



Report of the Chief Planning Officer

City Plans Panel

Date: 25th November 2021

Subject: 21/05142/FU

Hybrid application for full planning application for erection of two buildings for residential accommodation (Class C3) with two ground floor commercial units (Class E) and basement car parking; one building for student accommodation (Class Sui Generis); one building for hotel accommodation (Class C1) and co-working office accommodation (Class E); hard and soft landscaping; creation of a new public square; demolition and construction of new stairs and ramp access to existing pedestrian/cycle bridge; new pedestrian and vehicular access; external bike storage, substation, servicing; and modifications to existing vehicular, cycling, and pedestrian infrastructure.

Outline planning application for erection of one building for office accommodation (Class E), including basement car parking, access, landscaping with all matters reserved for future consideration (with the exception of access).

Valid date: 09.06.2021

Target Date: 08.09.2021

Applicant: Lisbon Street Developments Ltd.

Electoral Wards Affected:

Little London & Woodhouse

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Defer and delegate approval to the Chief Planning Officer subject to the conditions in Appendix 1 (or as amended or added to as considered appropriate by the Chief Planning Officer) and subject to completion of a Section 106 legal agreement to deliver the following planning obligations:

- a. **Offsite Affordable Housing contribution equivalent to the full policy compliant position for 7% of the total residential units**
- b. **Controls on the proposed student housing and apart hotel use to ensure compliance with the Council's policies**
- c. **Provision of public access rights through the site**
- d. **Management and maintenance of footbridge landing steps**
- e. **Residential Travel Fund for residential use (£160,866.75)**
- f. **Car Club Trial provision for office use (£8440)**
- g. **Travel Plans and Travel Plan monitoring fees (£14,840)**
- h. **Cooperation with local jobs and skills initiatives during construction**
- i. **Provision of S106 management fee**

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

1.0 Introduction:

1.1 This application is brought to members for determination following submission and assessment of the application proposals, which were submitted shortly after the emerging redevelopment scheme was presented to Members at City Plans Panel on 19th May 2021. The attached site layout plan identifies the buildings referenced below.

2.0 Proposal

2.1 Full planning permission is sought for:

- a. Building 1 comprises two residential towers providing up to 629 Build To Rent (BTR) C3 residential units, of 33 and 22 storeys, with a ground/podium level link. Two commercial units (Class E) comprising of up to 372 sqm (GEA) and 110sqm (GEA) would be provided at ground floor level within the ground floor of the northern tower.
- b. Building 2 is a student residential building providing 548 purpose-built student bedspaces of 24 storeys in height and 714 sqm of dedicated internal and external amenity space.
- c. Building 3 would be a mixed use part aparthotel building (C1) providing approximately 120 rooms and part office accommodation providing 3,128 sqm (GEA) floorspace (Class E), of 14 storeys, ground floor to include active ground floor Class E use;

- d. Enhancements to the existing pedestrian/cycle bridge's south eastern access, where it 'lands' in the site. The proposals identify the provision of improvements to the landscape throughout the development and around its edges, including a new steps and ramp arrangement for the footbridge at the southern end, to be privately managed and maintained by the developer. The existing ramp and steps do not meet modern standards and are partially enclosed. The legal responsibility for the new southern end landing structure would be with the development's management company. The bridge deck and northern landing point will continue to be owned, managed and maintained by the Highways Authority.
- e. Basement car park beneath the BTR residential buildings (providing 47 car spaces, 4 motorcycle spaces and 324 cycle spaces as well as servicing and storage facilities)
- f. Creation of two new access/egress points (one to Lisbon Street for vehicular access, including servicing pickup/drop off and basement car park access to building 1) from Lisbon Street, and one access for delivery, refuse and access to potential basement / ground floor car parking within Building 4 (proposed in outline at this stage) from Castle street. A range of pedestrian and cycle access points would be created from Lisbon Street, Castle Street, Little Queen Street and the western tip of St Paul's Street. Existing vehicle access points would be closed off and a new servicing layby created to Little Queen Street.
- g. Landscaping, public realm, cycle and pedestrian infrastructure, and servicing facilities. The landscaping would incorporate the majority of the existing trees (covered by TPOs) on and around the site periphery, with new tree planting proposed.

Outline planning permission is sought for building 4:

- h. Office building of up to 13,108 sqm (GEA) sqm (Class E) 11 storeys, including ground floor and basement car parking (providing up to 50 car parking spaces).

3.0 Site and Surroundings:

- 3.1 The site is located within Leeds City Centre and is approximately 1.31 hectares. Following demolition of the former Leeds International Swimming Pool in 2009, the site has been used as two car parks - a temporary short stay car park to the east, in addition to the remaining established long stay car park to the west. In total there are approximately 410 car parking spaces across both car parks (approximately 140 long stay and 270 short stay spaces). The only remaining structure on the site is a footbridge ramp and steps located on the north western boundary and connects to the opposite side of the Leeds Inner Ring Road to Duncombe Street. The surface is a crushed concrete finish. The site is bounded by a low railing, demarcating it from the footways which give pedestrian accessibility all around the site. There are trees and vegetation on the north and south boundaries which are subject to Tree Preservation Orders (TPOs) TPO G5 (ref TPO2015_016), TPO G6 (ref TPO2015_016) and TPO T1 (TPO2015_016).

- 3.2 The site is bound to the east by Little Queen Street, to the south by Castle Street, to the west by Lisbon Street and to the north and west by a signed cycleway, with the Leeds Inner Ring Road (A58) situated beyond the cycleway to the north west of the Site.
- 3.3 Existing vehicular access to the site is gained from Lisbon Street to the west (providing access to the long stay car park) and Castle Street to the south (for access into the short-stay car park). In addition, pedestrian access is via two access points along Little Queen Street, along the extent of Castle Street and along the cycleway to the north and west of the Site. Lisbon Street connects to Wellington Road to the south of the Site which provides access to the A58.
- 3.4 Grace Street, which is partially pedestrianised, runs to the north and links St Pauls Street with Westgate, and this is a protected public space in the Development Plan. Grace Street, along with the footway to the north of this site and the Inner Ring Road footway to the west of Brotherton House, would be enhanced under the Brotherton House planning permission 20/02021/FU.
- 3.5 Surrounding uses are predominantly offices, and with a multi-storey car park neighbouring the site at its southern edge, and existing residential flats to the north east. To the north, south and west the immediate context is characterised by large, commercial buildings, primarily used as offices such as 1 Park Lane, Westgate House, West One, West Point and Carlton Tower. There is residential use at the corner of Queen Street and Little Queen Street (Q2 Residence), and the 17 storey residential Marlborough Towers on the western side of the Inner Ring Road. To the north of the site is the non-designated heritage asset Brotherton House, which is the subject of a planning permission for purpose-built student housing including a 14 storey extension block. The boundary of the City Centre Conservation Area is at the junction of St Pauls Street and Queen Street to the east of the site, with the Conservation boundary running along Queen Street north to south. Nearby are a group of listed buildings at Park Square, including the Grade II* Listed St Pauls House. To the north of Park Square is the Grade I Listed Leeds Town Hall. The south and south west of the area is principally characterised by modern taller buildings, together with the Leeds Inner Ring Road and other taller developments to the immediate west and north. 270m to the north of the Site is the Woodhouse – Hanover Square/Woodhouse Square Conservation Area which also includes several Grade II Listed Buildings and the Grade II* Denison Hall. The impact of the proposal on heritage assets in close proximity to the site and across a wider area has been assessed in full by the applicants in a supporting heritage/townscape visual impact assessment, and officers views are summarised in the appraisal section of this report.
- 3.6 There is a pedestrian footbridge dating from the construction of the Inner Ring Road. The area is connected to Park Lane by an early 21st Century footbridge to the north of Brotherton House. There is a footpath running east to west and a circular area of surface car parking situated to the north of the building which forms part of the Brotherton House site. The site is within the City Centre Core

Parking Area, and parking provision on the surrounding streets are controlled by Traffic Regulation Orders and enforced. Leeds Rail Station is approximately 580m south east of the Site. The closest bus stop is situated on the northern side of the footbridge, 50m north of the Site, and provides services across Leeds City Centre to Cross Green. In addition, there are bus stops along Wellington Street, the closest of which is located 100m south west from the Site, which provide connections across Leeds City Centre.

- 3.7 The site lies within the designated City Centre. It is identified in the Site Allocations Plan (SAP) as a Mixed Use Allocation site ref. MX2-19 for at least 13,243sqm office use and at least 209 residential units. A small part of the south west corner of the site is located within Flood Risk Zone 2.

4.0 Relevant Planning History

- 4.1 The former International Swimming building was constructed in the 1960's and opened in 1967. The building was demolished in 2009 following the construction of the John Charles Centre for Sport in South Leeds. There is no recent full planning history on the site, other than for a temporary car park.
- 4.2 This western part of the City Centre is likely to undergo major transformation, with a range of schemes of significant density and height recently completed, under construction or approved. To the west/south west of the site these include the new residential building (18 – 11 storeys) on the former Yorkshire Post site, residential redevelopment of Lisbon Square (24 storeys), the recently approved office scheme at Lisbon Court (17 storeys) and a major residential tower at the former Bridge House (28 storeys), as well as the regeneration and new build extension at Brotherton House for student accommodation to the north east, and the ongoing redevelopment of Wellington Place to the south.

5.0 History of Negotiations

- 5.1 The site is in Leeds City Council ownership and the applicant team was selected as the Council's preferred bidder following the marketing of the site by Leeds City Council in 2019/20. The proposals were the subject of pre-application discussions between the developer, their design team and Local Planning Authority Officers from December 2020 to May 2021.
- 5.2 The pre-application discussions focused on the following key issues:
- a. The proposed land uses including the interrelationship with the site allocation (site reference MX2-19)
 - b. Design, massing and layout of the scheme including orientation of the buildings, justification for height and massing, and interface at ground floor level
 - c. Heritage considerations including the relationship to nearby heritage and non-heritage buildings and conservation areas, and key views to the site.
 - d. Highway matters including access and servicing strategy, bridge access improvements and traffic modelling

- e. Landscaping matters including landscaping strategy, retention of TPOs, tree planting and amenity spaces.
- 5.3 The developer also held discussions with local ward members, Historic England, and the Environment Agency.
- 5.4 Little London and Woodhouse Ward Councillors were consulted in December 2020, and an update briefing was held via remote meeting on 29 April 2021. Ward Councillors welcomed the emerging proposal, in particular the architectural design of the buildings and landscaped spaces. They also commented on the following issues:
 - a. the importance of pedestrian safety, natural surveillance and visibility, and safe walking routes to the universities from the site;
 - b. could a green 'buffer' to the Inner Ring Road be provided as this would be beneficial for the air quality of pedestrians and cyclists using the route along the edge of the site. This could include green walls or moss screens;
 - c. accessible student flats should be provided;
 - d. accessible seating in the public realm should be provided;
 - e. the BTR resident communal facilities at ground and first floor are welcomed as these could help tackle loneliness.
- 5.5 The pre-application proposals were then presented to City Plans Panel on 19th May 2021. The proposals were broadly supported in principle however Members raised a number of important issues which should be fully considered as part of a formal planning application, summarised as follows:
 - The importance the scheme be policy compliant in terms of the quality of accommodation.
 - The importance of pedestrian connectivity through the site, particularly with reference to the proposed connection to the adjacent footbridge.
 - Provision of play space within the scheme.
 - A need to reconsider the method of access onto the bridge (shown at pre application stage as a lift and stair combination arrangement)
 - Future proofing of buildings to allow for adaptability to accommodate for changing demographics.
 - Importance of natural surveillance and public safety for pedestrians around and within the site.
 - Concerns around the sufficiency of car parking provision within the scheme.

6.0 Consultation Responses and Representations received

6.1 Statutory

6.1.1 Historic England

There has been a number of consultations with Historic England on the proposals as submitted and subsequently revised. HE concur with the results of the applicant's Heritage assessment that the proposals will have less than substantial harm to the significance of listed buildings and character of nearby conservation areas. HE advise that the local authority should assess whether this harm has clear and convincing justification and weigh the harm against the public benefits of the scheme.

Heritage matters and the NPPF test are addressed within the appraisal.

6.1.4 Highways England

No objections subject to the use of conditions to control a Construction Traffic Management Plan including details of hours of construction details, quantum of daily HGV movements, delivery scheduling to avoid peak hours on the network, details of HGV holding areas in the construction site and surrounds and full details of wheel washing facilities.

6.1.5 Yorkshire Water

No objections subject to the use of conditions to control full details of water supply provision, separated systems of foul and surface water drainage and compliance with the site's Flood Risk Assessment.

6.1.6 Coal Authority

The Coal Authority have advised that the application site does not lie within the defined development 'high risk' area and as such, the applicant will be directed to the Coal Authority's standing advice.

6.1.7 Natural England

Natural England have advised no objections to the proposals and directed the applicant towards their standing advice.

6.1.8 Environment Agency (EA)

The EA advise no objections to the proposals providing a condition is employed to control development in accordance with the submitted Flood Risk Assessment, along with the setting of minimum finished floor levels.

6.2 **Non-Statutory**

6.2.1 LCC (Leeds City Council) Local Plans Flooding Team

This is an allocated site in the Site Allocations Plan, allocated as MX2-19, as such it has already been through a sequential test process for residential use. Consequently, the applicant is not required to undertake this process again. The Site Allocation Plan also asked for a sequential approach to be taken to the layout of the site. In this case the majority of built development is proposed to be within flood zone 1. Therefore it is considered the site requirement for flood risk sequential test has been met.

6.2.2 LCC Flood Risk Management

No objections subject to the provision of a detailed drainage scheme for the outline element of the application proposals and a condition to control the drainage works being undertaken in accordance with the submitted Flood Risk and drainage Assessment.

6.2.3 LCC Contaminated Land Team

The Contaminated Land officer advises that a Combined Phase 1 & Phase 2 Ground Investigation Report submitted in support of this planning application has concluded that remediation is required for the proposed development by way of a clean cover system in all proposed soft landscaping areas. Therefore, a Remediation Strategy will be required to be submitted for review and approval. The Contaminated land officer advises that the use of a condition to control this information is appropriate.

6.2.4 LCC Environmental Protection Team & LCC Environmental Studies (Transport Noise and Air Quality)

The Environmental Protection Officer has advised the Noise Impact Assessment submitted in support of this application details noise measurements conducted around the site together with recommendations relating to mitigation features for mitigating noise levels throughout the proposed development. The methodology and findings of the report are agreed and there are no objections subject to conditions controlling construction practice, provision of sound insulation in accordance with the agreed methodology and controls on noise outputs from any plant and machinery associated with the completed development.

6.2.5 LCC Transport Development Services (TDS)

No objections to the proposals are expressed by TDS subject to the following provisions being secured either through the section 106 agreement, section 278 agreement or via condition:

- Area of highway land at the Castle Street frontage to be stopped up under the associated s278 agreement.
- Dedication of the footway/cycleway to the west of the application site parallel to the A58 as highway under the associated s278 agreement.
- Widened footway to little Queen Street to be dedicated as highway under the associated s278 agreement.
- Removal of pay and display bays and conversion to car club spaces to Castle Street to be undertaken under the associated s278 agreement.
- Footways around the site to be resurfaced under the associated s278 agreement.
- Traffic regulation Order amendment to be controlled under the s278 agreement related to the provision of loading bays on Lisbon Street.
- Conditions to secure details of 'Approval in Principle' with reference to the new bridge landing/ramp and stair arrangement.
- Maintenance of the access control measures to the car park and protection of servicing routes to be secured under the s106 agreement along with a car park and servicing management plan to be controlled by condition.
- Restriction of servicing regimes to occur outside of peak hours through planning condition.
- Control preventing outward opening of bin store doors to be controlled via condition.
- Conditions controlling delivery of Electrical vehicle Charging Points, cycle parking and bin stores
- Conditions controlling the full details, delivery, maintenance and management regimes for the proposed environmental screen adjacent to the A58

6.2.6 LCC Influencing Travel behaviour

A Travel Plan for the site has been agreed with the following initiatives proposed:

- A Travel Plan Coordinator (TPC) will be appointed
- A Travel Plan Representative will be established for each use and they will be required to work with the site wide Travel Plan Coordinator to deliver the Full Travel Plan.
- Provision of a Residential Travel Plan Fund (RTPF). The Fund is provided to encourage future residents travel via sustainable modes, and this will cover some or all of the following:
 - Public transport ticketing;
 - Personalised travel planning;
 - Cycle purchase schemes;
 - Car sharing/walking cycle measures/promotion and/or further infrastructure enhancements; and
 - Car Club Trial and usage, support and marketing.

