



**Leeds**  
CITY COUNCIL

Originator: C. Briggs

Tel: 0113 2224409

---

**Report of the Chief Planning Officer**

***CITY PLANS PANEL***

**Date: 8 September 2016**

**Subject: Planning Application Reference 16/01322/FU Proposal for Student Residential Accommodation Building Comprising 87 Studio Flats, including Ancillary Communal Facilities and Retail Unit, Associated Landscaping and Car Parking at 46 Burley Street, Leeds LS3 1LB**

**APPLICANT**

Burley Place Limited

**DATE VALID**

14.03.2016

**TARGET DATE**

29.09.2016 (Extended)

---

**Electoral Wards Affected:**

**City and Hunslet  
Hyde Park and Woodhouse**

**Ward Members**  
Yes

**Specific Implications For:**

Equality and Diversity   
Community Cohesion   
Narrowing the Gap

---

**RECOMMENDATION: DEFER and DELEGATE to the Chief Planning Officer for approval subject to the specified conditions set out in Appendix 1 of the attached report (and any others which he might consider appropriate) and also the completion of a Section 106 agreement to include the following obligations:**

- Use of residential accommodation only by students in full-time higher education;
- Restrictions on student car parking
- Cooperation with local employment and training initiatives
- Section 106 management fee (£750)

**In the circumstances where the Section 106 has not been completed within 1**

**month of the resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer.**

## **1.0 Introduction**

1.1 This application is brought to Plans Panel because it relates to a proposed major housing development at 46 Burley Street. This new application is in response to a previous Plans Panel refusal and subsequent planning appeal dismissal for student housing and a ground floor retail unit on the site.

## **2.0 UPDATE SINCE 28<sup>th</sup> JULY 2016 CITY PLANS PANEL MEETING:**

2.1 At the City Plans Panel meeting of 28<sup>th</sup> July 2016 the application was presented with a recommendation to defer and delegate approval to the Chief Planning Officer. Members made a number of design comments in response to the scheme focussing on the following matters:

- The building design was too bland and more articulation of the elevations was required
- Further details about the external finishing and materials was required
- The Park Lane elevation was especially bland and would benefit from a clearer 'street frontage' and base/middle/top order
- Detail around the top of the building needed to be stronger
- There were mixed views about whether the massing and bulk of the building required further attention

2.2 Members agreed the following matters at Plans Panel:

- The principle of Student Housing on the site was acceptable
- The amenities offered by the flats including their size and layout was acceptable

2.3 The resolution of the Panel was to defer the application for further design work to be undertaken and for the application to come back to the Panel for final approval.

2.4 In the time since the Plans Panel discussion, officers have held design discussions with the applicants, who have sought to address the comments raised by Panel in the following ways:

- Windows have been joined with a deeper surround, and inset brick panels have been added to give articulation around the windows
- The amount of glazing has been increased.
- Vertical shadow recesses have been added to the brickwork and a larger scale details have been provided.
- The stringcourse detail above ground level has been modified and added to the rear elevation to co-ordinate with the front elevation and provide a clear visual base to the building.
- The brickwork is richer in colour and the visual representations have been adjusted to show more accurately the contrast that would be provided by

the changes in plane to the building, the detailing of the parapet, and the stepped heights to the elevations.

- Further consideration has been given to the impact of the development on views across the Kirkstall Road valley

- 2.5 It is considered that the further details produced for the elevations would ensure that the building has a clear visual order with a distinct treatment at base/middle and top. Further the inset panels and 20cm shadow recesses to the windows in particular would provide visual interest in an elegant and composed way. These changes would ensure that the building does not form a bland infill to this gap site.
- 2.6 On the site visit Panel Members had noted that the current open nature of the site offers views across Kirkstall Valley towards Armley including a view of the spired St. Bartholomew's Church from a pedestrian footpath adjacent to 9 Hanover Avenue. Unfortunately, the view of the church cannot be retained without losing at least two storeys of the building, in which instance the spire may just peak over the parapet. However the view is not a protected view in local planning guidance and appears only for a very short distance on the footpath. It is quickly lost due to the presence of the trees along the footpath and due to existing developments at the Opal and Sentinel student blocks and the existing post office sorting building. It is therefore considered on balance that the loss of the glimpsed view across the valley adjacent to 9 Hanover Avenue is not a sufficient reason to resist the proposal.
- 2.7 With regard to some Members' comments concerning scale and massing in general, it is acknowledged that whilst there has been a reduction in overall height as a result of the removal of the 'blade' element, the scale of the main body of the building has increased by one storey, with a step down at the western end towards Park Lane. It is considered that this stepped form would be compatible with the topography and scale of existing development in the area as it steps down the valley slopes, as demonstrated by the applicant's cross-sections.
- 2.8 As updated verbally at Plans Panel, with reference to proposed planning condition 24 which seeks to control the opening times of the proposed ground floor retail unit to the Burley Street frontage, the applicant has stated that the identified operator requires to open between 0600 and 2300 hours daily. It is considered that in this busy city centre location the opening times are unlikely to have an adverse impact on the amenity of neighbouring occupiers and has the potential to better serve the area. The requested times are therefore considered acceptable.
- 2.9 Rutland Mount would be retained as public highway but closed to vehicles as part of the proposal. The works would include new tarmac footpaths along each side to allow access to the new building and a maintenance strip for the sorting office. The existing cobbles would be retained and repaired across the remainder of its width, and four new tree planters installed. Exact details of the design would be controlled by condition.

### **3.0 Conclusion**

- 3.1 Overall, since the previous planning application, the applicant has addressed concerns regarding residential amenity by increasing the flat sizes, and improved overall height and massing by removing the taller 'blade' element. This has resulted in a reduction in the number of flats from 110 to 87, and on balance, the revised scheme has the potential to enhance the character of the surrounding area, by regenerating a derelict brownfield site that has been vacant for many years, delivering specialist housing units and a new small scale retail unit, which would contribute positively to the Burley Street streetscene, add to facilities in the area for local residents, and provide jobs. Therefore, it is considered that the proposal is on balance acceptable subject to a section 106 agreement and the specified conditions.
- 3.2 For information, a copy of the previous Plans Panel report is appended below at Appendix A.



**Report of the Chief Planning Officer**

**CITY PLANS PANEL**

**Date: 28 July 2016**

**Subject: Planning Application Reference 16/01322/FU Proposal for Student Residential Accommodation Building Comprising 87 Studio Flats, including Ancillary Communal Facilities and Retail Unit, Associated Landscaping and Car Parking at 46 Burley Street, Leeds LS3 1LB**

**APPLICANT**

Burley Place Limited

**DATE VALID**

14.03.2016

**TARGET DATE**

04.08.2016 (Extended)

**Electoral Wards Affected:**

**City and Hunslet  
Hyde Park and Woodhouse**

Yes

Ward Members

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: DEFER and DELEGATE to the Chief Planning Officer for approval subject to the specified conditions set out in Appendix 1 (and any others which he might consider appropriate) and also the completion of a Section 106 agreement to include the following obligations:**

- Use of residential accommodation only by students in full-time higher education;
- Restrictions on student car parking
- Cooperation with local employment and training initiatives
- Section 106 management fee (£750)

**In the circumstances where the Section 106 has not been completed within 1 month of the resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer.**

**1.0 Introduction**

1.1 This application is brought to Plans Panel because it relates to a proposed major housing development at 46 Burley Street. This new application is in response to the

previous Plans Panel refusal and subsequent planning appeal dismissal for student housing and a ground floor retail unit.

