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**Report of the Chief Planning Officer**

**CITY PLANS PANEL**

**18 May 2023**

**Pre-application presentation of proposed development comprising demolition and replacement of an existing shopping centre with a mixed-use development comprising Class E commercial floorspace and purpose-built student accommodation (PBSA), The Core, Lands Lane, Leeds, LS1 6JB (PREAPP/22/00217)**

**Applicant – Tri-7 and Fusion Students**

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**Electoral Wards Affected:**

**Little London & Woodhouse**

Yes Ward Members consulted

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**RECOMMENDATION: This report is brought to Plans Panel for information. The Developer will present the details of the proposed development to allow Members to consider and comment on the proposals at this stage.**

**1.0 Introduction**

- 1.1 This presentation is intended to inform Members of the proposals to demolish and redevelop The Core Shopping Centre for a mixed-use development comprising commercial (retail) floorspace at ground floor level and purpose-built student accommodation above. The developer's vision is to deliver a high quality, design-led proposal with a vibrant retail and commercial offer at ground floor level, new streets and spaces, reinstating lost connectivity and successfully integrating the buildings within the heart of the historic city shopping core.
- 1.2 The applicants are Tri-7, a Real Estate investment and asset management firm and Fusion Students an operator and developer of purpose-built student accommodation.
- 1.3 The developer intends to undertake a comprehensive consultation and engagement exercise following a review of Panel's comments and subsequently plans to submit a full planning application in Autumn 2023.

## 2.0 Site and surroundings

- 2.1 The Core Shopping Centre (formerly known as the Headrow Shopping Centre) stands on the site of the former Schofields Department Store. It is bounded by The Headrow to the north, Lands Lane to the east, King Charles Street to the west with the southernmost section of the western elevation adjoining the NCP multi storey car park, the rear of buildings fronting Albion Place form the southern boundary.
- 2.2 It lies within the north of the designated City Centre and within the UDP Prime Shopping Quarter. To the north this section of the Headrow is predominantly retail with commercial business occupying upper floors. Dortmund Square is directly to the north and leads to the St Johns Centre. To the south of the site there are commercial and retail premises with a mix of historic properties and contemporary additions such as Trinity Shopping Centre. To the west lies the City Varieties Music Hall and a series of historic shopping arcades which lead through to Briggate. To the north west is The Light with an entertainment and food and beverage focused offer. To the west, retail gradually gives way to office, bars and civic uses with residential uses also featuring.
- 2.3 The buildings along the north of the Headrow are of a generally greater scale than those to the south at between 5-10 stories. The Basilica residential development at 13 stories is an exception to the typical scale of buildings along the south side of the Headrow which range from 4-5 to the west and around 3-4 stories to the east. Lands Lane and Albion Place are typically 3 storey buildings and King Charles Street ranges from 2 – 4 stories.
- 2.4 The site is within the Leeds City Centre 'Central Area' Conservation Area and there are several listed buildings in the vicinity:
- 1 Albion Place, Grade II
  - 1A Albion Place, Grade II
  - Leeds Club Premises and Basement Railings, Grade II\*
  - 4 Albion Place and attached railings, Grade II
  - 5 Albion Place, Grade II
  - 26 Lands Lane, Grade II
  - Bollard at west end Swan Street, Grade II
  - Thorntons Arcade, Grade II
  - Queens Arcade, Grade II
  - City Varieties, Grade II\*
  - Thorntons Buildings, Grade II
  - The Horse and Trumpet Hotel, Grade II
- 2.5 The Church of St John, Grade I listed is to the north of the site within the Grand Quarter Conservation Area but separated by the Broad Gate building. The Town Hall, Grade I listed, is located circa 350m to the west.
- 2.6 The site area extends to approximately 0.67 hectares. The site is on the brow of a hill and slopes from west to east, and north to south. The highest point, in the north-western corner of the site, is around 6m higher than the lowest point in the south-east corner.
- 2.7 The Core Shopping Centre comprises four above ground levels and a basement. It was constructed in the late 1980s in a postmodernist 'Leeds Look' style in red brick with horizontal string course detailing, a pitched grey slate roof, chamfered corners,

and vertical windows in a range of shapes and sizes. The Headrow elevation is of a symmetrical nature with a key feature being a large central entrance into an internal 'Mall'.

2.8 The NCP car park abuts the south west of The Core and has a bridge connection to the building. It provides vehicular access to roof top car parking from an entrance on Albion Street. The Core is currently primarily serviced from the basement which is also accessed through the NCP car park through vehicular entrance on Albion Street.

2.9 The Core is in use but has been significantly impacted by changing retail trends and shopping habits as well as the construction of Trinity and Victoria Gate Shopping Centres to the south and east. Previous attempts to rejuvenate the centre include major reconfigurations and refurbishments in 2009 and 2014 and subsequent interventions to improve access, maximise lettable space and diversify the focus of the centre away from pure retail as evidenced by the introduction of The Gym Group and the Hot Room Yoga Studio. Despite these efforts the Centre remains significantly underused with only around a third of the building occupied. Many key stores are vacant, significant sections are totally vacant and a number of other occupiers have confirmed their intention to vacate the building when their leases end.

### **3.0 Proposals**

3.1 The proposals involve a collection of three buildings occupying a similar footprint to that of the current Core building, accommodating approximately 3356 sqm retail floorspace at ground floor level, together with 809 student bed spaces above. The development reinstates an historic east west connection through the site and creates two new streets linking Lands Lane with King Charles Street. Providing pedestrian permeability and reinstating more of a fine urban grain typical of Leeds' historic core.

3.2 The three buildings reduce in scale from north to south, and generally also from west to east responding to the topography of the site and surrounding townscape character.

3.3 Building A fronting the Headrow is proposed at nine storeys. There is a six storey main element, storeys seven and eight are accommodated within a mansard roof which is slightly set back from the main elevation, the ninth floor is accommodated within a part glazed part mirrored structure set back again.

3.4 Building B is the central block and proposed at eight storeys comprising of: a five storey main element, a sixth storey setback in brick, a seventh storey accommodated within a mansard roof and the eight storey set further back from the Lands Lane elevation in a light weight glazed/mirrored structure.

3.5 Building C is the southernmost building and is proposed at seven storeys, with a five storey main element to Lands Lane, a sixth storey set back from Lands Lane in brick and the seventh storey is set back further and in a contrasting material.

