



**Leeds**  
CITY COUNCIL

Originator: Jessica Ashton  
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**Report of the Chief Planning Officer**

**CITY PLANS PANEL**

**Date: 5 October 2023**

**Subject: 23/02335/FU – Demolition of existing buildings and the erection of a purpose-built student accommodation development of between 6 and 8 storeys in height, with associated amenity space, roof terraces, servicing, cycle parking, and hard and soft landscaping at Land including 16-22 Burley Street, Leeds, LS3 1LD**

**Developer: Torsion (Burley Street) Limited**

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**Electoral Wards Affected:**

Little London and Woodhouse

Ward Members Consulted

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**RECOMMENDATION:**

**DEFER and DELEGATE to the Chief Planning Officer for approval subject to the completion of a Stage 1 Road Safety Audit, the specified conditions set out in Appendix 2 (and any amendment to these and addition of others which he might consider appropriate) and the completion of a Section 111 agreement under the Local Government Act 1972 and a Section 106 agreement to include the following obligations:-**

- Leeds City Council Travel Plan Review fee of £4,293
- Contribution for offsite tree planting commuted sum £41,421.90
- Contribution towards the proposed Burley Street cycle scheme £74,000
- Control of student occupancy
- Retention and management of communal spaces for the lifetime of the development
- Section 111/106 management fee

**In the circumstances where the Section 111 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 INTRODUCTION**

- 1.1 This application is brought to Panel under the scheme of delegation exception criterion (g) *“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 SITE AND SURROUNDINGS**

- 2.1 The site is a 0.14 ha triangular shaped site located between Park Lane to the north and Burley Street to the south, there is a small row of three storey terraced properties occupying the south westernmost part of the site with commercial uses at the ground floor level and accommodation above. Back Burley Street is cobbled and runs through the middle of the site and is used for car parking and there are a number of semi-mature trees forming a green edge along the north of the site. There is a significant level change across the site and the site falls from north to south and west to east and there is a substantial brick retaining wall with railings above to the southern boundary.
- 2.2 The site is unallocated within the SAP, located within the city centre boundary and not within a conservation area. The Hanover Square – Woodhouse Square conservation area is located just to the north of the site. There are a collection of listed buildings in the southwest corner of Hanover Square (Nos. 37, 38, 39 and 40 Hanover Square, Grade II listed), No 11 Hanover Square is Grade II listed to the east of the square and Denison Hall to the north of Hanover Square is Grade II\* listed, the building’s gate piers are independently Grade II listed.
- 2.3 The site is within the Little Woodhouse Neighbourhood Area, a Neighbourhood Forum has been formed and a Neighbourhood Plan is being progressed.
- 2.4 The site is currently owned by Leeds City Council.

## **3 PROPOSAL**

- 3.1 The application relates to a proposal for the demolition of existing buildings and the erection of a purpose-built student accommodation development of between 6 and 8 storeys in height, with associated amenity space, roof terraces, servicing, cycle parking, car parking, and hard and soft landscaping.
- 3.2 The development will provide 183 studio flats in total which are made up of 162 standard units, 14 accessible units, and 7 premium units.

## **4 RELEVANT PLANNING HISTORY**

- 4.1 There is limited relevant planning history associated with the site:
- 4.1.1 20/289/96/FU Back Burley Street Use of vacant site as private car park Approved 1996.
- 4.2 Oak House (site to the north)
- 4.2.1 19/04278/FU Proposal: Demolition of all existing buildings and structures and the erection of a series of inter-linked townhouse blocks (3-6 storeys in height) for student accommodation use (sui generis), alongside landscaping, access and various associated highway and public realm works (with the site boundary extended to

include highway works within Park Lane) with revisions to the design and increased areas of landscaping Approved 2019 and now completed.

#### 4.3 Ahlul Bayt Cultural Centre (to the north)

4.3.1 16/01092/FU Alterations and addition of new second floor, to form four flats, library and study Approved 2016.

4.3.2 Variation of condition 2 of 16/01092/FU for the addition of two flats approved in July 2020.

### 5 HISTORY OF NEGOTIATIONS

5.1 Preapplication advice was sought in April 2022 under reference PREAPP/22/00134. At preapplication stage it was considered that the scale was broadly acceptable subject to testing the impact on the setting of heritage assets. A more consistent architectural approach was deemed preferable and advice given that active frontage along Burley Street should be maximised. Sufficient space around the building to accommodate significant planting and trees along the northern boundary and at the junction of Park Lane and Burley Street was discussed. The subsequent proposals responded positively to the advice given during the preapplication process. The applicant has highlighted that advice from officers informed the following elements of the scheme:

- Stepping back the building from the southern elevation to allow a layby to accommodate servicing and drop off
- Stepping back from the eastern elevation to enable greater scope for soft landscaping and tree planting
- The reduction of massing of the upper floors to allow for more external amenity, minimise the impact on key views/built relationships, and deliver renewable energy/biodiversity improvements
- The introduction of further landscaping to soften the buildings edge, particularly along the northern elevation.

### 6 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

##### 6.2.1 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 3 Role of Leeds City Centre
- Spatial Policy 6 Housing requirement and allocation of housing land
- Spatial policy 7 distribution of housing land and allocations
- Policy CC1 City Centre Development
- Policy CC3 Improving connectivity between the City Centre and Neighbouring Communities.
- Policy H2 New housing development on non-allocated sites
- Policy H3 Housing Density sets minimum net densities for new housing
- Policy H6 Houses in multiple occupation, student accommodation and flat conversions
- Policy H9 Minimum space standards
- Policy P10 Design
- Policy P11 Heritage
- Policy P12 Landscape
- Policy T1 Transport management
- Policy T2 Accessibility requirements and new development
- Policy G1 Enhance and extend green infrastructure
- Policy C2 Creation of new tree cover
- Policy G9 Biodiversity Improvements
- Policy EN1 Carbon dioxide reduction
- Policy EN2 Sustainable design and construction
- Policy EN4 District heating
- Policy EN5 Managing flood risk

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

Relevant Saved Policies include:

- Policy GP5 all planning considerations
- Policy BD2 design and siting of new buildings
- Policy BD4 mechanical plans
- Policy BD5 Residential amenity
- Policy LD1 landscaping
- N23 Incidental open space
- N25 Boundaries of sites

#### **6.2.3 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
- Land 1 contaminated land
- Land 2 development and trees

- Minerals 3 coal safeguarding

#### 6.2.4 **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
- HMO, Purpose-Built Student accommodation and Co-Living Amenity Standards SPD (Draft)
- Little Woodhouse Neighbourhood Design Statement

#### 6.2.5 **Site Allocations Plan**

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

The site is unallocated in the Site Allocations Plan.

#### 6.2.6 **Neighbourhood Plan**

A Neighbourhood Forum has been formed and a Neighbourhood Plan is in production. There are policies within the draft Neighbourhood Plan which seek to promote a balanced community and this site is noted to be immediately adjacent to the proposed Preferred Purpose-Built Student Accommodation area. However, the emerging plan has not been subject to public consultation at this stage and as such limited planning weight can be given to it as a material consideration at this stage.

#### 6.2.7 **National Planning Policy Framework 2021 (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 (paras 10-11). 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 (including section numbers):

- 2 Achieving sustainable development (paras 7-14)
- 4 Decision making (paras 38 - 58)
- 5. Delivering a sufficient supply of homes (60-80)
- 6 Building a strong competitive economy (81-83)
- 8 Promoting healthy and safe communities (92-97)
- 9 Promoting sustainable transport (104-113)
- 11 Making effective use of land (119-125)
- 12 Achieving well designed places (126-135)
- 14 Meeting the challenge of climate change and flooding (152-169)

15 Conserving and enhancing the natural environment (174-188)

16 Conserving and enhancing the historic environment (including paras 189-208)

## **7 CONSULTATIONS**

### **7.1 Statutory**

#### **7.1.1 Health and safety Executive (HSE) (Fire Safety – Planning Gateway One)**

The RIBA 3 design fire strategy indicates that a second staircase has been incorporated into the proposed design. On the basis of two staircase serving all storeys and dwellings HSE is content with the fire safety design, to the extent that it affects land use planning.

#### **7.1.2 Coal Authority**

The Coal Authority concurs with the conclusions of the Preliminary Geo-environmental Appraisal & Coal Mining Risk Assessment report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development. Conditions are recommended to control this work.

### **7.2 Non-Statutory Consultees**

#### **7.2.1 Yorkshire Water**

Pending.

#### **7.2.2 Sustainability - Design Team**

The proposal is in line with feedback given at preapplication stage and is supported with regard to architectural treatments, massing and scale and materiality.

#### **7.2.3 Conservation Team**

Agrees with the conclusion of the submitted Heritage Statement that the extant building does not meet the threshold of being considered a non-designated heritage asset.

