



Report of the Chief Planning Officer

City Plans Panel

Date: 31 October 2019

Subject: Planning application reference 19/04828/FU Variation of condition 2 (approved plans) of approval 17/02666/FU for design alterations including an additional floor level at Land at 16 - 18 Manor Road, Holbeck, Leeds LS11 9AH

Applicant	Date Valid	Target Date
Citylife Developments	02.08.2019	01.11.2019

Electoral Wards Affected:

Beeston & Holbeck

Yes Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

DEFER and DELEGATE to the Chief Planning Officer for approval subject to the conditions attached at appendix 1 (and any others which he might consider appropriate) and the completion of a Deed of Variation to the original Section 106 Agreement. In the circumstances where the Deed of Variation has not been completed within 3 months of the resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer.

1.0 Introduction

1.1 This application is a Minor Material Amendment application (Section 73 Variation of Condition 2 Approved Plans List) to an approved planning permission for 101 flats at 16-18 Manor Road, Holbeck (planning reference 17/02666/FU). It is brought to City Plans Panel because it is a major planning application in the City Centre and seeks amendments to a planning permission that was approved in principle at City Plans Plan on 2nd November 2017.

1.2 In summary, the approved development is made up of 21 studio flats, 56 one-bed flats, 20 two-bed flats and 4 three-bed flats. No car parking is proposed as part of the scheme. The building height was approved at 10 storeys. The architectural concept

for the building is a folded sculptural metal form, finished in bronze cladding, with balconies and screens created by the folds in the façade, inspired by the former use of the site, as a metal fabrication business. At ground floor, the entrance to the flats would be on the Manor Road frontage at the western end of the building. The proposal would also include a new pedestrian/cycle link between Manor Road and Siddall Street under an over-sailing part of the building. Site preparation works have started and the applicant states that approximately 60% of the flats have sold.

2.0 Proposal

2.1 The application proposes the following changes to the approved plans:

- a. One additional floor consisting of 9 additional flats consisting of 5 one-bed/ 2 two-bed/ 2 three-bed - total flats 110 :
 - a. 82 one-bed flats
 - b. 22 two-bed flats
 - c. 6 three-bed flats

The building height has been increased by 2925mm, taking the overall height from the approval of 29.950m to 32.875m to now comprise 11 storeys.

- b. Removal of opening shutters to windows.
- c. Addition of punched metal vertical screens to windows.
- d. Lowering of ground floor level.
- e. Amendments to entrance ramp.

2.2 The Minor Material Amendment application is supported by the following documents:

- Revised Design and Access Statement including sunlight and daylight study
- Revised Wind Report
- Scaled Plans

3.0 Site and Surroundings

3.1 The site is currently an unsightly, longstanding cleared brownfield site (0.1 hectare) in the Holbeck Urban Village area of Leeds South Bank, in the designated City Centre. The site lies in flood risk zone 2 and is identified as a housing site for 57 dwellings in the Site Allocations Plan. The site is on the south side of Manor Road at the junction with David Street. The immediate surrounding context includes Manor Mills an 8-9 storey residential development to the east, a single storey office to the west, and a single storey warehouse to the south. The wider context includes the 6-12 storeys Dandara residential development to the east, the 8 storey offices at The Mint on Sweet Street to the south east, and the Oakapple residential development (part 8, 9 and 12 storeys) located to the south which is currently under construction.

3.2 Opposite the application site to the east of David Street are 3 storey beige brick offices, and to the west are the single storey industrial units at Leodis Court. The Grade I listed Temple Works, a former flax spinning mill in the Egyptian revival style, lies at the western end of Manor Road at the junction with Marshall Street, which is also the eastern edge of the Holbeck Conservation Area. The immediate surrounding area offers a wide variety of architectural styles and materials including red brick, light and dark brown brick, render, glazed balconies, copper cladding, and natural stone. There is an existing pedestrian route to the west and south of the site.

4.0 Relevant Planning History

4.1 Planning reference 17/02666/FU for a 10 storey block of 101 apartments with ground floor residents' lounge, cinema room, gym and cycle storage room was approved in principle at City Plans Panel on 2nd November 2017 and planning permission was subsequently granted in July 2018 following the completion of the legal agreement. Applications have been received to discharge planning conditions attached to this planning permission, under references. 19/03247/COND and 19/04515/COND.

4.2 Planning reference 20/537/04/FU for an 8 storey block comprising 45 flats, first floor office and ground floor A1/A3 retail/cafe unit and car parking as amended by planning reference 20/545/05/FU, in order to add 12 additional flats was approved in 2006, and expired in 2011 without implementation.

5.0 Public/Local response

5.1 Planning Application publicity:

- Leeds City Council Public Access website posted 02.08.2019
- Site Notice 13.08.2019
- Press Notice 30.08.2019
- Beeston & Holbeck Ward Members consulted 30.09.2019 and briefed 10.10.2019.

5.2 Councillors Gabriel, Almass and Scopes (Beeston & Holbeck Ward) do not object to the proposed one storey increase in height, however they expressed strong concern regarding the loss of the shutters from the elevations.

6.0 Consultations

6.1 Statutory Consultations

6.1.1 Historic England

No objection. Historic England advise that their earlier comments are noted about the height of the new building with reference to the Council's guidance documents and the setting of the Grade I listed Temple Mill. They also note that the folded metal façade was a creative response to the heritage significance of the site. It is therefore regrettable that it is now proposed to increase the height of the building and also not implement the folded metal façade.

