



Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 14 March 2024

Subject: 23/05721/FU – Demolition of the existing building and the erection of new buildings to accommodate retail and community uses at ground floor and purpose-built student accommodation at upper floors together with associated access, accessible parking, cycle parking, landscaping, drainage and reinstatement works to boundary of adjoining multi-storey car park at The Core Shopping Centre, The Headrow, King Charles Street and Lands Lane, Leeds, LS1 6LT

Developer: AFAS The Core Ltd & Fusion Global Management LLP

Electoral Wards Affected:

Little London and Woodhouse

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

DEFER and DELEGATE to the Chief Planning Officer for approval subject to the resolution of technical highway matters identified at paragraphs 10.10.18 to 10.10.20 below, the specified conditions set out in Appendix A (and any amendment to these and addition of others which he might consider appropriate) and the completion of a Section 106 agreement to include the following obligations:-

- Leeds City Council Travel Plan Review fee of £8,888
- On site green space provision
- Contribution for green space commuted sum £106,284.56
- Contribution towards:
 - o the proposed Woodhouse Lane Gateway scheme (£405,114)
 - o altering/creating new Traffic Regulation Orders (TROs) (£20,000)
 - o upgrade wayfinding signage (£22,000)
 - o traffic enforcement camera (£60,000)
- Control of student occupancy
- Section 106 monitoring fee

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

1 INTRODUCTION

- 1.1 This report relates to a planning application which was received on 29 August 2023 for the proposed:

“Demolition of the existing building and the erection of new buildings to accommodate retail and community uses at ground floor and purpose-built student accommodation at upper floors together with associated access, accessible parking, cycle parking, landscaping, drainage and reinstatement works to boundary of adjoining multi-storey car park”

- 1.2 The 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”*.
- 1.3 The applicants are Tri-7, a Real Estate investment and asset management firm and Fusion Students an operator and developer of purpose-built student accommodation.

2 SITE AND SURROUNDINGS

- 2.1 The Core Shopping Centre (formerly known as the Headrow Shopping Centre) stands on the site of the former Schofields Department Store. It is bounded by The Headrow to the north, Lands Lane to the east, King Charles Street to the west with the southernmost section of the western elevation adjoining the NCP multi storey car park, the rear of buildings fronting Albion Place form the southern boundary.
- 2.2 It lies within the north of the designated City Centre and within the UDP Prime Shopping Quarter. To the north this section of the Headrow is predominantly retail with commercial business occupying upper floors. Dortmund Square is directly to the north and leads to the St Johns Centre. To the south of the site there are commercial and retail premises with a mix of historic properties and contemporary additions such as Trinity Shopping Centre. To the west lies the City Varieties Music Hall and a series of historic shopping arcades which lead through to Briggate. To the north west is The Light with an entertainment and food and beverage focused offer. To the west, retail gradually gives way to office, bars and civic uses with residential uses also featuring.
- 2.3 The buildings along the north of the Headrow are of a generally greater scale than those to the south at between 5-10 stories. The Basilica residential development at 13 stories is an exception to the typical scale of buildings along the south side of the Headrow which range from 4-5 to the west and around 3-4 stories to the east. Lands Lane and Albion Place are typically 3 storey buildings and King Charles Street ranges from 2 – 4 stories.
- 2.4 The site is within the Leeds City Centre ‘Central Area’ Conservation Area and there are several listed buildings in the vicinity:
- 1 Albion Place, Grade II
 - 1A Albion Place, Grade II
 - Leeds Club Premises and Basement Railings, 3 Albion Place, Grade II*
 - 4 Albion Place and attached railings, Grade II

- 5 Albion Place, Grade II
- 26 Lands Lane, Grade II
- Bollard at west end Swan Street, Grade II
- Thorntons Arcade, Grade II
- Queens Arcade, Grade II
- City Varieties, Grade II*
- Thorntons Buildings, Grade II
- The Horse and Trumpet Hotel, Grade II

- 2.5 The Church of St John, Grade I listed is to the north of the site within the Grand Quarter Conservation Area but separated by The Broad Gate building. The Town Hall, Grade I listed, is located circa 350m to the west.
- 2.6 The site area extends to approximately 0.67 hectares. The site is on the brow of a hill and slopes from west to east, and north to south. The highest point, in the north-western corner of the site, is around 6m higher than the lowest point in the south-east corner.
- 2.7 The Core Shopping Centre comprises four levels and a basement. It was constructed in the late 1980s in a postmodernist 'Leeds Look' style in red brick with horizontal string course detailing, a pitched grey slate roof, chamfered corners, and vertical windows in a range of shapes and sizes. The Headrow elevation is of a symmetrical nature with a key feature being a large central entrance into an internal 'Mall'.
- 2.8 The NCP car park abuts the south west of The Core and has bridge connection to the building. It provides vehicular access to roof top car parking from an entrance on Albion Street. The Core is currently primarily serviced from the basement which is also accessed through the NCP car park through vehicular entrance on Albion Street.
- 2.9 The Core is in use but has been significantly impacted by changing retail trends and shopping habits as well as the construction of Trinity and Victoria Gate Shopping Centres to the south and east. Previous attempts to rejuvenate the centre include a major £17m refurbishment in 2007 and subsequent interventions to improve access, maximise lettable space and diversify the focus of the centre away from pure retail as evidenced by the introduction of The Gym Group and the Hot Room Yoga Studio. Despite these efforts the Centre remains significantly underused with only around a third of the building occupied. Many key stores are vacant, significant sections are totally vacant and a number of other occupiers have confirmed their intention to vacate the building when their leases end.

3 PROPOSAL

- 3.1 The application relates to a proposal for the demolition of the existing building and the erection of new buildings to accommodate retail, commercial and community uses at ground floor and purpose-built student accommodation at upper floors together with associated access, accessible parking, cycle parking, landscaping, drainage and reinstatement works to the boundary of adjoining multi-storey car park.
- 3.2 The development proposals involve a collection of three buildings occupying a similar footprint to that of the current Core building and will provide 3,037sqm Commercial and community floorspace at ground floor level as well as 807 student bedspaces in total which are made up of 232 cluster flats and 511 studio flats.
- 3.3 The development reinstates an historic east west connection through the site and creates two new streets linking Lands Lane with King Charles Street, providing

pedestrian permeability and reinstating more of a fine urban grain typical of Leeds' historic core.

- 3.4 The three buildings reduce in scale from north to south, and generally also from west to east responding to the topography of the site and surrounding townscape character.
- 3.5 Building A fronting the Headrow is proposed at nine storeys with a height of approximately 32m at the highest point. There is a six storey main element, storeys seven and eight are accommodated within a mansard roof which is slightly set back from the main elevation, the ninth floor is accommodated within a part glazed part mirrored structure set back again.
- 3.6 Building B is the central block and proposed at eight storeys comprising of: a five storey main element, a sixth storey setback in brick, a seventh storey accommodated within a mansard roof and the eight storey set further back from the Lands Lane elevation in a light weight glazed/mirrored structure with a height of circa 29m.
- 3.7 Building C is the southernmost building and is proposed at seven storeys, with a height of circa 25m. The building has a five storey main element to Lands Lane, a sixth storey set back from Lands Lane in brick and the seventh storey is set back further and in a contrasting material.
- 3.8 Blocks A and B are rectangular at ground floor level with the upper floors representing an inverted horseshoe shape accommodating a first floor outdoor landscape courtyard/amenity space. Block C is an inverted horseshoe shape with an outdoor courtyard provided at ground floor level.
- 3.9 The buildings are proposed to be constructed predominantly in traditionally laid brick, with light brick feature detailing. Upper floors are to be metal cladded mansard with a reflective / lightweight top floor.
- 3.10 The buildings are linked by two connecting bridges of a lightweight construction located toward the western edge.
- 3.11 Running between the three new buildings are two new streets, the street to the south is the narrower of the two at approximately 8.5m with the street to the north being a width of approximately 12m accommodating tree planting, street furniture and landscaping.
- 3.12 The main entrance to the student accommodation is at the corner of King Charles Street and the Headrow. Ground floor retail and commercial units feature throughout each of the buildings providing active frontages to the Headrow, Lands Lane, part of King Charles Street as well as frontages to the north and south of each of the two new streets created by the development.
- 3.13 The existing basement is to be predominantly infilled and connection to the NCP sealed off. Refuse stores, cycle storage and some plant are accommodated within the ground floor of the units with refuse collection and servicing from King Charles Street and the new southern most street King Charles Croft.

4 RELEVANT PLANNING HISTORY

- 4.1 There is an extensive planning application history associated with the site as would be expected for a centre of this scale dominated by shopfront and signage applications. The following details the key applications of note in the sites recent history:

4.1.1 The current building gained planning permission in 1986 under application ref H20/505/85 to

'Demolish existing department store and erection of part 4 storey and part 3 storey shopping centre, comprising 51 shop units, 10 kiosks with court and seating area, coffee court with kiosk, sculpture court, public toilets, basement stores, loading bays and plant rooms and roof top plan areas and 44 car parking spaces'.

4.1.2 The 2007 refurbishment gained consent under application 07/00528/FU 'Change of use of retail unit to food court, alterations to frontages, 3 storey extension and reconfiguration of internal shopping area to form new and enlarged retail units'

4.1.3 Subsequent evidence of efforts to adapt and diversify the offer within the centre can be evidenced by the following applications:

4.1.3.1 18/06192/FU 'Change of Use of Unit RU1 to a mixed Retail (A1) and Leisure (D2)' Approved 2018

4.1.3.2 18/06534/FU 'Change of use and alterations of retail units to hotel (Use Class C1), incorporating restaurant and creation of mezzanine floor' Approved 2019

4.1.3.3 20/02821/FU 'Change of Use of Unit SU1.1 and 2.1 to a Flexible/Mixed Use Comprising Restaurants and Cafes (A3 with ancillary A5), Drinking Establishments (A4 with ancillary A5) and Assembly and Leisure (D2) Use' Approved 2020

5 HISTORY OF NEGOTIATIONS

5.1 Preapplication advice was sought in July 2022 under reference PREAPP/22/00217 and an in-depth pre-application process was undertaken with close involvement from Highways, Conservation and Design Colleagues in particular.

5.2 The scheme was presented to Leeds City Plans Panel on 18 May 2023. Members supported the principle of the development, and the scale and form (subject to the outcome of wind testing at applications stage) and requested further detail regarding: amenity and space standards, public realm and servicing.

5.3 Discussion at Panel highlighted:

- Positive development in this historic context, the introduction of new streets through the site an improvement
- Importance of outdoor areas, including incorporating planting and seating areas into the landscaping
- Improvement to the through route to Albion Street,
- Potential for a community space within the development
- Potential for a wider pallet of materials including stone.

5.4 Formal Environmental Screening Opinion under PREAPP/23/00279 confirmed that an Environmental Impact Assessment is not required.

5.5 A formal preapplication was undertaken with Historic England.

5.6 A presentation was delivered to the Leeds Civic Trust Planning Committee in May 2023 and a wider public consultation exercise was undertaken in Spring.

