



## CITY PLANS PANEL

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Meeting to be held in Civic Hall, Leeds on  
Thursday, 23rd February, 2023  
at 1.30 pm

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### MEMBERSHIP

#### Councillors

D Blackburn  
K Brooks  
C Campbell  
P Carlill  
D Cohen  
R Finnigan  
A Garthwaite  
C Gruen  
J McKenna (Chair)  
P Wadsworth  
A Khan  
A Maloney

Please do not attend the meeting in person if you have symptoms of Covid 19 and please follow current public health advice to avoid passing the virus onto other people.

Note to observers of the meeting. To remotely observe this meeting, please click on the 'View the Meeting Recording' link which will feature on the meeting's webpage (link below) ahead of the meeting. The webcast will become available at the commencement of the meeting:

[Council and democracy \(leeds.gov.uk\)](https://www.leeds.gov.uk)

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**Agenda compiled by:**  
**Andy Booth**  
**Governance Services**  
**Civic Hall**  
**Tel: 0113 37 88665**

# A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	
2			<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF PRESS AND PUBLIC</b></p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p><b>RESOLVED</b> – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p>	

Item No	Ward	Item Not Open		Page No
3			<p><b>LATE ITEMS</b></p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p><b>DECLARATION OF INTERESTS</b></p> <p>To disclose or draw attention to any interests in accordance with Leeds City Council's 'Councillor Code of Conduct'.</p>	
5			<p><b>APOLOGIES FOR ABSENCE</b></p>	
6			<p><b>MINUTES - 1 DECEMBER 2022</b></p> <p>To confirm as a correct record, the minutes of the meeting held on 1 December 2022.</p>	9 - 12
7	Little London and Woodhouse		<p><b>APPLICATION 22/02505/FU - 87-91 KIRKSTALL ROAD, LEEDS</b></p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for a proposed residential development, commercial space and associated public realm at former Arla Foods site, 87-91 Kirkstall Road, Leeds</p>	13 - 124
8	Beeston and Holbeck		<p><b>APPLICATION 22/04400/FU - LAND AT SOUTH OF SWEET STREET, LEEDS</b></p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for a proposed residential development, office development, ground floor commercial space and associated public realm at land south of Sweet Street West, Leeds</p>	125 - 268

Item No	Ward	Item Not Open		Page No
9	Little London and Woodhouse		<p data-bbox="676 181 1278 248"><b>APPLICATION 22/04895/FU - FORMER YORKSHIRE POST SITE, WELLINGTON</b></p> <p data-bbox="676 293 1390 472">To receive and consider the attached report of the Chief Planning Officer regarding an application for a proposed residential development and commercial space at Former Yorkshire Post site, Wellington Street, Leeds</p> <p data-bbox="676 539 1230 573"><b>DATE AND TIME OF NEXT MEETING</b></p> <p data-bbox="676 618 1222 651">Thursday, 23 March 2023 at 1.30 p.m.</p>	269 - 330
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**Third Party Recording**

Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.

Use of Recordings by Third Parties– code of practice

- a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.
- b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.

**Planning Services**

To all Members of City Plans Panel

Ninth Floor East  
Merrion House  
110 Merrion Centre  
Leeds LS2 8BB

Contact: Daljit Singh  
Tel: 0113 3787971  
daljit.singh@leeds.gov.uk

Our ref: City Site Visits  
Date: 13.02.2023

Dear Councillor

**SITE VISITS – CITY PLANS PANEL – Thursday 23rd February 2023**

Now that the Government has further removed legal restrictions around social contact it has been agreed with the Chair of City Plans Panel to undertake site visits on the morning of the next City Plans Panel meeting.

A 16 seater minibus has been booked for the site visits; however, the Council is advocating a precautionary approach and control measures have been put in place (see below). To check numbers please can Members contact [PlansPanel@leeds.gov.uk](mailto:PlansPanel@leeds.gov.uk) as soon as possible if they wish to travel via the minibus.

For those travelling by mini-bus please meet in the **Ante-Chamber, Civic Hall at 9.25am for a prompt start at 9.30am.**

Time	Ward	Site
9.30 am	MINIBUS DEPARTS FROM OUTSIDE CIVIC HALL ENTRANCE	
9.40 - 10.10 am	Little London & Woodhouse	Application reference 22/02505/FU -Proposed residential development, commercial space and associated public realm at former Arla Foods site, 87-91 Kirkstall Road, Leeds
10.20- 10.50	Little London & Woodhouse	Application reference 22/04895/FU -Proposed residential development and commercial space at Former Yorkshire Post site, Wellington Street, Leeds
11.00- 11.40	Beeston & Holbeck	Application reference 22/04400/FU -Proposed residential development, office development, ground floor commercial space and associated public realm at land south of Sweet Street West, Leeds

Please notify [PlansPanel@leeds.gov.uk](mailto:PlansPanel@leeds.gov.uk) if you will be attending.

Yours sincerely

Daljit Singh  
Group Manager  
Planning Services

### **Plans Panel Site Visits Risk Assessment; Control Measures and Guidance**

- Anyone with symptoms of Covid 19 or required to self-isolate in accordance with the most current guidance must not attend Panel Visits.
- Officers who are classified as clinically extremely vulnerable and are at a high risk of severe illness or who have a number of conditions listed under the moderately vulnerable category leaving them at greater risk, or in a higher risk groups e.g. over 60s, BAME staff should only attend Panel visits following a personal risk assessment
- The use of lateral flow testing by participants prior to the visits is encouraged to help reduce the potential asymptomatic transmission of the Covid-19
- Face covering shall be worn on the minibus, and when entering enclosed spaces on visits.
- Hand sanitiser shall be used on boarding and leaving and shall be provided at the minibus entry/exit point.
- Travellers on the minibus shall sit on separate rows wherever possible.
- Time spent on the minibus will be minimised e.g. no detailed discussions regarding sites/proposals whilst parked up.
- The minibus will be well ventilated / windows opened (weather permitting).
- Interactions on site shall be conducted in a Covid-safe manner, respecting any anxieties of participants.

## CITY PLANS PANEL

THURSDAY, 1ST DECEMBER, 2022

**PRESENT:** Councillor J McKenna in the Chair

Councillors D Blackburn, K Brooks,  
C Campbell, P Carlill, D Cohen,  
R Finnigan, A Garthwaite, C Gruen,  
P Wadsworth and A Maloney

**61 Appeals Against Refusal of Inspection of Documents**

There were no appeals.

**62 Exempt Information - Possible Exclusion of Press and Public**

There was no exempt information on the agenda.

**63 Late Items**

There were no late items.

**64 Declaration of Interests**

There were no declarations.

**65 Apologies for Absence**

Apologies for absence were submitted on behalf of Councillor A Khan.

**66 Minutes - 3 November 2022**

**RSEOLVED** – That the minutes of the meeting held on 3 November 2022 be confirmed as a correct record subject to the following amendment:

Minute No 55 – Application 22/02521/FU – Site to the South of Whitehall Road Leeds

- Members expressed concern with regards to the housing mix and not meeting policy compliance particularly within reference to 2 and 3 bedroom dwellings.
- A need to include play equipment within the outdoor areas.

**67 Planning Application 22/02521/FU for a multi-level residential development (Class C3) with ground floor commercial units (Class E) and associated hard and soft landscaping; associated parking, bin and bike stores at a site to the south of Whitehall Road, Leeds.**

Draft minutes to be approved at the meeting  
to be held on Thursday, 26th January, 2023

The report of the Chief Planning Officer presented an application for a multi-level residential development (Class C3) with ground floor commercial units (Class E) and associated hard and soft landscaping; associated parking, bin and bike stores at a site to the south of Whitehall Road, Leeds.

The application had been deferred at the meeting held in November 2022 and Members had visited the site prior to that meeting. Site Plans and Photographs were displayed and referred to throughout the discussion of the application.

Issues highlighted in relation to the application included the following:

- The application was deferred at the meeting held in November 2022 to allow for further consideration of the massing of the proposals; impact of daylight and sunlight to existing properties; details of materials; off-site greenspace contribution; landscaping of the half-moon space; clarification of the Environment Agency position and legal advice on the financial viability assessment.
- There was a new objection from Leeds Civic Trust. This had not raised any new material concerns.
- The proposed massing was in context with the wider master plan for the area. Images showing the relationship with existing buildings and the distances in-between were displayed.
- A video showing a sun path study was shown. Further analysis had shown there was minimal impact on the Whitehall Waterfront buildings.
- Sample panels of the materials to be used were made available for Members to inspect. Images were displayed showing how the materials would be used.
- Greenspace provision – there would be on-site provision with the riverside park and enhancements to connections to the waterfront and other sites. The greenspace contribution would be used for other enhancements in the area and potentially towards the provision of a new footbridge over the canal.
- There had not been any previous proposed improvements to the half-moon area but this would be landscaped as part of the proposals and there would be the addition of play equipment.
- The Environment Agency had withdrawn their objection subject to conditions relating to the flood risk assessment.
- The applicant had committed to provide all Section 106 contributions and 25 affordable homes on site.
- Works on the site would begin in the first quarter of 2023 should the application be approved.
- The scheme offered opportunity to regenerate a key brownfield site.

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



- The approach to the massing of the buildings had reflected those nearby without any stepping down in the form. There were generous gaps between buildings and the waterfront.
- Concern regarding Policy H4 and missing provision targets. It was reported that the scheme fell within some of the parameters allowed under the policy.
- It was felt that the application was not compliant with Policy H4 and this would not support the creation of cohesive communities.
- Concern regarding the amount of on-site greenspace provision and whether requirements would be met when the rest of the site was developed.
- The provision of affordable housing was welcomed.
- Concern that the issues with regard to housing mix and greenspace had not been addressed.
- The proposed change to the brickwork and materials was welcomed.
- Concern regarding the provision of greenspace in relation to the density of the development.
- In summary to Members comments, it was reported that this was a significant city centre brownfield site with connectivity to other sites. It was acknowledged that there were reservations with the housing mix, greenspace and approach to viability. With regard to these points, the Panel was informed that high density city centre schemes had to be a combination of on and off-site greenspace provision due to space requirements. Policy for housing mix did allow for the character of the area and demographics to be taken into account and there had been changes to the mix following comments at the pre-application stage. The proposals for housing mix were consistent with other applications that had been approved within the city centre.
- Further comments were made welcoming the improvements to the scheme although there were still concerns with relation to greenspace and housing mix. It was also commented that the site had been awaiting development for over twenty years and this application provided an opportunity for this to happen and for the provision of much needed housing.

**RESOLVED** – That the application be deferred and delegated to the Chief Planning Officer for approval, subject to the conditions within Appendix 6 (and any amendment to or addition of others which the Chief Planning Officer considers appropriate), subject to resolving the outstanding technical concerns of the Environment Agency and the minor requested revisions of the Travel Behaviour Team and Highways, and also subject to the completion of a Section 106 Agreement to secure the following:

- 5% Affordable Housing on site (25 units).
- Employment and training for local people.
- Publicly accessible areas.
- Travel Plan Review Fee.
- The provision of a Residential Travel Plan Fund.
- A contribution towards highways improvements in the area.

- Legible Leeds Wayfinding Signage.
- Off site green space contribution.
- A Management Fee.

In the circumstances where the Section 106 has not been completed within 3 months of the Panel resolution to grant planning permission, the final determination of the applications shall be delegated to the Chief Planning Officer.

**68 Date and Time of Next Meeting**

Thursday, 5 January 2023 at 1.30 p.m.



Originator: Steve Littlejohn  
Tel: 0113 3788885

## Update Report of the Chief Planning Officer

### CITY PLANS PANEL

Date: 23<sup>rd</sup> February 2023

**SUBJECT:** Application 22/02505/FU - Full application for Demolition of existing buildings and structures; construction of 618 residential dwellings (C3) and flexible commercial space (E and F1); associated refuse and plant infrastructure, landscaping, new public realm and open space at The Former Arla Foods site, 87 – 91 Kirkstall Road, Burley, Leeds, LS3 1HS

### APPLICANT

Glenbrook Properties

### DATE VALID

13.04.22

### TARGET DATE

02.03.23

#### Electoral Wards Affected:

Little London and Woodhouse

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION:** For Members to consider the contents of this report which is provided by way of an update to the report to 3rd November 2022 City Plans Panel and to approve this application in principle and defer and delegate the final decision to the Chief Planning Officer subject to the conditions outlined in Appendix 1 at the end of this report (and such other conditions or amendments as he may consider appropriate) and following the completion of a Section 106 Agreement to secure the following:

- a) Public Access Rights and maintenance of public areas
- b) Employment & Skills co-operation / initiatives
- c) Sustainable Travel Fund £158,053.50
- d) Bus Shelter £20,000
- e) Off-site Highways contribution £197,000
- f) Travel Plan Monitoring Fee £6,875
- g) Legible Leeds Wayfinder contribution £10,000
- h) Affordable Housing on site provision (31 units)
- i) Education Contribution (£162,510.31)

**Together with such other and ancillary clauses as the Chief Legal Officer shall consider appropriate and with due regard to viability considerations as outlined in section 8.55 of the report.**

## **1.0 INTRODUCTION:**

- 1.1 The proposal relates to a major residential-led scheme (Build to Rent (BTR)) on the former Arla Foods site on the south side of Kirkstall Road. The land was purchased in December 2021 by the applicant following the approval of an outline consent, also for a major residential led development, ref. 20/03494/OT.
- 1.2 The formal application was brought to City Plans Panel on 03.11.22, following an earlier pre-application presentation of the proposals by the applicant, as presented on 24<sup>th</sup> February 2022. The application was put before panel under the scheme of delegations due to its scale and potential impact, as agreed between the panel Chair and the Head of Planning.
- 1.3 The proposals have been subject to a Viability Assessment which concludes that the Council's planning obligations (as required by policy) are not achievable in this case. Following consideration of the proposals at City Plans Panel on 3<sup>rd</sup> November 2022, Members resolved that a decision on the application was deferred subject to further consideration of the following detailed matters:
- Affordable Housing
  - Housing Mix
  - Balconies
  - Greenspace
  - Biodiversity Net Gain
- 1.4 This update report only addresses the specific matters on which the application was deferred and the pursuant changes to the proposals following further consideration by the applicant. In all other respects Members should have regard to the Chief Planning Officer's report to City Plans Panel on 3<sup>rd</sup> November 2022 which is attached as Appendix 2

## **2.0 APPRAISAL OF THE MATTERS DEFFERED FOR FURTHER CONSIDERATION**

- 2.1 Affordable Housing
- 2.2 A Financial Viability Statement (March 2022) has been provided which has been reviewed by the District Valuer and concludes that the proposals cannot deliver the Council's full planning obligations required by planning policy. However, the applicant has previously agreed to provide all contributions requested other than off-site Greenspace, which is more than the Viability Statement allows for. The applicant would therefore be willing to pay a contribution of £544,438.81.
- 2.3 Policy H5 in the Core Strategy requires Build-to-rent developments to provide either
- on-site, according to national policy advice, currently 20% Affordable Private Rent dwellings at 80% of local market rents administered by a management company with appropriate arrangements for identifying households in need, including city council nomination rights, which apply in perpetuity, or

- on-site, the percentage of affordable housing specified for zones 1-4 and mix of Intermediate and Social Rented types of affordable housing set out in the first paragraphs of this Policy at affordable housing benchmark rents administered by either a registered provider or a management company with appropriate arrangements for identifying households in need, including City Council nomination rights, which apply in perpetuity, or
- a commuted sum in lieu of on-site provision of affordable housing of option ii).

The policy goes on to say that any departures from this position should be justified by evidence of viability considerations.

- 2.4 Notwithstanding the Viability Assessment which demonstrates that the scheme is capable of supporting only 1 no affordable home, the applicant has considered comments from members and, in addition to the S106 contributions will commit to provide 31 no (5%) affordable homes on site. These would be provided at the pro-rata mix outlined below and would be provided as discount market rent (DMR) units at 80% market value.
- 1B x 15 units
  - 2B x 12 units
  - 3B x 4 units
- 2.5 The provision of additional affordable housing has been facilitated by the applicant through a review of overall developer returns and a reduction in risk and contingency allowances. The returns and allowances are below what would ordinarily be considered acceptable to institutional funders. However, the applicant will commit to deliver the scheme on the basis that a funding partner has been identified and works will progress forthwith.
- 2.6 Housing Mix
- 2.7 Reference was made at Plans Panel to the Table within the supporting text of Policy H4, which sets out a Preferred Housing Mix, stating that the proposed scheme doesn't accord with the policy in regard to the provision of three bed units.
- 2.8 In response, the applicant argues that this table sets out a generic preferred housing mix across Leeds, having regard to the evidence base of the SHMA (2011) and as such is not reflective of the specific needs of individual locations but more the city-wide needs. It should be noted that the Policy itself only requires that development deliver an "appropriate mix of dwelling types and sizes" to address the "needs of the locality". This position is evidenced in paragraph 5.2.11 of the Core Strategy which states that the policy offers some flexibility and "for larger developments it will be appropriate to take account of local housing need in accordance with the principles agreed as part of the housing growth debate."
- 2.9 Secondly, it is noted with specific reference to developments of over 250 units, Policy H4 requires developers to submit a Housing Needs Assessment to ensure that the needs of the locality can be taken into account at the time of development. In accordance with Policy H4, the application is supported by a Housing Needs Assessment, which has been prepared by CBRE, and confirms that the proposed mix for this development is appropriate for this location. Evidence on supply highlights a shortfall of 1-bed and 2-bed apartments within the Inner Area, but a

modest surplus in the supply of 3-bed apartments versus market expectations. This suggests that the current profile of 3 bed supply is well balanced against existing realistic market demand and does not necessitate a proportionate increase in comparison to 1-bed and 2 bed apartments. On this basis it is considered by Officers that the housing mix as previously presented accords with the relevant policies of the Development Plan in this regard.

- 2.10 The proposals would provide 62no (10%) 3 bed apartments ranging in size from 83m<sup>2</sup> to 93m<sup>2</sup> which represents a significant contribution towards the overall provision of 3 bed apartments in the city centre and edge of centre areas. This is supplemented by 242no (39%) 2 bed apartments designed to provide 4 bedspaces ranging in size from 61m<sup>2</sup> to 73m<sup>2</sup>. In total 304 no (49%) of units are designed to provide 4 or more bedspaces which are appropriate for a range of tenures including single person, sharer, couple and family occupants.
- 2.11 It is also noted that the three-bed provision is significantly increased from the outline consent granted in June 2021, which only showed 7%. It remains the applicant's position that as set out in the supporting Housing Needs Assessment, the proposed mix for this development is appropriate for this location, taking into account the character of the area. The mix of uses will result in a deliverable "market facing" scheme which will facilitate the regeneration of the site. The proposed mix also ensures the scheme is viable, considering the sites long standing derelict nature, this is a key consideration in the delivery of new development at the site.
- 2.12 Balconies and Residential Amenity
- 2.13 As previously outlined, the internal layouts of the proposed apartments are considered to be policy compliant in terms of space and daylighting. With regard to balcony provision, although there is no policy requirement within the Development Plan specific to the provision of balconies it is accepted that, as part of a mix of amenity provision, they can contribute to the overall value of a high-density scheme with regard to usable external space. Bearing this in mind, the applicant has revisited the provision of balconies, taking into account site considerations including orientation and wind, which has resulted in the provision of a total of 126 projecting balconies and four roof terraces: an increase of 31 external spaces from the previously presented scheme, amounting to 20% of the total.
- 2.14 In addition, to the balcony provision, it should also be noted that there are a number of other outdoor amenity spaces within the scheme including the large public square fronting the River Area and a number of rooftop terraces and attractive pedestrian routes, which makes up approximately half of the site. The total provision of public open space and terraces provided equates to 8.75m<sup>2</sup> per unit. It is considered, therefore, that the scheme does provide adequate public and private amenity space for residents that do not have access to a balcony.
- 2.15 With regard to the potential for developing the adjacent sites, proposed Block D would be closest to the adjacent boundary. Block D, at this boundary would present 11 stories with predominantly secondary aspect bedroom windows facing the western boundary although on each floor there would be 2 primary aspect windows. The distance between the western frontage of the proposed and the eastern boundary of the adjacent site, which is located across Washington Street would be

15m with a 4m set back from the application site boundary. If this were mirrored, it would give an overall relationship of 19m. This is likely to be considered acceptable within the context of an existing dense fringe of city centre urban grain. Also, given that Block D would occupy less than a third of the overall Washington Street frontage it is considered that a workable scheme could be developed on the adjacent site. Furthermore, it is noted that, although the general movement is towards residential schemes along this part of the riverside, the site remains unallocated within the SAP which would give greater weight to the proposed scheme in terms of the overall planning balance. The additional balconies would not change those relationships as they would be facing away from the site boundaries.

