



Report of the Chief Planning Officer

City Plans Panel

Date: 15th November 2018

Subject: Planning application reference 18/04278/FU for redevelopment of restaurant site to provide student accommodation up to 11 storeys with ancillary facilities, access and landscaping at 6 Bingley Street, Woodhouse, Leeds LS3 1LX

Applicant	Date Valid	Target Date
Gregory Projects (Bingley Street) Limited And Maxi's (Yorkshire) Co. Ltd.	20.07.2018	30.11.2018

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**
- **Traffic regulation order contribution £7500**
- **Off-site tree planting contribution £9180**
- **Travel plan monitoring fee £2500**
- **Cooperation with local jobs and skills initiatives**

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

Draft Conditions for 18/04278/FU See Appendix 1

1.0 Introduction:

This report is brought to City Plans Panel because it relates to a major planning application in the City Centre.

2.0 Proposal

2.1 The proposal is for a part 8/part 11 storey purpose built student housing building in bronze anodic metal cladding with glazed curtain walling for 90 student flats. The accommodation would consist of:

29 studio flats 27.5-29.5sqm

61 cluster flats in the following combination and size:

359 Cluster Bedrooms - all 13.5sqm except for 2 accessible cluster bedrooms at 19.7sqm each and 9 accessible cluster bedroom 20.6sqm each.

4 bedroom cluster with 20 sqm Kitchen – Total 1

5 bedroom cluster with 20 sqm Kitchen – Total 3

5 bedroom cluster with 24 sqm Kitchen – Total 8

6 bedroom cluster with 24.3 sqm Kitchens – Total 9

6 bedroom cluster with 35 sqm Kitchen - Total 1

5 bedroom cluster with 25 sqm Kitchen – Total 1

5 bedroom cluster with 35.28 sqm Kitchen – Total 2

5 bedroom cluster with 37.4 sqm Kitchen – Total 8

7 bedroom with 35.4 sqm Kitchen – Total 24

7 bedroom cluster with 33.2 sqm Kitchen – Total 1

8 bedroom cluster with 39 sqm Kitchen – Total 1

11 bedroom cluster with 2 Kitchens, each 32.8 sqm – Total 2

Approximately 360 square metres of communal and social space including a lounge, cinema, gym, games area, and study space facilities.

The proposal would include a landscaped courtyard with nine new Hornbeam trees. Nine trees would be removed from the site, False Acacia, Cherry, Pine, Cypress, Corkscrew Willow, Ash, Rowan, Whitebeam, Goat Willow and Silver Birch.

2.2 A pick-up and drop off area would be accessed from the access road off Bingley Street, with five dedicated car parking bays. Servicing and delivery access, including the refuse store is also accessed from the access road off Bingley Street and would be positioned within a secure store with a green roof along the eastern site boundary. Secure cycle parking for 82 bicycles would be provided to the north of the building in a purpose built store with a green roof. 20 short stay cycle parking spaces (Sheffield stands) are proposed at the south west corner of the building. Six motorcycle spaces are also proposed adjacent to the cycle store.

2.3 A minimum of 10% energy generation would be developed through on site low carbon energy sources, through the use of a combined heat and power (CHP) system and rooftop solar panels. The scheme would also meet BREEAM Excellent for multi-residential buildings.

2.4 The planning application is supported by the following documents:

- Scaled plans
- Design and Access Statement
- Planning Statement
- Statement of Community Involvement
- Student housing demand report
- Tree Survey

- Energy Statement
- BREEAM Statement
- Noise Report
- Coal Report
- Air Quality Report
- Transport Statement
- Travel Plan
- Traffic Management Plan
- Land Contamination report
- Ventilation/extraction statement
- Utilities report
- Flood Risk Assessment
- Flood Risk Sequential and Exceptions Test
- Wind report

3.0 Site and Surroundings:

- 3.1 The application site currently consists of the three storey pitched roof brick and render Maxi's restaurant, with surface car parking to the south and east. The southern and western edges of the site feature mature planting and a tree to the corner of the access road. Tree species include False Acacia, Cherry, Pine, Cypress and Corkscrew Willow, and native species Ash, Rowan, Whitebeam, Goat Willow and Silver Birch. The restaurant is some 3-4 metres lower than Bingley Street at its junction with Cavendish Street at the north western corner of the site. At the rear of the restaurant is a single storey lean-to building sited against the retaining wall, this appears to be in use as additional storage and kitchens.
- 3.2 To the north is an attractive two storey red-brick traditional street corner public house with an unusual narrow tapering plan form, The Highland, dating from the 1890s, which has residential use at its upper floor, and features 5 south facing windows, approximately 15 metres from the northern boundary of the application site. The Highland originally formed part of a residential terrace, and is the last remaining fragment from the demolition of back-back terrace streets in the mid-20th century clearance programmes. It is considered to be a non-designated heritage asset that has a positive impact on the character of the surrounding area. The pub has a slightly elevated position, with rough grassed land rising steeply behind it, marking the fork between two streets Rutland Terrace and Rutland Street. Burley Street lies to the north above the site, and can be accessed from steps adjacent to Sentinel Towers.
- 3.3 Where Cavendish Street, Rutland Terrace, Bingley Street and Rutland Street meet the road surface is part tarmac and part cobble, and is blocked by the gates of the BT site which closes off this part of the street. The BT building is a part 5/part 6 storey brick building which sits above and behind a retaining wall some 3 metres above the car park of the Maxi's restaurant. A fence runs along the site boundary behind an overgrown area above the retaining wall.
- 3.4 To the west lies The Foundry, a part 6/7/8/9 storey purpose built student housing building, clad in bronze and grey zinc panel cladding. To the south of this lies the construction site at 84 Kirkstall Road, where works are underway to build a part 8/9/10/11 storey open market residential building for 107 flats.
- 3.5 To the south of the site lies the part one/part two storey Napoleons Casino building in beige brick with mansard roof.
- 3.6 To the east lies a warehouse and associated car park. This consists of a two storey brick and metal clad warehouse and car showroom. It is served from the same access

