



## Report of the Chief Planning Officer

### CITY PLANS PANEL

Date: 17<sup>th</sup> January 2013

**CHANGE OF USE OF OFFICES TO FORM STUDENT ACCOMMODATION, INVOLVING ALTERATIONS TO ELEVATIONS AND ADDITION OF ROOFTOP EXTENSION, PENNINE HOUSE, RUSSELL STREET, LEEDS 1 (REFERENCE 12/04154/FU)**

#### APPLICANT

London Cornwall Property Partners

#### DATE VALID

5<sup>th</sup> October 2012

#### TARGET DATE

4<sup>th</sup> January 2012

#### Electoral Wards Affected:

City & Hunslet

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 the specified conditions (and any others which he might consider appropriate) and the completion of a Section 106 agreement to include the following obligations; occupation of accommodation by full time students only; no cars or motorbikes to be brought to the site by students; employment and training; Section 106 management fee (£750). In the circumstances where the Section 106 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.**

#### Conditions

- 1 3 Year Time Limit.
- 2 Development to be in accordance with approved plans.
- 3 Notification of Commencement.
- 4 Details of contractor's storage and parking.
- 5 Details of methods to control dirt, dust and noise during construction.
- 6 Construction hours 0730-1900 Monday-Friday and 0800-1300 Saturdays.
- 7 1:20 drawings of cladding, reveals, pavilion, canopy and shopfront.
- 8 Details and sample panel of all external facing materials.

- 9 Details of start and end of term management of vehicles.
- 10 Servicing management strategy to be submitted and agreed.
- 11 Cycle facilities to be provided before occupation.
- 12 Details of method, storage and disposal of litter and refuse.
- 13 BREEAM excellent and post construction review of sustainability measures.
- 14 Sound insulation scheme to be submitted and agreed.
- 15 Post completion sound test to confirm approved levels are achieved.
- 16 Details of platform lifts to be agreed.

Full wording of the conditions is attached at Appendix 3.

### **Reasons for approval:**

In reaching a decision the case officer dealing with the application has worked with the agent in a positive way through regular dialogue and negotiation to produce an acceptable scheme in accordance with paragraphs 186 and 187 of the National Planning Policy framework. In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the National Planning Policy Framework and the content and policies within the Development Plan consisting of The Yorkshire and Humber Plan - Regional Spatial Strategy 2008 (RSS) and the Leeds Unitary Development Plan Review 2006 (UDPR). In particular, the application is considered to comply with UDPR policies GP5, N12, H15A, A4, BD6, CC3, and CC27 and emerging Core Strategy policies including CC1B, H6B, SP8 and SP9.

On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.

## **1.0 INTRODUCTION**

- 1.1 This application proposes the change of use of part of an office building to student accommodation, together with a roof extension and alterations to the elevations. The majority of the office floorspace in the building has remained vacant for several years. The office is located within the Prime Office Quarter where, consistent with other Quarters, a variety of uses are encouraged which add variety and vitality providing they do not prejudice the functioning of the principal use.
- 1.2 A site visit took place on the morning of the 22<sup>nd</sup> November 2012 City Plans Panel. A decision on the application was deferred by Panel to enable officers to consider issues raised in late representations and comments made by Panel Members primarily with regard to the supply of student housing, loss of office floorspace and the potential impact of the development on future investments in the area. Officers have subsequently investigated these issues including taking independent commercial advice. A copy of the 22<sup>nd</sup> November 2012 report is attached as Appendix 1 and the full minutes of the meeting are reproduced at Appendix 2.

## **2.0 PUBLIC/LOCAL RESPONSE**

- 2.1 In total, 11 letters of objection have now been received from local landowners and occupiers of office accommodation in the area including one from the Leeds, York and North Yorkshire Chamber of Commerce. It is stated that:

- the proposed use is incompatible with office and other commercial uses in the area due to noise, business disruption and litter;
- the use would deter potential occupiers of surrounding office provision and have an adverse impact upon the office accommodation market;
- approval of the use may result in proposals for the regeneration of the public realm in Bond Court not progressing;
- office space would be lost which would be contrary to policy and no assessment of the need for office space has been provided;
- there is a high occupier demand for office accommodation in LS1;
- office space within 5 minutes of the railway station is particularly important;
- short-term improvements may be off-set by longer term risks that investors lose confidence;
- the loss of office space would be detrimental to the competitiveness of the city;
- businesses may reconsider proposals for expansion if students are resident in the area;
- student accommodation would not add variety to existing uses but would adversely change the perception of the area;
- the location is isolated from the universities and other city centre residential developments;
- student accommodation would not service the area;
- there is a significant supply of student accommodation in Leeds and the proposal would further saturate the student market;
- long-term management of the building could not ensure that residents were not disruptive;
- there are concerns for the safety of office staff in close proximity to student housing; and
- existing late-night commercial uses would adversely affect the student accommodation through disturbance.

Leeds Civic Trust (LCT) has also written objecting to the application on similar grounds to the objectors. LCT state that the floorplans suggest cramped and unattractive spaces; that a convincing improvement in energy performance is not identified; and that the changes to the elevations do not suggest a significant improvement.

### **3.0 APPRAISAL**

#### **3.1 Principle of the proposed use**

3.1.1 The substantive Panel report notes that proposals for non-office uses which add variety in land use; contribute to the life and vitality of the city centre; and do not prejudice the functioning of the principal use, are encouraged in the defined Prime Office Quarter. Proposals which reduce the variety of non-principal uses will not normally be permitted (CC27).

3.1.2 Objectors state that it is important that the Prime Office Quarter is reserved for office use so as not to affect confidence in the city as a major centre for business. However, residential accommodation has been developed in a variety of locations throughout the Prime Office Quarter both as new build developments and changes of use of office accommodation since policy CC27 was adopted. Additionally, numerous bars, restaurants and hotels have also been established within the area. These uses have been successfully accommodated without prejudicing the functioning of the Prime Office Quarter or confidence in the city. However, to date, no student accommodation has been constructed in the Prime Office Quarter.

