5% affordable housing (or the percentage required by the affordable housing policy adopted at the time);
- public access arrangements to ensure 24 hour access is provided through the site
- securing the car park management plan;
- £20,000 on-street car parking mitigation fund if it is found that the development creates on-street parking problems in nearby streets;
- £6,000 for each of the pay and display parking bays removed from Trent Street, Bowling Green Terrace and Jack Lane (54 spaces = £324,000);
- ability to submit a viability appraisal if the developer believes the scheme and current contributions to be unviable;
- training and employment initiatives to ensure local people are involved in the

delivery of the scheme;

- section 106 management fee (£5250);

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

c) That arising from discussions at the meeting, the following extra conditions be attached to the application:-

- the need to address the maximum amount of floor space on the site;

- the need to implement a clear phased approach for each aspect of the development required to ensure flexibility and consistency

(Councillor R Procter left the meeting at 3.00pm during discussions of the above item)

### **33 Application 11/04987/FU- Two Storey and Single Storey Side Extension to Form Enlarged Music Venue with Roof Bar and Terrace Over at the Faversham, 1-5 Springfield Mount, Woodhouse Lane, Leeds, LS2 9NG**

The report of the Chief Planning Officer presented an application for a two storey and single storey side extension to form enlarged music venue with roof bar and terrace over at the Faversham, 1-5 Springfield Mount, Woodhouse Lane, Leeds, LS2 9NG.

Appended to the report was copy of the conditions attached to the application for the information/comment of the meeting (Appendix 1 refers).

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

Officers briefly outlined the proposals contained in the submitted report.

In his presentation, the Senior Planner informed the meeting that the extension would create a modern building designed to protect neighbouring amenities.

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

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

- Clarification of the how the smoking area would reduce noise nuisance
- The view expressed that the extension looked like 'a window less box' and that further work was required on the design and top storey proposals to make it more attractive to customers using the building
- The concerns expressed regarding the noise coming from the existing four speakers on the outdoor terrace, which was causing a general nuisance for local residents and whether or not the smokers area could be covered over in the winter
- The need for more restrictions to be applied to the outdoor terrace should it be approved at today's meeting

- The need for the developer and the applicant to develop a stronger bond and trust with local residents and to limit weekday operations to help young families living in the area
- The need to address the materials used for the extension in view of complaints received from local Councillors and Resident Groups
- To welcome the fact that a toilet extension would be removed from the site and that the main entrance to the pub would be improved and restored
- The need for the top storey to be reduced in size
- The need for appropriate shrubbery to break up the appearance of the extension

At the request of the Chair, the Chief Planning Officer, Deputy Area Planning Manager and Senior Planners responded individually to the above issues.

The Senior Planner informed the meeting that the noise management plan would be conditioned to protect amenity. In relation to the four speakers located on the outdoor terrace, conditions would prevent outdoor music on the proposed terrace. The Panel noted that the applicant had gone for a modern/contemporary look and that the introduction of more windows to the extension would result in a temptation to open more windows resulting in further noise nuisance.

The Deputy Area Planning Manager informed the meeting that the proposed extension and main building would be seen together only at an oblique angle and that the top floor roof light would not be visible from the south east or further a field due to the close proximity and dense planted nature of the south east site boundary.

The Chief Planning Officer commented that the architect had an excellent track record in designs of this nature and that a more sophisticated approach had been undertaken in relation to this application. The proposals went some way to improving the situation for local residents and he recommended to the Panel that Condition 4 in relation to the noise management plan should be revisited and strengthened.

#### **RESOLVED –**

a) That the application be granted permission, subject to the conditions and reason for approval set out in Appendix 1.

b) That arising from discussions at the meeting, approval be given to the following issues:-

- that condition 4 (noise management plan) be revisited and strengthened
- that materials be agreed at a future meeting at the condition discharge stage
- that the hours of use of the outdoor terrace bar be restricted as follows:- Sunday to Thursday 1100-2100 / Friday and Saturday 1100-2200.

#### **34 Applications 11/05399/FU- Six Storey and Four Storey Building comprising 27 flats with undercroft car parking and 11/05448/CA - Conservation Area application to demolish vacant college building, at Leeds College of Technology, East Street, Leeds, LS9 8DP**

Referring to Minute 88 of the meeting held on 10<sup>th</sup> May 2012, the report of the Chief Planning Officer presented an application for a six storey and four storey building comprising 27 flats with undercroft car parking and Conservation Area application to



demolish vacant college building, at Leeds College of Technology, East Street, Leeds, LS9 8DP.

Appended to the report was copy of the non standard conditions attached to the application for the information/comment of the meeting (Appendix 1 refers).

Members were shown detailed plans and photographs of the site.

Officers briefly outlined the proposals contained in the submitted report.

It was reported that Members had made a number of comments at a Plans Panel Design workshop held on 5<sup>th</sup> July 2012 which were detailed in section 5.0 of the report.

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

Specific reference was made to the outwood facing balconies on the north side of the building which it was considered would only be used as storage areas with a request that they be removed.

At the request of the Chair, the Deputy Area Planning Manager responded and informed the meeting that the balconies were set into the building and not external protrusions and limited to 2 per floor facing East Street and Richmond Street. These had been retained by the applicant to provide visual interest to the building and at about 600mm deep they were considered unlikely to be used as storage areas.

#### **RESOLVED –**

a) That the application be deferred and delegated to the Chief Planning Officer for approval, subject to the specified conditions (and any others which he might consider appropriate), and following completion of a Section 106 Agreement to cover the following additional matters:

- Affordable Housing provision of 2 units with one being submarket and one being social rented

b) That 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.

(The meeting was adjourned at 4.10pm at the conclusion of this item and reconvened at 4.30pm prior to considering the pre-application for 223 bedroom student accommodation development at Woodhouse Square, Woodhouse, Leeds 3).

#### **35 Pre-Application - PreApp/12/00278 - 223 Bedroom Student Accommodation Development at Woodhouse Square, Woodhouse, Leeds 3**

The report of the Chief Planning Officer introduced a pre-application presentation in relation to a proposed 223 Bedroom Student Accommodation Development at Woodhouse Square, Woodhouse, Leeds 3.

The following representatives attended and addressed the meeting:-

- Stephen Walker and Jo Steel on behalf of Centrino Developments Limited

Members were shown detailed plans and photographs of the scheme.

The presentation highlighted the following key areas:-

- Location
- Site/Context photographs
- Existing Site Plan
- Listed Building and Conservations
- Sitelines
- Splayed walls to Back Claremont Grove
- Excavations/Hard/Soft landscaping
- Pedestrian Entrance and Service Vehicle lay by
- Upper Ground floor plan/Lower Ground floor plan with courtyard
- Proposed Elevation to Woodhouse Square
- Elevation materials including glazing
- Perspective view from Brandon Road
- Roof level detail

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 and the applicant team duly responded:-

- Clarification if the proposal was a traditional halls of residence or self contained flats  
*(The applicant responded and confirmed it would be a traditional halls of residence)*
- Clarification if this was existing accommodation or new accommodation; the approximate date when the contractor would be on site and whether or not a car free scheme would work in this area  
*(The applicant responded and confirmed that it was new accommodation. The anticipated completion was September 2014 and that they would be open to further discussion regarding the merits of the car free scheme)*
- Clarification if the applicant had undertaken market research in relation to this site  
*(The applicant responded and confirmed that market research had been undertaken)*
- Clarification if the northern boundary of the building was a blank wall  
*(The applicant responded it would have angled windows to avoid overlooking but that it could be a blank wall on the upper levels and agreed to provide this information)*
- Clarification of the potential loss of windows on the lower level of the building
- Clarification if there was a cross-section showing the relationship to the existing residential properties on Back Claremont Grove.  
*(The applicant responded that there wasn't, but agreed to provide this information)*

- The view expressed that the top storey level of the buildings were too ‘heavy handed’ and that removal of the overhanging eaves feature to the flat roof would significantly improve the appearance
- Clarification if it was possible to locate the plant on Back Claremont Grove and relocate the residential accommodation at basement level to face Woodhouse Square  
*(The applicant responded and confirmed that it would not be possible to re-locate residential accommodation in this way because internal amenity would be compromised )*
- Concerns that the appearance of the building looked ‘bland’ within a Conservation area and whether the building could be made more traditional  
*(The applicant responded and welcomed the opportunity to consider some more design alternatives with planning officers)*
- To place on record that not all Members of the Panel viewed the building as bland
- The need to address the proportion elements of the building to blend in with other buildings
- The need to obtain more evidence regarding the car free scheme and car parking in general

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

- do Members accept the principle of student housing on this site?
- do Members accept the principle of a car free scheme?
- Is the scale, form and design of the building acceptable and its relationship with the adjacent listed building?

It was the consensus of the meeting that in view of the sensitive heritage setting in the area and close proximity of a number of listed buildings within the vicinity of the site, that the Chief Planning Officer should have further discussions with the applicant with a view to improving the design quality of the scheme and to also address the issues regarding the design and relationship to Back Claremont Grove for consideration at a future meeting.

#### **RESOLVED –**

- a) That the report and pre-application presentation be noted.
- b) That in view of the sensitive heritage setting in the area and close proximity of a number of listed buildings within the vicinity of the site, the Chief Planning Officer be requested to have further discussions with the applicant with a view to improving the design quality of the scheme and to also address the issues regarding Back Claremont Grove for consideration at a future meeting.

#### **36 Pre-Application - PreApp/12/00631 - Proposed Data Centre, Black Bull Street, South Bank, Leeds**

The report of the Chief Planning Officer introduced a pre-application presentation in relation to a proposed Data Centre at Black Bull Street, South Bank, Leeds.

The following representatives attended and addressed the meeting:-

- Peter Connolly, Yorkshire Design Group
- Nick Barnes, Garnett Netherwood Architects

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

The presentation highlighted the following key areas:-

- Background details and photographs
- Introduction to Yorkshire Design Group
- Introduction to AQL
- Fibre Optik Network
- The site and surroundings
- Existing site Infrastructure
- Catalyst for future development
- Site permeability and connectivity
- Illustrative Master Plan
- Built form and open spaces
- Aerial view from the South
- View looking North up Black Bull Street/View looking down Black Bull Street
- Views looking west from New Dock
- Site Plan of Data Centre
- View of Data Centre from Black Bull Street
- View of Data Centre

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:-

- To welcome the presentation and the vision and to acknowledge the importance of the issue
- To welcome the proposal for providing combined heat and power to adjoining sites and buildings, but to acknowledge that traffic calming measures would be a challenge
- The need to address the design of the building with a view to making it more 'human' and to consider introducing further changes to improve the elevational appearance
- To welcome the proposal to establish a Data Centre in Leeds, but to suggest improvements to the overall appearance of the building and acknowledge that Black Bull Street was a potential hotspot for speeding traffic
- To welcome the landscaping proposals to the front of the building
- To propose that a Plans Panel Workshop be convened to discuss the design of the building prior to a full planning application being considered
- To request the applicant to consider illuminating the building at night

At the request of the Chair, the applicant responded to the issues raised at the meeting and acknowledged that the photographs did not do the building justice. In view of the importance of the application, he welcomed the opportunity of re-

considering the design aspects of the building and re-affirmed that Black Bull Street did not require three lanes of traffic and that traffic calming measures were possible.

The Chief Planning Officer addressed the meeting and requested Members to support the proposals, in principle, and that he would have further discussions with the applicant with regards to work on the design of the building, travel implications, elevations and materials with a view to receiving a full planning application at the October meeting.

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

- is the principle of locating a data centre building on part of this site appropriate, given the potential importance of such a facility to the City Centre economy, and as a catalyst for the regeneration of the South Bank?
- is the general approach to the illustrative masterplan right for the area and does it complement the City's vision for the South Bank and the City Centre Park by creating appropriate links and physical relationships to surrounding sites such as New Dock ?
- is the form and massing of the building appropriate given the existing context of Indigo Blu, Brewery Wharf and New Dock developments, and evolving indicative context of the South Bank?
- are the architectural detailing and materials proposed appropriate for the building and do they project a modern and forward-looking image of this part of the City?

It was the consensus of the meeting that the above matters were acceptable, subject to further discussions with the applicant with regards to work on the design of the building, travel implications, elevations and materials.

**RESOLVED –**

- a) That the report and pre-application presentation be noted.
- b) That the proposals be supported, in principle, and that the Chief Planning Officer be requested to have further discussions with the applicant with regards to work on the design of the building, travel implications, elevations and materials with a view to receiving a full planning application at the October meeting.
- c) That prior to considering a full planning application at the October meeting, the Chief Planning Officer be requested to convene a Plans Panel Workshop to discuss the design of the building, travel implications, elevations and materials.

(Councillor M Hamilton left the meeting at 5.30pm during discussions of the above item)

**37 Date and time of next meeting**

To note that the date and time of next meeting was Thursday 27<sup>th</sup> September 2012 at 1.30pm in the Civic Hall, Leeds.

(The meeting concluded at 6.00pm)



Originator: Sarah McMahon

Tel: 2478171

## Report of the Chief Planning Officer

### **CITY PLANS PANEL**

Date: 27 SEPTEMBER 2012

**Subject: APPLICATION 12/03002/OT – An Outline Planning Application for 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, and**

**NON MATERIAL AMENDMENT 12/9/00098/MOD – To amend the development description to include leisure use (D2 use class) and casino use (sui generis) at the Eastgate and Harewood Quarter, Leeds – Land bound 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, Leeds, LS2.**

APPLICANT	DATE VALID	TARGET DATE
Hammersons UK Properties PLC	10 July 2012	30 October 2012

#### 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:**

##### **12/03002/OT**

**1. Defer and Delegate to the Chief Planning Officer to grant Outline Planning Permission, subject to the specified conditions (and any others which might be considered appropriate) and following completing of a Section 106 Agreement Deed of Variation to bind the previous application (11/01000/OT) and the current application.**

**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.**

**12/9/00098/MOD**

**2. Defer and Delegate to the Chief Planning Officer to agree the Non Material Amendment to amend the development description to include leisure use (D2 use class) and casino use (sui generis).**

**Conditions 12/03002/OT**

1. Reserved Matters - access, appearance, landscaping, layout and scale
2. Time Limit not later than 5 September 2016 (this being 5 years from the permission date on the original planning application 11/01000/OT) for the submission of reserved matters and 3 years thereafter for commencement of development.
3. Gross External Floorspace (GEA) floor space maximum and minimum limits for each use
4. List of Approved plans and drawings
5. Masterplan and potential phasing of implementation of uses
6. Clear glazing to ground floor windows
7. Minimum headroom of 5.7 metres below Eastgate walkway for full width to be used by vehicles
8. Provision of facility for Shopmobility
9. Details of a multi-faith prayer room, including washing facilities
10. 5 metre easement to the Ring Road
11. Phasing of any enabling, highway and bus station works or bus facilities
12. Lighting scheme
13. All external walling and roofing materials
14. 1:20 details of detail of roof lines, eaves shopfronts double height frontages, entrance points, replacement and new buildings, junctions of new build elements with the existing structures of Templar House, Templar Hotel, 90-94 Vicar Lane and the elements of the Eastgate Blomfield terraces to be retained, cross sections of upper level windows showing recesses and reveals and heights and relationship to existing and proposed structures of any plant area screens.
15. All external surfacing materials
16. Details of existing and proposed levels including Ordnance Survey Data
17. Permanent waiting facilities for use by bus drivers on Vicar Lane
18. Temporary bus drivers waiting facilities on Vicar Lane
19. Details and location of the public conveniences, real time information displays and public seating
20. Details of all vehicle parking layouts including motorcycle and cycle parking and electric car charging points
21. Details of long stay cycle parking, showers and changing facilities
22. Submission of a Car Park Management Plan
23. Details of secure short stay cycle parking facilities
24. Off site highways works to be addressed via a Section 278 Legal Agreement
25. Details of a hard and soft landscaping scheme, its implementation and maintenance
26. Replacement of any trees lost within 5 years of planting
27. Details of the means and measures of biodiversity protection and enhancements including a precautionary bat survey
28. Compliance with agreed Arts and Cultural Strategy
29. Submission of a Demolition and Construction Management Plan
30. Submission of a management strategy identifying measures to reduce the visual impact of the development



31. Submission of a detailed scheme comprising (i) a recycled material content plan ((ii) a Site Waste Management Plan for the construction stage, (iii) a waste management plan for the buildings occupation and (iv) a BREEAM assessment
32. Fallback position should the off site low carbon energy centre not come forward
33. Submission of a programme of archaeological and architectural investigation and recording
34. Submission of a programme of archaeological below ground works
35. Details of any architectural features to be salvaged.
36. Details of all fixed mechanical plant and building service plant and agreed noise levels
37. Submission of details of a sound insulation scheme
38. Submission of a scheme detailing the method of storage and disposal of litter and waste materials
39. No storage of refuse either outside the building, or on the public highway
40. Details of the surface water drainage system
41. Details of foul water drainage system
42. Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor
43. Implementation of the recommendations in the Phase 2 Site Investigation and Geo-Environmental Risk Assessment
44. Submission of a remediation statement
45. Unexpected contamination
46. Remediation works shall be carried out
47. Accordance with the approved Flood Risk Assessment
48. Submission of a disabled access strategy
49. Submission of strategy for the routes around the site to be maintained and made available to the public during construction
50. Details of air quality mitigation measures
51. Details of wind tunneling/microclimate creation mitigation measures
52. Details of proposed bus station access arrangements (vehicle tracking)
53. Bus stop utilization review (after 6 months) of implementation

**All of the above conditions are provided in full in the Appendix 3.**

**Reasons for approval of 12/03002OT :** The application is considered to comply with policies SA1, SA2, SA4, SA5, SA6, SA7, SA8, SA9, SP3, SP7, SP8, SG4, GP5, GP11, GP12, N12, N13, N23, N38A, N38B, N39A, N39B, N51, BD2, BD5, BD15, T2, T2B, T2C, T2D, T5, T6, T7, T7A, T7B, T9, T13, T15, T24, T26, T28, CCP1, E14, S1, R3, R5, A4, WM3, BC7, N17, N29, ARC4, ARC5, ARC6, LD1, LD2, CC1, CC3, CC5, CC6, CC8, CC10, CC11, CC12, CC13, CC14, CC17, CC19, CC21, CC26, CC27 and CC29 of the UDP Review, as well as guidance contained within the Eastgate and Harewood Supplementary Planning Document, Public Transport Improvements and Developer Contributions, Tall Buildings Design Guide, Travel Plans (draft), Leeds – City Centre Urban Design Strategy (CCUDS): Improving Our Streets, Spaces and Buildings (urban design principles based on the distinctive qualities of Leeds City Centre), The RSS for Yorkshire and Humber and the National Planning Policy Framework 2012 (NPPF) having regard to all other material considerations, as such the application is recommended for approval.

In making the recommendation to grant permission for this development the appraisal has taken into account all material planning considerations including the submitted Environmental Statement, the comments of any statutory and other consultees, public representations about the application and Government guidance and policy as detailed in the National Planning Policy Framework 2012 (NPPF) and (as specified

below) the content and policies within Supplementary Planning Guidance (SPG) and Supplementary Planning Documents (SPD), and the Development Plan consisting of the Regional Spatial Strategy 2004 (RSS) and the Leeds Unitary Development Plan Review 2006 (UDPR). The scheme also accords with the objectives and principles identified within Eastgate and Harewood (Supplementary Planning Document).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states: "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". The City Council determined that the development was very substantially in accordance with the Development Plan as a whole. The City Council considers that the following material considerations justify the granting of planning permission :-

(a) The Eastgate and Harewood Quarter scheme will deliver up to 117,080 square metres of new retail development; new modern office space, leisure and cultural uses, the restoration of listed buildings and significant improvements to the setting of the City Centre conservation area, extensive pedestrianisation and the creation of high quality public realm.

(b) The development is substantially in accordance with the Development Plan as a whole.

(c) The scheme would be in accordance with the Eastgate and Harewood Supplementary Planning Document, the Regional Spatial Strategy, the National Planning Policy Framework 2012 (NPPF) and other adopted supplementary planning guidance.

(d) The development was assessed against the shopping policies in the UDPR and the NPPF and the City Council concluded that no harm would be caused by retail development in this part of the city centre.

(e) The proposed development would comprehensively regenerate and redevelop a substantial part of the city centre which, for a significant period, has suffered from a lack of investment, has been underused and largely detracts from the wider area. The scheme is entirely situated on previously developed land and is located in a sustainable city centre position. The development would bring forward an efficient use of land which would be well integrated into the existing city centre and would be supported by a sound and comprehensive highway strategy. Permeability within the site would be significantly improved and the urban grain restored. The built development will involve buildings of high quality and contemporary appropriate public spaces. Whilst a limited amount of historic fabric would be lost as part of the development the overall impact on the historic environment would be positive and the individual losses are unavoidable if the wider benefits are to be realised.

Consequently the development would represent a major contribution to the renaissance of the city centre and would help Leeds in its aims to become the best UK city.

(f) The scheme would improve physical and economic links with areas and communities beyond the site, deliver affordable housing, and provide significant opportunities for employment and training initiatives for the most deprived people within the city. In doing so the development would help to close the gap between the most disadvantaged people and the rest of the city.

(g) The scheme would address weaknesses in the city's current retail offer and would enhance its regional shopping role. In bringing forward these improvements the scheme would reinforce Leeds' role as the regional centre, re-establish its position competitively with other major cities.

1.1 The proposals are brought to allow Members to consider whether the changes to the mix of uses in the approved Eastgate and Harewood Quarter would be appropriate and of benefit to the scheme, and to the wider City Centre and metropolitan district of Leeds.

## 2.0 PROPOSAL:

### 1. Variation of Condition Application 12/03002/OT

- 2.1 The application 12/03002/OT seeks to vary Condition 3 as approved on planning permission 11/01000/OT for the redevelopment of the site. This Condition details the ranges of total gross external floor space for each consented use, giving a maximum and minimum floor space figure for each of the said uses. The proposal is to amend the approved use Gym (Class D2) to Leisure (Class D2) and to amend the potential maximum gross external floor space for this use from 3,500 metres<sup>2</sup> to 11,000 metres<sup>2</sup>. The second variation proposed to Condition 3 is the addition of a new use, Casino (Sui Generis) with a range of gross external floor space of 0 metres<sup>2</sup> to 5,000 metres<sup>2</sup>.
- 2.2 The original scheme for the Eastgate and Harewood Quarter development, under application 06/03333/OT (approved on 24 August 2007 and extended under reference 10/01477/EXT on 9 July 2010), was a retail led mixed use scheme with an overall floorspace parameter ranging from a maximum of 147, 710 metres<sup>2</sup> to a minimum of 92,350 metres<sup>2</sup>. This scheme included retail, bars, restaurants, offices, a cinema, a gym, a medical centre, a crèche, church facilities, a hotel, residential and car parking.
- 2.3 The development proposal was reconsidered by the Applicant and the revised scheme was submitted under planning application 11/01000/OT. Here the mix of use was rationalised to retail, bars, restaurants, office space, a gym, a medical centre, a crèche, a multi faith prayer room, car parking and changing places facilities. This resulted in the overall floorspace parameters changing to a maximum of 131,286 metres<sup>2</sup> and a minimum of 84,832 metres<sup>2</sup>.
- 2.4 The changes details in Section 2.1 for the current proposal (application reference 12/03002/OT) proposes a maximum overall floor space parameter of 136,286 metres<sup>2</sup> and a minimum of 84,832 metres<sup>2</sup>. This is a potential 5,000 metres<sup>2</sup> overall increase in floorspace on that approved under the previous application, 11/01000/OT. However the actual increase in proposed floor space for the amended D2 use and the new Casino use would amount to 12,500 metres<sup>2</sup> which would result in an overall maximum floorspace parameter of 143, 786 metre<sup>2</sup>.
- 2.5 Therefore, to ensure that the maximum floor space figure of 136,286 metres<sup>2</sup>, as submitted on the Use and Floor Space Parameters table (found in the Design and Access Statement) is not exceeded, other uses listed in the table may reduce in floor space to ensure that the overall increase in gross external floor space does not amount to more than 5,000 metres<sup>2</sup>. In addition the Applicant will consider the use of mezzanines, changes to floor to ceiling heights and the minimising of ancillary/service area space where possible.
- 2.6 The land use and maximum and minimum floor space parameters for each type of proposed use and a comparison between this and the previous consented schemes

can be found in Appendix 1. The amendments currently submitted under this application (12/03002/OT) are set out in italics in the table.

## 2. Non Material Amendment 12/9/00098/MOD

2.7 The non material amendment 12/9/00098/MOD, seeks to amend the development's description such that it includes Leisure Use (D2) and Casino Use (Sui Generis) As Casino Use (Sui Generis) can not be considered to be non material this Non Material Amendment needs to be considered in the combination with the submitted Section 73 application for Variation of Condition 3, planning reference 12/03002/OT.

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

Design and Access Statement Addendum (HUK3)  
Planning Statement Addendum (HUK4)  
Transport Statement Addendum (HUK8)  
Travel Plan Framework (HUK9)  
Environmental Statement Addendum (HUK10)  
Energy Statement Addendum (HUK13)

2.9 The Applicant submitted an addendum 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 EIA results are contained in the Environmental Statement addendum which covers the following areas:

- Summary of Changes
- Methodology
- Socio Economics
- Air quality
- Noise
- Residual impacts of the entire Environmental Statement.

## **3.0 SITE AND SURROUNDINGS:**

3.1 The application site extends to approximately 6.9 hectares in size and forms the north east quadrant of Leeds City Centre. It is defined by New York Road (Inner Ring Road A58M/A64M) to the north, Bridge Street to the east, George Street and Dyer Street to the south and Harewood Street and Vicar Lane to the west. Millgarth Police Station, Millennium Fountain (former Appleyards petrol filling station) and the Ladybeck Close area are all now excluded from the amended proposals site boundary. Ground levels fall by approximately 14m from the north west (former ABC site) to the south east corner (bus station) of the site.

3.2 The site contains a varied mix of property and land uses. However, a significant land use is surface car parking (2.26 hectares). Lady Lane, Edward Street, Union Street, Templar Street, Templar Lane and on-street car parking accounts for approximately 1080 surface parking spaces. Existing buildings on site are commonly three or four storeys in height, typically retail (A1) or food and drink (A3 and A4) uses at ground floor level and mainly office (B1) or residential uses above. However, an increased

number of these existing buildings have become vacant since the consent was granted for the original outline scheme in August 2007.

### 3.3 North central segment

Saxon Hawke House (Lyon Works) is a former clothing factory constructed in 3 phases between 1914 (northern end adjacent to Templar Street) and 1937 (southern end adjacent to Lady Lane). To the west of Templar Lane, Templar House is a Grade II Listed Building constructed as a chapel in 1840. The building has been unoccupied for some time and is in a very poor structural condition with no remaining internal features of interest. To the south, 34 Lady Lane is one of the few buildings on the site dating from before 1900 although it was remodelled in the 1930's. The building is encompassed within the northern Eastgate terrace.

### 3.4 North west segment

The north-western frontage of the site abuts Vicar Lane. The former ABC cinema was demolished during 2006. Templar Hotel, at the junction with Templar Street, is a mid-late 19th Century building used as a public house. 100-104 Vicar Lane originally formed part of the West Yorkshire Bus Station but is now in a variety of commercial uses.

### 3.5 Central spine and southern segment

In 1924 a scheme to demolish the properties on the north side of the Headrow to create a new, grand, street running from the Town Hall to Mabgate Circus was agreed. In order to achieve a unifying theme, Sir Reginald Blomfield was appointed to design the buildings that would face onto the new street. 90-94 Vicar Lane is located at the junction with Eastgate. The building is grade II listed and is one of the four similar corner blocks (only 3 were completed) at this junction designed by Blomfield. However, few of the buildings within Eastgate were ultimately designed by Blomfield.

3.6 1-5 Eastgate forms part of the same block as 90-94 Vicar Lane. The building is a post-war interpretation of its neighbour. The northern Eastgate terrace (7-31 Eastgate) is situated to the east of this block beyond a staircase leading down to Lady Lane and Edward Street. The terrace, stepping down from west to east, is 130m in length. 7-27 (1953) Eastgate generally follows the outline plan and is clearly inspired by Blomfield. 29-31 Eastgate (1930-33) was designed by Blomfield.

3.7 The terrace on the southern side of Eastgate is a similar length and height to that on the northern side. The majority of the run (10-42 Eastgate) dates from the late 1950's. 44-46 Eastgate, the southern 'bookend' is similar to its northern counterpart. Beyond the open car parks and the police headquarters (outside the site) part of Leeds Central Bus Station is located within the application site boundary.

3.8 The Millennium Fountain, whilst outside the demise of the current proposal, is of importance still and is located within a Blomfield designed building located at the intersection of Eastgate (west), Eastgate (north-east) and St Peter's Street. The grade II listed building was constructed as a petrol station in 1932. The surrounding railings were listed grade II as having group value as part of the composition with the filling station.