Therefore, the following measures will be controlled through the Section 106 Agreement:

- Travel Plan Review Fee of £14,840 (subject to 3%) annual increase
- Car Club Contribution of £8440 relating to office accommodation within the scheme
- Residential Travel Plan Fund £160,866.75 of which £64,650 to be expended on trial membership and usage package of the LCC Car Club.

6.2.7 LCC Access Officer

The access officer has advised no objections. The proposed buildings will deliver M4(2) standard and M4(3) standard dwellings in line with Core Strategy Policy H10 and adopts accessible design principles in line with the British Standard.

6.2.8 LCC Public Rights of Way (PROW)

The PROW team have advised that there are no definitive or claimed public rights of way crossing or abutting this site but are aware that there are well used cycling / pedestrian routes crossing and abutting the site, including between Castle Street and Little Queen Street, the pedestrian bridge over the A58(M) and parallel to it and between the site and St. Pauls Street. These routes are to remain open and available for use with ramps being provided to access the bridge to improve accessibility, which the PROW team advise is a welcome improvement.

6.2.9 LCC Conservation and Design Officers

No objections, see section 9.4 of this report.

6.2.10 West Yorkshire Police

No objections subject to provision of finalised details on external lighting, CCTV to an appropriate standard, provision of access controls for each building and details of an associated video intercom system.

6.2.11 LCC Landscape Officer

No objections subject to conditions controlling tree protection measures, the submission of finalised landscape details for each phase of development, control on the 5 year replacement of any failed landscaping, details of load bearing root zones for planted trees, the submission of a construction methodology regarding established protected trees and full details of screening located parallel to the A58.

6.2.12 LCC Nature Officer

No objections subject to the application of conditions controlling vegetation checks for active nests and provision of bat and bird nesting features within the proposed buildings.

6.2.13 Tobomory Consultants (Wind and Microclimate)

Tobomory Consultants have provided a peer review of the applicant's submitted Wind Assessment on behalf of the Local Planning Authority. The conclusions and recommendations are set out at paragraph 9.10 of this report.

6.3 Representations

The application was published by site notice on 05.07.2021 and in the Yorkshire Evening Post on 16.07.2021.

6.3.1 One letter of objection has been received from Leeds Civic Trust, summarised as follows:

- Overdevelopment of the site, limited space between tall buildings creating a gloomy and windy area of public realm.
- Overshadowing of interior spaces as a result of the quantum of development on site.
- Lack of direct route from the footbridge through the site.
- Lack of compliance with the adopted housing mix policy in the Core Strategy with 7% 3 bed units proposed where the policy suggests a 30% target.
- Lack of provision of 4 bed units.
- Lack of dual aspect residential units
- Lack of balconies to many residential units
- Repetitive grid format of elevational treatment – concerns that a new 'Leeds Look' is being produced which may not stand the test of time.
- 10% of energy use on site to be from low carbon sources seems low and should be increased.
- Tree groups to southern and northern boundaries feature poor quality specimens despite TPO status and some further loss here could be mitigated in the wider scheme and allow for a more generous area of central space
- Fewer but larger trees within the central space may be more appropriate and allow for better provision of play spaces

6.3.2 One general comment from a member of the public has been received as follows:

'Given the millions being spend on Segregated Cycleways across the city and given the proximity to the Cycle Superhighway on Wellington Street, then why are developments still allowed to be proposed with "shared use" cycle and footways. I would urge planners to insist on segregated cycleways around this development which will link with the schemes being built in the city. Shared use just means meandering pedestrians, often with headphones or looking at phone conflict with cyclists who then try to avoid pedestrianised areas. A segregated cycleway alongside the Inner Ring Road would be a perfect link between St Paul's Street and the Cycle Superhighway on Wellington Street.'

7.0 Relevant Planning Policies

7.1 Statutory Context

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

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

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

7.2 Development Plan

7.2.1 Leeds Core Strategy (CS)

Leeds Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. The site is located within the City Centre boundary. The most relevant policies are set out in the paragraphs below:

- Spatial Policy 1 Location and scale of development.
- Spatial policy 2 hierarchy of centres and spatial approach to retailing, offices, intensive leisure and culture
- Spatial Policy 3 City Centre Development
- Spatial Policy 6 Housing requirement and allocation of housing land
- Spatial policy 7 distribution of housing land and allocations
- Spatial Policy 8 Economic development priorities
- Spatial Policy 9 Employment
- Spatial Policy 11 Transport infrastructure investment priorities such as pedestrian improvements
- Policy CC1 City Centre growth, part (b) encourages residential development, providing that it does not prejudice town centre functions and provides a reasonable level of amenity for occupiers.
- Policy CC3 Improving connectivity between the City Centre and Neighbouring Communities.
- Policy EC2 office development
- Policy EC3 Employment use land
- Policy P8 sequential and impact assessments for main town centre uses
- Policy P10 design
- Policy P11 heritage

- Policy P12 landscape
- Policy T1 transport management
- Policy T2 accessibility requirements and new development
- Policy H3 housing density
- Policy H6B Purpose Built Student Housing
- Policy EN1 carbon dioxide reduction
- Policy EN2 sustainable design and construction
- Policy EN4 district heating
- Policy EN5 managing flood risk
- Policy EN8 Electrical Vehicle Charging Points
- Policy G6 City Centre protected greenspace
- Policy G9 biodiversity improvements
- Policy ID2 planning obligations and developer contributions
- Policy H5 Affordable Housing Provision
- Policy H8 Housing for Independent Living
- Policy H9 Space Standards
- Policy H10 Accessible Dwellings

7.2.2 Leeds Unitary Development Plan Review 2006 (UDPR) Saved Policies

Relevant Saved Policies include:

- Policy GP5 all planning considerations
- Policy BD2 design and siting of new buildings
- Policy BD4 mechanical plant
- Policy BD5 residential amenity
- Policy LD1 landscaping
- Policy N19 new buildings and character and appearance of conservation areas

7.2.3 Leeds Natural Resources and Waste DPD

The plan sets out where land is needed to enable the City to manage resources, like minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way.

Relevant policies include:

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

7.2.4 Leeds Site Allocations Plan

The site lies within the designated City Centre. It is identified in the Site Allocations Plan (SAP) as a Mixed Use Allocation site ref. MX2-19 for at least 13,243sqm office use and at least 209 residential units.

Site requirements for MX2-19 within the SAP are:

1. Older persons housing/independent living: The site is suitable for older persons housing/independent living in accordance with Policy HG4.
2. Local Highway Network: The development will make a direct impact on the congested A65 / A58 / Wellington Street gyratory. It will also have a cumulative impact on Armley Gyratory and M621 junction 2. A contribution towards mitigation measures at these locations will be required, including any necessary improvement scheme as agreed with Highways England.
3. Flood Risk: A small part of the site is affected by flood risk. A sequential approach should be taken to the layout of the site so that no housing or other more vulnerable development is located in the zone 3 high flood risk part of the site.
4. Greenspace: Civic space to be re-provided on site.

7.3 Relevant Supplementary Planning Documents/Guidance (SPD/SPG):

- SPD Building for Tomorrow Today: Sustainable Design and Construction
- SPD Parking
- SPD Travel Plans
- SPG Neighbourhoods for Living
- SPD Accessible Leeds
- SPD Tall Buildings Design Guide
- SPG City Centre Urban Design Strategy
- SPG Lisbon Street Planning Statement 2019

7.4 National Planning Policy Framework 2021 (NPPF)

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

The Framework sets policies on the following issues which are relevant to this planning application proposal (including section numbers):

- 2 Achieving sustainable development (paras 7-14)
- 4 Decision making (paras 38 - 58)
- 5 Delivering a sufficient supply of homes (60-80)
- 6 Building a strong competitive economy (81-83)

- 7 Ensuring the vitality of town centres (86-91)
- 8 Promoting healthy and safe communities (92-97)
- 9 Promoting sustainable transport (104-113)
- 11 Making effective use of land (119-125)
- 12 Achieving well designed places (126-135)
- 14 Meeting the challenge of climate change and flooding (152-169)
- 15 Conserving and enhancing the natural environment (174-188)
- 16 Conserving and enhancing the historic environment (including paras 189-208)

8.0 Issues

- Principle of development
- Residential Mix
- Affordable Housing
- Layout, scale and design of buildings / townscape impact
- Landscaping and Connectivity
- Green Space
- Public Safety
- Residential Amenity
- Inclusivity
- Wind and Microclimate
- Highways and Transportation Considerations
- Flood Risk and Drainage
- Energy and Climate Change
- Planning Obligations - Section 106 and CIL
- Representations
- Planning Balance and Conclusion

9.0 APPRAISAL

9.1 Principle of development

9.1.1 The site is Allocated as a Mixed-Use site in the Leeds Site Allocation Plan (2019) for a 209 Units and 13243 sqm of Office Space. The proposal offers two types of long term living accommodation. A 548 Student Accommodation Block and a 629 unit BtR scheme. The Outline aspect of the proposal also provides for an Office block of 13,108 sqm. Added to this is the Office Space in the proposed Apart-Hotel (3128 sqm) which results in a proposed office floorspace amount of 16,236 sqm. Flexible ground floor Class E development is also being provided that could be utilised as offices (subject to demand). It is therefore considered that the proposed residential and office use satisfy the requirements in the SAP.

9.1.2 In addition the identified site requirements for MX2-19 include:

- Provision for older persons / independent living
- Flood Risk – Sequential Approach to uses
- Local Highway Network Improvements

- The reprovision of civic space lost on demolition of the swimming pool

9.1.3 Older persons housing/independent living:

Policy HG4 in the SAP states that the site allocations plan identifies sites which are particularly suitable for older persons housing/ independent living. The explanatory text at paragraph 2.60 of the SAP states that whilst sites marked as being particularly suitable for Older Persons housing/Independent Living are highlighted, the Plan is not prescriptive in allocating sites solely for this use. Therefore, alternative types of housing provision can also be considered.

The application is supported by a Housing Needs Assessment (HNA). The HNA demonstrates:

- The existing demographic of those resident in Leeds City Centre is largely young, professional and mobile. It is made up overwhelmingly of younger people, particularly those who are aged between 20-29 years old.
- The City Centre has been, and will continue to be, a key focus for younger people, single person households and that one and two bed homes are more appropriate for this demographic.
- The BTR sector provides a unique approach to housing and lifestyle making it attractive to a relatively narrow demographic of potential residents. BTR occupiers are overwhelmingly younger cohabiting couples and single people, who are attracted by the communal lifestyle, City Centre location and are less likely to require more private space in which to raise children.
- The Proposals provide 30% of homes as accessible units M4(2) and 2% of homes under M4(3). This will provide opportunities for older persons to access demographic appropriate housing in this location.

Given the higher demographic demand for smaller units within the city centre and the highly accessible location of the site to public transport, work opportunities and the universities, it is considered that the proposal for only BTR residential and purpose-built student housing is acceptable and accord with the wider place-making objectives and policies seeking the delivery of sustainable development of the Council's adopted Core Strategy. It is also agreed that the provision of wheelchair accessible and adaptable units within the development will also provide opportunities to meet the needs of elderly and disabled people.

9.1.4 Local Highway Network:

Although the SAP identifies a need for redevelopment on this site to contribute towards mitigation measures to alleviate any impact on congestion at the Wellington Street and Armley Gyrotories, in this case the development trips will be much less than those currently generated from the site and therefore TDS (having considered the applicant's transport assessment) confirmed that there

is no requirement for an offsite highway contribution towards works at the Gyrotories.

9.1.5 Flood Risk:

A sequential approach has been taken to the layout of the site so that no housing or other more vulnerable development is located in the zone 2 high flood risk part of the site. A small part of the PBSA block would be affected by the flood risk zone 2 designation. However, there is to be no sleeping accommodation at ground floor level in the PBSA block. The block would feature means of access and egress in a lower flood risk area to the north of the block (flood zone 1), a flood warning and evacuation plan would be prepared and a technical justification including mitigation are provided in the Flood Risk Assessment and will be controlled by conditions as most of the built development is proposed to be within flood zone 1. Therefore, subject to the usual flood risk considerations detailed at paragraph 9.12, the site requirement is considered to have been met.

9.1.6 Greenspace

The site requirements advise that civic space is to be re-provided on site. The proposals are assessed against Core Strategy Policy G5 in this regard, which deals specifically with open space provision within the City Centre boundary. As will be discussed, the scheme provides for suitable levels of publicly accessible greenspace and consequently, this element of the site requirements is considered to have been met.

9.1.7 Core Strategy Policy H6B relates specifically to the provision of student housing and is relevant to this application proposal. The application is assessed as follows against the criteria within the Policy.

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

This proposal would assist this objective by providing 548 purpose-built student bedspaces which would help to take pressure off the need to use private housing for student accommodation.

Research suggests that criteria (i) and (ii) are being satisfied by the influx of new PBSA in the City Centre over recent years. In Hyde Park and Woodhouse the population of 15-29 year olds fell by 1,531 between 2007 and 2016; in contrast, City and Hunslet experienced a growth of 15-29 year olds of 10,051 over the same period. Whilst not necessarily students, the age group gives some indication of the direction of change.

Arc4 (Jan 2018) also examined the quantity of students living in different areas according to University records. This showed that between 2007 and 2016, despite the overall number of students increasing by 12,325, several neighbourhoods of Inner North West Leeds saw a reduction in students. During the same time period the City Centre, University Campus, Woodhouse, Little Woodhouse and Hyde Park saw an increase of 13,209 students. Whilst the figures do not distinguish between students living in PBSA and street housing,

the areas with the reductions are synonymous with street housing and the areas with the increases are synonymous with PBSA. The evidence available supports the contention that new PBSA is drawing students away from street housing in and around Headingley and therefore parts (i) and (ii) are considered to be satisfied.

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

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

(iii) aims to avoid excessive concentrations of student accommodation which would undermine the balance and wellbeing of communities.

It is recognised that there is a concentration of student housing to the west of the Inner Ring Road in Little Woodhouse and along Burley Street. However this site is separated from these areas by the Inner Ring Road. The immediate surrounding land uses around the site are mixed use, predominantly offices, with no traditional housing. It is considered that most pedestrian movements from the proposal site would generally be through a mixed use/predominantly commercial part of the City Centre towards the Universities, and therefore the impact on established residential communities and the character of the immediate area is acceptable.

It is further considered that whilst a number of new student housing proposals have emerged across the city centre over recent years, with reference to the site in question, the area is mixed use in nature, with a diverse range of uses which include student accommodation amongst other uses. The scheme in itself will provide a further range of residential and non-residential uses to this part of the city centre. It is therefore considered the PBSA element of the scheme would not constitute an over proliferation of student uses or promote a monoculture that would be harmful to the overall balances of uses in the area. It is therefore considered part (iii) of the policy is satisfied.

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

The site is located close to the universities, within easy walking and cycling distance. The fourth test would be satisfied as the development is approximately a 0.5-1 mile walk to the Universities area through the City Centre via Westgate, The Headrow and Calverley Street.

From this location, the walking time to Parkinson Steps is approximately 20 minutes. The walking time to Leeds Beckett Campus is approximately 15 minutes. Both of these routes pass through largely commercial City centre areas with minimal amount of residential accommodation and therefore the impact on residential amenity is likely to be low. It is considered part (iv) of the policy is satisfied.

Criteria (v) of the policy is considered in the residential amenity section of this report.

9.1.8 Hotel accommodation is supported by planning policy within the City Centre under Policy CC1(g), given its role in underpinning both the local economy and the cultural and leisure function of the City Centre. There are no specific sites allocated for hotels and, therefore, they are expected to be developed on sites that are either allocated for regeneration or replace existing uses. The hotel component of this scheme (in the order of 120 rooms) is purpose designed for a specific operator.

9.1.9 Ground floor commercial uses (Class E) would be included within the residential building at the north eastern part of the site. This includes two units (400 sqm (GEA) and 115sqm (GEA) respectively). The exact nature of these uses is to be determined, by what is viable within this part of the City Centre at the time of the completion of the buildings. However, these units would activate the ground floor frontages, generate footfall, provide vibrancy to the development and serve the residents and users of the scheme as well as other business users and residents in this part of the City. Any retail space would be limited in floorspace and range of goods (i.e. small scale convenience retail only where within Class E of the general Permitted Development Order) and on this basis is not considered to undermine the vitality of the prime shopping area within the city centre; providing a direct and targeted element of convenience retail to support the other proposed uses in the scheme and vicinity of it. Control of this matter will be addressed by conditions which will also serve to prevent the future introduction of uses which could be detrimental to the amenities of the site without further consideration within Class E and may (as a result of the nature of such uses) promote a deadened frontage to the public spaces and/or may have different servicing needs which require further consideration.

On balance, the principle of the development is considered acceptable when assessed against Core Strategy Policies SP3, CC1 and H6B, the SAP and the NPPF, subject to all other detailed planning considerations.