- 5.7 Ward Members were briefed on 19 April 2023. Ward Members were positive about the proposals and highlighted the importance of supporting employment opportunities for local people within the Ward.
- 5.8 The planning application is accompanied by Certificate C due to parcels of land of unknown ownership within the site boundary for which a newspaper notice was required. The applicants lawyer advised:

“The red line boundary has always included land of unknown ownership. A SIM search was undertaken which did not identify any registered title affecting the unknown parcels. A review on Orbital Witness which maps Land Registry data onto a GIS system shows no registered title overlapping these unknown parcels. This land is therefore unregistered. The parcels are small areas bounded entirely by the property and public highway. They physically form part of the property. There is no obvious third-party land to which the parcels might attach of whom enquiries might be made. Indeed, the parcels may simply be a result of mapping errors over time. There are no reasonable other steps which might be undertaken to identify the owners of the land. Hence Certificate C is, and has always been, the appropriate one in the circumstances”.

- 5.9 A long leaseholder was not formally notified of the application initially but this was resolved and formal notice was issued on 28th October 2023 to the relevant party. However, as a result of further investigations by the applicant’s lawyers, a number of other parties were identified as having interest in land forming part of the application site. The applicant therefore issued new Article 13 notices to the relevant parties dated 4th January 2024, and submitted a revised Certificate C. The Council’s legal team have advised that, in their opinion, the applicants have met with their duty under section 65 of the Town and Country Planning Act 1990 and article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 to take reasonable steps to notify all owners of the site. They have further advised that because the correct certificate has now been submitted and the correct consultation process has been carried out Leeds City Council can now proceed with determining this application.

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 2024)

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 2 Centres first
- Spatial Policy 3 Role of Leeds City Centre
- Spatial Policy 8
- 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 H6 Houses in multiple occupation, student accommodation and flat conversions
- 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 G2 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
- Policy EN6 Strategic waste management
- Policy ID2 planning obligations and developer contributions

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

Relevant Saved Policies include:

- Policy GP5 all relevant planning considerations are to be resolved.
- N14 Listed building and preservation
- N18A & B Conservation area and demolition
- N19 Conservation areas new buildings
- S4 Retention of Retail Character
- CC22 Conservation
- Policy BD2 requires that new buildings complement and enhance existing skylines, vistas and landmarks.
- Policy BD4 relates to provision for all mechanical plant on and servicing of new developments.
- Policy BD5 requires new buildings to consider both amenity for their own occupants and that of their surroundings including usable space, privacy and satisfactory daylight and sunlight.
- Policy LD1 sets out criteria for landscape schemes.
- Policy N25 boundary treatments

6.2.3 Leeds Natural Resources and Waste Local Plan

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 states that all applications for major development will be required to incorporate low emission measures to ensure that the overall impact of proposals on air quality is mitigated.
- Water 1 requires water efficiency, including incorporation of sustainable drainage
- Water 4 requires the consideration of flood risk issues
- Water 6 requires flood risk assessments.
- Water 7 requires development not to increase surface water run-off and to introduce SUDS where feasible.
- Land 1 requires consideration of land contamination issues.
- Land 2 requires development to introduce new tree planting as part of creating high quality living and working environments and enhancing the public realm.

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

- Accessible Leeds SPD
- Transport SPD
- Draft HMO, Purpose-Built Student accommodation and Co-Living Amenity Standards SPD
- Draft Wind Microclimate Wind Toolkit SPD

6.2.5 Site Allocations Plan

The site is unallocated in the Site Allocations Plan.

Lands Lane allocated as greenspace/civic space as part of the 'Central Leeds Pedestrian Shopping Precinct' designation under reference: G2369 (CVC13).

6.2.6 National Planning Policy Framework 2023 (NPPF)

The NPPF was updated in December 2023 and 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
- 4 Decision making
- 5. Delivering a sufficient supply of homes
- 6 Building a strong competitive economy
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 11 Making effective use of land
- 12 Achieving well designed places
- 14 Meeting the challenge of climate change and flooding
- 15 Conserving and enhancing the natural environment

16 Conserving and enhancing the historic environment

6.2.7 Other Legislation

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

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

Similarly, Section 72 of the Listed Building Act 1990 reads:

(1) In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

(2) The provisions referred to in subsection (1) are the planning Acts and Part I of the Historic Buildings and Ancient Monuments Act 1953 and sections 70 and 73 of the Leasehold Reform, Housing and Urban Development Act 1993

7 CONSULTATIONS

7.1 Statutory

7.1.1 Historic England

Advice offered:

- No objection to the demolition of the existing buildings on the site.
- Introduction of streets and public space between the blocks is positive.
- Scale of the proposed buildings is generally acceptable, although the increased height of block A could have an impact on the setting of adjacent listed buildings on The Headrow and should be considered by the Conservation Officer.
- Attention should be paid to securing an improvement to the setting of the rear of the listed buildings on Albion Place, in particular the interface with GII* Leeds Club.
- Use of red brick is welcome across three blocks, but query whether the differentiation between blocks is too subtle. Greater distinction in architectural character/language or materials introduced to differentiate blocks further.

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

Following a review of the information provided in the planning application, HSE is content with the fire safety design as set out in the project description, to the extent it affects land use planning considerations.

7.1.3 Coal Authority

The Coal Authority has no objection to the proposed development subject to the imposition of conditions.

7.1.4 Active Travel England

Recommends approval of the application, subject to the agreement and implementation of planning conditions and/or obligations.

7.2 Non-Statutory Consultees

7.2.1 Yorkshire Water

Object to the development layout as currently shown due to the potential for proposed trees to impact on the Yorkshire Water assets within Lands Lane.

Response: The applicant has engaged directly with Yorkshire Water and it is understood that Yorkshire Water are intending to withdraw their objection however this has not been received at the time of writing the report. A verbal update will be provided at the Panel meeting.

7.2.2 Sustainability - Design Team

The proposal has been subject to an in-depth preapplication process, it is considered to represent a positive development of a strategically important and centrally located site and is supported with regard to architectural approach and detailing, massing and scale and materiality.

7.2.3 Conservation Team

The proposal is a high-quality design which responds positively to the heritage context. Whilst there are some minor adverse effects on the Thornton's Building, this affect is mitigated by the overall quality and by the overall enhancement of the setting of the listed buildings and character and appearance of the conservation area.

7.2.4 West Yorkshire Archaeology Advisory Service

The Archaeological desk-based assessment has been reviewed and records checked and there is no requirement for further archaeological work.

7.2.5 Access Officer

The Core shopping centre has a Changing places toilet facility, efforts should be made to ensure the equipment within the facility is retained and offered for use elsewhere in the city.

The proposed new public streets should be designed to be accessible to all users.

7.2.6 Landscape

The revised landscaping proposals address previous concerns regarding the design approach to Victoria Arcade and King Charles Croft, primarily accessibility issues with highly contrasting paving patterns, feature steps, obstacles and long detours for people who require level access along the edge of buildings. Concerns regarding the location of proposed trees along Victoria Arcade have also been addressed by positioning trees along the centre of the street.

Street lighting for Lands Lane is currently installed on the façade of The Core avoiding street clutter. Re-providing street lighting on the new building facades would be preferred to installing street lighting columns.

7.2.7 Highways

Supportive in principle subject to resolving technical matters. See paragraphs 10.10.18 to 10.10.20 below.

7.2.8 Influencing Travel Behaviour (ITB)

A revised Travel Plan has been received and is considered to be robust. A travel plan monitoring fee should be secured through the Section 106 Agreement.

7.2.9 Flood Risk Management

The site is within Flood Risk Zone 1 and there have been no records of historic flooding within the application site or adjacent areas.

Subject to the works being completed in accordance with the submitted information, Flood Risk Management as Lead Local Flood Authority, have no objection to the proposed application.

7.2.10 Contaminated Land

The Tier 1 Desk Study Report has concluded that a site investigation is required for the proposed development therefore 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.

7.2.11 Nature Team

The figures provided in the Biodiversity Net Gain Assessment indicate the scheme will result in a net gain of 0.57 BU in area habitats and 0.11 BU in hedgerow habitat. Net gain exceeds 10% net gain in biodiversity value.

Preliminary Bat Roost Assessment determined existing building had a low potential to support roosting bats. Dusk emergence survey undertaken on 19 June 2023 saw no bats emerging from or entering the building. Common pipistrelles were observed flying onto the site from the west and using the south-east and west of the site for foraging and community.

Proposed development could result in disruption from increased artificial light pollution. New lighting should be designed to minimise potential disturbance and fragmentation to foraging and commuting bat habitat. Conditions recommended relating to the provision of integral bat roosting and bird nesting features, lighting design strategy, no removal of built structures between 1 March and 31 August, without a check of structures for active bird nests to protect nesting birds.

7.2.12 Environmental Health Services (Pollution Control)

Detail required of the proposed design outlined in the BREEAM reports to mitigate external environmental noise, noise from the ground floor retail and control of overheating as these two constraints are linked in terms of the viability of opening windows.

The information may be provided as a pre-commencement condition for a sound and ventilation scheme.

7.2.13 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.

7.2.14 District Heating

It is considered that District Heating (DH) will outperform Air Source Heat Pumps (ASHP) if correctly compared. The proposal to revisit viability is welcome. A condition requiring the connection to the district heat network unless deemed unviable.

7.2.15 Sustainable Development Unit (Climate Change)

A recycled materials plan should be submitted in accordance with Core Strategy Policy EN6.

The submitted BRUKL reports demonstrate the achievement of an appropriate betterment of Part L 2021 of Building Regulations.

BREEAM preassessment demonstrating that a BREEAM rating of 'Excellent' can be achieved has been undertaken for the student accommodation and retail units.

Further consideration needed regarding the relative merits of ASHP vs DH which can be subject to a suitable condition.

7.2.16 Local Plans

The principle of the mix of retail and residential uses is acceptable in this context subject to ground floor retail frontages being retained along The Headrow and Lands Lane. The new streets will not be considered as Primary Shopping Frontages and therefore uses should be subject to suitable conditions to ensure that the vitality and viability of the city centre is promoted.

The proposal is considered sustainable and acceptable in principle in accordance with Core Strategy Policy H2. Core Strategy Policy H6B is considered to be satisfied. It is considered 625sqm of Open Space requirements is being provided on site which is considered acceptable, a financial contribution commuted sum of £106,284.56 is required in accordance with Policy G5.

7.2.17 Tobermory (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.

7.2.18 West Yorkshire Police (Counter Terrorism Unit and Architectural Liaison Officer)

Detailed comments and advice provided in relation to the management and operation of the student accommodation, public spaces, the assessment and specification required for security purposes relating to Hostile Vehicle Mitigation and glazing. The recommendations are to be considered and secured via condition as part of any planning approval.

7.2.19 Employment and Skills

No comment received.

7.2.20 Ramblers Association

No comments received.

7.2.21 Health Partnership

No comments received.

7.2.22 Public Health

No comments received.

