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## Report of the Chief Planning Officer

#### **CITY PLANS PANEL**

12<sup>th</sup> July 2018

Demolition of existing building and erection of 37 storey student accommodation building, Hume House, Wade Lane, Merrion Way and Tower House Street, Leeds (18/01819/FU)

**Applicant – Olympian Homes** 

Date valid – 19th March 2018

Target Date – 9th July 2018

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:

- Accommodation for use solely by students in full-time higher education;
- Travel plan review fee of £3,180;
- Implementation of travel plan;
- Contribution of £430,000 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.

Suggested conditions are set out at Appendix 1 of this report.

#### 1.0 Introduction

- 1.1 This application seeks planning permission for the demolition of the existing building and the construction of a 37 storey tower on land currently occupied by Hume House, Wade Lane. The landmark building for Leeds would complement the evolving Arena Quarter and provide a significant addition to the skyline of the city in an area of the city centre identified with a potential for tall buildings.
- 1.2 The scheme, designed by O'Connell East Architects, would comprise student accommodation throughout. Similar proposals were presented at pre-application stage to City Plans Panel on 15<sup>th</sup> February 2018. Members were of the view that the proposed use of the buildings for student accommodation was acceptable in principle and that the emerging scale and design of the building and its relationship with the surrounding context was acceptable. The public realm surrounding the building would be enhanced and, given the proposal's impact on the wider area and in response to City Plans Panel comments, a contribution will be provided towards improving the pedestrian environment along Merrion Way.
- 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 the near future with a view to commencing the construction of the building in October 2018 so as to enable occupation of the development in August 2021.

## 2.0 Site and surroundings

- 2.1 The existing building is a part 2, part 5 storey office building dating from the late 1960's sitting on top of a small basement car park accessed from Tower House Street. Ground floor levels are elevated above street level such that the building does not interact positively with surrounding streets. Footways to the east and west side are narrow whilst the only positive feature of the hard-surfaced space to the south is a tree. The ginnel between the building and the Arena Village student accommodation tower to the north is dark and unwelcoming.
- 2.2 The site is located close to the junction of Merrion Way and Wade Lane to the northeast of the Merrion Centre towards the northern edge of the city centre. Tower House Street is a short street running north from Merrion Way along the western flank of the site. Arena Point (originally known as Tower House), a 19-storey (77m) office building, is situated on the west side of the street. There is a footway on the northern side of Hume House beyond which is the clv Arena Village student accommodation building which is 26 storeys high (90m) at its maximum extent. The First Direct Arena is a large building to the north-west. Beyond the arena, Sky Plaza standing at the junction of Clay Pit Lane and the Inner Ring Road is the tallest building in the area (37 storeys / 106m). The Q One Residence building on the east side of Wade Lane is a seven storey building now used as apartments whereas taller purpose-built student accommodation buildings are presently being constructed for Vita Students and London and Scottish to its south around St Alban's Place. The scale of buildings generally reduces substantially with greater distance from the city centre although there are tower blocks beyond the Inner Ring Road in Little London to the north-east.
- 2.3 Whilst the site is not located in a conservation area there are three conservation areas within 500m of the site comprising Queen Square conservation area, Grand Quarter conservation area and Leeds City Centre conservation area. There are also 78 listed buildings within 500m of the site.

# 3.0 Proposals

- It is proposed to demolish the existing building and to construct a 37 storey building in its place. The long axis of the building would align with Wade Lane to the southeast rather than Tower House Street as the present structure. As such, the spine of the predominantly rectangular footprint of the building would run south-west to north east. The slender southern elevation of the building would project approximately 11m forward of the existing building towards Merrion Way albeit the lowest two levels above ground primarily around the southern and western frontage would be set some 3m further inboard. The upper body of the building also oversails areas of the lowest levels on the eastern elevation. At its closest point the northern elevation of the building would be 8.5m from the Arena Village tower and the west corner 11m from Arena Point, albeit the orientation of the building to its neighbours is such that distances markedly increase from these positions.
- 3.2 The building would have two small areas of basement. The ground floor of the student accommodation building would comprise the reception and management offices, a common room including a double-height space around the southern entrance, and other supporting facilities such as the management suite and bicycle storage. Level 1 would contain an additional common room and services including the laundrette, plant room and bin store served by its own lift. Further study rooms are proposed at Level 24 and 35. Excluding the cluster space 546m² of internal dedicated amenity space is proposed and an external roof terrace is identified at Level 35 (204m²). The student accommodation comprises a mix of studios (22m²) and 4, 5 and 6 bedroom clusters (study cluster bedrooms would typically be 14m²). Associated kitchen / living areas would be 21-24m² for 4 bedroom clusters; 25-27m² for 5 bedroom clusters; and 30-35m² for 6 bedroom clusters. In total, 96 studios and 135 clusters (656 bedrooms) are proposed, 752 bedspaces overall.
- 3.3 Active areas at the lowest two levels of the building would have double-height glazing with a cantilevered soffit height of approximately 7.5m. Above this point the building extrudes vertically to level 25 above which the component fronting Merrion Way checks back and in and terminates with a roof terrace above level 35. On the Wade Lane elevation a full height recess distinguishes the southern component from the longer northern component which continues up to level 37. The arrangement fronting Tower House Street is different as beyond the recess the central section of the building projects out 5 metres for a length of 15m before stepping back to the northern section of the building. The architectural style would loosely be termed 'stretched classicism'
- 3.4 Above the double height glazed base the main body of the building would be ordered and disciplined, formed of smaller domestic elements of which it would be composed. It is intended that a high-quality off-white artificial stone with a light acid etching is used as the principal building material. Moulded panels may be introduced at the plinth level to add additional texture. Building fenestration and architectural metalwork would contrast with the cladding with a rich anodic bronze coating.
- 3.5 A new layby would be formed on the east side of Tower House Street to be used for deliveries and student drop-off at the beginning and end of years. It is intended to reduce kerb-levels and to enhance the surface to make Tower House Street more pedestrian-friendly. A new paved surface is proposed to the public realm immediately surrounding the development. Raised planters would be introduced

towards the north side of the building, including new street trees, together with totem structures to assist in wind mitigation. Similar totem structures are proposed to the front, southern end, of the building as wind mitigation but also intended to serve the dual purpose of public art. A specimen tree would be planted closer to Merrion Way to replace the existing tree that would need to be removed.

The application is accompanied by an Environmental Statement which considers the impact of the development upon daylight, sunlight and overshadowing; built heritage; townscape and visual impact; and wind microclimate. The application is also supported by an acoustic report; air quality assessment; arboricultural and tree report; archaeological assessment; a design and access statement; an ecology assessment; an energy statement; a flood risk assessment and drainage strategy; a phase I ground conditions report; a lighting impact assessment; a planning statement; a statement of community involvement; a transport statement; a travel plan; a utilities statement; and a waste management strategy.

