



---

**Supplementary report of the Chief Planning Officer**

**CITY PLANS PANEL**

**3<sup>rd</sup> November 2022**

**Hybrid planning application for the demolition of Yorkshire Bank, Merrion Way and the construction of two student residential accommodation buildings and a multi-use events' building on the site of Yorkshire Bank, Merrion Way and land fronting Leeds Arena, Clay Pit Lane, Leeds LS2 8NZ**

**Applicant – Downing Living (Merrion) LPI**

**Reference – 22/01889/FU**

**Date valid – 14<sup>th</sup> March 2022**

**Target date – 17<sup>th</sup> November 2022**

---

**Electoral Wards Affected:**

**Little London and Woodhouse**

Yes

Ward Members consulted

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

---

**RECOMMENDATION:** For Members to note the contents of this supplementary report which is provided by way of an addendum to the report to City Plans Panel on 11th August 2022 and to DEFER and DELEGATE to the Chief Planning Officer for approval subject to the specified conditions set out in Appendix 5 (and any amendment to these and addition of others which he might consider appropriate) and the completion of a Section 111 agreement appending a draft Section 106 agreement to include the following obligations:

- Occupation of student accommodation solely by students in full-time higher education during recognised term-times;
- Compliance with agreed Travel Plan measures and an indexed travel plan review fee of £10,516 for the student developments and £3,429 for the multi-use events' building;
- Contribution of £729,624 (indexed) towards off-site highway and environmental improvements in the area;
- Access to the public realm;
- Local employment and training initiatives; and
- Section 106 management fee £1,800.

**In the circumstances where the Section 111 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 The development of two parcels of land to the front of Leeds Arena has been a long-held aspiration of the Council since the land assembly to bring forward the arena. More recently, the Yorkshire Bank offices at the junction of Merrion Way and Clay Pit Lane and bordering the southern arena parcel has been acquired by Downing Property Services with a view to redeveloping the site for student housing. The relationship between the parcels of land created the opportunity for a land exchange between the Council and Downing that would facilitate development of each of these areas, the details of which were agreed at Executive Board on 16th December 2020.
- 1.2 The provision of facilities able to accommodate exhibitions, conferencing facilities and concerts has been a long-term aspiration of the Council. Indeed, saved UDPR Policy LT5 states that the City Council, in partnership with public and private agencies, will actively pursue opportunities for the development of purpose-built facilities for exhibitions, concerts and conferences. Supporting text to the policy requires that any such proposals should be assessed in terms of their impact on the viability and vitality of Harrogate Town Centre as a whole, albeit it does not suggest the weight to be given to any identified impact nor that any such impact is unacceptable.
- 1.3 Members will recall that a planning application for two student residential accommodation buildings and a multi-use events' building on land to the west of Leeds Arena was presented to City Plans Panel on 11<sup>th</sup> August 2022. Following representations from a representative of Harrogate Convention Centre (HCC), discussion by Members and input from the Council's Legal Officer, the application was deferred to allow further consideration to be given to objections that had recently been received from Harrogate Borough Council (HBC), HCC and several other organisations and businesses within Harrogate regarding the economic impact of the proposed multi-use events' building upon Harrogate.
- 1.4 Since that time an updated economic impact report has been prepared by Volterra taking into account additional information helpfully provided by HBC/HCC. The report finds that the impact on Harrogate Town Centre's overall performance is likely to be reasonably negligible. An independent peer review of the report reaches similar conclusions. As a result, officers conclude that the impact of the proposed development upon the viability and vitality of Harrogate Town Centre as a whole would not be significant.
- 1.5 This is a supplementary report which provides an update in light of the late objections that were previously received and clarification on matters in relation to which Members sought further information. This report should be read alongside and in conjunction with the report of 11<sup>th</sup> August 2022 which is attached as Appendix 1. A full copy of the minutes of that meeting are attached at Appendix 4. Copies of the minutes of the pre-application meetings of 2<sup>nd</sup> September 2021 and 25<sup>th</sup> November 2021 are attached for information at Appendix 2 and Appendix 3 respectively.

## **2.0 Multi-use event building proposals**

- 2.1 The multi-purpose event building would be the third and final phase of development on the site. The proposals are consistent with the details provided to City Plans Panel

in August other than for additional information regarding likely circulation and plant space within the building. However, the information is provided for clarity.

- 2.2 The building would be located on land to the south-west of the arena, north of a new student accommodation building which forms part of the detailed section of the planning application. However, as the detailed business-case for the development of the multi-use event building has not yet been brought forward, limited details of its likely external form and internal configuration are available at this point in time. Consequently, this element of the hybrid application seeks outline planning permission. Horizontal and vertical parameter plans are supported by a Design Principles document which provides further commentary and guidance regarding materiality, lighting, landscape and biodiversity, sustainable design, social inclusivity, signage and plant screening to inform and control the reserved matters details when they come forward.
- 2.3 The horizontal parameters illustrate the tolerances in the footprint of the building such that each elevation could potentially be set up to 5m back from its possible maximum extent. Similarly, the parameters confirm that the upper three levels of the building would be stepped away from Queen Square towards the arena. The maximum height of the building at this point would be 26m, albeit allowing for the parameters may be as low as 23m above existing ground level. Further details of scale and appearance of the building would be provided as reserved matters.
- 2.4 The primary public entrance into the building is identified as a zone running along the main arena piazza frontage and returning south along Brunswick Terrace with a return along Clay Pit Lane opposite the pedestrian crossing. The vehicular service point would be at the south east corner of the building, off Brunswick Terrace into dedicated service areas at ground floor of the building with unloading onto the event space floor.
- 2.5 The Design and Access Statement illustrates the building would be likely to have the following components albeit there could be some flexibility when the detailed design is undertaken:

• Main exhibition area	3,052sqm
• Fixed event space for smaller events	1,712sqm
• Pre-Function / retail / bar	2,430sqm
• Storage	1,080sqm
• Back of house	563sqm
• Public welfare areas	278sqm

The addition of circulation (417sqm) and plant (550sqm) would result in a total gross internal area (GIA) of 10,082sqm.

- 2.6 The venue is anticipated to host corporate banqueting, awards ceremonies, live entertainment, conferences and exhibitions, together with gigs and shows which require a more intimate space than is offered by the First Direct Arena, but larger capacities than existing venues in Leeds.

### **3.0 Architectural update**

- 3.1 In response to some Members' comments regarding the proposed colour of the terracotta detailing on the student accommodation building proposed at the junction of Clay Pit Lane and Merrion Way that the tones appeared too grey, a revised range of terracotta is now proposed ranging from brown to light pink. As it is difficult to

accurately reflect colours on screen, samples of the materials will be available for viewing at the City Plans Panel meeting. It is intended that the details regarding the materials to be used will be finalised and their approval from the Local Planning Authority secured by way of a planning condition.

#### **4.0 Public response update**

- 4.1 Site notices advertising the application were erected around the site on 24<sup>th</sup> March 2022 and the application was advertised in the Yorkshire Evening Post on 1<sup>st</sup> April 2022.
- 4.2 In the run-up to 11th August 2022 City Plans Panel, objections to the proposed multi-use events' building element of the application were received from HBC, HCC, Harrogate District Chamber of Commerce, the Crown Hotel Harrogate and Harrogate Business Improvement District. The principal concerns raised were that there had been limited consultation with Harrogate; that the economic assessment report provided with the application was flawed; that the proposal would not accord with Policy LT5 of the UDPR; and that the impact upon HCC and businesses in Harrogate would be significant and unacceptable. These comments were reported verbally by officers to Panel and a representative of HCC addressed Panel on these matters.
- 4.3 Since August 2022 City Plans Panel, further objections to the proposed multi-use events' building element of the application have been received from HCC. HCC state that their objection relates solely to the size and scale of the proposed events' building which has the potential to divert significant business away from HCC and, as a consequence, Harrogate Town Centre. HCC state that this would be in contravention of UDPR policy LT5. They suggest that the building could accommodate 6,662sqm of space in four large areas capable of hosting events, exhibitions and conferences. HCC state such an area would represent 42% of the gross size of event spaces at HCC. HCC suggest that the proposed development could therefore accommodate a significant proportion of HCC's current business which has the potential to have a severe impact upon HCC and upon Harrogate Town Centre's economic turnover. HCC do not agree with the economic impact methodology or analysis carried out by Volterra or by the peer reviewer commenting that the approach taken disregards the premise that the development would limit its activity to that outlined at pre-application stage. HCC suggest that there is a strong case for a smaller exhibition and conference scheme in Leeds. This smaller facility would have reduced negative impacts upon HCC and Harrogate Town Centre, and would not obscure the First Direct Arena lens. HCC would also like to explore how they can work collaboratively with Leeds City Council to support the economies of Leeds and Harrogate in the future.
- 4.4 HCC have confirmed that elements of the Volterra economic impact report referring to potential trade diversion are commercially sensitive with regard to their business operations and should remain confidential with reference to paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972. Accordingly, the report and the related peer review, are contained within confidential Appendix 6 which has been designated as exempt from publication under the provisions of the Council's Access to Information procedure Rules 10.4(3).
- 4.5 Objections to the proposed multi-use events' building element of the application have also been received from Harrogate Hospitality and Tourism Association; the Old Swan Hotel Harrogate; the Studley Hotel Harrogate; the Grafton Hotel Harrogate; Arden House Hotel Harrogate; the HRH group of hotels; Ridding Park; Cold Bath Brewing Company; Murmuration Bars; Harrogate Elite Living; one Harrogate resident and four

Harrogate councillors, one of whom is also a County Councillor. The objections raised closely reflect those of HCC that the multi-use events' proposal:

- Does not accord with Leeds Unitary Development Plan policy LT5.
- The economic impact assessment is out of date; is inaccurate, particularly with respect to the amount of floor area proposed; and underplays the likely significant damage to businesses within Harrogate Town Centre, through the negative impacts upon HCC and the wider district.
- Would significantly threaten the business of HCC (by up to 60%) which is a significant economic and cultural contributor to Harrogate
- Visitors to HCC support the trade, footfall and financial viability of local hotels, B&B's, guesthouses, holiday lets, bars, restaurants, cafes, shops and other businesses in Harrogate.
- Any new facility close to Harrogate would threaten the future success of HCC which underpins the local economy.

## **5.0 Consultation response update**

### **5.1 Statutory**

5.1.1 Health and Safety Executive (fire) – HSE is satisfied with the information provided with the application. HSE request a condition to ensure the provision of a fire statement for Block C with the Reserved Matters application. Response – condition 52 added in respect of Block C.

### **5.2 Non-statutory**

5.2.1 LCC Environment and Housing (Environmental Health – pollution control) - Given the location of the development and it's intended use, it is considered that there will be a level of disturbance from crowd noise on a regular basis albeit for a limited duration. However, given the intended use as student accommodation, it is considered that the short-term impact when the arena venue has it's curfew at 11pm is not sufficient to object to the proposals or require additional mitigation over and above that designed to mitigate other environmental noise impacts. A conditioned approval, including an 11pm curfew on the event space, is recommended. Response – recommended conditions 37-40 added.

5.2.2 LCC Flood Risk Management (FRM) - FRM welcomes that a high-level drainage strategy has been prepared and submitted to support the outline planning element of the hybrid application. FRM request written agreement that the proposed receiving drainage system has sufficient capacity to accept the proposed surface water flows from Site C is secured from Yorkshire Water Services as part of the reserved matters application. If written agreement cannot be secured a redesigned drainage strategy would be required for the outline element. Further details regarding the drainage arrangements for the construction phase of the development should be provided. Response – recommended conditions 34-37 added.

5.2.3 LCC Bridges - Technical approval will be required for the retaining wall adjacent to Elmwood Close; for the contiguous piled wall adjacent to footway; and the contiguous piled wall adjacent to Clay Pit Lane. In addition, a temporary works Approval in Principle (AIP) may be required due to the possibility of temporary works supporting the highway. Response – an informative will be added advising of the need for an AIP.

5.2.4 LCC Nature Team – the baseline habitat biodiversity units to be lost on site as a result of the development would be 0.6 units, plus 0.01 baseline hedgerow units. The proposed post-development habitat biodiversity units would be 0.86 units, plus 0.13 hedgerow units. Consequently, the proposal delivers more than 10% Biodiversity Net Gain and is acceptable. Conditions are recommended with respect to tree removal between March and August to protect nesting birds; for the provision of integral bat roosting and bird nesting features in the development; and biodiversity enhancement and management. Response – recommended conditions 7, 24, 31, 32 and 33 added.

## **6.0 Policy summary with regard to the multi-use event building proposal**

### **6.1 Development Plan**

6.1.1 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)

### **6.2 Leeds Core Strategy (CS)**

6.2.1 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.
- Policy CC1 outlines the planned growth within the City Centre. Part G supports town centre uses within the City Centre boundary.
- Policy P2 states intensive leisure and cultural uses including theatres, museums, concert halls, cinemas, leisure centres, gyms and hotels are acceptable in principle in town centres.

### **6.3 Saved Unitary Development Plan Review policies (UDPR)**

6.3.1 Saved Policies LT3, LT4 and LT5 and accompanying text are repeated in full for information:

10.3.4 In pursuing an effective approach towards tourism, it is important that visitor attractions are recognised as a valuable resource, and that additional facilities are supported in the longer term. Accordingly:

LT3: THE RETENTION AND ENHANCEMENT OF EXISTING VISITOR ATTRACTIONS AND FACILITIES INCLUDING THE BUILT HERITAGE OF THE CITY CENTRE WILL BE ENCOURAGED. THE CREATION OF A WIDE RANGE OF NEW ATTRACTIONS AND FACILITIES WILL BE SUPPORTED AS OPPORTUNITIES ARISE. EFFECTIVE VISITOR AND SITE MANAGEMENT AND PROMOTION WILL NEED TO BE CONSIDERED.

10.3.5 Visitor attractions are a principal element of the tourist infrastructure and therefore need to be supported. These facilities can be utilised to secure positive benefits through the improvement and enhancement of both the built and rural environment. Forthcoming attractions in these terms include Tetleys' Brewery Wharf, the Royal Armouries at Clarence Dock (considered further in Chapter 13 on the City Centre), and the St. James Hospital Medical Museum. Such facilities can also provide valuable employment opportunities, which need to be promoted and complemented in the context of the UDP's approach to the local economy, and the Council's Economic Strategy and emerging Tourism Strategy. Major tourism, cultural, sporting and other leisure facilities

10.3.6 In supporting the development of major new leisure facilities appropriate for the regional centre, the benefits of tourism need to extend to both Leeds residents and visitors. Further benefits should result both through direct job creation and the contribution to the Leeds economy, and through environmental improvements. As a consequence, facilities need to be accessible both to residents and visitors, and be sensitive to environmental considerations:

LT4: IN AIMING TO SECURE THE POSITIVE BENEFITS OF TOURISM FOR RESIDENTS AND VISITORS, THE CITY COUNCIL WILL PURSUE OPPORTUNITIES FOR THE DEVELOPMENT OF MAJOR CULTURAL AND SPORTING FACILITIES. LOCATIONS NEED TO BE EASILY ACCESSED BY THE REGIONAL ROAD AND PUBLIC TRANSPORT SYSTEM.

LT5: THE CITY COUNCIL, IN PARTNERSHIP WITH PUBLIC AND PRIVATE AGENCIES, WILL PURSUE ACTIVELY OPPORTUNITIES FOR THE DEVELOPMENT OF PURPOSE BUILT FACILITIES FOR EXHIBITIONS, CONCERTS AND CONFERENCES.

10.3.7 Given the nature, need for accessibility and prestige of the above facilities the optimum location for their development is the City Centre. However, these facilities require large site areas both for the buildings themselves and also for visitor parking and service areas. Sites within the City Centre which offer such potential are now largely committed to other development proposals - and scope is limited. The best alternatives are therefore in "satellite" City Centre locations - relatively close to the City Centre, with good connections to it, and with excellent accessibility to the regional transport networks. In meeting these objectives, a number of sites and locations can be identified which offer the best potential for the provision of major regional cultural, sporting and leisure facilities. The promotion of these sites can also aid urban regeneration in the locality, as well as providing general support to the City through improving its image, encouraging new investment and visitor spending, and helping the local economy through the creation of jobs. Any proposals should be assessed in terms of their impact on the viability and vitality of Harrogate Town Centre as a whole.

#### Other material considerations

### 6.4 **National Planning Policy Framework (NPPF)**

- 6.4.1 Chapter 7 relates to measures to ensure the vitality of town centres to promote their long-term vitality and viability by taking a positive approach to growth, management and adaptation. Policies should promote their long term vitality and viability – by allowing them to grow and diversify, in a way that can respond to rapid changes in the retail and leisure industries, allowing a suitable mix of uses and reflecting their

distinctive characters. Paragraph 87 states that main town centre uses should be located in town centres and identifies the need for sequential testing where this is not the case.

## 6.5 **Leeds City Region Strategic Economic Plan (SEP) 2016-2036**

- 6.5.1 The SEP notes the importance of the Harrogate International Conference Centre as being a key part of Harrogate's renowned visitor economy. The SEP also notes (page 40) that the visitor economy is important to the City Region because of the jobs and income that are supported by the spending of people from outside the area. It thrives because of the many features and attractions that span the urban centres and rural areas of the city region, attracting business as well as leisure tourism.

These include cultural and sporting assets such as the Yorkshire Sculpture Park and The Hepworth in Wakefield, Saltaire World Heritage Site, the National Media Museum in Bradford, Halifax Piece Hall and Headingley Stadium, as well as concentrations of major visitor attractions and assets in town and city centres such as Leeds, York and Harrogate.