8 PUBLIC RESPONSE

8.1 Site notices were displayed on 27/09/2023 and the application was publicised in the Yorkshire Evening Post 06/10/2023.

8.2 Nine letters of representation were received, of which four were supportive (including from Leeds Civic Trust) and five raised objections. The matters raised are summarised as follows.

8.3 Supportive

- Visual appearance of the proposals, very positive change, Buildings could be taller if anything.
- Existing building poor design and run down, style does not compliment the city centre.
- Underused site in central location, better use of space good quality accommodation.
- Good quality design, public benefits, in keeping with historic centre
- Regeneration benefits

8.4 Objections

- Layout and density of buildings
- Noise and disturbance during construction
- Over shadowing/loss of outlook
- Right to light
- Encroachment
- Party Wall matters
- Planned works at the Basilica relating to cladding
- City centre retail decline, increase in student accommodation

- Buildings are similar in appearance, buildings should be distinct from each other to reflect the variety on eastern side of Lands Lane
- Short stay cycle parking provided (i.e. small Trinity Centre facility)
- Construction timescales and associated disruption
- No agreement to utilise spaces at the NCP car park, revised travel management approach required.

8.5 The Civic Trust commented:

The scheme proposal was presented at LCT on 24 May 2023, and our comments were generally supportive in terms of design and appearance and remain so for the submitted application: on the whole, the scheme is well considered in terms of massing and details, and we particularly commended the breaking up of volume into three blocks to create a more permeable street pattern. Despite the care put into the brick work proposed, we felt that the proposed red-brick could be broken up with a lighter brick to reflect buildings on the opposite side of Lands Lane. For one of the three blocks, possibly the middle block. We note that Historic England is also making the same suggestion. We also queried the type of brick work to be specified and were assured that this would be good quality bricklaying and mortar matching.

We raised a number of queries related to the brief for student housing, which we repeat here:

- 1) *The long and narrow corridors are mostly without daylight, and we suggest they should be wider and should receive natural daylight in places, so as to encourage interaction. The core stairs/lifts at each corner could have been configured so as to provide some kind of light throughout, rather than only on the first floor of the east corner. There is no reason why Block C access corridors on the top floor of the east wing should not have daylight openings since they are directly connected against the external wall.*
- 2) *Section 12.1 of the Design and Access Statement does not provide any clear commitments about the possibility of opening windows manually to override continuous mechanical ventilation - an issue that has now proved necessary in cases where M&E services perform poorly. The ambiguous text inserted appears to relate to some other project.*
- 3) *There are no demonstrations of the practicality of converting this accommodation into alternative residential accommodation if demand were to diminish in forthcoming years.*

We also expressed concerns about the access arrangements at the beginning and end of term regarding the loading or off loading of personal belongings by large numbers of residents all at the same time. The same applies to 'peak' hour take-away delivery demands that will incur large numbers of vehicles requiring short stay parking all at the same time. Both of these technicalities still require resolution.

Other issues about parking remain unresolved, including the lack of parking provision for mobility impaired students who may need a car to travel around the city. There should be provision for a few car parking spaces in order to cater for special needs. We are unsure that the winding internal corridors in blocks B and C are practical for a successful refuse strategy.

We note from the completed application documents that both of the terraces above the retail premises are to be equipped with plant rooms. We are concerned that this could adversely affect views from the terrace or from street level, and could also

adversely affect acoustic conditions for student residents as well as for pedestrians. Although the energy statement appears thorough, there is no acoustic report. Air source heat pumps can be quite noisy, and generate vibrations, and both matters require further design considerations.

- 8.6 Issues raised by letters of representation have been taken into account and are considered throughout the report. Section 11 of this report provides further detail about which specific paragraphs and sections of the report address each matter raised.

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

- 10.1.1 The SAP deleted the internal facades of the 'Headrow Shopping Centre' (now the Core) from the primary shopping frontages. However, sections of the north elevation along the Headrow and most of the elevation facing Lands Lane remain as designated Primary Shopping Frontages.
- 10.1.2 Changes to the Use Classes Order which came into effect from 1 September 2020 and introduced Use Class E. A new "E" class combined a number of separate classes, formerly A1 retail, A2 services, A3 restaurants, B1 business uses, as well as parts of D1 (non-residential institutions) and D2 (assembly and leisure). Notwithstanding this change, adopted policies in the SAP (RTC1 and RTC2) in accordance with CC1 Core Strategy seek to retain a predominance of retail uses within the Prime Shopping Quarter for reasons of vitality. Within the designated primary shopping frontages identified retail should comprise a minimum of 80% of the frontage length.
- 10.1.3 The proposal will result in a net loss (2,633sqm) of retail floor space through the demolition of the Core, however this loss is mitigated by the incorporation of retail and commercial units at ground floor level throughout. The proposal will deliver 3,037sqm of commercial ground floor space configured in approximately eight commercial units. As a result of the new east west streets with associated frontages there is a net gain of active ground floor frontages proposed.
- 10.1.4 Class E uses are proposed at ground floor (predominantly retail but also potentially including café, restaurant and bar uses). A potential Class F2 community use has been identified within the ground floor of block A. Flexibility is proposed to be built into the consent if a community use / occupier is not identified. To help mitigate the loss of retail from inside 'the Core' it is proposed to utilise conditions to require retail uses dominate the ground floor external frontages on Lands Lane and The Headrow. The

new streets will not be considered as Primary Shopping Frontages and therefore uses would be subject to suitable conditions to ensure that the vitality and viability of the city centre is promoted.

- 10.1.5 The Core currently contains a small element of office provision, but this is ancillary to the use as a shopping centre. On that basis Policy EC3 which seeks to safeguard existing employment land including offices is not considered relevant.
- 10.1.6 Policy CC1 (City Centre Development) (criterion b) supports the principle of residential development in the City Centre including change of use of existing buildings, provided that it does not prejudice the town centre functions of the City Centre and that it provides a reasonable level of amenity for occupiers. The principle of residential use is therefore accepted, subject to satisfying the amenity requirements for residents.
- 10.1.7 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, educational 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.*

- 10.1.8 The site is located in the City Centre within the Public Transport Box and has ready access to public transport and city centre services. There are no implications for school provision capacity due to the nature of the residential use. The site is well located to access health facilities. It is within the catchment area for Leeds Student Medical Centre (a practice which is only open to members of a university or college or their dependents for GP places) and One Medicare in the Light is less than 100m to the west of the site. Both practices are accepting new patients at the time of writing. On that basis the site is in a highly sustainable location for residential development and would not exceed the capacity of transport, education or health facilities and Core Strategy Policy H2 is therefore considered to be satisfied.

- 10.1.9 It is important that Purpose Built Student Accommodations (PBSA) are located in appropriate locations. Policy H6 of the Core Strategy advises:

B) Development proposals for purpose built student accommodation will be controlled:

- (i) To help extend the supply of student accommodation taking pressure off the need for private housing to be used,*
- (ii) To avoid the loss of existing housing suitable for family occupation,*
- (iii) To avoid excessive concentrations of student accommodation (in a single development or in combination with existing accommodation) which would undermine the balance and wellbeing of communities,*
- (iv) To avoid locations which are not easily accessible to the universities by foot or public transport or which would generate excessive footfall through*

residential areas which may lead to detrimental impacts on residential amenity,

- (v) *The proposed accommodation provides satisfactory internal living accommodation in terms of daylight, outlook and juxtaposition of living rooms and bedrooms.*

10.1.10 An appeal decision (Victoria Road, APP/N4720/W/16/3145119) clarified that ‘all five clauses within H6 are of equal standing and none involves a ‘gateway test’.

10.1.11 Evidence provided by Arc4 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. Therefore the application would comply with criteria (i) and (ii) of Policy H6.

10.1.12 The third test seeks to establish whether ‘concentrations’ of PBSA’s would undermine the ‘health and wellbeing of communities’. Crucially a strong link is made between the concept of concentrations and harm to the community. It is the harm that is being regulated/controlled. This is clarified in Paragraph 16 of the above appeal judgement.

‘A proposal would not breach clause (iii) if there is no evidence of harm to the balance and wellbeing of communities. However, the use of the word ‘avoid’ must also provide for a PBSA to be resisted if the area in which it would be located has an existing excessive concentration which can be shown to have undermined the balance and well-being of its local communities. Clause (iii) does not refer to any particular area but is concerned with the effect on communities and the effects on more than one community can therefore be taken into consideration.’

10.1.13 There have been a number of student residential developments completed within the north of the city centre in recent years, for example in the vicinity of the Merrion Centre. These have been successfully accommodated in a busy city centre context without causing amenity issues or conflict with existing businesses and civic uses. Purpose built residential accommodation is well managed with suitable arrangements in place for storage, servicing and site management of the accommodation and in this case the applicant will also be the operator. As such, although it is recognised that some permissions have been given in the area there is no evidence that they are likely to constitute excessive concentrations such that they would cause harm to the balance and wellbeing of communities.

10.1.14 With regard to the 4th test, The University of Leeds Campus, Leeds Beckett University City Campus and Leeds Arts University are within a 20 minute walk. They are also accessible from the site by public transport. Leeds Trinity University are also opening a City Centre campus in the 2024/2025 academic year which is within a 5 minute walk to the south of the site. The site is within the Public Transport Access Box and has good Public Transport Links. The location is considered accessible and would not generate footfall through residential areas.

10.1.15 The fifth test relating to internal living accommodation is considered in section 10.4 (paragraphs 10.4.1 to 10.4.13) below.

10.2 Design and Heritage considerations

10.2.1 The proposal impacts on the setting of several listed buildings and the City Centre Conservation Area through the demolition of the existing shopping centre and

replacement with new buildings. As such the tests set out in section 66 and section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 apply.

Demolition of existing building

- 10.2.2 The Core was built in 1987 and is an example of post-modern architecture which is characterised by bright colours, variety in the use of materials and shapes and playfulness in the use of classical motifs. The Core has some of those characteristics, especially the whimsical use of giant-scale "fret cut" Aztecan/electrical circuit board linked motifs which (i) have little relationship to the function of the building and (ii) due to the lack of window reveal give an impression of superficiality and weightlessness. There are certainly better Post Modern "Leeds Look" buildings such as the Magistrates Court and the Combined Courts which exemplify the characteristics of Post Modernism set out above and measure up to some of the best examples nationally. Postmodernism is usually associated with contextualism which is why it was so readily accepted in the wake of Modernism, i.e. as a way of reinforcing character in historic quarters, and became known locally as "The Leeds Look". The Core is actually a-contextual as it lacks the classical ordering principles of the neighbouring buildings - bottom, middle and top. The result is a building that is out of scale with its context, presenting a cliff-face of a façade to The Headrow, but at the same time lacking the gravitas of its peers, especially the Blomfield neo-Baroque pallazzo blocks to the north.
- 10.2.3 The final assessment is that The Core is not considered to constitute a non-designated heritage asset nor does it contribute positively to the settings of nearby listed buildings and the conservation area such that it's loss would not impact on the character or special interest of the Conservation Area thereby meeting the criteria in s.66 and 72 and preserving or enhancing the character or appearance of the conservation area and preserving the listed buildings and their settings. The principle of redevelopment of the site is supported on townscape and heritage grounds and there is an opportunity for enhancement subject to a satisfactory replacement being proposed.