2.16 A similar situation occurs on the eastern boundary. In the eastern elevation of Block A, secondary aspect windows are located 3.5m from the boundary which directly abuts the adjacent site. However, this is a narrow frontage and it is considered that a suitable scheme could be developed on the adjacent site. Block F presents a longer frontage of 50m to the eastern boundary, with a 7m off-set to the boundary. There would be a roughly even split along this frontage between primary and secondary aspect windows and if the block were to be mirrored it would create a relationship of 14m potentially between primary aspect windows. This is unlikely to be considered acceptable in this location. However, it is likely that the affected area, which is to the south of the site adjacent to the river, would have to be given over to greenspace in order for it to remain consistent with the approved developments to either side. Again, it is considered that a workable scheme could be delivered with a clear frontage being available of around 55m, allowing for an interconnecting roadway. Additional balconies to these frontages, however, would not be recommended because of potential overlooking issues. The overall provision of balconies is therefore considered appropriate for the development.

## 2.17 Greenspace

2.18 Issues have been raised regarding the quality and quantity of Greenspace provision on site. Paragraph 5.5.18 of the adopted Leeds Core Strategy notes that high density developments (65pdh) may generate requirements for green space that cannot be delivered on site and in these circumstances, an expected level of 20% of green space should be provided onsite with the residual normally being provided off site or in the form of a commuted sum. The greenspace contribution calculated in accordance with Policy G4 equates to in excess of 70% site area which would not be practicable to provide within the red line boundary and still deliver a viable and contextual form of development. The policy acknowledges this and allows flexibility. Notwithstanding this, due to the large size of the site there is significant green space provision provided on site.

2.19 The area dedicated to high quality public open space, play space and wider amenity space equates to approximately 55% of the overall site area. The new park comprises 5,295m<sup>2</sup> (25.5%) of the overall site area, which is in excess of the 20% onsite requirement outlined in Policy G4, and is broken down as follows:

- Central Park = 1,740m<sup>2</sup> (lawn 845m<sup>2</sup>)
- Courtyard A = 690m<sup>2</sup>
- Courtyard B = 885m<sup>2</sup>
- Riverside Walk = 1,260m<sup>2</sup>
- Riverside Space = 720m<sup>2</sup>

- 2.20 Subsequent to the previous panel meeting, further work has been done on improving the riverside walk and space in terms of planting to soften the area visually and provide additional riparian biodiversity net gain as discussed below. It has therefore been demonstrated that there are significant public realm improvements and green space proposed as part of the proposals which will cover approximately half of the site. The design of the public realm and landscaping is fundamental to the delivery of a high-quality development and this has intentionally formed the centre piece of this scheme. The proposed public and private spaces outlined above, together with the proposed pedestrian and cycling infrastructure will promote activity and engagement across the whole community as well as creating active frontages and natural surveillance around the development.
- 2.21 Notwithstanding the above, a contribution has been requested of £624,458.09 for off-site provision in accordance with Policy G4. As has been previously discussed, the applicant has provided financial evidence to demonstrate that such a contribution would significantly impact on the overall viability of the scheme. Although they have committed to an additional contribution of £544,438.81 to cover Highways and Education requirements they remain of the position that the additional greenspace contribution would not be affordable. The applicant asks members to bear in mind that the cost of delivering the significant on-site provision would amount to approximately £1,300,000 and request that this is taken into account when determining the overall contributions provided by the development.
- 2.22 Given that the financial viability case has previously been demonstrated and that the proposals would deliver high quality significant new greenspace infrastructure on site as well as regenerate a long vacant site and help to meet local housing need, it is considered by officers that, on balance, the lack of an off-site greenspace contribution is not a sufficient reason to refuse the application in this case.
- 2.23 Biodiversity Net Gain (BNG)
- 2.24 The proposed development provides 78% biodiversity net gain and is policy compliant in this regard. The Environment Agency (EA) have raised an issue of riparian BNG being a separate matter also to be addressed. While this would be beneficial to the scheme overall it would not be necessary in terms of the policy context as it currently stands. However, the applicant has agreed to revisit this matter in order to come to an agreement with the EA with regard to finding a planning condition relating to enhancements to the river which is reasonable. A meeting was held with the EA to investigate ways in which this could be done and the following proposals have subsequently been put forward by the applicant:
- 2.25 *Where practical, it may be feasible to add additional ecological enhancements, to be finalised at the detailed design stage. Opportunities to further enhance the riparian corridor include the provision of additional tree and shrub planting and provision of faunal features within the river wall itself. The larger area of "wildflower meadow" to the south west of the site has scope to include additional tree planting beyond the three specimens already shown in this area. This would continue the improved structural diversity offered by trees, aiding the function of the corridor. Trees should be native and fruit bearing, species such as cherry and crab apple would be appropriate. Where possible additional shrub planting should be included within the*



*riparian corridor, this is however restricted by Leeds City Council Highways and Transport policies requiring the cycle and footway to be a minimum of 5m wide. Additional planting beds including species such as ivy, honeysuckle, alder, dogwood and hazel could be incorporated to the far east of the site where a wider area of cycle / footway is available, with capacity to include planting and maintain the required 5m width. The developers have secured an EA permit (EPR/QB3298YJ) to undertake restoration work to the retaining river wall in a localised area. It is proposed that any faunal features be incorporated into this area preventing the need of additional disturbance to the river, above that already required. The repaired section of wall should include 5 sand martin boxes and 1 kingfisher tunnel. These should be built into the fabric of the wall. Additionally, two fish shelters should be constructed at the water line, these can be bespoke built, comprising concrete beams and a paving slab ledge. The Biodiversity Metric score for River Units at the site is calculated as being 1.74. Assuming a 10% net gain in River Units was to be achieved through a financial contribution to the LCC fund, a payment of c.£4350 would be required. With this in mind, it is proposed that the cost of additional biodiversity enhancements to the riparian zone, beyond those already specified, is capped at this figure. This should be agreed with LCC.*

- 2.26 The above is considered by officers to be acceptable and the wording of the relevant condition can be amended to reflect this, subject to finalising the detail in liaison with the EA and the Council's Nature Team.

### **3.0 CONCLUSION:**

- 3.1 Notwithstanding the financial viability position, this scheme represents an opportunity to regenerate a mostly cleared brownfield site on the southern side of Kirkstall Rd. The proposals provide 618 residential units contributing to housing supply as well as associated employment uses, large areas of open space and connectivity to the waterfront with a new section of riverside walkway in a highly sustainable gateway location.
- 3.2 It is considered that the scale, form and detailing of the proposal would enhance the character of this part of Kirkstall Road and help to deliver an identified housing need in the development plan. On balance the proposals are supported by national and local planning policy and a recommendation for approval is made.

### **BACKGROUND PAPERS:**

Application file: 22/02505/FU

#### Appendix 1 – Proposed 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 and Specifications above.

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

3. A plan showing the anticipated phases of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any development commencing. Phases of the development shall thereafter be carried out in accordance with the submitted plan, unless otherwise approved in writing by the Local Planning Authority, and any reference to `phase` or `phases` in the conditions below shall refer to the phases detailed in the plan thereby approved.

In order to accord with the provisions of the Leeds Core Strategy, Saved Policies of the Leeds Unitary Development Plan Review and the Leeds Natural Resources and Waste DPD, in the interests of amenity, visual amenity, the provision of (any) 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. The commercial uses hereby permitted shall be limited to the maximum Gross Internal Area of 356 sqm, of which any (former use class) A1 retail floorspace shall be for convenience retail use only.

In order to ensure that the developed scheme does not exceed the floor spaces which have been used to assess the impact which this proposal will have on surrounding centres, including the neighbouring buildings and the local highway network and to ensure a mix of uses is provided. In the interests of proper planning in accordance with policy P8 of the adopted Leeds Core Strategy 2019.

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.

5. Prior to the use on site of the external materials to be used for each phase of development, details and samples of all external walling and roofing materials for that phase shall be 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.

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. Prior to the commencement of building works in each phase details of the position, design, materials and type of all walls and/or fences or permanent boundary/screening treatment for that phase shall be submitted to and approved in writing by the Local Planning Authority. Such walls and fences shall be erected in accordance with the approved details, before the land/buildings to which they relate are occupied and shall thereafter be retained.

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

7. Prior to the commencement of landscaping works in each phase of development full details of both hard and soft landscape works, including an implementation and maintenance programme, shall be submitted to and approved in writing by the Local Planning Authority for that phase. Hard landscape works shall include:

(a) proposed finished levels and/or contours

(b) vehicle and pedestrian access and circulation areas,

(c) hard surfacing areas,

(d) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.),

(e) 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:

(f) planting plans

(g) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and

(h) schedules of plants noting species, planting sizes and proposed numbers/densities.

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

The developer shall complete the approved landscaping works for each phase 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.

9. Remediation measures are shown to be necessary following the approved Site Investigation Reporting and soil or soil forming material is being imported to site. Development (excluding demolition) shall not commence until a Remediation Strategy

demonstrating how the site will be made suitable for the intended use has been submitted to, and approved in writing by, the Local Planning Authority. The Remediation Strategy shall include a programme for all works and for the provision of Verification Reports. It is strongly recommended that all reports are prepared and approved by a suitably qualified and competent person.

To ensure that the presence of contamination is identified, risks assessed and proposed remediation works are agreed in order to make the site 'suitable for use' with respect to land contamination.

10. 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.

It is strongly recommended that all reports are prepared and approved by a suitably qualified and competent person.

To ensure that any necessary remediation works are identified to make the site 'suitable for use' with respect to land contamination.

11. 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.

It is strongly recommended that all reports are prepared and approved by a suitably qualified and competent person.

To ensure that the remediation works are fully implemented as agreed and the site has been demonstrated to be 'suitable for use' with respect to land contamination.

12. There shall be no discharges of foul water from the development until a foul drainage scheme (to be phased as necessary) including details of provision for its future maintenance (e.g. adoption by the Water Company) has been implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority for that phase. In addition, written confirmation shall be provided from Yorkshire Water or any other third party involved to allow the laying of any sewer across third party land and discharge of the design foul flows to the sewer.

To ensure satisfactory drainage and pollution prevention in accordance with adopted Leeds UDP Review (2006) policy GP5.

13. Before development of any phase commences, a detailed SuDS based Drainage Scheme based on the principles of The SuDS Manual (C753) and the design criteria

as set out within the Councils Minimum Development Control Standards for Flood Risk, shall be submitted and approved in writing by the Local Planning Authority for that phase.

The maximum rate of discharge, off-site, shall not exceed 90.68 l/s and be in line with the drainage strategy as set out within the Curtins Flood Risk Assessment Addendum (Ref. 079805-CUR-00-XX-RP-C-001-FRAA Rev 01) or shall be consistent with the Councils Minimum Development Control Standards for Flood Risk and the LLFAs requirements for Major Development unless otherwise agreed with 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.

The detailed design drawings, calculations and supporting information shall include the following:

- a) Model Information (Micro Drainage or similar approved) to include a plan showing pipework model numbering and network details.
- b) Survey and details of any existing surface water outfalls from the site into the River Aire, identifying which outfalls are to be retained and which can be abandoned.
- c) Results: Summary of Results showing all the modelling criteria and summary network results for critical 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% CC storm events showing maximum water level, flow and velocity and details of any surface flooding anticipated.
- d) A drawing showing the proposed impermeable areas, suitably annotated.
- e) Calculations and any supporting survey and investigations to justify and demonstrate the existing and proposed discharge rate.
- f) Drainage Plan showing drainage layout, manholes including cover and invert levels, proposed levels, pipe sizes and gradients, all on -line controls, on and off line storage structures and outfall details.
- g) Plan showing overland exceedance routes in the event of a failure of the drainage system or storm event in excess of the 1 in 100 + 40% CC storm event.
- h) Summary Drainage Report setting out the Drainage Strategy and results of the calculations demonstrating compliance with the above.
- i) Where third party agreements to construct sewers and to discharge flows are required, then written evidence of these two agreements shall be provided.
- j) A timetable for implementation of the drainage works including an assessment of any phasing of the development.
- k) Demonstrating that adequate water quality of the off- site surface water flows in accordance with the Simplified Index Approach as set out within Section 26 of the SUDS Manual (C753) can be achieved during all phases of the development.
- l) Where SUDs are only proposed in part or not at all, then a full justification statement shall be provided to demonstrate why it is not considered appropriate or reasonable.

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

To ensure sustainable drainage and flood prevention in accordance with NRWLP policy Water 7 and GP5 of the UDP.

14. Development of each phase shall not commence until details and a method statement for interim and temporary drainage measures during the construction phases have been submitted to and approved in writing by the Local Planning Authority for that phase. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. Where temporary discharges to a sewer are proposed, written confirmation from the sewer owner that these have been accepted shall be provided. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Local Planning Authority.

To prevent flooding offsite in accordance with the NPPF.

15. Prior to the occupation of the first unit, details shall be provided in respect to the management, inspection and maintenance of any non-adopted drainage features for that phase. The details shall identify the responsible parties and set out how these will be funded and managed and provide a schedule of the proposed inspections and annual maintenance for the lifetime of the development. The plan shall be submitted to and approved in writing with the Local Planning Authority prior to first occupation for that phase and the development shall thereafter be maintained at all times in accordance with the approved details.

To ensure the development is adequately maintained for the lifetime of the development.

16. The development shall not be brought into use until a suitable Flood Evacuation Plan (FEP) has been submitted and approved by the Local Planning Authority. The Flood Evacuation Plan shall be based on the latest Environment Agency and West Yorkshire Fire & Rescue Service (WYF&RS) guidance and the ADEPT/EA document titled Flood Risk Emergency Plans for New Development dated Sept 2019 and include the following:
  - a) Details of advanced flood warning measures;
  - b) Advanced site preparation measures to be undertaken in the event of a flood warning
  - c) Site evacuation measures whilst being also aligned with the WYF&RS 'stay put' advice where applicable within the development / specific floor levels;
  - d) Details of how the FEP will be monitored during all operational hours of the development, the responsibility for flood safety measures in accordance with emergency flood management plan.
  - e) Confirmation that details of the FEP will be relayed to all site users and shall be implemented for the life of the development and to any future owners.

In the interests of flood risk.

17. The development shall be carried out in accordance with the Curtins Flood Risk Assessment Addendum (Ref. 079805-CUR-00-XX-RP-C-001-FRAA Rev 01) and the following mitigation measures it details:
- There is to be no residential development on the ground floor.
  - Finished floor levels shall be set no lower than 31.600 metres above Ordnance Datum (AOD).
  - Any undercroft car parks are to remain at grade so as to not displace floodwaters.
  - There shall be a minimum of a 2m undeveloped easement strip from the Leeds Flood Alleviation Scheme Phase 2 Walls to any proposed buildings within the site
  - There is to be no land raising as a result of the proposed development

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

The reason for this condition is as follows:

- To reduce the risk of flooding to the proposed development and future occupants.
- To not displace or transfer any flood waters to others as a result of the proposed development.
- To ensure the structural integrity of the Leeds Flood Alleviation Scheme Phase 2 flood defences thereby reducing the risk of flooding.
- To ensure safe and timely access egress arrangements in the event of a flood.

18. No development in any phase shall take place until a landscape and ecological management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), has been submitted to, and approved in writing by, the local planning authority. The landscape and ecological management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority for that phase. The scheme shall include the following elements:

- o details of maintenance regimes
- o details of any new habitat created on-site
- o details of treatment of site boundaries and/or buffers around water bodies
- o details of management responsibilities
- o details of a suitable lighting plan which minimises light spill onto the river

To ensure the protection of wildlife and supporting habitat and to preserve the functionality of the Leeds Habitat Network. Also, to secure opportunities for enhancing the site's nature conservation value in line with national planning policy and adopted policy G9 of the Leeds Core Strategy.

19. No development shall take place for each phase until a Construction Environmental Management Plan (CEMP), including an Invasive Non-Native Species (INNS) management plan, has been submitted to, and approved in writing by, the local planning authority. The construction environmental management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority for that phase. The scheme shall include, but not be limited to, the following elements:

- o details of how the site will be remediated and built without affecting surrounding habitats
- o details of invasive non-native species management

To ensure the protection of wildlife and supporting habitat and to prevent the spread of invasive non-native species.

20. Construction activities shall be restricted to 08.00 to 18.00 hours Monday to Friday and 08.00 to 13.00 hours on Saturdays with no works on Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

21. No construction works shall begin on any 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 for that phase. 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, dirt and noise during construction;
- c) location of site compound and plant equipment/storage;
- d) how this Statement of Construction Practice will be made publicly available by the developer.
- e) location of access and egress from the site and management of vehicle movements entering and exiting the site
- f) car parking for contractors staff and operatives

The approved details for that phase shall be implemented at the commencement of construction 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.

22. For each phase of development, details of a sound insulation scheme (based upon the submitted Noise Impact Assessment by Hann Tucker Associates ref. 27385/NIA1, dated 24<sup>th</sup> March 2022) designed to protect the future occupants of the proposed accommodation from noise emitted by nearby sources and to protect sensitive receptors 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 in that phase.

The approved works shall be completed prior to first occupation of that phase and shall thereafter be retained. The scheme shall also include a ventilation strategy, which provides for the adequate control of room comfort, where windows will need to remain closed to meet the internal noise level targets.

Prior to occupation, a post completion sound test to confirm compliance with specified criterion shall be submitted for approval. In the event that sound levels exceed the



specified limits, the applicant shall undertake corrective action and re-test. Once compliance can be demonstrated the results shall be re-submitted for approval.

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

23. Prior to occupation of each phase, details for the provision of bin stores (including siting, materials and means of enclosure) and (where applicable) storage of wastes and access for their collection for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full before the use commences and shall be retained thereafter for the lifetime of the development.

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.

24. No phase of development shall be occupied until a Car Park and Servicing Management Plan (including timescales) has been submitted to and approved in writing by the Local Planning Authority for that phase. The plan shall be fully implemented, and the development thereafter operated in accordance with the approved timescales.

To ensure the free and safe use of the highway.

25. Prior to commencement of development in any phase a Lighting Design Strategy for both consideration of protection of residential amenity, highway safety and consideration of bat activity shall be produced and approved in writing by the Local Planning Authority for that phase. This shall include commentary by an appropriately qualified ecological consultant. The Strategy shall show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb commuting and foraging bats adjacent to the River Aire. All external lighting shall be installed in accordance with the specifications and locations set out in the Strategy and shall be maintained thereafter in accordance with it. Under no circumstances should any additional external lighting be installed without prior consent from the LPA in the areas identified in the Strategy as "particularly sensitive for commuting and foraging bats".

In the interests of residential amenity and highway safety and in accordance with adopted Leeds UDP Review (2006) policy GP5 and the National Planning Policy Framework and to safeguard a protected species (bats) in accordance with protection and enhancement of biodiversity in accordance with Core Strategy Policy G8 and G9, NPPF and BS 42020:2013.

26. No phase of the development hereby approved shall be occupied until a plan, setting out the location of electric vehicle charging points to be provided in that phase, has been submitted to and approved in writing by the Local Planning Authority. The charging points for that phase shall be provided in accordance with the approved details prior to first use of the car park for each phase 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.

27. There must be no gates or barriers on any part of the access roads. The location of any barriers at the entrance to car parking areas must be submitted to and approved in writing by the Local Planning Authority.

To ensure the free and safe use of the highway and to ensure future connections to neighbouring developments in accordance with adopted Leeds Core Strategy policy T2.

28. Prior to the commencement of building works in each phase, details of cycle and motorcycle parking, and associated facilities to include showers and lockers where required, for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle/motorcycle parking and associated facilities shall be provided prior to occupation of that phase of development 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.

29. No part of any phase of development shall be occupied until all areas shown on the approved plans to be used by vehicles in that phase have been fully laid out, surfaced and drained such that loose materials and surface water does not discharge or transfer onto the highway. These areas shall not be used for any other purpose thereafter.

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

30. Development shall not commence until details of the proposed method of closing off and making good all existing redundant accesses as necessary to the development site have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be completed before the development is occupied.

To ensure the free and safe use of the highway in accordance with the adopted Leeds UDP Review (2006) policy T2.

