



Appeal Decisions

Hearing Held on 28 February 2024

Site visit made on 28 February 2024

by S Hunt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 March 2024

Appeal A: APP/N4720/W/23/3334127

Burley Library, 230 Cardigan Road, Headingley, Leeds LS6 1QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Parklane Group Ltd against the decision of Leeds City Council.
 - The application Ref 21/08345/FU, dated 7 July 2021, was refused by notice dated 30 May 2023.
 - The development proposed is Change of use of the former Burley Library and the erection of a six storey extension to create a co-living scheme (sui generis) with associated communal facilities, a work hub at ground floor level and basement parking.
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Appeal B: APP/N4720/Y/24/3336966

Burley Library, 230 Cardigan Road, Headingley, Leeds LS6 1QL

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Parklane Group Ltd against the decision of Leeds City Council.
 - The application Ref 21/08346/LI, is dated 7 July 2021.
 - The works proposed are Change of use of the former Burley Library and the erection of a six storey extension to create a co-living scheme (sui generis) with associated communal facilities, a work hub at ground floor level and basement parking.
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Decision

1. Appeal A is allowed and planning permission is granted for Change of use of the former Burley Library and the erection of a six storey extension to create a co-living scheme (sui generis) with associated communal facilities, a work hub at ground floor level and basement parking at Burley Library, 230 Cardigan Road, Headingley, Leeds LS6 1QL in accordance with the terms of the application, Ref 21/08345/FU, dated 7 July 2021 subject to the conditions set out in the attached schedule.
2. Appeal B is allowed and listed building consent is granted for Change of use of the former Burley Library and the erection of a six storey extension to create a co-living scheme (sui generis) with associated communal facilities, a work hub at ground floor level and basement parking at Burley Library, 230 Cardigan Road, Headingley, Leeds LS6 1QL in accordance with the terms of the application, Ref 21/08346/LI, dated 7 July 2021 subject to the conditions set out in the attached schedule.

Procedural Matters

3. As set out above, there are two appeals on this site which involve the same scheme. Appeal A relates to refusal of planning permission, whilst Appeal B has been made following the Council's failure to determine the listed building consent application within the prescribed period. I have considered each on its individual merits but to avoid duplication I have dealt with the Appeals together, except where otherwise indicated.
4. The planning application was refused by the Council for a single reason relating to the use and internal layout of the proposed new building only, and not to the proposed conversion and works which would directly affect the listed building. The Council confirmed in their statement of case and at the hearing that they have no concerns in respect of the listed building works and therefore do not wish to contend the non-determination appeal. Nonetheless, I have had special regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act).
5. A final draft planning obligation was submitted under section 106 of the Town and Country Planning Act 1990 (s106) prior to the hearing. A signed completed copy was submitted together with the Council's statement of compliance in respect of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) (the CIL Regulations) following the hearing. I make further references to the s106 later in this decision.

Main Issues

6. The main issues are:
 - 1) Whether the co-living proposals would provide acceptable living conditions for future residents in terms of the provision of private living space; and
 - 2) Whether the proposals would preserve a Grade II listed building, Burley Branch Library including front railings (ref. 1440604), and any of the features of special architectural or historic interest that it possesses.

Reasons

Planning History

7. Planning permission and listed building consent were previously granted by the Council in 2019¹ for a six storey building similar to that before me for use as 60 flats (C3 use), with conversion of the listed library to a work hub. The appellant considers a lawful start has been made and that the permission remains extant. Nonetheless there is a lack of evidence before me to demonstrate this, nor that relevant pre-commencement conditions have been discharged, therefore I have not given it weight as a viable fallback position in my decision.
8. Notwithstanding this, I have had regard to the previous consents in informing the progression of the scheme before me. I also acknowledge that the proposals evolved throughout the application process with amendments to design and internal layout, and a reduction in the number of units from 98 to 78 which resulted in a corresponding increase in the size of the proposed co-living units.

¹ Leeds City Council 18/00121/FU and 18/00122/LI

9. I have also had regard to the developments which adjoin the site; the 'Glassworks' purpose built student accommodation (PBSA) and apartments at the 'Embankment', both of which are owned and operated by the appellant, together with the associated access and parking areas which I understand would be shared between all three developments.
10. The planning history of the site and neighbouring land assists in my understanding of the Council's lack of objection to the proposed development in terms of its scale, massing, design and effects on the listed building, as well as matters such as access and parking.