## **2.0 Site and Surroundings**

2.1 The cleared application site (approx. 0.13ha) is bounded by Burley Street, Park Lane, Rutland Mount, and a red-brick electricity substation. There was previously a red-brick two storey warehouse on the site. To the east of Rutland Mount is a distinctive red-brick and concrete mid-20th Century former Post Office Sorting Office. To the south lies Sentinel Towers, a beige brick student housing scheme, a pedestrian route via steps to Cavendish Street, and the St. Andrews Court office park, including the Grade II listed St. Andrew House. The nearest traditional housing is at Kendal Walk (approx. 45m away) and Hanover Square, higher up the grassed valley side. Developments in the last 10 years in the wider area have included student housing and café, gym and retail facilities at Opal Court 1 and 2 to the south west, and Concept House on Burley Road to the north east of the application site. Prior to these developments, the Kirkstall Road and Burley Road area was mainly commercial and industrial in character; however these recent developments have increased the mix of uses and facilities in the area. The site lies within the designated City Centre.

## **3.0 Proposal**

3.1. The application proposal consists of 87 self-contained studio flats, including ancillary communal facilities, a retail unit, a second floor communal roof garden, associated landscaping and car parking. The scheme has been revised during the course of this application, and is now part 4, part 5, part 6 storeys along Park Lane, and part 7, part 8 storeys along Burley Street.

3.2 There would be 3 car parking spaces and one motorcycle space accessed from Park Lane. 22 secure cycle parking spaces would be provided at ground floor. Servicing and refuse collection would take place from lay-bys off Burley Street and Park Lane. Rutland Mount would be closed to traffic, with new footway surfaces and tree planting.

3.3 Pedestrian access to the upper floor flats would be from Rutland Mount and Park Lane. There would be two communal lounges, one at ground floor level (Burley Street side) of 99.8sqm and one at second floor level (ground floor on the Park Lane side) of 78.8sqm

3.4 The 170sqm A1 convenience retail unit at ground floor would be accessed from the Burley Street frontage.

3.5 A communal external terrace is proposed at second floor level on the south (Burley Street) side of the building. This would be approximately 10m x 6m of useable space with planters arranged around the building frontage to protect the amenities of the surrounding units.

3.6 A number of documents were submitted in support of the application:

- Scaled Plans (revised)
- Design and Access Statement
- Sustainability and Coal Statement
- Transport Statement
- Planning Statement
- Retail Statement

- Noise Impact Assessment
- Wind study
- Statement of Community Involvement
- Land Contamination Reports
- Typical flat layouts
- Computer Generated Images of the proposed building (CGIs)

#### **4.0 Relevant Planning History and History of Negotiations**

4.1 Planning application 14/03735/FU for student residential accommodation building comprising 110 studio flats, including ancillary communal facilities and retail unit, associated landscaping and car parking was refused on 16th February 2015, following a resolution at City Plans Panel on 12th February 2015, on the following grounds:

*“1. The proposed development due to its design, nature and limited accommodation type would provide inadequate amenities for the future residents of the site and would fail to meet sustainable long term housing needs, contrary to Policies CC1, H4, P10, and H6B of the Leeds Core Strategy, Saved Policies GP5 and BD5 of the Leeds Unitary Development Plan Review 2006, Supplementary Planning Guidance Neighbourhoods for Living, and the National Planning Policy Framework.”*

*2. The application proposal would result in an overintensive development, out of character with the urban grain of the immediate surrounding area by reason of the dominating effects of its excessive height and bulk. The application is therefore contrary to Leeds Core Strategy Policy SP1(iii) and P10, Leeds UDPR Saved Policies GP5 and BD2, and Little Woodhouse Neighbourhood Design Statement SPD, Neighbourhoods for Living SPG, and the National Planning Policy Framework.”*

The applicant appealed the decision and the appeal was considered by the Planning Inspectorate on 22nd July 2015, through the Informal Hearing procedure, and the decision was issued on 10th September 2015 (Planning Inspectorate ref. APP/N4720/W/15/3005747). The appeal was dismissed with both reasons for refusal being upheld.

4.2 In 2016 Officers gave feedback on pre-application drawings, and stated that the living conditions for a number of flats would still be cramped. The bulk of the proposed 5 storey building (when viewed from Park Lane) was also considered to be unacceptable at the western end of the block. The applicant submitted the scheme in the same form as that discussed at pre-application stage, and was advised by officers that they needed to further revise the scheme. The applicant has since reviewed the scheme, and increased the size and improved the shape of a number of flats. They also modified the top floor of the building to give a stepped appearance at the eastern and western ends.

#### **5.0 Public/Local Response**

5.1 Planning application publicity consisted of:

5.2 Site Notice of Proposed Major Development posted 01.04.2016

5.3 Press Notice Major Development published 01.04.2016

5.4 City and Hunslet and Hyde Park and Woodhouse Ward Members consulted by email on 15.03.2016 and 14.06.2016.

- 5.5 All previous objectors were consulted when this application was lodged. During the current application process, the plans have been revised, and all objectors were re-consulted.
- 5.6 7 objections have been received from 2 residents of Kendal Walk, Little Woodhouse Community Association, a resident of Ash Grove in Headingley, the South Headingley Community Association, Leeds Civic Trust, and Cllr. Gerry Harper (Hyde Park and Woodhouse Ward), stating the following concerns:
- the principle of student housing development *is not acceptable* at the site due to an existing over-concentration in the area
  - the proposed revised building height and bulk would dominate the housing on Kendal Walk and be out of keeping with the character of the area
  - The roof-form of the proposed building does not respond to the topography of the area
  - The building would block views across the valley from Belle Vue Road
  - The revisions dated 27th May 2016 increase the maximum height of the building
  - the proposed building footprint is overdevelopment of the site,
  - The CGI images are misleading
  - taxis on Park Lane are likely to block the highway and sound their horns, causing nuisance to nearby residents
  - the proposed development would introduce an intrusive element into the townscape as it would be taller than the terraced housing on the other side of the road
  - the building wouldn't have a pitched roof and therefore would be out of keeping with the nearby terraced houses and adjacent electricity sub-station
  - the proposed development would lead to increased traffic, and lead to more accidents in the area
  - loud music from open windows facing onto Park Lane would disturb those living on Kendal Walk and Kendal Rise
  - the building would lead to less light in Sentinel Towers and properties on Kendal Walk
  - the proposed development would be too close to other tall buildings. As well as creating windy conditions this would lead to the feeling of claustrophobia already apparent in the nearby so-called "student village"
  - The proposal is for 87 flats. This is almost twice the number recommended in the Draft Site Allocations Plan
  - By removing stone setts from Rutland Mount, the proposal would damage the area's character
  - The retail unit would attract vehicles which would park on Park Lane, Burley Street and other nearby roads.
  - The Council should not take account of the economic viability of the proposed development
  - The proposed elevations are utilitarian and would not enhance the area, particularly Park Lane and Belle Vue Road
  - conditions should be attached to any approval to require management of the situation, perhaps through provision of introductory information to students about the area and their responsibilities towards its general amenity; a travel plan that includes information on walking routes; the provision of litter bins along the routes with information on their location and use; and requirements within the terms and conditions of the lease about behaviour outside the site within the neighbourhood.

## 6.0 Consultation Responses



## **Statutory**

### **6.1 LCC Transport Development Services**

No objection. The site is in an accessible location and the local area is within a controlled parking zone.

The Transport Statement addendum advises that 22 secure cycle spaces and lockers will be provided in the undercroft parking area with 4 cycle hoops provided on the Park Lane frontage. The long stay provision equates to 25% of bed spaces and is on balance acceptable.

WYCA/Metro should be consulted regarding the proposal, funding of a Metro 'live' bus information display was previously requested at bus stop number 11452 at a cost of approximately £10,000 (including 10 years maintenance) to the developer.

The Kirkstall Road Area Planning Framework proposes Rutland Mount to be improved to be a 'Green Access Link' for north-south non-motorised movements. The proposed layout indicated on the submitted plans has been agreed in principle through previous applications on the site. However, there are some operational and technical requirements that will need to be accommodated in the final design. The proposed alterations to Rutland Mount may hinder future access to the adjacent building, if there are any maintenance or access requirements, these would need to be accommodated through discussions between the applicant and the building owner.

