



Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 9 OCTOBER 2014

Subject: PLANNING APPLICATION REF. 14/03023/EXT EXTENSION OF TIME OF PREVIOUS APPROVAL 08/02061/FU FOR MULTI-LEVEL DEVELOPMENT UP TO 9 STOREYS HIGH ABOVE GROUND LEVEL COMPRISING 46 STUDENT CLUSTER FLATS AND 24 STUDIO FLATS (TOTAL OF 239 BEDS) AND 1 RETAIL UNIT, CAR PARKING, COMMON ROOM AND ANCILLARY FACILITIES AT LAND AT CAVENDISH STREET, LEEDS LS3 1LY

APPLICANT

Magro Ltd

DATE VALID

19 May 2014

TARGET DATE

10 November 2014
(extended)

Electoral Wards Affected:

City and Hunslet

Yes

Ward Members consulted
referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Defer and delegate to the Chief Planning Officer for approval in principle, subject to the specified conditions (and any others which he might consider appropriate), and following the completion of a Section 106 Agreement Deed of Variation to cover the following matters:

- Restriction of use to full-time students only
- Travel plan implementation and monitoring fee prior to occupation £2500
- £8, 000 student Cycles for Hire contribution
- £15, 000 Provision of Metro tickets
- £10, 000 contribution for improved pedestrian links/public realm enhancement
- Public access
- Enhancements to local Traffic Regulation Orders if necessary and new TROs for new off-street servicing facilities
- Employment and training opportunities for local people in City and Hunslet, or any adjoining Ward.

- **Management fee payable within one month of commencement of development £2250**

In the circumstances where the Section 106 Agreement has not been completed within 2 months of the resolution to grant planning permission the final determination of the application shall be delegated to the Chief Planning Officer.

Draft Conditions for 14/03023/EXT

The full wording of the draft conditions is set out in Appendix 1 at the end of this report.

1.0 INTRODUCTION:

1.1 This application seeks to extend the time limit for the implementation of the planning permission 08/02061/FU granted on 15th September 2009 following an approval in principle at Plans Panel (City Centre) 11th September 2008. The application was considered at 19th June, 14th August and 11th September 2008 Plans Panels. This application is brought to the Plans Panel because it is a significant major application, which has previously been the subject of lengthy officer and Plans Panel consideration. The recent publication of the Core Strategy Inspector's Report has implications for the consideration of this extension of time application.

2.0 PROPOSAL:

2.1 All parts of the scheme are exactly the same as the original approved application.

2.2 The proposal is for a 6 to 9 storeys above ground student residential block of 70 flats. This would comprise 24 studio flats and 46 cluster flats, giving a total 239 bedspaces. This is made up of

- 24 studio flats (34%)
- 4 three-bed flats (6%)
- 18 four-bed flats (25%)
- 13 five-bed flats (19%)
- 11 six-bed flats (16%)

2.3 The studio flat accommodation ranges in size from approximately 19.4sqm, 25.5sqm and 37.7sqm

2.4 In the cluster flats - the en-suite study bedrooms are typically 12.72sqm, and the communal living room/kitchens are 20.46sqm

2.5 The typical overall cluster flat size ranges would be:

- Three-bedroom cluster flat 71.28sqm to 78.1sqm
- Four bedroom cluster flat 88.1sqm to 96.8sqm
- Five bedroom cluster flat 103.3 to 116.3 sqm
- Six bedroom cluster flat 130.4sqm to 134.7 sqm

2.6 The proposed head height would be approximately 2.2m in all rooms.

2.7 The application also proposes a ground floor 50 square metre A1 retail unit.

2.8 The L-shaped building plan would form a south-facing landscaped deck area measuring approximately 20m x 18m. Underneath this would be the retail unit,

reception, common room, laundry room, staff room, staff toilet/shower, bin storage areas and motorcycle/cycle storage facility at lower ground floor level. The retail unit and common room would provide active frontage to the public space between this site and 84 Kirkstall Road.

- 2.9 Vehicular access to the development would be from Abbey Street. A controlled access ramp into the undercroft parking area would lead to 27 car parking spaces including 3 for disabled persons. There would be 50 cycle parking spaces in a secure store accessed from the ground floor common room and the basement car park.
- 2.10 The main pedestrian access into the development would be at its main entrance off Bingley Street, up a ramp onto the landscaped deck. Access to the student housing would also be achieved through the common room from the public space to the south.
- 2.11 The building ranges in height between 6 storeys in height to the public space to the south and 9 storeys in height above ground to Cavendish Street. The roof-form of the western wing of the building would slope progressively downwards to the south, with dormers that mirror the slope of the outline building form approved for 84 Kirkstall Road. The maximum height of the building would be approximately 26 metres facing Cavendish Street, and some 17 metres in height at the southern gable-end facing the public space.
- 2.12 The proposed distance to The Tannery student housing scheme would be 15m, giving an increased pavement width to Abbey Street from an existing 1.8m to 5.6m, with tree planting in the ground set away from the building line. The distance across Cavendish Street to Sentinel Towers would be 17.2m.
- 2.13 The building would also be lower in height than Tannery and Sentinel Towers, and the outline permission to 84 Kirkstall Road. The proposed site coverage is 59%, with 41% publicly accessible open site area.
- 2.14 The proposed materials would comprise a brown-coloured cladding system, coloured acid- etched glass panels in pale green, with grey engineering brick at the base.
- 2.15 The need for a Coal Recovery Assessment has been noted in the agent's covering letter accompanying this extension of time application. Given the shallow excavation proposed, on a very small site (0.1ha) in a built up residential area, it is considered by the applicant that the coal seam of 0.3-0.5m thick, located at a depth of 12 metres, would not be commercially viable to extract in this case.
- 2.16 A number of documents were submitted in support of the original application:
- Scaled building and landscape plans
 - Design and Access Statement including 3D computer generated images
 - Transport Assessment
 - Noise Statement
 - Land Contamination Desk Top Study
 - Travel Plan
 - Sustainability Statement

3.0 SITE AND SURROUNDINGS:

- 3.1 The site lies within the UDPR-designated City Centre, and within the area covered by the Kirkstall Road Renaissance Area Planning Framework. The cleared application site lies on the southern side of Cavendish Street, bounded by Abbey Street to the west, and Bingley Street to the east. The site is in use as an unauthorised surface car

park. The southern boundary of the site abuts a single storey former car repair workshop at 84 Kirkstall Road. The surrounding area is characterised by a mixture of student housing, low-rise offices, and leisure uses including a casino, public house and restaurants. The area was mainly commercial and industrial in character; however recent developments have increased the mix of uses and facilities in the area. Recent developments include student housing and café, gym and retail facilities at Opal Court 1 and 2, Concept House on Burley Road to the north east of the application site. The nearest traditional housing is at Kendal Walk and Hanover Square, some 150m away and higher up the valley side. The flats at the Marlborough's are approximately 300m away along Park Lane, separated by the large BT building and a rise in levels.