# 4.0 Relevant planning history

- 4.1 The existing building is little changed since its construction in the late 1960's. The Arena Village student building was constructed on the site of the Little Londoner public house in 2007. The arena was completed in summer 2013.
- 4.2 Pre-application proposals for a 40 storey student accommodation building on the site by a different developer and architect were considered by City Plans Panel in October 2016 (PREAPP/16/00428). Members were of the view that the proposed student use was acceptable in principle. Although there were mixed views about scale Members commented that a tall building was acceptable in this location but emphasised the need for a good design and the use of quality materials; that more information was required about the proposed development and its relationship with neighbouring properties (the Arena Village student development in particular); and that the development should deliver public realm improvements beyond the immediate site boundary.
- 4.3 The current proposals were the subject of a pre-application presentation to City Plans Panel on 15<sup>th</sup> February 2018 (PREAPP/17/00619). Members were of the view that the proposed use of the buildings for student accommodation was acceptable in principle; that the majority of Members considered that the living conditions would be acceptable; that the emerging scale and design of the proposed new building and its relationship with the surrounding context was acceptable; and that the development should deliver improvements to the public realm in the area beyond the immediate periphery of the site. A full copy of the minutes of that meeting is attached at Appendix 2.
- 4.4 A separate notification solely for the demolition of the existing building is presently under consideration (18/03187/DEM).
- 4.5 On 31<sup>st</sup> May 2018 City Plans Panel deferred and delegated approval of the redevelopment of the podium building to the west of Arena Point with a 16 storey and 27 storey student accommodation building (18/00458/FU).
- 4.6 An application to construct a part 11, part 18 storey student accommodation building on land immediately north of the Q One Residence to the east of Wade Lane appears on this agenda (18/02139/FU).

#### 5.0 Consultation responses

- 5.1 LCC Flood Risk Management As the site is existing brownfield a 50% reduction from the existing runoff rate as proposed in the submitted flood risk assessment is acceptable. Conditions are recommended in respect of the surface water and foul drainage.
- 5.2 LCC Contaminated Land Team The proposed end use of the development is sensitive. Conditions are recommended in respect of the need for site investigation and in the event that unexpected contamination is found.
- 5.3 LCC Highways The revised drawings are acceptable. Conditions are recommended with regard to re-provision of the 2 existing disabled parking spaces; provision of cycle parking as per the Parking SPD; off-site highway works around the site and a contribution to the improvement of Merrion Way to assist pedestrian movements to and from the universities; a survey of the condition of surrounding streets prior to the commencement of development, a construction management plan and conditions in respect of servicing, deliveries and student drop-off/pick up.
- 5.4 West Yorkshire Police Stakeholder Consultation took place with West Yorkshire Police Crime Prevention Officer during the design development period to assess options for the incorporation of active and passive crime prevention measures which reduce opportunity for crime and the fear of crime, creating a safer and more secure environment. To this end a number of recommendations were discussed and have been incorporated into the scheme.
- 5.5 LCC Transport Strategy (transport noise) the recommendations contained within the submitted Acoustic Report should be implemented such that road traffic noise does not unduly intrude upon this development. As well as a suitable glazing strategy to achieve acceptable internal noise levels, an acoustic ventilation strategy is required such that the habitable rooms can be cooled without the need to open windows.
- 5.6 LCC Transport Policy (air quality) air quality at the first floor is predicted to be very close to the annual average air quality standard for nitrogen dioxide. The inclusion of a mechanical ventilation system proposed in the air quality assessment as a means of mitigation to protect future residents against potentially poor air quality is supported.
- 5.7 LCC Environment and Housing There is potential for noise nuisance to future occupants of the development from road traffic, patrons using the outside area of the bar in summer months (until demolished), the comings and goings of vehicles and people from the Arena, existing plant noise, music noise but particularly low frequency base and plant and machinery noise from the proposed development. The development also includes two outside roof terraces which will be effected by noise from road traffic. Conditions are recommended with regard to the submission of a noise and ventilation strategy; acoustic tests to confirm appropriate noise levels are achieved; control of plant and building services noise; and measures during the construction phase to minimise the impact upon occupiers of nearby properties.
- 5.8 LCC Travelwise full travel plan dated 8<sup>th</sup> June 2018. A travel plan review fee of £3,180 and a contribution towards the Merrion Way highway/public realm scheme should be secured.
- 5.9 LCC Conservation The heritage statement gives a thorough assessment of the impact of the development on heritage assets. The environmental improvement

from the high quality development could be considered to be public benefit to be weighed against the minor harm, quite apart from other public benefits.

- 5.10 LCC Landscape a restricted scheme due to the limited external space available. The quality of planting works will need to be high (not least in providing requisite volumes of soil for sustained long-term growth, particularly trees) as will establishment and long-term management. High quality hard surfaces design needs to integrate with the wider site context and not exist in isolation.
- 5.11 LCC Nature Conservation there should be no significant adverse impact upon nature conservation subject to conditions in respect of the timing of the removal of the tree and the provision of biodiversity enhancements.

## 6.0 Public response

- 6.1 The application was advertised in the Yorkshire Evening Post in 11<sup>th</sup> April 2018 and site notices were posted on 20<sup>th</sup> April and subsequently on 22<sup>nd</sup> May 2018 following the receipt of revised plans.
- 6.2 Leeds Civic Trust supports the scheme. The Trust consider that the development will contribute a positive addition to the Leeds skyline; will assist in the long term aspiration to reduce student numbers in Headingley, and will add to the vitality of the city centre. The Trust hope that the quality of the materials shown in the plans is maintained in the final building.

# 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 for this application, 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 (CS)

## 7.2.1 Relevant Core Strategy policies include:

Spatial Policy 1 prioritises the redevelopment of previously developed land within 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.

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 outlines the planned growth within the City Centre for 10,200 new dwellings, supporting services and open spaces. Part (b) encourages residential development, 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 EC3 safeguards existing employment land.

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.

Policy P11 states that the historic environment and their settings will be conserved and enhanced, particularly those elements which help to give Leeds its distinct identity.

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 requires all relevant planning considerations to 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.

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

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

## 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. Where removal of existing trees is agreed in order to facilitate approved development, suitable tree replacement should be provided on a minimum three for one replacement to loss.

## 7.5 National Planning Policy Framework

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 (paragraph 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 (paragraph 23). Housing applications should be considered in the context of the presumption in favour of sustainable development (paragraph 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
Street Design Guide SPD
Building for Tomorrow Today: Sustainable Design and Construction SPD
Parking SPD
Neighbourhoods for Living SPG

## 7.7 Other material considerations

7.7.1 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.

