



Report of the Chief Planning Officer

City Plans Panel

Date: 23rd August 2018

Subject: Planning application reference 18/01711/FU erection of a part 6No. / part 16No. storey student accommodation building with ground floor commercial units (Use Class A1, A2, A3, A4, B1 and D2) and associated landscaping works at land at Portland Crescent, Leeds LS2 8BL

Applicant	Date Valid	Target Date
VITA Leeds 2 Ltd	13.03.2018	12.06.2018

Electoral Wards Affected:

Little London and Woodhouse

Yes Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

DEFER and DELEGATE to the Chief Planning Officer for approval subject to the specified conditions set out in Appendix 1 (and any others which he might consider appropriate) and the completion of a Section 106 agreement to include the following obligations:

- Restriction on occupancy to full-time students only
- Restriction on student car parking
- Travel plan monitoring fee £3560
- Revenue compensation for loss of 2 Pay & Display bays £20,470
- Contribution to cost of Traffic Regulation Order for a loading bay £7,500
- Cooperation with local jobs and skills initiatives
- Management fee £1500

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

Conditions

1.0 Introduction:

This report is brought to City Plans Panel because it relates to a major planning application in a prominent location in the City Centre. The site has a complex history and has been the subject of a number of presentations to City Plans Panel. Work stopped on the site in March 2015 when the building contractor and its parent company went into administration. City Plans Panel received a briefing on the complex financial issues affecting the site in July 2016 and since then a number of stakeholders have tried to find an appropriate solution to enable the completion of the approved development. Select Property Group acquired the site with the intention of using the partially-completed building as student accommodation as part of its Vita Student brand, and presented their initial proposals to City Plans Panel on 23rd November 2017 and 15th February 2018. The development would be Vita's second in the city following the recent commencement of the development at St Alban's Place. Vita intend to re-commence work at this site immediately in September 2018 subject to planning permission being granted.

2.0 Proposal

2.1 The proposal is for 312 student studios ranging in size from 18sqm to 56sqm in a part six, part sixteen storey student accommodation building with a ground floor and commercial unit (flexible use classes A1, A2, A3, A4, B1 or D2) and associated landscaping works. It is proposed to add two additional storeys to the approved tower element of the building (14 storeys) such that the tower would be 16 storeys in height. The lower wing would remain at 6 storeys. The existing foundations and precast concrete frame can be reused, with the completion of necessary remedial works. There are a number of relatively changes from the partially built extant hotel planning approval however the updated proposal would retain the overall design principles including:

- reuse of the existing part constructed concrete frame
- double storey podium
- chequered window pattern
- building line set-back at 5th Floor level
- limestone cladding
- glazed vertical window slot (former roof top bar lift)
- window detailing and contrasting stone banding at floor levels
- glazed ground floor active frontages

The hotel "sky bar" is no longer proposed as there would not be public access to the upper floors of the building. The set-back fifth floor which was previously intended to be a gym and plant room for the hotel would now provide 21 studio flats.

2.2 Dedicated amenity space for students would be provided in the communal 'Hub' space at basement and ground floor level facing onto Portland Crescent. Other ground floor space would be occupied as flexible use retail/food and drink/office/leisure accommodation, which would face onto Woodhouse Lane, Portland Crescent and Cookridge Street.

2.3 The external space around the building is public highway and would be laid out to compliment the new public realm presently coming forward at the junction of Woodhouse Lane / Clay Pit Lane / Cookridge Street. This would incorporate contrasting concrete paving to adoptable standards, three small-leaved Lime trees (*Tilia Cordata* "Greenspire") in bespoke tree grilles with uplighters, nine Sheffield cycle stands and five metal lattice wind baffle structures, approximately 2m x 2.5m in size. Other proposed off-site highways works include:

- a) The proposed dropped kerbs and tactile paving at the informal pedestrian crossings at Portland Crescent;
- b) The proposed replacement of the existing pay and display parking bay markings with the continuation of the yellow road markings and provision of the servicing/loading bay at Portland Crescent including amendment to Traffic Regulation Orders (TROs);
- c) Paving works on the footway at the site frontage at Portland Crescent, A660 Woodhouse Lane and Cookridge Street;
- d) Resurfacing works on the part of the footway at the north flank of Portland Crescent that forms a triangle (Portland Crescent/Woodhouse Lane triangle);
- e) Construction of a table at the Portland Crescent junction with A660 Woodhouse Lane to reduce the speed of vehicles and enhance pedestrian safety
- f) Wind mitigation measures to be constructed within the adopted highway under license.

2.4 The application is supported by the following documents:

- Scaled plans
- Design and Access Statement
- Heritage Statement
- Planning Statement
- Energy and Sustainability Statement
- Noise Report
- Land contamination and coal report
- Transport Statement
- Travel Plan
- Drainage Strategy
- Ventilation Strategy
- Site Logistics and Construction Management Plan
- Wind report

3.0 Site and Surroundings:

- 3.1 The broadly rectangular site is located on the eastern side of Portland Crescent at its junction with Woodhouse Lane and has a short return onto Cookridge Street. The incomplete concrete shell of an approved hotel has remained unfinished on the site since the developers went into administration in 2015. Whereas the southern limb of the building is at its approved height of six storeys, the approved tower fronting Woodhouse Lane is four storeys short (10 storeys) of its approved height of 14 storeys.
- 3.2 A part six, part eight storey building is presently being erected at 67-83 Cookridge Street directly to the rear (east) of the site. When complete the building will contain 96 student studio apartments and two commercial units at ground floor level. Leeds Beckett University Rose Bowl and the associated surface and basement car park are situated on the west side of Portland Crescent opposite the site. To the south-east is the Leeds College of Technology.
- 3.3 The site has a sensitive heritage setting, abutting the northern edge of the City Centre Conservation Area whilst the Queen Square Conservation Area is situated across Woodhouse Lane to the north. There are a number of listed buildings close to the site including the O2 Academy live music venue and nightclub (Grade II) which abuts the southern boundary of the site; the Civic Hall (Grade II*) to the south west beyond Portland Crescent; and Leeds City Museum and Leeds Art University (Grade II*) to the south.

