

Appendix 4

Draft Conditions

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

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

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

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

- 3) No development shall commence until details of a phasing plan have been submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include associated highways works, any affordable housing provision on-site, and landscaping works within a given phase where relevant. Details for each relevant condition below shall then be submitted in accordance with the phasing plan. Any subsequent changes to the phasing schedule shall be submitted in writing to and approved by the Local Planning Authority. The scheme shall be built out in accordance with the approved phasing plan.

In order to accord with the provisions of the Leeds Core Strategy, Saved Policies of the Leeds Unitary Development Plan Review, Leeds Natural Resources and Waste DPD, and the Holbeck Urban Village Revised Planning Framework, in the interests of amenity, visual amenity, the provision of affordable housing, pedestrian connectivity, highways safety, sustainable development, and in order that the Local Planning Authority is informed of the phasing in order that the relevant sections of the conditions may be discharged.

- 4) No construction of external walling or roofing shall 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. Such materials shall be made available on site prior to the commencement of their use, for the inspection of the Local Planning Authority who shall be notified in writing of their availability. This shall include a large sample panel of all external facing materials and glazing types to be used. The external cladding and glazing materials shall be constructed in strict accordance with the sample panel(s) which shall not be demolished prior to the completion of the development.

In the interests of visual amenity in order to accord with Leeds UDP Review Policies GP5 and BD2, Leeds Core Strategy Policy P10 and the NPPF.

- 5) Notwithstanding details shown on the plans hereby approved, no external walling or roofing shall be constructed until typical 1:20/1:50 scale working drawings showing the details shown on drawings have been submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the details thereby approved and retained as such thereafter.

In the interests of visual amenity in order to accord with Leeds UDP Review Policies GP5 and BD2, Leeds Core Strategy Policy P10 and the NPPF.

- 6) No external surfacing works shall take place until details and samples of all external surfacing materials have been submitted to and approved in writing by the Local Planning Authority. Such materials shall be made available on site prior to the commencement of their use, for the inspection of the Local Planning Authority who shall be notified in writing of their availability. The surfacing works shall be constructed from the materials thereby approved prior to occupation of the building.

In the interests of visual amenity, in accordance with Leeds UDPR Policies GP5 and LD1, Leeds Core Strategy Policy P10 and the NPPF

- 7) Development shall not commence until full details of both hard and soft landscape works, including an implementation programme, have been submitted to and approved in writing by the Local Planning Authority. Hard landscape works shall include
- (a) proposed finished levels and/or contours,
 - (b) boundary details and means of enclosure,
 - (c) car parking layouts,
 - (d) other vehicle and pedestrian access and circulation areas,
 - (e) hard surfacing areas,
 - (f) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.),
 - (g) proposed and existing functional services above and below ground (e.g. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.).
- Soft landscape works shall include
- (h) planting plans
 - (i) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and
 - (j) schedules of plants noting species, planting sizes and proposed numbers/densities.
 - (k) tree pits and soil volumes

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. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.

To ensure the provision and establishment of acceptable landscape in accordance with adopted Leeds Core Strategy Policy P12, Saved Leeds UDP Review (2006) policies GP5 and LD1, Leeds Natural Resources and Waste DPD, and the NPPF.

- 8) If within a period of five years from the date of the planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the Local Planning Authority.

To ensure maintenance of a healthy landscape scheme, in accordance with adopted Leeds Core Strategy Policy P12, Saved Leeds UDP Review (2006) policies GP5 and LD1, the Leeds Natural Resources and Waste DPD, and the NPPF.

- 9) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules shall be submitted to and approved in

writing by the Local Planning Authority prior to the occupation of the development. The landscape management plan shall be carried out as approved.

To ensure successful aftercare of landscaping, in accordance with adopted Leeds Core Strategy policy P12, Saved Leeds UDP Review (2006) policies GP5 and LD1, the Leeds Natural Resources and Waste DPD, and the NPPF.

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

In order to protect nesting birds in accordance with the NPPF.

- 11) Prior to the commencement of development, a Plan shall be submitted to and approved in writing by the LPA of bat roosting and bird nesting opportunities (for species such as House Sparrow, Starling, Swift, Swallow and House Martin) to be provided within buildings and elsewhere on site. The agreed Plan shall show the number, specification of the bird nesting and bat roosting features and where they will be located, together with a commitment to being installed under the supervision of an appropriately qualified bat consultant. All approved features shall be installed prior to first occupation of the dwelling on which they are located and retained thereafter.