3.1.3 The introduction of purpose-built student accommodation would add additional variety in land use to the principal office use. The accommodation would be likely to be occupied at all times, including evenings and weekends when the office use is less intensive. Consequently, the use of the building for student accommodation and bar/restaurant facilities would contribute to the vitality of the area and the vibrancy of the city centre throughout the day in accordance with policy CC27. The location is also in line with emerging Core Strategy policies that recognise that the City Centre is a good location for student housing providing that excessive concentrations are avoided. As the first student development in the area the scheme would not result in an excessive concentration. However, any future student schemes would need to be carefully reviewed in light of this consideration.

### 3.2 Refurbishment of the existing property

3.2.1 In November 2012 it was reported that only the third and fourth floors of the building are currently let despite some refurbishment and competitive terms offered. Objectors refer to the success that they have had in letting office space since significant investment in the refurbishment of their properties and suggest that Pennine House should be upgraded in a similar way. Knight Frank, an office property consultancy, had advised the applicant that Pennine House does not meet the majority of office occupier's requirements and that comprehensive and expensive refurbishment would be needed to be better placed to attract occupiers. However, due to the configuration of the floors, large columns, restricted floor to ceiling height, and tight core the building is still likely to fall short in relation to its competitors. Knight Frank concluded that the most cost effective solution for Pennine House would be redevelopment for an alternative use.

3.2.2 Following comments made to City Plans Panel in November the applicant has provided further information produced by GVA Grimley on the historic asset management of Pennine House. This notes that following purchase of the building in 2007 a £250,000 programme of refurbishment was implemented. Despite this there was minimal success with lettings. The first floor tenant vacated in 2009; the second floor and 7<sup>th</sup> floor occupiers went into liquidation; and the tenant of the fifth and sixth floor moved to superior accommodation several years ago. GVA state that despite trying to work with the tenants, through proactive management and offering incentives, and in conjunction with numerous refurbishments, Pennine House fails to attract occupiers due to the enduring constraints of the building. There has not been a single letting in the building for almost 4 years.

### 3.3 Loss of office floorspace

3.3.1 Objectors refer to the potential harm caused by the loss of office space, suggesting that the space at Pennine House is important to future growth targets. Jones Lang LaSalle report that take-up in the city centre office market increased 6.3% in the third quarter of 2012 compared with the same period in 2011. However, there is also 400,000 sqft of brand new Grade A accommodation immediately available, most of which is peripheral to the historic core, although within the Prime Office Quarter <sup>(1)</sup>. Additionally, there are still a number of well-located office development sites within the city centre which have yet to be developed. Available sites have the potential to provide 4.5 million sqft of accommodation representing nine years take-up although many of these will not be built speculatively. In light of these figures it is not considered that the change of use of the Pennine House office floorspace would have a material impact upon the supply of office floorspace within the city. Paragraph 4.7.22 of the draft Core Strategy also recognises the importance of

employment growth in other sectors of the economy commenting that oversupply of employment land might mean holding back land which could otherwise be developed for other forms of economic development.

3.3.2 Around 55 per cent of annual office space take-up is typically in the Grade B/C market. It is therefore also important that a variety of office space is available in the city centre, including smaller and lower cost space. The relocation of businesses from more dated stock into large office developments with large floorspace provides a supply of grade B and C office space. Additionally, there is the natural turnover of office space, in addition to city centre office space beyond the Prime Office Quarter. At least 900,000 sqft. of grade B and C office space is currently available reflected by the significant number of To Let boards currently displayed around the traditional office core and beyond. Whilst it is clear that several nearby landowners and office occupiers would prefer to maintain Pennine House as office space it is not considered that the loss of Pennine House would have a significant impact upon the current or future availability of office space in the city centre.

#### 3.4 Supply of student housing

3.4.1 In the United Kingdom the number of student admissions fell by 12% from 2011-2012. Unipol indicate that there will be between 2,000 and 2,500 fewer students in Leeds with residential requirements in the 2012-2013 academic year <sup>(2)</sup>. In larger, purpose-built, student accommodation the surplus of rooms has led to price reductions and more flexible letting periods being offered <sup>(3)</sup>. In November 2012 Unipol estimated that there were at least 650 rooms of this type still available in Leeds.

3.4.2 Despite the decline in the number of undergraduates for the 2012-2013 intake, the growth in supply of student accommodation is continuing across the country. In 2013-14 22,729 additional purpose-built spaces are due to come on-line in the UK. The surge has been led by a new type of provider and investor who are often geared to do business without reliance on institutional partnership arrangements <sup>(4)</sup>. In Leeds (excluding Trinity and All Saints) planning permission is in place to construct developments providing 2352 new student bedspaces (including 526 at St Marks Residence which will replace those existing). Notwithstanding the reduced student intake over 90% of the approved bedspaces are under construction or are due to be commenced in the very near future reflecting the national situation. It is therefore evident that despite falling student numbers new purpose-built student accommodation continues to be developed.

#### 3.5 Impact upon future investment in the area

3.5.1 Objectors have raised concerns that the proposed student accommodation would deter potential occupiers of surrounding office provision and have an adverse impact upon the office accommodation market. Whilst the impact on property values is not normally a planning matter the effect of a proposal on prospective investment is capable of being a material consideration. The Council has obtained independent advice on this issue from Sanderson Weatherall who have detailed knowledge of the local commercial property market.

3.5.2 The current availability of city centre office floorspace is referred to at section 3.3. Sanderson Weatherall further advises that Pennine House is only a small part of the market and consequently it would not have any real impact upon the remainder. At the same time, Sanderson Weatherall comment that the conversion of the building

would require the relocation of the existing tenant which would prove of interest and be attractive to the owners and agents of remaining stock.