3.4 To the east of the junction of Woodhouse Lane and Clay Pit Lane the extension to Merrion House is now completed. In association with that development, work is underway on creating new areas of public realm on the northern and south-eastern corners of this junction including infilling the former subway, improving pedestrian links and the provision of new soft landscaping.

4.0 History of Negotiations

4.1 The developer presented emerging proposals for the stalled development site to City Plans Panel on 23rd November 2017. Members provided the following comments:

- that the proposed use of the buildings for student accommodation was acceptable in principle;
- that the living conditions within the student accommodation were acceptable;
- that the proposed changes to the height of the building and its architecture were acceptable; and
- with regard to whether Members were supportive for the application to be determined under delegated powers, further consideration was required around the provision of enhanced pedestrian connections to address pedestrian generation/movement in the immediate area.

4.2 The developer presented proposals for the pedestrian improvements at the junction of Portland Crescent and Woodhouse Lane to City Plans Panel on 15th February 2018. Members provided the following comments:

- What was the timescale for completion of the works, not just this site but for the whole of the Portland Crescent/ Woodhouse Lane Junction improvement scheme?
- Who would be responsible for maintenance of the area once the scheme was completed?
- Would the landscaped areas include lighting schemes?
- In summing up the Chair said that further details about the design/appearance of the junction were required and that a report should come back to Plans Panel in due course.

5.0 Relevant Planning History

5.1 Planning permission (08/05664/FU) for a part 6 and part 14 storey hotel building with 246 bedrooms was approved in July 2009.

5.2 Planning permission (11/01979/EXT) extending the time limit for implementing planning permission 08/05664/FU was granted on 2nd August 2011.

5.3 Planning permission for amendments to the approved hotel scheme including a roof-top bar, feature glass lift and comprising 206 bedrooms (12/01191/FU) was approved on 26th July 2012. Development of this scheme by GB Building Solutions commenced towards the end of 2013 and stopped in March 2015 when the building contractor and its parent company went into administration.

6.0 Public/Local Response:

6.1 Planning Application publicity

- Site Notice 16.04.2018
- Press Notice 30.03.2018
- Little London and Woodhouse Councillors email 20.07.2018

6.2 Comments have been received from:

Leeds Civic Trust wishes to support this planning application for approval, they believe it helps to deliver a high quality building on a stalled city centre site. The only minor comment is that the proposed development comprises entirely of studio apartments,

maybe the developer could consider replacing some studios for more affordable cluster rooms.

7.0 Consultations

7.1 Statutory

7.1.1 Historic England

Historic England do not wish to offer specific comments and they suggest that the Local Planning Authority seeks the views of its specialist conservation advisers.

7.1.2 Leeds City Council (LCC) Transport Development Services

No objection subject to s106 obligations for the implementation and monitoring of the Travel Plan, the costs of changes to TROs for the provision of a loading bay and revenue compensation for loss of parking bays, and planning conditions requiring details of cycle parking, servicing management plan, wind mitigation measures and the implementation of the proposed off-site highways works, and subject to the appropriate road safety audits.

7.2 Non-statutory

7.2.1 LCC Conservation Team

No objection. The proposed additional height to the existing building will have a neutral impact on the setting of adjacent listed buildings and the City Centre and Queen Square Conservation Areas. Taking account of the current appearance of the building, the proposed development will enhance the setting of nearby heritage assets.

7.2.2 LCC Flood Risk Management

No objection subject to a condition requiring further details of surface water drainage.

7.2.3 LCC Environmental Studies (road traffic noise)

Noise mitigation features (glazing and mechanical ventilation) are required to ensure road traffic noise is not an issue within this proposal.

7.2.4 LCC Environmental Health (commercial noise)

There is potential for noise disturbance to future residents from plant and machinery noise associated with the proposed development, and the development also has the potential to cause noise and dust disturbance from the demolition and construction works to nearby existing noise sensitive premises and conditions will have to be specified to mitigate for this. Entertainment and plant noise from the existing neighbouring music venue (O2 Academy) has also been highlighted in the submitted noise report. Environmental Protection have had no noise complaints concerning the Academy since 2014. However, the submitted noise report and sound insulation scheme for the proposed flats relies on the O2 Academy meeting the conditions of their licence, and Environmental Protection state that they recommend a higher specification of sound insulation than that proposed in order to deal with the effects of noise break-out as surveyed in the submitted report.

7.2.5 West Yorkshire Police

The applicant has sought security advice from West Yorkshire Police and advice has been given including window and door specification, lighting and CCTV.

7.2.6 Atkins wind consultants

The applicant's wind study has shown that the new development is expected to have a negative impact on the wind environment in the area adjacent to Woodhouse Lane at the north east of the site, where in a small number of locations, the frequency of

occurrence of strong winds could pose a safety hazard to pedestrians. The applicant's study has proposed a number of mitigation measures, demonstrated by wind tunnel modelling, that reduce the safety and comfort issues, by reducing the wind speeds in this north eastern part of site. It is recommended that significant attention be placed on the detailed design of these features, to ensure that they match the design intent from the wind tunnel modelling, and therefore that the final development meets the required comfort and safety levels.

8.0 Relevant Planning Policies

Statutory Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making at this site, the Development Plan for Leeds currently comprises the following documents:

- The Leeds Core Strategy (Adopted November 2014)
- Saved Unitary Development Plan Review (UDPR) Policies (2006)
- The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013) including revised policies Minerals 13 and 14 (Adopted September 2015)

These development plan policies are supplemented by supplementary planning guidance and documents.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) also needs to be addressed when assessing this proposal.

The Development Plan

8.1.1 Leeds Core Strategy

The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. The most relevant policies are set out below:

Spatial Policy 1 location and scale of development.