3.6 Each of the building are rectangular at ground floor level with the upper floors representing an inverted horseshoe shape accommodating a first floor outdoor landscape courtyard/amenity space.

- 3.7 The buildings are proposed to be constructed predominantly in traditionally laid brick, with light brick feature detailing. Upper floors are to be metal cladded mansards with a reflective / lightweight top floor.
- 3.8 The buildings are linked by two connecting bridges of a lightweight construction located toward the western edge.
- 3.9 Running between the three new buildings are two new streets, the street to the south is the narrower of the two at 8.5m with the street to the north being of a generous 12m width accommodating tree planting, street furniture and landscaping.
- 3.10 The main entrance to the student accommodation is at the corner of King Charles Street and the Headrow. Ground floor retail and commercial units feature throughout each of the buildings providing active frontages to the Headrow, Lands Lane, part of King Charles Street as well as frontages to the north and south of each of the two new streets created by the development.
- 3.11 The existing basement is to be infilled and the connection to the NCP car park sealed off. Refuse stores, cycle storage and some plant are accommodated within the ground floor of the units with refuse collection and servicing anticipated via a King Charles Street.

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

- 4.1 The site has an extensive planning history, as would be expected for a centre of this scale dominated by shopfront and signage applications. The following details the key applications of note in the sites recent history:
- 4.1.1 The current building gained planning permission in 1986 under application ref H20/505/85 to
- ‘Demolish existing department store and erection of part 4 storey and part 3 storey shopping centre, comprising 51 shop units, 10 kiosks with court and seating area, coffee court with kiosk, sculpture court, public toilets, basement stores, loading bays and plant rooms and roof top plant areas and 44 car parking spaces’.*
- 4.1.2 The 2007 refurbishment gained consent under application 07/00528/FU ‘Change of use of retail unit to food court, alterations to frontages, 3 storey extension and reconfiguration of internal shopping area to form new and enlarged retail units’.
- 4.1.3 Subsequent evidence of efforts to adapt the offer within the centre can be evidenced by the following applications:
- 4.1.3.1 18/06192/FU ‘Change of Use of Unit RU1 to a mixed Retail (A1) and Leisure (D2)’ Approved 2018
- 4.1.3.2 18/06534/FU ‘Change of use and alterations of retail units to hotel (Use Class C1), incorporating restaurant and creation of mezzanine floor’ Approved 2019
- 4.1.3.3 20/02821/FU ‘Change of Use of Unit SU1.1 and 2.1 to a Flexible/Mixed Use Comprising Restaurants and Cafes (A3 with ancillary A5), Drinking Establishments (A4 with ancillary A5) and Assembly and Leisure (D2) Use’ Approved 2020

#### **5.0 Consultation responses**

- 5.1 LCC Highways No concerns with the principle of the development subject to acceptable servicing arrangement being proposed. Any full planning application needs to be accompanied by a Transport Statement, Student Management Plan, Servicing Management Plan and Travel Plan.

**ACCESSIBILITY – WALKING, CYCLING, PT:** The accessibility of the site should be assessed within the Transport Statement submitted with any full planning application, the site should be compared to the accessibility standards set out in the Leeds Core Strategy. The developer should assess routes to nearby universities and colleges. This assessment should be included within the Transport Statement and any areas which require improvement should be done through this application. The pedestrian routes connecting Lands Lane and King Charles Street are all at least 3m wide in accordance with previous highways comments. The footway at the northern side of Lands Lane does not match up with the remainder of the street therefore should be resurfaced through this planning application. Moreover, the footway surrounding the building is expected to be damaged through the demolition of the building; footways fronting the building should be resurfaced. A financial contribution towards pedestrian and cyclist infrastructure will be required and will be taken through the Section 106 agreement.

**INTERNAL LAYOUT / SERVICING / BINS:** The principle of on street servicing arrangements is acceptable, subject to the details being agreed at application stage.

A one way servicing route is proposed along King Charles Street, across one of the proposed roads, and back up Lands Lane. The proposed roads should be adopted if they are to be used by servicing vehicles. Bridges are proposed in between the buildings, a bridge could be positioned over the adopted highway in principle, subject to a clearance of 5.3m from footway level.

The council's refuse department will be consulted at application stage to comment on the size of the bin stores for the number of flats and commercial units.

A Servicing Management Plan must be provided with any full planning application, this must cover the following:

- Vehicle tracking for delivery vehicles entering, turning, and exiting the servicing areas;
- The number of deliveries that can take place at any one time in servicing areas;
- An explanation on how deliveries will be controlled;
- Information on the size and frequency of deliveries, what vehicles are expected and how many deliveries are expected per day?; and
- A route from the delivery area to each unit, it must be demonstrated both refuse and deliveries can be wheeled to / from each unit.

**PARKING:** Whilst the student flats will operate with no parking, it is acknowledged there is a sporadic increase in vehicular trips at the start and end of term. 3 drop off bays have been provided on King Charles Street for students moving in / out. A Student Management Plan will be required to justify the number of spaces provided, notwithstanding this, I suspect additional drop off bays will be required. The drop off bays will only be used at certain times of year, so to maximise the use of space, the drop off bays should be marked out as loading bays, they could be used for deliveries to the student accommodation.

There are 3 on-street disabled parking spaces shown on King Charles Street, the number of disabled parking spaces on King Charles Street should be maximised to ensure the site caters for disabled shoppers. On-street disabled bays cannot be

used for long stay parking, therefore would not be ideal for any students living in the flats, the developer must ensure consideration has been taken for parking for disabled students, there should be some disabled parking provided within the site (off the adopted highway) for disabled students. Any provision of long stay disabled parking needs to be fitted with an EV charger.

The provision of pedestrianised streets bypasses the current hostile vehicle mitigation (HVM) system. New HVM bollards should be proposed to prevent vehicles driving onto pedestrianised areas of the city centre, the HVM bollards must be positioned on the adopted highway to enable the council to control when bollards are at full height / dropped.

Sheffield stands are provided in between the buildings for short stay cycle parking as previously requested by highways.

There has been a cycle store proposed with 100 double stacked stands. It is unclear whether this store is proposed to cater for the whole development, however for the avoidance of doubt cycle stores for the retail, office, and student uses must be separate. There are no concerns with smaller communal cycle stores being shared between retail units. For the retail and office elements showers and changing rooms should be provided for employees.

