



Report of the Chief Planning Officer

CITY PLANS PANEL

31st May 2018

Demolition of existing podium building and erection of one 15 storey and one 27 storey student accommodation building over basement car park, with ground floor A2, A3 or A4 floorspace and provision of new public realm, Merrion Way, Tower House Street and Brunswick Terrace, Leeds 2 (18/00458/FU)

Applicant – Unite Group plc and RR Wing Portfolio Ltd.

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 specified conditions set out in Appendix 1 (and any others which he might consider appropriate) and also the completion of a Section 106 agreement to include the following obligations:

- Use of accommodation for use solely by students in full-time higher education;
- A travel plan monitoring fee of £2,500;
- Implementation of travel plan;
- Contribution of £170,000 towards Merrion Way highway improvements;
- Local employment and training initiatives;
- Section 106 management fee of £1500.

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

1.0 Introduction

- 1.1 This application seeks full planning permission for the demolition of the existing podium building located between Merrion Way and Leeds Arena and the construction of two new buildings, predominantly comprising student accommodation, together with new public realm and pedestrian routes between and around the buildings. The proposals provide a significantly improved relationship with both the arena and Merrion Way and would help to realise aspirations for the area when the arena was located in this part of the city.
- 1.2 The emerging scheme was presented to City Plans Panel in November 2017. On 6th March 2018 several City Plans Panel Members visited one of the developer's recent schemes at Angel Lane, Stratford to view the internal amenities provided for students. Since that time the proposals have been refined, including adjustments to the proposed living accommodation.
- 1.3 Subject to the approval of this application the developers have advised that it is their intention to commence demolition of the existing building in July 2018 with a view to commencing construction in September 2018 so as to enable occupation of the development in August 2020.

2.0 Site and surroundings

- 2.1 The site is located between Merrion Way, Brunswick Terrace and Tower House Street towards the northern edge of the city centre. Both the podium and the neighbouring office block, Arena Point (formerly Tower North Central/Tower House), were constructed in the mid-1960's. Following the closure of the Grosvenor casino during 2016 the two storey podium building is now occupied solely by Wetherspoons' public house.
- 2.2 Only the southern elevation of the building facing Merrion Way has an active frontage. The rear elevation, in particular, presents a very low quality appearance facing the arena. The building, and terrace to the front, sits over a basement car park used by occupiers of the Arena Point offices, accessed via two vehicular ramps down from Brunswick Terrace. The terraced area to the front of the building is largely used as an external seating area by Wetherspoons. At ground level there is a landscaped space to the east of the building enclosed by railings. The area of grass to the front of the terrace, in Council ownership, contains 5 trees and helps to give Merrion Way a green appearance. There is a gradual fall in levels from the west to the east.
- 2.3 The surrounding area is characterised by a number of large scale buildings. Arena Point is a 20 storey (77m) office building situated directly to the east of the site. The ground floor of the building is at the same level of the podium terrace. Beyond Tower House Street, Hume House is a part 2, part 5 storey vacant office building. The 26 storey (90m) clv Arena Village building containing student accommodation is situated to the north east. The Leeds First Direct Arena is a large building situated on the north side of Brunswick Terrace to the rear of the podium. Yorkshire Bank offices, located to the west of Brunswick Terrace, rises to 31m. The Merrion Centre, associated multi-storey car park and Merrion House, are located on the southern side of Merrion Way. To the north-west beyond the arena, Sky Plaza is the tallest building in the area (34 storeys / 106m).

3.0 Proposals

- 3.1 It is proposed to demolish the existing 2 storey podium building and associated basement car park. A new basement parking area, accessed by a single ramp from Brunswick Terrace adjacent to Arena Point, would be reconfigured across the full width of the site providing parking for the occupiers Arena Point. The number of spaces would reduce from 120 to 90.
- 3.2 Two new buildings would be erected contemporaneously. The southern elevation of the buildings would be aligned with the front of Arena Point to the east with their principal axis similarly arranged perpendicular to Merrion Way. The northern elevation of the buildings would project 1.8 metres closer to Brunswick Terrace to the north than Arena Point. The west elevation of the western building (Tower A) would be located 9.9 metres further east than the end elevation of the existing podium building. The upper levels of Tower A would be 17 metres from Tower B to the east. Tower B would be situated 17.1 metres from the Arena Point tower.
- 3.3 The ground and first floor of Tower A would project 8.8 metres further to the east than the upper levels of the building. A first floor bridge across the remaining 8.2 metres would link Towers A and B, set back 13 metres from the building frontages. The ground floor of Tower A, together with a small mezzanine area facilitated by generous floor to ceiling height, would be occupied by a commercial unit (A2-A4), potentially Wetherspoons. The premises would have its primary entrance on the elevation facing Merrion Way and be serviced from the west side, enabled by the removal of the existing basement access ramp and widening of the public realm on this side of the building. The proposals identify an active frontage around much of this building. An area of external seating serving the commercial unit is proposed along the west side the premises.
- 3.4 The student accommodation would be accessed from a reception area on the southern side of Tower B to the east. This 27 storey building would be approximately 78m tall. Tower A would be 15 storeys (approximately 46 metres) in height.
- 3.5 Student bicycle storage facilities would be provided in the ground floor of Tower B. Dedicated student amenity space would be provided at mezzanine level and the majority of the first floor of the building. In total, 1,344m² of amenity space would be provided for the students.
- 3.6 Student accommodation would be located from first floor of the buildings upwards. There would be a total of 94 studios and 152 cluster flats of which there would be 74, four bedroom clusters; 4, five bedroom clusters and 74, seven bedroom clusters. In total there would be 928 bedspaces across the development. Each of the studios, situated north and south of the core in the centre of each building, would be 30m². Cluster bedrooms would be 11.4m². Cluster living /kitchen spaces would be situated at each of the corners of the buildings. These spaces would be 23m² for 4 bedroom cluster flats and 40m² for the 5 and 7 bedroom clusters.
- 3.7 Glazing and off-white aluminum cladding are proposed as the principal building materials. The base of the buildings, comprising ground, mezzanine and first floor levels, would utilise double-height curtain wall glazing. The upper levels of the east and west elevations of the buildings would be articulated with chamfered returns to the secondary plane comprising curtain walling, spandrel panels and louvred panels with inward-opening windows located behind. This part of each of the buildings would have a consistent rhythm framing two floors at a time. The tops of the buildings would be more pronounced with groupings of three and five floors being framed by chamfered metal cladding.

- 3.8 The north and south gables above first floor level would be more simply detailed than the heavily articulated east and west elevations. The gable end of each tower would be divided by a 4 metre wide vertical strip of curtain walling inset 1.3 metres from the proposed flanking aluminum clad walls.
- 3.9 Proposals for the public realm identify new hardsurfacing extending across the entirety of the site. As such, the existing vehicular ramp at the western end of the podium building would be removed and infilled and would form part of a widened pedestrian approach along Brunswick Terrace from Merrion Way towards the arena. Similarly, the remaining area to the north of the new buildings would be resurfaced as part of an extended area of public realm between the towers and the arena.
- 3.10 A new north-south public, pedestrian, route would be formed through the centre of the site between Towers A and B directly linking Merrion Way with Brunswick Terrace and the arena. The 9 metre wide route would extend southwards through the existing strip of greenspace via new steps that would be formed on the southern edge of the terrace. A new footpath would also be formed linking Merrion Way and Brunswick Terrace to the east of Tower B. The footway fronting Merrion Way would be realigned and resurfaced as part of the public realm works. Two loading bays would be formed alongside Merrion Way; one to the front of Tower A and one closer to Arena Point.

4.0 Relevant planning history and negotiations

- 4.1 During the course of the planning application the proposed 8 and 10 bedroom clusters have been removed from the scheme and the size of the kitchen/living spaces for 5 and 7 bedroom clusters has been increased by 74 per cent. As a result, the number of bedspaces in the development has reduced from 1020 to 928. Revisions have also been made to the form of the structure between the two buildings and to the proposals for servicing the building.
- 4.2 Planning permission for alterations and extensions to form two A3 units and the erection of a 14 storey hotel to the side and rear of the podium was granted on 15th November 2013 (11/03655/FU). During pre-application discussion regarding those proposals (PREAPP/10/00296) on 10th February 2011 City Plans Panel stated the preference for redevelopment of the site and the desirability of fragmenting the podium to create a new route to and from the arena.
- 4.3 The current proposals were the subject of a pre-application presentation to City Plans Panel on 23rd November 2017 (PREAPP/16/00483). Members were of the view that the proposed use of the buildings for student accommodation was acceptable in principle. Members expressed reservations about the proposed living conditions within the student accommodation and requested that further information be provided. Members were of the view that the scale of the proposed new buildings and their relationship with the surrounding context was acceptable. Further consideration of the public realm provision was required, in particular opportunities for enhancing the landscaping to the grassed verge along Merrion Way. A full copy of the minutes of that meeting is attached at Appendix 2.
- 4.4 A part 7, part 11, part 18 storey building at St Alban's Place 150 metres to the south-east comprising 376 student studios was granted planning permission on 21st April 2017 (16/07741/FU). This building is presently being constructed.

4.5 Planning permission for a part 9, part 23 storey, building at Symons House, Belgrave Street to the south of St Alban's Place comprising 185 student studios, 10 apartments and 40 cluster flats was granted on 22nd December 2017 (17/06605/FU). The original building has recently been demolished enabling construction of the approved development.