Following analysis of verified views it is considered that the development will not have an overbearing relationship with the south side of Hannover Square. There is considered to be 'low and limited level of harm' to the significance of the Hanover Square/Woodhouse Square Conservation Area arising from a reduction in the green character of the view from Hannover Square looking south toward the site during the spring/summer months. This is offset by enclosure of the street frontage on the approach to the conservation and listed buildings therein.

#### **7.2.4 Access Officer**

The scheme is showing 2 accessible studio bedrooms on each floor. As they are studios and there is no shared kitchen it will be essential that the base units in these studios are on castors so that they can be moved to allow a wheelchair users knee space in the kitchen area. We would also ask that space to charge mobility scooters is provided in the building.

In the cinema room we require spaces for wheelchair users and that these spaces be configured flexibly.

#### 7.2.5 Landscape

The principle of the landscaping proposals are acceptable, subject to further clarification relating to soil volumes and below ground infrastructure to ensure longevity and success of associated tree planting and landscaping.

#### 7.2.6 Highways

No objection to the principle of development and the proposed highway arrangements, subject to the provision of a Stage 1 Road Safety Audit prior to the grant of the planning permission and subject to agreeing full details of the off-site works through an appropriate planning condition.

A contribution towards a programmed cycle improvement scheme at Burley Street should be provided.

#### 7.2.7 Influencing Travel Behaviour (ITB)

The Travel Plan has been assessed against the adopted Transport SPD and is considered to be robust.

The Travel Plan should be included within the Section 106 agreement along with the Leeds City Council Travel Plan Review fee of £4,293.

#### 7.2.8 Flood Risk Management

The site is within Flood Risk Zone 1 and there have been no records of any recent flooding within the property or adjacent areas. An initial review has also identified that there are no known flood risks which require specific mitigation and would impact on the proposed development.

Flood risk management have no objections to the application subject to relevant conditions being imposed.

#### 7.2.9 Contaminated Land

The Preliminary Geoenvironmental Appraisal and Coal Mining Risk Assessment has concluded that a site investigation is required for the proposed development site. A Phase 2 Site Investigation report is required to be submitted.

It is preferable to receive the Phase 2 site investigation report prior to recommending conditions however relevant Conditions and Directions have been recommended which will allow for appropriate documentation to be submitted. The scope of the site investigation should be submitted for approval in writing prior to the works being undertaken.

#### 7.2.10 Nature Team

The figures provided in the Biodiversity Net Gain Assessment indicate the scheme will achieve an uplift of 0.0219 habitat units or a Biodiversity Net Gain of 7.31% which is policy compliant.

Three nocturnal surveys were undertaken between June and August 2023 to establish the presence/likely absence of roosting bats. No bats were observed emerging from a roost within the onsite building and therefore roosting bats do not pose a constraint to the proposals.

Measures to avoid harm to breeding birds and the provision of integral bat roosting and bird nesting features should be secured by condition.

Two Invasive Non-Native Species have been recorded on site, measures to ensure the eradication of these plants from site should be secured by condition.

#### 7.2.11 Environmental Health Services (Pollution Control)

In response to concerns raised relating to overheating, Mechanical Ventilation with Heat Recovery (MVHR) is being installed in residential accommodation (with a summer boost function) which will prevent the need to open windows to prevent overheating. This is sufficient to safeguard the amenity of occupants and Environmental Health have no objection to the application progressing on that basis.

#### 7.2.12 Environmental Studies (Transport Strategy)

The Noise Impact Assessment (NIA) prepared by MZA Acoustics and submitted in support of this application details daytime and night-time noise measurements conducted at the site of the proposed development the results of which have then been used to formulate a glazing and ventilation strategy such that acceptable internal noise levels may be met.

We agree with the methodology and findings of the NIA and concur that by installing the recommended glazing specification in conjunction with the proposed MVHR ventilation system, then internal noise levels should meet those recommended within BS 8233.

#### 7.2.13 Sustainable Development Unit (Climate Change)

The Supporting Document Environmental Standards Assessment published on 16 August 2023 provides satisfactory responses to demonstrate a compliance with Policy EN1(i).

Prior to commencement of construction general contract specification of the Photo Voltaics should be submitted with details of the location and timescales proposed.

The application is supported subject to appropriately worded conditions relating to meeting the water target for EN2 compliance and futureproofing for a district heating network for EN4 compliance.

#### 7.2.14 Local Plans

Policy H6B is considered to be satisfied.

#### 7.2.15 Architectural Aerodynamics Ltd (Wind and Microclimate Peer Review)

Satisfied that upon introduction of the proposed development, the Applicant has demonstrated and adequately documented that an acceptable wind microclimate will remain.



7.2.16 District Heating

No comment.

7.2.17 West Yorkshire Police

No comments received.

7.2.18 Employment and Skills

No comments received.

7.2.19 Ramblers Association

No comments received.

7.2.20 Health Partnership

No comments received.

7.2.21 Public Health

No comments received.

## 8 PUBLIC RESPONSE

8.1 Site notices were displayed on 27/04/2023 and the application was publicised in the Yorkshire Evening Post on 28/04/2023. One letter of support has been received from a local resident regarding the proposals on the grounds that the existing building represents under development and is an eyesore. Notes that general residential would have been preferable but student development is acceptable.

8.2 A letter of objection has been received from Leeds Civic Trust (LCT) as follows:

*“The Leeds Civic Trust Planning Committee has considered the above application (Validated 17 April 2023), for the demolition of existing buildings and the erection of a purpose-built student accommodation development of between 6 and 8 storeys in height, with associated amenity space, roof terraces, servicing, cycle parking, car parking, and hard and soft landscaping. Generally, the proposal amounts to over-development, both vertically and horizontally, and does not provide a level of public realm that would be appropriate for the site.*

*The utilitarian access is wrongly located on Burley Street to the South of the site and should instead be located to the North, in the shade of the new proposed building itself, and of the adjacent (currently college) building that will also obscure any chance of eastern light on the same patch. Absence of sunlight is not good for any aspirations at greening up the northern edge, and - arguably - there is a less pressing need for place making there than on Burley Street, which could do with more life. It is unlikely that any of the existing vegetation would be saved, and any replacement vegetation would have more chances if it faces South and complements the row of trees on the other side of the street.*

*Although some development is acceptable, more of the site should be retained within a greened public realm, as per the aspirations from the Neighbourhood Plan*

*process. Although there is an attempt at replacing the existing public space with roof gardens, these will be private. Instead, there should be more landscape at street level on both sides, including street trees (now a requirement on new streets). There should also be more space at the corner: although the corner needs architectural prominence, more substantial tree planting could also provide emphasis, and a softer addition to the focal point.*

*The proposal is also designed for a student populations, leading to an excessive concentration of students in the area, and should instead be targeted at residential (C3) accommodation in order to diversify local residential population. As student accommodation, the studio flats are rather cramped, particularly the space nearer the windows, where kitchenette and desk leave little room for dining or some form of seating. The communal spaces are more likely to contribute to local life if used by more long-term residents.”*

8.3 A letter of objection has also been received on behalf of Little Woodhouse Community Association (LWCA) and Little Woodhouse Neighbourhood Plan Forum (LWNPF).

*“In February 2023 LWCA were approached by the developers of this plot for a 'pre-application' discussion on their proposals and we duly obliged, a group of approx eight members of LWCA meeting with them on the afternoon of 6th February 2023. However, our initial comments made at that meeting haven't made it into the Planning Application, which is rather disheartening.*

*The development is proposed to be six storeys high to the West, rising to eight going east and will consist of 115 studio flats (20 square metres), 6 accessible studio flats (35-44 square metres) and three 'Premium' studio flats at 27sq metres. The PA then incorrectly states that this is in line with Leeds City Council's Supplementary Planning Document on HMO PBSA and Co-Living, incorrect because this is a draft and has not yet been adopted. The development is also near 'Bell Vue Lane' anybody heard of that one? There is also a roof terrace for the residents.*

*1) In light of the Local Council's 'Climate Emergency' and the updating of the Core Strategy, it is disappointing that there is no discussion in the PA of a refurbishment and re-use option just a demolish and rebuild. Refurb and re-use might not be practical but it hasn't even been considered.*

*2) The development contains a roof terrace which is accessible to the residents. This is a terrible idea as this will be very intrusive for the residents of Hanover Square south and the adjacent Marlborough development. When the students start to 'party' a roof terrace will ensure that everybody gets to join in the 'fun'. Given the increasing focus on student mental health it is also a very bad idea to have an accessible roof terrace. A green roof would not be an issue, but NOT accessible.*

*3) The current development plot is built on less than 20% of the land area and the building heights are two to three storeys. The PA builds on over 85% of the plot and the development will rise to eight storeys, this is a clear over-development of the site and is completely at odds with immediately adjacent buildings, including the Fox and Newt public house and row of shops immediately opposite.*

*4) The existing site is covered with self-seeded greenery, many shrubs but also some quite substantial trees which have been growing on this site for the past 25 years. Some of these trees are not good quality, but others are thriving. The notational replacement trees are not sufficient (this has also been noted by LCC*

Conservation Team) and much more additional planting is required to replace the trees that have been removed.

