



Leeds
CITY COUNCIL

Originator: Matthew Walker
0113 3788033

CITY PLANS PANEL

Date: 14th March 2024

Subject: 22/04852/FU - Proposed demolition works and erection of 10-storey building to create co-living residential development, Holdforth Court, Brussels Street, Leeds LS9 8AT

Developer: KMRE Group (Holdforth Court) Limited c/o ID Planning, Mr Andrew Windress, 9 York Place, Leeds, LS1 2DS

Electoral Wards Affected:

Hunslet and Riverside

Yes

Ward Members Consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

DEFER and DELEGATE to the Chief Planning Officer for approval subject to the conditions set out at Appendix A and Section 106 agreement to secure the following:

Affordable Housing off site commuted sum (£742,633 tbc and subject to verification by the District Valuer)

Offsite highways contribution (£29,400)

CAVAT compensation amount for loss of trees (£77,809.00)

Residential Travel Plan Fund (£30,662.01) and travel plan review fee of £3815.00.

Mechanism to contribute £20,000 to Traffic Regulation Orders as required

Biodiversity Net Gain matters to be agreed (see report)

Bat survey to be undertaken, outcome assessed and conditions agreed if required

Provision of car club space

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

1.0 INTRODUCTION / PLANS PANEL MEETING 15TH FEBRUARY 2024 – RESOLUTION

1.1 The application was deferred at the 15th February 2024 City Plans Panel meeting to allow officers and the developer to address concerns that the Panel had expressed in relation to the size and layout of some of the units within the scheme. This is an update report focusing on the matter for deferral and the changes to the scheme and should be read in conjunction with the previous report to Panel which is attached at Appendix B and addresses all other planning matters.

1.2 Members raised concerns with regard to the following units within the 118 bed scheme.

- Four x 37sqm units sited at the top two floors where of the Gross Internal Area of the units, 7sqm of the unit was corridor.
- 16 x 37sqm units at the remaining floors where 3sqm was corridor.
- Comments were also made with regard to 16 x 41 sqm units which were also of a non rectilinear shape.
- Members also commented on whether the issue of the four units at the upper floors could be resolved by combining units to form two bedroomed units.

2.0 DESCRIPTION OF PROPOSED ALTERATIONS

2.1 The four units at the upper two floors have been amended and meet 37sqm Gross Internal Area excluding corridor space. This has been achieved by reorienting the curve radii of the glazing of the upper floor extension and relocating the former corridor space formerly within the unit externally.

2.2 No further amendments are made regarding the units at the lower floors, however further narrative is supplied in the assessment below to demonstrate that these meet the requirements members were seeking and provide additional clarity.

3.0 ASSESSMENT

3.0.1 As noted in the report at Appendix A, Leeds City Council has a Co-Living Advice note which recognises the need to consider co-living proposals subject to detailed amenity and infrastructure considerations. It forms a material consideration to the determination of applications for sui-generis to be considered – treating them as residential schemes. It does not, nor can it, introduce new policy asks and therefore carries limited weight. The relevant policies in the adopted Local Plan however carry full weight. The council's advice note states that the Council's approach to assessing Co-living proposals is informed by the Nationally Described Space Standards (NDSS) which state that the minimum space requirement for a single person studio type dwelling is 37sqm. Co-living private studios generally tend to be less than this. As a result the advice note goes on to state that where a lesser private space is proposed, the council will encourage the private space to be as close as possible to the NDSS and will consider the quantum of communal space based on aggregating out the shortfall of the private studio size against the Nationally Described Space Standards. Key to the consideration of this is the location, distribution, amenity, and quality of the communal spaces.

3.0.2 In this application all units would meet the NDSS spatial requirement of 37sqm for single person occupancy and are further complimented by the additional shared amenity space provision at each individual floor and ground floor to support the co-living concept.

3.1 **National Minimum Space Standards**

3.1.1 As noted at 3.0.1 of this report, the Co-Living Technical Advice Note in effect sets out that adherence to the National Minimum Space Standards is not a determinative factor in Co-Living proposals and that where proposals fail to meet the guidance, each case will be addressed on it's own merits by undertaking an aggregation assessment against communal spaces provided within the scheme. The adopted approach to Co-Living schemes recognises the need for flexibility in applying space standards depending on the dynamics of the individual product but sets out a clear approach where individual unit sizes fail to meet NDSS in order to ensure the quality of the residential experience is not compromised for those who choose this type of residential accommodation and, for consistency in decision making.

3.1.2 Notwithstanding the adopted approach advocated by the advice note, for members information NDSS requirements are set out below - along with commentary on how each unit within this specific scheme meets the NDSS requirements, noting specifically that the NDSS does not differentiate between the function of spaces within a residential unit with regard to corridors. It is considered by officers that this in part may be reasoned by corridors still be capable of being functional in terms of storage and day to day functions and depending on widths and extents are not valueless in terms of living functions and the residential amenities of the occupier. It is however accepted that in assessing all residential proposals, adherence to the NDSS is just one consideration which must be balanced against other considerations, including a qualitative assessment of layout.

3.1.3 The NDSS requires that:

a. the dwelling provides at least the gross internal floor area and built-in storage area set out in Table 1 below (table omitted for brevity however the relevant figure for studio accommodation is a minimum of 1sqm of storage space)

The proposals meet this requirement

b. a dwelling with two or more bedspaces has at least one double (or twin) bedroom

Not applicable to studio accommodation

c. in order to provide one bedspace, a single bedroom has a floor area of at least 7.5m² and is at least 2.15m wide

The proposals at the upper two floors are open plan in format and therefore this figure corresponds to the width and depth of the entire unit, which the proposals achieve. Many but not all units within all floors are designed as open plan - however where the unit layouts tacitly define a sense of enclosure to a 'bedroom space' through internal features and furniture, all units proposed exceed these spatial requirements.

d. in order to provide two bedspaces, a double (or twin bedroom) has a floor area of at least 11.5m²

Not applicable to studio accommodation

e. one double (or twin bedroom) is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide

Not applicable to studio accommodation

f. any area with a headroom of less than 1.5m is not counted within the Gross Internal Area unless used solely for storage (if the area under the stairs is to be used for storage, assume a general floor area of 1m² within the Gross Internal Area)

Not applicable to this scheme where units in their entirety meet 2.8 metres floor to ceiling as an absolute minimum

g. any other area that is used solely for storage and has a headroom of 900-1500mm (such as under eaves) is counted at 50% of its floor area, and any area lower than 900mm is not counted at all

Not applicable to this scheme where units in their entirety meet 2.8 metres floor to ceiling as an absolute minimum

h. a built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements, but should not reduce the effective width of the room below the minimum widths set out above. The built-in area in excess of 0.72m² in a double bedroom and 0.36m² in a single bedroom counts towards the built-in storage requirement.

The submitted floor plans demonstrate that the 1.0 square metre storage space can easily be achieved and sited within each unit without compromise to general circulation space.

i. the minimum floor to ceiling height is 2.3m for at least 75% of the Gross Internal Area

Not applicable to this scheme where units in their entirety meet 2.8 metres floor to ceiling as an absolute minimum

3.2 Resolution of the Four units to floors 8 and 9

At the 15th February meeting of City Plans Panel, members principle concern was the layout arrangement of four units sited at the upper two floors of the scheme as was presented. Officers were instructed to attempt to resolve the layouts with the applicant and lessen the quantum of space devoted to corridor within these units. The four units have now been redesigned to in effect remove the corridor space of concern. This has been achieved through a combination of extension of the internal corridors at each level (whilst still meeting travel distance requirements of other legislation distinct from the planning process) and revision of the angle of the roof top extension's curved element to maximise the internal floor area as far as practicable (whilst not creating a discernable difference to the overall design and appearance of the building which members advised they were satisfied with).

The proposals have therefore been re-assessed in consultation with the design officer. Whilst no differentiation of corridor space and other space exists within NDSS it has been noted that the proposed amendments would result in no perceivable change to the appearance of the building and in that regard can be accepted. The

proposals would still meet requirements of other legislation regarding safety and would increase the overall amount of floor space within the four units, meeting the NDSS in its purest sense by removing the more awkward arrangement members were concerned with and as a corollary of the change provide more floor area within a 100% open plan format with no corridor.

3.3 Resolution of 16 units with 3 metre internal floor area as corridor.

Although a secondary issue to the four units at upper floors addressed at 3.2 of this report, as comment was made on this matter at the 15th February meeting of City Plans Panel it is considered appropriate to provide members with further advice. The units in question meet all the requirements of NDSS however consistent with the assessment at 3.2 above, it is clear that members aspire to reduce corridor space within each unit where possible. In the case of these 16 units, there is not considered to be a method of achieving this without a fundamental redesign of the building as proposed. However, officers and the applicant have had regard to members aspirations, notwithstanding that all apartments have an element of corridor and the NDSS does not define this should be excluded from the GIA. In the case of these 16 apartments, the extent of corridor space is far less than was the case with the originally proposed 4 units at upper levels and is a very limited 3sqm. In principle, corridor space is not unusable space for a resident, hence the NDSS does not provide any differentiation of it within its criteria. In a practical sense, officers consider the limited amount of space given over to corridor should not be a determinative factor in the case of these 16 units and the scale relevant to them. Corridors are multi-functional, often providing space for wall storage, shoe storage and a space to pause within the dwelling. These functions are however predicated on this space being spatially usable. In this instance the corridor elements are 1.5 metres in width and 2 metres in length. It is considered that this would be sufficient space to allow for the pass and re-pass of a resident and some limited depth storage or wall / hanging storage to be provided.

Therefore, when considered against the NDSS (which is not a determinative requirements in isolation for co-living residences as set out in the advice note) the limited extent of corridor space relevant to each of these 16 units, the capacity to use that space for function other than transit and (notwithstanding all the above) the additional amenity provisions available to the residents in the building, the proposal concerning this 16 units have not been revised and officers consider remain acceptable in the format originally proposed.

3.4 Resolution of 16 Units of awkward shape at floors 1-7.

- 3.4.1 Again, this matter is included for completeness. At the 15th February meeting members noted the non-rectilinear format of 16 units spread over floors 1-7. To compensate for the shape of each unit, these units are provided with a Gross Internal Area of 41sqm, 4 square metres above the spatial GIA requirement of NDSS. Furthermore these units also meet the other provisions of NDSS set out at 3.1.3 of this report. On this basis, irrespective of the provision of additional communal facilities, officers consider these units would provide an acceptable level of residential amenity for the occupier.

3.5 **Clarification on the function of additional amenity space provisions in the building.**

3.5.1 For members benefit, given that the debate at 15th February Plans Panel included comment regarding how communal space would be used, the applicant has advised the following to aid members understanding of how the ground floor spaces can be used and managed to ensure they contribute and support the living experience of all residents .

- In terms of the overall use of the amenity space, the key with amenity space is flexibility as it will then be utilised by residents at different times of the day for a variety of uses. The 'cinema' room for example is not just a cinema in the evening but would be used for work presentations and yoga etc during the day. Furthermore, a cinema room is not just used for evening film screening but can be used as a games room, video gaming, a stand up comedy venue, karaoke events, sporting screening and residents meetings. It can also be used by external speakers coming in and holding events and sessions such as CV writing advice, wellbeing events, listen and learn sessions.
- The main reception desk where the concierge will be based is a hub of the building. This is where all residents connect with the onsite team and each other. This hub is used for checking in new residents, for residents to log any issues, and to book onto events etc. Its where parcels get collected and social events take place.
- A residents lounge can be used flexibly throughout the day and evening. It is utilised for meeting with potential residents when they arrive for a viewing and is comfortable place to work from. It can be used as an events space for a breakfast event or later in the day for evening drinks and networking opportunities. An example of this is business speed dating where residents can meet each other and see if there are any synergies in working together. It really adds value to the resident experience.
- The operator would typically launch a residents ambassador programme where some of the residents act as ambassadors for the building and meet with new residents and help the onsite team with events planning.
- Communal space is provided at each floor to provide and encourage interaction and provide specifically for day to day living functions, thereby supporting a co-living lifestyle.

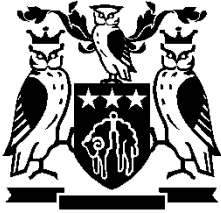
3.5.2 In response to this information, members are advised that the above points are considered consistent with the aspirations of the co-living guidance note and will be secured through condition 28 set out in appendix A of the Plans Panel report of 15th February so that the operational policy of internal spaces and their management can be properly understood alongside tenant management policies and assessed by officers alongside West Yorkshire Police.