The lay-by on Park Lane is proposed to be only 1.8m wide and would not be suitable for larger vehicles but is acceptable for pick up and drop off by car. The bin store is indicated to be accessed via Burley Street, the loading bay at this side is adequately wide to accommodate larger vehicles at 2.8m and the proposed lay-by dimensions are acceptable.

The applicant is not proposing any student parking for the proposals – this is on-balance acceptable subject to suitable wording within a Section 106 agreement that no students may bring a car to Leeds during their tenancy.

The undercroft parking area should be left unmarked so that it can be used for disabled parking, staff parking and student drop-off-pick-up at the start/end of term time

The following conditions/s106 obligations are recommended:

- Full details of cycle/Motorcycle Facilities Notwithstanding Approved Drawings
- Car Park And Servicing Management Plan as the pick up and drop off at the beginning and end of term times must be managed to avoid large numbers of vehicles arriving for concentrated periods
- Provision For Contractors During Construction
- No parking permits for the student residents
- Full details of off-site Highway Works including Rutland Mount and service lay-bys to Park Lane and Burley Street

### **6.2 Coal Authority**

No objection

## **Non-Statutory**

### 6.3 **LCC Environmental Studies (road noise and air quality)**

No objection

### 6.4 **LCC Environmental Protection (commercial noise)**

No objection subject to conditions regarding construction practice, construction working hours (08.00 hours on weekdays and 09.00 hours on Saturdays nor after 18.30 hours on weekdays and 13.00 on Saturdays), commercial unit delivery times (8am to 18:30 hours Monday to Saturday and 9am to 13:00 hours on Sundays and Bank Holidays), details of extract ventilation

### 6.5 **LCC Flood Risk Management**

No objection subject to a condition requiring a detailed surface water drainage scheme.

### 6.6 **West Yorkshire Combined Authority**

There is a regular bus service running next to the development serving Leeds, Horsforth, Seacroft, Ireland Wood, Garforth etc. There are also more services nearby. Future residents would benefit if one of Metro's new 'live' bus information were to be erected at bus stop number 11452 at a cost of approximately £10,000 (including 10 years maintenance) to the developer. The display is connected to the West Yorkshire 'real time' system and gives accurate times of when the next bus is due, even if it is delayed. Good pedestrian access to/from the site to/from bus stops should be provided taking into consideration the needs of the elderly and mobility impaired.

## 7.0 **Planning Policies**

### 7.1 **Development Plan**

7.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, the Development Plan for Leeds currently comprises the following documents:

- The Leeds Core Strategy (Adopted November 2014)
- Saved UDP Policies (2006), included as Appendix 1 of the Core Strategy
- The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013) including revised policies Minerals 13 and 14 (Adopted September 2015).
- Any Neighbourhood Plan, once Adopted.

### 7.1.2 **Leeds Core Strategy 2014**

The adopted Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. The Core Strategy was adopted by the Council on 12th November 2014. This now forms the development plan for Leeds together with the Natural Resources & Waste Plan and saved policies from the UDP. A number of former UDPR saved policies have been superseded by Core Strategy policies and have been deleted as a result of its adoption. Appendix 1 of the Core Strategy provides a full list of 'deleted' UDPR policies and policies that continue to be 'saved' (including most land use allocations).

Spatial Policy 1 sets out the broad spatial framework for the location and scale of development. This policy prioritises the redevelopment of previously developed land within Main Urban Area, in a way that respects and enhances the local character and identity of places and neighbourhoods.

Spatial Policy 3 Role of Leeds City Centre seeks to maintain and enhance the role of the City Centre as an economic driver for the District and City Region, by

- comprehensively planning the redevelopment and re-use of vacant and under-used sites for mixed use development and areas of public space,
- enhancing streets and creating a network of open and green spaces to make the City Centre more attractive
- improving connections between the City Centre and adjoining neighbourhoods
- expanding city living with a broader housing mix

Spatial Policy 8 states that training/skills and job creation initiatives would be supported by planning agreements linked to the implementation of appropriate developments given planning permission.

Para 5.2.20 of the Core Strategy states that: 'significant growth in student numbers in the past has led to high concentrations of student housing in areas of Headingley, Hyde Park and Woodhouse. This generated concerns about loss of amenity to long term residents'

Para 5.2.27 of the Core Strategy states that 'The decade 2001 – 2012 witnessed considerable development of new purpose built student accommodation particularly in and around the north west sector of the City Centre. Growth in this accommodation is to be welcomed in order to meet need and to deflect pressure away from private rented houses in areas of over-concentration. Nevertheless, care is needed to ensure that purpose built accommodation does not itself become over-concentrated and is located with good access to the universities.'

Core Strategy Policy CC1 outlines the planned growth within the City Centre for 10, 200 new dwellings. Part (b) of Policy CC1 encourages residential development, providing that it provides a reasonable level of amenity for occupiers.

Policy H2 refers to new housing development. The development will be acceptable in principle providing the development does not exceed the capacity of transport, educational and health infrastructure and the development should accord with accessibility standards.

Policy H3 states that housing development should meet or exceed 65 dwellings per hectare in the City Centre.

Policy H4 states that developments should include an appropriate mix of dwelling types and sizes to address needs measured over the long term taking into account the nature of the development and character of the location.

Policy H5 states that the Council will seek affordable housing from all new developments either on-site, off-site or by way of a financial contribution if it is not possible on site. *(Please note student-only housing schemes are exempt from affordable housing).*

Policy H6B refers to proposals for purpose built student accommodation. Development will be controlled to take the pressure off the need to use private housing; to avoid the loss of existing housing suitable for families; to avoid excessive concentrations of student accommodation; to avoid locations that would lead to detrimental impacts on residential amenity; and to provide satisfactory living accommodation for the students.

Policy P10 requires new development to be based on a thorough contextual analysis to provide good design appropriate to its scale and function, delivering high quality innovative design and enhancing existing landscapes and spaces.

Policy P12 states that landscapes will be conserved and enhanced.

Policies T1 and T2 identify transport management and accessibility requirements for new development.

Policies EN1 and EN2 set out the sustainable construction and on-going sustainability measures for new development.

#### 7.1.2 **Leeds Unitary Development Plan Review 2006 (UDPR) Saved Policies**

Relevant policies include:

GP5 all relevant planning considerations

BD2 design and siting of new buildings

BD4 all mechanical plant

BD5 Residential amenity

LD1 landscaping

#### 7.1.3 **Leeds Natural Resources and Waste DPD 2013**

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

#### **Other material considerations**

#### 7.2 **Relevant Supplementary Planning Guidance includes:**

SPD Street Design Guide

SPD Building for Tomorrow Today: Sustainable Design and Construction

SPG City Centre Urban Design Strategy

SPG3 Affordable Housing

SPD Parking

#### **SPG Neighbourhoods for Living**

Neighbourhoods for Living provides advice and principles for good residential design across the themes of use, movement, space and form. It promotes local character, analysis of landmarks, views and focal points, and quality buildings.

#### **Little Woodhouse Neighbourhood Design Statement 2011 (adopted SPD)**

The document states that Burley Road is a major traffic route into and out of the City, and that thin strips of land formerly occupied by industrial buildings are now giving way to purpose-built student housing flats. The old sorting office between Park Lane and Burley Street is identified as a local landmark. General design advice includes:

- building materials include red-brick as the basic walling material
- infill development should maintain existing building line
- views and vistas should be maintained
- new development should be of a similar size scale to its immediate neighbours
- new development should be sensitive and responsive to its context.

- Buildings in key locations – in corner positions or at the end of vistas and other key locations, buildings should be designed and detailed in a manner which reflects the importance of their location

### **Kirkstall Road Renaissance Area Planning Framework 2007**

The Kirkstall Road Renaissance Area Planning Framework 2007 is informal supplementary planning guidance, and whilst it is a material consideration, it has little weight compared to the weight of policies comprising the Development Plan.