9.2 **Residential Mix (BtR)**

9.2.1 The site is located within the City Centre, and within an area designated for significant regeneration and a focus for new housing. The proposals include a BTR residential element. Core Strategy Policy H4 aims to ensure that the new housing delivered in Leeds is of a range of types and sizes to meet the mix of households expected over the Development Plan Period and sets out minimums with regard to a 'preferred housing mix'.

Number of Bedrooms	Percentage of total
1bed	10%
2bed	50%
3bed	30%
4bed	10%

9.2.2 The table which accompanies policy H4 gives a minimum percentage, maximum percentage and a target percentage as follows:

Type	Max%	Min%	Target%
Houses	90	50	75
Flats	50	10	25
Size	Max%	Min%	Target%
1 bed	50	0	10
2 bed	80	30	50
3 bed	70	20	30
4 bed	50	0	10

The BTR residential component of the proposal comprises 100% flats and would include the following mix of flat types:

Number of Bedrooms	Percentage of total
1bed	41%
2bed	52%
3bed	7%
4bed	0%

9.2.3 As can be seen from the above, the proposed 1bed and 2bed units are within the tolerances of the preferred housing mix. The number of 3bed units are below the threshold and no 4bed units are proposed. On this basis, the planning application is supported by a Housing Needs Assessment to address Core Strategy Policy H4. The assessment demonstrates the demographic need of the City Centre has been, and will continue to be, the focus for younger professionals, where 1- and 2-bedroom homes are more appropriate for this demographic. This is evidenced by the high proportion of people aged 20-30 who currently live in the City Centre (c. 61%) based on market advice.

9.2.4 Whilst the 7% 3 bed and 0% 4bed proposed is below the 20% preferred minimum identified in the table 4 of Policy H4, officers accept that the 7% 3bed and 0% 4bed proposed in this scheme within a high density / vertical living urban context will facilitate the overall aim of the Development Plan in promoting City Centre living for all users, with some provision of three bed units which may be suitable for families and is based on the level of identified need. On balance, the overall benefits of this proposal, including the regeneration of this important site and making good use of urban/brownfield land, would outweigh the CS policy H4 targets for three-bedroom flats. It is therefore considered that the proposed housing mix is acceptable.

9.3 **Affordable Housing**

9.3.1 For BtR residential development, Core Strategy Policy H5 allows for flexibility in meeting the Council's affordable housing requirements either on-site through provision of discounted/reduced rent levels or as a financial contribution

towards affordable housing provision off site. In this case the developer proposes to make an off-site commuted sum.

- 9.3.2 The applicant has offered to provide the full policy compliant commuted sum. This will be secured through the S106 legal agreement. At the time of writing the report the level of contribution was still being calculated based on the final mix of proposed accommodation and Panel will be updated verbally on the matter. The development would therefore accord with CS policy H5 subject to being controlled through the associated Section 106.

9.4 **Layout, scale and design of buildings / townscape impact**

9.4.1 Principle of the use of this site for tall buildings

In terms of the proposed building height and massing, the site falls in an area identified in the Council's adopted Tall Buildings Strategy SPD as being suitable for tall buildings, and where subject to design, heritage and other development management considerations tall buildings could be supported. The proposed heights at 33, 24, 22, 15 and 10 storeys continue to reflect the proposals presented to members as part of the applicant's pre application presentation in May 2021. The application proposals have been duly assessed in terms of their townscape impact as part of the application process having regard to representations received from both internal and external consultees. The proposed buildings would undoubtedly be visible in longer views around the city, and the applicant has supported their application with a townscape visual impact assessment to demonstrate key views in long, medium and near distance views from identified locations.

9.4.2 Heritage and Materiality

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 state the statutory duty of Local Planning Authorities to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. In addition, when considering any planning application that affects a Conservation Area the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area (Planning (Listed Buildings and Conservation Areas) Act 1990 s72).

In consultation with the Conservation Officer, the overall assessment in the Heritage Statement that there will be no harm to the significance or setting of the majority of listed buildings and conservation areas within the Study Area is considered to be accurate. However, there is some identified harm to heritage assets within Park Square. By the breaching of the consistent and undisturbed roofline of the buildings and by diminishing their domestic scale, the experience of these assets from Park Square North will change. In particular, the proposal will diminish, to a degree, the landmark quality of St Paul's House in views from the north east. The design evolution of the proposal has mitigated the impact of the proposal by re-siting the taller buildings so that they align and reinforce

the historic grid of the Georgian West End, providing end stops to views east-west along St Paul's Street. However, there is still considered to be some residual harm as discussed above.

For these reasons and taking into consideration those positive aspects of setting which will remain and their overall significance, it is concluded that the level of harm would be low and 'less than substantial harm' under the NPPF. It is considered that this identified harm is less than substantial' under the terms of the NPPF and Paragraph 196 of the NPPF is therefore engaged and will be weighed against the public benefits of the scheme in the planning balance section which concludes this report.

- 9.4.3 The choice and variations of material tone and detailing to each building take influence from Victorian details within the Central Area Conservation Area such as those present on St Pauls House and Aspley House. The orientation of the blocks and articulation of the elevations offer a distinctive character that would reduce the perception of a bulky appearance and would relate well to the traditional urban grain/grid of the Conservation Area. In terms of the individual detailed building designs, the new buildings would be clad in varying tones of metallic panelling in white, stone colour, terracotta and bronze folded metal panels with a legible base, middle and top to each building expressed through the grouping of window bays and recessed joint banding. Visual interest will be created through a generous window reveal/setback and variation and texture in the facades created by the folds within the proposed cladding treatments. These architectural features would combine to create three-dimensionality, opportunities for light and shade fall to the facades and variations in plain to create visual interest that will help to mitigate for the height of the proposed buildings. Some revisions to the proposed balcony arrangements on Building 1 have been proposed during the application process (see Wind and Microclimate Considerations at paragraph 9.10) however, it is considered that these changes will maintain the architectural integrity of Building 1 and its strong architectural form and design prosthetic.
- 9.4.4 The buildings would be understood as a family group, with subtle differences in tone and detailing to each building which strike a balance between maintaining an overall cohesive character whilst also breaking up any perceived mass prominence of what are undoubtedly a series of tall and prominent buildings. Conditions will be employed to control the level of setback between constructed elements of the façade at a more granular level and to ensure appropriate jointing is used to create a high-quality architectural finish. The taller blocks have been differentiated colour-wise (as noted in paragraph 9.5.8 below), the brick tones of the lower block blending with the predominant material of the west end and the lighter tallest building receding in comparison.
- 9.4.5 The proposal has positively evolved as a result of a carefully considered balance of factors in particular heritage, architecture, existing protected trees, public realm, residential amenity (e.g. daylight/privacy/outlook), wind, and servicing. In response to comments received from both Historic England, Leeds Civic Trust and Design/Conservation Officers, more work has been undertaken during the application term to assess and refine the materiality of buildings,

particularly Building 1 (towers 1 and 2). Here it has been considered that a greater level of differentiation in the tone of façade treatments is necessary in order to safeguard the setting of Listed Buildings in Park Square, Park Place and St. Paul's Street and the Conservation Area where a strong red brick/terracotta vernacular and character dominates.

- 9.4.6 The use of a darker, terracotta toned treatment to Building 1 Tower 1 assists in better amalgamating this tower into the street scape, helping to visually quieten the building when read alongside the aforementioned heritage sensitive context. This change also assists in providing a far greater degree of differentiation between Building 1 towers 1 and 2. Consequently, the revised darker tone of external facing material to tower 1 more clearly avoids the impression of a homogenous extent of massing where towers 1 and 2 of building 1 may otherwise have appeared to visually merge in longer views. Officers consider that agreement with the applicant on this revised tone to Building 1 Tower 1 provides sufficient comfort that sufficient visual differentiation and contrast can be achieved (subject to a detailed analysis of materials samples which would be secured through conditions).
- 9.4.7 Historic England have advised that the form and orientation of the two residential blocks, which are the tallest on the development, have reduced their visual impact in views from the east. Historic England further consider the buildings would predominantly appear elegant and slender. The use of lightweight materials is welcomed as a contrast and to keep the distinction between existing buildings and new development. Historic England provided a second comment that the distinction should be taken a step further through the use of contrasting materials. Having regard to this request, officers have negotiated the aforementioned use of the terracotta tone to Building 1 Tower 1 to achieve this necessary change and to mitigate any harm to the historic environment.
- 9.4.8 Historic England have subsequently advised that they consider the experience of these buildings and the conservation area in this location is largely dynamic and filtered and are therefore comfortable with the assessment that the resultant impact from these new tall buildings would cause less than substantial harm to the significance of the listed buildings and the character of the conservation area. Pursuant to the revision process, Historic England have advised they are satisfied that the finalised tone of materials addresses their previous concerns regarding visual differentiation between the two blocks however the statutory consideration of weighing the benefits of the scheme against harm to heritage assets remains a necessary test.
- 9.4.9 The proposal has been assessed from a number of other medium and longer distance locations including The Headrow, Millennium Square, Woodhouse Square and Hanover Square as well as longer views from Kirkstall Road. Officers are of the view that the proposal would not be harmful to the setting of these heritage assets. and the non-designated heritage asset Brotherton House, further reinforced by the applicant's revisions to the façade treatment of Building 1 Tower 1. The proposal is also beneficial in its impact on the setting of adjoining historic assets, by integrating a currently fragmented and negative

space, with the surrounding townscape. This would be appreciated in views east-west along St Paul's Street and kinetically as one moves from the development site to the adjoining historic area.

Townscape and Site Assembly

- 9.4.10 The redevelopment vision for the Site has been guided by the design principle of creating a new publicly accessible civic space framed by a series of urban blocks. The Proposals include five buildings set around a central public area and other interconnected green spaces.
- 9.4.11 Setting heritage considerations aside momentarily and considering the proposed range and heights of proposed buildings in wider views from the west, officers consider the proposed buildings would be read in the context of commercial scale buildings such as 1 Park Lane, Westgate House, West One, West Point and Carlton Tower, and would enhance views into the City Centre core from the Inner Ring Road, Park Lane and Kirkstall Road. In views from the north (Woodhouse Square and Hanover Square), Building 1 Tower 2 will appear as a recessive element on the skyline through its lighter materials palette which mitigates for the tower's significant height, whilst Building 1 Tower 1 provides a perceived step up in height behind the more domestic scale to the south of Woodhouse Square and Hanover square but in a tone more characteristic of the conservation area setting, visually mediating between the redbrick domestic environment and the lighter but much taller scale of Building 1 Tower 2.
- 9.4.12 In terms of the urban grain, creation of new routes and contextual analysis of the proposals, the proposal compares favourably to the character of the surrounding street scape. Whilst the site is currently an open cleared area of land, the existing site is anomalous when considering the tight pattern of streets and the relationship between more modern commercial buildings in the vicinity. This development creates a new arrangement of buildings with new enhanced pedestrian routes and vehicular accesses intended to effectively 'plug in' to the existing street pattern but also provide a transitional environment between the highway dominated environment to the west into the more ordered and traditional grid-formatted streetscape and Conservation Area setting to the east.
- 9.4.13 Gaps between modern buildings of a similar nature within the locality are generally limited, ranging from approximately 10 metres between Central Square and its surrounding peers, 15 metres between Brotherton House and the adjacent Netel House and between 15 - 20 metres between buildings at MEPC Wellington Place. Notwithstanding, the buildings proposed here are in some instances much taller than those identified in the surrounding vicinity and therefore, the separation between buildings is a key consideration in terms of the experience of the pedestrian at the human scale moving through the site.
- 9.4.14 The site layout as proposed has regard to this important consideration. Towers 1 and 2 of Building 1 (the tallest two buildings in the proposal) are arranged in parallel along the site's east-west axis but do not sit directly opposite one

another, allowing for some respite from the significant and tall level of enclosure they produce for pedestrians moving from the west to north east/south east and vice versa. This arrangement also helps to concentrate the tallest element of the scheme closest to the existing wide and visually imposing highway infrastructure of the Inner Ring Road and therefore separated and distinct from the more domestic scale of Little Queen Street.

- 9.4.15 The most significant relationship between buildings within the site is perhaps that between Building 1 Tower 2 (33 storeys) and Building 2 (24 storeys). At the ground floor level just over 11 metres would separate the footprint of the two buildings. However, in order to produce an acceptable relationship, integrated into the design of Building 2 is a podium level which provides a clear break between the building's taller tower element and the public realm. This podium in effect provides a setback of a further 6 metres between the bulk of Building 2's height / massing and the adjacent pedestrian environment by introducing a single storey element parallel to the public realm and a newly created public route to the north of Building 2. This design measure will help to distance pedestrians from the potentially overbearing impact of two tall buildings arranged in parallel.
- 9.4.16 Further relief from the significant building heights at the human scale will be achieved by the concentration of landscaping and planting towards the southern edge of Building 1 Tower 2. As a corollary, the main pedestrian pathway from the west into the site is proposed to be located proximate to the lower scaled element of Building 2's podium. By this landscape design measure, pedestrians will be naturally guided towards a route adjacent to the lowest scale element of the smaller of the two buildings. It is considered that this arrangement and landscape provision combined with the active ground floor frontage of both buildings will provide a palatable and acceptable environment for people moving through the site that in turn mitigates for the significant height of the two tall buildings within the scheme.
- 9.4.17 Separation distances between the remaining buildings in the proposed layout and the surrounding streets are considered acceptable. Building 3 is proposed at 14 storeys and the parameter plans for Building 4 propose approximately 11 storeys in outline. These heights compare favourably to the 14 storey adjacent Castle House due south of their siting where Buildings 3&4 would be separated from Castle House by 21 metres and buildings to the east of the site along Little Queen Street by 35 metres respectively. Building 2 would be located approximately 16 metres from the Lisbon Square / Ebor Court development site but set at an angle such that the width of the student block's longer elevation splays away from Lisbon Street and does not present a flat length of tall elevation towards this adjacent site.
- 9.4.18 The taller element of Building 1 Tower 1 would be separated from the approved extension to Brotherton House by approximately 34 metres. This level of separation is considered to be appropriate having regard to the 22 storey height of Building 1 Tower 1 where compared to the much lower 14 storey height of Brotherton House's approved extension. This new composition of buildings would form part of a stepping up in heights from Brotherton House (14 storeys)

up to Building 1 Tower 1 (22) and Building 1 Tower 2 (33) before heights fall again towards the south of the site where Building 2 (24) and Building 3 (14) would reside. By the same token, heights are proposed to fall along the west to east axis of the site along the southern boundary – being tallest close to the Inner Ring Road - Building 2 (24 storeys) down to Building 3 (14) and Building 4 (outline 11 storeys).

- 9.4.19 This interplay between the heights of buildings 2, 3 and 4 address a need to step down in building heights from the highway dominated environment beyond the western site boundary towards the more domestic scale of Little Queen Street. In this respect it is considered that concentrating the taller buildings close to large scale infrastructure and the lower scaled buildings adjacent to the existing lower scale environment of Little Queen Street is entirely the correct approach in site assembly and urban design terms - further reinforced by the tallest point of height (Building 1 Tower 2) benefitting from the greatest degree of separation from Little Queen Street of any building within the scheme.
- 9.4.20 There now follows an appraisal of the individual buildings within the scheme. Architecturally, all buildings are proposed to adopt a plinth, mid-section, and crown. These buildings are patterned and introduce texture at the lower levels which are gradually simplified toward the upper levels.

Building 1 – BtR residential

- 9.4.21 As noted above, whilst in effect a single building, in wider townscape terms this building will read as two distinct towers with a common architectural arrangement but an important difference in tonality to visually separate and distinguish each tower from the other.
- 9.4.22 Attention to detailing at the lower levels has been considered particularly in the GRC/Concrete plinth and colonnade elements which are intended to ground the buildings. The elevational arrangements to these two towers are highly ordered in terms of window positions and proportions. Variations are intended to be achieved through subtle changes to the shape and profile of a series of the proposed bespoke folded rainscreen panels as this cladding travels up each of the two towers. Further visual interest will be achieved at the tertiary scale through window setbacks/reveals. The tonality of all built elements will be controlled through conditions and will allow for a finer degree of control than the submitted images allow for in terms of achieving a contrast between individual primary, secondary and tertiary built elements applied to each of the two towers and podium, whilst also securing a suitable contrast between the two towers in totality, as per the aims of Historic England’s comments and advice.

Building 2 – Purpose Built Student Accommodation

- 9.4.23 The Student Living block is proposed to be located on the South West corner of the site between the Building 1 Tower 2 and Building 3 (Aparthotel). The facade design of Building 2 is a combination and semi-continuation of the base aesthetics of the two surrounding buildings - with Building 2 intended to act as

a visual mediator / middle ground between the two. The facade design retains some of the ordered and grid-like arrangement of fenestration and also includes a strong visual base in the form of the ground floor plinth and terrace arrangement (as per Building 1). The design of Building 2 however also seeks to subtly vary the proportions of the grid arrangement of window bays as per the variations to Building 3 (created by a diminishing scale of window openings), where building 1 keeps regular and consistent proportions. However, building 2's solid to void arrangement varies up the building façade, where Building 3 employs a simpler, diminishing scale of window openings.