- 3.2 Abbey Street runs along the western edge of the site. The width of Abbey Street is some 7.5m. On the opposite side of Abbey Street is The Tannery a 6-12 storey student residential block (planning ref. 20/290/02/FU). The Tannery was granted permission in 2002 and subsequently completed in 2004. The Tannery reaches a maximum height of 37m rising from 20m via some six steps in its roof form. The central courtyard of the scheme is approximately 15m x 20m.
- 3.3 Cavendish Street runs along the northern edge of the site and is approximately 13m wide. On the opposite side of Cavendish Street is Sentinel Towers (planning ref. 20/313/92/FU and 20/373/92/FU), an 8 storey student residential block dating from the mid-1990s, some 29m high. East of Bingley Street, the section of Cavendish Street at this point is part tarmac and part cobble, and is blocked by the gates of the BT depot which closes off this part of the street. To the north is a two storey red-brick public house The Highland, which has residential use at its upper floor, and features 5 south facing windows. The BT building is a part 5/part 6 storey brick building which sits above and behind a retaining wall some 3 metres above the car park of the Maxi's restaurant.
- 3.4 Bingley Street runs along the eastern edge of the site and is some 7m wide. On the opposite side of Bingley Street lies Maxi's restaurant, a single storey building. At December 2013 City Plans Panel, Members approved an outline application (ref. 13/01198/OT) for the demolition of the existing building and the construction of a part 5/part 8 storey mixed use development of office, hotel and use classes A1 (retail), A2 financial and professional services) and A3 restaurant floorspace with basement car parking at the Maxi's restaurant site. To the south of the Maxi's site, also accessed from Bingley Street, lies the part one/part two storey Napoleons Casino building in beige brick with a mansard roof.
- 3.5 At the adjoining site to the south 84 Kirkstall Road, outline planning permission has been granted to erect a mixed use development of up to 11 storeys comprising residential and/or hotel and/or office (B1) use, ground floor A3 restaurant/A4 bar unit(s) with undercroft car parking and infrastructure works including landscaped public space (planning reference P/06/02359/OT/C). This permission was subsequently extended in 2011 (ref. 11/01850/EXT)

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Under planning reference 20/401/02/OT outline planning permission was granted on 31 December 2002 to erect student accommodation.
- 4.2 Under planning reference 20/528/05/OT application to vary Condition No.1 (timescale for submission of reserved matters) of Application No. 20/401/02/OT

was approved on 30 December 2005. The period within which to submit reserved matters was extended by one year.

- 4.3 Under planning reference 06/02379/RM reserved matters approval was sought for multi-level development up to 11 storeys comprising 127 clusters with 361 bedrooms and 54 studio flats, with ground floor retail unit and basement car parking. This was refused by Plans Panel (City Centre) 4 January 2007 on the grounds of its siting, scale, height, massing and density. This was subsequently dismissed at appeal under Planning Inspectorate ref. APP/N4720/A/07/2040528/NWF in August 2007.
- 4.4 Under planning reference 07/07563/FU planning permission was granted for a temporary three year period for the use of the site as a short-stay car park. This expired in March 2010. No further applications were submitted in relation to the unauthorised use of the site as a car park.
- 4.5 Under planning reference 08/02061/FU, planning permission was granted on 15 September 2009 for a multi-level development up to 9 storeys high above ground level comprising 46 student cluster flats and 24 studio flats (total of 239 beds) and 1 retail unit, car parking, common room and ancillary facilities, following an approval in principle at Plans Panel (City Centre) on 11 September 2008. The permission expired on 15 September 2014. This application is the subject of this extension of time period for commencement application.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Planning application publicity consisted of:

6.1.1 Site Notice of Proposed Major Development posted 13th June 2014

6.1.2 Press Notice of Proposed Major Development published 19th June 2014

6.1.3 City and Hunslet Ward Councillors consulted by email 12th June 2014, and Councillor Christine Towler (Hyde Park and Woodhouse Ward) was briefed on the scheme on 14th August 2014.

6.1.4 The seven objectors to the previous planning application and Little Woodhouse Community Association were notified of this application.

6.2 One objection has been received in connection with this extension of time period application, from Freda Matthews, a resident in Hanover Square, stating the following concerns:

- Since the original approval many large and small purpose built student accommodation have been approved and built in the immediate vicinity. The area is now overwhelmed with student flats, which results in a demographic imbalance.
- A smaller mixed development with greenspace and amenities would be more appropriate.

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory:

7.1.1 LCC Transport Development Services

In 2008 Highways officers stated that they had no objection subject to conditions and section 106 obligations regarding the following matters:

- provision of service lay-by along Abbey Street within the red-line boundary
- visibility splays of 2.4m x 43m provided at access point
- increase in cycle parking required (approx 50 spaces)
- motorcycle parking facilities required
- increase in bin store areas required
- local off-site highways works required
- TROs required for new lay-bys
- funding of improvements to the steps between Cavendish Street and Burley Street
- provision in the Section 106 that if on-street parking problems were to occur in the immediate area, provision would be made for enhanced TROs

Subject to the resolution of the above, the development would not give rise to any adverse road safety issues. These comments have been resolved by the submitted recommended conditions and s106 obligations. In 2014, Highways officers stated that they have no further comments to make.

7.1.2 Environment Agency

In 2008 the Environment Agency stated that they had no objection subject to conditions regarding details of drainage and land contamination matters. In 2014, they stated that they have no further comments to make.

7.2 Non-statutory:

7.2.1 Yorkshire Water

In 2008 Yorkshire Water stated that they had no objection subject to conditions regarding details of drainage matters. In 2014, they stated that they have no further comments to make.

7.2.2 LCC Environmental Protection

In 2008 Environmental Protection stated that they had no objection subject to conditions regarding details of sound insulation, refuse storage, extract ventilation. In 2014, they stated that they have no further comments to make.

7.2.3 LCC Flood Risk Management:

In 2008 Flood Risk Management stated that they had no objection subject to conditions regarding details of surface water drainage. In 2014, they stated that they have no further comments to make.

7.2.4 West Yorkshire Combined Authority (Metro):

WYCA would support the council in the application of the Public Transport SPD at this site. Good pedestrian access to/from the site to/from bus stops should be provided taking into consideration the needs of the elderly and mobility impaired.