7.7.2 A selective review of the Leeds Core Strategy is presently being undertaken (CSSR). The review includes policies to introduce residential space standards. New policy H9 in the CSSR expressly excludes purpose built student accommodation from the space standard stating:

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 finished and the policy is afforded limited weight.

7.7.3 Site Allocations Plan Submission Draft (SAP)

The site is not specifically identified in the SAP.

#### 8.0 Main issues

- Principle of the development
- Amenity considerations
- Impact upon neighbouring properties
- Townscape and heritage considerations
- Transport and servicing issues
- Public realm
- Wind issues
- Environmental Impact Assessment
- 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. Leeds 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 over-concentration. At the pre-application presentation to City Plans Panel on 15<sup>th</sup> February 2018 (PREAPP/17/00619) Members were of the view that the proposed use of the buildings for student accommodation was acceptable in principle.
- 9.1.3 Notwithstanding the adopted planning policy position, for information, applicants of recent applications have provided commentary with regards to existing provision and need for student living accommodation. It is stated that there are approximately 51,661 students in full time higher education in the city. Discounting those who live in existing purpose built student accommodation and new student bed-spaces in the pipeline, including those at pre-application stage, there is a residual demand of approximately 35,000 students albeit private sector housing, such as, HMOs will remain the choice of some students. Additional provision of purpose-built student accommodation is therefore unlikely to result in an over-supply in the near future.
- 9.1.4 The proposal is considered against the criteria set out within the adopted policy H6B (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 656 bed-spaces (comprising 96 studio flats and 135 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 is currently occupied by a vacant office building. The development would therefore avoid the loss of residential family accommodation.

(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 via Wade Lane, Merrion Way and Woodhouse Lane. Proposed improvements to the public realm around the site, including to Tower House Street and Merrion Way, would improve accessibility to the universities 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.

9.1.5 The existing building, Hume House, provides 5 storeys of B1 office space. Core Strategy Policy EC3 seeks to retain such a use unless the development (i) would not result in the loss of a deliverable employment site; or (ii) existing buildings are considered to be non-viable in terms of market attractiveness, business operations, age, condition and or compatibility with adjacent uses; or (iii) the proposal will deliver a mixed use development which continues to provide for a range of local

employment opportunities and would not undermine the viability of the remaining employment site.

9.1.6 The building has been vacant for some time and has been bought and sold by a series of developers with a view to redevelopment. This is largely a result of the scale and appearance of the building itself and also the surrounding area becoming less attractive for employment uses and more attractive to residential and leisure uses. The site is not in an area of the city with a shortfall of employment land whereas there has been a shift in the focus of new office accommodation towards the west side of the city centre to areas such as Wellington Place. There remains a significant amount of committed or newly completed office floorspace in more attractive locations within the city centre, together with older office stock nearby, and consequently the development would accord with Core Strategy policies EC3 and CC1b.

#### 9.2 Amenity considerations

- 9.2.1 Criteria (iii) of Core Strategy policy H6B considers the impact of student accommodation on existing communities:
  - (iii) To avoid excessive concentrations of student accommodation which would undermine the balance and wellbeing of communities.

Largely due to its proximity to the universities and the city centre the area is a focus for new purpose-built student accommodation in addition to that existing nearby at Arena Village, located immediately to the north of the site, and Sky Plaza, on the west side of Clay Pit Lane. The Unite development on the north side of Merrion Way will provide 928 student bed-spaces; 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 current applications for 312 studios on the Portland Crescent site (18/01711/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).

- 9.2.2 There are pockets of residential accommodation located primarily to the east side of Wade Lane and more extensive established residential communities to the north east in Lovell Park. 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. Routes from the development towards both the university campuses and the heart of the city centre would be through predominantly commercial areas such that residential communities would be unlikely to be adversely affected by the student use.
- 9.2.3 The immediate area supports a wide mix of uses, including the arena, retail and offices and a range of commercial uses within the Merrion Centre, together with existing residential and student accommodation. 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.

- 9.2.4 Criteria (v) of policy H6B considers the amenities of students:
  - (v) The proposed accommodation provides satisfactory internal living accommodation in terms of daylight, outlook and juxtaposition of living rooms and bedrooms.
- 9.2.5 The spine of the building would run south-west to north-east parallel to Wade Lane with access corridors within the building following this alignment. Student bedrooms located off these corridors would consequently face in a south-easterly or north-westerly direction. Those facing south-east would have a largely open outlook across Wade Lane towards the Q One Residence some 31m away whilst those situated in the upper parts of the building would enjoy long distance views over the eastern part of the city.
- 9.2.6 Those on the north-western side of the building would have a more constrained outlook than those facing south-east primarily by reason of their juxtaposition with Arena Point offices and, to a lesser extent, the arena itself. Cluster bedrooms on this side of the building would be 11.2m from Arena Point at the south-west corner of the building, increasing to 25m in the north-west corner. The tighter dimension is not an uncommon relationship within the city centre and occupants would also have the benefit of full height windows to maximise daylighting. Additionally, kitchen lounges for those clusters in that part of the building closest to Arena Point would be situated on the south-western end of the building and benefit from open views across Merrion Way and the city centre beyond. All rooms above Level 23 would enjoy long-distance open aspects in all directions. Consequently, daylighting and outlook for all occupiers of the development would be acceptable. The separation and orientation of the building to Arena Point is also such that unacceptable levels of overlooking would not arise.
- 9.2.7 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.
- 9.2.8 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."

- 9.2.9 Officers and Members have visited several student housing schemes to review the level of amenity provided for occupiers. These include 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 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.
- 9.2.10 Planning permission for Vita's scheme at St Alban's Place, in which the smallest 78% of studios would be just over 20m<sup>2</sup>, 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. More recently, in December 2017, City Plans Panel approved the redevelopment of Symons House, Belgrave Street where the proposed smallest studio would be 21.3m<sup>2</sup>. 2 to 5 bedroom clusters in that development would have 14m<sup>2</sup> bedrooms with kitchen/living spaces increasing in size from 21m<sup>2</sup> for the twobed clusters to 43m<sup>2</sup> for the five-bed clusters, all supported by areas of dedicated amenity space. Most recently, City Plans Panel considered the Unite proposals on Merrion Way where 4, 5 and 7 bedroom clusters with 23-40m<sup>2</sup> kitchen/amenity space, and 30m<sup>2</sup> studios were proposed. In each of these purpose-built student schemes the dedicated additional amenity spaces within the building, were considered critical in providing acceptable levels of amenity for the occupiers of the development.
- 9.2.11 The proposed internal arrangement of the student accommodation identifies a mix of studios and cluster flats. The studios would be 22m² and being of a regular, rectangular, shape with full width windows would provide a usable and unrestricted space for occupants. In conjunction with the internal amenity space (546m²) located elsewhere within the building which would provide facilities such as common rooms and study rooms, together with a roof terrace (204m²), occupiers of the studios would experience good levels of amenity.
- 9.2.12 4, 5 and 6 bedroom clusters are proposed. Cluster bedrooms would range from 14-17m² although one bedroom on each floor would be 13m². Associated kitchen / living areas would be 21-24m² for 4 bedroom clusters; 25-27m² for 5 bedroom clusters; and 30-35m² for 6 bedroom clusters. In total, 96 studios and 135 clusters (656 bedrooms) are proposed, 752 bedspaces overall.
- 9.2.13 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 99m². Similarly, the NDSS standards imply that a 5 bedroom, 5 person apartment should have a minimum area of 96m² whereas the 5 bed clusters proposed would be 121m². Further, the NDSS standards imply that a 6 bedroom, 6 person apartment should have a minimum area of 109m², the proposed 6 bedroom clusters would be 147m². 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.