Replacement buildings -Layout and plan form

- 10.2.4 The proposal is broken up into three blocks which integrates with the east-west arcades between Briggate and Lands Lane which ultimately reflect medieval burgage plots. Breaking down the monolith of the existing shopping centre and re-establishing a link between Lands Lane and King Charles Street will be beneficial to the conservation area.

Massing and scale of the proposal

- 10.2.5 The architects have worked closely with the local planning authority on the architectural and design approach and the proposals are based on a thorough contextual analysis and are considered to respect and enhance existing streets and spaces.
- 10.2.6 It is noted that the scale of the three buildings being between seven and nine storeys are significantly larger than the existing building. It is considered that the potential impact of the increased height and scale of the buildings on townscape character is mitigated by the:

- use of setbacks to upper floors
- incorporation of mansard roofs in contrasting materials to the upper floors

- use of lightweight glazed materials to the top floor
- the creation of new east west connections between the buildings
- the incorporation of human scale, sensitively detailed shopfronts and activity at ground floor level
- the quality of the architectural approach

10.2.7 On King Charles Street the setbacks of the upper floors are not as significant as those setbacks to the Lands Lane elevation with a result that the overall massing is comparatively greater. This reflects that King Charles Street contains less historically significant buildings and functions as a secondary road with servicing rather than a key shopping street. The location of the main entrance to the student accommodation to the junction of King Charles Street and the Headrow, the new streets will provide relief and incorporation of active frontages and new connections to Lands Lane will bring additional activity and vibrancy.

10.2.8 The three buildings reduce in scale from north to south, and generally also from west to east responding to the topography of the site and surrounding townscape character. Building A which fronts the Headrow is the tallest element. It is considered that there is the greatest scope for scale to the north where the context reflects the larger, grander scale of buildings on the north side of the Headrow.

10.2.9 The proposal is taller than the existing and is comparable to the buildings on the north side of The Headrow. The site is at the high point of the Headrow and it is appropriate that the building steps up to respond to the rising contours. It will break the continuity of the frontage to the south side, which has already been broken by Blomfield's southwards excursions at the junction of Vicar Lane (former Barclays Bank) and to some extent the existing building which is taller than its neighbours. The positive outcome is that it will unify the two sides of the street at a pinch point of height which from the 1920 was conceived as a processional way from east to west - a formal piece of civic design which was almost completed on the north side but not on the south.

10.2.10 The section to the north where Building A returns onto Lands Lane is where the increase in scale will be most pronounced. Thorntons Building to the east of Lands Lane is adjacent to the nine storey Block A. The proposed development would appear five storeys taller than the listed building and its nearby buildings along Lands Lane. As the Heritage Statement submitted with the application acknowledges, "This would change the existing character of the townscape, and alter the setting of Thorntons Building. The existing building sits comfortably next to the listed building, and only reads as a storey taller". However, the mitigation noted previously is relevant. Furthermore, there are considered to be some benefits for the setting of Lands Lane through making a successful visual connection with the architecture of the grand 1930s buildings to the north of the Headrow which at present appear disjointed.

10.2.11 The area where there will be greatest change to the setting of listed buildings will be from their private curtilage to the rear. In this area The Core will be demolished, with the proposed development built abutting the rear hall of the Leeds club premises (Grade II*). It is agreed, in reference to the Heritage Statement, that the existing context is a large blank elevation and makes no contribution to the setting of the listed buildings. The proposed development would not represent a material change to this situation, essentially preserving the current relationship.

10.3 Design

- 10.3.1 The proposal is unusual, if not unique, for a development of this scale in the city centre because of its formal integrity where all the concepts and their relationships with each other are applied in a consistent way throughout the development.
- 10.3.2 The principles applied are classical, specifically late Renaissance Palladianism meets mid 20th century commercial modernism which is a lighter version of classicism than the heavy neo-Baroque of the north-side of The Headrow. This suits the Chicago-style former Direct Line House directly to the north and the Italianate free style classical buildings on the south side and along Lands Lane. The buildings on the east side of Lands Lane are seen obliquely and are marked by a tight rhythm of regularly spaced deeply set windows.
- 10.3.3 There has been significant focus on the design detail and section drawings, have been provided demonstrating that the design intent is achievable. The elevations to blocks A, B and C facing Lands Lane are heavier with greater rustication and modelling and are a big improvement on the "thin" flank elevation of The Core.
- 10.3.4 The north elevation of block A is arguably the principal elevation. The ground floor shopfronts significant depth throughout of 490mm, a white stone base grounds the building and a string course frames the lower two levels with decorative rose motifs. Windows on the upper floors of Building A feature significant reveal depths of 325mm.
- 10.3.5 The elevations facing King Charles Street, Lands Lane and the new internal streets feature considered differentiated window detailing and reveal depths.
- 10.3.6 The internal courtyards feature reveals of 215mm and paired back detailing but are considered to represent an appropriate quality of design.
- 10.3.7 The considered pallet of materials feature different tones of red brick thereby maintaining a generalised architectural language whilst responding to the changing character of the surrounding area.
- 10.3.8 The proposal is a high quality design which responds positively to the heritage context. Whilst there have been identified some minor adverse effect on Thornton's Building, this affect is in itself mitigated by the overall quality and by the overall enhancement of the settings of the listed buildings and character and appearance of the conservation area.
- 10.3.9 Rusticated brickwork to blocks B and C and changes to the architectural detailing have been introduced in response to feedback at pre-application stage. Three different tones of brick are proposed for each of the buildings. The comments from Historic England and Leeds Civic Trust regarding the differentiation in the brickwork for the three blocks are to be addressed through conditions which will require the agreement of the material samples.

10.4 Residential Amenity (occupiers)

Space standards

- 10.4.1 Criteria (v) of Core Strategy Policy H6B requires that 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 Polices 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. The assessment of amenity is also a

wider consideration of qualitative factors including arrangement and separation of living functions (general living, sleeping, studying, eating, cooking, food preparation, storage and circulation), usable shape, outlook, privacy and external amenity space.

10.4.2 The explanatory text to Core Strategy Policy H9 highlights that the provision of reasonable space standards is important for student accommodation, and this will need to be judged on a case-by-case basis.

10.4.3 Further guidance in the form of the Houses in Multiple Occupation, Purpose-Built Student Accommodation and Co-Living Amenity Standards SPD has been produced. Whilst still in draft form it provides guidance including space standards for purpose-built student accommodation.

10.4.4 The proposal provides a mixture of studio or 1 bedroom accommodation (63%) and 4, 5 and 6 bedroom cluster flats (37%) as follows:

	Standard En-suite (Cluster flats)			Social Studio (Cluster flats)		Studio	1 Bed	
	4 bed	5 bed	6 bed	5 bed	6 bed			
Units	2	16	24	8	4	453	58	565
Beds	8	80	144	40	24	453	58	807
Mix	29%			8%		56%	7%	100%
	37%					63%		

10.4.5 The development is compliant with the emerging space standards as follows;

Room type	Bedroom size	Draft SPD
Standard en-suite (Cluster bedroom)	Block A: 13-18sqm Block B&C: 13-16sqm	11.5-14sqm
Club En-suite (Cluster bedroom)	Block A: 15-21sqm Block B: 15-19sqm	11.5-14sqm
Standard studio	20-22sqm	20-28sqm
Large (Accessible) Studio	23-31sqm	22-30sqm

10.4.6 En-suites and Social Studio rooms (Cluster bedrooms) are between 12.5-15sqm. Studio and 1 bed room flats are between 20sqm – 22sqm. It is noted that the studios are at the lower range established in the draft guidance, however it is considered that the design of the rooms along with the communal space and amenities within the development are of a high standard in terms of size, location and quality.

10.4.7 Communal space within cluster flats meet or exceed the draft standards as follows:

Cluster flat size	Shared internal space	SPD standards of communal space
4 bed flat	28sqm-29.6sqm	28sqm
5 bed flat	30sqm-35.2sqm	30sqm
6 bed flat	32sqm-35.9sqm	32sqm

10.4.8 The development includes 935sqm of internal communal amenity space which exceeds the minimum requirement of 1sqm per bedspace. The amenity space is located at ground floor and first floor level. The Civic Trust have noted that internal corridors should be served by natural daylight to encourage social interaction however the shared facilities within the cluster flats and the communal amenity spaces

including the courtyards throughout the development as a whole are considered to offer opportunity for social interaction to address this requirement.

Outdoor Amenity Space

10.4.9 Across the scheme the three landscaped courtyards provide access to 1224sqm of secure outdoor amenity space for the occupants. Within Blocks A and B these are located at first floor level, for Block C the courtyard is at ground floor level. Each block is orientated to the south to maximise daylight/sunlight levels.

Outlook, levels of light and privacy

10.4.10 The site is within the city centre where there is an established tight urban grain and buildings are at the back of pavement, in that context the buildings are consistent with the separation distances from adjacent buildings.

10.4.11 A summary of the distances are as follows:

Location	Distance
The Headrow (north)	26.4m
Lands Lane (east)	11-12m
King Charles Street (west)	11.2-11.7m
Internal courtyards	
Building A	28.2m
Building B	25.2m
Building C	33.6m
Victoria Arcade (north)	12m
King Charles Croft (south)	8.5m

10.4.12 At the distances proposed the outlook from bedrooms is considered acceptable. There are a small number of bedrooms within Building C where there is a comparatively low separation distance of 8.5m from the building to the north which will have an impact on the outlook. Overall this is considered acceptable as there will be views down onto a public street and a positive outlook to the left and right to add interest.

10.4.13 The landscaping proposals of the internal courtyard areas incorporate an area of defensible space and landscaping acting as a buffer and ensuring an element of separation / privacy for those bedrooms where the outlook is to the internal courtyards.

Noise and overheating

10.4.14 The site is located in a city centre mixed use context where residential and commercial uses are commonly found in close proximity. The applicant has provided a noise impact assessment and has undertaken thermal modelling as part of the BREEAM assessment. Further detail is required regarding the measures intended to mitigate external environmental noise, noise from the ground floor retail and control of overheating as these two constraints are linked in terms of the viability of opening windows. This information will be secured as a pre-commencement condition for a sound and ventilation scheme.

10.4.15 The scheme achieves the emerging space standards in the draft SPD and is considered to provide satisfactory internal living accommodation in terms of daylight,

outlook and juxtaposition of living rooms and bedrooms and a reasonable level of amenity and usable space for occupants. It is considered to accord with Core Strategy Policies CC1(b) and P10, and Saved UDPR Policies BD5 and GP5.