5) The development is student accommodation which contradicts LCCs Core Strategy of avoiding excessive concentrations of students. Although Oak House is adjacent (a new PBSA development), it also borders on the Marlborough estate and Hanover Square, significant concentrations of residential accommodation. This PA should be refused on that basis alone and an application for 'Key Worker' accommodation be considered instead.

6) UNIPOL and the University of Leeds have become increasingly concerned about student mental health. As a result the recent Oak House development by UNIPOL (adjacent to this site) has student accommodation in cluster flats rather than studio flats as it has been recognised that this type of development reduces loneliness and isolation and encourages students to mix and socialise. 124 Studio flats is just such a bad idea.

7) This development plot is immediately adjacent to the Hanover Square Conservation area, and yet the impact this development will have on the CA has been ignored. This development will negatively impact on established views from the Conservation Area and this needs to be taken into consideration.

8) Leaving the best until last and a point LWCA raised at the Pre-App discussion in February (and was subsequently ignored), this will result in dangerous road conditions along Burley Street with the increased risk of head-on collisions on quite a sharp corner. Due to vehicles parked in front of the Fox and Newt pub and adjacent retail outlets, vehicles travelling west along Burley Street are 'pushed out' into the centre of the road. Currently this is not an issue as vehicles travelling east (into Leeds City Centre) keep to their side of the road. However, under this proposal the main entrance and vehicular access to the site will be facing Burley Street. There are some lay bys provided, but at peak times these will be full and taxis will inevitably double park on Burley Street, forcing traffic driving into the city centre into the middle of the road and the inevitable head on collisions (on a sharp bend) with traffic coming out of the city centre also in the middle of the road. We would urge a site visit by Highways to look at this, paying particular attention to the taxi 'free for all' that occurs at the junction of Burley Road and Westfield Road just a bit further out on Burley Road late at night. The vehicular access to this development needs to be on Park Lane NOT on a key route out and into Leeds City Centre"

8.4 The response to received letters of representation is set out at Section 10 of this report.

## 9 KEY ISSUES

- Principle of development
- Design and Heritage considerations
- Residential Amenity (occupiers)
- Residential Amenity (surroundings)
- Accessibility and Inclusivity
- Landscaping, Trees and Biodiversity
- Sustainability and Climate Change
- Wind and Microclimate Considerations
- Highways Matters
- Planning Obligations and CIL
- Representations

## 10 APPRAISAL

### 10.1 Principle of development

10.2 The site is not allocated in the Site Allocations Plan and therefore Policy H2 applies and states that:

*New housing development will be acceptable in principle on non-allocated land, providing that:*

- (i) The number of dwellings does not exceed the capacity of transport, education and health infrastructure, as existing or provided as a condition of development,*
- (ii) For developments of 5 or more dwellings the location should accord with the Accessibility Standards in Table 2 of Appendix 3,*
- (iii) Green Belt Policy is satisfied for sites in the Green Belt.*

The proposed development of 183 units is unlikely to exceed the capacity of local infrastructure or services.

The site is considered to be within a highly sustainable location within the city centre boundary and close to public transport, the University Campuses and Leeds General Infirmary.

10.3 Core Strategy Policy H6B relates specifically to the provision of student housing and the proposals have therefore been assessed as follows against the criteria within Policy H6B:

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

Evidence provided by Arc4 (Jan 2018) indicates that the number of students in Leeds has increased but that the number of students in 'Shared off street housing' has decreased suggesting a shift to PBSA. The evidence therefore suggests that the prevalence of PBSA within Leeds has resulted in less demand from students for HMOs and the need for private housing to be used.

The proposal would assist this objective by providing 183 purpose-built student bedspaces which would help alleviate the need for private housing to be used for student accommodation.

*Criterion (ii) To avoid the loss of existing housing suitable for family occupation,*

The existing accommodation on the site is not considered suitable for family housing due to the location and layout, as such the proposal meets this criterion as it does not propose the loss of any family housing.

*Criterion (iii) aims to avoid excessive concentrations of student accommodation (in a single development or in combination with existing accommodation) which would undermine the balance and wellbeing of communities,*

It is recognised that there is a concentration of student housing in Woodhouse and particularly along Burley Street. However, it is not the concentration per se that is being tested through this criterion but 'harm' as a result of the concentration.

PBSA have been shown to relieve pressure on family housing by redirecting students away from HMO accommodation (see above).

PBSA have management arrangements and rules for residents to control adverse impacts resulting from noise. Although it is noted that concerns have been raised about the proposed roof garden, the submitted management statement states that access to the roof garden and communal areas will be restricted to 10am-11pm for the purposes of entertaining which will be subject to suitable planning conditions and as such is not considered to result in adverse impacts.

Effective arrangements are proposed to control and manage the move-in process and will involve 40-minute drop-off slots which will be booked in advance by the residents which are considered appropriate.

The site plan shows that bins will be kept internally and there will be no bins kept external to the site and managed waste collection arrangements.

The immediate surrounding land uses are mixed in nature: education establishment, cultural centre, commercial, Telephone Exchange, public house, hot food take away and other commercial uses albeit there is residential accommodation to the south at the Marlborough estate, within Hannover Square to the north and also a residential estate around Kendal Bank to the north west. It is considered that most pedestrian movements from the proposal site are likely to be as follows:

- via Clarendon Road / Clarendon Way (to the University of Leeds, Leeds Beckett, and the LGI)
- students attending classes at the North-Western section of University of Leeds Campus, or attending Leeds Arts University, would be likely to walk through the University of Leeds Campus as it is the quickest route although there is a chance that they may go via Belle Vue Road
- The most likely route to the City Centre is via Park Lane onto Westgate. Walking any other way involves the steep hill from Park Lane to Belle Vue Road
- Those walking from City Centre nightclubs are likely to take this route or walk through the University of Leeds campus or LGI
- There are regular buses to and from the University

As such, it is considered that most pedestrian movements from the proposal site would generally be through a mixed use/predominantly commercial part of the City Centre towards the Universities, and therefore the impact on nearby established residential communities and the character of the immediate area is likely to be acceptable.

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

The site is located very close to the LGI and the Dental Institute (350m and 400m respectively), the University of Leeds Campus (circa 550m) and Leeds Beckett University (circa 800m). 800m, or approximately half a mile, is generally considered a standard walkable distance from services as it typically takes approximately 10 minutes to walk at an average speed of 3mph (Local Plan Update 1 and Leeds Local Plan 2040).

On that basis the location is considered easily accessible to the universities.

Criteria (v) requires that *the proposed accommodation provides satisfactory internal living accommodation in terms of daylight, outlook and juxtaposition of living rooms and bedrooms*. An assessment of the residential amenity of occupiers within the scheme is

outlined at section 10.19 to 10.35 of the report and the proposals are considered to meet criteria (V) of the policy based upon that assessment.

#### 10.4 Design and Heritage considerations

##### Heritage Considerations

- 10.5 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 NPPF requires local planning authorities to have regard to the impact of proposals on the setting of heritage assets including Conservation Areas (paragraphs 194, 195, 197, 206 and 207). This is considered further below.
- 10.6 A Heritage Statement (HS) has been submitted with the application which, amongst other things, provides an assessment of the impact of the proposed development on the significance of the relevant designated heritage assets comprising Listed Buildings and the Hannover Square - Woodhouse Square Conservation Area.
- 10.7 The site retains a fragment of the wider 19<sup>th</sup> century development as well as forming part of an early 20<sup>th</sup> century phase of development. It is agreed that the significance of the extant building does not meet the threshold of being considered a non-designated heritage asset.
- 10.8 The HS states that topography of the area contributes to the character of the development where the area is built on an incline from north to south. This creates medium distance views of the site which the HS states "provides a green enclosure to the Square which contributes to its character and appearance". However, the HS assessment that the long distance views, including those across the Kirkstall Valley do not contribute to significance is not agreed as the expansive views provide a literal glimpse of the historic setting of the Denison House and the square commanding views to the south and also contribute to its spatial dynamics of contrasting containment and release.
- 10.9 Verified views have been provided looking south from Hannover Square, as well as east along Park Lane/Belle View Road, west along Park Lane from the junction of Hanover Way. The verified views provided demonstrate that the taller element will be seen above the ridge line of the houses along the southern side of Hanover Square, but it is angling away and is at sufficient distance not to impose itself on the square.
- 10.10 The HS concludes that there will be a "low and limited level of harm" to the significance of the Hanover Square / Woodhouse Square Conservation Area. The harm arising from a reduction in the green character of the view from Hanover Square looking south towards the site during spring/summer months, and built form being brought closer within and enclosing that same view. However it is considered that the level of harm is offset by the increased sense of enclosure of the street frontage on the approach to the conservation area and listed buildings therein which is characteristic of the wider area and the conservation area in particular.