4.0 **CONCLUSION**

4.1 The detailed planning balance matters addressing the proposal overall are set out in paragraph 11 of the report appended at Appendix A and are not affected by the changes proposed. In light of the additional information received, officers consider the changes now comprehensively overcome the identified issues set out by members at

the 15th February meeting and provide additional information to assist members understanding of the emerging policy context and provide further clarity on points raised on 15th February. Therefore, officers recommend the application be deferred and delegated to officers to address the matters set out at the head of this report.

APPENDIX A PLANS PANEL REPORT 15TH Feb 2024



Leeds
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Originator: Matthew Walker
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Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 15th February 2024

Subject: 22/04852/FU - Proposed demolition works and erection of 10-storey building to create co-living residential development, Holdforth Court, Brussels Street, Leeds LS9 8AT

Developer: KMRE Group (Holdforth Court) Limited c/o ID Planning, Mr Andrew Windress, 9 York Place, Leeds, LS1 2DS

Electoral Wards Affected:

Hunslet and Riverside

Yes

Ward Members Consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

DEFER and DELEGATE to the Chief Planning Officer for approval subject to the conditions set out at Appendix A and Section 106 agreement to secure the following:

Affordable Housing off site commuted sum (£742,633 tbc and subject to verification by the District Valuer)

Offsite highways contribution (£29,400)

CAVAT compensation amount for loss of trees (£77,809.00)

Residential Travel Plan Fund (£30,662.01) and travel plan review fee of £3815.00.

Mechanism to contribute £20,000 to Traffic Regulation Orders as required

Biodiversity Net Gain matters to be agreed (see report)

Provision of car club space

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

1.0 INTRODUCTION:

The application site is located on a key and prominent gateway location and the building proposed is of relatively significant scale. The proposal involves a co-living residential use which is an emerging form of residential tenure for the City of Leeds. The proposals are therefore brought to members under subsection G of the exceptions list in the Officer Delegation Agreement where the Chair considers that the application should be referred to the relevant Plans Panel for determination because of the significance, impact or sensitivity of the proposal.

2.0 SITE AND SURROUNDINGS:

- 2.1 The planned location is 1,318 square metres (0.13 hectare) in size and almost triangular in shape. Brick Street to the east, Brussels Street to the north, Crown Point Road to the south, and Duke Street to the west define its boundaries in the South East of Leeds City Centre within the designated City Centre Boundary.
- 2.2 The current site is accessed via Brussels Street, which is an adopted highway which measures approximately 4.1 metres in width within the vicinity of the site and footways on both sides measuring circa two metres in width. The road and footway surfaces are well-maintained and considered to be in an acceptable condition but the building's architectural treatment and lack of active frontage in addition to the unkempt nature of landscaping present a harsh and somewhat unwelcoming presence to both Brick Street and Brussels Street for pedestrians. Opposite the site entrance and spanning the length of Brussels Street are a series of commercial uses housed within railway arches and their respective forecourts. Along Brussels Street, including the approaches to the proposed access and at junctions, there are extensive on-street parking restrictions enforced by double yellow lines and signage warning of 'no stopping at any time'. There are private parking spaces at the western end of Brussels Street which were appointed to the residents who used the site before closure in 2020.
- 2.3 The site sits at a 'crossroads' where the A61 and the viaduct intersect within an emerging residential area around Saxton Gardens and Mill Street. The building currently on site is the vacant four storey St. Anne's Community Service building which is proposed to be demolished. The existing building has a distinctive form characterised by a curved and stepped façade facing south and series of mono-pitched roofs. High sided boundary walling then spans the site boundary to Duke Street beyond which is a belt of mature trees and verge separating the site from the pedestrian and highway environment. The remaining boundaries are protected by a combination of railings and piers and low-level shrub planting and trees. Beyond Brussels Street to the north is the dominating presence of the east-west route Railway Viaduct.
- 2.4 In terms of the wider context, a series of taller buildings within areas identified within the Tall Buildings SPD are either consented or under construction to the east beyond the dominant highway structure of Marsh Lane. The immediate setting is also dominated by the presence of both the Gateway and Ibis hotel buildings due south of the site. Crown Point Bridge forms the key viewpoint of the site on approaches from the south and to the west of Crown Point Bridge is the Conservation Area and Grade I Listed Leeds Minster. The remainder of the land to the west of the site is either occupied by highway, large width central reservation / pedestrian routing to that highway which is landscaped or the parkland area opposite the Minster adjacent to the railway viaduct. Quarry Hill, it's emerging SOYO development and Northern Ballet

and Munro House are situated to the north, with a pedestrian route running under the railway viaduct from Brick Street / Brussels Street towards this area.

3.0 PROPOSAL:

Building

3.1 The proposed 10 storey building comprises common facilities such as laundry facilities, lounges, touchdown workspaces, cinema room, gym, bin / cycle storage and concierge on the ground floor, and 'co-living' studio apartments and shared kitchen and lounge spaces incidental to those apartments, to the upper stories.

Set over a 1,318sq.m (0.13ha) site, the proposed development provides the following:

- Secure cycle store, providing 120 spaces
- 342sq.m communal recreation space at ground floor (level 0)
- 70sq.m communal space on floors 1-7 at each floor
- 40sq.m communal space on floors 8-9 at each floor
- 118 no. 37sq.m (minimum) one person studio apartments
(Core Strategy Policy H9 Compliant for studio accommodation)

3.2 The main pedestrian entrance to the building would be situated on the corner of Brick Street and Brussels Street to provide a legible focal point / entrance and the principal route into the building. This entrance would provide access through the communal area to the main stair and lift core providing access to all floors within the building. A concierge desk and office are to be located within the main entrance lobby to provide a secure access control point, while creating a light filled internal foyer space. From here access is provided to the resident's communal facilities, creating an active frontage onto Brick Street.

3.3 The proposed external materials palette includes the use of a dark Red Brick, 'GRP' (Glass Reinforced Plastic) / Natural stone cladding, curtain wall glazing and feature copper panels.

Landscaping and planting

3.4 The proposals involve the retention of all trees which currently exist beyond the site perimeter and introduction of new street trees to Brick Street in partial mitigation for the loss of seven trees contained within the site boundary. The building has been pulled back from the pedestrian footway on both Brussels Street and Brick Street to improve the pedestrian flow and to reduce the impact of the building at street level. This in turn also helps to preserve two mature trees at the site's northeastern corner which provide amenity value to the street. To the south of the site, an external area with both paving and grass is provided as external amenity area and would be accessed from the communal area at ground floor.

Site Access and Parking

3.5 Within the ground floor accommodation, the design includes separate secure storage areas for cycles, with direct secure access to outside, as well as an internally accessed bin store allowing external access for servicing from Brussels Street. The scheme is car free given the highly sustainable location of the application site within close travelling distance to the city bus station and short distance to other transport amenities. The site includes a relocation of the existing turning head from Brussels Street to allow for servicing and deliveries.

4.0 RELEVANT PLANNING HISTORY:

99-20/63/92/FU - 4 storey hostel (approved)

5.0 HISTORY OF NEGOTIATIONS:

5.1 The application before City Plans Panel was submitted on 02.08.2022 and took the form of an 11 storey residential building comprising a wider variety of unit sizes, comprising 189 units and ground floor external parking. The initially submitted proposals were not considered acceptable to officers on the following basis:

- Poor relationship between non-descript shared amenity spaces and small unit sizes
- Poor elevational treatment and building form
- Failure of the building to respect the character and appearance of the area - building failed to respect the prevalence of Quarry Hill as part of a key gateway location (Tall Buildings Design Guide page 72).
- Poor relationship between the building and the street edges of Brick Street and Brussels Street
- Lack of natural surveillance to surroundings / dead frontages
- Lack of clarity on the day to day operation of the co-living product

A series of design focussed meetings and workshops then took place in late 2022 and early / mid-2023. Revised plans were then received in September 2023 which were then refined in January 2024. It is this latest and final revision series brought forward for consideration by members and determination by City Plans Panel.

6.0 RELEVANT PLANNING POLICIES:

6.1 Statutory Context

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

- The Leeds Core Strategy (Adopted November 2014 and as amended by the Core Strategy Selective Review 2019)
- Saved Leeds Unitary Development Plan Policies (UDPR 2006)
- The Natural Resources & Waste Local Plan (NRWLP 2013) including revised policies Minerals 13 and 14 (2015).
- Leeds Site Allocations Plan (SAP 2019)

These development plan policies are supplemented by supplementary planning guidance and documents.

6.2 Development Plan

6.3 Leeds Core Strategy (CS)

Leeds Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. The site is located within the City Centre boundary. The most relevant policies are set out below:

- Spatial Policy 1 Location and scale of development.
- Spatial Policy 2 hierarchy of centres and spatial approach to retailing, offices, intensive leisure and culture
- Spatial Policy 3 City Centre Development
- Spatial Policy 6 Housing requirement and allocation of housing land
- Spatial policy 7 distribution of housing land and allocations
- Spatial Policy 8 Economic development priorities
- Spatial Policy 9 Employment
- Spatial Policy 11 Transport infrastructure investment priorities such as pedestrian improvements
- Policy CC1 City Centre Development
- Policy CC3 Improving connectivity between the City Centre and Neighbouring Communities.
- Policy H3 Housing Density
- Policy H4 Housing Mix
- Policy H5 Affordable Housing
- Policy P10 Design
- Policy P11 Heritage
- Policy P12 Landscape
- Policy T1 Transport management
- Policy T2 Accessibility requirements and new development
- Policy H9 Space Standards
- Policy H10 Accessible Dwellings
- Policy EN1 Carbon dioxide reduction
- Policy EN2 Sustainable design and construction
- Policy EN4 District heating
- Policy EN5 Managing flood risk
- Policy EN6 Recycled materials
- Policy EN8 Electrical Vehicle Charging
- Policy G5 Open space provision
- Policy G8 Protection of important species and habitats
- Policy G9 Biodiversity Improvements

6.4 Leeds Unitary Development Plan Review 2006 (UDPR) Saved Policies

Relevant Saved Policies include:

- Policy GP5 all planning considerations
- Policy BD2 / BD5 design and siting of new buildings
- Policy LD1 landscaping

6.5 Leeds Natural Resources and Waste DPD

The plan sets out where land is needed to enable the City to manage resources, like minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way.

Relevant policies include:

- Air 1 management of air quality through new development
- Water 1 water efficiency including sustainable drainage
- Water 7 surface water run-off
- Water 2 protection of water quality

- Water 4 development in flood risk areas
- Water 6 flood risk assessments
- Land 1 contaminated land
- Land 2 development and trees
- Minerals 3 coal safeguarding

6.6 Relevant Supplementary Planning Documents/Guidance (SPD/SPG):

- SPD Tall Buildings Design Guide
- SPD Building for Tomorrow Today: Sustainable Design and Construction
- Transport SPD
- SPD Accessible Leeds
- SPG City Centre Urban Design Strategy

Other Considerations

- [Co-Living Technical Guidance Note– May 2023](#)
- HMO, Purpose-Built Student accommodation and Co-Living Amenity Standards SPD (Draft)

6.7 Site Allocations Plan

The site is unallocated within the Site Allocations Plan.

6.8 National Planning Policy Framework 2023 (NPPF)

The NPPF sets out the Government's planning policies for England and how these should be applied (para 1) and is a material consideration in planning decisions (para 2). It states that the purpose of the planning system is to contribute to the achievement of sustainable development (para 7). So that sustainable development is pursued in a positive way at the heart of the Framework is a presumption in favour of sustainable development (para 11). It states that decision makers at every level should seek to approve applications for sustainable development where possible (para 38).

The Framework sets policies on the following issues which are relevant to this planning application proposal:

- 2 Achieving sustainable development
- 4 Decision making
- 5. delivering a sufficient supply of homes
- 6 Building a strong competitive economy
- 7 Ensuring the vitality of town centres
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 11 Making effective use of land
- 12 Achieving well designed places
- 14 Meeting the challenge of climate change and flooding
- 15 Conserving and enhancing the natural environment
- 16 Conserving and enhancing the historic environment

6.8 Other Legislation

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”

6.9 Consultations Undertaken

STATUTORY

6.9.1 Health and safety Executive (HSE) (Fire Safety – Planning Gateway One)

Health and Safety Executive have advised that they are content with the submitted proposals in respect of the fire safety strategy for the new building.