## 7.0 **Appraisal**

### 7.1 Principle of the multi-use event building development

- 7.1.1 Saved UDPR Policy LT3 (paragraph 6.3.1 above) seeks the creation of a wide range of new attractions in the City to support an effective approach towards tourism. More recently, Core Strategy policies SP1, SP3, SP8, CC1 and P2 (paragraph 6.2.1 above) all support the provision of town centre and cultural uses in the City Centre as part of the promotion of the City Centre as the regional capital. Although the detailed proposals for the multi-use event building have not yet been developed it is envisioned that it would be designed to accommodate corporate banqueting, awards ceremonies, live entertainment, conferences and exhibitions, together with gigs and shows and, in so doing, correspond with the objectives of those policies.
- 7.1.2 As a key element of this ambition, Saved UDPR policy LT4 recognises that major new leisure facilities are appropriate in Leeds as the regional centre. As a consequence, facilities need to be accessible both to residents and visitors. The proposed building would be located in a sustainable location within the designated City Centre, accessible by a range of transport modes and, as such, would accord with LT4 and the NPPF.
- 7.1.3 Saved UDPR policy LT5 states that the City Council, in partnership with public and private agencies, will actively pursue opportunities for the development of purpose built facilities for exhibitions, concerts and conferences. The supporting text to LT5 recognises that given the nature, need for accessibility and prestige of such facilities the optimum location for their development is the City Centre. Again, the proposal would respond directly and positively to these goals.
- 7.1.4 The supporting text to LT5 also states that any proposals should be assessed in terms of their impact on the viability and vitality of Harrogate Town Centre as a whole. The text requires an assessment but it does not suggest the weight to be given to any identified impact nor that the impact would, in itself, be a reason for refusal. Further, Policy LT5 was adopted at the time of the Regional Spatial Strategy (RSS). Following the abolition of the RSS in 2010 the Leeds City Region was established to set overall strategic direction on strategic matters. The Strategic Economic Plan (SEP) for the Leeds City Region notes the importance of the Harrogate International Conference

Centre as being a key part of Harrogate's renowned visitor economy. However, in 2020 all the constituent local authorities of the Leeds City Region (including Leeds and Harrogate) prepared a Statement of Common Ground (SOCG) to agree on matters that were of a strategic nature as part of the legal duty to co-operate placed on local authorities. The SOCG is silent on tourism and conferencing. As a result, Policy LT5 now has no sub-regional backing whilst the revised sub-regional context does not suggest anything other than the importance of promoting a visitor economy within the City Region. Therefore, the development can be considered to be in line with that.

- 7.1.5 Notwithstanding, as required by LT5, the application was accompanied by an assessment of the economic impact of the proposed multi-use event's development upon Harrogate. The report concluded that in the most likely scenario the use would divert between 0-1% of trade away from Harrogate Town Centre and between 1-6% of trade from Harrogate Convention Centre. In the 11th August 2022 report to City Plans Panel, officers commented that such an impact was not considered to be unacceptably adverse, albeit LT5 does not indicate the weight to be given to any identified impact. As noted, HBC, HCC and other organisations and businesses in Harrogate stated that the economic impact assessment report provided with the application was flawed; that the proposal would not accord with Policy LT5 of the UDPR; and that the impact upon HCC and businesses in Harrogate would be significant and unacceptable.
- 7.1.6 In order to provide an impartial overview of the economic impact assessment report the Local Planning Authority appointed an independent analyst to review the methodology, inputs and outcomes of the economic impact assessment report.
- 7.1.7 Following deferral of the planning application, the Volterra economic impact assessment report has been updated mainly to take into account matters raised by HCC, primarily in relation to the extent of floorspace involved in the development; the use of dated information relating to HCC events and economic impacts; and HBC's estimated leisure and retail turnover. This largely resulted in the assumptions that drive the quantitative trade diversion analysis and the impact of these on the results of the analysis being updated. At the same time Volterra comment that quantitatively forecasting future trade diversion impacts is inevitably difficult due to future uncertainty related to the event market's conditions, macroeconomic conditions, and the comparative competitiveness of both venues. As such, the quantitative trade diversion analysis presented in the report should be understood and read merely as an indicative range of possible outcomes that might occur following introduction of the proposed development. It is possible through applying different methodologies, or by using different underlying assumptions, that one can arrive at different quantitative trade diversion impacts, as has occurred in the case of HCC's objections.
- 7.1.8 The technical update estimates the trade diversion impacts from HCC in the event that there is no industry growth and a proposed redevelopment of HCC does not occur; and also a situation where both industry growth and HCC's redevelopment occurs which is considered a more realistic scenario. HCC have confirmed that elements of the Volterra economic impact report referring to potential trade diversion are commercially sensitive with regard to their business operations and should remain confidential with reference to paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972. Accordingly, the report and the related peer review, are contained within confidential Appendix 6 which has been designated as exempt from publication under the provisions of the Council's Access to Information procedure Rules 10.4 (3).

- 7.1.9 The peer review suggests that the economic impact assessment update report may slightly underplay the scale of potential trade diversion away from HCC although a range of factors including the planned investment in redeveloping the HCC, may help to mitigate against this impact. Additionally, the peer reviewer notes that there is a significant market nationally from which the proposed venue could compete, with significant forecast growth potential over the coming years.
- 7.1.10 With regard to trade diversion impacts from Harrogate Town Centre, a number of scenarios have been presented to account for the variance in town centre turnover estimates between the original estimate, HBC's estimate, and the peer review estimate. Trade diversion impacts on Harrogate Town Centre arising from the proposal are estimated to be between 0.2%-2.6% in all scenarios in the Volterra technical update.
- 7.1.11 Whilst recognising the inevitable uncertainties surrounding the likely focus of activities at HCC; the focus of activities at the proposed venue, and the growth in the exhibition, conferencing and events industry, the peer review suggests that trade diverted from Harrogate Town Centre (including from HCC itself) would be around 0.6%-0.9%. The peer review suggests that such an impact on Harrogate Town Centre's overall performance would be reasonably insignificant / negligible. In this respect, officers conclude that the impact of the proposed development upon the viability and vitality of Harrogate Town Centre as a whole would not be significant.
- 7.1.12 Core Strategy policies SP1, SP3, SP8, CC1 and P2 all support the provision of town centre and cultural uses, such as the events' building, in the City Centre as part of the promotion of the City Centre as the regional capital. Likewise, Saved UPDR policies LT3, LT4 and LT5 seek a wide range of new leisure attractions in the City Centre, albeit the policy is dated and has no sub-regional backing. Such development would also contribute to the Best City Priorities of Culture and Inclusive Growth by enhancing the image of Leeds through the hosting of major events and attractions, as well as supporting growth and investment into the city.

## **8.0 Conclusion**

- 8.1 The provision of a multi-purpose events' building, able to accommodate exhibitions, concerts and conferencing facilities, has been a long-held aspiration of the Council. Similarly, the development of two parcels of land to the front of Leeds Arena has been an objective of the Council since the land assembly to bring forward the arena. Following the sale of the Yorkshire Bank, the relationship between the parcels of land created the opportunity for a land exchange between the Council and Downing that would facilitate development of each of these areas; enabling the Council to bring forward outline proposals for the multi-purpose events building and the developer to bring forward detailed proposals for the purpose-built student accommodation.
- 8.2 The multi-use events' building would be sustainably located in the regional centre and the use would accord with Development Plan policies in promoting and developing the City Centre with an appropriate City Centre use. Whereas a number of objections have been received from a variety of organisations, businesses and individuals within Harrogate to this element of the proposals, it is not considered that the impact on Harrogate would be significant or unacceptable.
- 8.3 The development will result in a visual change within the setting of the listed buildings within the Queen Square Conservation Area and result in the loss of the Yorkshire Bank, a non-designated heritage asset. However, the development will enhance the setting of the listed buildings and conservation area and this, together with other public

benefits of the scheme, outweigh the loss of the Yorkshire Bank. Subject to final details regarding materials and detailed architectural design, the proposed development would provide high quality, contemporary, architecture which would animate and improve the appearance of the local townscape.

- 8.4 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 demolition, construction and subsequent operation of the buildings.
- 8.5 The development of this sustainably located site would have an acceptable impact upon highway and pedestrian safety and provide sustainable transport choices. The public realm around the site would also be improved.
- 8.6 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.
- 8.7 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 5 5 (and amendment to or addition of further conditions as the Chief Planning Officer deems appropriate) and the completion of a Section 111 agreement (with draft Section 106 Agreement) to secure the necessary planning obligations.



Originator: Tim Hart

Tel: 3788034

---

**Report of the Chief Planning Officer**

**CITY PLANS PANEL**

**11<sup>th</sup> August 2022**

**Hybrid planning application for the demolition of Yorkshire Bank, Merrion Way and the construction of two student residential accommodation buildings and a multi-use events’ building on the site of Yorkshire Bank, Merrion Way and land fronting Leeds Arena, Clay Pit Lane, Leeds LS2 8NZ**

**Applicant – Downing Property Services / LCC**

**Reference – 22/01889/FU**

**Date valid – 14<sup>th</sup> March 2022**

**Target date – 31<sup>st</sup> August 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 and to 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 111 agreement appending a draft Section 106 agreement to include the following obligations:**

- Occupation of student accommodation solely by students in full-time higher education during recognised term-times
- Compliance with agreed Travel Plan measures and an indexed travel plan review fee of £10,516 for the student developments and £3,429 for the multi-use events’ building
- Contribution of £729,624 (indexed) towards off-site highway and environmental improvements in the area;
- Local employment and training initiatives; and
- Section 106 management fee £1,800.

**In the circumstances where the Section 111 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**

- 1.2 The development of two parcels of land to the front of Leeds Arena has been a long-held aspiration of the Council since the land assembly to bring forward the arena. More recently, the Yorkshire Bank offices at the junction of Merrion Way and Clay Pit Lane and bordering the southern arena parcel has been acquired by Downing Property Services with a view to redeveloping the site for student housing. The relationship between the parcels of land created the opportunity for a land exchange between the Council and Downing that would facilitate development of each of these areas, the details of which were agreed at Executive Board on 16<sup>th</sup> December 2020.
- 1.2 Members will recall the presentation of initial proposals for the redevelopment of Yorkshire Bank offices and the parcels of land to the west of the arena to City Plans Panel on 2<sup>nd</sup> September 2021. Two student accommodation buildings would be developed by Downing and a multi-use event building would be brought forward at a later date by the Council. A copy of the minutes of that meeting is attached at Appendix 1
- 1.3 Following the Panel meeting of 2<sup>nd</sup> September 2021, Downing reviewed and revised the proposals in light of Member's comments. Additional information in respect of the relationship between the proposed northern tower (Block A) and the arena; and revised proposals for the southern student building (Block B) and the multi-use event building, were discussed at a workshop attended by some members of City Plans Panel on 15<sup>th</sup> October 2021.
- 1.4 Following further revision the amended pre-application proposals were presented to City Plans Panel on 25<sup>th</sup> November 2021. In general, Members were:
- supportive of the proposed scale, position and form of Block A;
  - supportive of the revised scale, position and appearance of Block B;
  - supportive of the revised footprint of the multi-use building and the approach to landscaping

A copy of the minutes of that meeting is attached at Appendix 2.

- 1.5 The application proposals closely follow the details considered by City Plans Panel on 25<sup>th</sup> November 2021 comprising the demolition of the former Yorkshire Bank offices, the construction of two multi-storey purpose-built student accommodation (PBSA) buildings providing a total of 1,204 student bedspaces, alongside outline details of proposals for a multi-use event building.

## **2.0 Site and surroundings**

- 2.1 The existing Yorkshire Bank office building is located at the junction of Clay Pit Lane and Merrion Way. The building, designed by Abbey Hanson Rowe in 1984, is faced in brown Finnish granite and steps up in large storey heights from north (single storey) to south (4 storey). Originally designed to include the bank's cash centre and internal manoeuvring facilities for vehicles, other than the more recent southern corner, the ground floor predominantly presents a largely blank façade at pedestrian level. A line

of street trees flank the southern and eastern elevations, with trees in a planter situated at the junction of Merrion Way and Clay Pit Lane to the west.

- 2.2 A footway runs along the northern edge of the Yorkshire Bank building linking Clay Pit Lane and Brunswick Terrace. A temporary raised landscape bund abuts the northern edge of this footway. The hard-surfaced piazza to the front of Leeds Arena (opened 2013) separates this bund from an area of soft landscaping and semi-mature trees fronting Clay Pit Lane to the west of Leeds Arena. Elmwood Close, located to the north-east of the arena, terminates in a turning circle to the east of the northern landscaped belt. The Inner Ring Road is situated in a cutting immediately north of Elmwood Close.
- 2.3 Queen Square Conservation Area is located on the west side of Clay Pit Lane to the west of Yorkshire Bank. The square incorporates a range of two and three storey buildings, many of which are Grade II listed buildings, constructed around an area of public open space. The eastern side of the square was never completed and is marked by a stone boundary wall which flanks Clay Pit Lane.
- 2.4 The scale of buildings to the north of Queen Square on the west side of Clay Pit Lane rises noticeably beyond Providence Place, a narrow street running on the north side of Queen Square properties. The three-storey building (previously known as Hepworth House) currently occupied by Capita faces much of the arena piazza with a pedestrian crossing across Clay Pit Lane linking the two. The Premier Inn is located in a 10-storey building (previously known as Hepworth Point) dating from the 1960's. Sky Plaza, a 37-storey student accommodation building, the most northerly building on this frontage, is situated on a high point at the south-west corner of the junction of Clay Pit Lane with the Inner Ring Road.
- 2.5 To the north of the Inner Ring Road, the areas of Little London and Lovell Park contain significant areas of housing including accommodation ranging from single storey and low-density buildings to 17 storey tower blocks. The Lloyds Bank Lovell Park offices flank the northern side of the Inner Ring Road opposite the Leeds Arena.
- 2.6 Merrion Way contains a number of large-scale buildings which have been the subject of redevelopment and refurbishment during recent years. On the north side, to the east of Brunswick Terrace, Unite Students' White Rose View development comprises two 17 storey and 27 storey buildings which opened in September 2020. Arena Point is a 20 storey office building for which planning permission has been granted for its redevelopment as purpose built student accommodation (PBSA). Altus House, a 37-storey PBSA building, on the former site of Hume House opened in September 2021. The Merrion Centre on the southern side of Merrion Way contains a wide mix of uses including a multi-storey car park. Merrion House, at the west end of Merrion Way to the south of Yorkshire Bank, was refurbished and extended in 2016-17. Along with trees around the Yorkshire Bank, a strip of greenspace towards the centre of Merrion Way helps to soften the urban character of the street.
- 2.7 Leeds City Centre Conservation Area is located to the south and west of the Merrion Centre whilst the Grand Quarter Conservation Area is located to the south-east of the Merrion Centre.

### **3.0 Proposals**

- 3.1 It is proposed to demolish the Yorkshire Bank building and to construct two multi-storey student accommodation buildings and a multi-use event building. A hybrid planning application has been submitted which seeks detailed planning permission for

the student buildings and outline permission for the multi-use event building. The development would be phased with the likely sequence being construction of the northern student tower (Block A), followed by demolition of the bank, construction of the southern student building (Block B) and, finally, construction of the multi-use event building (Block C).

### 3.2 Block A

3.2.1 Block A would be a 39 storey building (117m from ground level on Clay Pit Lane to the apex of the roof) located on land to the north-west of the arena currently occupied by a linear area of tree planting and grass. The lower ground floor containing plant, cycle store and refuse stores would be accessed directly from the Elmwood Close turning head. The principal entrance into the building would be from Clay Pit Lane. The centrally-located access would have sliding doors to the ground floor entrance lobby and reception lounge. Other facilities at ground floor would include the management suite and additional bike storage. An open terrace facing the arena on the east side of the building would provide external amenity space for residents. Level 1 would solely contain amenity space for students. There would be additional amenity space at Level 2 along with student accommodation comprising four studio bedrooms, and two, 5-bedroom clusters with shared dining kitchens situated on the northern and southern extents of the building. Levels 3-37 would each comprise 8 studios and two, 6-bedroom clusters with shared dining kitchens as at Level 2. In total, the building would contain 714 student bedspaces and 714sqm of communal internal amenity space.

3.2.2 The building would have a singular, symmetrical and primarily linear form comprising 11 angled facets. A full-height crease would be positioned midway along the Clay Pit Lane frontage, whilst the roofline would dip towards the centre to accentuate the northern and southern wings which would terminate in a point. The external facades would be planar, faced in polished anodised aluminium with flush panels of clear glazing and ventilation panels. Elements of the ground floor fronting both Clay Pit Lane and the arena would be cut back from the plane of the mass above.

3.2.3 5 trees to the south of Block A would be retained and supplemented with 12 new trees in the retained soft landscaped area immediately to the south of the new building which would also accommodate new seating and wind mitigation baffles. 3 trees would be planted in the space adjacent to the steps to the north, 3 trees in the central reservation along this stretch of Clay Pit Lane and a minimum of 6 street trees in the footway directly outside Block A.

### 3.3 Block B

3.3.1 Block B would be located on part of the former footprint of Yorkshire Bank fronting Merrion Way with a shorter return limb extending along Brunswick Terrace. The building would comprise 4 elements stepping up from 7 storeys at the most westerly element closest to Clay Pit Lane; to 12 storeys for the central section fronting Merrion Way; to a 21 storey corner (61m) segment at the junction with Brunswick Terrace. Moving north along Brunswick Terrace towards the arena piazza, the scale of the building would reduce to 16 storeys.