##### Design

- 10.11 The Little Woodhouse Neighbourhood Design Statement (NDS) is an adopted SPD which provides general design advice, including:
- Building materials to include red brick as the basic elevation material;

- Views and vistas – new development should maintain the positive views in and out of the area;
- New developments should be sensitive and responsive to their context; and
- Buildings in key locations – in corner positions or at the end of vistas and other key locations, should be designed and detailed in a manner which reflects the importance of their location.

10.12 Analysis within the Design and Access Statement demonstrates how the design draws from the surrounding streetscapes, varied building types and architectural styles evident in the local environs in particular along Burley Street and Hannover Square.

10.13 The proposed development is between 6 and 8 stories in height and is comprised of three sections which increase in height in a stepped manner from west to east. Sections through the site indicate that the scale relates to the scale of the nearby buildings.

10.14 The footprint of the building is set back from the adjacent telephone exchange but serves to form a strong building line successfully enclosing Burley Street. The location of communal facilities such as the shared lounge, study area and gym provide active frontages to help animate and provide activity along Burley Street. Although there are some areas which serve storage and plant which are not active, the impact is mitigated by the incorporation of planting. The development responds to the wedge-shaped site, incorporating a round feature 'Flat-iron' corner which serves to help wayfinding and provides a point of visual interest on the approach along Park Lane.

10.15 In architectural terms, the building benefits from a defined base, middle and top. The three elements of the building use a combination of verticality, unifying language and elements of depth and texture to create a form which appears ordered with proportionate quantities of solid and void, regularity and consistency of vertical and horizontal proportions.

10.16 Windows benefit from significant reveals of circa 23cm adding visual interest and depth to the façades.

10.17 The starting point for the choice of materials has been a contextual analysis of the surrounding area. Materials reflect that the Burley area is prevalently a red brick area, the proposed design responds to this existing material palette and guidance within the NDS. The materials palette comprises two complimentary shades of red brick, bronze effect window frames and stone effect sills and cappings. There are subtle variations with the eastern section of the building incorporating a decorative feature glazed tile and a darker red brick.

10.18 Agreement of materials and a sample panel will be carefully controlled through conditions.

#### 10.19 **Residential Amenity (occupiers)**

10.20 As noted above, criteria (v) of policy H6B relating to proposals for purpose-built student housing requires that the proposed accommodation provides satisfactory internal living accommodation in terms of daylight, outlook and juxtaposition of living rooms and bedrooms. Core Strategy Policies CC1(b) and P10 and Saved UDPR Policies BD5 and GP5 also provide more general requirements that development should contribute positively towards quality of life and provide a reasonable level of amenity and useable space.

## Outlook

10.21 The proposed building would afford suitable outlook from habitable rooms windows with apertures of suitable height and width offering a good field of view. Bedrooms on the easternmost corner will enjoy views east along Park Lane toward the city centre though the majority of bedrooms are orientated with an outlook either to the north or south. The proposed development is approximately 17m from buildings to the north of Park Lane at the closest point and the distance to the buildings on the south side of Burley Street is circa 27m, which narrows to approximately 16m to the Fox & Newt public house. This is considered appropriate in a city centre context and ensures bedrooms benefit from a positive outlook.

## Privacy

10.22 To the north, there are studios at first floor level which have an outlook to Park Lane, they are separated from the street by a landscaped buffer of approximately 6.5m which incorporates tree planting. The proposed tree species are *Betula pendula* 'Fastigiata Joes' which have a maximum spread of 2m, as such they are spaced at 3m to allow gaps between tree canopies to ensure sufficient light levels during the summer. A 4m offset is also incorporated for the same reason.

10.23 To the northeast, a section of the building is in close proximity to the pavement without the benefit of a landscaped buffer and where studios will be located close to the pavement. The level change across the site means that they will be elevated above pavement level to ensure privacy. This is further mitigated by the fact that the studios are of the large variety and therefore benefit from multiple windows offering the opportunity for privacy within the rooms.

## Outdoor Amenity Space

10.24 Access to outdoor amenity space for future occupants is provided via a roof terrace. It is noted that the emerging guidance on student housing standards indicates that proposals should provide good quality outdoor areas that equate to a minimum of  $\frac{1}{4}$  of the total gross floor area. At 64sqm the roof top area is significantly smaller than this. However, it is recognised that there are practicalities associated with the provision of this level of outdoor amenity space in a city centre context where buildings are often taller for townscape reasons. Furthermore there is an upper case policy which makes it clear that in the city centre for sites less than 0.5ha in area there is no requirement for external greenspace to be provided. In this context the provision of the draft SPD can be attributed very limited weight in planning terms. The roof terrace provided although comparatively small will add to the range of facilities and spaces available to occupants with associated amenity benefits. There are also noted to be publicly accessible green spaces in proximity, in particular Hanover Square and Woodhouse Square, but also within the University Campus and slightly further north St George's Field and Woodhouse Moor. On balance the proposals are therefore considered acceptable in this respect.

10.25 To ensure shelter from prevailing winds the roof garden incorporates sheltered spaces suitable for frequent sitting and incorporates screens to improve comfort levels.

## Noise

10.26 The applicant has provided a noise impact assessment which demonstrates that the noise climate at the site is typical of an urban mixed-use area whilst being dominated by road traffic noise on the adjacent road network. Burley Street provides a busy



commuter route into and around Leeds city centre from the west. Leeds Sixth Form College lies to the north-east of the site and the Fox and Newt Pub is opposite on Burley Street. The report recommends an outline scheme of acoustic mitigation measures (in the form of glazing and ventilation requirements) to ensure that suitable internal and external noise criteria may be achieved. The mitigation measures are considered appropriate to provide a suitable internal noise environment.

### Overheating

10.27 Thermal modelling has been undertaken for the proposed development which indicated that there was a risk of overheating for some of the south facing rooms. In response, the applicant has confirmed that MVHR is proposed in the residential accommodation (with a summer boost function) and that this will prevent the need to open windows in order to stop overheating. It has been confirmed that bedrooms will be attenuated to 30dBA during normal ventilation mode, with a 5dB relaxation when in summer boost mode. This is considered acceptable in protecting the residential amenity of occupants.

### Space Standards

10.28 Development of student accommodation is not subject to the minimum space standards set out in Core Strategy Policy H9. The Policy indicates that such development should reflect the NDSS with appropriate adjustments to address the particular characteristics of these type of developments. The policy goes on to advise that they should also 'meet standards of general amenity for occupiers to include adequate space, light and ventilation' and that further guidance will be provided through a Supplementary Planning Document.

10.29 Whilst the Council's emerging policy for student housing space requirements is draft only at the time of writing, paragraph 5.2.46 of the supporting text to Core Strategy Policy H9 states that "provision of reasonable space standards is still important for student accommodation, and this will need to be judged on a case-by-case basis". It therefore provides helpful guidance in assessing what represents '*reasonable space standards*' in the context of PBSA proposals and as such the proposals have been assessed against the emerging SPD.

10.30 The development comprises self-contained studios which the applicant has indicated is a response to physical constraints in terms of the narrow nature of the site and building which lends itself to studio units off a central corridor; complications regarding additional fire escape routes in this context; Torsion's experience in terms of rental demand; and the presence of a range of alternative accommodation types in the immediate vicinity. This is therefore considered appropriately justified.

10.31 Studios are between 19.9sqm and 27.1sqm, with the majority being 20sqm with a small proportion being 19.9sqm and similarly some being 20.2sqm. It is noted that this is at the low end of the minimum range allowed for within the draft SPD. A typical studio includes a bathroom, kitchenette, a sofa, a TV, a desk and desk chair, a double wardrobe and a 'three quarters' bed. The facilities and layout are considered to represent suitable arrangements. It is noted that there are 14 studios which at 19.9sqm are 0.1sqm below the 20sqm minimum, however the scale of the shortfall is such it is not considered to materially impact on the amenity of occupants, particularly when considered alongside the quality of the proposed communal space.

10.32 Amenity space and communal facilities are located on the ground floor comprising a common space, study pods, cinema room, a games room and a gymnasium. At 270sqm this represents a significant (close to 50%) exceedance on the indicative 1sqm

communal space provision per bedspace. In addition, the facilities are considered to be of a demonstrably high quality with large windows, good outlook and 3.6m floor to ceiling heights and are readily accessible to all residents. Therefore they are likely to be welcoming and well used. This would help to meet residential requirements for socialising.

10.33 On balance, the proposals are considered to largely comply with the emerging guidance on space standards for PBSA and are considered to provide a high-quality living environment for residents.