In order to maintain and enhance biodiversity.

- 12) The development shall not be occupied until all areas shown on the approved plans to be used by vehicles have been fully laid out, surfaced and drained such that surface water does not discharge or transfer onto the highway. These areas shall not be used for any other purpose thereafter.

To ensure the free and safe use of the highway in accordance with adopted Leeds Core Strategy Policy T2 and Street Design Guide SPD (2009).

- 13) Notwithstanding the approved details, before development is commenced full details of long and short stay cycle/motorcycle parking and facilities shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved cycle/motorcycle parking and facilities have been provided. The facilities shall thereafter be retained for the lifetime of the development.

In order to meet the aims of adopted Leeds UDP Review (2006) policies T7A, and T7B, Leeds Core Strategy Policy T1, the Travel Plans SPD and the NPPF.

- 14) Prior to the commencement of development full details (including siting, materials and means of enclosure) of the proposed residential bin store(s) shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the bin store(s) thereby approved have been provided. The bin store(s) shall thereafter be retained and maintained as such in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

To ensure that adequate provision for bin storage is made and in the interests of visual and residential amenity, in accordance with Leeds UDPR Policy GP5, Leeds Core Strategy Policies T2 and P10 and the NPPF.

- 15) Prior to the occupation of each commercial unit full details (including siting, materials and means of enclosure) of the proposed bin store(s) shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the bin store(s) thereby approved have been provided. The bin store(s) shall thereafter be retained and maintained as such in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

To ensure that adequate provision for bin storage is made and in the interests of visual and residential amenity, in accordance with Leeds UDPR Policy GP5, Leeds Core Strategy Policies T2 and P10 and the NPPF.

- 16) Prior to commencement of development, details of the access controls to the basement car park shall be submitted to and approved in writing by the Local Planning Authority. Any roller shutter shall be set back at least 6m from the back of the footway and shall be a fast action roller shutter type. The approved details shall be installed prior to first occupation of the development and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of pedestrian and vehicular safety, in accordance with Leeds UDPR Policy GP5 and Leeds Core Strategy Policy T2

- 17) Prior to the first occupation of the development hereby approved, details including the locations of the proposed electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The charging points shall be provided in accordance with the approved details for use prior to first occupation of the building, and retained as such thereafter.

In the interests of encouraging more sustainable forms of travel, in accordance with the NPPF, Leeds Natural Resources and Waste DPD, Leeds Travel Plans SPD, Leeds UDPR Policies GP5 and Leeds Core Strategy Policy T2

- 18) No development shall take place until details for the provision of off-site highways works as shown on drawing no. 2007-221/002E as follows:

- (a) Resurfacing of existing footway between St. Barnabas Road and Manor Road that runs alongside the northern block.
- (b) Upgrade the existing pedestrian route between Ingram Street and Manor Road to a shared pedestrian/ cycle route at least 3m in width.
- (c) Provision of an informal dropped crossing with tactile paving on Manor Road to the east of David Street to assist pedestrian movements to the existing leisure/ employment uses along Water Lane and the station
- (d) Provision of a cycle route to the existing cycle lane on Meadow Lane to include conversion of the pedestrian link between St. Barnabas Road and Meadow Road to a shared pedestrian/ cyclist facility.
- (e) Amendment of existing Traffic Regulation Orders (TROs) and new TROs for the service turning head, loading bays and car club space
- (f) Works to Ingram Row
- (g) Works to Ingram Street

have been submitted to and approved in writing by the Local Planning Authority for inclusion in the section 278 Highways Agreement or to be secured by such other procedure as may be agreed between the applicants and the Local Planning Authority.

In the interests of pedestrian and vehicular safety, in order to accord with the NPPF and Core Strategy Policy T2.

- 19) Prior to the occupation of the commercial uses hereby approved, details of secure cycle storage, shower facilities and lockers for staff for each unit shall be submitted to and approved in writing by the Local Planning Authority. Secure cycle storage, showers and lockers shall be available for all units/floorspace prior to its occupation and retained as such thereafter.

In the interests of promoting walking, running and cycling as more sustainable means of travel to work, in accordance with the NPPF, Leeds UDPR Policy GP5, Leeds Core Strategy Policy T1 and the Travel Plans SPD.

