



Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 8 July 2021

Subject: Planning Application 21/02996/FU has been submitted for the redevelopment of the existing buildings, to include a rooftop extension and the conversion of upper floors to student residential use with a ground floor reception entrance, at the former Debenhams, 115 - 125 Briggate, Leeds, LS1 6LX

Listed Building Consent Application 21/02845/LI has been submitted for redevelopment of the existing buildings, to include a rooftop extension and the conversion of upper floors to student residential use with a ground floor reception entrance, at the former Debenhams, 115 - 125 Briggate, Leeds, LS1 6LX

APPLICANT - St James Place UK Plc C/O Orchard Street Investment Management

DATE VALID
7 April 2021

TARGET DATE
8 July 2021 (as extended)

Electoral Wards Affected:

Little London & Woodhouse

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Defer and Delegate application 21/02996/FU to the Chief Planning Officer for approval, subject to the conditions at Appendix 1 (and any amendment to or addition of others which the Chief Planning Officer considers appropriate) and subject to the completion of a Section 106 agreement to secure the following:

1. Employment and training of local people
2. Occupation of the residential units by students only
3. A management fee

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

Defer and Delegate application 21/02845/LI to the Chief Planning Officer for approval, subject to the conditions at Appendix 1.

Conditions

A list of draft Conditions is provided in the Appendix to this report.

1.0 INTRODUCTION:

- 1.1 The proposal is brought to City Plans Panel for a development that involves a significant investment in a brownfield site of important heritage assets which are located at key site within the City Centre. This report is a joint report that addresses both the Listed Building Consent and the Planning Applications.

2.0 PROPOSAL:

- 2.1 The proposals seek to create basement, ground and first floor E Use Class commercial uses and student accommodation to the second and third upper floors and in a new two storey roof extension (which will replace the existing roof extension). The commercial units would have floor areas totalling some 1052m² for the basement unit (Unit B), 1255m² for the ground floor and 1418m² for the first floor.
- 2.2 The scheme includes a two storey stepped roof extension which will replace the building's existing 1990s roof extension. This will house the student accommodation alongside the second and third floors of the host building, The student accommodation would be in the form of 124 bedspaces in 107 dwellings, with these being 90 studio flats (ranging from 20 to 36m²) and 17 double sized-duel occupancy studios, termed as "Twodios" (ranging from 32 to 50m²).
- 2.3 Four student's communal spaces are proposed. A new courtyard wellness garden would be created in the centre of the department store from the second floor up. This would be approximately 240m² in size. A further external communal space of some 130m² is proposed to the roof area. Internally three communal spaces are proposed, with these being a communal lounge of some 292m² and a study room of some 18m² as well as a sky lounge on level 5, of some 74m². This gives a total of some 754 m² for communal space for the student residents to use (both internal and external).

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is located within the defined City Centre and is a block containing a large department store consisting of two separate buildings no 115 -120 a Grade II listed building and 121 Briggate a 1930s building, a street fronting café at 7-9 Kirkgate and a hairdressers to 7 Fish Street. The buildings have been altered in the past, by merging internally to create one large department store. The grade II listed building 115-120 Briggate is a 3 storey red brick and terracotta building with ornate corner 'towers'. 121 Briggate is an Art Deco Style 1930s Portland Stone Building with a polished granite shop front at ground floor level. The department store is located in the City Centre Conservation Area, Primary Shopping Area and upon a Primary Shopping Frontage as defined by the Site Allocations Plan.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Planning application 20/84/97/FU approved for an extension to fourth floor restaurant area of department store at 121 Briggate, 7 Kirkgate, King Edward Street and Fish Street, on 10 June 1997.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The proposals have been the subject of pre-application discussions between the Developer, their Architects, and Local Authority Officers since July 2020. These discussions have focused on the proposed uses, the design and massing of the new extension, heritage matters including the relationships to the host heritage building, nearby heritage and non-heritage buildings, key views, sustainability and opportunities for landscaping in the external communal spaces.
- 5.2 The preapplication scheme was presented to Members at the City Plans Panel of the 11 March 2021. Members made the following comments;
- Members were generally supportive of the proposals.
 - Further design details were required in particular for the proposed window treatment to the upper two floors and the proposal to match the ziggurat window detailing below.
 - More details were required around the communal facilities and the quality of the living space.
 - Careful consideration needs to be given to the internal layout for both buildings (The relationship with the listed building and the new build element).
 - Could the development be “future proofed” to accommodate other uses, should the demand for residential use, be not required in future.
 - Members were of the view that some “quality retail” at ground floor level be retained.
 - Consider the use of internal bins stores and how that is managed

In offering comments on the officers’ questions in the report.

- Members were supportive in principle to the proposed use of the site for student accommodation to the upper floors and Use Class E commercial uses to the ground and first floors, with the resulting loss of potential retail space.
- Subject to the submission of further details, Members considered the living conditions within the student accommodation to be acceptable.
- Subject to further design considerations for the top two floors, Members were generally supportive of the emerging design principles.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 One letter of objection received on 28 May 2021 stating they have concerns as follows:
- That the cultural impact of another student scheme on the city centre has not been considered.
 - That there are more student rooms than students now in the city.
 - That the city centre could become a ghost town out of term time as a result of the numbers of student schemes.
 - that city centre student schemes will not resolve the issues that there are with Houses in Multiple Occupancy (HMOs) in the Hyde Park and Headingley areas as they are priced much higher than these HMOs.
- Responses: These matters are addressed in the appraisal below.

7.0 CONSULTATIONS RESPONSES

- 7.1 **Historic England** state that they have no comments to offer at this time and suggest that the views of the Local Planning Authority’s specialist conservation adviser are sought.
- Response: the Conservation Officer has been part of the discussions on the proposals since the initiation of the preapplication enquiry for the scheme.

- 7.2 **Coal Authority** state that as the site falls into their exemptions list, their standing advice applies.
Response; This standing advice will be provided to the Applicant via an Informative.
- 7.3 **Flood Risk Management** state that applicant should consult Yorkshire Water to confirm that the existing foul sewer network has sufficient capacity to accept the additional foul flows.
- 7.4 **Yorkshire Water** state that based on information submitted (buildings existing drainage system will still be used), no observation comments are required from them.
- 7.5 **Highways** state that Conditions to cover cycle parking, the provision for contractors during demolition and construction phases. In addition, whilst a Student Move-In and Move-Out Procedure Management Plan has been submitted they information on it is not complete and further details are required of car parking space availability and reservation arrangements for students in the nearby NCP and Crown Street carparks. Highways have agreed that this detail can come forward under a Planning Condition.
Response: Such Planning Conditions will be applied
- 7.6 **Influencing Travel Behaviour Team** state that the scheme is below the threshold for requiring a Travel Plan.
- 7.7 **Cycling Officer** has not provided formal comments, however cycle parking has been considered by the Highways Officer and is subject to a Planning Condition.
- 7.8 **Environmental Studies – Transport Strategy** state that the noise mapping indicates that transportation noise should not be an issue at this site, commercial noise will need to be taken into account and a noise report should be submitted relating to this, with recommendations as appropriate, relating to glazing and ventilation specifications.
Response: Due to the fact the commercial end users are unknown and different noise issues could arise dependent on the nature of the commercial uses, this will be subject to Planning Conditions.
- 7.9 **Flood Risk Management** state that site is located within Flood Zone 1 and there have been no records of any recent flooding within the property or adjacent areas. An initial review has also identified that there are no other known flood risk which require mitigation and would impact on the proposed development. Any internal building drainage modifications will be dealt with by the Building Inspector to ensure any drainage works comply with Part H of the Building Regulations. However, due to the increase in foul flows it is recommended that the applicant submits a pre - development enquiry to Yorkshire Water to confirm that the existing foul sewer network has sufficient capacity to accept the additional foul flows.
Response; Yorkshire Water have been consulted and have stated that they have no observations to make.
- 7.10 **West Yorkshire Police** has provided guidance for Secured by Design.
Response; the details will be incorporated into an Informative.
- 7.11 **Nature Conservation** have made no comments.
- 7.12 **The Ancient Monuments Society** have made no comments.

- 7.13 **Leeds Civic Trust** state that they have no objection to the principle of conversion but make the following points;
1. That it is critical that a high quality retail offer is retained on the lower floors so as to maintain Briggate as Leeds' principal shopping street.
 2. The size of the studios is small and no clusters are proposed.
 3. That the scheme has two internal communal areas but one only seems to be accessible by lift, so is unlikely to be well-used.
 4. That the central "garden" and roof terrace provide some outdoor space, but the the former will only get a little sun at the height of summer and therefore the walls should be designed and finished in such a way as to reflect as much light as possible to the lower levels
 5. That they have concerns about the design of the extension and that it is important that its form and design complements and enhances the original, but that they feel that the overall form does not relate well to the building below it.