5.0 Consultation responses

5.1 LCC Transport Development Services (Highways) –no objection in principle to a student residential development subject to:

- Details of highway works to be agreed with regard to deliveries and servicing proposals;
- The provision of long and short stay cycle and motorcycle parking, together with provision of disabled parking spaces and electric vehicle charging points within the basement car park;
- Provision of a construction management plan taking into account arena safety and anti-terrorism requirements
- A contribution towards improvements to Merrion Way to assist pedestrian movements to and from the universities.

5.2 LCC Travelwise - The travel plan should be revised to address the Travel Wise comments from 15/02/2018. In addition the £2500 Travel Plan Review Fee needs to be secured through the S106. The implementation of the travel plan needs to be secured by condition. The development also needs to contribute to the Merrion Way Highway / Public Realm Scheme, which will deliver a layby and a car club bay.

5.3 LCC Environmental Studies - Air quality monitoring data indicate that the relevant air quality objectives will not be breached either at the development site or elsewhere as a result of the proposed development. There is likely to be some impact on the local area from dust during the construction phase and it is recommended that the mitigation measures detailed in the air quality assessment are implemented to reduce this impact. Electric vehicle charging points should be provided in accordance with the Leeds Parking SPD.

5.4 LCC Environmental Studies Transport Strategy – approve subject to conditions in respect of the glazing and ventilation specification and to secure acoustic tests to demonstrate that required noise levels are achieved.

5.5 SDU Landscape - support the opening up of routes through to the arena. Surfacing materials should be consistent so as to provide visual linkages. The link through the frontage greenspace will need careful design and implementation to avoid disturbance and damage to existing trees which have significant amenity value. Proposed trees and other planting above the car park may be difficult to achieve. Trees in hard surfaces and narrow planting beds need adequate volumes of soil below ground (20-30m³ per tree). Street furniture, bollards, surface drains, fencing, etc. need to form a limited, visually-coordinated menu of elements. Lighting design is important for evening and night time use and also as a means of way-marking routes through, even during daytime.

5.6 LCC Conservation - The impact on heritage assets would be mainly neutral. There could be minor to negligible harm to the setting of Queen Square and St John's Church but this needs to be balanced against the public benefits which include the enhancement to the wider environment through the delivery of a high quality redevelopment.

- 5.7 LCC Contaminated Land Team – conditions in respect of site investigation and remediation are recommended.
- 5.8 LCC Flood Risk Management (Drainage) – A linear drain should be provided so as to prevent flooding of the basement and the provision of blue/green roofs should be confirmed as part of a detailed drainage strategy.
- 5.9 Yorkshire Water – conditions in respect of surface water run-off from parking areas passing through an oil interceptor and compliance with the submitted flood risk assessment are recommended if planning permission is granted.
- 5.10 The Coal Authority - It will be necessary to include the Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

6.0 Public / local response

- 6.1 Site notices were displayed around the site and the application was advertised in the Yorkshire Evening Post on 16th February 2018.
- 6.2 Three contributors suggests that the elevations facing Merrion Way require improvement to add vibrancy and vitality to the street and that the elevations are too grey. One contributor objects to the replacement of the Wetherspoons public house with additional student accommodation.
- 6.3 The Leeds Civic Trust Planning Committee considers that the overall scale and massing of this development, and the use types proposed, are appropriate for this location and wishes to support the scheme subject to the following observations:
- The sculptural treatment of the cladding on the east and west elevations, with the consequent reflections and shadowing, will mitigate the monotone colour, providing that the quality of detailing and construction are first class. The view of any one of the north and south elevations of either tower will be tempered with the appearance of the neighbouring tower, where the chamfering will be visible;
 - the illustrations of the development should show all the tall buildings which may be constructed in this quarter of the city;
 - the Trust were very pleased that the applicant has committed to high quality public realm out to the kerb lines, and welcome the desire to create enhanced views and pedestrian routes through to the Arena, but note with concern that plans show planting and outdoor tables to the west of the site which will narrow this potentially wide route.

Rooftop plant including cleaning cranes; direct access to the cycle store and short-stay cycle parking should be considered during the design development process. Contributions to off-site public open space enhancements should target Lovell Park, with improved paths from Wade Lane and lighting for the route from the Arena to North Street.

7.0 Policy

7.1 Development Plan

7.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. 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)
- Saved UDP Policies (2006), included as Appendix 1 of the Core Strategy
- The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013) including revised policies Minerals 13 and 14 (Adopted September 2015).

7.2 **Core Strategy**

7.2.1 Relevant Core Strategy policies include:

Spatial Policy 1 prioritises the redevelopment of previously developed land within the Main Urban Area, in a way that respects and enhances the local character and identity of places and neighbourhoods.

Spatial Policy 3 seeks to maintain and enhance the role of the City Centre as an economic driver for the District and City Region, including by expanding city living.

Spatial Policy 8 identifies economic development priorities including (vi) supporting training/skills and job creation.

Spatial Policy 11 includes a priority related to improved facilities for pedestrians to promote safety and accessibility.

Policy CC1(b) states that residential development will be encouraged within the City Centre providing that it does not prejudice town centre functions and provides a reasonable level of amenity for occupiers.

Policy CC3 states that development in appropriate locations is required to help and improve routes connecting the City Centre with adjoining neighbourhoods, and improve connections within the City Centre.

Policy H6B refers to proposals for purpose-built student accommodation. Development will be controlled to take the pressure off the need to use private housing; to avoid the loss of existing housing suitable for families; to avoid excessive concentrations of student accommodation; to avoid locations that would lead to detrimental impacts on residential amenity; and to provide satisfactory living accommodation for the students.

Policy P10 requires new development to be based on a thorough contextual analysis to provide good design appropriate to its scale and function, delivering high quality innovative design and that development protects and enhance the district's historic assets in particular, historically and locally important buildings, skylines and views.

Policies T1 and T2 identify transport management and accessibility requirements to ensure new development is adequately served by highways and public transport, and with safe and secure access for pedestrians, cyclists and people with impaired mobility.

Policy G9 states that development will need to demonstrate biodiversity improvements.

Policies EN1 and EN2 set targets for CO² reduction and sustainable design and construction, and at least 10% low or zero carbon energy production on-site.

7.3 **Saved Unitary Development Plan Review policies (UDPR)**

7.3.1 Relevant Saved Policies include:

Policy GP5 states that all relevant planning considerations should be resolved.

Policy N19 states that all new buildings within or within the setting of Conservation Areas should preserve or enhance the character and appearance of the Conservation Area.

BD2 states that new buildings should complement and enhance existing skylines, vistas and landmarks.

BD5 requires new buildings to consider both their own amenity and that of their surroundings including usable space, privacy and satisfactory daylight and sunlight.

Policy LD1 sets out the criteria for landscape schemes. The Proposals Map identifies areas of the site not occupied by buildings, including the space between the podium and Arena Point, as public space.

7.4 **Natural Resources and Waste Local Plan 2013 (NRWLP)**

7.4.1 WATER 4: All developments are required to consider the effect of the proposed development on flood risk, both on-site and off-site.

LAND 2: Development should conserve trees wherever possible and also introduce new tree planting as part of creating high quality living and working environments and enhancing the public realm.

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

7.5.1 The NPPF recognises the presumption in favour of sustainable development. 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 (para. 17). Local Planning Authorities (LPA's) should recognise town centres as the heart of their communities and support their vitality and viability; and recognise that residential development can play an important role in ensuring the vitality of centres (para. 23). Housing applications should be considered in the context of the presumption in favour of sustainable development (para. 49).

Section 7 states that good design is a key aspect of sustainable development. 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;
- 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.

7.6 **Supplementary guidance**

Tall Buildings Design Guide SPD
Travel Plans SPD
Building for Tomorrow Today: Sustainable Design and Construction SPD
City Centre Urban Design Strategy SPG
Parking SPD

7.7 **Other material considerations**

7.7.1 Site Allocations Plan Submission Draft (SAP)

The site is not specifically identified in the SAP. The area between the existing podium building and the Yorkshire Bank building is identified as Civic Space (CVC23).

7.7.2 Leeds Standard

The Leeds Standard was adopted by the Council's Executive Board on 17th September 2014 to ensure excellent quality in the delivery of new council homes. Through its actions the Council can also seek to influence quality in the private sector. Those aspects of the Standard concerned with design quality will be addressed through better and more consistent application of the Council's Neighbourhoods for Living guidance. The standard closely reflects the Government's Technical Housing Standards – Nationally Described Space Standard (NDSS) which seek to promote a good standard of internal amenity for all housing types and tenures. Whilst neither of these documents has been adopted as formal planning policy and only limited weight can be attached to them, given their evidence base in determining the minimum space requirements, during recent years they have been used to help inform decisions on the acceptability of development proposals.

7.7.3 Core Strategy Selective Review (CSSR)

A selective review of the Leeds Core Strategy is presently being undertaken. The review includes policies to introduce residential space standards. Although draft policy H9 in the CSSR expressly excludes purpose built student accommodation from the space standard a footnote to the policy states:

Development of student accommodation and houses in multiple occupation (HMOs) will not be subject to the space standards as set out in the Table above. Instead such development should reflect the NDSS with appropriate adjustments to address the particular characteristics of these types of development. They should also meet reasonable standards of general amenity for occupiers to include adequate space, light and ventilation. Further guidance will be provided through a Supplementary Planning Document.