Within the cycle store a mixture of two-tier racking and Sheffield stands will be accepted, however a minimum of 30% of the store must be in the form of Sheffield stands – this applies to all stores across the site.

**TRANSPORT ASSESSMENT AND TRAVEL PLAN:** Any full planning application must be accompanied by a Transport Statement, Student Management Plan, Servicing Management Plan and Travel Plan. The scope of the Transport Statement should be agreed with the council prior to submission.

**OFF SITE HIGHWAY WORKS:** Footways fronting the site are to be resurfaced as part of the development. Land may have to be dedicated as highway on King Charles Street to facilitate a turning head. TROs on King Charles Street will need to be amended.

**ROAD SAFETY:** Further information regarding servicing and student pick up / drop off is required before road safety can be assessed. A Student Management Plan and Servicing Management Plan are to be provided with a full planning application.

- 5.2 LCC Flood Risk Management (FRM) The application site is located within Flood Zone 1 and no specific flood protection measures are required other than to ensure a SUDS based drainage system is incorporated into the design. If the application site is in excess of 1 ha then a NPPF Flood risk Assessment will be required to support any future outline or full planning application. If less than 1 ha, then a Drainage Assessment will be required to demonstrate that the development can be adequately drained in a Sustainable manner and in accordance with the current planning policies. It is noted and assumed that the site is currently drained to the adjacent Yorkshire Water combined and surface water sewers within King Charles Street and Lands Lane and that the new development will continue to utilise these connections.

It is noted that the initial sketches identify green roofs, and the use of SUDS is welcomed by FRM. The post development surface water discharge rate should be restricted to 50% of the existing discharge rate (where currently unattenuated) or if no details or surveys can be provided to demonstrate the existing discharge rates

and off site connections, then pre development greenfield discharge rates shall be adopted, all as set out within the Leeds FRM Minimum Development Control Standards for Flood Risk (MDCSFR) which can be downloaded from here <https://www.leeds.gov.uk/docs/Minimum%20Development%20Control%20Standards%20for%20Flood%20Risk.pdf>. The level of information to be provided to support a future planning application shall be as set out within the Leeds FRM Validation Requirements for Flood Risk & Surface Water Drainage which can be downloaded from here <https://www.leeds.gov.uk/docs/Flood%20Risk%20requirements.pdf>.

Due to the nature of this Major planning application, FRM would welcome the opportunity to engage in early pre application discussion in relation to providing a fully SUDS based drainage design and to agree future discharge rates.

- 5.3 LCC Contaminated Land Team The proposed end use includes a sensitive end use (residential) and past potentially contaminative land uses have been identified which could pose a potential risk to the proposed development. Based on the available information, should a formal planning application be submitted then a minimum of a Phase 1 Desk Study report will need to be provided in support of the planning application.

Depending on the outcome of the Phase 1 Desk Study, a Phase 2 (Site Investigation) Report and Remediation Statement may also be required.

- 5.4 District Heating Network The development is within suitable distance from the Leeds PIPES district heating network to offer a viable connection. The Leeds PIPES team is happy to discuss a connection design and commercial offer when such a time demands.

- 5.5 LCC Landscape Team

**Streets:** In accordance with the NPPF, new streets should be tree-lined and opportunities taken to incorporate trees elsewhere in the development. A minimum 5m offset should be provided between tree stem and building frontage so it may only be possible to incorporate street trees in the wider new street (currently proposed as 12m wide). Additional tree planting along The Headrow and Lands Lane frontages is encouraged to provide more continuous tree cover in the city centre and a strong setting for the new buildings. Tree species shall be suitable for the paved environment and light levels, and planted at minimum Extra Heavy Standard size in tree pits with soil cell systems to achieve minimum soil volumes in accordance with Leeds City Council Urban Tree Planting guidance: <https://www.leeds.gov.uk/docs/Guidance%20Urban%20Tree%20Planting.pdf> . Tree specification for adopted streets to be agreed with LCC Forestry.

Hard landscape materials and street furniture for the new streets should match or complement the high quality materials on The Headrow and lower part of Lands Lane. Final materials expected to be dependent on whether the new streets are to be adopted by LCC Highways.

This development provides a great opportunity to resurface the upper part of Lands Lane to the junction with The Headrow which is currently heavily patched and in poor condition. The resurfacing should match the high quality lower part of Lands Lane.

Street lighting for Lands Lane is currently installed on The Core façade, similarly to other parts of the central retail area, which reduces street clutter. Re-providing street lighting on the new building façades would be preferred to installing lighting columns.

**Private amenity space:** Communal roof gardens and first floor courtyards are shown indicatively on drawings but no design detail has been provided. The orientation of these spaces appears to be suitable for good levels of sunlight. A wind assessment should demonstrate that these spaces will be comfortable for much of the year.

Communal gardens shall provide amenity features to suit the intended residents, usually at least a variety of planting and seating. The range of planting shall include trees and the gardens must be structurally designed to accommodate adequate soil depths. Medium-large trees require at least 1- 2m soil depth and soil volumes should be informed by Leeds City Council Urban Tree Planting guidance: <https://www.leeds.gov.uk/docs/Guidance%20Urban%20Tree%20Planting.pdf>

Areas of unplanted raised beds approximately 1.2m wide with at least 600mm soil depth are welcomed to support residents gardening and growing food, see Green Roof Organisation Green Roof Code: <https://www.greenrooforganisation.org/wp-content/uploads/2021/03/GRO-Code-2021- Anniversary-Edition.pdf>

An irrigation system will be required, designed in accordance with BS7562-3:1995 Planning, design and installation of irrigation schemes (Part 3: Guide to irrigation water requirements) and BS8545 2014 Trees from Nursery to Independence.

- 5.6 City Centre Management: The proposals generally look to be of a very high quality, importantly with the retention of active uses at Ground Floor level.

The existing street lighting for Lands Lane is mounted on the Core shopping centre. In the interests of maintaining a de-cluttered approach to Lands Lane, it would be beneficial to retain building mounted street lighting on the Lands Lane elevation. The same could be explored for King Charles Street.

The surface of Lands Lane, between approximately Queens Arcade and the Headrow is in a poor state of repair compared to all of the streets around it. That section of the street has not benefitted from investment since the 1990s. There is ambition to deliver a Yorkstone repaving scheme, including the planting of street trees along Lands Lane. This scheme simply continues the surface treatment south of Queens Arcade, up to the Headrow junction. Can we explore whether a S106 or S278 scheme can deliver this scheme?