- 3.5.3 Sanderson Weatherall advises that it is not possible to provide individual assessment on the likely impact of the development on property values. However, they state that the presence of student accommodation would only be one part of the assessment of the locality and that a number of other factors, including the quality, opportunities and challenges of the area as a whole, would be more important than any slight change in the perceived attractiveness of the area.
- 3.5.4 Sanderson Weatherall has sympathy with the view that it is probably preferable for the area to remain an undiluted part of the traditional office core (albeit there are already other uses in the area). As such, Sanderson Weatherall advise that it is not possible to conclude that the development would have no adverse impact on value, although do comment that the impact is only likely to be negligible

### 3.6 Other issues raised by City Plans Panel

- 3.6.1 Since November Panel the applicant has confirmed that all sides of the existing columns on Greek Street front extension would be stripped back and reclad utilising the same materials to be used at upper levels of the building. The existing glazing would be replaced. Full details would be agreed pursuant to proposed condition 7 (Appendix 3).
- 3.6.2 The section 106 agreement ensures that the development could only be occupied by full-time students. In the event that circumstances changed and the owner wished to accommodate people other than students the agreement would need to be formally varied. It is also likely that planning permission would be needed to alter the building to enable it to be used as open-market residential accommodation. At the current time any subsequent section 106 agreement would include the need for 5 per cent of the units within the building to be affordable housing. If the scheme included more than 50 dwellings there would be the need for a full travel plan, a travel plan review fee, car club spaces and trial membership for residents, in addition to a public transport contribution.
- 3.6.3 The Council has been in discussion with a landowner neighbouring Bond Court regarding proposals to improve the quality of the space. A design has been prepared by the landowner and the Council was due to match-fund the investment in the space by the private sector. The landowner has indicated that if planning permission is granted the investment will not be forthcoming such that the improvements will not take place. Conversely, the applicant has confirmed that they would be willing to make a contribution into the environmental improvements scheme and also to participate in any future stakeholder forums.

### 3.7 Conclusion

- 3.7.1 The proposed development would add variety to existing land uses in the area and also deliver improvements to the external appearance of the property. These would be beneficial to the appearance of the building, the wider streetscene and also to the vitality of the city centre. The benefits would be achieved without a direct impact upon the functioning of the existing office quarter. Some nearby landowners perceive that the presence of student accommodation may have a detrimental impact upon future investment in the area. Independent advice is that the impact on values is likely to be negligible. Further, the office floorspace in the building itself has remained largely vacant for the last four years despite refurbishment and

competitive terms offered. There is also an existing supply of available office space in the area, together with sufficient office space in the pipeline to meet demand. It is also evident that despite a falling student intake purpose-built student accommodation continues to be developed. The scheme involves an investment of £6m and will create new jobs during its construction. The proposal is a sustainable development that accords with the Development Plan, the National Planning Policy Framework and emerging policy. Consequently, whilst recognising the concerns of neighbouring landowners regarding the potential impact on future investment in the area, in itself, this concern is not considered sufficient on its own to justify refusal. Therefore, on balance, the application is recommended for approval.

## Background Papers

- 1 Central Office Market commentary, Jones Lang Lasalle October 2012
- 2 Unipol press release 16.10.12
- 3 Unipol press release 22.11.12
- 4 Unipol/ NUS Accommodation Costs UK Survey 2012/2013



Originator: Tim Hart  
Tel: 3952083

**Report of the Chief Planning Officer**

**CITY PLANS PANEL**

Date: 22<sup>nd</sup> November 2012

**CHANGE OF USE OF OFFICES TO FORM STUDENT ACCOMMODATION, INVOLVING ALTERATIONS TO ELEVATIONS AND ADDITION OF ROOFTOP EXTENSION, PENNINE HOUSE, RUSSELL STREET, LEEDS 1 (REFERENCE 12/04154/FU)**

<b>APPLICANT</b>	<b>DATE VALID</b>	<b>TARGET DATE</b>
London Cornwall Property Partners	5 <sup>th</sup> October 2012	4 <sup>th</sup> January 2012

**Electoral Wards Affected:**

City & Hunslet

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 the specified conditions (and any others which he might consider appropriate) and the completion of a Section 106 agreement to include the following obligations; occupation of accommodation by full time students only; no cars or motorbikes to be brought to the site by students; Section 106 management fee (£750). In the circumstances where the Section 106 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.**

Conditions

- 4 3 Year Time Limit.
- 5 Development to be in accordance with approved plans.
- 6 Notification of Commencement.
- 4 Details of contractor's storage and parking.
- 5 Details of methods to control dirt, dust and noise during construction.
- 6 Construction hours 0730-1900 Monday-Friday and 0800-1300 Saturdays.



- 7 1:20 drawings of cladding, reveals, pavilion, canopy and shopfront.
- 8 Details and sample panel of all external facing materials.
- 9 Details of start and end of term management of vehicles.
- 10 Servicing management strategy to be submitted and agreed.
- 11 Cycle facilities to be provided before occupation.
- 12 Details of method, storage and disposal of litter and refuse.
- 13 BREEAM very good to be achieved and post construction review of sustainability measures.
- 14 Sound insulation scheme to be submitted and agreed.
- 15 Post completion sound test to confirm approved levels are achieved.
- 16 Details of platform lifts to be agreed.

### **Reasons for approval:**

In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the National Planning Policy Framework and the content and policies within the Development Plan consisting of The Yorkshire and Humber Plan - Regional Spatial Strategy 2008 (RSS) and the Leeds Unitary Development Plan Review 2006 (UDPR). In particular, the application is considered to comply with UDPR policies GP5, N12, H15A, A4, BD6, CC3, and CC27 and emerging Core Strategy policies. On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.

## **1.0 INTRODUCTION**

- 1.1 This application proposes the change of use of part of an office building to student accommodation, together with a roof extension and alterations to the elevations. The majority of the office floorspace in the building has remained vacant for several years. The office is located within the Prime Office Quarter where, consistent with other Quarters, a variety of uses are encouraged which add variety and vitality providing they do not prejudice the functioning of the principal use.