3.3.2 The main entrance into the building would be from a mid-point along the Merrion Way frontage. The ground floor would comprise areas of communal amenity space located to front Merrion Way; bike storage and management suite areas towards the rear of this component, and plant and bin storage towards the northern end of the building. Levels 1-6 would contain fourteen studio bedrooms; two, 5 bedroom clusters, and 3

six bedroom clusters, with shared dining kitchens typically located on the gable ends of the building. The floorplan would be repeated on upper levels albeit with reducing numbers as the footprint of the building reduces with increasing height. The rooftops of all but the tallest corner element would be utilised for arrays of solar panels on green or blue roofs (bio-solar) and occasional use as residents' roof terraces. In total, the building would contain 490 student bedspaces and 498sqm of communal internal amenity space.

3.3.3 The expressed external grid of the building would utilise a terracotta panelled-finish, projecting forward and framing the secondary layer of glazing and panelling behind. The central, 12-storey, element would sit further back than neighbouring elements and would employ a tighter grid. To respond to the context there would be a tonal change in colour of the terracotta through the separate elements of Block B. As such, the lower, western, component would utilise a brown finish in response to the tones of Queen Square and Merrion House; the eastern components would utilise off-white terracotta whilst the colour of the central element would transition between the two.

3.3.4 Immediately north of Block B a secure and private courtyard would provide external amenity space with for the occupiers of the building including tree-planting, lawn and seating. Four trees along Brunswick Terrace would be replaced with new trees with improved below-ground planting conditions. Four new trees would be planted on Merrion Way towards the eastern end of the frontage with areas of low-level planting to these and retained trees along the Merrion Way frontage. The existing trees in planters at the junction of Merrion Way and Clay Pit Lane would be retained and supplemented with 2 new trees and hedge planting. 10 new street trees are proposed in the footway around Merrion House on the southern side of Merrion Way. The building would be serviced from Brunswick Terrace with drop off and deliveries taking place from a new layby located on Merrion Way in a similar location to the vehicular access to the existing bank.

### 3.4 Block C

3.4.1 The multi-purpose event building, located to the north of Block B, would be the third and final phase of construction. The building would have a total floor area of approximately 9,900sqm incorporating a main exhibition area of approximately 3,050sqm; a conference space of circa 1,700sqm; an 800-900 capacity auditorium; pre-function circulation space and bar areas of 2,430sqm; and supporting ancillary spaces. The venue is anticipated to host corporate banqueting, awards ceremonies, live entertainment, conferences and exhibitions, together with gigs and shows which require a more intimate space than is offered by the First Direct Arena, but larger capacities than existing venues in Leeds. It is estimated that the premises would be likely to attract between 100,000-150,000 attendees a year when fully operational.

3.4.2 As noted, this element of the application is in outline form such that limited details of the building are provided at this stage. Horizontal parameters illustrate the tolerances in the footprint of the building such that each elevation could potentially be set up to 5m back from its possible maximum extent. Similarly, the parameters confirm that the upper three levels of the building would be stepped towards the arena to the north-east. The maximum height of the building at this point would be 26m, albeit allowing for the parameters may be as low as 23m above existing ground level. Further details of scale and appearance would be provided as reserved matters. Given the outline nature of this element of the proposals a Design Principles document provides further commentary and guidance regarding materiality, lighting, landscape and biodiversity, sustainable design, social inclusivity, signage and plant screening to inform and control the reserved matters details.

- 3.4.3 The primary public entrance into the building is identified as a zone running along the main arena piazza frontage and returning south along Brunswick Terrace with a return along Clay Pit Lane opposite the pedestrian crossing. The vehicular service point would be at the south east corner of the building, off Brunswick Terrace into dedicated service areas at ground floor of the building with unloading onto the event space floor.
- 3.4.4 Following demolition of the Yorkshire Bank building, and prior to the development of Block C, the existing raised grass mound would be retained and the intervening space soft landscaped with areas of lawn and extended grassed bund to provide edge protection. A temporary pedestrian route would enable access from Clay Pit Lane to and from the arena piazza. As part of the development of Block C 8 new street trees would be planted in the Clay Pit Lane footway and one tree to the east of the building. Earlier in the process the developer examined the potential for introducing additional tree planting and soft landscaping into the arena piazza but for a combination of interlinked reasons primarily relating to crime prevention, pedestrian movement and lighting, there is no scope for such planting in this area.

#### **4.0 Relevant planning history**

- 4.1 The existing Yorkshire Bank office building was constructed following the grant of outline planning permission in 1976 (76/20/00178) and reserved matters approval in 1977 (77/20/00084).
- 4.2 Leeds Arena and surrounding areas of hard and soft landscaping was constructed between 2009-2013 (09/04815/OT approved 26.3.10; 10/04022/RM approved 24.11.10; 11/01060/RM approved 19.4.11; and 11/01311/RM approved 15.2.13).
- 4.3 Hepworth Point fronting Clay Pit Lane was converted to form the Premier Inn (11/01048/FU approved 4.7.11).
- 4.4 Sky Plaza, the Unite Student 37 storey tower on the west side of Clay Pit Lane, was constructed in 2009 (06/04223/FU approved 17.5.2007).
- 4.5 Planning permission for several tall buildings in the area containing PBSA has been granted during recent years:
- Symons House, Belgrave Street - part 9, part 23 storey (17/06605/FU approved 22.12.17)
  - St Alban's Place, Belgrave Street – part 7, part 11, part 18 storey (16/07741/FU approved 21.4.17)
  - Hume (Altus) House, Wade Lane - 37 storeys (18/01819/FU approved 7.8.18).
  - Vita 2, Woodhouse Lane and Portland Crescent - part 6 / part 16 storey student accommodation building with ground floor commercial unit (18/01711/FU approved 17.9.18)
  - White Rose View, Merrion Way - one 17 and one 27 storey building (18/05738/FU approved 10.1.19)
  - Arena Point – part 39, part 44 storey (20/08033/FU approved 2.7.21)

#### **5.0 Public / local response**

- 5.1 Site notices advertising the application were erected around the site on 24<sup>th</sup> March 2022 and the application was advertised in the Yorkshire Evening Post on 1<sup>st</sup> April 2022.

5.2 The Leeds Civic Trust Planning Committee (LCT) noted the changes from the pre-application proposals but indicated their primary concern is the design of the student block B. LCT state that it is regrettable that the Yorkshire Bank building has to be demolished despite the fact that this building is only forty years old and would have warranted repurposing in the context of climate change. It is a distinctive architectural example of an era from which few buildings remain in Leeds. However, the site is in a prominent location, visible from a wide range of angles, including the approach from Woodhouse Lane. As such, it is a major public site and should receive an architectural treatment that is commensurate with its importance in the fabric of the city centre.

LCT are unconvinced that the use of the Yorkshire Bank site for more student accommodation is warranted (though support proposals for conference centre use on the site). Whatever is built there should be of architectural distinction and form a gateway between the Arena and Woodhouse Lane. As proposed, and even without the student accommodation, the outline almost seems to mimic the building that is to be demolished, and its form fails to respect the surroundings, least of all the Arena itself with which it should relate in terms of massing language. The design of the student block takes its cue from other student towers nearby rather than offering a contrast in this important gateway location. This should be an occasion for improving on and contrasting with the existing architecture in the arena quarter not for doing more of the same.

LCT have no objections to the student tower at the north of the site and are broadly supportive of the design approach taken, especially as it has more allure than a lot of other student accommodation in the area. However, LCT suggest that the student accommodation at the south should be relocated to the north site, by enlarging the lower levels of the tower. This would create more space for the conference venue and associated public realm

LCT do not feel that enough consideration has been given to the masterplanning and massing overall. For example, there needs to be an overarching public realm strategy for the whole of the arena "forecourt" in the way that the Quarry Hill estate is being in approached. A more coherent plan of how the different new buildings work as a group needs to be articulated and how they relate to the other new builds in the immediate vicinity.

## **6.0 Consultation responses**

### **6.1 Statutory**

6.1.1 Historic England – suggest that the Council's specialist conservation and archaeological advisers be consulted as they will not be providing any comment on the proposals.

6.1.2 LCC Highways 28.6.22 – There is no parking proposed with the development, which is acceptable given the location of the site although electric vehicle charging needs to be provided for the accessible parking space. The information submitted relating to revised cycle provision is acceptable. The revised Construction Management Plan is acceptable.

Further information will be required regarding management of access to the development on arena event days, including at the start and end of the student year. Comments are awaited from Structures regarding the impact, if any, on the highway structures.

A TRO will be required for alterations on Elmwood Close and for the new layby on Merrion Way south of Block B. Conditions should cover provision of disabled parking with electric vehicle charging facilities, gradients, provision of cycling facilities, provision of a servicing management plan, details of management of student start and end of year arrangements including on arena event days, undertaking a highway condition survey, identification of provision for contractors, and undertaking specified off-site highway works. The section 106 agreement should include a clause requiring a contribution of £729,624 towards highway and environmental improvements. Response – suggested conditions and section 106 clause added.

- 6.1.3 Health and Safety Executive (fire) – HSE request a condition to ensure the provision of a fire statement for Block C with the Reserved Matters application. HSE identify a number of outstanding concerns in respect of Blocks A and B with regard to Fire Service access, including the number of firefighting shafts and firefighter travel distances; and means of escape, including staircases made vulnerable by connections with a basement and with ancillary accommodation. Response – condition added in respect of Block C. Revised plans and a revised fire statement will be required with regard to Blocks A and B.

## 6.2 **Non-statutory**

- 6.2.1 LCC Environmental Studies (Transport Strategy) – the submitted noise report identifies noise mitigation features (glazing and ventilation specifications) that if incorporated would reduce transportation noise within the accommodation to acceptable levels. The impact of other noise sources should be reviewed by an Environmental Health professional. Response – conditions added.
- 6.2.2 LCC Environmental Studies (Air Quality) - the development will not include any combustion processes for heating or energy and there are no adverse comments regarding the operation of the development once complete. While there is a high risk of dust impacts due to the demolition and construction phase activities, it has been determined that the risk from dust and particulates during the demolition and construction works will be negligible at sensitive receptors as long as mitigation in accordance with the IAQM guidance is put in place.

As it is unlikely that pollutant concentrations at the proposed development would exceed the relevant objective levels and dust from the demolition and construction can be successfully mitigated, there are no objections to the proposals. However, it is recommended that the identified dust mitigation measures are implemented prior to works beginning on each phase and maintained for the duration of the development. The Air Quality assessment also identifies mitigation measures recommended to prevent exposure of future occupants to poor air quality. Therefore, it is suggested that Planning Services require the implementation of these measures, as specified in the submitted WSP Air Quality assessment report. Response – conditions added.

- 6.2.3 LCC Environment and Housing (Environmental Health) – additional information is required to consider the impact of people milling around outside before and after events which could have a potential to impact upon future residents.
- 6.2.4 LCC District Heating - It is not commercially or technically viable to extend the council's district heating network from its current position to serve this development in isolation. It is likely that the network will be extended close to the site in the longer term, however, so in line with Policy EN4 there should be provision for a future connection. Response – condition added.

- 6.2.5 LCC Contaminated Land Team - the proposed development includes uses that may be vulnerable to contamination. The Phase 1 Desk Study Report recommends that a Phase 2 site investigation report is provided. Conditions are suggested requiring submission and approval of a Phase 2 report; the submission of an amended remediation strategy if required; and submission of a verification report if remediation is required. Response – conditions added.
- 6.2.6 LCC Influencing Travel Behaviour - The Travel Plan for the student accommodation is acceptable. An indexed travel plan review fee of £10,516 should be paid prior to commencement of the student accommodation. A condition is required to secure a full travel plan for the multi-use facility at Reserved Matters stage. An indexed travel plan review fee of £3,429 should be paid prior to commencement of the multi-use facility. Response – the section 106 agreement will secure the travel plan review fees and a condition is added to secure a full travel plan for the multi-use facility.
- 6.2.7 LCC Cycling - The development should link with the local walking and cycle routes with good signage to local facilities, particularly the universities. Walking and cycling routes to the universities and the city centre should be improved. The development should contribute to the upgrading of local cycle facilities including bi-directional cycle facilities on Cookridge Street. Resident and visitor cycle parking should be in line or exceeding Leeds guidance. Response – the section 106 agreement will secure a contribution towards off-site highway improvements.
- 6.2.8 LCC Flood Risk Management (FRM) 15.6.2022 – Additional information has been submitted in aid of the application, which in part, relates to the additional details requested surrounding flood risk and the proposed detailed surface water drainage scheme for the proposed development.

FRM notes that the A65 is located a lower level than the proposed application site and that levels along Elmswood Close fall away from the proposed application site, but this does not preclude general flood resilience being incorporated into the building, especially any vulnerable points which lead to the proposed basement level within Building A. FRM requests that appropriate flood resilience measures should be considered. Such measures include providing a minimum of 150 millimetre freeboard to proposed finished floor levels (above adjacent ground levels), along with ensuring that external ground levels slope away from any building, specifically doorways. In addition, appropriate flood resilience measures for the proposed basement level should also be considered. This is to help ensure that the basement level proposed 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 proposed basement level and any ventilation intake shafts serving the proposed basement level should also be set at an appropriate level to avoid any surface water from entering the building at these locations.

FRM states that, the applicant should provide the necessary drainage design details and an updated drainage plan to be prepared for Site A and B and submitted to support the application.

FRM require a minimum amount of information to condition the outline element of the hybrid application. FRM requires the applicant to submit an agreement in principle (obtained from YWS) relating to possible/proposed easements, build-over agreements and the diversion of existing public sewer(s) that cross the application site.

Once available, FRM requires copies of the intrusive site investigation report and BRE365 testing which demonstrates the viability of designing an infiltration-based drainage system to be submitted in aid of the application.

Once available, FRM requires the copies of the findings of the detailed drainage survey to be submitted in aid of the application.

FRM requires updated drainage modelling using FEH2013 rainfall and an exceedance plan (for blockage or rainfall in exceedance of the 1% AEP event plus 45% CC). The updated plan should show pipework model numbering and network details. A summary of results should also be provided showing all the modelling criteria and summary network results for critical 50% AEP event, 3.33% AEP event and 1% AEP event plus 45% CC (showing maximum water level, flow and velocity and details of any surface flooding anticipated).

FRM acknowledges the above; however, recognising that a full planning application is proposed for both Site A and B, the applicant should provide the necessary drainage design details in aid of the application. Again, it is not acceptable for design details to be conditioned at the full planning stage.

FRM requires details of the proposed construction phase drainage control measures to be prepared and submitted in aid of the application. This would include any temporary runoff control devices required relating to the proposed build out plan. FRM requests that an updated Drainage Strategy Report (or similar) should be provided. The updated Drainage Strategy Report should set out all of the points of clarification and include all of the relevant drawings, assessments, surveys and calculations demonstrating compliance with the above. FRM awaits receipt of the above additional information to support the application and advises that the above planning application should not be determined at present.

- 6.2.9 LCC Access – This looks like a good example of a scheme which complies with SPD Accessible Leads.
- 6.2.10 LCC Landscape – All tree planting in hard landscape / paved areas must use modern technology in accordance with LCC guidance on Urban Tree Planting. Old tree pits must not be reused due to their limitations and problems existing trees are experiencing. Conditions are required in respect of these details and tree protection should be a pre-commencement condition. Given the size of the trees proposed it is critical that the specification for the planting contract includes 3 years maintenance as irrigation is critical and must be in accordance with BS8545. Replacement of any failures would be costly. There will be a 5 year replacement condition BS 8545 2014 Trees from Nursery to Independence - 3 year tie in maintenance of the proposed semi mature trees will be a requirement. Street tree irrigation in accordance with BS 8545 2014 Trees from Nursery to Independence must be included for the first 3 years as a minimum. Response – conditions added.
- 6.2.11 LCC Nature Team 3.5.2022 - *The Baseline for Urban Street Trees states that all 0.1ha. (total canopy spread of existing trees) are to be retained – but this does not seem to correlate with the plans showing the loss of the trees for Building A (along Clay Pit Lane) and B (along Merrion Way). Confirmation is sought that all trees are to be retained in-situ – or revised Metric calculations submitted accordingly. If the mature trees are to be lost for Building A and B this would be a shame as there are not many mature trees of this size in the vicinity of these street frontages – the wide, open, green aspect to the front of the Arena seems a pleasant interface.*

*Bat Roost Survey – the bat survey for the feature of Low Bat Roosting Potential has not yet been submitted. An Ecological Impact Assessment report with revised Metric Calculations and impacts on roosting bats and loss of habitats should be submitted – together with a rationale why the trees identified for removal cannot be retained.*

- 6.2.12 LCC Conservation – The Built Heritage Statement provides a fair assessment of the impact of the development on nearby listed buildings and the Queen Square Conservation Area. It is agreed that the development will result in a visual change within the setting of the listed buildings comprising Queen Square and the Conservation Area, particularly in views to the east. Building A will be seen in conjunction with the built and consented cluster of tall buildings to the north and east of Queen Square and its reflective finish and form will give it a lightweight appearance which will not be harmful to the setting of the listed buildings and the Conservation Area. Buildings B and C will maintain the present perception of enclosure to the eastern side of Queen Square provided by the Yorkshire Bank Headquarters and will be highly visible from the Conservation Area but the stepping back of the buildings in height away from the square will help to diminish their mass and scale in views east from the square. Additionally, the increased use of glazing to the elevations of Building B presents a more appropriate lightweight appearance to the building which contrasts with the monolithic bulk of the Yorkshire Bank.