9.2.14 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 <u>Impact on neighbouring properties</u>

- 9.3.1 Hume House is a part two and part five storey building constructed at a similar time to Arena Point. The Arena Village student accommodation tower was constructed 6.5m to the north of Hume House, with student living room and bedroom windows located directly facing the gable end of Hume House, albeit given the relative heights only 3 levels in the south-west corner are directly affected. Proposals by a previous developer considered by City Plans Panel in October 2016 identified the northern elevation of the proposed building an almost identical distance from the Arena Village to the existing Hume House. Concerns were raised at that time regarding the juxtaposition of the two buildings, the impact upon living conditions and the quality of the intervening space.
- 9.3.2 The building now proposed would be sited a minimum of 8.5m from the Arena Village student accommodation to the north. Additionally, unlike the previous scheme, the proposed building has been intentionally rotated in order that the new building would be increasingly distant from the Arena Village building such that the north-east corner of the building would be 14m from Arena Village.
- 9.3.3 By virtue of its footprint and orientation the impact of the new building upon the amenities of occupiers of the Arena Village building to the north is significantly reduced. The Daylight and Sunlight Study submitted with the application reviews this matter in detail noting a high level of compliance with BRE Guidelines. However, it is recognised that the scale and proximity of the new building would result in a reduction in the daylighting and sun-lighting of rooms in the southern elevation of Arena Village, in particular in the south-western corner of that building. This is primarily a result of the Arena Village development locating windows so close to the southern boundary of the site. Notwithstanding, the proposed development has sought to minimise the impact by pulling the proposed building further away than the existing and by rotating its position. The proposed building will have a lightcoloured external finish thereby reducing its dominant effect and introducing the potential for reflexion of light. Bedroom windows facing Arena Village would be obscurely glazed so as to remove direct overlooking. On balance, given the wider benefits of the scheme, it is considered that the impact upon the amenities of occupiers of the Arena Village building would not be unacceptable.
- 9.3.4 The Q One building across Wade Lane was converted to residential accommodation in 2016. The buildings would be a minimum of 30m apart at the closest point. Overlooking is not considered to be an issue at this distance although the new building to the north-west would result in a small amount of overshadowing.
- 9.3.5 The relationship of the proposed building to Arena Point was considered at paragraph 9.2.6 above where it was concluded that that building would not have an unacceptable impact upon the amenities of students occupying the building. As a corollary, whilst the new building would result in a reduction in daylighting experienced within Arena Point given its use as offices the impact is not unacceptable.
- 9.3.6 The Merrion Centre is located to the south-west of the building beyond Merrion Way. Given the use of the building, the distances involved and the orientation of the

proposed development to the Merrion Centre there would not be any adverse impact.

9.3.7 In conclusion, it is considered that the proposed development would not have an unacceptable impact upon the uses within the existing buildings surrounding the site and the proposals would accord with Core Strategy policy P10 and saved Unitary Development Plan Review policy BD5.

#### 9.4 Townscape and heritage considerations

- 9.4.1 The scale of the proposed building is such that it would be visible from a number of vantage points around the city including from conservation areas and in the setting of listed buildings. 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.
- 9.4.2 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.
- 9.4.3 The existing building and its immediate curtilage does not contribute positively to the character of the area and due to its scale it has no impact upon any heritage assets. 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 responding to the existing and emerging context around the site.
- 9.4.4 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 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 aware of recently agreed proposals for 16 storey and 27 storey tower buildings on the north side of Merrion Way, and the ongoing construction of two new tall buildings around St Alban's Place (maximum 18 storeys) and Symons House, Belgrave Street (maximum 23 storeys) which have also been considered when reviewing the current proposals.
- 9.4.5 The pre-application proposals considered by City Plans Panel in February 2018 identified a 36 storey building. City Plans Panel commenting that the emerging scale

and design of the building and its relationship with the surrounding context was acceptable. Following changes to the basement of the building the current proposals identify a 37 storey building which would have a comparable, transformative effect upon the site and the context. Chapter 7 of the Environmental Statement considers the impact of the development upon built heritage. The statement concludes that the development would have an overall neutral impact upon the significance of heritage assets.

- 9.4.6 Given the building's scale and the topography of the city it would typically be seen in longer distance city views as the taller element of a cluster of tall buildings grouped around the arena. This would be apparent in views such as those from Scott Hall Road / Scott Hall playing fields and along York Road. Whilst reinforcing the developing cluster of taller buildings longer distance views would not affect the setting of listed buildings or conservation areas. Similarly, in views from North Street to the east of the Inner Ring Road the building would be seen in the context of the emerging cluster of taller buildings including St Alban's Place such that the impact upon the setting of listed buildings in this area would be negligible.
- 9.4.7 Due to its scale and position the building would appear as a more dominant element than the existing Arena Village tower when viewed north up Briggate. Whilst views change along the corridor the Arena Village tower would not be entirely concealed but, it is considered, that the form and appearance of the proposed building would have a moderately beneficial impact upon views from this part of the City Centre conservation area. Ultimately, should the Unite development also be constructed it would result in a greater mass of taller buildings to the west of the axial view northwards up Briggate but it is not considered that such an impact would be harmful to heritage assets.
- 9.4.8 The building would be barely visible from Park Square to the south-west such that it would have no impact upon the setting of listed buildings around the square, the tower of the Town Hall or the conservation area.
- 9.4.9 In local views from Queen Square conservation area, although the tallest structure, the building would be seen as a background building and Merrion House would remain the most prominent structure in the foreground. As such, the building would have a negligible impact. In the event of the Unite development being constructed it would effectively screen the development from view from this location.
- 9.4.10 The top half of the building would be readily visible above the City Museum when viewed from the west side of Millennium Square and it would have a minor adverse impact on the setting of that listed building. However, the impact is mitigated by the use of light-coloured materials such that it would appear as a less dominant, background building.
- 9.4.11 The building would be visible in views along Mark Lane and in the curtilage of St John's Church. Given the presence of other buildings such as Fairfax House, the greater apparent scale of St John's Church, and the materiality of the proposed building the impact would be less than substantial. Following the completion of the redevelopment of Symons House on Belgrave Street this view of the site would be entirely obscured.
- 9.4.12 The lower scale of existing buildings along Lovell Park Road is such that the building would appear as a significant skyline feature although much of the mass would be situated behind the Arena Village tower when viewed from the north. The

development would have no impact upon heritage assets when observed from these directions