## **2.0 SITE AND SURROUNDINGS**

- 2.1 Pennine House is a 9 storey building comprising a bar at the bottom two levels and office floorspace in the upper floors. Henry's bar is accessed, via a ground floor extension, from Greek Street whereas the office accommodation is accessed from Russell Street. A covered pedestrian route at the west end of the building links the two streets. Internal floor levels are such that there are several steps up from street level to the upper ground entrance floor. The building was reclad in 1990 utilising bold architectural language including a full height triangular bay topped by a faux pediment and utilising black glazing.
- 2.2 Like many of the properties nearby the building dates from the 1960's. The building forms part of a terrace of similar height properties located between East Parade and Park Row. Levels fall gradually towards the west. The west side of the building abuts Greek Street car park, the last remaining silopark parking system in the United Kingdom. Aquis House to the east projects forward of Pennine House above ground floor level on the Greek Street elevation. On the south side Russell Street faces into Bond Court, an open space flanked by office buildings. 2 Bond Court on the east side has recently been refurbished, including the introduction of a new café at ground floor level.

2.3 Pennine House is located in the Prime Office Quarter where the principal use of buildings is for offices. There are a large number of To Let signs reflecting the existing high levels of vacancy. Many of the buildings now have bars or restaurants at ground level including Aquis House to the east and Yorkshire House to the north. There are examples of residential use nearby including flats at upper levels of 6 Greek Street.

### **3.0 PROPOSAL**

3.1 It is proposed to change the use of the first to seventh floors of the building to student accommodation. 15 bedrooms would be provided on each of these levels. Each floor would incorporate an accessible bedroom and a lounge area. A new floor would be added at the existing roof level accommodating 14 rooms and a plant area. In total, 119 bedspaces are proposed. The building is likely to be managed by CRM Students who manage 8,000 beds nationally, including The Priory at Leeds University. CRM Students is accredited by ANUK, a body recognised by all UK Universities, for defining a national code of standards for student accommodation. This means CRM Students has demonstrated excellence in fundamental areas such as property condition and management.

3.2 The existing bar (Henry's) at lower and upper ground floor would be reconfigured, possibly involving the subdivision of the floorspace at upper ground level to enable two users. At lower ground floor student facilities would include a management office, games room, gym, cinema and quiet study area, in addition to a student lounge. This level would also house space for bicycle storage, bin storage and a laundry area. A new fire escape stair core would be introduced into the building exiting on to Russell Street.

3.3 The upper ground floor would remain principally in bar/restaurant use. Internal steps up from Greek Street to floor level would be rearranged and new platform lifts would be provided. New stairs would also be provided from this level down to the toilets at lower ground level. The student accommodation would be accessed from Russell Street.

3.4 The existing cladding and fenestration will be removed, including the triangular bay and pediment. New, clear, acoustic glazing would be introduced within a simplified design utilising durable artificial stone cladding. A similar approach would be adopted at street level. On Greek Street existing rendered and ball-topped brick piers would be stripped back and utilise the same materials to be used at upper levels of the building. On Russell Street, new large, fixed glazing would be introduced at lower and upper ground levels to help activate the streetscene. A new lightweight glazed canopy would replace the existing concrete projection. The new eighth floor would be a pavilion-like, primarily glazed, structure set back from the front and rear facades.

3.5 The development would involve an investment of more than £6 million in the building.

### **4.0 RELEVANT PLANNING HISTORY**

4.1 The application was subject to pre-application discussions in accordance with the pre-application charter.

### **5.0 PUBLIC/LOCAL RESPONSE**

5.1 Site notices advertising the application were posted on 12<sup>th</sup> October 2012 and the application was advertised in the Leeds Weekly News on 25<sup>th</sup> October 2012. City and Hunslet Ward Members were also consulted on 19<sup>th</sup> October 2012.

5.2 Three letters of objection have been received from local landowners. It is stated that:

- the proposed use is incompatible with office and other commercial uses in the area due to noise, business disruption and litter;
- the use would deter potential occupiers of surrounding office provision and have an adverse impact upon the office accommodation market;
- office space would be lost which would be contrary to policy and no assessment of the need for office space has been provided;
- the loss of office space would be detrimental to the competitiveness of the city
- the location is isolated from the universities and other city centre residential developments;
- there is a significant supply of student accommodation in Leeds and the proposal would further saturate the student market; and
- existing late-night commercial uses would adversely affect the student accommodation through disturbance.

Leeds Civic Trust (LCT) has also written objecting to the application on similar grounds to the objectors. LCT state that the floorplans suggest cramped and unattractive spaces; that a convincing improvement in energy performance is not identified; and that the changes to the elevations do not suggest a significant improvement.

## **6.0 CONSULTATIONS RESPONSES**

6.1 Non-statutory:

6.1.1 Highways – no objections subject to conditions regarding start and end of term vehicle management and servicing, and a section 106 obligation prohibiting students bringing cars and motorcycles to the site.

6.1.2 Environmental Protection Team – a sound insulation scheme is recommended to protect the amenities of future occupants from nearby noise sources, and nearby noise sensitive premises from noise emitted by the proposed development. A post completion sound test is recommended to demonstrate compliance with the noise requirements. It is also recommended that construction hours are controlled to protect noise sensitive premises.

6.1.3 Licensing – no comment.

## **7.0 PLANNING POLICIES**

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Regional Spatial Strategy (May 2008) and the Unitary Development Plan Review 2006 (UDPR).

7.1 Regional Spatial Strategy

The Regional Spatial Strategy (RSS) sets out the strategic priorities for the region until 2026. LCR1 states that the role of Leeds as a regional city should be developed by accommodating significant growth in jobs and homes; and ensuring strategic patterns of development maximize the opportunities to use non car modes of transport and reduce the overall need to travel (D1).