- 20) Prior to the occupation of the development hereby approved, details of a car park and servicing management plan shall be submitted to and approved in writing by the Local Planning Authority. Car parking spaces shall only be allocated to residential or commercial tenants based at this site. The car park and servicing shall be operated in accordance with the approved management plan thereafter.

In the interests of sustainable development, and vehicular and pedestrian safety, in accordance with Leeds Core Strategy Policies T1 and T2, and the NPPF.

- 21) Unless otherwise approved in writing by the local planning authority, no construction of buildings or other structures shall take place until measures to divert or otherwise formally close the sewers that are laid within the site have been implemented in accordance with details that have been submitted to and approved by the local Planning Authority.

In the interest of satisfactory and sustainable drainage, in accordance with the NPPF

- 22) Development shall not commence until a scheme detailing separate surface water and foul drainage works has been submitted to and approved in writing by the Local Planning Authority. This shall include drainage plans and summary of calculations and investigations. The works shall be implemented in accordance with the approved scheme before the development is brought into use.

To ensure sustainable drainage and flood prevention in accordance with Leeds UDP Review (2006) Policy GP5 the Council's Minimum Development Control Standards for Flood Risk, Leeds Core Strategy Policy EN5, the Leeds Natural Resources and Waste DPD and the NPPF.

- 23) Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal, in accordance with the Leeds NRWDPD and the NPPF.

- 24) Development shall not commence until a scheme detailing the surface water drainage works (ie drainage drawings, summary calculations and investigations) has been submitted to and approved in writing by the Local Planning Authority. The surface

water drainage scheme shall comply with Council's Minimum Development Control Standards for Flood Risk - see the Natural Resources and Waste LDF and be in accordance with the WSP Drainage Strategy Report. 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.

To ensure sustainable drainage and flood prevention in accordance with LCC's Natural Resources and Waste LDF 2013 and the NPPF

- 25) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by WSP and the finished floor levels are set no lower than 150mm above the surrounding ground levels (with the exception of the basement). The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

To reduce the risk of flooding to the proposed development and future occupants, in accordance with the NPPF.

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

Where remediation measures are shown to be necessary in the Phase II Report and/or where soil or soil forming material is being imported to site, development shall not commence until a Remediation Statement 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 Statement 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' in accordance with policies Land 1 of the Natural Resources and Waste Local Plan 2013 and GP5 of the Unitary Development Plan Review 2006.

- 27) If remediation is unable to proceed in accordance with the approved Remediation Statement, or where significant unexpected contamination is encountered, the Local Planning Authority shall be notified in writing immediately and operations on the affected part of the site shall cease. An amended or new Remediation Statement 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 Statement.

To ensure that any necessary remediation works are identified to make the site suitable for use in accordance with policies Land 1 of the Natural Resources and Waste Local Plan 2013 and GP5 of the Unitary Development Plan Review 2006.

- 28) Remediation works shall be carried out in accordance with the approved Remediation Statement. 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 in accordance with policies Land 1 of the Natural Resources and Waste Local Plan 2013 and GP5 of the Unitary Development Plan Review 2006.

- 29) Prior to the commencement of development an updated Sustainability Statement shall be submitted which will include a detailed scheme comprising (i) a recycle material content plan (using the Waste and Resources Programme's (WRAP) recycled content toolkit) (ii) a Site Waste Management Plan (SWMP), (iii) a pre-assessment using the Code for Sustainable Homes assessment method demonstrating how a credit score to meet at least Level 3 standard will be achieved. The development shall be carried out in accordance with the detailed scheme, and

(a) Within 6 months of the first occupation of each phase a post-construction review statement for that phase shall be submitted by the applicant including a certified Code for Sustainable Homes Level 3 final assessment and associated accreditation,

(b) The development and buildings comprised therein shall be maintained and any repairs shall be carried out all in accordance with the approved detailed scheme and post-completion review statement or statements.

To ensure the adoption of appropriate sustainable design principles in accordance with Leeds Core Strategy Policies EN1 and EN2, Leeds SPD Sustainable Design and Construction, the Sovereign Street Planning Statement 2011, and the NPPF.

- 30) Prior to the occupation of any commercial unit, details of a signage/window manifestation strategy shall be submitted to and approved in writing by the Local Planning Authority. This shall set out signage zones on the building for appropriate signage or obscure window manifestation for the building itself and for building occupiers in order that all future additions would be in keeping with the architectural features of the host building.

