



Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 30 January 2020

Subject: Planning application 19/06529/FU for a part 15 storey, part 2 storey hotel building (Use Class C1), with ancillary restaurant and bar, conference and meeting facilities, gym, associated landscaping, access and servicing arrangements and other associated works.

Advertisement Application 19/06528/ADV for a digital advertisement screen to the side elevation of the new hotel building

Both at land between the Eastgate Roundabout, Dyer Street and the A61 to the east of the Victoria Gate multi storey car park, Leeds, LS2 7JL.

APPLICANT

Hammerson (Leeds Investments) Limited

DATE VALID

25 October 2019

TARGET DATE

20 January 2020

Electoral Wards Affected:

Little London & Woodhouse

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Defer and Delegate application 19/06529/FU to the Chief Planning Officer for approval, subject to the conditions at Appendix 1 and any others which the Chief Planning Officer considers appropriate and subject to the completion of a Section 106 agreement to secure the following:

- 1. Employment and training of local people**
- 2. The provision of publicly accessible areas**
- 3. Provision of a Travel Plan Review fee of £3,630.00**

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

Defer and Delegate application 19/06528/ADV to the Chief Planning Officer for approval, subject to the conditions at Appendix 1 and any others which the Chief Planning Officer considers appropriate

Conditions

A list of draft Conditions for the applications is provided in Appendix 1 of this report

1.0 INTRODUCTION:

- 1.1 The proposal is put before City Plans Panel as the development involves the creation of a new part 15, part 2 storey hotel development (with associated ancillary uses) within the Victoria Gate estate. The scheme involves investment in a site at the east of the Victoria Gate multi storey car park, which is a prominent location within Leeds City Centre.
- 1.2 This is a joint report for the two separate applications, for a new hotel building and for inclusion of a digital screen to the northern side of the proposed hotel building.

2.0 PROPOSAL:

- 2.1 The proposed development seeks to create a 205 bed hotel across 15 floors (Use Class C1). Some 180 sq metres of conference space would be provided at first floor level, with associated meeting rooms of approximately 42 sq metres and 24 sq metres. At ground floor and mezzanine level approximately 148 sq metres of restaurant space, an entrance lobby and bar lounge (Use Class A3 and A4) are proposed. These uses would be ancillary to the main use of the building as a hotel.
- 2.2 A digital screen for the purposes of advertisement display is also proposed to be sited on the north facing façade of the building. This screen would be integrated into the façade of the host building. The screen would be portrait in orientation and would measure 8.32 metres in height by 4.8 metres and would be flush with the face of the building. The screen would be positioned at a height that is above the top of the adjacent 2 storey (triple height due to an internal mezzanine) plinth section of the proposed building, such that its base would be at some 13.7 metres from ground level.
- 2.3 Externally the area to the west of the building, which lies above the culverted Lady Beck, will be laid out as a pedestrian route and servicing area and will be hard landscaped, as well as greened where possible, with areas of soft landscaping. To the eastern side of the site there is an opportunity to introduce further green/soft landscaping in the semi-circle of land that would remain undeveloped adjacent to the new building.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is currently in use as a temporary surface car park (consented under planning application 14/04438/FU – see paragraph 4.1 below) linked to the Victoria Gate multi storey car park. The area is close to St Peters Street, Dyer Street, Eastgate and the Eastgate roundabout. The site is also within the setting of the Grade II Listed former petrol filling station on the roundabout and in long views along St Peters Street towards the Grade I Listed Leeds Minster.
- 3.2 The site is adjacent to the Victoria Gate multi storey car park to the west. There is the culverted Lady Beck running beneath the western side of the site. The retained protected Mass Transit Transport System (formerly known as the New Generation

Transport) route is also to the western side of the site. To the north, south and east side there are upgraded public footways with carriageway beyond.

4.0 RELEVANT PLANNING HISTORY:

4.1 Planning approval was granted for the Victoria Gate multi storey car park, including a temporary external surface car park (for 51 spaces) on the site in question on 25 February 2015 under planning reference 14/04438/FU. The temporary surface car park was limited to 5 years operation only under Condition 32 of this planning permission. The Applicant has stated that this car park came into first use in October 2016. Thus, the use as a temporary external surface car park is due to expire in October 2021.

5.0 HISTORY OF NEGOTIATIONS:

5.1 The proposals have been the subject of pre-application discussions between the Developer, their Architects, and Local Authority Officers since April 2019. These discussions have focused on the use of the building, scale, massing and design, key view of the development, its relationship to nearby heritage and non-heritage buildings, drop-off and pick-up arrangements, servicing arrangements, public realm and connectivity and appearance as well as highway safety issues in respect of the digital screen.

5.2 A preapplication presentation for the scheme was given to Members at Plans Panel on 29 August 2019. Members made the following comments

- Members were of the view that the proposed uses were acceptable
- Members were supportive of the emerging design of the building generally although a number of Members considered the development to be too high in this location and out of scale in relation to its surrounding context, particularly given nearby historic, listed structures.
- Members also stated that ideally the building should be lighter in colour and with the inclusion of green / living walls to be considered.
- The majority of Members were not supportive of the addition of a digital screen and expressed the view that, if an advertising screen was to be incorporated, another location may be more appropriate than that currently proposed
- Members were supportive of the proposed servicing provision, pick-up and drop-off arrangements but a car parking provision survey for the area was considered necessary
- Members expressed the view that more information was required in respect of the proposals around public realm and overall approach to connectivity, including pedestrian safety in utilising pedestrian routes around and through the completed development site.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Letters of objection received on 6 November 2019 (1 letter), 15 November 2019 (1 letter), 16 November 2019 (3 letters), 17 November 2019 (2 letters) , 18 November 2019 (1 letter), 20 November 2019 (2 letters), 21 November 2019 (7 letters), 22 November 2019 (6 letters), 24 November 2019 (1 letter) and 7 January 2020 (1 letter). The comments made are summarised below.

1. Traffic is dense in the area and unsafe for cyclists and the addition of a large digital advertisement screen would be a dangerous distraction for drivers, cyclists and pedestrians making it even more dangerous for cyclists and pedestrians and would be 'visual pollution'.

2. A digital screen of this size is very energy intensive over its lifetime and is thus associated with significant carbon emissions and that this is not sustainable and does not correspond to the declaration of climate emergency by the council in Leeds.

3. That the proposed building would adversely affect the privacy for occupants of the nearby Skyline apartments building via overlooking.

4. That there will be a cumulative effect from the digital screen and other existing advertisement units that will result in the distraction of drivers and the risk of road accidents

5. That the scheme will increase traffic congestion at this already busy/log-jammed set of junctions of detriment to existing users, residents and students of the new nearby college and pollution will increase greatly.

6. That it will overshadow and cause loss of light and views for nearby properties, including the Skyline apartments building and will change the tone of this revived cultural centre of Leeds

7. That the scheme will spoil what is now a very pleasant cultural area and the digital screen will increase light pollution, preventing local residents from sleeping.

8. That there will be late night disturbance and general noise pollution from the uses in the proposed building.

9. That the building will cause a wind tunnel effect

10. That's the proposed development will have an adverse impact on the local area/community.

11. That the proposals will reduce the availability of car parking in the area when it in itself would create demand for more car parking.

12. That the building is too tall and dominant and is out of scale with other nearby buildings including those at Victoria Gate.

13. That the proposals are over-development of a small site and provides an inadequate level of open space.

14. That another (3 star) hotel is not needed in the city centre.

15. That the digital screen is of a garish design.

16. That the local resident community has not been taken into account.

17. That the construction will cause noise, dirt and dust.

18. That the Applicant has not taken account of Council Member comments made at pre-application stage.

19. That there are too many tall buildings spoiling the view from existing city apartments of the cityscape.

Response: These points will be addressed in the appraisal below and via appropriate Planning Conditions for details of landscaping and building design with the exception of the following points.

With regard to point 7 were Members to consider the digital screen to be an acceptable addition lighting levels and hours of use of the screen could be controlled via Planning Conditions.

With regard to point 8 and 10 the management of people using the hotel and its bar and restaurant will be a matter for the hotel to address in their own management plan for the operation of their business. However, it is considered that the nature of the proposed uses would be compatible with a busy commercial environment and unlikely to cause undue disturbance to the amenities of nearby residents in this context.

With regard to point 16 the Applicant has stated that they undertook preapplication consultations sessions within the adjacent Victoria Gate arcades to allow the local community to view and comment on the proposals.

With regard to point 14 the Planning system cannot stipulate the level of star rating for a proposed hotel.

With regard to point 17 a Planning Condition will be applied to cover the requirements of a construction management plan, including the control of construction noise, dirt and dust.