road as Maxis restaurant, and is separated by a metal fence along the boundary with the restaurant car park.

- 3.7 The immediate surrounding area is characterised by student housing, offices, and leisure uses. The area was mainly commercial and industrial in character, however recent developments have increased the mix of uses and facilities in the area, which is within the designated City Centre and for car parking standards purposes the Fringe Commuter Parking Control Area. The site also lies within the area covered by informal supplementary planning guidance, the Kirkstall Road Renaissance Area Planning Framework 2007. The site is within Flood Risk Zone 3

4.0 History of Negotiations

- 4.1 One pre-application meeting took place with planning, design and highways officers in 2018 with the applicant. The applicant decided not to present their emerging proposals to City Plans Panel prior to submitting a planning application.
- 4.2 The applicant undertook pre-application consultation with neighbouring landowners, Leeds Civic Trust, Little Woodhouse Community Association (LWCA), Little Woodhouse Neighbourhood Plan Forum (LWNPF), and Little London and Woodhouse Ward Councillors. The responses have been described in the applicant's Planning Statement, and reflect the subsequent comments made on the submitted planning application by these organisations, which are summarised below.

5.0 Relevant Planning History

- 5.1 Under planning reference 13/01198/OT outline planning permission was granted for demolition of the existing building and construction of part five, part eight storey mixed use development consisting of office, hotel and use classes A1, A2 & A3 floorspace and basement car parking. The application was approved in principle at City Plans Panel 12th December 2013 and planning permission subsequently granted 7th April 2014 following the completion of the legal agreement. This permission has expired.

6.0 Public/Local Response:

- 6.1 Planning Application publicity:
- Leeds City Council Public Access website 20.07.2018
 - Site Notice 26.07.2018
 - Press Notice 11.05.2018
 - Little London and Woodhouse Councillors consulted 26.07.2018
- 6.2 Comments have been received from neighbouring landowner at Napoleon's Casino stating that they have no objection in principle to the redevelopment of the site, but have the following comments/concerns:
- a. It is important that the access road off Bingley Street that serves the development site, the casino and the business units to the east remains open for use at all times.
 - b. The orientation of the south facing kitchen/living rooms could prevent the successful regeneration of the casino site if it became a development site in future. The kitchen/living rooms should be reoriented away from the casino site in order to avoid directly overlooking it.
 - c. The proposal could lead to future Rights to Light claims
 - d. The siting of a noise sensitive use adjacent to the late-night casino could restrict its operation in future
 - e. The location of the vehicle access gate at the eastern end the application site would require turning movements that include access onto the neighbouring land to the south.

- 6.3 Comments have been received from Leeds Civic Trust, with the following concerns:

- a. Question whether the level of amenity space provided is adequate for this site, and whether what is proposed is an over-development.
- b. The fact that this is a student scheme should not mean that amenity is compromised.
- c. Question the location and accessibility of the proposed cycle parking.

6.4 Objection from Little Woodhouse Community Association and Neighbourhood Forum highlighting the following concerns:

- a. There are already approximately 5000 purpose built student bedspaces in the Burley Road area, with more proposed and/or under construction in the Leeds Arena area. There is an excess of such accommodation and building more might result in surplus student accommodation and empty spaces. It will be expensive to retro-fit to convert to another use.
- b. Impact from late-night noise from students from this building on the local community along pedestrian desire lines to/from City Centre including Marlborough Street and Park Lane. There should be a proper management plan to prevent adverse impact on existing local residents.
- c. The lack of flat size standards for students
- d. Risk of late-night noise from external terraces on the roof of the building on residents on Marlborough Street
- e. The building is on the flight path to Leeds Bradford Airport
- f. Congestion from private hire taxis in the day and in the evenings
- g. Windows should not be openable to keep noise in the building and prevent it from spilling into the surrounding area
- h. Questions the validity of the submitted student housing demand report

7.0 Consultations

7.1 Statutory

7.1.1 Environment Agency

No objection subject to a condition that requires the development to be carried out in accordance with the flood risk assessment.