10.5 Residential Amenity (surroundings)

Overshadowing, privacy and overlooking

- 10.5.1 A daylight and sunlight analysis has been submitted in accordance with Building Research Establishment (BRE) handbook guidelines (BR209,2022) and assess the impacts on the following properties:
- Basilica, 2 King Charles
 - Swan Street Apartments
 - Thornton Chambers, The Headrow
- 10.5.2 BRE tests are based on a typical (two storey) suburban model of development and as such there are shortcomings in the use of the BRE metric in assessing city centre schemes given the density and scale of development within the city centre. In a dense city centre environment there are greater levels of obstruction. Daylight and sunlight is more limited in this context and accordingly expectations of levels of daylight/sunlight are significantly different within a city centre context. In such situations it is well acknowledged that there may be planning and urban design matters to consider in addition to daylight and sunlight.
- 10.5.3 Two of the surrounding buildings were originally constructed for commercial use and therefore not anticipated to be used as residential buildings. As such, the rooms internally are typically single aspect with deep floor plates. Where buildings are designed in this manner and located in proximity to other buildings their potential to receive daylight is limited. This is evidenced by the baseline levels.
- 10.5.4 To the west the Basilica was built as an office development, and latterly converted to residential. The development has two levels of accommodation above the ground and first floor commercial premises, with a further nine levels within the 'tower' element. There are apartment windows and balconies within the building at between 11.3m and 12.9m from windows within building A.
- 10.5.5 An objection has been received from a residential occupier of the Basilica tower on the grounds of overshadowing resulting from the proposed development.
- 10.5.6 There is an increase in height from the existing building, the main mass of the proposed eastern elevation of block A (first six levels) is between 21m in the north and 22m at the southern extent, floors seven and eight are set back 1.5m and the ninth floor 1.3m further back. The existing Core building oversails the adopted highway at first floor level and above, the proposed buildings will not reproduce this arrangement resulting in the proposed building being set further back from the Basilica by approximately 0.5m. The introduction of the new streets provides a break between buildings which will provide relief and allow additional light to penetrate, similarly the setting back of the upper floors serves to reduce the impact.
- 10.5.7 There are noted to be additional overshadowing and overlooking impacting on residential apartments with windows on the east elevation of the Basilica. The daylight and sunlight analysis indicates that with the development in place average levels are reduced but on average retained at a level which is commensurate with the levels anticipated in a dense urban environment. As such the impacts on residents in

apartments within the Basilica are not considered so significant as to warrant a refusal in this city centre context.

- 10.5.8 The upper floors of Lands Lane are predominantly commercial and as such the impact on overlooking and overshadowing is mitigated to an extent. Swan Street Apartments and Thornton Chambers are the exception. Both these buildings were again constructed as a commercial property and not anticipated for residential occupation. Residential apartments have a single aspect and deep floor plate. Baseline light levels are noted to be low and these premises will be impacted by additional overshadowing and overlooking, however on these busy commercial streets, within the city centre and given the established historic context the resulting relationships with properties facing the development is not considered to have a material impact when taking into account the existing levels and is considered acceptable both with regard to shading and window to window distances and privacy.
- 10.5.9 The shopping centre's existing boundary wall to the south is approximately five storey's high where it meets the rear of properties which front Albion Place and 9 Lands Lane. The applicant has advised that the existing building does not share structural / party walls with these premises other than a lead flashing detail. The development will abut these buildings in the same manner with replacement flashing to maintain a weatherproof seal. Block C is not significantly higher than the existing shopping centre at the south of the site therefore there is not considered to be a significant implication for the amenity of occupants of these premises.
- 10.5.10 As a result of the development the mass of the boundary wall will be reduced through the creation of the courtyard space together with a boundary wall which is between 6.5-7m high. Due to the width of the courtyard, windows will be approximately 13m from the southern boundary of the site and as such between 22m and 28m from windows on the north elevation of the premises on Albion Place which share a boundary with the site. At this distance there are not considered to be implications for the amenity of occupiers of these premises, particularly as they are in commercial use.
- 10.5.11 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.

10.6 Accessibility and Inclusivity

- 10.6.1 Section 149 of the Equality Act 2010 requires local authorities to comply with the Public Sector Equality Duty. Taking into account all known factors and considerations, the requirement to consider, and have due regard to, the needs of diverse groups to eliminate discrimination, advance equality of opportunity and access, and foster good relations between different groups in the community has been fully taken into account in the consideration of the planning application to date and at the time of making the recommendation in this report.
- 10.6.2 The proposals are not considered to raise specific implications for equality, diversity, cohesion and integration and as such a full Equality, Diversity, Cohesion and Integration Impact Assessment (EDCI) is not required.
- 10.6.3 The buildings are fully accessible featuring level entrances throughout and lift access would be provided to all floors of the residential accommodation. The developer has confirmed the development would provide accessible accommodation in line with the

Accessible Leeds SPD, BS8300 and Building Regulations standards and on this basis, subject to a condition covering this the proposal is considered acceptable.

10.6.4 Accessible bedrooms for wheelchair users are provided in accordance with the draft SPD. 5% of the total rooms are convertible to M4(3) compliant wheelchair accessible bedrooms (40 Rooms), all of which would be taken from the Large Studio Apartment total with a minimum area of 24sqm. The number proposed to be built and usable from day one would be 2% (16 Rooms), with the remaining 3% (24 rooms) adaptable subject to demand. 5% of the total rooms are convertible to M4(2) compliant level access ambulant rooms (40 Rooms), all of which would be taken from oversized Standard En-suite rooms with a minimum area of 16sqm. These would be converted as required. This is considered acceptable requirements of the draft SPD both in terms of numbers provided and size of rooms.

10.6.5 The new streets and public spaces have been designed in accordance with BS8300 and have been designed to accommodate level access throughout and accommodate the needs of all users.

10.7 Landscaping, trees and biodiversity

10.7.1 Due to the size of the site Core Strategy Policy G5 anticipates open space provision of either 20% of the total site area, or a minimum of 0.41 hectares per 1,000 population of open space. The approach to the provision of open space within the development, is to create two new east west connections which will extend the surrounding street network and link Lands Lane with King Charles Street.

10.7.2 The northern most street is proposed to be known as Victoria Arcade, it is approximately 12m wide, will be a pedestrianised space with no general vehicular access (aside from maintenance requirements). It is located opposite Thornton's Arcade to the east.

10.7.3 Large species trees have been located along the centre of the street in raised planters. There is a significant level fall across the space, which has been managed through the incorporation of a combination of steps and ramps. Level access is achieved along the north and south of the street with a tapping line maintained along the building elevations.

10.7.4 The southern most street is to be known as King Charles Croft, it is the narrower of the two at 8.5m and is located opposite the Queens Arcade with an onward connection via a narrow underpass to Albion Street to the west. The street comprises part of the servicing loop for deliveries and will therefore be open to traffic at specific hours of the day. Subject to agreement with Highway Services planters or bollards will be provided to the northern elevation to allow sufficient space to accommodate vehicles during servicing times whilst maintaining a safe route for pedestrians. Level access is achieved and a clear tapping line is maintained along the building frontages.

10.7.5 This approach to provide open space by extending the street network is considered to represent effective placemaking and supported on that basis. It serves to break up the mass of the existing site, reinstating historic linkages and a finer urban grain which were lost when The Core was constructed.

10.7.6 These two streets have a combined area of 1075sqm which represents an increase in public realm within the site but constitutes a shortfall in the onsite greenspace provision required by policy G5. Given that this is a central city centre location at the

heart of the commercial and shopping quarter, characterised by a dense, tight-knit urban grain with buildings located at the back of pavement the potential for delivery of onsite greenspace is recognised to be very limited. Of the new streets proposed, King Charles Croft is noted to have a role in accommodating servicing vehicles. It is therefore considered that of the 1075sqm provided, 625sqm constitutes open space and as such a commuted sum has been calculated on that basis.

- 10.7.7 Core Strategy Policy CC3 seeks to improve connections within the City Centre in order to improve access to jobs and services, to encourage greater usage and make walking and cycling easier, safer and more attractive. Where proposals are located adjacent to a new route or a route planned for improvement new development is expected to make appropriate route enhancements or appropriate off site contributions.
- 10.7.8 The poor condition of the surface of Lands Lane adjacent to The Core shopping centre, between approximately Queens Arcade and the Headrow has been highlighted in comparison to the surrounding streets. The developer has agreed to deliver a repaving scheme, including the planting of street trees and providing of short stay cycle parking along Lands Lane. Additional street trees and street furniture including short stay cycle parking are also proposed along the Headrow. Works are also proposed to King Charles Street. This is to be secured through an agreement made under Section 278 of the Highways Act 1980 and are set out in the S278 scoping plan.
- 10.7.9 There is a poor-quality pedestrian connection to the west through to Albion Street that would benefit from targeted enhancement works to create a safe and attractive route. However the route is in third party ownership and the landowner is not known. As such the requirement of a contribution to enhancements would not meet the legal tests for securing such a contribution and is not feasible as part of the proposal.
- 10.7.10 Outdoor amenity space for residents is provided through three fully landscaped courtyards providing 1224sqm of secure outdoor amenity space. Within Blocks A and B these are located at first floor level, for Block C the courtyard is at ground floor level. Each block is orientated to the south to maximise daylight/sunlight levels.
- 10.7.11 It is noted that these spaces are impacted by the accommodation of plant at first floor level within blocks A and B and at ground within block C. The plant serves the ground floor retail units, for operational reasons the retail and PBSA need to be separate and to function independently and therefore it is essential that maintenance access is maintained for the plant independently of the student accommodation i.e. without needing retail tenants to access the rooftop elements through a secure residential building.
- 10.7.12 The high street retail market requires an element of flexibility for the specification and M&E provision which require larger heavy kit which impact on the specification of the slab level and supporting frame. Initial proposals were to position plant in the basement, but the commercial viability and environmental constraints of the existing basement space, including free-air movement, structural adaptation and fireproofing/escape strategy, meant the relocation to somewhere more appropriate. This would have been at ground floor level adjacent to the retail units, however, this would have resulted in large areas of blank or louvred façade which is undesirable from an urban/architectural experience perspective and would have been at the expense of active frontage.

10.7.13 This arrangement is therefore considered appropriate and there are considered to be minimal impacts to natural daylighting with the additional single storey due to the courtyard being in the shadow of each respective opposing block for most of the year.

10.8 Sustainability and Climate Change

Retention and reuse of existing building

10.8.1 The viability of retaining and reusing the existing building has been explored by the developer based on the following key principles:

- Reverse the retail concept from inward to outward facing retail frontage. Increase active frontage at street level to maximise footfall
- Accommodate windows
- Penetrate existing floor slabs to allow acceptable overlooking distances to internal courtyards
- Assess additional storey potential
- Assess suitable vertical circulation locations

10.8.2 The study concluded that conversion was unviable due to:

- Excessively deep plans with shop frontages to Lands Lane and The Headrow
- Low bed numbers achievable
- Bed per sqm of façade commercially unviable due to excessive floor to floor levels
- Unsuitable ceiling heights for residential accommodation
- Excessive and long continuous travel distances for internal circulation
- Unattractive basement retail units would remain

10.8.3 The applicant has advised that the construction offers future flexibility to ensure that the building can adapt to changing occupier needs and also to support potential changes of use. Internal partition walls are predominantly non-load bearing to allow adaption/removal, bathroom facilities to bedrooms are sealed 'pods' to allow ease of replacement or removal, the building plan depth is limited to below 15m with daylight available from both sides in most cases and fire escape principles are applicable to other residential typologies.