Co-Living

11. Co-living is a relatively recent form of accommodation which is increasing in popularity. It is an intermediate type of residence for professional workers such as recent graduates who wish to continue living somewhere similar to their student flats, consultancy workers on shorter term contracts, key workers, and recent incomers to cities. Letting periods tend to be less restrictive than traditional rented accommodation. Rooms and shared facilities are proposed to be of a high standard of quality, with on-site management services and all-inclusive rents encompassing bills, communal facilities and regular activities. I was told that the communal living spaces and facilities are key in this type of accommodation, encouraging social interaction.
12. It is an agreed matter that co-living is not a C3 residential use but is classed as *sui generis*, in line with the approach taken in London and other UK cities. The appellant explained their background and business model in other types of intermediate accommodation in Leeds and elsewhere, including PBSA and aparthotels. I was told that no co-living development of this type presently exists in the city of Leeds.
13. The Council do not have any adopted policy which directly relates to this type of use, nor is it defined in the National Planning Policy Framework (the Framework). In response to the lack of directly relevant policy, and an increasing number of proposals for co-living developments elsewhere in the city, the Council published a 'Co-Living Technical Guidance Note' position paper in November 2023. This replaces guidance previously contained within a draft supplementary planning document (SPD) 'Houses in Multiple Occupation, Purpose-Built Student Accommodation and Co-Living Amenity Standards'.
14. The Council clarified that the Guidance Note is not a policy document but is intended to provide clarity and a consistency of approach for both the development industry and planning officers. As such, whilst it is a useful guidance document it does not carry weight in the decision-making process.
15. The Council confirmed that it does not object in principle to the use of the building as co-living units, and that the proposals are in suitable accessible location. From what I have read and heard I have no reason to disagree that the use would be acceptable.

Living Conditions

16. The Council's reason for refusal refers to the units being self-contained. I find this to be somewhat contradictory, given that the Council has accepted that the proposals are for *sui generis* co-living use and not for self-contained residential apartments. Their reasoning is that the private units contain kitchenettes.

17. The layout plans and other submitted documents² give details of the kitchenettes. I was told that their scale and equipment would only enable the making of hot drinks and small convenience type meals to be warmed. There would be no oven or laundry facilities. I saw a typical kitchenette in the adjoining 'Glassworks' development on my site visit. On the other hand, communal kitchen facilities would be generously sized with numerous cooking facilities which could not otherwise fit within private units, together with seated dining and living spaces. These 'mega lounges' would be situated centrally on each floor and include external sitting out on balcony terraces. Laundry facilities are proposed separately in the basement.
18. Kitchen facilities, and a limited provision in private rooms, are just one element amongst many attributes which set apart co-living developments from a traditional self-contained apartment. A condition has been put forward by the appellant which seeks to ensure the facilities meet certain criteria. Consequently from the evidence before me I am satisfied that the existence of a kitchenette in each unit does not render them to be self-contained.
19. The Council also disputes the size of the private units which are set out at paragraph 5.8 of the Statement of Common Ground (SoCG) as: 68 studios at 30m², three studios at 32m², four duplex units at 33m² and three duplex units at 38m² in floor area. All but the latter three duplex units would fall below the 37m² space standard set out in Leeds Local Plan Core Strategy 2019 (CS) policy H9 for a one bed unit with shower room. The space standards in policy H9 echo those of the Nationally Described Space Standards 2015 (NDSS), and it is this policy which the Council cite conflict with.
20. I do not consider a condition limiting the rooms to single occupancy to be necessary or reasonable. The management plan would limit occupation, and the tenancy agreements would be subject to separate legislation, so it is unnecessary to replicate this in a freestanding condition. Furthermore, I am satisfied that the management plan, fire regulations and presence of on-site management would prevent over-occupation over and above reasonable short stays by visitors.
21. I heard differing views on whether it would be appropriate to limit the overall numbers of units and/or occupants, and to prevent sub-division of communal spaces to create additional units. I am satisfied that this is also unnecessary given the *sui generis* status of the proposed development which would not benefit from any permitted development rights, and that the management plan could appropriately cover such matters.
22. The Council accept that the NDSS are not applicable to PBSA nor houses in multiple occupation (HMOs), given their limited tenancies and provision of communal facilities. I concur with the appellant that the co-living development is akin to such uses with respect to its provision of communal spaces and facilities. I am therefore satisfied that the single occupancy private units should not be subject to the strict application of CS policy H9 and the NDSS.
23. Notwithstanding that the majority of the units fall below the 37m² space standard sought by the Council, the Appellant has carried out a calculation of aggregated space from the communal rooms to each unit. This is an approach advocated by paragraph 4.9 of the Council's co-living guidance note, which also