31. Prior to occupation of the development details of works comprising of the following elements shall be submitted to and approved in writing by the Local Planning Authority and shall have been fully implemented:

1. Upgrade the pedestrian crossing across Kirkstall Road on the site frontage to a Toucan crossing to provide a cycle link.
2. Widen the existing footway to 4.0m wide footway along the whole of the site frontage, dedicating land within the site as highway.
3. Provide a cycle link on the east side of Kirkstall Road through the existing car park north to Studio Road.
4. 3.5m wide footway along the site frontage of Washington Street dedicated as public highway.
5. Vehicle access points on Kirkstall Road and Washington Street.
6. Removal of all redundant access points on Kirkstall Road and Washington Street, and reinstate full-height footway.
7. Traffic Regulation Orders (TRO) to restriction loading/unloading on Kirkstall Road and on-street parking on Washington Street.
8. Disabled parking in accordance with BS8300.

To ensure the free and safe use of the highway, accessible to all users, during all development works and throughout the lifetime of the development.

32. Further to and notwithstanding the Sustainability and Energy Statement Design Note ref. 2021.235 Version 1.2 (March 2022), the submission of each phase of development shall include a statement, for that phase which demonstrates the feasibility of achieving sustainable design and construction standards and investigation into any feasibility of connecting to the District Heating Network as set out in policies EN1, EN2 and EN4 of the City Council's adopted Leeds Core Strategy 2019. The development shall be implemented in accordance with the agreed statement.

To ensure the adoption of appropriate sustainable design principles in accordance with Leeds Core Strategy Policies EN1, EN2 and EN4, Leeds SPD Sustainable Design and Construction and the NPPF.

33. Prior to the commencement of any above ground works, full details (including any related phasing information in conjunction with condition 3) of the mitigation measures at section 17 of the Wind Microclimate Assessment Report, ref. 1739 (22<sup>nd</sup> March 2022) shall be submitted to and approved in writing by the Local Planning Authority. The works (together with any phasing) shall be implemented as approved prior to first occupation of the buildings.

In the interest of pedestrian and highway safety.

34. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological and architectural recording. 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 has been submitted by the applicant and approved in writing by the Local Planning Authority.

In order to ensure that any items of archaeological importance are recorded.

35. For all phases of development details of any external extract ventilation system shall be submitted to and approved in writing by the Local Planning Authority prior to its installation and the system shall be installed and maintained in accordance with the approved details.

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

Hot food uses will often require an extract ventilation system to deal with odour and fumes. Guidance on suitable design is provided in DEFRA guidance at: <http://www.defra.gov.uk/publications/files/pb10527-kitchen-exhaust-0105.pdf>

36. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification) planning permission shall be obtained before any change of use of (former) A3, A4 and D1 uses referred to in this consent, 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 policy CC1 of the adopted Leeds Core Strategy 2019.

37. Prior to any above ground level building works commencing for each phase, detailed 1:20 scale working drawings of the following features shall be submitted to and approved in writing by the Local Planning Authority for that phase:

- (a) Sections of windows, doors and balconies;
- (b) Junctions of materials and recesses, rooflines and eaves;
- (c) Commercial frontage design guide to ground floor uses.

Works shall be carried out in accordance with the approved drawings and maintained as such thereafter.

In the interests of visual amenity in accordance with saved policy BD5 of the Leeds UDP Review (2006)

38. Prior to occupation of any phase of development details of a strategy for a CCTV system and other crime prevention measures to be provided within that phase shall be submitted to the Local Planning Authority. This strategy shall then be implemented prior to occupation of each phase of development.

In the interests of safety of the users of the site in accordance with saved policy GP5 of the Leeds UDP Review (2006).

39. Plant and machinery operated from the site shall limit noise to a level at least 5dBA below the existing background noise level (L90) when measured at the nearest noise sensitive premises with the measurements and assessment made in accordance with BS4142.

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

40. The proposed mix of residential accommodation across all phases of development should be designed in accordance with the accessible housing guidance of Core Strategy policy H10. Full details of this including the apartments selected should be submitted to and approved in writing by the Local Planning Authority. The approved mix / accessibility measures shall be carried out within the completed development and retained thereafter.

In the interests of providing a sustainable accessible development in accordance with policy H10 of the Core Strategy.

41. Prior to the commencement of development, a report shall be submitted for approval which assesses the potential or otherwise for extraction of sand and gravel and surface coal recovery within the site in accordance with Natural Waste & Resources DPD policies Minerals 2 and 3. Any removal of sand and gravel and surface coal shall be undertaken in accordance with the report as submitted and approved.

In the interests of sustainable site development and re-use of mineral aggregates where feasible in accordance with policies Minerals 2 and 3 of the Natural Waste and Resources Development Plan Document.

42. Prior to commencement of a phase of development on site, full details of the internal road and parking construction to serve that phase of development shall be submitted to and agreed in writing by the Local Planning Authority. The internal road and parking shall be constructed and provided for use as thereby agreed prior to first occupation of the related phase of development.

In the interests of highway safety and amenity.

43. There must be no gates or barriers as part of the access roads, where this would prevent connections with future neighbouring developments. The location of any barriers at the entrance to car parking areas must be submitted to and approved in writing by the Local Planning Authority.

To ensure the free and safe use of the highway in accordance with adopted Leeds Core Strategy policy T2.

44. Prior to the commencement of a phase of development on site, full details of a fire strategy, including the means of escape and fire service areas of that phase, shall be submitted to and approved in writing by the Local Planning Authority. The details provided, which shall be consulted on with the Health & Safety Executive, shall be implemented as approved and retained / maintained thereafter for the lifetime of the development.

In the interests of fire safety and prevention.

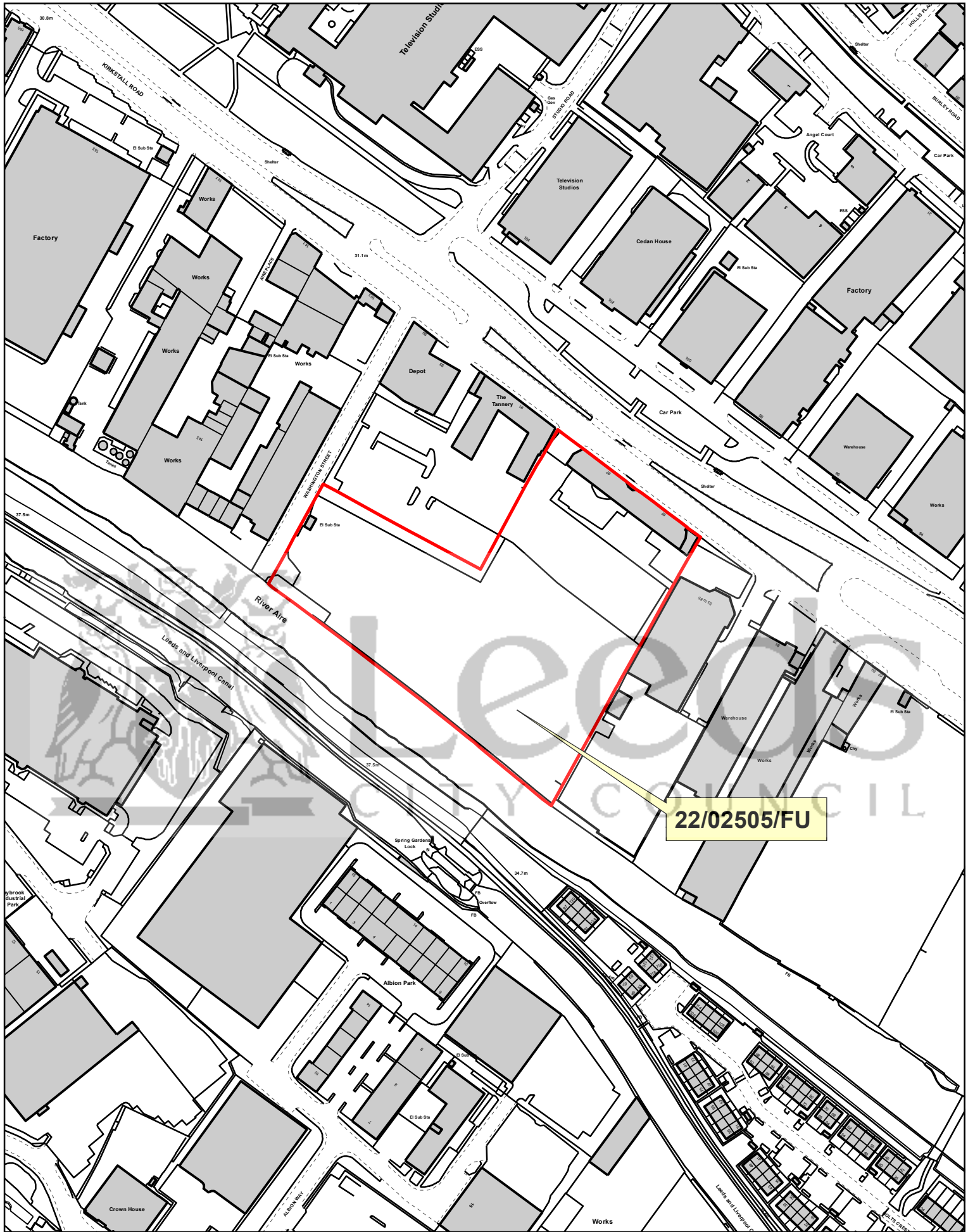
45. The development shall not be occupied until a wayfinding scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details and location of pedestrian and cycling signage between Kirkstall Road, the site and the river/canal path. The works shall be carried out in accordance with the approved details within a timescale that shall have first been agreed in writing by the Local Planning Authority.

To ensure pedestrian and cycling safety and legibility.

46. Development shall not commence until a survey of the condition of Kirkstall Road along the site frontage and Washington Street has been submitted to and approved in writing by the Local Planning Authority. Upon completion of the development (completion of the final approved building on the site) a further condition survey shall be carried out and submitted to the Local Planning Authority together with a schedule of remedial works to rectify damage to the highway identified between the two surveys.

The approved mitigation works shall be fully implemented within 3 months of the remedial works being agreed with the Local Planning Authority. In the event that a defect is identified during other routine inspections of the highway that is considered to be a danger to the public it must be immediately made safe and repaired within 24 hours from the applicant being notified by the Local Planning Authority.

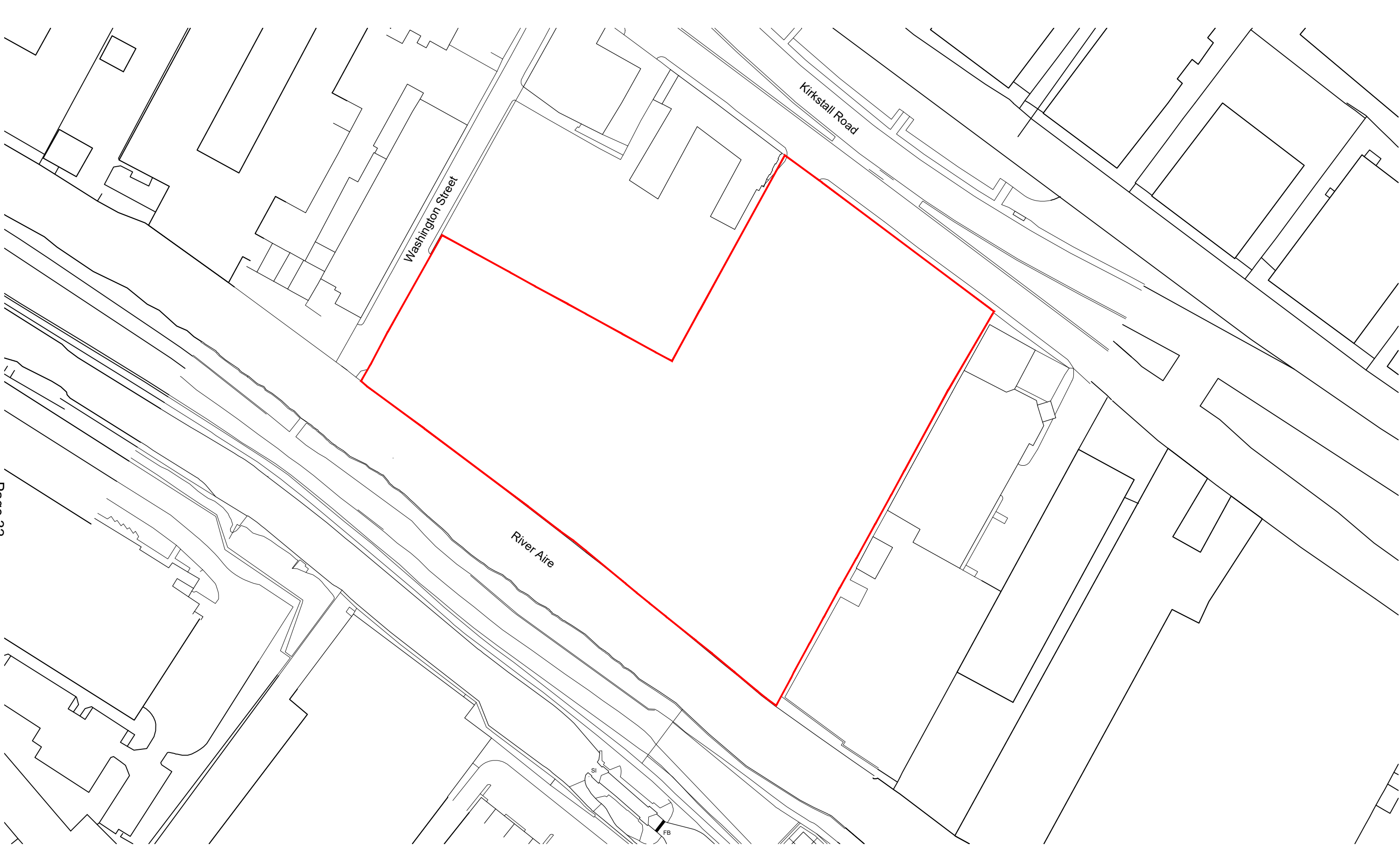
Traffic associated with the carrying out of the development may have a deleterious effect on the condition of the highway that could compromise the free and safe use of the highway.



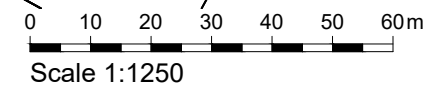
22/02505/FU


# CITY PLANS PANEL





**00** Site Location Plan  
Scale - 1:1250




	
Location Plan	

P01	PLANNING ISSUE	AHH	23.03.22	AAH
Rev.	Des.	By	Date	Ch.

A3	Client: Glenbrook
<small>Contractor must verify all dimensions on site before commencing any work or shop drawings. If this drawing exceeds the quantities taken in any way the Architects are to be informed before the work is initiated. Only figured dimensions to be taken from this drawing. Do not scale off this drawing. Drawings based on Ordnance Survey and / or existing record drawings - design and drawing content subject to Site Survey, Structural Survey, Site Investigations, Planning and Statutory Requirements and Approvals. Authorised reproduction from Ordnance Survey Map with permission of the Controller of Her Majesty's Stationery Office. Crown Copyright reserved. © careyjones chapmantolcher (Studio South) Ltd. All Rights Reserved</small>	

Project: KIRKSTALL ROAD	Job No. 21014
Title: SITE LOCATION PLAN	
Scale: 1:1250 @A3	Status: AAH
Date: MARCH 2022	Checked By: AAH
Drawing No: (00)001	Revision: P01

	
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**PLANNING**





## Report of the Chief Planning Officer

### CITY PLANS PANEL

Date: 3<sup>rd</sup> November 2022

**SUBJECT: Application 22/02505/FU - Full application for Demolition of existing buildings and structures; construction of 618 residential dwellings (C3) and flexible commercial space (E and F1); associated refuse and plant infrastructure, landscaping, new public realm and open space at The Former Arla Foods site, 87 – 91 Kirkstall Road, Burley, Leeds, LS3 1HS**

**Applicant – Glenbrook Properties (Application valid 13.04.22 Target Date 31.08.22)**

**Electoral Wards Affected:**

Little London and Woodhouse

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

### 1.0 INTRODUCTION:

- 1.1 The proposal relates to a major residential-led scheme (Build to Rent (BTR)) on the former Arla Foods site on the south side of Kirkstall Road. The land was purchased in December 2021 by the applicant following the approval of an outline consent, also for a major residential led development, ref. 20/03494/OT.
- 1.2 The scheme is brought to City Plans Panel, following an earlier pre-application presentation of the proposals by the applicant, as presented on 24<sup>th</sup> February 2022.
- 1.3 The proposals have been subject to a Viability Assessment which concludes that the Council's planning obligations (as required by policy) are not achievable in this case.

### 2.0 SITE AND SURROUNDINGS:

- 2.1 The 'L' shaped site is 2.07 hectares of land located to the south of Kirkstall Road (A65) with a frontage onto the River Aire. There is one building on the site which were the offices of the former occupiers, Arla Foods. This is a 3-storey tiled building, dating from the 1960's, which is set immediately fronting Kirkstall Road. Adjacent to this is the main site vehicular access point.
- 2.2 To the south of the site is the River Aire and towpath of the Leeds-Liverpool Canal. To the west is Washington Street from which the site contains a second vehicular

access. To the south-east is a Nissan car showroom / garage and its associated car park and to the north west fronting Kirkstall Road is the existing office building known as 'The Tannery' and the adjacent Kwik Fit depot.

- 2.3 On the northern side of Kirkstall Road are a number of commercial units including a brewery and a church as well as buildings associated with ITV television studios. Kirkstall Road itself was upgraded as part of a Quality Bus Initiative and now carries a dedicated bus lane on both outbound and inbound carriageways.
- 2.4 The site is referenced in the Leeds Site Allocations Plan as forming part of the wider MX2-9 allocation, being identified for mixed-use development of primarily residential and office accommodation, but with other uses acceptable subject to adopted planning policy.

### **3.0 PROPOSAL**

- 3.1 The scheme is for the redevelopment of the former Arla Foods site which is now a vacant and cleared brownfield site. The application relates to the demolition of the existing building and structures and the redevelopment of the site for residential dwellings (use class C3), flexible commercial space (use classes E and F1) and associated refuse and plant infrastructure, landscaping, new public realm and open space.
- 3.2 The proposals would be a mainly residential-led development of five blocks totalling 618 units. The (flexible) commercial space set at ground floor level, totals around 356m<sup>2</sup>. Three blocks (D, E and F) would be located more towards the river frontage, one block (B) to the middle of the site and a further block (A) adjacent to Kirkstall Road. The blocks are shown at a mix of heights ranging in parts / wings between 7 – 13 storeys to create visual interest.
- 3.3 The new buildings are summarised as follows:
- Building 'A' fronting Kirkstall Road (stepped from 7 - 11 stories) would be set slightly back from that of the existing building line and there would be an open aspect to a spine road immediately behind it to the south;
  - Building 'B' is set perpendicular to Building 'A' at its western end and is set at 13 stories;
- 3.4 The three buildings fronting the river (D, E and F) are all L-shaped in plan and would be set to create new open space areas fronting the river joined by a riverside walkway as follows:
- Building 'D' is set adjacent to Washington Street (to the west) and the Tannery building car park (to the north) and ranges from 8 – 11 stories
  - Building 'E' also fronts the river and ranges from 9 – 11 stories
  - Building 'F' is set adjacent to the Nissan garage site (rear of) and also ranges from 10 – 12 stories
- 3.5 The new open spaces would be proportionally of a significant size, the larger one approximately 70m x 70m with the smaller of the two being approximately 45m x 15m. There would be landscaping along its northern side also additionally screening an area of car parking set between blocks A, B and F.