Responses; In respect of Points 2, 3, 4 and 5 these will be addressed in the appraisal below.

With regard to Point 1 the recent changes to the Use Class Order introducing Classes E and F means it is more challenging for Local Authority's to control the levels of retail presence on city centre streets. It is also not possible for the Planning system to prescribe the type of retailer that would take the unit/s. However, the Applicant has stated that it is their intention to secure high quality commercial tenants for the basement, ground and first floors of the building and that discussions with relevant parties are ongoing in this regard.

- 7.14 **Access Officer** states that accessible rooms are required to accord with Core Strategy Policy H10 and Part M of the Building Regulations.

Response: the details of the fit out of these will come forward under a Planning Condition.

- 7.15 **Landscape** state that the landscape proposals are acceptable in principle subject to full details being provided. If tree planting is found to be possible, then accordance with Leeds City Council guidance on tree planting and soil volumes are required. In addition, a tree survey of the existing trees on Kirkgate is also required, to ensure they are considered as part of the construction programme.

Response; these matters will be addressed via Planning Conditions.

8.0 **RELEVANT PLANNING POLICIES:**

- 8.1 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.

- 8.2 For the purposes of this site the Development Plan for Leeds currently comprises the following documents:

1. Core Strategy 2014 (as amended by the Core Strategy Selective Review 2019)
2. Saved Leeds Unitary Development Plan Policies (Reviewed 2006), included as Appendix 1 of the Core Strategy
3. The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013) including revised policies Minerals 13 and 14 (Adopted September 2015).
4. Leeds Site Allocation Plan 2019

- 8.3 Core Strategy

- 8.4 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. Relevant Core Strategy policies will include those outlined below.
- 8.5 Spatial Policy 1: Location of Development states that;
(i) The majority of new development should be concentrated within urban areas taking advantage of existing services, high levels of accessibility and priorities for urban regeneration and an appropriate balance of brownfield and greenfield land.
(ii) Redevelopment of previously developed land is to be prioritized in a way that respects and enhances the local character and identity of places and neighbourhoods
- 8.6 Spatial Policy 3: Role of Leeds City Centre states that the importance of the City Centre as an economic driver for the District and City Region will be maintained and enhanced by:
(iv) Comprehensively planning the redevelopment and re-use of vacant and under-used sites and buildings for mixed use development and new areas of public space
- 8.7 Policy CC1: City Centre Development outlines the planned growth within the City Centre. Part B states that residential development is to be encouraged providing that it does not prejudice town centre functions and provides a reasonable level of amenity for occupiers;
(iii) 10,200 dwellings.
b) Encouraging residential development including new buildings and changes of use of existing providing that it does not prejudice the town centre functions of the City Centre and that it provides a reasonable level of amenity for occupiers.
- 8.8 Policy EN1: Climate Change – Carbon Dioxide Reduction states that all developments of over 1,000 square metres of floorspace, (including conversion where feasible) whether new-build or conversion, will be required to:
(i) Reduce total predicted carbon dioxide emissions to achieve 20% less than the Building Regulations Target Emission Rate and,
(ii) Provide a minimum of 10% of the predicted energy needs of the development from low carbon energy.
- 8.9 Policy EN2: Sustainable Design and Construction states that to require developments of 1,000 or more square metres or 10 or more dwellings (including conversion) where feasible) to meet at least the standard set by BREEAM or Code for Sustainable Homes as shown in the table below. A post construction review certificate will be required prior to occupation.
- 8.10 Policy EN4: Where technically viable, appropriate for the development, and in areas with sufficient existing or potential heat density, developments of 1,000 sqm or more or 10 dwellings or more (including conversions where feasible) should propose heating systems
- 8.11 Policy H6: Houses in multiple occupation (HMOs), student accommodation and flat conversions states:
B) Development proposals for purpose built student accommodation will be controlled:
(i) To help extend the supply of student accommodation taking pressure off the need for private housing to be used,
(ii) To avoid the loss of existing housing suitable for family occupation,

- (iii) 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,
- (iv) To avoid locations which are not easily accessible to the universities by foot or public transport or which would generate excessive footfall through residential areas which may lead to detrimental impacts on residential amenity,
- (v) The proposed accommodation provides satisfactory internal living accommodation in terms of daylight, outlook and juxtaposition of living rooms and bedrooms.

- 8.12 Policy H10 Accessible Housing Standards states:
New build residential developments should include the following proportions of accessible dwellings:
- 30% of dwellings meet the requirements of M4(2) 'accessible and adaptable dwellings' of Part M Volume 1 of the Building Regulations.
 - 2% dwellings meet the requirement of M4 (3) 'wheelchair user dwellings', of Part M Volume 1 of the Building Regulations.
- 8.13 Policy P10: Design states that:
New development for buildings and spaces, and alterations to existing, should be based on a thorough contextual analysis to provide good design appropriate to its scale and function.
New development will be expected to deliver high quality innovative design that has evolved, where appropriate, through community consultation and which respects and enhances the variety of existing landscapes, streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place, contributing positively towards place making and quality of life and be accessible to all.
- 8.14 Policy P11: Conservation states that development proposals will be expected to demonstrate a full understanding of historic assets affected. Heritage statements assessing the significance of assets, the impact of proposals and mitigation measures will be required to be submitted by developers to accompany development proposals.
- 8.15 Policy P12: Landscape states that;
The character, quality and biodiversity of Leeds' townscapes and landscapes, including their historical and cultural significance, will be conserved and enhanced to protect their distinctiveness through stewardship and the planning process
- 8.16 Policy T1: Transport Management Policy
States that support will be given to the following management priorities:
(i) Develop and provide tailored, interactive, readily available information and support that encourages and incentivises more sustainable travel choices on a regular basis.
(ii) Sustainable travel proposals including travel planning measures for employers.
c) To support wider transport strategy objectives for sustainable travel and to minimise congestion during peak periods.
- 8.17 Policy T2: Accessibility Requirements and New Development states that new development should be located in accessible locations that are adequately served by existing or programmed highways, by public transport and with safe and secure access for pedestrians, cyclists and people with impaired mobility.
- 8.18 Leeds Unitary Development Plan Review Retained Policies

Policy GP5 (All planning considerations)
Policy BD4 (Mechanical plant and servicing for new developments)
Policy BD5 (Residential amenity)
Policy CC2 (City Centre boundary)
Policy N15 (Changes of use of listed buildings)
Policy N16 (Extensions to listed buildings)
Policy N17 (All listed buildings)

- 8.19 Leeds Natural Resources and Waste DPD 2013 including revised policies Minerals 13 and 14 (Adopted September 2015).
- 8.20 The Natural Resources and Waste Local Plan was adopted by Leeds City Council on 16th 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 trees, 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. Relevant policies include:
Air 1: Management of air quality through new development
Water 1: Water efficiency
Water 7: Surface water run-off and SUDS
Land 1: Contaminated land
- 8.21 National Planning Policy Framework (NPPF)
- 8.22 The National Planning Policy Framework (NPPF) was revised and adopted in February 2019 and sets out the Government's planning policies for England and how these should be applied.
- 8.23 Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development.
- 8.24 Paragraph 110 of the NPPF states that priority should be given to pedestrian and cycle movements; the needs of people with disabilities and reduced mobility addressed; creation of safe, secure and attractive spaces; allow for the efficient delivery of goods; and be designed to enable use by sustainable vehicles.
- 8.25 Paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process
- 8.26 The NPPF clearly identifies the importance of well-designed places and the need for a consistent and high quality standard of design. Paragraph 127 states that decisions should ensure that developments:
a) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 8.27 Chapter 14 identifies the approach to meeting the climate change challenge. New development should avoid increased vulnerability to the range of impacts arising from climate change and should be planned so as to help reduce greenhouse gas emissions, such as through its location, orientation and design (paragraph 150).
- 8.28 Chapter 16 of the NPPF refers to the historic environment. Paragraph 192 of the NPPF states that in determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. Considering potential impacts
- 8.29 Paragraph 192 of the NPPF states that in determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. Considering potential impacts
- 8.30 Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 8.31 Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 8.32 Supplementary Planning Documents
- 8.33 Building for Tomorrow Today: Sustainable Design and Construction Supplementary Planning Document (August 2011).
- 8.34 Travel Plans Supplementary Planning Document (February 2015)
- 8.35 Accessible Leeds Supplementary Planning Document (November 2016)
- 8.36 The Site Allocations Plan

8.37 The Site Allocations Plan was adopted in July 2019. Following a statutory challenge, Policy HG2, so far as it relates to sites which immediately before the adoption of the SAP were within the green belt, has been remitted to the Secretary of State and is to be treated as not adopted. All other policies within the SAP remain adopted and should be afforded full weight.