Building 3 - Apart Hotel

- 9.4.24 As per Buildings 1 and 2, Building 3 employs a strong visual base, although unlike its peers this is more clearly defined by the architectural treatment and proportions of features than the use of a physical plinth or podium structure. The architectural language is a simple case of 'form follows function' where in this case the mid-section of the building above plinth level utilises larger window openings than the levels above, where levels 1-6 will form workspaces and levels 7-14 involve diminished and domestic scale window proportions compared to the lower levels, reflective of the use of the aparthotel rooms therein.

Building 4 – Office (outline proposal)

- 9.4.25 Whilst the office building is proposed in outline, the design and scale are set within given parameters and a design code provided in support of its inclusion as an outline element. The precise detail of the architectural treatment of the buildings would be controlled through a future Reserved Matters application, however of note within the supporting information is the intended continuation of the architectural principles of the surrounding buildings in the scheme, notably a strong base, expression of three dimensionality through setbacks and window reveals alongside subtle changes in tone, materials profiling and the use of an ordered grid like pattern of features, forming a visual continuation of Buildings 1-3 but with subtle differences to differentiate it from its immediate peers.
- 9.4.26 In this regard, officers consider the buildings within the scheme strike the important and often difficult balance of retaining sufficient visual differentiation to appear heterogenous, whilst maintaining a degree of legibility as a common 'family' of buildings. Conditions will be utilised to control the submission and approval of construction standard drawings and samples of materials.

Bridge Link

- 9.4.27 The scheme will upgrade the existing bridge landing at the A58 boundary and comprises the introduction of a funnelled stairway leading up to a platform area above which links to the existing bridge. A rampway will be installed parallel to the improved cycle/footpath which connects to the platform at its northern end. Visitors to the City Centre arriving from the west, over the existing bridge, will arrive onto the new platform access and have the choice of using the stairway

down onto the cycle/footpath or utilising the ramp. This ramp access lands further northwards from the landing point of the existing ramp access, i.e. closer to the improved footpath on the northern boundary of the site.

- 9.4.28 The Bridge Link is designed to be a functional structure comprising steel platform and ramp materials with sectional glass balustrading forming its perimeter treatment. The structure would be supported atop steel columns and structural concrete walling which delineate the edges of the tapering stairway. Affixed to the concrete walling will be a series of mesh screens which will allow for vertical climbing plants. Ramped access onto the main bridge link rampway will be provided from the cycle/footpath onto the ramp where the route up onto the platform level will be divided into 9.75m ramped sections with regular landing spaces for respite. Given the significant land level change between ground and platform level, the ramp is proposed to feature a number of switch-backs in order to reduce the necessary land take to facilitate its 147 metre travel distance from ground to platform level.
- 9.4.29 It is considered that whilst this structure would be a significant visual presence at the site periphery, the link would constitute a vast improvement to the bridge link in situ today, which is not accessible to all and is in poor condition. Weighing in favour of the proposed design is the ability to allow for wheelchair access onto the bridge, the use of high quality materials to be controlled by condition and the location of the link close to both the A58 (where given the immediate environment is dominated by a multi-lane roadway a significant piece of highway infrastructure would be visually in keeping) as well as it's proximity to the tallest building in the scheme where despite it's significant size, the link would appear to be of a relatable scale to the building and it's surroundings.
- 9.4.30 With reference to the above design considerations, the proposal is considered to address the requirements of Leeds Core Strategy Policies P10, P11, Saved UDPR Policies GP5, and BD2.

9.5 **Landscaping and Connectivity**

- 9.5.1 Core Strategy Policy CC3 expects new developments to make contributions or appropriate route enhancements to “help provide and improve routes connecting the City Centre with adjoining neighbourhoods and improve connections within the City Centre in order to improve access to jobs and services, to encourage greater usage and make walking and cycling easier, safer and more attractive”. The proposal would provide improved connections from St Pauls Street to the west, along the Inner Ring Road frontage, and diagonally through the new public square and these measures are considered to be positive aspects of the scheme and key to integrating the development into the wider streetscape.
- 9.5.2 Another consideration is the lack of provision of a legible public route between the central public square in the landscaped courtyard and the proposed bridge link. This issue was raised by members as a point of concern during the pre-application presentation of the scheme at City Plans Panel on 19th May 2021.

As was noted at that meeting, the applicant has addressed the lack of route from a commercial perspective, providing the following justifications:

- The two BTR towers would be operated by the same company, and it is proposed to create a ground floor podium of amenity space. This space is communal to all users of the BTR and shared between the two towers. It is important for efficiencies of operation and management that this space is operated singularly, and not separated between the two towers.
- The ground floor private amenity space would serve all residential units within a management office, gym, media room, co-working suites and residents lounges.

9.5.3 Officers further note that the proposed design and layout is (in part) driven by changes to the masterplan for the site during the pre-application enquiry for this development, where the site layout and building positions have changed in order to respond to heritage and wind/microclimate concerns. As a consequence, the potential for a direct route between buildings directly from the bridge link has been lost in the process of addressing other planning considerations. As advised by the Public Rights of Way Team, there are no definitive or claimed Public Rights of way which cross the site and the proposals ensure existing public routes remain open and enhanced.

9.5.4 Notwithstanding the above, the development is considered to provide an acceptable and legible series of routes. In addition to the widening and improvement of the Cycle/Footpath parallel to the A58, two routes into the core of the site from the western edge are proposed; the first being 25 metres south west of the bridge link stairway which then runs between Building 1 Tower 2 and Building 2 into the core of the site. The second route would be retained between the northern edge of the site and Brotherton House, with site access taken from the application site's north eastern corner.

9.5.5 Both routes would be within approximately 25 metres of the Bridge Link stairway and ramp access point, with the travel distance into the central lawned area from the southern of the two routes being 97 metres - compared to 40 metres if a hypothetical route were drawn from the bridge link through the base of building 1 to the same location in the centre of the site. It is considered the proposed route from the bridge link would be clear and legible, formatted with a clear point of arrival from the shared route along the A58, with a splayed/funnelling entrance point which will help to filter and direct pedestrians onward into the site.

9.5.6 Due to the design format of the bridge link (where to avoid an excessively lengthy ramping distance the land level change is addressed by a tiering of the ramps needed) a direct route from the bridge through building 1 would not be likely to provide a sense of welcome or be as legible due to the scale and bulk of the ramp infrastructure adjacent to it, creating a more compact and visually cluttered arrival space. An entrance in effect 'behind' the bridge link ramps would also further clutter a space where the ramps, ramp platform, steps and cycle store (located to provide direct access onto the adjacent cycleway) would also be visually present.

- 9.5.7 It is clear and understood that the preference for a direct route is an important consideration and was foremost in the minds of Members at the May City Plans Panel presentation. Its lack of inclusion in the finalised proposal should be understood in its full context. As a component of the wider scheme, the benefits of re-developing a highly sustainable brownfield site, the provision of alternative routes and the requirements of designing and delivering a scheme that produces an acceptable and safe microclimate without detriment to the character of the conservation area and setting of important Listed Buildings, the lack of direct route has been considered fully, but in the overall balance of considerations its absence is not considered to carry sufficient weight to refuse the application in its totality.
- 9.5.8 Notwithstanding the absence of the aforementioned direct route, it is considered that the proposed new spaces and connections would help to re-integrate the site back into the urban grain of the surrounding streets, to create a more walkable and greened environment in this part of the city (which currently has a harsher character due its cleared nature and proximity to major infrastructure). The spaces and pedestrian routes around the site presently have an unwelcoming appearance and feel disjointed. The scheme as presented provides for strong pedestrian links to the north and south of the site from the A58 for onward connections into St Paul's Street and Little Queen Street, whilst also creating a walkable pedestrian route on a diagonal axis through the landscaped courtyard within the site. The newly improved shared pedestrian cycle route adjacent to the A58 will allow for a vastly improved experience for cyclists.
- 9.5.9 The proposals include tree-lined soft landscaped and high-quality public realm including a large new greenspace measuring c45m by c35m across in the main body of the square, plus wide landscaped routes extending onto surrounding streets. The introduction of residential, student housing, hotel, food and drink, retail and office uses would help to activate the area and provide additional natural surveillance of these routes. The layout of the proposed buildings would provide active ground floor uses, which would help to enhance the street scene and offer natural surveillance to the new public square, Little Queen Street, Castle Street, Lisbon Street, the pedestrian route to the north of the site and the footpath along the Inner Ring Road. In terms of public safety West Yorkshire Police have recommended that details of external lighting and CCTV provision to be controlled by condition will be satisfactory controls to create a series of safe public spaces for both pedestrian transit and dwell time.
- 9.5.10 The finalised level of detail concerning tree and general landscape planting will be addressed through conditions, however the planning application provides comfort on the general approach and layout. A central green space is proposed to form the "green heart" of the development and function as the focal point. This would include a central lawn framed by low level mixed, shrub, perennial planting, and seating along with recessed garden areas comprising multi-stems, smaller single stems specimens and medium sized single stem tree species. A new pedestrian link from Lisbon Street to St Paul's Street would

provide a diagonal spine through the development from which connections to building entrances and smaller planted, grassed and paved spaces can be accessed and in the case of Building 3 (aparthotel) and opportunity for external covers and spill out associated with its proposed active ground floor use.

- 9.5.11 A ribbon of new tree planting would weave through the public space to connect to the established habitats on either side. The retained mature trees form an attractive setting for the building(s) and a framework for new planting and are environmentally, visually, socially and ecologically important due to their contribution to visual amenity and well-being, biodiversity and carbon change mitigation. This would also improve air quality, absorb water runoff and create an attractive place for people living, working and visiting the development as well as providing a greened base to the scheme at the pedestrian level which will assist in mitigating for the impact of the taller buildings at the human scale.
- 9.5.12 The approach is to retain the strong and established groups of trees around the site periphery and reinforce these with new tree planting where necessary - particularly parallel to the new shared cycle/footpath close to the A58. Lower height species will be concentrated towards the centre of the development within the courtyarded envelope to allow for the lawned area to remain the focal point of the landscape arrangement and assist in framing the new public routes. The new planting and pathways through the site are to be located adjacent to a series of 'raingardens' which are intended to act as an important sustainable urban drainage measure. Conditions will be used to ensure that appropriate species are identified which thrive in this environment, with the aim of providing a year-round greened environment that also satisfies its dual purpose as flood attenuation. The proposed layout includes opportunities for play facilities to be integrated into the design of the public space, with features such as balancing logs, stepping stones and seating linked to the raingarden spaces and footpaths but integrated into the overall general design rather than segregated. Again, given the ambition for Leeds to be the best city for children, this approach is welcomed and the detail around these features will be secured through condition.
- 9.5.13 Approximately 48 trees on-site are protected under TPOs with the majority situated along the southern boundary. The scheme layout has been developed and orientated to safeguard those trees of greatest value. In total, 20 trees protected under TPOs would be retained, with 28 removed, including a number in poor condition. The Category A 'Retention Most Desirable' tree situated on the northern boundary would be retained as part of the scheme and conditions would be used to control protection measures for all retained trees to ensure they are not adversely affected or removed in the build process. The existing tree groups on the southern boundary would also be supplemented with similar species. Approximately 84 new trees are proposed as part of the new landscaping arrangement around and within the site and this provision would exceed the 3 for 1 re-provision in accordance with NRWLP Policy Land 2.
- 9.6.14 In addition to above publicly accessible open space provisions, both Buildings 1 and 2 are proposed to include elevated external amenity areas for residents, which will provide opportunities for more limited but not insignificant additional

planting. Likewise, the proposals approved to Brotherton House beyond the site's northern boundary include the improvement of an east-west route which it is proposed will be landscaped with a significant depth of grass and planting to Brotherton site's southern edge. Whilst discounted from the area considered as public open space for this proposal, the proposed retention of a large specimen protected tree at this site's northern edge (and the provision of planting around the site's north east and north western corners) will help to provide a coherent landscaping treatment to the edges of the improved public route and create a more hospitable environment than is the case today.

- 9.6.15 There is a 5m maintenance easement to the Inner Ring Road retaining wall along the north western edge of the site. Highways officers have requested that this be fully utilised as a shared pedestrian and cycle route for the length of the side frontage. Hardy, wind and pollution tolerant species of trees are proposed to the western boundary, with full details to be controlled through conditions alongside details of sub ground containment measures to ensure sufficient space for growth. This measure would improve amenity for pedestrians and cyclists along this route whilst reducing air pollution from the A58, and the developer has proposed that the route along the Inner Ring Road is set at 4.5m wide to allow an additional 1.5m wide planted strip to site the line of new trees between Lisbon Street and the new Bridge Link structure and steps. It is also proposed to introduce an environmental screen at 3 metres in height along the pedestrian route parallel to the A58 in order to respond to members concerns at the pre application stage. The full details of this will be controlled by condition.

9.6 **Green Space**

- 9.6.1 The layout of the proposed site shows that the open space within the envelope of the buildings (i.e., the courtyard) would not be fractured, would be contiguous and clearly designed and laid out to be put to public use. The proposals also include improved areas of open space to the western and northern edges of the buildings between Buildings 1 and 2 and the Inner Ring Road. In total 0.46 hectares of Green Space would be provided.

Policy G5 (iii) refers to the requirements for mixed use developments and suggests that the greater of either 20% of the total site area be provided or a minimum of 0.41 hectares per 1000 population of open space be provided (in this case the approximate residency is expected to be 1806 people and would bring a requirement for 0.74 hectares of dedicated Green Space to be provided on site, is therefore the greater of the two requirements in the policy and takes primacy). The site area equates to 1.31 ha and on that basis, in order to satisfy this arm of the policy, the amount of green space needed (0.74 hectares) would cover approximately 50% of the site. Clearly, in this tight grain, brownfield, city centre location this requirement is impractical and would inhibit delivery of the scheme. In circumstances such as this where the provision cannot be practically provided on site, a commuted sum is sought for any shortfall where appropriate. In this case the shortfall equates to 0.24 hectares which would generate a calculated offsite contribution of £160,884.13.

- 9.6.2 As part of the overall scheme, the developer is providing improvements to the pedestrian connectivity in the locality at their own cost, through provision of the bridge link, which would cost approximately £1.2 million to deliver. The bridge link would enhance and improve connections towards Hanover Square - an open space provision in walkable distance of the site which includes play facilities as well as sport facilities (which are likely to be used by the target demographic of occupation and, is of a different nature to the typology of Green Space being provided on site or that can be realistically delivered given the site context).
- 9.6.3 The proposed bridge link also offers a substantial improvement in terms of accessibility for residents and other pedestrians; unlocking an access route over the adjacent inner ring road for people with limited mobility and (alongside the policy requirements of Core Strategy policy H10) will contribute towards providing an area of housing more suitable for independent living in line with the aspirations of Core Strategy Policy H8.
- 9.6.4 On this basis and on balance, given the high quality and contiguous nature of the public realm being provided on site, the substantial improvement to pedestrian walking and cycling routes which include access to other areas of local green space alongside the provision of the bridge link and it's associated benefits, it is not considered appropriate or proportionate to seek a further contribution towards greenspace provision in this specific case.

9.7 **Public Safety**

- 9.7.1 A meeting has taken place with the Architectural Liaison Officer (ALO) and no objections to the proposals are raised subject to the use of conditions to control an appropriate external lighting scheme relating to all buildings, the public spaces in and around the site and the bridge link. The ALO has advised that high resolution CCTV provisions and locations must be identified and the details of this along with details of access control measures may be controlled by conditions.

9.8 **Residential Amenity**

BtR Residential Accommodation (Building 1, Towers 1&2)

- 9.8.1 Core Strategy Policy CC1 1(b) encourages residential development in City Centre locations providing that the development does not prejudice the functions of the City Centre and that it provides a reasonable level of amenity for occupiers.
- 9.8.2 CS policy H9 requires all new dwellings to comply with the identified minimum space standards to create a healthy living environment. Submitted information confirms that the internal gross floor areas of each of the five room types for the residential units would comply with or exceed the minimum space standards.

9.8.3 The unit sizes indicated on the submitted floor plans demonstrate that each unit would be acceptable based on the following occupancy levels.