6.9.2 Coal Authority

The Coal Authority have noted the submission of up to date coal mining information for the majority of the site, which lies outside of the Development High Risk Area. The inclusion of a substation facility within the site envelope does however bring the overall development into the Development High Risk Area. The Coal Authority have advised that their information indicates a coal seam is conjectured to outcrop to the west of the site, dipping eastwards beneath the site, which may have been subject to historic unrecorded mining activity. Such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

As such, The Coal Authority consider it appropriate that intrusive investigations should be undertaken to establish the implications posed by possible coal mining legacy to the scheme of development now proposed. This matter will be controlled through a prescribed condition provided by the Coal Authority and will be a pre-commencement requirement.

6.9.3 Yorkshire Water

Yorkshire Water have advised no objections to the proposals, subject to a condition related to development being undertaken in accordance with the submitted / proposed Flood Risk Assessment for the site.

6.9.4 Natural England

No comments received in any of the three rounds of consultation undertaken.

6.9.5 Environment Agency

No comments received in any of the three rounds of consultation undertaken

NON-STATUTORY

6.9.6 Sustainability - Design Team / Conservation Team

The revised proposal being considered represent the outcome of a series of focussed design workshops. The workshops focussed on meeting the following suggestions to improve over the originally proposed building applied for as part of the application in 2022.

- Maintaining an appropriate scale and assessing the visual impact of that scale through adaptation to the design of upper floors
- Sympathetic materiality
- Simplified palette
- Activation of Brick street through glazing and landscaping
- Stepping of the building into the site slightly to maintain a street edge and provide space for street trees
- Concentration of areas of 'dead frontage' necessary to facilitate essential functions such as plant into the site itself rather than facing the public environment

6.9.7 Influencing Travel Behaviour (ITB)

No objections subject to the proposed provision of an Electrical Vehicle Charging enabled car club space on street to be secured via the Section 106 agreement along with provision of a residential travel plan fund sum of £30662.01 and travel plan review fee of £3815.00.

6.9.8 Flood Risk Management

Flood Risk Management advise no objections, the application has been accompanied by an acceptable Flood Risk and drainage assessment.

6.9.9 Highways

No objections subject to conditions, provision of a s278 works scoping plan / land dedication plan, further details on refuse collection and contributions secured via the section 106 agreement relating an offsite contribution for local infrastructure improvements (£29,400) and fees associated with retrofitting future traffic Regulation Orders (£20,000)

6.9.10 Contaminated Land

No objections subject to conditions concerning the submission of a phase 2 site investigation and the provision of verification reporting.

6.9.11 Wind and Microclimate Peer Review (Windtech Consultants)

The application has been supported by a Computational Fluid Dynamics (CFD) based Wind and Microclimate Assessment in accordance with the Draft Wind and Microclimate Toolkit requirement for a 30m tall scale of building. No safety impacts have been identified outside the application site with only one minor exceedance of safety criteria within the garden seating area within the site envelope. Windtech have advised the exceedance is very minor and can be addressed through a condition to provide details of low-level mitigation measures within the garden area which will address the low frequency minor exceedance.

6.9.12 Landscape Team

Trees around the periphery of this site are strategically important, with high public amenity value and are on the more heavily trafficked side of the application site where they undoubtedly make a contribution to mitigating the impact of the highway infrastructure in terms of air quality and carbon. The Landscape Officer has assessed the scheme and considers the proposals would likely involve the removal of 10 trees

in total within the site (7 are proposed for removal however taking into account the need for service ducting and construction 10 to be removed is a more realistic assessment). The inclusion of 5 replacement trees as mitigation is therefore considered insufficient in both amenity and climate change terms and regard must be had to removing mature trees and their replacement with newer specimens which take time to mature and yield carbon sequestration benefits.

Given the constrained nature of the application site, onsite mitigation for their loss cannot be delivered whilst still providing a viable footprint for re-development and therefore a financial contribution based on the CAVAT methodology is required as mitigation. This will then provide a sum for replanting / redeployment of trees in the locality. This mitigation sum must be secured through the section 106 agreement. Conditions are recommended in respect of full details of landscaping, sub ground conditions for new trees and protection details for retained trees.

6.9.13 Environmental Health Services (Pollution Control)

Full details of mechanical ventilation / sound insulation and impacts and mitigation relating to potential overheating will required. It is proposed to deal with these matters by condition.

6.9.14 Environmental Studies (Transport Strategy)

No objections subject to the submission and approval of glazing and ventilation details prior to occupation of the development, consistent with the site's location close to highway and railway infrastructure and the comments of Environmental Health.

6.9.15 Sustainable Development Unit (Climate Change)

The proposals are considered acceptable in that evidence has been provided that demonstrates the development will meet policies EN1 and EN2 within the Core Strategy. Conditions can be used to secure full details and ensure compliance.

6.9.16 West Yorkshire Police

The building and site layout has been designed to create a building which is a safe, and secure environment for residents, visitors and passers-by. It seeks to make a beneficial contribution to the prevention and fear of crime and promote enhanced security within and around the building through a range of measures. It is further recommended that access is controlled by phone QR codes; CCTV should cover all entrance and exit points and glazed areas are protected from vehicle strike. West Yorkshire Police agree with officer recommendations to closely assess the specifics on locations for lighting, CCTV and other safety provisions as part of the assessment of landscaping proposals at condition discharge stage.

6.9.17 Employment and Skills

No comments received

6.9.18 Access Officer

No objections, the scheme delivers accessible dwellings in accordance with Core Strategy Policy H10.

6.9.19 Ramblers Association

No comments received

6.9.20 Health Partnership

No comments received

6.9.21 Public Health

No comments received

6.9.22 West Yorkshire Ecology

No comments received

6.9.23 Local Plans

Detailed advice has been provided regarding the interpretation of adopted policy in respect of Co-Living proposals This advice is reflected in the commentary provided at 9.1 – 9.3 of this report.

6.9.24 District Heating

The District Heating team has advised this site is ideally placed for connection to the Leeds PIPES District Heating network. It is also noted that in combination with Solar PV and Air Source Heat Pumps, District Heating is identified as part of the overall energy solution for the new building. The team has been engaged with the applicant's energy consultant throughout the last year and has provided a connection proposal, which includes a commercial offer for heat sales. In accordance with policy EN4 (iv) details of reservation of space for a future connection to the District Heating Network will be controlled by condition.

6.9.25 West Yorkshire Archaeological Service (WYAAS)

WYAAS advise that the application site was developed as a hostel in the late 20th century on the site of an early 20th century tenement block, Marsh Street Garth Tenements, which was in turn built on earlier terraced streets and courtyards of workers' houses (West Yorkshire Historic Environment Record MWY7800).

Due to the lack of communal space the tenement had communal space on land to the west of the tenements, this had formerly been a graveyard. No graveyard is shown close by on historic maps and it is thought this must refer to St Peter's Church. Based on this information there are currently no significant archaeological issues associated with the proposed development.

7.0 **Public Response**

The application proposals were publicised in accordance with statutory requirements by Site Notice on 22.08.2022 and in the Yorkshire Evening Post on 05.08.2022. Two public letters of objection were received against the originally submitted proposals as follows:

Objection One

- 7.1 *'The featureless wall at ground/street level is of a very poor quality design. There should be active frontages here, or at least more visual interest.*

View 4 and View 5 show elevations almost void of windows. This also looks poor. The large blank walls look oppressive. More windows would create visual interest and would have an improved impact on the streetscene and the surrounding area. Amendments must be sought before planning permission is granted'

Objection two

- 7.2 *'A very disappointing proposal for a key gateway site into the east of Leeds city centre. There are two gable end walls that are blank which face key roads and offer very little in terms of architectural merit to the onlooker, whether it be on the train entering the city from the east, or on many of the roads which run past this proposal. The design is rather dated and as said, lacks architectural merit. If the height was taller and the blank walls had windows, balconies included, with improved materials externally, then this would improve the overall look.'*

- 7.3 Based on the originally submitted drawings, Leeds Civic Trust (LCT) provided the following letter of objection (although many comments are considered to be superseded by the substantial series of revisions, the comment is provided in full to provide members with context to LCT's second letter of objection which follows):

'The Leeds Civic Trust Planning Committee has considered the above Planning Application for proposed demolition works and erection of 11-storey building to create co-living residential development comprising of 189 apartments, and strongly objects to the proposal on the following grounds:

Although the applicant states that the site is adjacent to a tall building zone, it is neither adjacent as such, nor appropriate for tall buildings in the context of Brick Street and St Peter's Place on the other side of the railway arches. This is an area of heritage significance that should not be overshadowed by generic development. At best, the area is an area of transition between taller buildings to the east and more traditional lower rise buildings to the west. As such a building of half the height may be acceptable.

The proposal strategy should be designed to positively enhance the neighbourhood and interact with it. It is also very problematic in terms of its relationship with Leeds Minster, which should retain architectural prominence, especially in the context of aspirations shared by Leeds City Council and other stakeholders to regenerate the area through landscaping, considerable traffic and roadspace reduction measures and even the possibility of revealing Lady Beck, all as described in Leeds Civic Trust's Eastside initiative.

As a key building at the entrance to Leeds City Centre, the architecture has none of the characteristics that would define it as a landmark, least of all one that would represent Leeds. The diagram in page 42 of the Design and Access statement only serves to reinforce the importance that any new building in the area would have in terms of views from a number of different directions, and these need to address the architectural importance of the location.

As proposed, the architecture looks similar to any of the developments that have been built or proposed in the last two decades, and contributes little to the image of Leeds

as an innovative and pioneering city. There is no case made for enhancing the existing structure, which is also of a residential nature and should be appropriate for meaningful improvements, including the erection of two or three additional storeys and a more elaborate and distinctive outer skin. In the context of climate change and the rapid acknowledgement that retrofit and repurposing of existing buildings is inherently more sustainable in terms of carbon footprint, this should be a showcase for architectural innovation, at a fraction of the costs, not only in financial terms but more importantly in terms of impact on finite natural resources. The options for reuse of the existing structure should be properly explored as part of the application.

While we would, in principle, welcome a brief for co-living instead of student accommodation, the communal areas are currently very vague in terms of use, and located in such a manner that, instead of constituting a spatial heart for each floor, they are indistinguishable from private rooms and significantly distanced by long corridors in the majority of cases. The ground floor level in particular is almost exclusively dedicated to plant room and other utilitarian matters, and does not attempt to contribute to street life and place making - the building turns its back on the Minster and the city centre more generally rather than addressing it. There should be more active frontage, particularly to the South of the site, where future landscaping would be conducive to appropriation of landscape amenities during the summer months.

There could also be more active frontage on Brussels Street, taking into account of the architectural merits of the existing railway arches, are already partially occupied with some active uses and may become more active in future. In conclusion therefore, the proposal is not reflective of its intentions as a gateway and landmark building, and should be re-designed to take into account all the comments listed above.'

7.3 In addition to the above, a second letter of objection has been received from Leeds Civic Trust (LCT) as follows:

'The Leeds Civic Trust has reconsidered the above application for proposed demolition works and erection of 11-storey building to create co-living residential development comprising of 189 apartments, which has been considerably amended. Despite a new massing that is arguably slightly less generic than the previous iteration, our original grounds for objection still stand, particularly with regard to the treatment of the largely mute ground floor without meaningful relationship to the ground. We note that the new visualisations exclude a close up, which serves to acknowledge that the developer is aware of this fundamental absence of place making on a key gateway area. We also note that no views have been provided that take into account the context of the conservation area on the other side of the railway arches, nor that of the Minster. In both cases, this would highlight the fact that the massing is still disproportionate to its neighbours.'