Spatial Policy 3 City Centre Development

Spatial policy 6 housing requirement and allocation of housing land

Spatial policy 8 economic development priorities

Policy P10 design

Policy P11 Conservation and heritage

Policy P12 landscape

Policy T1 transport management

Policy T2 accessibility requirements and new development

Policy H2 housing on unallocated sites

Policy H3 housing density

Policy H5 affordable housing

Policy H6B Purpose Built Student Housing

Policy EN1 carbon dioxide reduction

Policy EN2 sustainable design and construction

Policy CC1 City Centre growth, part (b) encourages residential development, providing that it does not prejudice town centre functions and provides a reasonable level of amenity for occupiers.

8.1.2 Leeds Unitary Development Plan Review (UDPR) Saved Policies

The site lies within the designated City Centre. Saved policies that are relevant to this scheme are:

GP5 General Planning Considerations

BD2 Design of new buildings

BD4 All mechanical plant

BD5 states that a satisfactory level of amenity for occupants and surroundings should be provided.

LD1 landscaping

8.1.3 **Leeds Natural Resources and Waste DPD**

Relevant policies include:

Water 1 water efficiency

Water 2 protection of water quality

Water 7 surface water run-off

Land 1 contaminated land

8.2 **Relevant Supplementary Planning Documents and Guidance includes:**

SPD Building for Tomorrow Today: Sustainable Design and Construction

SPD Accessible Leeds

SPD Street Design Guide

SPD Travel Plans

SPD Parking

SPD Tall Buildings Design Guide

SPG Neighbourhoods for Living

8.3 **National Planning Policy Framework July 2018 (NPPF)**

The NPPF sets out the Government's planning policies for England and how these should be applied (para 1), and is a material consideration in planning decisions (para 2). It states that the purpose of the planning system is to contribute to the achievement of sustainable development (para 7). So that sustainable development is pursued in a positive way at the heart of the Framework is a presumption in favour of sustainable development (paras 10-11). It states that decision makers at every level should seek to approve applications for sustainable development where possible (para 38). The Framework sets policies on the following issues which are relevant to this planning application proposal (including section numbers):

- 2 Achieving sustainable development
- 4 Decision making
- 5 Delivering a sufficient supply of homes
- 6 Building a strong competitive economy
- 7 Ensuring the vitality of town centres
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 11 Making effective use of land
- 12 Achieving well designed places
- 14 Meeting the challenge of climate change and flooding
- 15 Conserving and enhancing the natural environment (including noise)
- 16 Conserving and enhancing the historic environment

8.4 **Other material considerations**

8.4.1 **Core Strategy Selective Review (Submission Draft)**

A selective review of the Leeds Core Strategy is presently being undertaken (CSSR). The CSSR includes a review of the housing requirement 2017-2033; the distribution of housing; affordable housing; housing standards; city centre green space; and climate change reduction policies. The submission draft plan was submitted to the Secretary of State for Housing and local government on 9 August 2018 and is evidence of the LPA's emerging policy position.

9.0 **Main Issues**

9.1 Principle of the proposed development

- 9.2 Impact of the design, scale and layout of the proposed buildings on the character of the surrounding area and the setting of nearby listed buildings
- 9.3 Residential Amenity
- 9.4 Highways safety transportation and access
- 9.5 Planning Obligations

10.0 Appraisal

10.1 Principle of the proposed development

- 10.1.1 Despite extensive marketing it has not been possible to find a developer willing or able to complete the development as a hotel and the site has been purchased by a student housing provider. Consequently, the principal issues to consider relate to its proposed use as student accommodation and the extension of the approved tower.

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. Residential amenity is discussed at section 10.3 of this report. Adopted Core Strategy Policy H6B relates specifically to the provision of student housing and is relevant to this application proposal. H6B 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. The application is assessed as follows against the criteria within Policy H6B (represented in italics below):

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

The provision of 312 student studios 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 was previously a surface car park and is currently occupied by a part-built hotel building. The development would therefore not lead to the loss of existing family housing accommodation.

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

The site is located towards the northern edge of the city centre and is very well-placed with regard to access to Leeds Beckett University, directly across Portland Crescent, and the University of Leeds via Calverley Street or Woodhouse Lane.

Criteria (iii) and (v) of the policy are considered in the residential amenity section of this report 10.3.

- 10.1.2 Areas within the ground floor not required by the student development are proposed as a flexible office, food and drink, financial and professional services and/or retail space. This unit would face Woodhouse Lane and would help to animate the streetscene, add variety in land use, generate employment and provide services for local residents, workers and visitors, and these defined town centre uses are encouraged in the City Centre under Core Strategy Policy CC1 and the NPPF.
- 10.1.3 The Council's affordable housing policy (Core Strategy Policy H5) does not apply to purpose-built student housing proposals. Therefore a Section 106 obligation is required to restrict the occupation of the development to full-time students only.
- 10.1.4 The NPPF states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified

needs and support appropriate opportunities to remediate despoiled, degraded, derelict contamination or unstable land. This planning application would offer significant benefit in bringing a derelict partially built and un-used structure into a positive and active use that would provide new homes in a sustainable City Centre location.

- 10.1.5 The principle of the development is considered acceptable in accordance with Core Strategy Policies CC1 and H6B, and the NPPF, subject to the amenity, design, wind and highways considerations outlined in the remainder of this appraisal.

10.2 Impact of the design, scale and layout of the proposed buildings on the character of the surrounding area and the setting of nearby listed buildings

- 10.2.1 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states the statutory duty of Local Planning Authorities to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. The following paragraphs assess the application against the relevant legislation, policy and guidance including paragraphs 189-200 of the NPPF. The heritage assets affected by this proposal and their significance are described in the submitted supporting Heritage Statement, and are noted at section 3 of this report.