6.1.2 Environment Agency

No objection subject to standing advice regarding flood levels, mitigation and resilience including warning and evacuation.

6.2 Non-statutory Consultations

6.2.1 Leeds City Council (LCC) Transport Development Services

No objection. The alterations to the entrance must be subject to wind survey/tests due to the revised arrangement now leading pedestrians directly towards the highway. Amendments are required to the long stay cycle parking layout on the ground floor in relation to the cycle parking located directly behind doorways.

6.2.2 LCC Flood Risk Management

No objection subject to the condition on the extant planning permission that requires the surface water greenfield discharge rate to be applied unless it can be justified it is not feasible.

6.2.3 LCC Public Rights of Way

A claimed footpath runs from Manor Road to Siddall Street [along the western and southern edge of the site outside the application boundary]. The Public Rights of Way Section have no additional comments to make other than the comments on the original planning application regarding the improvements to and dedication of the footpath abutting the site.

6.2.4 West Yorkshire Police

Advice given regarding security, access control, cycle parking and CCTV in the interests of the safety of future residents.

6.2.5 LCC Nature Conservation

There should be no significant nature conservation concerns with this application.

6.2.6 LCC Environmental Studies (Road Noise)

The same sound attenuation measures identified within the Noise Impact Assessment prepared by ENS Ltd in support of the original application (17/02666/FU) should be incorporated into the new design and additional floor level.

6.2.7 LCC Conservation & Design Team

Strong concern regarding the loss of architectural quality to the façade as a result of proposed removal of the approved window shutters. However in heritage terms it is not considered that the proposal would harm the special character of the nearby Grade I Listed Temple Mill.

6.2.8 Architectural Aerodynamics Wind Consultants

Discussions are in progress between the applicant's and the Council's wind consultants in relation to the conclusions of the wind assessment at the time of writing. An update will be provided at Plans Panel.

7.0 Planning Policy

7.1 Statutory Context

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

- Leeds Core Strategy 2014 (as amended by the Core Strategy Selective Review 2019)
- Saved Unitary Development Plan Review Policies (UDPR 2006)
- The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013) including revised policies Minerals 13 and 14 (Adopted September 2015).
- Leeds Site Allocations Plan (SAP – Adopted 2019)
- There is no Neighbourhood Plan for this site.

Development Plan

7.2.1 Leeds Core Strategy (as amended 2019)

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. Relevant Core Strategy Policies include:

- Spatial policy 1 location of development
- Spatial policy 3 role of Leeds City Centre
- Spatial policy 6 housing requirement and allocation of housing land
- Spatial policy 8 economic development priorities
- Policy CC1 City Centre development
- Policy CC2 City Centre south
- Policy CC3 improving connectivity between the City Centre and neighbouring communities
- Policy H3 density of residential development
- Policy H4 housing mix
- Policy H5 affordable housing
- Policy H9 Space standards
- Policy H10 Accessible dwellings
- Policy EN1 carbon dioxide reduction
- Policy EN2 sustainable design and construction
- Policy EN4 district heating

- Policy EN5 managing flood risk
- Policy G9 biodiversity improvements
- Policy P10 design
- Policy P11 heritage
- Policy P12 landscape
- Policy T1 transport management
- Policy T2 accessibility requirements and new development
- Policy ID2 planning obligations and developer contributions

7.2.2 **Leeds Unitary Development Plan Review 2006 Saved Policies**

Relevant saved policies include:

- Policy GP5 all relevant planning considerations
- Policy BD2 design and siting new buildings
- Policy BD4 mechanical plant
- Policy BD5 residential amenity
- Policy LD1 landscaping
- Policy CC2 City Centre boundary

7.2.3 **Leeds Natural Resources & Waste Plan 2013**

The Natural Resources and Waste Development Plan Document (Local Plan) is part of the Local Development Framework. The plan sets out where land is needed to enable the City to manage resources, like minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. Relevant policies include:

- Minerals 2 minerals safeguarding area sand and gravel
- Minerals 3 mineral safeguarding area coal
- 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

7.2.4 **Leeds Site Allocation Plan 2019**

The site is identified for housing in the SAP for 57 flats under site reference HG1-463.

7.3 **Relevant Supplementary Planning Guidance includes:**

Leeds Parking SPD
 Street Design Guide SPD
 Neighbourhoods for Living SPG
 Travel Plans SPD
 Accessible Leeds SPD
 Building for Tomorrow Today: Sustainable Design and Construction SPD
 City Centre Urban Design Strategy
 Holbeck South Bank SPD 2016

7.4 **Holbeck South Bank SPD 2016**

The Holbeck South Bank SPD was adopted in June 2016 as an updated revision to the 1999 and 2006 Holbeck Urban Village Planning Frameworks. As with earlier versions the main aim of the SPD is to create vibrant, sustainable, mixed use communities whilst safeguarding the unique historic character of the area. The whole of Holbeck, South Bank, is designated as a mixed-use area which should include a mixture of working, living, retailing and recreational opportunities. It is intended that the area should meet some of the identified need for City Centre housing. Further

improvements to connectivity are encouraged. A pedestrian and cycling friendly environment is sought in part by minimising through traffic in the area. Encouragement will also be given to developing with the minimum acceptable parking provision. The site falls within the Eastern Gateway character area. It may be appropriate for new buildings to gradually increase in height away from the listed buildings. Buildings should define street frontages and provide pavement widths responding to building scale. New footpath links are encouraged and new public realm should be given an adequate sense of enclosure by the buildings that define them. Relevant specific proposals for this area include the extension and enhancement of the footpath linking Manor Road to Siddall Street as part of a new network of routes between Manor Road, Sweet Street and Marshall Street.