- 9.4.13 As a result it is considered that the development would give rise to some minor adverse, negligible and also minor beneficial impacts on heritage assets around the city, such that the development could be classified as having a less than substantial adverse impact. This impact should be weighed against the public benefit of the proposal.
- 9.4.14 As noted, the existing building and its immediate curtilage does not contribute positively to the character of the area and, in many ways, adversely affects it. The proposed building would fundamentally change this situation.
- 9.4.15 The southern elevation of the building would project forward of the existing building line on the north side of Merrion Way. The front elevation would be aligned to respond to the eastern end of Merrion Way and the Merrion Centre as it turns the corner into Wade Lane. The lowest two levels of the building would comprise extensive glazing so as to animate and activate the pedestrian level thereby significantly improving the pedestrian level environment around the junction of Merrion Way and Wade Lane.
- 9.4.16 The proposed building employs basic architectural principles, based upon both modernism and classicism. The approach is based on using the visual elements of base, middle and top which control the large scale elements. The proposed façade is ordered and disciplined with the articulation of the facades emphasising its verticality and creating a building of slender proportions. The verticality is emphasised and expressed by the set back and step down of the Merrion Way top floors. Windows are treated as continuous vertical elements separated by metal panels at floor levels to avoid potential staining from window cills. A limited, high quality, material palette is proposed to complement the form. The building is akin to many of the American models which could loosely be called 'stretched classicism'.
- 9.4.17 Within the overall body of the building, the primary massing elements have manipulation which provide the building with visual interest and relief. The secondary elements also have detailing to form interest with reveals and shadow lines. The building would present a controlled, calm design, enabling the large scale of the building to have a visual gravitas whilst not being visually obtrusive. From the majority of locations the development would be a beneficial addition to the skyline of the city. As a consequence, in itself, the high quality of the building could be considered to be public benefit to be weighed against the minor harm, quite apart from other public benefits such as the provision of student housing, further vitalising the city centre and the creation of job opportunities in construction and operation of the development. These public benefits clearly outweigh the less than substantial harm identified to designated heritage assets.

# 9.5 <u>Transport and servicing issues</u>

- 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 the arena, Arena Point and Arena Village, and by its relationship to the junction of Merrion Way, Wade Lane and Tower House Street.
- 9.5.2 A servicing strategy has been formulated based upon the development being effectively car-free and the introduction of sustainable transport measures. 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 A new loading bay would be formed on the east side of Tower House Street. The loading bay would be used by refuse vehicles when collecting refuse twice a week and also by delivery vehicles. All servicing arrangements would be managed and scheduled away from peak times to minimise any potential conflicts. The lay-by would also be used to accommodate three spaces for student drop-off and pick up from the site at the start and end of academic terms with each student provided with a specific time slot to arrive and depart. Conditions are proposed to secure detailed management plans for both of these functions and their subsequent implementation. The two existing disabled spaces to the north-west of the building will be retained and incorporated into the public realm.
- 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 be 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; and to promote non-car alternative modes of transport to visitors.
- 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 with a personalised travel plan provided when moving in and regular updates via social media.
- 9.5.6 150 long-stay cycle spaces would be provided at ground floor of the building, accessed from Tower House Street. 20 cycle parking spaces would also be provided within the public realm around the building for short-stay use. To encourage residents, staff and visitors to cycle to and from the site information on the local cycle network routes will be made available in the Welcome Packs; a puncture repair kit will be provided; local cycle clubs/forums will be invited to take part in Travel Plan promotional events to raise awareness; employees will be registered to the Cycle2Work scheme; and a residential Bicycle User Group will be established.
- 9.5.7 Travel surveys will be distributed to all residents and employees within 3 months of occupation. The initial Travel Plan targets are that 100 per cent of students would travel to their place of study by sustainable modes of travel. The Travel Plan would be monitored, reviewed and revised in response to annual monitoring reports and comments from LCC Travelwise. Monitoring would cease once the survey results demonstrate that the targets are being met.
- 9.5.8 The development will improve pedestrian movement around the site through the provision of wider footways and improved surfaces. Additionally, the works to Tower House Street will make that space a more pedestrian friendly environment. In addition, a contribution of £430,000 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 conditions requiring agreement of detailed management plans for the construction of the development; for servicing and deliveries; and for the management of students at the start and end of academic terms the development would have an acceptable impact upon highway and pedestrian safety, provide sustainable transport choices and would accord with Core Strategy policies T2 and CC3 and the Travel Plan SPD.

## 9.6 Public realm

- 9.6.1 The existing environment around the periphery of the site is of limited quality with those footways to the north and west of the building narrow and uninviting. Open space to the south of the building is hard surfaced and surrounded by bollards, its only positive feature a semi-mature Norway Maple tree located close to the southern boundary. Construction of the building is likely to result in the loss of the tree. Eight standard new trees are proposed to mitigate for its loss, comprising Quercus palustris, Carpinus franz fontaine, Magnolia grandiflora and Carpinus betulus, chosen for their small leaf size and the visual interest they would provide throughout the seasons. Consequently, the proposals would accord with NRWLP policy Land 2.
- 9.6.2 The southern end of the new building would project forward into part of the existing hard-surfaced area between Hume House and Merrion Way. The area outside the building would be reconfigured to accommodate features to be used for wind mitigation, public art and a replacement tree. The space beyond these features would remain open and be landscaped as part of the wider hard-landscaping works.
- 9.6.3 The new alignment of the building would be such that it opens up space at the northern end of the site, providing opportunities for enhancement of the current, unwelcoming, route and the area around the access to the Arena Village accommodation. A new, large planter would be formed at a midpoint between the two buildings containing three trees, porous screens and shrub beds containing evergreen specimens. A footway would be formed between the planter and the building.
- 9.6.4 A new layby would be formed on the east side of Tower House Street, providing a facility for servicing and deliveries and also the parking of vehicles at the start and end of the academic year. A further planter would be provided behind the new footway that would run to the rear of the new loading bay. It is also intended to improve the character of Tower House Street by enhancing surfacing and reducing kerb height to make it a more pedestrian friendly environment. The footway on the east side of the building behind the existing coach-parking area fronting Wade Lane would be a minimum width of 3m.
- 9.6.5 The scale and prominent position of the development is such that it would have a significant visual impact and influence upon the surrounding area. Further, the student accommodation use would result in additional, primarily pedestrian, journeys around the site, in particular along Merrion Way to and from the universities. These impacts would be mitigated by a developer contribution of £430,000 towards the improvement of the pedestrian environment in the area beyond the site boundary to accord with Core Strategy policies P10, T2 and CC3.