Paragraph 5.2.46 of the supporting text states that "Provision of reasonable space standards is still important for student accommodation, and this will need to be judged on a case by case basis, and via the application of any national standards that might be created in the future".

Consultation on the selective review has now finished and the policy can be afforded some weight.

8.0 Main issues

- Principle of the development
- Amenity considerations
- Townscape and heritage considerations
- Public realm
- Transport and servicing issues
- Wind issues
- Other considerations
- Section 106 obligations and CIL

9.0 Appraisal

9.1 Principle of the development

9.1.1 The site is located within the designated City Centre. Core Strategy Policy CC1(b) encourages residential development in city centre locations providing that the development does not prejudice the functions of the City Centre and that it provides a reasonable level of amenity for occupiers.

9.1.2 Policy H6B relates specifically to the provision of student housing. The policy was adopted following the Core Strategy Inspector's rejection of the Council's position that the policy should include a test for need when considering applications for new student housing. Core Strategy paragraph 5.2.26 states that growth in new purpose built student accommodation is to be welcomed in order to meet need and to deflect pressure away from private rented houses in areas of overconcentration. At the pre-application presentation to City Plans Panel on 23rd November 2017 (PREAPP/16/00483) Members were of the view that the proposed use of the buildings for student accommodation was acceptable in principle.

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

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

The development of 928 student bed-spaces (comprising 94 studio flats and 152 cluster flats) would help to take pressure off the need to use private housing for student accommodation.

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

The site currently accommodates a building solely occupied by a public house and vacant casino space. The proposed scheme would involve the replacement of the existing public house floorspace, albeit a flexible use (A2, A3 or A4) has been sought as part of the application. The development would meet the objective in avoiding the loss of family housing.

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

The site is located towards the north-eastern edge of the city centre and is well-placed with regard to access to both the University of Leeds and Leeds Beckett University. Proposed improvements to the public realm around the site, and a contribution towards improvements to Merrion Way, would improve accessibility further and would accord with Core Strategy policies CC3 and T2.

The development would therefore accord with parts i, ii and iv of Core Strategy policy H6B. Criteria (iii) and (v) of the policy are considered in the amenity section, paragraph 9.2.

9.2 Amenity considerations

9.2.1 Criteria (iii) of Core Strategy policy H6B aims to avoid excessive concentrations of student accommodation which would undermine the balance and wellbeing of communities.

9.2.2 The proposed development involves 928 student bed-spaces, comprising a mix of studios and cluster flats. The Arena Village student building is located close to the north east of the site and contains approximately 560 bedspaces. Beyond Clay Pit Lane, the Plaza and Sky Plaza developments contain in the region of 650 student bedspaces. The area is also a focus for additional new purpose-built student accommodation. The St Alban's Place scheme presently being constructed on Belgrave Street will deliver 376 studios; the Symons House, Belgrave Street development will provide 349 student bedspaces in a mixture of clusters and studios; and the "Walkabout" development on Cookridge Street will provide 96 studios later this year. There are also proposals for 312 studios on the Portland Crescent site (18/01711/FU); 102 student studios and 134 cluster flats at Hume House, Merrion Way (18/01819/FU); and 98 studios on land north of the Q One Residence, Wade Lane (18/02139/FU). Consequently, if all proposed developments were to be constructed, there would be approximately 4,121 student bed-spaces within a radius of 250 metres of the site (an area of 19.6 hectares).

9.2.3 In addition to the arena the area supports a mix of uses, including retail and offices and a range of commercial uses within the Merrion Centre, together with pockets of residential accommodation located primarily to the east side of Wade Lane / Lovell Park Road. However, it is not considered that these and other existing residents in the city centre would be adversely affected by purpose-built student accommodation in the proposed location given the way in which the area is currently used. Similarly, it is not considered that the number of students proposed would result in an excessive concentration of students that would undermine the wellbeing of the area within the context of a busy, mixed use, city centre environment. It is more likely that the students would help to support existing businesses within the area. Finally, routes from the development towards both the university campuses and the heart of the city centre would be through commercial areas such that residential communities would be unlikely to be adversely affected by the student use.

9.2.4 Criteria (v) of policy H6B requires that the proposed accommodation provides satisfactory internal living accommodation in terms of daylight, outlook and juxtaposition of living rooms and bedrooms.

9.2.5 A minimum separation distance of 17 metres between buildings would ensure that occupants in rooms facing east or west would experience acceptable outlooks and daylighting. A limited number of rooms would face north towards the arena. Those in Tower A would have views towards the front elevation of the arena and more oblique views over the expanse of the open space to the front of the arena. North-

facing rooms in the lower element of Tower B would face the side elevation of the arena. However, at a distance of 14 metres satisfactory levels of daylight would be provided and the outlook towards the arena would not be unacceptable. Those in studios facing south would enjoy longer distance views across the city centre.

- 9.2.6 The Leeds Standard sets a minimum target of 37m² for a self-contained studio flat. This standard closely reflects the Government's Technical Housing Standards – Nationally Described Space Standard (NDSS) which seeks to promote a good standard of internal amenity for all housing types and tenures. No distinction is drawn within these documents between open market and student accommodation. Whilst neither of these documents has been adopted as formal planning policy in Leeds since 2015 they have been used to help inform decisions on the acceptability of development proposals given their evidence base in determining the minimum space requirements.
- 9.2.7 As a result purpose-built student housing developers have continued to make the case that due to the bespoke nature of purpose built student accommodation the application of the Government's minimum housing space standards is not appropriate. A qualitative approach to assessing internal amenity and encouraging a more communal lifestyle has been advocated. Notwithstanding, the Core Strategy Selective Review which now carries some weight states that "Provision of reasonable space standards is still important for student accommodation, and this will need to be judged on a case by case basis, and via the application of any national standards that might be created in the future" and that "such development should reflect the NDSS with appropriate adjustments to address the particular characteristics of these types of development. They should also meet reasonable standards of general amenity for occupiers to include adequate space, light and ventilation."
- 9.2.8 Officer and Members have visited several student housing schemes to review the level of amenity provided for occupiers. These include the Fresh Student Living at Darley Bank in Derby (April 2014) where the studio was 22m²; Downing's Cityside, Calverley Street, Leeds (May 2016) where the student showflat was also 22m²; Vita Student's Telephone House, Sheffield (September 2016) where the average studio size was 20m²; and in connection with this application, in March 2018 Unite's development at Angel Lane, Stratford where Members viewed a 10 bedroom cluster flat where the cluster bedrooms of 11m² were supported by 23m² kitchen/living spaces, together with other internal and external amenity space located around the building.
- 9.2.9 Planning permission for Vita's scheme at St Alban's Place, in which the smallest 78% of studios would be just over 20m², was granted April 2017 (16/07741/FU). In approving the scheme it was recognised that the size of the majority of the studios would be restricted, providing little or no opportunity for socialising, but that each studio would benefit from a good outlook, natural daylighting and a suitable noise environment. Critically, the additional "hub" facilities providing dedicated amenity spaces within the building, together with opportunities to use the neighbouring public space, would provide acceptable levels of amenity for the occupiers of the development.
- 9.2.10 More recently, in December 2017, City Plans Panel approved the redevelopment of Symons House, Belgrave Street where the proposed smallest studio would be 21.3m². 2 to 5 bedroom clusters in that development would have 14m² bedrooms with kitchen/living spaces increasing in size from 21m² for the two-bed clusters to 43m² for the five-bed clusters, all supported by areas of dedicated amenity space.

- 9.2.11 The proposed internal arrangement of the student accommodation identifies a mix of studios and cluster flats. The studios would be 30m² and being of a regular, rectangular, shape would provide a usable and unrestricted space for occupants. In conjunction with the amenity space (1,344m²) located elsewhere within the building which would provide facilities such as cinema rooms, kitchen, study and meeting rooms and flexible spaces, occupiers of the studios would experience good levels of amenity.
- 9.2.12 The pre-application proposals presented to City Plans Panel in November 2017 identified 4, 6, 8 and 10 bedroom cluster flats. Each of the clusters, regardless of size, would have been served by a 23m² kitchen/amenity space and the cluster bedrooms would be 11m².
- 9.2.13 Notwithstanding Unite's assertion that the originally-proposed format has been approved and developed around the country the proposals have been revised in response to Members and Officer's comments. Clusters of 4, 5 and 7 bedrooms are now proposed. The single bedrooms have been marginally increased in width so as to conform with the minimum width prescribed in the NDSS, though, at 11.4m² they clearly exceed the minimum 7.5m² area identified in the NDSS. The four bedroom clusters would each be supported by a 23m² kitchen/amenity space, in addition to the communal amenity space. The five and seven bedroom clusters would benefit from a 40m² kitchen/amenity space, in addition to the communal amenity space.
- 9.2.14 Although student cluster accommodation is not specifically identified within the NDSS the standards suggest that a 4 bedroom, 4 person apartment should have a minimum area of 81m² whereas the current proposal identifies an area of 86m². Similarly, the NDSS imply that a 7 bedroom, 7 person apartment should have a minimum area of 123m² whereas the 7 bed clusters proposed would be 148m². Further, occupiers of the clusters would also have access to the shared amenity space located elsewhere within the building. Consequently, in combination with the facilities elsewhere within the building it is considered that the amenities for students living in cluster rooms would, on balance, be acceptable.
- 9.2.15 The commercial space at the lowest levels of Tower A is largely required to replace the existing Wetherspoon's public house who are likely to remain the occupiers of the space. The building will be designed so as to ensure that noise from within that premises, as with other existing noise sources, does not unacceptably affect the amenities of the occupiers of the student accommodation.
- 9.2.16 As a result, the development would accord with parts (iii) and (v) of Core Strategy policy H6B and saved policies GP5 and BD5 of the Unitary Development Plan Review, together with emerging policy in the Core Strategy Selective Review.