- 10.2.2 The building is located in a sensitive setting close to two conservation areas and a number of high-graded listed buildings. The 14 storey tower element is one of a series of tall buildings situated adjacent Woodhouse Lane and to the North of the site that includes Leeds City College Technology Campus, Merrion House and Unites Student Sky Plaza a short distance away. The tower element of the building was approved at 14 storeys, equivalent in height to Leeds City College (former Leeds College of Technology). It is proposed to add two additional storeys to this part of the building which, it is considered, would give the building more elegant proportions. Although taller than Leeds City College this disparity would not be readily evident other than in medium-longer distance views where such a difference in height is not considered harmful. From Queen Square the additional height would provide greater variation when viewed in the context of the other background buildings, Leeds City College and Merrion House. From Millennium Square, largely due to the L-shaped footplate of the building and location further to the north the additional height would not appear significant and the Civic Hall towers would remain the dominant feature. The completion of the building would retain many of the design principles agreed for the approved hotel building including the use of limestone cladding, a chequered window pattern and a glazed ground floor.

- 10.2.3 Consequently, it is considered that the setting of a number of listed buildings and the character and appearance of the Leeds City Centre Conservation Area and the Queen Square Conservation Area would not be harmed by the building proposal. It is considered that the height, massing, layout and materials of the proposal would be appropriate to the scale and form of the nearby surrounding buildings, and that the proposal would also enhance the settings of the nearby Grade II* listed Leeds Civic Hall, Leeds City Museum and Art College and the Grade II listed O2 Academy, and the Leeds City Centre and Queen Square Conservation Areas, by regenerating a prominently located, unsightly partially-built and vacant brownfield site.

- 10.2.2 It is therefore considered that the proposal addresses the requirements of Sections 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the

10.3 Residential Amenity

- 10.3.1 Criteria (iii) of Core Strategy policy H6B aims to avoid excessive concentrations of student accommodation which would undermine the balance and wellbeing of communities. The proposed student accommodation at this site is for 312 students. The area principally comprises a mix of civic and educational uses, together with leisure and retail uses nearby. The adjacent under-construction 67-83 Cookridge Street development will deliver 96 new student studios. There is significant student accommodation at Broadcasting Place to the north-west of the site, and adjacent to the Leeds Beckett University campus approximately 200m to the west. There is a small amount of private residential accommodation across Woodhouse Lane in Queen Square and also in the Brodrick Building adjacent to Millennium Square. There are a number of existing and approved development student housing developments in the wider area. The Arena Village student building to the north east contains approximately 560 existing bedspaces. On Clay Pit Lane, the Plaza and Sky Plaza developments contain in the region of 650 existing student bedspaces. The St Alban's Place scheme is presently under constructed on Belgrave Street with 376 studios and the nearby Symons House scheme will provide 349 student bedspaces in a mixture of clusters and studios. There are also proposals for 752 bedspaces at Hume House, Merrion Way (18/01819/FU), Q1 Residence Wade Lane 98 studio dwellings (18/02139/FU) and 928 student bed-spaces in Unite Podium Buildings Merrion Way (18/00458/FU). In the instance that all proposed developments were to be constructed, there would be approximately 4000 student bed-spaces within a radius of some 250 metres of the site. However, it is not considered that the amenities of existing local residents would be adversely affected by this proposal for student accommodation at this site given the way in which the area is currently used and the wide range of uses present. Further, it is not considered that the number of students proposed cumulatively would result in an excessive concentration of students that would undermine the wellbeing of an area very close to the university campuses and within the context of a busy mixed-use city centre environment.
- 10.2.2 Criteria (v) of policy H6B requires that the proposed accommodation provides satisfactory internal living accommodation in terms of daylight, outlook and juxtaposition of living rooms and bedrooms. Core Strategy Policies CC1(b) and P10, and Saved UDPR Policies BD5 and GP5 also provide more general requirements that development should contribute positively towards quality of life and provide a reasonable level of amenity and useable space. The assessment of amenity is also a wider consideration of qualitative factors including arrangement and separation of living functions (general living, sleeping, studying, eating, cooking, food preparation, storage and circulation), usable shape, outlook, privacy and external amenity space. 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 22sqm; Downing's Cityside, Calverley Street, Leeds (May 2016) where the student showflat was also 22sqm; Vita Student's Telephone House, Sheffield (September 2016) where the average studio size was 20sqm. Planning permission for Vita's Leeds scheme at St Alban's Place in which the smallest 78% of studios would be just over 20sqm was granted in 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 suitable noise environment. Critically, the additional "hub" facilities providing dedicated amenity spaces within the building, together with opportunities to use the neighbouring public space would provide acceptable levels of amenity for the

occupiers of the development. The format of the proposed scheme for this site is very similar to the St Alban's Place development by the same applicant. The average studio size would be 27sqm. The smallest studio at this site would be marginally smaller (18sqm) than those at St Alban's Place but typically the majority of the proposed studios would be larger than most recently approved, and on balance when combined with the amount and range of communal facilities and the overall benefits of the scheme, this is considered acceptable in this case, especially given the limitations of the existing structure. The size of the studio flats, although not spacious when compared to the Nationally Described Space Standards intended for private C3 residential use only, are considered acceptable on balance given the standard of amenity including the layout and juxtaposition of living functions for the occupiers, when combined with a reasonable level of communal space provided for this purpose-built specialist student accommodation. Vita state that this would include multi-purpose recreational spaces, cinema rooms, gaming rooms, private dining rooms, individual study rooms, group study rooms, gym facilities and laundry rooms (approximately 1500sqm in total).

10.2.3 The floor layout of the student accommodation now proposed at Portland Crescent would be very similar to the approved layout for the hotel. As such, student accommodation in the rear elevations of the building, facing 67-83 Woodhouse Lane, would benefit from reasonable, if not open, outlooks towards the courtyard areas up to level 5. Above that level the floorplate of 67-83 Woodhouse Lane reduces such that the living conditions of occupiers of student accommodation at Portland Crescent would improve further, enjoying a totally open outlook in the top 8 levels of accommodation.