The Built Heritage Statement identifies the Yorkshire Bank Headquarters as a non-designated heritage asset (NDHA) which it assesses to be of low, local significance. As NDHAs are not listed buildings which are of national importance, it follows that all NDHAs are of local significance. The assessment is correct in saying that the overall aesthetic is "largely derived from its form and the finish of cladding", but it is not accurate to say that it demonstrates "architectural approaches and materials typical for its type during this period". It is an unusually expressive building which has more in common with the 1960's grade II listed Bank House on King Street than contemporary 1980's offices. Both buildings are examples of New Brutalism in the use of high-quality external cladding and show the strong influence of the American architect, Louis Khan (1901-1974). The elementary geometric forms and compositions, the monumentalisation of secondary elements such as the stair cores and dualism of solid and void, are all typical of Khan and are characteristics shared with Bank House. The stepped plan of the offices above the fortress like curtain wall to Clay Pit Lane recalls the section of Bank House and helps to give the Yorkshire Bank a strongly contrasting three-dimensional form. The overall assessment is that the building possesses high aesthetic value and if we add the bank's historical value as an illustration of Leeds' emergence as the financial regional capital in the last quarter of the 20th century it places the building at the top rank of NDHAs.

The proposal will result in the loss of the building and in accordance with paragraph 203 of the NPPF this should be balanced against the significance of the non-designated heritage asset and assessed within the context of the public benefits delivered by the scheme including some heritage benefits as described above.

- 6.2.13 Tobermory (peer wind review) - A wind tunnel based wind study has been conducted for this new development. This has found that construction of the full phase development for the site (blocks A, B & C) with the proposed suite of mitigation measures has little impact on the wind conditions in the surrounding area, and can provide suitable onsite wind conditions for the new development (providing that the roof terraces of blocks B & C are not used for seating areas).

The modellers also examined the impact of the interim phase when block A is built out and the existing building is demolished. The results from this interim phase were

compared to the final phase, when all three blocks are present, and demonstrated that there are no new wind issues in the interim phases.

The study highlights an existing wind safety and comfort exceedance on the pavement to the east of the existing Unite Students Sky Plaza building, opposite the Arena on Clay Pit Lane. Since this lies to the west and north west of the new development, and since the wind directions that cause the issue are expected to be from the west and south west, then the new development has little influence on the wind conditions in this location. It does, however, raise the possibility of an increase in footfall and cyclist numbers through this hazard area, and therefore could lead to an increase in risk to the public, although this is offset by a reduction in duration of the extreme wind conditions as a result of the new development. Response – conditions added regarding implementation of wind mitigation measures.

- 6.2.14 Leeds Bradford Airport (LBA) - The proposed Building A and Building B are considered by LBA as extensive (tallest building in the immediate surrounding area – and will therefore require a medium intensity obstacle lighting scheme (Type C – steady red) due to low level helicopter traffic transiting the city centre and the Infirmary. There are no objections subject to a condition to this effect. Response – condition added.
- 6.2.15 Yorkshire Water (YW) - it appears from the submitted site layout that buildings will be sited over the public sewerage system located within the site. This could seriously jeopardise the ability to maintain the public sewerage network and is not acceptable. YW therefore object to the development layout as currently shown. YW strongly advise that the site layout is amended to allow for adequate protection of the sewers. Response - discussions are currently ongoing with YW regarding easements, build-over agreements and the diversion of existing public sewer(s) that cross the proposed application site.
- 6.2.16 West Yorkshire Police – request that security measures are incorporated into the design plans to improve site security. Response – conditions added

## **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.
- 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 EC3 safeguards existing employment land, stating that the loss of an existing Class B use in an area of employment shortfall will only be permitted where the loss of the premises can be offset sufficiently by the availability of existing general employment land and premises in the surrounding area.
- Policy P2 states intensive leisure and cultural uses including theatres, museums, concert halls, cinemas, leisure centres, gyms and hotels are acceptable in principle in town centres.
- 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.
- Policy P12 states that landscapes, including their historical and cultural significance, will be conserved and enhanced.
- 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 G5 seeks open space provision in the City Centre.
- Policy G6 protects existing open space and pedestrian corridors in the City Centre.
- Policy G9 states that development will need to demonstrate biodiversity improvements.

- Policies EN1 and EN2 set targets for CO<sup>2</sup> 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.
- Policy LT5 states that the city council, in partnership with public and private agencies, will pursue actively opportunities for the development of purpose-built facilities for exhibitions, concerts and conferences. In order to ensure that any such facility does not unacceptably affect the vitality and viability of Harrogate, Paragraph 10.3.7 states: Any proposals should be assessed in terms of their impact on the viability and vitality of Harrogate Town Centre as a whole.

### 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)**

The site is not specifically identified in the SAP. However, the pedestrian route around the periphery of the Yorkshire Bank building is identified as civic/open space.

## Other material considerations

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

- 7.6.1 The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) replaces previous planning policy guidance and statements in outlining the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the NPPF and identified in Paragraph 11 is a presumption in favour of Sustainable Development. Relevant paragraphs of the NPPF are as outlined below.
- 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 Access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change (paragraph 98).
- 7.6.7 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
- Tall Buildings SPD
- Building for Tomorrow Today: Sustainable Design and Construction SPD
- Neighbourhoods for Living SPG
- Parking SPD
- City Centre Urban Design Strategy SPD
- Transport SPD (draft)
- Houses in Multiple Occupation (HMOs), Purpose Built Student Accommodation (PBSA) and Co-Living Amenity Standards SPD (draft)

## **8.0 Issues**

- Principle of the development
- Townscape, heritage and design
- Housing and amenity
- Transportation and sustainable travel
- Landscape and public realm
- Accessibility
- Public safety
- Wind
- Climate Change and Sustainability
- Planning Obligations and CIL

## **9.0 Appraisal**

### **9.1 Principle of the development**

9.1.1 The existing Yorkshire Bank building comprises office space (Use Class E(c)). Core Strategy Policy EC3 seeks to retain such a use unless (i) the proposal will not result in the loss of a deliverable employment site; or (ii) existing buildings are considered to be non-viable in terms of market attractiveness, business operations, age, condition and/or compatibility with adjacent uses; or (iii) the proposal will deliver a mixed-use development which continues to provide a range of local employment opportunities and would not undermine the viability of the remaining site. In this case, the Yorkshire Bank is reorganising its banking operations and the property is surplus to its requirements. There continues to be an oversupply of office space in the City Centre relative to Core Strategy targets whilst the site is not in an area of the city with a shortfall of employment land. Further, the building was purpose-built and is now considered to be non-viable in terms of market attractiveness and business operations such that part (ii) of the policy would apply. Further, the proposed mix of uses on the wider site are likely to provide for a range of local employment opportunities such that CS policy EC3 would be satisfied.

9.1.2 As part of the land assembly for development of the arena (09/04815/OT), two parcels of land fronting onto Clay Pit Lane were identified as potential development plots which, when developed, could frame the space and provide opportunities to introduce uses to help activate the arena piazza during times when the arena was not in use. However, as the sites were needed as part of the working space and operational area during construction of the arena, these areas could not be developed simultaneously. Accordingly, these areas were designed to serve a number of visual and security functions on a temporary basis albeit, over time, have taken on a more permanent appearance as part of the setting to the arena. However, they have no formal status in the Development Plan or subsequent protection as green or civic/open space.

- 9.1.3 Some areas of land around the periphery of the Yorkshire Bank building, such as around the Clay Pit Lane / Merrion Way corner, are identified as civic/open space (Site Allocation Plan designation G2226). CS policy G6 states that such space should be protected unless there is an adequate supply of space in the area; the space is replaced by an equivalent space in the same locality; or redevelopment proposals demonstrate improvements to existing green space quality in the same locality in the delivery of wider planning benefits. The development of the multi-use events' building would result in the loss of the pedestrian route which runs alongside the northern edge of the bank. The route historically functioned as the main route between Clay Pit Lane and Brunswick Terrace between the Yorkshire Bank and the Brunswick Building but the development of the arena with the expansive open piazza to the front largely supplanted this facility. Other areas around the bank identified as open space incorporate existing features such as railings and bollards and are frequently used for parking such that they present a semi-private impression. Whilst retaining and supplementing existing soft landscaping the proposed development will secure full public access through these areas as part of the legal agreement accompanying the planning permission. As such, the development would accord with CS policy G6.
- 9.1.4 Leeds currently has no standalone dedicated exhibition space both for business-to-business and business-to-client conferences and exhibitions. The provision of a multi-purpose events' building, able to accommodate conferencing facilities, has been a long-term aspiration of the Council. Indeed, saved UDPR Policy LT5 states that the City Council, in partnership with public and private agencies, will actively pursue opportunities for the development of purpose built facilities for exhibitions, concerts and conferences. The policy requires that any such proposals should be assessed in terms of their impact on the viability and vitality of Harrogate Town Centre which, historically, has been heavily-reliant on such activity. The application is supported by an assessment of the economic impact of the proposed multi-use building upon Harrogate. It is concluded that the building would divert 0-1% of trade away from Harrogate Town Centre and between 1-6% of trade from Harrogate Convention Centre, neither of which are considered unacceptably adverse impacts.
- 9.1.5 Core Strategy policies SP1, SP3, SP8, CC1 and P2 all support the provision of town centre and cultural uses, such as the events' building, in the City Centre as part of the promotion of the City Centre as the regional capital. Such development would contribute to the Best City Priorities of Culture and Inclusive Growth by enhancing the image of Leeds through the hosting of major events and attractions, as well as supporting growth and investment into the city.
- 9.1.6 With regard to the proposed purpose built student accommodation (PBSA) 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 PBSA 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. Such a use would also support the Best City Priorities of Housing.
- 9.1.7 Policy H6B specifically relates 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. It has recently been established that there are approximately 22,000 university students in the city presently without access to PBSA whilst the universities themselves are increasingly reliant upon private sector accommodation. If the schemes in the pipeline

are constructed 4 in 10 students would have access to bedspaces in PBSA. This would suggest that additional provision of PBSA is unlikely to result in an over-supply of such accommodation in the near future.

9.1.8 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 1204 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 was last used as office accommodation and two of the three new buildings would be used for the provision of PBSA. 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 across Clay Pit Lane and Woodhouse Lane. Improvements to Merrion Way brought forward by other developers of student accommodation in the area have helped to improve accessibility to the universities further. The development will bring forward improvements to footways around the site and provide a contribution of £729,624 towards off-site highway and environmental improvements in the area.

Whereas there are some residential properties within Queen Square 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, leisure 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 (paragraph 9.3 below).

## 9.2 Townscape and heritage considerations

9.2.1 As described at paragraph 2.3, the site is located in the setting of several listed buildings and the setting of the Queen Square 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 Section 72 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 Following on from earlier designation as a Prestige Development Area, the Tall Buildings SPD identified that there could be the opportunity for a cluster of tall buildings in the area to the north of the Merrion Centre and this possibility has been reflected most recently by the construction of White Rose View (17 and 27 storeys) and Altus House (37 storeys). As a proposed 38 storey building, Block A responds to the opportunity afforded by the SPD, directly abutting the Inner Ring Road and acting in tandem with Sky Plaza building on the west side of Clay Pit Lane as a gateway into the City Centre from the north.
- 9.2.3 From Queen Square conservation area, and from the setting of more distant heritage assets, Block A would appear as a point element, emerging behind, and stepping up in scale from lower buildings in the foreground such as the proposed multi-use events' building and Hepworth Point. Despite its scale, given the distance and the presence of intervening buildings which lead the eye towards a high point, the building would not have an adverse impact upon the listed buildings within Queen Square or the conservation area itself. Looking northwards up Brunswick Terrace the tower would appear as a dramatic counterpoint and waymarker to the side of the much lower arena building. Further, when viewed from greater distances the building would complement the cluster of tall buildings in this part of the city. The crystalline, planar form, utilising high levels of reflectivity in the external façade of Block A would catch light, create movement and reinforce the relationship of the new tower with the arena.
- 9.2.4 Ground level views of the arena frontage are currently largely unrestricted across Clay Pit Lane from the west and north-west albeit views of the arena when approaching from the north are limited due to the topography and alignment of Clay Pit Lane and the presence of Lloyds Bank offices. However, as noted at 9.1.2 it has been anticipated that development proposals would come forward on the “development plots” at some stage. At the same time, it is considered important to retain views of the front of the arena which has become an iconic symbol of the city since its construction. Accordingly, uninterrupted lines of sight from the west side of Clay Pit Lane, aligned with the central axis of the arena, were established as early parameters to be maintained as part of any development. As a corollary, the edges of the proposed new buildings either side of these constraints would help frame and reinforce views of the arena frontage and in doing so, improve its setting. The introduction of additional mass in this area suggested by LCT would have an adverse impact upon the townscape and result in the loss of additional trees and views of the arena.
- 9.2.5 At the lowest level of the Block A fronting Clay Pit Lane, the extensive use of glazing would represent both a suitable visual base and provide light and animation around the interface with the pedestrian footway. On the elevation facing the arena, ground level and level 1 would be cut back with upper levels supported by columns extruded from the lower ground level base. The resulting void would help to moderate the proximity of the two buildings at lowest levels whilst creating an interesting interplay between the forward projection of the arena and recess in Block A.
- 9.2.6 The north-eastern frontage and entrance to the multi-use events' building would form the south-western edge to the arena piazza. Two corners of this part of the building would extend a small way onto the existing hard-surfaced arena piazza whilst, conversely, an area which currently forms the northern extent of the landscaped bund

would be removed and laid out as additional piazza space. As a consequence, the open, piazza space to the front of the arena, which would also be utilised by the events' venue, would not reduce noticeably albeit there would be a greater sense of enclosure resulting from the new buildings.

- 9.2.7 As the multi-use events' building (Building C) is submitted in outline the detailed design will be brought forward at a later stage. However, the submitted parameters establish that the building would be a maximum of 5 storeys in height with the upper masses of the building stepped towards the north-east corner. The eastern and western elevations would be positioned to respond to building lines on Brunswick Terrace and Clay Pit Lane respectively whilst the northern elevation would be located so as to ensure that key views of the arena would not be interrupted. As a result, the massing of the building would respond acceptably to the character and appearance of the adjacent conservation area and setting of listed buildings.
- 9.2.8 Alongside the parameter plans the application is supported by a Design Principles document that will guide and control detailed design of the multi-use events' building. There will be a limited palette of external facing materials which should reinforce local identity and character. Any plant equipment screening will be integrated into the building design and reflect the composition of the facades. A lighting scheme will be developed with focal lighting on entrances and feature lighting integrated into the building façade. Transparency at ground level will be maximised to enable secondary light to spill out into pedestrian areas whilst avoiding impacts on neighbouring student accommodation and highways. The building design will ensure social inclusivity. Soft landscaping will consider opportunities for green walls and green roofs to complement new street trees. Detailed building design will also need to incorporate sustainable technologies and to meet CS policies.
- 9.2.9 Further to Members' comments at pre-application stage the development of Block B has also been cognisant of the important relationship with listed buildings and the Queen Square conservation area. Existing trees and soft landscaping at the junction of Clay Pit Lane and Merrion Way would be retained. Beyond the landscaping the building would comprise 4 elements stepping up from 7 storeys at the most westerly element. The set-back from the road and retained landscaping combined with the narrow gable end, would ensure that the scale of the building, which would represent a transitional mass between Block C and the taller Merrion House to the south, would not appear dominant within the conservation area to the west. The introduction of glazing into the gable end would also improve the relationship of the building to the conservation area. Block B would then step up in height incrementally towards the taller buildings to the east such that the tallest elements would be comparable, though a little taller than the lower White Rose View tower on the east side of Brunswick Terrace. Moving north along Brunswick Terrace towards the arena piazza, the scale of the building would then drop down to 16 storeys respecting its relationship with the arena.
- 9.2.10 The principal grid of Block B would be faced in panels of terracotta. A tonal change in colour through the separate elements of Block B is would positively respond to the different contexts. As such, the western component would utilise a brown terracotta in response to the tones of buildings within Queen Square and Merrion House; the eastern components would utilise off-white terracotta, responding to the more contemporary buildings to the east, whilst the central element along Merrion Way be coloured to transition between the two. This element would utilise a tighter grid and be set back so as to help break up the overall mass of Block B.

- 9.2.11 The base of the Block B would have a taller ground level storey height with extensive glazing allowing views into the more active entrance and amenity spaces fronting Merrion Way. This arrangement would return onto the Brunswick Terrace frontage, albeit the northern end would contain much of the plant rooms which require access from the highway. The crown of Block B would be represented by extended parapets to appropriately terminate the mass. Whilst details of the materials for all buildings would ultimately form the subject of a condition requiring full size mock-up panels to be erected it is considered that the approach to the materiality and appearance of Block B would be complementary to the Queen Square Conservation Area and Merrion Way. As a result, the development would enhance the setting of the listed buildings and conservation area.
- 9.2.12 The submitted Built Heritage statement identifies the Yorkshire Bank as a non-designated heritage asset (NDHA) which it assesses to be of low, local significance. Officers agree that the overall aesthetic is "largely derived from its form and the finish of cladding", but do not agree that it demonstrates "architectural approaches and materials typical for its type during this period". It is an unusually expressive building which has more in common with the 1960's grade II listed Bank House on King Street than contemporary 1980's offices. Both buildings are examples of New Brutalism in the use of high-quality external cladding. The elementary geometric forms and compositions, the monumentalisation of secondary elements such as the stair cores and dualism of solid and void, are characteristics shared with Bank House. The stepped plan of the offices above the fortress-like curtain wall to Clay Pit Lane recalls Bank House and helps to give the Yorkshire Bank a strongly contrasting three-dimensional form. As a result, it is considered that the building possesses high aesthetic value and by adding the bank's historical value as an illustration of Leeds' emergence as the financial regional capital in the last quarter of the 20th century, it places the building at the top rank of NDHAs.
- 9.2.13 In respect of 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" (NPPF paragraph 203). The proposal will result in the demolition and consequently the total loss of the significance of the Yorkshire Bank building. The proposed buildings in its place (Blocks B and C) would maintain the present perception of enclosure to the eastern side of Queen Square whilst, through the distribution of mass and the approach to materiality and colour (Block B), the new buildings would respond positively to the setting of listed buildings and the Queen Square conservation area itself. Further, the increased use of glazing to the elevations of Block B would present a more appropriate lightweight appearance to the building which contrasts with the monolithic bulk of the Yorkshire Bank. Other public benefits of the development include the delivery of a multi-purpose events' building able to accommodate conferencing facilities, which has been a long-term aspiration of the Council; the economic benefits of up to 150,000 visitors per annum visiting such a facility to the city such as support to local hotels and shops; employment opportunities in both the construction and operation of the three new buildings; and the improvement to the character of neighbouring streets through the provision of street trees. Cumulatively, such benefits are considered to outweigh the loss of the Yorkshire Bank building.
- 9.2.14 LCT commented that insufficient consideration has been given to masterplanning and massing of the development overall. For instance, there needs to be an overarching public realm strategy for the whole of the arena "forecourt". Officers do not concur with this position. The distribution of scale and mass around the site has been the subject of detailed contextural analysis, review and revision through an iterative process resulting in the current proposals which, with the requirement to bring forward three separate buildings, has led to an appropriate outcome in terms of massing,

design and space. Further, specifically in terms of the approach to public realm, a Landscape Strategy has been provided that will help to provide a suitable setting for the wider development.