## 7.2 Unitary Development Plan Review (2006)

The most relevant UDPR policies are:

- GP5 Detailed planning considerations to be resolved
- N12 Priorities for urban design include:
  - ii New buildings should be of good design
  - vii Design and facilities to reflect the needs of those with restricted mobility.
  - viii Visual interest should be encouraged.
- T2 Development should not create or materially add to problems of safety or efficiency on the highway network.
- H15A Student housing to be promoted in areas beyond the Area of Housing Mix. Paragraph 7.5.35 states that “significant potential exists for further student housing in the City Centre and in locations elsewhere. To be successful, such provision will need to be well served by public transport connections to the Universities, have the potential to appeal to students and be capable of being assimilated into the existing neighbourhood without nuisance. The City Council will encourage and support pioneer developments in such locations to help establish a critical mass of student presence and, ultimately, generate alternative popular locations for students to live, other than the wider Headingley area”.
- A4 Design of safe and secure environments, including access arrangements, public space, servicing and maintenance, materials and lighting.
- BD6 Alterations to respect the scale, form, detailing and materials of the original building.

City Centre policies seek to encourage a more vibrant, high quality environment including improved access for all. These objectives are expanded in the following policies:

- CC3 Character of the city centre maintained by encouraging good design of buildings upgrading the environment.
- CC19 Office use will be supported as the principal use in the prime office quarter.
- CC27 Identification of principal quarters, including the Prime Office Quarter. Proposals for other uses are encouraged which service the quarter; add variety in land use and contribute to the life and vitality of the city centre; and do not prejudice the functioning of the principal use.
- 13.6.15 Within the city centre, housing in vacant upper floors could provide an important source to meet housing need as well as helping bring back life into the city centre.

## 7.3 National Planning Policy Framework

Planning should proactively drive and support sustainable economic development; and seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (para. 17).

Local Planning Authorities (LPA's) should recognise town centres as the heart of their communities and support their vitality and viability; and recognise that

residential development can play an important role in ensuring the vitality of centres (para. 23).

Housing applications should be considered in the context of the presumption in favour of sustainable development (para. 49).

LPA's should normally approve applications for change of use to residential use from commercial buildings where there is an identified need for additional housing in the area providing there are not strong economic reasons why such development would be inappropriate (para 51).

Paragraph 123 says decisions should aim to avoid noise giving rise to significant adverse impacts on health and quality of life; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise.

#### 7.4 Supplementary Planning Guidance, other guidance and emerging policy

7.4.1 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 7<sup>th</sup> November 2012 Executive Board approved the proposed pre-submission changes to the Publication Draft of the Leeds Development Framework Core Strategy. Executive Board also resolved to recommend that Council approve the Publication Draft Core Strategy and the sustainability report for the purposes of submission to the Secretary of State for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004.

7.4.2 Core Strategy Policy CC1B outlines the planned growth within the City Centre, including residential, office and retail growth. The policy states that "mixed office/residential schemes to site residential on upper floors and away from major roads". Paragraph 5.1.14 states that "The City Centre remains a good location for purpose built student housing, but excessive concentrations in one area should be avoided in line with Policy H6". Policy H6B considers proposals for purpose built student accommodation. Developments should extend the supply to take pressure off the use of private housing; avoid excessive concentrations of student accommodation; and avoid locations which are not easily accessible to the Universities by foot or public transport.

### 8.0 **MAIN ISSUES**

- Principle of the proposed uses
- Amenity issues
- Highways
- Impact on appearance of the building and streetscene
- Access and equality considerations
- Sustainability
- Section 106
- Conclusion

### 9.0 **APPRAISAL**

#### 9.1 Principle of the proposed uses

9.1.1 The application seeks permission for student accommodation at upper levels of the building and the retention of bar/restaurant facilities at ground level with a

combination of these uses at lower ground level. Proposals for non-office uses which add variety in land use; contribute to the life and vitality of the city centre; and do not prejudice the functioning of the principal use, are encouraged in the defined Prime Office Quarter. Proposals which reduce the variety of non-principal uses will not normally be permitted (CC27).

9.1.2 Residential accommodation has been developed in a variety of locations throughout the Prime Office Quarter both as new build developments and changes of use of office accommodation since policy CC27 was adopted. Additionally, numerous bars and restaurants have also been established within the area. Both these uses have been accommodated without prejudicing the functioning of the Prime Office Quarter. The introduction of student accommodation into the area would add additional variety in land use to the principal office use. The accommodation would be likely to be occupied at all times including evenings and weekends when the office use is less intensive. Consequently, the use of the building for student accommodation and bar/restaurant facilities would contribute to vibrancy of the city centre in accordance with CC27 and emerging Core Strategy policies. The impact of the proposed student accommodation upon the functioning of offices in the area is addressed within the amenity and highway sections below.

9.1.3 Objectors have raised concerns that the proposed student accommodation would deter potential occupiers of surrounding office provision and have an adverse impact upon the office accommodation market. As noted, issues of compatibility between the existing and proposed uses are reviewed below, whilst consequential effects on commercial competition and property values are not normally planning matters. Notwithstanding, the applicant has provided information regarding the property which is material to the consideration of the application. Only the third and fourth floors of the building are currently let. It has not been possible to let any other parts of the office building for more than three years. This is despite some refurbishment and competitive terms offered. An office property consultancy advise that Pennine House does not meet the majority of occupier's requirements and that comprehensive and expensive refurbishment would be needed to be better placed to attract occupiers. However, the advice continues that such an approach would not guarantee any lettings due to the enduring configuration of the floors, restricted floor to ceiling heights and the tight core. The consultancy concludes that the most cost effective solution for Pennine House would be redevelopment for an alternative use. There is currently a high level of vacancy in the city centre office market, together with a number of well-located office schemes that have yet to be developed. In these circumstances it is not considered that the change of use of c.3000sq.m of low grade vacant office floorspace would have a material impact upon the office market within the city.