8.38 The Site Allocations Plan (SAP) states that Leeds City Centre is the main retail and service centre for the city, The site is located within the designated City Centre and has designated Primary Shopping Frontages to its Briggate, Kirkgate and King Edward Street sides and a Secondary Frontage to its Fish Street side.

Relevant policies are:

Policy RTC1 Designation of centre boundaries, shopping areas and protected shopping frontages.

Policy RTC2 Protected shopping frontages within the city centre.

Policy RTC4 Shopfronts to maintain ground floor window display, maintain or enhance general appearance of shopping frontages and maintain or establish access to upper floors.

8.39 Other Legislation

8.40 Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 (the "Listed Building Act 1990") reads:

"In considering whether to grant planning permission... for a development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"

9.0 MAIN ISSUES

1. Principle of the proposed demolitions and the proposed mix of uses
2. Residential Amenity
3. The impact on the character and visual amenity of the host site and surrounding area
4. Landscape Proposals
5. Sustainable Transport and Travel Planning
6. Climate Change and Sustainability Measures
7. Access & Inclusion
8. Section 106 Legal Agreement

10.0 APPRAISAL

10.1 Principle of the proposed demolitions and the proposed mix of uses

10.2 The proposal is for student accommodation to the upper floors of the existing part listed building and to the new roof extension, at a site within the designated City Centre. Commercial space is proposed at basement, ground and first floor. The Applicant states that the proposals bring the following public benefits:

- . The scheme enable all of the floorspace of this important heritage building to be re-purposed and re-used in a highly sustainable manner
- The scheme would preserves the setting of the Listed Building and City Centre Conservation Area
- The scheme maintains active commercial uses at street level;
- The scheme meets an identified need for new residential uses in the heart of the City Centre
- The scheme is to be of a very high standard of physical design.

- 10.3 Policy CC1 of the Core Strategy supports the creation of residential dwellings in the City Centre on the proviso that they provide sufficient amenity for occupiers and do not prejudice the other functions of the City Centre.
- 10.4 Further to this, Core Strategy H6B addresses the specific requirements of student housing proposals. It has been established that there are approximately 38,000 university students in the city presently without access to purpose-built student accommodation suggesting that additional provision of such accommodation is unlikely to result in an over-supply of purpose-built student accommodation in the near future. Leeds Core Strategy paragraph 5.2.26 states that growth in new purpose built student accommodation is to be welcomed in order to meet need and to deflect pressure away from private rented houses in areas of over-concentration.

10.5 An objection received cites concerns that city centre student schemes will not resolve the issues that there are with Houses in Multiple Occupancy (HMOs) in the Hyde Park and Headingley areas. Policy H6 acknowledges that HMOs are a popular part of the housing market and it is recognised that this will remain a preference for some student. Policy H6 also aims to ensure diversity of accommodation is achieved and that loss of amenity to long term residents as well as wider concerns about the loss of housing suitable for families are a consideration. Purpose built student housing is one of the housing options that can be considered in the policy aims to ensure mixed communities are achieved. To directly address issues with HMOs Policy H6 also sets out guidelines for the introduction of any new HMOs and an Article 4 Direction has been set in place over areas where HMOs are clustered including Hyde Park and Headingley, which removes any permitted development rights in those areas, allowing greater control over the quality of said HMOs. In addition, standards are also being established in a draft Houses in Multiple Occupation, Purpose-Built Student Accommodation and Co-Living Amenity Standards Supplementary Planning Document.

10.6 The proposal is therefore considered against the criteria set out below within the adopted policy H6B (identified in italics):

(i) To help extend the supply of student accommodation taking pressure off the need for private housing to be used.

The provision of 124 student bedspaces (in 107 dwelling units) would help to reduce the need to use private housing for student accommodation.

(ii) To avoid the loss of existing housing suitable for family accommodation.

The existing building on the site was last used as a department store and its conversion would result in it being used for the provision of student accommodation only. The development would therefore not involve any loss of existing housing and would avoid the loss of residential family accommodation.

(iv) To avoid locations which are not easily accessible to the universities.

The site is within the City Centre and is well-placed with regard to access to Leeds Beckett University, the Leeds University of Arts and the University of Leeds.

10.7 Criteria (iii) and (v) of policy H6B are considered in the Amenity section below.

- 10.8 The existing buildings comprise predominantly retail space, being a department store (with ancillary café), a cat café (to Kirkgate) and a hairdressers (to Fish Street). Core Strategy Policy CC1 encourages residential development including changes of use of existing buildings, providing the proposals do not prejudice the town centre functions of the City Centre. The site has Primary and Secondary Shopping Frontages designated in the Site Allocation Plan and is within the designated City Centre.
- 10.9 Recent changes to the Use Class Order has introduced a new E Use Class. The new Class E replaces previous use Classes A1/2/3, B1, D1 (a-b) and the 'indoor sport' use from class D2 (e).
- 10.10 Class E covers retail sale of goods, other than hot food, the sale of food and drink for consumption (mostly) on the premises, financial services, professional services (other than health or medical services), other appropriate services in a commercial, business or service locality, indoor sport, recreation or fitness (not involving motorised vehicles or firearms), medical or health services (except the use of premises attached to the residence of the consultant or practitioner), crèches, day nurseries or day centres, offices, research and development of products or processes and Industrial processes.
- 10.11 It is proposed to place commercial uses at basement, ground and first floor levels and these would be the types of Use Class E uses that would allow the building to retain a ground floor commercial presence in these principle shopping streets and allow the building to retain active, vibrant frontages.
- 10.12 Leeds Civic Trust state a high quality retail offer must be retained on the lower floors. Although the potential loss of class A1 uses from the ground floor of the site would be contrary to the Council's adopted shopping frontage and retail policies for this area, recent changes to planning legislation means that the established existing retail uses at the site could change to other uses falling within class E (including non-retail uses) without the need for planning permission and in principle are acceptable in law. Therefore this is a material planning consideration. However the need for planning permission and listed building consent for the overall changes proposed to the site provides an opportunity for the Local Planning Authority to control the nature of the uses that are likely to come forward within the proposed class E so that active and vibrant ground floor frontages can still be retained within the primary shopping area of Leeds City Centre. In addition, Planning Conditions are applied to this current proposals to state that a change of use would be required for any use involving research and development of products or processes and Industrial processes, or areas or places for indoor sport or recreation, other than a gym (not involving motorised vehicles or firearms) and for a design code for shopfronts and signage, to ensure a consistent approach to their design is adopted.
- 10.13 Residential Amenity
- 10.14 Criteria (iii) of Core Strategy policy H6B aims to avoid excessive concentrations of student accommodation which would undermine the balance and wellbeing of communities. An objection has been received raising concern that there are more student rooms than students now in the city, that the cultural impact of another student scheme on the city centre has not been considered and that the city centre could become a ghost town out of term time as a result of the numbers of student schemes.
- 1015 In response the city centre more generally has seen a significant increase in student

residential use in recent years including the emergence of a student residential cluster centred around the Merrion Centre, Millennium Square and the Leeds Arena to the north of the city centre. This area has seen the provision of a total of 2113 student bedspaces in the past 24 months with a further 1,720 bedspaces under construction or with planning permission. However given that there are estimated to be approximately 38,000 students without access to purpose built accommodation then this recent activity would not result in an oversupply of purpose built student accommodation in the near future.