7.1.2 Coal Authority

No objection.

7.2 Non-statutory

7.2.1 Leeds City Council (LCC) Transport Development Services

No objection.

7.2.2 LCC Flood Risk Management

No objection subject to conditions requiring full details of a surface water drainage scheme and a flood warning and evacuation plan.

7.2.3 LCC Environmental Studies (Noise)

If the noise mitigation features (glazing and alternative means of ventilation such as mechanical ventilation units) are installed as proposed, then road traffic noise should not be an issue within this proposal.

7.2.4 LCC Environmental Studies (Air Quality)

No objection subject to the provision of electric vehicle charging points. Local air quality monitoring data indicate that air quality at this site is not at risk of falling below the relevant UK standards and no air quality objectives are likely to be breached as a direct result of traffic arising from the development.

7.2.5 Yorkshire Water

No objection subject to conditions requiring details of surface water drainage.

7.2.6 West Yorkshire Police
The developer is advised to use Secured By Design products for doors and windows.

7.2.7 West Yorkshire Combined Authority (WYCA)
Bus services which operate on Burley Street include the 50/50A which operates between Seacroft and Horsforth via Leeds City Centre and the 19/19A which operates between Tinshill and East Garforth via Leeds City Centre all at a 10 minute frequency. The bus availability for the site is therefore considered to be acceptable. The size of the development is unlikely to change the bus route of frequency. The closest bus stops on this corridor 24093 and 11452 on Burley Street would benefit by the installation of a Real Time Information display at a cost to the developer of £10,000.00 each. In order to access this stop, safe and direct pedestrian links are required.

7.2.8 BMT Wind Consultants
The applicant has submitted a quantitative wind assessment in support of the proposal which states that the wind environment would be acceptable for all users in the vicinity of the building and that the building is unlikely to generate wind conditions that would cause distress to pedestrians, or result in a danger to high-sided or other road vehicles. The Council instructed independent wind expert BMT to review the report and they have confirmed that the applicant's assessment is acceptable.

8.0 Relevant Planning Policies

8.1 Statutory Context

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

1. The Leeds Core Strategy (Adopted November 2014)
2. Saved Unitary Development Plan Review Policies (UDPR 2006)
3. The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013)

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

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 3 City Centre Development

Spatial Policy 1 location and scale of development.

Spatial policy 6 housing requirement and allocation of housing land

Spatial policy 8 economic development priorities

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.

Policy P10 design

P11 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 H4 housing mix
Policy H5 affordable housing
Policy H6B Purpose Built Student Housing
Policy EN1 carbon dioxide reduction
Policy EN2 sustainable design and construction
Policy EN5 identifies requirements to manage flood risk

8.1.2 **Leeds Unitary Development Plan Review 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 Local Plan**

Relevant policies include:

Air 1 management of air quality through new development
Water 1 water efficiency
Water 2 protection of water quality
Water 4 development in flood risk areas
Water 6 flood risk assessments
Water 7 surface water run-off
Land 1 contaminated land
Land 2 development and trees
Minerals 3 coal

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
SPG Neighbourhoods for Living
SPG Kirkstall Road Renaissance Area Planning Framework

8.3 **National Planning Policy Framework (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.

8.4.2 **Emerging Site Allocations Plan (SAP)**

The site is allocated in the emerging SAP for 7330 sqm office employment use under reference Office – EO1-9 – Kirkstall Road - Maxis Restaurant. The SAP has been through the examination in public.

8.4.3 **Emerging Little Woodhouse Neighbourhood Plan**

The site is included in the emerging plan area. It is understood that the LWNP Forum will be conducting their Pre-Submission Consultation shortly.

9.0 **Main Issues**

- 9.1 Principle of the proposed development
- 9.2 Urban design and the setting of a nearby non-designated heritage asset
- 9.3 Residential quality, amenity and sustainability
- 9.4 Highways, transportation and access
- 9.5 Flood Risk
- 9.6 Planning Obligations

10.0 **Appraisal**

10.1 **Principle of the proposed development**

10.1.1 The site is unallocated in the Saved Policies of the Unitary Development Plan Review (UDPR). The site is identified as an office site within the Site Allocations Plan (SAP). It is identified for 7330 sqm based on the 2014 outline planning permission. The SAP has been through the examination in public, and in this case no representations were received during the consultation process, and therefore has considerable weight. However this does not preclude other types of development proposals being submitted and the proposal should be considered on its merits. In this case both the Leeds Core Strategy and the NPPF are supportive of sustainable development, and as described below it is considered that this proposal is sustainable in terms of design, amenity, flood risk, transport provision and site location. An office use planning permission was granted for this site in 2014, however it was not implemented and has now expired. No further office proposals for this site have come forward in the intervening time. The latest evidence indicates that there is sufficient city centre office supply (as at April 2017) in the City Centre and the rest of the district to satisfy the requirements set in Core Strategy policies SP9 and EC2. Therefore loss of this identified site for 7330sqm of office floorspace is not considered to be a sufficient reason to refuse the application on this basis at the present time.