Apt	GIA	H9
1 bed Type A	50 sqm	39sqm / 50 sqm
1 bed Type B	43 sqm	39sqm
2 bed Type A	70 sqm	61sqm / 70 sqm
2 bed Type B	65 sqm	61sqm
3 bed Type A	88 sqm	74sqm

9.8.4 In spatial terms and subject to the criteria set out above, the proposals will provide for acceptable levels of internal space and a good standard of residential amenity. To control and finalise compliance with all aspects of the policy, a planning condition is proposed which requires details to be submitted demonstrating full compliance with policy H9 in terms of the location of storage within room layouts.

9.8.5 BtR developments also include for additional facilities and amenities to improve the standard and experience of occupiers. In the case of Building 1, 1290 sqm of internal amenity space is to be provided which will include resident lounge areas, gyms / cinema room, as well as 335sqm communal resident gardens at the podium level. These communal spaces will be accessible to all residents within the building and are designed to encourage interaction between residents. The proposals are supported on this basis and subject to control of the finalised layout detail of each residential unit type through the aforementioned condition are considered to provide for an acceptable standard of residential amenity for occupiers.

PBSA Residential Accommodation (Building 2)

9.8.6 As noted above, criteria (v) of policy H6B relating to proposals for purpose-built student housing requires that the proposed accommodation provides satisfactory internal living accommodation in terms of daylight, outlook and juxtaposition of living rooms and bedrooms. Core Strategy Policies CC1(b) and P10, and Saved UDPR Policies BD5 and GP5 also provide more general requirements that development should contribute positively towards quality of life and provide a reasonable level of amenity and useable space. The assessment of amenity is also a wider consideration of qualitative factors including arrangement and separation of living functions (general living, sleeping, studying, eating, cooking, food preparation, storage and circulation), usable shape, outlook, privacy and external amenity space. Whilst the Council's emerging policy for student housing space requirement is draft only at the time of writing, paragraph 5.2.46 of the supporting text to Core Strategy Policy H9 states that "provision of reasonable space standards is still important for student accommodation, and this will need to be judged on a case by case basis".

9.8.7 Building 2 would provide 548 single occupancy units over 24 storeys. The purpose built student accommodation flat sizes would be as follows:

Flat Type	Size (sqm)	Draft SPD size (sqm)
Cluster Bedroom Standard Room	13.2	11.5 - 14
Standard Studio	20.5	20 - 28
Large/Accessible Studio	23	22 - 30

9.8.8 In this case, based on the information provided, it is considered that each of the student rooms would provide adequate space for sleeping, studying and bathroom facilities in accordance with the emerging SPD. In addition, there would be sufficient space for communal kitchen and living functions for each cluster flat.

9.8.9 A total of 714 sqm of dedicated internal and external amenity spaces are proposed which include an external terrace. In metric terms this equates to 1.35 sqm for each resident based on internal provisions only. Emerging guidance suggests 1sqm per resident as a minimum standard, so in these terms, spatially the proposals comply with the emerging SPD. Travel distances between rooms and communal facilities are also in accordance with the emerging SPD being under 10 metres between bedrooms and communal spaces where they are within clusters.

9.8.10 The building would provide ground floor communal areas. The specific nature of the ground floor communal use would be determined by the operator; however, the applicant has indicated within their submission that the intention would be to provide facilities such as a gym, cinema room, lounge and touchdown workspaces. These are facilities consistent with other proposals for PBSA within the City Centre which have been considered by members.

9.8.11 Officers consider that the communal areas identified at ground and first floor would be of a suitable quality and variety to accommodate the needs of student residents, supplementing their personal accommodation with opportunities to socialise and break from study.

9.8.12 Therefore, in terms of Core Strategy policy H6B, officers consider the proposals are of an acceptable standard and the requirements of criteria (v) in the policy regarding the quality of living accommodation are met.

Air Quality and Noise Considerations

9.8.13 Whilst the site is not located within an Air Quality Management Area, an Air Quality Assessment has been carried out by the applicant which confirms air quality standards would not be exceeded at the site or elsewhere as a result of the proposed development.

9.8.14 The provision of a suitable acoustic environment for the residents of the PBSA and BTR flats is a key consideration, particularly given the context of the busy centre setting also being set close to the busy highway environment of the Inner Ring Road. The applicant has undertaken a noise impact assessment which identifies mitigation measures for mitigating noise levels throughout the proposed development.

- Glazing and ventilator acoustic performance levels to be agreed
- The use of opening windows to be supplemented with passive ventilative cooling to provide choice.
- The use of sound insulated flooring
- Noise attenuation strategy for services and plant

9.8.15 In consultation with the Environmental Health and Environmental Studies team it is considered these matters are best addressed through conditions in order that a suitable strategy and series of specifications can be agreed as the detailed design of the scheme progresses. Conditioning of construction management processes is also necessary, cognoscente that this scheme could potentially be delivered in at least two phases, residential dwellings may be in occupation depending on the timetable for delivery of the outline element of the scheme if delivered as a later phase and, the surrounding area features a number of either 'in-situ' or planned for residential uses. Façade construction, double glazing and acoustic trickle vent design would be dependent upon orientation with regards to prominent noise sources in the area. A planning condition is proposed to secure implementation of a mitigation scheme to ensure appropriate internal noise conditions are achieved.

Daylight and Sunlight

9.8.16 The typical layout within Building 1 provides the majority of apartments facing northward with an uninterrupted outlook, and consequently very good levels of daylighting. Where apartments are situated towards the western section of the southern elevation of tower 1 and the eastern section of the northern elevation of tower 2 (Building 1) approximately 11 metres separation would be retained between windows. The carefully stepped arrangement of Building 1 (towers 1 and 2) and Building 2 is proposed precisely to allow for at least one partially unobscured outlook from each aspect, where units are located close to the centre of the footplate of each building. Where a partially obscured view affects outlook, units feature at least 3 windows and whilst a more oblique and not uninterrupted view, views out will not be entirely dominated by the façade of the building opposite from within their habitable accommodation.

9.8.17 With reference to the relationship between the southern edge of Building 1 and northern elevation of Building 2, the minimum separation is 18m to Building 1 and 22 metres to Castle House such that the main aspects from rooms within the accommodation are considered to be an acceptable standard, taking into account the context of high-density urban development typical of a city centre context and the level of separation (particularly relevant to units on the lower floors) to surrounding buildings.

9.8.18 Due to a combination of distance and aspect, the majority of shadow-fall from the taller elements of the proposed development would fall across the Inner Ring Road for the first half of the day. Despite being approximately 34 metres due north of the siting of Building 1 (Tower 1) the approved extension to Brotherton House and the adjacent Q2 residence (Queen Street) is proposed

to host a number of student bedrooms which it is clear would be affected by an increased level of shadow fall from late morning onwards.

- 9.8.19 In order to support the application, a daylight and sunlight report has been provided by the applicant and is based upon the methodologies set out in Building Research Establishment (BRE) report 'Site layout planning for daylight' and which are guidelines only for assessing a property's sunlight/daylight conditions. The Local Planning Authority does not have a specific measurement, metric or planning policy of concerning acceptable levels of daylight penetration for residential uses and a planning judgement is therefore required.
- 9.8.20 Consistent with other similar assessments received by officers as part of the determination process of planning applications in the City Centre, it is recognised that in assessing dense urban schemes, including tall buildings, the use of the BRE metric has a number of shortcomings. This is because the BRE tests used are based on a typical (two storey) suburban model of development and expectations of levels of daylight sunlight are different in larger developments such as this in a city centre area.
- 9.8.21 The data provided in the BRE assessment has been considered alongside a more qualitative assessment of the application site and the surrounding context, including previously approved applications of a similar nature in the city. With regard to Brotherton House and the adjacent Q2 residences, the submitted daylight assessment demonstrates that following completion of the development under consideration, Brotherton House and Q2 meet approximately 79% compliance with BRE guidance overall on the required amount of light reaching a window and 93% compliance with regard to light distribution within rooms. It is further noted that the report advises that where specific and more adverse impacts occur to these two residential buildings, the more significant impacts are likely to occur to bedroom spaces rather than communal areas.
- 9.8.22 The BRE guidance advises that bedroom spaces are to be regarded with less importance than other habitable areas, although in planning terms limited weight is afforded to this approach, particularly in student bedspaces where the bedroom accommodation may also have the function of being a study area. In summary, the daylight sunlight assessment concludes that the proposed development would not cause any materially unacceptable effects in terms of neighbouring properties' ambient daylight conditions when compared to the available industry guidance.
- 9.8.23 Notwithstanding the use of the BRE recommendations in the applicant's supporting information, officers have assessed the development in light of its urban context. Separation distances between residential buildings within the city centre range between 17 metres (Merrion Way Podium Buildings) 20 metres (Bridge Street and Doncaster Monkbridge schemes) and 26 metres (X1 Points Cross Scheme). Therefore, the relationship of a tall building with a separation distance of approximately 34 metres to an adjacent residential premises is considered to be an appropriate and consistent level of separation

comparable to other city centre residential schemes and the relationships between buildings and their surrounds. The future development site of Lisbon Square (and the existing residential scaled office buildings at this site) and 116/120 Wellington Street) are located due south west of Building 2 and would not be affected by shadow cast by way of their orientation.

On this basis and having regard to the developing urban character of the site, its surroundings, consistencies with the developing city centre and the flexible suburban basis of the BRE guidance, the development's effects on neighbouring properties are considered acceptable.

9.9 **Inclusivity**

9.9.1 Policy H10 requires accessible and adaptable housing in new build residential developments. All residential units in Building 1 (BtR) are to be served by level access. The Applicant has accounted for Policy H10 and 30% of the new homes will be provided as accessible and adaptable dwellings, whilst (2%) of the new homes can be provided as wheelchair user dwellings in line with the policy requirement.

9.9.2 To achieve accessible and adaptable dwellings, all apartments can be adapted to meet Part M4(2). To achieve wheelchair user dwellings, both 1- and 2-bedroom apartments can be designed to meet Part M4(3). Again, the final floorplans for the BtR building can only be determined by the intended operator. As such, the Applicant will accept a planning condition to ensure the scheme satisfies Policy H10. This approach allows the council to retain control on this matter and secure adherence to the policy as the individual unit designs are evolved by the operator.

9.9.3 For each building, accessible entrances are to be created, and lift access would be provided to all floors. Level access would be provided to all new buildings and lifts would provide access to all floors. The developer has confirmed the development would provide accessible accommodation in line with the Accessible Leeds SPD, BS8300 and Building Regulations standards and on this basis, the proposals are considered acceptable.

9.10 **Wind and Microclimate**

9.10.1 Due to the height of the proposed buildings ensuring a safe and comfortable wind environment has been a key focus from early conceptual stages of the project. A combination of Computational Fluid Dynamics and Wind Tunnel Modelling has taken place and the results have been peer reviewed on behalf of Leeds City Council by Tobomory Consultants.

9.10.2 The results from the combined CFD and wind tunnel modelling show that the current site is extremely windy, and that safe and acceptable Development of this location requires some significant wind mitigation measures, at least until the 'cumulative surrounds' buildings at Lisbon Square, Wellington Street and Wellington Place are built out. The Applicant has developed a proposal for a large suite of mitigation measures, including solid and porous screens,

pergolas, canopies, hedging and trees. The modelling of these measures suggests that they are effective in controlling the winds across the site and in the neighbourhood to ensure a safe wind environment, albeit the Wind Tunnel report noted that there are still some areas where further changes are needed, namely the removal of a number of easterly facing balconies (up to 18) on the eastern façade on Building 1 Tower 2, and all of Building 1 Tower 2's balconies on the western façade should either be removed or enclosed to remove the potential exposure of residents to unsafe wind conditions.

- 9.10.3 The applicant has responded to the above safety requirement by revising the elevational arrangement, removing balconies on the west facing end of Tower 2 and converting what were open balconies into enclosed 'winter gardens' on the eastern elevation. The applicant has also raised the glazed balcony panels behind the decorative balconies by 100mm to address wind safety issues. These changes have been assessed by Tobomory Consultants and are considered acceptable in terms of ensuring resident safety.
- 9.10.4 In addition the Wind Tunnel report notes that there are still some areas where further improvement is required to address wind comfort issues (as opposed to wind safety issues) as follows:
- The northern section of the podium space on Building 1 require additional shelter, to improve comfort conditions.
 - Parts of the thoroughfare routes on site and some of the onsite building entrances require additional shelter, to improve comfort conditions.
 - Seating/amenity areas at the northern boundary of the site and in the courtyard between Blocks 1, 3 & 4 require additional shelter, to improve comfort conditions.

It is considered that sufficient public safety and comfort levels can be achieved subject to finalised details on appearance, location and testing of these measures, to be controlled by condition.

9.11 **Highways and Transportation Considerations**

9.11.1 The site is located in an accessible and sustainable location, within walking distance of the universities, cycling routes, local services, the railway station and frequent bus services. The proposal would involve the redevelopment of two existing car parks that provide approximately 450 long and short stay car parking spaces, albeit as a temporary condition pending the redevelopment of this site identified in the Unitary Development Plan Review 2006.

9.11.2 As part of the proposal, 47 parking spaces are proposed for the residential element of the scheme and up to 45 parking spaces are proposed for the office development, with the precise layout of parking for the office building (Building 4) to be a reserved matter of the outline permission element of the permission if granted. The applicant proposes Electric Vehicle Charging Points (EVCP) in line with the standards set out within CS Policy EN8, with all residential spaces being equipped and at least 10% of office car parking spaces enabled.

- 9.11.3 Although the level of parking provision for the residential building (Building 1) would be below the maximum parking standards allowed by the Council's policies for the city centre, it would support the sustainable approach to parking provision advocated in the City Centre Core in the Parking SPD. The surrounding area is a controlled and enforced parking zone. In addition, the site is highly accessible and close to public transport routes and other facilities in the City Centre. In this case, given the sustainable location, the low amount of parking proposed is considered appropriate, subject to the provision of appropriate alternative sustainable transport modes.
- 9.11.4 The proposed long stay cycle parking for residential units at a rate of 1 per 2 units is less than the required standard, however, as part of the Travel Plan this provision will be monitored. If an increase in demand is identified, additional cycle spaces will be provided in the safeguarded space in the basement of Building 1. It has been noted that cycles cannot be easily carried up steps, so the primary provision of cycle parking has been identified and provided within an enclosure to the western edge of Building 1 – thereby allowing for direct and at grade access for resident cyclists onto the adjacent network. The proposed student accommodation (78 spaces) and aparthotel (48 spaces) are considered to provide for adequate long stay cycle parking, however, if additional demand arises more cycle spaces can be provided and controlled through the travel plan mechanism (see 9.11.19 below).
- 9.11.5 An assessment of trip generation and distribution has been undertaken by the applicant and submitted within the Transport Assessment. This assessed the existing traffic at the existing former International Pool car parks and the proposed traffic as part of the development for the AM and PM peak hours. This has included a sensitivity test of the Wellington Street/Lisbon Street signalised junction to provide additional comfort of future operation of this junction. The Transport Assessment confirms that the proposals will deliver a highway benefit, reducing delays and queuing at the junction when compared to the existing surface car parking use. Highways England have not objected to the proposal and TDS agree there will be no direct impact on the A65 / A58 / Wellington Street gyratory and cumulative impact on Armley Gyratory and M621 junction 2 arising from the development.
- 9.11.6 Buildings 1 (BtR) and Building 2 (PBSA) building will be serviced from a dedicated service area within the site, with a turning facility, accessed from Lisbon Street. The apart-hotel and office buildings would be serviced from a service zone within the site accessed from Castle Street with an exit onto Little Queen Street. Further new lay-by facilities would be provided off Little Queen Street. The existing taxi facilities on Little Queen Street would be retained by the proposal, however two existing pay and display parking bays on street would be removed to allow for the Car Club provision to be sited in close proximity. New short-stay pick up and drop off laybys will also be available on Lisbon Street, Castle Street and Little Queen Street.
- 9.11.7 To help support opportunities for sustainable travel the proposals are supported by a full Travel Plan which brings all the initiatives intended to encourage more sustainable forms of transport together, as well as identifying targets and

delivery mechanisms. This would benefit the local highway network, offer sustainability benefits and improve the general environment around the site. The travel plan would be appended to the section 106 agreement and, in order to help administer these arrangements, a review fee of £14,840 is required so as to accord with the Travel Plan SPD.