## **7.3 National Planning Policy Framework (NPPF)**

The National Planning Policy Framework (NPPF) came into force in March 2012 and represents the government's commitment to sustainable development, through its intention to make the planning system more streamlined, localised and less restrictive. It aims to do this by reducing regulatory burdens and by placing sustainability at the heart of development process. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied, only to the extent that it is relevant, proportionate and necessary to do so.

The NPPF identifies 12 core planning principles (para 17) which include that planning should:

- Proactively drive and support sustainable economic development to deliver homes
- Seek high quality design and a good standard of amenity for existing and future occupants.
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.

The NPPF states that LPA's should recognise that residential development can play an important role in ensuring the vitality of centres (para 23). Housing applications should be considered in the context of the presumption in favour of sustainable development (para 49).

The NPPF states that local authorities should deliver a wide choice of homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities (para 50).

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

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

## **7.4 The Leeds Standard 2014 and the Nationally Described Housing Standards**

The Leeds Standard was adopted by the Council's Executive Board on 17th September 2014 to ensure excellent quality in the delivery of new council homes. Through its actions the Council can also seek to influence quality in the private sector. Those aspects of the Standard concerned with design quality will be

addressed through better and more consistent application of the Council's Neighbourhoods for Living guidance. The Leeds Standard sets a minimum target of 37sqm for a self-contained studio flat. This standard closely reflects the Government's Technical Housing Standards – Nationally Described Space Standard which seek to promote a good standard of internal amenity for all housing types and tenures. Whilst neither of these documents has been adopted as formal planning policy and only limited weight can be attached to them, given their evidence base in determining the minimum space requirements, they are currently used to help inform decisions on the acceptability of development proposals.

## **7.5 Emerging Site Allocations Plan – Site Allocation Proposals (Housing & Safeguarded Land) 2015**

The draft site allocations presented to Development Plans Panel on 13 January 2015 provide the basis for delivering the Council's housing and employment growth over the plan period. These allocations have now been the subject of public consultation. This site is identified as Housing site no. 226 as a brownfield City Centre infill site for 48 dwellings.

## **8.0 MAIN ISSUES**

- 8.1 Principle of use
- 8.2 The effect of the proposed development on the character and appearance of the locality and the impact on surrounding amenities
- 8.3 The living conditions of the future occupiers of the proposed studio flats, with particular regard to internal living space, outlook, and external amenity space.
- 8.4 Highways and transportation
- 8.5 Sustainability
- 8.6 Wind
- 8.7 Other matters raised by representations
- 8.8 Section 106 obligations and CIL

## **9.0 APPRAISAL**

### **9.1 Principle of use**

- 9.1.1 The National Planning Policy Framework, Leeds Unitary Development Plan Review, and the Leeds Core Strategy, would all support the principle of residential development with a supporting small scale town centre commercial use in this City Centre brownfield site location, which has been vacant for many years. With regard to the Kirkstall Road Renaissance Area Planning Framework (an informal SPG with limited weight) this advises against further residential development in the City Heights area. However, the City Heights area identified in this document is still predominantly commercial in nature. This document does not benefit from as much weight as the NPPF or the Core Strategy, and does not form part of the Development Plan. The Core Strategy is also more recent and was subject to more thorough public examination.
- 9.1.2 Adopted Core Strategy Policy H6B relates specifically to the provision of student housing and is relevant to this application proposal. H6B was adopted following the Core Strategy Inspector's rejection of the Council's position that the policy should include a test for need when considering applications for new student housing. The application is assessed as follows against the criteria within Policy H6B:

Part i) states that development proposals should help extend the supply of student accommodation taking pressure off the need for private housing to be used. This

proposal would assist this objective by providing 87 purpose-built student studio flats.

Part ii) states that development proposals should avoid the loss of existing housing suitable for family occupation, and this proposal would also meet this objective, because it does not propose the loss of any family housing.

Part iii) seeks to avoid excessive concentrations of student accommodation (in a single development or in combination with existing accommodation) which would undermine the balance and wellbeing of communities. Whether the concentration is excessive in the area depends on the consideration of the local context. Whilst excessive concentrations of student populations can cause harm to discrete residential areas, it is considered that as a result of the site location within a busy City Centre environment, the local mixed land use functions and the proximity to the educational campus areas that the proposed student accommodation, as a small percentage increase to an existing concentration, could be tolerated in this location. It is considered that there would be some difficulty in defining a wider area within which student housing proposals would not form part of a mixed community, taking into account the dominant commercial uses around the site, and the existing residential communities of Little Woodhouse. If the community is defined across a wider area that includes Little Woodhouse and the area up to Kirkstall Road to the south, it is considered that the mix and type of residential accommodation is extremely varied, and therefore a balanced and mixed community is achieved. The key issues would be the location of a community boundary, identifying affected individuals/groups, what the harm was, identifying the individuals/groups causing harm, and the collection of robust, credible evidence to that effect. In addition the location and surrounding topography of the site means that students are likely to travel along the more convenient and direct main roads to nearby educational campuses and city centre facilities, rather than through more traditional residential streets such as the Kendals to the north. It is therefore considered that the proposal would not undermine the balance and well-being of existing communities in the area.

- 9.1.3 Regarding the retail unit, Policy CC1 states proposals for convenience retail up to 200sqm will be deemed acceptable anywhere within the city centre. As the proposed retail element falls below 200sqm, there is no requirement to undertake a sequential assessment. Therefore the retail element of the proposal would be in accordance with the Core Strategy.

## **9.2 The effect of the proposed development on the character and appearance of the locality and the impact on surrounding amenities**

- 9.2.1 With regard to the assessment of the impact of the development on the character and appearance of the locality, the Appeal Inspector gave weight to Leeds Core Strategy Policies SP1(iii) and P10, Saved UDPR Policies GP5 and BD2, the Little Woodhouse Neighbourhood Design Statement 2011 (LWNDS), in particular that the LWNDS states that new development should be of a similar size and scale to its immediate neighbours. The Inspector acknowledges the varied topography of Park Lane and Belle Vue Road on the hillside, and the varied townscape of the immediate surroundings. The Inspector notes that the previous proposal did feature positive elements, including the provision of housing on a brownfield site with associated jobs and positive economic regeneration, and the general design of the podium element and fenestration details, but that these do not outweigh the harm to the character of the area caused by the 9-storey blade element.