10.1.2 Core Strategy Policy H6B relates specifically to the provision of student housing and is relevant to this application proposal. The application is assessed as follows against the criteria within Policy H6B (represented in italics below):

i) states that development proposals should help extend the supply of student accommodation taking pressure off the need for private housing to be used.

This proposal would assist this objective by providing 407 purpose-built student bedspaces which would help to take pressure off the need to use private housing for student accommodation.

ii) states that development proposals should avoid the loss of existing housing suitable for family occupation

This proposal would also meet this objective, because it does not propose the loss of any family housing.

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

The site is located close to the universities, within easy walking and cycling distance.

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

10.1.3 With regard to the Kirkstall Road Renaissance Area Planning Framework (an informal SPG guidance) this advises against further residential development in the defined City Heights area. Although significant student residential developments have taken place in this area in recent years, there is still a predominance of commercial and leisure uses in the area. This document pre-dates both the NPPF and the Core Strategy, which do not restrict further residential development in this area.

10.1.4 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.

10.1.5 As such, the principle of the development is considered acceptable in accordance with Core Strategy Policies SP3, CC1 and H6B and the NPPF, subject to the other planning considerations such as design, amenity, highways, flood risk, drainage and wind considerations as outlined in the remainder of this appraisal.

10.2 Urban Design and the setting of a nearby non-designated heritage asset

10.2.1 The scale of existing and adjacent proposed buildings in the area varies between generally lower scale units such as Napoleon's casino and 6-8 storeys or more across the nearby 84 Kirkstall Road (up to 11 storeys) , The Foundry (up to 9 storeys), BT building, Holiday Inn, Sentinel Towers, Tannery, and Opal One and Two sites. The design and scale of the proposed building at 8-11 storeys is considered to be compatible to the scale and character of existing and emerging neighbouring buildings and the surrounding area. It is considered that the scale responds to the context and scale of the area to along Kirkstall Road as it leads away from the City Centre to the west of Marlborough Street. The proposed scale and form of the building would be in keeping with the heights of the adjoining BT Building, The Foundry, The Tannery and Sentinel Towers buildings, and the development underway at 84 Kirkstall Road. The proposed building would step away to take account of the more sensitive residential use closest to the pub.

10.2.2 It is considered that the modern, calm design in anodic-finished bronze-coloured metal panels and glazed curtain walling would complement the wide variety of materials in the area including the existing nearby buildings, with visual interest created by the pattern of glazing and vertical recessed and projecting bands with perforated metal infills. The architecture would have a simple ordered appearance with a vertical emphasis of the double height window adding visual interest and

rhythm, which would also complement the similar approach and the materiality of The Foundry and the emerging building at 84 Kirkstall Road.

- 10.2.3 At the northern side of the site the application proposal would be sited approximately 22m south from the Highland Pub, with a building height of approximately 31m from the proposed ground level of the application site, which is some 2.3m lower than the ground level of Rutland Street to the north. Within the existing context of nearby larger scale flatted development it is considered that this relationship, combined with the design and materials proposed would preserve the setting of the non-designated heritage asset The Highland pub. It is therefore considered that the proposal would meet the objectives of paragraphs 197 of the NPPF.
- 10.2.4 There would be active communal ground floor uses help to enhance the streetscene and natural surveillance to Bingley Street and to the south over the access road and Kirkstall Road. The proposal would support the policy aspirations within the Kirkstall Road Renaissance Area Planning Framework 2007 for an enhanced north-south pedestrian route between Burley Street, Kirkstall Road and the Riverside beyond. The proposal for this site would provide widened footways in order to provide a better pedestrian environment. The western footway was widened and improved by the The Foundry development, and this will be continued by the 84 Kirkstall Road development.
- 10.2.5 A high quality landscape scheme at the site would be required to mitigate the loss of existing trees in terms of biodiversity and landscape amenity value. Nine new Hornbeam trees are proposed to the courtyard. However under the NRWLP policy Land 2, three new trees are required for every one that is proposed to be removed as a result of new development, therefore given the site constraints, a commuted sum to provide the short-fall of trees (a further 18) off-site is proposed. The sum would be £9180 and it would be spent on new tree planting in the vicinity of the site.
- 10.2.6 With reference to the above design and heritage considerations, the proposal addresses the requirements of the Development Plan Leeds Core Strategy Policies P10, P11 and P12, Saved UDPR Policies GP5, BD2, LD1, and the NPPF paragraphs in accordance with paragraphs 189- 200 (heritage) of the NPPF.

