
Report of the Chief Planning Officer

CITY PLANS PANEL

16th June 2022

Demolition of existing building and erection of a ten storey building, comprising Class E(a) retail floorspace at ground floor, commercial floorspace falling under Class E(a) retail, (b) food and drink, or (d) indoor sport and recreation on the basement floor, purpose built student accommodation (sui generis) on floors one to nine, with associated communal facilities in the basement and ground floor, outdoor amenity space, plant and cycle parking, 140-142 Briggate, Leeds LS1 6LS

Applicant – Dukelease

Reference – 22/00774/FU

Date valid – 28th January 2022

Target Date – 2nd May 2022

Electoral Wards Affected:

Little London and Woodhouse

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION : DEFER and DELEGATE to the Chief Planning Officer for approval subject to no objections being received from the HSE, the specified conditions set out in Appendix 2 (and any amendment to these and addition of others which he might consider appropriate) and the completion of a Section 106 agreement to include the following obligations:

- Occupation of the residential accommodation only by full-time students in higher education during recognised term-times
- Compliance with agreed Travel Plan measures and a travel plan review fee of £7,068
- Local employment and training initiatives; and
- Section 106 monitoring fee £900.

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 relates to the redevelopment of the House of Fraser store on Briggate, involving demolition of the existing 1950's building and the construction of a new building containing retail and commercial uses at ground and basement levels and student accommodation in the levels above.
- 1.2 The applicant's team presented the emerging pre-application proposals to a Consultative Meeting of City Plans Panel on 21st December 2021. At the meeting Members confirmed the principle of the use was acceptable and that the scale and form of the development was generally acceptable, subject to details regarding materials. A copy of the minutes of that meeting is attached as Appendix 1.

2.0 Site and surroundings

- 2.1 The site is located on the east side of Briggate, midway between Duncan Street to the south and Kirkgate to the north. The rear, eastern, elevation of the existing premises fronts Central Road which curves gently in towards the building. The building was constructed in 1959 for Woolworths to replace their earlier store on the site. The principal elevation fronting Briggate comprises a simple Portland Stone facade with a large expanse of opaque glazing and inset ribbon windows in the elevation above the ground floor entrance and shopfront. The rear elevation takes a similar form. The existing building is four storeys in height, plus basement and rooftop plant rooms.
- 2.2 The attached building to the north on Briggate was last occupied by Gap clothing but is currently vacant. The southern elevation abuts a café and retail units located on the north side of the Central Arcade. The northern extent of the building on Central Road abuts the service area to Zara clothes. Briggate is Leeds' principal pedestrianised shopping street and retail outlets such as M&S and the entrance to the Trinity Leeds shopping centre are located on the opposite side of the street from the site. Central Road, which branches off towards New Market Street, is quieter although contains several commercial units. The upper levels of Vassilli House located on the east side of the street opposite the site contains residential apartments. A mature tree is located on Central Road close to the south-east corner of the building.
- 2.3 Whereas Leeds City Centre - Central Area Conservation Area is extensive it excludes much of the urban block in which the site is located. The eastern boundary of the site abuts the conservation area which runs north-south along Central Road. The area contains several listed buildings including 133-137 Briggate, a Grade II listed building attached to the north of the site. That building, constructed in red brick and pink terracotta, presents an ornate façade onto Briggate with round-headed windows of reducing scale and a central canted bay. The building, although shallower in depth than the subject premises, is approximately a storey taller whereas the diminutive scale of the building attached to the south is inconsistent with the scale of most buildings in the locality. There are additional listed buildings on Briggate, including the Yorkshire Building Society at 148-150 Briggate to the south (Grade II), and 14-34 Central Road (Grade II) to the east. Further east, across New Market Street and Vicar Lane, listed buildings include the Corn Exchange (Grade I) and Leeds City Market (Grade I).

3.0 Proposals

- 3.1 The existing building would be demolished in its entirety. A new basement and ground floor would be formed on a similar footprint to the existing. The majority of the ground floor would be used as retail floorspace, potentially as two units, with the retail frontage onto Briggate. The eastern flank of the ground floor, fronting Central Road, would contain the primary entrance and reception to the purpose-built student accommodation (PBSA), together with student social and amenity space which would extend along most of the frontage. The basement would follow a similar format to the ground floor. The greater part of the basement would be used for commercial uses, possibly retail, food and drink or leisure uses, with a primary access down into this area from a ground floor entrance on Central Road. The eastern third of the basement would be used to support the student accommodation elsewhere in the building, containing bike and bin stores, plant, laundry, gym and cinema room.
- 3.2 The massing of the building would reduce progressively with increased height above ground floor level. Levels 1-5 would have a common footplate, comprising two wings fronting Briggate and Central Road linked by a centrally positioned spine set in from neighbouring properties to the north and south. Level 6 would have a similar arrangement, albeit the west elevation would be set back from the Briggate frontage below, whilst the southern end of the Central Road wing would be set in from the levels below. The west elevation of Level 7 would step further back from both Briggate and from the southern boundary. The east wing of Level 7, the highest level of accommodation on this side of the building, would step back from Central Road. Level 8 would have a similar format to level 7, with an external amenity space forming the rooftop on the eastern side. Level 9 would comprise the now solitary central spine.
- 3.3 The PBSA would contain 238 bedspaces in a mix of 3-8 bedroom clusters, each cluster served by its own dedicated kitchen/living space. In addition, 131 self-contained studio rooms are proposed, distributed around the building. The dedicated communal facilities would be focused at basement level (137sqm); ground level (290sqm); and first floor level (39sqm). Areas of external amenity space would be provided at first floor (615sqm), in addition to Level 8 (393sqm).
- 3.4 Externally, the proposed Briggate elevation would reference elements of the attached listed building. The main body of the building would be divided into 7 equal bays by vertical piers extending from ground to fifth floor. The ground floor would contain full height glazing to the proposed shopfronts with bronze anodised framing, the fascia located above an internal signage zone aligned with the fascia at 133-137 Briggate. The head of the first floor windows would be formed by a round-headed arch, this detail repeated between Levels 4 and 5 to balance the lower component of the façade. Each of the bays above ground floor would contain a pair of windows, each with steel balustrades. Level 5 would continue the use of paired windows but would be detailed with narrow fins and a chamfered cornice to mark the termination of the primary façade and in response to the change in format at the extended top level of 133-137 Briggate. This main element of the frontage would be faced in a stone material coloured to match its neighbour.
- 3.5 Level 6, set back from the frontage, would contain a series of window openings purposively diverting from the rhythm of windows below. The zinc façade would be lighter in colour, with a lightweight, glazed balustrade to the front. Levels 7 and 8 would step in and back further, again faced in zinc with a standing seam. Further back still, Level 9 would be faced in large panels of glazing and opaque glazing.

- 3.6 The Central Road elevation would also have a distinct base, middle and top. The lowest level would be faced in a bronze anodised aluminium panel system with regularly dimensioned bays separated by a series of piers. Full height, vertically proportioned glazing units would enable activity in the communal areas to be viewed from the street. A new roller shutter providing access to the servicing area would be coloured bronze to maintain the appearance of the base of the building. The main body of the building would be divided by moulded piers, extruded vertically from ground level, and by string courses at the top of Levels 2 and 3 creating a strong rhythm to the façade. This part of the frontage would be faced in a stone material matching the Briggate frontage. The top of Level 5 would have a chamfered detail marking the termination to the main body of the building and reflecting the detail on the Briggate elevation. The materials and architectural approach used above Level 5 would be the same as those proposed on the Briggate frontage with a glazed balustrade to the Level 8 external amenity space.
- 3.7 Levels 1-6 of the south elevation spine connecting the east and west wings, would utilise a regular pattern of vertically proportioned, black-framed, single windows set within an off-white coloured metal panel system. Those levels above would be consistent with those on the principal frontages. The same approach to architecture and materiality is proposed within the inner courtyard.

4.0 Relevant planning history

- 4.1 The applicant's team presented the emerging pre-application proposals to a Consultative Meeting of City Plans Panel on 21st December 2021. At the meeting Members confirmed:
- that the proposed redevelopment of the site for retailing and student accommodation was acceptable in principle;
 - subject to detail that the approach towards living conditions for the student accommodation was acceptable;
 - the proposed scale and form of development was generally acceptable;
 - the proposed provisions for transportation and accessibility were acceptable; and
 - subject to confirmation of details, the approach to sustainable development was supported.

A copy of the minutes of that meeting is attached as Appendix 1.

- 4.2 A series of applications for the display of signage on the building reflects the various tenants of the existing building on the site: Woolworths, Schofields and House of Fraser.
- 4.3 133-137 Briggate (Footlocker and former Gap units). Change of use of basement and ground floor to a flexible use within Class E or hot food takeaway or the hiring, selling and displaying of motorcycles; and change of uses of upper floors to a flexible use within either Class E, C1, C3, F1, F2 or hot food takeaway, with partial demolition and internal and external alterations (20/06301/FU). Approved 10th February 2021.
- 4.4 115-126 Briggate (Debenhams). Redevelopment of the existing buildings to include rooftop extension and conversion of upper floors to student residential use with ground floor reception entrance (21/02996/FU). Approved 20th August 2021.

5.0 Public / local response

5.1 Site notices were displayed around the site on 11th February 2022 and the application was advertised in the Yorkshire Evening Post on 18th February 2022.

5.2 Leeds Civic Trust does not object to the proposed uses and confirms the approach to the first six floors is attractive and interesting but objects to the following elements of the development:

- the upper three floors, clad in zinc or glazing could be prominent in some views, including when lit at night. An alternative to zinc may be more appropriate.
- Whilst the Central Road proposals are an improvement on the existing it has a back door feel and a rather bland institutional look compared with buildings on the east side of Central Road.
- Rooms facing external amenity areas may suffer from a loss of privacy.
- Internal corridors lack natural light and ventilation.

Response: With regard to the upper floor cladding it is considered that in contrast with the lower floors, the upper levels of the building would employ an acceptable lighter approach. The zinc standing seam cladding would emphasise the hierarchy of the elevation using a contemporary approach to colours and tone of roofscape in the area. At the highest level glazed curtain walling would further emphasise the articulation of the elevations, providing a suitable crowning to the building. Glazed balustrades would be utilised in areas facing Briggate and Central Road so as to minimise their visual impact. It is considered that the proposed Central Road elevation would introduce more architectural and visual interest than the existing building. In addition at ground level there would be greater activity and visual connection with the street through its proposed glazing to the common areas of the student use and the location of the entrance to the student use. With regard to the juxtaposition of student room windows to the external amenity spaces there is sufficient space and scope to ensure that the detailed arrangement of the external amenity spaces would not result in unacceptable impact on privacy. The matter raised about light and ventilation to internal corridors is addressed at para.9.3.13 of the report.

5.3 3 letters of objection have been received commenting on the following issues:

- The scale of development is out of character with the conservation area and surrounding buildings and will dominate the area.
- Construction of the development would cause noise and disturbance.
- The development would overlook residents in Vassalli House causing a loss of privacy.
- The submitted application documents do not assess the loss of light.
- The development would cause a loss of light to Vassalli House (and Central Road) affecting living conditions in the building and potentially harming the stone exterior.
- The student accommodation would detrimentally affect the quiet nature of Central Road.
- There is no precedent for student accommodation in Leeds City Centre and it is not needed.
- Waste collection is likely to cause significant disruption to existing residents in Central Road.