## 4.0 **RELEVANT PLANNING HISTORY:**

4.1 The original outline planning permission (06/03333/OT) was granted consent on 24<sup>th</sup> 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 Other applications of relevance are:
- 4.4 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.
- 4.5 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.
- 4.6 09/04368/LI – A Listed building application to repair and renovate the external fabric of Templar House, Lady Lane was approved 2 December 2009.
- 4.7 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. This proposal aims to provide for the development's energy requirements as well as potential for use by other surrounding sites/developments.
- 4.8 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, kindergarden, auditorium, games room, teaching rooms, meeting rooms, offices and kitchen, with car parking and landscaping and laying out of new access, at the Agnes Stewart site, was approved on 5 October 2011.
- 4.9 07/02508/FU – Permission was granted for the laying out of access road and erection of new auditorium and youth hall, with new car parking area to form church and community facilities for the relocation of the Bridge Street Pentecostal Church to the Agnes Stewart school site on 29 June 2010. The above two applications relate to the relocation of existing church facilities.
- 4.10 Whilst not strictly part of the planning history, it should note that on 19<sup>th</sup> 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 18<sup>th</sup> 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 7<sup>th</sup> of April 2011. Accordingly, the site assembly process to enable the proposal to be implemented (if planning permission is granted) is well advanced.

- 4.11 Whilst also not strictly part of the planning history, it should be noted that under provisions for Large Casinos laid down in the Gambling Act 2005, a Licensing Application is currently under consideration by the Licensing Committee Advisory Panel, for a Large Casino on the Eastgate and Harewood Quarter site. The application is at Stage 2 of the Licensing Application process and is registered under reference number GPROV/CAS/00003.

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 The overall scheme has been the subject of detailed discussions between the Applicants, their Architects and Local Authority Officers for a considerable number of months, and was presented to Members at the Plans Panel of 22 July 2010. Members commented on the proposals and the scheme was brought back to Plans Panel on 16 September 2010 for a further pre-application presentation. Further comments were made by Members to be taken into account in the subsequently submitted outline planning application.
- 5.2 The original outline application was then brought to Panel as a Position Statement on 12 May 2011 and Members again made comments which informed the manner in which the proposal was to be brought forward. The original outline application was brought back to Plans Panel for determination on 7 July 2011 where Members resolved to grant outline planning permission. The application was subsequently approved, following completion of the Section 106 Legal Agreement, on 6 September 2011.

## **6.0 PUBLIC/LOCAL RESPONSE:**

- 6.1 The Variation of Condition application was publicised via Site Notices posted on 20 July 2012 expiring on 10 August 2012 for a 'Major Development Which Affects the Setting of a Listed Building and the Character of a Conservation Area and is Accompanied by an Environmental Statement', and in the Yorkshire Evening Post edition printed on the 20 July 2012. Ward Members were consulted on 18 July 2012; no responses have been received from them to date.
- 6.2 13 letters of comment have been received these being 12 letters of objection and 1 letters of support, and a petition of objection totaling 1171 signatures has been received. The majority of the letters and the petition have commented on the possible loss of the Templar Hotel public house, as follows:
- 6.3
1. There is concern regarding the loss of the Templar Hotel pub, which is considered to be a rare heritage pub of pleasing appearance and detail. That the pub is of historical importance and that its loss would be tragic and unnecessary. It is suggested that the public house should be incorporated in the scheme.
  2. That the Templar Hotel pub should not be changed into a casino.
  3. That the Templar Hotel pub is a traditional community pub, and that it offers the community as much leisure options as the community requires and that the redevelopment will not provide the community with what Templar Hotel already provides.

6.4 Other comments received relate to the following matters:

1. That an application for a further casino in a city which already has four is wholly unnecessary.
- 2.. That the Eastgate redevelopment will be of great benefit to Leeds, and that will regenerate this part of Leeds City Centre, and that the casino will be a lively draw that will enhance the scheme.
3. That the whole planned development will have a negative impact on the character of the area and on Kirkgate Market, with Market parking being adversely affected, as well as likely increases in traffic, noise and disturbance.

6.5 All of the above matters are responded to within the appraisal section below.

6.6 No comments have been received with regard to the non material amendment.

## 7.0 CONSULTATIONS RESPONSES:

### 7.1 Statutory:

7.2 Highways state that they have no objections to the proposed amendments.

7.3 Mains Drainage state that the amendments are not significant in terms of Flood Risk and Drainage though full details of drainage and calculations to support them will be required.

Response: Such details will be conditioned accordingly.

7.4 Yorkshire Water state that they have no comments to make.

7.5 English Heritage state that the application should be determined in accordance with national and local policy guidance, and on the basis of the Local Planning Authority's own specialist conservation advice.

7.6 Environment Agency state that the proposed amendments will only be acceptable providing the measures as detailed in the Flood Risk Assessment 00-GE-990-WCL-RP-001 (dated January 2011), are implemented and secured by way of a planning condition.

Response: the decision will be conditioned accordingly.

7.7 Highways Agency state that they have no objection to the proposal provided the varied Condition 3 is attached to any planning permission.

Response: The variation of the condition will form part of the decision notice for any approval for this planning application.

7.8 National Amenities Societies for Listed Buildings no responses received.

7.9 Natural England state that the amendments are unlikely to have significantly different impacts on the natural environment than the original proposal.

### 7.10 Non-statutory:

7.11 Police Liaison Officer states that they have no detrimental comments to make, but offer guidance on crime incidents in the area and creating Safer Place. The Officer



also refers to the previous comments made under consultation on the outline planning application 11/01000/OT) with regard to the Applicant consulting the Counter Terrorism Unit and Leeds Watch.

Response: The Applicant has been made aware of these comments and guidance.

- 7.12 TravelWise request that amendments be made to the Travel Plan to ensure the D2 Leisure Use and Casino Use (Sui Generis) are referred to in all appropriate sections.  
Response: The Travel Plan has been revised accordingly and is now consider to be acceptable by the Travel Wise Officer
- 7.13 Access Officer no response received.
- 7.14 Local Plans state that the proposed variations would be considered acceptable in principle.
- 7.15 Neighbourhoods and Housing Response received on 14 September 2012 stating that they have no adverse comments subject to their recommendations on application 11/01000/OT being carried forward.  
Response: The conditions recommended have been brought forward on to the current application.
- 7.16 Air Quality no response received
- 7.17 Asset Management no response received
- 7.18 City Centre Management Team no response received
- 7.19 Street Lighting no response received
- 7.20 Licensing no response received
- 7.21 City Services Streetscene Services no response received
- 7.22 The Coal Authority state that they have no comments or observations to make on this application.
- 7.23 Public Rights of Way state that their records show no definitive or claimed rights of way across or abutting the site.
- 7.24 Metro no response received
- 7.25 West Yorkshire Archaeological Advisory Service no response received
- 7.26 The Design Council CABA no response received
- 7.27 Leeds Civic Trust state that they object to the proposed addition of the casino and feel that there are more appropriate locations for this use to be sited. They state that they would prefer the leisure elements of the scheme to be family orientated.  
Response: The application is for the addition of a Sui Generis Casino use (of a maximum of 5,000 sq metres floor space) and the amendment of the previously approved Gym Use (D2 Use Class) to wider Leisure Use (D2 Use Class), with an accompanying increase in floor space for the amended D2 Use from a maximum of 3500 sq metres to a maximum of 11,000 sq metres. As a result the proposed Casino use would not prevent the introduction of a sizeable amount of family orientated

leisure use via the broadened Leisure D2 Use Class and large maximum floor space for this leisure Use Class.

- 7.28 Environmental Policy no response received
- 7.29 Transport Policy /NGT Officer states that the submitted Transport Statement Addendum informs that there would be only a negligible increase in peak hour vehicular trips, that the changes in gross floor area are likely to be generally in the same order as the gross floor area previously used in the public transport contribution calculation, and that the casino use may well reduce public transport numbers. As such it is considered reasonable to maintain the contribution as that previously agreed on 11/01000/OT (i.e. £749,922.00). The maintained contribution should be split pro-rata based on the combination of A1, A4, A5, D2 and Casino uses, if the scheme is to be phased.
- 7.30 Contaminated Land Team state that they have no comments to make with regard to the proposed variations.
- 7.31 Nature Conservation Officer states that there do not appear to be any significant impacts on nature conservation issues as a result of this proposal for a variation of Condition 3.

## **8.0 PLANNING POLICIES:**

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

## **9.0 MAIN ISSUES:**

1. The principal of the Variation of Condition 3 to amend to the mix of uses
2. The principal of the Non Material Amendment to alter the development description
3. Templar Hotel Public House
4. S106 Deed of Variation
5. Equality

## **APPRAISAL**

- 9.1 1. The principal of the Variation of Condition 3 to amend to the mix of uses  
Section 73 of Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition or conditions previously imposed on a planning permission. The Council can grant such permission unconditionally or subject to different conditions or can refuse the application if it is decided that the original conditions should continue. The original planning permission will subsist whatever the outcome of the application under section 73.
- 9.2 The development which the application under s.73 seeks to amend will by definition have been judged to be acceptable in principle at an earlier date. The application should be determined in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004 (see below) but the Panel, in making its decision should focus attention on national or local policies or other material considerations which may have changed significantly since the original grant of permission, as well as the changes sought.

- 9.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The Development Plan for the purposes of this application comprises the Regional Spatial Strategy for Yorkshire and the Humber and the Unitary Development Plan (Review) 2006. In arriving at a decision it will be necessary to look at the RSS and UDPR as a whole, as well as other material considerations, such as the Eastgate and Harewood SPD and representations. Since development plans contain numerous policies, the local planning authority must have regard to all those provisions which are relevant to the application under consideration. However, it is not necessary that the development should be in accordance with every relevant policy of the plan. If there are areas where policies pull in different directions a judgment will have to be taken whether or not the development is still firmly "in accordance" with the plan as a whole.
- 9.4 Central Government have in their ministerial statement on "Planning for Growth" advised that when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant - and consistent with their statutory obligations - they should therefore:
- 1) Consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession
  - 2) Take into account the need to maintain a flexible and responsive supply of land for key sectors,
  - 3) Consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity)
  - 4) Be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date
  - 5) Ensure that they do not impose unnecessary burdens on development. In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in the National Planning Policy Framework 2012), and that they can give clear reasons for their decisions.
- 9.5 The Leeds Unitary Development Plan Review 2006 (UDPR) sets out a number of strategic aims through which opportunities and catalysts for securing positive change can be identified. Amongst other strategic aims the UDPR seeks to promote and strengthens the economic base of Leeds by identification of a balanced range of sites for development, by ensuring 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, by encouraging the provision of facilities for leisure activities, by promoting the physical and economic regeneration of urban land and buildings within the urban areas, by ensuring that all sections of the community have safe and easy access to employment, shops and other facilities by maintaining and enhancing the current levels of provision in appropriate locations and by supporting the aspiration of Leeds to become one of the principal cities of Europe and maintaining and enhancing the distinctive character which the centre already possesses. In addition, the development plan looks for new development to be

concentrated largely within the main urban areas on sites well served by public transport in order to maximise the potential of existing infrastructure, and states that priority be given to the maintenance and enhancement of the city centre. When looking at the particular role of the city centre the UDPR states 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
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".

- 9.6 The Gambling Act 2005 granted 17 new casino licences and in April 2008 Parliament went on to approve eight small and eight large casino licences. Leeds was awarded the right to issue a large casino licence. A large casino is one defined as having facilities for gambling covering between 1500 metres<sup>2</sup> to 3500 metres<sup>2</sup>. As such as stated above in Section 4.12 the Applicant has submitted an application to Licensing for a large casino licence. This application is currently under consideration by the Licensing Committee Advisory Panel and is a separate, but relevant, matter to this planning application 12/03002/OT. As the proposed Casino use on the current submission (12/03002/OT) has a floor area of up to 5000 metres<sup>2</sup> it is the case that any areas exceeding the 3500 metres<sup>2</sup> defined above, would be given over to ancillary supporting uses, such as service areas or possibly a restaurant.
- 9.7 As previously stated in this report, the proposal is for the addition of a Casino Use (Sui Generis) and the change of an approved Gym Use (Class D2) to a larger Leisure Use (Class D2). There is a requirement to ensure that the overall mix of uses across the scheme remains retail led, and does not increase by more than a maximum gross external floor space of 5000 metres<sup>2</sup>. This is necessary to ensure that the amended scheme accords with the principles of the Prime Shopping Quarter as laid down in the UDPR, and does not exceed the overall height and floor space parameters approved on the original outline planning application 11/01000/OT. To achieve this the Applicant proposes the possible use of mezzanines, alterations to floor to ceiling heights within proposed buildings and the minimising of ancillary/service area spaces where possible.
- 9.8 The UDPR promotes a mix of uses where the proposed uses do not prejudice the primary retailing function of the area, with the use of upper floors for such uses being encouraged. In addition, the Eastgate and Harewood Supplementary Planning Document states that whilst the development of the site should be retail-led, a mix of complimentary uses including leisure is appropriate.
- 9.9 The proposed amended use to Leisure (Class D2) and the additional use Casino (Sui Generis) are considered to be appropriate city centre uses. The broadening of the D2 Use from Gym to Leisure, with the associated increase in floor space would allow more flexibility and the opportunities for bringing more family orientated uses and attractions into Leeds City Centre as part of the scheme. It is also considered that such leisure and entertainment uses add to the vitality and vibrancy of the area, and assist in the promotion of vibrant day time and evening economies within Leeds City Centre.
- 9.10 The principals of the wider development and its impacts on the character of the area and Kirkgate Market, as well as parking provision, traffic movements, on and off site traffic works to accommodate required changes, and potential noise and

disturbance were all addressed on the previous approved outline planning application 11/01000/OT. The current submitted application (planning reference 12/03002/OT) proposes the addition of Casino Use (Sui Generis) and a change from the previously consented Gym Use (D2) to a broader Leisure Use (D2) only. These uses would be incorporated into the layout, and proposed floorspace and heights parameters approved under application 11/01000/OT. As such there would be no additional impact on the character or the area as a result of these amendments to the mix of uses. A revised Transport Statement has been submitted which states that the net increase in trip generation would be negligible as a result of these proposed changes, and that the approved level of car parking provision would be adequate to cover any additional need resulting from these alterations to the uses of the site. Any noise or disturbance resulting from the additional uses would be subject to the same Environmental Health controls as the uses on the approved scheme (11/01000/OT).

- 9.11 The proposals would also result in additional economic benefits. Not only could the scheme be a catalyst for further development around the site and across the wider city, but the additional and changed uses would result in the creation of approximately 347 new jobs for local people. This is in addition to the circa 2289 to 5128 new jobs already estimated to result from the Eastgate and Harewood Quarter scheme as approved under planning application 11/01000/OT.
- 9.12 In light of the High Court case with regard to the Government's desire to abolish the Regional Spatial Strategy (RSS) it is currently the case that the said RSS remains relevant and forms part of the development plan. The Regional Spatial Strategy (RSS) identifies Leeds as a City Region centre and indicates its roles and functions as being to accommodate significant growth in jobs and homes and to continue to improve the city centre's offer of high order shops and services, support economic growth of the city and wider region, protect and enhance the environment, use strategic patterns of development to maximise the opportunities for use of non car modes of transport and encourage growth in general across the south of the city region (which includes Leeds City Centre). The Strategy identified 'non-business class' sectors, which include leisure and tourism, as being key economic and employment generators.
- 9.13 The amendments to the mix of uses in the scheme and the additional employment opportunities these amendments will bring reflect the objectives of the RSS and would reinforce the role of Leeds as a regional centre, re-establish its position competitively with other major cities and help cement Leeds as city of European significance.
- 9.14 2. The principal of the Non Material Amendment to alter the development description  
The proposed non material amendment seeks changes to the development description, such that Casino (Sui Generis) use is included and Gym Use (D2) is changed to Leisure Use (D2). It is considered that amending the description in this manner, when considered in combination with the detail submitted on the above noted Variation of Condition application 12/03002/OT, gives rise to no significant material planning effects in the overall context of the approved scheme. As such the non-material amendment is considered to be acceptable.
- 9.15 3. Templar Hotel Public House  
A large proportion of the letters of comment received, and the petition received, relate to concerns regarding the possible loss of the Templar Hotel public house. The

scheme approved on outline planning application 11/01000/OT considers Templar Hotel, whilst not being a Listed Building, to have architectural and historic importance. As such the approved scheme retains and refurbishes Templar Hotel. The current application is for the amendment of one approved use of the site (to change D2 Gym Use to D2 Leisure Use), and the addition of another use (Sui Generis Casino) only. As such the currently submitted application (12/03002/OT) also proposes to retain and refurbish Templar Hotel and does not propose its removal.

9.16 With regard to the possible location of the Casino use, the plans submitted show that the likely location for the Casino would be on the Harewood side of the site, on what is currently the Union Street car park which would not affect the location of the Templar Hotel.

9.17 In addition whilst the Templar Hotel public house offers one type of leisure pursuit (in the form of A4 Use), and this is a use approved in the mix of uses (on application 11/0100/OT), the proposed D2 Leisure Use and Casino Use (Sui Generis) means that a wider variety of leisure uses could be brought to this area, alongside A4 uses. This could include more family orientated leisure activities and attractions.

9.18 3. S106 Deed of Variation

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

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

9.19 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.

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.

9. 20 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. It is the case that these obligations remain valid and as such a Deed of Variation will be completed to bind the current outline planning applications 12/03002/OT to the original outline planning application 11/01000/OT.

9.21 4. Equality

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.

9.22 On the Eastgate and Harewood site it is the case that there has been a historic concentration of businesses occupied by the Chinese community. Whilst there are still remnants of this occupation (the Applicant has identified that 4 businesses run by members of this community remain on site) many such businesses have already relocated successfully to other locations. In the circumstances Officers do not consider that Section 71 requirements are integral to these decisions, or that the proposals would in any way have a disproportionate impact on the Chinese community.

9. 23 It is also the case that the development proposal would be open for use by all and intends to provide retail, leisure, entertainment and other services that benefit the local and wider community.

**10.0 CONCLUSION:**

10.1 It is considered that the principle of the proposed additional and amended uses accords with the aspirations and objectives of all relevant national, regional and local policies (Appendix 2). The enriched mix of uses will aid the creation of a new,

vibrant retail led development, which has the potential to transform an unfinished corner of the Prime Shopping Quarter. It is considered that the changes would enhance and reinforce the role of the Prime Shopping Quarter and the wider City Centre, bringing substantial regeneration, employment and economic benefits to Leeds. Therefore, the proposed variation to the mix of uses is deemed to be acceptable and appropriate.

### **Background Papers:**

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



**APPENDIX 1 – FLOOR SPACE COMPARISON TABLES 12/03002/OT**

This table provides the mix of uses and floor space parameters for the original consented scheme – 06/03333/OT, approved on 24 August 2007 and the extension of time for this, 10/01477/EXT approved on 9 July 2010, the mix of uses and floor space parameters for the revised scheme – 11/01000/OT approved on 6 September 2011 and the proposed mix of uses and floor space parameters for the current variation of condition application – 12/03002/OT.

<b>Types of Use</b>	<b>06/03333/OT &amp; 10/01477/EXT</b>	<b>06/03333/OT &amp; 10/01477/EXT</b>	<b>11/01000/OT</b>	<b>11/0100/OT</b>	<b>12/03002/OT</b>	<b>12/03002/OT</b>
	<b>Maximum Gross External Area metres<sup>2</sup></b>	<b>Minimum Gross External Area metres<sup>2</sup></b>	<b>Maximum Gross External Area metres<sup>2</sup></b>	<b>Minimum Gross External Area metres<sup>2</sup></b>	<b>Maximum Gross External Area metres<sup>2</sup></b>	<b>Minimum Gross External Area metres<sup>2</sup></b>
A1, A2, A3, A4 and A5	117 080 m <sup>2</sup>	84 110 m <sup>2</sup>	117 080 m <sup>2</sup>	79 800 m <sup>2</sup>	117 080 m <sup>2</sup>	79 800m <sup>2</sup>
Gym D2	4 880m <sup>2</sup>	2 050 m <sup>2</sup>	3 500m <sup>2</sup>	0 m <sup>2</sup>		
Leisure D2					11 000m <sup>2</sup>	0 m <sup>2</sup>
Casino (Sui Generis)					5 000 m <sup>2</sup>	0 m <sup>2</sup>
Medical Centre D1	830 m <sup>2</sup>	560 m <sup>2</sup>	400 m <sup>2</sup>	0 m <sup>2</sup>	400 m <sup>2</sup>	0 m <sup>2</sup>
Office (B1)	9 750 m <sup>2</sup>	1 350 m <sup>2</sup>	9 832 m <sup>2</sup>	5 000 m <sup>2</sup>	9 832 m <sup>2</sup>	5 000 m <sup>2</sup>
Cinema (D2)	6 300m <sup>2</sup>	0 m <sup>2</sup>				
Crèche/nursery (D1)	780 m <sup>2</sup>	280 m <sup>2</sup>	400 m <sup>2</sup>	0 m <sup>2</sup>	400 m <sup>2</sup>	0 m <sup>2</sup>
Multi Faith Prayer Room D1	1 050 m <sup>2</sup>	530 m <sup>2</sup>	50 m <sup>2</sup>	20 m <sup>2</sup>	50 m <sup>2</sup>	20 m <sup>2</sup>
Hotel (C1)	7 040 m <sup>2</sup>	3 470 m <sup>2</sup>				
Changing			24 m <sup>2</sup>	12 m <sup>2</sup>	24 m <sup>2</sup>	12 m <sup>2</sup>

Places toilets and changing facilities									
<b>Total Gross External Area</b>	<b>147 710 m<sup>2</sup></b>	<b>92 350 m<sup>2</sup></b>	<b>131 286 m<sup>2</sup></b>	<b>84 832 m<sup>2</sup></b>	<b>136 286 m<sup>2</sup></b>	<b>84 832 m<sup>2</sup></b>			<b>84 832 m<sup>2</sup></b>
Residential units	600	300							
Car Parking	2700	3100	2700	2200	2700	2200			2200
Replacement Police Car Parking	80	80	80	0	80	0			0
<b>Total number of parking bays</b>	<b>2780</b>	<b>3180</b>	<b>2780</b>	<b>2200</b>	<b>2780</b>	<b>2200</b>			<b>2200</b>

NB: Although the proposed maximum Total Gross External Area of the above list for all uses on the current application 12/03002/OT actually amounts to 143,786 metres<sup>2</sup>, it is the case that the said Total Gross External Area for all uses combined shall not in fact exceed **136,286 metres<sup>2</sup>**. As such where one use is developed to its maximum gross external area, another will reduce accordingly to ensure this is the case. In addition the Applicant will consider the use of mezzanines, changes to floor to ceiling heights and the minimising of ancillary/service area space where possible.

## **APPENDIX 2: PLANNING POLICIES AND GUIDANCE 12/03002/OT**

### **The Development Plan**

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

### **Regional Spatial Strategy (RSS)**

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

### **Unitary Development Plan (Review 2006) (UDPR)**

#### Strategic context

SA1 aims to secure the highest possible quality of the environment

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

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

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

SA6 encourages the provision of facilities for leisure activities

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

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

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

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

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

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

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

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

GP5 indicates that development proposals must resolve detailed planning considerations

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

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

#### Urban Design

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

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

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

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

complimentary to its setting will be welcomed”.

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

N38A Development should not increase the risk of flooding

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

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.

**Draft Supplementary Planning Documents**

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.

## **APPENDIX 3 NON STANDARD CONDITIONS 12/03002/OT**

### **Matters to be Reserved and Time Limit**

1. The following details (hereafter referred to as the reserved matters) for each plot of the development shall be submitted to the Local Planning Authority prior to the commencement of the development of that plot and no work except demolition or site clearance works (which for the purposes of the conditions in this outline planning permission shall include the removal of existing foundations, existing infrastructure and services and all other below ground works) shall start within the relevant plot until the Local Planning Authority has given its approval to all of these details in writing:

- The boundaries of that plot
- The layout of the development
- The scale of the development
- The appearance of the development
- The formation of any means of access to and within each development plot.
- The hard and soft landscaping of the plot.

Plans and particulars of the reserved matters shall be submitted utilising a planning application form and shall be carried out as approved.

To ensure the proposed development is satisfactory and to comply with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010

2. Application(s) for the approval of reserved matters for each plot of the development shall be made to the Local Planning Authority not later than 5 September 2016 (this being 5 years from the permission date on the original planning application 11/01000/OT). All plots of development hereby permitted shall be begun not later than 3 years from the date of approval of the last Reserved Matters to be approved.

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 enable the Council to review the suitability of the development in the light of altered circumstances.

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

3. The uses hereby permitted shall be between the following total Gross External Floorspace (GEA) ranges:

Retail (Class A1) - 117,080 sq metres maximum and 79,800 sq metres minimum

Office (Class B1(a)) - 9,832 sq metres maximum and 5,000 sq metres minimum  
Leisure (Class D2) - 11,000 sq metres maximum and 0 (zero) sq metres minimum  
Casino (Sui Generis) – 5,000 sq metres maximum and 0 (zero) sq metres minimum  
Medical Centre (Class D1) - 400 sq metres maximum and 0 (zero) sq metres minimum  
Crèche/nursery (Class D1) - 400 sq metres maximum and 0 (zero) sq metres minimum  
Multi-faith prayer room (Class D1) - 50 sq metres maximum and 20 sq metres minimum  
Changing places and toilet facility - 24 sq metres maximum and 12 sq metres minimum

Notwithstanding the ranges permitted by this condition, the Gross External Area for all uses combined shall not exceed 136,286 sq metres.

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 vitality and viability of Leeds Town Centre in accordance with Policy GP5 of the Leeds UDPR and Government Guidance contained in the National Planning Policy Framework 2012.

4. The development hereby approved by the Local Planning Authority shall be carried out in accordance with the following plans, drawings and documents (except where indicated in such documents) :

- HUK1 – Parameter Plan 1 - Site Boundary
- HUK 1 – Parameter Plan 2 – Existing Site
- HUK1 – Parameter Plan 3 – Building Plots
- HUK 1 – Parameter Plan 4 – Means of Access
- HUK1 – Parameter Plan 5 – Key Pedestrian Routes
- HUK 1 – Parameter Plan 6 – Horizontal Limits of Deviation
- HUK1 – Parameter Plan 7 – Vertical Limits of Deviation
- HUK 2 – Design Guidelines

To ensure the site is developed in accordance with the submitted application and to ensure that the proposed development does not prejudice the amenity of the area to comply with Policies of the Leeds UDPR 2006.

5. Prior to the commencement of development a phasing strategy for each plot shall be submitted to and approved in writing by the Local Planning Authority. The phasing as specified in the phasing plan shall not be varied unless otherwise agreed 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 vitality and viability of Leeds Town Centre in accordance with Policy GP5 of the Leeds UDPR and Government Guidance contained in the National Planning Policy Framework 2012.

### Design Principles and External Appearance

6. Prior to the commencement of development of a plot, a shop front fascia strategy showing locations and amounts of clear glazing and window displays shall be submitted to and approved in writing by the Local Planning Authority. The development of that plot shall be carried out in accordance with the agreed details.

In the interests of visual amenity, the character and appearance of the Listed Building and the 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.

7. For the full width of all areas to be used by vehicles, the minimum headroom of the new walkway bridge structure across Eastgate, above the surface level of the highest part of the public highway immediately beneath the new bridge structure, shall be 5.7 metres, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of free and safe use of the highway and in accordance with Policies GP5 and T2 of the Leeds UDPR.

8. As part of any reserved matters application addressing the layout of Building Plots EQ1 to EQ9 as shown on Parameter Plan 3, a scheme setting out the location and size of a Shop mobility facility for use by members of the general public shall be provided, unless otherwise agreed in writing by the Local Planning Authority. The facility shall be provided in accordance with the approved details and prior to the first occupation of the development for retail purposes and shall thereafter be maintained.

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

9. Prior to first use of the development a multi-faith prayer room, including washing facilities, shall be provided and shall be made available for use by members of the general public during the opening hours of the building in which it is located. The prayer room shall thereafter be maintained.

In order to provide appropriate facilities and to secure the satisfactory development of the site and in accordance with Policy GP5 of the Leeds UDPR.

10. No part of the development shall project or be built within 5 metres of the retaining wall structure of the Inner Ring Road unless otherwise agreed in

writing by the Local Planning Authority.

In order to ensure satisfactory access can be achieved to the Inner Ring Road for maintenance purposes and in accordance with Policy GP5 of the Leeds UDPR.

11. Prior to the commencement of any:

- (a) Enabling works; and
- (b) Any highway works, bus station works or bus facilities,

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.

12. No occupation of a Building Plot, as shown on Parameter Plan 3, 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.

13. In relation to an individual Building Plot, as shown on Parameter Plan 3, before 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.