## 9.2 Amenity issues

9.2.1 The property is located within a part of the Prime Office Quarter where there are a number of restaurants and late-night bars. The new façades of the building would be constructed to a standard to reduce external noise to a good internal noise level. This would involve acoustically significant glazing and ventilation by means other than having to open windows. Sound insulation would also be introduced, where necessary, within the building to ensure that noise is not transferred between the ground floor and student accommodation, or from the accommodation to the neighbouring office building. The delivery of suitable noise mitigation will be controlled by planning conditions 14 and 15. The access to the student accommodation would be from the existing entrance on Russell Street close to the car park. Furthermore, the accommodation will be well-staffed, with strict rules on

behaviour which are backed up by provisions in the student's leases. Consequently, neither the students or their neighbours would experience unacceptable disturbance from the proposed uses.

9.2.2 Bins would be stored within the lower ground floor with a platform lift introduced to assist with raising and lowering of the bins on collection days. This will improve the current situation where bins are kept on-street. The lower ground floor would house the bike store and would also incorporate a range of facilities for students including a laundry, gym and quiet room. This is in addition to the lounges proposed on each level of the student accommodation. Of course, due to the location, students would have the range of city centre facilities located in close proximity.

9.2.3 Room sizes within the accommodation range from 17sqm. to nearly 25sqm. and average 22sq.m.. The rooms are larger than rooms recently approved at the City Campus development (13sqm. to 16sqm.). The southerly facing rooms would have an outlook towards Bond Court. On the north side of the building rooms would face across Greek Street towards Yorkshire House 17 metres away. Consequently the rooms would have an acceptable outlook and not have an unacceptable relationship with the offices across the street. The development would therefore accord with policy GP5 of the UDPR.

### 9.3 Highways

9.3.1 The building is located in a sustainable city centre location. A range of bus services run frequently to the universities from nearby stops. The railway station is also in close proximity. The Parkinson Building is approximately 1.2km away such that the universities are also accessible on foot. The secure bike storage area at lower ground floor would have racks to accommodate at least 24 bicycles. Consequently, the development would have excellent access to a range of non-car modes of transport.

9.3.2 Due to the use of existing road space nearby for pay and display parking, motorcycle parking and taxis there is limited opportunity for additional use. The students' tenancy agreement will ensure that they will not use a car or motorcycle in connection with the development other than at the start and end of the academic year. The management would enforce this through the requirement for a substantial deposit. The section 106 agreement also ensures that this measure is implemented. A planning condition is also proposed which requires a car parking management strategy to be submitted and approved for changeover days. It is likely that this may involve the suspension of 3 pay and display bays for up to 3 days.

9.3.3 The building has historically been used for offices and A3/A4 uses which generated their own servicing requirements. The scale of the bar/restaurant would reduce as a result of the development. Additionally, the student accommodation would have fewer deliveries than the office use. However, a condition is proposed that requires the submission and approval of a servicing management strategy. Consequently, it is not considered that the proposed mix of uses will give rise to an adverse impact on highway safety or the free-flow of the highway network. Similarly, the uses would not prejudice the functioning of existing activities in the area. The development therefore accords with policy T2 of the UDPR.

### 9.4 Impact on appearance of the building and streetscene

9.4.1 The existing building was re-clad in 1990 in a bold architectural language. The need to replace the fenestration to deal with noise issues provides the opportunity for a

wider review of the building's appearance. Major moves include the removal of the triangular bays and the false pediments. Existing cladding will be stripped back and replaced by panels of high quality artificial stone. Window reveals will create more depth to the building and clear energy efficient glazing will be utilised.

- 9.4.2 The building and its neighbours each have existing full storey plant on their roofs. A new level of accommodation is proposed at roof level which will house both the plant and provide student accommodation. The minimalist structure would be glazed to the front and rear with zinc panelling to the sides. The structure would be set back from the front and rear facades of the main building such that it would not have a significant impact on the streetscene.
- 9.4.3 At ground level the existing single storey projection towards Greek Street would be refined through the reduction in the number of materials used for the supporting piers. The shopfront would also be updated with the use of full height glazing. On the Russell Street elevation the existing heavy concrete canopy would be replaced by a simple lightweight canopy helping to make the entrance more inviting. Further, new large, fixed, glazing to the rear of the bar and to the student lounge would help to animate what is currently a primarily dead frontage on Russell Street.
- 9.4.4 The proposed external alterations would create a more subtle and unified appearance to the building and accord with policy BD6 of the UDPR.

## 9.5 Access and equality considerations

- 9.5.1 The development would be fully compliant with Part M of the Building Regulations. Areas of full height glazing will have appropriate manifestations. The change in levels between the street and interior is managed through the use of stair lifts and a platform lift. New vertical platform lifts would be installed when the ground floor commercial space is refurbished. There are two wheelchair accessible lifts within the office reception area which provide level access to upper floors. A large accessible bedroom would be provided on each floor of the converted building. Consequently, the development accords with policies A4 and GP5 of the UDPR.

## 9.6 Sustainability

- 9.6.1 A number of passive and active carbon reduction measures are proposed in addition to the re-use of the existing building structure and the promotion of sustainable modes of transport. High performance windows will exceed Building Regulation requirements. Similarly, walls and roofs will be well insulated. Heating and hot water systems, together with lighting will respond to demand to reduce wasted energy. Additionally, heat recovery systems will be introduced. Recycling facilities will be provided in the building for both waste and paper. Condition 13 requires the development to achieve BREEAM "very good" standard. This complies with current guidance contained within the City Council's sustainable design Supplementary Planning Document "Building for Tomorrow Today".