7.5 **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) and goes on to state that mitigating and adapting to climate change is a core planning principle (para 8). 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 (paras 7, 8, 10, 11, 12)
- 4 Decision making (paras 38, 39, 40, 41, 43, 47, 48, 54, 55, 56, 57, 58)
- 5 Delivering a sufficient supply of homes (59, 62, 63, 64)
- 6 Building a strong competitive economy (80)
- 7 Ensuring the vitality of town centres (85, 86)
- 8 Promoting healthy and safe communities (91, 92, 95)
- 9 Promoting sustainable transport (102-11)
- 11 Making effective use of land (117, 118, 119, 122, 123)
- 12 Achieving well designed places (124-131)
- 14 Meeting the challenge of climate change and flooding (148-165)
- 15 Conserving and enhancing the natural environment (including ground conditions para 178-179 and noise para 182)
- 16 Conserving and enhancing the historic environment (including paras 189-200)

7.6 **Other material considerations**

7.6.1 **Holbeck Neighbourhood Plan 2018**

Although the Holbeck Neighbourhood Plan area is to the south of Sweet Street and does not directly affect this site, a key objective of the adopted plan is to seek better connections for pedestrians, cyclists and public transport in the area between Holbeck and the City Centre. This development would improve the quality of pedestrian connections north to south in the area.

8.0 **Main Issues**

The proposed amendments consist of:

- a. One additional floor consisting of 9 flats
- b. Removal of opening shutters to windows
- c. Addition of punched metal vertical screens to windows
- d. Lowering of ground floor level
- e. Amendments to entrance ramp

Assessment of the impact of the proposed amendments to the approved plans on the following main issues:

- 8.1 Design, Scale, Massing and the Setting of the Grade I Listed Temple Mill
- 8.2 Housing Quality
- 8.3 Residential Amenity at Manor Mills
- 8.4 Flood risk
- 8.5 Wind
- 8.6 Climate Change and Sustainability
- 8.7 Planning obligations and Community Infrastructure Levy (CIL)

9.0 Appraisal

9.1 **Design, Scale, Massing and the Setting of the Grade I Listed Temple Mill**

- 9.1.1 This application relates to post-planning permission design amendments to an approved development where works have commenced on-site. Consideration of design and heritage matters is assessed in relation to the Development Plan Core Strategy policies P10 and P11, however two paragraphs of the NPPF are also particularly relevant in this case:

Paragraph 130 of the NPPF states that:

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).”

Paragraph 131 of the NPPF states:

“In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”

- 9.1.2 The applicant states that the window shutters on the approved façade composition cannot be included for procurement reasons due to a difficulty in sourcing a suitable shutter system, following the ceasing of production by the manufacturer.
- 9.1.3 In architectural design the proportion of recessed glazed windows to solid wall (the ‘solid: void ratio’) usually remains static rather than dynamic. The architect’s original idea for the window shutters in this case would mean that the solid to void ratio had potential to change all the time and remain anchored within a well-ordered bronze-coloured metal façade. The approved planning permission plans demonstrated a clever method of how a façade can be given movement and variety. Shutters on windows are usually secondary elements that are forward of the window and the wall-line. The shutters on this planning permission were designed to be of the same material as the façade in the same place, and the flush fitting of the shutters with the wall-line meant that when closed the shutters effectively became part of the wall-panelling rather than an add-on in a different plane. The façade could go from a solid wall, when all the shutters were closed, to some or all being open, which would give an ordered variation to the façade. This would have added interest from the projecting element of the shutter, adding a three dimensional feature to the façade treatment, especially when combined with the angled elevations on each face of the building.

This created a subtle, calm façade which also had the potential for multiple variations across its extent. This variation of the façade would be even more pronounced at night as the lighting in the flats would be visible to varying degrees.

- 9.1.4 The revised window treatment is for recessed full-height windows with a perforated metal screen to one side of the window. This presents a calm, ordered and well-detailed elevation that would still feature an angled/folded bronze-coloured façade to all four sides of the building. The proposed cladding would be a high quality material with an appropriate metallic finish. It is considered that this façade approach remains positive and imaginative, and would give variety to the streetscene and the character of the surrounding area.
- 9.1.5 With regard to the comments by Historic England, whilst they state that it is regrettable that it is now proposed to increase the height of the building and not implement the folded metal façade, they do not object to the proposed amendments. It is noted that the 'folded metal' motif created by the angled façade is still part of the revised design, but the window shutters have been removed from the plans.
- 9.1.6 With regard to the proposal for an additional storey, taking the proposed building height up to approximately 33m or 11 storeys, the Holbeck South Bank SPD 2016 (Part 2, Section 11 Eastern Gateway area p42-3) states that there is potential for a building at this site to be 7-9 storeys in height. It is considered that development along Manor Road should generally step down from east to west towards the Grade I listed Temple Mill, which is framed at the western end of the street. Marshall Street is also the boundary of the Holbeck Conservation Area. Buildings vary in scale from the east at Velocity flats (5-7 storeys), the Dandara flats (6-12 storeys) and Manor Mills flats (8-9 storeys) adjacent to this site, towards the western end of Manor Road. Although this proposal would result in a short section of street stepping up, the upper two floors would be set back from the main façade. The proposed increase in height would also act as a focal point at the junction of David Street and Manor Road, and mark the northern end of Siddall Street to the south. The 8 storey Mint office building and the Oakapple site under construction (part 8-9-12 storey) to the south also form part of this wider urban block between Sweet Street and Manor Road. The proposed building would be a similar height to The Mint, which has less storeys but greater floor to ceiling heights due to its office use. It is considered that there is sufficient distance, approximately 100m, to the Grade I Listed Temple Mill to avoid an overbearing and overdominant effect on its setting. It is not considered that the proposal would obscure or interrupt views of the principal interest facades of Temple Mill from Manor Road.
- 9.1.7 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that Local Planning Authorities (LPAs) must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and pay special attention to the desirability of preserving or enhancing the character and appearance of a Conservation Area.
- 9.1.8 In summary, whilst the loss of the window shutters is regrettable (noting comments by officers, Historic England and Ward Councillors), for the reasons above it is considered that the revised proposal represents a high quality building design that would enhance the special character and significance of the setting of the Grade I listed building in accordance with Core Strategy Policies P10 and P11, the NPPF and the statutory duties under the Planning (Listed Buildings and Conservation Areas) Act 1990).