14. In relation to an individual Building Plot, , as shown on Parameter Plan 3, before 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 fascias, and any double height frontages) and entrance points, and



- (b) details of replacement and new buildings including all elevations
- (c) junctions of new build elements with the existing structures of Templar House, Templar Hotel, 90-94 Vicar Lane and the elements of the Eastgate Blomfield terraces to be retained and
- (d) cross sections of upper level windows showing recesses and reveals and
- (e) 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 UDPR Policies GP5 and N12.

15. In relation to an individual plot, 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 dated [x], 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.

16. Prior to the commencement of development of a plot plans of that plot 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

17. As part of any reserved matters application addressing the layout of Plots EQ1 to EQ9 as shown on Parameter Plan 3, a scheme setting out the location and detail of permanent waiting facilities for use by bus drivers on Vicar Lane (north) shall be provided. Unless otherwise agreed in writing with the local planning authority the facilities shall comprise a staff restroom with single toilet and wash facility up to a maximum of 25sq metres GIA floor-space.

In order to provide necessary replacement facilities for relocated bus routes and stops to Vicar Lane and in accordance with Policies GP5, T2 and T9 of the Leeds UDPR.

18. Prior to the commencement of development a scheme for the provision of temporary bus drivers waiting facilities, including the details of temporary portakabin style facilities and a programme of implementation, shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the agreed details unless otherwise agreed in writing by the local planning authority

To ensure the provision of adequate facilities for bus drivers during the period between the re-routeing of buses and the completion of the development Lane and in accordance with Policies GP5 ,T2 and T9 of the Leeds UDPR.

19. As part of any reserved matters application addressing the layout of Building Plots EQ1 to EQ9 as shown on Parameter Plan 3 details and location of the public conveniences, real time information displays and public seating within the covered shopping Arcade that could be utilised by bus passengers shall be provided, unless otherwise agreed in writing with the Local Planning Authority. The development of the plot shall be carried out in accordance with the approved details.

In the interests of amenity and to support the Council's transport strategy Lane and in accordance with Policies GP5 ,T2 and T9 of the Leeds UDPR.

20. Prior to commencement of each plot of the development details addressing the access to and layout of a plot, showing all vehicle parking layouts including vehicular accesses and egresses, access controls, service areas, parking bays, the number and location of electric car charging points, and manoeuvring space within the scheme shall be provided. The layout should include the identification of spaces for the use by disabled drivers, motorcycle parking delivery and operational vehicles. The facilities so approved shall be made available prior to first use of the relevant part of the development and thereafter maintained.

In the interests of highway safety and to comply with Policies GP5, T2, T7B within the UDPR.

21. Prior to the occupation of each plot 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.

22. Prior to commencement of development on Building Plots EQ1 to EQ9 as shown on Parameter Plan 3 details of secure short stay cycle parking facilities for all uses in that part of the site shall be provided. The total number of cycle stands shall not exceed 110 in accordance with the details in the approved Travel Plan Framework. 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.

23. Prior to the first occupation of the development a Car Park Management Plan for all off-street parking areas 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, and details of the pricing structure to promote short stay parking for all commercial uses. 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 Policies GP5 ,T2, T24, T26 and T28 of the Leeds UDPR.

24. Prior to the commencement of the development full design details of the proposed highway works shall be submitted to and approved in writing by the local planning authority. The detailed highway design shall be in accordance with the works required by the Section 278 Agreement, including signing and lining, traffic signal alterations, bus stops with shelters, real time information screens, raised kerbs to new or altered bus stop locations, and the following drawings:

WTD SA 95 0270 A03 and accompanying extract drawings WTD SA 95 0271 A02 showing works to Vicar Lane.

WTD SA 95 0272 A03 showing works to George Street.

WTD SA 95 0273 A02 showing works to the Gower Street/Regent Street junction; and

WTD SA 95 0274 A02 showing works to York Street.

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.

25. 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.

### Landscaping and Nature Conservation

26. Prior to the commencement of development of any plot 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)

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

27. 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.

28. In relation to an individual plot no development shall commence until a scheme detailing the means and measures of biodiversity protection and enhancements, including precautionary survey of all existing buildings and structures on the relevant part of the site, have 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 (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 approved Environmental Statement (HUK10) and in accordance with Policies GP5 and N51 of the Leeds UDPR.

### Arts and Cultural Strategy

29. The development shall be carried out in accordance with the approved document Eastgate Quarter Leeds - Arts and Cultural Strategy.

In the interests of amenity and the vitality and vibrancy of this part of Leeds City Centre and in accordance with Policies GP5 and BD15 of the Leeds UDPR.

### Construction

30. For each plot, 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 approved Environmental Statement and in accordance with Policy GP5 of the Leeds UDPR.

31. For each plot, 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.

### Sustainability

32. Prior to the commencement of development on each individual building plot 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.

33. 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 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

34. For each plot and 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.

35. For each plot and 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.

36. Prior to the commencement of demolition within a plot an inventory of any significant architectural features to be salvaged from that part of the site shall be submitted to and approved in writing by the Local Planning Authority. The inventory shall identify proposals for the careful removal, storage and re-use of the North Bar and any other significant architectural features within the development and shall be implemented in accordance with the details thereby agreed unless otherwise approved in writing by the Local Planning Authority.

To ensure preservation and re-use of architectural or historic features of interest and to comply with UDPR policy ARC4.

#### Plant, Noise and Waste

37. No individual Building Plot of the overall 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.

38. No part of a Building Plot as shown on Parameter Plan 3 shall 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 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.

39. Prior to occupation of each Building Plot as shown on Parameter Plan 3 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

40. 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

41. 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. 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.

To ensure sustainable drainage and flood prevention in accordance with policies GP5, N39A of the adopted Leeds UDP Review (2006) and the National Planning Policy Framework 2012.

42. 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.

43 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.

### Contamination

44. Prior to development commencing for any plot, the recommendations outlined in the Waterman Group Report 'Phase 2 Site Investigation and Geo-Environmental Risk Assessment' reference EED10866-100 (February 2011) must be implemented for that phase, and the necessary reports submitted to the Local Planning Authority for written approval.

To ensure that the presence of land contamination at the site has been determined and that the environmental risks it presents have been assessed and in accordance with Policy GP5 of the Leeds UDPR and Government Guidance contained in the National Planning Policy Framework 2012.

45. Development for any plot shall not commence until a remediation statement for that phase has been submitted to and approved in writing by the local planning authority, as recommended in the Waterman Group Report 'Phase 2 Site Investigation Report and Geo-Environmental risk Assessment' reference EED10866-100 (February 2011). The remediation statement shall demonstrate how the works will render the site 'suitable for use' and shall describe the works in relation to the development hereby permitted. It shall include full details of any works to be undertaken, proposed site clean-up criteria, site management procedures and how the works will be validated.

To enable the local planning authority to determine whether the proposed remediation works will make the site 'suitable for use' and to ensure that contamination will not present any significant environmental risks in accordance with Policy GP5 of the Leeds Unitary Development Plan and the National Planning Policy Framework 2012.

46. If remediation for any plot 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 for that Phase 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 Policy GP5 of the Leeds Unitary Development Plan and the National Planning Policy Framework 2012.

47. Remediation works for any plot 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 Policy GP5 of the Leeds Unitary Development Plan and the National Planning Policy Framework 2012.

48. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment reference no. 00-GE-990- WCL-RP-001 dated January 2011.

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.

#### Access and Pedestrian Routes

49. 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.

50. Prior to works commencing on a plot a strategy identifying the routes around that plot 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.

## Environmental Impact Assessment Studies

51. Prior to commencement of each plot of the development full details 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 (HUK10), 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 approved Environmental Statement (HUK10) and in accordance with Policy GP5 of the Leeds UDPR.

52. As part of any Reserved Matters application addressing the design of a plot an assessment of the wind conditions (potentially including wind tunnel testing) on and around the plot shall be submitted to and approved in writing by the LPA. The detailed design of any buildings on the plot shall incorporate any necessary mitigation measures recommended by the assessment.

In the interests of amenity, and to comply with the recommendations of Chapter 17 of the approved Environmental Statement (HUK10) and in accordance with Policy GP5 of the Leeds UDPR.

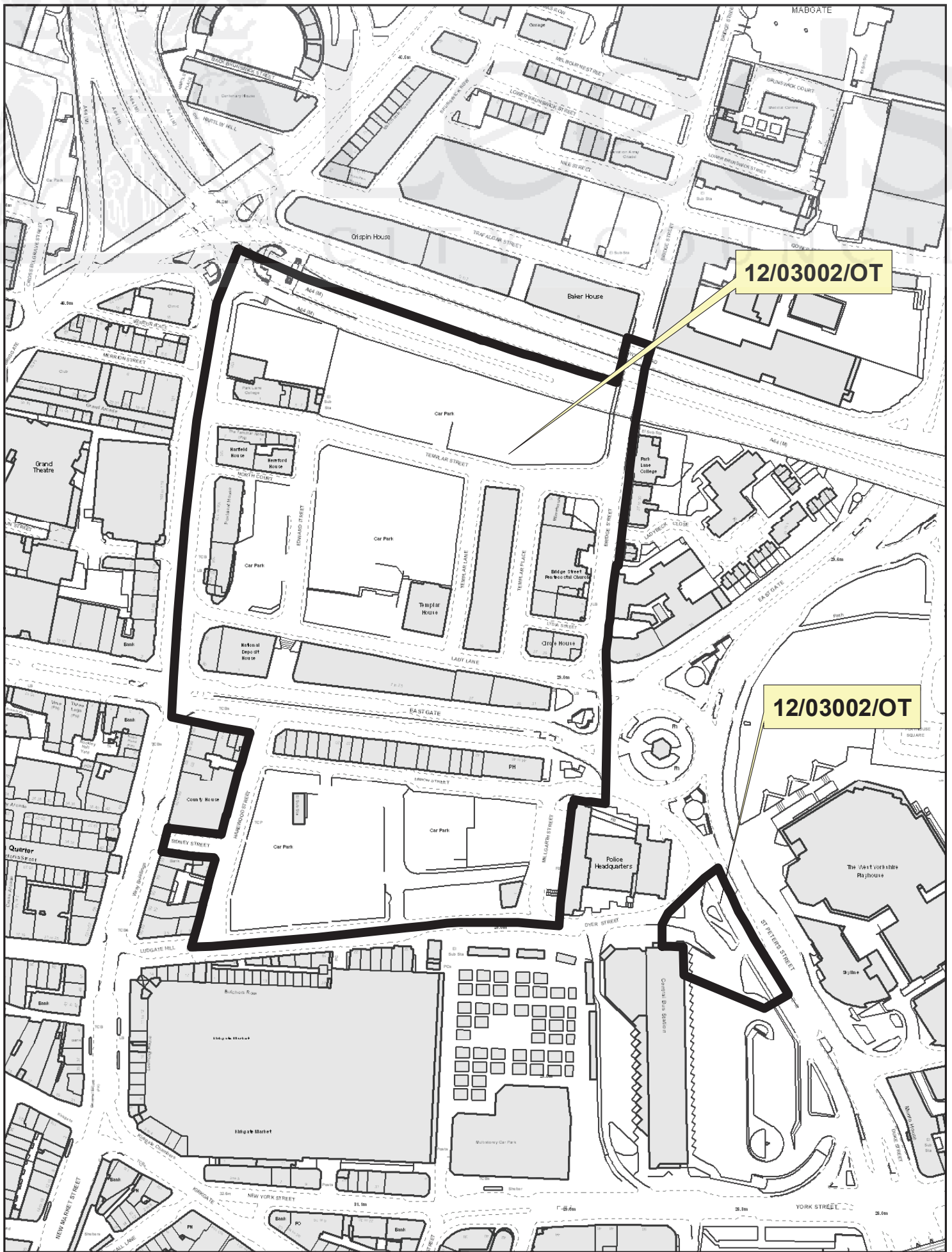
## Buses

53. Prior to any works to the bus station in accordance with drawing WTD SA 95 0270 A03 a "bus station vehicular tracking exercise" shall be carried out in accordance with details which shall first be agreed in writing with the Local Planning Authority. The findings of the "tracking exercise" shall inform any subsequent detailed design. The works to the bus station shall be completed in accordance with the details thereby approved and in accordance with the phasing programme of works approved pursuant to Condition 11.

In order to demonstrate off-site, prior to development, that the proposals for the bus station are operationally acceptable and achievable and in accordance with Policies GP5 and T2 of the Leeds UDPR

54. A review of the Proposed Bus Stop Utilisation arrangements identified on drawing WTD SA 95 0270 A03 shall be submitted to the Local Planning Authority 6 months prior to the occupation of the scheme. For the avoidance of doubt the review shall only consider any changes in bus services from the assessment contained in the Transport Assessment and revise the bus stop allocations accordingly and there will be no requirement for any additional bus infrastructure required pursuant to Condition 24. The bus stop utilisation arrangements shall be implemented in accordance with the details which shall be approved in writing by the Local Planning Authority.

In order to ensure adequate public transport accessibility to the site in accordance with Policies GP5 and T2 of the Leeds UDPR.



12/03002/OT

12/03002/OT

# CITY PLANS PANEL



This page is intentionally left blank



**Report of the Chief Planning Officer**

**CITY PLANS PANEL**

**Date: 27<sup>th</sup> September 2012**

**Subject: APPLICATIONS:**

**12/03408/ADV, DIGITAL MEDIA SCREEN TO SHOPPING CENTRE**

**&**

**12/03409/FU, VARIATION OF CONDITION 45 OF APPLICATION REF NO 11/03290/FU (CHANGE OF USE FROM RETAIL (A1) TO FOOD AND DRINK, HEALTH CLINIC AND LEISURE USES (A3, A4, D1/D2) AND ANCILLARY MALL SPACE; ASSOCIATED PUBLIC REALM WORK, EXTERNAL ALTERATIONS INCLUDING IMPROVED ENTRANCE TO EXISTING SHOPPING CENTRE AND ASSOCIATED WORKS AS A REVISION TO PLANNING REF NO. P/09/1742/FU) FOR A MINOR MATERIAL AMENDMENT TO MODIFY THE ALIGNMENT OF THE BOND ST/ALBION ST CORNER AT FIRST AND SECOND FLOOR LEVELS TO ACCOMMODATE A DIGITAL MEDIA SCREEN**

<b>APPLICANT</b>	<b>DATE VALID</b>	<b>TARGET DATE</b>
Land Securities Trinity Limited	7/8/12	2/10/12 & 6/11/12

**12/03419/FU, ALTERATIONS TO FORM DIGITAL MEDIA ADVERTISING DISPLAY**

**&**

**12/03420/ADV, ONE ILLUMINATED DIGITAL MEDIA ADVERTISING DISPLAY AT WEST RIDING HOUSE, 59-61 ALBION STREET, LEEDS, LS1 5AA**

<b>APPLICANT</b>	<b>DATE VALID</b>	<b>TARGET DATE</b>
MREF II WRH Limited	7/8/12	2/10/12

**Electoral Wards Affected:**

City & Hunslet

Yes Ward Members consulted

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION:** Members are invited to note the contents of this report and to have regard to the information contained within the report in their consideration of the officers' reports on each application.

## **1.0 INTRODUCTION:**

- 1.1 Two applications for digital advertising screens are to be presented to Panel, one at the Trinity development, on the corner of Bond St and Albion St, and one on West Riding House, attached to the first and second floor car park facing straight down Albion Place. Both locations are just outside the City Centre Conservation Area boundary, offer distant views primarily to the east where there are a number of listed buildings and are only 70m apart. Due to the prominence of the screens, their relationship with historic buildings, their proximity to each other and the fact that Members requested that the Trinity screen be brought to Panel for determination after a pre-application presentation in April of this year, the applications are presented to Panel for determination. There are additional Panel reports for each proposal that provide full details on the proposals and consider the merits of each scheme. This report provides Panel with a relevant planning history, policy background and identifies the issues to be considered.

## **2.0 RELEVANT PLANNING HISTORY:**

### 2.1 Millennium Sq:

- 2.2 The media screen on The Carriageworks facing Millennium Square was recently upgraded to a high definition screen of the dimensions 6.1m x 3.6m, the same size as proposed for the Trinity site, albeit landscape rather than portrait in orientation. It is smaller than that proposed for West Riding House which is 6m x 5m. The screen facing Millennium Square is used to show public events and public information and is not used for commercial advertising. This screen faces on to a large public space sufficient to accommodate the associated crowds.

### 2.2 Appeals:

- 2.3 A recent appeal decision came as a result of the refusal of an application for a 12m x 6m digital advertising panel on the blank southern elevation of the 11 storey Bond Court office building facing out over City Sq (application ref. no. 10/02426/ADV). It would have been seen as a backdrop to several listed buildings including the former post office building and would be seen in the context of the City Centre Conservation Area. The inspector upheld the decision on the grounds of the adverse impact of the proposal on the character of the Conservation Area and the setting of the nearby listed buildings.

## **3.0 PLANNING POLICIES:**

### 3.1 NPPF:

- 3.2 This advocates good design in all aspects of the built environment. Para 67 states that poorly placed advertisements can have a negative impact on the appearance of the built...environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the Local Planning Authority's (LPA) detailed assessment. Advertisements



should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

- 3.3 Leeds UDPR policies: Both sites are located within the Prime Shopping Quarter and have Primary Shopping Frontage designations. Albion Street forms the boundary of the City Centre Conservation Area with both application sites located just outside but clearly visible from within the conservation area and a number of listed buildings.  
BD6: Extensions and alterations should respect the scale, form and detailing of the original building.  
BD8: All signs must be well designed and sensitively located within the street scene. They should be carefully related to the character, scale and architectural features of the building on which they are placed.  
BD12: Advertisement hoardings may be acceptable around building sites or where they screen unsightly areas. Elsewhere they will generally be discouraged, with any application assessed on the basis of its visual impact on the surrounding area.  
GP5: Proposals should resolve detailed planning considerations including design and safety.  
N19: Development within or adjoining Conservation Areas should preserve/enhance the character and appearance of the Conservation Area.

- 3.4 Leeds City Council's supplementary planning document on advertising design guidance recognises digital screens as an emerging form of advertising and advises that they should not be located adjacent to highways for safety reasons. This guidance requires special attention be given to protecting the character and setting of conservation areas and listed buildings.

- 3.5 CABE and English Heritage 'Large Digital Screens In Public Spaces' (2009):

- 3.6 This offers guidance to LPA's on the issues to consider when assessing the suitability of sites for both public event display screens and digital media/advertising screens. The 3 overriding principles set out are that a screen should:

1. Be in an appropriate location
2. Be of excellent design quality in its own right and ensure that the building façade is suitable
3. Enhance the qualities of its immediate location and wider setting.

And that if it fails on one of these then it should be considered unacceptable. It then expands on the above general principles by offering the following advice:

- 3.8 Location: An appraisal of the immediate surroundings of the site should be considered, including: topography; urban grain; scale and height; streetscape and open spaces; listed buildings; conservation areas; landmark buildings including backdrops and important local views and vistas; large trees whose growth may in future obstruct views of the screen and therefore require pruning which would impact on the amenity of the area; the potential impact on local movement patterns. There should be a comprehensive assessment of the screen's impact on an area.
- 3.9 Context: Large screens are likely to be inappropriate in architecturally or historically important places particularly if they harm the character, appearance or setting of listed buildings or conservation areas. This is the case even if it is some distance away as it has moving elements and a high visual impact. It is important to consider: the impact on the heritage of a place; the relationship to landscaping, open space and street furniture; topography; strategic and local views; light pollution; conflict with existing users in the area.

- 3.10 Areas to be avoided: Those which have: listed buildings; conservation areas; places that are particularly environmentally and visually sensitive such as smaller spaces and those used for quiet repose; the centres of streets or where the screen back is exposed; where they would add to street clutter or be sited close to existing townscape features including trees. Careful consideration will be needed to ensure the building façade is suitable and that it is not adversely affected when the screen is switched off or removed in the future.
- 3.11 It also advocates that local authorities should develop a plan-led approach to ensure that screens are permitted only in locations identified as being appropriate as part of an overall strategy for place-making or area regeneration and where existing uses are not displaced or compromised. Also that they should develop a strategy that ensures a consistent approach to assessing their merits and contextual considerations. Any policies should consider their impact on the amenity of the place for which they are proposed rather than marketing or commercial matters. Local Authorities should consider carefully how to resolve the issue of precedent, and in particular competing applications from other broadcasters or commercial operators.

#### **4.0 MAIN ISSUES**

- 4.1 Digital media is clearly an emerging advertising form largely due to the advancements in digital technology and the improvement in screen resolution. When used in the correct locations they can add to a commercial environment although it is clear from the guidance set out above that some locations are not suitable due to their impact on more sensitive environments.
- 4.2 Given Leeds' prominent role as a commercial centre it is therefore no surprise that such proposals are now starting to come forward particularly in the retail core. It is also clear that other cities have started to embrace this new technology although of course each site is assessed on its merits and the location of screens in other cities is by no means a justification for their insertion in to the fabric of Leeds.
- 4.3 The above has provided a description of both local and national, policy and guidance which is clearly useful when assessing the applications currently being presented for determination, as well as those which are likely to come forward in the future. Clearly two applications have come forward at the same time and each has to be assessed on its individual merits in terms of amenity and public safety. The relative considerations for each are set out in the separate reports for each application.

#### **5.0 BACKGROUND PAPERS**

- 5.1 Application files 12/03408/ADV, 12/03409/FU, 12/03419/FU, 12/03420/ADV.  
5.2 Bond Court application ref. no. 10/02426/ADV  
5.3 CABE/English Heritage guidance ' Large Digital Screen in Public Spaces' (2009)



Originator: Andrew Windress

Tel: 3951247

**Report of the Chief Planning Officer**

**CITY PLANS PANEL**

Date: 27<sup>TH</sup> September 2012

**APPLICATIONS:**

**12/03419/FU, ALTERATIONS TO FORM DIGITAL MEDIA ADVERTISING DISPLAY &**

**12/03420/ADV, ONE ILLUMINATED DIGITAL MEDIA ADVERTISING DISPLAY AT WEST RIDING HOUSE, 59-61 ALBION STREET, LEEDS, LS1 5AA**

<b>APPLICANT</b>	<b>DATE VALID</b>	<b>TARGET DATE</b>
MREF II WRH Limited	7/8/12	2/10/12

<p><b>Electoral Wards Affected:</b></p> <p>City &amp; Hunslet</p> <p><input type="checkbox"/> Yes    Ward Members consulted</p>	<p><b>Specific Implications For:</b></p> <p>Equality and Diversity    <input type="checkbox"/></p> <p>Community Cohesion    <input type="checkbox"/></p> <p>Narrowing the Gap    <input type="checkbox"/></p>
--	---

**RECOMMENDATION: REFUSE for the following reason:**

**12/03419/FU**

The proposed digital media screen would be visible from along the length of Albion Place and as far as Kirkgate Market. The digital screen would be seen as a backdrop to several listed buildings and would be seen in the context of the City Centre Conservation Area. The screen would appear in contrast to the horizontal emphasis of the car park elevations and result in this currently background facade appearing prominent from within the conservation area therefore the siting of a digital media screen in this location would harmfully and significantly affect the setting of both the conservation area and listed buildings and in doing so would be contrary to Unitary Development Plan Review policies N19, CC5, BD8 and BD12 and guidance contained within CABE and English Heritage 'Large Digital Screens In Public Spaces' (2009).

**12/03420/ADV**

The proposed digital media screen would be visible from along the length of Albion Place and as far as Kirkgate Market. The digital screen would be seen as a backdrop to several listed buildings and would be seen in the context of the City Centre

**Conservation Area. The screen would appear in contrast to the horizontal emphasis of the car park elevations and result in this currently background facade appearing prominent from within the conservation area therefore the siting of outdoor advertising in this location would harmfully and significantly affect the setting of both the conservation area and listed buildings and in doing so would be contrary to the Council's adopted SPD "Advertising Design Guide" and Unitary Development Plan Review policies BD8 and BD12 and guidance contained within CABE and English Heritage 'Large Digital Screens In Public Spaces' (2009).**

## **1.0 INTRODUCTION:**

- 1.1 This report should be read in conjunction with the umbrella report to this Plans Panel for those applications for digital media screens.

## **2.0 PROPOSAL:**

- 2.1 It is proposed to introduce a digital media screen onto the eastern car park elevation of West Riding House. The screen would measure 5m x 6m and incorporate moving images but no sound. One of the three existing architectural features on the eastern car park façade, consisting of grey fins and canopy with downlighters, would be relocated one bay to the north to centre that feature on the Albion Place vista. The screen would be framed within this feature. The maximum luminance of the screen would not exceed 300cd/m<sup>2</sup> at night.
- 2.2 The applicant has confirmed such screens normally have voids periods of between 10-30% of their operating time therefore they are willing to offer the Council a proportion of this void period for promotion of the city and cultural events. The applicant has already contacted the Senior Marketing Manager within the Council to discuss this matter. The applicant has confirmed an offer of a minimum of three, two week advertisement slots.
- 2.3 The architectural feature is simply bolted onto the car park elevation therefore when it is relocated to the proposed location, the original car park elevation will be exposed once again. The display case would be bolted onto the elevation in its new location.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The proposed screen would be located on the eastern elevation of the mid-level car park to West Riding House. The car park is located over the ground floor retail units with a 20 storey office building projecting above the car park. The lower levels of West Riding House were refurbished in 2005 to enhance the retail units at ground level, mid level car park and introduce three architectural features to break up the car park elevation.
- 3.2 The application site is within the Prime Shopping Quarter (PSQ) and the ground floor retail units are designated as being within a Prime Shopping Frontage (PSF).
- 3.3 Albion Street forms the boundary of the Central Area Conservation Area and the application site is located outside of, but adjacent to, the conservation area. The majority of buildings to the east of the site on Albion Place are grade II listed.

## **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 None

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Pre-application discussions commenced with officers in May 2012. The applicant originally proposed a much larger, 'landscape' orientated, screen around double the width of the existing. Such a scale of screen was not supported but it was indicated that a much smaller screen sited within the existing architectural feature could be considered acceptable.

## **6.0 PUBLIC/LOCAL RESPONSE:**

- 6.1 Site notice posted for 12/03419/FU on 24/8/12.
- 6.2 A letter of representation has been received from Leeds Civic Trust who make the 'strongest possible objection' to the proposal on the grounds that it is a remarkably inappropriate location as it would dominate the head of the street which contains 11 listed buildings one of which is 18m away from the screen, as well as The Victoria Quarter and Kirkgate Market. The display would be dominating and distracting and detract from the visual amenity and character of Albion Place and part of Albion St. Whilst outside the Conservation Area it would be immediately adjacent to it which must be a 'strong consideration'.

## **7.0 CONSULTATIONS RESPONSES:**

### **7.1 Non-statutory:**

- 7.2 Highways: No objection.
- 7.3 Police Architectural Liaison Officer: No objection however would not want the screen used for the broadcast of events which may cause crowds to gather and could lead to a possible increase in both public disorder and street crime such as pick-pocketing due to members of the public being distracted. It may also distract those seated outside the cafes/restaurants on Albion Place and make handbags etc more susceptible to being stolen.

## **8.0 PLANNING POLICIES:**

- 8.1 The policy background is discussed in the umbrella report on this agenda.

## **9.0 MAIN ISSUES**

- Amenity
- Public Safety

## **10.0 APPRAISAL**

### **10.1 Amenity**

- 10.2 West Riding house provides a backdrop to the long views along Albion Place, it is clearly visible from Kirkgate Market. At the moment, the base of West Riding House is a recessive and inactive element with a simple horizontal emphasis and painted a matt grey colour therefore the eye moves up the facade to the tinted curtain walling of the office building above which provides a vertical counterpoint to the long unbroken facades of Albion Place. Despite its size, West Riding House is a background building that allows the attractive historic buildings on Albion Place to remain prominent when travelling along this route. It is considered the long views

east-west and west-east across the centre of Leeds are extremely important and should be protected.