## 9.7 Section 106

- 9.7.1 A draft section 106 agreement has been prepared. The agreement includes the following clauses:

- Occupation of accommodation by full time students only
- Students not to bring motor vehicles to the site
- Section 106 management fee £750



9.7.2 The section 106 obligations are compliant with the Community Infrastructure Levy Regulations 2010 Statutory Tests.

9.8 Conclusion

9.8.1 The proposed development would add variety to existing land uses in the area and also deliver improvements to the external appearance of the property. These would be beneficial to both the appearance of the building and the wider streetscene and also to the vitality of the city centre. They would be achieved without an adverse impact upon the functioning of the existing office quarter. The office floorspace in the building itself has remained largely vacant for the last four years which it is not considered economic to improve. The scheme involves an investment of £6m and will create new jobs during its construction. The proposal is a sustainable development that accords with the Development Plan and also the National Planning Policy Framework and is recommended for approval.

## Appendix 2 – Minutes of 22<sup>nd</sup> November 2012

Plans, photographs, drawings, graphics and sample panels were displayed at the meeting. A Members site visit had taken place earlier in the day

The Head of Planning Services stated that a further representation had been received and that the Panel might wish to hear the speakers for and against the application, discuss the proposals and then defer determination of the application to enable proper consideration by Officers of the information which had been submitted, with the Panel agreeing to this course of action

Officers presented the report which sought a change of use of a vacant office building located in the Prime Office Quarter, to student accommodation. Members were informed that the UDPR (2006) supported the principle of office use in the area but accepted other uses which added variety and vitality so long as they did not prejudice the functioning of the principal use

The 1960s building had been reclad in the 1990s and the proposal was to strip the building back to its original structure and to provide a simpler, more unified approach, with the main material being artificial stone. A new pavilion would be located at the top of the building with the overall height of the building matching nearby Aquis House and the adjacent multi-storey car park

The Panel then heard representations from the applicant and an objector who attended the meeting.

Members commented on the following matters:

- the levels of rent being charged for this type of accommodation in Bristol and that the intended market for the scheme was wealthy students
- the management for this type of accommodation
- the need to consider the medium/long-term sustainability of the building and the need for further information on the amount of residential accommodation in the area and the amount of vacant office space in the vicinity
- if approved, the possibility of converting at some future point, student accommodation into residential accommodation for details to be provided about the differences there would be between these two uses in terms of the S106 Agreement
- that whilst the proposal would result in the conversion of an unattractive building, that there were grave misgivings about introducing students into the heart of the business area, with concerns that if approved, a precedent could be set
- the importance of not losing low cost office space in the city centre
- the rapid advancements in technology and IT requirements which meant that relatively modern offices needed to be refurbished to meet modern demands
- that alternative uses, e.g. a hotel might be more acceptable in this area rather than student accommodation
- that the site was in a highly sustainable area for students
- the need to provide details of the proposals affecting Henry's Bar and the roof, together with information on the treatment to the lean-to

The Chief Planning Officer stated that there was a need to look at the supply of student accommodation in the city in view of declining student numbers and that the investment in the regeneration of Bond Court would also need to be considered when introducing a new use to this area.

**RESOLVED** – To note the report and the comments made and in light of the late representation which had been received, to defer determination of the application to a future meeting to enable a further report to be submitted which also addressed the issues raised by Panel and the Chief Planning Officer

### Appendix 3 – Draft conditions

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

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

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

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

- 3) The Local Planning Authority shall be notified in writing of the date of the commencement of development at least one week prior to such commencement.

To enable the Local Planning Authority to monitor conditions which come into force at the commencement of development.

- 4) No development shall take place until a plan showing satisfactory details of the provision to be made for the storage, parking, loading and unloading of contractors' plant, equipment and materials, and the parking of vehicles of the workforce, have been submitted to and approved in writing by the Local Planning Authority. Such facilities shall be provided for the duration of site works.

In the interests of highway safety in accordance with UDPR policy T2.

- 5) Prior to operations commencing on site details shall be submitted for the approval in writing of the Local Planning Authority of the proposed means of minimising dirt, dust and noise during the construction process. The approved scheme shall be implemented upon commencement of works on site, and thereafter maintained during the construction process.

In the interests of amenity.

- 6) No building operation, including delivery of building materials, shall take place before 0730 hours on weekdays and 0800 hours on Saturdays, or after 1900 hours on weekdays and 1300 hours on Saturdays, with no operation on Sundays or Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

In the interests of amenity.

- 7) The following works shall not be commenced until full details including drawings at a scale of not less than 1:20 have been submitted to and approved in writing by the Local Planning Authority:

1. Cladding system and glazing details;
2. Typical sections through junctions of materials and window reveals;
3. Ground floor restaurant front, roofing and canopy details; and
4. Pavilion roof details.

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

In the interests of visual amenity in accordance with UDPR policy BD6.

- 8) Details and samples of all external facing and finishing materials shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The surfaces shall be constructed in accordance with the details thereby agreed.

In the interests of visual amenity in accordance with UDPR policy BD6.

- 9) No development shall take place until a car parking strategy for the management of vehicles at the start and end of the academic year has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.

To ensure the free and safe use of the highways surrounding the development in accordance with UDPR policy T2.

- 10) No development shall take place until a deliveries management strategy has been submitted to and approved in writing by the Local Planning Authority. Deliveries to the development shall thereafter be carried out in accordance with the approved strategy.

To ensure the free and safe use of the highways surrounding the development in accordance with UDPR policy T2.

- 11) Details of the cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided prior to first occupation of the development in accordance with the details thereby agreed. The facilities shall thereafter be maintained.

In the interest of sustainable transport in accordance with UDPR policy T7A.

- 12) Prior to the commencement of development a scheme detailing the method of storage and disposal of litter and waste materials, including recycling facilities, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a description of the facilities to be provided including, where appropriate, lockable containers and details for how the recyclable materials will be collected from the site with timescales for collection. The approved scheme shall be implemented before the development hereby permitted is brought into use and no waste or litter shall be stored or disposed of other than in accordance with the approved scheme.