10.4.4 Paragraph 182 of the NPPF states that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as music venues). The NPPF goes on to state that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development in its vicinity, the applicant (or "agent of change") should be required to provide suitable mitigation before the development is completed. In this case, the submitted noise report has highlighted that on the night of the survey, noise break-out from the O2 Academy was in excess of the terms of its current Licence.

The applicant proposes the following noise mitigation specification which would operate in conjunction with a mechanical ventilation system:

- All windows within approximately 35m of the O2 Academy roof at levels 01 to 04: 55dB Rw (will require secondary glazing).
- All other 1st floor windows within approximately 50 m of the O2 Academy roof: 45 dB Rw (can be achieved with double glazed windows)
- All other windows facing the O2 Academy roof up to Level 10: 40 dB Rw (can be achieved by double glazed windows)
- Windows to the tower facing the O2 Academy roof, Level 11 to 15: 38 dB Rw.(i.e. no less than 50 m from the O2 Academy roof) (can be achieved by double glazed windows)

Although the above works would not mitigate against the maximum noise break-out recorded on the night of the survey, in this case, the applicant is proposing noise insulation measures which would provide a significantly greater level of mitigation from noise breakout from the O2 Academy than the level permitted by its premises Licence.

In addition, Environmental Health have confirmed that there have been no complaints regarding noise from the O2 Academy since 2014 (which was due to noise from patrons using the outside area), despite there being noise sensitive premises (residential) nearby on Portland Gate.

It should also be noted that the overall sound insulation specifications proposed would exceed the specification of the approved flats adjacent at the former Walkabout site, where the approved noise report for that application highlighted a lower level of noise break-out associated with the O2 Academy.

The extant Licence conditions for the O2 Academy would provide the Council the means to address any potential future complaints about noise breakout in a proportionate manner

On the basis of the above, and taking account of the overall regeneration benefits of the proposal, it is considered on balance that the proposed sound insulation specification is acceptable in this case and would be the subject of a planning condition.

- 10.4.5 The proposed student dwellings and their associated communal facilities would benefit from satisfactory internal living conditions in relation to environmental noise, would be an appropriate size and layout with satisfactory daylight, circulation and juxtaposition of living functions. It is considered that the scheme would on balance meet the residential amenity, housing mix and sustainability objectives of Core Strategy Policies H6B and CC1 and Saved UDPR Policies GP5 and BD5.

10.5 Highways, transportation and access

- 10.5.1 The site is in a very accessible and sustainable location and no car parking is proposed to serve the site. It is within walking distance to the main university campuses, Leeds General Infirmary, retail and leisure facilities, the railway station and City Centre bus stops and interchanges. The Council's parking guidelines do not set a minimum parking requirement for development in the City Centre Core area but requires that the development does not result in adverse highway safety or amenity issues. In this case it is considered zero car parking provision is acceptable given the sustainable City Centre location of the development, the nature of the student housing use, a planning obligation that makes clear in student tenancies that they should not bring a car to Leeds, the implementation of the Travel Plan, and the controlled and enforced nature of parking controls on surrounding streets.
- 10.5.2 The applicant has submitted an acceptable Travel Plan and the implementation of the travel plan and the travel plan monitoring fee would be controlled through the Section 106 agreement. Highways officers also recommend a restriction that tenants do not bring a private car to the area unless they are a disabled person who requires a car (i.e. a Blue Badge holder). This would be controlled by the Section 106 agreement.
- 10.5.3 Secure cycle storage and bin storage is identified on the plans. The principle of the proposed bin storage locations are considered acceptable in terms of visual amenity (located in clearly defined bin stores, and concealed from the street scene) and highways terms, providing a condition is applied precluding storage of the bins on the footway. Exact details of servicing, deliveries and refuse and recycling storage and collection would be controlled by condition. A loading bay would be provided on Portland Crescent and this would require alterations to existing Traffic Regulation Orders and compensation for loss of revenue from 2 pay and display bays, which would be met by the applicant as a planning obligation.

10.5.4 There is an existing high pedestrian footfall close to the site and this is only likely to further intensify upon completion of the development and other student accommodation buildings within the city centre, together with developments within the university campuses themselves. At City Plans Panel on 23rd November 2017 Members commented that further consideration was required around the provision of enhanced pedestrian connections to address pedestrian generation/movement in the immediate area. Following the environmental improvements to Clay Pit Lane brought forward as part of the arena development, the work to improve the Clay Pit Lane / Woodhouse Lane / Cookridge Street junction is underway. This work, on the northwest, northeast and south-eastern corners of the junction, will provide new areas of public realm including infilling the former subway, improving pedestrian desire-lines and the provision of new soft landscaping. The space to the north of the proposed building has been designed to complement the forthcoming landscaping and connectivity improvements being delivered on the other corners of the Woodhouse Lane / Clay Pit Lane / Cookridge Street junction. The scope of works required to improve highways safety and amenity as part of this proposal are set out at paragraph 2.3 have been agreed with the applicant and full details would be controlled by planning condition.

10.5.6 The applicant has submitted a quantitative wind report prepared by an appropriately qualified and experienced wind expert (RWDI), which has been based on wind tunnel testing. The RWDI study has shown that the new development could have a negative impact on the wind environment in the area adjacent to Woodhouse Lane at the north east of the site, including generating a small number of locations where the frequency of occurrence of strong winds could pose a safety hazard to pedestrians. As a result the report concludes that wind mitigation is required as a result of the development, and that this needs to be located on the public highway, due to the constraints of the existing part-built building structure. The applicant's wind report recommends the following mitigation works on the public highway:

- 3 x 50% porous screens with a height of 2.5m and a width of 2m in the vicinity of the Junction of Portland Crescent and Woodhouse Lane
- 1 x elevated 50% porous screens with a height of 2.5m and a width of 2m in the vicinity of the Junction of Portland Crescent and Woodhouse Lane, with a vertical clearance above ground of 2.4m
- 1 x 50% porous screens with a height of 2.5m and a width of 2m in the vicinity of the Junction of Cookridge Street and Woodhouse Lane

In addition to the mitigation measures above, the main entrance to the student accommodation requires mitigation. This can be achieved by recessing the entrance by 1.5m, by planters in the height of at least 1.5m on either side of the entrances or by screens with a width of 1.5m on either side of the entrance. Based on the applicant's wind consultant's professional experience these forms of mitigation measures are expected to mitigate the unsuitable wind conditions at this location.