- 3.6 A centrally positioned new east/west spine road would run through the site. The buildings would be spaced apart to allow views through from south to north as well as to create pedestrian permeability. This includes use of colonnade style walkways underneath some of the blocks to create safe, covered and segregated pedestrian routes transecting the site.
- 3.7 The buildings would be principally constructed in brick with horizontal stone banding and a lighter brick base with additional detailing to the ground floor level. A regular pattern of windows would feature across each building with good depths of reveals and a slender sash glazing design notable throughout the blocks.
- 3.8 618 residential units are proposed in total and these would be of a 'Build to Rent' (BTR) model. A Housing Needs Assessment Update has been provided further to Core Strategy policy H4, where the proposed mix / provision is:
- 1-bedroom units: 308 (50%)
  - 2-bedroom units: 248 (40%)
  - 3-bedroom units: 62 (10%)
- 3.9 The site would be served by 226 surface level car parking spaces which is a ratio to the number of units proposed of 36.6%, with all spaces intended to be provided with ducting to enable electric vehicle charging points, with 30% of the spaces available for immediate use initially and a strategy to be provided / agreed (i.e. under condition) for the roll out of the remainder. The spaces would be provided within two courtyard areas: between blocks A, B and F and then also between blocks D and E. The spaces are in part screened from view using landscaping at the boundaries.
- 3.10 Supporting (class E and F1) commercial uses totalling 356m<sup>2</sup> are proposed on the ground floor to generate activity and interest and provide facilities for both the on-site and surrounding residential and commercial population.
- 3.11 The single point of vehicular access/egress would be provided on Kirkstall Road with an 'exit only' on Washington Street.
- 3.12 A wind study has been carried out and peer reviewed.
- 3.13 Further to the above, a suite of other documents has been provided as part of this Full application including:
- Design and Access Statement (including consideration of Tall Building matters)
  - Supporting Planning Statement (including Statement of Community Involvement)
  - Flood Risk Assessment and Drainage Strategy
  - Daylight and Sunlight Statement
  - Overshadowing Statement
  - Arboricultural Survey and Impact Assessment
  - Sustainability and Energy Statement
  - Transport Assessment
  - Geo-environmental Assessment
  - Archaeological Assessment
  - Noise Impact Assessment
  - Fire Assessment
  - Preliminary Ecological Appraisal

3.14 In addition, a Financial Viability Statement (March 2022) has been provided which has been reviewed by the District Valuer and concludes that the proposals cannot deliver the Council's the full planning obligations required by planning policy. However, the applicant has agreed to provide all contributions requested other than off-site Greenspace along with 1 unit of Affordable Housing, which is more than the Viability Statement allows for. This is because the applicant would be willing to take on this element of financial risk rather than having a review mechanism incorporated into the S106 in the event that the economy improves prior to the development being built out. Such a mechanism would create unknown future expenses for the developer and would affect their ability to draw down funding so, rather than putting the whole scheme at risk, the applicant would be willing to risk an agreed contribution of £544,438.81 in the hope that the economy does indeed improve and, in so doing, ensuring clarity for the funders.

#### **4.0 RELEVANT PLANNING HISTORY**

4.1 A hybrid application for this site was approved following presentation of the scheme at City Plans Panel on 7<sup>th</sup> January 2021 as follows:

20/03494/OT Full planning permission for demolition of existing buildings and structures and Outline planning permission with all matters reserved, except for access, for the redevelopment of the site for residential dwellings (use class C3), flexible commercial space (use classes A1, A2, A3, A4, D1 and D2) and associated refuse and plant infrastructure, landscaping, new public realm and open space  
Approved – 29.06.2021

4.2 Following the above application approval and subsequent purchase of the site in late 2021 by the applicant, a pre-application (ref. PREAPP/21/00379) enquiry presentation was made to City Plans Panel on 24<sup>th</sup> February 2022, to consider the emerging designs, highway arrangements and landscaping in particular. Those plans are still largely reflective of the proposed scheme .

4.3 In response to the pre-application, Members were overall supportive of the emerging scheme although raised the following points:

- The area of Kirkstall should be seen as a residential area, this location is not the City Centre, more family accommodation should be provided
- The majority of Members expressed concern about the lack of family accommodation and requested if further consideration could be given to the housing mix in respect of the preferred minimum suggested threshold targets of policy H4
- Could arrangements be made to review Core Strategy Policy H4 Housing Mix
- Could the applicant give further consideration to the provision of more electric vehicle charging points, the demand will be far higher within a short period of time (Also consider the use of universal plugs)
- Could more balconies be provided
- The proposed brickwork appears over several stories could become too bland, more character is required.
- Members were supportive of the emerging layout and scale of the proposed development. The proposed housing mix was not supported. It was asked if one of the apartments blocks be considered for family accommodation only.

- Members generally welcomed the emerging elevational design and proposed material palette

- 4.4 In addition, it is noted that Flood Alleviation works have been approved for the site frontage to the River Aire pursuant to the Leeds Flood Alleviation Scheme 2 under application 18/07367/FU and its subsequent variation application 19/06812/FU and the relevant discharge of condition applications. These works relate to flood defence walls designed in accordance with the emerging proposals for the application site and includes a walkway beyond the low level defence wall (broadly 0.3m high here adjacent to the site) which itself is generally set at 8m back from the river edge. A further separate complimentary application for improvements to accessibility has been proposed under 19/00741/FU and is subject to separate funding arrangements to the main (defence) works scheme. However, this has not yet reached a decision to date with the focus set in the main currently on the defence works.
- 4.5 Other Major applications are noted with reference to nearby large brownfield sites. Application ref. 21/08190/FU at the Clarion Homes site to the east of the Nissan Garage site has been recently approved (1<sup>st</sup> September 2022), as a hybrid planning application for a phased development including demolition of all existing buildings and full consent for an initial phase of proposed residential development (blocks of flats and townhouses), student accommodation (sui generis) with ground floor commercial / leisure / community uses. The application also included details for the construction of a new river wall and bridge crossing; and further Outline proposals are submitted for a later phase of mixed-use development comprising residential use (use class C3) and other commercial / leisure / community uses including further associated infrastructure, engineering works and public realm / landscaping. This followed presentation to City Plans Panel in April 2022.
- 4.6 Prior to the above, the Clarion Homes site has also been subject to previous proposals and planning permissions for residential development. Part of the site was granted Reserved Matters consent (application 18/00604/RM, approved 02.08.2018) pursuant to an original Outline permission (application 15/06844/OT) approved on 14.07.2016.
- 4.7 The Clarion Homes site forms the other half of the Site Allocation Plan MX2-9 site referenced above and in the policy section below.

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 The application proposals were received in April 2022 and in continuation from the pre-application the scheme has been the subject of meetings with officers focusing on detailed design / technical matters. The proposals still generally align with the principles established by the pre-application presentation to Panel and seek to address the design matters raised by City Plans Panel as detailed below, although a number of meetings have been held including with the District Valuer to consider the issue of viability of the scheme, which has now been put forward by the applicants for consideration.

## **6.0 CONSULTATIONS RESPONSES**

### **6.1 Statutory**

Canal & River Trust (03/05) – No objection.

Coal Authority (20/04) – No objection. Standing Advice applies.

Environment Agency (12/08, 30/09) – Holding Objection.

- **Incomplete Biodiversity Net Gain Assessment –**

*“Currently the proposed development provides no evidence of biodiversity net gain and highlights the likelihood of an overall net loss in Habitat Units (area-based / terrestrial habitat). There is no consideration of river habitat (river units)”*

The applicant has submitted further information which concludes a 78% net gain and the EA have been reconsulted. Panel will be verbally updated on any response.

- **Flood Risk –**

The submitted FRA is considered acceptable subject to a condition requiring compliance with this document.

Highways (23/09) – No objection subject to conditions and legal agreements of s106 under 20/03494/OT being agreed again. The S106 requirements for this approval included:

- Provision of a bus shelter
- Requirement for public access to and maintenance of all routes through the scheme
- Off-site Highways contribution
- Travel Plan monitoring fee
- Sustainable Travel Fund
- Internal Access Road Scheme and Transfer
- 2EV charging spaces for car club operator

Review of Road Safety Audit documentation also as recently submitted ongoing.

Health & Safety Executive (18/08) – Objection. Concerns not addressed around means of escape, including single staircases made vulnerable due to connection with ancillary accommodation. Further amendments to the scheme have been made and the HSE reconsulted. Panel will be updated verbally with the response.

National Highways (27/05) – No objection (subject to conditions).

Yorkshire Water (25/08) - No objection (subject to conditions).

## 6.2 **Non-Statutory**

Contaminated Land Team (03/05) - No objection (subject to conditions).

Cycling Officer (04/05) - Pedestrian crossing should be upgraded to provide cycle link and additional linked access facilitated onto Studio Road. Existing footway should be widened. Clear, signed, step free walking and cycling route through development to river and canal when access is available.

District Heating (04/05) – Development not close enough to offer viable connection currently, however should be enabled to allow for future connection from circa 2025.

Education Services (05/08) – Education contribution calculated at £162,510.31

Environmental Studies Transport Strategy Team (Traffic Noise) (21/04) – No objection (subject to condition, namely implementation of Noise Impact Assessment).

Environmental Studies Transport Strategy Team (Air Quality) (17/05) – No objection (subject to condition).

Flood Risk Management (19/05 and 22/08) – Confirmation of acceptance (in principal) of a new outfall to River Aire at a discharge rate of 90.68l/s (subject to separate agreement with the Environment Agency). Updated Drainage Assessment requested to be consistent with Flood Risk Assessment.

Travelwise (12/08) – Minor update of Travel Plan requested reference to marketing information, otherwise Plan should be secured, with monitoring post (full) occupation for 5 years.

West Yorkshire Archaeology Advisory Team (13/09) – Written Scheme of Investigation prepared considered acceptable; conditions recommended.

West Yorkshire Police (Archaeological Liaison Officer) (08/06) – Layout and surveillance of site supported. Detailed design should include for good lockable cycle storage, external glazed areas protected from uncontrolled vehicles or terrorist attack, parking courts covered by CCTV and well illuminated, minimal lower ground planting.

Wind Consultant Peer Review (29/07) - No objection to proposed wind methodology and mitigation measures.

## **7.0 RELEVANT PLANNING POLICIES**

### **7.1 Development Plan**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Leeds currently comprises the following documents:

1. The Leeds Core Strategy (as amended by the Core Strategy Selective Review 2019)
2. Saved Unitary Development Plan (UDPR) Policies (2006), included as Appendix 1 of the Core Strategy
3. The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013) including revised policies Minerals 13 and 14 (Adopted September 2015).
4. Any Neighbourhood Plan, once Adopted
5. Aire Valley Leeds Area Action Plan (adopted 2017)
6. Site Allocations Plan (adopted 2019).

### **7.2 Leeds Core Strategy (amended by the Core Strategy Selective Review 2019)**

The adopted Core Strategy (as amended) sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. The most relevant policies are set out in the paragraphs below:

Spatial Policy 1: Location of Development: prioritises the redevelopment of previously developed land within the Main Urban Area, taking advantage of existing services and high levels of accessibility.

Spatial Policy 4: Regeneration priority programme areas:

The following Regeneration Priority Programme Areas identified on the Key Diagram will be given priority for regeneration funding and resources:

- East Leeds
- Aire Valley Leeds
- Leeds Bradford Corridor (incorporating West Leeds Gateway SPD)
- South Leeds.

Additional Council led regeneration initiatives outside of the Regeneration Priority Programme Areas that can demonstrate a positive impact on their neighbourhoods will be supported.

Priority will be given to developments that improve housing quality, affordability and choice, improve access to employment and skills development, enhance green infrastructure and green space, upgrade the local business environment, and improve local facilities and services.

#### Spatial Policy 6: The Housing Requirement and Allocation of Housing Land

The provision of 70,000 (net) new dwellings will be accommodated between 2012 and 2028 with a target that at least 3,660 per year should be delivered from 2012/13 to the end of 2016/17.

Guided by the Settlement Hierarchy, the Council will identify dwellings to achieve the distribution in tables H2 and H3 in Spatial Policy 7 using the following considerations:

- (i) Sustainable locations (which meet standards of public transport accessibility - see the Well Connected City chapter), supported by existing or access to new local facilities and services, (including Educational and Health Infrastructure),
- (ii) Preference for brownfield and regeneration sites,
- (iii) The least impact on Green Belt purposes,
- (iv) Opportunities to reinforce or enhance the distinctiveness of existing neighbourhoods and quality of life of local communities through the design and standard of new homes,
- (v) The need for realistic lead-in-times and build-out-rates for housing construction,
- (vi) The least negative and most positive impacts on green infrastructure, green corridors, green space and nature conservation,
- (vi) Generally avoiding or mitigating areas of flood risk.

Spatial Policy 11: Transport Strategy Investment Priorities: sets out a series of spatial priorities for the delivery of an integrated transport strategy for Leeds and improved facilities for pedestrians particularly connectivity between the edges of the City Centre and the City Centre.

Policy CC3: Improving Connectivity between the City Centre and Neighbouring Communities: within new development, seeks to provide and improve routes connecting the City Centre with adjoining neighbourhoods and improve connections within the City Centre in order to improve access to jobs and services, to encourage greater usage and make walking and cycling easier, safer and more attractive.

Policy H3: Density of Residential Development: Housing development in Leeds should meet or exceed the following net densities unless there are overriding reasons concerning townscape, character, design or highway capacity:

- (i) City Centre and fringe - 65 dwellings per hectare

Policy H4: Housing Mix: residential developments to provide an appropriate mix of dwelling types and sizes to address long term needs.



Policy H5: Affordable Housing: the Council will seek affordable housing either on-site, off-site or financial contributions from all developments of new dwellings. Housing developments above a certain threshold should include a proportion of affordable housing to be normally provided on the development site.

The policy refers to a more flexible approach to supporting Affordable Housing within Build to Rent (BtR) schemes. This offers the following options:

- 20% of the units to be let at 20% below market rent;
- 7% of the units to be let on a 60/40 split lower decile/lower quartile rent;
- financial contribution for provision off site.

Policy H8: Housing for independent living: developments of 50 or more dwellings are expected to make a contribution to supporting needs for Independent Living.

Policy H9: Minimum Space Standards: to be adhered to for residential accommodation.

Policy H10: Accessible Housing Standards: accessible and adaptable housing to be provided. New build residential developments should include the following proportions of accessible dwellings:

- 30% of dwellings meet the requirements of M4(2) 'accessible and adaptable dwellings' of Part M Volume 1 of the Building Regulations.
- 2% of dwellings meet the requirement of M4(3) 'wheelchair user dwellings' of Part M volume 1 of the Building Regulations. Wheelchair user dwellings should meet the M4(3) wheelchair adaptable dwelling standard unless Leeds City Council is responsible for nominating a person to live in the dwelling.

Policy EC3: Safeguarding Existing Employment Land and Industrial Areas:

Part A: For all sites across the District (outside of areas of shortfall):

Proposals for a change of use on sites which were last used or allocated for employment to other economic development uses including town centre uses or to non-employment uses will only be permitted where:

The proposal would not result in the loss of a deliverable employment site necessary to meet the employment needs during the plan period, or

Existing buildings and land are considered to be non-viable in terms of market attractiveness, business operations, age, condition and/or compatibility with adjacent uses, or

The proposal will deliver a mixed use development which continues to provide for a range of local employment opportunities and would not undermine the viability of the remaining employment site

Part B: Where a proposal located (also) in an area of shortfall as identified in the most recent Employment Land Review would result in the loss of a general employment allocation or an existing use within the Use Classes B1b, B1c, B2 and B8, non-employment uses will only be permitted where:

The loss of the general employment site or premises can be offset sufficiently by The availability of existing general employment land and premises in the

surrounding area (including outside the areas of shortfall) which are suitable to meeting the employment needs of the area.

Policy P8: Sequential and Impact Assessments for Main Town Centre Uses: Leeds City Council has adopted a centres first approach to main town centre uses as set out in Policy SP2. The policy sets sequential and impact assessment requirements. Impact assessments should be proportionate to the level of development proposed.

Policy P10: Design: New development for buildings and spaces to be based on a thorough contextual analysis, deliver high quality innovative design that contributes positively towards place making and is accessible to all. Car parking, cycle, waste and recycling storage should be designed in a positive manner and be integral to the development.

Policy P11: Conservation: outlines that the historic environment, consisting of archaeological remains, historic buildings, townscapes and landscapes, including locally significant undesignated assets and their settings, will be conserved and their settings will be conserved, particularly those elements which help to give Leeds its distinct identity. Development proposals will be expected to demonstrate a full understanding of historic assets affected

Policy P12: Landscape: The character, quality and biodiversity of Leeds' townscapes and landscapes, including their historical and cultural significance, will be conserved and enhanced to protect their distinctiveness through stewardship and the planning process.

Policies T1: Transport Management and T2: Accessibility Requirements and New Development: identify measures to ensure new development is adequately served by highways and public transport, and provides safe and secure access for pedestrians, cyclists and people with impaired mobility.

Policy G4: New Greenspace Provision: requires on-site green space on a 'per residential unit' basis. Where this quantity of green space is unachievable on-site a financial contribution, or a combination thereof, should be sought.

Policy G8: Protection of important species and habitats: Development will not be permitted which would seriously harm, either directly or indirectly, any sites designated of national, regional or local importance for biodiversity or geological importance or which would cause any harm to internationally designated sites, or would cause harm to the population or conservation status of UK or West Yorkshire Biodiversity Action Plan (UK BAP and WY BAP) Priority species and habitats.

Policy G9: requires an overall net gain for biodiversity commensurate with the scale of new development including new areas and opportunities for wildlife in the Leeds Habitat Network. There should be no significant adverse impact on the integrity and connectivity of the Network.

Policy EN1: Climate Change – Carbon Dioxide Reduction: sets out the sustainable construction and on-going sustainability measures for new development. It establishes targets for CO<sub>2</sub> reduction and requires at least 10% low or zero carbon energy production on site.

Policy EN2: Sustainable Design and Construction: requires developments of 1,000 sqm of non-residential development to be BREEAM 'excellent' and of more than 10 dwellings to meet a water use standard of 110 litres per person per day.

Policy EN4: District Heating: Hierarchical approach to connection to a district heating system.

Policy EN5: Managing Flood Risk: identifies requirements to manage flood risk.

Policy EN8: Electric Vehicle Charging Infrastructure: outlines the ratio of Electric Vehicle Charge Points (EVCP) required across different development uses / proposals.

Policy ID2: Planning Obligations and Developer Contributions: Section 106 planning obligations will be required as part of a planning permission where this is necessary, directly related to the development, and reasonably related in scale and kind in order to make a specific development acceptable.

### 7.3 Most Relevant Saved Unitary Development Plan Policies

- GP5 Requirement of Development Proposals
- N25 Development and Site Boundaries
- N39B Watercourses and new Development
- BD2 Design and Siting of New Buildings
- BD3 Disabled Access - New Buildings
- BD4 Mechanical Plant and Service Areas
- BD5 Amenity and New Buildings
- LD1 Landscaping schemes
- ARC6 Preservation by Record

### 7.4 Leeds Natural Resources and Waste DPD 2013

The Natural Resources and Waste Development Plan Document (Local Plan) is part of the Local Development Framework. The plan sets out where land is needed to enable the City to manage resources, like trees, minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. Relevant policies include:

- Minerals 2 and 3 requires that within development sites, removal of sand and gravel (sites over 1 Ha) and coal extraction (all non-householder) respectively are considered in proposals
- Air 1 All major applications required to incorporate low emission measures
- Water 1 requires water efficiency, including incorporation of sustainable drainage
- Water 2 requires development to demonstrate surface water runoff controls for the lifetime of development including construction
- Water 4 Development in Flood Risk areas
- Water 6 Flood Risk Assessments
- Water 7 Surface Water Run-off
- Land 1 Contaminated Land

- Land 2 Development and Trees

## 7.5 Site Allocations Plan (SAP):

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

The site for consideration by Members as part of this proposal is not a site so affected by the statutory challenge, such that it remains adopted within the SAP and its allocation for mixed use carries full weight.

Both this site and the site to the east of the Nissan Garage have been identified as site MX2-9 which is allocated for mixed-use development. This allocation sets out the following:

- This site is suitable for a mixed-use development, 41,000sqm of offices and 520 residential units, but other uses would be acceptable subject to adopted planning policy.
- Highway Access to the Site: Suitable primary access should be provided onto the A65 that minimizes delay to public transport.
- Local Highway Network: The development will have a direct impact on the congested Willow Road junction and A65/A58/Wellington Street gyratory. A contribution towards mitigation measures at these locations will be required. There will also be a cumulative impact at Armley Gyratory and at M621 junction 2. A contribution towards the Leeds City Centre Package scheme and the Highways England Road Investment Strategy will also be required. There is also likely to be a cumulative impact at the junction of Willow Road/Burley Road, and a contribution will be required towards mitigation works.
- Flood Risk: The site, or part of the site, is located within Flood Zone 3. Flood risk mitigation measures set out in the SAP Flood Risk Exception Test and site-specific flood risk assessment should be applied.
- Ecology: An ecological assessment of the site is required. Biodiversity Buffer (not private garden space) needed alongside the River Aire.
- Education Provision: Part of the site should be retained for the provision of a school (see commentary below at paragraphs 8.10 and 8.11).