Response: Section 9.2 of the report addresses the matter of the proposed scale of development and its impact on the wider character of the conservation area. Paragraphs 9.3.11 and 9.3.12 address the issues raised about potential loss of light and privacy. The precedent for and principle of student accommodation is also addressed in section 9.1 and 9.3 of the report. Although the new student accommodation entrance to Central Road is likely to increase comings and goings throughout the day it is not considered to unacceptably affect the amenities of existing residents within the context of a busy mixed use city centre environment. There will inevitably be greater disturbance to neighbouring occupiers during the construction phase but this will be for a temporary period only and suggested planning conditions 10 and 11 will seek to minimise this adverse impact by controlling the nature and times of this activity. The details of waste collection from the site will be managed through planning conditions 31, 32 and 33 including restricting collection times so that they do not conflict with times when residents are most likely to be resting and sleeping.

- 5.4 7 replicated letters of support were received from businesses in Central Arcade and Central Road. The letters commented that the development would bring new footfall into this part of the City Centre, providing new customers to the businesses and an economic boost to the area. The proposed improvements to Central Road would also make it more attractive and a safer environment.
- 5.5 One letter of support was received on behalf of Nexus at the University of Leeds commenting that the development would result in the replacement of an architecturally poor building whose use is no longer fit for purpose; that the development would bring vitality to Briggate and the student use will help to safeguard the vibrancy of the City Centre.

6.0 Consultation responses

6.1 Statutory

- 6.1.1 Coal Authority – The submitted report correctly identifies that the application site may have been subject to past coal mining activity. The Coal Authority records indicate that the site is likely to have been subject to historic unrecorded underground coal mining at shallow depth. The Coal Authority recommends two conditions to establish the risks of past coal mining legacy and to confirm that the site is suitable for use. Response – conditions added.
- 6.1.2 LCC Highways – Highways have not raised any road safety concerns but have made the following comments.

The cycle store and bin store arrangements should be rearranged to ensure they do not share a lift.

The developer is proposing to resurface parts of Central Road which in principle is supported by highways. The retention of the blue blocks in front of the old House of Fraser loading bay roller shutter door, and the various fire escape doors seems to look like this area is for vehicles rather than pedestrians. The granite sett paving should be extended over this whole area up to Kirkgate. Notwithstanding this, ideally the resurfaced area should also include the full extent of the adopted highway from Kirkgate to New Market Street.

A Student Management Plan must be agreed prior to occupation of the building – this can be controlled via condition.

Cycle parking for commercial and residential uses are separate. The quantity of cycle parking for student accommodation is in line with the draft Transport SPD. However, there should be 14 cycle parking spaces for the commercial units. There should be an increase of Sheffield stands for commercial units, they should be spaced at 500mm from all walls and 1m from each other.

For the avoidance of doubt there should be no changes to the TROs on Central Road as part of the improvements. The carriageway must remain open for vehicular use at all times and all parking spaces should remain unobstructed at all times.

The developer should contact the Structures team to ensure that there is no structural impact upon the adopted highway. A condition controlling construction and demolition should be attached to any planning consent.

Response – The applicant has confirmed that they are happy to look at the option of extending the granite sett up the full the length of Central Road. It is considered that the detailed design of the public realm improvements can be addressed through Condition 23. The applicant has stated that the lift is primarily for refuse use. The cycle users would use the cycle rail included as part of the stair. The lift is only secondary for cyclists, but the management company would ensure that its kept clean and hygienic. The detailed control of this can be addressed within the Student Management Plan, required by Condition 15. With regard to the request to increase the cycle parking for the proposed commercial uses the applicant has updated the proposed ground floor plan to include 6 racked spaces, retaining the Sheffield stands below (thus providing a total of 14 spaces). The orientation and size of the store has also been increased to allow for greater manoeuvring space.

6.1.3 Health and Safety Executive (fire) – awaiting response from HSE to revised floorplans.

6.1.4 Leeds Bradford Airport – no objections.

6.2 Non-statutory

6.2.1 LCC Flood Risk Management – the application site is located entirely within Flood Zone 1. The Environment Agency's Long-term Surface Water Flood Risk map indicates that the proposed application site is located on land at Very low (chance of flooding of less than a 1 in 1,000 year event) risk of surface water flooding. However, it should be noted that land within the vicinity of the proposed application site (on Briggate) is located partially on land at a Low (chance of flooding of between a 1 in 1,000 and 1 in 100 year event) to Medium (chance of flooding of between a 1 in 100 and 1 in 30 year event) risk of surface water flooding which may pose a risk to the proposed development. Due to the risk of surface water flooding FRM requests that the finished floor level of any newly proposed buildings on site should be set at a minimum 600mm above expected flood levels or a minimum of 150mm above adjacent ground levels. Response – the benefit of raising floor levels to mitigate the risk of surface water flooding is outweighed by the impact such works would have upon pedestrian movement in and out and around the exterior of the building.

Suitable mitigation measures should be implemented to ensure that the basement is appropriately tanked to prevent the ingress of groundwater and all other sources of

flood risk identified on site. Furthermore, the threshold level of any access points to the basement and any ventilation intake shafts serving the basement should be set at a minimum of at least 400mm above expected flood levels. Response – these matters will be addressed through building regulations.

It is necessary to provide detailed drainage design and supporting calculations and investigations to demonstrate that the proposed development will comply both with the Leeds City Councils Minimum Development Control Standards for Flood Risk and also not increase the flood risk to any area outside of the application site or any adjacent land owned by the applicant for all events up to and including the 1 in 100 + 40% allowance for climate change (CC) storm event. Response – condition attached.

- 6.2.2 LCC Contaminated Land Team - the Phase 1 Desk Study report is acceptable. Conditions are recommended regarding the need for a Phase 2 site investigation. Depending on the investigation a Remediation Statement and Verification Statement may also be required. Conditions are recommended to secure the site investigation, and any subsequent remediation and verification statements. Response - conditions added.
- 6.2.3 LCC Environmental Studies (traffic noise) – Based on the noise levels shown in Defra's noise maps for the streets close to this proposed development, we are satisfied that the suggested glazing and ventilation strategy will suffice to mitigate transportation noise levels to acceptable standards. Response – condition added.
- 6.2.4 LCC Environmental Studies (air quality) – An air quality assessment report has been submitted which shows that the risk of dust and particulates during the demolition and construction works will be negligible at sensitive receptors, subject to mitigation in accordance the IAQM guidance. Therefore, there are no adverse comments, subject to the identified dust mitigation measures being implemented prior to works beginning on each phase and maintained for the duration of the development. The air quality assessment also concludes that no significant impacts are expected with regard to future residential exposure to air pollution. Therefore, there are no objection to the proposals on the grounds of local air quality. Response - condition added
- 6.2.5 LCC Environment and Housing (Environmental Health) – no response.
- 6.2.6 LCC Conservation - The assessment of the existing building in the submitted Heritage Statement as "a typical example of the large modernist style city centre stores built by Woolworths" and "one of a number of buildings within Leeds built during the postwar period" is considered to be correct. It is a non designated heritage asset but it is considered to be of very low significance due to it being a typical and altered example of modernist architecture.

Paragraph 203 of the NPPF says that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application, requiring "a balanced judgement" having regard to the scale of any harm or loss and the significance of the heritage asset". Taking a balanced judgement, it is considered that the loss of the non-designated asset is outweighed by the enhancement of heritage assets outlined below.

The proposed development is a more contextual and visually commensurate with the commercial character of Briggate and architectural quality of nearby listed buildings and will enhance their settings as well as enhancing the conservation area. The

height, scale and mass of the proposed development has been informed by early TVIA and modelling of key views as well as pre-application engagement to cause no harm to the wider conservation area and the settings of listed buildings further away from the development site such as the grade I listed Corn Exchange.

It is not agreed, as outlined in the heritage statement, that there is a limited and low level of harm to the significance of the grade II listed Yorkshire Bank and 71 Boar Lane and the grade I listed Holy Trinity Church due to the increased height and visual impact of the proposed development. The proposed development will form part of a city centre backdrop beyond the listed buildings and the impact is neutral.

- 6.2.7 LCC Nature Conservation - A bat roost for a single Common Pipistrelle has been identified and the survey effort is acceptable in this case (an additional survey will probably be required as part of the works being carried out under licence – and the survey season is now suitable for this). Conditions should be attached for addressing the impact on the identified bat roost and general biodiversity enhancements as per Policy G9. Response - conditions added.
- 6.2.8 LCC Influencing Travel Behaviour - the Travel Plan dated 25th May 2022 (report no ITY17206-004D) is acceptable. The Plan should be included in the section 106 agreement and with a review fee of £7,068. Response – included in draft section 106 agreement.
- 6.2.9 LCC Landscape - The Arboricultural Impact Assessment and tree protection proposals are largely satisfactory subject to confirmation regarding no-dig proposals. The indicative proposals for the roof gardens, soil depths and irrigation are broadly positive and accepted with detailed hard and soft landscape information to be secured by condition. The proposed works to Central Road are accepted in Landscape terms and would provide improved conditions for the existing mature tree but the proposals must be agreed with LCC services responsible for maintenance, principally Highways, Parks & Countryside (Forestry) and City Centre Management. Response - condition added.
- 6.2.10 LCC Bridges - Any basement walls which provide support to the adjacent highway will require technical approval subject to provision of more detailed information. Response - informative added.
- 6.2.11 LCC District Heating – the site is too far from the network to make a connection viable.
- 6.2.12 West Yorkshire Police – No objections in principle. Further details of access controls, external lighting, partition wall construction, windows and door standards, mail delivery, cycle storage, street furniture, anti-suicide measures, vegetation, reception management. Response - condition added.
- 6.2.13 Yorkshire Water – The existing water supply should be found and capped. A new water supply can then be provided. The water pressure in the area dictates that suitably sized storage should be provided in the building as required for domestic and fire fighting purposes. Conditions regarding the provision of separate systems of drainage and carrying out the development in accordance with the flood risk assessment are recommended. Response – conditions added.
- 6.2.14 Architectural Aerodynamics (peer wind review) - The assessment represents a plausible appraisal of the wind microclimate upon the introduction of the proposed development. A number of queries and requests for clarification were raised, but

these were suitably clarified and the wind assessment shows that wind conditions will be acceptable around the development.