- 10.16 With the long established city centre locations of a number of the main further education uses and the estimated 65,000 student places that they cater for, the presence of students and associated student activity and uses form part of the existing mixed use character and culture of the city centre and its economy. It is considered that the proposals would add not detract from this cultural mix within the city centre.
- 10.17 Briggate forms the heart of Leeds' pedestrianised city centre with a focus on retail uses anchored by the Trinity and Victoria Gate shopping centres and ancillary supporting leisure and food and drink uses. There is some limited presence of residential uses mainly on upper floors within Briggate and adjoining streets and as stated above the area to the north of the Headrow has seen a number of recent proposals for student accommodation. However the overall city centre character is still one of a mixture of office, retail, leisure, as well as residential uses. It is therefore not considered that existing businesses and local residents would be adversely affected by student accommodation in the proposed location given the area's busy mixed use nature and the manner in which purpose-built student accommodation is managed. It is more likely that the students would help to support existing businesses within the City Centre. Whilst the site may be somewhat quieter during out of terms times, it is at the heart of the retail and commercial core parts of the city centre and lower floor commercial uses are proposed. As such, this area is likely to remain busy with shoppers and workers during both term and non-term times. Further, the development's proximity and geographical orientation to the main university campuses is such that more established, residential communities on the edges of the city centre would not be adversely affected by the development.
- 10.18 Criteria (v) of policy H6B requires that the proposed accommodation provides satisfactory internal living accommodation in terms of daylight, outlook and juxtaposition of living rooms and bedrooms.
- 10.19 Leeds Civic Trust have expressed concerns that there are no clusters and that the studios are in their view small. Although Policy H9 in the Core Strategy expressly excludes purpose built student accommodation from the space standard, a footnote states that "Provision of reasonable space standards is still important for student accommodation, and this will need to be judged on a case by case basis, and via the application of any national standards that might be created in the future". There are no national space standards for purpose built student accommodation and there is no policy requirement to provide a mix of studios and clusters and each schemes provision is considered on its own merits.
- 10.20 Core Strategy Policy P10 and Saved UDPR Policies BD5 and GP5 provide more general requirements that development should contribute positively towards quality of life and provide a reasonable level of amenity and useable space. 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,

daylighting, outlook, privacy and external amenity space.

10.21 Officers and Members have visited several student housing schemes to review the level of amenity provided for occupiers. These include Fresh Student Living at Darley Bank in Derby (April 2014) where the studio was 22m²; Downing's Cityside, Calverley Street, Leeds (May 2016) where the student showflat was also 22m²; Vita Student's Telephone House, Sheffield (September 2016) where the average studio size was 20m²; and in March 2018 Unite's development at Angel Lane, Stratford where Members viewed a 10 bedroom cluster flat where the cluster bedrooms of 11m² were supported by 23m² kitchen/living spaces, together with other internal and external amenity space located around the building. Most recently, Members visited the Vita St Alban's Place development in October 2019. Members viewed the communal facilities located at the lower levels of the building and two student studios, the smallest of which had a floor area of 20m².

10.22 City Plans Panel has previously approved the following student accommodation developments:

- Planning permission for Vita's scheme at St Alban's Place, in which the smallest studios would be just over 20m² (78% of the total provision), was granted April 2017 (16/07741/FU). In approving the scheme it was recognised that the size of the majority of the studios would be restricted, providing little or no opportunity for socialising. However, each studio was found to benefit from a good outlook, natural daylighting and a suitable noise environment. In order to provide acceptable levels of amenity and communal living the studios are supplemented by managed areas of dedicated communal facilities at the two lowest levels of the building.

- In December 2017, City Plans Panel approved the redevelopment of Symons House, Belgrave Street by LSSH where the proposed smallest studio would be 21.3m². 2 to 5 bedroom clusters in that development would have 14m² bedrooms with kitchen/living spaces increasing in size from 21-43m², all supported by areas of dedicated amenity space.

- During summer 2018 City Plans Panel approved the Unite and Hume House proposals on Merrion Way. The Unite scheme comprised 4, 5 and 7 bedroom clusters with 23-40m² kitchen/amenity space, and 30m² studios. Hume House comprised a similar mixture of studios (22m²) and 4, 5 and 6 bedroom clusters with 21-35m² kitchen/amenity space, the area depending upon the size of the cluster.

In each of these purpose-built student schemes the dedicated additional amenity spaces within the building were considered critical in providing overall acceptable levels of amenity for the occupiers of the development.

10.23 The format of the proposed scheme is 90 units of the accommodation are to be studio flats ranging from 20 to 36m² and 17 units are to be dual occupancy, double sized (twodios), ranging from 32 to 50m². Leeds Civic Trust have questioned why only studios and not a mix of these with clusters is proposed. The Applicant has stated that this is the case because there are a number of constraints associated with converting the existing building, which limit the internal configuration. This is why there is variance in the size of the studio rooms and the irregular arrangement over the levels. The Applicant states they did consider cluster configuration, but concluded that a studio scheme provided the best design and commercial solution. The studios would either have light from the existing large windows, or light from new large scaled windows.

- 10.24 Leeds Civic Trust have stated a concern that whilst the scheme has two internal communal areas, only one seems to be accessible by lift. Five separate communal spaces amounting to total of 754m² are to be provided, three of which are internal and two of which are external. The Applicant states that all of the internal communal spaces are accessible by both lift and stairs. In addition they advise that it is their intention to provide very a high quality in all of the amenity spaces and that each of these spaces will have its own identity, meaning that occupants will have spaces for relaxation, study, socialising etc., whilst also retaining some amount of private space within their rooms. Officers consider that the size of the proposed accommodation and ancillary communal spaces is compatible with other recent student developments proposals that have been granted planning permission and that provided the communal space is of a suitable quality and variety to accommodate the needs of all of the student residents, then criteria (v) of policy H6B is met.
- 10.25 Due to the proximity of a number of trafficked servicing routes and leisure uses a noise assessment will be required when the nature of the E Use Class commercial uses are known. As such this matter will be subject to a Planning Condition.
- 10.26 The impact on the character and visual amenity of the host site and surrounding area
- 10.27 As identified above, the proposals seek to alter and add to the part listed building. This requires the removal of some existing internal walls and sections of floor slab at the centre of the department store and the addition a new roof top extension and internal partitioning.
- 10.28 The existing department store building has a very broad footprint. The Applicant proposes to cut out a section from the second floor upwards at the centre of the building, to create a new communal courtyard space for the occupants. This new courtyard would house a wellness garden, as part of the overall communal space provision for the student residents. Leeds Civic Trust have stated concerns that there may be poor light levels in this space. It is proposed that the walls would be treated with a white render finish, to reflect and maximise light in the courtyard. Some dwellings would also overlook the courtyard and as such large full height glazed V-bay (to maximise light levels) windows would also be proposed to its elevations.
- 10.29 Part of the department store building is Grade II listed and the remainder is considered to be a non-designated heritage asset. However, the interior of the building has been much altered over the decades it has been a department store, with any internal fabric of historic and architectural importance having already been lost. The spaces where the internal walls and floor slabs are to be removed and new walls are to be created for the new courtyard and student studios and twodios, has very plain walls and floorplates, with no important heritage and/or architectural detailing. Therefore, whilst it is acknowledged that there is harm in the loss of parts of the internal flooring, this is considered to be less than substantial. It is also considered that the harm is outweighed by the benefits of providing high quality student accommodation and ensuring the continuity of use of these important block of buildings
- 10.30 The department store part of the site has an existing modern 4th floor roof extension. This is to be replaced by a stepped two storey roof extension, housing student accommodation. This replacement extension would be of a similar height to the extension it is to replace. On top of this it is proposed to site a roof plant

enclosure. The roof plant area would be visible in very limited views and would have a simple design to its enclosure screens, to allow it to recess visually in the streetscene and skyline. The stepped roof extension and the plant area would be staggered back from the main facades of the host building below.