² Appendix 3 to the Appellant's statement 'Umbrella approach to designing co-living schemes'

recognises that co-living studios tend to be less than the NDSS. The calculations for aggregated space (internal to the proposed development only) increase the total amenity space for each resident to a minimum of 38.4m² for the smallest studio rooms.

24. Paragraph 4.3 of the co-living guidance note indicates that the Council also expect schemes to ensure that residents have a good standard of amenity in respect of private space and facilities, outlook, daylight, noise, security and communal space. I acknowledge that all these other factors relevant to living conditions are not contested by the Council.
25. Whether or not CS policy H9 is directly applicable to this type of development, I am satisfied that the space available to all occupants would exceed 37m² with the aggregated space accruing from the communal spaces which would be centrally located to each floor. Size is not the only determining factor in whether living conditions are acceptable, and I find the private units would have good levels of light and outlook and would contain individual facilities of a high quality.
26. Consequently I am satisfied that the co-living proposals would provide acceptable living conditions for future residents in terms of the provision of both private and communal living space, and I find no conflict with CS policy P10 and policy BD5 of the Leeds Unitary Development Plan 2006 (UDP) which together with paragraph 135 f) of the Framework seek for buildings to be designed with consideration to amenity of future users.

Listed Building

27. Burley Branch Library was listed relatively recently in 2017, prior to the submission of the previously approved planning application for flats. The single storey brick building with basement was designed by Gilbert Burdett Howcroft and was opened in 1926 by Alderman Percy Jackson. Its architectural interest derives from its neo-Georgian style and careful attention to detail with a largely intact internal layout. Numerous original features are retained including moulded double height ceilings lit by ornate glazed lanterns, extensive carved woodwork, enquiries kiosk and issuing desk, built in bookcases and glazed screens. The front elevation, behind a light well and railings, remains in relatively good condition and it remains legible as a former public library by the lettering inscribed into stone panels above the main entrance. The rear and side elevation are in poor condition with damaged brickwork, historically having been joined to other buildings. Its setting has altered significantly in recent years, being flanked by modern apartment blocks and facing a petrol filling station. It is currently in use as storage for the appellant's adjoining PBSA and has not been accessible to the public since its closure on safety grounds in 2016.
28. I find that that the special interest of the listed building is as a well-preserved example of a small city branch library built to serve the local working-class population, its intact internal layout containing a number of fine original features.
29. The proposals seek to partly form a reception hall and communal work hub, via the existing main entrance onto Cardigan Road. The main lending library room with 'junior room' would retain their legibility of plan, with subdivision of some private work spaces via glass screens. The open plan nature of the proposed

use successfully enables retention of the majority of its admirable fixtures and fittings. Furthermore, the work hub would be publicly accessible, enabling community use to return to the building.