7.0 Policy

7.1 Development Plan

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

- The Leeds Core Strategy 2014 (as amended by the Core Strategy Selective Review 2019)
- Saved UDP Policies (2006), included as Appendix 1 of the Core Strategy
- The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013) including revised policies Minerals 13 and 14 (Adopted September 2015)
- Site Allocations Plan (Adopted July 2019)

7.2 Leeds Core Strategy (CS)

7.2.1 The Core Strategy sets out the strategic level policies and vision to guide the delivery of development and the overall future of the district. Relevant Core Strategy policies include:

- Spatial Policy 1 prioritises the redevelopment of previously developed land in a way that respects and enhances the local character and identity of places and neighbourhoods. (iv) Prioritises new office, retail, service, leisure and cultural facilities in Leeds City Centre.
- Spatial Policy 3 seeks to maintain and enhance the role of the City Centre as an economic driver for the District and City Region by (i) promoting the City Centre's role as the regional capital for major new retail, leisure, hotel, culture and office development.
- Spatial Policy 8 supports a competitive local economy through (ii) enterprise and innovation in...housing, leisure and tourism; and (vii) developing the City Centre as the core location for new retail, office and other town centre uses.
- Spatial Policy 11 includes a priority related to improved facilities for pedestrians to promote safety and accessibility and provision for people with impaired mobility.
- Policy CC1 outlines the planned growth within the City Centre. Part B encourages residential development, providing that it does not prejudice town centre functions and provides a reasonable level of amenity for occupiers. Part G supports town centre uses within the City Centre boundary. Part H states that a concentration of shops with ground floor frontages should be maintained in the Prime Shopping Quarter for reasons of vitality.
- Policy CC3 states new development will need to provide and improve walking and cycling routes connecting the City Centre with adjoining neighbourhoods and improve connections within the City Centre.
- Policy H6B refers to proposals for purpose-built student accommodation. Development will be controlled to take the pressure off the need to use private housing; to avoid the loss of existing housing suitable for families; to avoid excessive concentrations of student accommodation; to avoid locations that would lead to detrimental impacts on residential amenity; and to provide satisfactory living accommodation for the students.

- Paragraph 5.2.46 of the supporting text to 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, and via the application of any national standards that might be created in the future”.
- Policy P10 requires new development to be based on a thorough contextual analysis to provide good design appropriate to its scale and function, delivering high quality innovative design and that development protects and enhance the district’s historic assets in particular, historically and locally important buildings, skylines and views.
- Policy P11 states that the historic environment and its settings will be conserved, particularly those elements which help to give Leeds its distinct identity.
- Policies T1 and T2 identify transport management and accessibility requirements to ensure new development is adequately served by highways and public transport, and with safe and secure access for pedestrians, cyclists and people with impaired mobility.
- Policy G9 states that development will need to demonstrate biodiversity improvements.
- Policies EN1 and EN2 set targets for CO2 reduction and sustainable design and construction, and at least 10% low or zero carbon energy production on-site.
- Policy EN4 states that where technically viable major developments should connect to district heating networks.
- Policy EN5 identifies requirements to manage flood risk.
- Policy ID2 outlines the Council’s approach to planning obligations and developer contributions.

7.3 **Saved Unitary Development Plan Review policies (UDPR)**

7.3.1 Relevant Saved Policies include:

- Policy GP5 states that all relevant planning considerations are to be resolved.
- Policy BD2 requires that new buildings complement and enhance existing skylines, vistas and landmarks.
- Policy BD4 relates to provision for all mechanical plant on and servicing of new developments.
- Policy BD5 requires new buildings to consider both amenity for their own occupants and that of their surroundings including usable space, privacy and satisfactory daylight and sunlight.
- Policy LD1 sets out criteria for landscape schemes.
- Policy N19 requires new buildings adjacent to conservation areas to preserve or enhance the character or appearance of the relevant areas.

7.4 **Natural Resources & Waste Local Plan (NRWLP)**

7.4.1 The NRWLP sets out where land is needed to enable the City to manage resources, like trees, minerals, waste and water and identifies specific actions which will help use the natural resources in a more efficient way.

7.4.2 Relevant policies include:

- Air 1 states that all applications for major development will be required to incorporate low emission measures to ensure that the overall impact of proposals on air quality is mitigated.
- Water 1 requires water efficiency, including incorporation of sustainable drainage
- Water 4 requires the consideration of flood risk issues
- Water 6 requires flood risk assessments.

- Water 7 requires development not to increase surface water run-off and to introduce SUDS where feasible.
- Land 1 requires consideration of land contamination issues.
- Land 2 requires that development conserves trees where possible.

7.5 **Site Allocations Plan (SAP)**

- 7.5.1 The site is not specifically identified in the SAP although Briggate and Central Road are identified as green space (G2369 – Central Leeds Pedestrian Shopping Precinct). The SAP reviewed the boundary of the Primary Shopping Quarter and the primary and secondary frontages within it. The frontage facing Briggate is identified as a Primary Shopping Frontage whereas the elevation facing Central Road is not identified as a shopping frontage. Relevant shopping frontages policies are RTC1, RTC2 and RTC 4.

Other material considerations

7.6 **National Planning Policy Framework (NPPF)**

- 7.6.1 The NPPF was updated in July 2021. Paragraph 11 states that decisions should apply a presumption in favour of sustainable development. Permission should be granted unless the application of policies in the Framework provides a clear reason for refusing the development; or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole.
- 7.6.2 Chapter 5 identifies guidance for the delivery of a sufficient supply of homes including at paragraph 62, accommodation for students.
- 7.6.3 Chapter 6 references the benefits of a strong, competitive economy. Paragraph 81 states that significant weight should be placed on the need to support economic growth.
- 7.6.4 Chapter 7 relates to measures to ensure the vitality of town centres to promote their long-term vitality and viability allowing them to grow and diversify, allowing a suitable mix of uses (including housing) and reflecting their distinctive characters.
- 7.6.5 Chapter 8 promotes healthy and safe communities aiming to achieve healthy, inclusive and safe places. Decisions should promote public safety and take into account wider security requirements (paragraph 97).
- 7.6.6 Chapter 9 identifies measures to promote sustainable transport. Paragraph 112 states that priority should be given to pedestrian and cycle movements; the needs of people with disabilities and reduced mobility addressed; creation of safe, secure and attractive spaces; allow for the efficient delivery of goods; and be designed to enable use by sustainable vehicles.
- 7.6.8 Chapter 11 states that decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 7.6.9 Chapter 12 identifies the importance of well-designed places and the need for a consistent and high quality, beautiful and sustainable buildings and places. Paragraph 126 states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good

design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 states that planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 131 recognises that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change.

7.6.10 Chapter 14 identifies the approach to meeting the climate change challenge. New development should avoid increased vulnerability to the range of impacts arising from climate change and should be planned so as to help reduce greenhouse gas emissions, such as through its location, orientation and design (paragraph 154).

7.6.11 Chapter 15 identifies guidelines for conserving and enhancing the natural environment. Paragraph 174 states that new and existing development should not be put at unacceptable risk or be adversely affected by unacceptable levels of soil, air, water or noise pollution. Development should, wherever possible, help to improve local environmental conditions.

7.6.12 Chapter 16 refers to the historic environment. Paragraph 197 states that local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 199 states that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be).”

Paragraph 202 states that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should

be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

Paragraph 203 says that “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.

7.7 Supplementary planning guidance

- Accessible Leeds SPD
- Travel Plans SPD
- Building for Tomorrow Today: Sustainable Design and Construction SPD
- Neighbourhoods for Living SPG
- City Centre Urban Design Strategy SPD
- Transport SPD
- Houses in Multiple Occupation (HMOs), Purpose Built Student Accommodation (PBSA) and Co-Living Amenity Standards SPD (draft)

7.8 Other Relevant Legislation

7.8.1 S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

“In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

S72 of the same Act provides:

“In the exercise, with respect to any buildings or other land in a conservation area, ... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

8.0 Main issues

- Principle of the development
- Townscape and heritage considerations
- Housing and amenity considerations
- Transportation and sustainable travel
- Safety and security
- Wind issues
- Climate Change and Sustainability
- Section 106 obligations and CIL

9.0 Appraisal

9.1 Principle of the development

9.1.1 Located in the centre of the Primary Shopping Quarter, the site has been used for retailing for nearly 100 years. At the same time it is recognised that changing shopping habits may mean that large, multi-level, department stores are less

attractive as a retail model going forward. However, the ground floor retail frontage to Briggate remains important to the vibrancy and vitality of the street and the shopping frontage.

- 9.1.2 The majority of the ground floor (1,538sqm) would be developed as retail space, potentially as two retail units with a frontage onto Briggate. Similarly, much of the basement (1,576 sqm) would be used for commercial use, possibly retail, food and drink or leisure uses. The entrance to the basement would be from a ground floor entrance on Central Road, resulting in additional footfall and activity in this area.
- 9.1.3 The ground floor and basement retail areas proposed in the scheme would support the retail activity, the Primary Shopping Frontage and the wider function of the City Centre as the regional capital for retailing. Consequently, subject to the retention of the retail and commercial uses proposed, the development would accord with CS policies SP1 and CC1 and SAP policies RTC1, RTC2 and RTC 4.
- 9.1.4 CS Policy CC1(b) encourages residential development in City Centre locations providing that the development does not prejudice the functions of the City Centre and that it provides a reasonable level of amenity for occupiers. In this case, rather than prejudicing other activities, the purpose-built student accommodation (PBSA) use would help to sustain the vitality and viability of existing businesses within the City Centre and, as set out at paragraph 9.3 below, the accommodation would provide a reasonable level of amenity for its occupants.
- 9.1.5 The primary entrance to the student accommodation would be located on Central Road. Student amenity and social spaces would be situated either side of the reception area, in combination with the entrance to the basement use, helping to provide activity throughout the day.
- 9.1.6 Policy H6B relates specifically to the provision of student housing and CS paragraph 5.2.26 states that growth in new PBSA is to be welcomed in order to meet need and to deflect pressure away from private rented houses in areas of over-concentration. The application is accompanied by a student accommodation demand and supply report which reviews the existing student population, investment and growth at the universities and existing accommodation types and location. The report confirms that there are approximately 22,000 university students in the city presently without access to purpose-built student accommodation whilst the universities themselves are increasingly reliant upon private sector accommodation. This would suggest that additional provision of purpose-built student accommodation is unlikely to result in an over-supply of such accommodation in the near future.
- 9.1.7 The proposal is considered against the criteria set out below within the adopted policy H6B (identified in italics):

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

The provision of 369 student bedspaces would help to reduce the need to use private housing for student accommodation.

(ii) To avoid the loss of existing housing suitable for family accommodation.

The existing building on the site currently remains in use as a department store and the new building would be used for the provision of PBSA and retail floorspace. The development would therefore not involve any loss of existing housing and would avoid the loss of residential family accommodation.

(iv) To avoid locations which are not easily accessible to the universities or which would generate excessive footfall through residential areas which may lead to detrimental impacts on residential amenity.

The site is within the City Centre and is well-placed with regard to access to Leeds Beckett University, the Leeds University of Arts and the University of Leeds on foot, by bicycle or by public transport. The PBSA would be supported by the provision of cycle storage facilities and a travel plan whilst the development would also involve the resurfacing of part of Central Road to improve the pedestrian environment.

Whereas there are some residential properties within Central Road opposite the entrance into the proposed PBSA, and elsewhere within the City Centre, the development would not result in significant footfalls of students through a residential area given its primary use and function for retail and other commercial purposes. Further, given the use of the area and the scale of the development, it is not considered that the student footfall would result in a detrimental impact on residential amenity.