- 10.31 Leeds Civic Trust have stated that they have concerns that the overall form does not relate well to the main building. The new extension is designed to take its emphasis from the art deco facades of the host building below. As such the extension cladding would reflect the profile, dimensions and alignment of the folded/saw-tooth facades. Materials aim to emulate those of the host art deco building, in respect of tone and finish and would be faceted polyester powder coated aluminium panels and cappings, with clear and opaque glazing in matching aluminium frames. The cappings would have an angular detail to echo that of the existing art deco building below, reflecting the geometric pattern of the leaded transom lights to the existing ground floor shopfronts. The plant screen on the top of the building would also be polyester powder coated aluminium, with louvres. The existing façade of the host building will be cleaned to ensure a good match of tone is achieved for a cohesive appearance. As such Officers do not agree with Leeds Civic Trust and consider the overall form and design to be appropriate
- 10.32 Roof lights would be added to the pitched roof facing King Edward Street and would be polyester powder coated aluminium. New dormer windows would also be added to the King Edward Street roof elevation, to match the detailing of the existing dormers to this roof façade.
- 10.33 The existing stairs and lift core to the Kirkgate side of the main building will be refurbished, including its glazed façade, to create a new entrance lobby and circulation for the upper floors, housing the student accommodation.
- 10.34 Officers consider that the proposals would be sensitive to the special character of the host listed and non-designated heritage asset within this block. The proposed alterations, as set out above, would complement rather than compete with the character and appearance of these heritage assets and would allow this important city centre site to continue to be in active use.
- 10.35 Landscape proposals
- 10.36 External amenity spaces are to be created in the form of a new wellness garden courtyard at the second floor, to the centre of the building and a roof terrace at the fifth floor. These spaces will both be subject to soft and hard landscaping. The new courtyard will be set out to create a central calm greened space (the aforementioned wellness garden). The centre of the courtyard would have central lawn area surrounded by planting, to provide opportunity for rest and relaxation. Landscaped beds will be in raised planters to ensure sufficient soil capacity for successful plant establishment. Seating locations will be chosen to ensure tranquillity for users, as well as privacy for any dwellings with window over the space. Concerns have been raised by Leeds Civic Trust about the levels of light that this space will receive. Details of appropriate shade tolerant plant species will come forward under the landscaping Planning Conditions. The planting choices will also be subject to a full structural survey to ensure a maximum, but realistic level of soft landscaping can be achieved, as well as appropriateness of species for the urban environment and plant sizes and maintenance needs. This will also be controlled via Planning Condition.
- 10.37 The roof terrace would also be a greened space, with a more flexible character, allowing it to be used in a variety of ways including social gathering, a further

tranquil space and outdoor study. Here seating areas will complement and co-ordinate with the planting layout, with lawn areas and raised planters, housing a variety of plant species, the specification of which will be subject to a Planning Condition.

10.38 Sustainable Transport and Travel Planning

10.39 The site is in a sustainable location within Leeds City Centre being within walking distance of a number of nearby bus stops, the bus station and interchanges and the train station. The site is also close to a number of key cycling routes through the city centre, as well as being within walking distance of a number of existing City Centre multi storey car parks. As such the proposals do not provide any on site car parking. Secure cycle parking, is to be provided as part of the proposals. This will be 32 student resident's spaces and 2 staff spaces, as well as 10 spaces, 10 locker and 2 showers with integral changing facilities for the commercial uses. Full details of all such provision will come forward via a Planning Condition.

10.40 The Influencing Travel Behaviour Team have advised that due to the scheme being below the threshold, a Travel Plan is not required for this proposal.

10.41 An interim Management Plan for student drop off and pick up at start and end of term time has been submitted by the Applicant, which provides information on how the accommodation manager will be appointed, on site staffing, which nearby public car parks can be used, the moving in and moving out procedures (staggered timeslots throughout the days these events occur), serving, waste and deliveries management and the tenancy agreements. However, further detail is required on car parking space availability and reservation arrangements for students in the nearby NCP and Crown Street carparks. As such this detail will come forward in a full Management Plan to be submitted under a Planning Condition.

10.42 Sustainability and Climate Change

10.43 Members will be aware that the Council has declared a Climate Emergency. Existing planning policies seek to address the issue of climate change by ensuring that development proposals incorporate measures to reduce the impact of non-renewable resources.

10.44 The proposals aim to meet the requirements of planning policies EN1 and EN2 to reduce total predicted carbon dioxide emissions to achieve 20% less than the Building Regulations Target Emission Rate and provide a minimum of 10% of the predicted energy needs of the development from low carbon energy. The Applicant states that they will be aiming for a BREEAM Excellent rating and are adopting an approach to minimise the whole life carbon of the development via a Whole Life Carbon Assessment which defines a life span of 60 years.

Sustainability measures will include:

- Maximise the use of recycled material
- Aim to specify materials with Environmental Product Declarations (EPD) where recycled content can be compared at an early stage
- High efficiency hot water generation plant
- High efficiency, variable air source heat pumps
- Mechanical ventilation systems with heat recovery and low specific fan powers
- LED lighting throughout with presence detection controls in circulation spaces and low occupancy areas
- All services pipework, valves, fittings and ductwork will be insulated to minimise unwanted heat losses or gains

- Water saving measures such as dual flush low volume WCs, flow restrictors on taps and showers
 - 100% efficient electric heating
 - The potential for greywater or rainwater harvesting will be investigated.
- Such sustainability measures will require more comprehensive design work as the scheme is progressed through all of the required detail design stages and as such the full details of the measures for carbon dioxide reduction and to minimise energy use will come forward via a Planning Condition.

- 10.45 In response to Policy EN4 the Applicant has stated that the feasibility of connecting into the Leeds PIPES district heating scheme has been investigated but is unviable due to the proposed pipework route and restrictions in place on further construction work on the new road and pavement surfaces along Briggate.
- 10.46 The Project Officer for the Leeds PIPES district heating scheme has confirmed to the Applicant that this reflects their own view on the matter and as such they are in agreement that a connection to this building would be difficult to achieve. It should be noted that policy EN4 does recognise that connecting to the District Heating Network may not be appropriate for all development and in this case the energy use commitments required by policies EN1 and EN2 can be achieved by alternative means. As a result the Applicant's position is accepted.
- 10.47 In respect of Policy EN8, no car parking is proposed at the site and as such there would be no electric vehicle charging points.
- 10.48 Accessibility and Inclusion
- 10.49 The Developer has confirmed that accessible accommodation will be provided. In addition, accessible entrances will be created and lift access is to be retained to all floors. The scheme will comply with the requirements of Core Strategy Policy H10 and Part M of the Building Regulations in respect of providing the right level and types of accessible accommodation. In addition, 5% of the cycle parking will be designated disabled cycling parking. Full details of the measures to ensure access for all residents, staff and visitors is achieved, will be required via a Planning Condition.
- 10.50 Safety and Security
- 10.51 The Applicant has stated that the buildings will be staffed with a customer service manager, a caretaker, cleaning staff, security staff and designated student wardens to care for the wellbeing of the student residents. In addition, the student management company that will be appointed to run the site, will operate with the key objectives of ensuring the safety and welfare of the student residents. Officers consider this to be an acceptable arrangement in principal.
- 10.52 Section 106 Legal Agreement
- 10.53 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.

- 10.54 There is a requirement for the following obligations;
1. Employment and training of local people
 2. Occupation of the residential units by students only
 3. A management fee
- 10.55 The proposed obligations have been considered against the legal tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. Accordingly this can be taken into account in any decision to grant planning permission for the proposals.

11.0 CONCLUSION

- 11.1 In conclusion it is considered that the proposal would result in a high quality, appropriate development. The scheme would bring active use to an important historic building and would add to the vibrancy and vitality to the area and furthering its regeneration.
- 11.2 The proposals would allow important underused historic areas of the Listed Building to be brought back into use and whilst it is acknowledged that there will be some (but not substantial) harm by virtue of the extent of demolition and alterations, this is of a tolerable level when balanced against the public benefits of the regeneration of the building.
- 11.3 Therefore the proposal is in accordance with the Development Plan and is considered to be acceptable and is recommended for planning approval and listed building consent approval subject to the conditions set out in Appendix 1 and the planning obligations set out at the head of this report.

Background Papers:

PREAPP/20/00267

21/02996/FU

21/02997/LI



Appendix 1 - Draft Conditions

CITY PLANS PANEL

Subject:

Planning Application 21/02996/FU has been submitted for the redevelopment of the existing buildings, to include a rooftop extension and the conversion of upper floors to student residential use with a ground floor reception entrance, at the former Debenhams, 115 - 125 Briggate, Leeds, LS1 6LX

Listed Building Consent Application 21/02845/LI has been submitted for redevelopment of the existing buildings, to include a rooftop extension and the conversion of upper floors to student residential use with a ground floor reception entrance, at the former Debenhams, 115 - 125 Briggate, Leeds, LS1 6LX

21/02996/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 approved plans listed in the Plans Schedule.

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

3) The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been made and produced for the Local Planning Authority.

To avoid the creation of derelict sites to the detriment of this part of the City.

4) No works shall begin on the relevant phase of development until a Statement of Demolition and Construction Practice for that phase has been submitted to and approved in writing by the Local Planning Authority. The Statement of Demolition and Construction Practice shall include full details of:

a) details of any phasing of the development

- b) the means of access, location of site compound, storage and parking (including workforce parking), means of loading and unloading of all contractors' plant, equipment, materials and vehicles and associated traffic management measures
- c) the positions and types of cranes and details of excavations and earthworks
- d) the methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development hereby approved;
- e) measures to control the emissions of dust and dirt during construction;
- f) location of site compound, and its means of enclosure and of safety barriers including soundproofing barriers and vehicle crash barriers
- g) details of plant equipment/storage as well as details of any vibro-impact machinery;
- h) details and location of contractor and sub-contractor parking and of the management of abnormal loads
- i) a local resident and business communications strategy for the duration of the works
- j) how this Statement of Demolition and 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 Core Strategy Policy T1 and the National Planning Policy Framework.