10.34 Appropriate planning obligations will be applied to ensure the communal space is retained and managed for the lifetime of the development and to ensure the accommodation may only be occupied by students.

10.35 Work undertaken on the proposed designs and layouts of the building alongside consultation with the HSE on fire safety has resulted in the introduction of a second stair core.

#### 10.36 **Residential Amenity (surroundings)**

##### Privacy / Daylight and sunlight

10.37 In order to support the application, a daylight and sunlight report has been provided by the applicant to assess the potential impact on neighbouring properties and is based upon the methodologies set out in the Building Research Establishment (BRE) report. It is recognised that in assessing dense urban schemes, including tall buildings, the use of the BRE metric has a number of shortcomings. This is because the BRE tests used are based on a typical (two storey) suburban model of development and expectations of levels of daylight/sunlight are different in a city centre area.

10.38 At the narrowest point the proposal achieves a separation distance of 17m from buildings to the north of Park Lane. The site is also at a lower level to buildings to the north due to the topography which helps reduce the impact. There are not considered to be overlooking or privacy issues arising which would impact on residential amenity of occupants of nearby buildings at this distance.

10.39 The submitted daylight and sunlight study demonstrates that once the development has been carried out, all but two of the surrounding properties will fully accord with the BRE target criteria. The properties which are affected are considered in more detail below.

10.40 There is one room and one window within 35-35A Hannover Square which does not meet the VSC and NSL daylight criteria respectively. The affected window will retain 23.5% VSC with the proposed development in place, against a target of 27%. This is within 20% of the target, which the BRE state would not be noticeable to an occupant and is considered acceptable given the dense, urban nature of the locality.

10.41 Similarly within Charles Apartments there is one room where there is a minor impact, the room is reduced by 27% against a target reduction of 20%. The room will continue to receive daylight to 72% of its area and on the whole is considered acceptable in a dense urban environment.

10.42 The car park of Park Lane College will be impacted by an element of overshadowing but this is not considered a sensitive use and the overshadowing is not of an extent as to sterilise the site for future development in a city centre context.

- 10.43 The environment to the east of the site is predominantly highway dominated or populated by commercial premises. There are considered to be no significant impacts through shadowing or loss of privacy in this regard. To the west there is a blank elevation of the telephone exchange.
- 10.44 Given the city centre context this relationship is considered acceptable both with regard to shading and window to window distances and privacy.
- 10.45 On this basis and having regard to the urban character of the site, its surroundings, consistencies with the developing city centre and the flexible suburban basis of the BRE technical guidance, the development's effects on neighbouring properties are considered acceptable.
- 10.46 Accessibility and Inclusivity**
- 10.47 14 accessible bedrooms for wheelchair users are provided which range in size from 35.8 – 44.1sqm, comfortably exceeding the requirements of the draft SPD both in terms of numbers provided and size of studio rooms. As there is no shared kitchen it will be essential that the base units in the accessible studios are on castors so that they can be moved to allow a wheelchair user knee space in the kitchen area.
- 10.48 Space to charge mobility scooters should be provided in the building.
- 10.49 The building benefits from level access, suitable door opening widths are proposed and the communal facilities incorporate an accessible WC at ground floor level. In the cinema room, spaces for wheelchair users should be provided. The applicant has confirmed that the cinema room is envisaged as a flexible space which can accommodate wheelchair users.
- 10.50 The applicant has confirmed that there is sufficient space to accommodate charging for mobility scooters within the ground floor and that the accessibility requirements will be incorporated as the detailed design progresses. This will be controlled by planning conditions.
- 10.51 Landscaping, trees and biodiversity**
- 10.52 The site area is 0.14 hectares and as such Core Strategy Policy G5 is not relevant as it only requires open space provision in the City Centre for sites over 0.5 hectares.
- 10.53 The landscaping proposals incorporate trees along the north facing façade with a revised 3m spacing and a 4m offset from the building to improve internal light levels. This spacing will allow natural canopy spread and will ensure 2m gaps between tree canopies.
- 10.54 The layout also incorporates 4 proposed columnar street trees in hard landscape along Burley Street either Quercus 'Fastigata Koster' or Liquidambar styraciflua 'Slender Silhouette'. These are complimented by two ornamental trees in planters either side of the entrance and movable raised planters located between the brick pillars to 'dress' the street scene.
- 10.55 To the east the raised bed has been reduced in accordance with Highways requirements but high quality planting and sufficient below ground soil volumes should allow the provision of 2 large stature trees to maximize visual interest and the connections with existing street trees nearby.

- 10.56 Planters along the entire façade along Burley Street is a welcome addition that will soften the street-scene along blank walls and offer privacy and attractive outlooks from the overlooking ground floor Gym and Games/Study room. The larger planters containing trees will also help frame the building entrance. Evergreen species in this location would help retain these functions. Planters must also be robust and require minimal long term maintenance i.e. PPC/painted steel, corten steel.
- 10.57 The design principles are considered acceptable, but full details regarding soil volumes and below ground infrastructure to support long term healthy growth and accordance with the Leeds Urban Tree Planting Guidance and Leeds Planting Checklist are required and will be controlled by planning condition.

### Trees

- 10.58 The development requires the removal of 17 C category trees and 1 C category tree in group G24 (18 trees in total) that should be replaced in accordance with the LAND2 3:1 replacement policy. Fifty four replacement trees are therefore required by adopted policy.
- 10.59 Nineteen trees are provided as part of the development proposals, which is 35 trees short of the number required or 65% short of the total required. However the adopted policy also allows for an off-site contribution to be made to mitigate existing tree loss where there is not suitable space on site such as for development in city centre locations.
- 10.60 A CAVAT calculation document has therefore been submitted which indicates that the total value of the 18 trees to be removed is £63,726.00. The replacement planting provides partial mitigation. As such the CAVAT value of the trees to be lost multiplied by the 65% shortfall confirms that a financial contribution of £41,421.90 will be required to mitigate the loss.

### Biodiversity

- 10.61 The revised landscaping proposals which incorporate a reduced number of trees impact on the Biodiversity Metric Calculations. Amending the number of trees to be planted to 19, Nature Team calculate biodiversity as follows:

Baseline Habitat Units = 0.2988 (0.2988 to be lost)  
Post-development Habitat Units = 0.3206 (0.3206 created)

The scheme will achieve an uplift of 0.0219 habitat units or a Biodiversity Net Gain of 7.31%. The Biodiversity Net Gain is considered commensurate with the scale of the development and is compliant with Policy G9.

- 10.62 The Bat Report describes the undertaking of suitable nocturnal emergence surveys. These surveys did not observe bats emerging from a roost and concluded bats were not a constraint to the development proposals.
- 10.63 Suitable conditions will be applied as follows: to ensure demolition works are supervised by an appropriately qualified bat consultant, sufficient measures to protect nesting birds during removal of trees are in place; integral bat roosting and bird nesting features are incorporated within the building; and to ensure a method statement to control and eradicate non native invasive plant species on the site is submitted prior to the commencement of development.

## 10.64 **Sustainability and Climate Change**

### Core Strategy Policy EN1

- 10.65 The building will incorporate an energy efficient thermal envelope to minimise demand side energy loads in accordance with the principles of the energy hierarchy. An Energy Assessment has been submitted in support of the application which demonstrates that the proposed development is anticipated to achieve up to a 31% emission rate reduction relative to the current Building Regulations Part L (2021) compliance standard. This is equivalent to a 61% improvement over Part L (2016).
- 10.66 Solar photovoltaics are proposed on the roof to incorporate renewable energy generation on site which are anticipated to provide 12% of the predicted energy needs of the development. This exceeds the minimum of 10% established by Policy EN1.

### Core Strategy Policy EN2

- 10.67 The design incorporates passive building specifications. Glazing proportions, ventilation systems and solar control glazing are designed to optimise solar gains within the building yet limit the propensity to overheat.
- 10.68 The fit-out specification seeks to minimise water demand. Water efficiency measures (such as dual flush toilets, flow restrictors) will limit potable water demand to <110 litres/person/day reducing water heating energy loads and cutting the energy required to supply clean drinking water.

### Core Strategy Policy EN4

- 10.69 The Leeds Pipes District Heating network does not currently extend to this location however the systems proposed for the development will be designed to feed off this making it possible to use the low carbon heating to be provided in the future.
- 10.70 Policy EN4 is a hierarchical policy and arm (iv) of the policy requires that where District Heating is currently not viable, but there is potential for future District Heating networks, all development proposals will need to demonstrate how sites have been designed to allow for connection to a future District Heating network. The applicant has confirmed the plant room can accommodate a future connection to the Leeds Pipes district heating network.