Criteria (iii) and (v) of policy H6B are considered in the amenity section, at paragraph 9.3 below

9.2 Townscape and heritage considerations

9.2.1 As described at paragraph 2.3, the premises is located in the setting of several listed buildings and the setting of the City Centre conservation area. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Listed Buildings Act 1990') provides:

“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

And S72 provides:

“In the exercise, with respect to any buildings or other land in a conservation area... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

9.2.2 Further, in accordance with paragraph 199 of the NPPF great weight should be given to the conservation of heritage assets. Any new development must also provide good design that is appropriate to its location, scale and function (CS Policy P10). Part (i) of the policy states that the size, scale, design and layout should be appropriate to its context and that (Part ii) the development should protect and enhance skylines and views. These policies accord with guidance in the NPPF which requires that development establishes a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; to respond to local character and history; and to reflect the identity of local surroundings.

9.2.3 The existing building is an example of “civic modernism” which is characteristic of post war new towns and comprehensive redevelopment schemes. Its defining features are a simple geometric boxy form, horizontal banded windows and the use

of concrete or Portland stone cladding. There are other examples of this generic type on Briggate and they collectively represent a phase of Leeds post war renewal of the City Centre. This historic value gives the building sufficient significance to be considered as a non-designated heritage asset and as such “a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset” (NPPF paragraph 203).

- 9.2.4 Whereas the front and rear building lines of the building are important in maintaining the strength of the frontage, the existing building was designed with little regard to its historical context and has a weak visual relationship with the adjacent listed building and other listed late Victorian and Edwardian listed buildings nearby. As such, subject to a suitably designed replacement, the demolition of the existing building would not be resisted. Taking the “balanced judgement” required by paragraph 203 of the NPPF, it is considered that the harm to the significance of the existing building would be outweighed by the enhancement of designated assets.
- 9.2.5 The massing of the main body of the proposed building (paragraph 3.2) references 133-137 Briggate (grade II listed) directly to the north. Levels 6 and above would be progressively set back from the frontage and would utilise a lighter and reflective materiality so as to further reduce the visual weight of the upper levels. The massing has been studied using key views analysed in a detailed Townscape and Visual Impact Assessment (TVIA) submitted with the application. This document illustrates that the increased height, with the important set back of the top three storeys, would not be overdominant in views north and south along Briggate. As such, the scale of the proposed building would be successfully integrated into the townscape and the setting of listed buildings and the wider conservation area would not be harmed. These listed buildings include 148-150 Briggate (grade II listed Yorkshire Building Society) at the junction with Duncan Street where due to the physical separation from the site, materiality and the retained prominence of the corner turret, the decorative roof line of the building would not be adversely affected. In a similar respect, whereas properties on the east side of Central Road, including 14-34 Central Road (grade listed II), are more diminutive in scale than the proposed development, the set-back at upper floors combined with the recessive materials which would be utilised, would be such that the massing of the new building would not unduly dominate or compete with the listed buildings on Central Road in views up and down the street. The TVIA confirms that the top of the proposed building would be visible in views from the Corn Exchange (grade I listed) 85m to the south-east. However, the proposed palette of materials would be such that the development would be recessive in the view against the backdrop of the sky. Although the development would be taller than the intervening buildings fronting New Market Street, the rooftop of the development would remain a secondary feature in the view such that its contemporary form would have a neutral impact.
- 9.2.6 The proposed Briggate elevation design has been developed with an explicit reference to 133-137 Briggate and, through its structural rhythm and façade composition, achieves a successful synthesis of its main features, including round-headed arches, which are analogous to other buildings on Briggate. The existing elevation to Central Road has a giant scale worthy of a principal facade but it is currently unsympathetic to proportions of the street and the domestically scaled 14-34 Central Road. The proposed elevation to Central Road, would introduce a distinct base, middle and top, skilfully arranged and articulated to create a strong rhythm to the façade. In doing so it would present a contemporary approach to a classical façade and would deliver a significant improvement on that existing. On both principal elevations the facades would be heavily moulded and articulated to create depth and solidity to the form. Recessed detailing in each bay of the façade

and fluting of the pronounced piers would reference Victorian and Edwardian buildings found in the area and add to the richness of the elevations. In contrast, the upper levels of the building would employ a lighter approach. The zinc standing seam cladding would emphasise the hierarchy of the elevation using a contemporary approach to colours and tone of roofscape in the area. At the highest level glazed curtain walling would further emphasise the articulation of the elevations, providing a suitable crowning to the building. Glazed balustrades would be utilised in areas facing Briggate and Central Road so as to minimise their visual impact.

9.2.7 In a similar approach to the hierarchy of the main facades, the architecture and materiality for the central spine of the building and the inner courtyard, largely takes a simple form so as not to compete with the principal elevations or neighbouring properties. The utilisation of a regular pattern of vertically proportioned, black-framed, single windows set within an off-white coloured metal panel system presents an appropriate response to their context.

9.2.8 Subject to the selection of appropriate high-quality facing materials the development would provide high quality, contemporary architecture and enhance the setting of listed buildings on Briggate and preserve the setting of listed buildings in a wider context, including 14-34 Central Road and the Corn Exchange. The development would also enhance views into and out of the adjacent conservation area and help to activate the Central Road frontage. It would also represent an efficient re-use of brownfield land in a sustainable, City Centre location. As a consequence, the development would also accord with CS policies P10 and P11, saved UDPR policies BD2 and N19 and the NPPF.

9.3 Housing and amenity considerations

9.3.1 Criteria (iii) of Core Strategy policy H6B aims to avoid excessive concentrations of student accommodation which would undermine the balance and wellbeing of communities. Paragraph 5.1.14 of the CS states that the City Centre remains a good location for PBSA although excessive concentrations should be avoided. Whilst the area around the Merrion Centre has seen a significant increase in student residential use in recent years, that area also comprises significant numbers of private rental apartments and a wide mix of commercial uses such that, despite the concentration, the use has been successfully integrated with a beneficial effect in supporting City Centre businesses.

9.3.2 Briggate forms the heart of Leeds pedestrianised City Centre with a focus on retail uses anchored by the Trinity and Victoria Gate shopping centres and ancillary supporting leisure and food and drink uses. There is some existing presence of residential uses mainly on upper floors within Briggate and adjoining streets such as Central Road and Kirkgate. However, the overall character is predominately a mixture of retail and leisure uses, alongside office and limited residential uses. Whilst planning permission has recently been granted for 124 student bedspaces in PBSA at 115 - 125 Briggate (Debenhams) to the north, in the context of Briggate and Central Road the development would not result in an excessive concentration of student accommodation.

9.3.3 Further to paragraph 9.1.7 it is not considered that existing local residents would be adversely affected by student accommodation in the proposed location in the context of a busy mixed use, City Centre environment and the manner in which PBSA is managed, nor would the development undermine the wellbeing of the area. It is more likely that the students would help to support the vitality of existing businesses within the City Centre. Whereas the intended letting period for the PBSA in the

development is currently unknown there is potential for the accommodation to be occupied by other users during the summer recess thereby maintaining activity when upper floors may otherwise be vacant.

- 9.3.4 CS policy CC1(b) requires that residential development provides a reasonable level of amenity for its occupiers. CS policy P10 and Saved UDPR policies BD5 and GP5 identify general requirements that development should contribute positively towards quality of life and provide a reasonable level of amenity and useable space. More specifically, criteria (v) of CS policy H6B requires that student accommodation provides satisfactory internal living accommodation in terms of daylight, outlook and juxtaposition of living rooms and bedrooms. Further, a footnote to CS 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, and via the application of any national standards that might be created in the future”. Members will be aware of the draft SPD which includes minimum requirements for room sizes and supporting spaces although, due to its ‘draft’ status the SPD currently can only be afforded limited weight. In addition to room sizes 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, daylighting, outlook, privacy and external amenity space.
- 9.3.5 Officers and Members have visited several student housing schemes to review the level of amenity provided for occupiers. These include Fresh Student Living at Darley Bank in Derby (April 2014) where the studio was 22sqm ; Downing’s Cityside, Calverley Street, Leeds (May 2016) where the student showflat was also 22sqm ; Vita Student’s Telephone House, Sheffield (September 2016) where the average studio size was 20sqm; and in March 2018 Unite’s development at Angel Lane, Stratford where Members viewed a 10 bedroom cluster flat where the cluster bedrooms of 11sqm were supported by 23sqm kitchen/living spaces, together with other internal and external amenity space located around the building. Most recently, Members visited the Vita St Alban’s Place development in October 2019. Members viewed the communal facilities located at the lower levels of the building and two student studios, the smallest of which had a floor area of 20sqm..
- 9.3.6 City Plans Panel has previously approved the following student accommodation developments in the wider area:
- Vita St Alban’s Place, in which the smallest studios is 20sqm (78% of the total provision). In approving the scheme it was recognised that the size of the majority of the studios would be restricted, providing little or no opportunity for socialising. However, each studio was found to benefit from a good outlook, natural daylighting and a suitable noise environment. In order to provide acceptable levels of amenity and communal living the studios are supplemented by 653sqm of communal amenity space for 376 studios.
 - Symons House, Belgrave Street (17/06605/FU) where the smallest studio is 21.3sqm. 2 to 5 bedroom clusters in that development have 14sqm bedrooms with kitchen/living spaces increasing in size from 21-43sqm. 748sqm of additional communal amenity space was provided.
 - Hume (Altus) House, Wade Lane (18/01819/FU) comprises a mixture of studios (22sqm) and 4, 5 and 6 bedroom clusters with 21-35sqm kitchen/amenity space, the area depending upon the size of the cluster. 546sqm of communal amenity space was provided.

- Unite, Merrion Way (18/05738/FU) scheme comprises 4, 5 and 7 bedroom clusters with 23-40sqm kitchen/amenity space, and 30sqm studios. 1,344sqm of additional internal communal amenity space was provided for the 976 bedspaces.
- 44 Merrion Street (20/01965/FU) comprises 5 bedroom cluster flats, the smallest bedroom of which would be 12.8sqm with a kitchen/diner (15.2sqm) and have shared access with an adjacent cluster to a lounge (18.4sqm); and studios the smallest of which would be 20m² albeit a range of sizes is proposed dependent upon location within the development. A total of 660 bedrooms would be supported by 1,073sqm of internal communal space, in addition to external space.
- 115 - 125 Briggate (Debenhams) where the studio flats would range from 20-36sqm, whilst double sized-duel occupancy studios would range from 32-50sqm. A total of 124 bedrooms would be supported by internal communal space (384sqm) and external space (370sqm).

In each of these purpose-built student schemes, the dedicated additional amenity spaces within the building were considered critical in providing overall acceptable levels of amenity for the occupiers of the development.