6.2 Letters of support received on 31 October 2019 (1 letter), 25 November 2019 (1 letter), 26 November 2019 (34 letters), 29 November 2019 (22 letters), 5 December 2019 (1 letter), 11 December 2019 (20 letters) and 7 January 2020 (7 letters) stating support for the following reasons;

1. That the scheme is superb looking, an interesting design and would be a great asset to the area.
2. That the height of the scheme is entirely appropriate given its surroundings and that the advertising screen also adds to the building.
3. The scheme will provide a great opportunity to gain more visitors to the area and to wider Leeds city centre.
4. The scheme will provide hotel accommodation for this side of the city centre.
5. That the supporter is "all for" the scheme.
6. That the scheme would make a positive increase in footfall and trade in the area.
7. That the scheme will building on the existing overnight and evening offer of the area.
8. That the scheme will be a great and fantastic addition to the city centre.
9. That the scheme is a brilliant venture that could help Leeds to become a better city (city centre).
10. That the scheme will create jobs and will be good for investment on the economy of Leeds.
11. That the scheme will be a plus for the Victoria Gate complex of buildings.
12. That they hope the development is a success.
13. That Leeds needs a good quality hotel in this area.
14. That the scheme would be ideally located and would look amazing.
15. That the development is good use of wasted space.
16. That the digital screen will enliven the city centre.
17. That the digital screen could improve the viability of the proposed hotel scheme.
18. That the proposals are excellent.
19. That the scheme will expand the city
20. That the scheme will increase leisure in the city.
21. That the scheme would be a good addition to the skyline.
22. That the building will blend well with other developments in the area.
23. That the scheme will offer environmentally friendly affordably priced, practical rooms.
24. That the scheme would be a smart addition to the city centre.
25. That the pick-up and drop-off should be moved next to the car park access to ensure reduced traffic on Vicar Lane and in the city centre.
26. That the scheme will enhance the already good facilities of the city centre.
27. That this scheme has the opportunity to be dementia friendly, sustainable and affordable.
28. That the scheme breaks up dead frontage to St Peters Street.

6.3 On letter of general comment received from Leeds Civic Trust (LCT) on 10 December 2019 stating as follows:

- That the LCT are broadly supportive of this scheme.
- That the landscaping design is rather sparse and they suggest hedging to soften the boundary edge of the site as it faces Quarry Hill.
- That they do not support the digital screen as it detracts from the architectural integrity of the building and from its setting in the vicinity of listed and historical buildings.

- That they do not object to tall blocks in this location, however they suggest that the heights of the two principal blocks be expressed optimally to read separately and have varying shades of colour.

-That more precise details for the two storey frontage will be required through the Planning process.

Response: These points will be addressed in the appraisal below and via appropriate Planning Conditions for details of landscaping and building design.

7.0 CONSULTATION RESPONSES:

7.1 Yorkshire Water state that the public sewerage infrastructure must be protected and details of the methods for doing so are required under a Planning Condition.

Response. Such a Planning Condition will be applied.

7.2 Environment Agency state that they have no objections subject to a Condition being applied that the development is carried out in accordance with the submitted Flood Risk Assessment (ref October 2019/ WIE15232-100-R-10-3-1-FRA/Waterman Infrastructure & Environmental Limited).

Response: Such a Planning Condition will be applied.

7.3 Highways state that in respect of the hotel building that due to the level of proposed vehicle use the vehicle access from Dyer Street for servicing and bin collections as well as for drop-offs and pick-ups for the hotel, is appropriate and that the informal crossing needs to be realigned along the building lines of the hotel and car park.

The new vehicle access will be constructed under a S278 agreement. Highways accept that no parking is proposed for the hotel because of its proximity to the Victoria Gate multi-storey car park, although cycle parking provision is required. The protection of the former New Generation Transport route for a future mass transit solution forms part of the proposals. A contribution for a cycle crossing is required across the eastern end of Eastgate. Highways welcome the addition of a pedestrian route to one side of the servicing area, linking Dyer Street to Eastgate.

Response; Details of the cycle parking will be required via a Planning Condition and the cycle crossing contribution would be addressed in paragraph 10.24 below.

In respect of the digital screen Highways state that they have no objection in principle to there being a digital screen on the building. Highways request Conditions to cover moving images, the transition of images, the cycle time of images, a failsafe mechanism, light sensors and luminance levels.

Response: Such Planning Conditions will be applied.

7.4 Flood Risk Management state that the site is located within Flood Zone 3 and therefore the Applicant needs to provide a detailed drainage scheme.

Response: Full drainage details will be required under Planning Conditions.

7.5 Travelwise state that a Travel Plan Review obligation of £3,630 is required and Conditions should cover cycle parking provision.

Response: The Travel Plan Review obligation will be addressed via a Section 106 legal obligation and a Planning Condition will be applied to cover cycle parking.

7.6 Environmental Studies Transport Strategy state that their preference is that glazing units with 2 thicknesses of glass be used to mitigate against any traffic noise.

Response: This matter will be controlled via a Planning Condition.

7.7 Wind consultants state that the methodology adopted by the Applicant to determine the wind climate at the proposed development location is considered to

include the most important aspects typically associated with development of this type.

- The assessment considers all wind directions, not only for those which are dominant, with the 20-degree intervals giving good detailed representation of the wind directions experienced.

- The wind velocity field is solved using a Computational Fluid Dynamics model. Although the effect of other turbulence models on the results has not been investigated, the model used is recognised as having a good level of precision in predicting the flow field for standard buildings (without rounded or complex shapes).

- The criteria used to evaluate the convergence of the simulation is fully consistent with steady state simulations, where average wind fields are assessed.

The results are considered to be consistent with the wind comfort which can be expected when a high-rise building is included in areas of more low-rise built form, and the used wind statistics. The submitted study, as revised, addresses all relevant points and the wind mitigation measures would effectively address the issues on the identified areas of concern.

Response: Wind mitigation measures proposed to be controlled via Planning Condition.

7.8 **Nature Conservation** state that the provision of a biodiverse green roof is supported, which should have no public access and should have rubbly substrates of different types, and nesting provision for Peregrine Falcon.

Response: these matters will be addressed via a Planning Condition.

7.9 **Leeds Bradford Airport** state they have no objections but that the developer or any crane operator involved must contact the Airport during planning to advise of crane dimensions and operating parameters as this may have an impact on aviation safety.

Response: An Informative will be applied to address this request.

7.10 **West Yorkshire Police** state that the scheme should take account of the principles set out in Secure by Design.

Response: The Applicant has been advised of this guidance.

7.11 **Access Officer** states that it is disappointing that there are steps from the reception area to the restaurant area, that entrance doors need to comply with BS 8300 and that accessible rooms need to be interconnected with adjacent rooms for carers.

Response: The levels change between the reception and restaurant areas are accommodated by a platform lift (space limitations mean this could not be ramped). The Applicant will be made aware of the need to comply with BS 8300 regarding the doors. The submitted drawings do show doors connecting the accessible rooms to adjacent rooms allowing for carers to be close at hand.

7.12 **West Yorkshire Combined Authority (WYCA)** state that whilst they do not object to the development in principle, retention of the easement, to protect the alignment for a 'Mass Transit' transport system (on the route that was to serve the New Generation Transport system) is required. As such WYCA are in discussions with the Applicant to redraft the easement agreement that exists between these two parties. WYCA state that the Applicant has worked up alternative service access arrangement using the Eastgate Roundabout, which would be acceptable to them. However because the nature of the new Mass Transit transport system is as yet unknown this alternative servicing arrangement may need to be revisited at a future date.

Response: Uncertainty regarding the laying out of the alternative servicing arrangements if and when a new Mass Transit transport system will need to be

addressed at the time that such a Mass Transit system comes forward. In the interim the two servicing options which are agreed with WYCA and with the Council's Highways Department will form part of the approved plans on any planning decision for the proposals.

8.0 RELEVANT PLANNING POLICIES:

8.1 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.

8.2 The Development Plan for Leeds currently comprises the following documents:

1. Core Strategy 2019 (as amended by the Core Strategy Selective Review, September 2019)
2. Saved Leeds Unitary Development Plan Policies (Reviewed 2006), included as Appendix 1 of the Core Strategy
3. The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013) including revised policies Minerals 13 and 14 (Adopted September 2015).
4. Aire Valley Leeds Area Action Plan (Adopted November 2017)
5. Site Allocations Plan (Adopted July 2019)
6. Any Neighbourhood Plan, once made.
7. Site Allocations Plan ('SAP') (adopted July 2019)

8.3 Core Strategy

8.4 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 are as outlined below.