9.3 Townscape and heritage considerations

- 9.3.1 The Planning (Listed Building and Conservation Areas) Act 1990 provides that in considering whether to grant permission for development which affects a listed building or its setting and/or the character or appearance of a conservation area, the local planning authority shall have special regard to the desirability of preserving the building or its setting. As a consequence the desirability of preservation must be given considerable importance and weight in the decision making process. Paragraph 132 of the National Planning Policy Framework ("NPPF") provides that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 134 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal.

- 9.3.2 Any new development must provide good design that is appropriate to its location, scale and function (Core Strategy Policy P10). Part (i) of the policy states that the size, scale, design and layout should be appropriate to its context and the development should protect and enhance skylines and views (ii). These policies accord with guidance in the National Planning Policy Framework which requires that development establishes a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; to respond to local character and history; and to reflect the identity of local surroundings.
- 9.3.3 The existing building and its immediate curtilage does not contribute positively to the character of the area. Therefore, the demolition and redevelopment of the site is acceptable in principle. Demolition also provides the opportunity to bring forward a more efficient use of the land alongside improvements to permeability suggested by Panel when considering earlier proposals for the site.
- 9.3.4 The area is characterised by a number of large, modern, buildings. The Tall Buildings Design Guide, which pre-dated the construction of the arena but recognised the more recent Sky Plaza and Arena Village towers, identified that there could be the opportunity for a cluster of tall buildings in the area to the north of the Merrion Centre which includes the site. This opportunity overlaps with a potential string of tall buildings following the Inner Ring Road and also the potential for tall buildings to announce a northern gateway to the city centre. Members will be also be aware of proposals for a tower at Hume House at the eastern end of Merrion Way, and the current construction of two new tall buildings around St Alban's Place/Belgrave Street which have also been considered when reviewing the current proposals.
- 9.3.5 The applicant reviewed a number of options with officers prior to arriving at the proposed scheme. The height of the proposed buildings is such that, in the absence of a redeveloped Hume House, buildings along the northern side of Merrion Way would rise incrementally from both ends to a peak mid-way along the street at Tower B. Should Hume House be re-developed the new buildings would sit within a general context of buildings increasing in height from west to east. Either scenario is considered acceptable but clearly the wider impact is partly dependent upon the context in which the buildings come forward.
- 9.3.6 Tower A would be some 20 metres taller than the highest point of the Yorkshire Bank building. Given the distance between the two it would not appear out of scale and in views from Queen Square conservation area to the west only the uppermost floors would be visible above the Yorkshire Bank building such that it would have a negligible impact upon the setting of the conservation area and surrounding listed buildings. Similarly, although Tower A would be 10 metres taller than the arena, when viewed across the arena plaza it would appear as a very much smaller building by reason of the mass of the arena and the position of Tower A in the background. It is considered that the relationship between Tower A and its neighbours is appropriate.
- 9.3.7 Tower B would be 32 metres taller than Tower A and 16 metres taller than Arena Point. As noted, the building would represent a high point along Merrion Way. However, the building would not appear out of scale with its neighbours and would sit within a cluster of existing taller buildings in the locality including Arena Village,

Arena Point and Sky Plaza. From Queen Square conservation area to the west the building would be seen as a background building screening those taller existing buildings behind but Merrion House would remain the most prominent structure in the foreground. As such, the building would have a negligible impact upon the setting of the conservation area and surrounding listed buildings, its less than substantial harm easily outweighed by the public benefit of the development.

- 9.3.8 The scale of Tower B and, to a lesser degree, that of Tower A would be more apparent when viewed from the east end of Merrion Way but the impact in this area of tall and large buildings, combined with suitably sized spaces around them, would not be harmful. Similarly, when observed from more distant views from the east, the Tower B would sit comfortably in the context of the existing cluster of tall buildings located towards the north-eastern edge of the city centre. The relative scale of Tower B to the arena also appears appropriate when viewed across the arena plaza, appearing as a narrow point of height in the background of the building which, in combination with Tower A, would prevent the leakage of the space and reinforce the urban fabric.
- 9.3.9 The existing podium building limits views of the lower parts of the arena when viewed from Merrion Way, including when emerging from the Merrion Centre northern mall. Whilst Tower A would screen more of the blank side elevation of the arena from this location as it would be located almost 10 metres further to the east than the podium building it would enable meaningfully wider views of the arena frontage than is currently achievable. Further, the separation of the two towers (9 metres at ground and first floor and 17 metres above) enables new full height views of the side of the arena to be opened up, when observed from midway along Merrion Way.
- 9.3.10 The base of the buildings would be pronounced by double-height glazing, 9.15 metres in height, providing clear and open views into the building and thereby helping to animate the surrounding spaces.
- 9.3.11 The long east and west facing elevations would have extensive areas of glazing framed by a lattice of vertical and horizontal aluminium cladding. These elevations respond to classical divisions with a consistent rhythm of cladding above the base framing groups of two floors for the main body of the buildings. The tops of the towers would be more heavily glazed and lighter, manifested in scale by groupings of three and five floors. The cladding grid of these elevations is angled: on the vertical elements along the northern edge to admit more light from the south; and on the horizontal elements enabling a greater line of sight towards the ground, the chamfered articulation, in part, referencing the detail of the Yorkshire Bank building to the west.
- 9.3.12 Above the glazed base the north and south elevations would counterbalance the heavily sculpted east and west elevations with vertical strips of curtain wall glazing set back and sandwiched between solid facades and presenting a calm and elegant front towards Merrion Way.
- 9.3.13 Further to Panel's comments at pre-application stage the two storey extension of Tower A, necessary to re-provide the existing public house floorspace and to form additional student amenity space at first floor, has been reviewed in detail. The lightweight, glazed extension would be set back a metre from the north and south elevations to provide a subtle but clear delineation between the two elements. A canopy, supported by slender columns and with a porous roof covering with diagrid

forms, would complement and bring together the towers, extension and bridge link to create both an inviting space and also a new pedestrian route to and from the arena.

9.3.14 In conclusion, the scale and massing of the development is considered appropriate and will re-inforce the emerging cluster of taller buildings in this part of the city centre. Given their scale and position the buildings would be visible from Queen Square conservation area but due to distance and intervening buildings would cause less than substantial harm. The proposed architectural approach is well ordered and would represent a positive addition to the streetscene. Consequently, the development will accord with Core Strategy policies P10 and P11, saved UDPR policy BD2 and the NPPF.

9.4 Public realm

9.4.1 The existing environment around the site is of limited quality and that to the rear of the existing podium building detracts from the appearance of the area. The linear form of the existing building also reduces permeability around the area. The proposed placement of the buildings enables new and enhanced pedestrian routes and spaces to be provided around the site.

9.4.2 Through the removal of the western vehicular ramp and the setting back of the building the usable width of Brunswick Terrace between Yorkshire Bank and proposed Tower A would double compared to the existing situation. This new public realm would compensate for the loss of public space resulting from construction on part of an area of protected space at the eastern end of the development. More significantly, it would provide opportunities for wider and enhanced pedestrian access to and from the arena. An area to the west side of the building would be used for external seating by the proposed commercial unit, replacing existing facilities presently located on the southern side of the podium. Whilst detailed landscaping proposals are to be controlled by a planning condition, this area may have a raised planted backed by an integrated bench along its western edge.

9.4.3 The new space between the two towers would be 9 metres in width at pedestrian level providing a new route to and from the arena and likewise, to and from the Merrion Centre. Trees and ornamental planting are proposed in a linear planter leading through the space. The space would project forward via a new flight of steps down from the raised terrace through to the footpath running along the north side of Merrion Way. The existing steps at the eastern end of the terrace would also be redesigned.

9.4.4 The existing trees in the greenspace to the front would be protected and an additional tree added at the eastern end in a small extension to the greenspace. Initial proposals identify the introduction of areas of structural ornamental planting to the front edge of the greenspace.

9.4.5 All existing hard-surfacing would be replaced to present a continuous and harmonious appearance around the wider site between Brunswick Terrace to the west and Tower House Street to the east. Linear paving patterns are intended to delineate routes and spaces although the details of materials will be the subject of condition, in part to ensure that they are complementary to those materials to be introduced as part of the emerging scheme for the enhancement of Merrion Way.