- 9.11.8 The travel plan measures include the provision of a Residential Travel Plan contribution of £160,866.75 to encourage the use of sustainable travel modes by the residents of the apartments to accord with CS policies T1 and T2 and the Travel Plan SPD. A Travel Plan Coordinator (TPC) will be appointed who would be responsible for engaging with the Council to identify how the fund will be used and to promote available travel options to residents.
- 9.11.9 It is anticipated at this stage that each residential unit will be offered the opportunity to benefit from free public transport tickets; vouchers towards the cost of a new bike (cycle to work scheme) and trial membership of the city car club. As part of the proposals, two car club bays will be provided on Castle Street, equipped with Electric Vehicle charging and a Sheffield cycle stand. Student pick up-drop off management regimes are also to be considered along with personalised journey planning, provision of public transport routes and schedules and measures to encourage walking. Cycle parking for the PBSA and availability of short-term spaces will be monitored as part of the Travel Plan (following operation and surveys) as part of various initiatives proposed to increase cycle usage as a mode choice.
- 9.11.10 There is an area of highway land at the Castle Street frontage that is required to be stopped up through a Section 247 order of the Highways Act and an application under Section 278 of the Highways Act will be made for surrounding on street highway improvements. The improved shared footway/cycleway along the western boundary of the site including the improved footbridge landing structure is to be dedicated as highway. The scheme involves the widening of the footway to Little Queen Street to 3 metres. Constraints regarding the location of protected trees along Castle Street have meant any potential to widen the existing footway along the southern perimeter under the S278 application beyond it's existing width are limited, however the scheme provides alternative pedestrian links through the site itself in addition to that along Castle Street and this arrangement is considered acceptable. External paving and surfacing materials beyond the site boundary will be addressed through the S278 application.
- 9.11.11 The proposed 3m high environmental screen adjacent to the A58 boundary also has the added benefit of mitigating unsafe wind impacts along the proposed shared cycle/pedestrian path along this boundary. This structure will remain the responsibility of the development and will require a licence under the Highways Act. Full details of its design, construction and maintenance and the arrangements for periodic Council access to the Inner Ring Road retaining wall will be controlled by planning condition

9.12 **Flood Risk and Drainage**

- 9.12.1 The area of the site is mostly within Flood Zone 1 (Low Probability) with only the south west of the site clipped by the Flood Zone 2 (Medium probability) flood extents. All buildings other than the south west student living building are outside of the Flood Zone 2 extent. The student living building footprint is only slightly clipped by the Flood Zone 2 designation on its south west corner. An assessment of detailed flood modelling in comparison with site levels and proposed floor levels and basement access levels shows the site to be robustly protected against river flood risk.
- 9.12.2 As noted at paragraph 6.2.1, as flood risk to the site is confirmed as low, and all buildings are either set away from the currently mapped Flood Zone 2 which clips the south west site corner or site with significant freeboard above modelled flood levels (as the Student Living block), it is considered the requirements of Sequential and Exception Testing related to the site location and SAP allocation is passed.
- 9.12.3 The proposals have been assessed by the Environment Agency (EA), Yorkshire Water and the LCC Flood Risk Management Team (FRM). The EA have advised the following finished floor levels should be controlled through conditions along with compliance with the submitted Flood Risk Assessment:
- Towers 1 and 2 33.20 meters above Ordnance datum
 - Basement Access 32.25 meters above Ordnance datum
 - B5 Office 32.40 meters above Ordnance datum
 - B5 Office Basement Access 32.00 meters above Ordnance datum
 - Apart hotel 32.00 meters above Ordnance datum
 - Student Living 32.20 meters above Ordnance datum
- 9.12.4 Yorkshire water have advised the use of conditions to control the use of petrol interceptors to control surface water discharge to sewers and a finalised detail of separated foul and surface water systems.
- 9.12.5 Sustainable Urban Drainage (SuDS) techniques are to be included within the drainage design. The external public realm will feature a series of 'rain gardens' to provide a level of attenuation while also providing a level of treatment for rainfall runoff in paved areas where there is potential for contamination with hydrocarbons, particulates and sediment. FRM have advised no objections to the proposals and this approach. the outline element of the application will be subject to a pre commencement condition requiring the detailed drainage design to be submitted and approved, whilst the full application element will be subject to a compliance condition which recognises that there are still some elements of the detailed drainage design which have not yet been finalised and will control the detail of this, which will need to be considered alongside the detailed, technical and finalised landscaping proposals.

9.13 **Energy and Climate Change**

- 9.13.1 Leeds Core Strategy environmental policies are designed so that new development contributes to carbon reduction targets and incorporates measures to address climate change concerns following the Council's

declaration of a climate emergency in 2019. In addition to the sustainable transport measures and green infrastructure considerations detailed above, Core Strategy Policy EN1 and EN2 aim to reduce carbon emissions and achieve sustainable design at the proposed new development.

9.13.2 For residential development this means achieving 20% better than the carbon emissions target in the 2013 Part L Building Regulations and providing 10% low or zero carbon energy generation on-site. For the offices and the apart-hotel, these are required to meet BREEAM Excellent standard. A sustainability statement and energy statement has been provided to support the application which confirms the development will meet these policies.

9.13.3 The development has focused on a 'fabric first' approach consistent with design best practices to minimise the energy requirements of the building, has made use of energy efficient technologies to further reduce energy use and finally has employed an appropriate combination of low and zero carbon technologies to minimise the carbon emissions of the development.

This approach includes:

- Low air permeability.
- Improved fabric values
- High efficiency LED lighting throughout.
- Daylight dimming where appropriate in landlord areas.
- High efficiency Mechanical Plant services.
- Mechanical ventilation with heat recovery (MHVR) local ventilation throughout.
- Hot Water Supply (HWS) generation via local electric cylinders (N/B Air Source Heat Pump centralized HWS is also being considered as an alternative to this).
- Heating via electric panel heaters
- Variable Refrigerant Flow (VRF) heating & cooling fan coil units to apartments and workspaces (apart hotel)
- Photovoltaic panels or air source heat pump at roof levels
- Mechanical services to incorporate flow restriction and low volume cisterns

9.13.4 Prior to the commencement of the development, the applicant has proposed to provide Thermal Modelling and Part L/SAP calculations (utilizing SAP10 carbon emission factors) for all the buildings to show compliance with Policy EN1. This matter will be controlled by condition. Policy EN2 (BREEAM Excellent) would be satisfied provided that the mandatory credits, such as responsible construction practices, commissioning and handover, aftercare, water consumption, construction waste management and operational waste, are also achieved, the detail of which can be controlled by condition. Policy EN4 cannot be satisfied at the present time given the lack of an available connection in this location to the district heating network, however criteria (iv) of the policy requires development proposals to demonstrate how a future connection could be accommodated. An area suitable for this purpose is provided in the basement/back of house area of each building and in the case of the outline

element of the scheme (building 4) can be controlled through a future reserved matters application.

9.13.5 Therefore, through implementation of the proposed strategy, the proposed development would accord with CS policies EN1, EN2 and EN4.

9.14 **Planning Obligations - Section 106 and CIL**

The Council's adopted policies would result in planning obligations being required by way of a Section 106 Agreement. These obligations are considered to be necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

Planning obligations required are :

- a. Offsite Affordable Housing contribution equivalent to the full policy compliant position for 7% of the total residential units
- b. Controls on the proposed student housing and apart hotel use to ensure compliance with the Council's policies
- c. Provision of public access rights through the site
- d. Management and maintenance of footbridge landing steps and ramp
- e. Residential Travel Fund for residential use
- f. Car Club Trial provision for office use
- g. Travel Plans and Travel Plan monitoring fees
- h. Cooperation with local jobs and skills initiatives during construction

The proposal would be subject to the Community Infrastructure Levy (CIL) and the initial sum calculated is approximately £ 558430.72 This figure is provided for information purposes only and is not a material planning consideration.

9.15 **Representations**

9.15.1 As noted at paragraph 6.3.1 a letter of objection has been received from Leeds Civic Trust, summarised as follows:

- a) ***Overdevelopment of the site, limited space between tall buildings creating a gloomy and windy area of public realm. / Overshadowing of interior spaces as a result of the quantum of development on site.***

The matter of the appropriateness of the site assembly is addressed in the appraisal above from paragraph 9.4.10. Microclimate considerations are set out in section 9.10. It is considered in townscape and wind safety terms the proposals are acceptable as proposed. The comments regarding the amount of light reaching the public realm are duly noted, however the footprint of buildings within the site is driven in part by the need to maintain a safe wind environment and would provide a meaningful area of public space and facilitate new routes (as noted at section 9.5). Provisions for external lighting (paragraph 9.7) will also allow for illumination of the public space where necessary. Daylight and sunlight is addressed at paragraphs 9.8.16 - 9.8.23 of this report.

b) Lack of direct route from the footbridge through the site / blockage of existing route from the bridge by development

The matter of this route is addressed at section 9.5 of this report.

c) Lack of compliance with the adopted housing mix policy in the Core Strategy with 7% 3 bed units proposed where the policy suggests a 30% target.

The residential mix is addressed in section 9.2 of this report.

d) Lack of provision of 4 bed units.

The residential mix is addressed in section 9.2 of this report.

e) Lack of dual aspect residential units

Whilst this comment is noted, the proposals are assessed upon their merits, there is no adopted policy requirement to provide dual aspect units and the matter of residential amenity is addressed within this report at section 9.8.

f) Lack of balconies to many residential units

In discussion with the applicant, it has been identified that the provision of balconies would be preferable in terms of commercial viability. However the absence of balconies from the longer facades of the residential buildings is driven in part by wind/microclimate constraints and these have informed the current site layout/assembly of uses and the detailed design of the buildings, thereby constraining the amount of balconies which can be provided on the basis of public safety.

h) Repetitive grid format of elevational treatment – concerns that a new ‘Leeds Look’ is being produced which may not stand the test of time.

This matter is addressed generally in section 9.5 of the report and the approach to creating a legible family of buildings is discussed at paragraphs 9.4.21 – 9.5.26.

i) 10% of energy use on site to be from low carbon sources seems low and should be increased.

10% reflects the adopted policy position. This matter is addressed at section 9.13 of this report.

j) Tree groups to southern and northern boundaries feature poor quality specimens despite TPO status and some further loss here could be mitigated in the wider scheme and allow for a more generous area of central space

k) Fewer but larger trees within the central space may be more appropriate and allow for better provision of play spaces

This matter considered alongside other elements of the composition of the public realm is addressed in section 9.6 of this report. The application has been supported by a survey of existing protected trees and has been through a lengthy pre-application process to assess this matter.

In light of the climate emergency where existing trees provide an important carbon sequestration function it is considered the correct approach is to retain as many of the better quality mature trees as possible. In this case, the scheme sifts out the lower quality trees and retains the better specimens.

With regard to new, larger trees within the scheme and courtyarded public area, the precise details of these will be controlled by condition. These need to work in tandem with site drainage arrangements, new landscaping and public routes and will be required to be of a species that correctly frame and do not over dominate the public space yet be sufficiently meaningful in their impact. The applicant has offered to work closely with officers and members through the subsequent condition discharge process when the precise drainage and SuDS requirements for the site are finalised.

- 9.15.2 As noted above, one general comment has been received regarding the provision of a non-segregated pedestrian and cycle route rather than separated provisions. The lack of segregation is considered acceptable given the relatively limited area affected and constraints on the width of pathway which can be provided. The proposals nonetheless are considered to be a substantial improvement over the existing arrangement and considered acceptable on balance.

9.16 **Planning Balance and Conclusion**

9.16.1 In determining the submitted full planning application, there is a statutory duty under s66(1) of the Planning (listed buildings and conservation areas) Act 1990 have special regard to the desirability of preserving the special interest and setting of listed buildings. Case law has confirmed that Parliament's intention in enacting s66(1) was that decision-makers should give considerable importance and weight to the desirability of preserving the special interest and setting of listed buildings, where 'preserve' means 'to cause no harm'. The High Court has indicated that the proper application of the NPPF policies discharges the statutory duties.

9.16.2 Paragraphs 189 to 200 advise on the addressing and balancing of 'harm' where it arises. Paragraph 194 confirms that significance can be harmed or lost through alteration or destruction of the heritage asset or by development within its setting and any harm or loss requires clear and convincing justification. Paragraph 196 requires 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 securing its optimum viable use. The public benefits of the scheme are set out as follows:

- The surrounding area is undergoing significant transformative change with a range of mixed-use schemes of significant scale and height being delivered, or in the pipeline. The redevelopment of this sustainable previously developed site will continue the on-going regeneration of this part of the City.
- The scheme will reinforce the confidence in the continuing regeneration of the area, acting as a catalyst for further on-going investment and regeneration
- The scheme will create new footfall and is within a sustainable location.
- The scheme is expected to provide approximately 450 construction jobs over the construction period.
- The scheme will provide a high number of high quality homes and new Purpose Built Student Accommodation which will have offsite benefits in terms of the balance of communities
- The scheme provides a significant piece of public realm which will be open and available for general use.
- The lack of a direct public route from the bridge link is noted and whilst less than would ideally be provided, good quality public routes would be retained, improved and created and the introduction of the bridge link will improve connections to areas beyond the Inner Ring Road and the general experience of pedestrians.
- The scheme provides for active frontages and improved surveillance / public safety.
- New retail provision on site will provide residents/workers in the local area with greater choice.
- The proposals will provide a significant sum towards the provision of affordable housing in the city.
- The proposals will provide new apprenticeship opportunities for young people and those wishing to upskill, controlled through the section 106.

- The proposals constitute an efficient use of brownfield land.
- The proposals include a high-quality greenspace with corresponding ecology, surface water attenuation, biodiversity and air quality benefits. Notably, the proposals deliver in excess of 10% biodiversity net gain requirement on a brownfield site.
- Surface water run off rates will be reduced as a result of the proposed development.
- The Proposals will remove an unsightly Site and deliver high-quality architecture and public realm, protecting the nearby heritage assets, whilst creating an attractive and distinctive urban development in its own right.

9.16.3 The Heritage Statement and consultation process involving Historic England and the LCC Conservation and Design Officers concludes that there will be some less than substantial harm to some nearby designated assets. However, this harm has been considered within the context of the range of substantial planning benefits set out above and detailed in the appraisal. The proposals have been evolved to mitigate for harm as far as can be considered practicable and deliverable in order to limit this harm. This takes account of the significant weight afforded to the statutory duty to pay special attention to the desirability of preserving the setting of listed buildings and preserving or enhancing the character or appearance of conservation areas. In summary, the 'less than substantial' harm is outweighed by considerable public benefits associated with the comprehensive redevelopment of this site and its surroundings.

9.16.4 It is therefore considered that subject to the provisions of the associated S106 agreement and detailed draft conditions set out in Appendix A of this report and any other conditions considered necessary, the proposals are supported by local and national planning policies and the application is therefore recommended for approval.

Background papers:

Planning application file 21/05142/FU

General comment from member of the public

Letter of objection from Leeds Civic Trust

APPENDIX A – DRAFT CONDITIONS

Condition 1 – Time Limit

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.

Condition 2 – Time Limit Reserved Matters

Application for the approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission. The development hereby permitted shall be begun on or before the expiration of two years from the final approval of reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reserved matters shall be brought forward in general accordance with the principles set out on in the parameters **plan (ref X) and design code.**

Condition 3 – CPLAN

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.

Condition 4 – Phasing

A plan showing the anticipated phases of the development shall be submitted to and approved in writing by the local planning authority prior to the submission of any application for the approval of reserved matters or any application for the approval of details required by conditions on this permission. Phases of the development shall thereafter be carried out in accordance with the submitted plan, unless otherwise approved in writing by the local planning authority, and any reference to `phase` or `phases` in the conditions below shall refer to the phases detailed in the plan thereby approved.

In order to accord with the provisions of the Leeds Core Strategy, Saved Policies of the Leeds Unitary Development Plan Review and the Leeds Natural Resources and Waste DPD, in the interests of amenity, visual amenity, the provision of affordable housing, pedestrian connectivity, highways safety, sustainable development, and in order that the Local Planning Authority is informed of the phasing in order that the relevant sections of the conditions may be discharged.

Condition 5 – Statement of Construction Practice

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

- a) the methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development hereby approved;
- b) measures to control the emissions of dust and dirt during construction;
- c) measures to mitigate the impact of construction on other parts of the development;
- d) location of site compound and plant equipment/storage; and
- e) how this Statement of 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 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. The carrying out of the development could result in significant harm to the amenities of local residents and/or highway safety and accordingly details of construction practice is required to be agreed prior to the commencement of works in order to protect such interests.

Prior to any construction works a Construction Traffic Management Plan shall be submitted and agreed in writing by the Local Authority. It shall include but, not be limited to, details regarding:

- Hours of operation.
- The number of daily HGV movements via the SRN.
- Delivery scheduling that should, wherever practically possible, ensure deliveries to and from site via the SRN are not undertaken during peak hours.
- HGV holding areas, that should not be located on or within close proximity of the SRN.
- Wheel Washing facilities.