10.3 Residential Amenity, Quality and Sustainability

- 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 407 students, in the context of approximately 4000 existing and approved purpose built student bedspaces in the area between Burley Street and Kirkstall Road (IQ Student Village, Concept Place, The Tannery, Liberty Park, IconInc, Sentinel Towers, The Foundry). It is therefore acknowledged that there is an existing concentration of student housing between Burley Street and Kirkstall Road at the City Centre end, however there is not sufficient evidence to suggest that these developments that have taken place in the last 15 years have directly led to significant additional harm to existing residents in the Marlborough's or Little Woodhouse. The application site is at the western edge of the City Centre and is predominantly surrounded by other student accommodation and a wide range of commercial, hotels and leisure uses. The site is not directly adjacent to traditional residential areas, as it is separated by topography at the top of the valley (Belle Vue Road) and/or other large scale buildings such as the BT building and the Liberty / Ibis hotel blocks in relation to Marlborough Street. The location and surrounding topography of the site means that students are likely to travel along the more convenient and direct main roads to nearby university campuses and city centre facilities. When walking from the City Centre it is more likely that future residents of

the site would use a more direct route along Wellington Street and Kirkstall Road. It is therefore considered that the development is unlikely to undermine the balance and well-being of existing communities in the area, and not lead to significant additional adverse impact on amenities given the way in which the area is currently used and the wide range of uses present.

10.3.2 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. The detailed size of the accommodation is set out in paragraph 2.1 above. There are no established standards for student cluster flats. However in this case it is considered that each of the student rooms would provide adequate space for sleeping, studying and bathroom facilities. In addition, there would be sufficient space for communal kitchen and living functions for each cluster flat. Also, the provision of communal space would encourage residents to socialise outside their private accommodation and provide additional residential amenity. It is therefore considered that the residents would benefit from acceptable levels of internal amenity.

10.3.3 The external courtyard would be some 14-15m wide where habitable windows face each other. The courtyard narrows to some 11m however, this narrower section would feature a stair core with an obscure treatment on the glazing to prevent direct overlooking, and this distance to a non-habitable space from the cluster flats on the eastern wing is considered acceptable. At the ground floor on the north elevation there would be five study bedrooms that would be below the level of the retaining wall. These flats would have an outlook of 5m to the cycle stores and 11m to the retaining wall beyond. However the retaining wall has a maximum height of only 3m directly in front of the flats and provides an open aspect above due to the level change to Rutland Street. This is therefore considered to offer an acceptable level of amenity. In terms of external amenity space there would be a south facing grassed communal garden 12-15m wide by 28m long. Defensible planters which would be raised with shrubs and approximately 1-2m wide would protect the amenities of the ground floor flats on the ground floor on the north and east elevations and within the courtyard. Roof terraces were proposed, however in response to concerns by LWCA these now been significantly reduced and replaced by the introduction of PV panels with only small garden areas remaining which it is considered can be appropriately safeguarded with hours of use and numbers limited by building management. On balance the proposed flats are acceptable when combined with the amount and range of communal facilities and the overall benefits of the scheme.

10.3.4 It is noted that there may be some loss of sunlight and outlook to the Highland pub and its upper floor residential accommodation. However, on balance, this is considered acceptable when taking account of the off-set angle which would still allow views down Bingley Street, and the overall housing delivery, regeneration and economic benefits of the proposal, and in the context of this particular City Centre location, where the spaces between buildings are generally more limited due to the historic former back-to-back housing street pattern and a number of large multi-storey buildings.

10.3.5 The application building would be sited approximately some 15.5m from the nearest part (northern gable) of The Foundry student block to the east. The Foundry is L

shaped, with longer building frontages to Abbey Street and Cavendish Street. The southern section of the building frontage to Bingley Street would be approximately 24m north to south however the space between the building and The Foundry would be over 30m away. In the context of the City Centre character that exists in this immediate area, this is considered on balance to be acceptable in amenity terms in terms of impact on existing and future residents.

- 10.3.6 With reference to the concerns of the landowner to the south, the orientation of the south facing kitchen/living rooms could prevent the successful regeneration of the casino site if it became a development site in future. The kitchen/living rooms should be reoriented away from the casino site in order to avoid directly overlooking it. It is not considered necessary to reorientate the south facing windows at the proposal, the south facing windows would be between approximately 8-10m to the site boundary at approximately the centre line of the access road. To the east there would be a 7.6m gap to the adjoining site boundary. The distance from the proposed building to the existing casino building would be some 17-19m. It is considered that a distance of 15-20m is a reasonable distance in a city centre location with buildings of an urban scale in terms of outlook and daylight, as this is a similar width to Park Row or Briggate. It is therefore considered that the proposal would not prejudice the future redevelopment of the casino site, as any development at that site would need to be set back from the access road to the south in order to allow access to it. It is also considered that the distance to the eastern boundary is appropriate in the context of this location, with future development at site could be set back a similar distance to create an appropriate relationship between the two sites. The potential to create future Rights to Light issues is not a material planning consideration. 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 the casino). 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. There is potential for late night noise and disturbance from the existing casino use to the south of the proposal site. The submitted noise and ventilation reports acknowledge this and proposes an appropriate sound insulation and ventilation scheme which would require residents to keep windows closed at night and maintain comfortable temperatures in warmer months. A planning condition would control the exact sound insulation scheme specification to ensure satisfactory amenity and minimise nuisance from existing entertainment, aircraft, road, external mechanical plant noise, including mechanical plant within the proposed scheme.
- 10.3.7 A minimum of 10% energy generation would be developed through on site low carbon energy sources, through the use of a combined heat and power (CHP) system and rooftop solar panels. The scheme would also meet BREEAM Excellent for multi-residential buildings. These measures are required by Core Strategy Policies EN1 and EN2 and this would be controlled by planning condition.
- 10.3.8 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.