Between the three buildings are two arcades/alleyways. There have been issues with anti-social behaviour and rough sleeping in similar spaces so it would be useful to include a plan for management of these spaces.

- 5.7 Access Officer: The Core has a Changing Places toilet facility, the value of the equipment associated is significant, can this be stripped out carefully when the site is redeveloped and donated to a charity or reinstated in a council or public building.

## 6.0 Policy

### 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 Location of development: 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 2 promotes a 'centres first' approach to retail, office, intensive leisure and culture, and community development to support the vitality and viability of the City Centre and other designated town and local centres.
- 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; (iii) valuing the contributions to the liver, vitality and economy of the City Centre made by the Universities, (iv) Comprehensively planning the redevelopment and re-use of vacant and under-used sites and buildings for mixed use development and new areas of public space, and (x) expanding city living with a broader housing mix.
- Spatial Policy 8 supports a competitive local economy through (ii) continuing to grow opportunities in retail and housing; and (vii) developing the City Centre as the core location for new retail 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 including at least the following: (ii) 31,000sqm of net additional retails space (comparison), following completion of the Trinity and Victoria Gate schemes. Part B encourages residential development, providing that it does not prejudice town centre functions and provides a reasonable level of amenity for occupiers. The Primary Shopping Quarter is the preferred location for convenience retailing proposals and a concentration of shops with ground floor frontages should be maintained in the Prime Shopping Quarter for reasons of vitality.
- Policy CC3 states new development will need to improve connections within the City Centre as well as with adjoining neighbourhoods to make walking and cycling easier, safer and more attractive. New development will be expected i) to make contributions and (ii) if adjacent to a route planned for improvement make appropriate route enhancements or off-site contributions.
- Policy H2 states that new housing development will be acceptable in principle on non-allocated land subject to capacity of transport, educational and health infrastructure.
- Policy H6 Part B sets out criteria relating to development proposals for purpose-built student accommodation.

- Policy P10 establishes key principles to ensure that new development is well designed to contribute positively to place making, quality of life and wellbeing.
- 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 seeks to conserve and enhance the character, quality and biodiversity of Leeds' townscape.
- 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. Developer contributions may be required for improvements to the offsite highway and pedestrian provision. Travel Plans are required to accompany planning applications in accordance with thresholds set out in the Transport SPD.
- Policy G2 seeks to increase tree cover and seeks to ensure development in the City Centre includes the planting of street trees in appropriately designed pits to increase the area of tree canopy cover.
- Policy G5(iii) requires mixed use development on sites over 0.5 hectares in the City Centre to provide the greater area of either 20% of the total site area, or a minimum of 0.41 hectares per 1,000 population of open space. Where it can be demonstrated that not all the required on site delivery of open space can be achieved contributions in lieu of provision will be required.
- Policy G9 states that development will need to demonstrate biodiversity improvements commensurate with the scale of development, including a positive contribution to the habitat network and that the design of the new development, including landscape, provides new areas and opportunities for wildlife.
- 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 EN6 relates to strategic waste management.
- Policy ID2 outlines the Council's approach to planning obligations and developer contributions.

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

#### 6.3.1 Relevant Saved Policies include:

- Policy GP5 states that all relevant planning considerations are to be resolved.
- N14 Listed building and preservation
- N18A & B Conservation area and demolition
- N19 Conservation areas new buildings
- S4 Retention of Retail Character
- CC22 Conservation
- 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 N25 boundary treatments

### 6.4 **Natural Resources & Waste Local Plan (NRWLP)**

6.4.1 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.

6.4.2 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 development to introduce new tree planting as part of creating high quality living and working environments and enhancing the public realm.

## 6.5 **Site Allocations Plan (SAP)**

6.5.1 The Site Allocations Plan was adopted in July 2019. Following a statutory challenge, Policy HG2, so far as it relates to sites which immediately before the adoption of the SAP were within the green belt, has been remitted to the Secretary of State and is to be treated as not adopted. All other policies within the SAP remain adopted and should be afforded full weight.

6.5.2 The site is unallocated in the Site Allocations Plan.

6.5.3 Lands Lane is part of the Central Leeds Pedestrian Shopping Precinct Greenspace/Civic Space designation (G2369 (CVC13))

6.5.4 There are a number of policies within the plan which are relevant:

- Policy RTC1 - Designations of Centre boundaries, Primary Shopping Areas and Protected shopping areas and protected shopping frontages.
- RTC2 Protected Shopping Frontages within the City Centre in accordance with Policy CC1 of the Core Strategy proposals for non retail uses protected shopping frontages.
- RTC4- Shopfronts. All changes of use within protected shopping frontages must:
  - 1) maintain a ground floor window display and/or shop frontage appropriate to the use of the premises at all times;
  - 2) maintain or enhance the general appearance of the existing shopping frontages in the design and materials used in any external alterations to the building façade;
  - 3) maintain or establish access to upper floors, where practicable.

## 6.6 **Supplementary guidance**

- Accessible Leeds SPD
- Transport SPD
- Draft Houses in Multiple Occupation, Purpose-Built Student Accommodation and Co-living Amenity Standards SPD
- Draft Wind and Micro-climate toolkit for Leeds SPD

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

- 6.7.1 The NPPF was updated in July 2021. Paragraph 11 states that decisions should apply a presumption in favour of sustainable development.
- 6.7.2 Chapter 5 identifies guidance for the delivery of a sufficient supply of homes for different groups including students.
- 6.7.3 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.
- 6.7.4 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.
- 6.7.5 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).
- 6.7.6 Chapter 9 identifies measures to promote sustainable transport. Paragraph 112 states that priority should be given to pedestrian and cycle movements; the needs of people with disabilities and reduced mobility addressed; creation of safe, secure and attractive spaces; allow for the efficient delivery of goods; and be designed to enable use by sustainable vehicles.
- 6.7.7 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.
- 6.7.8 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.

- 6.7.9 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).
- 6.7.10 Chapter 15 identifies guidelines for conserving and enhancing the natural environment. Development should, wherever possible, help to improve local environmental conditions.
- 6.7.11 Chapter 16 refers to the historic environment. Paragraph 197 states that local planning authorities should take account of:

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 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”.