5) Demolition and construction activities shall be restricted to 08.00 to 18.00 hours Monday to Friday and 08.00 to 13.00 hours on Saturdays with no works on Sundays and Bank Holidays.

In the interests of amenity and highway safety.

6) No building works on each phase shall take place until details and samples of all external walling, glazing (including anti-glare specifications) and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Samples shall be made available on site prior to the commencement of building works, for inspection by the Local Planning Authority which shall be notified in writing of their availability. The building works shall be constructed from the materials thereby approved.

In the interests of visual amenity.

7) No building works to each phase shall take place until details and samples of all surfacing materials to the public realm areas have been submitted to and approved in writing by the Local Planning Authority. The surfacing works shall be constructed from the approved materials.

In the interests of visual amenity.

8) No building operations shall be commenced on each phase of the development until full details of the following have been submitted to and approved in writing by the Local Planning Authority-

- (i) 1 to 20 scale drawings of the detail of roof lines and cappings, any eaves treatments and ground floor treatment
- (ii) 1 to 20 scale section drawings of each type of window
- (iii) 1 to 20 scale section drawings of all new external doors and entrances
- (iv) 1 to 20 scale section drawings of the junctions of different materials and of the new extensions with the host listed Leonardo Building and Thoresby Building
- (v) 1 to 20 scale section drawings of the new entrances to the Leonardo Building and Thoresby Building

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

In the interests of visual amenity.

9) Development (excluding demolition) 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 (excluding demolition) 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 (excluding demolition) shall not commence until a Remediation Strategy 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 Strategy shall include a programme for all works and for the provision of Verification Reports.

It is strongly recommended that all reports are prepared and approved by a suitably qualified and competent person.

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' with respect to land contamination.

10) If remediation is unable to proceed in accordance with the approved Remediation Strategy, or where significant unexpected contamination is encountered, or where soil or soil forming material is being imported to site, the Local Planning Authority shall be notified in writing immediately and operations on the affected part of the site shall cease.

The affected part of the site shall be agreed with the Local Planning Authority in writing. An amended or new Remediation Strategy and/or Soil Importation Strategy 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 Strategy. Prior to the site being brought into use, where significant unexpected contamination is not encountered, the Local Planning Authority shall be notified in writing of such.

It is strongly recommended that all reports are prepared and approved by a suitably qualified and competent person.

To ensure that any necessary remediation works are identified to make the site 'suitable for use' with respect to land contamination.

11) Remediation works shall be carried out in accordance with the approved Remediation Strategy. 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.

It is strongly recommended that all reports are prepared and approved by a suitably qualified and competent person.

To ensure that the remediation works are fully implemented as agreed and the site has been demonstrated to be 'suitable for use' with respect to land contamination.

12) The development hereby permitted shall not be occupied until a scheme detailing the method of storage and disposal of litter and waste materials, including recycling facilities, has been 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, details of recyclable materials collection with timescales. The approved scheme shall be implemented before the development is brought into use and no waste or litter shall be stored or disposed other than in accordance with the approved scheme.

In the interests of residential amenity and to promote recycling.

13) No external storage of any commercial or residential refuse or recycling bins shall take place on any part of the site and internal bin store areas will be provided as part of the development.

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

14) No installation of externally mounted plant or equipment shall take place until details of the installation and/or erection of any air conditioning or extract ventilation system, flue pipes, window cleaning equipment or other excrescences proposed to be located on the roof or sides of the building, including details of their siting, design, noise attenuation, and external appearance have been submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details and retained as such thereafter.

Plant and machinery operated from any commercial premises 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.

Hot food uses will often require an extract ventilation system to deal with odour and fumes. Guidance on suitable design is provided in DEFRA guidance at: <http://www.defra.gov.uk/publications/files/pb10527-kitchen-exhaust-0105.pdf>

In the interests of amenity and visual amenity, in accordance with Saved Unitary Development Plan Policies GP5, BD2 and BD4, Leeds Core Strategy policy P10 and the NPPF.

15) Prior to the commencement of development a Sustainability Statement shall be submitted which will include a detailed scheme to demonstrate compliance with Core Strategy policies EN1 and EN2 and also comprising:

- (i) a recycle material content plan (using the Waste and Resources Programme's (WRAP) recycled content toolkit);
- (ii) a Site Waste Management Plan (SWMP) for the demolition and construction phases.

Within 6 months of the first occupation of each phase a post-construction review statement for that phase shall be submitted and approved in writing by the Local Planning Authority. 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 Core Strategy Policies EN1 and EN2, Leeds Sustainable Design and Construction SPD and the NPPF.

16) Notwithstanding the details on the hereby approved plans, landscape works shall not take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority, prior to occupation of the student residential premises and following the completion of a full survey and detailed appraisal of the existing structure. The final details of the proposed landscaping features will be co-ordinated with the load capacity of the existing floor plate/building, in line with the recommendations of a suitably qualified structural engineer.

Hard landscaping works shall include

- (a) proposed finished levels and/or contours,
- (b) means of enclosure,
- (c) car parking layouts,
- (d) vehicle and pedestrian access and circulation areas,
- (e) hard surfacing areas,
- (f) minor artefacts and structures (eg, furniture, play equipment, refuse or other storage units, signs, lighting etc.),
- (g) proposed and existing functional services above and below ground (eg. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.).

Soft landscape works shall include

- (h) planting plans,
- (i) written specifications (including cultivation and other operations associated with plant and grass establishment),
- (j) schedules of plants noting species, planting sizes and proposed numbers/densities,
- (k) soil volumes for tree pits and planted beds

(l) implementation programme.

Hard and soft landscaping works shall be carried out in accordance with the approved details prior to the occupation of any part of the development in accordance with the programme agreed with the Local Planning Authority and to a reasonable standard in accordance with the relevant provisions of British Standard BS 4428:1989 Code of Practice for General Landscape Operations or other recognised codes of good practice.

Standards for tree soil volumes can be found in LCC Urban Tree Planting Guidance on the Landscape Planning website:

<https://www.leeds.gov.uk/planning/conservationprotection-and-heritage/landscape-planning-and-development>

To ensure the provision and establishment of acceptable landscape in accordance with adopted Leeds Core Strategy Policy P12, Saved Leeds Unitary Development Plan Review (2006) policies GP5 and LD1, Leeds Natural Resources and Waste DPD, and the National Planning Policy Framework.

17) No hard or soft landscape works shall take place until a plan, schedule and specification for long term landscape management has been submitted to, and approved in writing by, the Local Planning Authority. This shall include reference to planting and hard landscaped areas, including paving, fencing and other features. The schedule shall identify the frequency of operations for each type of landscape asset and reflect the enhanced maintenance requirement of planted areas during the establishment period. It shall provide for an annual inspection during late summer for any areas of failed tree or shrub planting, and the identification of the replacements required in the autumn planting season. Prior to planting, all landscaped areas shall be cultivated and maintained in a weed free condition by mechanical cultivation or chemical control. Maintenance shall be carried out thereafter in accordance with the approved management plan.

To ensure the provision and establishment of acceptable landscape in accordance with adopted Leeds Core Strategy Policy P12, Saved Leeds Unitary Development Plan Review (2006) policies GP5 and LD1, Leeds Natural Resources and Waste DPD, and the National Planning Policy Framework.

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

To ensure maintenance of a healthy landscape scheme, in accordance with adopted Leeds Core Strategy Policy P12, retained Leeds Unitary Development Plan Review (2006) policies GP5 and LD1, the Leeds Natural Resources and Waste DPD, and the National Planning Policy Framework.

19) a) No works or development shall commence until full details of the load bearing cell type rooting zone using proprietary structures has been submitted and approved in writing by the local planning authority. Details shall be fully in accordance with LCC guidance on urban tree planting. Standards for tree soil volumes can be found in LCC Urban Tree Planting Guidance on the Landscape Planning website:

<https://www.leeds.gov.uk/planning/conservation-protection-and-heritage/landscapeplanning-and-development>

Details shall include:

- o proprietary soil cell structures to support paving over extended sub-surface rooting areas

- o Soil cell volume /soil volume calculations

- o specification of topsoil including additives and conditioners

- o Tree grilles and guards and means of anchoring root balls. Built-in Root Irrigation Pipe system with end cap and aeration system.