# 9.7 <u>Wind</u>

9.7.1 Due to the height of the proposed building a comprehensive assessment of existing and likely pedestrian level wind conditions upon completion of the development has been undertaken by Urban Microclimate utilising wind tunnel testing and the industry

standard Lawson criteria. The testing involved the development of building design and landscape features to respond to the wind effects. Resulting features include a chamfered southern corner; porous screens 2.4m high x 0.8m wide to the southwest, north-west and north-east of the building, planters and 4, semi-mature trees.

- 9.7.2 The assessment factored in the potential impacts of the proposed redevelopment of the Unite, Merrion Way scheme and other ongoing developments in the area. The interaction with the proposed Q One Residence development has also been considered as part of an experienced based review. Since the wind tunnel study was completed, a set of minor design changes have been made to the development, the main one being some alterations to the profile and layout of the roof of the building (less than 3m height change) which are not expected to affect the conclusions of the assessment. The outcomes of the studies have been reviewed and verified by Atkins on behalf of the Council.
- 9.7.3 As elsewhere in the city centre winds from the west to south-west are prevalent with the most frequent strong winds blowing from these directions. The existing building is substantially sheltered by surrounding buildings. Downdraughts from Arena Point and Arena Village reach pedestrian level before channelling around and between buildings, though the severity of pedestrian level winds is limited by the scale and close spacing of the buildings. Existing conditions in and around the site are safe for all users. Comfort conditions around the site are suitable for at least leisurely strolling other than for the roadway between the site and the arena during wintertime when conditions are marginally windy but remain tolerable for pedestrian passage.
- 9.7.4 The removal of the existing building is not expected to significantly increase the exposure of surrounding thoroughfares to prevailing winds but has the potential to effect the flow of winds from neighbouring buildings. However, this potential effect would be short-term and is likely to be mitigated by hoardings around the site.
- 9.7.5 At the completion of the development the upper levels of the building would be exposed to the most frequent strong winds. As a result, there is potential for downdraughts to reach pedestrian level before channelling around the southern end of the building. The tight spacing of the cluster of the proposed building, Arena Point and Arena Village would also exacerbate the combined downdraughts and subsequent channelling of westerly and west-north-westerly winds within the passage between the Arena Village and the arena. However, the resulting back pressure would help alleviate the channelling of westerly winds between Arena Point and the arena. Notwithstanding these detrimental and beneficial effects, the resulting conditions are considered to have a negligible effect with respect to pedestrian safety and the area would be safe for all users.
  - 9.7.6 In terms of pedestrian comfort wind conditions would be suitable for at least leisurely strolling and are therefore considered suitable for pedestrian access to and past the site. The principal access into the building would be from its south-west corner with access to the cycle store closer to the north-west corner. Both these locations are sheltered by upper parts of the building and would be suitable for pedestrian use. Benches incorporated into the planters proposed to the north and west of the building would enjoy suitable conditions for at least short periods of outdoor sitting. Consequently, the wind conditions immediately around the building with regards to comfort would be acceptable.
- 9.7.7 The wind comfort conditions would improve between Arena Point and the arena such that they would be suitable for leisurely strolling. Conversely, conditions at the east end of the passage between the Arena Village building and the arena would

deteriorate slightly but would remain suitable for fast or business walking during wintertime. Such wind conditions would be acceptable for this space. Entrances to buildings surrounding the site would remain suitable for pedestrian use throughout the year.

- 9.7.8 The introduction of the Unite, Merrion Way development would help to shelter the development and its neighbours from the most frequent strong winds. However, this would have a negligible effect upon pedestrian safety and resulting conditions in and around the site are rated as being safe for all users. Comfort conditions in the middle of Wade Lane to the east would be marginally windy for leisure strolling in winter but these conditions are considered to be appropriate for the middle of a busy road where people are not expected to linger. The results of the wind study tests suggest that the accelerated winds would largely have dissipated before reaching the Q One site to the east. As a result, neither of these developments would appear to have any significant adverse effect on the other and the Hume House development is likely to provide the Q One development with increased shelter from the strongest winds. Otherwise, the suitability of wind conditions in and around the site are not materially changed when future developments in the area are added.
- 9.7.9 In summary, the results indicate that the wind environment at pedestrian level within and outside the site in the developed condition and also when future developments are included would be within the recommended criteria for safety and comfort and would remain suitable for pedestrians using the area.
- 9.7.10 Following the wind tunnel tests a roof-top terrace was introduced at Level 35 of the development. The terrace would be protected by a substantial perimeter barrier but could potentially remain susceptible to some high level winds. These effects may require development of the terrace-level landscaping to create additional localised shelter for users, albeit any potential residual safety concerns would be addressed by managed access for residents during storms.

#### 9.8 Environmental impact assessment

- 9.8.1 The planning application is accompanied by an Environmental Statement (ES) which set out the findings of an Environmental Impact Assessment (EIA) of the proposal. The scope of the assessment was agreed with the Council. The EIA considers the environmental effects of the development during its construction and operational phases. The ES includes a suite of technical reports comprising townscape and visual impact; heritage impacts; daylight/sunlight assessment; and a wind assessment. The ES along with other technical reports and information, demonstrate that the scheme would not result in any significant adverse impacts once mitigation measures are in place.
- 9.8.2 As required by the Regulations, the ES also considered an alternative scenario where the development does not proceed and the site remains in its current condition. The "do nothing" scenario was discounted due to the need for the regeneration of the site and the benefits it will bring whereas alternative designs were considered through an iterative design process, described in the Design and Access Statement, resulting in the submitted proposals.

# 9.9 <u>Section 106 and Community Infrastructure Levy (CIL)</u>

9.9.1 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 £3,180 so as to accord with the Travel Plan SPD;
- Contribution of £430,000 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).
- 9.9.2 This proposal is likely to generate a CIL requirement of £113,197.41. 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.

#### 9.10 Conclusion

- 9.10.1 Following the recent approval of the redevelopment of the Stick or Twist podium site for Unite Students this development would complete the regeneration of the north side of Merrion Way envisaged when the decision was taken to locate the arena on the northern fringe of the city centre. The high quality, contemporary, architecture of the proposed development would provide a landmark building for Leeds and would provide a significant addition to the skyline of the city in an area of the city centre identified with a potential for tall buildings.
- 9.10.2 The development of this sustainably-located site would have an acceptable impact upon highway and pedestrian safety, and provide sustainable transport choices. The public realm around the site would be improved and the development would also provide a contribution to enhance the pedestrian environment on Merrion Way.
- 9.10.3 The development for use as student accommodation is acceptable in principle. By virtue of the combination of the facilities within the student bedrooms and the additional facilities provided within and around the building the living conditions provided for the occupiers would, on balance, be acceptable. The development would have an acceptable impact upon its neighbours and also provide opportunities for local employment during its construction and subsequent use.
- 9.10.4 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) No works to or removal of the tree between Hume House and Merrion Way shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds nests immediately before (within 24 hours) the works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority within 3 days of such works commencing.