9.2 Housing Quality

- 9.2.1 The majority of the accommodation would meet the Nationally Described Housing Standards, with the exception of the 21 studio flats which would be 31sqm each. The extant planning permission was approved some time before the adoption of Core Strategy Policy H9. At the time of consideration in 2017, it was considered on balance although some flats were smaller than the standard, the proposed layout, daylight, circulation and juxtaposition of living functions in these flats would be acceptable. The additional flats proposed in this amendment application all meet Policy H9 with the exception of flat 808 which features a 10.4sqm bedroom (Policy H9 requirement = 11sqm).
- 9.2.2 The accessible housing standard M4(2) 'accessible and adaptable dwellings' contained within Part M volume 1 of the Building Regulations provides a higher level of accessibility and adaptability than standard dwellings ('standard dwellings' are those which meet the requirements of M4(1) of Part M volume 1 of the Building Regulations). The accessible housing standard M4(3) 'wheelchair user – adaptable dwellings' provides a standard for dwellings which are accessible for wheelchair users or can easily be adapted to be suitable for wheelchair users. Core Strategy Policy H10 requires developments to provide a 30% 'accessible and adaptable' dwellings and 2% 'wheelchair user adaptable' dwellings. This application does not propose either type of flat.
- 9.2.3 Core Strategy Policy H4 on Housing Mix sets the following ranges and targets across the Local Authority area:

Size*	Max %	Min %	Target %
1 bed	50	0	10
2 bed	80	30	50
3 bed	70	20	30
4 bed+	50	0	10

The additional storey would provide 9 flats in the following mix:

- 5 One-bed flats 56%
- 2 Two-bed flats 22%
- 2 Three-bed flats 22%

The extant approval would provide 76% one-bed, 20% two-bed and 4% three-bed flats.

The revised proposal would provide 74.5% one-bed, 20% two-bed and 5.5% three-bed flats.

The policy allows an element of discretion, such that the nature and location of the scheme to be taken in to account when assessing housing mix. Therefore, whilst the revised application proposal does not meet the targets for each type of flat, it would provide a better mix than the extant planning permission, with a lower proportion of one-bed flats and a higher proportion of three-bed flats proposed.

- 9.2.4 Core Strategy Policy H5 as amended requires 7% affordable housing in this location. The applicant has agreed to 7% affordable housing on-site (8 flats), split 60:40 social rent:intermediate housing. This would be secured in a Deed of Variation to the existing Section 106 Agreement.
- 9.2.5 In summary, the revised proposal would not provide any 'accessible and adaptable' or wheelchair user adaptable' flats under Core Strategy Policy H10, 21 flats would be smaller than the required space standard, and the housing mix would not be in line with the targets in Core Strategy Policy H4. However, in this case it is considered

reasonable not to re-visit the assessment of all the flats in the 2018 extant planning approval, given the status and timing of the extant planning permission, the progress of detailed building design, the scope and timing of the proposed amendments, the advanced stage of the development post-planning permission, and that the understanding 60% of the flats have been sold. The applicant states that due to the above factors, the structural grid, fire compartment walls, and vertical service and drainage runs, are now fixed in the construction stage building design. Noting the site's specific circumstances, it is considered on balance that the benefits of the proposal to regenerate a brownfield site with a high quality sustainable building that would enhance the setting of a listed building, and provide an increase in affordable housing provision, would outweigh these shortfalls.

9.3 Residential Amenity at Manor Mills

- 9.3.1 The applicant has confirmed that the increased height of the proposal would not lead to additional loss of daylight or sunlight to neighbouring properties at Manor Mills. The siting of the proposal is unchanged from the extant approval. The positioning of open window shutters on the approved plans at ninety degrees to the façade would have limited some oblique views from the proposal building to flats in the south-facing wing of Manor Mills, however the angle and distance between the two buildings would remain sufficient to limit direct overlooking in the absence of window shutters. It is therefore considered that the proposal would meet Core Strategy Policies P10 and CC1 and Saved UDPR Policies GP5 and BD5 and the NPPF.

9.4 Flood risk

- 9.4.1 The Finished floor level of the ground floor is to be revised to 28.4mAOD which was previously conditioned under the extant planning permission. This level is above the 1 in 100 +20% uplift for climate change level plus an additional 400mm freeboard. Although the proposal seeks to lower the ground floor level of the building, it would still meet the requirements in the approved Flood Risk Assessment. It is therefore considered that the submitted flood risk and drainage proposal would comply with the requirements of the NPPF, Core Strategy policy EN5 and NRWLP policies Water 4, 6, and 7 and the NPPF.