- 9.3.7 The format of the proposed student accommodation is comparable to the PBSA schemes referred to above with a mix of unit types and sizes throughout the building. The studios (131) would range in size from 20sqm – 32.0sqm, with accessible studios ranging in size from 25sqm – 29.2sqm. The studios would typically have a conventional layout with washing facilities positioned closest to the door, a sleeping area in the centre, and living facilities nearest to full height windows. The en-suite cluster bedrooms would range in size from 12.5sqm – 17.0sqm, with accessible en-suite cluster bedrooms ranging from 17.0sqm - 17.6sqm. 3 bedroom clusters would be supported by 26.3sqm – 28.4sqm kitchen/dining rooms; 4 bedroom clusters would be supported by 28.0sqm - 28.5sqm kitchen/dining rooms; 5 bedroom clusters would be supported by 29.8sqm – 30.9sqm kitchen/dining rooms; 7 bedroom clusters would be supported by 34.0sqm kitchen/dining rooms; and 8 bedroom clusters would be supported by 36.3sqm – 46.8sqm kitchen/dining rooms. Each of the bedrooms and supporting spaces would meet or exceed the thresholds identified in the draft SPD.
- 9.3.8 Areas of dedicated amenity space for communal use by students would be provided at basement level (137sqm); ground level (290sqm) and first floor (39.3sqm) providing a total of 466.3sqm of shared amenity spaces for the 369 students. In addition shared external amenity space would be provided at first floor (615sqm) and level 8 (393sqm).
- 9.3.9 Student bedrooms would be located throughout the upper floors of the building described at paragraph 3.2 above. The floorplan has been carefully arranged in order to maximise views and daylighting so as to provide acceptable outlook, daylighting and juxtaposition of rooms.
- 9.3.10 There is an extant planning permission for the change of use and alterations to the attached building to the north 133-137 Briggate (20/06301/FU). A flexible permission was granted such that the building could potentially be converted to residential use. Those apartments with outlooks over Briggate would not be affected by the development at 140-142 Briggate. A new void would be formed on the northern side of the premises allowing views from living areas of apartments located towards the rear of that building towards the flank wall of 129-132 Briggate 10.4m away. Bedroom windows serving these apartments would look across a void towards the rear wall of 140-142 Briggate 6.7m away. The proposed development involves demolition of the existing 140-142 Briggate and the formation of a much

larger space between the properties. A distance of 15.8m between the two corresponding walls facing into the internal courtyard would improve the outlook, daylighting and amenities of residents of 133-137 Briggate should the extant permission be implemented.

- 9.3.11 There are residential apartments in Vassilli House on the east side of Central Road and objections have been received with regard to the dominant impact of the new development, overshadowing and the loss of privacy for existing residents. The existing House of Fraser building facing Central Road varies in height from 16.0m (north) to 16.8m at the lower southern end, albeit the rear of the attached Zara building steps up to 18.3m, plus an inset rooftop storey (22.6m). The main body of the proposed new eastern elevation would be 23.7m to 24.2m at its southern, inset extent, 7.4m taller than the existing structure but just 1.6m taller than the Zara building. The 7th floor would be set 1.5m back, whilst the 8th and 9th floors 5.0m further back have a much reduced floorplate.
- 9.3.12 Vassilli House contains 3 levels of accommodation above the commercial premises and ground floor entrance lobby. The apartments have a combination of living space and bedrooms in rooms facing Central Road such that there would be direct views of the development which is located 12.8m across Central Road. The main mass of the proposed building would be approximately 2 storeys taller than that existing and would consequently result in reduction in sunlight and daylight from the west. Similarly, the proposed PBSA use would result in additional overlooking between the two properties given the presence of student rooms. However, the building would be constructed on the established building line and its height, with upper floors set back and reducing in scale from the mass below, would be comparable with the building to the north and consequently would not appear unduly dominant. The resulting scale and juxtaposition of buildings is not unusual within the City Centre where a denser urban grain and taller buildings relative to a conventional suburban layout are commonplace. Consequently, whereas there would be an impact upon the amenities of residents in apartments in Central Road it is not considered that such an impact would be so significant to warrant refusal.
- 9.3.13 Leeds Civic Trust has commented that wholly internal corridors lack natural light and ventilation and should be avoided. The developer has reviewed the internal layout and, where possible, corridors would benefit from direct or indirect daylight. However, as a whole, the development follows the principles of the industry standard with a central corridor with accommodation facing outwards. Where the corridors abut off-site structure there is no scope for windows but where corridors terminate with cluster kitchens, the doors would be fitted with glazed panels to allow light to spill into the corridor. Where necessary, the corridors will be fitted with mechanical ventilation designed for both smoke extraction and ventilation purposes. The interior décor and lighting of the corridors will be designed to promote a light and airy environment for the residents.
- 9.3.14 Whereas consultees have confirmed that the suggested glazing and ventilation strategy will suffice to mitigate transportation noise levels to acceptable standards at the time of writing no comments have been received in respect of the impact of commercial noise in the area upon the proposed accommodation. Accordingly, a condition is drafted to ensure that an appropriate glazing and ventilation strategy is provided. Further, whilst the scheme has been revised in response to initial comments made by the HSE in respect of fire considerations, at the time of writing no final response has been received from the HSE. As a result, it is recommended that if an acceptable response is not received in time for a verbal update to City

Plans Panel that the application is not determined until the HSE has confirmed that the proposal is acceptable.

- 9.3.15 Subject to the above matters and suggested conditions it is considered that the development would provide acceptable living conditions for future residents and would not unduly affect the amenities of existing residents such that it would accord with CS policy P10 and saved UDPR policies GP5 and BD5

9.4 Transportation, sustainable travel and accessibility

- 9.4.1 The site is located in a highly sustainable position close to the many amenities offered by the City Centre. It is situated in a pedestrianised area midway between the central bus station and the railway station and is readily accessible by a range of modes of transport. The development would be car-free, though protecting existing disabled parking on Central Road, supporting the sustainable approach to parking provision advocated in the City Centre in the Parking SPD.
- 9.4.2 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 £7,068 has been agreed to accord with the Travel Plan SPD.
- 9.4.3 It is intended to refurbish the Central Road streetscape outside the site to tie in with more recent improvements to Kirkgate and New Market Street so as to encourage pedestrian movement around the development. The red brick paving outside the building and Central Arcade would be replaced with natural Granite setts to match Kirkgate. The existing tree would be retained and a new shrub bed provided flanked by integrated seating.
- 9.4.4 A full range of cycling facilities will be provided for both the retail and student elements of the scheme to accord with the Transport SPD. The long-stay bike storage area providing storage for 76 bikes for students would be located at basement level, accessed by lift or wheeling ramps provided adjacent to the stairs. The commercial bike store would be located at ground level providing space for 8 bikes. Given the availability of existing Sheffield stands in the area it is not considered that additional short-stay facilities are needed in the public realm.
- 9.4.5 Although the future occupiers of the commercial floorspace is not yet known the servicing of both the PBSA and commercial floorspace would be from Central Road, via the shared service access located towards the northern end of the building. Servicing and refuse collection for the building would take place from the marked bays on Central Road during the specified loading hours.
- 9.4.6 The submitted Transport Statement includes details of proposals for student drop off and pick up at start and end of term time, explaining that students arriving by car will be directed to nearby public car parks when being dropped off and picked up and will walk to the site. Additional information is required to confirm and control arrangements in this respect and a condition is recommended to secure acceptable proposals.

9.4.7 The applicants confirm that the development involved an inclusive approach to design. Main entrances would be clearly visible from street level and form a key component of the design. All main entrances would be designed with manifestations and dimensions to meet Part M. Internal finishes would avoid highly reflective surfaces and reception desks and intercoms be designed for wheelchair users. There would be level access into the retail floorspace directly from Briggate and level access into the PBSA from Central Road. Lifts running throughout the building would provide access to all floors from a position close to the main student reception, whilst lifts located towards the west end of the building would provide access between levels 1-8. (5%) of the rooms would be provided as accessible rooms to accord with Building Regulations. A Part M compliant lift would also be provided down to the basement commercial space from the Central Road entrance lobby. Consequently, the development would accord with CS policies T2 and P10 and the Accessible Leeds SPD.

9.5 Safety and security

9.5.1 CS policy P10(v) identifies that developments should create safe and secure environments that reduce the opportunities for crime and the NPPF states that developments should be safe and accessible so that crime and disorder, and the fear of crime, do not undermine quality of life.

9.5.2 The site is located in a highly visible location with pedestrianised streets to the east and west. The existing retail use provides activity and surveillance during the day but the building is vacant during evening periods and overnight. The proposed development incorporates a fully glazed retail frontage along Briggate that would help to maintain activity and intervisibility between the unit and the street. There would also be additional passive surveillance from the student rooms overlooking Briggate both at daytime and during the evening when retail units have closed.

9.5.3 The east elevation of the premises currently comprises service and staff access points, shopfront displays and extensive opaque upper level glazing. The proposed east elevation would be the principal access to the student accommodation and also the entrance point to the basement commercial space. The Central Road elevation would incorporate 5.0m tall expansive areas of glazing at ground level serving the communal amenity and social areas, together with windows to each of the student rooms on the east elevation. Consequently, the proposed arrangement would ensure regular activity and passive surveillance whilst the accommodation is occupied. Whereas the intended letting period for the PBSA is currently unknown there is potential for the accommodation to be occupied by other users during the summer recess thereby maintaining activity and passive surveillance of Central Road. The PBSA would also have a 24-hour manned front desk, with CCTV providing additional surveillance of both the internal and external spaces at all times. As a result, the development would improve safety and security and would accord with CS policy P10.

9.6 Wind issues

9.6.1 The application was supported by a wind study which was reviewed by Architectural Aerodynamics on behalf of the Council. The study showed that discrete areas of roof terrace would be subject to winds that would be classified as unsafe. In response, these areas have been redesigned so as to remove general access to them by students.

9.6.2 The study also demonstrated that the development would not change the wind environment beyond the envelope of the site such that existing conditions would remain. Consequently, the development would not result in unacceptable wind conditions such that it would accord with CS policy P10 and UDPR policy GP5.

9.7 Climate Change and Sustainability

9.7.1 The CS sustainability policies are designed to ensure 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. Policy EN1 is flexible, allowing developers to choose the most appropriate and cost effective carbon reduction solution for their site. Major developments also need to meet the BREEAM Excellent standard if feasible with the residential component meeting a water standard of 110 litres per person per day (EN2). Where technically viable, appropriate for the development, and in areas with sufficient existing or potential heat density, major developments should propose heating systems, potentially connecting to the emerging district heating network (EN4(i)).

9.7.2 The application is supported by a Sustainability and Energy Statement which reviews the policy regime and outlines the intended approach to ensure that the development attains a BREEAM rating of Excellent for both the student accommodation and retail space which the pre-assessment reports confirmed were feasible.

9.7.3 The format of the department store is no longer attractive to retail operators such that when the House of Fraser vacate the building there is the potential that the building could remain unoccupied for a considerable period which would harmfully affect the attractiveness of the Prime Shopping Quarter. Further, the existing property was not designed with sustainability criteria in mind, whilst due to its age and extensive floorplate the existing building is not readily adaptable without significant modification which would necessitate extensive redevelopment. The proposed development will, however, include the following measures:

- Air Source Heat Pumps and Solar PV to limit energy demand and carbon dioxide emissions
- Highly efficient water consuming systems and fittings such as low flow taps and showers to reduce total water usage alongside water meters and water leakage systems
- Landscaped areas to incorporate low water use plants and to be irrigated by capturing water from rainfall
- Use of reclaimed and recycled materials in construction, together with local sourcing of responsibly sourced materials
- Green roofs to assist in reducing peak surface water run-off
- Management of all waste from construction and operation to divert waste from landfill where possible
- High performance thermal insulation to the entire building envelope including doors and windows to minimise heat loss and cooling energy demands
- Mechanical ventilation with heat recovery systems to be used in each room
- Electric panel heating, sophisticated heating controls and use of highly efficient LED lighting
- Incorporation of passive design measures such as natural ventilation

9.7.4 Whilst the development is too far from the district heating network to make a connection viable through implementation of the proposed strategy, the proposed

development would accord with CS policies EN1 and EN2 and positively respond to the Climate Change Emergency.