8.0 KEY ISSUES

- Principle of development / Co-Living
- Housing Mix and Density
- Affordable Housing
- Design and Heritage considerations
- Residential Amenity
- Accessibility and Inclusivity
- Landscaping and Public Realm proposals / Green space
- Transportation Considerations
- Sustainability and Climate Change
- Biodiversity
- Wind and Microclimate Considerations
- Safety and Security / Management
- Planning Obligations and CIL
- Representations
- Planning Balance and Conclusion

9.0 APPRAISAL

9.1 Principle of development / Co-Living

- 9.1.1 The site is located within the designated City Centre and is unallocated within the Site Allocations Plan. CS Policy CC1(b) encourages residential forms of development in City Centre locations providing that the development does not prejudice the functions of the City Centre and that it provides a reasonable level of amenity for occupiers. The proposals are considered meet these criteria subject to the detailed planning assessments which follow. Leeds City Council has now also adopted a Co-Living Advice note which recognises the need to consider co-living proposals subject to detailed amenity and infrastructure considerations.
- 9.1.2 Policy H2 of the CS states that windfall sites will be acceptable in principle providing the number of dwellings does not exceed the capacity of transport, educational and health infrastructure, as existing or provided as a condition of development. The site is sustainably located in terms of transportation and local amenities and would involve the re-use of a brownfield site, which is positive in respect of Spatial Policy 1 (requiring the largest amount of development to be located in the Main Urban Area and prioritising previously developed land and buildings). This is consistent with the requirements of paragraphs 123 and 124(c) of the National Planning Policy Framework.
- 9.1.3 Health Partnerships have been consulted on the application proposals however no formal response to the consultations have been received. Officers are however aware that Health Partnerships have (as part of the consultation process for recent applications at Quarry Hill) identified local GP practices and have very recently advised that the two closest surgeries (York Street and The Light) both currently have capacity, both are in close travelling distance to the application site and are accepting new patients.
- 9.1.4 Healthcare Partnerships have recently drawn officers' attention to the strategic need to future proof healthcare provision and the need for a plan to be put in place to respond to growth. The Health Partnership Team have advised that NHS GP funding operates as a "post hoc" mechanism in the NHS and there is currently no NHS mechanism that local NHS officers have at hand to "front load" capital infrastructure.

However, it was also advised that the impact of 'e consultation, "telehealth' and enhanced pharmacy functions mitigate some of the square footage requirements in the traditional doctors surgery model. ICB (NHS West Yorkshire Integrated Care Board) have also recently noted estate constraints emerging in local health infrastructure and it has been queried whether there is scope to secure capital support through more recent planning applications to support extensions in clinical space, specifically highlighting LSMP seeking to support and improve their provision through investment where possible. This request was also made in the response to the recent application 23/02335/FU for PBSA accommodation at 16-22 Burley Street, determined by members at City Plans Panel on 2nd November 2023.

- 9.1.5 A legal test for the imposition of planning obligations was introduced by the Community Infrastructure Levy Regulations 2010 regulation 122 (as amended in 2011 and 2019). This provides that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- a. necessary to make the development acceptable in planning terms,
 - b. directly related to the development; and
 - c. fairly and reasonably related in scale and kind to the development.
- 9.1.6 Notwithstanding that there may be benefits for individual patients associated with expanding GP surgery estate to enable a wider range of primary care to be accommodated within a particular GP practice / service, no specific details have been provided of what is needed in the case of those practices wishing to expand their estate capacity and the likely costs involved. It is also important to note that the above identified local GP practices are known to be taking on new patients. In this context it is considered that in terms of Healthcare, the proposals are acceptable.
- 9.1.7 In terms of educational infrastructure, by its nature this Co-Living proposal would not attract family living. Unit sizes are too small to accommodate families and are targeted at the single occupier. Therefore, it is considered that the proposals meet the requirements of adopted policies in terms of educational infrastructure.
- 9.1.8 In the absence of existing formally adopted planning policy on co-living development Development Plans Panel agreed to the preparation and adoption of the technical advice note to aid consideration of co-living proposals in a consistent manner (reflecting existing adopted policies on residential use). The proposals are considered to accord with the guidance note as follows.
- 9.1.9 In the case of this specific development at Holdforth Court, the applicant has elected to provide individual unit sizes at the upper end of the range of scales seen in other national Co-Living Schemes. The units considered here in fact provide studio accommodation that would meet the adopted space standards for single person occupancy. Each unit in this scheme would contain all of the expected provisions for day to day living, with the operator intending to promote the aforementioned sense of community and deflect isolation of residents through their building and tenant management processes and provision of shared communal spaces.
- 9.1.10 In this case, the kitchen spaces would supplement and compliment generous individual scaled studios and there would be less reliance on the communal spaces to achieve a baseline and satisfactory level of amenity for the occupier compared to a scheme with small studio sizes. The proposals would also meet affordable housing requirements as set out in the guidance note as well as provide a travel planning regime and accessible units.

9.1.11 Access and provision of shared day to day living facilities/functions are evident and would be easily accessible to residents in the overall accommodation. Based on the submitted layouts, tenants would have easy and local access to shared facilities by floor and all private studios would be of sufficient size for sleeping, bathroom functions, general manoeuvring space and private storage. Remaining amenity considerations along with management considerations are set out below, however it is considered that in this regard, the use of the larger studio format meets the requirements of the advice note and provides an acceptable overall principle of development subject to the detailed controls set out in the conditions and remainder of this appraisal.

9.2 Housing Mix and Density

9.2.1 A minimum density policy is needed for Leeds to ensure sustainable housing development. This means efficient use of land in order to avoid more greenfield land being developed than is necessary and in order to achieve a higher population in proximity to centres. The proposals meet the requirements of adopted policy H3 and it's threshold of delivery of at least 65 dwellings per hectare.

9.2.2 The proposed development is 100% Flats. Paragraph 5.2.11 of the Core Strategy states that the:

'...The form of development and character of area should be taken into account too. For example, a scheme of 100% flats may be appropriate in a particular urban context...'

In this case it is felt that a 100% flat scheme is appropriate given the nature of the City Centre and the compact site to which the development relates.

9.2.3 As noted above due to the nature of the co-living proposal before members, the proposed housing mix differs from traditional residential schemes through the provision of 1-bed studio apartments throughout the scheme, creating private space for each occupant who would then access shared communal space on each floor as part of the co-living model. The proposal therefore unambiguously fails with regard to the targets set out in policy H4 of the Core Strategy with regard to two, three and four bed properties. Officers have not sought the revision of the scheme on the basis of this shortfall against the policy as multiple bedroomed units are simply not compatible with the residential co-living model. It should also be noted that the number of units fails to trigger the policy and adopted development plan's requirement for the submission of a Housing Needs Assessment at the scale and quantum of units proposed.

9.2.4 The Local Planning Authority does not yet have its own comprehensive dataset for assessing the need for co-living accommodation in the city. 2021 census data for the breakdown on house share data is not yet published, however given the known percentages weighted towards single and 2 person households (20 – 44 age group which in Leeds accounts for 37% of the city's population, one of the highest groups of working-age renters and the number of recorded private rented households is around 74,400) it can be reasonably concluded there is potentially a market (however limited) for this type of accommodation in Leeds. This perceived need has further manifested and evidenced with other co-Living proposals (albeit as variants to the specifics of the model here) being proposed to the Local Planning Authority at Headrow House and Burley Library in recent months.

- 9.2.5 The applicant has put forward data acquired and publicised by Savills as justification who estimate there are approximately 32,000 people within the core target market for Co-living in the city at the present time and given the demographic within that market (surveyed by the applicant as approximately 50% of the market at 25-34 years of age and approximately 25% being 18-24 years old) the mixed use nature and vibrancy of the City Centre, it's amenities and access to transportation and places of work make it an obvious location for this accommodation type. Also, the product is targeted at the recent graduate market, consultancy-type workers who only need to be in a particular location for a few months, key workers, and also recent incomers to cities who don't necessarily want to rent on their own or know anyone to house share with. The occupancy isn't restricted however to particular groups like graduates or key workers. Again the city centre and it's periphery lends itself to addressing this need in terms of the character of the area and its facilities.
- 9.2.6 The Co-Living advice note makes clear that co-living proposals will not deliver a mix of unit sizes and accepts that co-living accommodation by it's nature is aimed at non family accommodation. Officers therefore consider that on its own merits, this scheme (although by default being non-compliant with policy H4) is acceptable on it's own individual case by case merit based upon the advice note and that the clear non-compliance against housing mix policy is in this case outweighed by the other identified planning benefits of the scheme which will be set out in the remainder of the report.

9.3 Affordable Housing

- 9.3.1 As noted in the Co-Living Technical Guidance note, the council have a clear expectation for major development (10 or more dwellings, or where the number of dwellings is not known, a site area of 0.5ha or more) to contribute towards affordable housing. In many cases, given the model's departure from more standard residential layouts and its dependency on shared facilities, it may be determined that the most appropriate approach for Co-living schemes to contribute is a commuted sum in lieu of onsite provision, which is also a common approach with Build to Rent developments within the City Centre and is supported by the advice note as an acceptable approach.
- 9.3.2 Policy H5 is identified as a relevant policy and on which the advice note's approach to affordable housing is based. Arm (iii) of the established policy allows for Build to rent type developments (which is the nearest approximation to Co-Living) to address the affordable housing requirement through a commuted sum where suitable justification against on-site delivery can be provided. In this case, the co-living nature of the scheme and the operators the applicant is engaged with have no experience in managing affordable dwellings within an entire scheme and therefore the applicant would like to select to address the affordable housing provision by way of contribution to allow for the units to be provided elsewhere in the city as need determines. The guidance note allows the approach to affordable housing to mirror that established in policy H5 for Build To rent schemes which share similarities in nature to co-living products.
- 9.3.3 From an operational view the provision of separate small number of affordable units spread across a larger development is known to be very difficult to manage even for experienced affordable housing providers within the context of the overall management of the whole development. The applicant has advised that Co-Living operators they are engaged with do not have the relevant experience/training with their staff resources and would look only to operate and manage the development

excluding the affordable units. Therefore; an approach consistent with policy H5 arm (iii) and in accordance with the advice note, the use of a commuted sum allows the applicant to be policy compliant in this regard.

- 9.3.4 The use of the benchmark rate for affordable rents for Build to Rent (BTR) developments is suggested within the Co-Living Guidance note as an appropriate approach for off-site contributions, given that the management, operation and anticipated occupancy of co-living developments are very similar to that of BTR. This is based on local earning levels and applied as a price per sqm. The applicant has proposed a commuted sum figure of £742,633. At the time of this report, this proposed sum and the methodology of it's calculation is in the process of validation through the District Valuer's office (as is standard procedure) and may be subject to amendment or variation through that process in due course.

9.4 Design and Heritage considerations

Townscape

- 9.4.1 As has been addressed in earlier discussions with the agent concerning this site, in terms of the wider context, the application site is identified as not being appropriate for a 'tall' building akin to those built, permitted or proposed to the eastern side of Marsh Lane and south of the site along the southern edge of Crown Point Road (Ibis/Gateway). The building is not within an identified area for tall buildings within the current adopted version of the adopted Tall Buildings SPD and therefore proposals for taller buildings are addressed through a contextual analysis of the surrounding area. The key townscape considerations in relation to the proposed building are considered to be as follows:
- 9.4.2 It is considered that based upon the topography of the site and surrounding area and in accordance with Quarry Hill's categorisation as a 'Gateway Location' in the Tall Buildings Design Guide, the dominant point of height in north-south and east-west views should be Quarry Hill. The proposed and revised 10 storey height and massing preserves this view in the key vista looking northward from Crown Point Bridge). Whilst the SOYO development and other planned developments will (and are) increasing the overall apex of Quarry Hill in the wider townscape it is important that this site and sites immediately adjacent remain visually subordinate to the context of Quarry Hill. The proposed materiality of building (predominantly brick and glazing) is considered appropriate given the diverse tapestry of materials in the emerging and long-established built context around the site to the east and to provide some visual anchorage to Quarry House which sits in the backdrop of views northward from the south.
- 9.4.3 The area between the application site and Leeds Minster/High Court is considered to be an area of relief from buildings and built form, with a lower scale buildings (2-4 storeys) along the southern edge of Kirkgate representing a step down from south to north from taller buildings to the southern edge of The Calls towards this area of 'respite and calm' in the setting of the Minster. The building is set out at 10 floors in total, with the ground floor providing the developments ancillary functions, such as cycle stores and residents facilities, and the next 9 floors providing dedicated and well considered residential accommodation, with a large 70/40sq.m resident's lounge/kitchen on each floor. The proposed building is clearly separated from the green parkland area and pedestrian routes around the minster by wide extents of highway infrastructure, but also shows a definitive drop in height from the taller context to the east towards the respite area around the minster.