Energy Strategy

10.8.4 The submitted Energy Statement accompanying the application highlights a three-fold approach to reducing carbon emissions: 1) Passive Design measures to reduce the buildings energy requirements, 2) energy efficiency measures to ensure energy consumption is as efficient as possible and 3) low / zero carbon technologies to reduce the requirement for grid supplied energy.

10.8.5 Passive design measures comprising thermal insulation standards which exceed those required by Building Regulations to limit heat loss through the building fabric and air permeability to reduce infiltration of external ambient air. Solar control glazing on windows within the southern elevation to limit summertime solar gains and overheating reduce the requirement for mechanical cooling.

10.8.6 The following Energy Efficiency measures are incorporated:

10.8.7 Centralised high efficiency Air Source Heat Pumps (ASHP) with high efficiency radiators fitted with Thermostatic Radiator Valves (TRVs) with weather compensated controls varying the boiler flow temperatures.

- 10.8.8 Natural ventilation utilised where possible, with extract only ventilation provided to bathrooms and kitchen areas. Where acoustic requirements require Mechanical Ventilation with Heat Recovery (MVHR) they shall incorporate high efficiency heat exchangers to minimise CO2 emissions required to heat the incoming fresh air to room temperature.
- 10.8.9 Internal lighting to be efficient LEDs and high frequency fluorescent lights with automatic controls via passive infra-red detectors throughout communal and circulation spaces.
- 10.8.10 Building Management System (BMS) to provide central monitoring and individual electrical distribution boards to be metered to facilitate high energy consumption to be identified and targeted for improvements.
- 10.8.11 Low and zero carbon technologies have been assessed to inform which would be the most effective for the development. The report concludes that due to the continued decarbonisation of the electricity network the use of electrical energy as a fuel source for all building requirements was deemed most appropriate. A combination of roof mounted solar Photovoltaics (PVs) and Air source heat pumps have been identified as the preferred sources of low carbon technologies.
- 10.8.12 The energy strategy indicates the building is predicted to achieve an improvement of 21.8% (CO2 Emission Rate) and 21.9% (Primary Energy Rate) over Part L 2021 compliance respectively in accordance with Core Strategy EN1(i). In addition, 70% of the onsite energy consumption is provided for by low/zero carbon sources which significantly exceeds the policy requirement within Core Strategy EN1(ii) of 10% of the energy consumption of the site to come from renewable or low carbon sources.
- 10.8.13 A recycling materials plan is required by condition in accordance with Core Strategy EN6.

District Heating

- 10.8.14 Core Strategy Policy EN4 promotes the use of District Heat Networks (DHN) and the site is well placed to connect to 'Leeds Pipes' the District Heat Network linked to the heat source generated at the Recycling and Energy Recovery Facility (RERF).
- 10.8.15 The developer has undertaken BRUKL assessments in accordance with Part L of the Building Regulations for the building based on the use of ASHP and District Heating. The calculations indicated that District Heating would not meet the Target Emission Reductions and concluded that District Heating was potentially unviable and therefore proposed the use of ASHP to meet the requirements of Core Strategy Policy EN1.
- 10.8.16 Through discussions with the District Heating Team it has come to light that there is an issue with the software at a national level relating to Part L assessments which is causing non-compliance associated with DH. The Team maintain that DH will outperform ASHPs and commercial costs will be in favour of Leeds PIPES.
- 10.8.17 The revised energy statement submitted acknowledges this issue and proposed to revisit viability of District Heating as the design progresses. The DH team have confirmed that this is acceptable subject to a condition which requires connection to the network unless it is ultimately deemed unviable. The Climate and Energy Planner has confirmed that this approach is acceptable subject to the wording of the condition

allowing suitable alternate options (as identified in the hierarchy set out in Policy EN4) to be secured if connection to Leeds Pipes is found to be unviable.

10.9 Wind and Microclimate Considerations

- 10.9.1 The height of building A exceeds the draft Wind Microclimate Toolkit SPD threshold of 30m (buildings B and C are just below the threshold). As such the draft SPD recommends Computational (CFD) Simulations and Wind Tunnel Testing. However, this location is relatively sheltered from the prevailing westerly and south-westerly winds by the existing neighbouring buildings, that are tall and lie close by to the west, as such they are anticipated to reduce the likelihood of high-level winds being brought down to ground level. It was therefore agreed that modelling could initially be undertaken via CFD only, but that if this found there were significant wind safety exceedances additional wind tunnel modelling would be required.
- 10.9.2 Two wind assessments have been undertaken for the proposed development which have been the subject of a Peer Review by Tobermory Wind Consultants. The Peer Review process found that there were shortcomings with the approach of the initial assessment and as such a second study was commissioned and submitted.
- 10.9.3 The revised study was undertaken by Windtech Consultants and uses Computational Wind Engineering (CWE) / Computational Fluid Dynamic (CFD) techniques to model a 'virtual wind tunnel' and simulate conditions around the site. The modelling confirmed the sheltering effect of nearby buildings and there were no significant wind safety exceedances, which justified the agreed approach. The results of the assessment show that the wind conditions on the ground and elevated levels are safe and suitable for their intended use.
- 10.9.4 The Peer Review has confirmed that the study methodology based on CFD modelling only is appropriate and concludes that the study findings are robust and that conditions will remain safe and comfortable after demolition of the Core Shopping Centre and construction of the proposed Development. No wind mitigation measures are required.

10.10 Highway Matters

- 10.10.1 At present The Core includes 44 car parking spaces located on the roof of the existing building, these car parking spaces are accessed from Albion Street through The Core NCP car park. The NCP car park was erected in circa 1974 which pre-dates the existing shopping centre. Although it is in the same ownership it is subject to a long leasehold and does not form part of the current proposals.
- 10.10.2 The Core shopping centre is currently primarily serviced from the basement which is accessed through the NCP car park through a vehicular entrance on Albion Street. The developer explored the reuse of the basement area at preapplication stage but due to issues with fire safety and cost have indicated that the basement is to be infilled.
- 10.10.3 Servicing and refuse collection is to be undertaken at grade through a one way servicing route along King Charles Street, across King Charles Croft the southernmost street and back up Lands Lane. King Charles Croft is to be offered up for adoption.
- 10.10.4 The development is car free aside from two disabled parking spaces provided within an under croft parking area within building B. This is considered sufficient for the

development. Details of an Electrical Vehicle Charing Point are to be confirmed by condition.

- 10.10.5 114 rack cycle parking spaces and 48 Sheffield stands are proposed for the student accommodation. This is acceptable in principle subject to provision of a specification for the rack parking spaces.
- 10.10.6 For the retail units 6 cycle spaces are shown on the plan within block A. This is in accordance with the Transport SPD and is acceptable subject to a detailed plan of the cycle store. Additional short stay cycle stands are proposed on The Headrow and Lands Lane as well as within Victoria Arcade to serve visitors and shoppers.

Hostile Vehicle Mitigation (HVM)

- 10.10.7 Victoria Arcade The HVM planter at the western side of Victoria Arcade has been positioned centrally with pedestrian routes either side. Victoria Arcade will be a pedestrianised street at all times therefore 2 permanent HVM bollards have been placed either side of the planter leaving a 1.35m gap for pedestrian movement, HVM bollards should be a maximum of 1.2m apart therefore the bollards should be repositioned to narrow the gap. A planning condition is to be attached to approve the details of the HVM. Specifications of bollards and planters will be presented to West Yorkshire Counter Terrorism Police for approval through the Bronze Protect and Prepare group – this will be controlled via condition.
- 10.10.8 King Charles Croft HVM bollards are shown at both the western and eastern sides of the street. City Centre Management and Leeds Watch have been consulted regarding whether bollards are required on the eastern side of the street. The location of the intercom system, any necessary electric equipment, and any CCTV required will be shown on the plans as this will take up space on the street. A planning condition will be attached to approve the full details of these measures. Specifications of bollards and planters will be presented to West Yorkshire Counter Terrorism Police for approval through the Bronze Protect and Prepare group – this will be controlled via condition.
- 10.10.9 The applicant has agreed to the highway contributions identified.
- 10.10.10 A draft demolition plan has been provided.
- 10.10.11 A revised Land Dedication Plan has been provided to give comfort that the building footprint is not on the adopted highway.
- 10.10.12 The proposed bridge crossings over Victoria Arcade is over a private pedestrianised street and the clearance of 2.6m is therefore considered acceptable. The bridge over King Charles Croft spans over the adopted highway and a technical approval from the Structures team is required. The proposed vertical clearance of 5m, although below the height generally accepted, has been assessed by the Structures team and is considered acceptable subject to adequate signage.
- 10.10.13 A Section 278 highway works scoping plan showing the extent of the resurfacing / reconstruction works as well as proposed tree planting and street furniture around the site has been provided.
- 10.10.14 A revised plan has been provided by the applicant that the roller shutter door is of a sufficient width to allow for a 2m x 2m visibility splay.

10.10.15 Waste management have indicated that a loading bay is required to prevent parked cars blocking the route to the refuse vehicle and refuse crew. A layby is shown on the revised S278 scoping plan.

10.10.16 The proposed pick up / drop off strategy has been updated and involves advance reservations for parking spaces in nearby car parks with the potential for the use of the two disabled spaces within the building.

10.10.17 A number of highways matters are in discussion at the time of writing the report as follows. These will need to be resolved before the application is determined however they are not expected to affect the design and layout of the buildings as proposed or the overall approach to servicing and access. Therefore delegated authority is sought to agree these more technical matters.

10.10.18 Due to the size and location of the site a Construction Management Plan (CMP) has been requested. The applicant has indicated that a CMP requires input from a contractor. The highway authority is seeking assurance regarding the principles of the CMP at planning stage. The applicant has agreed to parameters being agreed prior to the application being determined and engaging with the Abnormal Loads Officer and Network Management.

10.10.19 The principle of the servicing route proposed is acceptable, however further detailed information regarding the servicing arrangements has been sought or remains to be assessed including vehicle tracking for delivery vehicles. In particular a revised turning head at the junction of King Charles Street and the proposed Victoria Arcade is required to enable vehicles to turn at the bottom of King Charles Street outside delivery hours; the proposed gradients and drainage approach for the new streets have to be agreed; the arrangement of the ramps to enable inclusive access remain to be agreed; the detailed choice and placement of bollards or planters to safeguard pedestrian/vehicle movements and avoid the potential for conflict remain to be agreed. Two disabled parking spaces have been removed on King Charles Street to introduce a loading bay. There is an opportunity to relocate these to Albion Street by extending the existing run of disabled parking bays on Albion Street and a revised Highways works plan is required to confirm this.

10.10.20 A stage 1 road safety audit is required to be provided prior to determination of the application.

10.10.21 The outstanding highway matters are considered to be technical issues and are not considered to impact on the development proposals as presented to panel. It is therefore recommended that these matters are delegated to be resolved prior to determination of the application and the report recommendation reflects this.