9.5 Transport and connectivity

- 9.5.1 The site is located in a highly sustainable location close to the many amenities offered by the City Centre. It is also located in a position constrained by the proximity to the arena, the servicing requirements of neighbouring buildings including Arena Point, and by the existing use of Merrion Way which provides access to the Merrion Centre car park and other users.
- 9.5.2 A servicing strategy has developed in consultation with LCC Highways, alongside proposals for introducing sustainable transport measures and maintaining access for neighbouring activities. At the same time the proposals have been developed recognising emerging proposals for the enhancement of Merrion Way to reduce traffic domination whilst improving pedestrian facilities.
- 9.5.3 In order to maintain existing security arrangements around the arena servicing of the commercial unit within Tower A would take place from the western limb of Brunswick Terrace. Measures for ensuring that other vehicles do not utilise this primarily pedestrian space are currently being reviewed. Two laybys are proposed on the north side of Merrion Way primarily to provide facilities for servicing of the student accommodation and for ad hoc deliveries. Each of these laybys would be subject to an appropriate Traffic Regulation Order (TRO) to limit waiting time and prevent misuse. The proposed design incorporates proposals for Merrion Way by narrowing the carriageway width of Merrion Way between the junction with Brunswick Terrace and Merrion Centre car park and continuing the proposed one-way eastbound operation of Merrion Way to the car park access. This allows for the layby to be provided while maintaining a 3 metre footway width on the northern side of Merrion Way. An advisory contra-flow cycle lane is also proposed for this section which would link in to proposals west of Brunswick Terrace. Servicing for Arena Point offices would continue to take place from a location close to the top of the basement car park ramp. The number of parking spaces in the basement would reduce from 120 to 90 and would be solely for the use of Arena Point offices. Electric vehicle charging points would be provided in the car park in line with the standards in the Leeds Parking SPD. Two disabled bays would be located at the north eastern side of the development, accessed via Tower House Street and Brunswick Terrace.
- 9.5.4 The application is supported by a Travel Plan which has been refined to respond to comments from LCC Travelwise. The primary aims of the plan are to encourage students to travel by means other than the private car; to promote walking, cycling and the use of public transport by students as a practicable and viable alternative to dependency on the private car; to promote non-car alternative modes of transport to visitors; and to ensure the management of student arrival and departures associated with enrolment and term end.
- 9.5.5 The principal measures contained within the Travel Plan are the appointment of a Travel Plan Coordinator prior to occupation of the development; and the provision of information to help resident students, staff and visitors make informed decisions about journeys and to encourage use of the sustainable transport options that are available. This would include on-site promotion and marketing, provision of a travel information pack and regular updates via social media. A total of 260 secure cycle parking spaces would be provided within Tower B for students, in addition to 20 short stay external spaces. Other than for the two disabled parking spaces there would be no car parking facilities for students within the development.
- 9.5.6 A Student Management Plan has been prepared identifying proposals to ensure that the impact of students' arrival and departure at the start and end of student academic years on the local highway network is limited. Prior to arrival students would be advised of their time slot, parking availability, contact details and check-in

details. Students would have a pre-assigned 20 minute time slot with loading and unloading taking place from the proposed laybys which would be marshalled by Unite staff. After unloading cars would be directed to the Merrion Centre car park for additional parking if required.

- 9.5.7 The initial Travel Plan targets are that 100 per cent of students would travel to their place of study by sustainable modes of travel and a maximum of 26 per cent of staff travel to work by single occupancy car journeys. The Travel Plan would be monitored, reviewed and revised in response to annual monitoring reports and comments from LCC Travelwise. If targets are met by year 5 no further monitoring would take place but if not monitoring would be extended for a duration agreed by LCC Travelwise officers. Where targets are not met remedial measures may include an increase in funding for travel plan measures; more focused advertising of travel plan measures and the offer of cycle training.
- 9.5.8 As noted, the development will improve pedestrian permeability around the site through the provision of a new route between the towers and a widened route on the west limb of Brunswick Terrace. Pavement areas would be replaced and extended to present a continuous and harmonious appearance around the wider site, integrating proposals for the new laybys fronting Merrion Way. In addition, a contribution of £170,000 will be provided as a contribution to the further enhancement of pedestrian routes on Merrion Way so as to improve access to the universities.
- 9.5.9 Consequently, subject to agreement of the final highway design and arrangements for the management of the construction process which will be controlled by planning condition the development would accord with Core Strategy policies T2 and CC3.

9.6 Wind

- 9.6.1 Due to the height of the buildings the application is supported by a wind microclimate study using data from the Leeds Airport Weather Centre. The study excluded both soft and hard landscaping (trees, street furniture etc.), such that it presents the worst case scenario since landscaping will generally improve the wind environment. The study was reviewed and verified by Atkins on behalf of the Council.
- 9.6.2 The results of the comfort assessment indicate that most areas remain suitable for sitting and standing with some areas shifting from sitting to standing such as the north-west part of the site along Brunswick Terrace and the south east part of the site along Merrion Way. The additional massing of the proposed development would result in some wind deceleration at the north-east part of the arena building. This would be an improvement and a beneficial effect of the proposed development on the local wind environment in this area. An area of increased wind acceleration at the north-west corner of the arena would remain suitable for pedestrian leisure walking.
- 9.6.3 The results of the safety assessment indicated that all areas would remain within the safety thresholds. There would be an area of increased windiness in strong wind events to the south west on Great George Street. However, this localised area of windiness is also observed in the existing condition which indicates that it is not caused by the proposed development, and also it does not exceed the safety threshold.

9.6.4 In summary, the results indicate that the wind environment within and outside the site in the developed condition would be within the recommended criteria for safety and comfort and would remain suitable for pedestrians using the area.

9.7 Section 106 and Community Infrastructure Levy (CIL)

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

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

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

- Occupation of the residential accommodation only by full-time students in higher education as use as standard C3 accommodation would give rise to other requirements such as affordable housing;
- Implementation of the travel plan and a travel plan monitoring fee of £2,500 so as to accord with the Travel Plan SPD;
- Contribution of £170,000 towards Merrion Way highway improvements to accord with Core Strategy policies, SP11, T2 and CC3;
- Local employment and training initiatives so as to accord with Core Strategy Spatial Policy 8;
- Section 106 management fee (£1,500).

9.7.2 This proposal is likely to generate a CIL requirement of £142,044. This is presented for information only and should not influence consideration of the application. The infrastructure requirements for this development are likely to relate to public transport and public space provision. Consideration of where any Strategic Fund CIL money is spent rests with Executive Board and will be decided with reference to the 123 list.

9.8 Conclusion

9.8.1 In approving the arena on the northern fringe of the city centre it was envisaged that it would act as a catalyst for investment and regeneration of the area. This has occurred along the southern side of Merrion Way with the Merrion Centre New Front, refurbished multi-storey car park and the redevelopment of Merrion House. However, to date, despite a number of schemes previously coming forward the area between Merrion Way and the arena remains largely unimproved. Earlier proposals for extensions to the existing podium building would have enhanced its appearance and that of its surroundings, but would have failed to provide meaningful changes in the permeability of the area or the extent of public realm.

9.8.2 The existing podium building is of little architectural merit with limited active frontage and presents a barrier to movement. In contrast, the scale and massing of the proposed development is considered appropriate to the location and would re-inforce the emerging cluster of taller buildings in this part of the city centre. The identified architectural approach is well ordered, with extensive active frontages at ground level and would represent a positive addition to the streetscene. In addition, the proposed development will open up and supplement pedestrian routes both through

and around it and enhance the public realm. The development would also provide a contribution to further enhance the pedestrian environment on Merrion Way. The proposed student accommodation is compatible with its location whilst the existing Wetherspoon's public house is likely to be replaced as part of the scheme. Suitable arrangements for servicing the development have been identified, alongside measures to ensure that it can operate in combination with existing, neighbouring, functions such as the arena. The development would also provide opportunities for local employment during its construction and subsequent use.

- 9.8.3 As a result, the development would accord with Core Strategy policies SP11, CC3, H6B, T2, P10 and P11, saved Unitary Development Plan Review policies GP5, BD2 and BD5, and the NPPF. Accordingly, it is recommended that the scheme should be approved subject to the conditions specified in Appendix 1 and the completion of a Section 106 agreement.

Appendix 1 : 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) (a) All existing trees adjacent to the site shall be fully safeguarded during the course of the demolition, building works and landscaping in accordance with the guidance of British Standard 5837 (Guide for Trees in relation to Construction), or with the particulars specified in details which shall first have been submitted to and approved in writing by the Local Planning Authority.

(b) No development, including establishment of a site compound or demolition of the existing building, shall be commenced, or materials or equipment brought onto site (except in connection with compliance with this condition), until all trees to be protected have been protected in accordance with the approved details, or in the absence of such details, in accordance with BS 5837, with 2.4m height heavy duty plywood hoarding securely mounted on scaffolding.

(c) Pre-printed laminated waterproof signs at least A4 in size shall be securely fixed to the fencing posts to each enclosure at 10 metre minimum intervals bearing the words:
PROTECTED TREE ZONE NO STORAGE OR OPERATIONS WITHIN FENCED AREA

(d) The protective enclosure shall be maintained during the course of the site works and no equipment, machinery or materials shall be stored within any area enclosed in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, including any underground services. No fires shall be burnt within 10 metre distance of the outer edge of the canopy of any protected tree.

(e) The protective enclosure shall be retained in position until all equipment, machinery or materials have been removed from the site.

To ensure the protection and preservation of retained off-site trees during construction work.

4) Documentation demonstrating the absence or total removal of asbestos from the building to be demolished shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of demolition. Should documentation be unavailable or insufficient, post-demolition surface soil sampling shall be carried out and the results shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any post-demolition development.