PLANNING POLICIES:

8.1 Development Plan

Leeds Unitary Development Plan Review 2006 (UDPR)

The UDPR includes policies that require matters such as good urban design principles, sustainability, highways and transportation issues, public realm, landscaping, biodiversity and access for all are addressed through the planning application process. The site lies unallocated within the City Centre in the Development Plan. It was considered that the 2008 proposal met with the adopted Development Plan. This is discussed further at Paragraph 10.2 of this report.

8.1.2 Draft Leeds Core Strategy

This is discussed further at section 10.3 of this report.

8.1.3 **Leeds Natural Resources and Waste DPD 2013**

The Natural Resources and Waste Development Plan Document (Local Plan) is part of the Local Development Framework. The plan sets out where land is needed to enable the City to manage resources, like 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. This is discussed further at section 10.3 of this report.

8.2 **Relevant Supplementary Planning Guidance includes:**

The provisions of the following supplementary guidance documents were considered in 2008:

SPG Neighbourhoods for Living

SPG City Centre Urban Design Strategy

SPG Kirkstall Road Renaissance Area Planning Framework 2007

New supplementary documents adopted since the 2008 Plans Panel approval are discussed at section 10.3 of this report are:

SPD Public Transport Improvements and Developer Contributions

SPD Travel Plans

SPD Building for Tomorrow Today: Sustainable Design and Construction

8.3 **National Planning Policy Framework (NPPF)**

This is discussed at section 10.3 of this report.

9.0 **MAIN ISSUES**

9.1 Extension of time applications.

9.2 Unchanged policy and material considerations since the original consent

9.3 Changes in policy and material considerations since the original consent.

9.4 Conditions and Section 106 obligations.

10.0 **APPRAISAL**

10.1 **Extension of Time Applications**

10.1.1. The ability to extend the time limit for implementing planning permissions was introduced on 1 October 2009 via an amendment to the Town and Country Planning (General Development Procedure) (England) Order 1995. This change was introduced to allow developers greater flexibility in delivering already approved schemes during the economic downturn. It is only possible to apply to extend a planning permission if the permission is extant on 1 October 2009, if the permission is still extant when the extension of time application is submitted, and if the development has not already commenced. An amendment to this order was introduced on 1 October 2012 and this confirmed a one-year extension to the temporary provisions previously introduced. The effect of this is to bring a new 12-month cohort of planning permissions within the scope of the initial provisions and allow applicants with unimplemented extant permissions granted on or before 1 October 2010 (previously the deadline was 1 October 2009) to apply for a replacement permission for the same development, subject to a new time limit for implementation.

10.1.2 This scheme meets the eligibility criteria. As the scheme has been approved before, the principle of this development has been established. However, the current application to extend the time limit for implementation must be considered against current policy guidance and other material considerations which may have

changed since the original grant of permission. This application seeks to extend the time limit for a previously approved scheme, which has not changed. However, since the original decision there have been some significant changes in policy and some minor changes in material considerations. These are discussed below and were considered in the updated planning documents submitted by the applicant.

10.1.3 Paragraph 24 of the guidance note on extension of time period applications states that *“Local planning authorities may refuse applications to extend the time limit for permissions where changes in the development plan or other relevant material considerations indicate the proposal should no longer be treated favourably.”*

10.2 Unchanged policy and material considerations since the original consent

The policies in the adopted UDPR and site material considerations have not changed since the original grant of permission, including matters raised by consultees. The detailed assessment of these policies and material considerations was set out in the original panel report and is considered to be appropriate to the determination of the current application. The main issues are considered in further detail below.

10.2.1 Principal of use - Leeds Unitary Development Plan Review 2006

10.2.1.1 The proposal accords with adopted development plan policies. The proposals have not been altered since the previous submission and there has been no adopted development plan policy change in this respect. The site lies within the designated UDPR City Centre and is outside the Area of Housing Mix. UDPR policy would support the provision of purpose built student housing in the City Centre, and the parts of the City Centre closest to the University campuses would be the most sustainable locations. Policy H15A is applicable, and the site follows the tests it sets out as follows:

- in that the site has good public transport connections to the Universities, and is close enough to enable easy travel on foot or by cycle;
- the site would be an attractive location for students to live and of sufficient scale to form a viable student community either in itself or in association with other nearby developments (the existing student housing developments in the immediate area constitutes 3225 bedspaces in Opal One, Opal Two, Concept House, The Tannery, Liberty Park and Sentinel Towers – the policy does not give guidance on definition of ‘scale’ or ‘viability’);
- that the proposal would be well integrated into the surrounding area in terms of scale, character and associated services and facilities (the site is close to the city centre and the universities, and is of a lower scale and density than all recent student housing developments. The design of the building is complementary to the recent student developments);
- that the proposal would contribute to the regeneration of the surrounding area (it is considered that the existing use of the site as an unsightly, unauthorised car park is not acceptable in policy or visual amenity terms, and is not the best use of urban City Centre land);
- not unacceptably affect the quality, or quantity or variety of the local housing stock (the proposal is not located directly adjacent to existing local housing stock, other than other recent student housing developments).

10.2.1.2 With regard to the Kirkstall Road Renaissance Area Planning Framework (an informal SPG with limited weight), whilst this advises against further residential development in the City Heights area, it is considered that purpose built accommodation on this cleared site would not erode the existing community in Little Woodhouse or the Marlborough's, and would not affect the existing local housing stock or its balance and mix. The previous outline permission for this site was taken into account as a committed development site for student housing in the consideration of the mix of uses in the area at the time of the preparation and adoption of the document. Furthermore, the City Heights area identified in this document is pre- dominantly commercial in nature, even taking into account this proposal as a committed student housing development at time the document was drafted.

10.2.1.3 It is therefore considered that the principle of student housing would be acceptable in this location, taking the previous outline approval as a material consideration, accepting the provisions of the current Development Plan documents, and informal supplementary planning guidance adopted for development control purposes.

10.2.2 **Urban Design including amenities of the proposed building and neighbouring buildings**

10.2.2.1 The overall maximum building height would be 26.8m at 9 storeys along Cavendish Street. The building height would be 6 storeys along Abbey Street to face the new public route. The proposal would also be lower in height than The Tannery and Sentinel Towers, and the outline permission for 84 Kirkstall Road. The steps in roof form would also serve as visual devices which aid the breaking down of height, scale and bulk in relation to adjoining buildings and in longer distance views. The chamfering of the corner of Abbey Street and Cavendish Street is considered to improve the setting of the street and sense of space between the proposed building, Sentinel Towers and The Tannery.