9.2.15 Subject to the selection of appropriate high-quality facing materials for Blocks A and B and appropriate development of detailed design for Block C, the proposals would provide high quality, contemporary architecture and enhance the setting of listed buildings and the Queen Square conservation area. The development would also frame views of the arena enhance views and help to activate the piazza space and Clay Pit Lane. 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 developments in recent years, the 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.

9.3.3 As intended, the development of the arena has been a catalyst for substantial investment in the area during the last decade. Therefore, what was for many years an office-focused area, around the mixed-use Merrion Centre, is continuing to witness a transformation comprising a mix of PBSA and private rental apartments, alongside the introduction of additional leisure uses. Such changes include the redevelopment of Merrion House; refurbishment of the northern side of the Merrion Centre and the associated introduction of leisure uses along Merrion Way. The resulting Arena Quarter, despite the recent concentration of student accommodation, is now a mixed-use area supplementing the mix of uses in the Merrion Centre on the northern fringe of the City Centre.

9.3.4 Further to paragraph 9.1.8 it is not considered that existing local residents would be adversely affected by student accommodation in the proposed locations 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 existing businesses within the City Centre. Further, the development's proximity to both the main university campuses is such that more established, residential communities around Little London and Lovell Park beyond the Inner Ring Road would not be adversely affected by the development. Whereas the intended letting period for the PBSA element of 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.

9.3.5 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.

9.3.6 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.

9.3.7 City Plans Panel has previously approved the following student accommodation developments in the wider area:

- Vita St Alban’s Place, in which the smallest studio 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.
- 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 20sqm 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).
- 140-142 Briggate (House of Fraser) where the studio flats would range from 20-32sqm. 3, 4, 5, 7 and 8 bedroom clusters would contain en-suite bedrooms 12.5-17.0sqm with 26.0-46.8sqm kitchen / living spaces. A total of 369 bedrooms would be supported by internal communal space (466sqm) and external space (1,008sqm)(22/00774/FU).

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.

- 9.3.8 The format of the proposed student accommodation in the development is comparable to the PBSA schemes referred to above. In Blocks A and B the studios would be 20-23sqm, each having a largely conventional layout with washing facilities located closest to the door, a sleeping area in the centre and living facilities nearest to the proposed full height windows. The cluster bedrooms (13-16sqm) would be arranged in a similar fashion. The five bedroom clusters would be supported by 30sqm kitchen/dining rooms whilst the six bedroom clusters would be supported by 32sqm kitchen/dining rooms. In Block A the kitchen/dining rooms would be located on the northern and southern corners of the building enabling open views across the city. In Block B most of these spaces would be located on the gable ends of the building providing dual aspects and improved daylighting into these rooms. As a result, each of the bedrooms and supporting spaces would meet or exceed the thresholds identified in the draft SPD.
- 9.3.9 Areas of dedicated amenity space for use by students would be provided primarily within the lower levels of the PBSA buildings. Since consideration of the pre-application proposals the area of shared internal amenity space for Block A has been increased from 581-714sqm for the 714 student bedspaces. Block B would contain 490 student bedspaces and provide 498sqm of communal internal amenity space. Residents of Block B would also benefit from areas of roof terrace and a private external courtyard.
- 9.3.10 Student bedrooms would be located throughout the upper floors of both Block A and Block B. The floorplan in Block A has been carefully arranged so as to avoid direct views from bedrooms towards the arena so as to mitigate the visual impact of the building, including from lighting displays. Consequently, those on the east side of the building would benefit from open views to the north across the Inner Ring Road or to the south across the arena piazza. The rooms facing west would look out across Clay Pit Lane and beyond.
- 9.3.11 The need for the multi-use events' building (Block C) to be a separate building to Block B introduced a number of constraints. However, the floorplan and building masses of the two have been manipulated such that the closest bedroom directly facing the events' building to the north would be at a minimum distance of 13.1m, though up to 17.1m should the building be smaller, as allowed by the parameter plans. Rooms in the northern limb of Block B facing west would look out across the proposed courtyard space between the buildings towards Clay Pit Lane and Queen Square beyond. The stepped form of both Blocks B and C further mitigates the juxtaposition of the structures to ensure that living conditions within bedrooms in terms of daylight, outlook and overlooking would be acceptable.

- 9.3.12 Due to the proximity of Block A and Block B to major roads and Leeds Arena, together with the potential noise-generating uses within the multi-use events' building, a noise assessment has been submitted and reviewed by Environmental Studies. The details confirm that, subject to implementation of the identified measures which include ventilation proposals, the accommodation would not be unduly affected by road traffic noise. 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. Furthermore, the Air Quality report confirms appropriate measures to ensure that the development would not adversely affect air quality.
- 9.3.13 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.
- 9.3.14 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 City Centre location close to the many amenities offered and is readily accessible by a range of modes of transport, 815m from the central bus station and 900m from the railway station. The development itself would be fundamentally car-free supporting the sustainable approach to parking provision advocated in the City Centre in the Parking SPD. Further, the relationship of Blocks A and B to highway corridors, pedestrian routes and public spaces, limits the opportunities for dedicated parking albeit a single space for disabled students would be provided directly to the north of Block B. Visitors to the multi-use events' building are expected to utilise existing car parking facilities distributed around the City Centre in common with the established practice for the arena.
- 9.4.2 The PBSA development, accommodating 1204 students, would result in additional pedestrian and cycling movements to and from the universities and public transport nodes, placing greater demands on existing and proposed highway crossings and footways along these routes. Similarly, the multi-use events' building would attract significant additional pedestrian movements from public transport nodes and City Centre car parks. Other than for the removal of the existing pedestrian route immediately north of the Yorkshire Bank the width of all footways would be maintained or widened. Recent student developments in the area have contributed towards improvements to St Alban's Place, Belgrave Street, Wade Lane and Merrion Way in order to mitigate the impact of those schemes by developing a more pedestrian friendly environment. As a consequence, and in common with the recent purpose-built student developments in the locality, a developer contribution of £729,624 towards the improvement of pedestrian and cycling facilities in the area will be secured by the legal agreement.
- 9.4.3 A detailed travel plan has been provided for the PBSA element of the scheme which has been reviewed and is considered acceptable. Long-stay bike storage areas would be provided in both Blocks A and B to meet likely demand (143 spaces in Block A and 98 spaces in Block B). Additionally, a total of 20 visitor cycle parking spaces would be provided adjacent to the two buildings. The development's travel plan coordinator

would investigate the setting up of a bicycle user group and promote cycle routes and initiatives, alongside promoting the health and financial benefits of cycling. Whereas a full travel plan will be secured by condition for the multi-use events' building, travel plan review fees for both elements (£10,516 for the PBSA and £3,429 for the multi-use events' building) will be secured by the legal agreement.

9.4.4 Each of the buildings would be serviced independently from Elmwood Close, Brunswick Terrace and / or a new layby on Merrion Way, as appropriate, which is considered acceptable so as to avoid the use of Clay Pit Lane. Due to the development's proximity and relationship to the arena the detailed servicing strategies to be developed need to be fully cognisant of the security measures that need to be maintained around it.

9.4.5 5% of the PBSA would be designed to be accessible and easily adaptable to meet the needs of a wheelchair user (38 wheelchair accessible rooms in Block A and 25 in Block B). A choice of accessible studios or rooms in shared cluster units would be available for students. Entry to the student accommodation would be via the primary entrances from Clay Pit Lane and from Merrion Way. Pedestrian approaches around the boundary of the sites would follow the existing topography graded to provide level access. Level changes, where necessary, have been designed to satisfy the provision for access as outlined in Approved Document Part M. Landscaping areas and approaches to the buildings would be lit.

9.4.6 Entrance doors to buildings would be designed for people to use at all times without requiring assistance. Each building would have a principal entrance which will be designed to meet the Building Regulations Part M standards and would include:

- Level landings;
- Manifestation to glazed screens and doors, dependent on their detailed design, with entrance doors providing at least one metre clear opening width;
- Entrance doors are to be glazed and their presence will be made apparent, with appropriate signage;
- Any intercom will be located to suit all users (including wheelchair users) and have a speech reinforcement system;
- Transitional lighting between the exterior and interior of the building;
- A large mat (or similar) to remove water from shoes and wheels of wheelchairs and buggies;
- Highly reflective internal finishes will not be specified.
- All access control heights are set to comply with BS 8300 guidance
- Level access would be gained from the entry point to the central lift core of each building in order access to all levels of both PBSA buildings
- A level access point from Elmwood Close would be provided so as to ensure an accessible entrance into Block A for people with limited mobility arriving by taxi.

9.4.7 The submitted Access Statement confirms that the application proposals have been designed in such a way to apply inclusive design principles to both the external and internal environments and to create a safe and secure environment which will be user friendly in order to meet the needs of all users. The approach takes into account Part M of the Building Regulations, BS8300, the Accessible Leeds SPD and CS policy T2. A similar approach will be required for the multi-use event's building when reserved matters details are provided.

9.5 Landscape and public realm

- 9.5.1 As detailed at paragraph 9.1.2 when the land was assembled to develop the arena two parcels of land fronting Clay Pit Lane were identified as potential development plots which, when developed, could frame the space and provide opportunities to introduce uses to help activate the arena piazza. As it was not possible to develop these areas at the time, they were designed to serve a number of visual and security functions on a temporary basis utilising areas of soft landscaping and tree planting. Their subsequent development inevitably results in the loss of much of these temporary features albeit the proposals seek to mitigate their loss primarily through new tree planting around peripheral areas and enhancing ground conditions for retained trees.
- 9.5.2 The proposed development would come forward in three distinct phases and the planting and landscaping would follow a similar regime. Block A to the north of the arena piazza is likely to be constructed first. 6 trees fronting Clay Pit Lane and 6 planters as part of the arena landscape scheme would be removed to enable the development of Block A. However, 5 trees to the south of Block A would be retained and supplemented with 12 new trees of varying sizes in the remaining soft landscaped area immediately to the south of the new building which would also accommodate new seating and wind mitigation baffles. This area would be designed as a garden space where people can find respite from Clay Pit Lane and the wider, hard surfaced, arena piazza space. 3 trees would be planted in the space adjacent to the steps to the north of Block A and 1 tree planted between Block A and the arena, replacing those planted as part of the arena planting scheme. 3 additional trees would be planted in the central reservation along this stretch of Clay Pit Lane and a minimum of 6 street trees in the footway outside Block A so as to create a green edge to the pedestrian environment and in order to enhance this section of Clay Pit Lane.
- 9.5.3 The existing trees in the raised planter west of the Yorkshire Bank would be retained, though pruned to enable space for construction of Block B. To the east, the condition of existing trees flanking the west side of Brunswick Terrace has deteriorated since the road was re-laid during the construction of the arena and one tree has died and been removed. The remaining 5 trees would be removed to enable construction of Block B. 4 new trees would be planted as part of this phase in improved tree pits to re-establish the line which follows the pedestrian route from Merrion Way towards the arena and, in future, the events' building. 4 new large canopied trees would be planted to the south of Block B to extend the existing line of trees fronting the northern side of Merrion Way. New low level ornamental planting would further strengthen the green infrastructure south of the building. The landscape strategy identifies the potential for 10 street trees on the southern side of Merrion Way so as to soften existing expanses of paving and to create an avenue of trees and an enhanced setting to Block B. Small and multi-stem trees would be planted within lawned and hard surfaced areas in the new private courtyard space to the north of the building.
- 9.5.4 Prior to construction of the events' building, cleared land not forming part of Block B would be soft landscaped with an extensive area of lawn, with the existing grass bund on the southern side of the arena piazza extended alongside Clay Pit so as to provide a usable space with an appropriate and secure arrangement during this interim period.
- 9.5.5 The construction of the events' venue would necessitate the removal of the landscape bund and temporary landscaping. 8 street trees are proposed on Clay Pit Lane, providing a visual link with those provided alongside Blocks A and B and, in doing so, providing a significant improvement to the character and appearance of the street. A tree would also be provided to the east of the building to replace an existing dead tree in the line of 4 at the southern edge of the arena piazza.

9.5.6 The scope for provision of several of the replacement trees is identified as being subject to further investigation of below ground utilities. However, such conditions are not unusual in the City Centre and landscape strategy notes that some utilities may need to be routed through underground tree cells. Subject to planting conditions, the tree planting along Clay Pit Lane is proposed to be *Sorbus incana* (silver whitebeam). *Tilia tomentosa* 'Silver Globe' (silver lime) are proposed along Merrion Way, whilst *Acer Platanoides* (Norway maple) are proposed on Brunswick Terrace.

9.5.7 In general, planting species selected will be robust, low maintenance and able to withstand periods of drought, air pollution and windy conditions whilst also offering an attractive aesthetic and seasonal interest. Ultimately, the proposed planting strategy would help to mitigate for the loss of trees and temporary landscaped space around the site whilst also helping to moderate the scale of the proposed development and providing wider environmental and sustainability benefits. As such, the development would accord with CS policy P12, NRWLP policy Land 2 and UDPR policy LD1.

## 9.6 Safety and security

9.6.1 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. The new development is being designed with consideration to Secured by Design principles and in liaison with the counter-terrorism security advisor.

9.6.2 The lower levels of Block A would introduce a new active frontage onto this section of Clay Pit Lane thereby helping to create a safer environment for pedestrians using this route. There would also overlooking of the space to the east, providing improved passive surveillance down Elmwood Close and the footpath that runs to the north of the arena. Similarly, rooms within the building would overlook the arena piazza thereby reducing the opportunities for crime.

9.6.3 The existing Yorkshire Bank building was purposely designed with a very limited active frontage due to its function. Block B would replace much of the southern extent of this footprint with new active frontages creating interaction with neighbouring streets. The addition of street trees would further improve the character of the environment from a vehicle-dominated one to one which is more pedestrian-friendly.

9.6.4 The detailed design of the events' building will follow at a later stage in the planning process. However, there are likely to be active frontages along Clay Pit Lane with the main entrance to the building positioned on the arena piazza resulting in far more use of this open space. Existing security measures relating to the arena will be maintained and enhanced in delivery of the events' building.

## 9.7 Sustainability and Climate Change

9.7.1 The CS environmental policies are designed so that new development contributes to carbon reduction targets and incorporates measures to address climate change concerns following the Council's declaration of a climate emergency in 2019. 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 (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 Due to the security requirements when designed as a bank the building has a deep plan and reinforced construction with limited openings and, consequently, the existing building is not readily adaptable, including for student accommodation use. A sustainability statement submitted with the application confirms the intended approach to meeting CS policies for the PBSA, noting that a separate statement will be provided for the multi-use events' building at reserved matters stage.

9.7.3 In order to limit energy demand and CO2 emissions the following design features will be integrated into the PBSA buildings:

- Enhanced fabric led approach and material specification
- Use of efficient mechanical and electrical systems including roof-mounted air source heat pumps to generate hot water and use of electric panel heaters for heating accommodation
- Block A would utilise 100sqm of photovoltaic panels that would provide nearly 10% of the building's annual lighting requirements whereas Block B would have space to install approximately 400 sqm of photovoltaic panels that would run over 40% of that building's annual lighting load
- Mechanical heating and cooling for communal and management areas using variable refrigerant flow (VRF) systems
- Whilst it is not currently commercially or technically viable to extend the district heating network, heat source systems will be designed in a manner to accept future connection to the network. Adequate work entry points into each plantroom will be detailed to enable future installation of the district heating pipework

The proposed heating strategy combined with the low and zero carbon technology would enable a reduction in emissions of at least 20% beyond Building Regulation requirements.

9.7.4 The PBSA buildings will be designed to ensure consumption of potable water will be below 110 litres / person / day. It will include the following features:

- 'A' rated appliances will be selected for dishwashers and washing machines for their water saving capabilities
- Specification of efficient water fixtures throughout the scheme (low flow taps and showers, dual flush WCs)

Meanwhile the development would be designed to reduce surface water run-off to 60% of the existing rate through the use of sustainable drainage systems. Green/brown roof areas extending over 785sqm would be introduced on Block B providing biodiverse green infrastructure, supplementing new drought tolerant and flood resistant planting elsewhere around the development.