It is noted that the existing Tannery office building is included within the SAP area.

## 7.6 Supplementary Planning Guidance / Documents

Accessible Leeds SPD (2016): Guidance document is intended for use by developers, architects, design teams, and those applying for planning permission, to ensure an inclusive design approach is adopted

Biodiversity and Waterfront Development (2006): Objectives are to identify and safeguard existing habitats; provide ecological design guidance on waterfront developments; provide guidance on the conservation of protected and important species; identify opportunities for habitat enhancement, creation and restoration; encourage appropriate long term habitat management. It requires development to be set back from riverbanks.

Designing for Community Safety: A Residential Design Guide (2007): This guide demonstrates how good design and good physical security can complement the environment and create safe, sustainable communities

Parking SPD (2016): sets out parking guidelines across the City

Street Design Guide (2009): This is a key element to delivering high quality residential and mixed development environments in the City and should be used in the context of other national and local planning or design guidance.

Sustainable Design and Construction SPD (Building for Tomorrow Today) (2011, updated 2020): Advocates the use of a range of measures to ensure that the best possible practices are used to ensure a sustainable environment is created.

Tall Buildings Design Guide (2010): The aim of this document is to provide clear design guidance on the location, form and appearance of tall buildings so that they can be successfully integrated into the environment and contribute to the changing skyline of the city.

Transport SPD (Draft): Update of the four existing transport related SPDs including Street Design Guide SPD, Travel Plans SPD and Parking SPD together with a cumulative impact policy to provide a methodology for contributions to be used and allow for growth from plan period.

Travel Plans SPD (2015): This Supplementary Planning Document (SPD) sets out the Leeds City Council (LCC) requirements for travel plans and identifies when they are required in support of a planning application. It is also intended for use by existing firms or organisations who wish to draw up a travel plan to facilitate more efficient and sustainable working practices.

Waterfront Strategy (2002): This advocates public access to the waterfront as well as its laying out with landscape treatment, which seeks to soften the bank edge. In addition, open space oriented towards the river, uses which take advantage of the amenity offered by the river and the protection of any wildlife habitats are also advocated. This document should be read in conjunction with the Biodiversity and Waterfront Development (2006) SPD.

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

The NPPF and the National Planning Practice Guidance (NPPG) set out the national policies for England and how these are expected to be applied. One of the key principles running through the NPPF is a presumption in favour of Sustainable Development (in reference to paragraph 11) and is set out in three parts: Economic, Social and Environmental. The revised NPPF (2021) now seeks to tighten definitions on the presumption in favour of sustainable development, increases the emphasis on high-quality design and place-making.

Paragraphs 47 and 49 of the revised NPPF directs Local Planning Authorities to apply a presumption in favour of sustainable development and that they should approve development proposals that accord with an up-to-date development plan without delay.

The below sections of the Revised NPPF are also considered to be relevant:

Section 5: Delivering a sufficient supply of homes – to support the Government’s objectives of significantly boosting the supply of homes.

Section 7: Ensuring the vitality of town centres - Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre.

Section 8: Promoting Healthy and Safe Communities – Policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible (where crime and disorder do not undermine the quality of life or community cohesion) and enable / support healthy lifestyles.

Section 9: Promoting Sustainable Transport – developments should give priority first to pedestrian and cycle movements and facilitate access to high quality public transport; address the needs of people with disabilities; create places that are safe, secure and attractive which minimise the scope for conflicts between pedestrians, cyclists and vehicles; avoid unnecessary street clutter; respond to local character and design standards; allow for the efficient delivery of goods, and access by service and emergency vehicles; be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Section 11: Making effective use of land - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land

#### Section 12: Achieving well-designed places

Para 130: Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Para 131: Trees make an important contribution to the character and quality of urban environments and help mitigate and adapt to climate change. Planning decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments. Applicants should consider carefully with LPAs that appropriate tree species are used compatible with highway standards to the right designs reflecting needs of different users.

Para 132: Design quality should be considered throughout evolution and assessment of individual proposals.

Section 14: Meeting the challenge of climate change, flooding and coastal change - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Section 15: Conserving and enhancing the natural environment - Planning policies and decisions should contribute to and enhance the natural and local environment.

Section 16: Conserving and enhancing the historic environment –

Para 192: In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness

## **7.8 Other Material Considerations**

Kirkstall Road Renaissance Area Planning Framework (KRRAPF) (2007):

This is adopted as Informal Guidance for planning purposes. It aims to promote the regeneration of the area in a manner which will establish a real sense of place and guide developers in formulating proposals for the re-development of land using positive urban design principles. This is underpinned by a need to ensure that a consistent approach is taken to all development in the area.

The framework area is split into a series of character areas. The area between the River and the Kirkstall Road is allocated as the 'Kirkstall Road Riverside'. Within this area the framework advocates that the buildings are laid out in a 'flexible configuration on a grid-based block pattern. Development sites/blocks and building envelopes will be determined by the requirement for public realm and safe and attractive pedestrian movement'. New buildings must contribute to the formation of these objectives by:

- Appropriate height, scale and massing
- Suitable siting and orientation
- Landscape settings
- Emphasis of corners
- Locating entrances on public access streets/paths

- Facilitating pedestrian access through the area and avoid potential conflict with traffic.

There is a requirement to create a boulevard along the A65 Kirkstall Road corridor, to be achieved in conjunction with works already undertaken as part of the Quality Bus Initiative (QBI).

A vehicular access road running parallel with Kirkstall Road is advocated exiting on to Washington Street.

Building heights are set out on a plan and are between 4 and 6 storeys fronting Kirkstall Road with 3 to 4 storeys in the main body of the site. A pedestrian and cycle link across the river to the canal towpath is also advocated on Washington Street.

#### Flood Alleviation Scheme 2 (FAS2):

The Council, with advice from the Environment Agency, are currently constructing a package of measures which are to contribute to flood resilience in the Kirkstall Road corridor and upstream within the River Aire catchment. Given the immediate nature of the timing of these works, they will already be in place along this stretch of the riverbank at the time of construction of the proposed development. The proposal will therefore have to be constructed in line with the requirements and limitations of the FAS2 scheme and this position is fully accepted by the applicant.

## **8.0 KEY ISSUES**

### **8.1 Principle of Proposed Uses**

8.2 The application site already benefits from an extant Outline approval (20/03494/OT) for a residential led development of very similar scale. The site is located within a mixed-use area which in recent years has seen a gradual replacement of traditional industrial uses with a wider mix of uses, including residential development. The recently approved consent on the neighbouring Clarion Homes site is for a mixed use, but again predominantly residential development, across a mix of tenures with supporting commercial uses. This application, just like the Outline approval, is proposing a similarly residential led scheme with Build To Rent (BTR) as the main sector and a mix of ground floor supporting uses.

8.3 As highlighted in the approval of the Outline application, the SAP identifies this site, along with part of the wider Clarion Homes site to the east, for major mixed-use redevelopment (SAP ref. MX2-9), comprising housing and office uses. Part A of Core Strategy policy EC3 applies to all development allocated for employment use, including mixed use allocations which include a proportion of office development. There are three criteria set out under Part A. As the criteria under Part A are separated by the word 'or', only one of the three criteria need to be satisfied for Policy EC3 to be satisfied.

8.4 Part A (i) relates to the loss of employment sites necessary to meet employment needs during the plan period. The site is proposed as a mixed-use allocation for employment in the SAP with an indicative capacity of 41,000m<sup>2</sup> for new office floorspace across the whole MX2-9 site.

8.5 At the time of the Outline approval it was highlighted that the latest evidence indicated that 197,000m<sup>2</sup> of office floorspace has been developed across the district since 2012 and 989,000m<sup>2</sup> was currently available on allocated and windfall sites. This represented a total supply of 1,186,000m<sup>2</sup> for office floorspace for the 2012-28 plan



period which was well above the Core Strategy policy SP9 requirement of 1 million square metres. This helped to justify the potential 'loss' of a significant proportion of the 41,000m<sup>2</sup> office space allocation for the wider MX2-9 SAP site. This position has been reviewed again but not fundamentally changed; as of July 2022, 223,477m<sup>2</sup> of office floorspace has been developed across the district since 2012 and 919,586m<sup>2</sup> is currently available on allocated and windfall sites. This represents a total supply of 1,143,063m<sup>2</sup> for office floorspace for the 2012-28 plan period. Allowing for the loss of 41,000m<sup>2</sup> at the application site, this supply again remains well above the Core Strategy policy SP9 requirement of 1 million square metres.

- 8.6 It was / is also noted that the MX2-9 site includes the existing 'Tannery' office building which means that the site does already have an office element as part of the wider use mix. In addition, given there is planning policy support for residential use on this site, the proposal is meeting other policy objectives.
- 8.7 The site is well placed for sustainable residential development and in being located only just over 300m from the City Centre boundary it can almost be classed as an 'edge of Centre' site (NPPF). It is well located in relation to existing public transport provision, with both frequent bus services along A65 Kirkstall Road and being only a 20-minute walk to the City's Railway Station. The residential nature of the development ties in with other committed residential developments (built out and emerging) either side (inbound and outbound) of Kirkstall Road and also in the surrounding area including Otter Island. Other applications previously submitted for residential developments are also noted at sites such as Canal Mills, south of the canal / river and at 84 Kirkstall Road.
- 8.8 As a previously developed (brownfield) site with a high density of residential development, the application would be appropriate to the requirements of policies H1 and H3 of the Core Strategy.
- 8.9 The SAP also indicates that school provision should be considered as part of the combined allocated site area. However, it has been established that the pupil yield from principally flat driven development is not as strong as that from traditional housing. As a result, it has been concluded by the Education Officer (consistent with the Outline approval with its similar amount and mix of development) that, based on the likely housing mix, a new school on MX2-9 would not be required. Instead, a contribution of £162.510.31 is required, to create additional new capacity within the existing (surrounding) school estate. This is the consultee's clear preference than dealing with the matter through the opening of a new school on site MX2-9. The applicant has agreed to provide this contribution, notwithstanding viability issues as described above.
- 8.10 The scheme also proposes mixed use ground floor space to provide support for the residential uses on the site as well as to provide livelier and active frontages, which at 356m<sup>2</sup> is above the thresholds for which a Sequential Assessment is generated under Core Strategy policy P8. However, a number of specific considerations arise in this regard in respect of this application – i.e. the location of development (approximately 310m from the City Centre boundary – just over what would otherwise be classed as 'edge of centre' (up to 300m)); the nature and size of these uses which are likely to be considered complementary to the sustainable place making objectives of this future residential development; and other future nearby major residential developments which it is anticipated will be served by this mixed use ground floor space. As with the Outline consent (which approved a higher amount of commercial

space at 965m<sup>2</sup>) the ancillary nature of the proposed commercial space for such 'main town centre' uses is considered complementary to sustainable place making for more immediate local shopping / commercial business opportunities serving the residential units. The use of floorspace in this way is to be controlled by condition to this maximum level of 356m<sup>2</sup> to safeguard the vitality of existing centres; this approach is considered reasonable, proportionate and appropriate in relation to policy P8.

#### 8.11 Layout, Design and Massing

8.12 This site occupies a prominent position on the southern side of Kirkstall Road, which is the city's main western arterial route. The existing context of development is one which rises in scale towards the city centre on the northern side of Kirkstall Road. On the southern side of the road spreading out from the City Centre a number of sites are being or have been cleared for re-development purposes. This includes the consented and proposed schemes on the Clarion Homes site to the east. The building heights (for example the stepping up of Block A on the Kirkstall Road frontage) and their relationship to the 'Tannery' building are respectful of this non-designated heritage asset which is set at a generous 4 storey mass across a sizable footprint.

8.13 It is noted that the scale of the current proposal is greater than that envisaged by the 2007 KRRAPF. However, it is considered that the increase in scale is appropriate on this main arterial route as it has been handled well from a massing and design perspective. As the wider area is currently generally in commercial/office use, or vacant, there are no existing uses which would suffer a loss of amenity through the increase in scale of the proposals.

8.14 The proposal through its ongoing detailed design development, including through the pre-application has omitted one initially desired block ('C' - from the Outline application), to create further breathing space and scope for good quality pedestrian / landscaped courtyard features in the Block Plan.

8.15 The proposals are otherwise still broadly akin to the 'Development Framework Zoning Plan' as approved under the Outline consent ref. (20)153 Rev P01. This showed storey heights mainly ranging from 7 – 12 stories but with scope for a taller block in the middle of the site at 11-16 stories. Indeed, it was and still is considered that some variation to the heights of the buildings provide visual interest. The ability to build higher also places less pressure on the footprints of the buildings which enables a greater proportion to be given over to breathing space / landscaping, which is another feature of this latest scheme. It is considered that the scheme is compatible with the objectives of the Tall Buildings Design Guide SPD and the emerging and consented plans for the Clarion Homes site in the same skyline.

8.16 This layout, again like the Outline, makes very efficient use of the land as a very sustainable development opportunity when set against a more traditional residential estate type scheme. The proposals represent the regeneration of a large brownfield site in a location with good quality existing public transport infrastructure and would make a significant contribution to the council's housing need. This type and density of proposal is considered appropriate in this location and officers consider that the emerging approach to scale and massing is again likely to be acceptable within the immediate context of Kirkstall Road and the riverside setting.

8.17 Again, as indicated in the Outline application (although this was just illustratively) the main publicly accessible open space areas are proposed to be located adjacent the river. This follows the pattern set by the Clarion Homes proposals to the east. This is

again considered to form the most appropriate layout based upon a number of key objectives:

- nature conservation in providing a buffer of the development to the river watercourse and canal as key habitat corridors
- provides attractive and more desirable accessibility routes alongside the watercourse dovetailing with planned and future improvements of the Flood Alleviation Scheme (FAS2)
- provides the best area within the site to provide an open space setting away from the busier north-east side of the site adjacent to Kirkstall Road and other commercial uses
- allows for appropriate on-site flood risk mitigation to be installed into the site layout alongside the FAS2 scheme
- the open space will also face south-west, which is beneficial for sunlight penetration. Eventually the site would be joined to the Clarion Homes site by the riverside walkway and its associated bridge planned across the river to the Leeds/Liverpool Canal towpath (Trans-Pennine cycle Route 66).

- 8.18 The alignment of the buildings within the site has been considered in order to create views through the scheme to assist in legibility and pedestrian permeability (a key objective of policy CC3 as well as the KRRAPF). The alignment of the east-west spine route again provides a clear order to the development and offers the ability to link to the neighbouring sites whilst also allowing views through to the neighbouring scheme. This is fully supported as part of the KRRAPF requirements. It would also ensure that a hierarchy of routes would exist from the pedestrianised riverside walkway, through the spine road and then onto the main thoroughfare along Kirkstall Road with its Quality Bus Initiative. The building fronting Kirkstall Road has been appropriately set back to enable a tree lined frontage to the scheme in line with the objectives set out in the KRRAPF and to improve the existing bus stop provision (allowing for a shelter to be provided) and good pedestrian footpath / cycling space.
- 8.19 The designs show buildings with consistent architecture themes running through the different blocks. These include simple and elegant slender window designs, developed in a sash format with good heads and stone cill banding running horizontal through the levels. The windows are set with regular and ordered vertical emphasis up through the levels. This regular patterning of horizontal and vertical fenestration, which also features within the ground floor commercial space helps to link each block together with a character that sits sensitively with the similar style evident across the adjacent 'Tannery' building.
- 8.20 The architectural detail is considered to represent a significant visual improvement and investment into the Kirkstall Road Renaissance Area beyond that of the (recently now demolished) former 1960s offices of the former Arla Foods site, on this main arterial route into / out of Leeds. The new blocks show a much more aligned solid to void ratio more familiar to the Tannery building and use of materials more characteristic of the adjacent and opposite large commercial buildings that feature within the area.
- 8.21 Some of the apartments that would face onto the south-west aspect contain balconies, a welcome addition that aids natural surveillance and since the on-set of

Covid-19, a really beneficial aid to assist with improved external amenity space / improved airflow into buildings.

#### 8.23 Highway Considerations

- 8.24 As with the approved Outline application, the cumulative impact upon key junctions (alongside other neighbouring developments) requires a contribution of £197,000, sought in line with the guidance of the advanced draft Transport SPD. The Council is developing a more sophisticated adaptive signal control system along this section of Kirkstall Road. The applicant has agreed to provide this and other Highways requirements, notwithstanding the viability issues discussed above.
- 8.25 Other public transport and footway improvements are necessary to further enhance this site given its bus, foot and cycle opportunities for encouraging sustainable travel patterns. Again, as with the Outline approval, this includes an upgrade of the existing bus stop pole to a real time shelter identified on Kirkstall Road outside of the site frontage.
- 8.26 Improvements and upgrading to cycling lanes and north / south crossings (on Kirkstall Road (including a 4m wide footway and also a toucan crossing with cycle link), Washington Street (including a 3.5m wide public highway) / Studio Road and Wellington Bridge / Bingley Street) are identified to link better with the City Centre / neighbouring communities (reference to Core Strategy policy CC3). To also introduce some welcome boulevard style tree planting to Kirkstall Road, block A is set back from the existing road edge to ensure sufficient space is provided for pedestrian footpath and cycle lane provision.
- 8.27 In respect of the parking, this is contained in centrally overlooked areas that would also reduce its wider visual impact from the primary routes and is further screened from views (such as the open space / riverside) with landscaping.
- 8.28 The scheme proposes 226 car parking spaces (reduced from 231 to accommodate required fire safety measures). The applicant proposes that all the spaces are intended to be capable of being provided as electric charge point spaces, but only 30% will be provided initially with the rest to be provided based on demand. This is considered acceptable by the Highways team, so long as full provision is ultimately provided.
- 8.29 The 226 car parking spaces represent a 36.6% ratio provision in relation to the total number of flats. A similar level of provision was accepted for the recent outline consent and it is considered that this is an appropriate level balancing a proportionate demand against the highly accessible location and existing public transport provision. The Highways consultee agrees the same. It is considered that any higher level of parking ratio would reduce the sustainable travel credentials of the scheme including the execution of the Travel Plan as drafted and have additional impact upon the level of public realm possible.
- 8.30 Landscaping in the form of green planting screens and street trees will contain clear boundaries for resident parking. 2no car club spaces are shown centrally located off the main spine road through the development. Overlooked short stay cycle parking is also shown set around the various blocks. Secure cycle spaces are set within the ground floors of each block and additionally within a larger linear cycle shelter which is shown facing towards the side of block B on the eastern boundary. Nearly 400

bicycle spaces are proposed (majority being long stay) and the Highways team is content that in line with other neighbour developments this is an appropriate ratio.

8.31 As also explained with the Outline approval, the KRRAPF makes reference to the provision of a potential crossing over the river at the end of Washington Street. However, the route is by no means a simple one as there is an estimated 8m vertical level change from Washington Street up to the canal towpath. In addition, the space on the southern side of the river is part of the Leeds Habitat Network which forms a continuous belt of uninterrupted riverside land from Viaduct Road to Holts Crest Way. The Clarion Homes development (as consented) is also noted to provide a public crossing across the Aire utilising the former chemical works bridge landing points (by either working with the existing redundant bridge structure or by constructing a replacement) between that site and the Otter Island development. Therefore, in this context it is not considered necessary or practical for the redevelopment to provide a further bridge crossing over the River Aire.

8.32 Wind

8.33 The application information provided has been supported by a proposed methodology for Wind Assessment by GIA which has been reviewed by Tobermory Consultants on behalf of the Council. The Review has concluded that sufficient information is being collated to understand and assess the wind conditions on site and the effect of the new development on its surroundings.

8.34 GIA have applied a detailed CFD (Computer Fluid Dynamics) analysis approach to the modelling, using appropriate tools and significant computing resources; the peer review outlines that there are no concerns over any aspect of the modelling approach.

8.35 A set of scenarios to be tested have been accepted by the Council's Wind Consultant based around existing site, proposed site and proposed site, within cumulative surrounds.