- o Passive and / or active irrigation including directed use of grey water / roofwater or surface water infiltration to benefit planted areas. Details of distribution system and controls

- o Drainage system for tree pits.

- o Where applicable -details of protection measures for statutory utilities and drainage

- o Works shall then be carried out in accordance with the approved details.

b) To ensure full compliance, a brief report on the installation of the rooting zone structures, including supporting photographic evidence, shall be submitted to the LPA when the works are still "open" to allow LPA inspection prior to any surfacing works.

c) A 3 year irrigation programme for the trees (in accordance with BS 8545-2014 Trees from Nursery to Independence) shall be submitted to the LPA for approval in writing.

Confirmation of irrigation compliance shall be submitted to the LPA on a quarterly basis for the full 3 year programme period

To ensure the provision of amenity afforded by appropriate landscape design and its cultural requirements are integrated into the development scheme

20) a) No works shall commence (including any demolition, site clearance, groundworks or drainage etc.) until a survey has been undertaken on the existing trees adjacent to the host building on Kirkgate and details of how these trees are to be fully safeguarded by protective fencing, canopy and ground protection, in accordance with the provisions of British Standard 5837 (2012) Trees in relation to design, demolition and construction, have been submitted to and agreed by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.

NOTE Only the BS5837 default barrier with the scaffold framework shall be employed. Such measures shall be retained for the full duration of any demolition and/or approved works.

b) Seven days written notice shall be given to the Local Planning Authority that the protection measures are in place prior to demolition/ approved works commencing, to allow inspection and approval of the protection measures as implemented on site.

NOTE-this item cannot be discharged until post inspection approval is confirmed.

c) No equipment, machinery or materials shall be used, stored or burnt within any protected area. Ground levels within these areas shall not be altered, nor any excavations undertaken including the provision of any underground services/drainage, without the prior written approval of the Local Planning Authority. To ensure the protection and preservation of trees during construction works, in accordance with Leeds City Councils policies.

21) Prior to the commencement of development, a Plan shall be submitted to and approved in writing by the Local Planning Authority of: integral bat roosting and bird nesting features (for species such as House Sparrow and Swift) within buildings. The agreed Plan shall show the number, specification of the bird nesting and bat roosting features and where they will be located, together with a timetable for implementation and commitment to being installed under the instruction of an appropriately qualified bat consultant. All approved features shall be installed prior to first occupation of the dwelling on which they are located and retained thereafter.

To maintain and enhance biodiversity in accordance with Core Strategy Policy G9, NPPF, and BS 42020:2013

22) No external lighting shall be installed unless a scheme has previously been approved in writing by the Local Planning Authority. No lighting fitment shall be installed on the site in such a way that the source of light is directly visible from nearby residential properties or is a hazard to users of adjoining or nearby highways. The scheme shall be installed and retained thereafter in accordance with the approved details.

In the interests of amenity.

23) No development shall commence on each phase until full details of the means of access into and out of the buildings and around the public realm areas, for disabled persons, have been submitted to and approved in writing by the Local Planning Authority.

In the interests of disabled people and access for all

24) Prior to the construction of each phase of the development, details of glazing and any mechanical ventilation package shall be submitted to and approved in writing by the Local Planning Authority. The package shall be designed to meet the following criteria:

Living Rooms 0700-2300 35dBLAeq

Bedrooms 2300-0700 30dB LAeq, 45dBLAmax

The package shall be installed and implemented in accordance with the approved details prior to the commencement of the use of the building and shall be maintained and retained thereafter for the lifetime of the development.

In the interests of the amenity of future occupiers of the residential dwellings.

25) No development shall take place until details of a sound insulation scheme designed to protect the amenity of residential occupants of the proposed

development from noise emitted from the below and nearby commercial premises has been submitted to and approved in writing by the Local Planning Authority. The assessment should include noise mitigation measures as appropriate (eg. glazing/ventilation strategy).

To protect the amenity of residential occupiers.

26) The development shall not be occupied until a Servicing and Delivery Management Plan (including timescales and detailed loading bay proposals) has been submitted to and approved in writing by the Local Planning Authority. The plan shall be fully implemented and operated in accordance with the approved timescales.

To ensure the free and safe use of the highway.

27) Notwithstanding the approved details, before building works are commenced full details of cycle/motorcycle parking and facilities shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved cycle/motorcycle parking and facilities have been provided. The facilities shall thereafter be retained for the lifetime of the development.

In the interests of highway safety.

28) The development shall not be occupied until a full Student Move-In and Move-Out Procedure Management Plan, which shall include details of car parking space availability and reservation arrangements for students in the nearby NCP and Crown Street carparks has been submitted to and approved in writing by the Local Planning Authority. The plan shall be fully implemented and operated in accordance with the approved timescales and details.

To ensure the free and safe use of the highway.

29) Prior to first occupation of the development an architectural recording document shall be deposited with the West Yorkshire Archaeological Services for inclusion on the Historic Environment Record and notification of this action shall be made in writing to the Local Planning Authority.

In the interest of the character and the proper recording of historic and architectural details of the host listed building and in accordance with the National Planning Policy Framework and Core Strategy Policies P10 and P11.

30) The development shall be carried out in strict accordance with the details indicated within the submitted report, "Drainage Strategy referenced 18224-HYD-XX-XX-RP-C- 0500_P03, prepared by Hydrock (Report dated 69 May 2021)", unless otherwise agreed in writing with the Local Planning Authority.

In the interest of satisfactory and sustainable drainage

31) Notwithstanding the details on the hereby approved plans no works shall take place to the shopfronts, until a fully detailed design code for all alterations and all

advertisement signage zones, including the colour, materials and level of illumination and any vinyls or screens has been submitted to and approved in writing by the Local Planning Authority. The ground floor windows shall be clear glazed and shall be retained as such and shall maintain a window display appropriate to the use of the premises at all times.

In the interests of the character and visual amenity of the host building, the street scene and the nearby City Centre Conservation Area.

32) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any provision in any statutory instrument revoking or re-enacting that Order, planning permission shall be obtained before there is any change of use to research and development of products or processes and Industrial processes within Use Class E or areas or places for indoor sport or recreation, other than a gym (not involving motorised vehicles or firearms) as detailed in the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 or any order revoking or re-enacting that order with or without modification.

To control uses which could be harmful to the vitality and viability of the city centre and to ensure any new uses accord with the requirements of the Core Strategy

21/02845/LI

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 18 of the Planning (Listed Building and Conservation Areas) 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 approved plans listed in the Plans Schedule.

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

3) The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been made and produced for the Local Planning Authority.

To avoid the creation of derelict sites to the detriment of this part of the City.

4) No building works on each phase shall take place until details and samples of all external walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Samples shall be made available on site prior to the commencement of building works, for inspection by the Local Planning Authority which shall be notified in writing of their availability. The building works shall be constructed from the materials thereby approved.

In the interests of visual amenity.

5) No building operations shall be commenced on each phase of the development until full details of the following have been submitted to and approved in writing by the Local Planning Authority-

(i) 1 to 20 scale drawings of the detail of roof lines and cappings, any eaves treatments and ground floor treatments.

(ii) 1 to 20 scale section drawings of each type of window including the setting out of the roof top extension elevational treatments.

(iii) 1 to 20 scale section drawings of all new external doors and entrances.