10.2.2.2 With regard to the objection comments about on-site greenspace and amenities. The proposal would also feature more open space and a southerly open aspect which the other purpose built student developments in this area do not. Under UDPR policy there would not be a requirement for on-site open space at this site due to its relatively small size under 0.5 hectare, however the site coverage would be 59%, with 41% open space. The proposal features widened footways on three sides which would give more space to the surrounding streets for pedestrians.

10.2.2.3 In terms of building layout the distance to The Tannery would be 15m. It is considered that this would be a reasonable separation distance with respect to overlooking, privacy and the living conditions of the occupants of The Tannery and the new development. The distance to Sentinel Towers would be 17.2m. This is also considered to be acceptable with respect to the living conditions of the occupants of Sentinel Towers and the new development.

10.2.2.4 The use of a brown-coloured cladding system, with green-coloured acid-etched glass panels in the staggered window patterning is considered to enhance the palette of materials in the area. The choice of materials is deliberately contrasting to the other purpose built student developments in the area, where buff brick and grey metal cladding pre-dominate on buildings of a large scale. Details of junctions of materials and roofline detailing and materials samples will be presented at Panel.

10.2.2.5 It is considered that the proposal would enhance the character of the surrounding area, by regenerating an unsightly cleared brownfield site, and by providing a striking architectural form, with appropriate amenity space and public realm.

10.2.4 Transport

As part of the original application a public transport contribution of £48,500 was secured via the SPD, which was in draft form at that stage. While the application has not changed the SPD has been adopted and applied to all development proposals exceeding thresholds across the District. During this time the use of the SPD formula has been tested and refined. A standard approach to student cluster flats has been developed since 2008 and it would be unreasonable not to apply that approach at this site. The 2008 calculation considered the proposed land-use as 239 separate flats, when it is clear from considering the details that it is actually 70 flats, made up of mainly four, five and six-bed cluster flats. In addition the public transport mode split of city centre student accommodation has been agreed to be closer to 10% rather than the 50% standard. Applying these two changes to the formula means that a contribution is no longer required in line with the SPD threshold. Subject to the resolution of detailed highways matters and measures to be covered by conditions and Section 106 including off-site highways works, traffic regulation orders, car park management plan and travel plan measures and monitoring, it is considered that the proposal would not have any detrimental impact on road safety.

10.3 Changes in policy and other material considerations since the original consent

There have been changes to both the development plan and national planning guidance since the original application was granted consent. These changes are discussed below starting with national planning policy guidance, supplementary planning documents, and then the development plan.

10.3.1 The National Planning Policy Framework replaced Planning Policy Statements and Guidance (PPSs/PPGs) in 2012, and states that planning should proactively drive and support sustainable economic development; and seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. One of the core planning principles in the National Planning Policy Framework encourages the effective use of land by reusing land that has previously been developed. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF states that local authorities should deliver a wide choice of homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities (para 50).

10.3.2 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. Paragraph 17 of the NPPF sets out the Core Planning Principles for plan making and decision taking. The 8th principle listed states that planning should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. The NPPF advocates a presumption in favour of sustainable development, and a 'centres first' approach to main town centre uses such as A1 retail. Section 7 states that good design is a key

aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important that design is inclusive and of high quality. Key principles include:

- Establishing a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- Optimising the potential of the site to accommodate development;
- Respond to local character and history;
- Reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- Create safe and accessible environments; and
- Development to be visually attractive as a result of good architecture and appropriate landscaping.

Overall it is considered that the scale, layout and design principles proposed would enhance the character and appearance of a vacant site resulting in regeneration of the area, whilst relating to the emerging urban character in this part of the City. The proposal would deliver a mixed use development in close proximity to the City Centre on a brownfield site, with sustainable levels of car parking, and would deliver public realm improvements. It is considered to meet the objectives of the NPPF.

10.3.3 Supplementary Planning Document 5 'Public Transport Improvements and Developer Contributions' (SPD5)

This document was formally adopted in July 2008. The development falls below the threshold for contributions based on the number of flats, not bedspaces, which the previous calculation was based upon. Therefore no contribution is applicable now.

10.3.4 Building for Tomorrow Today SPD

In accordance with updated planning policy, an Excellent BREEAM or Code for Sustainable Homes Level 4 would be expected and required by condition if the scheme were to be considered acceptable. Electric vehicle charging points would be provided, with details controlled via condition. A minimum of 10% energy generation would be developed through on site low carbon energy sources. The scheme would also deliver at least a 20% reduction in carbon emissions over building regulations standards. It is considered that a condition can control these matters.

10.3.5 Supplementary Planning Document Travel Plans 2012

This sets out the Leeds City Council requirements for Travel Plans and identifies when they are required in support of a planning application. The primary objective in the case of this planning proposal would be the reduction in car usage (particularly single occupancy journeys) and increased use of public transport, walking and cycling. The proposal only provides 27 car parking spaces. In addition, the submitted Travel Plan meets the requirements of the 2012 SPD and its delivery would be monitored through the Section 106 agreement. It includes measures such as a Metrocard with 6 monthly ticketing options available for student and non-student residents, and a financial contribution to the student cycle hire scheme at Leeds University.

10.3.6 Leeds Natural Resources and Waste DPD 2013

Policies regarding trees, land contamination, coal recovery, drainage, and air quality are relevant to this proposal. It is considered that the provisions of the NRWDPD Policy Land 1 states that trees should be conserved wherever possible and new planting should be introduced to create high quality environments for development. Policy Air 1 regarding air quality would be met through appropriate conditions regarding building sustainability measures, sustainable travel planning, and the provision of electric vehicle charging points.

10.3.7 Leeds Core Strategy Publication Draft 2012 consolidated with Inspectors modifications

The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State. The Inspector examined the Strategy during October 2013 and May 2014. The weight to be attached is now significant following receipt of the Inspector's Report dated 5 September 2014. Of particular relevance to this application are the following emerging policies and extracts from the Inspector's Report.

- 10.3.8.1 The Inspector states in his report at para 47. *'The maintenance of mixed and diverse communities is a legitimate policy objective and accords with national guidance . (NPPF paragraph 50)*

The Inspector goes on to consider the Council's position on student accommodation (Policy H6B):

'Para 49. Student accommodation includes purpose built halls, flats and HMOs. Policy H6B is aimed at purpose built student accommodation and, as submitted, seeks to; extend the supply of purpose built student accommodation to avoid the loss of family housing, to avoid excessive concentrations of student accommodation and to avoid locations not easily accessible to the city's universities. Following the submission of the Plan for examination the Council requested that I consider modifications to Policy H6B. The revisions would; require developers to demonstrate a need for student accommodation or be in receipt of a formal agreement with a university to supply accommodation, provide accommodation to environmental health standards and to ensure that it can be adapted to allow 'occupation by average sized households'.