10.4 Highways, transportation and access

- 10.4.1 The proposal is for student residential use, and therefore walking, cycling and public transport routes to the City's main further education campuses have been demonstrated. The site is approximately a 0.8 mile walk to the Leeds Beckett University and Leeds University Campuses on Woodhouse Lane. The site is therefore a sustainable location and no car parking is proposed to serve the site. It is within walking distance to the local 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 Fringe 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, the implementation of the Travel Plan, and the controlled and enforced nature of parking controls on surrounding streets. Traffic Regulation Orders would need to be altered to cover all days and to change some of the existing single yellows into double yellows in anticipation of overnight parking on Rutland Terrace and Rutland Street, with potential for time limited waiting depending on the views of the local businesses. The cost of this would be provided by a Section 106 obligation. Conditions regarding off-site highways works, cycle parking details, refuse, servicing and deliveries plan, construction management plan. A direction would inform future residents that they would not be eligible for resident parking permits in the area. 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.
- 10.4.2 With reference to Leeds Civic Trust comments regarding cycle parking and accessibility, amendments have now been made and the cycle parking would be accessed via level access from either side of the building.
- 10.4.3 With reference to WYCA comments, the suggested improvements to local bus stops are not considered appropriate to this application as limited use of the bus stop is likely from this site. One of the bus stops serves people travelling west-bound, away from the City Centre, and is also up a steep stepped route onto Burley Street to the north. It is envisaged that the majority of residents' journeys would be towards the City Centre and the wide services available there and that these trips are more likely to be on foot or cycle due to the closeness of the city centre and university campuses, or use buses on Kirkstall Road which is a level route. In this case, it is considered that the bus stop improvement contribution is not fairly related to the development proposed or justifiable in planning terms in this case.
- 10.4.4 The neighbouring landowner to the south notes that it is important that the access road off Bingley Street that serves the development site, the casino and the business units to the east remains open for use at all times. It is not proposed to close this road as part of the planning application proposal, and it is considered appropriate that a construction management plan be controlled by planning condition to ensure works do not cause road safety issues. It is also considered appropriate that the applicant and the future housing operator at this site work closely with the neighbouring landowners during the construction phase and beyond, to ensure that the shared access road off Bingley Street functions appropriately for those who need to use it. The access gate has been relocated on the revised site plan to ensure that all manoeuvring can be undertaken without any need for third party land. The applicant states that there are joint access rights over the service road and these would be protected both during construction and when the development is operating and both parties would continue to enjoy the relevant benefits.

10.4.5 With reference to the above matters, 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 on balance meet the objectives of Core Strategy Policies T2 and P10, Saved UDPR policy GP5 and the Parking SPD.

10.5 Flood Risk

10.5.1 The proposed development is for residential use, which is classed as 'more vulnerable' under the NPPF. The application site lies in Flood Risk Zone 3. Therefore in accordance with the requirements set out in the NPPF a flood risk sequential and exception tests have been submitted on behalf of the applicant and are considered acceptable. This demonstrates that no sequentially preferable sites within a lower flood risk are available to deliver this project on a site that is both within the Kirkstall Road Renaissance Area and the designated City Centre. The exceptions test has been applied and the site is considered sustainable given its location within an identified regeneration area, accessible to pedestrians and cyclists and close to public transport links and the universities, the site is previously developed land, and through the submission of an acceptable flood risk assessment, the proposal would adequately safeguard against potential flooding impact, in accordance with NRWDPD policies, Core Strategy Policy EN5 and the NPPF.

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 require the following necessary Section 106 matters:

- Restriction on occupancy to full-time students only
- Traffic regulation Order enhancement £7500
- Off-site tree planting contribution £9180
- Travel plan monitoring fee £2500
- Cooperation with local jobs and skills initiatives

10.6.3 The proposal would be subject to the Community Infrastructure Levy (CIL) and the sum calculated is £68,710.61. This is for information only and is not a material planning consideration.

11.0 Conclusion

11.1 The application proposal has the potential to deliver new student residential dwellings in a sustainable location that would contribute to the regeneration of the Kirkstall Road area and offer economic benefits such as jobs during construction and site operation. The proposal is on balance in accordance with the Development Plan, and national planning policy as described above, and it is recommended that planning permission is granted.