8.5 Spatial Policy 1: Location of Development states that;

- (i) The majority of new development should be concentrated within urban areas taking advantage of existing services, high levels of accessibility and priorities for urban regeneration and an appropriate balance of brownfield and greenfield land.
- (ii) Redevelopment of previously developed land is to be prioritized in a way that respects and enhances the local character and identity of places and neighbourhoods

(iv) To prioritise new office, retail, service, leisure and cultural facilities in Leeds City Centre and the town centres across the district, maximising the opportunities that the existing services and high levels of accessibility and sustainability to new development

(v) To promote economic prosperity, job retention and opportunities for growth

8.6 Spatial Policy 3: Role of Leeds City Centre states that the importance of the City Centre as an economic driver for the District and City Region will be maintained and enhanced by:

- (i) Promoting the City Centre's role as the regional capital for major new retail, leisure, hotel, culture and office development;

8.7 Spatial Policy 8: Economic Development Priorities states that a competitive local economy will be supported through:

- (iii) Job retention and creation, promoting the need for a skilled workforce, educational attainment and reducing barriers to employment opportunities.

(vi) Supporting training / skills and job creation initiatives via planning agreements linked to the implementation of appropriate developments given planning permission.

(vii) Developing the city centre and the town/local centres as the core location for new retail and office employment and other main town centre uses.

- 8.8 Policy CC1: City Centre Development states that;
(iv) Supporting services and open spaces and improvements to the public realm.
- 8.9 Policy EN1: Climate Change – Carbon Dioxide Reduction states that all developments of over 1,000 square metres of floorspace, (including conversion where feasible) whether new-build or conversion, will be required to:
(i) Reduce total predicted carbon dioxide emissions to achieve 20% less than the Building Regulations Target Emission Rate and,
(ii) Provide a minimum of 10% of the predicted energy needs of the development from low carbon energy.
- 8.10 Policy EN2: Sustainable Design and Construction states that to require developments of 1,000 or more square metres or 10 or more dwellings (including conversion) where feasible) to meet at least the standard set by BREEAM or Code for Sustainable Homes as shown in the table below. A post construction review certificate will be required prior to occupation.
- 8.11 Policy EN4: Where technically viable, appropriate for the development, and in areas with sufficient existing or potential heat density, developments of 1,000 sqm or more or 10 dwellings or more (including conversions where feasible) should propose heating systems according to the following hierarchy:
(i) Connection to existing District heating networks,
(ii) Construction of a site wide District heating network served by a new low carbon heat source,
(iii) Collaboration with neighbouring development sites or existing heat loads/sources to develop a viable shared District heating network,
(iv) In areas where District heating is currently not viable, but there is potential for future District heating networks, all development proposals will need to demonstrate how sites have been designed to allow for connection to a future District heating network. Carbon savings and renewable energy generation achieved under this policy will contribute to EN1 (i) and EN1 (ii).
- 8.12 Policy P10: Design states that:
New development for buildings and spaces, and alterations to existing, should be based on a thorough contextual analysis to provide good design appropriate to its scale and function.
New development will be expected to deliver high quality innovative design that has evolved, where appropriate, through community consultation and which respects and enhances the variety of existing landscapes, streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place, contributing positively towards place making and quality of life and be accessible to all.
- 8.13 Policy P11: Conservation states that development proposals will be expected to demonstrate a full understanding of historic assets affected. Heritage statements assessing the significance of assets, the impact of proposals and mitigation measures will be required to be submitted by developers to accompany development proposals.

- 8.14 Policy P12: Landscape states that;
The character, quality and biodiversity of Leeds' townscapes and landscapes, including their historical and cultural significance, will be conserved and enhanced to protect their distinctiveness through stewardship and the planning process
- 8.15 Policy T1: Transport Management Policy T1: Transport Management states that support will be given to the following management priorities:
(i) Develop and provide tailored, interactive, readily available information and support that encourages and incentivises more sustainable travel choices on a regular basis.
(ii) Sustainable travel proposals including travel planning measures for employers.
c) To support wider transport strategy objectives for sustainable travel and to minimise congestion during peak periods.
- 8.16 Policy T2: Accessibility Requirements and New Development states that new development should be located in accessible locations that are adequately served by existing or programmed highways, by public transport and with safe and secure access for pedestrians, cyclists and people with impaired mobility.
- 8.17 Leeds Unitary Development Plan Review Retained Policies
Policy BD2 (Design and siting of new buildings)
Policy BD4 (Mechanical plant and service areas)
Policy BD5 (All new buildings and amenity)
Policy BD8 (All signs, advertisements and blinds)
Policy BD9 (Projecting and illuminated signs in conservation areas and residential areas)
Policy GP5 (All planning considerations)
Policy LD1 (Landscaping)
Policy CC2 (City Centre boundary)
- 8.18 Leeds Natural Resources and Waste DPD 2013 including revised policies Minerals 13 and 14 (Adopted September 2015).
- 8.19 The Natural Resources and Waste Local Plan was adopted by Leeds City Council on 16th January 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 trees, 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:
Air 1: Management of air quality through new development
Water 6: Flood risk assessments
Water 7: Surface water run-off
Land 1: Contaminated land
- 8.20 National Planning Policy Framework (NPPF)
- 8.21 The National Planning Policy Framework (NPPF) was revised in 2019 and sets out the Government's planning policies for England and how these should be applied.
- 8.22 Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development.
- 8.23 Paragraph 8 states that Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be

pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective
- b) a social objective
- c) an environmental objective

- 8.24 Paragraphs 10, 11 and 12 state that there is a presumption in favour of sustainable development.
- 8.25 Paragraph 102 to 111 state that transport issues and sustainable transport should be considered from the earliest stages of plan-making and that priority should be given to pedestrian and cycle movements; the needs of people with disabilities and reduced mobility addressed; creation of safe, secure and attractive spaces; allow for the efficient delivery of goods; and be designed to enable use by sustainable vehicles.
- 8.26 Paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process
- 8.27 The NPPF clearly identifies the importance of well-designed places and the need for a consistent and high quality standard of design. Paragraph 127 states that decisions should ensure that developments:
- a) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.28 Paragraph 132 of the NPPF states that the quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
- 8.29 Paragraph 192 of the NPPF states that in determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with

their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.

- 8.30 Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 8.31 Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 8.32 Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 8.33 Supplementary Planning Documents
- 8.34 Building for Tomorrow Today: Sustainable Design and Construction Supplementary Planning Document (August 2011).
- 8.35 Advertising Design Guide Supplementary Planning Document (November 2006)
- 8.36 Travel Plans Supplementary Planning Document (February 2015)
- 8.37 Accessible Leeds Supplementary Planning Document (November 2016)
- 8.38 Tall Buildings Design Guide (adopted April 2010)
- 8.39 The Site Allocations Plan (Adopted July 2019)
- 8.40 The Site Allocations Plan (SAP) states that Leeds City Centre is the main retail and service centre for the city and has an area defined as the Leeds Primary Shopping Quarter (also known as Primary Shopping Area). Relevant policies are:
Policy RTC1 Designation of centre boundaries, shopping areas and protected shopping frontages.
Policy RTC2 Protected shopping frontages within the city centre.
Policy RTC4 Shopfronts to maintain ground floor window display, maintain or enhance general appearance of shopping frontages and maintain or establish access to upper floors.
Whilst the site is located within the proposed Primary Shopping Area within the Site Allocations Plan, this does not restrict development to retail uses and the site has no specific allocations or designation under the SAP.

9.0 MAIN ISSUES

1. The principle of the proposed use
2. The impact on the character and visual amenity of the host site and surrounding area

3. Amenity
4. Vehicle parking, sustainable transport and travel planning
5. Landscape proposals
6. Sustainability measures and Climate Change
7. Wind impact
8. Accessibility
9. Section 106 Legal Agreement

10.0 APPRAISAL

10.1 The principle of the proposed use

10.2 The scheme is proposed to create a 205 bed, part 15 storey, part 2 storey hotel (Use Class C1) with an ancillary gym, small scale conferencing facilities (with associated meetings rooms and an ancillary restaurant with bar (Use Class A3 and A4), which will be open to both the hotel's users and the general public.

10.3 The proposal would replace the current use of the site which is as a temporary surface car park. These proposed uses of hotel with associated gym, conferencing and restaurant with bar, are appropriate city centre uses that would bring vibrancy and vitality to the site, wider street scene and this part of the City Centre. The proposed hotel would complement the existing mixed-use function of the area.

10.4 In addition, the uses would add positively to both the day time and evening economies of the City Centre, providing increased hotel accommodation to support business and leisure growth; creating new jobs; contributing towards wider economic growth and to help diversify the 'hotel offer' in the City Centre. This is in accordance with the aspirations of Core Strategy policy SP3 (i). In addition, the use is in accordance with Core Strategy policy CC1(g) which provides that other town centre uses will be supported within the City Centre boundary provided the use does not negatively impact on the amenity of neighbouring uses and that the proposal is in accordance with all other Core Strategy policies

10.5 As stated above, whilst the site is located within the proposed Primary Shopping Area within the Site Allocations Plan, this does not restrict development to retail uses. As such, officers in Local Plans consider that the development of a hotel (with associated ancillary uses) is acceptable within this location and overall the principle of the uses proposed is supported by Officers.