Where surface soil sampling indicates remediation to be necessary, a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction. The Remediation Statement shall include a programme for all remediation works and for the provision of verification information.

To ensure that the site is safe and suitable for use.

5) The Phase I Desk Study report indicates that a Phase II Site Investigation is necessary, and therefore no development other than demolition shall not commence until a Phase II Site Investigation Report including sampling of the landscaped area to the south of the existing building 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 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'.

6) 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.

7) Remediation works shall be carried out in accordance with the approved Remediation Statement prior to commencement of construction of the basement and superstructure of the development. On completion of those works, the Verification Report shall be submitted to the Local Planning Authority in accordance with the approved programme. The development 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.

8) The development shall not be commenced until a Statement of Construction Practice has been submitted to and approved in writing by the Local Planning Authority. The Statement of Construction Practice shall include full details of:

- a) the methods to be employed to prevent mud, grit and dirt being carried onto the public highway;
- b) the measures to control the emissions of dust and dirt during construction;
- c) the means of access;

- d) the measures to ensure that the arena can continue to operate safely throughout the construction process;
- e) a traffic management plan to minimise any delay for road users on the local road network;
- f) the location of site compound and construction workers parking, loading and unloading of all contractors' plant, equipment and materials;
- g) control of construction workers parking in the surrounding area;
- h) details of any cranes; and
- i) 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 highway and public safety, and the amenity of occupants of nearby property.

- 9) Construction activities shall be restricted to 0730 hours to 1830 hours Monday to Friday, 0800 hours to 1300 hours on Saturdays with no construction activities on Sundays and Bank Holidays unless otherwise agreed in writing in advance by the Local Planning Authority in exceptional circumstances.

In the interests of amenity of occupants of nearby property.

- 10) Development of the building superstructure shall not commence until typical detailed 1:20 scale (or other appropriate scale) working drawings of the following features have been submitted to and approved in writing by the Local Planning Authority:

- (a) windows, glazing and curtain walling;
- (b) entrances;
- (c) covered canopy and bridge link;
- (d) rooftop equipment.

The works shall be constructed in accordance with the approved details.

In the interest of visual amenity and in providing a high quality design.

- 11) Details and samples of all external facing building materials shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The samples shall include the erection of a full-size mock-up panel on site. The external surfaces of the building shall be constructed in accordance with the details thereby agreed.

In the interests of visual amenity.

- 12) The development shall not commence until a condition survey of Merrion Way, Tower House Street and Brunswick Terrace has been submitted to and approved in writing by the Local Planning Authority. Any highway damage to the surface course, sub bases, kerbs and/or drainage systems on these roads identified as a result of construction traffic for the development must be remedied by the

Applicant to the satisfaction of the Local Planning Authority prior to completion of the development.

In the interests of highway safety.

13) The student accommodation shall not be occupied until the proposed short and long stay cycle parking facilities have been provided in accordance with details shown on drawings xxxx. The approved facilities shall thereafter be retained and maintained for the lifetime of the development.

In the interests of sustainable travel.

14) The student accommodation shall not be occupied until the proposed disabled parking spaces have been provided in accordance with details shown on drawings xxxx. The approved facilities shall thereafter be retained and maintained for the lifetime of the development.

In the interests of accessibility.

15) No part of the development shall be occupied until a Car Park and Servicing Management Plan for the relevant part of the development has been submitted to and approved in writing by the Local Planning Authority. The plan shall be fully implemented and operated in accordance with the approved timescales.

To ensure the free and safe use of the highway.

16) The superstructure of the development shall not commence until details of off-site highway works to Merrion Way between Brunswick Terrace and Tower House Street have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be fully implemented prior to occupation of the development.

To ensure the free and safe use of the highway.

17) The student accommodation shall be occupied in accordance with the arrangements and procedures for the start and end of academic year drop off and pick up identified within the Unite Students Merrion Way Leeds Student Management Plan 21st May 2018.

In the interests of highway safety and convenience.

18) Prior to first use of the basement car park a minimum of 9 electric vehicle charging points shall be provided. The electric vehicle charging points shall thereafter be retained and maintained for the lifetime of the car park.

In the interests of sustainable travel.

19) The basement car park shall only be used by staff and visitors to the Arena Point offices.

For the avoidance of doubt and to accord with Core Strategy policy T1 and the Parking SPD.

20) The Travel Plan (xxxx) shall be implemented upon first occupation of the development and thereafter applied for the lifetime of the development.

In the interests of sustainable travel.

21) The development shall not be occupied until the bin stores have been provided in accordance with details shown on drawing xxxx. For the avoidance of doubt refuse bins shall not be stored outside the building at any time except for collection.

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

22) Deliveries and collections, including waste shall be restricted to 08:00-18:00 hours Monday to Saturday with no deliveries or collections on Sundays and Bank Holidays.

In the interests of residential amenity, highway and public safety.

23) Prior to the commencement of the superstructure of the buildings, details of a noise and ventilation strategy designed to protect occupants from environmental noise shall be submitted to and approved in writing by the Local Planning Authority.

In the interests of amenity of the occupiers of the development.

24) Prior to occupation of the student accommodation, details of acoustic tests within habitable rooms shall be submitted and approved in writing by the Local Planning Authority. The tests shall demonstrate that environmental noise in habitable rooms does not exceed 35dBLAeq, 1hr between the hours of 0700 and 2300; and 30dBLAeq,1hr between 2300 and 0700 with mechanical ventilation units in operation. In the event that sound levels exceed the specified limits, the applicant shall undertake remedial action and re-test to demonstrate compliance with the noise requirements.

In the interests of amenity of the occupiers of the development.

25) The commercial A3 or A4 unit hereby approved shall not commence unless a scheme to control noise emitted from the premises has been approved in writing by the Local Planning Authority and installed as approved. The scheme shall provide that the LAeq of entertainment noise does not exceed the representative background noise level LA90 (without entertainment noise), and the LAeq of entertainment noise will be at least 3dB below the background noise level LA90 (without entertainment noise) in octaves between 63 and 125Hz when measured at the nearest noise sensitive premises. The approved scheme shall thereafter be retained for the lifetime of the A3 or A4 development.

In the interests of amenity.

26) Details of measures to treat any odours or fumes from processes carried on within the commercial A3 or A4 unit shall be submitted to and approved in writing by the Local Planning Authority. The measures thereby agreed shall be implemented prior to first use of the commercial unit and shall thereafter be retained and maintained for the lifetime of the A3 or A4 development.

In the interests of amenity.

27) Development of the site should take place with separate systems for foul and surface water drainage. The separate systems should extend to the points of discharge to be agreed.

To ensure appropriate drainage is provided.

28) Foul water from kitchens and/or food preparation areas of any restaurants and/or canteens must pass through a fat and grease trap before any discharge to the public sewer network.

To protect the drainage network.

29) Development shall not commence until a drainage scheme (ie drainage drawings, summary calculations and investigations) detailing the surface water drainage works as well as arrangements for its future maintenance (e.g. adoption by the Water Company) have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a linear drain along the top of the basement car park ramp and consideration of blue/brown/green roofs. The works shall be 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.

30) Surface water run-off from hardstanding (equal to or greater than 800 square metres) and the basement car parking area must pass through an oil, petrol and grit Interceptor / separator of adequate design that has been submitted to and approved by the Local Planning Authority, prior to any discharge to an existing or prospectively adoptable sewer.

To prevent pollution of the aquatic environment and protect the public sewer network.

31) The development shall be carried out in accordance with the details shown on the submitted Flood Risk Assessment prepared by Walsh (Report 4648-FRA-JK-180117-LC-Rev 2 dated 17/01/2018), unless otherwise agreed in writing with the Local Planning Authority.

In the interest of satisfactory and sustainable drainage.

32) The following hard and soft landscape works shall not take place until full details have been submitted to and approved in writing by the Local Planning Authority. These details shall include (a) proposed finished levels and/or contours; (b) walls and retaining walls or other means of enclosure including to the exposed southern edge of the car park; (c) other pedestrian access and circulation areas; (d) hard surfacing areas; (e) minor artefacts and structures (e.g., street furniture including seating and bicycle anchor points, balustrades, bollards, directional signs, external lighting and bins including recycling bins); (f) samples of surfacing, walling, seating and materials for steps; (g) proposed and existing functional services above and below ground (e.g. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes etc.). Soft landscape works shall include (h) planting plans; (i) written specifications (including cultivation and other operations associated with plant and grass establishment); (j) tree pit and planter details; (k) schedules of plants noting species, planting sizes and proposed numbers/densities; (l) implementation programme; and (m) details of the proposed brown, green or blue roofs.

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

33) Hard and soft landscaping works shall be carried out in accordance with the approved details. The hard landscape works shall be completed prior to the occupation of any part of the development. The soft landscape works shall be completed in accordance with the agreed implementation programme. The landscape works shall be implemented to a reasonable standard in accordance with the relevant provisions of appropriate British Standards or other recognised codes of good practice.

To ensure the provision, establishment and maintenance to a reasonable standard of landscaping in accordance with the approved proposals.

34) The development shall not be occupied until a plan, schedule and specification for landscape management during the establishment period has been submitted to, and approved in writing by, the Local Planning Authority. This shall include reference to planting and hard landscaped areas, including paving, seating and other features. The schedule shall identify the frequency of operations for each type of landscape asset and reflect the enhanced maintenance requirement of planted areas.