30. The reading room is separated from the main lending library space by opaque glazed screens, which would remain with a new 'living' wall constructed beyond. This would provide appropriate separation from four proposed duplex units, designed to make use of the double height space with a mezzanine bedroom. The reading room, albeit having special interest as a large double height former reading space, has less fixtures and fittings of interest than the main lending library/junior room. Notwithstanding this, its subdivision would inevitably result in harm to this part of the former library.
31. The basement is of more limited architectural and historic interest, and is showing more obvious signs of damp and neglect. Features of note include the staircase, which would be removed as part of the works to create an entrance from the car park. Whilst the staircase appears to be original, it is a mainly enclosed feature being of functional use and appearance. Metal stick balusters with timber rail above exist to the landing only. Nonetheless, its removal would result in harm to the significance of the building in the legibility of its layout. A single WC is also proposed for removal to create a lobby area, this room being of interest by virtue of its retention of original sanitary ware, panelled door and blue/pink glazed tiles with tesserae dado. Given the location of the WC it would not be possible to retain the fixtures in their original position. Notwithstanding the removal of the staircase and the WC, the remaining layout of the basement would be largely maintained by the proposed arrangement of service rooms, laundry, and cinema room/gym. The substation is specifically noted in the List description as being not of special interest.
32. It is proposed to insert four windows into the side elevation to light the duplex units, in a similar style as the existing. A stone string course and concealed gutter detailing would wrap around the building in the same manner as the existing frontage. These architectural additions and the proposed restoration of the damaged wall would enhance the appearance of the side elevation of the building, subject to conditions requiring a suitable brickwork panel, joinery and rainwater goods to be agreed. Details of the restored or replacement front door would also need to be agreed, as requested by the Civic Society.
33. The rear elevation of the building is functional in appearance and has been the subject of numerous alterations including small basement extensions and filling in of openings. The partial demolition of an area of rear wall to create the link to the distinctly different and modern 6 storey 'floating' extension would irreversibly alter its appearance. Notwithstanding the contrasting design and materials of the extension I find its links onto the library building to be sensitively designed, enabling a good proportion of the rear wall to be restored and retained and be visible from the proposed enclosed outdoor amenity area. Furthermore, the original roof plan of the library and views of the restored roof lanterns would be enjoyed from the co-living units and communal spaces above.
34. I do not consider the extension in detail given that a very similar building has approved by the Council since the library was listed, and I have had regard to the lack of objection on this element of the proposals, including from the conservation officer.

35. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. Overall I find that the extension, the works to the rear wall, removal of the basement staircase and WC, and subdivision of the reading room to create duplex units would result in a level of harm which is less than substantial. In concluding this I have taken into account the deteriorating condition of the library building and its significantly altered and modern setting. Nevertheless, I give such harm considerable importance and weight.
36. Under such circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings.
37. A number of public benefits would arise as a result of the proposals. These include provision of accommodation and communal space for workers and the associated benefits of social interaction, the relief of pressure on use of family sized homes as HMOs, provision of affordable housing and green space contributions, and economic benefits associated with both construction and operational employment, and increased local spending. These are all public benefits to which I give moderate weight.
38. The library building has been unused by the public for some eight years and its condition is visibly deteriorating. Most significant of all the benefits which have been put to me is that sensitive restoration and conversion of the listed building would take place, enabling an optimum viable use to be secured by the proposed community co-working hub use. There is no evidence before me to suggest that this use, which forms part of the wider co-living scheme, would be unviable. The use would involve minimal physical alterations, largely retain its plan form and safeguard the majority of the fine original features of the library. Such features would continue to be appreciated by the community through the public access to the building. I am persuaded that this benefit alone would outweigh the less than substantial harm to the significance of the heritage asset, and the considerable importance this carries.
39. This would satisfy the requirements of the Act, paragraphs 203 and 208 of the Framework and would generally comply with policies N14, N15 and N16 of the UDP which require, among other things, for alterations and changes of use to not diminish the special architectural or historic value of the building and its setting.

Planning Obligations

40. A completed and signed s106 has been submitted which secures financial contributions relating to off-site provision of affordable housing, greenspace, a traffic regulation order (TRO) and a travel plan.
41. The co-living units are not classified as dwellings. Nonetheless I acknowledge that the Council's co-living technical guidance note (paragraph 4.1) sets out that co-living as a form of long-term residential accommodation should reflect wider policy objectives including contributions to greenspace, affordable housing and accessible housing, travel planning and accessibility. No counter-

evidence has been put to me regarding the necessity of such contributions, and I am cognisant of the public benefits that would arise from them. I therefore accept, in the absence of adopted policy, that obligations normally applicable to new dwellings could also apply to co-living.

42. CS policy H5 requires affordable housing provision of 7% in the city centre area, and the s106 secures an equivalent financial contribution towards off-site provision. CS policies G3 to G5 set out green space standards for residential developments and the CS specifically states that any other developments including sui generis uses will be judged on their own merits. The Council accepts that affordable housing and greenspace cannot be provided on site due to the co-living nature of the development and has supplied the relevant calculations in accordance with policies in the CS. The s106 specifically refers to the sum being applied towards recreational facilities within Burley Park, which would be appropriate given its proximity to the appeal site.
43. The contributions to a TRO and travel plan are justified by the approach in the Council's supplementary planning documents which relate to transport and travel plans, in the interests of highway safety and promotion of alternative modes of transport.
44. No party questioned the need for, or the level of, financial contributions sought within the s106. On the evidence before me I can see no obvious concerns with the legal agreement and overall I am satisfied that the obligations are necessary to make the development acceptable in planning terms, that they are directly related to and are fairly and reasonably related in scale and kind to the development. I therefore consider that the submitted s106 meets the tests set out in paragraph 57 of the Framework and the CIL Regulations.