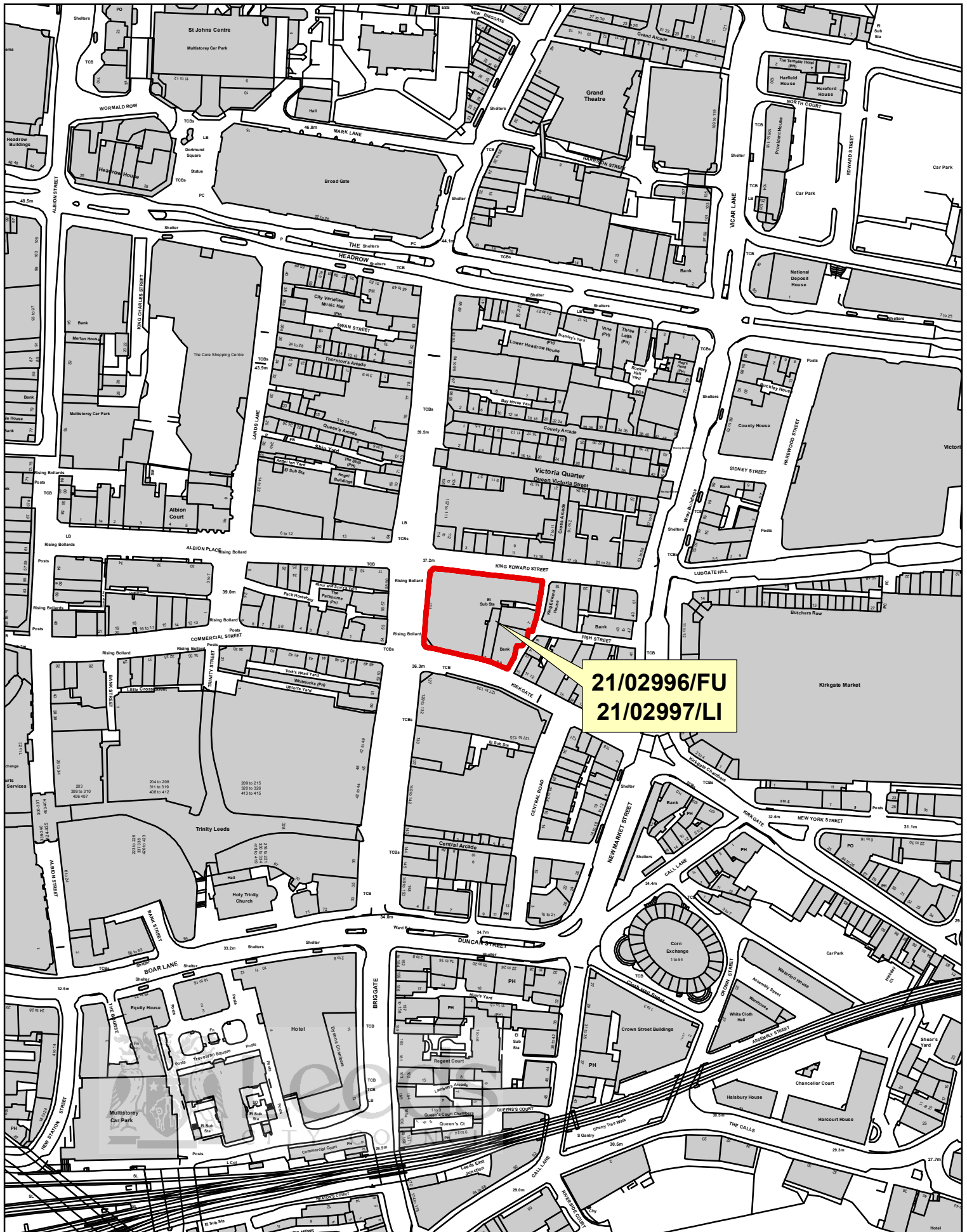
(iv) 1 to 20 scale section drawings of the junctions of different materials and of the new extensions with the host listed Leonardo Building and Thoresby Building.

(v) 1 to 20 scale section drawings of the new entrances to the Leonardo Building and Thoresby Building.

(v1) 1 to 20 scale section drawings of the staircore and the details of its elevational treatment.

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

In the interests of visual amenity.



21/02996/FU
21/02997/LI

CITY PLANS PANEL

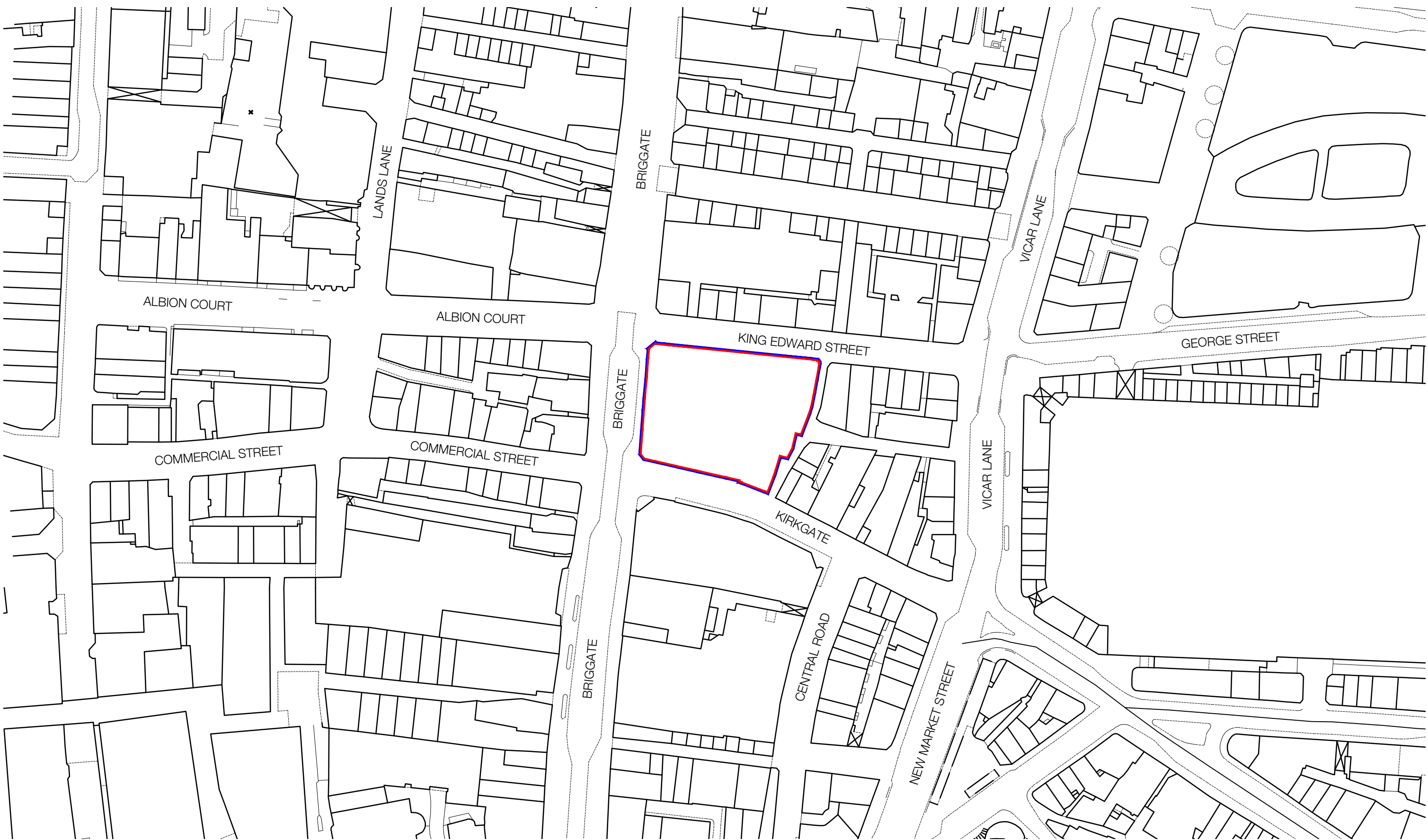
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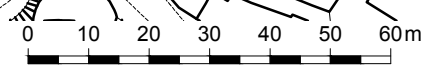
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(20)001 Location Plan
Scale - 1:1250



Scale 1:1250



P02 Issued for Planning
P01 Draft Planning Issue
Rev. Des.

EDV 24.03.2021 SPC
EDV 17.03.2021 SPC
By Date Ch.

Key: — = Site Boundary — = Ownership Boundary

Contractor must verify all dimensions on site before commencing any work or shop drawings. If this drawing exceeds the quantities taken in any way the Architects are to be informed before the work is initiated. Only figured dimensions to be taken from this drawing. Do not scale off this drawing. Drawings based on Ordnance Survey and / or existing record drawings - design and drawing content subject to Site Survey, Structural Survey, Site Investigations, Planning and Statutory Requirements and Approvals. Authorised reproduction from Ordnance Survey Map with permission of the Controller of Her Majesty's Stationery Office. Crown Copyright reserved. © careyjoneschapmantolcher (Studio South) Ltd. All Rights Reserved

A3 Client:
OrchardStreet
INVESTMENT MANAGEMENT LLP

Project:
THE DRAPERY
BRIGGATE LEEDS
Title:
SITE LOCATION PLAN
Scale:
1:1250 @A3
Date:
2021.03.15
Drawing No:
(20)001

Job No.
20016

Status:
EDV
Checked By:
SPC
Revision:
P02

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PLANNING