50. *The proposed test of need is based on the findings of a study completed in August 2013 which assesses the demand for and supply of student accommodation . However, that study is rightly criticised. On one hand the study states that demand for bed spaces will reduce by 1,200 in 2013/14 but on the other says that it is likely that there will be 1,200 more students in 2013/14 compared with the previous year. The consultant's predictions of falling student numbers conflicts with their own assessment made only a few months earlier and are not supported by evidence from UCAS (quoted in the August report) of an increase in student applications. The study also records that the 2011 census data points to a gradual increase in people seeking university places.*
51. *Evidence provided by the consultants that shows that a number of permitted schemes for purpose built student accommodation are not proceeding undermines the Council's argument that the market will not control the provision of such accommodation. I find it difficult to believe that a commercial developer whether from Leeds or elsewhere would invest in a scheme for which there is no demand. Landlords with older and poorer quality accommodation may find students going elsewhere but it is not the place of planning to interfere with the market in favour of certain providers (including universities). I am not persuaded, therefore, that the evidence supports requiring developers to demonstrate need.*
52. *According to the August 2013 report, 45% of all students live in purpose built accommodation which includes returning students as well as first years. Many factors will influence a student's choice of accommodation but the provision of*

purpose built accommodation inevitably places less pressure on traditional housing. Housing which could be used by others in need of HMOs or used again by families, contributing to the Council's aim of maintaining mixed and diverse communities.

53. *What is meant by 'average sized household' is not defined nor has the Council produced any evidence to indicate the impact of requiring schemes to be capable of adaptation for occupation for the 'average sized household' on viability (and hence delivery). Student accommodation is not likely to need the same amount of outdoor amenity space or parking as that designed for families and so although a building may be capable of adaptation, it still may not be suitable or attractive to the 'average sized household'. The Council's suggested modification is not justified and is not necessary to make the Plan sound.*
54. *As submitted Policy H6B does not require the provision of satisfactory living conditions for the occupiers of student accommodation. Consequently, I agree that such a requirement be introduced (MM22) but see no need to duplicate environmental health standards.'*

10.3.7.2 City Centre strategic Themes and Character – 'A Growing Residential Community'

Para 5.1.14 of the Core Strategy states that:

'With significant house building between 1995 and 2010 a substantial residential population exists in the City Centre. Despite the recession and pause in construction activity, city living remains extremely popular with little vacancy. Considerable land opportunities exist in the City Centre to boost the residential population further. It is important that efforts are made to make best use of this opportunity in order to make efficient use of land and provide a wide housing offer for Leeds as a whole, as delivery of housing in the City Centre is key to the overall delivery of the Core Strategy. However, with some of the first residents putting down roots and wanting to continue to live in the City Centre it is important that a wider variety of sizes and types of housing are made available than have previously been built. In line with Policy H4 Housing Mix, major housing developments across the City Centre will be expected to contribute to a wider mix of dwelling sizes. Potential for creation of family friendly environments exist on the fringes of the City Centre where densities can be lower, and more greenspace and supporting services can be delivered, including medical and education services. The City Centre remains a good location for purpose built student housing, but excessive concentrations in one area should be avoided in line with Policy H6.'

Para 5.2.20 states that: *'significant growth in student numbers in the past has led to high concentrations of student housing in areas of Headingley, Hyde Park and Woodhouse. This generated concerns about loss of amenity to long term residents'*

Para 5.2.27 states that *'The decade 2001 – 2012 witnessed considerable development of new purpose built student accommodation particularly in and around the north west sector of the City Centre. Growth in this accommodation is to be welcomed in order to meet need and to deflect pressure away from private rented houses in areas of over-concentration. Nevertheless, care is needed to ensure that purpose built accommodation does not itself become over-concentrated and is located with good access to the universities.'*

10.3.7.3 Policy H6: Houses in Multiple Occupation (HMOs), Student Accommodation, and Flat Conversions

Part B is relevant to this application proposal, and its criteria can be considered as follows:

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,

This proposal would fulfil this objective.

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

The proposal would meet this objective

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,

Whether the concentration is excessive in the area depends on the consideration of the local context. Policy H6 iii mentions the phrase 'undermine the balance and wellbeing of communities'. Whilst excessive concentrations of student populations may cause harm to discrete residential areas, the combined proximity to the City Centre, local mixed land use functions and the proximity to the educational areas suggest that the proposed student accommodation, as a small percentage increase to an existing concentration, could be tolerated in this location. It is considered that there would be some difficulty in defining a wider area within which student housing proposals would not form part of a mixed community, taking into account the dominant commercial uses around the site, and the existing residential communities of Little Woodhouse and the Marlborough's. If a case for refusal were to be constructed around the proposal's failure to achieve a mixed and balanced community, it is implicit that this area is not within the same community as Little Woodhouse and the Marlborough's. If the community is defined across a wider area that includes Little Woodhouse and the Marlborough's it is considered that the mix and type of residential accommodation is extremely varied, and therefore a balanced and mixed community is achieved. The key issues would be the location of a community boundary, identifying affected individuals/groups, what the harm was, identifying the individuals/groups causing harm, and the collection of robust, credible evidence to that effect. Taking the defined City Heights Area in the Kirkstall Road Renaissance Area Planning Framework, existing land uses include two hotels, a fire station, seven office buildings, car showroom, a substation, a cleared site, casino, restaurant, laminate floor warehouse, financial services office, and 2669 student bedspaces located in Opal One, Sentinel Towers, Concept House, The Tannery and Liberty Park. Outline permission also exists at the adjacent site 84 Kirkstall Road for office, hotel and open market residential uses. Opal Two contains 556 bedspaces and lies outside but directly abutting City Heights Area. However, whilst this is relevant, other uses also directly abut the area, which would also increase the variety of uses across a given wider area. Therefore six plots would be in student housing use if the application proposal were taken into account, and eleven plots are in commercial use. It is considered that this area both in itself, and taking into account nearby uses, features one of the more diverse ranges of land use in and around the edge of the City Centre.

iv) To avoid locations which are not easily accessible to the Universities by foot or public transport or which would generate excessive footfall through quiet residential areas which may lead to detrimental impacts on residential amenity.