Conditions

45. I have considered both the wording and the reasons for the conditions as set out in the SoCG, the further conditions suggested by the Appellant and as discussed at the Hearing in accordance with the tests set out in paragraph 56 of the Framework. I have made some minor amendments to some of the conditions in the interests of clarity, precision and consistency. An approved plans conditions is unnecessary for the listed building consent because there is no provision for an application for a minor material amendment to such consent. All pre-commencement conditions were accepted by the appellant at the Hearing.
46. A condition is necessary to prevent occupation of the development by full time students, given the sui generis nature of the scheme which has been assessed based on its co-living use and not as a PBSA.
47. Conditions regarding material details and samples, including a sample panel of bricks with jointing are necessary to ensure a high quality external finish in the interests of character and appearance. I have added re-pointing details to the brick panel condition to ensure that any repointing of existing brickwork is also of a colour and material appropriate to the listed library building. Likewise, external joinery and rainwater/plumbing goods are also required for the library building to ensure its special interest is preserved.
48. I have imposed a range of conditions which have been requested by the Highway authority, including details of provision of disabled parking spaces,

cycle/motorcycle parking, servicing areas, a car park management plan, statement of construction practice and details of access gates. These are all required in order to ensure the car parking and access provision are sufficient for the development proposed and do not result in harm to highway safety. I have removed reference to the off-site works the subject of a Traffic Regulation Order, as this is secured elsewhere by the s106 and a subsequent agreement under the Highways Act.

49. A condition requiring details of electric vehicle charging points (which would serve every parking space) and a car club space, as well as submission of a travel plan, are also necessary in the interests of promoting sustainable modes of travel.
50. The Council's contaminated land team recommend standard conditions relating to investigation and remediation of contaminated material on site, as well as soil testing for landscaped areas. Whilst I was told that such works have already been carried out for the adjoining Glassworks development, and there is limited outside amenity space proposed, I understand that the enclosed area immediately to the rear of the library has not yet been investigated therefore the conditions should remain.
51. A foul and surface water drainage strategy has been submitted, which indicates connections to the existing scheme for the Glassworks development together with underground attenuation to store and control flows. Notwithstanding this, further details are required by condition to ensure that both surface and foul water can be suitably and sustainably drained.
52. A landscaping condition is necessary to ensure that details of hard surfacing, planting, and boundary treatments are appropriate both to area character, amenity as well as the safety of the adjoining railway, and I have added a retention clause to this effect. I have deleted reference to car parking layout as this duplicates other conditions or is the subject of an approved plan. Protection of existing trees is unnecessary as there is no existing vegetation within or adjoining the site.
53. A number of additional conditions were suggested by the Appellant and discussed at the Hearing. The submitted 'Living Management Plan by Living' covers general matters regarding how the co-living development would be managed. However this would benefit from further detail to make it more precise and relevant to operational matters which are pertinent to its co-living use including single occupancy, use of private units and communal facilities and so on. I have therefore reworded the condition as discussed to require submission of an operational management plan to be agreed, and included a tailpiece that it be operated as such for its lifetime.
54. I consider the Appellant's suggested additional condition that the occupants of the development should have unrestricted access to the communal facilities at the adjacent Glassworks development would not meet the tests. The proposed development incorporates a good range of communal areas and facilities which would be commensurate to the size and type of accommodation. Access to additional communal facilities is not necessary to make the development acceptable. I recognise that such sharing of facilities is still able to take place without such a condition, and is able to be incorporated as part of the operational management plan if the Appellant wishes.