## 6.8 Other Legislation

- 6.8.1 Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 (the “Listed Building Act 1990”) reads:  
*“In considering whether to grant planning permission... for a development which affects a listed building or its setting, the local planning authority...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”*
- 6.8.2 Similarly, Section 72 of the Listed Building Act 1990 reads:  
(1) In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.  
(2) The provisions referred to in subsection (1) are the planning Acts and Part I of the Historic Buildings and Ancient Monuments Act 1953 and sections 70 and 73 of the Leasehold Reform, Housing and Urban Development Act 1993

## 7.0 **Issues**

Members are asked to comment on the emerging proposals and to consider the following matters:

### 7.1 Principle of the development

- 7.1.1 The SAP deleted the internal facades of the 'Headrow Shopping Centre' (now the Core) from the primary shopping frontages. However, sections of the north elevation along the Headrow and the majority of elevation facing Lands Lane remain as designated Primary Shopping Frontages.
- 7.1.2 Recent changes to the Use Classes Order came into effect from 1 September 2020 and introduced Use Class E. A new "E" class has combined a number of separate classes, formerly A1 retail, A2 services, A3 restaurants, B1 business uses, as well as parts of D1 (non-residential institutions) and D2 (assembly and leisure). Notwithstanding this change, adopted policies in the SAP (RTC1 and RTC2) in accordance with CC1 Core Strategy seek to retain a predominance of retail uses within the Prime Shopping Quarter for reasons of vitality. Within the designated primary shopping frontages identified retail should comprise a minimum of 80% of the frontage length.
- 7.1.3 The proposal will result in a net loss of retail floor space through the demolition of the Core, however this loss is mitigated by the incorporation of retail and commercial units at ground floor level throughout. The proposal will deliver approximately 3356 sqm of commercial ground floor space configured in ten commercial units. As a result there is a potential net gain of active ground floor frontages due to the incorporation of the new east west streets with associated frontages.
- 7.1.4 There is likely to be a requirement for retail to dominate all ground floor external frontages, given the overall loss of retail floorspace from inside 'the Core'. The commercial strategy is not yet fixed but the developer has confirmed that the ground floor frontages along The Headrow and Lands Lane are proposed for retail use.
- 7.1.5 At application stage further discussion regarding the commercial strategy is required and there is the potential for planning conditions to be used to secure an agreed level of retail to ensure that it is not lost to other uses.
- 7.1.6 The Core currently contains a small element of office provision, but this is ancillary to the use as a shopping centre. On that basis Policy EC3 which seeks to safeguard existing employment land including offices is not considered relevant.
- 7.1.7 Policy CC1 (City Centre Development) (criterion b) supports the principle of residential development in the City Centre including change of use of existing buildings, provided that it does not prejudice the town centre functions of the City Centre and that it provides a reasonable level of amenity for occupiers. The proposal is not considered to prejudice the town centre functions of the City Centre for a number of reasons: the site is not an allocated site within the SAP; the existing shopping centre is suffering high levels of vacancy; the proposals retain and create new retail frontages at ground floor level as well as extending the public realm through the creation of new east-west streets. The principle of residential use is therefore accepted, subject to satisfying the amenity requirements for residents.
- 7.1.8 Policy H6 of the Core Strategy advises:

*B) Development proposals for purpose-built student accommodation will be controlled:*

- (i) To help extend the supply of student accommodation taking pressure off the need for private housing to be used,*
- (ii) To avoid the loss of existing housing suitable for family occupation,*

- (iii) *To avoid excessive concentrations of student accommodation (in a single development or in combination with existing accommodation) which would undermine the balance and wellbeing of communities,*
- (iv) *To avoid locations which are not easily accessible to the universities by foot or public transport or which would generate excessive footfall through residential areas which may lead to detrimental impacts on residential amenity,*
- (v) *The proposed accommodation provides satisfactory internal living accommodation in terms of daylight, outlook and juxtaposition of living rooms and bedrooms.*

7.1.9 Helpfully, an appeal (Victoria Road, APP/N4720/W/16/3145119) clarified some matters germane to the Policy when applied to this application. In paragraph 30 of the judgement it is stated that:

*‘.....On my reading, all five clauses are of equal standing and none involves a ‘gateway test’. Policy H6B requires a judgement to be made as to the extent to which a PBSA proposal would meet those objectives and does provide for a proposal to be found to be in compliance with the policy even if it would breach of one or more of its detailed clauses’*

7.1.10 Evidence provided by Arc4 suggests that the prevalence of PBSA within Leeds has resulted in less demand from students for HMOs and the need for private housing to be used. Therefore the application would comply with criteria (i) and (ii) of Policy H6.

7.1.11 The third test seeks to establish whether ‘concentrations’ of PBSA’s would undermine the ‘health and wellbeing of communities’. Crucially a strong link is made between the concept of concentrations and harm to the community. It is the harm that is being regulated/controlled. This is clarified in Paragraph 16 of the above appeal judgement.

*‘A proposal would not breach clause (iii) if there is no evidence of harm to the balance and wellbeing of communities. However, the use of the word ‘avoid’ must also provide for a PBSA to be resisted if the area in which it would be located has an existing excessive concentration which can be shown to have undermined the balance and well-being of its local communities. Clause (iii) does not refer to any particular area but is concerned with the effect on communities and the effects on more than one community can therefore be taken into consideration.’*

7.1.12 There have been a number of student residential developments completed within the north of the city centre in recent years, for example in the vicinity of the Merrion Centre. These have been successfully accommodated in a busy city centre context without causing amenity issues or conflict with existing businesses and civic uses. Purpose built residential accommodation is well managed with suitable arrangements in place for storage, servicing and site management of the accommodation. As such, although it is recognised that some permissions have been given in the area there is no evidence that they are likely to constitute excessive concentrations such that they would cause harm to the balance and wellbeing of communities.

7.1.13 With regard to the 4th test, the site is within the City Centre and is well-placed with regard to access to Leeds Beckett University, the University of Leeds, and the Leeds Arts University on foot, by bicycle or by public transport. Walking time to the

Universities are between 15 minutes and 30 minutes, the site is located within the Public Transport Access Box and has good Public Transport links. It is therefore seen as accessible.

7.1.14 The fifth test relating to internal living accommodation is considered in section 7.3 below.

#### 7.1.15 **Do Members support the principle of the development?**

### 7.2 Townscape and heritage considerations

7.2.1 The site lies within the Leeds City Centre 'Central Area' Conservation Area and in proximity to a number of designated historic buildings and assets. The proposal therefore has the potential to impact on the character and appearance of the Conservation Area and the setting of designated assets.