- 9.2.2 In response to the appeal decision the applicant has now removed the 9-storey 'blade' element of the proposal, but has increased the height of the remaining podium element by one to two storeys along parts of the building facing Burley Street, stepping down towards the substation. The Inspector had commented that the original 4-storey podium element would closely relate to, and be in keeping with, the general character and appearance of the area. Also whilst there is no right to a view, the gap that currently exists (and previously existed with a lower warehouse building) is considered to offer relief from the taller buildings to the south for residential properties to the north of the site on Kendal Walk. Officers have therefore negotiated with the applicant a revision to the proposed massing that seeks to better complement the existing built scale and character of the area by creating a 'stepping effect', which follows the topography of Park Lane from the east down to the west.
- 9.2.3 The taller element of the revised proposed building would be of a similar height to that of the former sorting office building to the east. The lower section would be comparable to the height of Sentinel Towers to the south. The form would step down to the electricity substation to the east, and this lower element would also step below the ridges of the houses on Kendal Walk. The step in roof form would also serve to aid the breaking down of height, scale and bulk in relation to adjoining buildings and in longer distance views such as from Kendal Walk. Existing views from Kendal Walk are already dominated by Sentinel Towers (built in the 1990s) and The Tannery (early 2000s) and other modern buildings including the Holiday Inn on Kirkstall Road. On Burley Street, Sentinel Towers features a step in its roofline and the proposal would acknowledge this as it steps down. The roofline of the proposed building is generally considered to be in keeping with the scale of Burley Street. The Inspector also noted that there is a general perception of development stepping down with the topography in this immediate area.
- 9.2.4 In summary, the scale and form of the proposed revised building appears on balance to have an acceptable relationship with the sorting office, and the stepping down of buildings heights would be in line with the topography of the area. Therefore it is considered that the scale and form of the building is acceptable in this context.
- 9.2.5 With regards to elevational treatment, the proposed simple red-brick would reflect the traditional materials in the area. The building is considered to provide a suitable appearance in its immediate context with a simple palette of materials, a clear base, middle and parapet top to its design, and elevational interest provided by its window arrangements and reveal detailing.
- 9.2.6 Part iv) of Core Strategy Policy H6B states that proposals for student housing should avoid locations which are not easily accessible to the Universities by foot or public transport or which would generate excessive footfall through quiet residential areas which may lead to detrimental impacts on residential amenity. The site is approximately 800m from the University of Leeds, approximately 700m from the LGI and 1200m away from the main Leeds Beckett University campus. It is considered that the location of the site in relation to these educational establishments is likely to mean that most residents would travel along Park Lane and Clarendon Road and thereby avoid most established residential areas. Whilst there may be some travel through existing residential areas, this is more likely to take place through the day and would be limited in number compared to the more direct routes available along Clarendon Road and Park Lane.
- 9.2.7 A small number of local residents in their representations on this and other proposals have expressed concern regarding general noise and disturbance as a



result of students generally. However the area is characterised by a mixture of uses including significant existing student accommodation, which contribute to a busy edge of City Centre environment. It is considered that this proposal in itself would not unduly affect this existing character.

9.2.8 With regard to the direct impact of the development on adjacent residential properties, the site would be separated by a distance of approximately 45m from the nearest traditional residential properties to the north. The site lies in a predominantly commercial area, but close to traditional neighbourhoods. The direct impact of this proposal in terms of direct loss of amenity/noise/general disturbance on the existing residents of the Kendal's and Hanover Square, is likely to be relatively small due to the physical distance and change in topography. It is considered on balance that the relatively small increase in student numbers from this application would not result in a significant adverse impact on the nearby traditional residential areas.

### **9.3 The living conditions of the future occupiers of the proposed studio flats, with particular regard to internal living space, outlook, and external amenity space.**

9.3.1 Core Strategy Policy H6B(v) clearly states that student housing should provide satisfactory internal living accommodation in terms of daylight, outlook, and juxtaposition of living rooms and bedrooms, and Core Strategy Policies CC1(b) and P10, and Saved UDPR Policies BD5 and GP5 also provide more general requirements that development should contribute positively towards quality of life and provide a reasonable level of amenity and useable space. Paragraph 17 of the NPPF states that planning should also seek a high quality of design and a good standard of amenity for existing and future occupants of land. The appeal Inspector noted that in order to require a minimum internal housing standard, Local Planning Authorities should only do so by reference in their Local Plan to the Nationally Described Space Standard. Officers are currently preparing the necessary evidence for need, viability and timing, as set out by national guidance, in order to progress work on the Nationally Described Housing Standard in Leeds. In the case of studio flats, the Nationally Described Housing Standard and the Council's Leeds Standard specify a size of 37sqm, however the assessment of amenity is also a wider consideration of qualitative factors including arrangement and separation of living functions (general living, sleeping, studying, eating, cooking, food preparation, storage and circulation), usable shape, outlook, privacy and external amenity space. These are all reasonable material planning considerations for Local Planning Authorities to assess, with reference to the National Planning Policy Framework (NPPF), the Leeds Core Strategy and the Saved Policies of the UDPR. These matters are subjective and it is a normal part of the assessment of a planning proposal to make subjective judgments of such matters.

9.3.2 In terms of the living conditions of the future occupiers of the proposed studio flats for this revised scheme, with particular regard to internal living space, outlook, and external amenity space, the applicant has responded to the appeal decision by making a number of changes. The cramped L shaped units from the previous refusal have been omitted, and nearly all the units are now of a wider square or rectangular shape. The total number of proposed studio flats has been reduced from 110 units to 87 units. In terms of ensuring that each unit has sufficient space for the purpose and function of fully self-contained independent occupation where a student could sleep, cook, eat, study and relax, the applicant has increased the size of the 87 proposed units as follows:

- 71 flats are approx. 28-30sqm

- 5 flats are 27.6sqm with south and east dual aspect
- 1 flat is 27.9sqm with south aspect
- 7 flats are approx. 30-32sqm
- 2 flats are 36 sqm
- 1 flat is 42 sqm

The smallest studios are significantly larger than those dismissed at the planning appeals at 46 Burley Street (primarily 20.9sqm); Kirkstall Design Centre (primarily 16-25sqm); and the development at City Campus, Calverley Street (22sqm) which was approved before the Leeds Standard and the introduction of the Government's Technical Housing Standards and which Members of City Plans Panel visited a show-flat on May 12<sup>th</sup> 2016. Although many units under this current application proposal for 46 Burley Street are not 37sqm or more, they are on balance considered to all benefit from an appropriate regular-shaped arrangement of living functions, furniture and circulation for satisfactory day-to-day living, as demonstrated by the submitted typical layouts.

9.3.4 In addition, the proposal includes two communal lounges (99.8sqm and 78.8sqm), which would allow residents to socialise and relax away from their flats.

9.3.5 There has been an increase in the width of Rutland Mount by 1m, and the flats on this flank of the building would be dual aspect. It is considered that generally the units facing Rutland Mount now have sufficient daylight and outlook, due to increased distance to the Sorting Office, the reduction in the number of units on each floor on this side of the building, the positioning of dual aspect units on the corners of the building, and the provision of additional projecting south and north facing windows to the units in between. This would give improved outlook, views of sky, daylight and sunlight, and the outlook and amenities of the occupiers of the units facing Rutland Mount are now considered on balance to be acceptable.

## **9.4 Highways and transportation**

10.4.1 Transport Development Services have raised no objections to the proposed low level of parking. They have advised that subject to the provision of cycle and motorcycle parking, and demonstration of appropriate bin storage and collection, the proposal would be unlikely to result in adverse road safety issues or adverse impact on amenities for local residents. Secure cycle storage and bin storage is identified on the plans. The Parking SPD parking guidelines can accept minimal or no car parking where there is considered to be no adverse impact on the highway. On-street parking is controlled by a parking scheme in the local area. The site is well located in terms of access on foot or by cycle to the City Centre, the universities, the LGI, and public transport and local services are within easy walking distance. Highways officers would recommend a restriction that tenants who do not have an allocated space on site do not bring a car to the area. This would be controlled by the Section 106 agreement.

10.4.2 West Yorkshire Combined Authority has commented that future residents would benefit if one of Metro's new 'live' bus information displays were to be erected at bus stop number 11452 at a cost of approximately £10,000 (including 10 years maintenance) to the developer. However as the bus stop in question serves people travelling west-bound, away from the City Centre, there would be little reason for the proposed student population to use this bus stop, as the majority of their journeys are expected to be towards the City Centre and Universities. As such, it is considered that a bus stop improvement contribution is not fairly related to the development proposed or justifiable in planning terms in this case.

## **10.5 Sustainability**

- 10.5.1 The proposal would meet at least a BREEAM Excellent standard for student housing. The scheme would deliver at least a 25% reduction in carbon emissions over building regulations standards. A minimum of 10% energy generation would also be provided on-site by the roof-top solar panels. The scheme would therefore achieve the standards set out in the adopted sustainable design and construction SPD Building for Tomorrow Today, and the Leeds Core Strategy.