## 10.71 **Wind and Microclimate Considerations**

- 10.72 The scale of the proposed building is 25m tall (at its highest point). As such, in accordance with the draft wind and microclimate toolkit for Leeds SPD an assessment of the impact on pedestrian wind comfort and safety has been assessed by GIA Chartered Surveyors utilising Computational Fluid Dynamics (CFD) modelling. The assessment indicates that there are no wind safety risks which are attributable to the proposed development either at ground level or elevated level, within the study area. The findings were peer reviewed on behalf of Leeds City Council by Architectural Aerodynamics Ltd.
- 10.73 Following detailed peer review, it is considered that the approach is robust and the findings adequate. For a development of this scale, the approach taken in connection with wind directions is acceptable. The Peer Review confirmed that upon introduction of the proposed development, the Applicant has demonstrated and adequately documented that an acceptable wind microclimate will remain.

## 10.74 Highway Matters

10.75 No objection to the principle of development.

10.76 2m footways around the site are provided and an informal crossing on Park Lane. The visibility from Park Lane has also been demonstrated. The proposed building would in parts abut or be very close to the adopted highway and a directive would be attached to advise on early engagement with the Council's Bridges Team to ensure the structural integrity of the highway is safeguarded on this sloping site.

10.77 The identified areas of stopping up and land dedication are considered acceptable. Stopping up will be required under S247 of the Town and Country Planning Act. Stopping up the land may require diversions to any existing Statutory Undertakers equipment that might currently be located within the affected area of highway. Land dedication will form part of the offsite highway works.

10.78 The proposed site plan indicates a bin store and ground level that is accessed via Burley Street. The bin store is located adjacent to a proposed layby at Burley Street. The layby is circa 2.5m wide and 36m long. Vehicle tracking for a refuse vehicle has been provided and demonstrates suitable access and egress. The layby is to have traffic restrictions to limit loading/unloading to 30 minutes with no return within an hour. Alterations to TROs will be required to ensure parking for servicing/maintenance, delivery, taxis and visitors are prevented from blocking the carriageway which will form part of the s287 works.

10.79 The revised management plan for the pick-up and drop off arrangements at the beginning and end of term are acceptable in principle subject to confirmation of capacity of the layby and agreement of the TRO requirements with Parking Services. Occupants of the development will not be eligible for parking permits. Full details of the servicing and management plan will be conditioned.

10.80 Long stay cycle provision is to be a combination of two-tier and Sheffield Stands. The quantity proposed are acceptable subject to confirmation that the detailed layout meets the guidance in the Transport SPD.

10.81 A highways improvement scheme is being progressed by Leeds City Council to encourage active travel between approximately Burley Road/West Field Road in the west to Park Street/Westgate junction in the east. The scheme incorporates a bi-directional protected cycle track along the south side of Burley Street along with improvements to pedestrian crossing facilities. The scheme will benefit students living at the proposed development by providing a direct route into Leeds city centre where additional cycling infrastructure is available to continue moving within the city. Cycle trip generation data from Burley Street and the cycle trip generation from the development has been used to calculate a percentage by which the development would increase cycle trips along Burley Street. This percentage has been applied to the estimated scheme cost which results in a required contribution of £74,000 which is to be included in the S106 agreement.

## 10.82 Planning Obligations and CIL

10.83 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.

10.84 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 £4293
- Contribution for off site tree planting commuted sum £41,421.90
- Contribution towards Burley Street cycle scheme £74,000
- Control of student occupancy
- Retention and management of communal spaces for the lifetime of the development
- Section 111/106 management fee

10.85 This development is liable to the Community Infrastructure Levy (CIL) and is likely to generate a CIL charge of £38,666.22. This figure is presented for information only and should not influence consideration of the application. 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.

## 11 REPRESENTATIONS

11.1 As noted at Section 7 of the report - one letter of support from a local resident and two letters of objection from Leeds Civic Trust and the Little Woodhouse Community Association have been received. The matters raised are summarised below.

- a) Over-development
- b) Insufficient public realm
- c) Access wrongly located on Burley Street (South) should be to the North
- d) More landscape at street level on both sides and at the corner
- e) Mitigation for removal of existing trees
- f) Excessive concentration of students in the area
- g) Studio accommodation cramped
- h) No consideration of refurbishment and re-use option
- i) Noise and safety issues associated with the roof terrace
- j) Cluster flats rather than studio flats
- k) Impact on the Conservation Area
- l) Result in dangerous road conditions
- m) Arrangements for taxi pickup/drop off
- n) Vehicular access should be on Park Lane rather than Burley Street

The received letter of support advises support on the basis of the existing building there being a waste of space and complete eyesore. The response notes that although a shame that the development is not actual flats, students will have to do and concludes 'Build away!'

11.2 Matter a) both objectors consider that the scheme results in overdevelopment of the site. The appraisal above demonstrates that the scheme has been designed with the local area's character in mind and is considered acceptable in the context of a transitional area on the fringe of the city centre.

11.3 Matters b), d) and e) insufficient public realm increased landscaping at street level and suitable mitigation for the removal of existing trees and vegetation. Amendments have been made to the proposals through the course of the application to ensure 2m wide

pavements and 'tree lined streets' and associated landscaping to each of the north, south and eastern corner of the site. Some of the replacement planting mitigates the loss of the existing trees on site and the remainder is mitigated through a financial contribution based on a CAVAT valuation of the existing trees. Due to the size of the site and its location within the city centre boundary, there is no policy requirement to provide publicly accessible open space.

- 11.4 The Civic Trust suggested that the entrance of the scheme should be on the northern (Park Lane) frontage to the site (matter c)). However, the applicant has advised that this is not feasible due to the level changes between Park Lane and Burley Street, which would result in a highly inefficient building, reducing residential accommodation at first floor level whilst maintaining communal amenity space and other facilities at ground floor level (accessed from Burley Street). The applicant has indicated it is not a viable means by which to re-develop this particular site, notwithstanding the suggested rationale for doing so.
- 11.5 Matter f) that the proposal would constitute an excessive concentration of student population in the area (and so would not align with core strategy Policy H6B(iii)) this has been considered at section 9.3 of the report. The analysis concluded that although there is a concentration of students in this location it is not considered to result in harm to the balance and wellbeing of local communities.
- 11.6 Matters g) and j) have been considered at sections 10.28-10.35 of the report.
- 11.7 Matter h) reuse, the existing buildings do not meet the criteria as to constitute a non-designated heritage asset. In the context of efficiently utilising a brownfield site within close proximity to the city centre, integrating the existing buildings within any redevelopment would have prohibitively added further complications to delivering development on this site because these buildings do not tie in with modern standards of building or construction and would not have made the most efficient use of a brownfield site. It was not a feasible option and was never seen as such through preapplication discussions.
- 11.8 Matter i) relates to concerns regarding noise and safety issues associated with the roof terrace. This has been considered as part of the noise impact assessment work, which is supplemented by the management plan for the proposed development. There will be no music allowed on the roof terrace after 10 p.m. with the roof terrace itself closed no later than 11 p.m. This will be managed and enforced by CCTV and onsite staff. This approach has been supported by the environmental health team. In addition to the management arrangements the roof terrace is enclosed by a 2m high glazed balustrade for safety purposes.
- 11.9 Matter k) relating to impact on the nearby Conservation Area has been considered at paragraphs 10.5-10.10 of the report.
- 11.10 Matters l), m) and n) relate to highway safety issues. This has been the subject of extensive discussions between the applicant's highway's consultants and the highways development management team. Collision data has been provided and taken into account in agreeing a highways general arrangement which provides scope for vehicles to pull into the scheme off street via a layby, whilst also retaining the tree lined frontage to Burley Street, and enabling sufficient highway width for the council to install cycle lane infrastructure. Highway officers are satisfied that this can be achieved whilst maintaining compliant lines of sight along the road, and specifically at the junction of Park Lane and Burley Street.



## 12 PLANNING BALANCE AND CONCLUSION

- 12.1 The proposals would regenerate a prominently located brownfield City Centre site which in its current form is vacant and underused. In doing so it would deliver high quality new development which adds to the offer for students within the city.
- 12.2 The proposed development would provide a high quality, feature building in this prominent location on a key route from the City Centre.
- 12.3 Conveniently located for the Leeds General Infirmary, the Dental Hospital and the University of Leeds and Leeds Beckett Campuses. This highly sustainably located site would have an acceptable impact on highway and pedestrian safety and encourage sustainable travel modes.
- 12.4 As a result, on balance it is considered the development accords with the Development Plan as a whole. Accordingly, it is recommended that the scheme should be deferred and delegated to the Chief Planning Officer for approval subject to the completion of a Stage 1 Road Safety Audit, the draft conditions specified in Appendix 2 (including any amendment to the same or addition of further conditions as the Chief Planning Officer deems appropriate) and the completion of a Section 111 agreement.