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

35) If, within a period of five years from the planting of any trees or plants, those trees or plants or any trees or plants planted in replacement for them is removed, uprooted, destroyed or dies or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective another tree or plant of the same species and size as that originally planted shall be planted at the same place in the first available planting season, unless the Local Planning Authority gives its written consent to a variation. If such replacements die within twelve months from planting these too shall be replaced, until such time as the Local Planning Authority agrees in writing that the survival rates are satisfactory.

To ensure the maintenance of a healthy landscape scheme.

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

In the interests of amenity and highway safety.

37) Any soil or soil forming materials brought to site for use in soft landscaping, public open space or for filling and level raising shall be tested for contamination and suitability for use. A methodology for testing these soils shall be submitted to, and approved in writing by, the Local Planning Authority prior to these materials being imported onto site. The methodology shall include information on the source of the materials, sampling frequency, testing schedules and criteria against which the analytical results will be assessed (as determined by risk assessment). Testing shall then be carried out in accordance with the approved methodology. Relevant evidence and verification information (for example, laboratory certificates) shall be submitted to, and approved in writing by, the Local Planning Authority prior to these materials being imported onto the site.

To ensure that contaminated soils are not imported to the site and that the development shall be suitable for use.

38) The development shall not be occupied until the dedicated communal student space identified on the drawings xxxx has been provided for the use of students residing in the building. The space shall thereafter be retained and maintained solely for use by students residing in the building for the lifetime of the development.

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

39) The development shall be implemented in accordance with the details set out within the Waterman Merrion Way Energy Statement Rev B 17th January 2018.

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

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

To ensure the inclusion of appropriate sustainable design measures.

Appendix 2 – minutes of the City Plans Panel meeting of 23rd November 2017

84 PREAPP/ 16/00483 - Pre-application presentation for the proposed redevelopment of existing podium building, to form one 15 storey and one 27 storey student accommodation building, incorporating an A4 unit and provision of new public realm, Merrion Way, Tower House Street and Brunswick Terrace, Leeds

The Chief Planning Officer submitted a report which sets out details of a pre-application proposal for proposed redevelopment of existing podium building, to form one 15 storey and one 27 storey student accommodation building, incorporating an A4 unit and provision of new public realm at Merrion Way, Tower House Street and Brunswick Terrace, Leeds 2

Site photographs and plans were displayed and referred to throughout the discussion of the application.

The applicant's representatives addressed the Panel, speaking in detail about the proposal and highlighted the following:

- It was proposed to demolish the existing 2 storey podium building in its entirety, two new buildings would be erected in their place.
- A basement parking area accessed from Brunswick Terrace adjacent to Arena Point would be reconfigured across the full width of the site providing parking for the occupiers Arena Point.
- The ground and first floor of Tower A would project 9 metres further to the east than the upper levels of the building, with a bridge link to Tower B at first floor level. The ground floor of Tower A, together with a small mezzanine area facilitated by generous floor to ceiling height, would be occupied by Wetherspoons. The premises would have its primary entrance on the elevation facing Merrion Way and be serviced from the west side, enabled by the removal of the existing basement access ramp and widening of the public realm on this side of the building. The proposals identify an active frontage around much of this building. Areas of external seating are intended around the south-west corner of the premises.
- The first floor of Tower A, extending across the bridge link to Tower B, would contain a combination of dedicated communal / amenity space for the students and the first level of student accommodation which includes a mix of studios (30m²) and cluster flats. This building would be 15 storeys (approximately 46 metres) in height. Levels 2 to 14 would comprise 4, 6, 8 and 10 bedroom cluster flats, each cluster served by a 23m² kitchen/amenity space located at the corners of the building.
- The student accommodation would be accessed from a reception area in the southern portion of Tower B to the east. The remainder of the ground floor of this building would accommodate bicycle storage facilities and back of house functions. Additional student facilities would be provided at mezzanine level in the northern part of the building. First floor level would comprise a mix of dedicated student amenity space, linked by bridge to Tower A, together with studios and cluster flats. Levels 2 to 14 would be a mirror of the accommodation in Tower A. Above this level the proportion of studios on each floor rises, providing 7 studios and 2 clusters on Levels 15 to 20 and 9 studios and 2 clusters at levels 21 to 26. This 27 storey building would be approximately 78m tall.
- Across Tower A and Tower B there would be a total of 100 studios and 232 cluster flats of which there would be 34, four bedroom clusters; 32, six bedroom clusters; 34, eight bedroom clusters and 32, ten bedroom clusters.
- Emerging proposals identify the use of metallic cladding as the principal building material. The main grid of the buildings would be articulated with chamfered returns to the secondary plane comprising curtain walling, spandrel panels and louvred panels with inward-opening windows located behind.
- Illustrative proposals for the public realm identify new hardsurfacing extending across the entirety of the site. As such, the existing ramp at the western end of the podium building would be removed and infilled and would form part of a widened pedestrian approach along

Brunswick Terrace from Merrion Way towards the arena. Similarly, the remaining area to the north of the new buildings would be resurfaced as part of an extended area of public realm between the towers and the arena.

A new north-south public, pedestrian, route would be formed through the centre of the site between Towers A and B directly linking Merrion Way with Brunswick Terrace and the arena. The 9 metre wide route would extend southwards through the existing strip of greenspace via new steps that would be formed on the southern edge of the terrace.

In response to Members questions, the following were raised:

Members queried why cluster flats had been chosen, were these compliant with National Space Standards

Would sprinkler systems be installed in these buildings

Would a wind impact assessment be undertaken

Clarification of the width of the pedestrian route and the bridge height

In responding to the issues raised, the applicant's representatives said:

The applicant confirmed they had previous experience of delivering developments which included cluster flats. Cluster flats encouraged student engagement which was a key element of their business model. In terms of size of the flats, the Area Planning Manager said that there was no applicable planning space standards for student cluster flats. However, the cluster flat arrangement was considered similar in approach to a house in multiple occupation and further consideration would be given to this in consultation with the Council's Private Sector Housing Team

It was confirmed a sprinkler system would be fitted

It was confirmed a wind impact assessment would be undertaken, and that some initial analysis had already been carried out

The pedestrian route would be 8m wide and 5m to the underside of the bridge.

In offering comments Members raised the following issues:

The appearance of the link between the two buildings was not quite right and that further consideration was required, perhaps involving removal of the podium element to its side which would help to balance its appearance

Members were not convinced that the extent of the proposed public realm was sufficient for this development, with more consideration required to enhancing the frontage to Merrion Way

The size of the flats was an issue, they need to provide good quality accommodation

Members emphasised the need for a quality design in this location

Could some consideration be given to the provision of public art on the gable end

In drawing the discussion to a conclusion Members provided the following feedback;

Members were of the view that the proposed use of the buildings for student accommodation was acceptable in principle.

Members expressed reservations about the proposed living conditions within the student accommodation and requested if further information could be provided

Members were of the view that the scale of the proposed new buildings and their relationship with the surrounding context was acceptable.

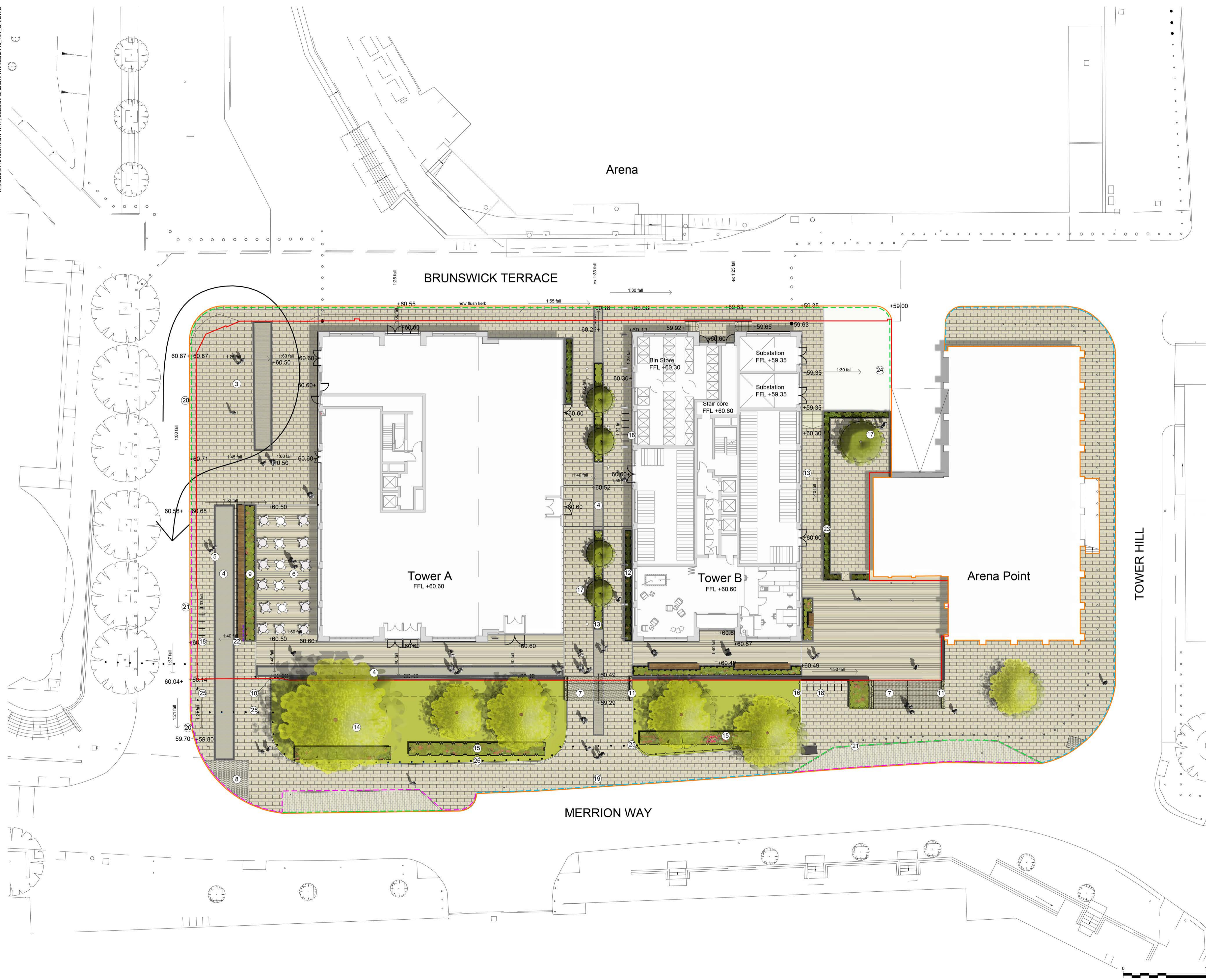
Further consideration of the public realm provision was required, in particular opportunities for enhancing the landscaping to the grassed verge along Merrion Way