9.5 Wind

- 9.5.1 The applicant has submitted a quantitative wind report in support of the amended application, which is being independently peer reviewed by a qualified and experienced wind consultant on behalf of the Council. The outcome of the review is pending at the time of writing, an update will be provided verbally at Plans Panel.

9.6 Climate Change and Sustainability

- 9.6.1 Leeds City Council has recently declared a Climate Change Emergency. Existing adopted Development Plan policies seek to address the issue of climate change by ensuring that development proposals incorporate measures to reduce the impact on non-renewable resources and carbon dioxide emissions. This development would provide new City Centre dwellings and make better use of a sustainably-located vacant brownfield site. The key measures incorporated into this proposal to address climate change and sustainability concerns are summarised below.
- 9.6.2 Core Strategy Policies EN1 and EN2 requires all developments of 1000sqm or more to reduce the total predicted carbon dioxide emissions to achieve 20% less than the Building Regulations Target Emission Rate and provide a minimum of 10% of the predicted energy needs of the development from low carbon energy. In this case the applicant has confirmed that they would achieve the policy requirements, including the energy requirements, which would be met by utilising rooftop solar panels.

- 9.6.3 The applicant has also agreed to the low water usage target.
- 9.6.4 The development does not have any car parking spaces, it is in a sustainable City Centre location close to Leeds City Station and a number of bus routes. The proposal is supported by sustainable travel measures including secure long and short stay cycle parking, promotion of the use of the City Car Club, and an approved Travel Plan with a residential travel fund for future residents. These measures all help to reduce car journeys and promote sustainable travel behaviour, which in turn would reduce pollution and congestion and the causes of climate change, as well as improving air quality, and promoting healthier lifestyles and wellbeing.

9.7 Planning obligations and Community Infrastructure Levy (CIL)

- 9.7.1 A legal test for the imposition of planning obligations was introduced by the Community Infrastructure Levy Regulations 2010. These provide that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 9.7.2 Adopted policies result in the following matters being addressed by way of Section 106 Agreement and are included in the extant Agreement. However a Deed of Variation would be required (1) to incorporate the amended planning permission (if granted) into the original Agreement, (2) increase the level of affordable housing from 5% to 7% and (3) increase the Travel Plan monitoring fee and residential travel fund sums:
- Affordable Housing 7% in a pro-rata mix of flats split 60:40 social rent:intermediate housing on-site
 - Residential Travel Fund £17,527.50
 - Car club trial provision £10,000
 - Amendments to traffic regulation order to replace 3 pay and display bays to accommodate loading and car club £7,500
 - Contribution to mitigate the impact of the loss of 3 pay and display bays £18,000
 - Travel plan monitoring fee £3060
 - Public access to pedestrian route
 - Cooperation with local jobs and skills initiatives
- 9.7.3 The proposed development could therefore bring about benefits for the local area and certain elements of concern or Development Plan policy requirements arising from the development could suitably be addressed via the imposition of planning obligations. In light of this it is considered that the Council is justified in seeking such obligations and others that may arise as a result of the development.
- 9.7.4 The proposal would be subject to the Community Infrastructure Levy (CIL) and the initial sum calculated is £42,469.58. This is for information only and is not a material planning consideration in the assessment of the overall planning application and decision-making process.

10.0 Conclusion

- 10.1 This scheme is a significant regeneration opportunity that will contribute to the delivery of the Council's adopted place-making vision for the transformation of the Holbeck area of Leeds South Bank.
- 10.2 The extant 2018 planning permission for this site pre-dates the adoption of the Core Strategy Selective Review this year. As a result of the advanced design stage of this approved development, the timing of its determination and this proposed amendment,

and the understanding that 60% of the flats have been sold off-plan, the current revised proposal as a whole would not fully meet the requirements of policies H9, H10 and H4. The applicant states that due to the above factors the structural grid, fire compartment walls, and vertical service and drainage runs, are now fixed in the construction stage building design. However this is balanced against an increase in affordable housing provision, the delivery of new housing in the South Bank/City Centre, and the construction of high-quality sustainable building that would regenerate a vacant brownfield site and enhance the setting of a Grade I Listed Building.

- 10.3 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that Local Planning Authorities (LPAs) must have special regard to the desirability of preserving listed building(s) or their setting or any features of special architectural or historic interest which they possess and pay special attention to the desirability of preserving or enhancing the character and appearance of a Conservation Area. Although the proposed amendments would result in a less striking architectural treatment than originally approved, this is not considered sufficient reason to refuse this proposal. The proposal would feature a well-ordered architecture and an imaginative bronze-coloured folded metal façade, which would give interest and variety to the streetscene. The proposed building height would be in keeping with the general scale of surrounding buildings and those under construction nearby. It is therefore considered that the revised proposal would still enhance the setting and significance of the Grade I listed building Temple Mill and the character and appearance of the nearby Holbeck Conservation Area.
- 10.4 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 subject to the conditions and planning obligations set out at paragraph 9.7.2 and at Appendix 1.