10.6 The impact on the character and visual amenity of the host site and surrounding area

10.7 The proposed building is a 15 storey tower with a lower plinth element fronting it of 2 storeys. The immediate area is characterised by a mixture of building heights from two storeys at the bus station, up to the 11 split levels of the Victoria Gate multi storey car park. The site is also close to the double height but single storey Grade II Listed former petrol filling station that sits on the Eastgate roundabout and the non-designated heritage assets of the Blomfield range along Eastgate which are 5 storeys in height. Stepping further out from the site the surrounding area is evolving to the east due to developments on Quarry Hill. Here, and in an elevated position, there is a range of building heights, with the closest buildings to the proposal site being 5 to 10 storeys. Beyond the Playhouse along St Peters Street there is the existing 14 storey residential Skyline block that is fronting the street. The scheme would also be visible in long views of the Grade I Listed Leeds Minster along St Peters Street. However, there is visual separation between the proposal and Leeds

Minster with clear sky and some distance evident between the two structures. As such it is considered that the scale, positioning and form of the proposed would be appropriate in respect of the existing and emerging context and is supported.

- 10.8 The building will become the backdrop to some views of the Grade II Listed former petrol filling station. This heritage asset is currently viewed from similar perspectives in the context of the contemporary Victoria Gate multi storey car park. The new hotel building will sit in front of the existing multi storey car park, replacing it as a backdrop to views of the listed building from across the roundabout. As such Officers consider that there will be no significant increase in harm to the views of the listed building in this direction and context.
- 10.9 Notwithstanding Members comments at preapplication stage, to demonstrate the relationship of the proposal to the other buildings of varying heights in the surrounding area and the Grade II Listed former petrol filling station, a number of key views along the key street approaches to the site, from close quarter and at a distance, will form part of the Plans Panel presentation. Officers consider that these views demonstrate that the scheme sits comfortably within the surrounding context, when viewed from both close quarters and in distant views.
- 10.10 The footprint of the scheme has responded to the requirement for an easement to the culverted Lady Beck and to the position of the retained protected New Generation Transport route. The building would have a 2 storey plinth, which would also include a mezzanine creating 3 floors within this lower plinth building. This lower building combined with the 13 storey tower element would give the base of the building a broader floorplate than the tower, as it rises, above it. This plinth would house the restaurant, conferencing and meeting rooms. The tower section of the scheme, where it rises above the plinth, would be 13 storeys of hotel rooms. Of the proposed 205 hotel rooms, 168 rooms would be classed as standard, 24 rooms would be classed as superior and 13 rooms would be classed as accessible. An extract ventilation and air condenser plant area is proposed within a screened space at roof level although full details of the extent of the plant required is to come forward under a Planning Condition and would need to be considered against the requirements of local Policy BD4.
- 10.11 Externally the building is proposed to visually carry forward the language of the diagrid concept used thus far in the Victoria Gate estate. However this would be interpreted in such a way as to allow the building to be complimentary to its diagrid neighbours and other surrounding buildings, but to also have its own identity. As such the scheme is proposed to be patterned as a diagrid to the main facades with a pixelated window pattern being expressed within the diagrid. The question of the colour of the facades has been considered by the Applicant and it's the case that the material would be charcoal grey flat render to all facades. This is because this tone, set against the pixelated window arrangement would allow the image of the diagrid pattern to be formed and to be visible. Were the render to be in lighter or a range of tonal colours the diagrid patterning would reduce in visual intensity. To assist to reduce the mass of the main body of the building a vertical recessed slot is proposed to both ends of the tower, with one part of the tower being stepped a storey higher than the other. This would create a more refined and vertically layered visual presence for the proposal. The lower plinth building would be predominantly glazed with the diagrid patterned within the glazing to continue the design theme.
- 10.12 The Applicant is seeking to position a digital screen within the façade of the building to display advertisements, on the northern elevation of the proposed hotel building. Members had indicated (at City Plans Panel on 29 August 2019) that a new location

for the screen was required. However, the Applicant has provided the following justification for the proposed location;

“HERITAGE CONSIDERATIONS

-North south and east elevations were considered and assessed concluding that a digital screen would be visible next to one of the key heritage assets considered regardless of the location. The north elevation was the only potential concern where the Apple Yard (Eastgate) filling station could overlap with the digital screen. This concern was addressed by not positioning the screen at a low level location on the building and at a position where visual separation can be achieved.

TRAFFIC SAFETY

It is of paramount importance that the proposed digital screen does not affect the safety of drivers and pedestrians using the roads. The design team has considered the views from a driver’s seat from each lane and each direction of St. Peters Street and North Eastgate. The key concern over traffic safety has been any potential impact on the legibility of the traffic lights regulating the roundabout.

For each view analysed each traffic light was virtually projected onto the building facade in order to establish an area where a potential screen could overlap with the traffic light and potentially create a conflict with the signalling colours.

The study concluded that most of the low level locations (ground to first floor) should be excluded in order to avoid visual conflict. There is a zone where some visual overlap might happen however this would happen only in viewpoints very close to the traffic light where a decision of either stopping or continuing would have been made by the drivers.

VISIBILITY

In order to be viable in a specific location a digital advertisement screen needs to be located where it can be seen by as many individuals as possible. The design team has analysed all the key views according to the movement and quantity, mapping a weighted visibility factor onto the building envelope. The study concluded that most of the views will happen from cars. The east facade is very visible from the south however from the north approach it is visible only at a sharp angle excluding any readability of a screen image. Both north and south elevations are visible frontally however the South facade car views are broken by obstacles including the bus station and existing trees. The north elevation provides uninterrupted and frontal views for most of the north approach making it the most visible overall.”

- 10.13 The Applicant has also stated that from a commercial perspective the north facing elevation is the only location that would work for the advertisement function of the screen and that the advertisement screen is important to the delivery of the development and more details on this are set out in Appendix 2
- 10.14 Therefore the proposed digital screen location has been reached by the Applicant due to the above considerations and needs to be assessed as presented. Objectors have raised concerns regarding the accumulation effect of digital screens in the area. Whilst there are screens at street level and on the west facing façade of the Leeds Playhouse, the location of the proposal is some distance from these and in an elevated position.
- 10.15 Proposals for advertisements need to be assessed on the basis of visual amenity and public safety. In respect of visual amenity although the advertisement screen would be large and would be viewed in the setting of some listed buildings, it would be integrated in to the facade of the host hotel building but should not be visible from hotel windows. The screen would also be viewed within the context of the wider commercial area of the city centre. Long views of the screen would be restricted by its orientation and the sweep and layout of the roads beyond the Eastgate roundabout.

- 10.16 Highways have stated that the principle of digital advertising on a building is not opposed from a highways perspective, however each advertisement signage screen is considered on its merits. Concerns of driver distraction particularly in proximity to complex junctions, pedestrian crossings and signage need to be part of this consideration. The Transport Statement submitted in support of the hotel application gives commentary on the safety aspects of the proposal and the Design and Access Statement contains some views of the juxtaposition of the screen to traffic signals on the approach to the sign. Further views of the screen have also been provided showing the approach in the outside lane and infilling a view from the second lane as requested by Officers. The views of the Council's Traffic Engineering and Road Safety Teams has been sought and whilst cautious of any advertising proposal here, they have not raised an objection to the proposal if any approval included Planning Conditions to cover moving images, the transition of images, the cycle time of images, a failsafe mechanism, light sensors and luminance levels. These Conditions, combined with how the screen has been designed to be integrated into the building façade, will allow the proposal to respond to objector's concerns about the screen being garish.
- 10.17 It should be emphasised that the developer has stated a need for the digital screen as part of the hotel proposal. The introduction of the digital screen in this location will impact upon the visual character of this area. These immediate impacts however, need to be seen within the wider context of the dynamic changes to this part of the City Centre, including the wider redevelopment of Quarry Hill and the wider benefits investment of a new hotel will bring.
- 10.18 Amenity
- 10.19 Objectors have raised concerns that the building will overshadow other nearby buildings including the residential Skyline block on St Peters Street. The proposal would be positioned to the north-west of the Skyline apartment block. At a minimum some 64.5 metres distance from it. The combined position of the two buildings, coupled with the distance between them would mean that there would no significant overshadowing of the Skyline building as a result of the proposed building.
- 10.20 Objectors have stated concerns that the development will block their view and will overlook the residential flats in the Skyline apartment block. There is no legal right to a view. In addition, as stated above, the proposals would be at least 64.5 metres from the existing apartments in the Skyline building. At such a distance there would be no significant loss of privacy for the occupiers of this existing residential block.
- 10.21 Glazing to address any noise and any ventilation requirements details will be addressed via Planning Conditions.
- 10.22 Vehicle parking, sustainable transport and travel planning
- 10.23 The site is accessible by foot or cycle from the railway station, as well as the nearby bus and coach stations. As such the development would be situated in a sustainable city centre location with extensive opportunities to use and support sustainable transport modes. The current surface car parking at Victoria Gate, for 51 spaces, would be removed to facilitate the development. However, this car parking was granted temporary consent only under planning application 14/04438/FU and thus its use as such is due to expire in October 2021. In addition, the adjacent existing multi storey car park at Victoria Gate is to be retained and would be useable for this hotel development for those that do need to travel via car to the site. Other car parks

(the NCP at Kirkgate Market and surface car parking around Templar Street and Edward Street) are also within walking distance. On-site cycle parking for staff and visitors is to be provided in accordance with planning guidance. This would amount to 10 externally located short stay cycle stands and 26 long stay cycle spaces which would be housed within a defined cycle store. It is proposed the provision of appropriate on-site cycle parking facilities will be secured by way of Condition.