9.7.5 The PBSA development will contribute towards making more efficient use of non-renewable material resources and to reducing the lifecycle impact of materials used in construction. This will be achieved by using:

- Materials with low environmental impacts, such as recycled and reclaimed materials. The BRE Green Guide to Specification (BRE 2000) will be used to calculate the maximum transport distance for reclaimed materials
- Responsibly sourced materials from suppliers operating an Environmental Management System or procuring timber verified by either the Forest Stewardship Council (FSC) or Programme for the Endorsement of Forest Certification standard (PEFC)

- Local sourcing of construction materials where feasible and viable, which will minimise the impact of carbon dioxide emissions associated with the transportation of materials
- Reuse of materials will be prioritised where applicable
- Materials containing or emitting toxic substances, such as volatile organic compounds (VOCs) or formaldehyde, will be avoided as far as possible

9.7.6 Additionally, best practice techniques will be adopted to prevent and minimise waste during the design and construction phases of the development. The operational waste strategy for the scheme focuses on the segregation of waste at source, in order to maximise the potential for residents and visitors to recycle. All residents would be provided with guidance on recycling and health and safety practices related to the management and storage of waste. The proposed strategy will include:

- Dual compartment bins for each student bedroom to encourage the occupants to segregate their waste at source into general waste and recyclables
- Refuse bins will be 1100litre capacity euro bins (for general waste and recyclables)
- Building management will be responsible for transferring the waste from the student accommodation to the loading bays for collection, and a mix of Council and private services will be responsible for the collection of all domestic waste.

9.7.7 Whilst the development is close to the amenities provided within the City Centre, and the universities are also located within walking distance of the student accommodation, the development is also supported by a Travel Plan designed to encourage sustainable travel options. A developer contribution of £729,624 would further enhance pedestrian and cycling facilities and connections in the area.

9.7.8 As a result of the proposed measures the PBSA development would accord with CS policies EN1 and EN2 and positively respond to the Climate Change Emergency.

## 9.8 Wind

9.8.1 Due to the height of the buildings the applicant developed the building massing and architecture in conjunction with input from a wind consultant from a formative stage in the design process. The application was supported by a wind study which was reviewed by Tobermory Consultants on behalf of the Council.

9.8.2 Tobermory confirmed that the combined wind tunnel and computational fluid dynamics modelling was an appropriate approach for the wind study given the scale and height of the proposed development. The results show that there is an existing location on the pavement outside the Unite Sky Plaza building on the west side of Clay Pit Lane where the 15m/s safety criterion is currently breached albeit this is not unexpected given the scale of that development. Similarly, the only existing uncomfortable wind conditions are in the same location.

9.8.3 With the construction of the development and the proposed wind baffles around the base of Block A, the wind conditions around the three buildings would generally remain similar to those existing. Conditions on site would be generally suitable for use. A slight increase in windiness would arise to the east of Block A, between the new building and the Arena, with summer comfort conditions rising from “standing” to “walking”. However, Tobermory agree that the implementation of the proposed tree planting and soft landscaping scheme would be likely to improve conditions further at ground level. Conditions on the roof terraces of block B are rated as “standing” in summer, and so would only be suitable for limited activities. Off-site wind conditions would become a little calmer at the main entrance to the Leeds Arena, but would be

unchanged adjacent to Sky Plaza, although the duration of these extreme winds would reduce slightly following the development.

- 9.8.4 As the development would be phased, an additional scenario was tested when Block A has been constructed and the Yorkshire Bank demolished. This testing demonstrated that there would be no new wind issues during interim phases. Consequently, the development would not give rise to unacceptable wind conditions such that it would accord with CS policy P10 and UDPR policy GP5.

## **9.9 Planning Obligations and CIL**

- 9.9.1 A legal test for the imposition of planning obligations was introduced by the Community Infrastructure Levy Regulations 2010 (as amended in 2019). These provide that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

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

- 9.9.2 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, 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 review fee of £10,516 for the student developments and £3,429 for the multi-use events' building so as to accord with the Travel Plan SPD;
- Contribution of £729,624 towards highway/environmental improvements to improve cycling and pedestrian access to accord with Core Strategy policies, SP11, T2 and CC3;
- 24-hour public access through the site;
- Local employment and training initiatives so as to accord with Core Strategy Spatial Policy 8; and;
- Section 106 management fee (£900).

As the Council is a landowner it is not possible to enter into a s106 Agreement with ourselves. Therefore, a s111 Agreement under the Local Government Act 1972 would be utilised to bind the developer to enter into a s106 Agreement (in an agreed form) once the land has been transferred.

- 9.9.3 This development is liable to the Community Infrastructure Levy (CIL) and is likely to generate a CIL charge of £265,029.58. 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 the Council's 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.

## **9.10 Conclusion**

- 9.10.1 The provision of a multi-purpose events' building, able to accommodate conferencing facilities, has been a long-held aspiration of the Council. Similarly, the development

of two parcels of land to the front of Leeds Arena has been an objective of the Council since the land assembly to bring forward the arena. Following the sale of the Yorkshire Bank, the relationship between the parcels of land created the opportunity for a land exchange between the Council and Downing that would facilitate development of each of these areas; enabling the Council to bring forward the multi-purpose events building and the developer to bring forward purpose-built student accommodation.

- 9.10.2 The development will result in a visual change within the setting of the listed buildings within the Queen Square Conservation Area and result in the loss of the Yorkshire Bank, a non-designated heritage asset. However, the development will enhance the setting of the listed buildings and conservation area and this, together with other public benefits of the scheme, outweigh the loss of the Yorkshire Bank.
- 9.10.3 Subject to final details regarding materials and detailed architectural design the proposed development would provide high quality, contemporary, architecture which would animate and improve the appearance of the local townscape.
- 9.10.4 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 demolition, construction and subsequent operation of the buildings.
- 9.10.5 The development of this sustainably located site would have an acceptable impact upon highway and pedestrian safety and provide sustainable transport choices. The public realm around the site would also be improved.
- 9.10.6 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.
- 9.10.7 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 3 and the completion of a Section 111 agreement.

## Appendix 2 – Minutes of City Plans Panel 2<sup>nd</sup> September 2021

The Chief Planning Officer submitted a report which set out detail of a pre-application presentation for a proposed mixed-use scheme comprising two student residential accommodation buildings and a multi-use event building on the site of Yorkshire Bank, Merrion Way and land fronting Clay Pit Lane, Leeds LS2 8NZ.

Site photographs, plans, a model and materials were displayed and referred to throughout the discussion of the application.

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

- Site / location / context
- The site is located within an area which was designated as a Prestige Development Area in the 2001 Unitary Development Plan where large scale, landmark, buildings were encouraged at a gateway into the City Centre. The Tall Buildings SPD, adopted in 2010, identified the area in which the site is located as having an opportunity for a cluster of tall buildings.
- Adjacent to Conservation Area (Grade II Listed Buildings located in Queen Square)
- The Yorkshire Bank Building dating from the early 1980's is clad in granite and embodies the solidity of a bank, symbolising Leeds' regional commercial position and is considered a non-designated heritage asset.
- The proposal - Redevelopment of Yorkshire Bank offices at 20 Merrion Way and two parcels of land to the north situated between Clay Pit Lane and Leeds Arena. The development would involve the demolition of the existing office building and the construction of a multistorey student residential accommodation development fronting Clay Pit Lane, Merrion Way and Brunswick Terrace; a second student accommodation building located between Clay Pit Lane and Elmwood Close and a multi-use event building abutting Clay Pit Lane to the west of Leeds Arena.
- Block A, would have a singular, symmetrical form comprising 11 angled facets. The building would rise to 38 storeys and contain 728 student bedrooms in a mix of 6-bedroom clusters (59%) and 296 studios (41%). The building would be serviced from Elmwood Close with the principal entrance point on Clay Pit Lane
- Block B, would be U-shaped, rising incrementally from the western 3 storey limb adjacent to Clay Pit Lane, to 7, 12 and 18 storeys along Merrion Way. The building would contain 543 student bedrooms, in a mix of 5 and 6-bedroom clusters (60%) and 216 studios (40%).
- The multi-purpose event building, located to the north of Block B, would have a total floor area of approximately 9,900sqm incorporating a main exhibition area of approximately 3,000sqm; a conference space of circa 1,700sqm; an 800-900 capacity auditorium; pre-function circulation space and bar areas; and supporting ancillary spaces.
- Form of the buildings and its relationship with the Leeds Arena (Views of the main frontage to be retained)
- Landscaping / public realm/ retain public access areas/ increased tree count
- All student accommodation meets emerging space standards
- The development would address climate change proposals and would include air source heat pumps and photovoltaic cells
- Materials - Block A would be planar, faced in polished anodised aluminium with flush panels of clear glazing and ventilation panels. Block B, the external grid of the majority of this building would utilise a white masonry finish, projecting forward and framing the secondary layer of glazing and panelling behind. The central, 12-storey, element would sit a little further back and would employ a tighter grid than neighbouring elements. The lowest limb of the building, facing Clay Pit Lane, would utilise a similar expressed grid but finished in brickwork in response to its relationship with Queen Square.

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

- Could more details be provided about the low/zero carbon emission proposals.
- Could the area of greenspace at the northern end of the Yorkshire Bank building be retained
- A number of Members expressed concern about Block A's relationship to the Arena building, it was too tall, blocked views, over-shadowed and detracted from the Arena building
- The shimmering effect of the building had the potential to create dazzle

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

- The design, construction and operation of the buildings would seek to achieve low/ zero carbon emissions and would include a full electric system, incorporating; air source heat pumps, photovoltaic cells, the inclusion of specific mitigation design features and the procurement of locally-sourced sustainable materials
- The architect confirmed that the area of greenspace at the end of the Yorkshire Bank building would be looked at again
- The architect said that although the footprint of Building A was small, the tall, elegant crystal tower (130m in height) and unique in design would create an important counter point to the Arena whilst also retaining the view of the entrance
- Members were informed that a report on the potential of dazzle would be provided

In offering comments, Members noted the following:

- Members were generally impressed with the design of the crystal tower but expressed concern that the tower was too tall, it would create over-shadow and would detract from the Arena building. This was not the right location for the crystal tower
- One Member suggested that any proposals for the northern development plot that entailed development above 7 storeys would block the views of the arena
- There was a need to see further design details about the multi-use event building
- The quantum of purpose-built student development in this area was a concern, particularly in light of changes to studying plans and arrangements resulting from the Covid-19 pandemic and Leeds is not just to be regarded as a student city. There was a need for strategic consideration of the levels of student accommodation being provided to avoid creating problems for the future
- The loss of greenspace/ trees was a concern, as well as open space for the public congregating in advance of visiting the Arena

In offering comments on the questions poised in the Officer Report:

- Members considered the loss of office accommodation and proposed use of the sites for a multi-use events' building and student accommodation was acceptable in principle. The amount and density of student accommodation in the area was highlighted as a concern.
- Members were supportive of the approach towards living conditions for the student accommodation
- Members did not support the proposed scale and form of Block A and had concerns about the appearance of Block B. Further design details about the multi-use event building were required
- Members considered the development's proposed provisions for transportation and accessibility were acceptable
- Members did not support the approach to green space and landscaping around the development, particularly the loss of trees

- Members were supportive to the approach to sustainable development

The Chair thanked the developers for their attendance and presentation suggesting that Members welcomed iconic designs, but on this occasion the location was not right

**RESOLVED –**

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

### **Appendix 3 – Minutes of the City Plans Panel meeting 25<sup>th</sup> November 2021**

With reference to the meeting of 2<sup>nd</sup> September 2021 when Members received a pre-application presentation for a proposed mixed-use scheme on the site of Yorkshire Bank, Merrion Way and land fronting Clay Pit Lane, Leeds LS2 8NZ.

In the discussion that followed Members raised the following concerns at the 2<sup>nd</sup> September 2021 meeting

- Members considered the loss of office accommodation and proposed use of the sites for a multi-use events' building and student accommodation was acceptable in principle. The amount and density of student accommodation in the area was highlighted as a concern.
- Members did not support the proposed scale and form of Block A and had concerns about the appearance of Block B. Further design details about the multi-use event building were required
- Members did not support the approach to green space and landscaping around the development, particularly the loss of trees

The Chief Planning Officer submitted a further report which set out detail of a revised mixed-use scheme comprising two student residential accommodation buildings and a multi-use event building on the site of Yorkshire Bank, Merrion Way and land fronting Clay Pit Lane, Leeds LS2 8NZ.

Site photographs, plans and a virtual fly through were displayed and referred to throughout the discussion of the item.

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

- Site / location / context
- Former Yorkshire Bank site, the site had now come forward for disposal
- Currently there was a significant amount of development taking place around the Leeds Arena site
- The proposed revised scheme offered a potential land swap opportunity with the City Council
- Members were informed that the Leeds Arena building was never designed as a focal point
- The revised proposal - Block A would be retained as previously proposed, a 38 storey building comprising 720 student bedspaces with external surfaces finished in planar facets of clear glazing and polished anodised aluminium panels.
- Block B - The revised proposals remove the previously proposed limb facing Clay Pit Lane, a reduction in the length of the Merrion Way elevation, fragmentation of the limb fronting Brunswick Terrace and reconfiguring this part of its mass to form a part 20, part 16 storey element. As a consequence of these changes the number of student bedspaces in this building would reduce from 543 to 490. Further, the reduction in the floorplate enables the existing trees in the planter at the junction of Merrion Way and Clay Pit Lane to be retained. In terms of materiality, it is now intended to use large panels of terracotta to form the principal grid of each of the elements of Block B.
- The modified multi-use building would be brought forward at a later date, in common with the approach taken in developing the arena, this part of the application would be in outline with parameters for the building scale agreed, supported by a design code document establishing key principles of design and appearance.

There were no questions raised by Members

In offering comments, Members noted the following:

- In general Members were supportive of the revised proposal
- One Member said he was not entirely happy
- Members were supportive of the of the design of the tower block A
- Members welcomed the reduced massing of block B, allowing the Arena to be seen was viewed as a positive
- Members welcome the retention of some of the existing trees
- Members welcomed the suggestion to re-use the granite from the former Yorkshire Bank building within the proposal
- The connectivity/ links throughout the scheme were supported

In offering comments on the questions posed in the Officer Report:

- In general, Members were supportive of the proposed scale, position and form of Block A
- Members were supportive of the revised scale, position and appearance of Block B
- Members were supportive of the revised footprint of the multi-use building and the approach to landscaping

The Chair thanked the developers for their attendance and presentation of the revised proposals

**RESOLVED –**

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

## Appendix 4 – Minutes of City Plans Panel 11<sup>th</sup> August 2022

The report of the Chief Planning Officer presented a hybrid planning application for the demolition of Yorkshire Bank, Merrion Way and the construction of two student residential accommodation buildings and a multi-use events building on the site of the Yorkshire Bank, Merrion Way and land fronting Leeds Arena, Clay Pit Lane, Leeds.

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

Further issues highlighted in relation to the application included the following:

- The application sought the demolition of the existing Yorkshire Bank building, the construction of two multi storey student accommodation blocks and outline permission for a multi-purpose events building. Pre-application presentations had been received by the Panel in September and November 2021.
- The site fell within the city centre boundary and the proposals were appropriate for the area.
- The scale of the proposed buildings was appropriate for the area which was mentioned in the tall buildings design guide.
- Views of the site from surrounding areas were displayed.
- It was proposed to phase the development with the first two phases being the student accommodation blocks.
- There would be landscaping with additional tree planting.
- Floor plans of the proposed student accommodation buildings were shown. Room sizes met guidelines.
- CGI images of the proposed buildings were displayed and Members were shown samples of the proposed materials to be used.
- The proposed multi-purpose events building would be equivalent to seven storeys in height.
- The site was not in a flood risk area but there was a need to manage the drainage of surface water.
- A revised report was currently under consideration by the Nature Conservation officer.
- There was ongoing discussion with the Health and Safety Executive regarding fire safety.
- There had been objections to the application, primarily due to the provision of a multi-purpose events venue. These related to the impact of the multi-purpose events building on Harrogate. An assessment had been provided which indicated 1% of trade would be diverted away from Harrogate and 6% from Harrogate Convention Centre.

The Panel heard objections from a representative of the Harrogate Convention Centre. These related to the proposals for a multi-purpose events centre and included the following:

- There was no objection to the student accommodation blocks.
- The main objection was the absence of consultation between Leeds City Council with Harrogate Convention Centre and Harrogate Borough Council regarding the proposals. It was not believed that the impact on Harrogate had been assessed and that the economic assessment case was flawed, inaccurate and out of date.
- It was felt that the negative impact on Harrogate had been underestimated by 15%.
- There had been a strong relationship between the Convention Centre and Leeds City Council and it was surprising that there had not been any consultation.

· In response to questions, the following was discussed:

o Although there had not been a formal planning consultation with Harrogate Borough Council regarding the submitted application, prior to submission of the application, there had been contact between Leeds City Council Director of City Development and the Chief

Executive of Harrogate Borough Council regarding the proposals which had invited engagement and Harrogate Convention Centre had been made aware of this.

o Harrogate Convention Centre stated that they had been made aware of the proposals prior to the submission of the application but the size of the multi-use event space had increased when the application was formally submitted. It was hoped that there could be a deferral to allow for consultation to take place.

The applicant's representative addressed the Panel. The developer had been working on the scheme for two and a half years and was aware of the initial contact with Harrogate Borough Council. The scheme was compliant with policy and included an assessment of the impact in Harrogate. In response to questions from the Panel, the following was discussed:

- It was hoped to salvage some of the material from the Yorkshire Bank Building and there may be opportunity for re-use within the public realm works.
- The material for the second student accommodation building would be terracotta with a colour palette to work with the listed buildings opposite. There was some concern expressed regarding the use of dark grey colouring.
- It had not yet been decided whether the phases of building would overlap.
- Concern that there would be a visual impact on the view of the arena.

The legal officer advised the Panel that statutory duties had been satisfied in terms of consultation and that the Council had gone beyond that by making initial contact with Harrogate Borough Council so they were alerted to the application at concept stage.