## **10.6 Wind**

- 10.6.1 The applicant submitted a qualitative desk-top wind assessment in support of the previous taller scheme which stated that the wind environment would be acceptable for all users in the vicinity of the building and that the building is unlikely to generate wind conditions that would cause distress to pedestrians, or result in a danger to high-sided or other road vehicles. The Local Planning Authority instructed an independent wind expert to peer review the report, and they have confirmed that the assessment is sufficiently detailed and likely to be robust in terms of the range of conditions that have been assessed. Whilst the proposed footprint has not changed significantly, and the building form is lower, it is considered appropriate to condition a detailed wind study in order to ensure that no adverse wind issues result from the building, prior to the commencement of any building works.

## **9.7 Other matters raised by representations**

- 9.7.1 The site lies within the designated City Centre, where under the Core Strategy housing development is required to be built at a density of at least 65 dwellings per hectare. The site allocations makes provision for 48 units on this site which is an estimate based on a formula and is not prescriptive of the actual number that should be achieved. In practice the nature of flatted accommodation in the City Centre has often resulted in residential densities significantly in excess of 65 dwellings per hectare.

## **9.8 Section 106 obligations and Community Infrastructure Levy (CIL)**

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

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

The proposed scheme produces the need for the following obligations which it is considered meet the legal tests:

- Occupation of the studios only by full-time higher education students only in order to meet with the Council's affordable housing policy;
- Restrictions on student car parking
- Cooperation with local employment and training initiatives;
- Section 106 agreement management fee (£750).

9.6.2 The proposed development would be subject to a Community Infrastructure Levy (CIL) of £20, 250

## **11.0 Conclusion**

11.1 The proposed redevelopment of the site has the potential to enhance the character of the surrounding area, by regenerating a derelict brownfield site that has been vacant for many years. The principle of the development of the site for use as student accommodation and a retail unit is acceptable in accordance with the Development Plan, and it would deliver sustainable, economic growth, jobs and specialist housing. The size of the studio flats, although not spacious in all cases, are on balance considered acceptable given the standard of amenity for the occupiers, when considered in conjunction with a reasonable level of communal space. A new small scale retail premises would contribute positively to the Burley Street streetscene, add to facilities in the area for local residents, and provide jobs. Therefore, it is considered that the proposal is on balance acceptable subject to a section 106 agreement and the specified conditions.

### **Background Papers:**

Leeds City Council Planning Applications 16/01322/FU & 14/03735/FU  
Planning Inspectorate ref. APP/N4720/W/15/3005747

## Appendix 1 Draft Conditions for 16/01322/FU

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

Imposed pursuant to the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

- 3) Development shall not commence until a Phase I Desk Study has been submitted to, and approved in writing by, the Local Planning Authority and:
  - (a) Where the approved Phase I Desk Study indicates that intrusive investigation is necessary, development shall not commence until a Phase II Site Investigation Report has been submitted to, and approved in writing by, the Local Planning Authority,
  - (b) Where remediation measures are shown to be necessary in the Phase I/Phase II Reports and/or where soil or soil forming material is being imported to site, development shall not commence until a Remediation Statement demonstrating how the site will be made suitable for the intended use has been submitted to, and approved in writing by, the Local Planning Authority. The Remediation Statement shall include a programme for all works and for the provision of Verification Reports.

To ensure that the presence of contamination is identified, risks assessed and proposed remediation works are agreed in order to make the site suitable for use in accordance with policies Land 1 of the Natural Resources and Waste Local Plan 2013 and GP5 of the Unitary Development Plan Review 2006.

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

To ensure that any necessary remediation works are identified to make the site suitable for use in accordance with policies Land 1 of the Natural Resources and Waste Local Plan 2013 and GP5 of the Unitary Development Plan Review 2006.

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

To ensure that the remediation works are fully implemented as agreed and the site has been demonstrated to be suitable for use in accordance with policies Land 1 of

the Natural Resources and Waste Local Plan 2013 and GP5 of the Unitary Development Plan Review 2006.

- 6) Prior to the commencement of development, a Statement of Construction Practice shall be submitted to and approved in writing by the Local Planning Authority. The Statement of Construction Practice shall include full details of:
- a) the methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development hereby approved;
  - b) measures to control the emissions of dust and dirt during construction;
  - c) location of site compound and plant equipment/storage;
  - d) location of contractor and sub-contractor parking;
  - e) how this Statement of Construction Practice will be made publicly available by the developer.

The approved details shall be implemented at the commencement of work on site, and shall thereafter be retained and employed until completion of works on site. The Statement of Construction Practice shall be made publicly available for the lifetime of the construction phase of the development in accordance with the approved method of publicity.

In the interests of residential amenity of occupants of nearby property in accordance with adopted Leeds UDP Review (2006) policy GP5 and the National Planning Policy Framework.

- 7) Construction works shall be restricted to 0800-1800 hours Monday to Friday, 0800-1300 hours on Saturdays, with no works on Sundays and Bank Holidays.

In the interests of residential amenity in accordance with adopted Leeds UDP Review (2006) policy GP5 and the National Planning Policy Framework.

- 8) Building operations 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 scheme should be sufficiently detailed with supporting calculations to confirm the pre and post development discharges as well as attenuate storage requirements for the development. Surface water from the development will be subject to balancing of flows to achieve a minimum 30% reduction of the existing peak flow rates from the site up to the 1 in 100 year storm with climate changes. The works shall be implemented in accordance with the approved scheme before the development is brought into use.

To ensure sustainable drainage and flood prevention in accordance with policies GP5, the Natural Resources and Waste DPD, Policy N39A of the Saved Leeds UDP Review (2006) and the NPPF.

- 9) No piped discharge of surface water shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development of that phase commences.

To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading, in accordance with the NPPF, Leeds Natural Resources and Waste DPD and Saved UDPR Policy GP5.

- 10) Prior to the commencement of building works, a sample panel of all external facing materials, roofing and glazing types to be used shall be constructed on-site and approved in writing by the Local Planning Authority. The external cladding and glazing materials shall be constructed in strict accordance with the sample panel(s) which shall not be demolished prior to the completion of the development.

In the interests of visual amenity in order to accord with Leeds Core Strategy Policy P10, Saved UDP Review Policies GP5 and BD2, and the NPPF.

- 11) No building works shall be commenced until full 1 to 20 scale working drawing details of the following have been submitted to and approved in writing by the Local Planning Authority:
- a. soffit, roof line and eaves treatments
  - b. junctions between materials
  - c. each type of window bay proposed
  - d. ground floor frontages

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

In the interests of visual amenity and the character of the surrounding area, in order to accord with Leeds Core Strategy Policy P10, Saved UDPR Policies GP5 and BD2, and the NPPF.

- 12) No surfacing works shall take place until details and samples of all surfacing materials have been submitted to and approved in writing by the Local Planning Authority. Such materials shall be made available on site prior to the commencement of their use, for the inspection of the Local Planning Authority who shall be notified in writing of their availability. The surfacing works shall be constructed from the materials thereby approved and completed prior to the occupation of the building.

In the interests of visual amenity in accordance with Leeds Core Strategy Policy P12, Saved UDP Review Policies GP5 and LD1, and the NPPF.

- 13) Landscaping works shall not commence until full details of both hard and soft landscape works, including an implementation programme, have been submitted to and approved in writing by the Local Planning Authority. Hard landscape works shall include
- (a) proposed finished levels and/or contours,
  - (b) boundary details and 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 (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.),
  - (g) proposed and existing functional services above and below ground (e.g. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.).

Soft landscape works shall include

- (h) planting plans
- (i) written specifications (including soil depths, tree pits, cultivation and other operations associated with plant and grass establishment) and

j) schedules of plants noting species, planting sizes and proposed numbers/densities.

All hard and soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.

To ensure the provision and establishment of acceptable landscape in accordance with Leeds Core Strategy Policy P12, Saved Leeds UDP Review (2006) policies GP5, N23, N25 and LD1.