10.24 Highways have requested a contribution for a cycle crossing across the eastern end of Eastgate. The Applicant has stated that they are unwilling to provide such a contribution. The site will have a total of 36 cycle spaces only and is close to other existing cycle crossings that lead cyclists directly on to the defined cycle routes. As such due to the low numbers of cycle spaces associated with this development and the fact that there are good existing cycling connections, it is considered that the contribution would not be reasonable or proportion in this case.

10.25 To service the development vehicles would drive into the site, from George Street, between the proposed building and the multi storey car park. Here they would turn, within the space, to then exit back on to George Street. Pick up and drop off would also take place in this off street area, close to the proposed building's new entrance. A defined pedestrian route will be created running north – south through the edge of the service yard, adjacent to the hotel building, connecting to George Street/Dyer Street and Eastgate. It is considered that the proposal would be accessible, promote more sustainable means of travel, and not lead to adverse road safety or amenity concerns, in accordance with the Saved UDPR Policy GP5, Core Strategy Policies T1 and T2, the Parking SPD, the Travel Plans SPD and the NPPF.

10.26 Landscape proposals

10.27 As stated above, the proposals would create a servicing route between the building and the existing multi storey car park. Leeds city centre is characterised by a wide variety of pedestrian routes and it is not uncommon for back streets or service yards to be shared pedestrian and vehicle connectors. As a result, the area in question between the new building and the existing multi storey car park has also been designed to allow for the creation of a new pedestrian route linking Eastgate to George Street/Dyer Street. This would increase connectivity and give pedestrians a further route option and complies with the aims of Policies CC2 and CC3.

10.28 Due to the position of the servicing yard, over the culverted Lady Beck and a retained Mass Transit system transport route (for which there is still the potential to create a new integrated passenger transport system of some kind), this area would need to be largely hard surfaced and would be set out in a combination of high quality paving, with tarmac to the trafficked areas. This tarmac would be treated with coloured chippings to allow it to blend and co-ordinate with the existing high quality public realm to George Street, Dyer Street and Eastgate. Concerns have been raised by commentators with regard to the levels of green landscaping. The site is constrained by the presence of the culverted Lady Beck running beneath the servicing yard, the need for this space to be able to take service vehicle use, and the need to retain the potential for a Mass Transit transport route across the service yard. However, it is the case that there are opportunities to add soft/green planting in some areas of the space around the building. These areas have been reassessed since preapplication stage and increased in size where possible. As a result the proposal includes a space to the northern end of the service yard, where it meets Eastgate, where a grassed and hedged area of 29.7 sq metres can be created and a landscaped bed along the western side of the yard of 23.4 sq metres. To the centre of the service yard would be an oval shaped rain garden island of soft

landscaping, of 30.9 sq metres, can be created. Adjacent to the rain garden on this central landscaped area a cycle shelter is proposed and this will be dressed with trellis mounted climbing plants to its facades.

10.29 There is also an area, of 103.3 sq metres, to the front of the hotel facing St Peters Street where there is an opportunity to introduce a soft landscaped edge between the building and the back of the public footpath. The combined areas of ground floor level soft/green landscaping would amount to approximately 187.3 sq metres (increased from 180.3 sq metres at preapplication stage). In addition it is proposed to add further greenery by covering the roof of the lower plinth building with a bio-diverse green roof of native wildflowers, with a gravel edge of 155.7 sq metres. The landscaping would serve to enhance the setting of the proposed building as well as providing public amenity spaces and a more pleasant environment. Full details of the landscaping would be required to come forward under Planning Condition to ensure that an appropriate and biodiverse range of planting is achieved and that high quality finishes are achieved to hard surfaced areas.

10.30 Sustainability measures and Climate Change

10.31 Members will be aware that the Council declared a Climate Emergency in March 2019. Existing planning policies seek to address the issue of climate change by ensuring that development proposals incorporate measures to reduce the impact of using non-renewable resources.

10.32 The scheme is expected to meet the requirement of Core Strategy Policy EN1 to reduce total predicted carbon dioxide emissions so as to achieve 20% less than the Building Regulations Part L Target Emission Rate and to provide a minimum of 10% of the predicted energy needs of the development from low carbon energy. In addition, the scheme is expected to meet the requirements of Policy EN2, seeking to achieve sustainable design and construction at new developments, by meeting the Excellent rating set by BREEAM.

10.33 Key sustainability measures of the scheme include the following:

- The specification of materials that have an A or A+ Green Guide for Specification rating will be given preference where possible.
- An embodied carbon assessment of the building will be undertaken in order to identify the levels of embodied carbon within the design and to assess options to reduce where possible.
- Opportunities for utilising materials that are locally, responsibly and sustainably sourced with a high recycled and/or recyclable content are encouraged to be explored throughout the design and construction phases.
- Water efficient fittings will be provided in all sanitary areas including water-efficient WCs, taps and showerheads.
- The building and high consumption areas such as the kitchen will be metered to enable monitoring of water use and in turn facilitate active on-going management.
- Leak detections systems will be provided for the building in addition to water shutoff systems for appropriate areas such as the sanitary areas.
- A Site Waste Management Plan (SWMP)/Resource Management Plan (RMP) will be prepared during construction to monitor, sort and recycle waste. The contractor will be required to follow good practice site management techniques. The requirement to produce a SWMP/RMP will be a pre-commencement condition on an approval notice.
- The development design will include design for disassembly features as well as functional adaptability features to enable waste to be avoided at the point of adaption or at end of life.

- Dedicated areas are to be provided to allow separation of waste and within the communal waste storage facilities for recycling.
 - The development has good levels of daylight, facilitated by the number and layout of windows. The natural light will enable a reduction of use of artificial lighting, as well as to provide view out benefits.
 - The specification of low VOC (Volatile Organic Compound) paints, varnishes and all other internal finishing are to be considered for the scheme in order to provide a healthy internal environment.
 - Thermal comfort testing will be undertaken and systems will be incorporated that enables a comfortable environment.
 - The development aims to minimise noise levels internally in addition to night-time light pollution and noise pollution at all times across the site.
 - Good levels of indoor air quality will be considered, including mechanical plant selection that seeks to minimise NOx and particulate emissions.
- To respond to Policy EN4 the Applicant is also in discussions with the Council regarding the opportunity to connect their scheme to the District Heating Network. Full details of the measures for carbon dioxide reduction and to minimise energy use will be controlled via a Planning Condition.

- 10.34 Some objections have raised concerns that the digital screen will be energy intensive leading to high carbon emissions. The Applicant has stated due to the design of the scheme there is a considerable amount of carbon being saved as part of the whole development (402 tonnes CO₂ saved per year). They advise that the carbon generated by the digital screen alongside the building will be a small amount in comparison, being 5% (11 tonnes CO₂ per year) of the carbon emissions for the hotel development. They advise that the proposed digital screen is of a type that are designed and manufactured to be lighter and more energy efficient than other available models, using added ambient brightness sensors to ensure the screen always operates at an optimum level of brightness.
- 10.35 Overall, the location of the site in the Leeds city centre also means that it is highly sustainable with excellent transport links, and the provision of safe pedestrian cyclist and pedestrian routes which will aid in reducing travel CO₂ emissions and promote sustainable development.
- 10.36 Wind Impact
- 10.37 A wind study was submitted as part of the application which considers the impact of the prevailing winds as a result of the development and any creation of localised wind focused micro-climates. The Lawson distress criteria is an industry standard and as such this has been employed in the wind study. This criteria states that a wind speed greater than 15 metres-per-second occurring for more than two hours per year is classified as unsuitable for the general public and represents a wind speed with the potential to destabilise the less able members of the public such as the elderly, cyclists and children. Able-bodied users are those determined to experience distress when the wind speed exceeds 20 metres-per-second for two hours per year.
- 10.38 The wind study states that wind conditions were tested using Computational Fluid Dynamics simulations for three worst case scenarios, for both summer and winter, as follows;
- Configuration 1: Existing Site with Existing Surrounding Buildings;
 - Configuration 2: Proposed Development with Existing Surrounding Buildings; and
 - Configuration 3: Proposed Development with Cumulative Surrounding Buildings.