55. I have amalgamated the proposed conditions regarding kitchenettes and communal kitchens and made it more precise to refer to certain paragraphs within Appendix 3 'Umbrella Approach'. The condition is necessary as the provision and specification of such facilities is an important factor in determining whether the units are self-contained, as explained earlier in this decision.
56. Conditions recommended by Environmental Protection and Network Rail were missed off the list of suggested conditions. I have added the acoustic mitigation condition in order to protect future living conditions of occupants from noise arising from communal areas. The conditions recommended by Network Rail including details of construction methodology, trespass fencing, lighting and drainage are capable of being incorporated in other conditions and I have amended them accordingly to include measures to protect the adjacent railway. The railway line is raised high above brick arches, therefore vehicle incursion measures and railway compliant landscaping details are both unnecessary.
57. Apart from external materials, joinery and plumbing details, conditions relevant to internal fixtures and fittings should be imposed on the listed building consent. For clarity I have split the suggested condition requiring details of such internal features into those which are to be retained and restored, and those which are proposed as new features. As discussed at the Hearing I have deleted reference to the 'historic' interior, as with exception of the substation all its internal features form part of the listing and have varying levels of architectural and historic interest. Consequently I consider all such features should be subject to further scrutiny of details by the Local Planning Authority prior to such internal works taking place. Related to this, a programme of archaeological building recording in accordance with a written scheme of investigation is necessary to ensure that all such features are properly recorded whether they are being retained or not.

Conclusions

58. There are no local or national policies directly relevant to co-living developments. Notwithstanding this, the parties are in agreement that the co-living use is acceptable in this accessible location, and I have no reason to disagree with this. I have found that the living conditions of future occupiers, in terms of space and a range of other factors including the provision of communal spaces would be acceptable. Some of the proposed works to the grade II listed Burley Branch Library would lead to less than substantial harm to the significance of the designated heritage asset and to this I attach great weight. I have considered the public benefits of the proposal, including securing its optimum viable use, and conclude that such benefits outweigh the harm.
59. For these reasons and having regard to all other matters raised, I conclude that Appeal A should be allowed, and Appeal B should be allowed and listed building consent granted.

Susan Hunt

INSPECTOR

Schedule of Conditions

Appeal A:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed below:

500944 PL-01 B	Site Location Plan
500944 PL-03	Block Plan
500944 PL-04	Retention of existing elements
500944 PL-18 C	Schedule of Accommodation
500944 PL-10 E	Proposed Site-Ground Floor Plan
500944 PL-11 C	Proposed Basement-Ground Floor Plan
500944 PL-11.1 B	Mezzanine Floor Plan
500944 PL-12 C	Proposed First Floor Plan
500944 PL-13 C	Proposed Second Floor Plan
500944 PL-14 C	Proposed Third Floor Plan
500944 PL-15 C	Proposed Fourth Floor Plan
500944 PL-16 C	Proposed Fifth Floor Plan
500944 PL-17 B	Proposed Roof Plan
500944 PL-19 B	Proposed Site Facilities
500944 PL-20 E	Proposed East and North Elevations
500944 PL-21 E	Proposed West and South Elevations
500944 PL-31 A	The Library Internal Works
500944 PL-32 B	Proposed Sections
500944 PL-34	Proposed Winter Gardens and Amenity Space
- 3) The sui generis co-living accommodation hereby permitted shall not be occupied at any time by students in full-time education.
- 4) Construction of external walls and roofs to any building subject of this permission shall not take place until details and samples of all external walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Samples shall be made available on site prior to the commencement of building works, for inspection by the Local Planning Authority which shall be notified in writing of their availability. The building works shall be constructed from the materials thereby approved.
- 5) The parking area shall not be laid out or be brought into use until a revised Proposed Site Layout demonstrating the provision of disabled car parking has been submitted to and approved in writing by the Local Planning Authority. The agreed layout shall be implemented prior to first occupation and retained for the lifetime of the development.
- 6) Works above the ground floor slab level shall not commence until full details of cycle/motorcycle parking and facilities have been submitted to and approved in writing by the Local Planning Authority. The approved cycle/motorcycle parking and facilities shall be provided prior to first occupation of the development and retained thereafter for the lifetime of the development.
- 7) The development hereby permitted shall not be occupied until all areas shown on the approved plans to be used by vehicles, including access, parking, loading and servicing areas have been fully laid out, surfaced and drained such

that loose materials and surface water does not discharge or transfer onto the highway. These areas shall not be used for any other purpose thereafter.