9.4.4 It is considered the application site should perform a similar spatial function in grading down the height of buildings from the established and emerging taller environment to the east beyond Marsh Lane and this lower area in the setting of the Minster and should also offer some symmetry with Munro House's lower scale at the southern edge of Quarry Hill, beyond which, to the north buildings then step up in height to the identified point of height of Quarry Hill/SOYO. In response to the local surroundings and the existing built forms, the development's mass has been designed to provide 10 storeys addressing Marsh Lane and Brick Street, substantially lower than the approved neighbouring schemes at Saxton Lane which sits at 19 and 21 storeys – providing a clear step down in height between south to north and east to west towards the viaduct whilst broadly mirroring the massing heights of Northern Ballet and the approved extension to Munro House in views along Marsh Lane / New York Street. Although taller than the existing forms of development immediately the southern edge of the viaduct it is considered that the proposed height would be harmonious with the existing forms of development, serve to provide a visual transition in height between the taller character of adjacent new buildings and the southern edge of Quarry Hill and is acceptable in townscape terms.

9.4.5 Heritage Considerations

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that decision makers should give considerable importance and weight to the desirability of preserving the setting of listed buildings.

The application site is approximately 185 metres due east of the Leeds Minster and whilst of a lower scale than its adjacent peers would be recognisable as part of the prevailing modern character incorporating the Ibis (155 metres separation to the Minster) and residential buildings to East Street (127 metres) as well as the Gateway Residential Complex (177 metres) as noted above, the road infrastructure (in particular Crown Point Road and Duke Street) provide at least 4 lanes of roadway as separation distance to the landscaped public route forming an important green buffer to the environment around the Minster. It is not considered that with this level of separation and the site's placement amongst a much more recognisably modern context, the proposals would not affect the setting of Leeds Minster or the Conservation Area.

9.4.6 Building Design

The ground floor has a floor to ceiling height of between 2.45m and 3.45m with a split-level ground floor which follows the topography of Brick Street. The concentration of shared ground floor spaces to the eastern edge of the ground floor is a deliberate design device intended to increase levels of natural surveillance to what is a visually dead area / frontage at present - with the intention of activating Brick Street and introducing greater surveillance onto a route which is likely to become more intensively used given its proximity to the emerging SOYO residential led development at Quarry Hill and a key route between that area, the riverside and onward connections to Crown Point, Meadow Lane and the South Bank.

The feature band at first floor level visual breaks the building at circa 4.3m, with a second break defining the "middle" brick element of the scheme at circa 23m. The building then steps in with fully glazed top floors completing the development and a roof level approximately 30m above ground. The change in materials and fenestration pattern clearly define the 'top, middle and bottom' approach to the scheme and the glazed format of the roof levels will assist in lowering the overall dominance of the building in respect of the wider townscape.

With the help of precedent-setting materials and architectural details from the emerging adjacent neighbourhood, the building has been designed to produce a high-quality, contemporary addition that blends in with the surroundings. Modern features include angled reveals, decorative brick detailing, copper-coloured metal façade panels, feature slot windows and glazed top floors.

The primary elevations are proposed to include angled reveals and slot windows that emphasise vertical elements, resulting in a rhythmic fenestration pattern. The building's crown of reflective glass completes the last two stories, which are set back from the main elevations. This change from a solid (ground) to a lighter top helps to diminish the building's perceived mass. The building has been considered in respect of the approved schemes at Saxton Lane, where the emphasis on elevational design is placed heavily on vertical slit windows. Conditions will be employed to finely control the quality of facing materials, depths of window reveals; and construction standard drawings will be required at condition discharge stage to specifically analyse a number of junctions and proportions of the buildings tertiary architectural features.

9.5 Residential Amenity

- 9.5.1 Notwithstanding the Co-Living format proposed, the assessment of amenity is a wider consideration of qualitative factors including arrangement and separation of living functions (general living, sleeping, studying, eating, cooking, food preparation, storage and circulation), usable shape, outlook, privacy and external amenity space.
- 9.5.2 In spatial terms it is considered in this case that the individual residential units would provide for acceptable levels of internal space and a good standard of residential amenity irrespective of consideration of the buildings additional shared facilities. The submitted plans clearly demonstrate each unit has capacity for hosting all expected day to day facilities required for self-contained accommodation listed above and provide for acceptable levels of outlook and light receipt. Units commonly feature two external facing windows per unit and concentrate the principle living areas for cooking and cleaning where natural light would be more desirable towards the exterior face of the building and bedroom / toilet spaces to the interior core. Views out of windows commonly involve vistas of the adjacent street and highway infrastructure and do not presently involve any proximate buildings which may adversely impact upon the privacy of the occupier. The expectation is that the future development of any surroundings for residential or other uses would have to have regard to the placement of windows within this proposed residential building as adjacent redevelopment would be the agent of change and would need to be designed to accommodate and preserve the residential amenity of the occupiers of this building should proposals come forward in the surroundings in future years.
- 9.5.3 Supplementing these private spaces are shared lounge / kitchen facilities at each floor equating to 70 sqm per floor. Each kitchen space is shared with 14 units per floor and will allow for the congregation, cooking, collective endeavors and activities commensurate with the Co-Living model and contributing to a framework for communities to organically form amongst residents. It is considered that the further additional facilities at ground floor would further reinforce and promote that sense of community amongst residents and the applicant has had clear regard to the provision of a variety of functions rather than an anonymous extent of unspecific shared space.
- 9.5.4 Following a substantial revision in regard to building design and layouts received in September 2023, an updated noise report has been issued. The updated noise report details baseline measurements of environmental noise and recommendations on glazing and mechanical ventilation to provide acceptable internal sound levels – of

importance due to the proximity of heavy road infrastructure and the adjacent environment of the railway.

- 9.5.5 The noise report demonstrates that closed windows will be required along with the provision of MVHR to meet Approved Document F for background ventilation. Further information is required that quantifies overheating risk via dynamic thermal modelling along with a narrative on how overheating will be further minimised in units that are at risk whilst maintaining acceptable internal noise levels. This information will be controlled through conditions.

9.6 Accessibility and Inclusivity

- 9.6.1 New build schemes should incorporate an inclusive design approach which recognises that people are all different and accommodate this diversity by placing people at the heart of the design process from the outset, creating solutions that provide choice as to how people access and use buildings or spaces, and enable everyone to use the development safely, easily and with dignity. This approach is in accordance with the Equality Act 2010 and the associated Public Sector Equality Duty.
- 9.6.2 Policy H10 requires that 30% of residential dwellings within Building C meet M4(2) standards and 2% of dwellings meet the higher M4(3) 'wheelchair' user standard of part M of the Building Regulations. The proposals meet this policy requirement in full.

9.7 Landscaping and Public Realm proposals / Green space

- 9.7.1 The site is located in the city centre and is covered by Core Strategy Policy G5 which seeks open space provision on sites over 0.5ha. The site is 0.13ha so falls below the requirement, but provision of any external green space is still encouraged as an essential amenity for the proposed residents. Holdforth Court is located on a tight urban plot with limited scope to provide meaningful onsite public and private amenity space, landscaping or biodiversity improvements, but this matter has to be clearly weighed against the status of the site as Brownfield Land in a sustainable location and existing urban context which local and national planning policy and guidance suggests should be prioritised for development in sustainability terms.
- 9.7.2 There is a significant belt of Green Infrastructure including trees and other vegetation to the South West. These are strategically important, with high public amenity value and are on the currently more heavily trafficked side of the application site - where they undoubtedly make a contribution to mitigating the impact of the highway infrastructure in terms of air quality and carbon sequestration. These trees are outside of the application site boundary and are to be retained along with two mature trees at the site's northeastern corner which have high amenity value and will in conjunction with newly proposed street trees along Brick Street provide for an improved public environment within an area likely to see increased public footfall in future years given the emerging context of high density residential development in the locality, including at Quarry Hill.
- 9.7.3 It is noted that in order to facilitate both the increased footprint of the proposed building and create a meaningful amenity space for residents which receives good levels of sunlight, a series of trees within the site boundary are programmed for removal. In this case, the site cannot accommodate their relocation given its compact nature and the proposed level of street trees the adjacent environment is capable of hosting does not equate to the 3 for 1 ratio of replacement commonly used to mitigate, nor would

the environment of brick street and it's limited overall width and the need to maintain a viable pedestrian footway width allow for the use of non-columnar trees which provide the best amenity and biodiversity/climate change benefits. Notwithstanding, new street trees are proposed as some benefit is considered to be better than none and despite a lack of significant benefit in terms of carbon sequestration, new trees will provide improved amenity value to Brick Street and provide a better setting at the human scale than the existing arrangement (in accordance with NPPF paragraphs 96 and 136 which place emphasis on active frontages and the provision of tree lined streets where practicable).

In this case, it is considered that the proposed level and nature of loss cannot be accepted without further mitigation beyond the replacements / new trees proposed. The Landscape Team have provided a CAVAT valuation of the affected trees which equates to £77,809.00 to be secured through the Section 106 agreement. These funds can be used to provide additional planting offsite to offset the tree loss in both amenity and climate change terms and make the development acceptable in planning terms. Whilst tree retention is always the clear preference, in this case, it is considered that a viable activation of the site for residential use without significant tree loss would not be achievable and that this mechanism is proportionate and can deliver wider planning benefits which outweigh the loss.

- 9.7.4 The site is under half a hectare in size and located within the designated city centre boundary. Therefore, in accordance with Core Strategy Policy G5 open space provision is not sought.

9.9 Transportation Considerations

- 9.9.1 Through conditions and the associated legal agreement the scheme is considered to constitute an improvement to the present pedestrian and vehicular environment. 3m footways are provided along the frontages of the building which is in accordance with the adopted Transport SPD and the accommodation of new street trees and active frontage will allow for improved natural surveillance.
- 9.9.2 No vehicular parking (beyond provision of a disabled parking space) is proposed which raises no concerns in principle considering this site meets the accessibility standards set out within the Core Strategy and is located within the city centre core area. Streets immediately around the site contain TROs, however there may be opportunities for residents to park on-street further away. In order to prevent unforeseen parking problems the developer is required to carry out a survey on roads within 800m of the site showing existing on-street parking levels. If the council believe a parking problem has occurred due to vehicles associated with the site a 2nd survey may be required. A fee of £20,000 will be secured through the Section 106 agreement to mitigate against future parking issues caused by the development and to assist in amending existing Traffic Regulation Orders to accommodate a new Car Club bay detailed below.
- 9.9.3 A Travel Plan has been provided which details a series of incentives and the provision of information to residents concerning transport modes which are alternative in nature to the private car, encouraging the use of public transport, cycling and walking and taking advantage of the sites highly sustainable location in terms of bus and train use. A car club space on street in the locality is also to be provided through this consent. Officers are presently working with the developer and the Influencing Travel Behaviour Team to identify a suitable set down location for an Electrical vehicle enabled space for this provision. It is expected that the Car Club bay will be provided

on the eastern side of Brick Street behind the existing loading bay and feasibility work on this matter is ongoing. This will be secured through the S106 agreement.

- 9.9.4 The application is supported by a Transport Statement and drawings which advise the provision of 108 cycle parking spaces. This figure falls slightly short of according with the requirement of the Transport SPD which suggests 118 spaces as an acceptable figure. Of the cycle parking spaces provided 14 are shown to be Sheffield stands which equates to around 11% however a minimum of 30% of the overall provision must be in the form of Sheffield stands and this matter along with the finer detail of facilities will be controlled through conditions. As always, higher quality cycle parking will be preferable to quantity therefore the number of Sheffield stands should be increased and this will be insisted upon through the condition mechanism. At the time of this report, a proposal has been suggested by the applicant for a series of rental bike spaces to be also made available as part of the overall provision. This will be given consideration prior to any formal approval, appropriate controls applied and the required level of detail attained.

The developer has agreed to contribute towards the improvement works at the Kirkgate / High Court junction and along High Court as this will improve the environment for residents of the site. The scheme will extend the cycle lane on Kirkgate and provide a new zebra crossing across Kirkgate which will improve safety of residents heading into Leeds city centre from the application site. Footways around the junction are also to be widened which will improve the environment for pedestrians.

The scheme will cost £1,500,000, the developer is expected to contribute 1.96% of the overall cost of the scheme, which equates to £29,400. This contribution will be secured through the section 106 agreement and will assist in mitigating the impacts of the development on the pedestrian network locally through the increased footfall the development will bring to the area.