The study concluded that for the ultimate scenario (i.e. the proposal with existing and proposed cumulative surrounding buildings), wind conditions around the proposed development during the windiest season would range from suitable for sitting to walking use. The study concluded that, for Configuration 2 and 3, locally strong wind conditions would persist on thoroughfares (persist at the north-eastern corner and south-western corner of the Victoria Gate Multi Storey Car Park) and at the south-western entrance to the proposed hotel during the windiest season. As such wind mitigation would be required in these locations.

- 10.39 The required mitigation is stated to be as follows:
- A Canopy of some 3 metres in depth along the western elevation, 7m above ground level, approximately 15% porous.
 - Wind Shelves in two rows of 11 approximately 15% porous elements, 1.5m deep by 3.14m long along western elevation at 18m and 30m above ground level.
 - Minor changes to the building planform and floor plan;
 - Changes to roof level layout; and
 - Main entrance and lobby moved north from south-western corner by approximately 5m.
- The Applicant states that each of the items listed above can be incorporated within the scheme without there being a negative effect on the overall design or aesthetic quality of the building. Full details of these mitigation measures and further testing of their effectiveness would need to come forward as integrated elements of the design via Planning Conditions.
- 10.40 The wind study has been peer reviewed and is considered to be robust and of a suitable quality and to provide a realistic result, consistent with the reviewer's expectations. The peer review also advises that the mitigation measures as detailed above in paragraph 10.39 are considered by the reviewer to be essential to address any wind issues that occur as a result of the siting of the proposed buildings at this location and that these identified mitigation measures would adequately resolve the wind issues in the three areas identified on site.
- 10.41 Accessibility
- 10.42 The entrance in to the new hotel will have a flat and level threshold. There is a levels change proposed between the reception and restaurant areas and this will be accommodated by a platform lift (space limitations mean this could not be ramped). Passenger lifts are provided from the ground floor to all floors of the building. The scheme provide an accessible room on each floor of hotel accommodation, which would have a linking (lockable) door to the adjacent room to allow carers and companions to stay close at hand. To ensure the scheme is as accessible as possible in all areas a Planning Condition will be applied to ensure that provision has been made in the means of access both to and within the proposed development, and within sanitary conveniences, for the needs of employees and members of the public who are disabled as well as non gender specific provision.
- 10.43 Section 106 Legal Agreement
- 10.44 A legal test for the imposition of planning obligations was introduced by the Community Infrastructure Levy Regulations 2010 (as amended in 2019). 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.

- 10.45 According to the guidance, unacceptable development should not be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms. Further to this, and taking adopted policy requirements into consideration, there are likely to be the following matters which will need to be addressed by way of planning obligations secured via a Section 106 Agreement: :
1. Employment and training of local people
 2. The provision of publicly accessible areas
 3. Provision of a Travel Plan Review fee of £3,630.00
- 10.46 The proposed obligations have been considered against the legal tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. Accordingly this can be taken into account in any decision to grant planning permission for the proposals.
10. 47 The development would be subject to the Community Infrastructure Levy (CIL) and the initial sum payable is estimated to be in the region of £58,467.80. CIL is generally payable on the commencement of development. The payment of CIL is not material to the determination of the planning application and in the overall decision-making process. Accordingly, this information is presented simply for Members information.

11.0 CONCLUSION

- 11.1 In conclusion it is considered that the hotel building proposal would allow for the reuse of a brownfield site, with a scheme that would result in a high quality, appropriate development that would add to the vibrancy and vitality to the area and furthering its regeneration. The scheme is considered appropriate in respect of its proposed uses, heights and massing and its intended design for both the building and the space.
- 11.2 All matters raised by the objectors have been considered and do not alter the conclusion that the proposal is in overall accordance with the Development Plan. As such the proposals are considered to be acceptable and are recommended for planning approval, subject to the conditions set out in Appendix 1 and the planning obligations set out at the head of this report.

Background Papers:

PREAPP/17/00353

19/06529/FU

19/06528/ADV



Leeds
CITY COUNCIL

Originator: Sarah McMahon

Appendix 1 - Draft Conditions

CITY PLANS PANEL

Date: 30 January 2020

Planning Application 19/06529/FU for a part 15 storey, part 2 storey hotel building (Use Class C1), with ancillary restaurant and bar, conference and meeting facilities, gym, associated landscaping, access and servicing arrangements and other associated works.

Advertisement Application 19/06528/ADV for a digital advertisement screen to the side elevation of the new hotel building

Both at land between the Eastgate Roundabout, Dyer Street and the A61 to the east of the Victoria Gate multi storey car park, Leeds, LS2 7JL.

19/06529/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 approved plans listed in the Plans Schedule.

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

3) No works shall begin on the development until a Statement of Demolition and Construction Practice has been submitted to and approved in writing by the Local Planning Authority. The Statement of Demolition and Construction Practice shall include full details of:

- a) details of any phasing of the development
- b) the positions and types of cranes and details of excavations and earthworks
- c) the methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development hereby approved;
- d) measures to control the emissions of dust and dirt during construction;
- e) the means of access, location of site compound, storage and parking (including

workforce parking), means of loading and unloading of all contractors' plant, equipment, materials and vehicles and associated traffic management measures and the means of enclosure and of safety barriers

f) details of plant equipment/storage as well as details of any vibro-impact machinery;

g) details and location of contractor and sub-contractor parking and of the management of abnormal loads

h) a local resident and business communications strategy for the duration of the works

i) how this Statement of Demolition and Construction Practice will be made publicly available by the developer

The approved details shall be implemented at the commencement of work on site, and shall thereafter be retained and employed until completion of works on site. The Statement of Demolition and 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 highways safety and residential amenity in accordance with Saved Leeds Unitary Development Plan Review (2006) policy GP5 and the National Planning Policy Framework.

4) Demolition and construction activities shall be restricted to 08.00 to 18.00 hours Monday to Friday and 08.00 to 13.00 hours on Saturday, with no works on Sundays and Bank Holidays.

In the interests of the amenity of nearby residents.

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

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

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

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

To ensure that any necessary remediation works are identified to make the site suitable for use.

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

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

8) 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.

9) No construction works in the relevant area (s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority in consultation with the relevant statutory undertaker. The details shall include but not be exclusive to the means of ensuring that access to the pipes for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the required stand -off or protection measures are to be achieved via diversion or closure of the infrastructure, the developer shall submit evidence to the Local Planning Authority that the diversion /closure has been agreed with the relevant statutory undertaker and that , prior to construction in the affected area (s), the approved works have been undertaken.

In the interest of public health and maintaining the public sewerage and water supply network

10) The site shall be developed with separate systems of drainage for foul and surface water on and off site.

In the interest of satisfactory and sustainable drainage

11) Below ground drainage works shall not commence until a drainage scheme including drainage drawings, summary calculations and investigations, detailing the surface water drainage works, and arrangements for its future maintenance, such as 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 approved Surface Water Drainage Strategy by S M Foster Associates dated October 19. The works shall be implemented in accordance with the approved scheme before the development is brought into use.

No piped discharge of surface water shall take place until works to provide a satisfactory outfall for surface water have been completed.

To ensure sustainable drainage and flood prevention

12) The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref October 2019/ WIE15232-100-R-10-3-1-FRA/Waterman Infrastructure & Environmental Limited) and the following mitigation measures it details:

-Finished floor levels shall be set no lower than 29.910 metres above Ordnance Datum (AOD), with the exception of the service yard and entrance lobby which will be set no lower than 29.293m AOD and 29.410m AOD respectively. Additionally the levels between the service yard and plant room shall be set no lower than 29.265mAOD, and the substation which must be set no lower than 29.760mAOD.

- The floodable entrance lobbies shall be constructed of water resilient materials, with concrete, water-resistant plaster and tiled floors that can be wiped clean. Electrics shall be raised above 29.910m AOD to provide protection in the extreme flood scenario.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

To reduce the risk of flooding to the proposed development and future occupants and to reduce the time it would take for the development to return to normal operations following a flood.

13) No building works on each phase shall take place until details and samples of all external walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Samples shall be made available on site prior to the commencement of building works, for inspection by the Local Planning Authority which shall be notified in writing of their availability. The building works shall be constructed from the materials thereby approved.

In the interests of visual amenity.