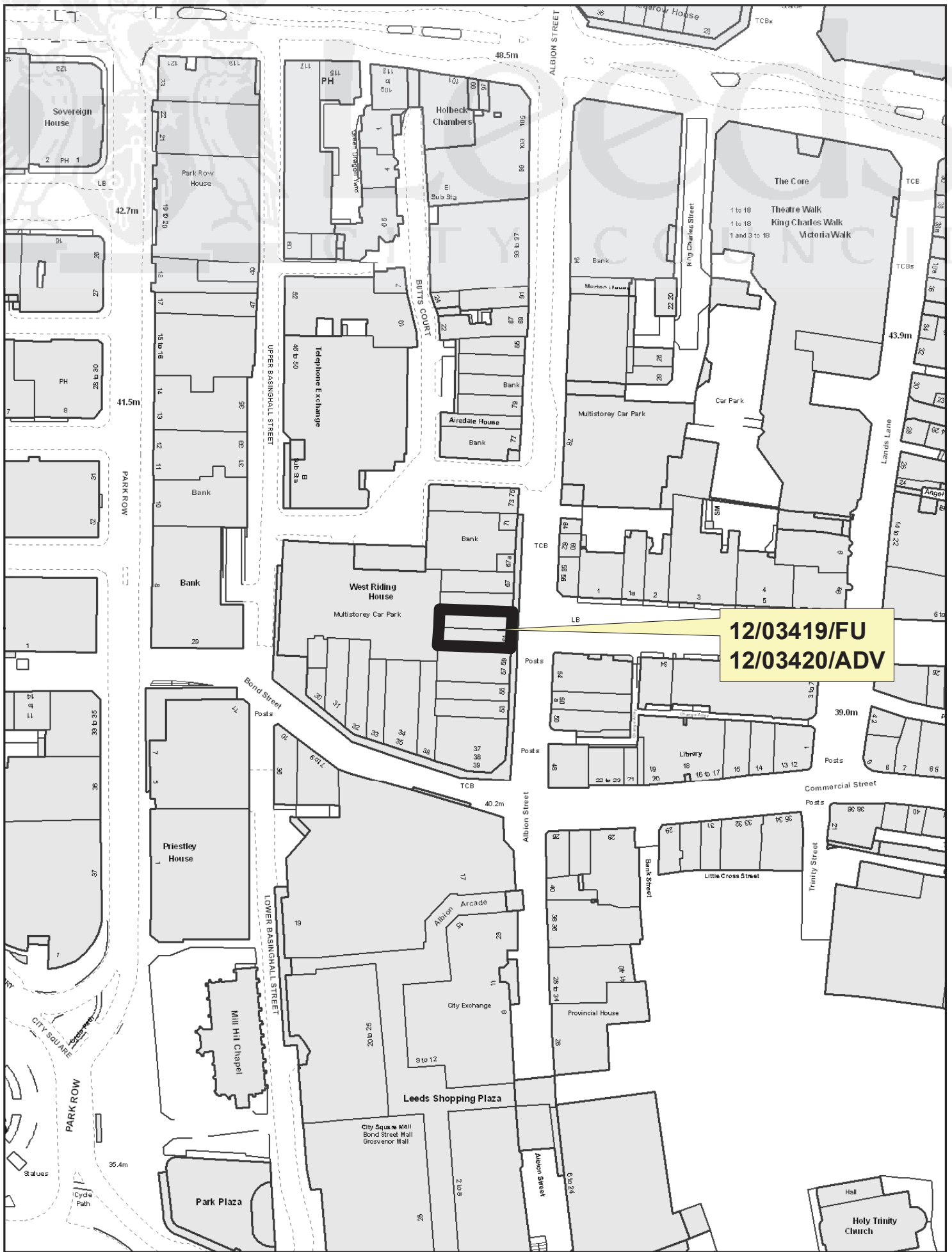
- 10.3 The proposed screen will terminate this important view and will draw the eye to West Riding House and down to the level of the car park in particular, which will become the focus of views and therefore take over the prominence afforded to the listed buildings and conservation area in general. It is considered this will be retrograde and harmful to the conservation area and setting of listed buildings.
- 10.4 The digital media screen would not be integrated into the façade of the car park. The display feature would sit proud of the existing elevation and its prominence would be further marked by the horizontal voids of the car park. It would also appear to cut across the horizontal structures of the car park decks.
- 10.5 It is acknowledged that digital media screens are a growing market and places like Leeds City Centre should embrace this new form of advertising. However, it is considered the proposed design and location of the screen would not enhance the visual amenities of the area and would have an adverse impact on the character and setting of the adjacent conservation area and listed buildings.
- 10.6 Public Safety
- 10.7 The proposed screen is located on, and visible from, pedestrianised streets therefore no highway safety concerns are raised. Due to the location of the screen high above street level there are no public safety concerns. The applicant has confirmed it is not intended to show events, the screen will simply be used for advertising therefore safety issues relating to large crowds and those seated outside cafes/restaurants are not a concern.

## **11.0 CONCLUSION**

- 11.1 The proposed digital media screen would appear as an add on structure that is not integrated into the design of the building and would be visible from along the length of Albion Place and as far as the grade I listed Kirkgate Market. The digital screen would terminate an important long east-west view as a backdrop to several listed buildings on Albion Place and would be seen in the context of the City Centre Conservation Area. The screen would appear in contrast to the horizontal emphasis of the car park elevations and result in this currently background facade appearing prominent from within the conservation area therefore the siting of outdoor advertising in this location would harmfully and significantly affect the setting of both the conservation area and listed buildings and in doing so would be contrary to the Council's adopted SPD "Advertising Design Guide" and Unitary Development Plan Review policies BD8 and BD12.

## **12.0 BACKGROUND PAPERS**

- 12.1 Application files 12/03419/FU and 12/03420/ADV.
- 12.2 Certificate of Ownership, notice has been served on MREF II WRH Nominee Limited, C/O Moorfield Group Ltd.



**12/03419/FU**  
**12/03420/ADV**

# CITY PLANS PANEL

This page is intentionally left blank





Originator: Phil Crabtree

Tel: 0113 2478187

---

## Report of the Chief Planning Officer

### *CITY PLANS PANEL*

Date: 27<sup>TH</sup> September 2012

**12/03408/ADV, DIGITAL MEDIA SCREEN TO SHOPPING CENTRE**

&

**12/03409/FU, VARIATION OF CONDITION 45 OF APPLICATION REF NO 11/03290/FU (CHANGE OF USE FROM RETAIL (A1) TO FOOD AND DRINK, HEALTH CLINIC AND LEISURE USES (A3, A4, D1/D2) AND ANCILLARY MALL SPACE; ASSOCIATED PUBLIC REALM WORK, EXTERNAL ALTERATIONS INCLUDING IMPROVED ENTRANCE TO EXISTING SHOPPING CENTRE AND ASSOCIATED WORKS AS A REVISION TO PLANNING REF NO. P/09/1742/FU) FOR A MINOR MATERIAL AMENDMENT TO MODIFY THE ALIGNMENT OF THE BOND ST/ALBION ST CORNER AT FIRST AND SECOND FLOOR LEVELS TO ACCOMMODATE A DIGITAL MEDIA SCREEN**

#### **APPLICANT**

Land Securities Trinity Ltd

#### **DATE VALID**

7/8/12

#### **TARGET DATE**

2/10/12 and 6/11/12

---

#### **Electoral Wards Affected:**

**City & Hunslet**

Yes

Ward Members consulted

#### **Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION:**

**12/03408/ADV**

**DEFER AND DELEGATE to the Chief Planning Officer for approval, subject to the specified conditions and following completion of a Section 106 Agreement to cover the City Council's use of the screen for the advertising of public events and community related issues and information:**

1. The screen hereby approved shall only be used for the display of commercial advertising and shall at no time be used for the display of sporting or entertainment events.

R. The Local Planning Authority is mindful of the fact that the screen faces out in to a busy cross roads and that the gathering of a crowd in this area may hinder the free flow of pedestrians on the public highway.

2. For the avoidance of doubt, there will be no playing of music or speech or other amplified sound in connection with the screen whatsoever.

R. For the avoidance of doubt and in the interests of amenity.

3. The brightness of the screen shall be no greater than 6,000 candela per sq metre unless otherwise agreed in writing by the Local Planning Authority.

R. In the interests of visual amenity.

**12/03409/FU**

**DEFER AND DELEGATE to the Chief Planning Officer for approval, subject to the specified conditions attached to previous permission 11/03290/FU contained in Appendix 1 of this report, the expiration of the public notice period and following completion of a Deed of Variation of the existing Section 106 attached to previous permission 11/03290/FU which ensures the obligations attached to that permission are brought forward and applied to this.**

**1.0 INTRODUCTION:**

1.1 This report should be read in conjunction with the umbrella report to this Plans Panel concerning the two sites for which digital media screens are proposed.

**2.0 PROPOSAL:**

2.1 12/03409/FU: This is a full application which amends previous permission 11/03290/FU through the introduction of a splay to the first and second floor glazing to replace a previously angled corner. The screen is to be located within this splay. As part of the already approved scheme the ground floor Boots entrance is to be set back from its existing position and this exposes 2 structural columns which become entrance features. The upper floors are to be used for restaurant and leisure uses, most notably the first floor which is to be branded as Trinity Kitchen.

2.2 12/03408/ADV: An advertisement application for the introduction of a digital advertising screen 6.1m x 3.6m in to the splay corner at first and second floor levels. The applicant has stated that this screen size is an industry standard and is necessary to make the screen commercially viable. The pattern of glazing bars would be amended to incorporate the screen retaining a 0.3m clear glazed area around it. This would be in addition to the large clear glazed elevations to Bond St and Albion St which sit to either side.

2.3 The screen would be in the same plane as the surrounding glazing and therefore would not appear as a surface mounted addition. It's structure is not as deep as the surrounding frame and therefore there would be no view of the sides of the screen through the glass, although the rear of the lower part of the screen would be visible when viewed obliquely through the glass. This area would be used to project images

on to from within the Trinity Kitchen area. As this is within the building it is outside the control of the Planning Authority.

2.4 The screen would display commercial advertising and the applicant has confirmed that it would not be used to promote advertisements of a political, religious or unsightly nature or any tobacco products. The luminosity of the screen is the same as that which operates in Millennium Sq which is necessary to make the image clear in daylight. During the hours of darkness, when the same level of intensity is not required, the brightness of the screen will be reduced and this also assists in making the screen more energy efficient. There would be no sound associated with the display.

2.5 At the time of writing this report the applicant has offered Leeds City Council a package of time on the screen which would equate to £100,000 of advertising per year at current commercial rates. The applicant has stated that this would equate to different amounts of time depending on how the time is used. Examples include:

1. Eight, two week campaigns a year where the City Council's 10 second message is repeated approx every 3 minutes for 12 hours a day, or:
2. Two minutes every day at any time and divided in any way over a 12 hour period for 365 days a year

The applicant has stated that there are many different ways of utilising the £100,000 of air time and that, in addition to the above, the operator's track record is very good on the provision of extra hours. This means that the City Council could potentially benefit from the same amount of air time again but for free. However, this is dependant on the existence of unsold commercial display time.

2.6 The applicant has also made it clear that the screen operator has experience of operating screens in other core cities and already works closely with these to ensure that the screen serves the community rather than simply containing advertisements. Examples of specific displays are, a digital poppy shower on remembrance day and a Hillsborough victims memorial in Liverpool, appeals for missing persons in London and advertising charity fund raisers in Manchester.

2.7 The applicant has advised that the screen and associated land deals with occupiers enables the cut back of the ground floor corner to take place outside the current Boots entrance. This brings more space in to the public realm and helps to improve the gradients in the area. It also enables the opening up of the view into the upper floors of the building to the Trinity Kitchen unit to create a more vibrant appearance.

### **3.0 SITE AND SURROUNDINGS:**

3.1 This is at the north-eastern corner of what was formerly the Leeds Shopping Plaza and will eventually be part of the Trinity retail scheme. It has retail frontages to both Bond St and Albion St and also contains one of the main Trinity access points adjacent to the entrance to Boots. The building is currently being re-elevated and the overall mass and form of the new structure is clearly in evidence to the point where architectural details are now visible and the scale of certain elements of the elevation can be easily assessed. Currently the originally approved angled corner is in evidence, however, it would be the intention of the applicant to remove the necessary structure and introduce new steels in order to create the splay feature.

3.2 The proposal is located on the south-western corner of a major crossroads in the pedestrianised area of the city centre retail core. The north-western corner is

occupied by the West Riding House retail and office scheme and the Next retail unit, the south eastern corner by a mix of retail and bank occupiers in a terrace of 3-4 storey buildings and on the north-eastern corner is the Grade II listed 48 Albion St which is currently occupied by Starbucks.

- 3.3 The corner is viewed principally from the north along Albion St where all of the buildings along the eastern side between Commercial St and Albion Place are Grade II listed and from the east along Commercial St where all of the buildings on its northern side between Lands Lane and Albion St are Grade II listed except for the former Leeds Library which is GII\* listed.
- 3.4 This corner has already received the upgraded Yorkstone public realm treatment and this is being extended along the whole length of Albion St down to Boar Lane, with works currently under way and being undertaken by the applicant. There are trees in place outside the Next retail unit which partly obscure the proposed screen location when viewed from the north.
- 3.5 The Leeds City Centre Conservation Area boundary runs along Albion St with the application site being located just outside. However the corner is clearly visible from those areas described above which are within the Conservation Area.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 The concept of a media screen on Trinity West was originally presented to Members at pre-application stage in 2009 when a screen was indicated on the corner above the BHS entrance on Boar Lane. However, this proposal was abandoned by the applicant and no application was subsequently received.
- 4.2 The amendments to the corner glazing and a media screen, which form the basis of the current applications, were the subject of a pre-application presentation to Members at Panel in April this year. At that time the screen measured 5m x 2.9m although it was made clear that this was not the final scheme and that the screen was likely to be increased in size. The questions which Members were asked and the minuted responses are set out below.

1. Is the newly configured Albion St/Bond St entrance area acceptable?  
Member response: Members felt the reconfigured Albion Street/Bond Street entrance area to be acceptable and an improvement and this does not need to be brought back to Panel for determination.

2. Is the introduction of the digital screen acceptable within the context of the above new entrance configuration? Members will be aware that, if considered to be acceptable, this would be the first example of this form of advertising in the city.  
Member response: The introduction of a digital screen as discussed was felt to be acceptable in principle if integrated as part of the design. However Members wanted the final details of this to be brought to Panel for Determination.

- 4.2 Improvements to the Bond St entrance to Trinity West by cutting back the building line of the current Boots entrance as well as the use of the upper floors of this part of the building for food and leisure related uses was approved by application ref no 11/03290/FU. This was subject to a Section 106 agreement which controls a public realm contribution, a contribution to public transport infrastructure, the requirements of the approved travel plan and local employment initiatives.

## **5.0 HISTORY OF NEGOTIATIONS:**

5.1 Pre-application discussions commenced in late 2011 and resulted in the pre-application presentation to Plans Panel set out above.

## **6.0 PUBLIC/LOCAL RESPONSE:**

6.1 12/03409/FU advertised as a major application by site notice posted on 31st August 2012 and in the press on 13<sup>th</sup> September 2012. The press notice does not expire until 4<sup>th</sup> October 2012 which is one week after the Panel date. This application cannot be determined prior to that date and therefore the recommendation is to defer and delegate the final decision to officers.

6.2 A letter of representation has been received from Leeds Civic Trust (LCT) which makes the following points:

- Supports the new uses and the more open glazed appearance of the corner. The greater amount of public area to the corner is of particular benefit given the likely increase in footfall.
- Objects to the digital display stating that whilst this is a new medium which may become more popular, the LCT consider it to be as inappropriate as large sheet poster advertising. The Images show a static display but this is not representative of what will actually occur i.e. moving commercial advertisements. "This may be appropriate for Piccadilly Circus or Times Square but not for a site opposite the conservation area and dominating the view from the historic streets." "There may be a location where we could have our own Piccadilly Circus but Albion St is not that place." It also appears to be a bolt on addition and not integrated.
- They consider that in view of the fact that there are 2 applications currently under consideration it is essential that the City Council frames a comprehensive policy for these digital displays. "There should be appropriate public discussion of such a policy prior to any ad hoc approvals around Leeds city centre."

6.2 One letter of support has been received from a member of the public, resident in the Adel area of Leeds. They state that it would "add an improved level of animation and interest to the street scene, in addition to presenting a modern and exciting image to this part of Leeds' retail quarter, particularly in the hours of darkness. Also the alterations to the building....provide an improvement to the appearance and visual interest of the building".

## **7.0 CONSULTATIONS RESPONSES:**

7.1 **12/03408/ADV**

### **Statutory:**

No statutory responses have been received

### **Non-Statutory:**

No non- statutory responses have been received

7.2 **12/03409/ADV**

### **Statutory:**

No statutory responses have been received

**Non-Statutory:**

Highways Services: No objection, the only vehicles using this section of highways are delivery vehicles which would be travelling at low speeds.

Police Architectural Liaison Officer: No objection, however would not want the screen used for the broadcast of events which may cause crowds to gather and could lead to a possible increase in both public disorder and street crime such as pick-pocketing due to members of the public being distracted.

**8.0 PLANNING POLICIES:**

8.1 The policy background is discussed in the umbrella report on this agenda.

**9.0 MAIN ISSUES**

- Amenity
- Public Safety

**10.0 APPRAISAL**

10.1 Amenity

10.2 As set out above, Members commented on the pre-application presentation where the principle of splaying the elevation was supported. It is considered that this will provide a greater amount of free airspace at this corner which will be apparent especially when approaching from Bond St to the west and the lower part of Albion St to the south. When looking directly at the splay there will also be a greater sense of openness and space, although it will be the ribbon feature which sits above the screen which will provide the dominant silhouette and create a definite corner. This more open feel is further emphasised by the already approved setting back of the Boots entrance by one structural bay which opens up additional space at ground level.

10.3 The principle of inserting a screen in to this elevation was accepted by Members at Panel in April. At the time of the presentation the size of the screen was expected to increase and the details of the manner in which the screen could be integrated to the elevation had not been considered in detail. Since this time the applicant has undertaken a detailed design process which has resulted in the current proposal. The pattern of glazing bars within the splay have been amended to accommodate the screen and these also allow a clear glazed area to exist around it. Clear views will be present to the sides through the extensive areas of glazing to the Albion St and Bond St elevations. The lower part of the screen will therefore be set against a back-drop of activity in the first floor Trinity Kitchen unit. The upper part will sit in front of the steel and concrete structure and will therefore have the function of masking an area where there would be no potential for life and activity to be created.

10.4 The method of integration of a screen of this size into the glazing pattern is considered to be the best that can be achieved. The glazing system itself has a frame depth which would mask the sides of the screen and the face of the screen is in the same plane as the glazing which surrounds it. It will therefore be read as integral to the outer skin of the building rather than an addition to it.

10.5 Officers recognize that the screen is a significant addition to this corner. However, it is part of a new architectural composition for one of the main entrances to a major

retail scheme and views of it are set within the new architecture of the corner which is intended to be both lively and active. Longer distance views of the screen are from within the conservation area, both along Commercial St (to the point where the view becomes restricted by the bend in the road half way between Lands Lane and Briggate) and from Albion St, as far as the Albion Place junction. Whilst this is a significant area, it is not as extensive as other possible locations in the city centre where vistas could cover greater distances. In this context, it is considered that both the integration of the new screen in to the elevation and its siting, in front of a lively backdrop, mitigates its impact on the street scene to an acceptable level.

- 10.6 There are no residential or other sensitive uses in this area which would be adversely impacted upon by the screen display. This is particularly important during the hours of darkness when the screen, even at its reduced operating luminosity, would still be brighter than much of the surrounding area.
- 10.7 As stated above, there is a tree which sits on the corner in front of the current Next retail unit which could start to obscure views of the screen from the north. It forms an important part of the City Council's public realm initiative and has an amenity value when viewed from all angles including those where it does not block the view of the screen. This is on highway land and any requirement to reduce its size in the future would therefore be controlled by Leeds City Council and this is considered to be sufficient to ensure its future protection.
- 10.8 The developer has offered some time for public information use of the screen and this is welcomed by the City Council as it will provide a useful facility not present anywhere else in the city. However, this is not necessary in order to make the scheme acceptable and Members should not take this in to account as a material consideration in reaching their final judgement on the scheme. At the time of writing this report the method of controlling this was being discussed with the applicant although it is likely that it will be by a legal agreement. The agreed method will be reported verbally to Members at Panel.
- 10.9 The requirements of the Section 106 agreement attached to the previous permission ref. no. 11/03290/FU must be applied to this permission and therefore a deed of variation to that agreement must be secured and this requirement is included in the recommendation to Members.
- 10.10 Public Safety
- 10.11 The proposed screen is visible from pedestrianised streets where only service vehicles operate at slow speeds during restricted hours and therefore no highways safety concerns are raised. The Police Architectural Liaison Officer has raised specific issues in the event that crowds gather and therefore it has been agreed with the applicant that no events will be shown and that the screen will simply be used for advertising.

## **11.0 CONCLUSION**

- 11.1 It is clear that there are a number of considerations here which result in the decision on this proposal being finely balanced. The screen fills most of the newly created splay corner and is visible from streets which are within the conservation area and in the setting of a number of listed buildings. However the screen is undoubtedly within a commercial centre of regional and even national significance, especially once the applicant's own scheme opens in March 2013, where advertising is clearly an accepted part of the urban fabric in the prime shopping area. It is set against a back

drop of a newly created modern retail development in which there is a very large glazed area to a lively and active food offer. It will act as a marker to one of the main entrances to the Trinity scheme and has been integrated in to the design of the corner rather than simply being placed upon it as an after thought.

- 11.2 As set out in the umbrella report it is likely that Leeds will see other applications for media screens come forward in the retail core and if they are to be acceptable then they have to be in key locations and of the highest quality design, integrated into the buildings on which they are located. Whilst it may eventually be prudent to develop a policy which helps the Local Planning Authority to determine such application on a consistent basis, at this moment in time a specifically tailored policy does not exist and would take some time to conclude. It is the case that UDPR policy already exists, the CABE/EH guidance can be utilized and the character of the retail area is already well established and understood. In the light of this and on the specific merits of this case it is considered that, on balance, the positive considerations prevail and that the application should be approved.

## **12.0 BACKGROUND PAPERS**

- 12.1 Current application files 12/03408/ADV and 12/03409/FU.
- 12.2 Original approval 09/01742/FU amended by 11/03290/FU



## **APPENDIX 1 CONDITIONS TO BE ATTACHED TO APP REF 12/03409/FU/C**

- 1) The development hereby permitted shall be begun before 21st May 2013

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 in order to tie the date of this permission to that of the permission to which it is a revision (ref no. 09/01742 dated 21st May 2010).

- 2) No building works shall take place on any phase or part of the development until details and samples of all materials to be used on both the external walls and the internal bridge elevations relevant to that phase or part have been submitted to and approved in writing by the Local Planning Authority. The external walls and internal bridge elevations relevant to that phase or part shall be constructed of the materials thereby approved or such other materials approved in writing by the Local Planning Authority.

In the interests of visual amenity in accordance with policy N13 of Leeds UDP (Review) 2006.

- 3) No building works shall take place on any phase or part of the development until details and samples of all surfacing materials to the external areas and the surfaces within the bridge link as relevant to that phase or part have been submitted to and approved in writing by the Local Planning Authority. The surfacing works for that phase or part and the bridge link shall be constructed from the materials thereby approved or such other surfacing materials approved in writing by the Local Planning Authority.

In the interests of visual amenity in accordance with policy N13 of Leeds UDP (Review) 2006.

- 4) Construction of external walls and internal bridge elevations shall not commence on any phase or part of the development until sample panels of the materials of a sufficient size to show clearly the type of bonding, coursing, jointing and any exposed framework of that phase or part, have been constructed on site and approved in writing by the Local Planning Authority. The external walls and internal bridge elevations for that phase or part of the development shall then be constructed in strict accordance with the approved sample panels (or such other panels approved in writing by the Local Planning Authority) which shall not be demolished prior to the completion of the relevant phase of the development.

In the interests of visual amenity in accordance with policy N13 of Leeds UDP (Review) 2006.

- 5) Prior to development commencing on the new build-outs to the western side of Albion St hereby approved, a series of historical plans shall be submitted to the Local Planning Authority which outline the historical uses of the land over the last 150 years. A written interpretation of the plans shall be provided which sets out the likely risks to the end users of the development hereby approved from the uses which previously existed on the site.

To ensure that the likelihood of contamination on the site is identified and the possible risks to the occupiers of the proposed development are assessed to ensure that the site is made 'suitable for use' in accordance with Policy GP5 of the Leeds Unitary Development Plan and Annexe 2 of PPS23.

- 6) Where significant unexpected contamination is encountered during development works, the Local Planning Authority shall be notified in writing immediately and operations on the affected part of the site shall cease. A remediation statement shall be submitted to, and approved in writing by, the Local Planning Authority prior to any further works which shall thereafter be carried out in accordance with the approved remediation statement.

To ensure that any necessary remediation works are identified to make the site 'suitable for use' in accordance with Policy GP5 of the Leeds Unitary Development Plan and Annexe 2 of PPS23.

- 7) If remediation is required, a verification report shall be submitted to the Local Planning Authority.

To ensure that remediation works are fully implemented as agreed and the site has been demonstrated to be 'suitable for use' in accordance with Policy GP5 of the Leeds Unitary Development Plan and Annexe 2 of PPS23.

- 8) Prior to the commencement of construction of any phase or part of the development a scheme detailing the method of storage and disposal of litter and waste materials in respect of the relevant phase or part of the development 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. The approved scheme shall be implemented before that phase or part of 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 scheme, or any subsequent revision of it submitted to and approved in writing by the Local Planning Authority.

In the interests of amenity in accordance with policy GP5 of Leeds UDP (Review) 2006.

- 9) No construction shall take place of any phase or part of the development until the strategy for screening the installation and/or erection of any extract ventilation system, flue pipes, or other excrescences proposed to be located on the roof or sides of the buildings, including details of their siting, design and external appearance for that phase or part of the development have been submitted to and approved in writing by the Local Planning Authority. The development of that phase or part of the development shall not be occupied until the works approved in accordance with this condition have been completed. Such works shall thereafter be retained subject to such variations thereto as may be approved by the Local Planning Authority in writing.

In the interests of amenity and visual amenity in accordance with policy N13 of Leeds UDP (Review) 2006.

- 10) No construction shall take place on any phase or part of the development until details of the extract ventilation system, including details of a filter to remove odour and the methods of treatment of the emissions for that phase, have been submitted to and approved in writing by the Local Planning Authority. That phase or part of the development shall not be occupied until the works approved in accordance with this condition have been completed for that phase or part of the development. Such works shall thereafter be retained subject to such variations thereto as may be approved in writing by the Local Planning Authority.

In the interests of amenity and visual amenity in accordance with policy GP5 of Leeds UDP (Review) 2006.

- 11) No machinery, water tanks, boilers, or other plant and ancillary equipment within a phase or part of the development shall be installed, until details of its position and manner of installation have been submitted to and approved in writing by the Local Planning Authority in respect of that phase or part of the development. That phase or part of the development shall not be occupied until the installation has taken place for that phase or part of the development. The installations approved shall be retained at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

In the interests of amenity in accordance with policy GP5 of Leeds UDP (Review) 2006.

- 12) No plant and/or machinery shall be used at the development, unless it is enclosed in sound-insulating material in accordance with a scheme which

has been submitted to and approved in writing by the Local Planning Authority.

In the interests of amenity in accordance with policy GP5 of Leeds UDP (Review) 2006.

- 13) No mechanical ventilation or air conditioning system shall be installed or operated within a phase or part of the development until details of the installation and operation of the system (in respect of that phase or part of the development) have been submitted to and approved in writing by the Local Planning Authority. The system shall thereafter only be installed and operated in accordance with the approved details or such other details approved in writing by the Local Planning Authority.

In the interests of amenity in accordance with policy GP5 of Leeds UDP (Review) 2006.

- 14) No units for the sale of food in the development shall be brought into operation until a grease trap has been provided on the drainage outlet(s) from the food preparation areas(s). The grease trap(s) shall be retained at all times thereafter.

To ensure the removal of grease from waste effluent in the interests of general amenity in accordance with policy GP5 of Leeds UDP (Review) 2006.

- 15) Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3m of the lines of the water main which cross the site and 4m in respect of the sewers which cross the site.

In order to allow sufficient access for maintenance and repair at all times in accordance with policy GP5 of Leeds UDP (Review) 2006.

- 16) No construction of a phase or part of the development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority in respect of that phase or part of the development and that phase or part of the development shall be carried out in accordance with the approved details or such other details approved in writing by the Local Planning Authority.

To ensure that the development can be properly drained in accordance with policy GP5 of Leeds UDP (Review) 2006.

- 17) Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

To ensure that no surface water discharges take place until proper provision has been made for their disposal in accordance with policy GP5 of Leeds UDP (Review) 2006.

- 18) Roof drainage down water pipes shall at all times be sealed at ground floor level to prevent the ingress of any contaminated water/run-off.

To prevent pollution of the water environment in accordance with policy GP5 of Leeds UDP (Review) 2006.

- 19) A phase or part of the development shall not be occupied until provision has been made in the means of access both to and within that phase or part of the development, and within sanitary conveniences, for the needs of employees and members of the public who are disabled. All such facilities shall thereafter be retained and made available for use unless otherwise agreed in writing by the Local Planning Authority.

In the interests of disabled people in accordance with policy A4 of Leeds UDP (Review) 2006.

- 20) There shall be no storage of refuse either outside the building, on the public highway in the vicinity of the development or within the internal areas created by the development, except for those areas specifically intended for the storage of refuse, whatsoever.

In the interests of amenity and to prevent the occurrence of unsightly refuse storage bins in accordance with policy GP5 of Leeds UDP (Review) 2006.