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

To ensure successful aftercare of landscaping, in accordance with adopted Leeds Core Strategy Policy P12, Saved UDP Review (2006) policies GP5 and LD1 and the NPPF.

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

To ensure maintenance of a healthy landscape scheme, in accordance with Leeds Core Strategy Policy P12, Saved UDP Review (2006) policies GP5 and LD1 and the NPPF

- 16) Development shall not be occupied until all areas shown on the approved plans to be used by vehicles have been fully laid out, surfaced and drained such that surface water does not discharge or transfer onto the highway. These areas shall not be used for any other purpose thereafter.

To ensure the free and safe use of the highway in accordance with adopted Leeds Core Strategy Policy T2, Street Design Guide SPD (2009) and the NPPF.

- 17) Prior to the occupation of the development hereby approved, details of a car park and servicing management plan including access security measures, pick –up drop off arrangements, and servicing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be operated in accordance with the approved management plan thereafter.

In the interests of sustainable development, amenity, and vehicular and pedestrian safety, in accordance with Leeds Core Strategy Policy T2, Leeds UDPR Policy GP5, and the NPPF.

- 18) Prior to the occupation of the development hereby approved, details of an electric vehicle charging point car park shall be submitted to and approved in writing by the Local Planning Authority. The charging points shall be provided in accordance with



the approved details prior to first use of the car park, and retained as such thereafter.

In the interests of encouraging more sustainable forms of travel and to reduce the impact of development on air quality, in accordance with the NPPF, Leeds Natural Resources and Waste DPD 2013, the Parking SPD, and Saved Leeds UDPR Policy GP5.

- 19) No building works shall take place until details for the provision of off-site highways works shown on the submitted plan reference 3173-O(1)008A for works to Rutland Mount, and service lay-bys to Park Lane and Burley Street have been submitted to and approved in writing by the Local Planning Authority for inclusion in the section 278 Highways Agreement or to be secured by such other procedure as may be agreed between the applicants and the Local Planning Authority.

In the interests of pedestrian and vehicular safety, in order to accord with the NPPF, Leeds Core Strategy Policy T2 and Saved UDPR Policy GP5.

- 20) Notwithstanding the details shown on the plans hereby approved and prior to the commencement of development, full details of the facilities for the parking of cycles within the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the cycle parking facilities thereby approved have been provided. The facilities shall thereafter be retained and maintained as such.

In order to meet the aims of the Leeds Core Strategy Policies T1 and T2, and the NPPF

- 21) Prior to the installation of any extract ventilation system or air conditioning plant, details of such systems shall be submitted to and approved in writing by the Local Planning Authority. Any external extract ventilation system/air conditioning plant shall be installed and maintained in accordance with the approved details. The systems shall limit noise to a level at least 5dBA below the existing background noise level (L90) when measured at the nearest noise sensitive premises with the measurements and assessment made in accordance with BS4142:1997.

In the interests of visual and residential amenity and in accordance with Saved Leeds UDP Review (2006) policy GP5 and the National Planning Policy Framework.

- 22) No building works shall commence until a detailed acoustic assessment of the proposed building and a noise insulation scheme, including details of any necessary mechanical ventilation equipment have been submitted for written approval by the Local Planning Authority. The scheme shall be designed to protect the amenity of the residents of the proposed dwellings from noise from surrounding roads, adjoining uses and any plant or equipment associated with the approved building. The noise insulation scheme for the development shall be designed to achieve internal noise levels in living spaces not exceeding 35dBLAeq and 30dBLAeq in bedrooms at night, with peak levels kept below 45dBLAmax. The approved scheme shall be implemented prior to occupation of the dwellings and retained thereafter

In the interests of residential amenity

- 23) The hours of delivery to and from the premises shall be restricted to 0800 hours to 2000 hours Monday to Saturday and 0900 hours to 1700 hours on Sundays and Bank Holidays.

In the interests of residential amenity, in accordance with Saved Leeds UDP Review 2006 Policy GP5 and the NPPF.

- 24) The hours of opening of the retail premises shall be restricted to 0800 hours to 2200 hours.

In the interests of residential amenity, in accordance with Saved Leeds UDP Review 2006 Policy GP5 and the NPPF.

- 25) Any A1 retail use carried out within the ground floor unit indicated on the approved plans shall be limited to the sale of goods for convenience shopping to serve the needs generated by the development and other local needs.

The site lies outside those areas of the City Centre where the Local Planning Authority would wish to promote unrestricted A1 retailing. The use is limited to a convenience shopping use in the interests of maintaining the viability of local centres in accordance with Leeds Core Strategy and the NPPF.

- 26) Prior to the commencement of building operations an updated Sustainability Statement shall be submitted to and approved in writing by the Local Planning Authority for that phase, which shall include a detailed scheme comprising (i) a pre-assessment using the BREEAM assessment method to BRE Excellent Standard or equivalent for the proposed buildings and to the correct category in line with their use(s) (ii) an energy plan showing the final percentage of on-site energy that will be produced by Low and Zero Carbon (LZC) technologies, meeting at least a 10% minimum target. This shall specify a carbon reduction target and energy plan for the development to reduce carbon emissions by at least 20% below Building Regulations. (iii) details of the green roof. The development shall be carried out in accordance with the details as approved above; and

(a) Within 6 months of the occupation of the development a post- construction review statement shall be submitted by the applicant including a BRE certified BREEAM final assessment and energy plan and associated paper work and approved in writing by the Local Planning Authority

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

To ensure the adoption of appropriate sustainable design principles in accordance with Saved Policy GP5 of the Unitary Development Plan, the Leeds SPD Building for Tomorrow Today Sustainable Design and Construction, the Leeds Core Strategy policies EN1 and EN2, and the NPPF.

- 27) Prior to first occupation 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 of 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, in accordance with the NPPF and Leeds UDPR Saved Policies GP5 and the NPPF.

- 28) Prior to the occupation of the retail use hereby approved, details of secure cycle storage, shower facilities and lockers for staff for all building occupiers shall be submitted to and approved in writing by the Local Planning Authority. Secure cycle storage, showers and lockers shall be available for all units/floorspace prior to its occupation and retained as such thereafter.