As the rooftop terrace locations are expecting a mixture of mainly sitting use and standing use conditions in less windier months, the inclusion of soft landscaping, such as planters of a minimum height of 1.5m or trellises/side screening, within the private terrace spaces exceeding the sitting use criteria would enhance the usability of these spaces for amenity use if calmer conditions are desired.

10.5.7 The wind report has been independently peer reviewed on behalf of the Council by Atkins and they have confirmed that the report findings including the proposed mitigation measures are reasonable. The full details of the mitigation measures will be controlled by planning condition.

10.5.8 Since the mitigation works would be located in the adopted highway, Highways officers have confirmed that the works would require a separate Section 278 agreement, with an on-going maintenance agreement to ensure that the applicants or their successors maintain the effective performance of wind mitigation features at their expense. The S278 legal agreement would be similar to the type in place for Bridgewater Place with obligations that last for as long as the building is in place or until the wind issue is resolved by other means.

10.5.9 It is therefore considered on balance that the proposal would not give rise to additional road safety or amenity issues, and the application proposal would meet the objectives of Core Strategy Policies T1, T2 and P10, Saved UDPR Policy GP5 and the Travel Plans and Parking SPDs.

10.6 Planning obligations

10.6.1 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.

10.6.2 Adopted policies are likely to result in the following necessary Section 106 matters:

- Restriction on occupancy to full-time students only
- Restriction on student car parking
- Travel plan monitoring fee £3560
- Revenue compensation for loss of 2 Pay & Display car parking bays £20,470
- Contribution to cost of Traffic Regulation Order for a loading bay £7,500
- Cooperation with local jobs and skills initiatives
- Management fee £1500

10.6.3 The proposal would be subject to the Community Infrastructure Levy (CIL) and the sum calculated at planning application stage is £78,143.40. This is for information only and is not a material planning consideration.

11.0 Conclusion

11.1 The incomplete appearance of the hotel development and the associated temporary arrangements for pedestrians, delivery of materials and the position of the site cabins, have been a significant concern for a considerable period of time. Consequently, expediting the completion of the building work and restoration of surrounding land and highways would be beneficial and highly desirable. This scheme is a prominently-sited regeneration opportunity that would deliver new student residential dwellings in a sustainable location, and resolve the current issues of an unsightly part-completed building with undesirable pedestrian and vehicular diversions around the site compound. For the reasons set out above, in accordance with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF, the application proposal would enhance the setting of a number of listed buildings and the character and appearance of two conservation areas. The proposal is in accordance with the Development Plan and national planning policy as described above, and it is recommended that planning permission is granted, subject to the conditions and planning obligations set out.

Background Papers:

Application file 18/01711/FU

Appendix 1 Draft Conditions for 18/01711/FU

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 plans listed in the Plans Schedule

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

3. The approved Phase II Site Investigation Report has demonstrated that a Remediation Statement is necessary. Development shall not commence until a Remediation Statement demonstrating how the site will be made suitable for the intended use has been submitted to, and approved in writing by, the Local Planning Authority. The Remediation Statement shall include a programme for all works and for the provision of Verification Reports.

To ensure that the presence of contamination is identified, risks assessed and proposed remediation works are agreed in order to make the site 'suitable for use' in accordance with policies Land 1 of the Natural Resources and Waste Local Plan 2013 and GP5 of the Unitary Development Plan Review 2006.

4. If remediation is unable to proceed in accordance with the approved Remediation Statement, or where significant unexpected contamination is encountered, the Local Planning Authority shall be notified in writing immediately and operations on the affected part of the site shall cease. An amended or new Remediation Statement shall be submitted to, and approved in writing by, the Local Planning Authority prior to any further remediation works which shall thereafter be carried out in accordance with the revised approved Statement.

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

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

To ensure that the remediation works are fully implemented as agreed and the site has

been demonstrated to be suitable for use in accordance with policies Land 1 of the Natural Resources and Waste Local Plan 2013 and GP5 of the Unitary Development Plan Review 2006.

6. The development shall be carried out in accordance with the approved Bowmer and Kirkland Site Logistics Plan and the Vita Leeds Accommodation Method Statement submitted 11th July 2018. Construction works shall be restricted to 0800-1800 hours Monday to Friday, 0800-1300 hours on Saturdays, with no works on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of residential amenity and highways safety.

7. Development shall not commence, excluding remediation works, 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 works shall be completed in accordance with the approved details prior to first occupation of the building. No piped discharge of surface water shall take place until works have been completed in accordance with the approved details.

In the interests of sustainable drainage and flood prevention.

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

In the interests of visual amenity in order to accord with Leeds Core Strategy Policy P10, Saved UDP Review Policies GP5 and BD2, and the NPPF.

9. No building works shall be commenced until full 1 to 20 scale working drawing details of the following have been submitted to and approved in writing by the Local Planning Authority:
 - a. soffit, roof line and eaves treatments
 - b. junctions between materials
 - c. each type of window bay proposed
 - d. ground floor frontages

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

In the interests of visual amenity and the character of the surrounding area, in order to accord with Leeds Core Strategy Policy P10, Saved UDPR Policies GP5 and BD2, and the NPPF.

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

In the interests of visual amenity in accordance with Leeds Core Strategy Policy P12, Saved UDP Review Policies GP5 and LD1, and the NPPF.