Background Papers:

Application files 17/02666/FU & 19/04828/FU

Appendix 1 Draft Conditions for 19/04828/FU

Appendix 2 Site Layout Ground Floor Plan

Appendix 3 Eighth Floor Plan

DRAFT

Applicant Citylife Developments

Application Number: 19/04828/FU

Agent: ID Planning
Andrew Windress
9 York Place
Leeds
LS1 2DS

Proposed Development At: Land Former 16 - 18 Manor Road, Holbeck, Leeds, LS11 9AH

Proposal: Variation of condition 2 (approved plans) of approval 17/02666/FU for design alterations including an additional floor level

- 1) The development hereby permitted shall be begun before 13 July 2021.

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 I Desk Study report indicates that a Phase II Site Investigation is necessary, and therefore development shall not commence until a Phase II Site Investigation Report has been submitted to, and approved in writing by, the Local Planning Authority.

Where remediation measures are shown to be necessary in the Phase II Report and/or where soil or soil forming material is being imported to site, development shall not commence until a Remediation Statement demonstrating how the site will be made suitable for the intended use has been submitted to, and approved in writing by, the Local Planning Authority. The Remediation Statement shall include a programme for all works and for the provision of Verification Reports.

To ensure that the presence of contamination is identified, risks assessed and proposed remediation works are agreed in order to make the site 'suitable for use'.

- 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.

- 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.

- 6) Prior to the commencement of development, a Statement of Construction Practice shall be submitted to and approved in writing by the Local Planning Authority. The Statement of Construction Practice shall include full details of:
- the methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development hereby approved;
 - measures to control the emissions of dust and dirt during construction;
 - location of site compound and plant equipment/storage;
 - location of contractor and sub-contractor parking;
 - how this Statement of Construction Practice will be communicated by the developer to local residents
 - 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 of occupants of nearby property

- 7) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) reference no: 17028, Manor Road Leeds, Flood Risk Assessment & SuDS Statement, dated April 2017 and the following mitigation measures detailed within the FRA:
- Ground floor finished levels shall be set no lower than 28.4m above Ordnance Datum (AOD).
 - There shall be no sleeping accommodation on the ground floor.
 - Safe routes into and out of the site to an appropriate safe haven shall be provided.
 - preparation of a flood risk warning and evacuation plan

To reduce the risk of flooding to the proposed development and future occupants, reduce the risks of flooding to occupants in a flood event, and to ensure safe access and egress from and to the site.

- 8) Building operations shall not commence until a drainage scheme (i.e. drainage drawings, summary calculations and investigations) detailing the surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The surface water discharges should be restricted to 5 l/s unless otherwise otherwise agreed in writing with the Local Planning Authority and surface water drainage scheme shall be accord with the Leeds City Councils Minimum Development Control Standards for Flood Risk. The works shall be implemented in accordance with the approved scheme before the development is brought into use.

To ensure sustainable drainage and flood prevention.

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

To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

- 10) Prior to the commencement of building works, details of all external cladding materials, including an external cladding maintenance strategy, and 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. The development shall be managed in accordance with the approved external cladding maintenance strategy thereafter.

In the interests of visual amenity.

- 11) 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:
- soffit, roof line and eaves treatments
 - junctions between materials
 - each type of window bay proposed
 - 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.

- 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
- proposed finished levels and/or contours,
 - boundary details and means of enclosure,
 - other vehicle and pedestrian access and circulation areas,
 - hard surfacing areas,
 - minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.),
 - 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

- planting plans
- written specifications (including soil depths, soil quality, tree pits, cultivation and other operations associated with plant and grass establishment) and

i. 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.

- 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.

- 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

- 16) No building works shall take place until details for the provision of off-site highways works shown on the submitted plan reference 17027-GA-01-E 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 completed prior to the occupation of the development, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of pedestrian and vehicular safety.

- 17) 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 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 in the interest of promoting sustainable travel.

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

In the interests of visual and residential amenity.

- 19) No building works shall commence until a detailed acoustic assessment of the proposed building and a noise insulation scheme, including details of any necessary mechanical ventilation equipment, have been submitted for formal written approval by the Local Planning Authority. The scheme shall be designed to protect the amenity of the residents of the proposed dwellings from noise from surrounding roads, adjoining uses and any plant or equipment associated with the approved building. The noise insulation scheme for the development shall be designed to achieve internal noise levels in living spaces not exceeding 35dB(A)eq and 30dB(A)eq in bedrooms at night, with peak levels kept below 45dB(A)max. The approved scheme shall be implemented prior to occupation of the dwellings and retained thereafter

In the interests of residential amenity

- 20) Prior to the commencement of building operations an updated Sustainability Statement shall be submitted to and approved in writing by the Local Planning Authority, which 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 and full details showing the method of generation and 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
 - d. details that demonstrate a minimum of 20% carbon dioxide emissions reduction against Part L of the 2013 Building Regulations and
 - e. details that demonstrate how the Low Water Usage Target is met
- The development shall be carried out in accordance with the details as approved above;

f. Within 6 months of the occupation of the development a post-construction review statement shall be submitted by the applicant including formal accreditation 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 and climate change.

- 21) 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.

- 22) Notwithstanding details shown on the plans hereby approved the gradient of pedestrian ramps shall meet BS8300:2009+A1:2010. Works shall be carried out in accordance with the approved details and retained as such thereafter.

In the interests of accessibility for all.

- 23) No works to or removal of trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds nests immediately before (within 24 hours) the works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority within 3 days of such works commencing.