- 8) The development hereby permitted shall not be occupied until full details and a scheme for provision of Electric Vehicle charging points, a car club space within the car park accessible 24 hours a day and associated infrastructure have been submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided prior to first occupation of the development, retained and maintained thereafter as approved for the lifetime of the development.
- 9) The development hereby permitted shall not be occupied until a Car Park and Servicing Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following information: management of drop-off and pick-up, re-allocation of existing Glassworks site parking and proposed parking arrangements for the development and management of move-in / pick-out procedures, including deliveries and servicing associated with the development. The plan shall be fully implemented, and the development thereafter operated in accordance with the approved timescales.
- 10) Development shall not commence until a Statement of Construction Practice has been submitted to and approved in writing by the Local Planning Authority, the Statement of construction practice shall include full details of:
 - a) The construction vehicle routing, means of access, location of site compound, storage and parking (including workforce parking), means of loading and unloading of all contractors' plant, equipment, materials and vehicles and associated traffic management measures;
 - b) Methods to prevent mud, grit and dirt being carried on to the public highway;
 - c) Measures to control the emissions of dust and dirt during construction;
 - d) Measures to protect the adjacent railway; and
 - e) How the statement of construction practice will be made publicly available by the developer.

The approved details shall be implemented at the commencement of works on site and shall thereafter be retained and employed until completion of the works on site.

The Statement of Construction practice shall be made publicly available for the lifetime of the construction phase of the development in accordance with the approved method of publicity.

- 11) Works above the ground floor slab level shall not commence until a plan showing the proposed vehicular access to the site comprising widened access, relocated gate and keycode post, and reinstatement of redundant dropped kerbs around the site to full height footway has been submitted to and approved in writing by the Local Planning Authority. The approved works shall be delivered as approved prior to first occupation of the development and retained for its lifetime.
- 12) The development hereby permitted shall not be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall comprise measures to encourage alternative modes of transport for staff and residents other than single occupancy of vehicles, including

timescales for when those measures shall be put into place and procedures for monitoring the uptake of alternative modes of travel and providing evidence of compliance. The Travel Plan shall be fully implemented and operated in accordance with the agreed timescales.

- 13) Development shall not commence until a Phase I Desk Study has been submitted to, and approved in writing by, the Local Planning Authority and:
 - a) Where the approved Phase I Desk Study indicates that intrusive investigation is necessary, development (excluding demolition) shall not commence until a Phase II Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority; and
 - b) Where remediation measures are shown to be necessary in the Phase I/Phase II Reports and/or where soil or soil forming material is being imported to site, development (excluding demolition) shall not commence until a Remediation Strategy demonstrating how the site will be made suitable for the intended use has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a programme for all works and for the provision of Verification Reports. To ensure that the presence of contamination is identified, risks assessed and proposed remediation works are agreed in order to make the site suitable for use with respect to land contamination.
- 14) If remediation is unable to proceed in accordance with the approved Remediation Strategy, or where significant unexpected contamination is encountered, or where soil or soil forming material is being imported to site, the Local Planning Authority shall be notified in writing immediately and operations on the affected part of the site shall cease. The affected part of the site shall be agreed with the Local Planning Authority in writing. An amended or new Remediation Strategy and/or Soil Importation Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to any further remediation works which shall thereafter be carried out in accordance with the revised approved Strategy. Prior to the site being brought into use, where significant unexpected contamination is not encountered, the Local Planning Authority shall be notified in writing of such.
- 15) Remediation works shall be carried out in accordance with the approved Remediation Strategy. On completion of those works, the Verification Report(s) shall be submitted to the Local Planning Authority in accordance with the approved programme. The site or phase of a site shall not be brought into use until such time as all verification information has been approved in writing by the Local Planning Authority. To ensure that the remediation works are fully implemented as agreed and the site has been demonstrated to be suitable for use with respect to land contamination.
- 16) Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, public open space or for filling and level raising shall be tested for contamination and suitability for use. A methodology for testing these soils shall be submitted to, and approved in writing by, the Local Planning Authority prior to these materials being imported onto site. The methodology shall include information on the source of the materials, sampling frequency, testing schedules and criteria against which the analytical results will be assessed (as determined by risk assessment). Testing shall then be carried out in accordance with the approved methodology. Relevant evidence, assessment

and verification information shall be submitted to, and approved in writing by, the Local Planning Authority prior to the site or phase of the site being brought into use. In the event that no soil or soil forming materials have been brought to site, written confirmation shall be submitted to the Local Planning Authority.