Background Papers:

Application file 18/04278/FU

Appendix 1 Draft Conditions for 18/04278/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. Prior to the commencement of demolition documentation demonstrating the absence or total removal of asbestos from any building(s) to be demolished shall be submitted to and approved in writing by the Local Planning Authority. Should documentation be unavailable or insufficient, post-demolition surface soil sampling of future landscaped or garden 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. 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 that phase of the site shall not be brought into use until such time as all necessary verification information has been approved in writing by the Local Planning Authority.

To ensure that the site is safe and suitable for use

4. The submitted 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.

5. 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.

6. 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

7. Any soil or soil forming materials brought to site for use in garden areas, 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.

8. Prior to the commencement of development, a Statement of Demolition and Construction Practice shall be submitted to and approved in writing by the Local Planning Authority. The Statement of Demolition and Construction Practice shall include full details of:
 - a. the methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development hereby approved;
 - b. measures to control the emissions of dust and dirt during demolition and construction
 - c. measures to control vibration;
 - d. location of site compound and plant equipment/storage;
 - e. location of contractor and sub-contractor parking;
 - f. how this Statement of Construction Practice will be communicated by the developer to neighbours and details of a developer contact in case of concern
 - g. Construction works and delivery hours shall be restricted to 0800-1800 hours Monday to Friday, 0800-1300 hours on Saturdays, with no works on Sundays and Bank Holidays. The approved details shall be implemented at the commencement of work on site, and shall thereafter be retained and employed until completion of works on site. The Statement of Construction Practice shall be made publicly available for the lifetime of the construction phase of the development in accordance with the approved method of publicity.

In the interests of residential amenity and highways safety.

9. Development shall not commence until a drainage scheme (ie drainage drawings, summary calculations and investigations) detailing the surface water drainage works as well as arrangements for its future maintenance (e.g. adoption by the Water Company) have been submitted to and approved in writing by the Local Planning Authority. The scheme will be designed in accordance with the FRA by Mott Macdonald Reference 392924 / 004/ A dated June 2018. 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. No piped discharge of surface water shall take place until works have been completed in accordance with the approved details.

To ensure sustainable drainage and flood prevention

10. Prior to the commencement of above ground 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.

11. Prior to the commencement of above ground building works, 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
 - e. ventilation grilles

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.

12. 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.

13. 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.
- k) tree pits

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 and visual amenity.

- 14 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 and visual amenity.

- 15 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 and visual amenity.

- 16 Notwithstanding the details shown on the plans hereby approved and prior to the commencement of above ground building works, full details of the facilities for the parking of cycles and motorcycles 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 the interests of sustainable travel.

- 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.

- 18 Prior to commencement of above ground building 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 an updated Pick up and drop off, 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.

- 21 Prior to the commencement of building operations an updated Sustainability Statement shall be submitted to and approved in writing by the Local Planning Authority shall include a detailed scheme comprising:
- a. a recycled material content plan (using the Waste and Resources Programme's (WRAP) recycled content toolkit)
 - b. a Site Waste Management Plan (SWMP)
 - c. an energy plan showing the amount of on-site energy produced by the selected Low and Zero Carbon (LZC) technologies and that it produces a minimum of 10% of total demand and details of the specified measures
 - d. A construction stage BREEAM assessment which shall demonstrate that the building has been designed to meet BREEAM Excellent.
- The development shall be carried out in accordance with the details as approved above.
- e. Within 6 months of the occupation of the development a post- construction review including formal accreditation statement shall be submitted by the applicant and approved in writing by the Local Planning Authority.

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

In the interests of sustainable development.

- 22 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 29 June 2018, reference 392924 004 A, by Mott MacDonald and the following mitigation measures detailed within the FRA:
- a. FFLs of the more vulnerable parts of the development (e.g. the northern and eastern wings of the development where residential units are proposed) are to be set no lower than 30.994mAOD.
 - b. FFLs of the less vulnerable part of the development (e.g. the western wing/communal area) are to be set no lower than 30.567mAOD.
 - c. Flood proofing/resistance (i.e. no water entry) is to be set no lower than 30.994mAOD.
 - d. Flood resilience is to be set no lower than 31.167mAOD.
 - e. the operator shall prepare and implement a flood warning and evacuation plan.