14) No surfacing works on each phase shall take place to the hard surfaced and landscaped areas until details and samples of all surfacing materials to the said hard surfaced and landscaped area have been submitted to and approved in writing by the Local Planning Authority. The surfacing works shall be constructed from the approved materials.

In the interests of visual amenity.

15) No building works shall take place on each phase until full details of the following have been submitted to and approved in writing by the Local Planning Authority-

(i) 1 to 20 scale drawings of the detail of roof line treatments and ground floor treatments

(ii) 1 to 20 scale section drawings of each type of window detail and the depths of the reveals

(iii) 1 to 20 scale section drawings of all new external doors and entrances

(iv) 1 to 20 scale section drawings of the junctions of changes in plane of the building

(iiv) 1 to 20 scale section drawings of the junctions of different materials

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

In the interests of visual amenity.

16) Prior to construction of each phase details of glazing and whole-dwelling mechanical ventilation package shall be submitted to and approved in writing by the Local Planning Authority. The package shall ensure that internal noise levels in hotel rooms shall not exceed the following values with the ventilation system in operation:

Bedrooms 2300-0700 30dB LAeq, 45dBLAmax

The whole-dwelling mechanical ventilation shall be designed to ensure that the air intake sourced is from a façade of the building furthest away from the A64 and Marsh Lane. The glazing and whole-dwelling mechanical ventilation package shall be installed and implemented in accordance with the approved details prior to the commencement of the use of the building and shall be maintained and retained thereafter for the lifetime of the development.

In the interests of the amenity of future occupiers of the residential dwellings.

17) The development hereby permitted shall not be occupied until a scheme detailing the method of storage and disposal of litter and waste materials, including recycling facilities, has been 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, details of recyclable materials collection with timescales. The approved scheme shall be implemented before the development is brought into use and no waste or litter shall be stored or disposed other than in accordance with the approved scheme.

In the interests of residential amenity and to promote recycling.

18) Plant and machinery operated from the site 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 residential amenity.

19) Deliveries/collections shall be restricted to 07.00 to 19.00 hours Monday to Sunday.

In the interests of the amenity of nearby residents.

20) Development shall not be occupied until the approved cycle/motorcycle parking and facilities have been provided. The facilities shall be retained for the lifetime of the development.

In the interests of highway safety.

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

In the interests of residential amenity.

22) No development shall take place until an Ecological Design Statement (EDS) for provision of a biodiverse brown/green roof has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works - to include features for invertebrates and nesting birds
- b) Review of the site potential and constraints - to include no public access.
- c) Detailed design and working methods to achieve the stated objectives.
- d) Extent and location of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used e.g. different stone substrates on appropriate geotextile membranes with drainage details, and native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the delivery of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and maintenance.
- i) Details for monitoring and remedial measures

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

To provide biodiversity enhancements in line with Policy G9.

23) Development shall not be occupied until a Servicing Management Plan (including timescales) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following information; (management of delivery, servicing and refuse collection, management of guest drop off by car including special arrangements where large numbers of movements are expected.) The plan shall be fully implemented and the development thereafter operated in accordance with the approved timescales.

To ensure the free and safe use of the highway

24) Prior to occupation of the development details of works comprising a vehicular access and informal pedestrian crossing off Dyer Street shall be submitted to and approved in writing by the Local Planning Authority and shall have been fully implemented

To ensure the free and safe use of the highway during all development works and throughout the lifetime of the development.

25) The development shall not be occupied until provision has been made in the means of access both to and within the proposed development, and within sanitary conveniences, for the needs of employees and members of the public who are disabled as well as non gender specific provision. All such facilities shall thereafter be retained and made available for use.

In the interests of access for all.

26) The development hereby permitted shall not be occupied 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. The landscape works shall include

- (a) proposed finished levels and/or contours;
- (b) boundaries, means of enclosure and retaining structures,
- (c) vehicle and pedestrian access and circulation areas,
- (d) hard surfacing areas,
- (e) minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting etc.),
- (f) planting plans including any opportunities for large stature trees
- (g) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and
- h) schedules of plants noting species, planting sizes and proposed numbers/densities including the number of trees proposed to address the requirements of Policy Land 2
- i) a full management and maintenance plan for any climbing plants on trellis/green wall/screens and/or green roofs or rain gardens including details of irrigation, feeding and the timescales and mean by which any failed planting will be removed and replaced.

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.

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 the provision and establishment and aftercare of acceptable landscaping

19/06528/ADV

1) The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.

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

2) There shall be no moving images or special effects (including noise, smell, smoke, animation, flashing, scrolling, three dimensional, intermittent or video elements) of any kind during the time that any message is displayed.

In the interests of highway safety

3) The interval between successive displays shall be instantaneous (0.1 seconds or less), the complete screen shall change, there shall be no visual effects (including fading, swiping or other animated transition methods) between successive displays and the display will include a mechanism to freeze the image in the event of a malfunction).

In the interests of highway safety

4) The display shall not change more than once every 10 seconds, the use of message sequencing for the same product is prohibited and the advertisements shall not include features or equipment which would allow interactive messages or advertisements to be displayed.

In the interests of highway safety

5) The screen display shall be erected with a mechanism installed in order that, if the installation breaks down, it defaults to a blank black screen in order to avoid any flashing error messages or pixilation.

In the interests of highway safety

6) The screen display panel shall at all times be fitted with a light sensor to adjust the brightness to changes in ambient light levels.

In the interests of highway safety

7) At no time shall the Luminance level of the signs exceed the thresholds contained within the Institute of Lighting Professionals (ILP) guidance document PLG05 - The Brightness of Illuminated Advertisements 2015 (or any subsequent amendment/replacement to this guidance).

In the interests of visual amenity and highway safety.

8) The digital advertisement screen will not be in operation outside the hours of 0600h to 2300h Monday to Sunday.

In the interests of amenity.



Leeds
CITY COUNCIL

Originator: Sarah McMahon

Appendix 2 – Additional Information from the Applicant

CITY PLANS PANEL

Date: 30 January 2020

Planning Application 19/06529/FU for a part 15 storey, part 2 storey hotel building (Use Class C1), with ancillary restaurant and bar, conference and meeting facilities, gym, associated landscaping, access and servicing arrangements and other associated works.

Advertisement Application 19/06528/ADV for a digital advertisement screen to the side elevation of the new hotel building

Both at land between the Eastgate Roundabout, Dyer Street and the A61 to the east of the Victoria Gate multi storey car park, Leeds, LS2 7JL.

Victoria Gate Hotel

Site Specific Abnormal Costs

This note has been provided by the Applicant to demonstrate to the Local Planning Authority (LPA) the abnormal costs associated with developing a hotel on the Victoria Gate specific site; in order to clarify the justification for inclusion of a digital screen within the scheme.

Proposal

The site occupies a unique position within Leeds city centre providing a link between the consolidated retail quarter to the west and the emerging Cultural Quarter to the east. The surrounding area has undergone a period of transformation over the last five years following the regeneration impact of the Victoria Gate development, with the Leeds Playhouse refurbishment and new Leeds City College campus building opening in 2019. Quarry Hill's SOYO development will continue to change the area going forward.

The Cultural Quarter boasts a number of cultural institutions such as the Grand Theatre, Opera North, the Northern Ballet and the BBC studios. It is therefore a vibrant location with a significant and growing amount of pedestrian movement.

All of these uses generate a need for more hotel accommodation within walking distance. The aim of the development is to complement the existing retail and leisure offer whilst also helping to drive the Cultural Quarter by providing visitors with a high quality place to stay, eat or drink within touching distance.

The hotel operator, who cannot yet be named, is an international brand that will diversify the hotel offer in the city by proposing to operate their upscale, boutique/professional traveller offer which will complement the wider Cultural Quarter and help to fill the gap for a high quality hotel in this part of the city centre.

The proposed use will add positively to both the daytime and evening economies in the city centre and will provide an anchor for visitors looking to stay in the Cultural Quarter.

Connectivity

The existing use of the site as a surface car park with no pedestrian route across it, combined with the Eastgate roundabout, acts as a barrier between the city centre and the Cultural Quarter. The

area is heavily dominated by traffic and does not encourage pedestrian movement or dwell. The proposed hotel eastern elevation provides a link, both visually and experientially, to the Leeds Playhouse to the east and Cultural Quarter beyond.

The public realm will be substantially improved by a new north-south pedestrian footpath linking the bus station to the south with Eastgate to the north. A new pedestrian crossing will also be provided across the vehicular entrance off Dyer St to ensure the connectivity from the west to the Cultural Quarter.

Site Specific Constraints

The site footprint is very small but contains a large number of site specific constraints, over and above other city centre sites. These include both above and below anomalies which impact the cost of developing a hotel on the site. The abnormal constraints are unique to the site and result in unusually high associated construction costs, in the order of £1.5million.

