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## Report of the Chief Planning Officer

### PLANS PANEL CITY CENTRE

Date: 22nd DECEMBER 2011

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

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

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#### Electoral Wards Affected:

City and Hunslet

No Ward Members consulted

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

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### RECOMMENDATION:

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

#### Conditions

- 1 3 Year Time Limit
- 2 Notification of Commencement
- 3 Development to be in accordance with approved plans.
- 4 Protection of existing trees to BS5837 in accordance with submitted details.
- 5 Details of contractor's storage and parking.

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

### **Reasons for approval:**

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

## **1.0 INTRODUCTION**

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

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

## **2.0 SITE AND SURROUNDINGS**

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

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

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

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

## **3.0 PROPOSALS**

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

### **3.2 Buildings**

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

would be reclad in two horizontal bands of rainscreen cladding. The upper band would have a light grey finish to contrast with a dark grey/black band below. The top band would incorporate narrow horizontal strips of white LED feature lighting.

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

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

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

### 3.3 Public realm and lighting

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

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

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

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

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

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

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

#### 3.4 Transport

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

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

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

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

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

## **4.0 PLANNING HISTORY**

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

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

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

## 5.0 CONSULTATIONS

### 5.1 Statutory

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

### 5.2 Non statutory

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

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

LCC Access (4.10.11) No objection.

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

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

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

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

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

Yorkshire Water (1.12.11) Conditions regarding drainage details recommended.

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

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

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

## **6.0 PUBLIC/LOCAL RESPONSE**

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

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

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

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

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

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



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

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

## **7.0 POLICY**

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

### **7.2 Regional Spatial Strategy**

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

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

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

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

- 7.2.2 Other relevant UDPR policies include:

- SA1 Protect and enhance the quality of the environment.
- SA2 Encourage development in locations that reduce the need for travel.
- SA7 Promotes the physical and economic regeneration of urban land and buildings.
- SA8 Ensure that all the community have safe and easy access to facilities.
- SA9 Promotes the development of the city centre.
  
- GP5 Detailed planning considerations to be resolved
- GP7 Planning obligations
- GP11 Development must meet sustainable design principles
  
- N12 Priorities for urban design
  - i Development should create a series of linked and varied spaces defined by buildings and landscape elements
  - ii New buildings should be of good design
  - iii Developments should respect the character and scale of buildings and the routes that connect them.

- iv Movement on foot and bicycle should be encouraged.
- v Developments should assist people to find their way around.
- vii Design and facilities should reflect the needs of those with restricted mobility.
- viii Visual interest should be encouraged.
- ix Development should be designed to reduce the risk of crime.
- N13 All new buildings should be designed to a high quality and have regard to the surroundings. Contemporary design will be welcomed.
- N23 Space around new development should provide a visually attractive setting. Existing features which make a positive contribution should be retained.
- N25 Boundaries of sites and paving materials.
  
- T2 New development to be adequately served by highways and not to materially add to problems of safety, environment or efficiency on the highway network; be capable of being adequately served by public transport; to make adequate provision for cycling
- T2D Developer contributions where public transport accessibility would otherwise be unacceptable.
- T5 Satisfactory safe and secure access for pedestrians and cyclists.
- T6 Provision for people with mobility problems.
- T7A, T7B, T24 Cycle parking, motorcycle parking requirements and car parking guidelines.
  
- R5 Opportunities will be sought to secure appropriate employment and training associated with construction and operation of the development.
  
- A4 Design of safe and secure environments, including consideration of access arrangements, public space, servicing and maintenance, materials and lighting.

### 7.2.3 UDPR Appendices

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

## 7.3 Supplementary Planning Guidance, other guidance and emerging policy

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

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

### 7.3.2 Travel Plan SPD (draft August 2011)

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

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

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

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

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

#### 7.4 National Policy

##### 7.4.1 PPS1 Delivering Sustainable Development (January 2005)

Planning should facilitate and promote sustainable patterns of development.