- 21) No waste material shall be burnt within the boundary of the site.

In the interests of amenity in accordance with policy GP5 of Leeds UDP (Review) 2006.

- 22) No phase or part of development shall take place until details of measures to be taken to suppress dust during demolition and construction in respect of the phase or part of the development have been submitted to and approved in writing by the Local Planning Authority. Such measures shall be provided prior to the commencement of demolition and construction and thereafter be retained and maintained save as varied by prior written approval of the Local Planning Authority.

In the interests of amenity in accordance with policy GP5 of Leeds UDP (Review) 2006.

- 23) Prior to the first occupation of a phase or part of the development a scheme for the provision of public litter bins in respect of that phase or part of the development, shall have been submitted to and approved in writing by the Local Planning Authority, such a scheme to include the number, location and design of facilities. The agreed scheme shall be implemented on site prior to the first occupation of the development and thereafter retained on site.

To ensure the adequate provision of public litter bins across the site in accordance with policy GP5 of Leeds UDP (Review) 2006.

- 24) Prior to the commencement of demolition within a phase or part of the development, a statement and plans, setting out the details of the method of servicing properties within the application site, and those properties around the application site affected by such demolition or construction, during the demolition and construction period, shall be submitted to and approved in writing by the Local Planning Authority in respect of that phase or part of the development. These details shall include a phasing strategy and shall clearly indicate vehicle turning areas, parking places and spaces for any public collections 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 physical form of the service area during demolition and construction of that phase or part of the development, shall then be laid 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 during demolition and construction and to ensure the free and safe use of the Highway in accordance with policy T2 of Leeds UDP (Review) 2006.

- 25) Prior to the commencement of construction of a phase or part of the development, a statement, and plans, setting out the details of the method of servicing properties within the application site, and those properties around the application site, on completion of development, shall be submitted to and approved in writing by the Local Planning Authority in respect of that phase or part of the development. These details shall clearly indicate vehicle turning areas, parking places and spaces for any public collections, details of all consultations with operators of the properties using the servicing area and how their views have affected the submitted details. The physical form of the service area on completion of development shall then be laid 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 on completion of development and to ensure the free and safe use of the Highway in accordance with policy T2 of Leeds UDP (Review) 2006.

- 26) Unless otherwise agreed in writing with the Local Planning Authority, no phase or part of the development shall be occupied until cycle parking facilities for both the employees of future occupiers of the site and for members of the public, for that phase or part of the development, have been provided in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority.

In order to meet the aims of the Transport policy as incorporated in the Unitary Development Plan Review in accordance with policy T7A of Leeds UDP (Review) 2006

- 27) No demolition within or construction of any phase or part of the development shall take place until a plan showing details of the provision to be made for the storage, parking, loading and unloading of contractors' plant, equipment and materials and the parking of vehicles belonging to the workforce within the site in respect of that phase of development, have been submitted to and approved in writing by the Local Planning Authority and that phase or part of the development shall be carried out in accordance with those approved details or such other details approved in writing by the Local Planning Authority.

In the interests of the free and safe use of the highway in accordance with policy T2 of Leeds UDP (Review) 2006.

- 28) In respect of any phase or part of the development, equipment to enable mud and grit to be removed from wheels, tyres and the underside of vehicles prior to their entering the public highway shall be provided and utilised in a position to be indicated on a plan, which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of demolition within that phase or part of the development. Such wheel equipment shall be maintained in working order at all times when traffic is leaving the site. The site access road shall be maintained in a clean condition at all times.

To ensure that mud is not deposited on the road in the interests of amenity and highway safety in accordance with policy GP5 of Leeds UDP (Review) 2006.

- 29) Prior to the commencement of demolition within or construction of any phase or part of the development site a scheme detailing the movements of vehicles to be used in the demolition and construction of that phase or part of the development shall be submitted to and approved in writing by the

Local Planning Authority. The scheme shall include details of the size of vehicles, their frequency of movement, the times of their operation and the route to be taken within the city boundary to and from the site. Vehicle movements and details shall then be carried out in accordance with the approved scheme unless otherwise agreed in writing with the Local Planning Authority.

In order that construction and demolition traffic causes the minimum amount of disruption to other highway users in accordance with policy T2 of Leeds UDP (Review) 2006.

- 30) Notwithstanding the submitted plans, prior to the commencement of works on site, a phasing schedule for the carrying out of the works referred to in the relevant conditions of this permission shall be submitted to and approved in writing by the Local Planning Authority. This schedule shall indicate on a plan the physical boundaries of each phase or part at each level of development and the developer shall notify the Local Planning Authority in writing two months prior to the commencement of development within each of the identified phases or parts. Details shall then be submitted in accordance with the phasing schedule unless otherwise agreed in writing by the Local Planning Authority.

In order that the Local Planning Authority is informed of the phasing in order that the relevant sections of the conditions may be discharged in accordance with policy GP5 of Leeds UDP (Review) 2006.

- 31) The display windows of the double height ground floor shop-fronts on the Albion St elevation of the new build-out extensions and the upper level window to the Albion St/Bond St corner hereby approved shall at all times be used for the display of goods and signage in connection with the use of the relevant units and shall at no time be obscured or screened to prevent vision into the windows unless otherwise agreed in writing by the Local Planning Authority.

In the interests of visual amenity in accordance with the Leeds UDP (Review) 2006 policy N13.

- 32) Prior to works commencing on any phase or part of the site, details, to include materials, elevations and sections at a scale of 1:20 of the following as relevant to that phase or part shall be submitted to and approved in writing by the Local Planning Authority:

- Frameless glazed shop frontages including retail unit entrance doors
- Column bases, integrated seating and shop front stall-risers
- All parapet walls including the publicly accessible terrace above the build-out extensions and surrounding ballustrading



- Corner display window to the Albion St/Bond St corner and soffit to include lighting
- The edge of the stainless steel ribbon detail
- Overcladding of the upper level brick panel above the publicly accessible terrace
- Saw tooth cladding system to incorporate lighting
- Method of vertical extension of the existing shop-frontages onto Bond St
- Details of the ribbon and glazed splay above the new main retail centre entrance on Albion St
- Cladding of the 2 no. columns in the new entrance to the Albion St Bond St corner
- Sections and elevations of roof top air conditioning screens

These items shall then be constructed in accordance with the approved details and using the approved materials.

In the interests of visual amenity in accordance with the Leeds UDP (Review) 2006 policy N13.

- 33) The bridge structure shall be constructed in the position indicated on drawing ref. no. CTM-Z6-99-22-5038-P04 which shall have as its lowest point a level of 41.757m AOD unless otherwise agreed in writing by the Local Planning Authority. The minimum clear headroom beneath this bridge at the point when the scheme is first open to the public, shall be no lower than the minimum vertical clearance which existed beneath the previous bridge structure (4.875m) unless otherwise agreed in writing by the Local Planning Authority.

The Local Planning Authority wishes to ensure that the maximum possible headroom is attained beneath the new bridge structure but is mindful of the tolerances which may be required due to construction details and the fact that the highway at this point is to be resurfaced which will itself impact on the headroom beneath the bridge. This is in the interests of free and safe use of the highway in accordance with the Leeds UDP (Review) 2006 policy T2.

- 34) The minimum headroom to the underside of the projecting window, to be erected at the Bond St / Albion St corner, above the surface level of the public highway immediately beneath the extension shall be a minimum of 5.3m.

In the interests of free and safe use of the highway in accordance with the Leeds UDP (Review) 2006 policy T2.

- 35) Prior to work commencing on any phase or part of the development including the new bridge structure, details of the following items in respect of the new bridge structure shall be submitted to and approved in writing by the Local Planning Authority:

- (i) Sections and elevations of the underside of the bridge to include junctions with the opaque glazed walkways and any down-stands
- (ii) External surface materials to be used on the underside of the bridge.
- (iii) The location of all lighting and details of the light sources including any method used to conceal the fittings.
- (iv) All external window frames and glazed doors, including necessary balustrading

These items shall all be constructed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

In the interests of visual amenity to ensure that the area beneath the bridge creates an attractive pedestrian environment in accordance with the Leeds UDP (Review) 2006 policy N13.

- 36) The areas of the public highway beneath the following existing structures:

- (i) existing northern bridge columns
- (ii) steps to the southern bridge
- (iii) escalator to the southern bridge
- (iv) kiosk and column beneath the southern bridge

must be removed to at least 1 metre below the surface and the resulting void filled with a clean, crushed material. Such material shall have first been agreed in writing with the Local Planning Authority and its method of filling within the remaining voids approved by the Local Planning authority.

In the interests of free and safe use of the highway and to prevent the possibility of future subsidence in accordance with the Leeds UDP (Review) 2006 policy GP5.

- 37) Prior to the commencement of the demolition of the southern bridge structure on Albion St, a document shall be submitted to the Local Planning Authority which sets out a method of managing the demolition process and shall include the following details:

- (i) The date of commencement of the demolition.
- (ii) The area of the highway required to enable demolition to take place.
- (iii) The duration of the period of demolition.

- (iv) The method of enclosure of the areas of highway to be affected and of the site to prevent debris from exiting the demolition/construction site.
- (v) A package of signing to warn pedestrians of the closures and the work being carried out and if necessary alternative routes.
- (vi) The means of lighting the works when natural light is insufficient.
- (vii) Vehicle access points including any gates required to allow vehicles to enter and exit the site.

This document shall be approved in writing by the Local Planning Authority prior to the commencement of demolition of the bridge and works shall be carried out in accordance with the approved details.

In the interests of public safety and the free and safe use of the public highway during demolition in accordance with the Leeds UDP (Review) 2006 policy T2.

- 38) Prior to the commencement of the demolition and construction of the northern bridge structure on Albion St, a document shall be submitted to the Local Planning Authority which sets out a method of managing the demolition and construction process and shall include the following details:

- (i) The date of commencement of the demolition and construction.
- (ii) The area of the highway required to enable demolition and construction to take place.
- (iii) The duration of the period of demolition and construction.
- (iv) The method of enclosure of the areas of highway to be affected and of the site to prevent debris from exiting the demolition/construction site.
- (v) A package of signing to warn pedestrians of the closures and the work being carried out and if necessary alternative routes.
- (vi) The means of lighting the works when natural light is insufficient.
- (vii) Vehicle access points required including any gates required to allow vehicles to enter and exit the site.

This document shall be approved in writing by the Local Planning Authority prior to the commencement of demolition of the existing bridge and construction of the new bridge and works shall be carried out in accordance with the approved details.

In the interests of public safety and the free and safe use of the public highway during demolition and construction in accordance with the Leeds UDP (Review) 2006 policy T2.

- 39) No works of demolition and construction on the site shall be undertaken before 0730 hours or after 1830 hours on any weekday or before 0800 hours and after 1330 hours on Saturdays nor at anytime on Sundays, bank or

public holidays unless otherwise agreed in writing by the Local Planning Authority.

In the interests of reducing noise nuisance to adjacent residents in accordance with the Leeds UDP (Review) 2006 policy GP5.

- 40) The external plant and air conditioning equipment to be located on the new bridge hereby approved shall be contained within the areas set out on the approved drawings and shall be located on no other part of the external envelope of the new bridge building whatsoever unless otherwise agreed in writing by the Local Planning Authority.

In the interests of visual amenity in accordance with the Leeds UDP (Review) 2006 policy N13.

- 41) For the purposes of this condition "defined frontage " shall mean 2 separate lengths of Primary Shopping Frontage set out in the Leeds UDPR 2006 (Proposals Maps and Inset Maps) one on the western side of Albion St consisting of units 2.34, MSU9, K1, K2, K3 set out on plan ref. no. CTM-X-99-07-1030 rev 01 hereby approved and the other on the southern side of Bond St and consisting of unit MSU6 set out on plan ref. no. CTM-X-99-07-1031 rev 01 hereby approved.

The ground floor retail units contained within the defined frontages set out above shall only be used for uses falling within Classes A1 and A3 as defined in the Town and Country Planning Use Classes (Amendment) Order 2005. The above units in the defined frontage may only be used for a Class A3 Use as defined in the Town and Country Planning Use Classes (Amendment) Order 2005 provided that at each occupation for an A3 use (a) the length of ground floor retail frontage within the defined frontage given over to Class A3 use does not exceed the threshold of 20% of the total length in non Class A1 Use and (b) the continuous length of frontage of ground floor retail units within the defined frontage given over to Class A3 use does not exceed the threshold of 15% in non Class A1 Use in line with Unitary Development Plan Review Policy SF02 relating to Primary Frontages, unless prior written approval for the A3 use of a specific unit is first obtained from the Local Planning Authority.

In order to uphold the objectives of Unitary Development Plan Review policy SF02 which seeks to protect Primary Shopping Frontages in the City Centre.

- 42) Prior to the commencement of any phase or part of the development an interim scheme shall be submitted which shall set out the details of the surface treatment to Albion St required in relation to the following matters for that phase or part of the development in the period between the completion

of the construction of the development and the laying out of the final paving scheme. This interim scheme shall include the following details:

- (i) Phasing of the completion of the construction of the individual shop frontages fronting on to Albion St and the associated areas of the public highway on Albion St which will be surfaced to enable access to these units.
- (ii) Material to be used in the surfacing of the public highway on Albion St in line with the programme of phasing set out above and the way that this interfaces with the parts of the existing highway to which it will be adjacent.
- (iii) The longitudinal and lateral sections of the highway to show the gradient along the street, it's relative height to the underside of the new bridge structure and the thresholds to the doorways of the new retail units.
- (iv) Any necessary protective measures and signing to ensure public safety in the area while these works are being carried out.

The interim scheme shall be carried out in accordance with the details set out above and in line with the approved timescales unless otherwise agreed in writing by the Local Planning Authority.

In the interests of free and safe use of the public highway and to ensure satisfactory access is provided to the retail units in accordance with the Leeds UDP (Review) 2006 policy GP5.

- 43) The double height vertical glazed slot in the centre of the new bridge structure shall be kept free from any permanently fixed objects, furniture, fixings and opaque additions to the glazing which would prevent clear views through this important architectural feature.

To ensure that clear views are maintained through this area to the benefit of the appearance of the structure and the street scene whilst still allowing the daily setting out of unfixed items, ancillary to the use of the commercial units contained within the bridge in accordance with the Leeds UDP (Review) 2006 policy N13.

- 44) Prior to works on each phase of development commencing on site, details shall be submitted to the Local Planning Authority which set out the location of any temporary hoardings which are to be erected around the periphery of the site, including those to be erected on the public highway, during the construction period of that phase. Details shall include a plan indicating their location and elevations indicating their height and method of external treatment on the side which is visible from outside the site. The hoardings shall be erected in accordance with the approved details and thereafter retained unless otherwise agreed in writing by the Local Planning Authority.

In order to ensure that the site is appropriately and adequately screened during the construction process and to protect passing pedestrians and

other highway users in accordance with the Leeds UDP (Review) 2006 policy GP5.

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

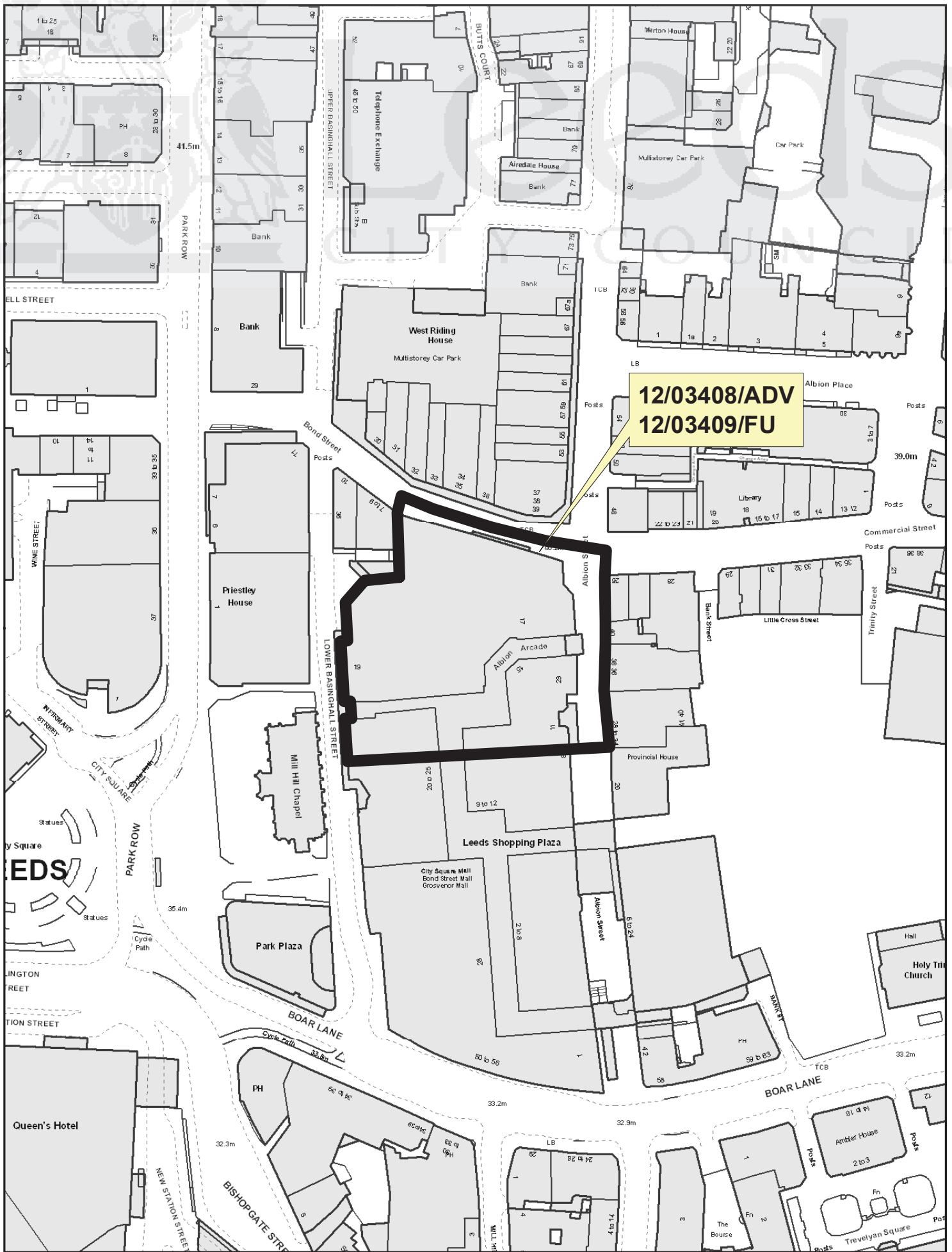
For the avoidance of doubt and in the interests of proper planning.

- 46) No development authorised by this permission shall commence until planning permission reference 09/01742/FU has been implemented and development pursuant to this permission 11/03290/FU shall only be carried out together with development pursuant to planning permission reference 09/01742/FU so as to achieve an overall development scheme as shown on composite approved drawings referred to in the list of approved plans set out on this permission.

This permission authorises a revision to development permitted by planning permission reference P/09/01742/FU and therefore cannot be implemented in isolation but only in conjunction with planning permission reference P/09/01742/FU.

- 47) Within 18 months of the date of this permission the existing basement service area shall be laid out in the manner set out on drawing ref. no. Figure 4B received 25th October 2011 unless otherwise agreed in writing by the Local Planning Authority. The service area shall then be retained with that layout unless otherwise agreed in writing by the Local Planning Authority.

In the interests of the provision of adequate servicing facilities off the public highway in accordance with the Leeds UDP (Review) 2006 policy T2.



# CITY PLANS PANEL

This page is intentionally left blank





Originator:	Louise White
Tel:	0113 2478000

## Report of the Chief Planning Officer

### CITY PLANS PANEL

Date: 27<sup>th</sup> September 2012

**Position Statement on Planning Application 12/02668/FU – Energy Recovery Facility (with Mechanical Pre-Treatment) for the incineration of residual municipal solid waste and commercial and industrial waste, and associated infrastructure on the former Wholesale Market Site, Newmarket Approach, Cross Green LS9 0QB**

<b>APPLICANT</b>	<b>DATE VALID</b>	<b>TARGET DATE</b>
Veolia E. S. Leeds Ltd (VESL)	27.06.2012	17.10.2012

#### Electoral Wards Affected:

Burmantofts & Richmond Hill

Temple Newsam

Yes

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### RECOMMENDATION:

**For Members to note the content of the report and to provide feedback on the questions posed at section 13.0 of this report.**

#### 1.0 INTRODUCTION:

- 1.1 The purpose of this report is to update Members following the submission of an application for a Recycling and Energy Recovery Facility (RERF).
- 1.2 The application area lies within the wholesale market site off Pontefract Lane, in Cross Green. The site is currently vacant.
- 1.3 The proposals fall under Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and therefore the application is accompanied by an Environmental Statement.

## 2.0 PROPOSAL:

- 2.1 The proposal comprises a Recycling and Energy Recovery Facility (RERF) utilising mechanical separation of recyclable materials followed by incineration as the method of waste treatment.
- 2.2 The total application area extends to approximately 5.9 hectares, including the construction compound. The area of the former wholesale market site that is proposed to be developed as a RERF and associated development is 4.1 hectares.
- 2.3 The application seeks planning permission for the following development:
- demolition of the existing gatehouse building;
  - construction and operation of a Recycling and Energy Recovery Facility (RERF) & associated ancillary buildings, plant and equipment, site infrastructure and associated landscaping / planting; and,
  - use of adjoining land to the north (within the former wholesale market site) as a temporary contractor's compound.
- 2.4 The facility has been designed to receive approximately 214,000 tones of waste per year. Up to 20% of incoming residual wastes would be recovered at the facility for onward recycling. An estimated 164,000 tonnes would be treated in the incinerator, which in turn, would recover ferrous scrap metal for recycling.
- 2.5 The site would primarily accept all of Leeds' residual municipal solid waste ('black bin' waste) for the next 25 years. Any shortfall would be made up with non-hazardous commercial and industrial wastes from the private sector, which the applicant calculates to be approximately 63,000 tonnes.
- 2.6 The proposed RERF comprises the two following distinct waste treatment operations:
1. Mechanical Pre-Treatment
- 2.7 The Mechanical Pre-Treatment (MPT) facility would carry out the following functions:
- extract the recyclable fractions;
  - mix the waste to obtain a more homogenous feedstock for the incinerator – for improved combustion;
  - reduce the amount of dense plastics and metals processed in the incinerator – thereby lowering the quantities or reagents required in the flue gas treatment system; and,
  - extract the main oil based products fraction of the waste (plastics) to the benefit of reducing the carbon footprint for the overall operation.
- 2.8 The MPT process would be enclosed within one building and would include a tipping hall for the reception of incoming residual wastes, where it would be shredded before being passed via an internal conveyor into the MPT processing hall. A rotating perforated drum (trommel) and magnets would separate the waste into different

sized fractions to recover cans and other metals. The remaining material would be conveyed to infra-red auto-sort machines for the recovery of plastics, paper and card. The ferrous metals, non-ferrous metals, paper and card would be stored onsite temporarily within internal designated storage bays prior to being removed off-site in storage containers. The separated plastic streams would be baled prior to removal off-site.

- 2.9 The residue (non-recyclable material) from the MPT facility would be internally conveyed to a primary incinerator bunker. All residual waste from household waste sorting sites or wastes of a more bulky nature received would be unlikely to be suitable for the MPT plant and so would be tipped separately inside the tipping hall before being deposited into an intermediate incinerator bunker.

## 2. Energy Recovery Facility

- 2.10 The RERF's second waste treatment operation comprises an Energy Recovery Facility (ERF) utilising incineration as the method of waste treatment. Waste residues would be combusted under controlled conditions using proven energy recovery technology, to generate approximately 11.6MW of electricity. It would also have the potential to supply heat to suitable external users.
- 2.11 The waste residue remaining following the MPT operations would be fed into the incinerator's combustion chamber (furnace). A series of moving grates would control the speed and flow of wastes through the primary and secondary combustion zones to ensure complete combustion. Only inert or incombustible materials would remain following this process. This residue is termed incinerator bottom ash (IBA).
- 2.12 The process would allow for both heat to be recovered and electricity to be generated. In respect of the former, the heat released by the combustion of waste would be recovered in a high efficiency waste tube boiler. The boiler would transfer the energy in the waste to produce steam. The steam turbine would be 'enabled' so that the local community or industry could be provided with heat in the form of hot water for district heating or steam for factory process use. For the avoidance of doubt, the term 'enabled' in this context means that the turbine would be designed with a casing to allow a grid valve to be inserted should suitable heat off-take customers be identified. The valve allows for the diversion of steam from the electricity generation process to heat hot water in a district heating system.
- 2.13 With regards to energy production, hot flue gases from the furnace contain considerable amounts of energy. Steam generated by the heat recovery boiler would be used in a turbine to generate electricity. The electricity generated by the steam in the turbine would provide the 1MW power requirement of the facility with the remaining 10.6MW being exported to the National Grid.
- 2.14 The electricity would be exported to the local electricity distribution network via an existing 33kV feeder from the Leeds East Primary Grid supply point substation to the Pontefract Lane primary substation. The route of the connection to the local electricity distribution network would follow existing highways.
- 2.15 There would be a number of methods employed to remove and or reduce the main residual wastes left over at the ERF following complete combustion and energy recovery, as follows:
- A flue gas treatment system would be integral to the facility and designed to comply with the Waste Incineration Directive (WID). This would reduce

emissions to well below the requirements of the emission limit values given in the WID for NO<sub>x</sub>, SO<sub>2</sub>, HCl, HF, particulate matter, heavy metals, dioxins/furans and any CO and volatile organic compounds. The flue gas residues would amount to approximately 6,000 tonnes per year and would be classed as hazardous waste. It would be collected within a silo within the ERF building and then transferred off-site for disposal to the applicant's Minosus facility in Cheshire;

- A single 75 metre tall chimney, the height of which has been determined through computer dispersion modeling of emissions and evaluation of the resulting dispersion plumes. It should be noted however, that the precise height will be determined by the Environment Agency as part of the Environmental Permitting process but the applicant does not expect to exceed the height predicted by the modeling undertaken;
- IBA would account for approximately 23% of the input tonnage and would be extracted from the combustion grate, dampened down, screened for metals and internally conveyed to the proposed adjacent IBA storage building. The IBA would then be internally loaded from the storage building to bulk transport vehicles for onward transfer to a reprocessing plant in Sheffield. There it would be recycled to recover non-ferrous metal and to form aggregate;
- Ferrous metal recovered from the IBA would be sent off-site to a steel manufacturer for recycling;
- A de-mineralised water treatment plant would be provided within the ERF building to produce the required water quality from the mains supply for the proposed process. In normal operation there would be no process related water discharge to sewer. The discharge to sewer would only normally be required when there is need to empty the boiler. The pH of any waters would be adjusted prior to the water being discharged to sewer. The rest of the effluent waters would be routed to a concrete wastewater tank for recycling within the process;
- On-site attenuation ponds would capture most roof and road drainage from the site to achieve surface water discharge rates that are lower than the existing values. Some of the roof drainage would be fed into a rainwater harvesting tank, used to supply the green wall. Flow from external trafficked areas would be routed through bypass interceptors prior to discharge to public sewer.

2.16 The RERF would operate continuously throughout the year with the exception of scheduled maintenance periods, which could be up to 2 weeks in duration dependent on the maintenance requirement. The proposed hours of operation for specific activities are as follows:

- HGV traffic entering and leaving the proposed facility would be confined to between 0600 hours to 1800 hours Monday to Saturday;
- Exceptions to the above hours would however sometimes be necessary to enable the receipt of a limited number of loads outside of these hours to prevent, for instance, waste being stored within Refuse Collection Vehicles over a night, weekend or Bank Holiday periods, to avoid traffic congestion in the city centre or for other operational reasons. The receipt of waste throughout the nighttime period is assessed in the application as Veolia currently operates a late night Leeds City Centre waste collection service for commercial customers to avoid

periods of congestion within the City Centre. This service currently operates between the hours of 1700 hours and 0100 hours and involves a small number of deliveries outside of the above core hours;

- There would be a requirement to accept waste on Sundays following public holidays between 0700 hours and 1800 hours;
- The RERF would employ 45 full-time equivalent staff. The ERF will operate with a total of 15 staff employed in 3 shifts. The MPT would be staffed by 13 full-time equivalent employees per day and would normally operate over 2 shifts. In addition there would be 2 weighbridge operators, 10 maintenance staff, 5 managerial staff and administrative staff on site. These employees would come and go as required; and,
- Construction works would be confined to between 0700 hours and 1800 hours Mondays to Saturdays and 0730 hours and 1700 hours on Sundays. The applicant estimates that the construction and commissioning period would last approximately 36 months.

2.17 Access to the proposed RERF would be by road via an improved access off Newmarket Approach, to the west of the site, which in turn links directly onto Pontefract Lane and the local highway network.