9.8 Section 106 and Community Infrastructure Levy (CIL)

9.8.1 A legal test for the imposition of planning obligations was introduced by the Community Infrastructure Levy Regulations 2010. These provide that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (a) necessary to make the development acceptable in planning terms,
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The proposed scheme produces the need for the following obligations which it is considered meet the legal tests:

- Occupation of the residential accommodation only by full-time students in higher education during recognised term-times, as use for standard C3 accommodation would give rise to other requirements such as affordable housing;
- Implementation of the travel plan and an indexed travel plan monitoring fee of £7,068 so as to accord with the Travel Plan SPD;
- Local employment and training initiatives so as to accord with CS policy SP8;
- Section 106 management fee £900.

9.8.2 This proposal is likely to generate a CIL requirement of £31,903.97. This figure is presented for information only and should not influence consideration of the application. The infrastructure requirements for this development are likely to relate to public transport and public space provision. Consideration of where any Strategic Fund CIL money is spent rests with Executive Board and will be decided with reference to the 123 list (or Infrastructure Funding Statement as the case may be) at the time that decision is made.

9.9 Conclusion

9.9.1 The proposed development would involve major investment and regeneration of this key City Centre property helping to sustain the retail attractiveness of Prime Shopping Quarter. The proposed student accommodation would help to extend the supply of student accommodation in a sustainable and accessible location and its development would provide opportunities for local employment during the building's construction and subsequent use. By virtue of the combination of the facilities within the student bedrooms, and the additional facilities provided within and around the building, the living conditions provided for the occupiers would be acceptable. The development although taller than the existing structure would have an acceptable impact upon its neighbours.

9.9.2 Subject to final details regarding materials the proposed development would provide high quality, contextual and contemporary, architecture which would maintain the setting of adjacent heritage assets, whilst animating and improving the appearance of the local townscape.

9.9.3 The development would have an acceptable impact upon highway and pedestrian safety and provide sustainable transport choices. The public realm to the east of the site would also be improved whilst the existing mature tree would be protected.

- 9.9.4 The proposed development would provide a raft of measures to ensure compliance with relevant local and national sustainability policy and, in so doing, would positively respond to the Climate Change Emergency.
- 9.9.5 As a result, the development would accord with the development plan as a whole and, accordingly, it is recommended that the scheme should be approved subject to the conditions specified in Appendix 2 and the completion of a Section 106 agreement.

Appendix 1 : Minutes of City Plans Panel Consultative Meeting 21st December 2021

The Chief Planning Officer submitted a report which set out detail of a pre-application presentation for proposed demolition of existing building and construction of mixed-use scheme comprising retail floorspace at basement and ground floor, and purpose-built student accommodation on floors 1-9 of the new building at 140-142 Briggate, Leeds LS1 6LS.

Site photographs and plans were displayed and referred to throughout the discussion of the application.

The applicant's representatives addressed the Panel, speaking in detail about the proposal and highlighted the following:

- Site / location / context
- Former House of Fraser Department store site
- The site is located on the east side of Briggate, midway between Duncan Street to the south and Kirkgate to the north
- The rear, eastern, elevation of the existing premises fronts Central Road which curves gently in towards the building.
- Although the Central Area Conservation Area is extensive, it excludes much of the urban block in which the site is located.
- This development would meet the need for purpose-built student accommodation within a city centre asset and would regenerate the area caused by the decline in large retail store demand
- Comments had been received from the Leeds Civic Trust, who were generally in support of the proposal
- The proposal – The existing block would be demolished, and a new building would be constructed - mixed-use scheme comprising retail floorspace at basement and ground floor and purpose-built student accommodation on floors 1-9 of the new building. Upper floors to be set back, the building creates a natural sweep along the Central Road elevation
- Retail floorspace (3,272sqm) at basement and ground floor level and 368 bedspaces in purpose-built student accommodation (PBSA) in the floors above. All apartments meet emerging space standards
- Well-designed internal amenity space, external roof top amenity space wellbeing gardens/terraces
- The building height and massing would not compromise key views
- Materials – Grey stone, zinc, bronze anodised aluminium to base, extensive glazing (Dark materials to base, lighter as the building rises)
- It is intended the building would achieve BREEAM excellent rating
- Use of low carbon technologies

- Car free development
- Building Management Plan
- Public realm to be enhanced and extended
- Building to be future proofed for alternative uses
- Redevelopment of the site would regenerate the area and address anti-social issues

Members raised the following questions to the developer's representatives:

- There was Blue Badge parking in the area, would this be retained or located elsewhere
- The start of the student year, how would arrivals be managed
- The size of the cluster bedrooms appears to be very small at 12.5sqm
- Could you elaborate further on your comment that purpose-built student accommodation frees up housing stock in traditional student areas – Keen to see any evidence you may have.

In responding to the issues raised the developer's representatives said:

- Members were informed that the intention was to retain or replace the Blue Badge parking
- Members were informed that student drop-offs and pick-ups would be delivered by a Building Management Plan based on using the existing nearby multi-storey car parks and allotting arrival times.
- The size of the cluster bedrooms conformed with the council's emerging space standards and provided sufficient comfort to students
- An expert on student demography studies had been engaged to look at the freeing up of traditional student housing and the conversion back to family accommodation. The principle was right, but the analysis for Headingley had yet to be completed. The information would be shared with Members once it became available.

In offering comments, Members raised the following issues:

- Members were generally supportive of the proposal; the proposed design was welcomed, and Members were supportive about the principle of retaining a retail shopping frontage to the ground floor with residential accommodation above
- Members welcomed the proposed mixed use suggesting it would regenerate the area and create greater footfall
- Further details were required around the use of materials, the supply of sample panels would be useful
- There was some concern about the design of the upper floors, which appeared to be an "after-thought"

- One Member suggested the Central Road frontage (the Crescent) appeared too dominant, the reveals and horizontals were too deep, a lighter touch was required
- The mature tree(s) should be retained
- Members expressed a preference for smaller commercial units on Central Road to be in keeping with existing commercial/ retail units on the opposite side of the road

In offering comments on the officers' questions in the report:

- Members were of the view that the proposed redevelopment of the site for retailing and student accommodation was acceptable in principle
- Subject to confirmation of detailed proposals Members were supportive of the approach towards living conditions for the student accommodation
- The proposed scale and form of development was generally acceptable
- Members considered the development's proposed provisions for transportation and accessibility were acceptable
- Subject to confirmation of details, Members were supportive of the approach to sustainable development

The Chair thanked the developers for their attendance and presentation suggesting that Members appeared to be generally supportive of the development.

RECOMMENDED –

- (i) To note the details contained in the pre-application presentation
- (ii) That the developers be thanked for their attendance and presentation

Appendix 2 : Draft conditions

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Imposed pursuant to the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

3 No works shall commence to the parts of the building shown by the red X on Drawing LD10314/002 Rev A of the Bat roost Survey Report dated Sept 2021 by Wardell Armstrong unless the Local Planning Authority has been provided with either:

- a) The Mitigation Method Statement and licence issued by Natural England pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 2010 authorising the specified activity to go ahead; or
- b) a statement in writing from an appropriately qualified ecologist to the effect that it does not consider that the specified activity will require a licence.

To safeguard a protected species.

4 Prior to the commencement of demolition a contract for the redevelopment of the site shall have been confirmed and evidence of the contract submitted to and approved in writing by the Local Planning Authority.

In order to protect the character of the conservation area and the setting of heritage assets.

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

Where remediation measures are shown to be necessary in the Phase II Report and/or where soil or soil forming material is being imported to site, development (excluding demolition) shall not commence until a Remediation Strategy demonstrating how the site will be made suitable for the intended use has been submitted to, and approved in writing by, the Local Planning Authority. The Remediation 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 assessed and proposed remediation works are agreed in order to make the site 'suitable for use' with respect to land contamination.

6 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.

7 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.

8 No development shall commence, excluding demolition, until;
a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

To ensure coal mining legacy is considered.

9 Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

To ensure that any coal mining legacy has been appropriately mitigated.

10 Prior to the commencement of development a Statement of Demolition and Construction Practice shall be submitted to and approved in writing by the Local Planning Authority. The Statement of 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;
- (b) the measures to control the emissions of dust to meet IAQM guidance during demolition and construction;
- (c) the means of vehicular access;
- (d) a traffic management plan for demolition and construction vehicles;
- (e) the location of the site compound and workers parking, loading and unloading of all contractors' plant, equipment and materials;

- (f) control of workers parking in the surrounding area;
- (g) details and position of any cranes;
- (h) a local resident and business communications strategy for the duration of the works; and
- (i) how this Statement of Demolition and Construction Practice will be made publicly available by the developer.

The approved details shall be implemented at the commencement of work on site and shall thereafter be retained and employed until completion of works on site. The Statement of Demolition and Construction Practice shall be made publicly available for the lifetime of the construction phase of the development in accordance with the approved method of publicity.

In the interests of highway and public safety, and the amenity of occupants of nearby properties.

11 Unless otherwise agreed in advance in exceptional circumstances all demolition and construction activities shall be restricted to 08.00 to 18.00 hours Monday to Friday and 08.00 to 13.00 hours on Saturday, with no works on Sundays and Bank Holidays.

In the interests of residential amenity.

12 Prior to the commencement of development a survey of the condition of the highways surrounding the development on Briggate, Kirkgate and Central Road shall be submitted to and approved in writing by the Local Planning Authority. Following completion of the development a survey of those highways shall be submitted identifying their condition, together with a schedule of remedial works to rectify damage to the highway identified between the two surveys. The approved mitigation works shall be fully implemented prior to first occupation of the development. In the event that a defect is identified during other routine inspections of the highway that is considered to be a danger to the public it must be immediately made safe and repaired within 24 hours from the applicant being notified by the Local Planning Authority.

To ensure the free and safe use of the highway.

13 No works shall commence (including any demolition, site clearance, groundworks or drainage etc.) until the existing tree in Central Road outside the building has been fully safeguarded by protective fencing and ground protection in accordance with approved plans and specifications and the provisions of British Standard 5837 (2012) Trees in relation to design, demolition and construction, unless otherwise agreed in writing by the Local Planning Authority.. Such measures shall be retained for the full duration of any demolition and/or approved works.

a) 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. 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 Local Planning Authority immediately after each site supervision intervention (written & photographic).

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

b) 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

c) 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.

d) No equipment, machinery or materials shall be used, stored or burnt within the 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 retained off-site trees during construction work.