- 11 Landscaping works shall not commence until full details of both hard and soft landscape works, including an implementation programme, have been submitted to and approved in writing by the Local Planning Authority. Hard landscape works shall include

- (a) proposed finished levels and/or contours,
- (b) boundary details and means of enclosure,
- (c) car parking layouts,
- (d) other vehicle and pedestrian access and circulation areas,
- (e) hard surfacing areas,
- (f) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.),
- (g) proposed and existing functional services above and below ground (e.g. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.).

Soft landscape works shall include

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

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

To ensure the provision and establishment of acceptable landscape in accordance with Leeds Core Strategy Policy P12, Saved Leeds UDP Review (2006) policies GP5, N23, N25 and LD1.

- 12 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The landscape management plan shall be carried out as approved.

To ensure successful aftercare of landscaping, in accordance with adopted Leeds Core Strategy Policy P12, Saved UDP Review (2006) policies GP5 and LD1 and the NPPF.

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

To ensure maintenance of a healthy landscape scheme, in accordance with Leeds Core Strategy Policy P12, Saved UDP Review (2006) policies GP5 and LD1 and the NPPF

- 14 Full working drawing details of the wind mitigation measures described in RWDI report RWDI #1801660 PLW REV-D dated 11th July 2018 and shown on Reform drawing references LSVITA-RLA-ZZ-XX-DR-L-0001-02 P02 and LSVITA-RLA-ZZ-XX-DR-L-0003 P04 shall be submitted to and approved in writing by the Local Planning Authority. Works shall be completed in accordance with the approved details prior to first occupation of the building and retained as such thereafter.

In the interests of pedestrian, cyclist and vehicular safety.

- 15 No building works shall take place until details for the provision of off-site highways works shown on the submitted plan reference including the following measures:
- a) The proposed dropped kerbs and tactile paving at the informal pedestrian crossings at Portland Crescent;
 - b) The proposed replacement of the existing pay and display parking bay markings with the continuation of the yellow road markings and provision of the servicing/loading bay at Portland Crescent will be required including provision of a servicing/loading bay at Portland Crescent and amendment to TROs;
 - c) Paving works on the footway at the site frontage at Portland Crescent, A660 Woodhouse Lane and Cookridge Street will be undertaken;
 - d) Resurfacing works on the part of the footway at the north flank of Portland Crescent that forms a triangle (Portland Crescent/Woodhouse Lane triangle);
 - e) Wind mitigation features would be constructed within adopted highway; and
 - f) Construction of a table at the Portland Crescent junction with A660 Woodhouse Lane to reduce the speed of vehicles and enhance pedestrian safety is required.

have been submitted to and approved in writing by the Local Planning Authority for inclusion in the section 278 Highways Agreement or to be secured by such other procedure as may be agreed between the applicants and the Local Planning Authority. Works shall be carried out in accordance with the approved details prior to the first occupation of the development.

In the interests of pedestrian and vehicular safety.

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

In order to meet the aims of the Leeds Core Strategy Policies T1 and T2, and the NPPF

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

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

- 18 Prior to commencement of above ground works, details of a noise and mechanical ventilation strategy designed to protect the occupants of this development from environmental noise shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the development, details of acoustic tests within habitable rooms shall be submitted to and approved in writing by the Local Planning Authority. In the event that sound levels exceed the approved limits, the applicant shall undertake corrective action and re-test. The approved details shall be retained as such thereafter.

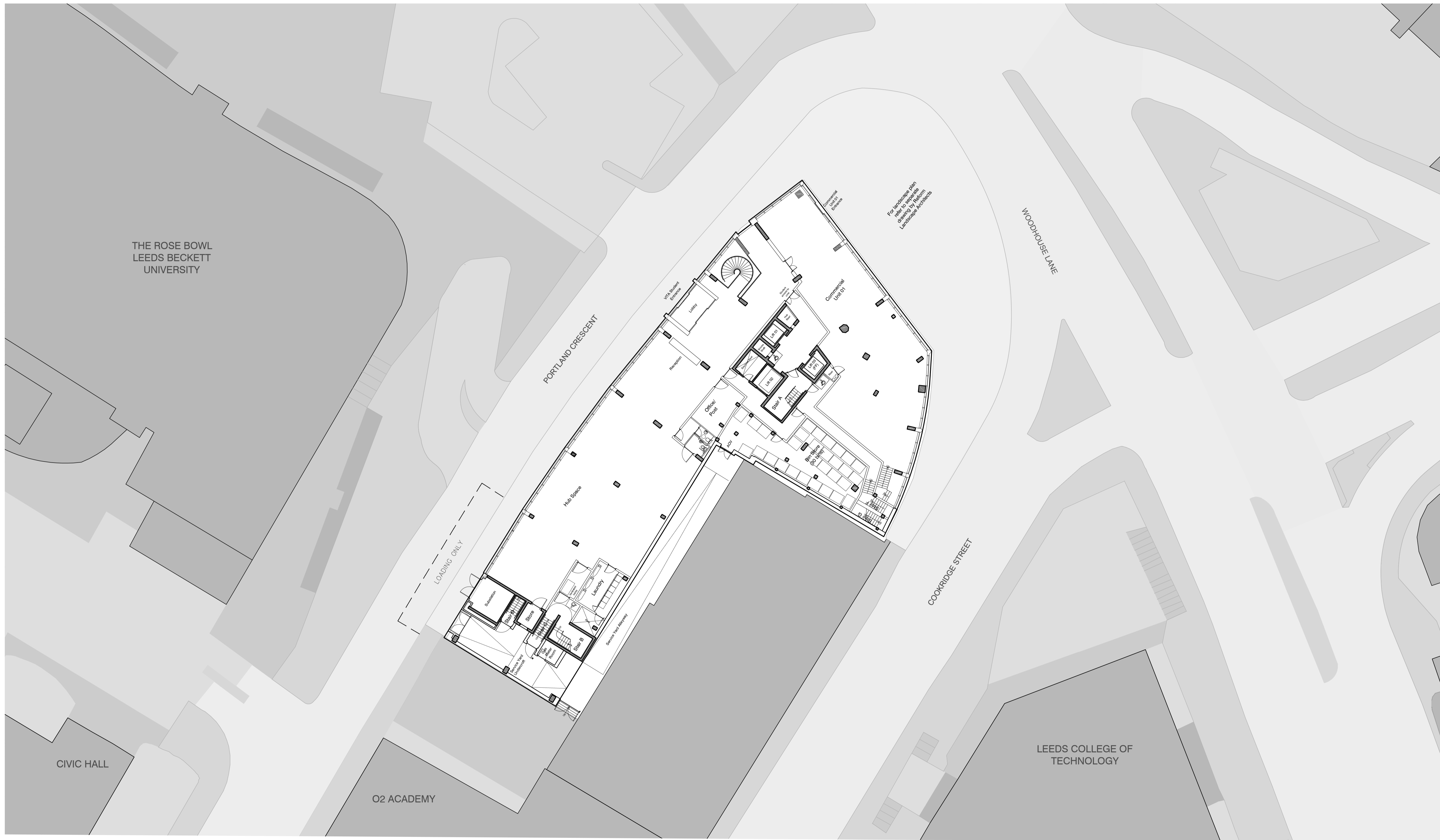
In the interests of residential amenity.