2.18 The proposal also features a number of smaller buildings on the site. In the western part of the site, this includes, namely a weighbridge office, welfare building and substation. A vehicle parking area would also be provided for employee cars and visitors. The western frontage of the RERF building would incorporate office space and a visitor centre. A fuel tank would be located in the eastern part of the site, to the rear of the ERF building. The northern part of the site, between the MPT building and Bottom-Ash Facility would provide the main internal roads system and circulation areas for HGVs.

2.19 The planning application under consideration is accompanied by an Environmental Statement, a Non-Technical Summary, Design and Access Statement, a Statement of Community Involvement and Draft Heads of Terms for a legal agreement. VESL has also submitted correspondence dated 27.06.2012 to highlight some of the key benefits associated with the proposal.

#### Draft Heads of Terms

2.20 The purpose of an agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) is to secure off-site highway improvements and landscaping works which are considered to be necessary to make the proposed development acceptable. It is important that such matters comply with the tests and criteria set out in Section 122 of the Community Infrastructure Levy Regulations 2010. The draft obligations are as follows:

- to carry out highways improvements to Newmarket Approach;
- to provide a new cycle / pedestrian route on part of Newmarket Approach and along the full length of Newmarket Approach to meet existing National Route 66 cycle route (should the cycle route approved under Planning Application ref. 11/04098/FU not be lawfully implemented); and,

- to provide off-site planting along Newmarket Lane to terminate north at the existing National Route 66 cycle route.

2.21 A separate agreement would be required for the works affecting the public highway pursuant to Section 278 of the Highways Act 1980 (as amended).

### **3.0 SITE AND SURROUNDINGS:**

3.1 The site is geographically located wholly within the Burmantofts and Richmond Hill Ward but there may also be potential for impact on the adjacent Temple Newsam Ward.

3.2 The proposed development site is located on vacant land within the former wholesale market site in Cross Green, Leeds. The site is located to the east of Newmarket Approach, to the north of the A63 Pontefract Lane, just over 3 km to the east of Leeds city centre and around 2km to the west of Junction 45 of the M1.

3.3 The development site is owned by LCC and is allocated as a Strategic Waste site (ref. 201) in the NRWDPD. The site is currently vacant and has been cleared of buildings (with the exception of the former gatehouse, substation and various lampposts) and vegetation (apart from some trees along the southern boundary) and consists of a large area of flat concrete hardstanding.

3.4 The site is relatively flat, lying at approximately 35 metres above Ordnance Datum (AOD). The surrounding land levels rise in a northerly direction. Views of the site are possible from Halton Moor Road, the cycle path to the north of the site, housing on Neville Close and parts of East End Park. The land levels further east also rise towards Halton Moor and Temple Newsam. To the south of the site the land levels fall towards the River Aire – such that the intervening buildings limit potential views from this direction.

3.5 The site is bounded on three sides by roads – to the west by Newmarket Approach, to the east by Newmarket Lane and to the south by Pontefract Lane. The site occupies the southern part of the area of hard-standing formerly occupied by the wholesale market and which extends northward from the site boundary. To the north of the former wholesale market site is an area of land occupied by a warehouse owned by Cover Structure Ltd. (also the proposed site of a vocational academy). Beyond this a cycle path which forms part of National Cycle Network Route 66 runs from east to west connecting Halton Moor Road with Leeds city centre. Beyond the cycle path to the north-east of the site, is a recreational area, which is overlooked by residential properties on Halton Moor Road and the 'Neville's Estate'. These are the closest properties to the operational site boundary, being around 300m away.

3.6 Further to the north of the site is a train maintenance depot and railway sidings part of which is disused and is designated as Wellington Sidings Leeds Nature Area. To the west of the sidings are allotment gardens. Land immediately to the west, east and south of the site is occupied by the industrial units and warehouses of the Cross Green Industrial Estate - including the William Cook Foundry to the south-west. Beyond this is the East Leeds Cricket Ground to the west and the playing fields of the demolished Copperfield College site to the south-west. The residential area of Cross Green is located beyond this to the west.

3.7 The nearest residential properties to the north west in the East End Park and Richmond Hill area are around 600m from the proposed operational site boundary.

Osmondthorpe is around 600m to the north; Halton Moor is around 1km to the north east; and, Hunslet is around 1.5km away in the south-west.

#### **4.0 SITE PLANNING HISTORY**

- 4.1 Planning permission for a temporary portable unit for use as office and toilet accommodation and surfacing of the remainder of the site to form haulage area was granted on 24th June 1974.
- 4.2 Planning permission (re. H21/349/89/) for the change of use of the wholesale market to a retail Sunday market and car boot sale was granted on 26th February 1990.
- 4.3 Outline planning permission (ref. 21/9/03/OT) to erect office, industrial and warehouse development on the former wholesale market site was granted on 30th April 2009. The required application for approval of reserved matters was not submitted in time and the permission has lapsed.
- 4.4 In relation to permissions granted on neighbouring land, the most relevant is that granted on 20th December 2011 - for the change of use and alteration of an existing industrial building and the erection of a new two storey building - to form a vocational academy at the Cover Structure Ltd. premises on Newmarket Approach (ref. 11/04098/FU).
- 4.5 Planning officers have had formal pre-application discussions with VESL since November 2010. A Scoping Opinion, detailing the required contents of an Environmental Impact Assessment, was issued to VESL by LCC in August 2010, with an addendum issued in October 2010.
- 4.6 A pre-application report (ref. 10/00520/PREAPP) on the proposed development, as was proposed at that time, was presented to Plans Panel East on 26.01.2012. VESL also provided the Panel with an illustrated presentation.

#### **5.0 THE APPLICANT'S COMMUNITY CONSULTATION STRATEGY**

- 5.1 Community and stakeholder engagement has been an integral part of the Residual Waste Treatment PFI project. VESL's submitted Statement of Community Involvement (May 2012) elaborates on the consultation already undertaken between them and LCC and, advises how VESL have conducted communications with individuals and organisations. This is as follows:
  - Face-to-face briefings with Ward Members and local MPs;
  - Distribution of 11,500 leaflets and exhibition flyers mailed to local residents on two separate occasions;
  - 270 similar packs mailed to community stakeholders, Cross Green Industrial Estate businesses and Statutory Consultees on two separate occasions;
  - Advertorials in Yorkshire Evening Post and Leeds Weekly News Group & online websites;
  - Six all-day public drop-in sessions held in venue's close to the proposed site and an additional event held in Rothwell. Exhibition flyers to publicise the sessions

delivered to all Leeds libraries, One Stop Shops, Community Centres and local shops and health centres;

- Meetings with local education establishments including Leeds University, Leeds City College and Leeds Building College;
- Presentations to Community Forums and other Public Meetings;
- An active project website ([www.veoliaenvironmentalservices.co.uk/Leeds](http://www.veoliaenvironmentalservices.co.uk/Leeds)) and helpline service;
- Press releases issued and coverage received in Yorkshire Evening Post, specifically calling for community representatives and promoting the planned drop-in sessions;
- Establishment of an active project Community Liaison Group set up with an independent chairperson and members representing local residents, local businesses, local community groups and opposition groups.

## **6.0 APPLICATION CONSULTATION**

- 6.1 The planning application was advertised by LCC in the Yorkshire Post on 12.06.2012. Site notices were erected on 13.07.2012 in 44 separate locations in and around the proposed site, Halton, Osmondthorpe, East End Park and Cross Green.
- 6.2 Copies of the planning application were provided to public libraries in Halton, Cross Gates, Seacroft and Rothwell. There are no public libraries open in the affected wards and therefore the planning application was provided to the Richmond Hill Community Centre and Belle Isle Family Centre, via agreement from Councillors R. Grahame and K. Mitchell, respectively. Copies of the application are also held at the Council's planning offices.
- 6.3 Following receipt of the planning application, the applicant made amendments to Technical Appendix E: Noise and Vibration. The application was re-advertised on 18.07.2012 so that consultees could take into consideration the amendments.

## **7.0 RESPONSES OF CONSULTEE BODIES**

### Statutory:

- 7.1 **Highway Authority** - Further information is required on the proposed alterations to Newmarket Approach; additional overspill car parking space for construction workers and an additional vehicular aisle is required for access purposes. Further commentary is required on how peak traffic can be accommodated within the RERF complex, which may result in the need for an enlarged internal parking area. Details of suitable secure facilities for cycles and motorcycles should be provided. A HGV movement management plan should be submitted to cover the routing of vehicles associated with the construction and operational phases of the proposal. Agreement of a maintenance design scheme and fund is required to rectify a number of identified defects on Newmarket Approach. Off-site highway works would be controlled through a S.278 Agreement whereby the Council would design the highways improvements works and procure them at the applicant's cost.



The following should be secured via legal agreement:

- alterations to Newmarket Approach to provide the site access arrangements;
- new cycle/footway on Newmarket Approach;
- extension of the cycle/footpath link from Newmarket Approach turning head to the city centre to Garforth Strategic cycle route if not delivered by other developments within the timescale of this development, to ensure that the full link is deliverable before this development becomes operational;
- maintenance works to the carriageway of Newmarket Approach; and,
- Travel Plan and evaluation fee secured.

Two standard highway conditions are recommended in addition to a special condition requiring the submission of a HGV Traffic Management Plan for both the construction and operational phases of the development, to be approved by the Council prior to the commencement of the development.

7.2 **Highways Agency** – requires additional information, including amendments to the Travel Plan; a construction phase travel plan; and a Construction traffic management plan.

7.3 **Environment Agency** – no objection to the proposed development subject to conditions relating to flood prevention, groundwater and contaminated land, and site drainage. The proposed facility requires an Environmental Permit in order to operate and although an application has been submitted (ref. EPR-GP3334CX/A001), no detailed technical assessment has yet taken place. Under the Environmental Permitting regime the Agency will consider the following key areas of potential harm arising from the installation when making an assessment for the permit:

- management – including accident management, energy efficiency, efficient use of raw materials and avoidance, recovery and disposal of wastes;
- operations including incoming waste and raw material management, waste charging, furnace types and requirements, validation of combustion conditions, combined incineration, flue gas recirculation, dump stacks and bypasses, cooling systems and boiler design; and,
- emissions to surface water, sewer and air, odour, noise and vibration, monitoring and reporting of emissions;

7.4 **Health Protection Agency** – The Health Protection Agency has issued a position statement on Municipal Solid Waste Incineration stating that the potential damage to the health of those living close by is likely to be very small, if detectable. Furthermore, any potential risk of cancer due to residency near to municipal waste incinerators is exceedingly low and probably not measurable by the most modern techniques.

Given that the detailed information relating to the operation of the installation, plant emissions and the suitability of abatement technology will be provided within an application made under the Environmental Permitting Regulations, the HPA will offer more detailed comments on the impact of the installation on public health once this application has been received.

The role of the Planning Authority is to ensure that the land and activities proposed on that land are suitable for the intended use. Concerns over associated impacts of the installation in relation to the chosen location for the site and increased traffic on

local roads are outside the scope of the Environmental Permitting Regulations and should be addressed by the Planning Authority.

- 7.5 **Yorkshire Water** – no objection to the proposed development subject to the imposition of 6 planning conditions relating to drainage and a stand-off from a public surface water sewer crossing the site.
- 7.6 **Natural England** – no objection, welcomes the variety of measures offering potential biodiversity enhancements for the proposed site, including the provision of over 300m of newly planted hedgerows, wetland features as part of a SuDS scheme, landscaped green link and the incorporation of a green wall within the building design. It is suggested that these measures are secured through a legal agreement, should permission be granted.
- 7.7 **Ministry of Defence** – no safeguarding objection subject to the imposition of 1 condition relating to the applicant advising the Defence Geographic Centre of certain information prior to any development commencing.
- 7.8 **National Air Traffic Control Services** – no objection.
- 7.9 **Leeds and Bradford International Airport** – no objection as the proposal is unlikely to conflict with aviation interests at the airport.
- 7.10 **Arquiva** – no objection, analysis shows that the proposal would not affect the integrity of their Re-Broadcast Links.
- 7.11 **The Coal Authority** – no objection and no specific mitigation measures are required to address coal mining legacy issues.
- 7.12 **West Yorkshire Police Service** – no objection.
- 7.13 **English Heritage** - the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Non-Statutory:

- 7.14 **Transport Development Services** – lack of information, the current Travel Plan requires amendment so that it satisfies the Leeds Travel Plan SPD. The agreed Travel Plan should be included in a legal agreement with a review fee of £2,500.

A public transport contribution is not required as part of this application as the majority of trips to and from the proposed site would be by refuse vehicle, which has no impact on public transport.

- 7.15 **Flood Risk Management** – no objection, subject to the imposition of 2 conditions relating to the prior approval of surface water drainage works and protection of the sewer crossing the site.
- 7.16 **Environmental Health** – no objection, 2 conditions relating to hours of operation and lighting have been suggested. Further response awaited relating to noise.
- 7.17 **Sustainable Development Unit** – further information and rationale is required with respect to the landscape design benefits of retaining concrete on the site; soil depths for trees and planting maintenance; the gabion structures on the site frontage; provision of a shrub layer; detailing of the green roof on the Bottom Ash Facility; the

Phase 2 site investigation reports in respect of ground water and gas monitoring, gas protection measures and depths / analysis of capping layers; and, clarity required on how the generated heat could be distributed via heat distribution networks to local users. It would be useful to have samples of the proposed materials to be used on the RERF.

## **8.0 RESPONSES FROM MEMBERS OF THE PUBLIC**

8.1 Six letters of objection have been received to the proposed development, which raise concerns over the potential impacts on the following:

- air quality and monitoring;
- health;
- traffic congestion;
- the regeneration of the local area;
- local house prices;
- safety of the community;
- cumulative effects with other industry;
- close proximity to sensitive receptors, including existing leisure land uses;
- better and more appropriate waste management technology is available; and,
- implication that Veolia is associated with violations of international law in the West Bank.

## **9.0 NEGOTIATIONS AND DISCUSSIONS**

9.1 Officers met with VESL on 05.09.2012 to discuss the received responses of consultees and members of the public. VESL have agreed to provide the majority of additional information / amendments required by the consultees and re-draft the Heads of Terms accordingly.

## **10.0 RELEVANT PLANNING POLICIES**

10.1 The site is currently unallocated in the adopted Unitary Development Plan (2006).

10.2 The NRWDPD identifies the site for strategic waste management use. It did so after an exhaustive site selection process which looked at potential sites across the whole of Leeds. The Plan is now at a very advanced stage, awaiting the Inspector's final report.

10.3 The following are the principal documents that are relevant to the determination of this planning application:-

- Leeds Unitary Development Plan (Saved Policies);
- Yorkshire and The Humber Plan (Regional Spatial Strategy) 2008 (RSS);
- Draft Natural Resources and Waste DPD and Schedule of Changes;
- Draft Aire Valley Area Action Plan;
- The Leeds City Region Urban Eco Settlement Programme
- National Waste Strategy;
- Planning Policy Statement 10 (Planning for Sustainable Waste Management);
- Planning Policy Statement 10 (Update March 2011);
- Planning Policy Statement 10 (Companion Guide);
- National Planning Policy Framework (NPPF);
- Technical Guidance to the National Planning Policy Framework (NPPFTG);

- The National Waste Strategy for England (plus Annexes) (WS2007);
- Government Review of Waste Policy in England 2011;
- Designing Waste Facilities (DEFRA);
- Neighbourhoods for Living (LCC);
- Creating the Place – A Design Guide for Aire Valley Leeds (LCC);
- Designing for Community Safety (LCC);
- Safer Places (ODPM);
- Secured by Design (ACPO);
- Travel Plans SPD (LCC);
- Public Transport Design Guide SDP (LCC);
- Tall Buildings Design Guide SPD (LCC).

10.4 The following legislation and guidance is also relevant to varying degrees:-

- European Union Waste Framework Directive (75/442/EEC amended 91/156, 91/692 and 96/350);
- European Union Council Directive 1999/31/EC of 26 April 1999 on the Landfilling of Waste;
- European Union Council Directive on Integrated Pollution Prevention and Control (IPPC) (2008/1/EC);
- European Union Waste Incineration Directive (2000/76/EC);
- European Union Directive on Industrial Emissions (2010/75/EU);
- European Union Directive 2006/12/EC of the European Parliament and of the Council on Waste;
- European Union Directive 2008/98/EC of the European Parliament and the Council of 19 November 2008 on Waste;
- The Landfill (England and Wales) Regulations 2002;
- Environmental Permitting (England and Wales) Regulations 2010;
- The Waste (England and Wales) Regulations 2011;
- The Community Infrastructure Levy Regulations 2010;
- The Town and Country Planning (Environmental Impact Assessment) Regulations 2011;
- Climate Change Act 2008;
- Landfill Allowance Trading Scheme (LATS);
- EU Directive 2009/28/EC of the European Parliament and Council on the promotion of the use of energy from renewable sources (amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC); and
- Integrated Waste Strategy for Leeds 2005 – 2035 (2006).

## 11.0 MATTERS FOR CONSIDERATION

11.1 The following issues have been identified as being matters which Members may wish to consider in relation to this proposal:

- Principle of development;
- Site Selection;
- Need;
- Air Quality & Health;
- Highways & Access;
- Surface water & groundwater;
- Design, appearance, siting and scale of facility;
- Landscape & Visual Amenity;
- Cultural Heritage;

- Biodiversity; and
- Other matters.

### **Principle of development**

- 11.2 The proposals will need to be considered in the context of both national planning guidance and the development plan, which at the time of writing includes the Leeds Unitary Development Plan Review, the Regional Spatial Strategy and any material guidance contained in the emerging Local Development Framework (LDF).
- 11.3 The emerging LDF includes the “Natural Resources and Waste” and the “Aire Valley Area Action Plan” development plan documents. The former is significantly further progressed than the latter. Neither of these documents have as yet been adopted but both constitute material considerations in the determination of planning applications. In this context, it is for the decision-maker to decide what weighting should be given to each policy in emerging plans, in accordance with para. 216 of the NPPF which provides that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
  - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 11.4 The NRWDPD has undergone Examination in Public. Correspondence between the Inspector and LCC since the close of the examination does not raise any concerns on the part of the Inspector relating to the NRWDPD policies which relate to waste management. Furthermore, the post-examination schedule of changes to the NRWDPD published by LCC propose no significant changes to the waste policies. As a result, having regard to the criteria in the NPPF, the decision taker is entitled to afford significant weight to the NRWDPD policies in determining this planning application.
- 11.5 The Aire Valley Area Action Plan (AVAAP) remains in draft form and is still at a relatively early stage of preparation. Having regard to the criteria set out in paragraph 216 of the NPPF, as the AVAAP is at an early stage of preparation this will affect the weight that should be afforded to it as a material consideration. The same also applies to the Core Strategy, which is also at a relatively early stage of preparation and is the subject of numerous unresolved objections.
- 11.6 Both PPS10 and the NPPF state that the planning system should focus on whether a development is an acceptable use of the land and the impacts of the use, rather than the control of processes or emissions, which are subject to approval under pollution control regimes.

## Site Selection

- 11.7 In July 2008, Leeds City Council's (LCC) Executive Board authorised the Director of Environment and Neighbourhoods to commence procurement of the Residual Waste Treatment PFI project ("the Project").
- 11.8 The Project has been developed in response to the need to move away from the current reliance on landfilling for residual municipal waste due to its environmental impact and associated financial implications. Landfill tax is currently at £64 per tonne, and will increase each year by £8 per tonne to a minimum of £80 per tonne by 2014. In 2011/12, the cost to the Council of landfill tax was £9.2m. An £8 per tonne annual increase in landfill tax equates to an additional cost of £1.5m per annum based on 2011/12 tonnages, which would see the Council incurring £13.7m per annum in landfill tax by 2014/15 alone, excluding disposal gate fees. Continued reliance on landfill is therefore unsustainable. The Integrated Waste Strategy for Leeds 2005-2035 (2003) and subsequent updates include the following key targets:
- to increase recycling of household waste to 55% by 2016, with a long-term aspiration target to exceed 60%; and,
  - to recover value from 90% of all household waste by 2020.
- 11.9 The Project will provide a substantial contribution to the City's household waste recycling performance, and is fundamental to the achievement of the recovery target and the associated reduction in landfill.
- 11.10 Prior to the commencement of the procurement, the Director of City Development completed a City wide site selection study for Major Waste Facilities in September 2007. The aim of the study was to identify potential sites for a Residual Waste Treatment Facility to treat waste which remains after reuse, recycling and composting has been undertaken and also to identify sites which might be suitable for locating different waste management uses together through a Sustainable Energy Resource Park (SERP). The concept of a SERP is where different waste management facilities are located together to minimise transport costs, to recycle waste and to use waste as a resource to produce energy.
- 11.11 Four potential 'preferred' sites were identified as part of the site selection study all of which are located within the Aire Valley in East Leeds:
- The former Skelton Grange Power Station;
  - Development sites adjacent to Knostrop Waste Water Treatment Works, south of Pontefract Road;
  - Vacant land areas within Knostrop Waste Water Treatment Works; and,
  - The former wholesale market site.
- 11.12 This study, together with its update in 2009, has been incorporated into the wider evidence base to inform the policies in the Natural Resources and Waste Development Plan Document 2010 (NRWDPD), which support the identification of 'Strategic Waste sites'. The NRWDPD has been subject to four separate series of public consultation and approval by the Executive Board, and has undergone a formal Examination in Public by the planning inspector.

11.13 The Project procurement process involved evaluating tender bids. In November 2011, the Executive Board gave authority to the Director of Environment and Neighbourhoods to proceed to the Preferred Bidder Stage. Veolia E. S. Leeds Ltd (VESL) have been chosen as the preferred bidder for the waste management development hereby proposed on the former wholesale market site, to manage the City's residual municipal solid waste for the next 25 years. The PFI contract is expected to be awarded by LCC in late September/early October 2012.

11.14 In summary, the contract will allow LCC to meet the following objectives:

- improve the performance of the service provided in terms of sustainable waste management (including carbon reduction);
- contribute to the Council's overall recycling performance for household waste;
- avoid the increasing cost of Landfill Tax; and
- maximise the diversion of waste from landfill.

#### **Need**

11.15 In terms of national waste planning policy, paragraph 22 of Planning Policy Statement (PPS) 10 (para 22) makes it clear that where proposals are consistent with an up-to-date development plan, there is no requirement for applicants for new or improved waste management facilities to demonstrate a quantitative or market need for the proposal. PPS10 is still in force. Para 22 of PPS10 states:-

#### ***“DETERMINING PLANNING APPLICATIONS***

##### ***Approach – waste planning authorities***

***22. Development plans form the framework within which decisions on proposals for development are taken. It is important that plans are kept up-to-date and properly reflect national policy. When proposals are consistent with an up-to-date development plan, waste planning authorities should not require applicants for new or enhanced waste management facilities to demonstrate a quantitative or market need for their proposal.”***

11.16 Furthermore, paragraph 98 of the NPPF states:-

##### ***“When determining planning applications, local planning authorities should:***

- ***not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and***
- ***approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.”***

- 11.17 The policy approach in the UDP is consistent with national waste policy. The saved policies of the Unitary Development Plan (UDP) remain in force for the time being until the Natural Resources & Waste Development Plan Document (NRWDPD) has been adopted. However, as previously outlined, the NRWDPD has been through a public examination process so must be afforded appropriate weight.
- 11.18 Low carbon technologies are those that can help reduce emissions (compared with conventional use of fossil fuels). Energy Recovery Facilities are considered to be low carbon with any biomass fraction of the waste they manage being classed as a renewable source of energy.
- 11.19 Notwithstanding that, as long as the proposals are consistent with the development plan, national waste and energy policy does not require the need for facilities such as that proposed to be demonstrated. The applicants have nevertheless provided an assessment of need as part of the submission.
- 11.20 It is noted that a recent appeal (APP/R0660/A/10/2129865 & APP/R0660/A/10/2142388) for an application to build a similar facility (Covanta Energy at a site in Middlewich, Cheshire) was dismissed by the Secretary of State, with one of the grounds relating to the need for the facility. The inspector concluded that the proposal would have resulted in the over-provision of facilities for the treatment of residual waste in the area. The decision included an analysis of the relevance of other consented facilities competing for the same market for waste. The applicants drew attention to the assertion in paragraph 7.27 of the PPS10 companion guide that there should be no “rigid cap” on the number of facilities in the area, arguing that this made the availability of competing facilities irrelevant. The Secretary of State rejected this argument, finding that the “rigid cap” refers to the number of opportunities provided in a development plan. The Secretary of State went on to consider the proximity of other facilities close to the appeal site and concluded that with the other facilities with planning permission or under construction which would have the capacity to accept such wastes, the appeal site would be in competition with these other sites for Cheshire’s municipal waste. As a result he accepted that, if all facilities were built and the appeal facility applied to accept municipal waste then there would be a risk that such waste may not go to appropriate facilities in line with the expectations set out in PPS10.
- 11.21 It is therefore possible for need and alternative facilities to be capable of being a material consideration. However, in Leeds, the position is that the level of waste arisings are such that there is a ‘need’ for more than one facility, as is demonstrated by the emerging NRWDPD and by the evidence that underpins it.
- 11.22 It should also be noted that it is not possible to draw direct comparisons between the Cheshire decision and the current application as the appeal proposal was not a preferred site within the development plan and was therefore not in accordance with the development plan. In such circumstances the need for the facility would be capable of being a material consideration that attracts significant weight.

### **Air Quality and Health**

- 11.23 An Air Quality Impact Assessment (AQA) and a Human Health Risk Assessment (HRA) of the proposed development have been submitted.
- 11.24 With regard to the AQA, the key findings of the assessment are that there would be no significant impacts on sensitive receptors from the proposed facility with a



chimney of 75m. This takes into consideration any impacts on nature conservation interests, air quality from associated vehicle emissions and the RERF.

- 11.25 With regard to the HRA, it is demonstrated that the maximally exposed individual is not subject to a significant carcinogenic risk or non-carcinogenic hazard, arising from exposures via both inhalation and the ingestion of foods.

### **Highways & access**

- 11.26 A Transport Assessment and Travel Plan for the proposed development have been submitted.
- 11.27 Access to the site will be taken from Newmarket Approach as agreed through the bid and pre-application process. The proposed arrangements involve the creation of a dedicated right turn into the site and better definition of the layout of the Newmarket Green junction opposite the site access. The required sightlines of 2.4m x 70m are incorporated within the widening for the cycle / footway.
- 11.28 The internal layout has been agreed to provide good circulation around the site, weighbridges for inbound vehicles are provided far enough within the site to avoid risk of vehicles queuing onto Newmarket Approach.
- 11.29 It is anticipated that traffic movements would comprise the following (all figures are 'worst case'):

#### Construction

- 11.30 The construction programme is anticipated to last 36 months with the peak of construction occurring in month 22 when 233 workers are expected on site. This is predicted to result in 346 daily movements (173 in / 173 out). An operational Travel Plan would be in force to encourage use of public transport by staff and contractors.

#### Operational

- 11.31 Once operational, the facility would be anticipated to produce 286 HGV movements (143 in / 143 out) and 90 light vehicle movements (45 in / 45 out) per day. Again, an operational Travel Plan would be in force.
- 11.32 Analysis demonstrates that the A63 Pontefract Road (ELLR) operates well below its design capacity threshold even with the addition of the proposed development traffic. The proposed development would also not limit the capacity of the ELLR in respect of future development in the Aire Valley.
- 11.33 HGV routing to and from the proposed development would be agreed (in partnership with waste hauliers and LCC) to avoid minor roads and residential streets (although refuse collection vehicles (RCVs) will still have to access residential streets during their collection rounds). In particular, VESL confirm that it would ensure that HGVs associated with the RERF do not access the site via the Newmarket Lane route to and from Osmondthorpe.

### **Surface Water and Groundwater**

- 11.34 A Flood Risk and Drainage Assessment of the proposed development have been submitted.

- 11.35 The site is located within Flood Zone 1 – land assessed as having a less than 1 in 1000 annual probability of river or sea flooding in any year (0.1%) and therefore the assessment identifies that the site is at a low risk of flooding from fluvial sources.
- 11.36 SuDS concepts are integrated into the proposed development and process water would be recycled throughout the ERF. Surface waters would be managed within settlement ponds located in the landscaped areas around the RERF.

### **Landscape & Visual Amenity**

- 11.37 A full Landscape and Visual Impact Assessment has been carried out for the proposed development, which includes for the following features:
- landscaping, hedge and tree planting around the perimeter of the site to a planting width of least 10m;
  - around the entrance to the facility and car parking area would be a mixture of green paving and planting;
  - along the south western boundary of the site there would be tree planting, with existing trees being retained where practicable;
  - the southern façade of the ERF building would comprise a ‘green wall’ and adjacent to this, along the southern boundary, will be a wetland (water treatment area), landscaped with wetland plants;
  - gabion wall features along the site frontage;
  - along the eastern boundary of the site will be tree planting and a wetland (water treatment area);
  - along the northern boundary of the site would be further tree planting and landscaped area to soften the appearance of the bottom-ash storage building;
  - extension of the eastern landscaping strip north towards the existing National Route 66 cycle route;
  - the perimeter of the site would be secured with fencing; and,
  - pedestrian walkways and cycle paths would be provided.
- 11.38 Photomontages and illustrations of the proposed development are provided. A 3-D model of the RERF can also be provided to help Members better interpret the proposed development.