In the interests of amenity and to promote recycling.

- 13) The development shall attain a BREEAM rating of Excellent. A post-construction review certificate shall be submitted and approved in writing by the Local Planning Authority prior to occupation of the development demonstrating BRE certified Excellent Standard unless otherwise approved in writing by the Local Planning Authority.

In the interests of sustainable development and to demonstrate compliance with Leeds City Council's Building for Tomorrow Today Supplementary Planning Document, the emerging Core Strategy, Regional Spatial Strategy Policy ENV 5 and the NPPF.

- 14) Details of a sound insulation scheme designed to protect the future occupants of the student accommodation from noise emitted by nearby sources and to protect neighbours from noise emitted from the development shall be submitted to the Local Planning Authority and approved in writing prior to the commencement of the development. The approved works shall be completed prior to first occupation of the development and shall thereafter be retained.

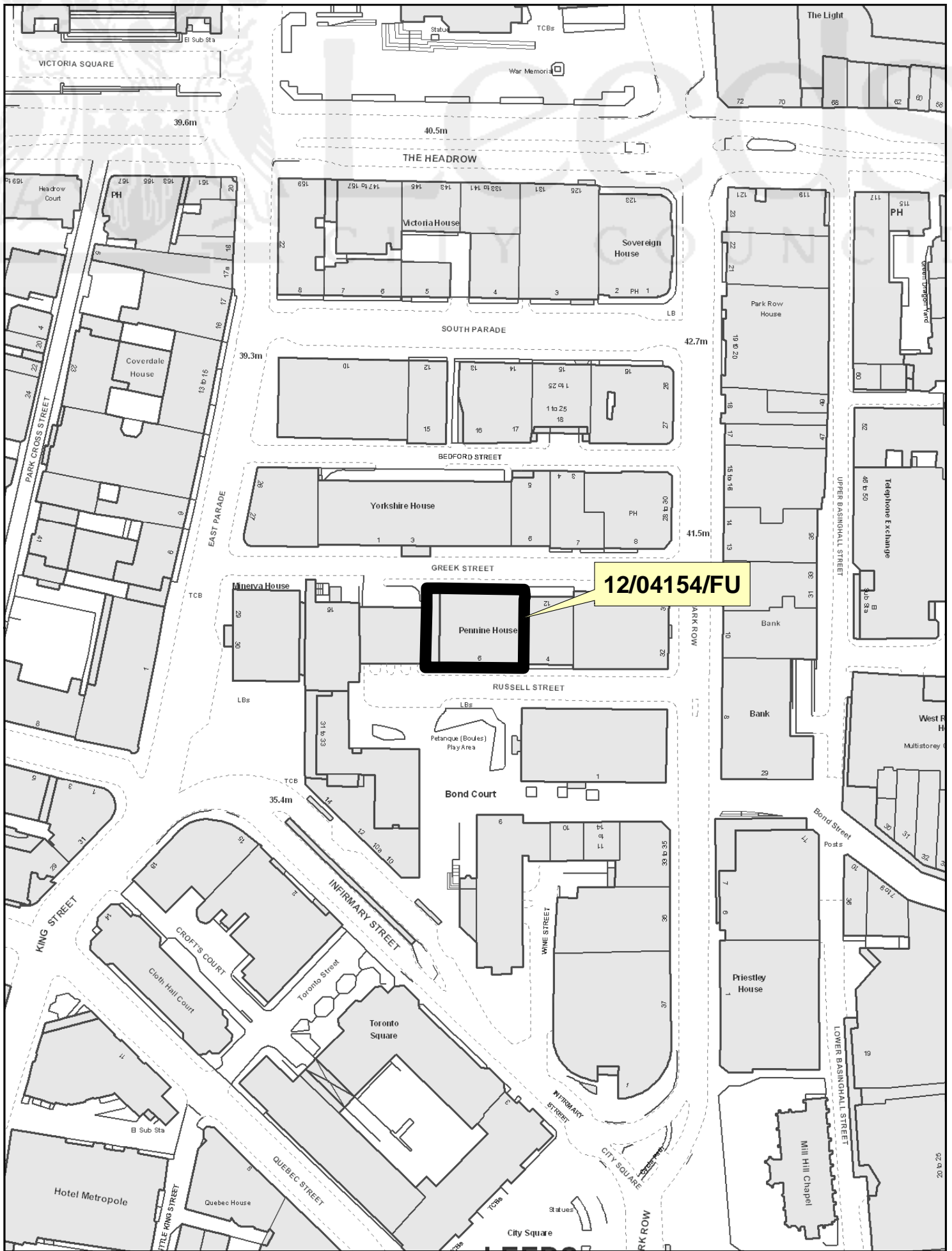
In the interests of the amenities of occupiers of the proposed development and the existing occupants of nearby properties and to accord with UDPR policy GP5.

- 15) Within 3 months of occupation of the development a noise survey shall be undertaken to show compliance with condition 15. The survey locations and methodology shall be agreed in writing by the Local Planning Authority in advance of the survey being undertaken and shall be representative of the noise sensitive receptors within the development. The results of the survey shall be provided to the Local Planning Authority within 4 weeks of the survey being carried out. In the event of failure to demonstrate compliance with any imposed noise conditions, measures necessary to comply with condition 15 shall be agreed and implemented. A further noise survey shall be submitted to the Local Planning Authority to demonstrate that acceptable noise levels have been achieved.

To demonstrate compliance with condition 15 in the interests of amenity in accordance with UDPR policy GP5.

- 16) Prior to the commencement of alterations to the access to the Upper Ground Floor bar/restaurant use full details of the proposed means to ensure that the development is accessible to all people, including the provision of platform lifts, shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be implemented prior to the first use of the refurbished floorspace and thereafter retained and maintained.

In the interests of accessibility and in accordance with UDPR policies T6 and A4.



12/04154/FU

Pennine House

# CITY PLANS PANEL