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

4) Documentation demonstrating the absence or total removal of asbestos from Hume House shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Should documentation be unavailable or insufficient, post-demolition surface soil sampling of future landscaped areas 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 approved Phase I Desk Study report indicates that a Phase II Site Investigation is necessary, and therefore development shall not commence until a Phase II Site Investigation Report has been submitted to, and approved in writing by, the Local Planning Authority.

Where remediation measures are shown to be necessary in the Phase II Report and/or where soil or soil forming material is being imported to site, development 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.

Remediation works shall be carried out in accordance with the approved Remediation Statement. On completion of those works, the Verification Report(s) shall be submitted to the Local Planning Authority in accordance with the approved programme. The site or phase of a site shall not be brought into use until such time as all verification information has been approved in writing by the Local Planning Authority.

To ensure that the remediation works are fully implemented as agreed and the site has been demonstrated to be suitable for use.

- 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 demolition and construction;
  - c) the means of access;
  - d) the measures to ensure that the arena can continue to operate safely throughout the demolition and construction process;
  - e) a traffic management plan to minimise any delay for road users on the local road network:
  - f) the location of the site access, 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 demolition 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 safety and amenity.

9) No operation of demolition or construction works shall take place before 08:00 hours on weekdays and 09:00 hours on Saturday's or after 18:00 hours on weekdays and

13:00 hours on Saturdays. With no such operations taking place on Sundays and Bank Holidays.

In the interests of residential amenity of occupiers of nearby property.

The development, including demolition, shall not commence until a survey of the condition of the existing vehicular highways for 100m around the application site has been submitted to and approved in writing by the Local Planning Authority. Following completion of the development a survey of those highways shall be submitted identifying their condition, with any necessary mitigation works. The approved mitigation works shall be fully implemented prior to occupation of the development.

To ensure the free and safe use of the highway.

11) Development shall not commence until a drainage scheme (i.e. drainage drawings, summary calculations and investigations) detailing the surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The maximum rate of discharge, off-site, shall not exceed 10L/s, unless otherwise agreed with the Local Planning Authority. 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.

There shall be no discharges of foul water from the development until a foul drainage scheme including details of provision for its future maintenance (e.g. adoption by the Water Company) has been implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

To ensure satisfactory drainage and pollution prevention.

Details of a noise and ventilation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the superstructure of the building. The development shall be constructed and thereafter maintained in accordance with the details thereby agreed.

In the interests of the amenities of the occupiers of the development.

14) Prior to occupation, details of acoustic tests within habitable rooms shall be submitted and approved. The test shall demonstrate that environmental noise in habitable rooms does not exceed 35dB LAeq, 1Hr between the hours of 07:00 and 23:00; and 30 dB LAeq, 1hr between the hours of 23:00 and 07:00 with mechanical ventilation units in operation. In the event that sound levels exceed the specified limits, the applicant shall undertake corrective action and re-test.

In the interests of residential amenity.

The plant and building services required for the development shall not be operated until a scheme to control noise emitted from it has been approved in writing by the Local Planning Authority and installed as approved. The scheme shall limit noise to a level at least 5dBA below the existing background noise level (L90) when measured at the nearest noise sensitive premises with the measurements and assessment made in accordance with BS4142:2014. The approved scheme shall be retained thereafter.

In the interests of residential amenity.

Details of a mechanical ventilation system, to protect future residents against potentially poor air quality, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the superstructure of the building. The development shall be constructed and thereafter maintained in accordance with the details thereby agreed. ???

In the interests of the amenities of the occupiers of the development.

17) Notwithstanding the approved details, full details of cycle/motorcycle parking and facilities shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved cycle/motorcycle parking and facilities have been provided. The facilities shall thereafter be retained for the lifetime of the development.

In the interests of highway safety.

The development shall not be occupied until a Servicing and Delivery Management Plan (including timescales) 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

The development shall not be occupied until a Student Management Plan for the beginning and end of terms 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 details for the lifetime of the development.

To ensure the free and safe use of the highway

The development shall not be occupied until the disabled parking spaces have been re-provided in accordance with details shown on Curtin's drawing 66930-CUR-00-XX-DR-TP-75002-P02. The approved spaces shall thereafter be retained and maintained for the lifetime of the development.

In the interests of accessibility.

The superstructure of the development shall not commence until details of on and off-site highway works, including the lay-by to Tower House Street, shown illustratively on re-form drawing RFM-XX-00-DR-L-0001 PL04, together with a road safety audit, 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.

The development shall not be occupied until the bin store has been provided in accordance with details shown on OEA drawing 1754\_PL\_20\_002A. 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

- 23) 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 and external doors;
  - (c) soffits;
  - (d) parapet detail and rooftop equipment.

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

In the interests of visual amenity.

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 or in agreed location nearby. The external surfaces of the building shall be constructed in accordance with the details thereby agreed.

In the interests of visual amenity.

Prior to the commencement of the superstructure of the development, details shall be submitted to and approved in writing by the Local Planning Authority of integral bat roosting features within the building; and bird nesting features (for species such as House Sparrow and Starling) to be provided within the building. The approved details shall show the number, specification of the bird nesting and bat roosting features and where they will be located, together with a commitment to being installed under the supervision of an appropriately qualified bat consultant. All approved features shall be installed prior to first occupation of the building and retained for the lifetime of the development.

To maintain and enhance biodiversity.

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 including to proposed planters; (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) totems in the landscape; (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; and (l) implementation programme.

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

27) 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.

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.

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.

30) 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.

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.

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.

- The development shall be implemented in accordance with the details set out within the Vitec Energy and Environmental Standards Statement 16<sup>th</sup> March 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.

# Minutes of the meeting of City Plans Panel 15th February 2018

The Chief Planning Officer submitted a report which sets out details of a pre-application for the proposed redevelopment of Hume House, Wade Lane, Merrion Way and Tower House Street, Leeds 2 to form a 36 storey student accommodation building.