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

- 24) a) No works shall commence until all existing trees, hedges, bushes shown to be retained on the approved plans are fully safeguarded by protective fencing and ground protection in accordance with approved plans and specifications and the provisions of British Standard 5837 (2012) Trees in relation to design, demolition and construction, unless otherwise agreed in writing by the Local Planning Authority. Such measures shall be retained for the duration of any demolition and/or approved works.

b) No works or development shall commence until a written arboricultural method statement for a tree care plan has been submitted to and approved in writing by the local planning authority. Works or development shall then be carried out in accordance with the approved method statement.

c) No equipment, machinery or materials shall be used, stored or burnt within any protected area. Ground levels within these areas shall not be altered, nor any excavations undertaken including the provision of any underground services, without the prior written approval of the Local Planning Authority.

d) Seven days written notice shall be given to the Local Planning Authority that the protection measures are in place prior to demolition and/or approved works, to allow inspection and approval of the works.

To ensure the protection and preservation of trees, hedges, bushes and other natural features that make a positive contribution to the character and amenities of the area. In the absence of appropriate measures the retention and long term health of such vegetation could be compromised by the carrying out of the approved development.

Plans Schedule :-

Plan Type	Plan Reference	Received
Site Location Plan/Red Line/OS Plan	P101 C	27.09.2017
Block Plan/Layout Plan	17027-GA-01-E	01.11.2017
Other	NOISE REPORTNIA/7323/17/7188/v1 2	24.05.2017
Other	FLOOD RISK ASSESSMENTVERSION	24.05.2017
Travel Plan	Rev 2	09.10.2017

Reason(s) for granting consent:-

For information:-

- 1) In reaching a decision the case officer dealing with the application has worked with the applicant/agent in a positive way to produce an acceptable scheme in accordance with the National Planning Policy framework.
- 2) The future occupants of the dwellings will not be eligible for permits in any existing or future residents only parking permit zones (except disabled parking).
- 3) This permission does not absolve the applicant(s) from the requirements for compliance with a Building Regulation approval, or the duty of compliance with any requirements of any Statutory Body, Public Utility or Authority.

The applicant is advised that where any of the following apply, The Party Wall Act 1996 provisions are relevant, and you may well need to serve notice and get agreement from adjoining owners/neighbour(s) to carry out the work;

- work carried out directly to an existing party wall or structure
- new building at or astride the boundary line between properties
- excavation within 3 or 6 metres of a neighbouring building or structure depending on the depth of the hole or proposed foundations.

- 4) All reports addressing land contamination should be compiled in accordance with best practice and policies Land 1 of the Natural Resources and Waste Local Plan 2013 and GP5 of the Unitary Development Plan Review 2006.

Prior to preparing any reports in compliance with conditions related to land contamination the applicant is also advised to refer to the Leeds City Council guidance leaflets in the series:- The Development of Contaminated Sites:
The Blue Leaflet (CL2) - Reports in Support of Planning Applications
The Yellow Leaflet (CL4) - Residential Development on Land Affected by Contamination

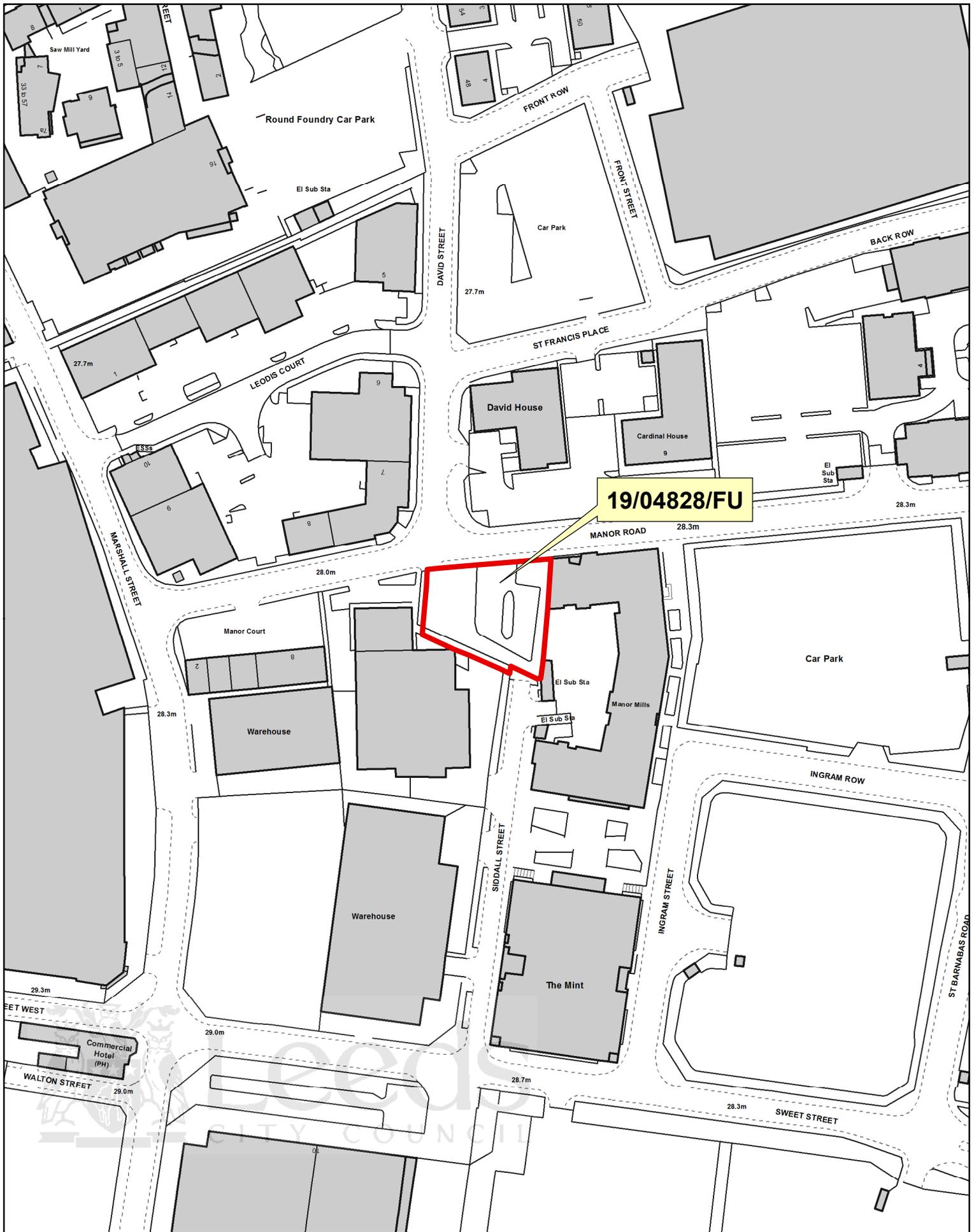
These leaflets can be obtained at www.leeds.gov.uk/contaminatedland