In summing up the Chair said Members appeared to be generally supportive of the development but further consideration of the public realm provision was required

RESOLVED –

- (i) To note the details contained in the pre-application presentation
- (ii) That the developers be thanked for their attendance and presentation

X:\JOBS\6149 MERRION WAY, LEEDS\7CAD\DRAWINGS\6149_101_GA.DWG



- LEGEND**
- 1 Application Boundary
 - 2 Works outside application boundary subject to agreement
 - 3 Proposed Levels
 - 4 Linear Coursed Concrete Paving
300x200, 300, 900 x 80 La Linea concrete paving laid to triple staggered bond. Equal Mix of colours: Grey Granite, Mid Grey Granite & Indian Granite as supplied by Marshalls or similar
 - 5 Concrete Feature Paving
200x200x80 Pallas concrete paving laid to square edge bond. Equal mix of colours; Grey granite, Mid grey granite & Indian Granite as supplied by Marshalls or similar
 - 6 Linear Staggered Coursed Concrete Paving Strip. La Linea 100x200x80, colour Grey Granite as supplied by Marshalls or similar
 - 7 Terraced Concrete Paving
600x600x80 Kellen Sferio Paving laid to square bond. Grigio Brillare as supplied by Hardscape or similar
 - 8 Concrete Step Paving
1000x400x150, Kellen, Wit 701 with Zwart 704 contrasting colour strip, and associated standard charcoal hazard paving as supplied by Hardscape or similar
 - 9 Tactile paving at pedestrian crossings
 - 10 Railroad steel planter, polyester powder coated, charcoal RAL TBC, 1000/1200 width, 720 high, variable length, oiled iroko slats with integrated Railroad Inline edge bench, oiled iroko slats as supplied by Furnitubes or similar
 - 11 New section of Wall to match existing
 - 12 Steel Railings, polyester powder coated uprights at 2000 centres 1000 height, charcoal RAL TBC, 3 rails including 2x tensioned galvanised wires and timber top of oiled iroko or similar
 - 13 Hedge planted in steel planter with PPC charcoal RAL tbc
 - 14 Structure/ Ornamental Planting in steel planter with PPC charcoal RAL tbc
 - 15 Existing Tree
 - 16 Structure/ Ornamental planting in ground
 - 17 Existing trip rail retained and re-aligned where necessary
 - 18 Proposed tree
 - 19 Suggested cycle parking for 30 bikes in total
 - 20 Existing kerb
 - 21 New flush kerb
 - 22 New kerb with 100mm upstand
 - 23 Air Vent from basement car park integrated into seating
 - 24 Low hedge and railings to Arena Point external space
 - 25 Servicing layby/ drop off. Tarmac surface to match with highway
 - 26 Counter terrorism bollards in accordance with engineer's specification. Detailed siting plus specification subject to detailed design
 - 27 Existing trip rail removed & replaced with CT bollards

I	Trimmed layby	SG	11.05.2018
H	Minor adjustments	SG	10.05.2018
G	Layby and minor adjustments	SG	09.05.2018
F	Minor adjustments	DW	12.04.2018
E	Landscape & security amendments	SJ	10.04.2018
D	Landscape & boundary amendments	SJ	15.01.2018
C	Landscape amendments	SJ	10.01.2018
B	Landscape amendments	SJ	04.01.2018
A	Design development	NT	05.12.2017
REV.	DESCRIPTION	APP.	DATE

LD A DESIGN

PROJECT TITLE
Merrion Way
Leeds

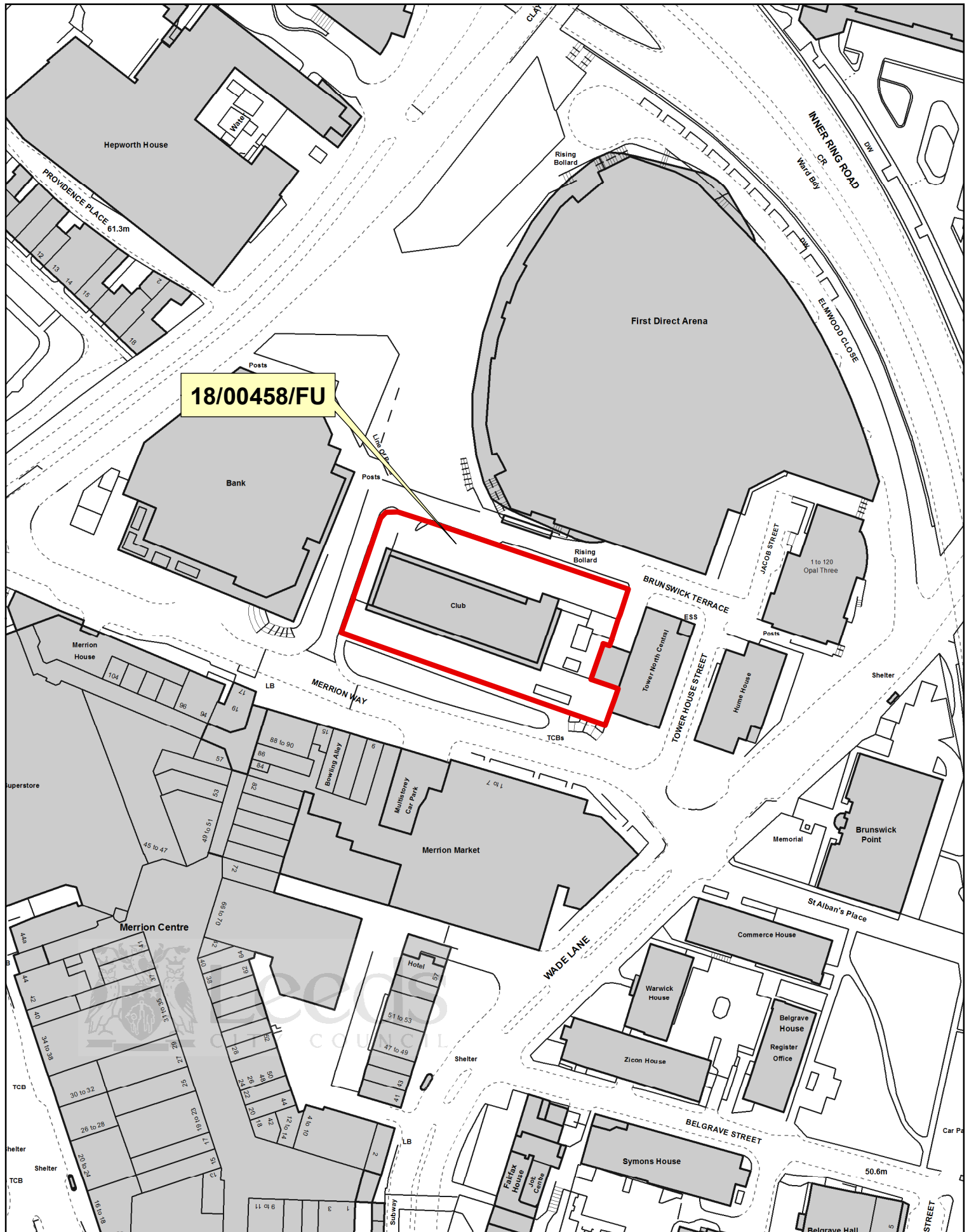
DRAWING TITLE
Landscape General Arrangement

ISSUED BY	Oxford	T: 01865 887 050	
DATE	November 2017	DRAWN	NT
SCALE	1:200	CHECKED	DW
STATUS	Sketch	APPROVED	DW

DWG. NO 6149_101 I

No dimensions are to be scaled from this drawing. All dimensions are to be checked on site. Area measurements for indicative purposes only.

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Sources: Ordnance Survey



CITY PLANS PANEL

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

SCALE : 1/1500