17) Development shall not commence until a scheme detailing surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved scheme before the development is brought into use, or as set out in the approved phasing details, and retained as approved.

18) The development hereby permitted shall not be occupied until full details of both hard and soft landscape works, including a dated implementation programme (inclusive of any phasing), have been submitted to and approved in writing by the Local Planning Authority.

Works shall include (a) proposed finished levels; (b) boundary details, means of enclosure and retaining structures (including measures to protect the railway from trespass); (c) hard surfacing works; (d) minor artefacts and structures (including refuse or other storage units, signs, lighting); (e) planting plans; (f) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and (g) schedules of plants noting species, planting sizes, root packaging and proposed numbers/densities; and (h) landscape drainage proposals.

All hard and soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme, and British Standard BS 4428:1989 (Code of Practice for General Landscape Operations).

19) Prior to first occupation of the development hereby permitted a Co-Living Operational Management Plan, based on the principles set out in document reference CD06(A).2 'Living Management Plan', shall be submitted to and approved in writing by the Local Planning Authority. The development shall be operated strictly in accordance with the approved Operational Management Plan for its lifetime.

20) The kitchenettes provided within every private studio and duplex apartments, and the communal kitchen facilities within every mega-lounge, shall be designed, constructed and their format retained for the lifetime of the development in accordance with the details set out in paragraphs 1.3 to 1.12 of Statement of Case Appendix 3 'Umbrella Approach to Designing a Co-Living Environment'.

21) Development shall not commence until details of a sound insulation scheme designed to protect the future occupants of the private units from noise emitted from shared kitchens and amenity spaces has been submitted to and approved in writing by the Local Planning Authority. The approved works shall be completed prior to first occupation of the development and shall thereafter be retained.

Appeal B:

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) Construction of external brickwork shall not take place until a sample panel of the brickwork has been approved in writing by the Local Planning Authority. The panel shall be erected on site to establish the colour of bricks and the colour and type of jointing material. The new brickwork and any repointing of existing bricks shall be carried out in strict accordance with the sample panel which shall not be demolished prior to completion of the development.
- 3) The works hereby permitted shall not be brought into use until full details (to include a survey relating to the repair/replacement of existing doors (including main front doors) and windows, a method statement for any repairs, section drawings, glazing details, joinery details and details of materials, treatment and/or colour) of all openings (doors, windows, roof lights) for the former library building have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to occupation and retained for the lifetime of the development.
- 4) Prior to their installation all services including gutters, downpipes, vents and all other external plumbing installations for the former library building shall be submitted to and approved in writing by the Local Planning Authority. Such details shall exclude the use of plastic or similar materials. These items shall then be installed in accordance with the approved details and retained for the lifetime of the development.
- 5) Prior to any works being carried out to the interior of the Library building (with the exception of the removal of the substation) details of the retention and restoration of the following shall be submitted to and approved in writing by the Local Planning Authority: All surviving library fixtures and fittings, flooring, radiators, tiles, panelling, glazed screens and cornices. All works shall be carried out and maintained in strict accordance with the approved details.
- 6) Prior to any works being carried out to the interior of the Library building (with the exception of the removal of the substation) details of the following shall be submitted to and approved in writing by the Local Planning Authority:
 - a) All new internal doors and glass internal pods; and
 - b) Sections of the proposed mezzanine floors and any new staircases.All works shall be carried out and maintained in strict accordance with the approved details.
- 7) No demolition or development shall take place until the implementation of a programme of archaeological building recording has been secured. This recording must be carried out by an appropriately qualified and experienced archaeological consultant or organisation, in accordance with a written scheme of investigation which shall have been previously submitted and approved in writing by the Local Planning Authority.

APPEARANCES

For the Appellant:

Josh Kitson, Walker Morris LLP
Oliver Corbett, DPP
Mark Ditchburn, Parklane Group
Paul Manku, Parklane Group
Amir Hussain, Yeme Architects

For Leeds City Council:

Laurence Hill, Principal Planning Officer
Kathryn Holloway, Team Leader

DOCUMENTS SUBMITTED AT OR AFTER THE HEARING

Leeds City Council s106 CIL compliance statement
Network Rail consultation response and conditions (29 November 2021)
Completed s106 Agreement