- 5) The applicant is advised that remediation of any contaminated site is required to a standard such that the site would be suitable for use policies Land 1 of the Natural Resources and Waste Local Plan 2013 and GP5 of the Unitary Development Plan Review 2006. This includes the quality of imported soils and soil forming materials. The developer is responsible for ensuring that development is safe and suitable for use for the intended purpose.
- 6) The contractor must ensure compliance with current legislation on noise and dust control including the Environmental Protection Act 1990 and the Control of Act 1974. Relevant Codes of Practice set out procedures for dealing with the control of noise on construction and demolition sites are contained in BS5228: 2009 Noise and Vibration Control on Construction and Open Sites.
- 7) The applicant is requested to consider participating in the Considerate Constructor's Scheme, details of which can be found here:
<http://www.ccscheme.org.uk/>
- 8) Consideration should be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at

a high level so that plugs are located above possible flood levels. Consultation with Leeds City Council building control department is recommended when determining if flood proofing measures are effective. Additional guidance can be found in Environment Agency Flood line Publication 'Damage Limitation'. A free copy of this is available by telephoning 0345 988 1188 or can be found on the Environment Agency website www.environment-agency.gov.uk click on 'flood' in subjects to find out about, and then 'floodline'. Reference should also be made to the Department for communities and local Government publication 'Preparing for Floods' please email: communities@twoten.com for a copy or alternatively go to: <http://www.planningportal.gov.uk/uploads/odpm/4000000009282.pdf> as well as the Communities and Local Government publication 'Improving the flood performance of new buildings' which can be viewed at: <http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>. The Practice Guidance to the National Planning Policy Framework states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

The applicant should be aware that there is an Agreement/Obligation by way of undertaking under Section 106 of the Town and Country Planning Act 1990 affecting this site.

Further information regarding rights of appeal, removing site notices etc will appear from this point forward on the final decision notice when it is produced.



CITY PLANS PANEL

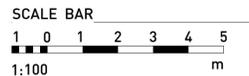


Planning Note

The following comments relate to the current revision with regard to alterations to the planning approved scheme - Application Number: 17/02666/FU

Alterations

- The overall building height has increased from 10 storeys to 11 storeys, with a new typical floor inserted at level 8.
- The external shutter design has been updated and a fixed perforated panel has been introduced to a variety of the triple windows.
- The ground floor finish floor level has been lowered, resulting in a reduced number of steps to the entrance and improvement from a wind perspective. A revised wind report has been issued in line with planning condition 24.



NOTE :
Do not scale from this drawing, use figured dimensions only. Scale bar shown for reference only.

NORTH POINT



- - - Application boundary
- - - Ownership boundary



Rev	Description	Date	Dr by	App by
M	Cycle store updated further to LCC Comments	02.10.19	YA	
L	Please see detailed revision note for alterations to approved drawings	30.07.19	YA	
K	GF Entrance amended	23.01.18		
J	Wall to ramp amended	31.10.17		
H	Entrance Steps amended for wind mitigation	23.10.17		
G	Red line amended	20.09.17		
F	Entrance and cycle store amended for wind mitigation	18.09.17		
E	Ownership line amended	26.04.17		
D	Cycle store and ramp amended as highway consultant comments	24.04.17		
C	Ramp wall amended	03.4.017		
B	Site context added	24.02.17	PC	
A	Room no.s added	17.02.17		
Rev	Description	Date	Dr by	App by
original by		date created		Approved by
YA		07/29/19		-

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drawing title:
Ground Floor Plan

project number
2016-107

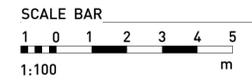
drawing number
P200

revision
M

scale:
1 : 100 GA1

issue status
Planning

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NORTH POINT



- - - Application boundary
- - - Ownership boundary



F	Units 801 and 804 updated for M4(S) Requirements	20.09.19	YA	
E	This drawing is now the new floor layout for level 8	30.07.19	YA	
D	Red line amended	20.09.17		
C	Minor layout amends	20.04.17		
B	Site context added	24.02.17	PC	
A	Room no.s added	17.02.17		
Rev	Description	Date	Dr by	App by
	Original by	date created	Approved by	
	Author	07/29/19	Approver	

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project
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drawing title:
Eighth Floor Plan

project number
 2016-107

drawing number	revision
P208	F

scale:	issue status
1 : 100 GA1	Planning

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