**Background Papers:** 1 public letter of support, 2 letters of objection from Leeds Civic Trust and Little Woodhouse Community Association, Application file 22/04895/FU

## APPENDIX B – 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 Schedule.

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

3. Prior to the installation of any external facing material to the proposed building, full details including a sample panel of the relevant external facing materials, roofing and full details of glazing types 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

4. 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. junctions between materials.
  - b. each type of window bay proposed.
  - c. ground floor frontages.

Development shall then be undertaken in accordance with the approved details.

In the interests of visual amenity.

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. 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.

7. 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.

8. The development shall be undertaken in accordance with the Roscoe Flood Risk & Drainage Strategy ref ROS-00-00-RE-D-09001 September 2023 Revision 5 and Roscoe Drainage Layout Drg No 22281-ROS-00-00-DR-C-09000 Rev P04, unless otherwise submitted and approved in writing with the Local Planning Authority. The works shall be fully implemented in accordance with the approved scheme before the development is brought into use, or as set out in the approved phasing details. To ensure sustainable drainage and flood prevention in accordance with NRWLP policy Water 7 and GP5 of the UDP.
9. Development shall not commence until details and a method statement for the interim and temporary drainage measures to be adopted during the site clearance and construction phases that address the key flood and drainage risks as set out within Section 5 of the Roscoe Flood Risk & Drainage Strategy ref ROS-00-00-RE-D-09001 September 2023 Revision 5 and any other flood and drainage risks subsequently identified, has been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any third-party land or public highway or any receiving watercourse or sewer system. Where temporary discharges to a sewer are proposed, written confirmation from the sewer owner that these have been accepted shall be provided. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Planning Authority To prevent flooding and pollution offsite in accordance with the NPPF.

10. No building works shall take place until full details of both hard and soft landscape works, including an implementation programme, have been submitted to and approved in writing by the Local Planning Authority. Hard landscape works shall include:

- (a) proposed finished levels and gradients
- (b) boundary details and means of enclosure,
- (c) vehicle and pedestrian access and circulation areas,
- (d) hard surfacing areas,
- (e) minor artefacts and structures (e.g. below ground structures to support adequate soil volumes for trees in hard surfacing/planters, street furniture, raised planters, refuse or other storage units, lighting etc.),
- (f) proposed and existing functional services above and below ground

Soft landscape works shall include:

- (g) planting plans
- (h) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and
- (i) schedules of plants noting species, planting sizes and proposed numbers/densities.

All hard and soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS4428:1989 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.

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

To ensure successful establishment and aftercare of the completed landscape scheme.

12. No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Maintenance shall commence when the development is occupied or brought into use, or when the landscape scheme is completed and shall be carried out in accordance with the approved schedule.

To ensure initial maintenance of the completed landscape scheme.

13. If within a period of five years from the date of the planting of any tree that tree, 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 of the same species and size as shall be planted at the same place to a programme to be agreed in writing with the Local Planning Authority, unless otherwise agreed in writing.

14. Prior to the first occupation of the development, the approved plan showing the closing off and making good all existing redundant accesses to the development site shall be submitted to and approved in writing by the local planning authority. The approved works shall be completed before the development is occupied and the highway layout retained as such for the lifetime of the development.

To ensure the free and safe use of the highway

15. Notwithstanding the approved details, works above the ground floor slab level shall not commence until full details of cycle/motorcycle parking and facilities have been submitted to and approved in writing by the Local Planning Authority. The approved cycle/motorcycle parking and facilities shall be provided prior to first occupation of the development and retained thereafter for the lifetime of the development.

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

16. Development shall not be occupied until a Servicing Management Plan (including timescales) has been submitted to and approved in writing by the Local Planning Authority. The plan shall be fully implemented, and the development thereafter operated in accordance with the approved timescales.

To ensure the free and safe use of the highway

17. Development shall not commence until a survey of the condition of the following streets (Park Lane and Burley 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 within 6 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 24 hours from the applicant being notified by the Local planning Authority.

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.

18. Development shall not 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 construction vehicle routing, means of access, location of site compound, storage, and parking (including workforce parking), means of loading and unloading of all contractors' plant, equipment, materials and vehicles and associated traffic management measures.
  - b) Methods to prevent mud, grit and dirt being carried on to the public highway from the development hereby approved.
  - c) Measures to control the emissions of dust and dirt during construction.
  - d) How the statement of construction practice will be made publicly available by the developer. The approved details shall be implemented at the commencement of

works on site and shall thereafter be retained and employed until completion of the works on site.

The Statement on 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.

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

19. Prior to occupation of the development, the off-site highway works as shown on plan rev. landscape general arrangement ref.: 4325-101 Rev. G and rev. preliminary site servicing arrangement ref.: J32-7248-PS-002 REV. D comprising the provision of a loading bay on Burley Street, informal crossing on Park Lane, improvements to footways, land dedication and amended traffic regulation orders shall be fully delivered.

To ensure the free and safe use of the highway.

DOSHW Informative: In relation to Condition (20) of this permission, the applicant must enter an agreement with the Council under Section 278 of the Highways Act 1980. The applicant is advised to make early contact with the Highway and Transportation Service by emailing the details to [S278Agreements@Leeds.gov.uk](mailto:S278Agreements@Leeds.gov.uk). Further information is available on the council's website at <https://www.leeds.gov.uk/parking-roads-and-travel/licences-and-permits>.

20. 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.

21. The future occupants of the development hereby permitted must be made aware that they will not be eligible for on-street parking permits within the existing or any future controlled parking zones within the locality. If the application is approved, Parking Services must be made aware of the decision.

To ensure the free and safe use of the highway.

22. Should demolition works to Building B1 as shown on Figure 1 of the Bat Report, reference FE297/BAT01, dated August 2023, by Futures Ecology, not have commenced by August 2024 (inclusive), an updated bat survey report shall be carried out by an appropriately qualified bat consultant. The report shall be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of relevant works. All recommendations in that report shall be carried out in full.

To safeguard a protected species

23. No works to or removal of hedgerows, trees or shrubs, or built structures 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 or built structures 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 Local Planning Authority 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.

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

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

25. Prior to the commencement of development, a Method Statement for the control and eradication of Cotoneaster (hereafter referred to as the Target Species) shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement will include post-treatment monitoring of the site to ensure a continuous 12-month period of time occurs where none of the Target Species is identified growing on the whole site. If any Target Species is identified as growing on-site during the 12-month monitoring period then treatment shall resume and continue until a continuous 12-month period with no Target Species occurs. The agreed Method Statement shall thereafter be implemented in full.

To control the spread of non-native invasive plant species in accordance with the Wildlife & Countryside Act 1981 (as amended) and BS 42020:2013

26. Prior to installation of the approved glazing and ventilation scheme, a BS4142 assessment shall be undertaken to assess the impact of rooftop plant on the telephone exchange directly opposite the site. The approved scheme shall then be reassessed to ensure all internal noise criteria can be met, if not, an amended glazing and ventilation scheme shall be submitted in writing for approval.

In the interests of residential amenity.

27. There should be no use of the rooftop terrace between the hours of 23.00 and 7.00.

In the interests of residential amenity.

28. Prior to first occupation a scheme detailing the method of storage and disposal of litter and waste materials, including recycling facilities, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a description of the facilities to be provided including, where appropriate, lockable containers and details of how the recyclable materials will be collected from the site with timescales for collection. The approved scheme shall be implemented before the development hereby permitted is brought into use and no waste or litter shall be stored or disposed of other than in accordance with the approved scheme.

In the interests of amenity and to promote recycling, in accordance with the NPPF and Leeds UDPR Saved Policies GP5 and the NPPF.

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

In the interests of visual and residential amenity.

30. Noise insulation shall be provided to each of the units of living accommodation which shall comply with the recommendations set out in the submitted MZA Acoustics report reference (1700859-RP-AC-0001.1) hereby approved. These measures shall thereafter be retained on site for the lifetime of the development.

In the interests of residential amenity

31. The development shall not be occupied until the details of Mechanical Ventilation Heat Recovery have been submitted to and approved in writing by the Local Planning Authority. The approved MVHR shall be installed in accordance with the approved details and retained on site for the lifetime of the development.

In the interests of residential amenity.

32. No external lighting shall be installed on the building unless a scheme has previously been approved in writing by the Local Planning Authority. The scheme shall be installed and retained thereafter in accordance with the approved details.

In the interests of residential amenity and highway safety.

33. The student accommodation shall not exceed a water standard of 110 litres per person per day.

In the interests of sustainability.