14 Prior to the commencement of the construction of the above ground superstructure of the development a Security Plan shall be submitted to and approved in writing by the Local Planning Authority. The Security Plan, which shall be prepared in conjunction with advice from the RSES (Register of Security Engineers and Specialists) shall set out measures to control access to the building and cycle storage areas; to protect the structure and fabric of the building; and also to protect the public realm. The measures thereby approved shall be implemented prior to first use of the development and thereafter retained and maintained.

In the interests of security and public safety.

15 Notwithstanding the submitted information prior to first residential occupation of the premises by students a student management plan including measures for moving in and out of the accommodation shall be submitted to and approved in writing by the Local Planning Authority. The student development shall thereafter be operated in accordance with the approved details.

In the interests of amenity and to ensure the free and safe use of the highway.

16 Prior to the first occupation of the premises a Servicing and Delivery Management Plan (including timescales and detailed loading bay proposals) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be fully implemented and operated in accordance with the approved timescales.

To ensure the free and safe use of the highway.

17 Prior to the first occupation of the premises the approved facilities for bicycle storage shall be provided and shall thereafter be maintained and retained as such for the lifetime of the development.

In the interests of sustainable transport.

18 The off-site highway works on Central Road identified within Landscape Proposals 1344-G501 Rev P2 shall be completed prior to the first occupation of the development.

In the interests of highway and pedestrian safety and to support sustainable travel.

19 Prior to the commencement of the external façade works of each building typical details at a scale of not less than 1 to 20 of the following features shall be submitted to and approved in writing by the Local Planning Authority:

- (a) Building entrances and external doors;
- (b) Cladding systems and curtain walling;

- (c) Piers, fins, string lines and window heads
- (d) Junctions of materials;
- (e) Windows including heads, cills, reveals, framing and railings
- (f) Other glazing, including shopfronts;
- (g) Parapet details, rooftop balustrades and rooftop equipment; and
- (h) Shutters

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

In the interests of visual amenity.

20 No installation of externally mounted plant or equipment shall take place until details of the installation and/or erection of any air conditioning or extract ventilation system, flue pipes, window cleaning equipment or other excrescences proposed to be located on the roof or sides of the building, including details of their siting, design, attenuation, and external appearance have been submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details and retained as such thereafter.

In the interests of visual amenity.

21 Details and samples of all external facing building materials shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The samples shall include the erection of full-size mock-up panels on site or in an agreed location nearby. The external surfaces of the building shall be constructed in accordance with the details thereby agreed.

In the interests of visual amenity.

22 Prior to the commencement of the above ground superstructure of the development, details of integral bat roosting and bird nesting features for species such as House Sparrow and Starling within the building shall be submitted to and approved in writing by the Local Planning Authority. The agreed details 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 development and retained and maintained thereafter.

To maintain and enhance biodiversity.

23 The following on and off-site hard and soft landscape works shall not take place until full details have been submitted to and approved in writing by the Local Planning Authority. These details, which should meet BS8300-1:2018, shall include:

- (a) hard surfacing areas to Central Road;
- (b) seating to Central Road;
- (c) surfacing to rooftop terraces;
- (d) retaining walls including to proposed planters to rooftop terraces;

Soft landscape works shall include:

- (e) planting plans for Central Road and rooftop terraces;
- (f) written specifications (including cultivation and other operations associated with plant and grass establishment);
- (g) tree pit and planter details;

- (h) full details of green roofs;
- (i) schedules of plants noting species, planting sizes and proposed numbers / densities; and
- (j) implementation programme for hard and soft landscape works.

To ensure the provision of amenity afforded by appropriate landscape design.

24 Hard and soft landscaping works shall be carried out in accordance with the approved details. The hard landscape works shall be completed prior to the occupation of any part of the development. The soft landscape works shall be completed in accordance with the agreed implementation programme. The landscape works shall be implemented to a reasonable standard in accordance with the relevant provisions of appropriate British Standards or other recognised codes of good practice.

To ensure the provision, establishment and maintenance to a reasonable standard of landscaping in accordance with the approved proposals.

25 The development shall not be occupied until a plan, schedule and specification for landscape management during the establishment period has been submitted to, and approved in writing by, the Local Planning Authority. This shall include reference to planting and hard landscaped areas, including paving, seating and other features. The schedule shall identify the frequency of operations for each type of landscape asset and reflect the enhanced maintenance requirement of planted areas.

To ensure successful establishment and aftercare of the completed landscape scheme.

26 If, within a period of five years from the planting of any trees or plants, those trees or plants or any trees or plants planted in replacement for them is removed, uprooted, destroyed or dies or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective another tree or plant of the same species and size as that originally planted shall be planted at the same place in the first available planting season, unless the Local Planning Authority gives its written consent to a variation. If such replacements die within twelve months from planting these too shall be replaced, until such time as the Local Planning Authority agrees in writing that the survival rates are satisfactory.

To ensure the maintenance of a healthy landscape scheme.

27 Any soil or soil forming materials brought to site for use in rooftop garden areas or soft landscaping shall be tested for contamination and suitability for use. A methodology for testing these soils shall be submitted to, and approved in writing by, the Local Planning Authority prior to these materials being imported onto site. The methodology shall include information on the source of the materials, sampling frequency, testing schedules and criteria against which the analytical results will be assessed (as determined by risk assessment). Testing shall then be carried out in accordance with the approved methodology. Relevant evidence and verification information (for example, laboratory certificates) shall be submitted to, and approved in writing by, the Local Planning Authority prior to these materials being imported onto the site.

To ensure that contaminated soils are not imported to the site and that the development shall be suitable for use.

28 Notwithstanding the submitted information, details of a sound insulation and ventilation scheme designed to protect the future occupants of the proposed development from noise emitted by nearby sources which may include a whole house mechanical ventilation system to enable student accommodation windows to be kept closed to shall be submitted to the Local Planning Authority and approved in writing prior to the

commencement of the superstructure of the development. The approved measures shall be completed prior to first student occupation of the development and shall thereafter be retained and maintained for the lifetime of the development.

In the interests of residential amenity.

29 No entertainment use (including uses within Use Class E(b) or E(d) shall commence until a scheme to control noise emitted from the premises has been submitted to and approved in writing by the Local Planning Authority, and the agreed scheme installed as approved. The scheme shall provide that the LAeq of entertainment noise does not exceed the representative background noise level LA90 (without entertainment noise), and the LAeq of entertainment noise will be at least 3dB below the background noise level LA90 (without entertainment noise) in octaves between 63 and 125Hz when measured at the nearest noise sensitive premises. The approved scheme shall be retained thereafter.

In the interests of residential amenity.

30 Plant and machinery operated from the site shall limit noise to a level no higher than the existing background noise level (L90) when measured at noise sensitive premises, with the measurements and assessment made in accordance with BS4142:2014. The rating level shall include the addition of any character corrections as appropriate. If the character is unknown at the design stage or cannot be evidenced then a penalty of 5dB should be applied to take into account of potential corrections.

In the interests of residential amenity.

31 Waste management proposals for commercial premises (all non-student residential facilities) shall be submitted and approved in writing prior to first occupation of the premises and the approved scheme thereafter implemented as such.

In the interests of amenity and highway safety.

32 The relevant parts of the development shall not be occupied until the bin store relating to that use has been provided. For the avoidance of doubt refuse bins shall not be stored outside the building at any time except at collection times.

In the interests of amenity and to ensure adequate measures for the storage and collection of wastes are put in place.

33 Deliveries to, and waste collections from, the development shall be restricted to 07:00 hours to 19:00 hours Monday to Friday and 08:00 hours to 16:00 hours on Saturdays and Sundays.

In the interests of residential amenity.

34 No external lighting shall be installed unless a scheme has previously been approved in writing by the Local Planning Authority. No lighting fitment shall be installed on the site in such a way that the source of light is directly visible from nearby residential properties or is a hazard to users of adjoining or nearby highways. The scheme shall be installed and retained thereafter in accordance with the approved details.

In the interests of amenity and highway safety.

35 The development shall not commence until details and a method statement for interim and temporary drainage measures during the construction of the development have

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 prevent offsite flooding.

36 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 in writing by the Local Planning Authority.

In the interest of satisfactory and sustainable drainage.

37 The development shall not commence until a detailed Drainage Scheme with design criteria as set out within the Council's Minimum Development Control Standards for Flood Risk has been submitted and approved in writing by the Local Planning Authority. The details should include 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, shall not exceed 50% of the existing run-off flow rates 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.

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

- (a) Model information to include a plan showing pipework model numbering and network details;
- (b) 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% Climate Change storm events showing maximum water level, flow and velocity and details of any surface flooding anticipated;
- (c) Calculations and any supporting survey and investigations to justify and demonstrate the existing and proposed discharge rate;
- (e) 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;
- (f) 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% Climate Change storm event;
- (g) Summary Drainage Report setting out the Drainage Strategy and results of the calculations demonstrating compliance with the above;
- (h) Where third party agreements to construct sewers and to discharge flows are required, then written evidence of these two agreements shall be provided;
- (i) A timetable for implementation of the drainage works;
- (j) Demonstrating that adequate water quality of the off-site surface water flows in accordance with the Simplified Index Approach as set out within Section 26 of the SuDS Manual (C753) can be achieved;
- (k) 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.

To ensure sustainable drainage and flood prevention.

38 Prior to the first occupation of the development, details shall be provided in respect to the management, inspection and maintenance of any non-adopted drainage features. The details shall identify the responsible parties and set out how these will be funded and managed and provide a schedule of the proposed inspections and annual maintenance for the lifetime of the development. The plan shall be submitted to and approved in writing with the Local Planning Authority prior to first occupation and the development shall thereafter be maintained at all times in accordance with the approved details.

To ensure the development is adequately maintained for the lifetime of the development.

39 There shall be no discharges of foul water from the development until a foul drainage scheme including details of provision for its future maintenance (e.g. adoption by the Water Company) has been implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority. In addition, written confirmation shall be provided from Yorkshire Water or any other third party involved to allow the laying of any sewer across third party land and discharge of the design foul flows to the sewer.

To ensure satisfactory drainage and pollution prevention.

40 The development shall be carried out in accordance with the details and mitigation measures contained in the Wardell Armstrong Flood Risk Assessment reference LD10314 RPT-001 (version V0.1) unless otherwise agreed in writing with the Local Planning Authority.

To reduce the risks of flooding and in the interests of satisfactory and sustainable drainage.

41(i) The development shall be implemented in accordance with the details set out within the Inteb Sustainability and Energy Statement reference 2021.160.

(ii) Within 6 months of the first occupation of the building a post-construction review statement shall be submitted and approved in writing by the Local Planning Authority demonstrating compliance with Core Strategy policies EN1 and EN2.

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

To ensure the inclusion of appropriate sustainable design features.

42 Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) planning permission shall be obtained before any change of use of the ground floor Class E(a) floorspace referred to in this permission to any other use within Class E or to Class C3 or F1 accommodation, as detailed in the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking or re-enacting that Order with or without modification).