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

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

20 Development shall not be occupied until a Servicing and Deliveries 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 in accordance with adopted Leeds Core Strategy policy T2.



01 Site Plan
Scale - 1:200

/	Preliminary Issue	SB	09.11.2017
R1	Landscape added	SB	03.01.2018
R2	Pre Planning Issue	NSS	09.02.2018
R3	Amended with latest GF plan.	NSS	21.02.2018
R4	PLANNING ISSUE	NSS	02.03.2018
P1	Planning update	DE	06.07.2018

Revision: Description: **Planning** By: Date:



Location Plan:

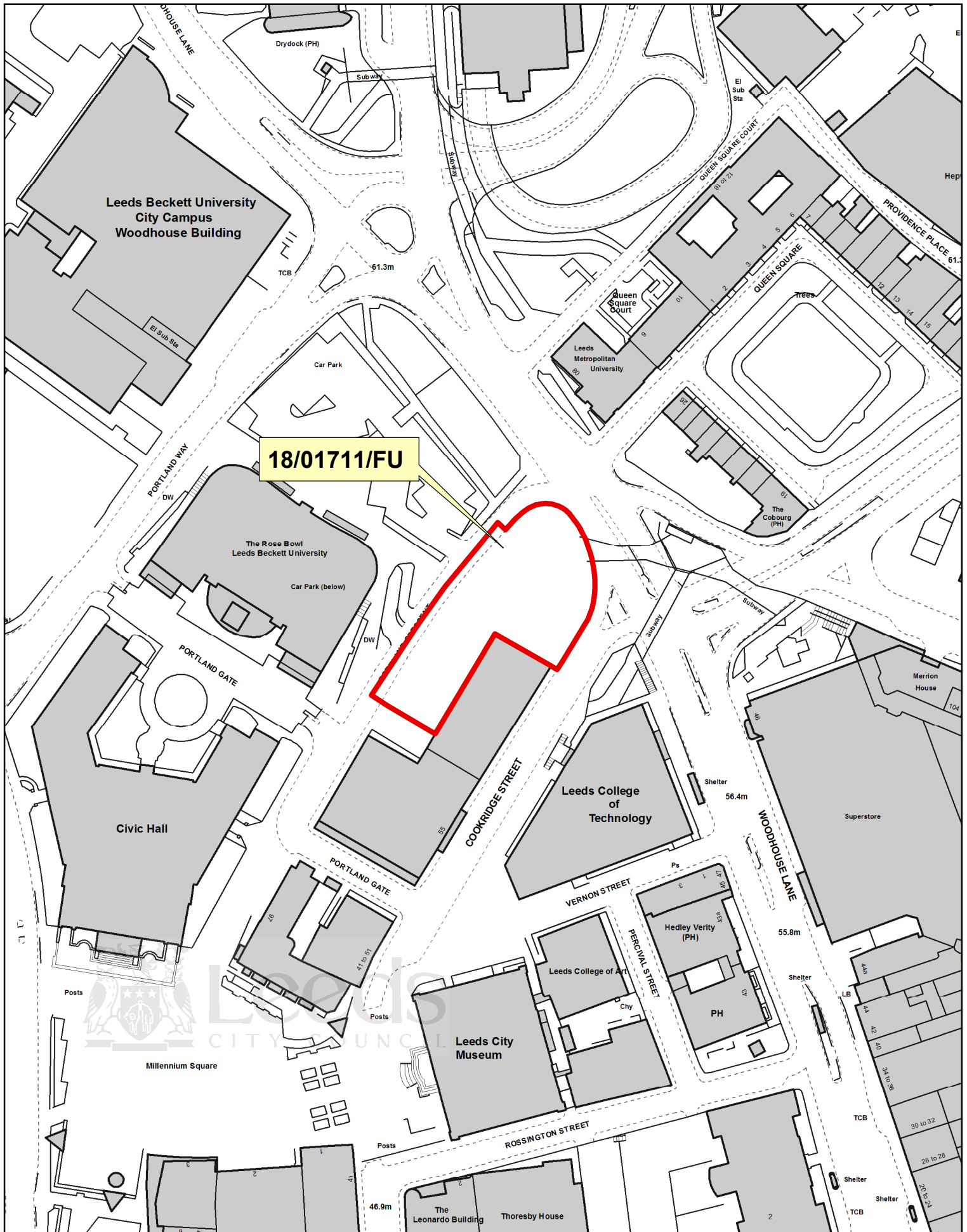
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Drawn by: NSS	Checked by: SB

Project Name:
VITA Student at Portland Crescent, Leeds
Drawing Title:
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CITY PLANS PANEL