##### 7.4.2 PPS4 Planning for Sustainable Economic Growth (December 2009)

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

##### 7.4.3 PPG13 Transport (March 2001)

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

## 8.0 KEY ISSUES

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

## 9.0 APPRAISAL

### 9.1 Principle of development

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

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

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

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

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

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

## 9.2 Building and landscape design

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

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

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

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

## 9.3 Transport

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

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

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

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

#### 9.4 Wind

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

#### 9.5 Sustainability

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

#### 9.6 Section 106

9.6.1 The Section 106 agreement will include the following:

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

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

## 9.7 Conclusion

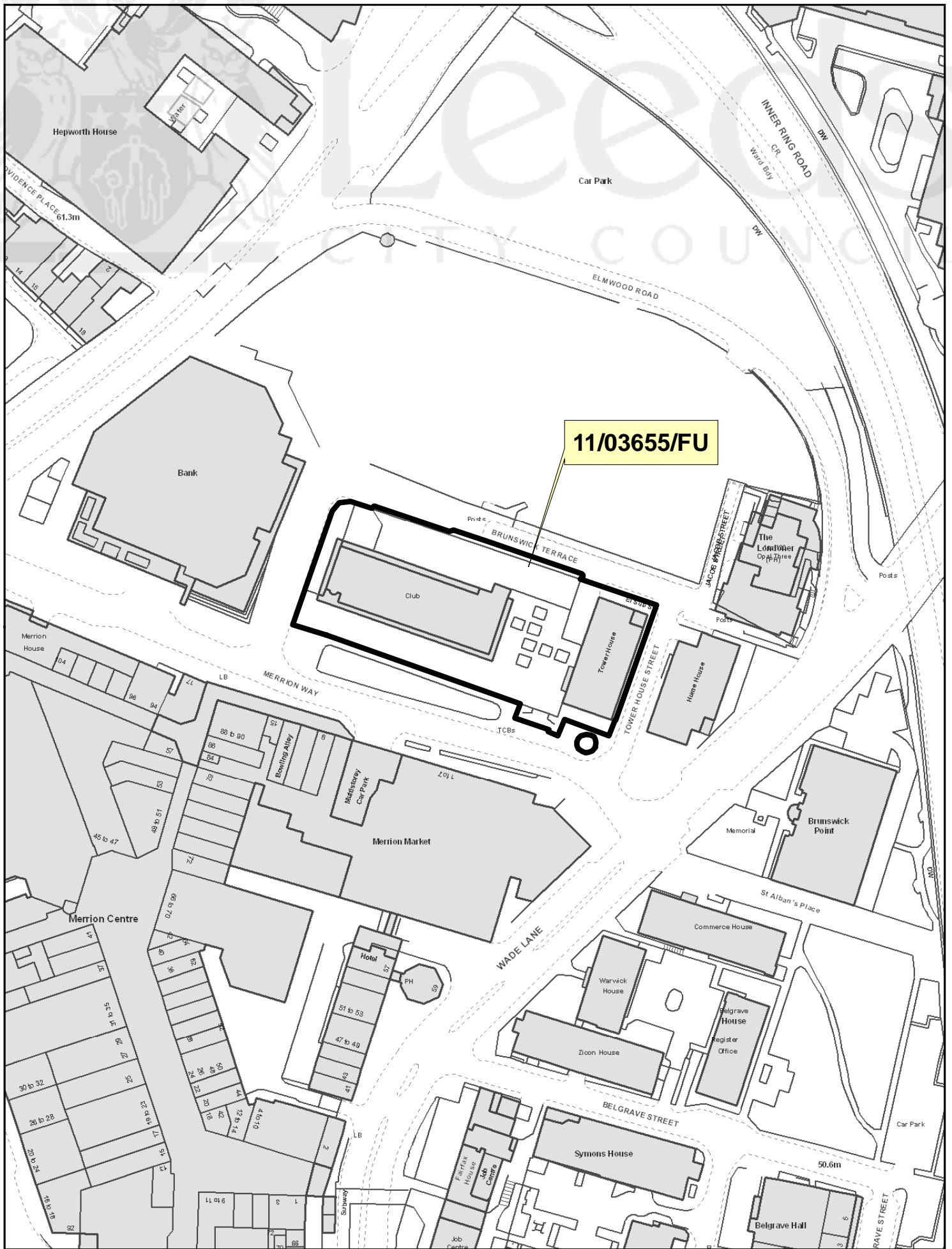
9.7.1 The existing environment surrounding the site is largely low quality. When approving the arena development on the northern fringe of the city centre it was envisaged that it would act as a catalyst for investment and regeneration of the area. In particular, it was expected that the arena would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

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

### **Background Papers:**

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

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# CITY CENTRE PLANS PANEL