7.2.2 The existing building is not considered to constitute a non-designated heritage asset nor is it considered a positive building such that its loss would not impact on the character or special interest of the Conservation Area and the principle of redevelopment of the centres is supported on townscape and heritage grounds. The developer has explored retention and repurposing on sustainability grounds but due to the building's substantial floor to ceiling heights, the arrangement of window openings and large floor plates it does not lend itself to conversion and it was not found to be an economically viable option.

7.2.3 The architects have worked closely with the local planning authority on the architectural and design approach and the proposals are based on a thorough contextual analysis and are considered to respect and enhance existing streets and spaces.

7.2.4 It is noted that the scale of the three buildings being between seven and nine storeys are significantly larger than the existing building. It is considered that the increased height and scale of the buildings is mitigated by the:

- use of setbacks to upper floors
- incorporation of mansard roofs in contrasting materials to the upper floors
- use of lightweight glazed materials to the top floor
- the creation of new east west connections between the buildings
- the incorporation of human scale, sensitively detailed shopfronts and activity at ground floor level
- the quality of the architectural approach

7.2.5 On King Charles Street the setbacks of the upper floors are not as significant as those setbacks to the Lands Lane elevation with the result that the overall massing is greater. This reflects the fact that King Charles Street contains less historically significant buildings and functions as a secondary road with servicing rather than a key shopping street. The location of the main entrance to the student accommodation to the junction of King Charles Street and the Headrow, the new streets will provide relief and incorporation of active frontages and new connections to Lands Lane will bring additional activity and vibrancy.

7.2.6 The three buildings reduce in scale from north to south, and generally also from west to east responding to the topography of the site and surrounding townscape character. Building A which fronts the Headrow is the tallest element. It is



considered that there is the greatest scope for scale to the north where the context reflects the larger, grander scale of buildings on the north side of the Headrow.

- 7.2.7 The section to the north where Building A returns onto Lands Lane is where the increase in scale will be most pronounced however the mitigation noted previously is relevant. Furthermore, there are considered to be some benefits for the setting of Lands Lane through making a successful visual connection with the architecture of the grand 1930s buildings to the north of the Headrow which at present appear disjointed.
- 7.2.8 At this stage wind testing has not been carried out. Due to the proposed scale of the buildings wind testing is likely to be required in accordance with the Draft Wind and Micro-climate Toolkit SPD.
- 7.2.9 **Do Members support the proposed scale and form of development (subject to the outcome of wind testing at application stage)?**
- 7.3 Principle of residential and Purpose-Built Student Accommodation (PBSA) Amenity Standards
- 7.3.1 Criteria (v) of Core Strategy Policy H6B requires that proposed accommodation provides satisfactory internal living accommodation in terms of daylight, outlook and juxtaposition of living rooms and bedrooms. Core Strategy Policies CC1(b) and P10, and Saved UDPR Policies BD5 and GP5 also provide more general requirements that development should contribute positively towards quality of life and provide a reasonable level of amenity and usable space. The assessment of amenity is also a wider consideration of qualitative factors including arrangement and separation of living functions (general living, sleeping, studying, eating, cooking, food preparation, storage and circulation), usable shape, outlook, privacy and external amenity space.
- 7.3.2 The explanatory text to Core Strategy Policy H9 highlights that the provision of reasonable space standards is important for student accommodation, and this will need to be judged on a case-by-case basis.
- 7.3.3 Further guidance in the form of the Houses in Multiple Occupation, Purpose-Built Student Accommodation and Co-Living Amenity Standards SPD has been produced. Whilst still in draft form it provides guidance including space standards for purpose-built student accommodation.
- 7.3.4 The proposal provides a mixture of studio accommodation and cluster flats, and the developer has confirmed the intention for the scheme to be compliant with the emerging space standards relating to purpose-built student accommodation as follows;
- 7.3.5 Cluster bedrooms are proposed at 12.75sqm and 15sqm.
- 7.3.6 Five bed cluster flats will have shared kitchen/dining/living spaces of 30sqm, and six bed cluster flats will have access to 32sqm shared internal space.
- 7.3.7 Studio apartments are proposed at 20 and 22sqm with large (accessible) studio apartments of 25sqm.
- 7.3.8 The developer is committed to providing high quality communal space and amenities and the 950sqm internal amenity space proposed exceeds the minimum requirement of 1sqm per bedspace.

- 7.3.9 Landscaped courtyards at first floor level provide access to 1220 sqm of outdoor amenity space for the occupants.
- 7.3.10 In general, the buildings achieve good separation distances from adjacent buildings given the city centre context and tight knit urban grain. A summary of the distances is as follows:

Location	Distance
The Headrow (north)	26.2m
Lands Lane (east)	11.2-11.4m
King Charles Street (west)	11.2-11.7m
Internal courtyards	
Building A	28.2m
Building B	25.2m
Building C	33.6m
New street no1 (north)	12m
New street no2 (south)	8.5m

- 7.3.11 At the distances proposed the outlook from bedrooms is considered acceptable. There are a small number of bedrooms within building C where there is a comparatively low separation distance of 8.5m from the ‘wings’ of building B to the north which will have some impact on the outlook. Overall, this is considered acceptable as it is only relevant for a short section before the space opens up across the internal courtyard area. The small number of bedrooms located opposite the wings benefit from oblique views to the left and right to ensure a positive outlook.
- 7.3.12 Where the separation distances are lower the internal arrangement seeks to avoid direct overlooking between bedrooms: windows have been staggered to avoid direct overlooking, or communal spaces have been orientated across from bedrooms. The upper floors of Lands Lane are predominantly commercial and as such the impact on overlooking is mitigated. To the west there are windows from the Basilica Tower where there are residential apartment windows and balconies at between 11.3m and 12.9m from building A. At the proposed scale this distance is considered acceptable in a city centre context where a similar dense urban grain is common. Also, the internal layout of building A has been revised so that a communal kitchen/living room is located directly opposite rather than bedrooms however further work is needed at application stage to understand the layout of the Basilica apartments to consider any potential for direct overlooking and the need for further measures to mitigate the impact on residential occupiers of the Basilica Tower.
- 7.3.13 The developer has indicated that there is intended to be an area of defensible space and landscaping for those bedrooms where the outlook is to the internal courtyards, but further detail is needed at application stage in this regard.
- 7.3.14 **Do Members support the proposed approach to amenity and space standards within the development?**