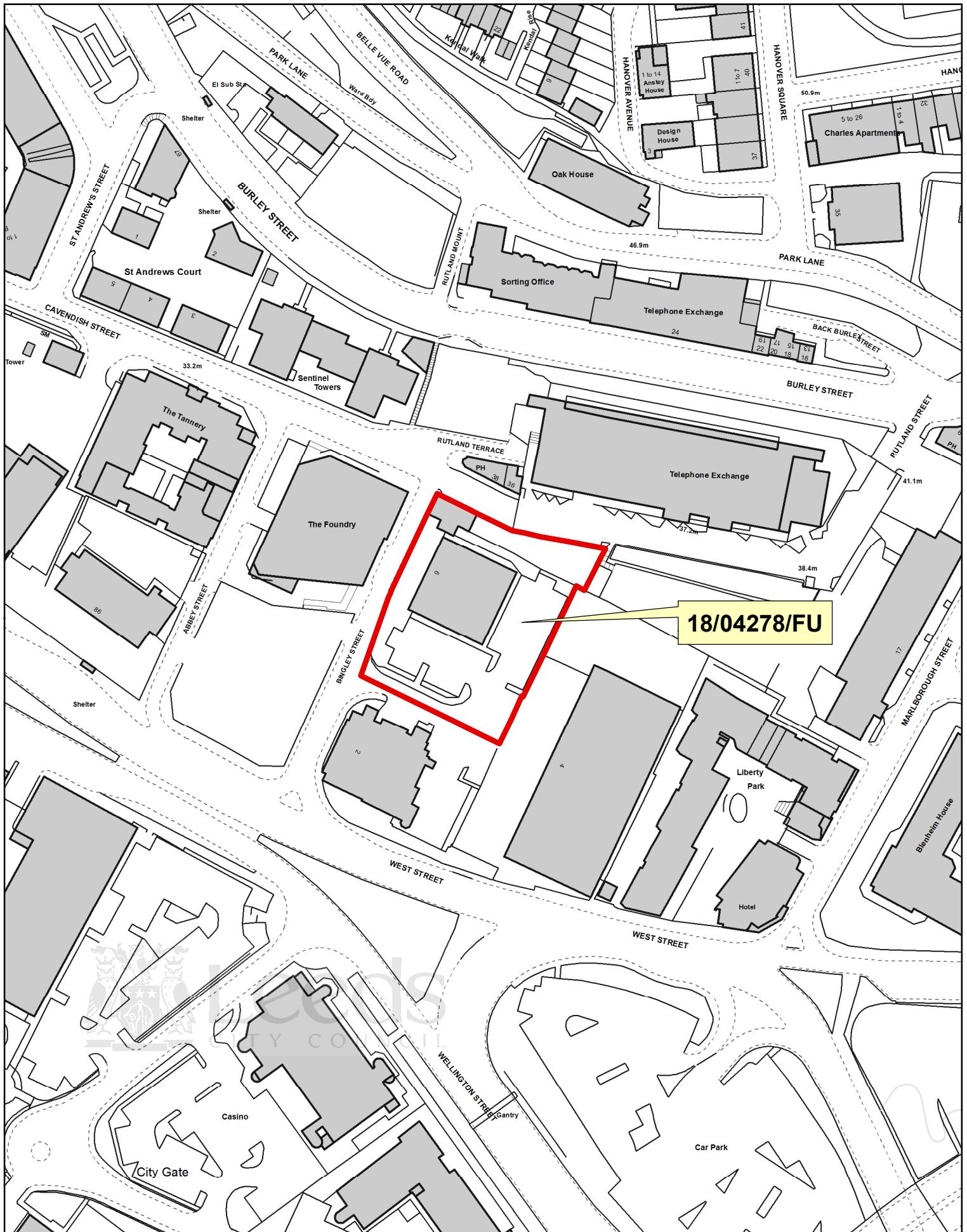
The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

To reduce the risk of flooding to the proposed development and future occupants.

- 23 Above ground building works shall not commence until details of works comprising the widening of the footway on Bingley Street and provision of the retaining wall shown on plan BNG-AHR-S0-XX-DR-L-90-001 P09 with the provision of dropped kerbs and textured pavement have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be fully implemented prior to occupation.

In the interests of pedestrian and vehicular safety.

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CITY PLANS PANEL

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

SCALE : 1/1500





Legend

Hardworks	Proposed Vehicular Tarmacadam
	Proposed Pedestrian Tarmacadam
	Proposed Concrete Block Paving
	Proposed Vehicular Concrete Block Paving
	Proposed Concrete
	Drop Kerb
	Road Kerb
Softworks	Retained Vegetation
	Proposed Amenity Shrub Planting <i>Shrubbery Perennial Planting</i>
	Existing Vegetation To Be Removed
	Proposed Tree
Fencing & Wall	Proposed 1.8m Louvred Fence
	Proposed Retaining Wall
	Existing Retaining Wall
	Proposed Double-leaf Gate to match Fence
	Proposed Single-leaf Gate to match Fence
	1.1m Barrier Rail to Top of Wall
	1.1m Handrail
Furniture	Seat Bench with Arm Rests
	Picnic Table
	Module Square Bench
	Sun Bench Lounger
	Sheffield Cycle Stand <i>Ref: 6000003/Sheffield-Stand Supplier: Group</i>
	Covered Cycle Shelter
	1100L Bins
Levels	Existing Level
	Proposed Level
	Site Boundary

Rev	Description	Date	Dr by	App by
original by	date created	17.05.18	Approved by	MR
CL				

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client	
Gregory Projects (Bingley Street) Limited	
project	
The Refinery, Student Accommodation, Bingley Street, Leeds	
drawing	
Site Plan	
project number	scale
2018_00473_000	1:200 @A1
drawing number	rev
BNG-AHR-S0-XX-DR-L-90-001	P10 S0
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Site Plan
Scale 1:200 @ A1