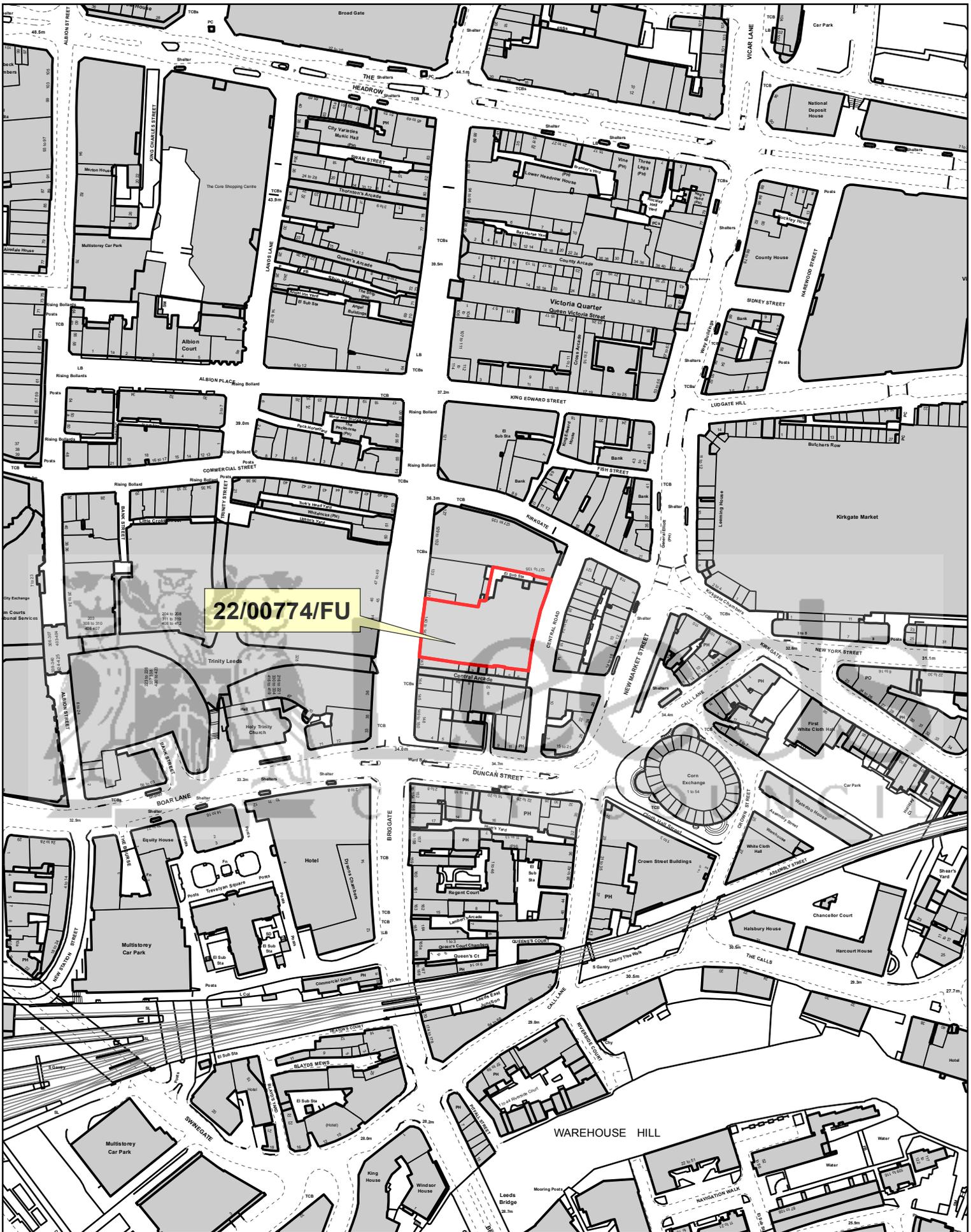
In order that the Local Planning Authority can retain control over uses which could be harmful to the character of the area and to the viability of the City and to ensure any new residential uses accord with the requirements of the Core Strategy.

43 The ground floor windows to the retail floorspace and student accommodation shall be retained as clear glazed at all times.

In the interests of the character and vitality and viability of the building and wider street scene.

44 The student accommodation shall not be occupied until the dedicated communal student space identified on drawings 21230-0302-P-07, 21230-0303-P-07, 21230-0304-P-03 and 21230-0308-P-02 has been provided for the use of students residing in the building. The space shall thereafter be retained and maintained solely for use by students residing in the building for the lifetime of the development.

To ensure that students are provided with satisfactory amenity space within the building.



22/00774/FU

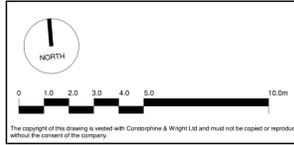
CITY PLANS PANEL

© Crown copyright and database rights 2022 Ordnance Survey 100019567

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

SCALE : 1 / 2500





| Rev. | Description | Date | Drawn | Checked |
|------|--|----------|-------|---------|
| P-08 | Commercial Cycle Provision Updated | 06.06.22 | DC | CW |
| P-07 | Updated following Fire Consultant input | 27.04.22 | DC | CW |
| P-06 | Means of escape doors amended Signage zone amended | 08.04.22 | DC | CW |
| P-05 | Cycle bin, stair and lift amended | 28.03.22 | DC | CW |
| P-04 | Revised Ground and Basement Layouts | 14.03.22 | ND | CW |
| P-03 | Amenity Spaces relocated | 22.02.22 | DC | CW |
| P-02 | Amenity Spaces Relocated | 17.02.22 | DC | CW |
| P-01 | Amenity Spaces Relocated | 11.02.22 | DC | CW |
| P-00 | ISSUED FOR PLANNING | 14.01.22 | DC | CW |
| | | | | |

Client:
Dukelease

Project:
140 - 142 Briggate, Leeds

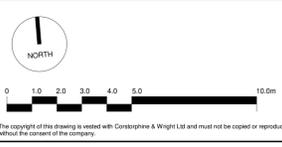
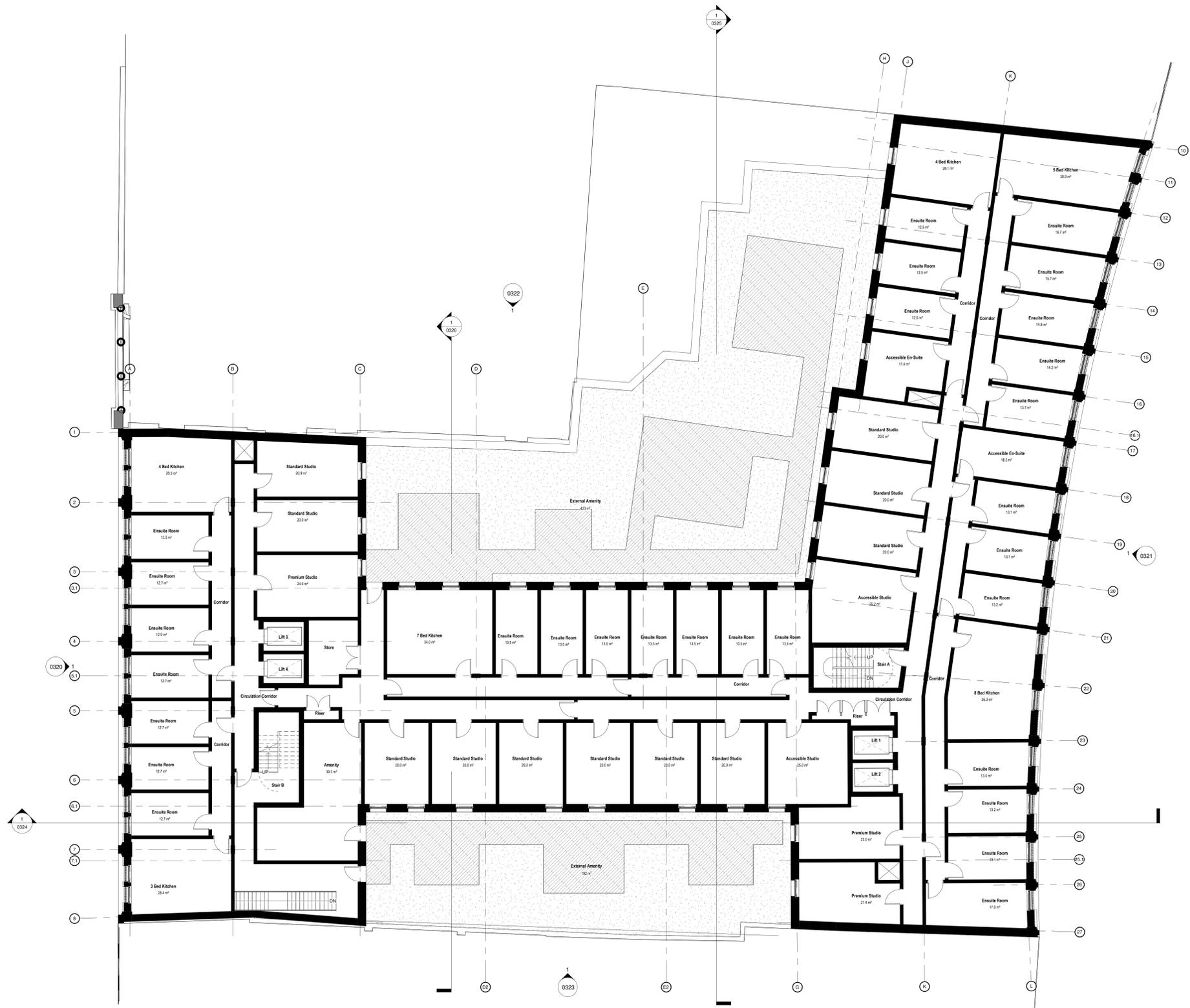
Drawing Title:
Proposed Ground Floor Plan

Drawing Status:
PLANNING

Corstorphine & Wright

Warwick Studio
Brack Hill, Brack Street, Warwick, CV34 4BL
01925 616 444
corstorphine-wright.com

| | |
|---------------------------|------------------|
| Drawing No: 21230-0303 | Revision P-08 |
| Drawn DC | Checked CW |
| Paper Size A0 | Scale 1:100 |
| Date 14/01/22 | Drawn DC |



| Rev. | Date | Drawn | Checked |
|------|----------|-------|---------|
| P-03 | 18.05.22 | DC | CW |
| P-02 | 27.04.22 | DC | CW |
| P-01 | 17.03.22 | DC | CW |
| P-00 | 14.01.22 | DC | CW |
| | | DC | CW |

P-03 Landscaping Proposals Updated
 P-02 Updated following Fire Consultant Input
 P-01 URM 8205 amended
 P-00 ISSUED FOR PLANNING
 Description

Client: Dukelease
 Project: 140 - 142 Briggate, Leeds
 Drawing Title: Proposed First Floor Plan
 Drawing Status: PLANNING

Corstorphine & Wright
 Warwick Studio
 Brock Hill, Brook Street, Warwick, CV34 4BL
 01905 854 444
 corstorphine-wright.com

| Drawn | Checked | Paper Size | Scale | Date |
|-------|---------|------------|-------|----------|
| DC | CW | A0 | 1:100 | 14/01/22 |

Drawing No: 21230-0304
 Revision: P-03