### **Noise**

- 11.39 It is anticipated that the proposed facility would operate on a 24 hour basis, 7 days per week. However, the majority of vehicle movements would be during the day, Monday to Saturday. All incoming vehicles would unload within the tipping hall of the facility.

### **Cultural Heritage**

- 11.40 The Temple Newsam Estate lies approximately 1.6km to the east of the site. Any potential impacts upon this and any other local heritage sites will need to be thoroughly assessed.

### **Design and Appearance**

- 11.41 The RERF comprises three principal elements:
- The Mechanical Pre-Treatment building (MPT);

- The Energy Recovery Facility building (ERF); and,
  - The Incinerator Bottom Ash building (IBA).
- 11.42 The main feature of the site is that of the arched timber frame ERF building. The adjacent MPT facility is of a deliberately contrasting, but complimentary style. The architects have aimed to minimise the built surface in order to reduce the environmental impact of the facility. This lead to a design of a building that is taller than it is wide. The southern façade of the ERF would be planted as a green wall.
- 11.43 The scale of the proposed buildings and associated infrastructure is a function of:
- operational factors e.g. internal height clearance required for process plant and unloading/loading vehicles and for vehicle turning areas;
  - the planned throughput of the RERF, the type and number of vehicle movements and the number of personnel to be based in the office and visitor/education centre; and,
  - external factors such as the need to avoid adverse impacts on the surroundings.
- 11.44 The MPT building would measure 124 metres, west to east and 36 metres, north to south and is a maximum of 18 metres in height. It would be finished with a combination of vertical trapezoidal cladding (colour silver, RAL 9006) and polycarbonate (Danpalon or similar) to the north and vertical trapezoidal cladding (colour silver, RAL 9006) to the south façade. Polycarbonate (Danpalon Crystal Softlite or similar) will also form the west and east façade of the MPT building with a combination of vertical trapezoidal cladding (colour silver, RAL 9006) and polycarbonate (Danpalon or similar) tiered roof to a maximum height of 18 metres.
- 11.45 The ERF building would measure 130 metres, west to east and 35 metres, north to south and is 42 metres in height. It would be faced in a combination of curvilinear shaped trapezoidal cladding (colour silver, RAL 9006) and Danpalon (or similar) translucent polycarbonate matt finish (reversed setting) or an equivalent material with vertical trapezoidal cladding with wood cladding forming the lower section of the southern aspect. The wood structure would be visible throughout the length of the main ERF building through a series of vertical beams and wood cladding will be used on south façade (between planted wall and steel frame).
- 11.46 The chimney (colour Mercedes Grey) is located towards the eastern section of this building and would have an external diameter of 2.3 metres and a height of 75 metres (from ground level). The control room and offices are located in a glazed steel framed and concrete mezzanine structure at the eastern end of this building. This structure is supported on steel columns and finished with wood cladding (on north and south facades) and a mixture of clear and opaque glazed curtain wall on east facade.
- 11.47 On the eastern part of ERF building's southern façade would be a viewing gallery, also finished with wood and glazed curtain walling. The eastern section of the main ERF building housing the air cooled condensers sees a continuation of the wooden structure which is seen throughout the facility and a fabric mesh which helps to screen the process equipment.
- 11.48 The IBA store will have a domed wooden structure and use a similar palette of materials to that selected throughout the facility with a Polycarbonate (Danpalon Crystal Softlite or similar) southern façade facing into the main facility. The

polycarbonate will be framed by F4 finished concrete creating a finish with visible smooth lines and no panel lips. The 12 metre high dome would be grassed over to help soften its appearance from the north.

- 11.49 The height of the chimney (75m) has been derived based upon detailed air quality modelling and dispersion work and is intentionally housed within and integral to the main building structure in order to reduce its structural diameter and overall scale. This design gives rise to a 2.3m external diameter to minimise the visual impact from this element.

## **Employment**

- 11.50 It is anticipated that around 355 jobs would be created during the construction phase of the project (300 direct / 55 indirect) and 321 during the operational / contractual period (43 direct / 278 indirect). The applicant is committed to hiring locally and to support this they have commenced discussions with local colleges and employment agencies to help train the potential future workforce. The applicant would supply apprenticeships, work placements and work experience places across a range of disciplines to help support local employment.
- 11.51 During operation the RERF would employ 45 full-time equivalent staff. The ERF will operate with a total of 15 staff employed in 3 shifts. The MPT would be staffed by 13 full-time equivalent employees per day and would normally operate over 2 shifts. In addition there would be 2 weighbridge operators, 10 maintenance staff, 5 managerial staff and administrative staff on site. These employees would come and go as required.

## **12.0 CONCLUSION**

- 12.1 Members are requested to consider all the matters raised within this report in order to provide officers with appropriate comments and / or advice on the proposal.

## **13.0 QUESTIONS**

- 13.1 Feedback is requested from Members on:-

- whether an assisted visit with officers to Veolia's existing Energy Recovery Facility in Sheffield would be useful for Members of the City Plans Panel and the Members of the affected Wards at or prior to the decision-making stage;
- any further detail or clarification they may require on the potential content of a legal agreement;
- whether a discussion session with the Environment Agency in relation to the Environmental Permitting process would be desirable at the decision-making stage;
- any further detail or clarification required in relation to air quality and health;
- any transportation matters relating to the proposals;
- the layout and design of the facility, together with the materials and colour scheme of the buildings / chimney; and,

- landscape and visual impact from the proposed development.

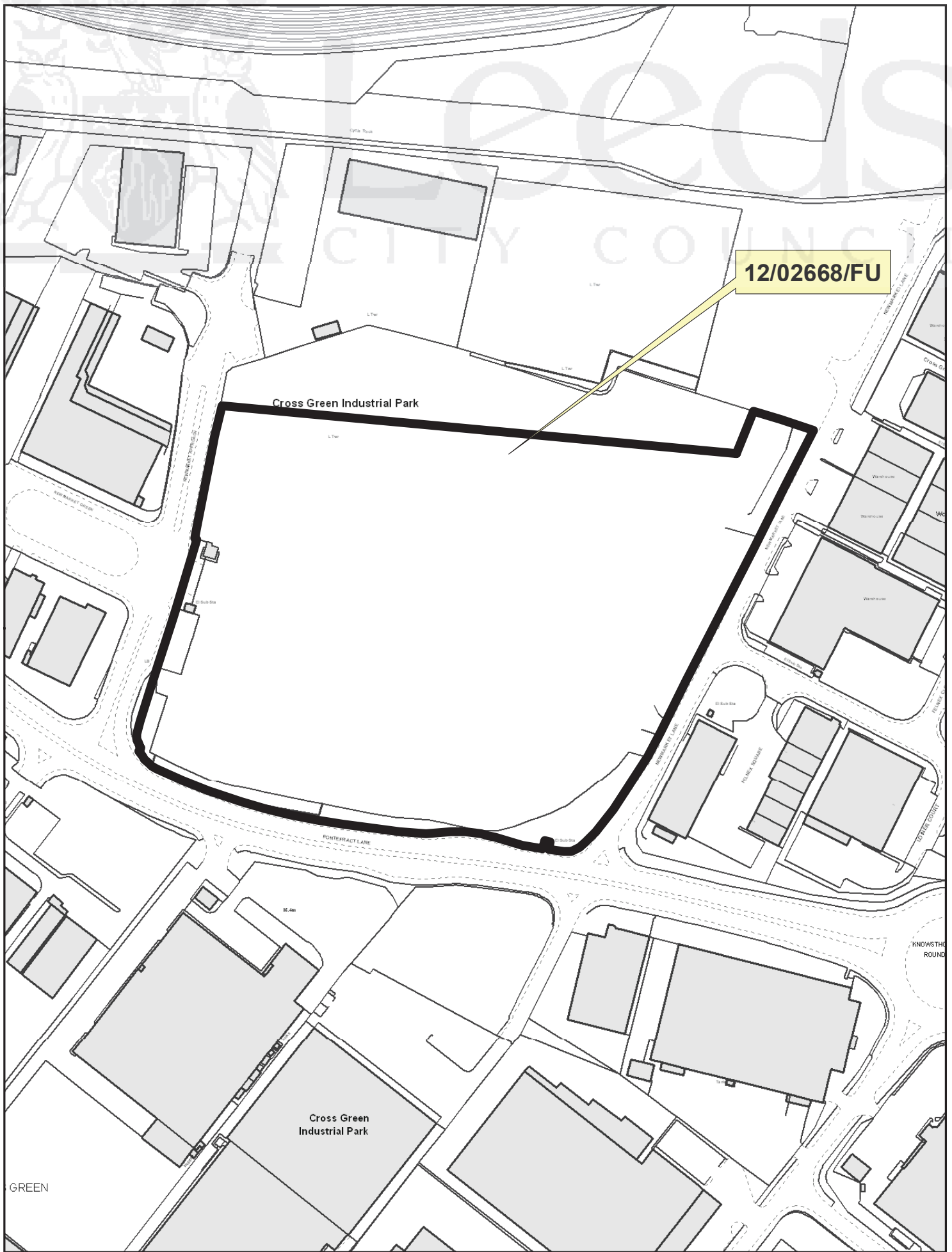
**Background Papers:**

Planning Application file and supporting documentation (12/02668/FU)

PREAPP/10/00520

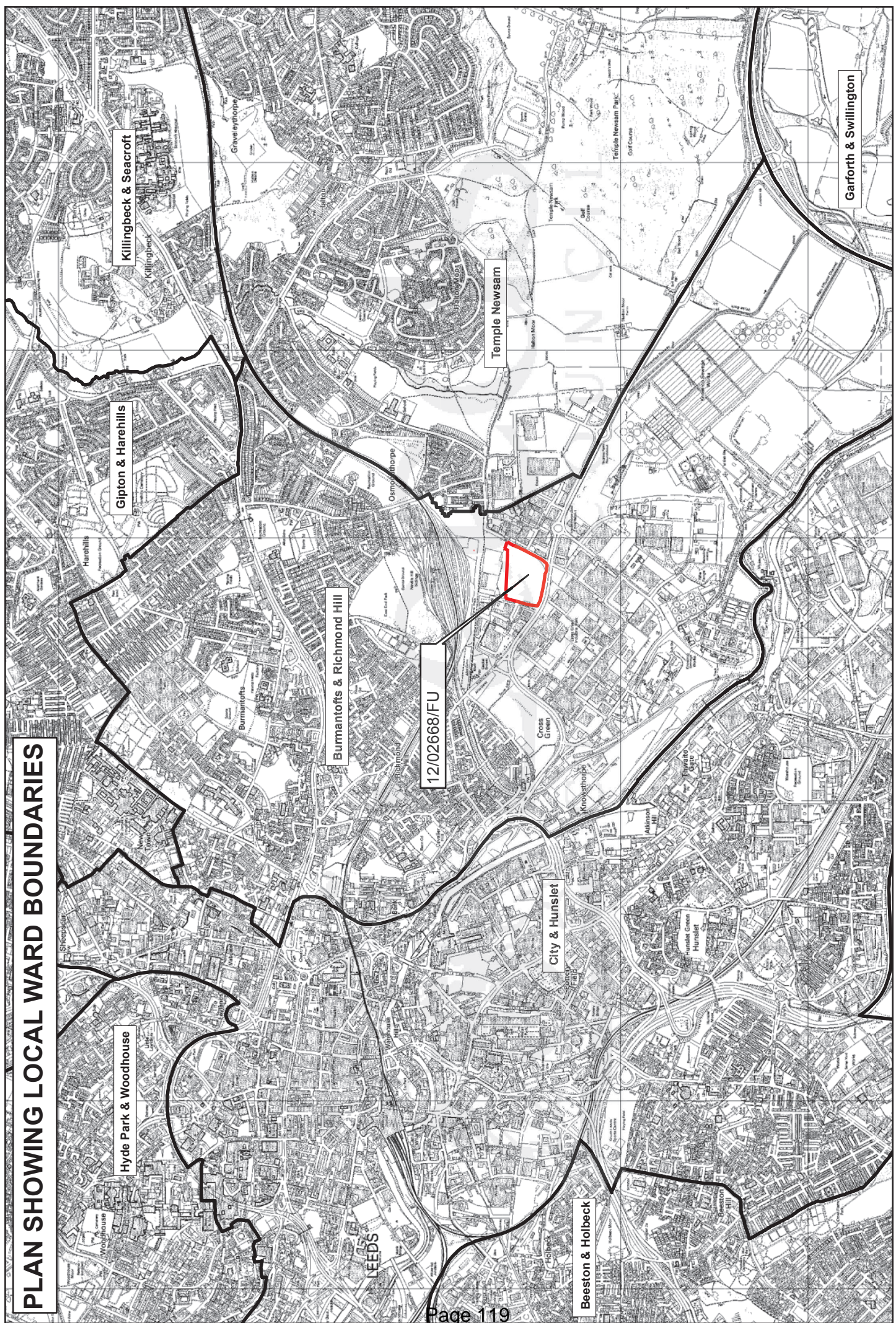
Scoping Opinion dated 18<sup>th</sup> August 2010

Letter relating to Scoping Opinion dated 1<sup>st</sup> October 2010.



# CITY PLANS PANEL

**PLAN SHOWING LOCAL WARD BOUNDARIES**



KEY

- Planning Application Boundary
- Temporary Construction Compound
- Tipping Hall
- Mechanical Pre-Treatment (MPT)
- Energy Recovery Facility (ERF)
- Chimney
- Bottom Ash Storage (See Dwg 34-120210)
- Administration Block and Visitor Facilities (See Dwg 05-120210)
- Welfare Facilities (See Dwg 35-120210)
- Gatehouse (See Dwg 36-120210)
- Fuel Tank (See Dwg 38-120210)
- Sub-Station (See Dwg 37-120210)
- Indicative Waste Water Pit (below ground)
- Indicative Fire Water Basin (below ground)
- Indicative Rainwater Harvesting Tank (below ground)
- Landscaped Areas (See Figures 4.3, 4.4 and 4.5)
- Off-site Landscaping (See Figures 4.3 and 4.4)
- Proposed Cycle route (See Dwg 03-120210 for possible full extent)
- Alterations to existing Footpath and Central Reservation (See Dwg 05-47030845)

NOTE:

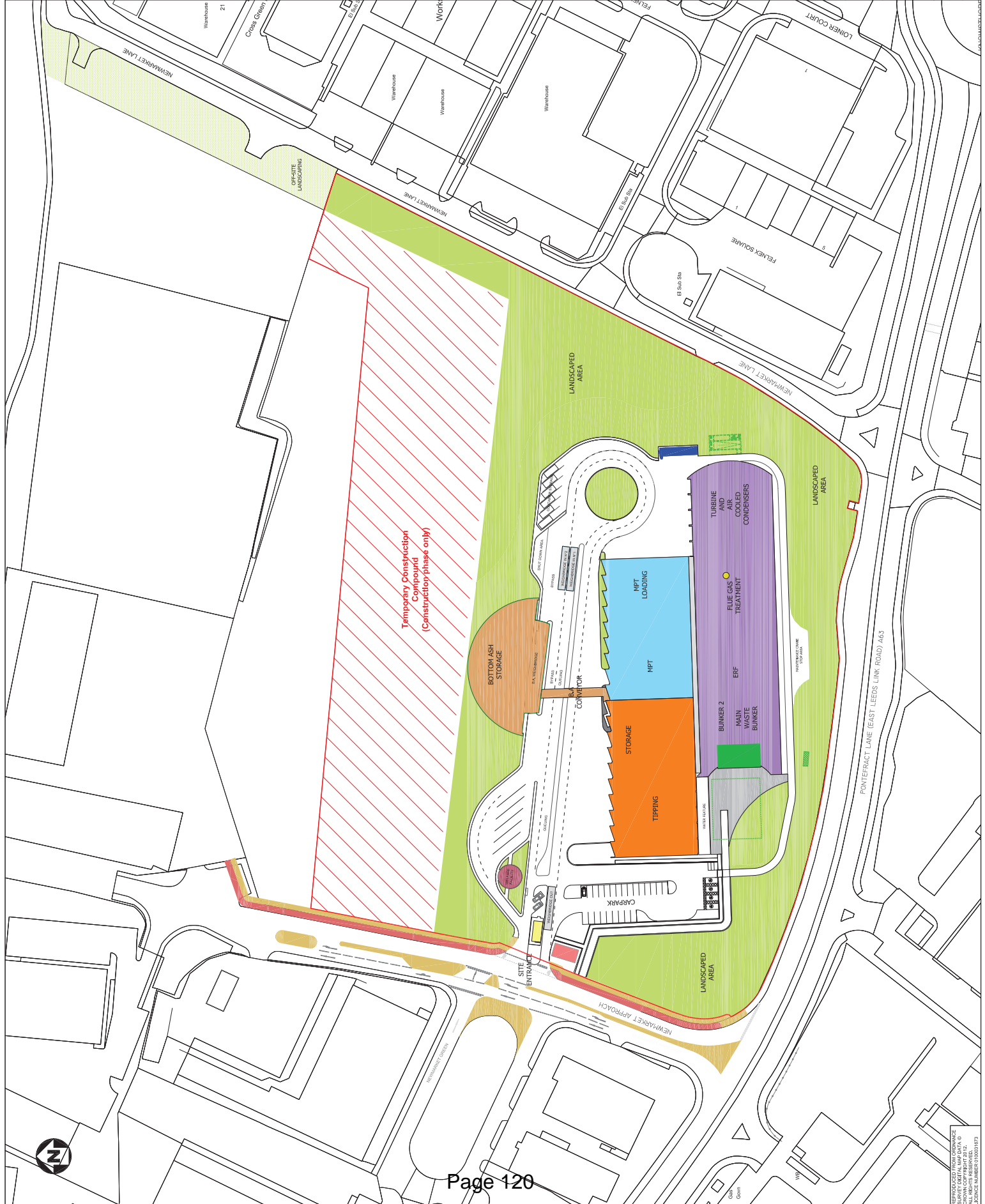
All boundary treatments for the development are detailed on Figure 4.5 Hard Landscape Details.

UNDER NO CIRCUMSTANCES MUST THIS DRAWING BE USED FOR CONSTRUCTION PURPOSES

Revision Details	By	Check	Date	Scale

General Arrangement Layout Plan

Leeds RERF  
04  
2 GB 18  
1:1000 @ A2 (07.10.21) 10  
DWG Number  
47030845  
11/10/2021



REPRODUCED FROM INFORMATION  
SECURITY DOCUMENT AS AT  
LICENCE NUMBER 01001873





Originator: Nigel Wren/David  
Newbury  
Tel: 0113 395 1817/247 8056

## Report of the Chief Planning Officer

### *CITY PLANS PANEL*

Date: 27<sup>th</sup> September 2012

Subject: PRE-APP/11/00459 - Pre-application presentation for the laying out of access and erection of circa 1150 houses at Thorp Arch Industrial Estate.

#### 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 pre-application proposal is brought to City Panel due to the scale of development proposed. The proposal is for the redevelopment of 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.

#### **2.0 SITE AND SURROUNDINGS:**

2.1 The Thorp Arch Estate, 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 The proposed sites for residential development, for ease of reference, has been divided with four residential sites called zone 1, 2, 3, and 4, the school site, the western corridor and SEGI. Zones 1 to 3 form the western site, and are zoned as they each have distinctive physical characteristics. Zone 4 is the eastern site, also referred to as Wighill Lane. The SEGI describes a large block of land to the centre of the western site which is not to be used for development but retained for its ecological value, whilst the western corridor describes the green edge to the Estate which forms the western boundary, also valuable for its ecological value as well as recreational and visual screening values. The identified zones may be described as follows:

**Zone 1 - 10.0569 ha; 24.9 acres.**

Zone 1, which forms the northern part of the large western site, is a mix of scrub woodland and open grassland with some notable large mature trees. The scrub woodland is a largely a mix of self seeded hawthorn, black thorn and elder and covers a large area of the site including the adjoining SEGI land. The grassland containing several fine quality trees is subdivided by a hedgerow, now rather grown out, which runs parallel with the prison boundary. Several small buildings/ structures have been demolished on the site.

**Zone 2 - 10.4472 ha: 25.8 acres**

Zone 2, currently known as Westminster Yard is a large area of hard standing to the centre of the site containing several redundant / semi redundant buildings. The hard standing dates back to the ROF when the site was used for both testing and burning of materials. The site is now largely vacant with some small businesses occupying space and buildings towards the western edge. The site is bounded by trees to its north, west and eastern boundaries with a mix of scrub woodland and mature trees in linear stands, many of which are in poor condition. A square of mature trees/scrub lies to the south west corner of the site and several large trees are located on the site in the East. An area of scrub woodland occupies the north eastern corner.

**Zone 3 – 9.9638 ha: 24.6 acres**

Zone 3 is a large rectangular block that was formerly heavily populated by buildings of the munitions factory. Before vacating the site the buildings were demolished by the use of explosives. The material from this demolition is still on site with mounds of brick concrete and reinforcement, partially overgrown covering much of the site. Since this demolition in the late 1950's the site has remained vacant and is now heavily treed with a mix of mature and scrub woodland interspersed with open areas, particularly to the south. The remnants of railway embankments are visible in the north of the site and two large mounds of surplus material from the Estate have been formed to the north east of the site.

**Zone 4 – 3.3956 ha; 8.4 acres**

Zone 4 is positioned to the East of the Estate and is set above the general Estate level requiring separate access from the road network. The site is mainly open grassland with 3 bunded buildings to the western boundary accessed from the main body of the Estate. A hedgerow forms the eastern boundary running along the side of Wighill Lane. Small trees/ vegetation cover the top of the mounds and form some visual screening to the southern boundary with the Rudgate Estate.

**School Site – 1.5138 ha; 3.7 acres**

The school site is situated between zone 1 and 2. The site is varied physically with an area of hard standing and scrub woodland together with stands of mature trees. The stream / surface water drain runs diagonal through the site forming interesting habitat. Levels on the site vary.

### **3.0 HISTORY OF NEGOTIATIONS:**

- 3.1 The applicant has been engaged in pre-application discussions with officers and the following matters have been discussed:
- The principle of development
  - The mix of uses and scale of development
  - Issues of sustainability
  - Highways and transport issues
  - Urban design
  - Nature conservation
  - Sec.106 issues including education provision and affordable housing.
  - Engagement with the local community
- 3.2 Discussions are ongoing and issues remain unresolved. The applicant has been advised that extensive and meaningful local consultation should take place prior to the submission of an application. In addition an application should only be submitted when Neighbourhood Plans for the nearby villages and the Council's Site Allocations DPD have been further advanced.
- 3.3 Ward Members have been informed of the proposals.
- 3.4 The prospective applicant has also meet with Walton and Thorp Arch Parish Councils in May and July of this year and a community consultation event was held on 16<sup>th</sup> June.

### **4.0 PLANNING POLICIES:**

- 4.1 The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006) (UDP) along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy still being at the draft stage. The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development including housing.

#### Regional Spatial Strategy (RSS) (adopted May 2008):

- 4.2 H1: annual average additions to housing stock and previously developed target.  
H2: Sequential approach to allocation of land.  
H3: managed release of housing land.  
H4: affordable housing.  
YH1: Spatial pattern of development and core approach.  
YH2: Sustainable development.  
YH4: focus development on regional cities.  
YH5: Focus development on principal towns.  
YH7: location of development.  
LCR1: Leeds city region sub area policy.  
LCR2: regionally significant investment priorities, Leeds city region.

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

- 4.3 GP5: General planning considerations.  
GP7: Use of planning obligations.  
GP11: Sustainable development.  
N2/N4: Greenspace provision/contributions.

N10: Protection of existing public rights of way.  
 N12/N13: Urban design principles.  
 N23/N25: Landscape design and boundary treatment.  
 N24: Development proposals abutting the Green Belt or other open land.  
 N29: Archaeology.  
 N38 (a and b): Prevention of flooding and Flood Risk Assessments.  
 N39a: Sustainable drainage.  
 BD5: Design considerations for new build.  
 T2 (b, c, d): Accessibility issues.  
 T5: Consideration of pedestrian and cyclists needs.  
 T7/T7A: Cycle routes and parking.  
 T18: Strategic highway network.  
 T24: Parking guidelines.  
 H1: Provision for completion of the annual average housing requirement identified in the RSS.  
 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.

Supplementary Planning Guidance / Documents:

4.4 Neighbourhoods for Living – A Guide for Residential Design in Leeds  
 Street Design Guide

Neighbourhood Plans

4.5 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 and this 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:

4.6 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).

**5.0 MAIN ISSUES**

1. Principle of development
2. Loss of employment land
3. Urban Design issues
4. Housing issues
5. Highway issues and sustainability
6. Ecology / conservation /landscape issues
7. Drainage issues

8. Local Consultation
9. S106 / infrastructure

## **6.0 DISCUSSION OF MAIN ISSUES**

### Principle of development

- 6.1 The land is not allocated for residential development in the UDP Review 2006. The sites are largely unallocated but parts are allocated/identified to be retained for employment purposes. The latest masterplan also identifies one of the units within the existing retail park is identified as a “potential food store”. However, this unit falls outside of the boundary of the proposed application site.
- 6.2 A key aspect to accepting the principle of this is being able to demonstrate sustainability. This revolves around a number of key elements including:
  - the need to improve public transport and to generally make the site accessible, improve cycling and walking, improve connectivity,
  - creating a sustainable community with linkages to the wider community,
  - embracing best practice in sustainable construction, energy efficiency, environmental protection and enhancement and sustainable drainage.
- 6.3 There is an absence of a 5 year housing supply and this shortfall is recognised in the emerging Core Strategy. The emerging Core Strategy proposes that 5,000 new dwellings should be provided within the outer north-east sector of Leeds. The area of Thorp Arch has been identified as an “Opportunity for Regeneration and Brownfield Land / Residential development” within the draft Core Strategy. It is arguable that the location of significant new residential development at Thorp Arch Estate will ease the pressure of development on Greenfield and Green Belt sites. There are approx. 4,000 people employed in the local area (the Trading Estate and British Library) where there is a general absence of a choice of residential accommodation. Whilst employees within the area may not live in any of the potential housing development, the proposal provides the opportunity that does not otherwise exist.
- 6.4 The proposal incorporates areas of previously developed land (PDL) with some areas of open grassland. The proposal does offer the opportunity of bringing forward a relatively large area of PDL for residential development that would go some way to delivering a significant proportion of the housing numbers identified in the emerging Core Strategy. Balanced against this the proposal has been promoted and prepared for submission well in advance of the formulation and adoption of the Local Development Framework including the site allocations document.
- 6.5 Whilst it appears that the retail element will not form part of the planning application it is worth noting that the provision of convenience retailing at this (out of centre) location does not comply with national or local planning policy. However, in light of the scale of the residential development proposed, its relatively remote location and the desire to reduce trips (and length of trips) by private car an argument can be made for a convenience store to serve the needs of the proposed residential development.

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

### Loss of employment land

- 6.6 Part of the proposed development site is allocated for employment purposes and the development sites fall within an established employment estate. The applicant will need to demonstrate that there is sufficient land available to cater for the Council's employment needs and that this development will not prejudice this supply. As part of the consideration of this issue regard needs to be had to the fact significant numbers of people are already employed locally including at the Trading Estate, the British Library and the prison and an opportunity exists to provide new housing opportunities for key workers and people employed locally.

#### Urban Design issues

- 6.7 It is likely that any application will be in outline only, except for means of access. A masterplan has been prepared by the potential applicant that essentially provides for a series of connected streets with development arranged in a series of perimeter blocks fronting streets. Discussion concerning the masterplan is ongoing and regard needs to be had to good design practice, the topography of the site, views into and out of the site, retention of trees, provision of greenspaces, provision of and enhancement of routes across the site and the urban green corridor functions.
- 6.8 Design workshops will be necessary. It is also considered that the scheme needs to provide generous amounts of space to provide for the 'green links' and footway/cycleway connections across the site in order to address Green Corridors functions. The primary access should therefore have regard to the mature trees and its soft landscape setting and integration into the wider landscape.

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

#### Housing issues

- 6.9 The site is significant in terms of its size and context within North East Leeds and has the potential to offer a range of housing, including Affordable Housing. The applicant has been asked to undertake a Housing Needs Assessment and that the development should reflect the findings of that study. With regard to Affordable Housing, the Council's policy is to secure 35% Affordable Housing in this part of the city. It is noted that there may be opportunities to consider how this scheme helps to deliver Affordable Housing and other regeneration benefits in the surrounding east Leeds area and this is something which needs to be explored further.