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 building and to construct a 36 storey building in its place. The axis of the building would rotate to align with Wade Lane to the south-east rather than Tower House Street as with the current structure. The southern elevation of the building would project approximately 11m forward of the existing building towards Merrion Way, the lowest two levels above ground primarily around the frontage would be set some 3m further back. The upper body of the building also oversails areas of the lowest levels on the eastern and western elevations. At its closest point the northern elevation of the building would be 8.45m from the Arena Village tower.
- The ground floor of the student accommodation building would comprise the reception and management offices, a common room including a double-height space around the southern entrance, and other supporting facilities such as laundrette and bin store. A plant room and bike store would be provided at Level -1. Level 1 would contain additional common room and study area facilities and the first level of student accommodation. Further study rooms are proposed at Level 24. Excluding the cluster space 563m2 of student amenity space is proposed. The accommodation comprises a mix of studios (22m2) and 4, 5 and 6 bedroom clusters (study bedrooms typically 14m2) with associated kitchen / living areas. In total, 102 studios and 652 cluster bedrooms are proposed, 754 bedspaces overall.
- · Active spaces at the lowest two levels of the building would have double-height glazing with a cantilevered soffit height of 7m. The upper levels of the building would be ordered and disciplined, formed of smaller domestic elements of which it would be composed. The architectural style would loosely be termed 'stretched classicism'. It is intended that a high-quality artificial stone is used as the principal building material.
- · A new layby would be formed on Tower House Street to be used for deliveries and student drop-off at the beginning and end of years. It is intended to reduce kerb levels and to enhance the surface to make Tower House Street more pedestrian friendly. A new paved surface is proposed to the public realm immediately surrounding the development. Raised planters would be introduced towards the north side of the building, including new street trees, together with totem structures to assist in wind mitigation. Similar totem structures are proposed to the front, southern end, of the building as wind mitigation but also intended to serve the dual purpose of public art. A specimen tree would be planted closer to Merrion Way to replace the existing tree that would need to be removed.

Members raised the following questions:

- Possible wind implications due to the proposed height of the building, had any testing been undertaken
- Could further details about the security of the building be provided: how would residents gain access to the building, how would residents access the lifts and what security measures were proposed for the top floor.

- · Was the proposed external material cleanable
- · Could further details be provided about the proposals for the communal areas
- Could further details be provided about the landscape and lighting proposals
- What was the timescale for the completion of the building
- Had any analysis been undertaking about the demand for student accommodation in this area

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

- It was confirmed that wind testing had been undertaken
- Entry to the building would be by the use of a key fob, the same key fob would allow access to the lifts. The building would be managed and would incorporate a CCTV scheme throughout. A suitable height balustrade would be developed for the top floor along with CCTV monitoring.
- · It was confirmed that the external materials could be cleaned
- The communal areas were still being developed but it was envisaged that study rooms, a cinema, fitness rooms and lounges would be incorporated within this area.
- New street trees would be located and planters would be incorporated throughout the ground floor area, a lighting scheme would be developed for the public realm areas and would also be included within the wind baffles/ totem structures
- In terms of timescales, it was anticipated that work would begin on site summer 2018 with delivery 2021/22
- In terms of demand for student accommodation within the city centre, it was reported that the student population had seen a year on year increase over the past 4 years, with a 5% increase in the last year alone. It was therefore anticipated that there was a demand with further growth expected

In offering comments Members raised the following issues:

- Impressive design, nice to see quality materials being used
- Very attractive design
- · "Pinch point" at the extreme north end of the development could lead to possible wind funnelling
- · A small number of Members considered the room sizes to be too small
- The design and quality of this building would set the standard for other tall buildings to follow.
- · Welcome proposals for tall buildings but the skyscape needs to be managed and the proposals need to be shown in the context of other committed development

- Leeds has a vibrant, diverse city centre which welcomes people of all ages to live in, but there is a need for the Council to lead on a strategic vision.

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

· Members considered the proposed student use was acceptable in principle

The majority of Members considered the living conditions within the student accommodation to be acceptable

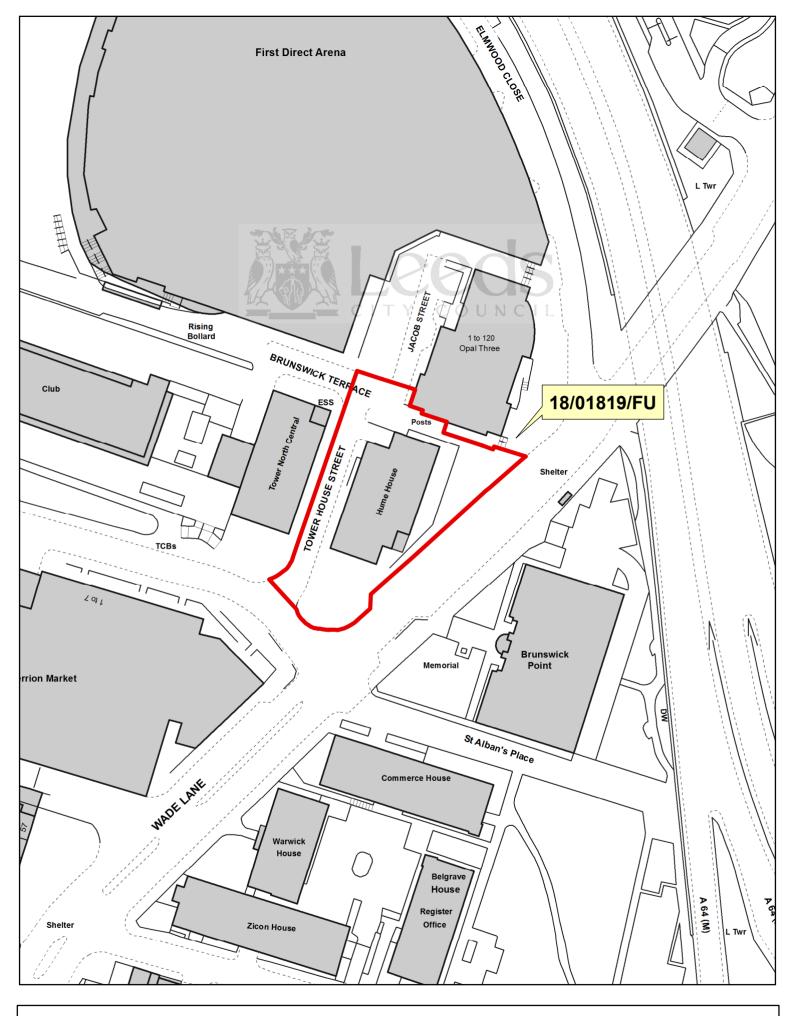
- Members were of the view that the emerging scale and design of the proposed new building and its relationship with the surrounding context was acceptable
- · Members were of the view that the development should deliver improvements to the public realm in the area beyond the immediate periphery of the site.

In summing up the Chair said it was heartening to see a design at such an early stage which all Members appeared to like. Members looked forward to the submission of a formal application

(Under the provisions of Council Procedure Rule 16.5 Councillors: C Campbell and G Latty required it to be recorded that they considered the living conditions within the student accommodation to be unacceptable)

#### RESOLVED -

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



# **CITY PLANS PANEL**

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

SCALE: 1/1000