9.10 Sustainability and Climate Change

- 9.10.1 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.
- 9.10.2 The proposals are stated 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 is proposing to utilise a connection to the District Heating Network in order to meet the requirements of EN1(ii) and EN4 – conditions will be used to control the details of the connection or details of a viable alternative to the connection through other measures should the connection not be possible, albeit engagement between the District Heating Team and the applicant would suggest that a connection in this location can be provided. Details of the location and timescales proposed for a connection must be submitted prior to commencement of construction on site and will be controlled by condition. Full details of water calculations to ensure compliance with EN2 will be achieved will also be controlled through conditions. The applicant has advised that as well as a planning policy requirement the specifications required to achieve the 110 litre per person per day are also controlled under the building regulations to that effect and therefore has every intention to deliver this.

As required by the NPPF, proposed new developments should contribute to, protect, and enhance the natural and built environment. A holistic look at the whole life cycle carbon emissions favors re-use and refurbishment of existing building stock. Not retaining whole/ parts of the existing building would obviously add to the carbon emissions of the scheme. The following rationale is considered to justify the demolition of the building.

- The existing layout is based on small rooms (former hostel use). Many of the rooms are subdivided with structural walls and are therefore not suitable for conversion or would require significant built intervention at a substantive cost.
- The existing layouts include lots of areas of dead space, based on previous use and would be difficult to bring into use.
- The existing building is c.30 yrs old and would require a substantive thermal upgrade, again affecting layouts/unit numbers and therefore the viability of a residential scheme.
- Existing massing , number floors would not allow sufficient units to make it viable to re-use. The new proposal involves more floors and reaching the critical mass needed to make a redevelopment of a brownfield city centre site such as this possible.
- The existing fenestration and window apertures are poor where measured against current standards and the expectations for residential accommodation to deliver a high standard of residential amenity in accordance with policy.
- Plant space requirements would take up much of the existing ground floor plate, again affecting the number of units that can be realistically achieved.
- Utility upgrades will be required in order to suit modern needs – the existing configuration is not adequate. A new substation and a connection to the district heat network would take up too much space affecting units/layouts.
- The Existing floor to floor levels not conducive to incorporating the latest and most efficient M&E standards/requirements, such as sprinklers/District Heating network connection.
- Fenestration /openings/facade not conducive to addressing noise and MVHR requirements which is of particular importance given the building's location close to heavy transport infrastructure.
- In allowing demolition of the building, a recycled waste strategy will be controlled by conditions in accordance with policy EN6.

9.11 Biodiversity

The site is subject to assessment in accordance with the NPPF and adopted local policy Core Strategy Policy G9, whereby the development needs to demonstrate a net gain in terms of Biodiversity. However, given that the application has been under consideration for some time, the site is not required to demonstrate the 10% uplift required by new national policy which comes into force on 12th February 2024 as required by section 90A of the Town and Country Planning Act 1990 as amended by

the Environment Act 2021. At the time of this report, metric calculations are being undertaken by the applicant who has committed to provide a positive uplift in terms of net gain and if this cannot be provided on site, has committed to the purchase of an offsite credit in accordance with the new national policy. In the event this was required, this would be secured through the section 106 agreement.

9.12 Wind and Microclimate Considerations

9.12.1 Due to the scale of the proposed buildings and their largely exposed location there is a significant potential for the generation of strong winds around the development. The applicant engaged wind consultants at the commencement of the design process to provide advice regarding the safety and comfort of the wind environment resulting from the development. As summarised in the consultation responses above a CFD assessment was made as part of the process (in line with the requirements of the Draft Wind and Microclimate Toolkit) and the findings were peer reviewed on behalf of Leeds City Council by Windtech Consultants. Only low-level mitigation within the application site itself will be required to address a very minor exceedance against safety standards affecting and limited to the garden area of the development site. This matter will be controlled by condition. In all other respects the application proposal is not considered to introduce wider impacts in terms of safety.

9.13 Safety and Security / Management

9.13.1 CS policy P10(v) identifies that developments should create safe and secure environments that reduce the opportunities for crime and the NPPF states that developments should be safe and accessible so that crime and disorder, and the fear of crime, do not undermine quality of life. On this basis, two phases of consultation have taken place with Yorkshire Police's Architectural Liaison Officer.

9.13.2 The proposals identify a predominantly car-free development that would result in a significant number of people walking and cycling to the site. Off-site public realm works to improve the pedestrian and cycling corridor north-west of the development will bring additional movement and activity. These improvements will link with similar proposals on neighbouring sites which will result in a significantly improved environment and which should reduce the fear of crime as noted by West Yorkshire Police within their initial consultation / discussions, whilst encouraging use by pedestrians and cyclists, creating a hospitable environment and promote natural surveillance.

9.13.3 West Yorkshire Police have made further recommendations concerning the need for either the use of bollards or fixed planters to the Brick Street / Brussels Street elevations of the site given the prevalence of glazing to the ground floor areas. This is noted, however it is considered features should be integrated with the proposed new footway and landscaping treatment / street trees where possible. The specific details will be controlled by condition and can be assessed by West Yorkshire Police, the Landscape Team and highways officers through that process to identify optimum locations, species details in the event planters are to be employed and to ensure pedestrian movement through the widened pedestrian route is not compromised and the benefits of the new pedestrian environment the scheme delivers is not diluted by their inclusion.

9.13.4 Based on comments received in both phases of consultation, CCTV surveillance will be required and will be provided around and within the site. This matter will be controlled by condition to allow for further direct consultation with West Yorkshire Police - to ensure optimum locations for lighting and CCTV are employed and to

ensure CCTV equipment provides suitable legibility and recording of images for reporting purposes. It is expected that the quality of CCTV recording equipment must accord with the British Standard as should all specifications for lighting, doors, windows, encrypted key fob access for cycle storage and building access. It is considered these matters can be secured through conditions.

9.13.6 Subject to detailed design to be secured by a security strategy condition and details of all built security measures the development would accord with CS policy P10.

9.13.7 The Co-Living advice note advises that conditions should be sought to ensure that the health and wellbeing of residents is properly considered and that regard is given to the high frequency of residents that may move in and out. Clearly the adoption of larger unit sizes within the scheme and proximate communal spaces close to private spaces will provide facilities for residents to in effect co-habit and mingle. However it is considered that due regard be also given to the potential for friction and dissonance between residents which are potential natural corollaries of communal living in any form of shared accommodation. Given that resident safety is to be addressed in terms of the building and it's wider environs as detailed above following advice from West Yorkshire Police it is considered the same regard must be had for securing appropriate procedures for resident safety within the building, how issues of resident behaviour are to be addressed and to ensure a single management regime remains in operation for the lifetime of the development to maintain comprehensive oversight of resident welfare. A management plan will be controlled by condition to address the operation of on site management, access control procedures, details of refuse collection and on site procedures for addressing anti-social behaviour.

9.14 **Planning Obligations and CIL**

9.14.1 A legal test for the imposition of planning obligations was introduced by the Community Infrastructure Levy Regulations 2010 (as amended in 2019). These provide that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

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

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

- Leeds City Council Travel Plan Review fee of £ 3815.00
- Provision of Leeds City Council Car Club provider parking space
- Provision of a Residential Travel Plan Fund of £30,662.01
- Offsite affordable housing commuted sum of £ 742,633(This sum will be subject to independent valuer verification)
- Compensation sum for loss of trees and offsite replanting £77,809.01
- Contribution towards High Court / The Calls Improvement Scheme (£29,400)
- Provision for TRO amendments (£20,000)
- Section 106 management fee

9.14.2 This development is liable to the Community Infrastructure Levy (CIL) and is likely to generate a CIL charge of £10014.12 This figure is presented for information only and should not influence consideration of the application. The infrastructure requirements for this development are likely to relate to public transport and public space provision.

Consideration of where any Strategic Fund CIL money is spent rests with the Council's Executive Board and will be decided with reference to the Regulation 123 List (or Infrastructure Funding Statement as the case may be) at the time that decision is made.

10.0 REPRESENTATIONS

10.1 As noted at paragraph 7.0 of this report, two public letters of objection have been received. These objections relate principally to the originally submitted design and layout, which has now been substantially revised through negotiation and a comprehensive redesign of the scheme over the past 18 months.

10.2 Leeds Civic Trust have provided two letters of objection. Again, many issues raised in their first letter are considered to be superseded by the substantial redesign of the building. However, LCT maintain the objection in principle and a combination of retained issues from their first objection and the content of their second objection are summarised and addressed as follows:

- a) Largely mute ground floor treatment - the ground floor level in particular is almost exclusively dedicated to plant room and other utilitarian matters, and does not attempt to contribute to street life and place making
- b) Lack of provision of wider CGI views which address the impact upon Leeds Minster or the Conservation Area
- c) Massing is disproportionate to neighbours

10.3 In response

- a) In effect the building has three exterior public facing elevations and as much of the active uses such as lounge areas and workspaces have been directed to the external public facing of the building (where surveillance and a sense of visual activity have wider benefits to the overall streetscape and creation of a sense of place). It is acknowledged that cycle storage and bin storage by their nature create dead frontages, however in this case, this equates to less than 1/3 of the exterior frontage of the building with the vast majority of non-active frontage facing into the site itself. Behind these areas of frontage are necessary facilities for residents and facilities to ensure a residential use can be properly supported in transportation and amenity terms. It is therefore considered that whilst not a perfect arrangement which delivers 100% active frontage, given the shape of the site envelope and need to deliver supporting functions, the proposed arrangement is acceptable and makes best use of the street scape and floor plate of the building in this regard.
- b) It is considered that the application site's clear separation from the conservation area by virtue of partition by the large-scale highway infrastructure and the site's placement within a more modern setting of tall buildings as a backdrop to the East ensure the building and its immediate environment are clear and distinct from the conservation area and do not adversely affect it's setting, nor that of Leeds Minster at approximately 170 metres separation from the application site.
- c) It is acknowledged that the new building is taller than its predecessor and immediately adjacent neighbour however for reasons set out at section 9.4 of this report the proposals are acceptable in townscape terms.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 In summary, while it is clear that there is currently no adopted policy provision, either within the Leeds Development Plan or the National Planning Policy Framework specific to co-living development; it is also clear that this is an emerging model for housing development in Leeds and other Core Cities and it is likely other similar schemes may come forward for consideration in this near future. Leeds City Council has recently adopted an advice note to assist in addressing Co-living proposals and in the absence of a specific planning policy for this emerging form of accommodation it is a material consideration. The proposals are considered to meet the guidance. In assessing this individual case on its own merits against the existing planning policy context and available guidance, it is considered that the benefits of the development outweigh any potential conflict with planning policy as the adopted advice note does not seek compliance with Core Strategy Policy H4 concerning Housing Mix. The proposals would involve a predominantly car free residential development and a scheme which allows for prioritisation of sustainable transport modes within a mixed-use city centre location (where in placemaking terms improvements to the adjacent street scene can be secured by association).
- 11.2 Tree loss whilst regrettable would activate the site for redevelopment and can be appropriately compensated and mitigated - allowing for redirection of planting to more public areas and therefore a provision of wider amenity benefits. The scheme would contribute towards much needed affordable housing in the city and would deliver a high standard of amenity for the occupier - whilst redeveloping an urban brownfield site with a building that will accord with and can be controlled to meet adopted policies on sustainability and climate change.
- 11.3 The scheme would provide further choice within the expanding portfolio of residential types and tenures in the city centre setting but would not compromise on the quality of accommodation in doing so when assessed against adopted standards for more conventional residential tenures. Furthermore; the proposals have been assessed against the requirements of adopted heritage policies and legislation and have found to be without detriment to the city's important and designated heritage assets by virtue of the clear separation of the site from Leeds Minster and the character of the site's immediate locality.
- 11.4 Accordingly, it is recommended that the scheme should be deferred and delegated to the Chief Planning Officer for approval subject to the conditions specified in Appendix A (including any amendment to the same or addition of further conditions as the Chief Planning Officer deems appropriate) and the completion of a Section 106 agreement.