The site would be separated by taller buildings, topography and some distance (150-300m) from the nearest traditional residential properties to the north and east. Consultation was carried out with Leeds City Council Environmental Protection Service and West Yorkshire Police, and neither bodies can provide records of specific complaints relating to noise from pedestrians on the public highway, regardless of whether it was caused by students who live in Opal One and Two, Sentinel Towers, Liberty Park, The Tannery and Concept House. Environmental Health only respond to complaints arising directly from residential or business premises, and the Police would only respond if the disturbance were so severe as to warrant a breach of the peace. Whilst it is acknowledged that throughout the historic planning applications for this site, a small number of local residents have expressed concern regarding general noise and disturbance as a result of students generally, it would be unreasonable to apportion specific blame to students living in Opal One and Two, Sentinel Towers, Liberty Park, The Tannery and Concept House in all cases. Noise and general disturbance in the Belle Vue Road and Park Lane areas may arise from students living in traditional housing stock closer to the objectors' homes, and non-students walking at night from the City Centre to Burley along a variety of routes. No similar objections have been received to the current application proposal.

The application site is not located in the immediate vicinity of existing residential properties which may be affected by a purpose built student development of this size. The cumulative impact of this student development in addition to those already occupied or granted permission is not considered to result in any significant additional harm to the amenities of the nearest traditional residential properties to the north of the site on Kendal Walk. It is considered that purpose built accommodation on this cleared site would not erode the existing community in Little Woodhouse or the Marlborough's, and would not affect the existing local housing stock or its balance and mix. The current proposal would also be smaller in scale than the existing student housing developments in the area. This proposal would be a small percentage increase to existing numbers.

A sound insulation scheme is to be installed within the units to protect the residents from noise from the surrounding road network and commercial premises. This will assist in keeping noise in as well as out. It is therefore considered that student housing would not result in detrimental impact on the amenities of the light industrial, warehouse, casino office or hotel uses in the immediate vicinity of the site.

The site lies in a predominantly commercial area, on the other side of Burley Road from Little Woodhouse within a commercial area lacking in family housing. The direct impact of this proposal in terms of direct loss of amenity/noise/general disturbance on the existing residents of the Hanover Square, the Kendal's, and the Marlborough's, is likely to be small due to the physical distance and change in topography. It is considered on balance that the small increase in numbers from this application would not result in a significant adverse impact on the nearby traditional residential areas by students walking along main roads such as Park Lane, in the context of a busy City Centre location.

The site is approximately 900m from the University of Leeds, approximately 800m from the LGI and 1300m away from the main Leeds Beckett University campus. Whilst this may lead to some travel through existing residential areas, a number of

alternative pedestrian routes are available, and due to its sustainable location the generated footfall is on balance considered acceptable.

v) The proposed accommodation provides satisfactory internal living accommodation in terms of daylight, outlook and juxtaposition of living rooms and bedrooms;

In relation to part (v) of Policy H6 B, on balance, given that these units are likely to be occupied by one person per bedroom/studio only, it is considered that the cluster flat sizes are appropriate. They are provided with communal living rooms and kitchens of an appropriate size for each cluster, and an additional ground floor common room for the whole block. Some of the studio flats are smaller than we would expect at around 20 square metres, however there are only one or two of these smaller units on each floor in the context of 239 bedspaces. Given that there are communal facilities and outdoor amenity space available it is considered on balance that this would be acceptable.

10.3.8 Other material changes

There have been no other significant material changes relevant to this application, to the site or its surroundings other than those described above.

10.4 Conditions and section 106 obligations

10.4.1 The recommended draft planning conditions are attached at Appendix 1.

10.4.2 Should the scheme be considered acceptable, the following measures would be incorporated into a Section 106 Agreement:

- £2, 500 travel plan monitoring fee.
- £8, 000 student Cycles for Hire contribution.
- £15, 000 Provision of bulk Metro tickets.
- £10, 000 contribution for improved pedestrian links/public realm enhancement
- Public access.
- Enhancements to local Traffic Regulation Orders if necessary and new TROs for new off-street servicing facilities.
- Co-operation with local training and employment initiatives.

10.4.3 As part of Central Government's move to streamlining the planning obligation process it has introduced the Community Infrastructure Levy Regulations 2010. This requires that all matters to be resolved by a Section 106 planning obligation have to pass 3 statutory tests. The relevant tests are set out in regulation 122 of the Regulations and are as follows:

- '122(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is-
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.'

As listed above (and also in the 'recommendation' box at the beginning of this report), there are matters to be covered by a Section 106 agreement. These matters have been considered against the current tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

11.0 Conclusion

11.1 This extension of time application results from the changes in legislation that allowed the time limits of extant permissions to be extended during the economic downturn. National planning guidance is that a positive and constructive approach should be adopted to applications such as the current application which improve the prospect of sustainable development being taken forward quickly. The proposed development has not changed and there have been no material changes to the site or surrounding area that would affect this proposal. The supporting documents submitted with the application accord with changes in policy, and the proposed development is considered acceptable following detailed consideration against all up to date development plan policies, emerging policies and national guidance. For the reasons outlined above it is recommended that this extension of time application is granted permission.

Background Papers:

Application files 14/03023/EXT & 08/02061/FU

Appendix 1 Draft Conditions

Appendix 1 Draft Conditions for application reference 14/03023/EXT

- 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) Development shall not commence until a Phase I Desk Study has been submitted to, and approved in writing by, the Local Planning Authority and:
 - (a) Where the approved Phase I Desk Study indicates that intrusive investigation is necessary, development shall not commence until a Phase II Site Investigation Report has been submitted to, and approved in writing by, the Local Planning Authority,
 - (b) Where remediation measures are shown to be necessary in the Phase I/Phase II Reports and/or where soil or soil forming material is being imported to site, development shall not commence until a Remediation Statement 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 Statement shall include a programme for all works and for the provision of Verification Reports.

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 in accordance with policies Land 1 of the Natural Resources and Waste Local Plan 2013 and GP5 of the Unitary Development Plan Review 2006.

- 4) If remediation is unable to proceed in accordance with the approved Remediation Statement, or where significant unexpected contamination is encountered, the Local Planning Authority shall be notified in writing immediately and operations on the affected part of the site shall cease. An amended or new Remediation Statement 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 Statement.

To ensure that any necessary remediation works are identified to make the site suitable for use in accordance with policies Land 1 of the Natural Resources and Waste Local Plan 2013 and GP5 of the Unitary Development Plan Review 2006.

- 5) Remediation works shall be carried out in accordance with the approved Remediation Statement. 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.

To ensure that the remediation works are fully implemented as agreed and the site has been demonstrated to be suitable for use in accordance with policies Land 1 of the Natural Resources and Waste Local Plan 2013 and GP5 of the Unitary Development Plan Review 2006.