In response to questions and comments from the Panel, the following was discussed:

- A city the size of Leeds should have a conference facility of the size proposed.
- An independent report had concluded that there would not be a significant adverse impact on Harrogate.
- Policy required an assessment for the provision of conference facilities and the assessment carried out was considered to be acceptable.
- The illustrative white block for the multi-purpose event centre was just to demonstrate the maximum parameters.
- There had not been an initial objection as it was thought that the size was smaller than the maximum size now proposed.
- The proposal for the multi-purpose events building was not just for conferences. There was opportunity through the planning process to control the kind of activity at the centre.
- The developer would commence works on the student accommodation as soon as possible should the application be approved.

A motion was made to defer the application for further consideration to be given to the objections that had been submitted. This was seconded and voted on.

**RESOLVED** – That the application be deferred

## **Appendix 5 – Draft conditions**

1 The development of the detailed phase of development (either Block A or B) 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 Approval of the following details (hereinafter referred to as the reserved matters) shall be obtained from the Local Planning Authority, in writing before the development of the outline phase (Block C) is commenced.

Layout  
Scale  
Appearance  
Landscaping

Plans and particulars of the reserved matters shall be submitted utilising a planning application form and shall be carried out as approved.

*As only outline details have been submitted of the reserved matters, they are reserved for subsequent approval by the Local Planning Authority.*

3 Application for approval of all reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development of Block C hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be agreed.

*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.*

4 Reserved matters applications shall be submitted in accordance with the limits specified in the approved parameter plans 10331-SHP-ZC-A-B5D8-F900-EL-XX-001, 10331-SHP-ZC-A-B5D8-F900-EL-XX-002, 10331-SHP-ZC-A-B5D8-F900-PL-XX-002, 10331-SHP-ZC-A-B5D8-F900-PL-XX-003 10331-SHP-ZC-A-B5D8-F900-PL-XX-005, 10331-SHP-ZC-A-B5D8-G100-SE-AA-001 and 10331-SHP-ZC-A-B5D8-G100-SE-BB-001 and the principles in the approved Design Principles document 10331-SHP-RP-CP45.

*For the avoidance of doubt.*

5 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.*

6(a) Prior to the commencement of any phase (including any demolition, site clearance, groundworks or drainage etc.) all existing trees to be retained within or adjacent to that phase of development site shall be fully safeguarded during the course of the demolition, building works and landscaping in accordance with the guidance of British Standard 5837 (Guide for Trees in relation to Construction), or with the particulars specified in details which shall first have been submitted to and approved in writing by the Local Planning Authority. NOTE Only the BS5837 default barrier with the scaffold framework shall be employed. Such measures shall be retained for the full duration of any demolition and/or approved works.

(b) No works or development shall commence until a written Arboricultural Method Statement (AMS) in accordance with BS5837 for a tree care plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The AMS shall include:

- (i) a methodology for construction of tall buildings next to retained trees.
- (ii) a Site Supervision Schedule i.e. a list of site visits and the operational specifics related to trees for the full construction duration.
- (iii) reporting back to the Local Planning Authority immediately after each site supervision intervention (written & photographic).

Works shall then be carried out in accordance with the approved AMS.

NOTE this item cannot be discharged until the last supervision visit report for each relevant phase is submitted.

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

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

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

(f) The protective enclosure shall be retained in position until all equipment, machinery or materials for that phase have been removed from the site.

*To ensure the protection and preservation of retained on and off-site trees during construction work.*

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

*To protect nesting birds in vegetation.*

8 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.*

9 If remediation is unable to proceed in accordance with the approved Remediation Strategy, or where significant unexpected contamination is encountered, the Local Planning Authority shall be notified in writing immediately and operations on the affected part of the site shall cease. The affected part of the site shall be agreed with the Local Planning Authority in writing. An amended or new Remediation 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 relevant phase of development 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.*

10 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 relevant phase of development 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.*

11 Any soil or soil forming materials brought to site for use in soft landscaping, public open space or for filling and level raising shall be tested for contamination and suitability for use for each phase. 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.*

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

- (a) the construction vehicle routing, the means of access, location of site compound, storage and parking (including workforce parking), means of loading and unloading of all contractors' plant, equipment, materials and vehicles and associated traffic management measures;
- (b) the measures to ensure existing neighbouring operations, including Leeds Arena, are accommodated during the construction process;
- (c) the methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development;
- (d) measures to control the emissions of dust and dirt during demolition and construction; and
- (e) how this Statement of Construction Practice will be made publicly available by the developer.

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

*In the interests of amenity and highway safety.*

13 The hours of demolition or construction including deliveries and waste collection for each phase of development shall be restricted to 08:00 to 18:00 hours Monday to Friday, 08:00 to 13:00 hours Saturdays, with no activities on Sundays and Bank Holidays, unless otherwise agreed in writing in advance by the Local Planning Authority in exceptional circumstances.

*In the interests of amenity.*

14 No phase of development, including demolition, shall commence until a survey of the condition of Clay Pit Lane, Elmwood Close, Lovell Park Road, Wade Lane, Tower House Street, Brunswick Terrace and Merrion Way has been submitted to and approved in writing by the Local Planning Authority. Following completion of the relevant phase of development a survey of those highways shall be submitted identifying their condition, together with a schedule of remedial works to rectify damage identified as a result of construction traffic associated with the relevant phase of the development to the highway identified between the two surveys. The approved mitigation works shall be fully implemented prior to first occupation of the relevant phase of development. In the event that a defect is identified during other routine inspections of the highway that is considered to be as a result of construction traffic associated with the relevant phase of the development and 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.*

15 Notwithstanding the submitted information development of the building superstructure of each phase shall not commence until typical detailed 1:20 scale (or other appropriate scale) working drawings of the following features have been submitted to and approved in writing by the Local Planning Authority:

- (a) ground level entrances and external doors;
- (b) soffits;
- (c) glazing, including framing and curtain walling;
- (d) windows including heads, cills, reveals and perforated screens and vents;
- (f) material junctions;
- (g) parapet detail, rooftop balustrades and rooftop equipment;

The works shall be constructed in accordance with the approved details. For the avoidance of doubt, reveal depths in Block B shall be a minimum of 200mm.

*In the interest of visual amenity and in providing a high quality design.*

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

*In the interests of visual amenity.*

17 The relevant phases of development shall not be occupied until all areas shown on the approved plans to be used by vehicles, including roads, footpaths, cycle tracks, loading and servicing areas and vehicle parking spaces for that phase have been fully laid out, surfaced and drained such that loose materials and surface water does not discharge or transfer onto the highway. These areas shall not be used for any other purpose thereafter.

*To ensure the free and safe use of the highway.*

18 The off-site highway works shown on drawing xxxxxx comprising the reinstatement of the existing vehicular access to the office on Merrion Way, new layby on Merrion Way, tree planting and footpath resurfacing along Merrion Way shall be implemented and completed prior to first occupation of Block B.

*In the interests of visual amenity, connectivity and to ensure the free and safe use of the highway.*

19 Full details of cycle parking and facilities for each phase shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the superstructure of each phase of development. The relevant phases of the development shall not be occupied until the approved cycle parking and facilities have been provided. The approved facilities shall thereafter be retained for the lifetime of the development.

*In the interests of sustainable travel.*

20 No phase of development shall be occupied until a Servicing and Delivery Management Plan (including timescales and detailed loading bay proposals) for that phase has been submitted to and approved in writing by the Local Planning Authority. The plan shall be fully implemented and operated in accordance with the approved timescales.

*To ensure the free and safe use of the highway, to protect the amenities of nearby residents and to ensure coordination with other operations.*

21 No student residential phase of development shall be occupied until a Student Management Plan detailing the start and end of year arrangements for moving in and out of the premises for that phase has been submitted to and approved by the Local Planning Authority. The relevant phase of development shall thereafter be operated in accordance with the approved details.

*To ensure the free and safe use of the highway.*

22 The disabled parking shown on the approved plans shall be laid out and fitted with an electric vehicle charging point prior to first occupation of Block B and thereafter retained for the lifetime of the development.

*In the interests of accessibility.*

23 Prior to commencement of the construction of the multi-use event building a full travel plan shall be submitted to and approved in writing by the Local Planning Authority. The travel plan thereby approved shall be implemented in accordance with the approved details and timescales.

*In the interest of sustainable transport.*

24 Prior to the commencement of the cladding of the building of each phase details shall be submitted to and approved in writing by the Local Planning Authority of integral bat roosting and bird nesting features (for species such as House Sparrow) within the relevant building. 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 relevant phase of the development and retained thereafter.

*To maintain and enhance biodiversity.*

25 Prior to the commencement of on and off-site hard and soft landscape works for each phase details of these works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

- (a) proposed finished levels and/or contours including details of any changes to the line or level of the existing adopted footway around the site;
- (b) walls and retaining walls including to proposed planters;
- (c) other pedestrian access and circulation areas;
- (d) hard surfacing areas;
- (e) gates and railings
- (f) minor artefacts and structures (e.g., street furniture including seating and bicycle anchor points, balustrades, bollards, directional signs, external lighting, CCTV and litter bins including recycling bins);
- (g) freestanding wind baffles;
- (h) proposed and existing functional services above and below ground (e.g. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes etc.).

Soft landscape works shall include:

- (i) planting plans;
- (j) written specifications (including cultivation and other operations associated with plant and grass establishment);
- (k) tree pit and planter details;
- (l) schedules of plants noting species, planting sizes and proposed numbers/densities;
- (m) implementation programme; and
- (n) details of interim landscaping following the demolition of Yorkshire Bank.

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

26(a) Further to condition 25 full details of the load bearing cell type rooting zone using proprietary structures for trees in hard landscape shall be submitted and approved in writing

by the Local Planning Authority. The details shall be fully in accordance with Leeds City Council guidance on urban tree planting and shall be completed in accordance with the implementation programme. The details shall include:

- (i) proprietary soil cell structures to support paving over extended sub-surface rooting areas
- (ii) Soil cell volume /soil volume calculations
- (iii) specification of topsoil including additives and conditioners
- (iv) Tree grilles and guards and means of anchoring root balls. Built-in Root Irrigation Pipe system with end cap and aeration system.
- (v) Passive and / or active irrigation including directed use of grey water / roofwater or surface water infiltration to benefit planted areas. Details of distribution system and controls
- (vi) Tree grill details
- (vii) drainage system for tree pits.
- (viii) Where applicable -details of protection measures for statutory utilities and drainage
- (ix) Works shall then be carried out in accordance with the approved details.

(b) To ensure full compliance, a brief report on the installation of the rooting zone structures, including supporting photographic evidence, shall be submitted to the Local Planning Authority when the works are still “open” to allow Local Planning Authority inspection prior to any surfacing works.

(c) A 3 year irrigation programme for the trees (in accordance with BS 8545-2014 Trees from Nursery to Independence) shall be submitted to the Local Planning Authority for approval in writing. Confirmation of irrigation compliance shall be submitted to the Local Planning Authority on a quarterly basis for the full 3 year programme period.

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

27 Prior to the demolition of the existing office building an interim hard and soft landscape scheme and implementation programme for the area to be cleared shall be submitted and approved in writing by the Local Planning Authority. The scheme thereby approved shall be implemented in accordance with the agreed details and implementation scheme unless otherwise approved in writing by the Local Planning Authority.

*To ensure the provision of amenity afforded by appropriate landscape design during the period between demolition of the existing building and construction of Blocks B and C.*

28 All hard and soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations and BS 8300:2009 +A1:2010 Design of buildings and their approaches to meet the needs of disabled people. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.

*To ensure the provision and establishment of acceptable and accessible landscaping.*

29 The relevant phase of development shall not be occupied until a plan, schedule and specification for landscape management for the lifetime of the development 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.*

30 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.*

31 The development shall deliver a minimum of 0.86 Habitat Biodiversity Units and 0.13 Hedgerow Biodiversity Units in accordance with the Biodiversity Report dated 15/03/22 by JCA Ltd Ref: 17220a/MB. Within 6 months of the commencement of development a Biodiversity Enhancement & Management Plan (BEMP) shall be submitted to and approved in writing by the Local Planning Authority. and include details of the following:

- a) Description and evaluation of features to be managed and enhanced
- b) Extent and location/area of proposed habitats and Biodiversity Units on scaled maps and plans
- c) Ecological trends and constraints on site that might influence management
- d) Aims and Objectives of management to include Target Biodiversity Units and Condition Criteria
- e) Appropriate management Actions for achieving Aims and Objectives
- f) An annual work programme (to cover an initial 5 year period)
- g) Details of the specialist ecological management body or organisation responsible for implementation of the Plan
- h) How the Plan is to be funded
- i) For each of the first 5 years of the Plan, a progress report sent to the Local Planning Authority reporting on progress of the annual work programme and confirmation of required Actions for the next 12 month period
- j) The Plan will be reviewed and updated every 5 years and implemented for perpetuity

The Plan shall also set out how contingencies and/or remedial action will be identified, agreed and implemented when necessary. The approved Plan will be implemented in accordance with the approved details.

*To ensure the long-term protection and enhancement of biodiversity.*

32 Prior to first occupation of the development a Biodiversity Monitoring Programme and Monitoring Report carried out by an appropriately qualified ecological consultant shall be submitted to and agreed by the Local Planning Authority. It shall include the first Monitoring Report and specify the frequency and timing of subsequent Monitoring Reports to cover a minimum 30 year period to be submitted to the Local Planning Authority. The Monitoring Report will include the following:

- a) Confirmation of the number of Biodiversity Units present based on a survey at an appropriate time of year and how this compares to the 0.86 Habitat Biodiversity Units and 0.13 Hedgerow Biodiversity Units as per the Biodiversity Report dated 15/03/22 by JCA Ltd Ref: 17220a/MB 28.60
- b) Where the Target Condition is not yet met provide an assessment of time to Target Condition for each habitat and any changes to management that are required
- c) How the monitoring is funded and the specialist ecological body responsible

- d) Confirmation by photographs that all integral bird nesting and bat roosting features are in place as approved

Subsequent Monitoring Reports will be submitted to the Local Planning Authority at time-scales stated in the Monitoring Programme and where remedial measures or changes in management are required these will be addressed in the subsequent BEMP annual work programmes.

*Upon completion of habitat creation works, to ensure Biodiversity Units are delivered as agreed in the approved BEMP for perpetuity.*

33 Prior to the occupation of Block B an Ecological Design Statement for Bio Solar Green Roofspaces as shown on ZB - Roof Landscaping Plan ref. 10331-SHP-ZB-A-B5D8-G200-PL-RF-002 dated May 2022, together with substrate details and planting specifications and timescales for implementation shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall be implemented in full in accordance with the implementation details.

*To provide biodiversity enhancements.*

34 The development of Blocks A and B shall be undertaken in accordance with the documents listed below unless an alternative scheme is submitted and approved in writing with the Local Planning Authority. The works shall be fully implemented in accordance with the approved scheme before the relevant phase of development is brought into use, or as set out in the approved phasing details.

I. Report – Phase 1 Geoenvironmental Site Assessment, (Rep Ref: 14-969-R1), (Rev: Version 2), E3P, dated 1 March 2022.

II. Report – Drainage Strategy Report, (Rep Ref: 221-075), (Rev: P03), AJP Ltd, dated 13 July 2022.

III. Other – FRM Returned Comments for Application 22/01889/FU, dated 13 July 2022.

IV. Other – FRM Returned Comments for Application 22/01889/FU, dated 18 August 2022.

*To ensure sustainable drainage and flood prevention*

35 No phase of the development shall commence until details and a method statement for interim and temporary drainage measures for that phase of the demolition and / or construction phases 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 ensure satisfactory drainage and pollution prevention during the demolition and construction phases.*

36 Before the development associated with the outline planning element (Site C) of the hybrid application commences, the detailed SuDS based Drainage Scheme based on the principles of The SuDS Manual (C753) with design criteria as set out within the Councils Minimum Development Control Standards for Flood Risk shall be submitted and approved in writing by the Local Planning Authority as part of the reserved matters application. The

application shall provide suitable drainage drawings, summary calculations and results of all investigations detailing the surface water drainage works as required. The maximum rate of discharge, off-site, shall be as close to greenfield as feasible but not exceed 16.8 litres/second and be in line with the drainage strategy as set out within the Drainage Strategy Report (Rep Ref: 221-075, Rev: P03, AJP Ltd, dated 13 July 2022) or shall be consistent with the Council's Minimum Development Control Standards for Flood Risk and the Lead Local Flood Authority's requirements for Major Development, unless otherwise agreed in writing with the Local Planning Authority. The works shall be implemented in accordance with the approved scheme before that phase of the development is brought into use.

*To ensure satisfactory drainage.*

37 There shall be no discharges of surface water flows from Block C until written confirmation has been submitted Yorkshire Water Services or any other third party involved to allow the laying of any sewer across third party land and discharge of the design (acceptance of proposed rates and an agreed point of connection) surface water flows to the sewer.

*To ensure satisfactory drainage.*

38 The approved noise protection and ventilation scheme for the student accommodation in Block A and Block B comprising the AEC Noise Assessment P4391/R1c/NRS and Abacus Ventilation Report L1480-ABA-ZZ-ZZ-RP-M-(57)-0001 shall be implemented in full prior to the occupation of any student dwelling within the relative phase and shall be retained and maintained thereafter.

*In the interests of residential amenity.*

39 The approved external extract ventilation system / air conditioning plant shall be installed and maintained in accordance with the approved details prior to the first occupation use of the relevant building. The system 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. The system shall be installed and maintained in accordance with the approved details and retained for the lifetime of the development.

*In the interests of residential amenity.*

40 No entertainment use (including uses within Use Class E(b) or E(d) shall commence within Block C 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.*

41 Details of any external extract ventilation system in Block C shall be submitted to and approved in writing by the Local Planning Authority prior to its installation and the system shall be installed and maintained in accordance with the approved details.

*In the interests of visual and residential amenity.*

42 Deliveries and waste collections shall be restricted to 0800-1800 hours Monday to Saturday and 1000-1800; hours on Sundays and Bank Holidays.