Background Papers: Application file 22/04852/FU, two letters of objection, two objections from Leeds Civic Trust, Appendix A – Conditions and Appendix B - Operator Information

APPENDIX A – Draft Conditions

- 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 and Specifications above.
For the avoidance of doubt and in the interests of proper planning.
- 3 The development shall be carried out in accordance with the details shown on the submitted plan, "Flood Risk Assessment' 600512 (rev V02) prepared by Hexa, dated 4/07/2022", unless otherwise agreed in writing with the Local Planning Authority. (In the interest of satisfactory and sustainable drainage)

- 4 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

- 5 The approved Phase I Desk Study report indicates that a Phase II Site Investigation is necessary, and therefore 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. Where remediation measures are shown to be necessary in the Phase II Report 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.

- 6 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."

- 7 Prior to the commencement of the above ground building structure an updated Sustainability Statement shall be submitted to and approved in writing by the Local Planning Authority, which will include a detailed scheme comprising:
- a. Recycled material content plan
 - b. Site Waste Management Plan
 - c. Energy plan showing the amount of on-site energy produced by the selected Low and Zero Carbon (LZC) technologies and that it produces a minimum of 10% of total demand for each building, including product specifications
 - d. finalised location of future district heating connection point or proposals of alternative methods to demonstrate compliance with Core Strategy Policy EN1
- The development shall be carried out in accordance with the approved details

Within 6 months of first occupation of the development, a post construction review statement including evidence of implementation of the low water usage target 110 litres/person/day, shall be submitted to 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 and certification.

In the interests of ensuring the development meets the requirements of the adopted energy policies within the Core Strategy.

- 8 Within 6 months of first occupation of the development, a post construction review statement including as-built evidence of compliance with Core Strategy Policies EN1 and EN2, shall be submitted to 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 and certification."

In the interests of ensuring the development meets the requirements of the adopted energy policies within the Core Strategy.

- 9 No works to or removal of trees or shrubs with bird-nesting potential shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds nests immediately before (within 24 hours) the works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the LPA within 3 days of such works commencing.

To protect nesting birds in vegetation and built structures in accordance with the Wildlife & Countryside Act 1981 (as amended) and BS 42020:2013.

- 10 (Pending Biodiversity Net Gain resolution, may be removed) Prior to the completion of the above ground building structure, a Plan shall be submitted to and approved in writing by the LPA 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.

- 11 No above ground works shall be commenced until a ventilation and overheating mitigation scheme in accordance with Noise Report C10677/NIA/1.0 for rooms where windows need to be kept closed to prevent excessive noise levels shall be submitted to and approved in writing by the Local Planning Authority. The ventilation and overheating mitigation scheme shall include the following information:

- Identify which rooms referenced back to the approved Noise Assessment require specific overheating mitigation
- The acoustic specification of the proposed ventilation system demonstrating that when operated it will not cause indoor noise target levels to be exceeded
- The ventilation scheme must demonstrate that the air intake is located away from the sources of noise and/or poor air quality.

All works which form part of the approved scheme for each apartment shall be completed prior to occupation of the aforementioned apartment and retained thereafter.

The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. Rating level and background sound level are as defined in BS 4142:2014+A1:2019.

- 12 Prior to occupation, a post completion sound test including method statement detailing sampling locations to confirm compliance with specified criterion shall be submitted for approval. Testing shall only commence following approval of the method statement. Following approval of the method statement and subsequent testing process, in the event that sound levels exceed the specified limits, the applicant shall undertake corrective action and re-test. Once compliance can be demonstrated the results shall be resubmitted for approval.

The specified criteria are: noise rating BS8233 (35db/30db day/night) in bedroom between 23.00 and 07.00

In the interests of residential amenity

- 13 Commercial deliveries to and from the premises including loading and unloading and refuse collection, shall be restricted to 08.00 to 20.00 hours Monday to Saturday and 09.00 to 18.00 hours on Sundays and Bank Holidays.

In the interests of amenity.

- 14 a) prior to works concerning the installation of landscaping, no landscaping works shall take place 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 (available on Landscape Planning website).

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. 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 / roof water or surface water infiltration to benefit planted areas. Details of distribution system and controls.
- o Tree grill details.
- 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.
- o Confirmation of Manufacturer supervision on site (free service).

b) To ensure full compliance, a brief report on the installation of the rooting zone system, including supporting photographic evidence, shall be submitted to the Local Planning Authority (LPA) when the works are still "open" to allow LPA inspection prior to any finish surfacing works. Seven days written notice shall be given to the Local Planning Authority that the rooting zone structures are in place to allow inspection and approval of them as installed. Confirmation is required that the installation has been overseen by the manufacturer of the system.

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

c) AA three-year irrigation programme for the trees (in accordance with BS 8545-2014 Trees from Nursery to Independence) shall be submitted to the Local Planning Authority (LPA) for approval in writing. Confirmation of irrigation compliance shall be submitted to the LPA on a quarterly basis for the full three-year programme period.

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

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

To ensure the provision of amenity afforded by appropriate landscape design.

- 16 Hard and soft landscaping works shall not commence until full details of both hard and soft landscape works, including an implementation programme and any temporary

treatments required have been submitted to and approved in writing by the Local Planning Authority.

Hard landscape works shall include:

- a. proposed finished levels and/or contours.
- b. boundary details and means of enclosure.
- c. other vehicle and pedestrian access and circulation areas.
- d. hard surfacing areas.
- e. Lighting.
- f. CCTV and access controls
- g. proposed and existing functional services above and below ground (e.g. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.).
- h. access controls and site security measures.

Soft landscape works shall include.

- i. planting plans.
- j. written specifications (including soil depths and quality to BS 3882:2015, cultivation and other operations associated with plant establishment).
- k. schedules of plants noting species, planting sizes and proposed numbers/densities.
- l. details of tree pits and root cells.
- m. details of green roofing
- n. A scheme for management and maintenance of the publicly accessible areas
- o. long term landscape management plan.
- p. Finalised locations of external cycle parking.
- q. tree protection measures for existing trees and a methodology for their retention

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

In the interests of amenity, highway and public safety and to ensure the provision of amenity afforded by appropriate landscape design

- 17 No works shall commence until a Statement of Construction Practice has been submitted to and approved in writing by the Local Planning Authority. The Statement of Construction Practice shall include full details of:
- a) the methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development hereby approved;
 - b) the routes to be used for constructions vehicles;
 - c) measures to control the emissions of dust and dirt during construction;
 - d) measures to mitigate the impact of construction on other parts of the development including any trees proposed to be retained;
 - e) location of site compound and plant equipment/storage; and
 - f) how this Statement of Construction Practice will be made publicly available by the developer.

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

- 18 Prior to any construction works a Construction Traffic Management Plan shall be submitted to and agreed in writing by the Local Authority. It shall include but, not be limited to, details regarding:
- o Hours of operation.
 - o The number of daily HGV movements via the SRN.
 - o Delivery scheduling that should, wherever practically possible, ensure deliveries to and from site via the SRN are not undertaken during peak hours.
 - o HGV holding areas, that should not be located on or within close proximity of the SRN.
 - o Wheel Washing facilities.

As the carrying out of the development could result in significant harm to the amenities of local residents and/or highway safety and accordingly details of construction practice is required to be agreed prior to the commencement of works in order to protect such interests.

- 19 Development shall not be occupied until all areas shown on the approved plans to be used by vehicles, including roads, footpaths, cycle tracks, loading and servicing areas and vehicle parking space have been fully laid out, surfaced and drained such that loose materials and surface water does not discharge or transfer onto the highway. These areas shall not be used for any other purpose thereafter.

To ensure the free and safe use of the highway.

- 20 Notwithstanding the approved details, the building shall not be occupied until full details of cycle parking and facilities have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking and facilities shall be provided prior to first occupation of the building and retained thereafter for the lifetime of the development.

In the interests of highway safety and promoting sustainable travel opportunities.

- 21 Development shall not be occupied until the Electric Vehicle Charging Point has been provided in accordance with a scheme that shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall thereafter be retained for the lifetime of the development.

In the interest of promoting low carbon transport.

- 22 No part of the development hereby permitted shall be occupied until details for the provision of bin stores (including siting, materials and means of enclosure) and (where applicable) storage of wastes and access for their collection has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full before the use of that phase commences and shall be retained thereafter for the lifetime of the development.

To ensure adequate measures for the storage and collection of wastes are put in place. In the absence of appropriate measures residential amenity could be adversely affected.

- 23 Prior to the installation of any external facing material, full details including a sample panel of the relevant external facing materials, roofing and full details of glazing types for that building to be used shall be constructed on-site and approved in writing by the

Local Planning Authority. The external materials, roofing and glazing materials shall be constructed in strict accordance with the sample panel(s). The sample panel(s) shall not be demolished prior to the completion of the development, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of visual amenity.

- 24 Prior to the construction of the following elements of the proposed building, full 1 to 20 scale working drawing details of the following for that phase shall be submitted to and approved in writing by the Local Planning Authority:
- a. soffit, roof line, eaves and any external plant area treatments.
 - b. junctions between materials.
 - c. each type of window bay proposed.
 - d. ground floor frontages.

Development shall then be undertaken in accordance with the approved details. In the interests of visual amenity.

- 25 Prior to the installation of the wind mitigation measures full visual and locational details of the proposed wind mitigation measures, method of affixment and control of delivery shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be installed prior to occupation and maintained thereafter.

In the interests of creating a safe wind environment, adequate mitigation and public safety.

- 26 Prior to installation of the agreed wind mitigation measures a scheme for testing and assessing the effectiveness of the approved mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate details and timescales for the implementation of any further mitigation measures where these are found to be necessary by the testing exercise and shall be implemented in accordance with the details and timescales thereby approved. Removal of the required mitigation measures shall only be accepted following the submission of evidence and appropriate testing justifying removal, submitted to and approved in writing by the Local Planning Authority.

In the interests of creating a safe wind environment, adequate mitigation and public safety.

- 27 Prior to the installation of any extract ventilation system or externally mounted mechanical plant, details of such systems, including where relevant details of odour and smoke filtration for hot food uses, shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall aim to achieve the criteria set out in Leeds City Council Planning Consultation Guidance 'Noise and Vibration' dated December 2019.

- 28 Any external extract ventilation system/air conditioning plant shall be installed and maintained in accordance with the approved details. The rating level of noise from any externally mounted plant or equipment is to be no higher than the existing representative background noise level (LA90) when measured at noise sensitive premises, with the measurements and assessment of calculation made in accordance with BS4142:2014.

In the interests of amenity.

27 Prior to first occupation, a sound insulation scheme related to any amenity space within the amenity areas of the building hereby approved to be used as a gym or spa shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall achieve internal residential noise levels of no higher than noise rating NR20 in bedrooms between 23.00 and 07.00, and NR25 in all habitable rooms between 07.00 and 23.00. Associated plant noise from the amenity spaces shall achieve a BS4142:2014 rating level of no higher than the background at the nearest noise sensitive receptors, including the character corrections for tonality, impulsivity and intermittency as appropriate.

In the interest of amenity.

28 Prior to first occupation, a security and building management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall detail how tenant management between residential units will be addressed and what safety measures and procedures shall be implemented to ensure that tenants can co-habit safely. The development shall then be undertaken in accordance with the approved details

In the interests of public safety and residential amenity

29 Notwithstanding the details shown on the approved Proposed Site Layout, the parking area shall not be laid out or be brought into use until a revised Proposed Site Layout demonstrating the provision of disabled car parking has been submitted to and approved in writing by the Local Planning Authority, (in accordance with current British Standard BS8300 unless otherwise agreed in writing). The agreed layout shall be implemented prior to occupation and retained for the lifetime of the development.
To ensure the provision of disabled parking.
Development shall not commence until a survey of the condition of Brick Street and Brussels Street has been submitted to and approved in writing by the Local Planning Authority. Upon completion of the development (completion of the final approved building on the site) a further condition survey shall be carried out and submitted to the Local Planning Authority together with a schedule of remedial works to rectify damage to the highway identified between the two surveys. The approved mitigation works shall be fully implemented six months of the remedial works being agreed with the Local Planning Authority. In the event that a defect is identified during other routine inspections of the highway that is considered to be a danger to the public it must be immediately made safe and repaired within 24hours from the applicant being notified by the Local planning Authority.
As traffic associated with the carrying out of the development may have a deleterious effect on the condition of the highway that could compromise the free and safe use of the highway.

30 Prior to occupation of the development, the off-site highway works as shown on plan 21034-p401c comprising re-aligned turning head, provision of street trees and footway improvements at Brick Street and Brussels Street shall be fully delivered.
To ensure the free and safe use of the highway.