6) Prior to the commencement of development, a Statement of Construction Practice shall be submitted to and approved in writing by the Local Planning Authority. The Statement of Construction Practice shall include full details of:

- a) the methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development hereby approved;
- b) measures to control the emissions of dust and dirt during construction;
- c) location of site compound and plant equipment/storage;
- d) location of contractor and sub-contractor parking;
- e) how this Statement of Construction Practice will be made publicly available by the developer.

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

In the interests of residential amenity of occupants of nearby property in accordance with adopted Leeds UDP Review (2006) policy GP5 and the National Planning Policy Framework.

7) Construction works shall be restricted to 0800-1800 hours Monday to Friday, 0800-1300 hours on Saturdays, with no works on Sundays and Bank Holidays.

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

8) Development shall not commence until a scheme detailing surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The scheme should be sufficiently detailed with supporting calculations to confirm the pre and post development discharges as well as attenuate storage requirements for the development. Surface water from the development will be subject to balancing of flows to achieve a minimum 30% reduction of the existing peak flow rates from the site up to the 1 in 100 year storm with climate changes. The works shall be implemented in accordance with the approved scheme before the development is brought into use.

To ensure sustainable drainage and flood prevention in accordance with policies GP5, N39A of the adopted Leeds UDP Review (2006) and the NPPF.

9) No piped discharge of surface water from any phase shall take place until works to provide a satisfactory outfall for surface water for that phase have been completed in accordance with details to be submitted to and approved by the local planning authority before development of that phase commences.

To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading, in accordance with the NPPF and Leeds UDPR Policy GP5.

10) Prior to commencement of development, a feasibility study in to the use of infiltration drainage methods shall be submitted to and approved by the Local Planning Authority. The analysis shall contain the results of soakaway tests and an appraisal of the various infiltration drainage methods of surface water disposal proposed for the site. Soakaway design must be consistent with the general development control standards for flood risk which requires that there should be no flooding of the site for the 1 in 30 year event

regardless of the method proposed for the drainage of the site. The BRE 365 design standard for 1 in 10 year is therefore not acceptable. Where infiltration drainage is proven not to be practicable due to ground conditions then other approved means of flow attenuation must be utilised.

In the interests of sustainable drainage, in accordance with Leeds UDPR policies GP5 and N39A, the draft Core Strategy and the NPPF.

- 11) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies installed in accordance with a scheme submitted to and approved in writing by the Local Planning Authority.

To prevent pollution of the water environment.

- 12) Prior to the commencement of building works, a sample panel of all external facing materials, roofing and glazing types to be used shall be constructed on-site and approved in writing by the Local Planning Authority. The external cladding and glazing materials shall be constructed in strict accordance with the sample panel(s) which shall not be demolished prior to the completion of the development.

In the interests of visual amenity in order to accord with Leeds UDP Review Policies GP5, BD2 and N13, and the NPPF.

- 13) No building works shall be commenced until full 1 to 20 scale working drawing details of the following have been submitted to and approved in writing by the Local Planning Authority:

- a. soffit, roof line and eaves treatments
- b. junctions between materials
- c. each type of window bay proposed
- d. ground floor frontages

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

In the interests of visual amenity and the character of the surrounding area, in order to accord with Leeds UDPR Policies GP5, BD2 and N13, and the NPPF.

- 14) No surfacing works shall take place until details and samples of all surfacing materials have been submitted to and approved in writing by the Local Planning Authority. Such materials shall be made available on site prior to the commencement of their use, for the inspection of the Local Planning Authority who shall be notified in writing of their availability. The surfacing works shall be constructed from the materials thereby approved and completed prior to the occupation of the building.

In the interests of visual amenity in accordance with Leeds UDP Review Policies GP5, CC3 and LD1, and the NPPF.

- 15) Development shall not commence until full details of both hard and soft landscape works, including an implementation programme, have been submitted to and approved in writing by the Local Planning Authority. Hard landscape works shall include
 - (a) proposed finished levels and/or contours,
 - (b) boundary details and means of enclosure,
 - (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) proposed and existing functional services above and below ground (e.g. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.).

Soft landscape works shall include

- (h) planting plans
- (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 and proposed numbers/densities.

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

To ensure the provision and establishment of acceptable landscape in accordance with adopted Leeds UDP Review (2006) policies GP5, N23, N25 and LD1.

- 16) 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 landscape management plan shall be carried out as approved.

To ensure successful aftercare of landscaping, in accordance with adopted Leeds UDP Review (2006) policies GP5 and LD1.

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

To ensure maintenance of a healthy landscape scheme, in accordance with adopted Leeds UDP Review (2006) policies GP5 and LD1.

- 18) Development shall not be occupied until all areas shown on the approved plans to be used by vehicles have been fully laid out, surfaced and drained such that 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 in accordance with adopted Leeds UDP Review (2006) policy T2 and Street Design Guide SPD (2009).

- 19) Prior to the occupation of the development hereby approved, details of a car park management plan, including access security measures, shall be submitted to and approved in writing by the Local Planning Authority. The car park shall be operated in accordance with the approved management plan thereafter.

In the interests of sustainable development, and vehicular and pedestrian safety, in accordance with Leeds UDPR Policies GP5, T2, T24, T28 and Appendix 9A, and the NPPF.

- 20) Prior to the commencement of development, details of electric vehicle charging points in the basement car park shall be submitted to and approved in writing by the Local Planning Authority. The charging points shall be provided in accordance with the approved details prior to first use of the car park, and retained as such thereafter.

In the interests of encouraging more sustainable forms of travel and to reduce the impact of development on air quality, in accordance with the NPPF, Leeds Natural Resources and Waste DPD 2013, and Leeds UDPR Policy GP5.

- 21) No development shall take place until details for the provision of off-site highways works in accordance with approved DLA drawing no. 2007-221/002E have been submitted to and approved in writing by the Local Planning Authority for inclusion in the section 278 Highways Agreement or to be secured by such other procedure as may be agreed between the applicants and the Local Planning Authority.

In the interests of pedestrian and vehicular safety, in order to accord with the NPPF and Leeds UDPR Policy T2.

- 22) Notwithstanding the details shown on the plans hereby approved and prior to the commencement of development, full details of the facilities for the parking of cycles within the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the cycle parking facilities thereby approved have been provided. The facilities shall thereafter be retained and maintained as such.

In order to meet the aims of the Transport Policy as incorporated in the Leeds Unitary Development Plan.

- 23) 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 and in accordance with adopted Leeds UDP Review (2006) policy GP5 and the National Planning Policy Framework.