8.36 The conclusions reached in the review against the drawings (as updated on 18<sup>th</sup> July) are as follows:

1. *The wind study has demonstrated that onsite wind conditions for the new Development are acceptable at ground level, based on the "embedded" wind mitigation measures that were included in the modelling (namely 4 porous screens and 1 porous wall).*
2. *However, the study has also shown that some further, minor mitigation measures were necessary for the roof terrace on building F (i.e. planter) and some of the balconies on the upper levels of blocks B, E and F, in order to remove safety exceedances and improve comfort conditions. Suitable mitigation measures have been incorporated into the design now.*
3. *Off-site wind conditions are either unchanged or are slightly improved by the presence of the new Development (e.g. at the entrances to 94 and 96 Kirkstall Rd.; at the westbound bus stop on Kirkstall Rd.; and at the existing safety exceedance at the SE corner of the Farnell building). Comfort conditions are rated as suitable for all of the off-site thoroughfares, and the canal-side and river-side paths. Hence, no further mitigation is required there.*

- 8.37 The Peer Review has confirmed that the CFD model for the proposed development has included the following wind mitigation measures:
- *a porous wall around the cycle/refuse store, block D;*
  - *3 porous screens to the west of building B;*
  - *1 porous screen at the southwest corner of building F.*
- 8.38 The reviewer has agreed the exact detail of these can be conditioned and this will require consultation (with the reviewer) upon submission at discharge stage. The Highways consultee notes the work undertaken and thus it is considered the application has sufficiently addressed wind mitigation in the proposed scheme under policies P10, T2 and guidance within the Tall Buildings Design Guide.
- 8.39 Greenspace, Open Space
- 8.40 In respect of the requirements of Core Strategy Policy G4, para 5.5.18 of the Core Strategy is considered relevant:
- “5.5.18 As the green space requirement is expressed as an amount of green space per dwelling, high density developments (65dph (net)) usually found in or on the edge of town centres may generate requirements for green space that cannot be delivered on-site. For such schemes an expected level of 20% of green space should be provided on-site with the residual being provided off-site or in the form of a commuted sum. However, it is accepted that there may be particular site circumstances to justify a higher or lower quantity than 20% on-site.”*
- Para 5.5.14 of the supporting text is referred to within the policy itself and this outlines which factors are relevant to the provision of on-site greenspace.
- 8.41 The layout plans broadly show at least around 30% of the whole site area being provided as open space and the layout / designs here are also aligned with the FAS2 strip of land set back from the river edge with its defence wall and landscaping / public realm improvements.
- 8.42 The arrangements as designed will contribute to policy G4’s provision on site with the remaining demands from the new development generating an off-site commuted sum of £624,790 . Although the policy itself does not account for viability issues it is accepted by the District Valuer that the current proposed on-site provision of open-space does significantly affect the viability of the proposal. Consequently a further financial contribution is not considered to be sustainable by the developer. On balance it is considered by Officers that the level of on-site provision provides significant benefits for the site and the surrounding area and it is accepted that the additional financial contribution would jeopardise the overall provision of the scheme.
- 8.43 The designs with the colonnade walkways and footpaths linking into the open space and the riverside routes beyond provide attractive, safe routes from the City into the West Leeds / Kirkstall Road corridor away from the busy A65. These routes appear set around a mixture of hard and soft landscaping providing legible, accessible, surfaced and attractive routes with good levels of overlooking / natural surveillance from the apartments.
- 8.44 Accessibility and Inclusivity

- 8.45 The proposals create a fully accessible environment through level access and lift provision throughout. The site is generally flat and there is a large amount of open space to be provided which would allow all accessibility standards and requirements to be achieved and controlled through condition in accordance with the Accessible Leeds SPD. This includes the appropriate provision (ratio) of disabled parking further to the Highways consultation (dated 23<sup>rd</sup> September 2022).
- 8.46 Flood Risk / Drainage
- 8.47 A full Flood Risk Assessment and Drainage Statement has been prepared, including for consultation with both the Environment Agency and Flood Risk Management consultees. An Exception Test was also carried out by the Council in the original allocation of this mixed-use site. This provided the basis which satisfactorily addressed the social, economic and environmental benefits of this site for sustainable development purposes outweighing flood risk, subject to resolution of an acceptable Flood Risk Assessment on development proposals.
- 8.48 The site is set within Flood Zone 3a (high probability). This is recognised with the Leeds Strategic Flood Risk Assessment (2007). Since then the 2015 Boxing Day floods provide further background context as to the credentials of the site in respect of flood risk.
- 8.49 In view of the above context, the general design approach of the site layout is to provide any commercial uses at ground floor level with residential units set at first floor and above. Notwithstanding this approach, minimal finished floor levels are to be provided (as also controlled under condition) at a flood safe level, namely which have been shown to be in excess of 600mm above flood levels, as per the Landscape General Arrangement Plan (re-form) ref. 0005 Rev P14.
- 8.50 Concerning surface water drainage, the Outline Drainage Strategy drawing (Appendix H of the NPPF Flood Risk Assessment and Outline Drainage Strategy, appended (Appendix 1) to the Flood Risk Assessment Addendum) illustrates a surface water drainage strategy comprising of a traditional pipe network, supplemented by attenuation provided in the form of permeable paving, oversized pipes and a geo-cellular attenuation system. The strategy proposes to discharge surface water runoff from the entire site into the River Aire (via a new point of connection/headwall) to the south of the site as to be agreed through a permit with the Environment Agency. A rate of 90.68l/s has been agreed in principle with the Flood Risk Management consultee. The Flood Risk Management consultee accepts that infiltration is not proposed due to the historic use of the site (as a tannery (potential for ground contamination)) and that the groundwater level on-site is at a shallow level (based on Section 6.3 of the NPPF Flood Risk Assessment and Outline Drainage Strategy, appended (Appendix 1) to the Flood Risk Assessment Addendum prepared for this application).
- 8.51 A detailed Flood Evacuation Plan has been conditioned but this would be expected to reflect the emerging principles of the uses and their respective levels / positions on site reflect key considerations here with respect to flood risk.
- 8.52 It should be noted that additional defence measures in the form of the FAS2 scheme have been largely constructed along this stretch of the river (zone 11 of the scheme) with the overall two step defence scheme expected to be completed by Autumn 2023. This would give protection to the site itself from flooding events based upon a 1:200 year (+ climate change) frequency.

8.53 Biodiversity Net Gain

8.54 Policy G9 in the Core Strategy requires development to demonstrate an overall net gain for biodiversity commensurate with the scale of development. Concerns have been raised by the Environment Agency regarding the initial Biodiversity Net Gain Assessment submitted by the applicant. The proposal provided no evidence of biodiversity net gain and there was no consideration of river habitat. The applicant subsequently provided an amended Biodiversity Net Gain Assessment which shows a net gain on land of 78% and argues that improvements to biodiversity in the river are therefore not required. The EA and Nature Teams have been reconsulted on this amended document and any updates will be presented verbally at panel.

8.55 Viability

8.56 As stated above the Council's adopted planning policies would result in a number of planning obligations to support the development. These relate to Education contribution (£162,510.31), Greenspace contribution (£624,789.97), Affordable Housing provision (based on a Build-to-Rent development under Core strategy policy H5), provision of a bus shelter (£20,000), off-site highways contribution (£197,000), Travel Plan monitoring fee (£6,875) and Sustainable Travel Fund contribution (£158,053.50). However, a Viability Appraisal has been submitted as it proposed that the development cannot fund these provisions. The District Valuer has concluded that the scheme is unviable if it was to meet all the required obligations. The District Valuer has advised that the proposed development can only reasonably support 1 affordable apartment and a Community Infrastructure Levy of £308,082.25 and no other S106 obligations. The details of this are set out at Appendix 2.

8.57 Paragraph 58 in the NPPF states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. However, the NPPF also allows that it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight given to a viability assessment is a matter for the decision maker. The supporting text to Policy ID2 in the Core Strategy, relating to planning obligations through S106 agreements, allows that the NPPF requires local planning authorities to take account of changes in market conditions over time and, where appropriate, should be sufficiently flexible to prevent planned development from being stalled. Consequently, the wording of ID2 states that developer contributions will be sought through Section 106 planning obligations and the Community Infrastructure Levy as appropriate. In this case the development will provide a contribution through CIL which can be used to fund infrastructure projects which the Council has identified to meet the needs of the new development and will also provide all of those financial contributions listed with the exception of the Greenspace request.

With regard to Affordable Housing, the proposal would generate a requirement of 7% under Policy H5. This would amount to 43 units. The current proposal would deliver only 1 affordable housing unit. Policy H5 requires departures from this policy to be justified by evidence of viability considerations. Such evidence has been provided and reviewed by the District Valuer who concurs that the scheme could only viably provide 1 unit along with a CIL contribution.

Given that the applicant has agreed to take on a good proportion of financial risk in order to provide the required financial obligations it is considered, on balance, by Officers that the benefits of the proposal would still greatly outweigh the harm



generated by a loss of affordable housing and Greenspace sum. As evidence has been provided and independently corroborated that the alternative would be no development in this key sustainable location it is recommended that a pragmatic approach be taken to ensure the wider benefits that the proposal would bring to this part of the city are provided.

## **9.0 CONCLUSION:**

- 9.1 Notwithstanding the financial viability position, this scheme represents an opportunity to regenerate a mostly cleared brownfield site on the southern side of Kirkstall Rd. The proposals provide 618 residential units contributing to housing supply as well as associated employment uses, large areas of open space and connectivity to the waterfront with a new section of riverside walkway in a highly sustainable gateway location.
- 9.2 It is considered that the scale, form and detailing of the proposal would enhance the character of this part of Kirkstall Road and help to deliver an identified housing need in the development plan. On balance the proposals are supported by national and local planning policy.

## **BACKGROUND PAPERS:**

Application file: 22/02505/FU

Application files: Clarion Homes approval 21/08190/FU

Application file: Holts Crest Way approval ref. 13/05566/FU

Application files: FAS2: 18/07367/FU, 19/06812/FU and 19/00741/FU

## Appendix 1 – Proposed 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 and Specifications above.

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

3. A plan showing the anticipated phases of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any development commencing. Phases of the development shall thereafter be carried out in accordance with the submitted plan, unless otherwise approved in writing by the Local Planning Authority, and any reference to `phase` or `phases` in the conditions below shall refer to the phases detailed in the plan thereby approved.

In order to accord with the provisions of the Leeds Core Strategy, Saved Policies of the Leeds Unitary Development Plan Review and the Leeds Natural Resources and Waste DPD, in the interests of amenity, visual amenity, the provision of (any) 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. The commercial uses hereby permitted shall be limited to the maximum Gross Internal Area of 356 sqm, of which any (former use class) A1 retail floorspace shall be for convenience retail use only.

In order to ensure that the developed scheme does not exceed the floor spaces which have been used to assess the impact which this proposal will have on surrounding centres, including the neighbouring buildings and the local highway network and to ensure a mix of uses is provided. In the interests of proper planning in accordance with policy P8 of the adopted Leeds Core Strategy 2019.

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.

5. Prior to the use on site of the external materials to be used for each phase of development, details and samples of all external walling and roofing materials for that phase shall be 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.

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. Prior to the commencement of building works in each phase details of the position, design, materials and type of all walls and/or fences or permanent boundary/screening treatment for that phase shall be submitted to and approved in writing by the Local Planning Authority. Such walls and fences shall be erected in accordance with the approved details, before the land/buildings to which they relate are occupied and shall thereafter be retained.

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

7. Prior to the commencement of landscaping works in each phase of development full details of both hard and soft landscape works, including an implementation and maintenance programme, shall be submitted to and approved in writing by the Local Planning Authority for that phase. Hard landscape works shall include:

(a) proposed finished levels and/or contours

(b) vehicle and pedestrian access and circulation areas,

(c) hard surfacing areas,

(d) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.),

(e) 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:

(f) planting plans

(g) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and

(h) schedules of plants noting species, planting sizes and proposed numbers/densities.

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

The developer shall complete the approved landscaping works for each phase 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.

9. Remediation measures are shown to be necessary following the approved Site Investigation Reporting and soil or soil forming material is being imported to site. Development (excluding demolition) shall not commence until a Remediation Strategy demonstrating how the site will be made suitable for the intended use has been submitted to, and approved in writing by, the Local Planning Authority. The Remediation Strategy shall include a programme for all works and for the provision of Verification Reports. It is strongly recommended that all reports are prepared and approved by a suitably qualified and competent person.

To ensure that the presence of contamination is identified, risks assessed and proposed remediation works are agreed in order to make the site 'suitable for use' with respect to land contamination.

10. 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.

It is strongly recommended that all reports are prepared and approved by a suitably qualified and competent person.

To ensure that any necessary remediation works are identified to make the site 'suitable for use' with respect to land contamination.

11. 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.

It is strongly recommended that all reports are prepared and approved by a suitably qualified and competent person.

To ensure that the remediation works are fully implemented as agreed and the site has been demonstrated to be 'suitable for use' with respect to land contamination.

12. There shall be no discharges of foul water from the development until a foul drainage scheme (to be phased as necessary) including details of provision for its future maintenance (e.g. adoption by the Water Company) has been implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority for that phase. In addition, written confirmation shall be provided from Yorkshire Water or any other third party involved to allow the laying of any sewer across third party land and discharge of the design foul flows to the sewer.

To ensure satisfactory drainage and pollution prevention in accordance with adopted Leeds UDP Review (2006) policy GP5.

13. Before development of any phase commences, a detailed SuDS based Drainage Scheme based on the principles of The SUDS Manual (C753) and the design criteria as set out within the Councils Minimum Development Control Standards for Flood Risk, shall be submitted and approved in writing by the Local Planning Authority for that phase.

The maximum rate of discharge, off-site, shall not exceed 90.68 l/s and be in line with the drainage strategy as set out within the Curtins Flood Risk Assessment Addendum (Ref. 079805-CUR-00-XX-RP-C-001-FRAA Rev 01) or shall be consistent with the Councils Minimum Development Control Standards for Flood Risk and the LLFAs requirements for Major Development unless otherwise agreed with 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.

The detailed design drawings, calculations and supporting information shall include the following:

- a) Model Information (Micro Drainage or similar approved) to include a plan showing pipework model numbering and network details.
- b) Survey and details of any existing surface water outfalls from the site into the River Aire, identifying which outfalls are to be retained and which can be abandoned.
- c) Results: Summary of Results showing all the modelling criteria and summary network results for critical 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% CC storm events

showing maximum water level, flow and velocity and details of any surface flooding anticipated.

d) A drawing showing the proposed impermeable areas, suitably annotated.

e) Calculations and any supporting survey and investigations to justify and demonstrate the existing and proposed discharge rate.

f) Drainage Plan showing drainage layout, manholes including cover and invert levels, proposed levels, pipe sizes and gradients, all on -line controls, on and off line storage structures and outfall details.

g) Plan showing overland exceedance routes in the event of a failure of the drainage system or storm event in excess of the 1 in 100 + 40% CC storm event.

h) Summary Drainage Report setting out the Drainage Strategy and results of the calculations demonstrating compliance with the above.

i) Where third party agreements to construct sewers and to discharge flows are required, then written evidence of these two agreements shall be provided.

j) A timetable for implementation of the drainage works including an assessment of any phasing of the development.

k) Demonstrating that adequate water quality of the off- site surface water flows in accordance with the Simplified Index Approach as set out within Section 26 of the SUDS Manual (C753) can be achieved during all phases of the development.

l) Where SUDs are only proposed in part or not at all, then a full justification statement shall be provided to demonstrate why it is not considered appropriate or reasonable.

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

To ensure sustainable drainage and flood prevention in accordance with NRWLP policy Water 7 and GP5 of the UDP.

14. Development of each phase shall not commence until details and a method statement for interim and temporary drainage measures during the construction phases have been submitted to and approved in writing by the Local Planning Authority for that phase. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. Where temporary discharges to a sewer are proposed, written confirmation from the sewer owner that these have been accepted shall be provided. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Local Planning Authority.

To prevent flooding offsite in accordance with the NPPF.

15. Prior to the occupation of the first unit, details shall be provided in respect to the management, inspection and maintenance of any non-adopted drainage features for that phase. The details shall identify the responsible parties and set out how these will be funded and managed and provide a schedule of the proposed inspections and annual maintenance for the lifetime of the development. The plan shall be submitted

to and approved in writing with the Local Planning Authority prior to first occupation for that phase and the development shall thereafter be maintained at all times in accordance with the approved details.

To ensure the development is adequately maintained for the lifetime of the development.

16. The development shall not be brought into use until a suitable Flood Evacuation Plan (FEP) has been submitted and approved by the Local Planning Authority. The Flood Evacuation Plan shall be based on the latest Environment Agency and West Yorkshire Fire & Rescue Service (WYF&RS) guidance and the ADEPT/EA document titled Flood Risk Emergency Plans for New Development dated Sept 2019 and include the following:
- a) Details of advanced flood warning measures;
  - b) Advanced site preparation measures to be undertaken in the event of a flood warning
  - c) Site evacuation measures whilst being also aligned with the WYF&RS 'stay put' advice where applicable within the development / specific floor levels;
  - d) Details of how the FEP will be monitored during all operational hours of the development, the responsibility for flood safety measures in accordance with emergency flood management plan.
  - e) Confirmation that details of the FEP will be relayed to all site users and shall be implemented for the life of the development and to any future owners.

In the interests of flood risk.

17. The development shall be carried out in accordance with the Curtins Flood Risk Assessment Addendum (Ref. 079805-CUR-00-XX-RP-C-001-FRAA Rev 01) and the following mitigation measures it details:
- There is to be no residential development on the ground floor.
  - Finished floor levels shall be set no lower than 31.600 metres above Ordnance Datum (AOD).
  - Any undercroft car parks are to remain at grade so as to not displace floodwaters.
  - There shall be a minimum of a 2m undeveloped easement strip from the Leeds Flood Alleviation Scheme Phase 2 Walls to any proposed buildings within the site
  - There is to be no land raising as a result of the proposed development

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

The reason for this condition is as follows:

- To reduce the risk of flooding to the proposed development and future occupants.
- To not displace or transfer any flood waters to others as a result of the proposed development.
- To ensure the structural integrity of the Leeds Flood Alleviation Scheme Phase 2 flood defences thereby reducing the risk of flooding.
- To ensure safe and timely access egress arrangements in the event of a flood.

18. No development in any phase shall take place until a landscape and ecological management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), has been submitted to, and approved in writing by, the local planning authority. The landscape and ecological management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority for that phase. The scheme shall include the following elements:

- o details of maintenance regimes
- o details of any new habitat created on-site
- o details of treatment of site boundaries and/or buffers around water bodies
- o details of management responsibilities
- o details of a suitable lighting plan which minimises light spill onto the river

To ensure the protection of wildlife and supporting habitat and to preserve the functionality of the Leeds Habitat Network. Also, to secure opportunities for enhancing the site's nature conservation value in line with national planning policy and adopted policy G9 of the Leeds Core Strategy.

19. No development shall take place for each phase until a Construction Environmental Management Plan (CEMP), including an Invasive Non-Native Species (INNS) management plan, has been submitted to, and approved in writing by, the local planning authority. The construction environmental management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority for that phase. The scheme shall include, but not be limited to, the following elements:

- o details of how the site will be remediated and built without affecting surrounding habitats
- o details of invasive non-native species management

To ensure the protection of wildlife and supporting habitat and to prevent the spread of invasive non-native species.

20. Construction activities shall be restricted to 08.00 to 18.00 hours Monday to Friday and 08.00 to 13.00 hours on Saturdays with no works on Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

21. No construction works shall begin on any 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 for that phase. 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, dirt and noise during construction;
- c) location of site compound and plant equipment/storage;
- d) how this Statement of Construction Practice will be made publicly available by the developer.
- e) location of access and egress from the site and management of vehicle movements entering and exiting the site

f) car parking for contractors staff and operatives

The approved details for that phase shall be implemented at the commencement of construction 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.

22. For each phase of development, details of a sound insulation scheme (based upon the submitted Noise Impact Assessment by Hann Tucker Associates ref. 27385/NIA1, dated 24<sup>th</sup> March 2022) designed to protect the future occupants of the proposed accommodation from noise emitted by nearby sources and to protect sensitive receptors 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 in that phase.

The approved works shall be completed prior to first occupation of that phase and shall thereafter be retained. The scheme shall also include a ventilation strategy, which provides for the adequate control of room comfort, where windows will need to remain closed to meet the internal noise level targets.

Prior to occupation, a post completion sound test to confirm compliance with specified criterion shall be submitted for approval. In the event that sound levels exceed the specified limits, the applicant shall undertake corrective action and re-test. Once compliance can be demonstrated the results shall be re-submitted for approval.

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

23. Prior to occupation of each phase, details for the provision of bin stores (including siting, materials and means of enclosure) and (where applicable) storage of wastes and access for their collection for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full before the use commences and shall be retained thereafter for the lifetime of the development.

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.