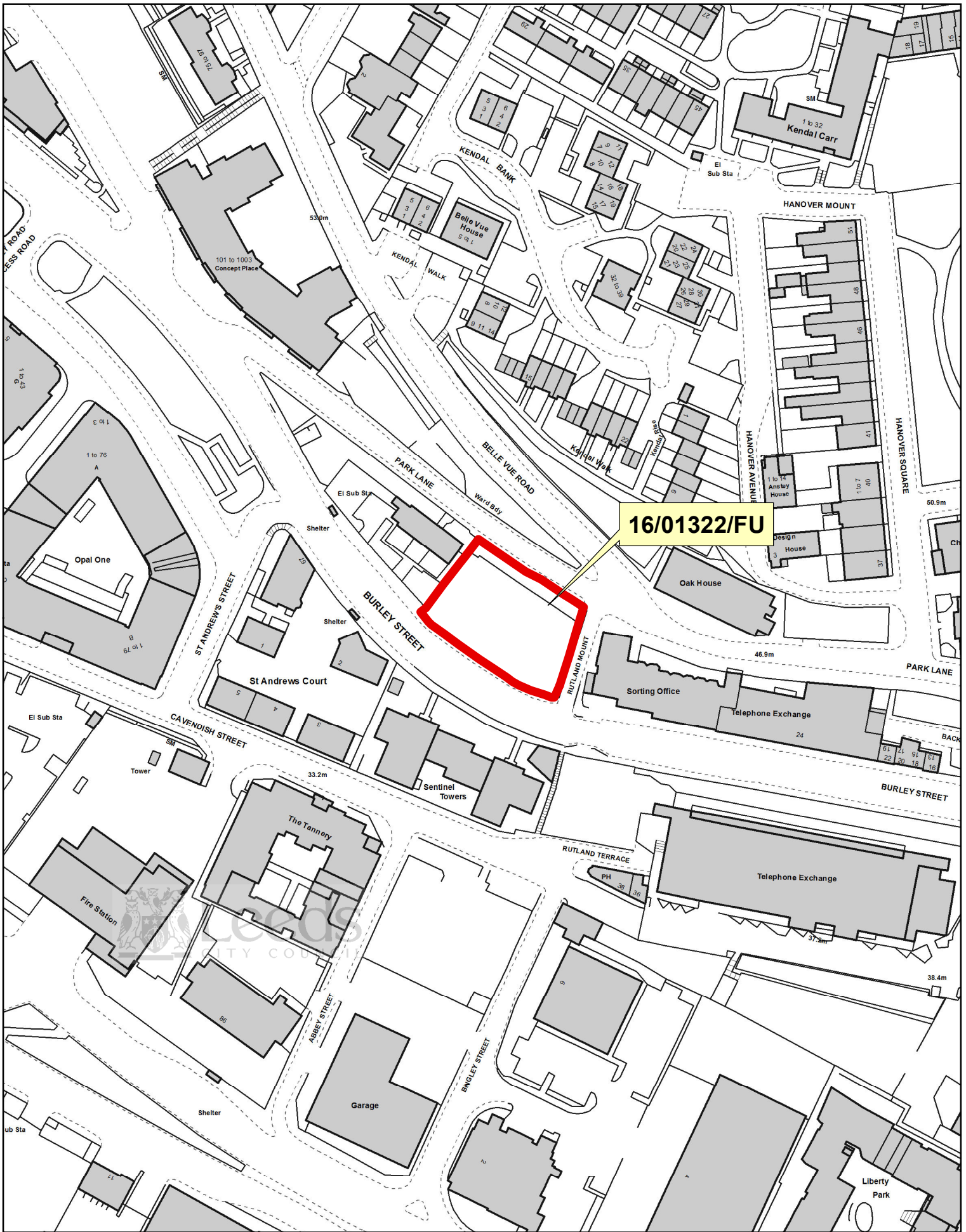
In the interests of promoting walking, running and cycling as more sustainable means of travel to work, in accordance with the NPPF, Leeds UDPR Policy GP5, Leeds Core Strategy Policy T1 and the Travel Plans SPD.

- 29) Notwithstanding details shown on the plans hereby approved the gradient of pedestrian ramps shall meet BS8300:2009+A1:2010. Works shall be carried out in accordance with the approved details and retained as such thereafter.

In the interests of accessibility in accordance with the Leeds Core Strategy Policy P10 and the NPPF.

- 30) Prior to the commencement of building works, a wind assessment shall be submitted to and approved in writing by the Local Planning Authority. Any necessary mitigation measures considered necessary by the wind assessment shall be incorporated into the design of the scheme and constructed prior to occupation. Any necessary mitigation measures shall be retained as such thereafter.

In the interests of the safety of pedestrians, cyclists and vehicles, in accordance with Leeds UDPR policy GP5, Core Strategy Policy T2 and the NPPF.



# CITY PLANS PANEL

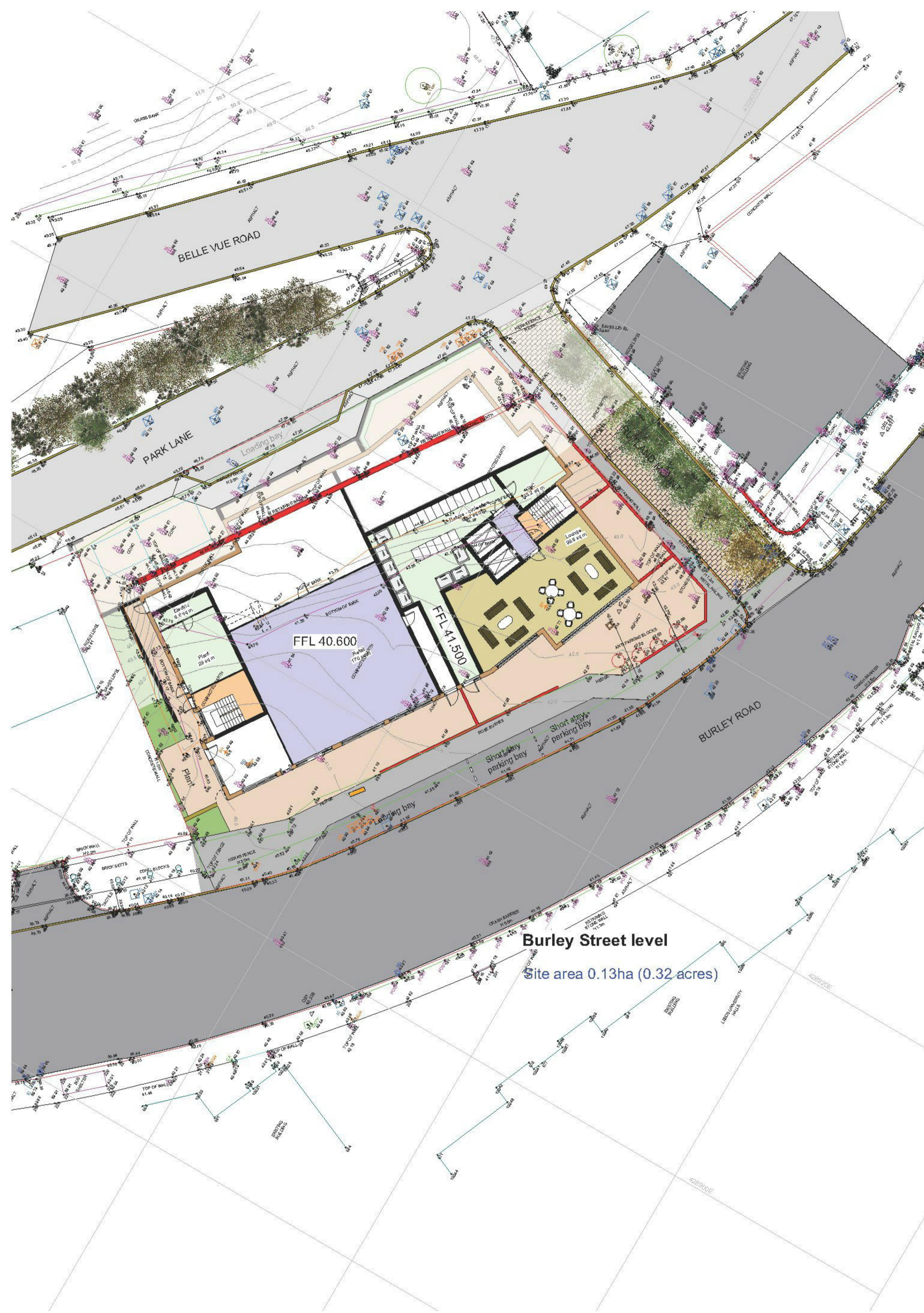
© Crown copyright and database rights 2016 Ordnance Survey 100019567

PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/1500



Revisions  
 N 12/11/15 CS Line of previous application shown.  
 O 23/10/15 CS Stair revised.  
 P 17/11/15 CS Revised to suit Co-op  
 Q 19/4/16 CS Paving on south west corner revised.  
 R 26/5/16 CS Retail layout revised.



project  
**Burley Street**

drawing title  
**Site layout**

drawing number  
**3173-P(1)001 R**

scale drawn/Checked date  
 1:200@A1 CS / CS 20/06/2012

**West + Machell**  
 architects

1 Northwest Business Park Servia hill Leeds LS6 2QH  
 Tel: 0113 2461746 Fax: 0113 2343290  
 email: architects@westandmachell.co.uk  
 www.westandmachell.co.uk