- 24) No development shall take place until details of a noise insulation scheme have been submitted for formal written approval by the Local Planning Authority. The scheme shall be designed to protect the amenity of the residents of the proposed dwellings from noise from surrounding roads and adjoining uses. The sound insulation scheme for the development shall be designed to achieve internal noise levels in living spaces not exceeding 35dBLAeq and 30dBLAeq in bedrooms at night, with peak levels kept below 45dBLAmax. The approved scheme shall be implemented prior to occupation of the dwellings and retained thereafter.

In the interests of residential amenity of the residents of the proposed dwellings

- 25) The hours of delivery to and from the premises shall be restricted to 0800 hours to 2000 hours Monday to Saturday and 0900 hours to 1700 hours on Sundays and Bank Holidays.

In the interests of residential amenity, in accordance with Leeds UDP Review 2006 Policy GP5 and the NPPF.

- 26) The hours of opening of the retail premises shall be restricted to 0800 hours to 2200 hours.

In the interests of residential amenity, in accordance with Leeds UDP Review 2006 Policy GP5 and the NPPF.

- 27) Any A1 retail use carried out within the ground floor unit indicated on the approved plans shall be limited to the sale of goods for convenience shopping to serve the needs generated by the development and other local needs.

The site lies outside those areas of the City Centre where the Local Planning Authority would wish to promote unrestricted A1 retailing. The use is limited to a convenience shopping use in the interests of maintaining the viability of the Prime Shopping Quarter.

- 28) Prior to the commencement of development of each phase an updated Sustainability Statement shall be submitted to and approved in writing by the Local Planning Authority for that phase, which shall include a detailed scheme comprising (i) a pre- assessment using the BREEAM assessment method to BRE Excellent Standard or equivalent for the proposed buildings and to the correct category in line with their use(s) (ii) an energy plan showing the final percentage of on-site energy that will be produced by Low and Zero Carbon (LZC) technologies, that it will meet the at least a 10% minimum target. This shall specify a carbon reduction target and energy plan for the development to reduce carbon emissions by at least 20% below Building Regulations . The development of each phase shall be carried out in accordance with the details as approved above; and

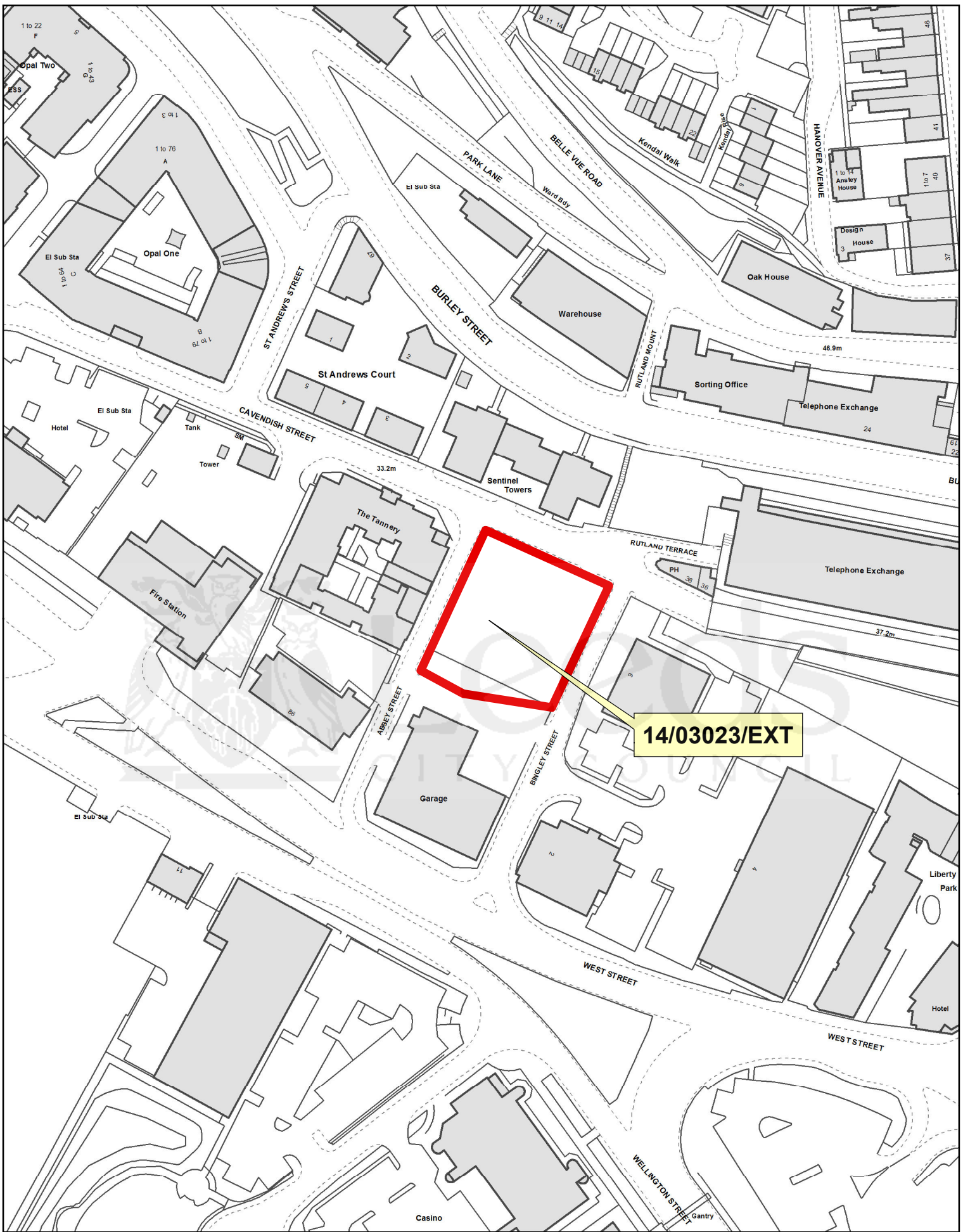
(a) Within 6 months of the occupation of each phase of the development a post-construction review statement for that phase shall be submitted by the applicant including a BRE certified BREEAM final assessment and energy plan and associated paper work and approved in writing by the Local Planning Authority

(b) The development and buildings comprised therein shall be maintained and any repairs shall be carried out all in accordance with the approved detailed scheme and post-completion review statement or statements.

To ensure the adoption of appropriate sustainable design principles in accordance with Policies GP5, GP11 and GP12 of the Unitary Development Plan, the Leeds SPD Building for Tomorrow Today Sustainable Design and Construction, the draft Leeds Core Strategy, and the NPPF.

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

In the interests of amenity and to promote recycling, in accordance with the NPPF and Leeds UDPR Policies GP5 and T2.



CITY PLANS PANEL