*In the interests of residential amenity.*

43 Block C shall (the multi-use events' venue) shall only be used between 0800 hours and 2300 hours on a daily basis.

*In the interests of the amenities of the occupiers of the nearby accommodation.*

44 The student residential accommodation buildings shall be constructed in accordance with the measures detailed in section 6.2.4 of the WSP Air Quality Assessment 70085233 and thereafter retained and maintained as such.

*In the interests of the amenities of the occupiers of the student accommodation.*

45 No external lighting shall be installed unless a scheme for the relevant phase of development 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.*

46 Prior to the commencement of the above ground superstructure of Building A, a medium intensity obstacle lighting scheme designed for the safety of air traffic shall be submitted to and approved in writing by the Local Planning Authority. The approved system shall be installed prior to first occupation of Building A and thereafter maintained in accordance with the approved details.

*In the interests of aircraft safety.*

47 The relevant phases of the development shall not be occupied until the bin stores relating to that phase have 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.*

48(a) The student accommodation in Block A shall not be occupied until the dedicated internal communal student space identified on drawing 10331-SHP-ZA-A-B5D8-G200-PL-00-001, 10331-SHP-ZA-A-B5D8-G200-PL-01-001 and 10331-SHP-ZA-A-B5D8-G200-PL-02-001 has been provided for the use of students residing in the building.

(b) The student accommodation in Block B shall not be occupied until the dedicated internal communal student space identified on drawing 10331-SHP-ZB-A-B5D8-G200-PL-00-001 has been provided for the use of students residing in the building.

The spaces 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.*

49 Each phase of development should be designed so as to enable a future connection to the district heating network.

*In the interests of sustainability.*

50(i) Block A and Block B shall be implemented following the principles set out within the Element Sustainability Sustainability Statement 2021.137 March 2022. For the avoidance of doubt, the student accommodation shall not exceed a water standard of 110 litres per person per day.

(ii) Within 6 months of the first occupation of the relevant phase of accommodation a post-construction review statement shall be submitted and approved in writing by the Local Planning Authority.

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 measures.*

51 The reserved matters application confirming the scale or layout of Block C shall include full details of proposed sustainability measures for that phase of development.

*To ensure the inclusion of appropriate sustainable design measures for Block C.*

52 The reserved matters application confirming the scale or layout of Block C shall include a fire statement for that phase of development.

*To ensure that satisfactory fire safety information is submitted and appropriate fire safety measures incorporated in that phase of development*

53 Prior to the commencement of the construction of each phase 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 relevant building; to protect the structure and fabric of the building; and also the public realm around the site during construction and following completion. The measures thereby approved shall be implemented prior to first use of each phase of the development and thereafter retained and maintained.

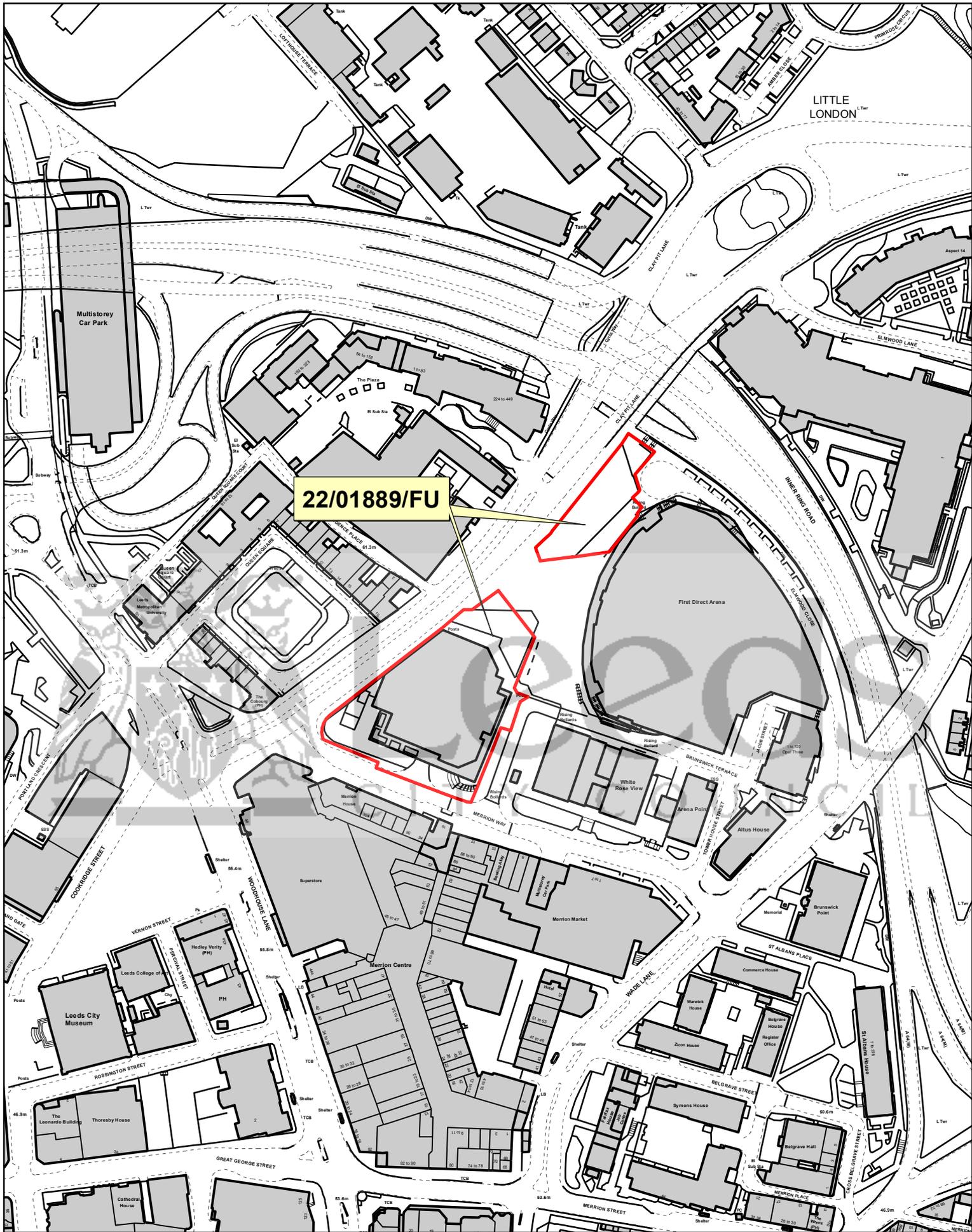
*In the interests of security and public safety.*

54 The student accommodation in Block A shall not be occupied until the wind mitigation measures identified in the Arcaero Wind Microclimate Report 1690273rep1v2 have been implemented. The measures shall thereafter be retained and maintained.

*In the interests of pedestrian and highway safety.*

55 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any provision in any statutory instrument revoking or re-enacting that Order, Block C shall only be used as a multi-use events' venue enabling such uses as live entertainment, conferences, ceremonies, banqueting and exhibitions and shall not be used for any other use without the benefit of planning permission.

*To control uses which could harmful to the vitality and viability of the City Centre and to ensure any new uses accord with the requirements of the Core Strategy.*



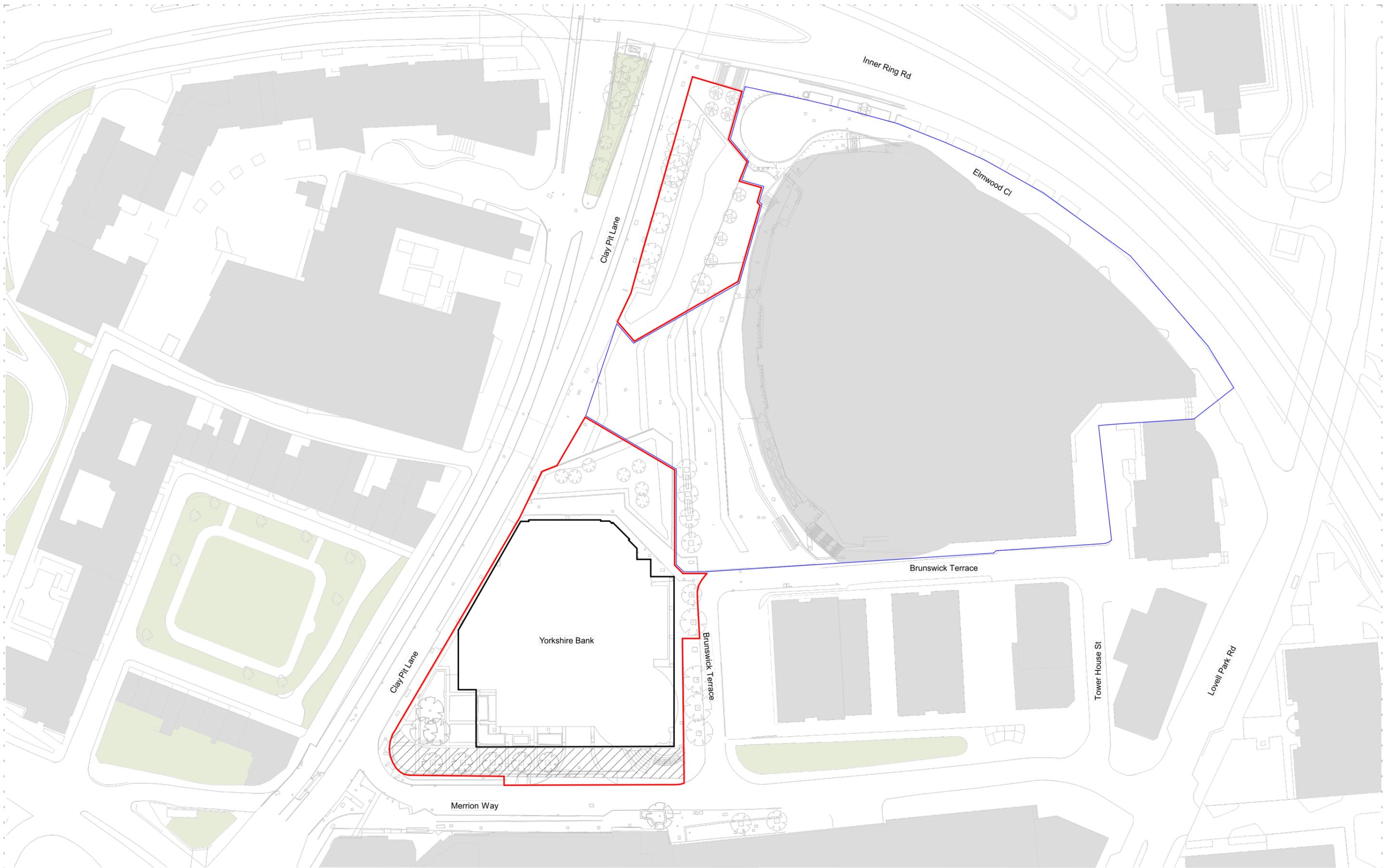
# CITY PLANS PANEL

© Crown copyright and database rights 2022 Ordnance Survey 100019567

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

SCALE : 1/2500





DO NOT SCALE OFF DRAWING REFER TO INDICATED DIMENSIONS ONLY.  
 DRAWING TO BE READ IN CONJUNCTION WITH SHP SPECIFICATION.  
 INDICATIVE DETAILS TO ILLUSTRATE VISUAL INTENT ONLY. ALL TO CONTRACTORS DESIGN.  
 ALL DETAILS TO BE COORDINATED WITH ADJACENT TRADES AND SEND MHE ENGINEER DETAILS.  
 THE CONTRACTOR IS RESPONSIBLE FOR MEETING THE SPECIFIED PERFORMANCE CRITERIA.

**Red Line Planning Boundary**  
 Adjacent land in the applicant ownership

**Yorkshire Bank**

**Easement Area**



Merrion Way	10331-SHP-Z0-A-B5D8-G100-XP-XX-001	
PLANNING ISSUE	March 2022	P01
Z0 - Existing Site Location Plan	10331	1:1000 @A3

**simpsonhaugh**  
 Manchester +44 (0)161 835 2345  
 London +44 (0)20 7549 4000



Key  
 Planning application boundary

09.06.22 all site removed and replaced next to the Arena  
 Date: 09.06.22 Description of revision: Drawn by: Checked by: Approved/Revision by: PO2

**re-form**  
 landscape architecture

Tower Works, Globe Road,  
 Leeds LS11 5QG  
 T: +44 (0)113 245 4695  
 E: info@re-formlandscape.com  
 W: re-formlandscape.com

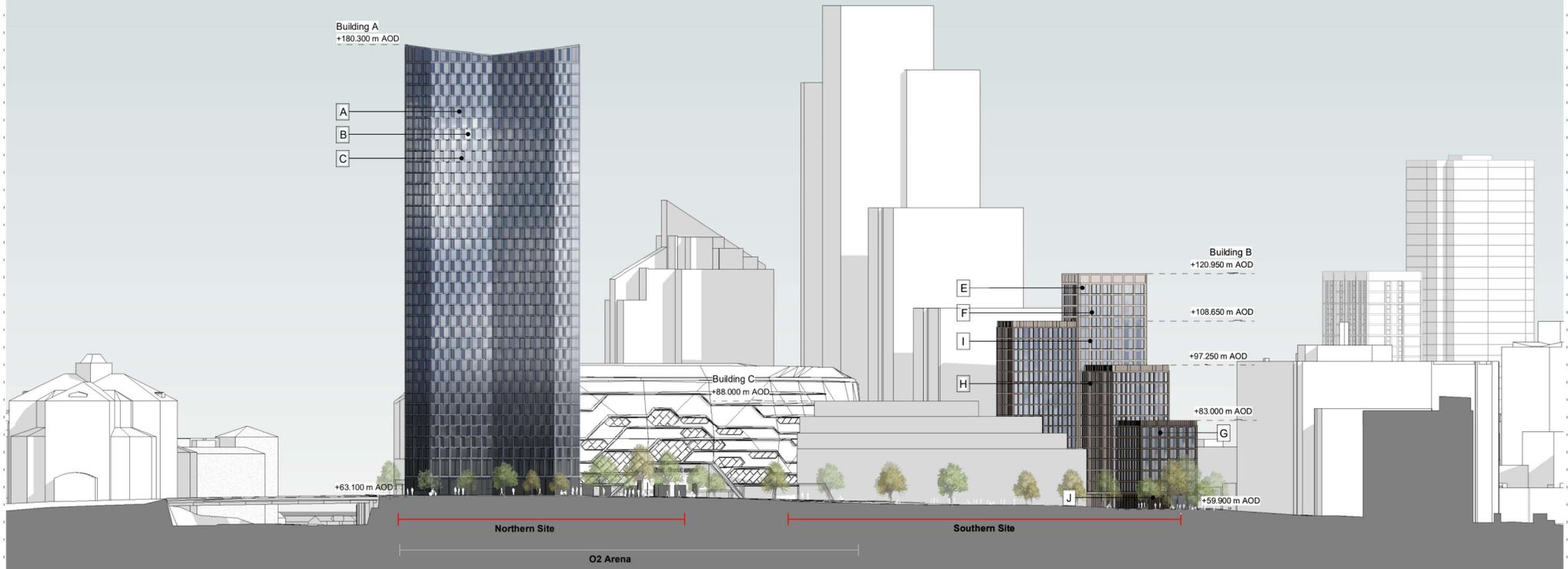
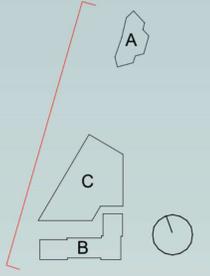
**Project**  
 MERRION WAY/CLAY PIT LANE  
 RF21-889

**Client**  
 DOWNING LIVING (MERRION) LTD  
 PARTNERSHIP INCORPORATED

**Document title**  
 ILLUSTRATIVE SITE PLAN

**Paper size** A1 **Scale** 1:500  
**Status** FOR INFORMATION **Revision** S2  
**Drawing number** RFM-XX-00-DR-L-0009 **Revision** PO2  
 © re-form landscape architecture





DO NOT SCALE OFF DRAWING REFER TO INDICATED DIMENSIONS ONLY.  
 DRAWING TO BE READ IN CONJUNCTION WITH SHP SPECIFICATION.  
 INDICATIVE DETAILS TO ILLUSTRATE VISUAL INTENT ONLY. ALL TO CONTRACTORS DESIGN.  
 ALL DETAILS TO BE COORDINATED WITH ADJACENT TRADES AND RELATED ENGINEER DETAILS.  
 THE CONTRACTOR IS RESPONSIBLE FOR MEETING THE SPECIFIED PERFORMANCE CRITERIA.

<b>A</b> Polished Anodised Aluminium unit (unitised)	<b>D</b> Brick Cladding - Dark grey	<b>G</b> Terracotta Cladding Panel - Type 01	<b>J</b> Louvre system - Anodised aluminium
<b>B</b> Clear glazed vision unit (unitised)	<b>E</b> Clear glazed vision unit	<b>H</b> Terracotta Cladding Panel - Type 02	<b>K</b> Flashing - Anodised aluminium
<b>C</b> Rapid purge vent - Pale Blue/Grey Anodised (unitised)	<b>F</b> Rapid purge vent - Mid Grey anodised aluminium	<b>I</b> Terracotta Cladding Panel - Type 03	

Merrion Way	10331-SHP-Z0-A-B5D8-G100-EL-EW-001
PLANNING ISSUE	March 2022 P01
Z0 - General Arrangements Site Elevation West Elevation	10331 1 : 1000 @A3

10331-SHP-Z0-A-B5D8-G100-EL-EW-001
March 2022 P01
10331 1 : 1000 @A3

**simpsonhaugh**

Manchester +44 (0)161 835 2345 London +44 (0)20 7549 4000