#### 7.4 Landscape and public realm

- 7.4.1 Due to the size of the site policy G5 anticipates open space provision of either 20% of the total site area, or a minimum of 0.41 hectares per 1,000 population of open space. The scheme proposes the creation of two new pedestrian streets through the site which is considered a key benefit associated with the development. These two

streets have an area of 1075sqm which represents an increase in public realm within the site but constitutes a shortfall in the onsite greenspace provision required by policy G5. Given that this is a central city centre location at the heart of the commercial and shopping quarter, characterised by a dense, tight-knit urban grain with buildings located at the back of pavement the potential for delivery of onsite greenspace is recognised to be very limited. The proposed approach of providing open space by extending the street network is considered to represent effective placemaking and justified on that basis. In circumstances such as this where the provision cannot be practically provided on site, a commuted sum is sought for any shortfall where appropriate.

7.4.2 Consultees have highlighted the opportunity to explore additional tree planting along The Headrow and Lands Lane frontages. Due to minimum offset distances between trees and building frontages it is noted that there is a greater opportunity to incorporate street trees in the wider new proposed street.

7.4.3 Core Strategy Policy CC3 seeks to improve connections within the City Centre in order to improve access to jobs and services, to encourage greater usage and make walking and cycling easier, safer and more attractive. Where proposals are located adjacent to a new route or a route planned for improvement new development is expected to make appropriate route enhancements or appropriate off site contributions.

7.4.4 Consultees noted the poor condition of the surface of Lands Lane adjacent to The Core shopping centre, between approximately Queens Arcade and the Headrow in comparison to the surrounding streets. There is ambition to deliver a Yorkstone repaving scheme, including the planting of street trees along Lands Lane and there is an ambition to explore the potential for developer contributions to deliver improvements through this proposal in accordance with Policy CC3. Similarly, there is a poor-quality pedestrian connection to the west through to Albion Street that would benefit from targeted enhancement works to create a safe and attractive route which has been highlighted to the developer and will be negotiated at application stage subject to meeting the necessary regulatory tests.

7.4.5 **Do Members consider that the emerging approach to public realm is acceptable?**

## 7.5 Transportation and servicing

7.5.1 At present The Core includes 44 car parking spaces located on the roof of the existing building, these car parking spaces are accessed from Albion Street through The Core NCP car park. The NCP car park was erected in circa 1974 which pre-dates the existing shopping centre. Although it is in the same ownership it is subject to a long leasehold and does not form part of the current proposals.

7.5.2 The Core shopping centre is currently primarily serviced from the basement which is accessed through the NCP car park through a vehicular entrance on Albion Street. The developer has explored reuse of the basement area but due to issues with fire safety and cost have indicated that the basement is to be infilled.

7.5.3 As such, servicing and refuse collection is to be undertaken at grade. A one way servicing route is proposed along King Charles Street, across one of the proposed roads, and back up Lands Lane. The Highways Service have confirmed that this is acceptable in principle subject to the detail being agreed at application stage.

7.5.4 **Do Members consider that the development's emerging approach to servicing is acceptable?**

7.6 Conclusion

7.6.1 The emerging proposals represent an exciting opportunity to reimagine a key site at the heart of the City's prime shopping area. The redevelopment of an underused, inward looking and dated shopping centre to provide high quality design-led modern buildings will enhance the area bringing new life and vibrancy. Generous new streets and spaces will provide east west connectivity through the site along with new commercial opportunities in a vibrant proposition to reinvigorate and reimagine this central part of the historic city core.

7.6.2 Members are asked to note the contents of the report and the presentation, and are invited to provide feedback, in particular, on the issues outlined below:

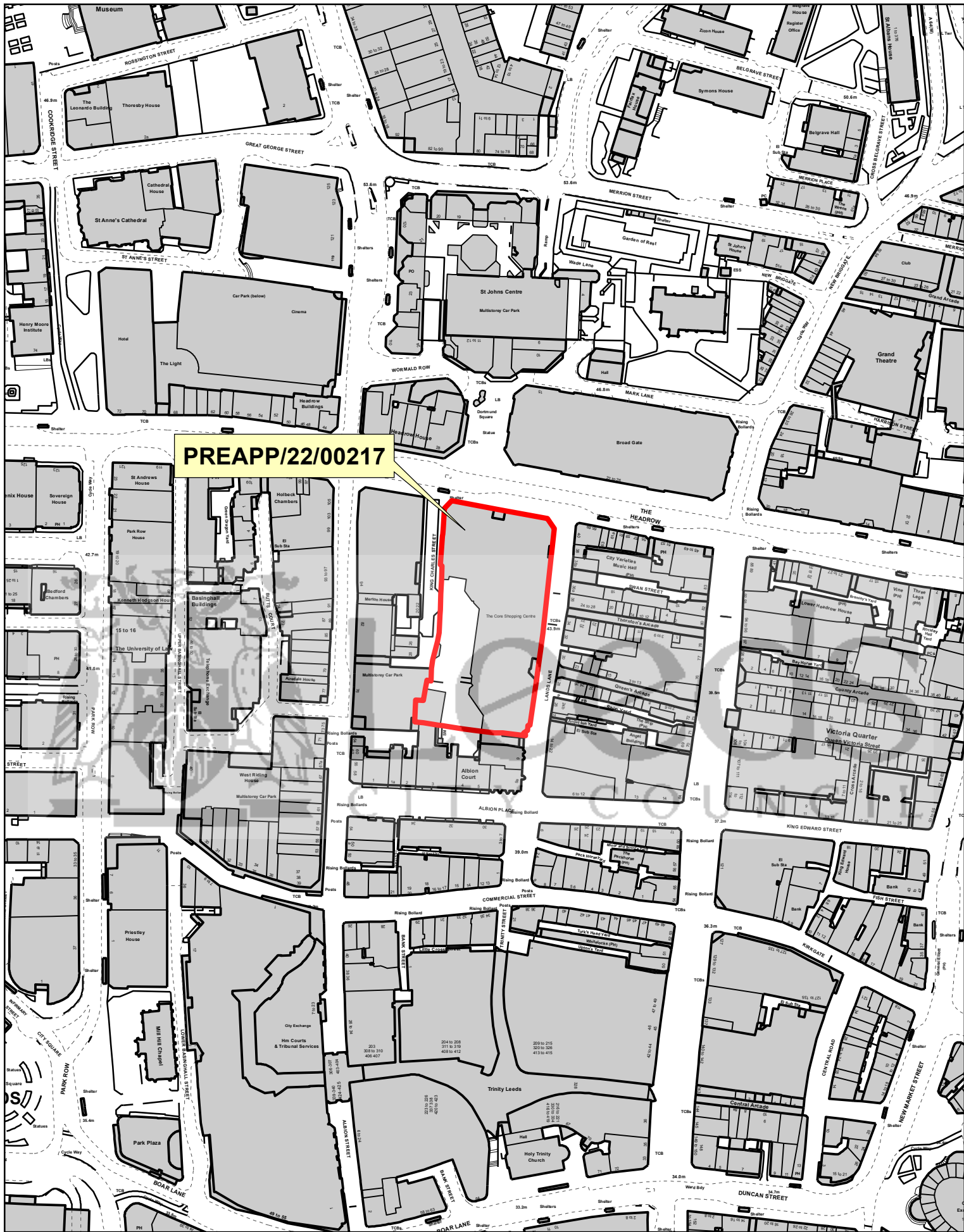
**Do Members support the principle of the development? (7.1.15)**