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

#### Highway issues and sustainability

- 6.10 The highway impact of the proposal is under consideration by the applicant and highway officers. It is also important to note the wider context of the development and its relationship with the existing industrial estate and employment uses, the scheme will need to take into account this cumulative impact for the purposes of the Transport Assessment, to robustly test the highway impact of the proposals on the surrounding infrastructure

6.11 A critical aspect is accessibility and the need to significantly improve this in order to support the level of residential accommodation proposed. The draft Core Strategy provides a series of standards which specifies the frequency and distance of residential development to local services, employment sites, primary and secondary education facilities, healthcare facilities and town and city centres. The proposal for residential accommodation at Thorp Arch Estate meets some of these criteria, but not all. Therefore, it is officer's view that the site and proposed solution do not fully comply with local policy. However, the Thorp Arch site is unique (in Leeds) and does offer certain benefits in the context of a housing need. In addition, the following aspects should be taken into account in the accessibility debate:

- The developer is committing to a significant investment in supporting a diverted and new local bus services that would not only benefit the new residents, but also existing businesses on the site.
- The site is brownfield in nature and part unallocated and part allocated for employment use in the UDP. Residential use gives the opportunity for a more sustainable mix in the estate.
- The site offers the potential for some residents to be employed within or immediately adjacent to it.
- The scale of development supports the building of a new primary school which would be within walking distance of all new dwellings and those residents of Walton Village.
- The scale of development (and existing uses on site) has the potential to support some form of convenience store.
- Discussions are ongoing concerning public transport provision at the site and Metro are involved in these discussions.
- NPPF para. 29 advocates flexibility of approach with sustainable transport solutions which recognise location. This is particularly relevant given the status of the Core Strategy and Site Allocations DPD.

6.12 There are some outstanding matters to be resolved as part of the public transport offer, such as early implementation of the through route, routing and destinations served by the shuttle bus, impact on the prison and residents on Walton Road and how this might be mitigated, provision of bus stops within and close to the site, and the length or subsidy (10 years or until substantially occupied, whichever is longer). Concerns also exist around the impact that traffic generated by the development will have local communities and that appropriate traffic management measures should be put in place to minimise disruption.

6.13 The proposed development does not fully comply with the Council's accessibility standards. However, if a satisfactory conclusion to the outstanding matters is reached, the overall package of measures and site / development characteristics would need to be considered alongside the identified housing need in this part of the city.

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

#### Ecology / conservation /landscape issues

6.14 As already mentioned, there are key groups of trees on site, particularly around the boundaries and in small clusters around the central southern part of the site. Elsewhere on site, it is highly desirable that as many trees as possible are retained,

not least because they provide immediate landscape structure to some of the proposed greenspaces.

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

Local Consultation

- 6.15 This is clearly a large scale development that will have a significant impact on the local environment, services and facilities. In such circumstances officers have sought to encourage the developers to work closely with the local communities affected including Thorp Arch, Walton and Boston Spa Parish Councils. Some consultation has taken place and this has included meetings with the Thorp Arch and Walton Parish Council's and a community drop in event. Officers have advised that in terms of the timing of the submission of an application this should be at a time when the Neighbourhood Plans for the nearby villages have been further advanced, when the Council's Site Allocations DPD is at a more advanced stage and when significant and meaningful consultation has been undertaken with local communities.

S106/ Infrastructure issues

- 6.16 A planning obligation may only constitute a reason for granting planning permission for development if the obligation is:
- Necessary to make the development acceptable in planning terms - Planning obligations should be used to make acceptable, development which otherwise would be unacceptable in planning terms.
  - Directly related to the development - Planning obligations should be so directly related to proposed developments that the development ought not to be permitted without them. There should be a functional or geographical link between the development and the item being provided as part of the agreement. And:
  - Fairly and reasonably related in scale and kind to the development - Planning obligations should be fairly and reasonably related in scale and kind to the proposed development.
- 6.17 All contributions have to be calculated in accordance with relevant guidance, or otherwise considered to be reasonably related to the scale and type of development being proposed.
- 6.18 In terms of the main Section 106 obligations that would be required, these would be:
- Affordable Housing – 35%
  - Education Contribution and provision or expansion of primary school/s
  - Provision of Public Transport Facilities
  - Provision and Maintenance of Greenspace
  - Travel Plan and monitoring fee
  - Local Employment and Training
  - Provision of convenience store
  - Ecology and landscape management
  - Traffic management measures
- 6.19 With regard to education provision, given the quantum of development, the scheme is likely to generate a significant demand for school places to this end the prospective applicant's proposals involve the delivery of a new primary school. Consideration will



have to be given as to whether it is appropriate to provide a new school or extend existing school/s. The issue of secondary school provision also needs to be fully addressed and resolved.

- 6.20 It is also noted that the development is likely to create a significant amount of jobs in the construction phase and it would be expected that training and employment initiatives will need to be included as an obligation in the S106 agreement, focussed on the north east Leeds area.

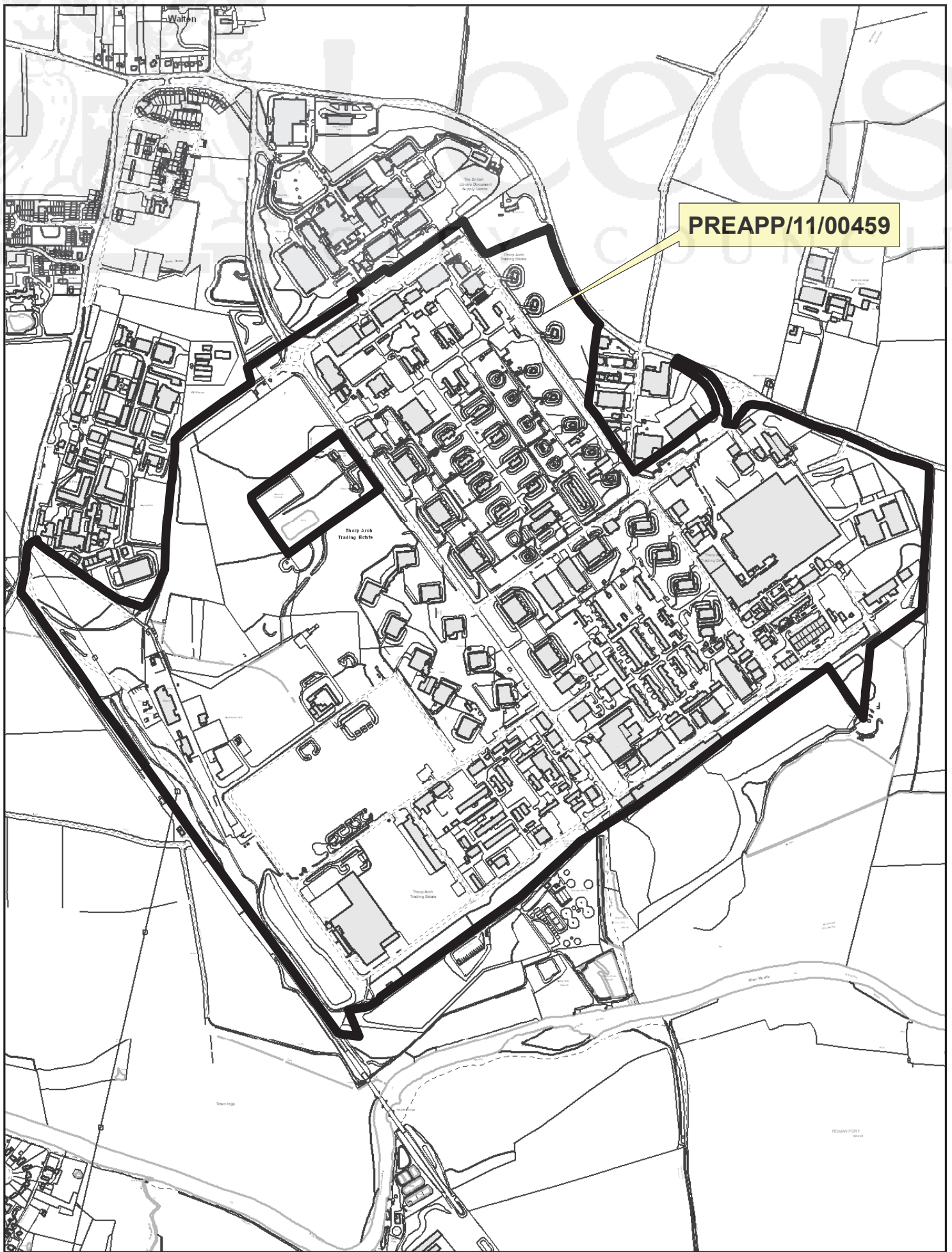
**In the context set by the appropriate planning regulations do Members consider that the proposed heads of terms cover the appropriate obligations?**

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

## **7.0 CONCLUSION**

- 7.1 Members are asked to note the contents of the report and the presentation, and are invited to provide feedback on the issues outlined below:

- **Do Members have any comments to make about the principle and scale of residential development in this location?**
- **What are Members thoughts on the approach to the indicative masterplan for the site?**
- **What are Members views on the nature, mix and type of housing provision (including affordable housing) on this site?**
- **Do Members have any particular concerns, beyond those identified in the report, around the issue of sustainability, traffic impact and accessibility?**
- **What are Members thoughts on the nature and location of greenspaces on site and how these link into the wider strategic green areas?**
- **In the context set by the appropriate planning regulations do Members consider that the proposed heads of terms cover the appropriate obligations?**
- **Are there any other issues Members would like to raise?**



PREAPP/11/00459

# CITY PLANS PANEL



Originator: Sarah McMahon

Tel: 2478171

## Report of the Chief Planning Officer

### *CITY PLANS PANEL*

Date: 27 SEPTEMBER 2012

Subject: PRE-APPLICATION PREAPP/11/01185 - Proposed Undergraduate Library Building at the University of Leeds, Woodhouse Lane, Leeds.

#### Electoral Wards Affected:

Hyde Park & Woodhouse

No

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### **RECOMMENDATION:**

**This scheme is brought to Plans Panel for information. The developer will be asked to present the emerging scheme to allow Members to consider and comment on the proposals.**

#### **1.0 INTRODUCTION:**

- 1.1 The University of Leeds have requested to present this scheme to Members for their consideration and comments. The proposal is for an undergraduate library (up to 6 storeys high) and associated landscaping.
- 1.2 The building is to be positioned on one of the 27 development proposals sites put forward by the University as part of their overall Strategic Development Framework (May 2008 Revision C) for the campus, which was presented to Members on 28 February 2008.

#### **2.0 HISTORY OF NEGOTIATIONS**

- 2.1 The proposal has been the subject of pre-application discussions between the Developers, their Architects and Local Authority Officers since November 2011. These discussions have focused on the proposed use of the site as an undergraduate's library, the massing, form and height of the development, the

historical context of the site and the relationship of the proposal to a number of neighbouring listed buildings, the loss of car parking on the site, details of the elevational design and materials, key views, pedestrian routes and connectivity through the site and wider campus, the sustainability credentials of the proposal, and the proposed hard and soft landscaping scheme.

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The Leeds Unitary Development Plan Review 2006 (UDP) defines this location as being within the Education Quarter. The site has been in use for some years as a surface car park. There are landscaped edges to the site to its northern and southern ends with a small number of trees of varying maturity and species. On street car parking bays are also laid out along Hillary Place. A section of the proposed New Generation Transport route is proposed to run to the north of the site along Woodhouse Lane.
- 3.2 The site is accessed by vehicles from Hillary Place and the land falls across the site from Woodhouse Lane to Hillary Place. Pedestrian access is available from both the north and south of the site. To the north-west corner there is an unlisted former bank building which currently houses some of the University's Security facilities.
- 3.3 The site is set within the boundary of the Woodhouse Lane - University Precinct Conservation Area. In addition the existing car park is flanked by the Grade II Listed former Emmanuel Church and former Trinity St David's Church. In addition there are further Grade II Listed buildings facing the site to the south along Hillary Place and to the north along Blenheim Terrace. The nearby Parkinson Building is also a Grade II Listed building.

### **4.0 BRIEF POLICY BACKGROUND**

- 4.1 The National Planning Policy Framework 2012 and the Regional Spatial Strategy for Yorkshire and Humber 2008 are likely to be of relevance in considering this pre-application proposal
- 4.2 A wide range of Leeds Unitary Development Plan Review 2006 (UDPR 2006) policies are likely to be applicable in the appraisal of the amended scheme. These would cover such matters as urban design, the heritage context in respect of the listed buildings and conservation area, transport, economy, urban regeneration, access, waste, archaeology and landscaping.
- 4.3 Further planning guidance is given in the Supplementary Planning Documents - The Leeds City Centre Urban Design Strategy (September 2000) and Tall Buildings Design Guide (April 2010).

### **5.0 PROPOSAL**

- 5.1 The University has stated that there is a requirement for them to provide a dedicated undergraduate's library to allow them to provide the modern learning facilities required by students. The proposal would allow the existing two libraries (Edward Boyle and Brotherton) to focus on special collections and postgraduate studies. Thus the University's aim is to create a trinity of libraries within 5 minutes walking distance of each other, which act as entry/welcome point into the campus.

- 5.2 The proposal would be for a contemporary library building housing designated areas including a reading room, book stack rooms, study areas, training rooms, staff offices, an internal bicycle store and an ancillary café space. The gross floor space would be in the region of 6,500 metres<sup>2</sup>.
- 5.3 The historical context of the site is a key element which has informed the design and layout of the proposal. The site is surrounded by Grade II Listed Buildings, including the former Emmanuel Church and former Trinity St David's Church, and is within the boundary of a conservation area. The relationship of the two former churches to each other and to the nearby listed Parkinson Building, and their detailed facades mean that close and distance views of how the scheme would integrate with these important building have been required.
- 5.4 The proposed library building has been designed to respond to these key views and to the sensitive context in which it would be sited. As such the massing is distributed such that building is stepped, rising from 2 storeys to a maximum of 6 storeys. This means that the areas of the building with the greater volume are positioned closer to Hillary Place, in the context of the campus, where a mixture of building types, designs and massing can be found, including larger scale new build schemes such as the nearby Ziff Welcome Building. The smaller scale elements of the proposal are therefore positioned towards the more sensitive Woodhouse Lane end of the site.
- 5.5 With regard to the design principles, the approach would be high quality and modern. The detailing of the design would reference, in a contemporary manner, the proposal's relationship with the historically and architecturally fine neighbouring buildings. The palette of materials would reflect calmness and strength, and be of a quality appropriate to a site within such a rich historical context.
- 5.6 The landscaping scheme would be a mix of hard and soft landscaped features with the principal aim being one of connection to the building. As such the landscaping concept will be looking to create space that visually and physically link with the functioning of the building as a library.
- 5.7 The proposal would involve the loss of the existing surface car parking on the site. In addition, there may also be need to reconfigure some of the on street parking spaces on the adjacent Hillary Place. The University's strategy for transportation was put before Members in February 2008, in their Transport Summary Statement which accompanies the Strategic Development Framework (May 2008 Revision C) for the campus.
- 5.8 The transport strategy aims at an overall reduction in the reliance on travel to and from the campus via car, and the encouragement of more sustainable means of transport. As such the strategy looks to encourage walking, cycling and the use of public transport. The strategy also seeks to rationalise the existing and future car parking provision and avoid any increases in car parking levels. However, to ensure that the development of the 27 proposals sites (which includes the proposed library site) does not result in an under provision of car parking, approval was granted for a 10 storey multi-storey car park housing 607 spaces, on 30 March 2010 (planning reference 09/03060/FU, on an area of the campus adjacent to the Inner Ring Road.

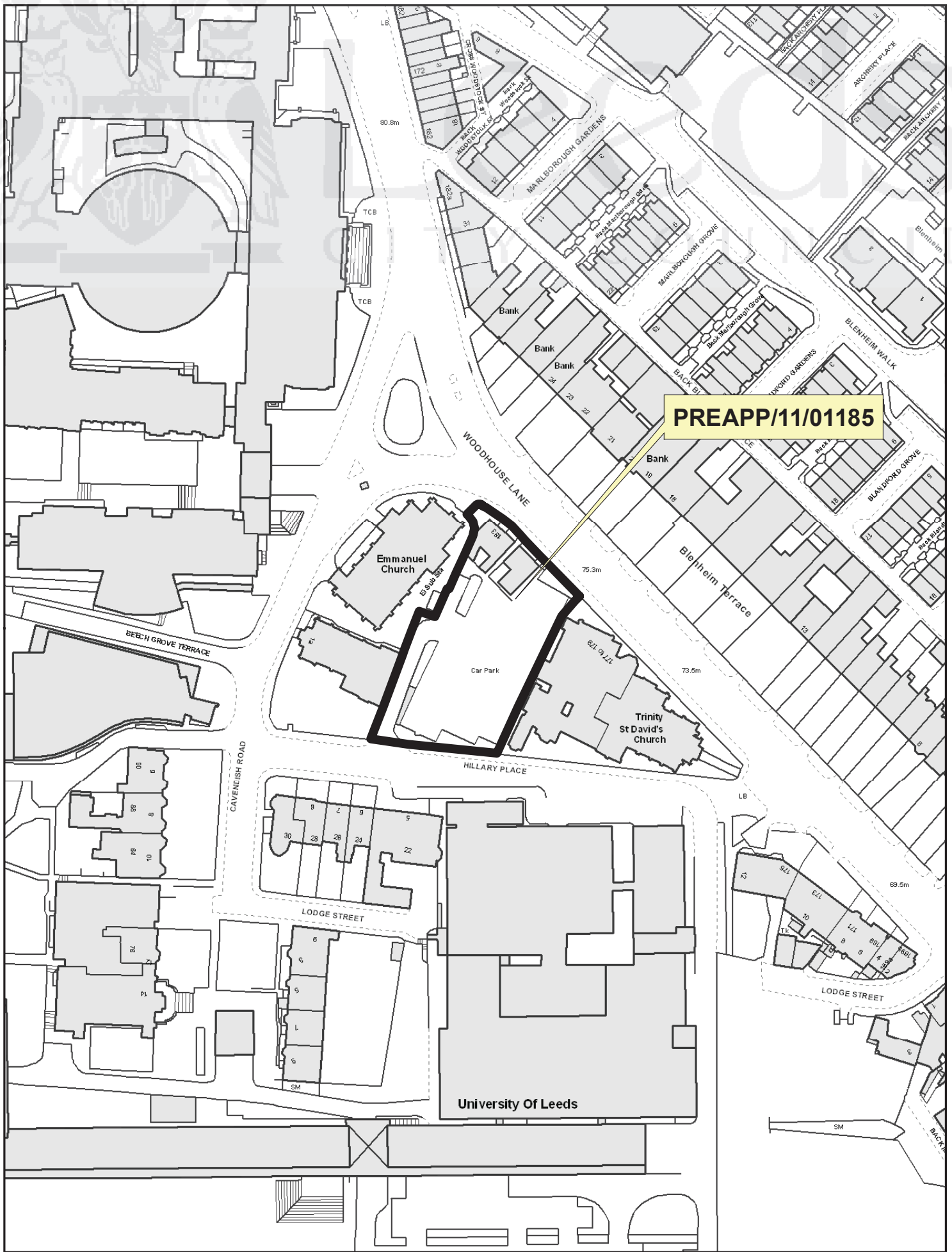
## 6.0 ISSUES

Members are asked to consider the following matters:

1. Are the height, form and massing of the building acceptable?
2. Does the scheme respond well to the historical (particularly in respect of neighbouring listed buildings and the conservation area) and campus context?
3. Are the design and appearance principles of the scheme acceptable?
4. Is the removal of the unlisted former bank building acceptable?
5. Are the landscaping scheme proposals appropriate and acceptable?
6. Is the loss of car parking on site and the proposed mitigation for this acceptable?

**Background Papers:**

University of Leeds Strategic Development Framework (May 2008 Revision C)  
Strategic Development Framework - Transport Summary Statement (December 2007)  
PREAPP/11/01185



**PREAPP/11/01185**

# CITY PLANS PANEL

This page is intentionally left blank





Originator: Tim Hart

Tel: 3952083

## Report of the Chief Planning Officer

### CITY PLANS PANEL

Date: 27<sup>th</sup> SEPTEMBER 2012

**Subject: PRE-APPLICATION PRESENTATION OF PROPOSED REDEVELOPMENT TO FORM 9-17 STOREY STUDENT ACCOMMODATION BUILDING, WITH GROUND FLOOR CAFÉ AND A3 USE, AT JUNCTION OF CROPPER GATE, WESTGATE AND WELLINGTON STREET, LEEDS (PREAPP/12/00421).**

#### Electoral Wards Affected:

City and Hunslet

No

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: This report is brought to Plans Panel for information. The Developer will present the details of the scheme to allow Members to consider and comment on the proposals.**

## 1.0 INTRODUCTION

1.1 This presentation is intended to inform Members of the emerging proposals for a new building primarily containing student accommodation on a derelict but prominent site close to the intersection of Wellington Street and the A58M. A planning application is expected to be submitted later in the year.

## 2.0 SITE AND SURROUNDINGS

2.1 Cropper Gate is located to the east of the junction of Wellington Street and the elevated Inner Ring Road (A58M), to the west side of the city centre. The existing 3 storey buildings, comprising Bridge House and Compton House, have been vacant for a considerable period and detract from the appearance of the area. Similarly, the immediate periphery of the site is hard surfaced with no features of any quality.

2.2 Buildings immediately to the north-east are a similar size to those at Cropper Gate. Further east (for example at West One), and to the south of Wellington Street

(including the Crowne Plaza hotel and Yorkshire Post), buildings are typically much larger. Nearby properties are primarily in office uses together with commercial uses, including hotels.

- 2.3 The combination of the intersection of the major roads, the topography of the area, and the position towards the western fringe of the city centre make this a highly prominent location at a key gateway into the city centre.

### **3.0 PLANNING HISTORY**

- 3.1 There has been a long history of planning permission on this site although this has not been followed by any subsequent building activity. Outline permission was granted in 2001 for a 6 storey office block (20/400/01/OT). In 2002 permission was granted for a 12 storey retail and office development (20/153/02/OT). Planning permission was then granted in 2004 (20/460/02/FU) for a part 9 and part 22 storey block of flats with offices and A3 at ground floor over a basement car park. This permission was subsequently amended by approval in 2004 for a 10-28 storey building (20/283/04/FU) containing 266 flats, and then in 2005 (20/207/05/FU) for 272 flats. This latter permission was extended by a planning permission granted in 2011(10/03459/EXT).
- 3.2 Pre-application discussion commenced regarding the current scheme earlier this year.

### **4.0 POLICY OVERVIEW**

- 4.1 The site is located in the Prime Office Quarter in the Unitary Development Plan (Review). Whilst the principal (office) use is encouraged other uses which add variety in land use, urban form and function, and contribute to the vitality of the city centre are supported, provided they do not prejudice the main use (CC27).
- 4.2 All new buildings should be of high quality and have regard to character and appearance of surroundings (N13 and BD2). Development at gateway locations should be at an appropriate scale and design quality (CC4).
- 4.3 The Tall Buildings Design Guide (April 2010) provides design guidance on the acceptable location, form and appearance of tall buildings. The guide identifies the site at the convergence of areas where there is opportunity for a string of tall buildings and also as a gateway location.

### **5.0 PROPOSAL**

- 5.1 The current proposals identify an “L”-shaped building rising from the two wings to a 17 storey tower at their junction. The northern wing comprises a primarily rectangular block which would step down to 11 and 9 storeys with a simple roof profile, uncluttered by any plant which would be concealed elsewhere on the building.
- 5.2 The southern limb, projecting at a tangent to Wellington Street, incorporates a series of stepped planes helping the building to address the corner. The southern end of this part of the building would be 15 storeys in height rising to 16 storeys towards the tower. In total, these upper levels would accommodate 506 student bedrooms.
- 5.3 The base of the building is represented by a podium incorporating facilities for students including a laundry, gymnasium and secure parking for 60 bicycles. 4

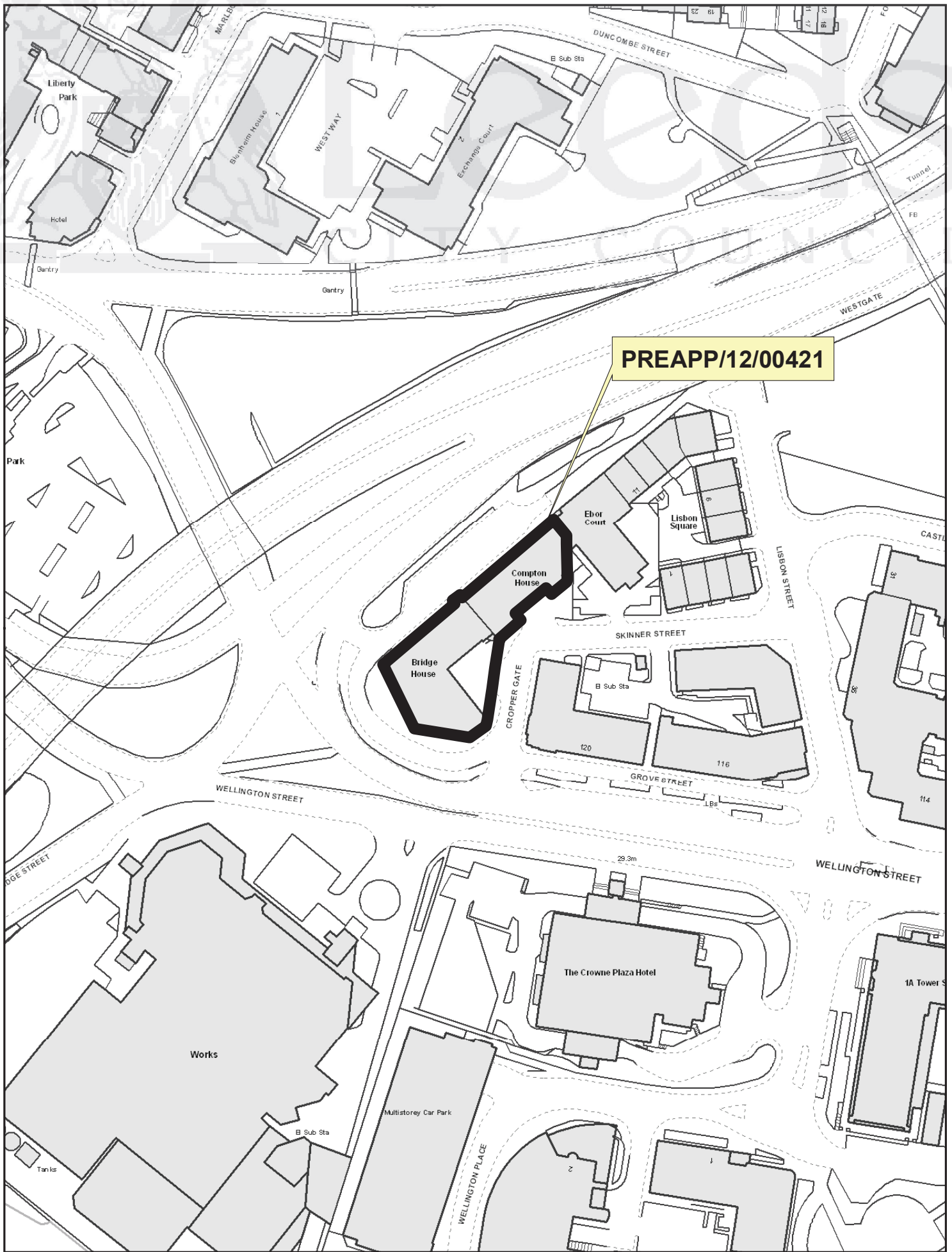
covered parking spaces are identified, including 3 disabled persons parking spaces accessed from Cropper Gate. An A3 unit and internet café are included in the southern half of the building fronting Wellington Street.

- 5.4 A light-coloured metallic rainscreen product is proposed for the podium and tower elements of the structure. The wings of the building would be faced in a red masonry rainscreen type product.
- 5.5 The upper storeys of the building are ordered by 3 storey vertical window elements. A void would be formed at the top of the tower to present a permeable termination to the building.
- 5.6 Given the proximity to major roads the building will need to be designed to incorporate measures to ensure suitable living conditions are provided for occupiers in terms of noise and air quality. The planning application will also need to be accompanied by a wind study.

## **6.0 ISSUES**

Members are asked to comment on the scheme in respect of:

- (i) The scale and massing of the building and how it responds to its prominent location;
- (ii) The design of the building and proposed materials needing to be high quality in this prominent and highly prestigious location;
- (iii) The need for any plant to be discreetly incorporated in the built form of the building;
- (iv) The suitability of the servicing proposals for both commercial uses and also the start/end of term for students;
- (v) The need for appropriate treatment of public realm to provide an appropriate setting for the building and/or a contribution to compensate for the absence of amenity space on site;
- (vi) The need for any application to include detailed consideration of the impact of the development on the local wind environment.



PREAPP/12/00421

# CITY PLANS PANEL