10.11 Planning Obligations and CIL

10.11.1 A legal test for the imposition of planning obligations was introduced by the Community Infrastructure Levy Regulations 2010 regulation 122. This provides that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

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

10.11.2 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 £8,888
- On site green space provision
- Contribution for green space commuted sum £106,284.56
- Contribution towards:
 - o the proposed Woodhouse Lane Gateway scheme (£405,114)
 - o altering/creating new Traffic Regulation Orders (TROs) (£20,000)
 - o upgrade wayfinding signage (£22,000)
 - o traffic enforcement camera (£60,000)
- Control of student occupancy
- Section 106 monitoring fee

10.11.3 This development is liable to the Community Infrastructure Levy (CIL) and is likely to generate a CIL charge of £145,892.66. 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 8 of the report. – Nine letters of representation have been received, four letters of support including from Leeds Civic Trust and three letters of support from Leeds residents. Four letters of objection from representatives of the long leaseholder of the NCP Car Park and a building adjoining the site on Lands Lane, two from residents within the Basilica.

11.2 The letters of support have been taken into account.

11.3 Of the matters raised by objectors, the following are subject of separate legislation Rights of Light, encroachment, Party Wall matters and are therefore not material planning considerations.

11.4 Noise and disturbance during construction is managed through the construction management plan but in itself is not considered a material planning consideration. One objector highlighted that the Basilica has unsafe cladding which is due to be replaced and raised concerns regarding coordination of construction works. The principal elements of a construction management plan to be controlled by condition to ensure safeguarding of highway network operation, amenity and safety will be agreed with Highway Services prior to determination of the application but the full details of construction management will be coordinated at subsequent build stages and determination of this planning application should not prejudice the ability of the cladding work to be undertaken on neighbouring sites.

11.5 The other matters are material planning considerations and have been taken into account as follows:

- Layout and density of buildings –addressed within section 10.2 (paragraphs 10.2.4 to 10.2.11)
- Over shadowing/loss of outlook – addressed within section 10.5 (paragraphs 10.2.1 to 10.5.11)
- City centre retail decline, increase in student accommodation. –addressed within section 10.1 (paragraphs 10.1.1 to 10.1.4 and 10.1.9 to 10.1.15))

- Buildings are similar in appearance; buildings should be distinct from each other to reflect the variety on eastern side of Lands Lane. – addressed at paragraph 10.10.6.
- Short stay cycle parking provided (i.e. small Trinity Centre facility) – addressed at paragraph 10.10.6.
- No agreement to utilise spaces at the NCP car park, revised travel management approach required – addressed at paragraph 10.10.16.

11.6 The matters raised by the Civic Trust are addressed throughout the report at paragraphs 10.4.8, 7.2.12, 10.8.3, 10.10.6, 10.10.19, 10.10.4, 10.7.11 and 10.3.9.

12 PLANNING BALANCE AND CONCLUSION

12.1 The proposals represent an opportunity to reimagine a key site at the heart of the City's prime shopping area. The redevelopment of an underused, inward looking and dated shopping centre to provide high quality design-led modern buildings will enhance the area bringing new life and vibrancy. Generous new streets and spaces will provide east west connectivity through the site along with new commercial opportunities in a vibrant proposition to reinvigorate and reimagine this central part of the historic city core.

12.2 There are noted to be some impacts on adjacent properties due to the increase in scale, however on balance it is considered that 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 resolution of outstanding technical highway matters and the draft conditions specified in Appendix A (including any amendment to the same or addition of further conditions as the Chief Planning Officer deems appropriate) and the completion of a Section 106 agreement.

Background Papers: 9 letters of representation, Application file 23/05271/FU

APPENDIX A – Draft Conditions

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

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

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

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

3. The student accommodation hereby approved shall not be occupied until the dedicated internal communal space and rooftop terrace area identified on approved drawings have been provided for the use of students residing in the building. The internal space and rooftop terrace area shall thereafter be retained and maintained for use by students for the lifetime of the development.

To ensure that students are provided with satisfactory amenity space within the building.

4. 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 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 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.

5. 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 (including whether windows will be openable)
 - c. ground floor frontages
 - d. glazed upper floors
 - e. mansard roofs
 - f. shop fronts.

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

In the interests of visual amenity.

6. 'Prior to commencement of any works above ground;
 - a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.
7. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and

findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

8. 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.

9. 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.

10. 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.

11. a) No works shall commence (including any demolition, site clearance, ground works or drainage etc.) until all existing trees, hedges and vegetation shown to be retained on the approved plans are fully safeguarded by protective fencing and ground protection in accordance with approved plans (as approved pursuant to b) below) and the specifications and the provisions of British Standard 5837 (2012) Trees in relation to design, demolition and construction, unless otherwise agreed in writing by the Local Planning Authority. NOTE: safeguarding includes any ground areas intended for Structural Planting (clause 6.2 of BS5837) and only the BS5837 default barrier with the scaffold framework shall be employed. A fully dimensioned tree protection plan drawing shall be included in the submission. Such measures shall be retained for the full duration of any demolition and/or approved works.
b) No works or development shall commence until a written Arboricultural Method Statement (AMS) in accordance with BS5837 for a tree care plan has been submitted to and approved in writing by the Local Planning Authority. Works shall then be carried out in accordance with the approved method statement. The AMS shall include a Site Supervision Schedule i.e. a list of site visits and the operational

specifics related to trees for the full construction duration. The AMS shall include for reporting back to the Local Planning Authority immediately after each site supervision intervention (written & photographic).

NOTE - this item cannot be discharged until the last supervision visit report is submitted.

c) Evidence shall be submitted, such as a written appointment (including site specifics), that confirms that a qualified Arboriculturist/competent person has been appointed to carry out this Arboricultural monitoring/supervision.

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

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

e) No equipment, machinery or materials shall be used, stored or burnt within any protected area. Ground levels within these areas shall not be altered, nor any excavations undertaken including the provision of any underground services/drainage, without the prior written approval of the Local Planning Authority.

To ensure the protection and preservation of trees and vegetation during construction works, in accordance with Leeds City Council policies.

12. The development hereby permitted shall not be occupied until full details of both hard and soft landscape works, including a dated implementation programme (inclusive of any phasing), have been submitted to and approved in writing by the Local Planning Authority. Hard landscape works shall include

- (a) proposed finished levels and/or contours,
- (b) boundary details, means of enclosure and retaining structures,
- (c) car parking layouts,
- (d) other vehicle and pedestrian access and circulation areas,
- (e) hard surfacing areas,
- (f) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.),
- (g) existing trees with Root Protection Areas (RPAs) and all other retained vegetation.

Soft landscape works shall include

- (h) planting plans (display existing trees with Root Protection Areas (RPAs) and all other retained vegetation),
- (i) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and
- (j) schedules of plants noting species, planting sizes, root packaging and proposed numbers/densities,
- (k) drainage proposals.

All hard and soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme, British Standard BS 4428:1989 (Code of Practice for General Landscape Operations) and in accordance with Leeds City Council website landscape guidance under "Landscape Planning and Development". The landscaping works shall be maintained in accordance with the approved details for the lifetime of the development.

To ensure the provision and establishment of acceptable landscaping.

13. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The Management Plan must conform to Leeds City Council's Landscape Management Plans (Landscape Guidance No.2) and associated checklist. The landscape management plan shall be for the lifetime of the development and shall be carried out as approved.

To ensure successful aftercare of landscaping.

14. If within a period of five years from the date of the planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the Local Planning Authority. To ensure maintenance of a healthy landscape scheme.
15. Construction of hardsurfaced areas shall not take place until details and samples of all surfacing materials have been submitted to and approved in writing by the Local Planning Authority. The surfacing works shall be constructed from the approved materials.

In the interests of visual amenity.

16. Prior to the occupation, a scheme for street lighting which is to be mounted on the building is to be submitted to and approved in writing by the Local Planning Authority.

In the interests of amenity.

17. 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 integral bird nesting features (for species such as House Sparrow and Swift) within buildings. Features that are not integral will only be considered for approval if an appropriately qualified ecologist provides assurance that, following discussions with the building architect, integral features are not possible. 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 in the manner as approved thereafter.

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

18. Following completion of the building and prior to its occupation, a report from an appropriately qualified ecologist confirming that all integral bat roosting and integral bird nesting features have been installed as per previously agreed specifications and locations, together with photographic evidence, shall be submitted to and approved in writing by the LPA.

To demonstrate compliance with Policy G9, NPPF and BS 42020:2013.

19. Prior to commencement of development a Lighting Design Strategy For Bats shall be produced by an appropriately qualified ecological consultant and submitted to and approved in writing by the local planning authority. The Strategy shall: a) Identify those areas/features on site that are particularly sensitive for roosting, commuting or foraging bats - using an appropriately scaled map to show where these areas are. b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb commuting and foraging bats or integral bat roosting and bird nesting features. All external lighting shall be installed in accordance with the specifications and locations set out in the Strategy, and shall be maintained thereafter in accordance with the Strategy. Under no circumstances should any additional external lighting be installed without prior consent from the local planning authority in the areas identified in the Strategy as particularly sensitive for roosting, commuting or foraging bats.

To safeguard a protected species (bats) in accordance with Core Strategy Policy G8 and G9, NPPF and BS 42020:2013

20. No works to or removal of 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 the built structure 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 built structures in accordance with the Wildlife & Countryside Act 1981 (as amended) and BS 42020:2013

21. The development shall be undertaken in accordance with the supplied documents 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.

22. 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 in the supplied documents 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

23. Prior to the commencement of above ground works, full details of the vehicle access from King Charles Street to King Charles Croft, and the treatment of the junction King Charles Street / Victoria Arcade, including the number and location of rising bollards, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details within a timescale agreed in writing by the Local Planning Authority.

In the interests of pedestrian, cyclist and vehicular safety.

24. Prior to their erection full details of the proposed basement car park roller shutters shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be installed prior to occupation and maintained thereafter.

In the interests of visual amenity in accordance with saved policy BD5 of the Leeds UDP Review (2006).

25. There shall be no storage of refuse outside the areas agreed for refuse storage.

In the interests of amenity and to ensure adequate measures for the storage and collection of wastes are put in place.

26. 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.

27. Development shall not be occupied until all areas shown on the approved plans to be used by vehicles, including roads, footpaths, cycletracks, 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.

28. Development shall not commence until a survey of the condition of Lands Lane, King Charles Street, and The Headrow 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 ^IN months of the remedial works being agreed with the Local Planning Authority. In the event that a defect is identified during other routine inspections of the highway that is considered to be a danger to the public it must be immediately made safe and repaired within 24hours from the applicant being notified by the Local planning Authority.

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.

29. 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 interest.

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

In the interest of promoting low carbon transport.

31. Prior to occupation of the development, the off-site highway works as shown on plan ^IN comprising ^IN at location ^IN shall be fully delivered.

To ensure the free and safe use of the highway.