**Do Members support the proposed scale and form of development (subject to the outcome of wind testing at application stage)? (7.2.9)**

**Do Members support the proposed approach to amenity and space standards within the development? (7.3.14)**

**Do Members consider that the emerging approach to public realm is acceptable? (7.4.5)**

**Do Members consider that the development's emerging approach to servicing is acceptable (7.5.4)**



**PREAPP/22/00217**

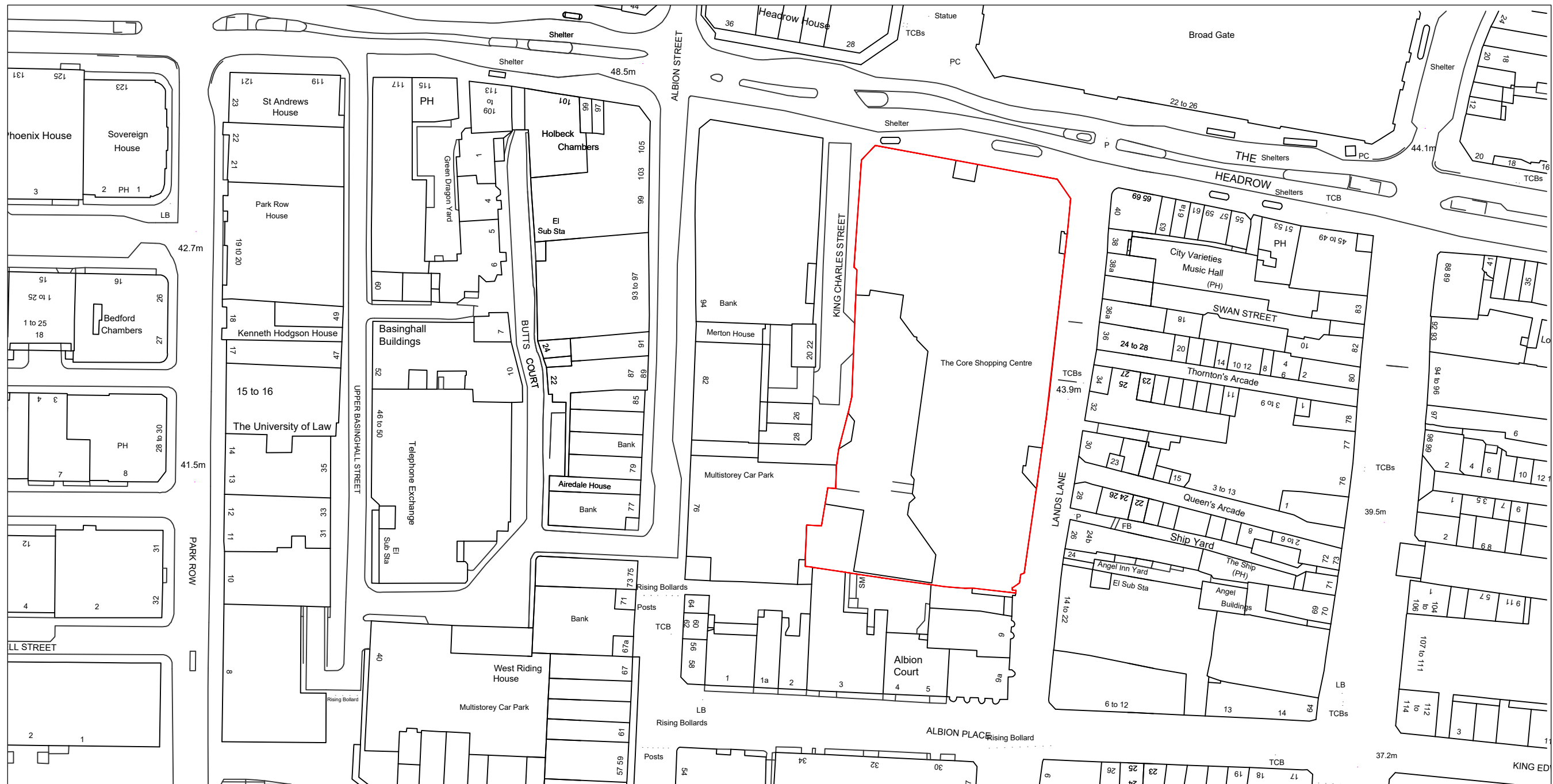
# CITY PLANS PANEL

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SCALE : 1/2500

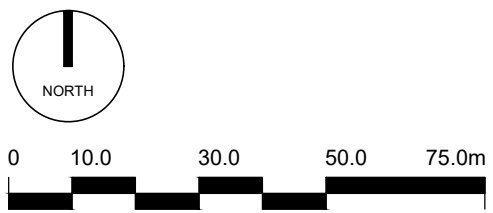




**1** SITE LOCATION PLAN  
1:1250

KEY:  
— BOUNDARY LINE

PRINT AT SIZE A3



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Rev.	Description	Date	Drw.	Chk.

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Tri7  
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**INFORMATION**

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