In the interests of visual amenity and the character and appearance of the nearby Conservation Area, in accordance with the NPPF and Leeds UDPR Policies GP5, BD6 and BD8.

- 31) No installation of externally mounted plant or equipment shall take place until details of the installation and/or erection of any air conditioning or extract ventilation system, flue pipes, window cleaning equipment or other excrescences proposed to be located on the roof or sides of the building, including details of their siting, design, noise attenuation, and external appearance have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the works approved in accordance with this condition have been completed. Such works shall thereafter be retained, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of amenity and visual amenity, in accordance with Leeds UDPR Policies GP5, BD2 and BD4, Leeds Core Strategy policy P10 and the NPPF.

- 32) The opening hours of the commercial units brought forward for any A1/A2/A3/A4/A5/D1/D2 uses shall be restricted to 0700 to 2300 hours Monday to Saturday, and 1000 hours to 2200 hours on Sundays and Bank Holidays.

In the interests of amenity in accordance with adopted Leeds UDP Review (2006) Policy GP5 and the National Planning Policy Framework.

- 33) Any A1/A2/A3/A4/A5/D1/D2 unit shall be acoustically insulated and treated to limit the break out of noise and vibration in accordance with a scheme of acoustic treatment that has been submitted to and approved in writing by the Local Planning Authority prior to first occupation. The scheme shall be implemented in full before the approved use commences, and retained as such thereafter.

In the interests of residential amenity and in accordance with adopted Leeds UDP Review (2006) policy GP5 and the National Planning Policy Framework.

- 34) Notwithstanding the description of development, no more than 200 square metres gross internal area of the 713 square metres commercial uses proposed shall be used for Class A1 Retail as defined in the Town & Country Planning (Use Classes Amendment) Order 2005 (or any order revoking or re-enacting that order with or without modification) and this shall be for convenience goods only.

In the interests of the vitality and viability of existing retail centres, in accordance with Leeds UDPR Policy GP5, Leeds Core Strategy policies SP2, SP3, P8 and CC1 and the NPPF.

- 35) The hours of delivery to and from the premises shall be restricted to 0800 hours to 2000 hours Monday to Saturday and 0900 hours to 1700 hours on Sundays and Bank Holidays.

In the interests of residential amenity, in accordance with Leeds UDP Review 2006 Policy GP5 and the NPPF.

- 36) The noise rating level from fixed plant items associated with fixed plant items should not exceed the prevailing background (LA90) noise level minus 5 dB at nearby noise sensitive receptors, when assessed in accordance with BS 4142:1997.

In the interests of residential amenity, in accordance with Leeds Core Strategy, Leeds Saved UDPR Policy GP5 and the NPPF

- 37) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification) planning permission shall be obtained before any change of use of any of A2 financial and professional service/A3 restaurant or café/A4 drinking establishment/A5 hot food take-away units hereby approved, to any use within use class A1 as defined in the Town & Country Planning (Use Classes Amendment) Order 2005 (or any order revoking or re-enacting that order with or without modification).

In order that the Local Planning Authority can retain control over uses which it considers could be harmful to the character of the area and the viability of the City Centre, in accordance with the NPPF, and Leeds UDPR Policies S1, S2 and CC21.

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

a) the methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development hereby approved;

- b) measures to control the emissions of dust and dirt during construction;
- c) location of site compound and plant equipment/storage;
- d) details and location of contractor and sub-contractor parking
- e) a local resident communications strategy for the duration of the works

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

In the interests of residential amenity of occupants of nearby property in accordance with adopted Leeds UDP Review (2006) policy GP5 and the National Planning Policy Framework.

- 39) No demolition or building operation shall take place before 08.00 hours on weekdays and 09.00 hours on Saturdays nor after 18.30 hours on weekdays and 13.00 on Saturdays, with no works on Sundays or Bank Holidays, unless agreed in writing with the Planning Local Authority.

In the interests of residential amenity, in accordance with Leeds Core Strategy, Leeds UDPR Saved Policy GP5 and the NPPF

- 40) The vehicular access gradient shall not exceed 1 in 40 (2.5%) for the first 15m and 1 in 20 (5%) thereafter, unless otherwise agreed in writing by the Local Planning Authority. The gradient of the pedestrian access shall not exceed 1 in 20 (5%).

To ensure the free and safe use of the highway, and in the interests of disabled access in accordance with the adopted Leeds UDP Review (2006) policy T2, T5, T6 and the adopted Street Design Guide SPD (2009).