24. No phase of development shall be occupied until a Car Park and Servicing Management Plan (including timescales) has been submitted to and approved in writing by the Local Planning Authority for that phase. The plan shall be fully implemented, and the development thereafter operated in accordance with the approved timescales.

To ensure the free and safe use of the highway.

25. Prior to commencement of development in any phase a Lighting Design Strategy for both consideration of protection of residential amenity, highway safety and consideration of bat activity shall be produced and approved in writing by the Local



Planning Authority for that phase. This shall include commentary by an appropriately qualified ecological consultant. The Strategy shall show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb commuting and foraging bats adjacent to the River Aire. All external lighting shall be installed in accordance with the specifications and locations set out in the Strategy and shall be maintained thereafter in accordance with it. Under no circumstances should any additional external lighting be installed without prior consent from the LPA in the areas identified in the Strategy as "particularly sensitive for commuting and foraging bats".

In the interests of residential amenity and highway safety and in accordance with adopted Leeds UDP Review (2006) policy GP5 and the National Planning Policy Framework and to safeguard a protected species (bats) in accordance with protection and enhancement of biodiversity in accordance with Core Strategy Policy G8 and G9, NPPF and BS 42020:2013.

26. No phase of the development hereby approved shall be occupied until a plan, setting out the location of electric vehicle charging points to be provided in that phase, has been submitted to and approved in writing by the Local Planning Authority. The charging points for that phase shall be provided in accordance with the approved details prior to first use of the car park for each phase 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.

27. There must be no gates or barriers on any part of the access roads. The location of any barriers at the entrance to car parking areas must be submitted to and approved in writing by the Local Planning Authority.

To ensure the free and safe use of the highway and to ensure future connections to neighbouring developments in accordance with adopted Leeds Core Strategy policy T2.

28. Prior to the commencement of building works in each phase, details of cycle and motorcycle parking, and associated facilities to include showers and lockers where required, for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle/motorcycle parking and associated facilities shall be provided prior to occupation of that phase of development 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.

29. No part of any phase of development shall be occupied until all areas shown on the approved plans to be used by vehicles in that phase have been fully laid out, surfaced and drained such that loose materials and surface water does not discharge or transfer onto the highway. These areas shall not be used for any other purpose thereafter.

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

30. Development shall not commence until details of the proposed method of closing off and making good all existing redundant accesses as necessary to the development site have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be completed before the development is occupied.

To ensure the free and safe use of the highway in accordance with the adopted Leeds UDP Review (2006) policy T2.

31. Prior to occupation of the development details of works comprising of the following elements shall be submitted to and approved in writing by the Local Planning Authority and shall have been fully implemented:

1. Upgrade the pedestrian crossing across Kirkstall Road on the site frontage to a Toucan crossing to provide a cycle link.
2. Widen the existing footway to 4.0m wide footway along the whole of the site frontage, dedicating land within the site as highway.
3. Provide a cycle link on the east side of Kirkstall Road through the existing car park north to Studio Road.
4. 3.5m wide footway along the site frontage of Washington Street dedicated as public highway.
5. Vehicle access points on Kirkstall Road and Washington Street.
6. Removal of all redundant access points on Kirkstall Road and Washington Street, and reinstate full-height footway.
7. Traffic Regulation Orders (TRO) to restriction loading/unloading on Kirkstall Road and on-street parking on Washington Street.
8. Disabled parking in accordance with BS8300.

To ensure the free and safe use of the highway, accessible to all users, during all development works and throughout the lifetime of the development.

32. Further to and notwithstanding the Sustainability and Energy Statement Design Note ref. 2021.235 Version 1.2 (March 2022), the submission of each phase of development shall include a statement, for that phase which demonstrates the feasibility of achieving sustainable design and construction standards and investigation into any feasibility of connecting to the District Heating Network as set out in policies EN1, EN2 and EN4 of the City Council's adopted Leeds Core Strategy 2019. The development shall be implemented in accordance with the agreed statement.

To ensure the adoption of appropriate sustainable design principles in accordance with Leeds Core Strategy Policies EN1, EN2 and EN4, Leeds SPD Sustainable Design and Construction and the NPPF.

33. Prior to the commencement of any above ground works, full details (including any related phasing information in conjunction with condition 3) of the mitigation measures at section 17 of the Wind Microclimate Assessment Report, ref. 1739 (22<sup>nd</sup> March 2022) shall be submitted to and approved in writing by the Local Planning Authority. The works (together with any phasing) shall be implemented as approved prior to first occupation of the buildings.

In the interest of pedestrian and highway safety.

34. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological and architectural recording. 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 has been submitted by the applicant and approved in writing by the Local Planning Authority.

In order to ensure that any items of archaeological importance are recorded.

35. For all phases of development details of any external extract ventilation system shall be submitted to and approved in writing by the Local Planning Authority prior to its installation and the system shall be installed and maintained in accordance with the approved details.

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

Hot food uses will often require an extract ventilation system to deal with odour and fumes. Guidance on suitable design is provided in DEFRA guidance at: <http://www.defra.gov.uk/publications/files/pb10527-kitchen-exhaust-0105.pdf>

36. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification) planning permission shall be obtained before any change of use of (former) A3, A4 and D1 uses referred to in this consent, 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 policy CC1 of the adopted Leeds Core Strategy 2019.

37. Prior to any above ground level building works commencing for each phase, detailed 1:20 scale working drawings of the following features shall be submitted to and approved in writing by the Local Planning Authority for that phase:

- (a) Sections of windows, doors and balconies;
- (b) Junctions of materials and recesses, rooflines and eaves;
- (c) Commercial frontage design guide to ground floor uses.

Works shall be carried out in accordance with the approved drawings and maintained as such thereafter.

In the interests of visual amenity in accordance with saved policy BD5 of the Leeds UDP Review (2006)

38. Prior to occupation of any phase of development details of a strategy for a CCTV system and other crime prevention measures to be provided within that phase shall be submitted to the Local Planning Authority. This strategy shall then be implemented prior to occupation of each phase of development.

In the interests of safety of the users of the site in accordance with saved policy GP5 of the Leeds UDP Review (2006).

39. Plant and machinery operated from the site shall limit noise to a level at least 5dBA below the existing background noise level (L90) when measured at the nearest noise sensitive premises with the measurements and assessment made in accordance with BS4142.

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

40. The proposed mix of residential accommodation across all phases of development should be designed in accordance with the accessible housing guidance of Core Strategy policy H10. Full details of this including the apartments selected should be submitted to and approved in writing by the Local Planning Authority. The approved mix / accessibility measures shall be carried out within the completed development and retained thereafter.

In the interests of providing a sustainable accessible development in accordance with policy H10 of the Core Strategy.

41. Prior to the commencement of development, a report shall be submitted for approval which assesses the potential or otherwise for extraction of sand and gravel and surface coal recovery within the site in accordance with Natural Waste & Resources DPD policies Minerals 2 and 3. Any removal of sand and gravel and surface coal shall be undertaken in accordance with the report as submitted and approved.

In the interests of sustainable site development and re-use of mineral aggregates where feasible in accordance with policies Minerals 2 and 3 of the Natural Waste and Resources Development Plan Document.

42. Prior to commencement of a phase of development on site, full details of the internal road and parking construction to serve that phase of development shall be submitted to and agreed in writing by the Local Planning Authority. The internal road and parking shall be constructed and provided for use as thereby agreed prior to first occupation of the related phase of development.

In the interests of highway safety and amenity.

43. There must be no gates or barriers as part of the access roads, where this would prevent connections with future neighbouring developments. The location of any barriers at the entrance to car parking areas must be submitted to and approved in writing by the Local Planning Authority.

To ensure the free and safe use of the highway in accordance with adopted Leeds Core Strategy policy T2.

44. Prior to the commencement of a phase of development on site, full details of a fire strategy, including the means of escape and fire service areas of that phase, shall be submitted to and approved in writing by the Local Planning Authority. The details provided, which shall be consulted on with the Health & Safety Executive, shall be implemented as approved and retained / maintained thereafter for the lifetime of the development.

In the interests of fire safety and prevention.

45. The development shall not be occupied until a wayfinding scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details and location of pedestrian and cycling signage between Kirkstall Road, the site and the river/canal path. The works shall be carried out in accordance with the approved details within a timescale that shall have first been agreed in writing by the Local Planning Authority.

To ensure pedestrian and cycling safety and legibility.

46. Development shall not commence until a survey of the condition of Kirkstall Road along the site frontage and Washington Street has been submitted to and approved in writing by the Local Planning Authority. Upon completion of the development (completion of the final approved building on the site) a further condition survey shall be carried out and submitted to the Local Planning Authority together with a schedule of remedial works to rectify damage to the highway identified between the two surveys.

The approved mitigation works shall be fully implemented within 3 months of the remedial works being agreed with the Local Planning Authority. In the event that a defect is identified during other routine inspections of the highway that is considered to be a danger to the public it must be immediately made safe and repaired within 24 hours from the applicant being notified by the Local Planning Authority.

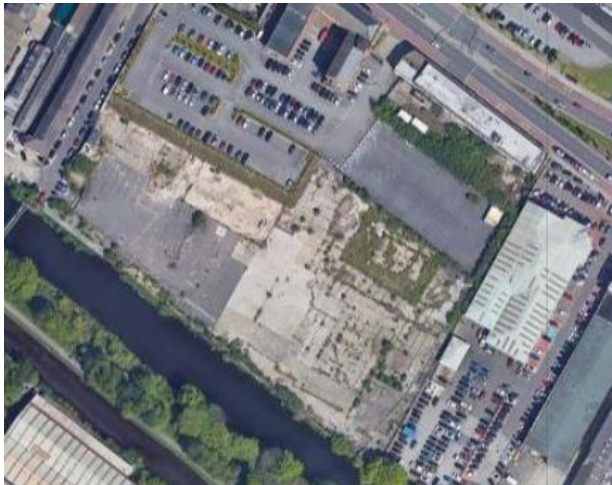
Traffic associated with the carrying out of the development may have a deleterious effect on the condition of the highway that could compromise the free and safe use of the highway.



Valuation Office  
Agency

**DVS** Property Specialists  
for the Public Sector

**STAGE 2**  
**Viability Review Report**  
**618 PRS Apartments**  
**87-89 Kirkstall Road**  
**Leeds**  
**LS3 1HS**



Report for:

██████████  
Central Team  
Planning Services  
City Development  
Leeds City Council

Prepared by:

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Case Number: 1798302

Client Reference: EX000000/PP-11130674

Date: 14<sup>th</sup> October 2022

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## 1.0 Executive Summary

### 1.1 Proposed Development Details.

This report provides an independent review of a viability assessment in connection with:

<b>Proposed Development</b>	618 Build to Rent Apartments – 1, 2 and 3 bed apartments, 1 ground floor retail unit, resident amenity and 231 car parking spaces
<b>Subject of Assessment:</b>	87-89 Kirkstall Road, Leeds, LS3 1HS
<b>Planning Application Ref:</b>	22/02505/FU
<b>Applicant / Developer:</b>	Glenbrook RIL Limited
<b>Applicant's Viability Advisor:</b>	CBRE

### 1.2 Instruction

In connection with the above application Leeds City Council Planning Department require an independent review of the viability conclusion provided by the applicant in terms of the extent to which the accompanying appraisal is fair and reasonable and whether the assumptions made can be relied upon to determine the viability of the scheme.

A site-specific viability assessment review has been undertaken, the inputs adopted herein are unique to this site and scheme and may not be applicable to other viability assessments undertaken or reviewed by DVS.

### 1.3 Viability Conclusion

It is my considered and independent opinion that:

**The above scheme assessed with regards to full planning policy requirement comprising 20% affordable housing, £1,168,877S.106 contributions and contributions of £308,082.25 is unviable.**

**I have appraised the scheme to establish what level of contributions the scheme can reasonable support and conclude it can provide 1 (one) affordable apartment, a CIL contribution of £308,082 and no contributions to section 106 costs.**

1.4 Non-Technical Summary of Viability Assessment Inputs

<b>Policy Compliant Inputs</b>	<b>Agent</b>	<b>DVS Viability Review</b>	<b>Agreed (Y/N)</b>
<b>Assessment Date</b>	22 March 2022	October 2022	N
<b>Scheme, Gross Internal Area, Site Area</b>	396,805sqft 5.12 acres	396,805sqft 5.12 acres	Y
<b>Development Period</b>	3m pre-construction 32m build period	3m pre-construction 32m build period	Y
<b>Gross Development Value</b>	£128,746,462	£144,609,287	N
<b>Comprising:</b>			
Market Housing GDV blended value rate	£101,571,084	£136,306,871	N
Affordable Housing GDV	£NIL	£139,198	N
Other GDV	£6,557,218 Retail & Car Parking	£8,163,218 Retail & Car Parking	N
CIL/Planning Policy / S.106	£1,700,000 £308,032	S106 £NIL CIL £308,082.25	Y
Total Development Cost (excludes planning policy; land and fees; profit)	£113,743,072	£113,743,072	Y
Professional Fees %	7.5%	7.3%	N
Contingency %	3%	3%	Y
Finance Interest and Sum	4.5%	5%	Y
<b>Other Fees:</b>			
Marketing Fees	£300,000	Nil	N
Letting Agency Fees	10%	Nil	N
Sales / Agency Fees	1%	Nil	N
Letting Legal Fees	5%	Nil	N
Sales Legal Fees	0.50%	Nil	N
Land Acquiring Costs	Nil	SDLT + 1.5%	N
<b>Profit Target %</b>	10%	8%	N
<b>Benchmark Land Value</b>	£6,310,000	£3,000,000	N
<b>EUV</b>	Not Stated	£3,000,000	N
<b>Premium</b>	Not Stated	£Nil	N
<b>Purchase Price</b>	Not Stated	£5,800,000	N
<b>Alternative Use Value</b>	£3,966,600	£Not applicable	N
<b>Residual Figure</b>	Minus £6,583,871 Negative Land Value	Positive £3,000,000	N
<b>Viability Conclusion Full Policy Scheme</b>	Not Viable	Not Fully Viable	Y

<b>Deliverable Scheme</b>	No Affordable	One affordable unit at 20% discount of market rents, plus full CIL contribution but no Section 106 Costs	N
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A site-specific viability assessment review has been undertaken, the inputs adopted herein are unique to this site and scheme and may not be applicable to other viability assessments undertaken or reviewed by DVS.

## 2.0 Instruction and Terms

- 2.1 The Client is Leeds City Council.
- 2.2 The Subject of the Assessment is a proposed scheme of 618 Build to Rent Apartments – 1, 2 and 3 bed apartments, 1 ground floor retail unit, resident amenity and 231 car parking spaces on a site of approximately 5.12 acres.
- 2.3 The date of viability assessment is 14<sup>th</sup> October 2022. Please note that values change over time and that a viability assessment provided on a particular date may not be valid at a later date.
- 2.4 Instructions were received on 13 April 2022. It is understood that Leeds City Council require an independent opinion on the viability information provided by CBRE dated March 2022, in terms of the extent to which the accompanying appraisal is fair and reasonable and whether the assumptions made are acceptable and can be relied upon to determine the viability of the scheme. Specifically, DVS have been appointed to:
- Assess the Viability Assessment submitted on behalf of the planning applicant / developer, taking in to account the planning proposals as supplied by you or available from your authority's planning website.
  - Advise Leeds City Council in writing on those areas of the applicant's Viability Assessment which are agreed and those which are considered unsupported or incorrect, including stating the basis for this opinion, together with evidence. If DVS considers that the applicant's appraisal input and viability conclusion is incorrect, this report will advise on the cumulative viability impact of the changes and in particular whether any additional affordable housing and / or s106 contributions might be provided without adversely affecting the overall viability of the development.
- 2.5 Conflict of Interest Statement - In accordance with the requirements of RICS Professional Standards, DVS has checked that no conflict of interest arises before accepting this instruction. It is confirmed that DVS are unaware of any previous conflicting material involvement and is satisfied that no conflict of interest exists.
- 2.6 Inspection - The site has been inspected from the roadside on 30 June 2022.

2.7 DVS/ VOA Terms of Engagement were issued on 8 June 2022, a redacted version is attached at **Appendix (iv)**.

### 3.0 **Guidance and Status of Valuer**

#### 3.1 Authoritative Requirements

The DVS viability assessment review will be prepared in accordance with the following statutory and other authoritative mandatory requirements:

- The '**National Planning Policy Framework**', which states that all viability assessments should reflect the recommended approach in **the 'National Planning Practice Guidance on Viability'**. This document is recognised as the 'authoritative requirement' by the Royal Institution of Chartered Surveyors (RICS).
- RICS Professional Statement '**Financial viability in planning: conduct and reporting**' (effective from 1 September 2019) which provides the mandatory requirements for the conduct and reporting of valuations in the viability assessment and has been written to reflect the requirements of the PPG.
- RICS Professional Standards PS1 and PS2 of the '**RICS Valuation – Global Standards**'.

#### 3.2 Professional Guidance

Regard will be made to applicable RICS Guidance Notes, principally the best practice guidance as set out in RICS GN '**Assessing viability in planning under the National Planning Policy Framework 2019 for England**' (effective 1 July 2021).

Other RICS guidance notes will be referenced in the report and include RICS GN '**Valuation of Development Property**' and RICS GN '**Comparable Evidence in Real Estate Valuation**'.

Valuation advice (see Note 1) will be prepared in accordance with the professional standards of the of the '**RICS Valuation – Global Standards**' and the '**UK National Supplement**', which taken together are commonly known as the RICS Red Book. Compliance with the RICS Professional Standards and Valuation Practice Statements (VPS) gives assurance also of compliance with the International Valuations Standards (IVS).

(Note 1) Whilst professional opinions may be expressed in relation to the appraisal inputs adopted, this consultancy advice is to assist you with your decision making for planning purposes and is not formal valuation advice such as for acquisition or disposal purposes. It is, however, understood that our review assessment and conclusion may be used by you as part of a negotiation.

The RICS Red Book professional standards are applicable to our undertaking of your case instruction, with PS1 and PS 2 mandatory. While compliance with the technical and performance standards at VPS1 to VPS 5 are not mandatory (as per PS 1 para 5.4) in the context of your instruction, they are considered best practice and have been applied to the extent not precluded by your specific requirement.

### 3.3 RICS 'Financial Viability in Planning Conduct and Reporting'

In accordance with the above RICS Professional Statement it is confirmed that:

- a) In carrying out this viability assessment review the valuer has acted with objectivity, impartiality, without interference and with reference to all appropriate sources of information.
- b) The professional fee for this report is not performance related and contingent fees are not applicable.
- c) DVS are not currently engaged in advising this local planning authority in relation to area wide viability assessments in connection with the formulation of future policy.
- d) The appointed valuer, [REDACTED] MRICS is not currently engaged in advising this local planning authority in relation to area wide viability assessments in connection with the formulation of future policy.
- e) Neither the appointed valuer, nor DVS advised this local planning authority in connection with the area wide viability assessments which supports the existing planning policy.
- f) The DVS viability review assessment has been carried out with due diligence and in accordance with section 4 of this professional statement
- g) The signatory and all other contributors to this report, as referred to herein, has complied with RICS requirements.

### 3.4 Most Effective and Efficient Development

It is a mandatory requirement of the **RICS 'Financial viability in planning: conduct and reporting'** Professional Statement for the member or member firm to assess the viability of the most effective and most efficient development.

The applicant's advisor has assessed the viability based on 618 apartments and has assessed the viability based upon a sale of the entire development to an investor. Having considered the size and location of the development, the applicant's proposal is considered to be reasonable. The DVS Valuer agrees that the scheme is an efficient and effective development.

### 3.5 Signatory

- a) It is confirmed that the viability assessment has been carried out by [REDACTED] [REDACTED] MRICS, Registered Valuer, acting in the capacity of an external valuer, who has the appropriate knowledge, skills and understanding necessary to undertake the viability assessment competently and is in a position to provide an objective and unbiased review.
- b) As part of the DVS Quality Control procedure, this report and the appraisal has been formally reviewed by [REDACTED], Registered Valuer, who also has the appropriate knowledge, skills and understanding necessary to complete this task.
- c) Other Contributors - As part of my viability review, I have relied on professional opinions provided by Rex Procter and Partners (Andrew Cooper). Rex Procter and Partners have been independently appointed by Leeds City Council and have provided me with advice relating to build costs.
- d) DVS has provided viability assessment reviews for Leeds City Council for a number of years.