31 No development shall commence (excluding the demolition of existing structures and site clearance) until;

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity; and
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

In the interests of safety and coal mining legacy

32 Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

In the interests of safety and coal mining legacy

APPENDIX B – (Draft) operator management regime (extract)



VERVLIFE

VervLife specialist operators in co-living and build to rent. We get involved with clients as the earliest stage of a project, advising on viability, feasibility, design and layout. With the aim to ensure that buildings are as efficiently designed and built as possible, putting resident experience at the forefront, but also ensuring that the operating costs are kept within an acceptable level. We then move through the different stages of the project, working on a leasing and marketing strategy, setting rental levels, mobilising the scheme and taking it into day to day operational management. We strive to improve the wellness, health and happiness of our residents whilst they are living with us, as well as enhancing the value of our clients investments. VervLife have a number of co-living and build to rent schemes under management

GROUND FLOOR



HOLDFORTH COURT – CO-LIVING

Co-living is a different way of renting. Allowing residents flexibility not only from the length of time they can chose to rent for, short or long term, but also because of the way the building in managed and the offerings available. Holdforth Court will have an onsite team and the scheme will provide a secure bike store, secure parcel storage, a laundry, co-working space, residents lounges, a gym, roof terraces and a shared kitchen on each floor. Rents are all inclusive of utility bills and broadband which gives residents the comfort of knowing their monthly expenditure will remain at a constant level with no unexpected costs.

Community - From earliest opportunity building a sense of community is critical for the success of the scheme. Group viewings will be undertaken so that potential residents can meet each other and get a feel for what the experience of living at Holdforth Court will be like. Community doesn't just mean within the four walls of Holdforth Court, but extends out into the wider community and partnering with local businesses to offer resident discounts and forming strong bonds with the local community

Engagement – Having regular engagement and communication with the residents is critical to create the community. By using our Residents app we will be able to promote residents events and share local community benefits and discounts. The app also allows residents to access their tenancy documents, home user guides and pay rent.



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Environment – Smart metering will allow for monitoring of energy use both within the apartments and also the amenity spaces. The apartments will be well constructed and insulated which will reduce energy use. The roof terraces will be designed to encourage biodiversity and encourage wildlife. Holdforth Court has minimal car parking spaces and a large number of bike racks which is environmentally friendly and allow residents to cycle around the City to and from work.

COMMUNAL KITCHENS

The shared kitchens on each floor could be themed as seen in the examples from The Collective, Old Oak Co-living scheme as seen below. These kitchens allow for residents to have the opportunity to cook and eat together. Bringing different nationalities and ages of residents together socially.





The below shows examples of how laundry facilities can be brought into communal spaces such as café space which will bring residents together.



The Collective – Old Oak – London

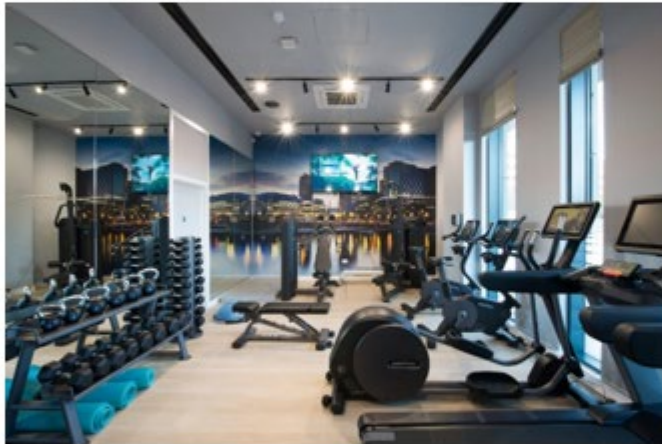


VeryLife

The below shows examples of well equipped gym which allows residents the opportunity to exercise without needing to leave the building and is a good social space which is an important offering for health and wellbeing.



Blackhorse Mills – London



Duet – Manchester



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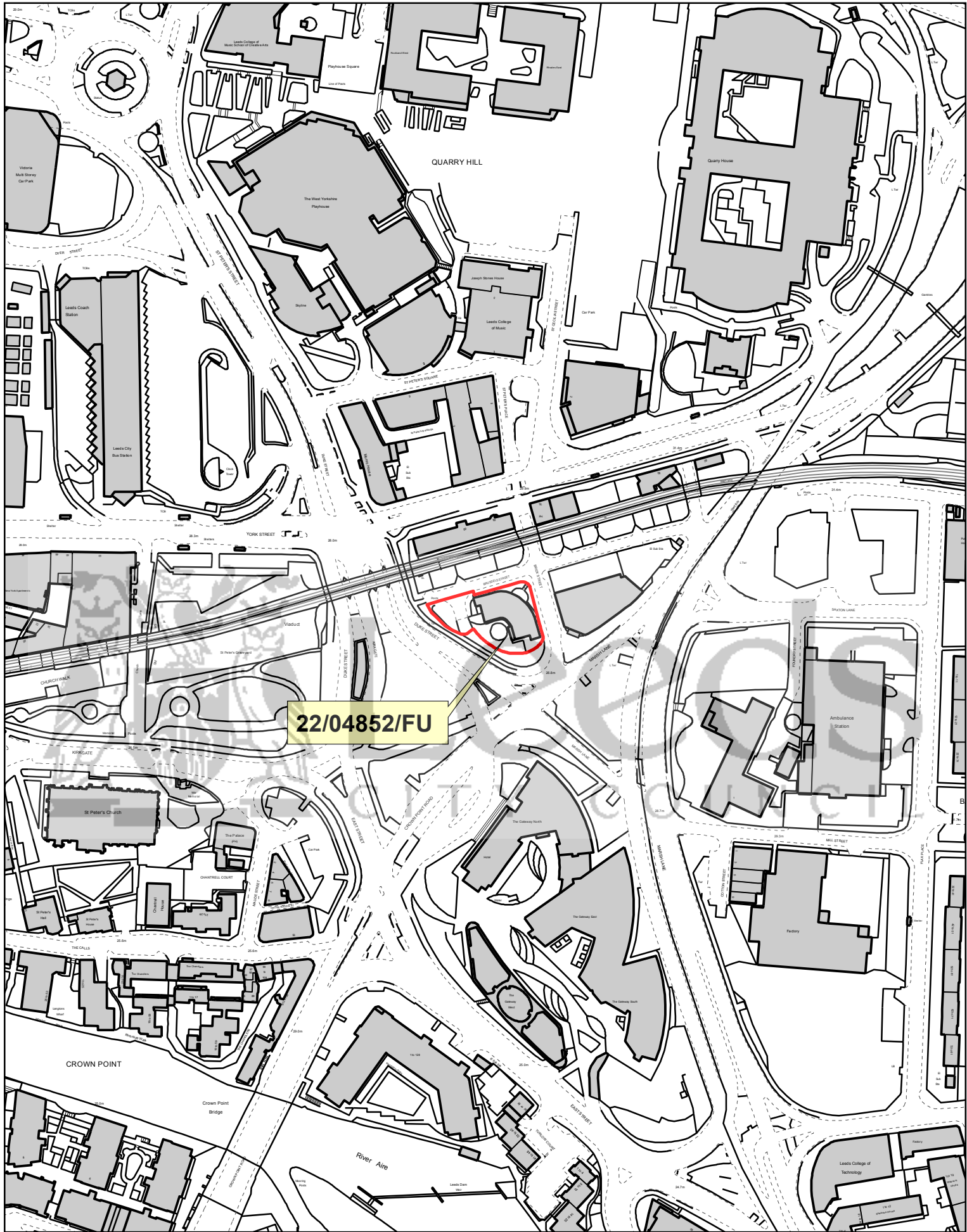
Well design Co Work space offers residents the opportunity to work from home, but in a social environment. These spaces can also double up to be utilised for residents events and social meet up.



Wembley Ark – Wembley, London



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CITY PLANS PANEL

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

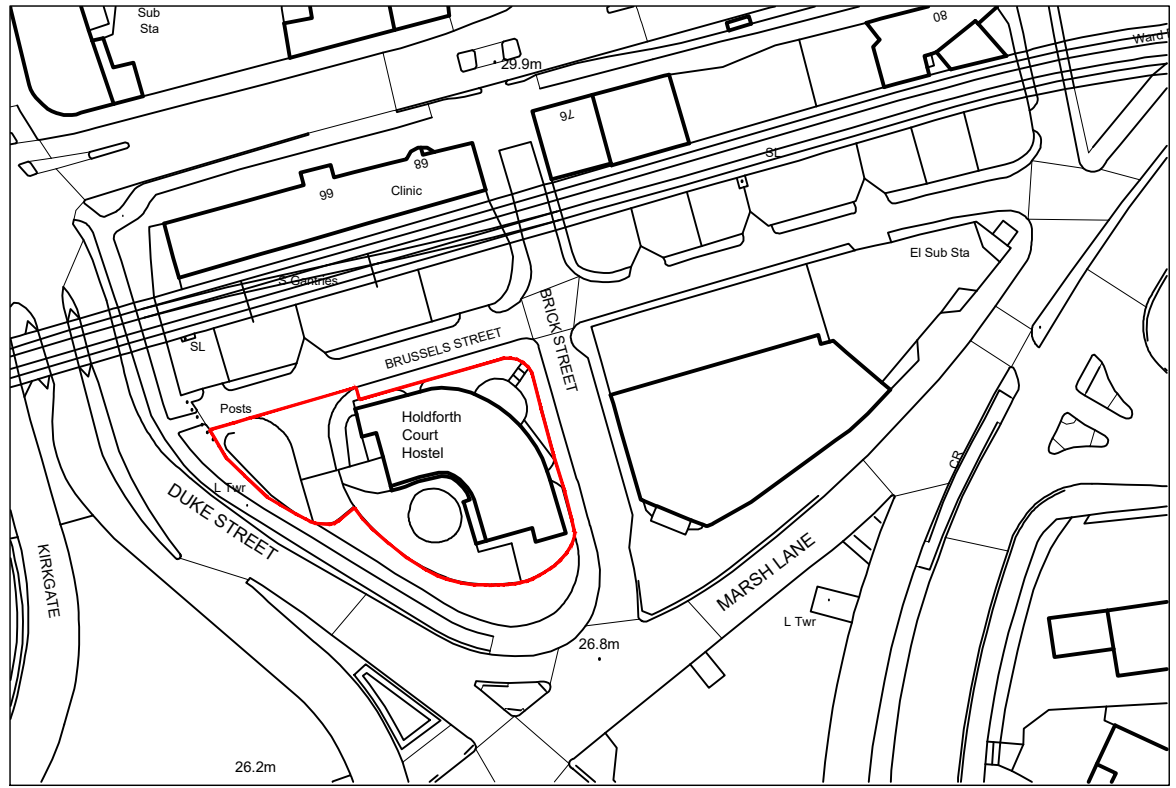
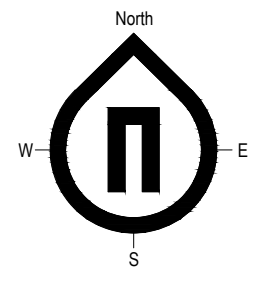
SCALE : 1/2500



NOTES
 Do not scale from this drawing. Only figured dimensions are to be taken from this drawing.
 Contractor must verify all dimensions on site before commencing any work or shop drawings.
 Report any discrepancies to the architect before commencing work. If this drawing exceeds the quantities taken in any way the architects are to be informed before the work is initiated. Work within the Construction (Design & Management) Regulations 2015 is not to start until a Health and Safety Plan has been produced. This drawing is copyright and must not be reproduced without consent of NW Architects Limited.

DRAWING STATUS/TYPE KEY
 F Feasibility SK Sketch L Landscape C Construction
 P Planning M Marketing S Survey AB As Built
 T Tender TNT Tenant OS Ordnance Survey

SURVEY NOTE
 The original building survey was undertaken by a third party. NW Architects accepts no responsibility for any errors, omissions or discrepancies.



REV	DESCRIPTION	DRAWN	DATE	CHECKED	DATE
REVISIONS					

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PROJECT
 Marsh Lane / Holdforth Court
 Leeds

DRAWING TITLE
 Site Location Plan
 Existing

Scale	Drawn By	Date Drawn
1:1250 @ A3	RS	02-08-22
	Checked By	Date Checked
	NW	02-08-22

Drawing No. **21034-S101** Revision -