The abnormal specific site constraints are listed below and the associated costs are itemised on the attached schedule. This schedule has been produced independently by Summers Inman to highlight the abnormal costs over and above other city centre sites:

☐ **Wind mitigation measures** - required following the results of the commissioned wind survey. Measures include wind shelves and canopy fixed to the building, in order to meet LCC's policy requirements;

☐ **Sprinkler tanks** – the building footprint has been determined by site constraints including the Lady Beck culvert and underground utilities. Due to the hotel operator floor space requirements within the building the sprinkler tanks have had to be located underground, at additional expense;

☐ **Extensive groundworks** - required to remove and clear below ground obstructions from the former police station (piles, foundations and services);

☐ **Piling and foundations** – complex cantilevered pile caps and slab edges required to maximise building footprint (and meet hotel operator floorspace requirements) to bridge existing underground utilities and culvert constraints;

☐ **Flood mitigation measures** – the site is located in a flood zone, ground floor levels are required to be raised to ensure the building is protected. Additional associated costs include ramps, platform lifts, and additional goods lift for access as well as flood doors;

☐ **Building design** – At the request of LCC Planning Officers, the tall building volume has been split by a recess on each of the short sides to create a more slender appearance, effectively expressing the two rows of rooms and the corridor. Additionally, the roof plant has been consolidated in one half of the roof footprint and screened by a façade overrun. The resulting massing suggests the tower is split into two separate volumes;

☐ **Building maintenance unit (BMU)** – enhanced specification BMU required following the results of the wind survey and the incorporation of wind shelves and canopy on the building. Additional loadings required on the BMU to enable access above and below the shelves/canopies.

Digital Screen

The abnormal site costs for this specific development total in the region of £1.5million. In order to mitigate these site specific costs, an additional income is generated from the fully integrated digital screen that has been located on the northern elevation of the building. The screen has been positioned in a location which is not opposed from a highways point of view and has been integrated into the design of the building by recessing it and fixing flush with the façade.

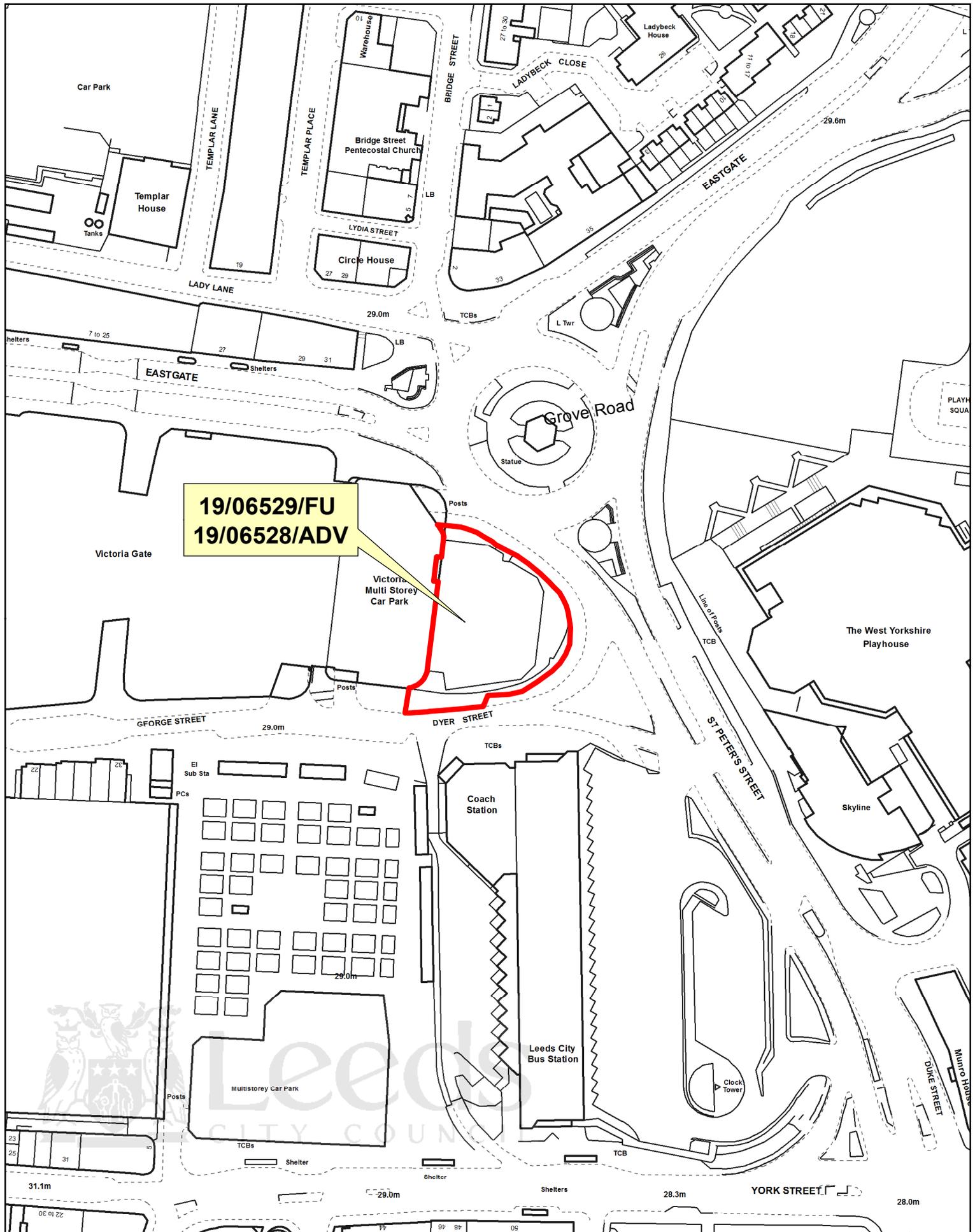
The inclusion of this potential income, circa £100,000 per annum, equates to a capital value of circa £1-£1.5million which mitigates the abnormal costs associated with the development of this site, and will enable the proposed high quality hotel to be brought forward, bringing a new international brand to the city, creating a link between the existing city centre retail quarter and the emerging Cultural Quarter. It will bring a high quality, new leisure anchor to support this growing part of the city.

10.01.2020

SUMMARY OF ABNORMAL COST PLAN ALLOWANCES: STAGE 3 COST PLAN ISSUE

Item	Element	Allowance
1	Wind Mitigation Following Surveys	
a	Polyester powder coated aluminium finish horizontal wind deflection shelves and canopies	£293,000
2	Sprinkler Tanks Below Ground	
a	Water storage tanks to feed sprinkler system to be constructed below ground within footprint of hotel due to site constraints including culvert location	£303,250
	Allowance for additional programme implications due to temporary works and below ground tank installation - 6 weeks	£72,000
3	Groundworks	
a	Allowance included for grubbing up old police station piles, foundations and services	£75,000
4	Piling and Foundations	
a	Extra over piled foundations for complex cantilevered pile caps and slab edges due to constraints of culvert and gas main locations	£74,000
5	Flood Mitigation	
a	Raised ground floor levels following consultation with Local Lead flood Authority and the Environment Agency including lobby ramp	£47,000
b	Provision of disabled access platform due to raised ground floor levels in lobby	£25,000
c	Provision of flood doors to Northern Power Grid sub-station room	£18,000
d	Provision of separate goods lift at the north end due to flood levels including external lift access doors above flood level	£163,000
	Carried Forward	£1,070,250

Item	Element		Allowance
		Brought Forward	£1,070,250
6	Building Design		
a	Change in design to provide recessed elevational treatment to North and South elevations following requirements of LCC planning		£40,000
b	Change in design to provide 4.80m high plant screen wall at roof level following requirements from LCC planning		£31,000
7	Building Maintenance Unit (BMU)		
a	Enhanced specification for Building Maintenance Unit due to loadings required following wind survey results		£45,000
b	Increase in structural steel requirements for rails and grillage for BMU		£11,500
			£1,197,750
8	Design Risk	5.00%	£59,888
			£1,257,638
9	Preliminaries	16.00%	£201,222
			£1,458,860
10	Main contractors OH&P	4.50%	£65,649
	Total of Abnormal Cost Allowances Included		£1,524,508



19/06529/FU
19/06528/ADV

CITY PLANS PANEL



Legend

- Hotel Front of House
- Kitchen
- Hotel Operations Staff
- Plant/Storage
- Circulation
- Soft Landscape
- Service Yard
- Pedestrian Pavement

14.01.20 Planning Submission TS SDP
16.02.19 Planning Submission TS SDP
17.10.19 Planning Submission TS SDP

rev no date issue description drawn checked

Notes
 Dimensions shown. Do not scale drawings.
 All dimensions are in millimetres unless noted otherwise.
 All measurements are taken from the finished floor level.
 All measurements are taken from the finished floor level.
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