Condition 6 – Arb method statement

a) No works shall commence (including any demolition, site clearance, groundworks or drainage etc.) until all existing trees, hedges and vegetation shown to be retained on the approved plans are fully safeguarded by protective fencing and ground protection in accordance with approved plans and specifications and the provisions of British Standard 5837 (2012) Trees in relation to design, demolition and construction, unless otherwise agreed in writing by the Local Planning Authority. NOTE Only the BS5837 default barrier with the scaffold framework shall be employed. Such measures shall be retained for the full duration of any demolition and/or approved works.

b) No works or development shall commence until a written Arboricultural Method Statement AMS in accordance with BS5837 for a tree care plan has been submitted to and approved in writing by the local planning authority including full details of construction methodology related to TPO trees located to Castle Street.. Works shall then be carried out in accordance with the approved method statement. The AMS shall include a Site Supervision Schedule i.e. a list of site visits and the operational specifics related to trees for the full construction duration. The AMS shall include for reporting back to the LPA immediately after each site supervision intervention (written & photographic).

NOTE – this item cannot be discharged until the last supervision visit report is submitted.

c) Evidence shall be submitted, such as a written appointment (including site specifics), that confirms that a qualified Arboriculturist/competent person has been appointed to carry out this Arboricultural monitoring/supervision

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

NOTE-this item cannot be discharged until post inspection approval is confirmed.

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

To ensure the protection and preservation of trees and vegetation during construction works, in accordance with LCC policies

Condition 7 – Load bearing root zones

a) No works or development shall commence until full details of the load bearing cell type rooting zone using proprietary structures has been submitted and approved in writing by the local planning authority. Details shall be fully in accordance with LCC guidance on urban tree planting (available on Landscape Planning website).

Details shall include:

- proprietary soil cell structures to support paving over extended sub-surface rooting areas
- Soil cell volume /soil volume calculations
- specification of topsoil including additives and conditioners
- Tree grilles and guards and means of anchoring root balls. Built-in Root Irrigation Pipe system with end cap and aeration system.
- Passive and / or active irrigation including directed use of grey water / roofwater or surface water infiltration to benefit planted areas. Details of distribution system and controls

- Tree grill details
- drainage system for tree pits.
- Where applicable details of protection measures for statutory utilities and drainage
- Works shall then be carried out in accordance with the approved details.
- Confirmation of Manufacturer supervision on site (free service)

b) To ensure full compliance, a brief report on the installation of the rooting zone system, including supporting photographic evidence, shall be submitted to the LPA when the works are still “open” to allow LPA inspection prior to any finish surfacing works. Seven days written notice shall be given to the Local Planning Authority that the rooting zone structures are in place to allow inspection and approval of them as installed. Confirmation is required that the installation has been overseen by the manufacturer of the system

NOTE-this item cannot be discharged until post inspection approval is confirmed.

c) A three-year irrigation programme for the trees (in accordance with BS 8545-2014 Trees from Nursery to Independence) shall be submitted to the LPA for approval in writing. Confirmation of irrigation compliance shall be submitted to the LPA on a quarterly basis for the full three-year programme period

To ensure the provision of amenity afforded by appropriate landscape design and its cultural requirements are integrated into the development scheme

Condition 8 – Replacement Planting

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

To ensure the provision of amenity afforded by appropriate landscape design

Condition 9 – Hard and Soft Landscaping

Hard and soft landscaping works shall not commence for any relevant phase of the development until full details of both hard and soft landscape works, including an implementation programme for that phase, have been submitted to and approved in writing by the Local Planning Authority. Hard landscape works shall include

- a. proposed finished levels and/or contours,
- b. boundary details and means of enclosure,
- c. other vehicle and pedestrian access and circulation areas,

- d. hard surfacing areas,
 - e. Lighting,
 - f. CCTV and access control
 - g. proposed and existing functional services above and below ground (e.g. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.),
 - h. access control and site security measures
- Soft landscape works shall include
- h. planting plans
 - i. written specifications (including soil depths and quality to BS 3882:2015, cultivation and other operations associated with plant establishment)
 - j. schedules of plants noting species, planting sizes and proposed numbers/densities
 - k. details of tree pits and root cells
 - l. details of green roof
 - m. long term landscape management plan
 - j. Location of external cycle parking

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

To ensure the provision of amenity afforded by appropriate landscape design and in the interests of public safety

Condition 10 – Remediation Statement (SIRS)

The approved Phase I Desk Study report indicates that a Phase II Site Investigation is necessary, and therefore development (excluding demolition) shall not commence on any relevant phase of development until a Phase II Site Investigation Report for that phase 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 (excluding demolition) shall not commence until a Remediation Strategy demonstrating how that part of the site 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 Strategy shall include a programme for all works and for the provision of Verification Reports.

It is strongly recommended that all reports are prepared and approved by a suitably qualified and competent person.

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

Condition 11– Remediation Strategy

If remediation is unable to proceed in accordance with the approved Remediation Strategy, or where significant unexpected contamination is encountered, or where soil or soil forming material is being imported to site, the Local Planning Authority shall be notified in writing immediately and operations on the affected part of the site shall cease. The affected part of the site shall be agreed with the Local Planning Authority in writing. An amended or new Remediation Strategy and/or Soil Importation Strategy 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 Strategy. Prior to the site being brought into use, where significant unexpected contamination is not encountered, the Local Planning Authority shall be notified in writing of such.

It is strongly recommended that all reports are prepared and approved by a suitably qualified and competent person.

To ensure that any necessary remediation works are identified to make the site 'suitable for use' with respect to land contamination.

Condition 12 – Submission of verification reports

Remediation works shall be carried out in accordance with the approved Remediation Strategy. 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.

It is strongly recommended that all reports are prepared and approved by a suitably qualified and competent person.

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

Condition 13 – Remediation Verification (CAMEN)

If remediation is unable to proceed in accordance with the approved Remediation Strategy, or where significant unexpected contamination is encountered, or where soil or soil forming material is being imported to site, the Local Planning Authority shall be notified in writing immediately and operations on the affected part of the site shall cease. The affected part of the site shall be agreed with the Local Planning Authority in writing. An amended or new Remediation Strategy and/or Soil Importation Strategy 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 Strategy. Prior to the site being brought into use, where significant unexpected contamination is not encountered, the Local Planning Authority

shall be notified in writing of such. It is strongly recommended that all reports are prepared and approved by a suitably qualified and competent person.

To ensure that any necessary remediation works are identified to make the site 'suitable for use' with respect to land contamination.

Condition 14 – Tree vegetation removal

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

In the interests of nature and biodiversity

Condition 15 – Outline application Drainage

Before development of the outline element of the application, the detailed drainage scheme based on the strategy as set out within the Curtins Flood Risk & Drainage Assessment (ref 072722-0CUR-00-XX-RP-C-001 Rev V06 dated 30/09/2021) shall be submitted and approved in writing by the Local Planning Authority. The application should provide suitable drainage drawings, summary calculations and results of all investigations detailing the surface water drainage works as set out below. The maximum rate of discharge, off-site for the whole development, shall not exceed 6 l/s unless otherwise agreed with the LPA. The works shall be implemented in accordance with the approved scheme before the development is brought into use, or as set out in the approved phasing details.

The detailed design drawings, calculations and supporting information shall include the following:

1. A drawing showing the existing and proposed impermeable areas, suitably annotated.
2. Calculations and any supporting survey/record drawings and investigations to justify and demonstrate the existing and proposed discharge rate. Note if the existing brownfield discharge rate suitably reduced is to be adopted, then this shall be supported by an existing drainage survey.
3. Drainage Plan showing drainage layout, manholes including cover and invert levels, proposed levels, pipe sizes and gradients, all on -line controls, on and off line storage structures and outfall details.
4. Plan showing overland exceedance routes in the event of a failure of the drainage system or storm event in excess of the 1 in 100 + 40% CC storm event.
5. Model Information (Micro Drainage or similar approved) to include a plan showing pipework model numbering and network details,

6. Results: Summary of Results showing all the modelling criteria and summary network results for critical 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% CC storm events showing maximum water level, flow and velocity and details of any surface flooding anticipated.

7. Demonstrating that adequate water quality of the offsite surface water flows in accordance with the Simplified Index Approach as set out within Section 26 of the SUDS Manual (C753) can be achieved during all phases of the development.

8. Written confirmation from Yorkshire Water as to acceptance and agreed point of connection to the public sewer system for the proposed foul and surface water flows.

9. Details of how and by whom the common non adopted drainage system elements will be maintained and include an Inspection and maintenance schedule.

10. A timetable for implementation of the drainage works including an assessment of any phasing of the development.

11. Details of the proposed construction phase drainage control measures to ensure that during construction and prior to the main drainage system being installed and operating, that there is no increase in flood risk to adjacent properties or the public highway.

12. Summary Drainage Report setting out the proposed Drainage Strategy and to include all relevant drawings, assessments, surveys and calculations demonstrating compliance with the above.

To ensure sustainable drainage and flood prevention in accordance with NRWLP policy Water 7 and GP5 of the UDP.

Condition 16– Full Application Accordance with submitted drainage details

Development shall be carried out in accordance with the submitted flood risk assessment by Curtins dated August 2021 (Curtins ref: 72722-CUR-00-XX-RP-C-001-V06 NPPF FRA LOR Combined) and in accordance with Appendix A of the FRA 'Site Masterplan Plans, design drawing number: 2017-116 810 'Proposed Levels' and the following mitigation measures it details:

Finished floor levels shall be set no lower than:

- Building 1 Towers 1 and 2 33.20 meters above Ordnance datum
- Basement Access 32.25 meters above Ordnance datum
- Building 4 Office 32.40 meters above Ordnance datum
- Building 4 Office Basement Access 32.00 meters above Ordnance datum
- Apart hotel 32.00 meters above Ordnance datum
- Student Living 32.20 meters above Ordnance datum

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

The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

The development shall be carried out in strict accordance with the details indicated within the submitted report, "Flood Risk Assessment & Drainage Strategy' (ref72722-CUR-00-XX-RP-C-001-V06 NPPF FRA LOR Combined), dated August 2021", unless otherwise agreed in writing with the Local Planning Authority

To ensure sustainable drainage and flood prevention in accordance with NRWLP policy Water 7 and GP5 of the UDP.

Condition 17– Full application detailed drainage scheme

Prior to the commencement of works above the ground floor slab for any relevant phase a drainage scheme (i.e. drainage drawings, summary calculations and investigations) detailing the surface water drainage works as well as arrangements for its future maintenance (e.g. adoption by the Water Company) for that phase shall be submitted to and approved in writing by the Local Planning Authority. The maximum rate of discharge, off-site, shall not exceed 6 l/s, unless otherwise agreed with the Local Planning Authority. The works shall be implemented in accordance with the approved scheme before the development is brought into use.

To ensure sustainable drainage and flood prevention in accordance with NRWLP policy Water 7 and GP5 of the UDP.

Condition 18 Water Supply

Development above the ground floor slab shall not commence on the relevant phase of the development until a scheme to ensure that on-site and off-site works to ensure an adequate water supply for the development, that will not cause detriment to existing properties within the area for that phase, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented in accordance with the timing and phasing arrangements embodied within the scheme and the number of properties to be protected within that phase, or within any other period or number of properties as may subsequently be agreed in writing, by the Local Planning Authority.

In the interests of providing adequate water supply

Condition 19 SuDS Details

Unless the agreed phasing (condition 4) permits, the development shall not be occupied until a SUDS management and maintenance plan for the lifetime of the development, including arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the scheme, has been submitted to and approved in writing by the Local Planning Authority.

To ensure sustainable drainage and flood prevention in accordance with NRWLP policy Water 7 and GP5 of the UDP.

Condition 20 – Temporary drainage in construction

Development shall not commence on the relevant phase of development until details and a method statement for interim and temporary drainage measures during the demolition and construction of that phase has been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. Where temporary discharges to a sewer are proposed, written confirmation from the sewer owner that these have been accepted shall be provided. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Planning Authority.

To ensure sustainable drainage and flood prevention in accordance with NRWLP policy Water 7 and GP5 of the UDP.

Condition 21 – Water run off

Surface water run-off from hardstanding (equal to or greater than 800 square metres) and/or communal car parking area(s) of more than 50 spaces must pass through an oil, petrol and grit interceptor/separator of adequate design that has been submitted to and approved by the Local Planning Authority, prior to any discharge to an existing or prospectively adoptable sewer.

In the interests of public safety

Condition 22 – Sound insulation

No development shall take place on any relevant phase until details of a sound insulation scheme designed to protect the amenity of future occupants of that phase of the development from noise emitted from nearby or proposed noise sources has been submitted and approved in writing by the local planning authority. The use hereby approved shall not commence until the works have been completed, and any such noise insulation as may be approved shall be retained thereafter. (This should be based on the recommended noise mitigation contained within the approved Apex Acoustics Noise Impact Assessment)

Building services plant noise from the development shall achieve a BS 4142:2014 rating level of no higher than the background both within the development and at

nearby noise-sensitive receptors, including the character corrections for tonality, impulsivity, and intermittency as appropriate.

Condition 23 – Hours for Contracted deliveries

Commercial deliveries to and from the premises (all uses) including loading and unloading and refuse collection, shall be restricted to 08.00 to 20.00 hours Monday to Saturday and 09.00 to 18.00 hours on Sundays and Bank Holidays.

In the interests of amenity

Condition 24– Extract

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

In the interests of amenity

Condition 25 – Noise mitigation

Any commercial unit within the development shall not operate until a scheme to control noise emitted from the premises has been approved in writing by the Local Planning Authority and 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 thereafter be retained for the lifetime of the development.

In the interests of amenity

Condition 26 – External lighting

No external lighting shall be installed unless a scheme has been approved in writing by the Local Planning Authority. The scheme shall be installed and retained thereafter in accordance with the approved details. The source of external lights should be designed to not be directly visible from nearby sensitive receptors.

In the interests of amenity, highway and public safety

Condition 27 - Samples

Prior to the installation of any external facing material, roofing and glazing types on site for any relevant phase of the development, full details including a sample panel of the relevant external facing materials, roofing and glazing types for that phase to be used shall be constructed on-site and approved in writing by the Local Planning

Authority. The external materials, roofing and glazing materials shall be constructed in strict accordance with the sample panel(s). The sample panel(s) shall not be demolished prior to the completion of the development, unless otherwise agreed in writing by the Local Planning Authority

In the interests of visual amenity

Condition 28 – Surfacing samples

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

In the interests of visual amenity, highway and public safety and inclusivity

Condition 29 - Detailed architectural drawings

Prior to the construction of the following elements of any relevant phase of the development, full 1 to 20 scale working drawing details of the following for that phase shall be submitted to and approved in writing by the Local Planning Authority:

- a. soffit, roof line, eaves and any external plant area treatments.
- b. junctions between materials.
- c. each type of window bay proposed.
- d. ground floor frontages.

Development shall then be undertaken in accordance with the approved details

In the interests of visual amenity

Condition 30 – Bridge

Prior to commencement of the build to rent building, full details of the enhancements to the A58 bridge link landing shall be submitted to and approved in writing by the Local Planning Authority. The improvements shall be carried out prior to the first use of development and retained as such thereafter.

In the interests of pedestrian connectivity

Condition 31 - Bridge AIP

Prior to the construction of the bridge structure a report incorporating or comprising a formal Approval in Principle document and appropriate certification as determined by the Highway Authority shall be submitted to and approved in writing by the Local Planning Authority. The approval in principle process shall be initiated as soon as practicable to allow time for its development, review and approval and the

development works undertaken shall be carried out in accordance with the approved details.

To ensure the bridge structure does not compromise the free and safe use of the highway.

Condition 32 - Off site highways works

No above ground building works for Building 1 (the Build to Rent building) shall take place until details for the provision of off-site highways works consisting of provision of 2No. car club spaces, Lisbon Street Site Access, Castle Street/Little Queen Street Site Access and pedestrian/cycleway at A58 including all necessary Traffic Regulation Orders, shown indicatively on plan reference [X] have been submitted to and approved in writing by the Local Planning Authority for inclusion in the Section 278 Highways Agreement or to be secured by such other procedure as may be agreed between the applicants and the Local Planning Authority. Works shall be carried out in accordance with the approved details.

In the interests of highway safety

Condition 33 - Maximum Access Gradient

The vehicular access gradient shall not exceed 1 in 40 (2.5%) for the first 15m and 1 in 20 (5%) thereafter, unless otherwise agreed in writing by the Local Planning Authority. The gradient of the pedestrian access shall not exceed 1 in 20 (5%).

To ensure the free and safe use of the highway, and in the interests of disabled access.

Condition 34 – Signage

Prior to the occupation of any relevant phase of development, details (including location and size) of proposed In and Out signage, clearly visible to motorists, have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be completed before the development is occupied and retained for the lifetime of the development.

To ensure the free and safe use of the highway.

Condition 35– Visibility Splays

Notwithstanding the details shown on the approved plans, no development shall take place on the relevant phase of development until a plan showing visibility splays has been submitted to and approved in writing by the Local Planning Authority. The approved visibility splays shall be laid out to an adoptable standard prior to occupation and retained for the lifetime of the development.