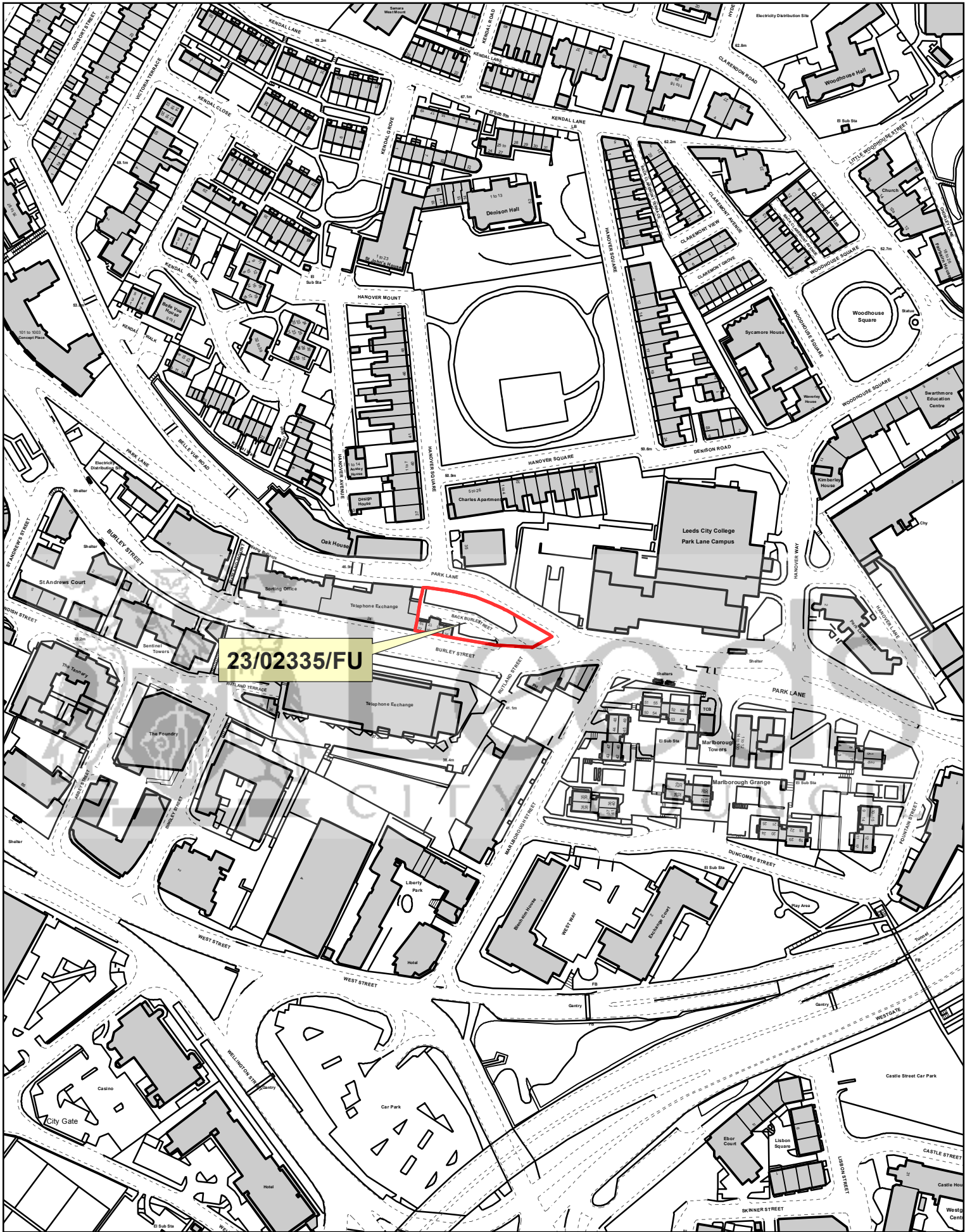
34. The development shall be implemented following the principles set out within the Environmental Standards Statement (P7478-17.1) and the Sustainable Design and Construction Statement (Technical Note P7478).

(i) Within 6 months of the first occupation of the residential accommodation a post-construction review statement shall be submitted and approved in writing by the Local Planning Authority demonstrating compliance with Core Strategy policies EN1, EN2 and EN4.

The development shall thereafter be maintained and any repairs shall be carried out all in accordance with the approved detailed scheme and post-completion review statement or statements.

To ensure the inclusion of appropriate sustainable design measures.





23/02335/FU

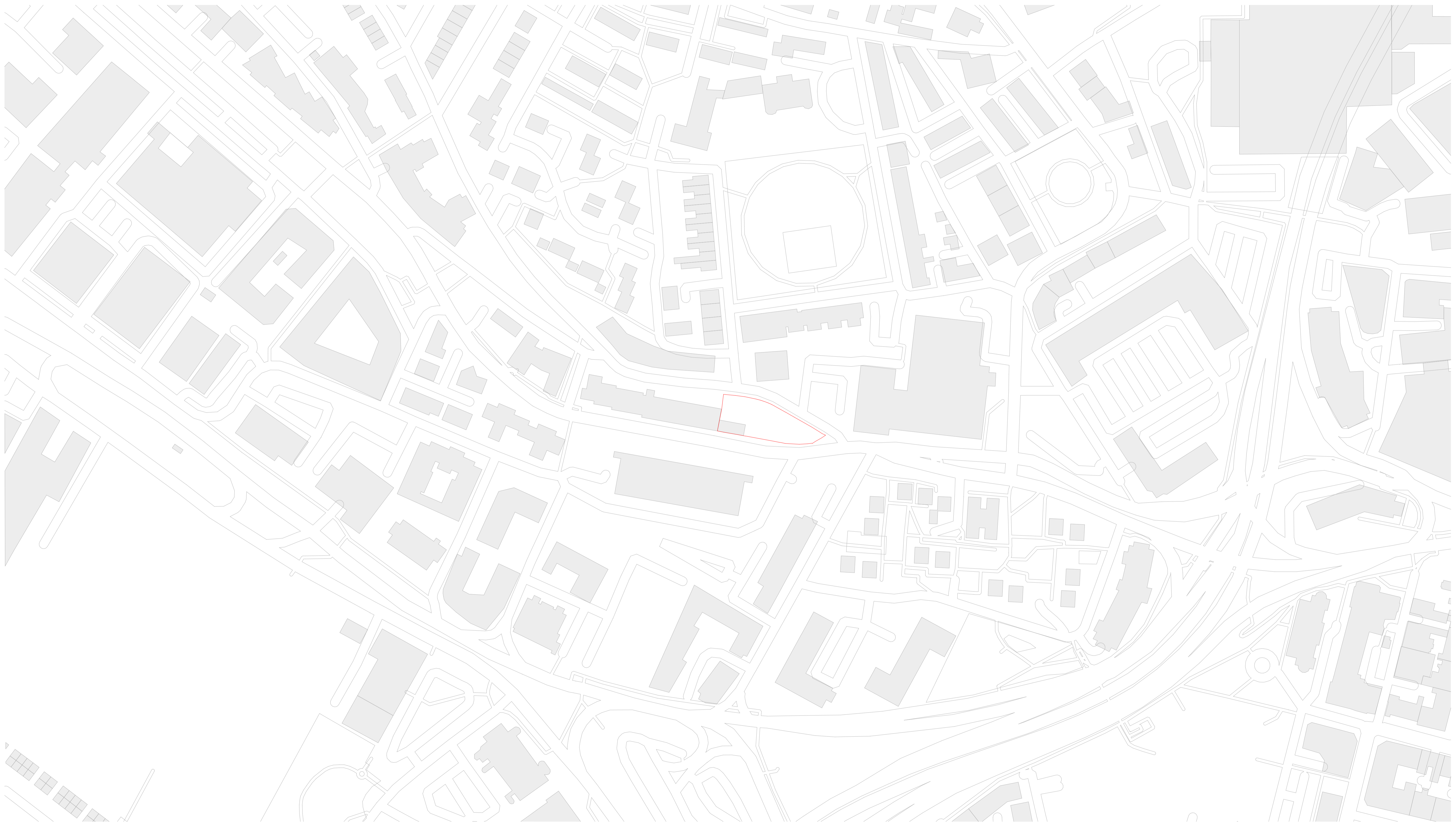
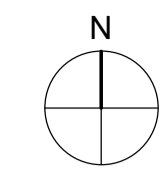
# CITY PLANS PANEL

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

SCALE : 1/2500





Site Location Plan

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P1	PLANNING ISSUE	27.02.23	OR	MG
REV	DESCRIPTION	DATE	REV BY	CHKD BY

CLIENT	<b>Torsion (Burley Street) Limited</b>
PROJECT	<b>Burley Street, Leeds</b>

DRAWING		<b>Site Location Plan</b>	
SCALE	<b>1 : 1250 @ A1</b>	FIRST ISSUED	<b>03/01/23</b>
PROJECT	<b>1402-22</b>	DRAWN BY	<b>Author</b>
ORIGIN	<b>XX</b>	CHECKED BY	<b>Checker</b>
VOLUME	<b>XX</b>	TYPE	<b>DR</b>
LEVEL	<b>XX</b>	ROLE	<b>A</b>
NUMBER	<b>04-0020</b>	REVISION	<b>P1</b>
DRAWING STATUS			
<b>PLANNING</b>			



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