32. Development shall not be occupied until a plan showing details of dedicated space for loading, unloading and parking of service/delivery vehicles has been submitted to and approved in writing by the Local Planning Authority. This space shall be retained for the lifetime of the development.

To ensure the free and safe use of the highway.

33. Prior to the installation of any external surfacing materials, full details and samples of all surfacing materials to the public realm areas have been submitted to and approved in writing by the Local Planning Authority. The surfacing works shall be constructed from the approved materials.

In the interests of visual amenity.

34. The development shall not be occupied until a full Student Move-In and Move-Out Procedure Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall be fully implemented and operated in accordance with the approved timescales and details.

To ensure the free and safe use of the highway.

35. Prior to any above ground works details of the cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking provision shall accord with the guidance in the local cycle parking standards with the adopted Transport Supplementary Planning Document (2023). The cycle parking spaces must also include space for storing larger cycles and accessible cycles, cycle repair facilities and E bike charging in line with this guidance. The development or any identified phase of development shall not be occupied until the cycle parking has been constructed and completed in accordance with the approved details and shall thereafter be kept free of obstruction and permanently available for the parking of cycles only.

To comply with Core Strategy T2 and the *Leeds City Council Transport SPD (2023)*.

36. Prior to first occupation of the development, a Travel Plan comprising immediate, continuing and long-term measures to promote and prioritise alternatives to private vehicular use, which shall include clear objectives and modal share targets, together with a time-bound programme of implementation, monitoring, regular review and interventions (in the event of a failure to meet modal share targets) shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the agreed Travel Plan measures and targets to the satisfaction of the Local Planning Authority.

In order to deliver sustainable transport objectives including a reduction in private vehicular journeys and the increased use of public transport, walking, wheeling and cycling and comply with the adopted Leeds City Council Transport SPD (2023).

37. 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.

38. Prior to occupation of the development a management plan for the roof terrace is to be submitted to and approved in writing by the Local Planning Authority. Use of the roof terrace shall be in accordance with the approved management plan thereafter.

In the interests of residential amenity

39. 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.

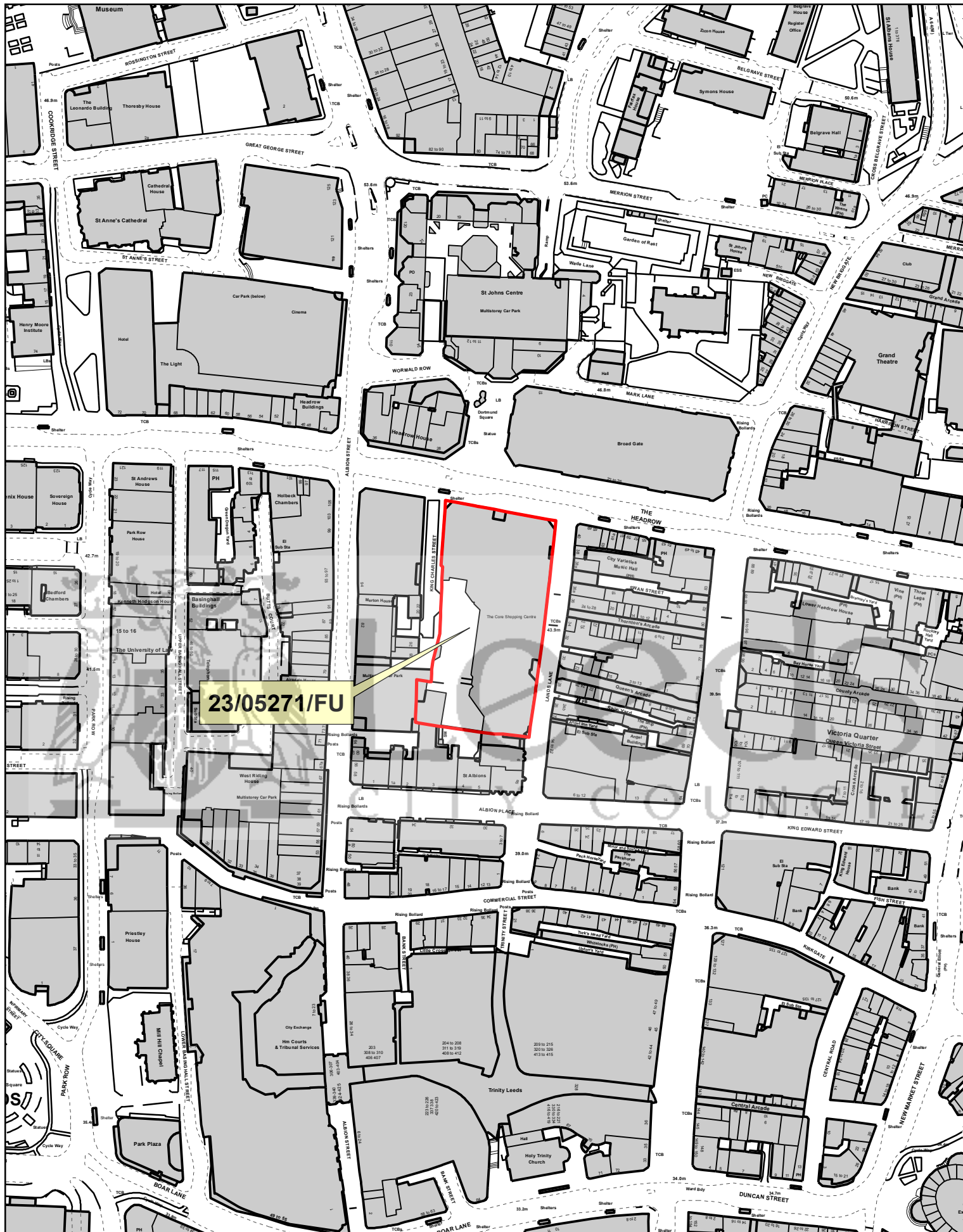
40. Prior to the commencement of above ground works a detailed Security Plan which addresses the security matters raised by West Yorkshire Police in correspondence dated 01/02/2024 and 26/02/2024 is submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details.

In the interests of safety and security.

41. Prior to commencement of above ground works a revised Energy Strategy shall be submitted to and approved in writing by the Local Planning Authority. There shall be a presumption in favour of connection to the District Heat Network unless further assessment deems it to be unviable or less effective than other low carbon energy.

In the event that connection to the District Heat Network is agreed by the Local Planning Authority to be either unviable or less effective than other low carbon energy technology further information demonstrating how the development will comply with Core Strategy policies EN,1 EN2 and EN4 shall be submitted to and approved in writing by the Local Planning Authority.

In the interests of sustainability.



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CITY PLANS PANEL

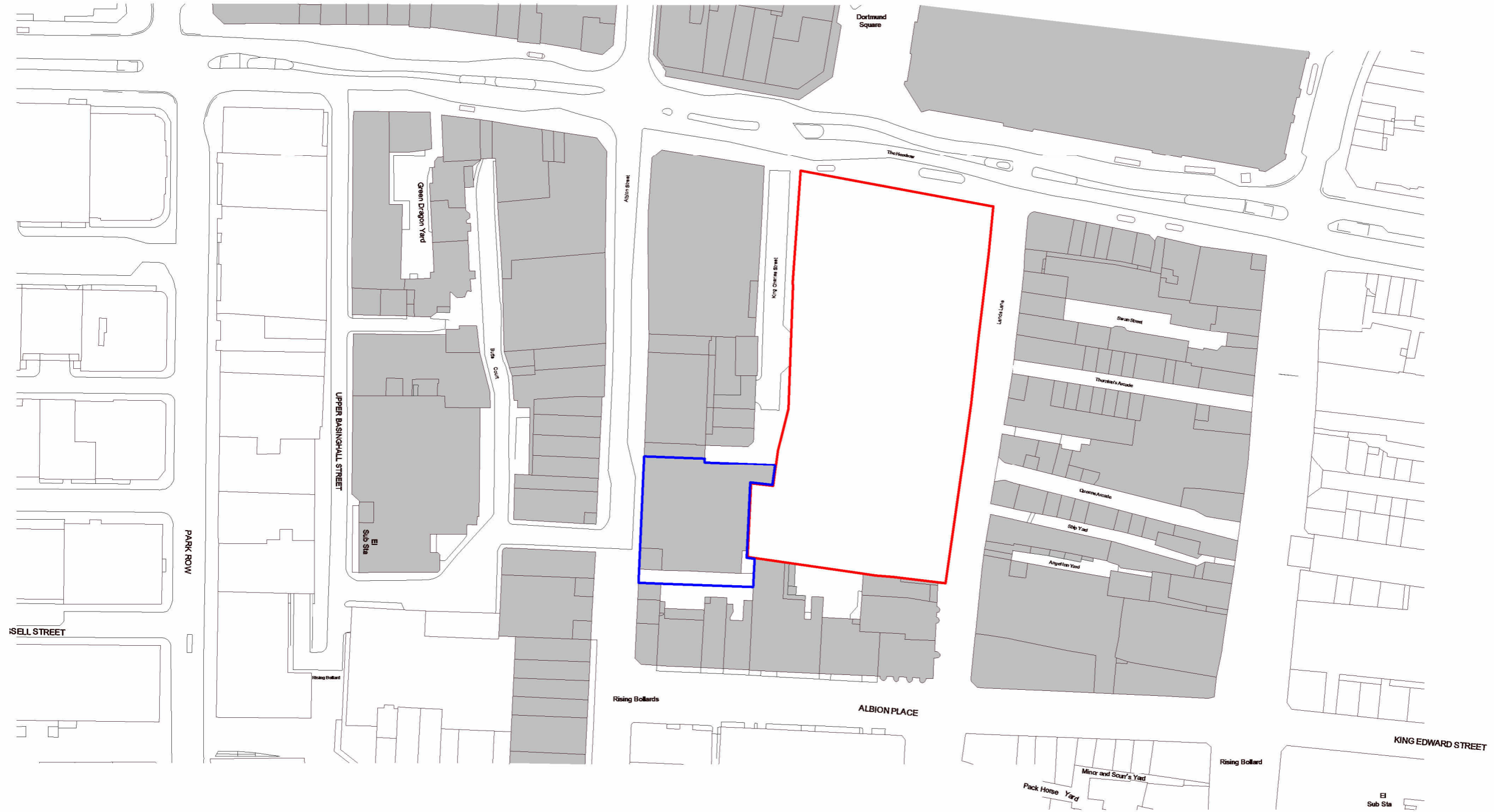
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PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/2500



Site Location Plan



0 10.0 30.0 50.0 75.0m

NORTH

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P-00	Issued for Planning	31/07/23	DS	NI
Rev.	Description	Date	Drawn	Chk.

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— Proposed Site Boundary
— Additional Site Ownership

Client
Fusion Group / Tri 7

Project
The Core, Leeds

Drawing Title
Site Location Plan

Drawing Status
PLANNING

Corstorphine & Wright

Warwick Studio
Brook Hall, Brook Street, Warwick, CV34 4BL
01926 658 444
corstorphine-wright.com

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