The use of a substandard access, including by construction traffic, would be detrimental to the free and safe use of the highway.

Condition 36 - Allocated Spaces

All car parking spaces shown on the approved plans (with the exception of any disabled spaces) shall be made available for any occupant of the development and

shall remain unallocated to any specific occupant or residence for the lifetime of the development.

To ensure the free and safe use of the highway.

Condition 37 – Laying out of spaces

Prior to the commencement of any relevant phase of development, all areas shown on the approved plans to be used by vehicles have been fully laid out, surfaced and drained such that surface water does not discharge or transfer onto the highway. These areas shall not be used for any other purpose thereafter.

To ensure the free and safe use of the highway.

Condition 38 - Car Park and Servicing management plan

Prior to the occupation of any relevant phase of the development hereby approved, details of a parking and servicing management plan including access security measures, pick -up drop off arrangements, and servicing for that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be operated in accordance with the approved management plan thereafter.

In the interests of highway safety

Condition 39 – EVCP

No phase of the development relating to the Build to Rent building or the office shall be occupied until Electric Vehicle Charging Points have been provided for that phase in accordance with the standards set out in the draft Transport SPD. The facilities shall thereafter be retained for the lifetime of the development.

In the interests of sustainable transportation and the climate emergency

Condition 40 – Highway Condition Survey

Prior to the commencement of any relevant phase of development, a survey of the condition of the vehicular highway within the application site, with any necessary mitigation works, has been submitted to and approved in writing by the Local Planning Authority. The approved mitigation works shall be fully implemented prior to occupation of the development.

Traffic associated with the carrying out of the development may have a deleterious effect on the condition of the highway that could compromise the free and safe use of the highway.

In the interests of highway safety

Condition 41 – Redundant accesses

Prior to the commencement of any relevant phase of development, details of the proposed method of closing off and making good all existing redundant accesses to the development site have been submitted to and approved in writing by the local planning authority. The approved works shall be completed before the development is occupied and the highway layout retained as such for the lifetime of the development.

To ensure the free and safe use of the highway.

Condition 42 – Delivery of cycle parking

Prior to the occupation of any relevant phase of the development, Development shall not be occupied until cycle/motorcycle parking (if required) and facilities have been provided in accordance with the standards set out in the draft Transport SPD. The facilities shall thereafter be retained for the lifetime of the development. The approved cycle parking scheme for that phase of development shall be implemented and shall thereafter be retained for the lifetime of the development.

In the interests of sustainable transportation

Condition 43 – Waste

The approved details for the provision of bin stores (including siting and means of enclosure) for each phase of development shall be implemented in full for the relevant phase before the use of that phase commences and shall be retained thereafter for the lifetime of the development.

In the interests of amenity, visual amenity and highway safety

Condition 44 – Retail limit

The total Class E (a) floorspace shall be limited to a maximum of 372 square metres of floorspace and shall only be used for convenience shopping.

In the interests of maintaining the retail vitality of the city centre and prime shopping quarter

Condition 45 – Wind Mitigation

Prior to the commencement of the above-ground superstructure of any phase, full working drawing details and an implementation programme of the necessary wind mitigation measures described in (i) Pedestrian Wind Microclimate Report, Windtech report WG030-07F02, Rev 1 (dated 27th September 2021), (ii) Pedestrian Microclimate CFD Study Report, Windtech report WG030-07F03, Rev 0 (dated 29th September 2021), and (iii) Document “Executive Summary.pdf” (undated), as well as any further mitigation measures required to ensure acceptable comfort levels within publicly accessible areas of that phase shall be submitted to and approved in writing by the Local Planning Authority.

These further mitigation measures will be assessed through wind modelling, to be submitted to and approved in writing by the Local Planning Authority.

The approved measures for that phase shall be completed in accordance with the approved details and implementation programme and, for the avoidance of doubt, prior to the first occupation of any building in that phase. The measures shall thereafter be retained and maintained for the lifetime of the development.

In the interests of public safety.

Condition 46 – Wind Testing

Prior to installation of the agreed wind mitigation measures a scheme for testing and assessing the effectiveness of the approved mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate details and timescales for the implementation of any further mitigation measures where these are found to be necessary by the testing exercise and shall be implemented in accordance with the details and timescales thereby approved.

In the interests of public safety.

Condition 47 – Student management plan

Prior to occupation of the student building, a Management Plan, Departure Management Plan and Site Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

In the interest of amenity and highway safety

Condition 48 – Sustainability

Prior to the commencement of above ground works on any relevant phase of the development an updated Sustainability Statement shall be submitted to and approved in writing by the Local Planning Authority, for that phase which will include a detailed scheme comprising:

- a. a recycled material content plan (using the Waste and Resources Programme's (WRAP) recycled content toolkit)
- b. a Site Waste Management Plan (SWMP)
- c. an energy plan showing the amount of on-site energy produced by the selected Low and Zero Carbon (LZC) technologies and that it produces a minimum of 10% of total demand
- d. details that demonstrate at least a 20% reduction in total predicted carbon dioxide emissions in the Building Regulations Target Emission Rate Part L 2013
- e. details that demonstrate the implementation of the low water usage target 110 litres/person/day
- f. a proposal to make the development future proof to enable future connection to the local district heat network.

The development shall be carried out in accordance with the approved details and

- g. Within 6 months of the final occupation a post-construction review statement shall be submitted to the Local Planning Authority including demonstration that the building(s) have achieved the relevant standards. The development and buildings comprised therein shall be maintained thereafter and any repairs shall be carried out all in accordance with the approved detailed scheme and post-completion review statement.

In the interests of ensuring the development meets the requirements of the adopted energy policies within the Core Strategy

Condition 49 – Active birds

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

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

Condition 50 – Roosting

Prior to the commencement of any relevant phase of development, a Plan shall be submitted to and approved in writing by the LPA of: integral bat roosting and bird nesting features (for species such as House Sparrow and Swift) within building(s) of that relevant phase.. The agreed Plan shall show the number, specification of the bird nesting and bat roosting features and where they will be located, together with a timetable for implementation and commitment to being installed under the instruction of an appropriately qualified bat consultant. All approved features shall be installed prior to first occupation of the dwelling on which they are located and retained thereafter.

To maintain and enhance biodiversity in accordance with Core Strategy Policy G9, NPPF, and BS 42020:2013.

Condition 51 – H9 Compliance

Prior to the commencement of the above ground superstructure of Building 1, details demonstrating how the development shall comply with policy H9 of the Core Strategy with regard to meeting relevant space standards shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the details thereby agreed.

To provide an appropriate layout and space for the amenity of residents.

Condition 52 – H10 Compliance

Following completion of at least 50% of the dwellings within Building 1 and secondly at the stage of the final completion of the remaining 50% of the dwellings, a post construction Accessible Housing Certification Table containing the full details of the following matters shall be submitted to and approved in writing by the Local Planning Authority;

- Which and how many dwellings within the development have satisfied M4 (2)* accessible and adaptable dwellings standards

- Which and how many dwellings within the development have satisfied M4 (3)* wheelchair adaptable dwellings standards
- Which and how many dwellings within the development have satisfied M4 (3)* wheelchair accessible dwellings standard.

*contained within Part M Volume 1 (Approved Document) of The Building Regulations 2010, or any

such Approved Document or Regulations for the time being in force, including any modification, extension or re-enactment of the same and including all instruments, orders, regulations and directions for the time being made, issued or given under the Approved Document or Regulations (or deriving validity from the same).

The accessible dwellings shall be provided in accordance with the agreed details and shall be retained as provided for thereafter.

In the interests of disabled people and access for all.

Condition 53 – Travel Plan

Prior to the first occupation of the first phase of development the Curtains ravel Plan 072722-CUR-00-XX-RP-TP-001-V05-TP shall be implemented. The plan shall not be varied without the prior written approval of the Local Planning Authority.

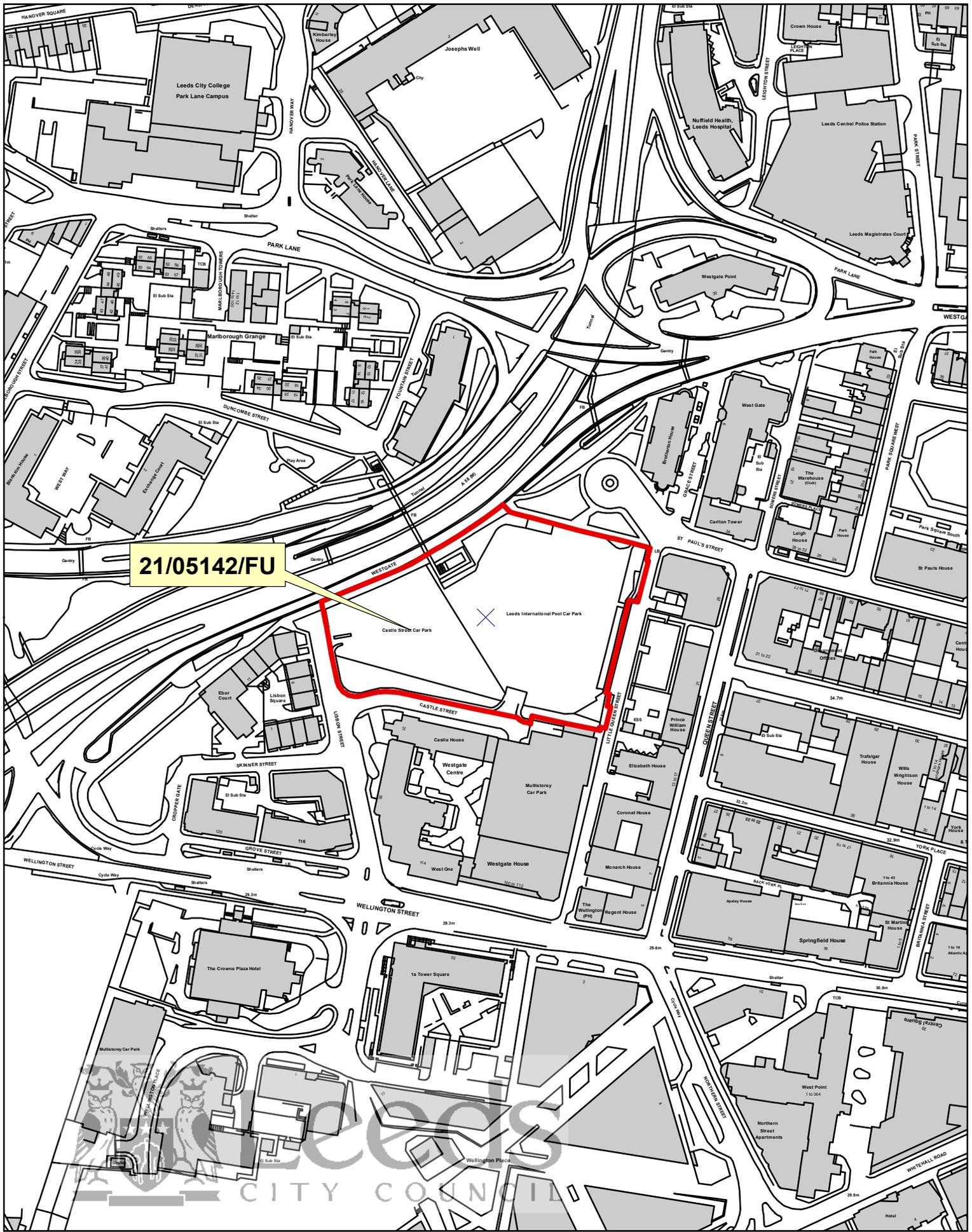
In the interests of sustainable travel and in reducing the traffic impact of the development on the road network.

Condition 54 - Apart Hotel

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification) the apart-hotel accommodation hereby approved shall only be used as apart-hotel accommodation for the purposes falling within Use Class C1 of The Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking or re-enacting that order with or without modification).

The same person or family unit shall not occupy any apartment within the apart-hotel, hereby approved, for more than three months in one continuous occupancy, or for more than 3 months in total within any 6 month period to avoid an apartment being occupied as a person's or family's sole, or permanent, place of residence.

In order to ensure that the apart-hotel hereby approved is not used as a 'Dwelling House' as set out in the Town and Country Planning (Use Classes) Order 2005, or any subsequent amending Act, which would require compliance with other housing policies in the Development Plan.



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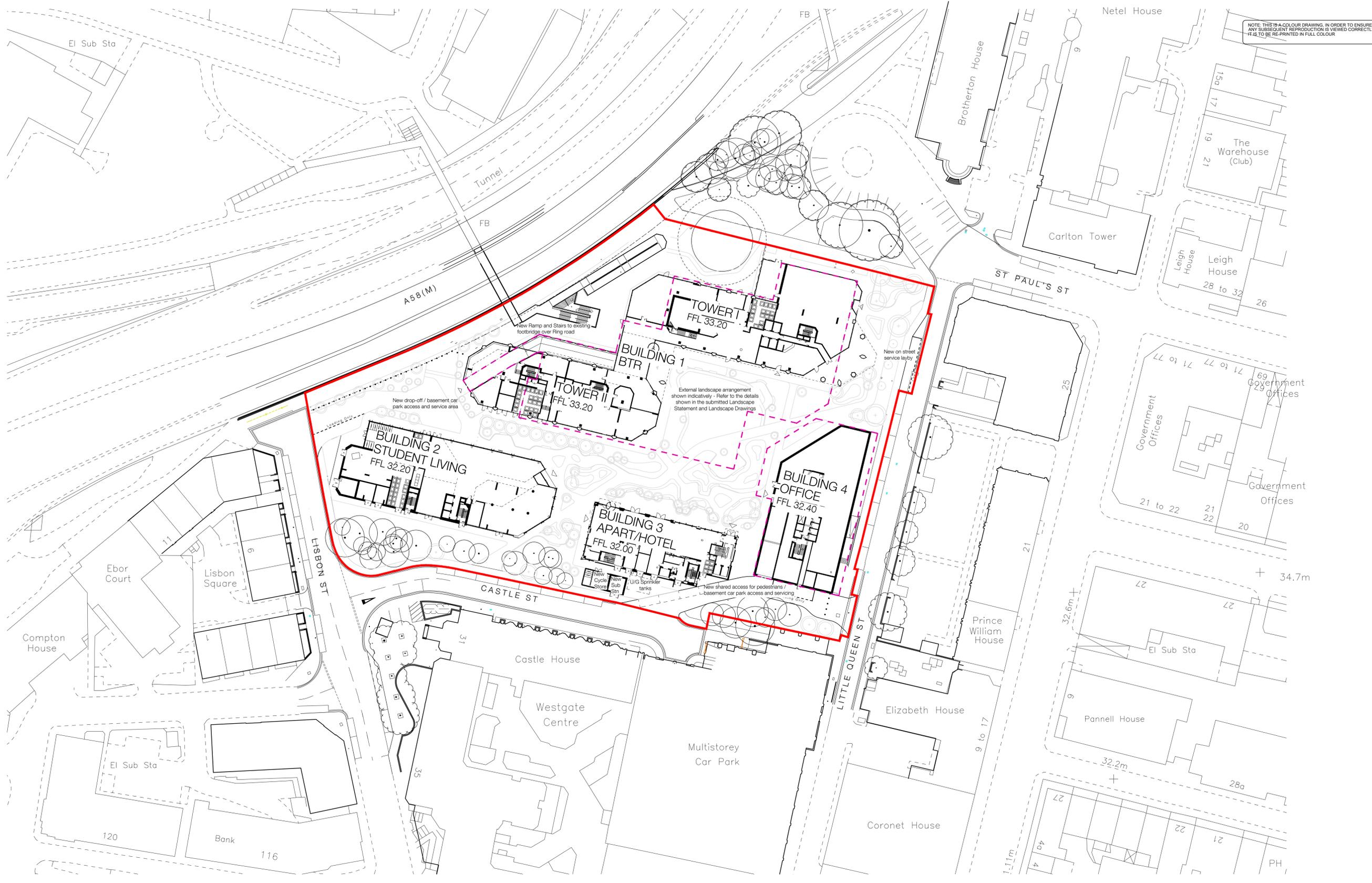
CITY PLANS PANEL

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

SCALE : 1 / 2500





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REVISIONS

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— Lisbon Steet Development Application Boundary (1.31 Hectares / 3.24 Acres)
- - - Extent of basement below BTR and Office buildings



dlA
ARCHITECTURE

55 St Pauls Street | Leeds | LS1 2TE
0113 887 3100
www.dla-architecture.co.uk

PROJECT
LISBON STREET, LEEDS

TITLE
SITE PLAN GA

SCALE
1:500 @A1 DATE
20/05/21

DRAWN
PSL REVIEWED
JNC

DLA REF NUMBER REVISION
2017-116 120 C

STATUS
FOR INFORMATION



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