### 3.6 Bases of Value

The bases of value referred to herein are defined in the TOE at **Appendix IV** and are sourced as follows:

- Benchmark Land Value is defined at Paragraph 014 of the NPPG.
- Existing Use Value is defined at Paragraph 015 of the NPPG.
- Alternative Use Value is defined at Paragraph 017 of the NPPG.
- Market Value is defined at VPS 4 of 'RICS Valuation – Global Standards'
- Market Rent is defined at VPS 4 of 'RICS Valuation – Global Standards'
- Gross Development Value is defined in the Glossary of the RICS GN '**Valuation of Development Property**' (February 2020).

## 4.0 **Assumptions, and Limitations**

### 4.1 Special Assumptions

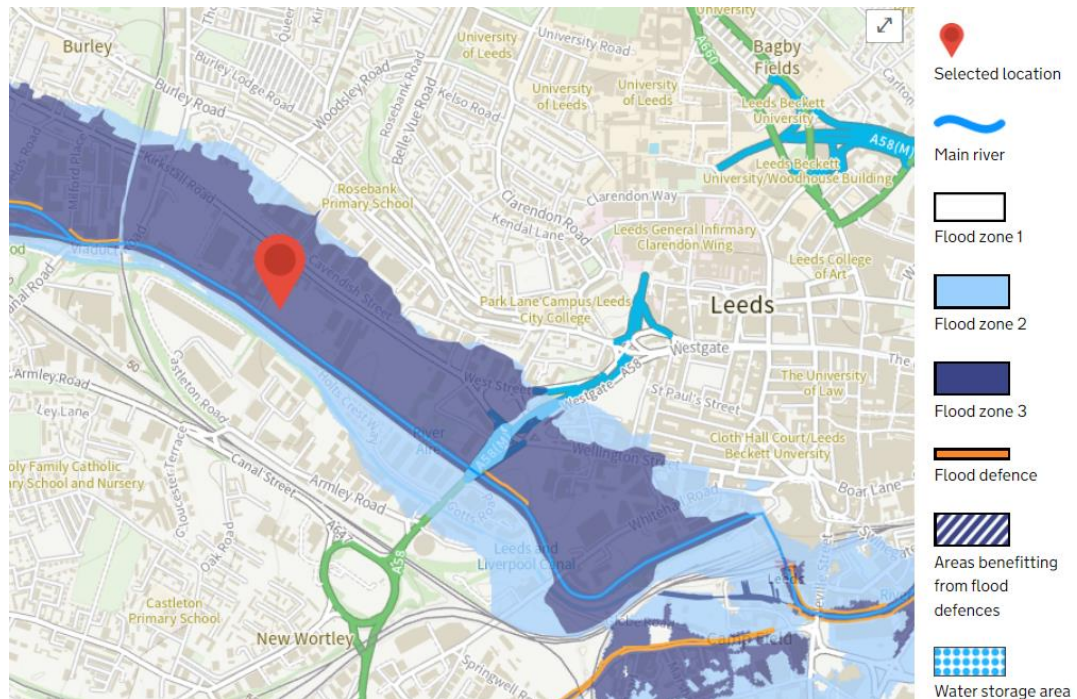
As stated in the terms the following special assumptions have been agreed and will be applied:

- That your council's planning policy, or emerging policy, for affordable housing is up to date.
- There are no abnormal development costs in addition to those which the applicant has identified, and (for cases with no sq. review) the applicant's abnormal costs, where supported, are to be relied upon to determine the viability of the scheme, unless otherwise stated in our report.
- That the development as proposed is complete on the date of assessment in the market conditions prevailing on the date.

#### 4.2 General Assumptions

The site has been inspected on a partial basis. The below assumptions are subject to the statement regarding the limitations on the extent of our investigations, survey restrictions and assumptions, as expressed in the terms of engagement.

- a) Tenure - A report on Title has not been provided. The review assessment assumes that the site is held Freehold with vacant possession.
- b) Easements / Title restrictions - A report on Title has not been provided. The advice is provided on the basis the title is available on an unencumbered freehold or long leasehold basis with the benefit of vacant possession. It is assumed the title is unencumbered and will not occasion any extraordinary costs over and above those identified by the applicant and considered as part of abnormal costs.
- c) Access / highways - It is assumed the site is readily accessible by public highway and will not occasion any extraordinary costs over and above those identified by the applicant and considered as part of abnormal costs.
- d) Mains Services - It is assumed the site is or can be connected to all mains services will not occasion any extraordinary costs over and above those identified by the applicant and considered as part of abnormal costs.
- e) Mineral Stability - This assessment has been made in accordance with the terms of the agreement in which you have instructed the Agency to assume that the property is not affected by any mining subsidence, and that the site is stable and would not occasion any extraordinary costs with regard to Mining Subsidence. I refer you to the DVS Terms of Engagement at **Appendix IV** for additional commentary around ground stability assumptions.
- f) Environmental Factors Observed and/or Identified - It is assumed the site will not occasion any extraordinary costs relating to environmental factors over and above those identified by the applicant and considered as part of abnormal costs.
- g) Flood Risk – The applicant has not specifically included abnormal development costs for flood alleviation. DVS have referred to the Environment Agency's Flooding 'flood risk assessment' mapping tool which indicates the site is in Flood Zone 3 and subject to a flood risk as indicated by the plan below.



Source: Flood Map for Planning

- h) Asbestos - It is assumed any asbestos will not occasion any extraordinary costs over and above those identified by the applicant and considered as part of abnormal costs.

## 5.0 Proposed Development

### 5.1 Location / Situation

The subject site is located to the south of Kirkstall Road with additional vehicular access from Washington Street.

It is situated overlooking the River Aire and lies approximately 1 mile north-west of Leeds train station and the city centre.

The site is bound by the Tannery and a Nissan Dealership. It is also surrounded by a mixture of commercial uses including Kirkstall Brewery, ITV Yorkshire Studios, Evallance UK Entertainment, Kwikfit.

The site benefits from ease of access to the city centre and along the main route A65 west to Rawdon.

### 5.2 Description

The subject site is previously developed land. The site also currently comprises the office of the former Arla Foods Depot and a substation. The site enjoys a broadly level topography and is abutted by Kirkstall Road and Washington Street and the River Aire to its south.

### 5.3 Site Plan and Area

Approximately 5.12 acres / 2.07 hectares.



#### 5.4 Schedule of Accommodation / Scheme Floor Areas

DVS make no comment about the density, design, efficiency, merit or otherwise, of the suggested scheme, the accommodation details have been taken from the applicant's appraisal and are summarised below:

##### **Rental Area Summary**

	<b>Units</b>	<b>ft<sup>2</sup></b>
Block A: BTR Apartments	126	79,993
Block B: BTR Apartments	120	74,026
Block D: BTR Apartments	122	74,958
Block E: BTR Apartments	108	70,131
Block F: BTR Apartments	18	13,651
Block F: BTR Apartments (APR Units)	124	80,214
Car Parking	219	
Block A: Commercial Unit	1	3,832
<b>Totals</b>	<b>838</b>	<b>396,805</b>

Source: CBRE

The proposed scheme comprises a residential scheme delivering 618 Build to Rent Apartments across a mix of 1, 2 and 3 bed apartments, 1 ground floor retail unit, resident amenity and 231 car parking spaces.

The scheme extends to a maximum of 12 storeys. The proposed development comprises 5 blocks, situated on the former Arla Foods site in a L-shaped arrangement with dual vehicular access from Kirkstall Road (A65) and Washington Street.

The scheme includes landscaped areas and public open space. The applicant has originally set out in their viability assessment that the schemes Gross Internal Area (GIA) equates to 519,993 sqft.

I refer you to a summary of areas below which is an extract from the applicants original viability report illustrating the size and total number of apartments within the scheme expressed as the net internal areas:

<b>Unit Type</b>	<b>Unit Qty</b>	<b>Avg. NIA (ft<sup>2</sup>)</b>	<b>Total NIA (ft<sup>2</sup>)</b>
1-Bed	308	526	162,097
2-Bed	248	701	173,825
3-Bed	62	920	57,050
Total/ Avg:	618	636	392,972

Source: CBRE

Measurements stated are in accordance with the RICS Professional Statement '**RICS Property Measurement' (2<sup>nd</sup> Edition)** and, where relevant, **the RICS Code of Measuring Practice (6<sup>th</sup> Edition)**.

As agreed in the terms, any office and / or residential property present has been reported upon using a measurement standard other than IPMS, and specifically

Gross Internal Area has been used. Such a measurement is an agreed departure from 'RICS Property Measurement (2<sup>nd</sup> Edition)'.

I understand that you requested this variation because this measurement standard is how the applicant has presented their data, is common and accepted practice in the construction / residential industry, and it has been both necessary and expedient to analyse the comparable data on a like with like basis.

## 5.5 Planning

- a) Local Plan: Leeds City Council's Statutory Development Plan includes the Core Strategy (2014) where the remaining policies onto the Unitary Development (2006), including the proposals map.

Leeds City Council's Site Allocation's Plan (SAP) was adopted on 10 July 2019. The site reference MX2-9 (3390\_3393) includes the application site (western red edged land parcel) and extends to 5.2 hectares (12.85 acres) together. The eastern land parcel is not part of this planning application. Taken together the site is allocated for housing with a provision of 553 residential units and 41,000 sqm of office space. The policy also notes that some of the site should be retained for a school and therefore a detailed masterplan approach is required for the development of this site. The onsite educational requirement has more recently been confirmed as not being needed.

HMCA Inner Area in Ward Hyde Park and Woodhouse.





- b) The Local Authority viability study sets out that a scheme in this location should provide 7% affordable housing.
- c) Developments are expected to meet the policy provision as prescribed in the Plan. DVS have not been made aware of why this scheme has been accepted for site specific viability assessment.

5.6 Policy Requirements for the Scheme

Further to your confirmation my review assessment includes the following Local Plan policy requirements with S106 £1,168,896.90 and CIL of £308,032.25:

Education Contribution	£162,510.31
Greenspace Off Site Contribution	£624,458.09
Sustainable Travel Fund	£158,053.50
Off Site Highway Contribution	£197,000
Bus Shelter	£20,000
Travel Plan Monitoring Fee	£6,875
Community Infrastructure Levy	£308,082.25

The applicant's original viability assessment incorporated some different costs which departed from policy namely:	
Community Infrastructure Levy	£308,032
Section 106	£1,700,000

Planning policy requirements should be factual and agreed between the LPA and the applicant. If the review assessment adopts an incorrect figure and / or a (significantly) different figure is later agreed the viability conclusion should be referred back to DVS.

5.7 Planning Status

I have made enquiries of the Planning Authority as to the planning status and history which has revealed that there are no extant consents, and there have been previous planning applications on the site.

Previous applications include:

Ref: 20/03494/OT including follow up 22/03145/COND

Received: 17 June 2020

Description: Full planning permission for demolition of existing buildings and structures and Outline planning permission with all matters reserved, except for access, for the redevelopment of the site for residential dwellings (use class C3), flexible commercial space (use classes A1, A2, A3, A4, D1 and D2) and associated refuse and plant infrastructure, landscaping, new public realm and open space.

Status: Approved

The previous consent was granted for up to 631 residential apartments (use class C3) comprising a mix of one, two- and three-bedroom units; and - Up to 965m<sup>2</sup> of ground floor flexible commercial space to serve the new community (Use Class A1, A2, A3, A4, D1 and D2) spread across six units. A landmark 16 story building marking the centre of the site. The rest of the blocks are between 6 to 12 storeys and complete the development.





## 6.0 Summary of Applicant's Viability Assessment

### 6.1 Report Reference

DVS refer to the Financial Viability Assessment prepared by CBRE dated March 2022 and the appraisal(s) therein. The surveyor and firm are noted to be a member and member firm of the RICS and the report states that they have followed mandatory and best practice professional statement and guidance of the RICS.

### 6.2 Summary of Applicant's Appraisal

In summary the applicant's appraisal has been produced using Argus Developer software and follows established residual methodology. This is where the Gross Development Value less the Total Development Costs Less Profit, equals the Residual Land Value, and the Residual Land Value is then compared to the Benchmark Land Value as defined in the Planning Practice Guidance, to establish viability.

The applicant outlines in their report the following:

- The proposed scheme with 20% Affordable Housing, at Discounted Market Rents, and the required Section 106 and CIL Policy requirements produces a Residual Land Value of negative **-£6,583,871**;
- The applicant has stated a Benchmark Land Value is **£6,310,000** based upon comparable evidence.
- As referred to earlier the applicant's report contains a residual land valuation of minus £6,583,871 for a policy compliant scheme which is below their opinion of Benchmark Land Value and therefore the applicant seeks to demonstrate that no Affordable Housing / financial planning contributions are viable.

- The applicant's advisor concludes a scheme with sub policy compliant contributions is unviable. Notwithstanding the significant shortfalls identified, it is understood the applicant intends to deliver this scheme.

To review the reasonableness of this conclusion, the reasonableness of the applicant's appraisal inputs is considered in the next sections.

## 7.0 Development Period / Programme

- 7.1 The development period adopted by the applicant's advisor is 37 months comprising:
- 1 month for site purchase
  - 3 months pre-construction/ site preparation
  - 32 months for construction
  - 10 months for sales starting at month 27

The completed scheme will be sold at the practical completion of the construction phase of each block / phase.

- 7.2 This is considered reasonable I have adopted the same development period and programme.

## 8.0 Gross Development Value (GDV)

I set out below the GDV for the scheme.

The applicant's viability surveyor has adopted a GDV of £128,746,462 this comprises:

Market Housing GDV	£101,571,084
Affordable Housing GDV	£20,618,160
Other GDV (Car Parking and Commercial Unit)	£6,557,218

I have reviewed the GDV proposed with regards to RICS Guidance Notes '**Assessing viability in planning under the National Planning Policy Framework 2019 for England**' and '**Comparable Evidence in Real Estate**' and my conclusions are set out below.

### 8.1 Market Value of Private Dwellings

The applicant's consultant has undertaken market research into new Build to Rent developments within the city centre and have focused on four schemes: Mustard Wharf, Leodis Square, Pin Yard and The Headline.

I would comment that each scheme benefits from ease of access to the city centre amenities, services and transport links, although Mustard Wharf occupies the most superior position, 5 minutes' walk from the train station and delivering enhanced specification and on-site amenity.

I disagree with the rents adopted by the applicant's advisor as I have agreed rents for viability purposes at numerous other properties schemes in the city centre including developments off Water Lane / Globe Road / SOYO adjacent to West Yorkshire Playhouse which have been agreed with developers at higher rental values for 1-, 2- and 3-bedroom units.

I have had regard to previous agreements with PRS / Build to Rent developers when determining rental values for this scheme. I summarise below evidence of previous agreements in respect of PRS / Build to Rent schemes in the city which have been anonymised but further details can be provided upon request:

### Agreed Rental Values for PRS Schemes in Leeds

Location	Studio (sqm & £/sqm)	1 bed (sqm & £/sqm)	2 bed (sqm & £/sqm)	3 bed (sqm & £/sqm)
Leeds City Centre Scheme A	31.5 / £264.37	47.5 / £201.72	62.5 / £193.75	76.00 / £203.45
Leeds City Centre Scheme B	Blank	49.0 / £201.93	70.0 / £175.56	85.83 / 195.69
Leeds City Centre Scheme C	Blank	45.6 / £249.73	67.8 / £224.75	92.10 / £210.97
Leeds City Centre Scheme D	Blank	42.7 / £201.82	63.45 / £175.45	85.00 / £195.69
Leeds City Centre Scheme E	37.43 / £228.41	45.6 / £249.73	67.81 / £224.75	92.15 / £210.97
Leeds City Centre Scheme F	Blank	45.7 / £236.38 46.91 / £232.28	69.21 / £224.43 69.02 / £224.86	96.98 / £219.59 89.55 / 226.04
Leeds City Centre Scheme G	40.78 / £220.77	45.06 / £226.36 50.17 / £215.06	63.73 / £231.42 71.26 / £228.09	86.12 / £232.18

In the current market there has been increases in rental values for city centre properties as a result of return to office workplace strategy, and the return of young people (students and international students).

The Office of National Statistics are saying that in the 12 months to April 2022, rental prices for the UK, excluding London, increased by 3.4%; this is up from an increase of 3.3% in March 2022.

In light of the above evidence, I have adopted the following gross rents for the market value apartments within the Kirkstall Road Scheme:

<b>Rental Area Summary</b>	<b>Units</b>	<b>ft<sup>2</sup></b>	<b>Rent Rate ft<sup>2</sup></b>	<b>Initial MRV/Unit</b>
Car Parking	219			1,700
Block A: Commercial Unit	1	3,832	15.00	57,480
Block A: 1 Bed Apartments	41	21,387	20.01	10,438
Block A: 2 Bed Apartments	6	3,978	21.60	14,321
Block A: 2 Bed Apartments	42	27,930	21.59	14,357
Block A: 2 Bed Apartments	9	6,498	21.36	15,422
Block A: 2 Bed Apartments	15	10,905	21.34	15,514
Block A: 2 Bed Apartments	12	8,784	21.32	15,606
Block A: 1 Bed Apartments (DMR)	1	522	16.01	8,352
Block B: 1 Bed Apartments	60	31,260	20.01	10,425
Block B: 1 Bed Apartments	24	12,528	20.01	10,445
Block B: 2 Bed Apartments	12	8,724	21.34	15,514
Block B: 3 Bed Apartments	24	21,528	21.73	19,492
Block D: 1 Bed Apartments	4	2,076	20.02	10,390
Block D: 1 Bed Apartments	62	32,302	20.01	10,425
Block D: 1 Bed Apartments	6	3,354	19.56	10,934
Block D: 2 Bed Apartments	4	2,648	21.60	14,299
Block D: 2 Bed Apartments	6	3,984	21.59	14,336
Block D: 2 Bed Apartments	10	6,650	21.59	14,357
Block D: 2 Bed Apartments	12	8,520	21.41	15,201
Block D: 2 Bed Apartments	10	7,350	21.31	15,663
Block D: 3 Bed Apartments	8	8,072	21.00	21,189

Block E: 1 Bed Apartments	38	19,798	20.01	10,425
Block E: 1 Bed Apartments	8	4,304	19.98	10,749
Block E: 2 Bed Apartments	16	10,640	21.59	14,357
Block E: 2 Bed Apartments	10	6,660	21.58	14,372
Block E: 2 Bed Apartments	16	11,712	21.32	15,606
Block E: 2 Bed Apartments	10	7,790	21.15	16,476
Block E: 3 Bed Apartments	8	7,352	21.58	19,832
Block E: 3 Bed Apartments	2	1,864	21.50	20,038
Block F: 1 Bed Apartments	33	17,193	20.01	10,425
Block F: 1 Bed Apartments	11	5,742	20.01	10,445
Block F: 1 Bed Apartments	11	5,918	19.98	10,749
Block F: 1 Bed Apartments	9	5,715	18.30	11,621
Block F: 2 Bed Apartments	18	11,970	21.59	14,357
Block F: 2 Bed Apartments	11	7,326	21.58	14,372
Block F: 2 Bed Apartments	18	13,176	21.32	15,606
Block F: 2 Bed Apartments	11	8,569	21.15	16,476
Block F: 3 Bed Apartments	9	8,109	21.70	19,552
Block F: 3 Bed Apartments	11	10,131	21.57	19,866

### Net Rental Income Capitalisation Yield

The manner in which the revenue is assessed for a PRS Scheme it is essential to consider the total rental value of the accommodation and then make an adjustment for the running costs for the entire development. For instance, the landlord will receive rent from tenants, however, the landlord is also required to pay for all of the operational costs in relation to heating, cleaning, maintenance, general letting fees and management of communal areas.

Therefore, the rental value of each apartment builds up a total gross revenue for the development after which it is important to make a deduction to the gross rent for the ongoing management of the property including site staff, building operations, tenancy operational expenditure and management fees cleaning, maintenance, utilities costs and voids / lettings these.

I summarise below the applicant's surveyor's allowance for running costs within the scheme:

Description	Cost expressed as a percentage of gross revenue
BTR Operating Costs	26%

Their viability report did not include a detailed commentary justifying the allowances adopted.

I have adopted a lower percentage for calculating the net rental income of 25% which is supported by agreements with other developers in Leeds for multi-block schemes of between 700 and 800 units where PRS viability appraisals have been submitted for multiple buildings within a scheme.

Operation Voids	2.5%
Bad Debt	0.5%
Council Tax Voids	1%
Void Utilities	1.5%
Management Fees	9% inclusive of VAT
Operational Expenditure	10.50 %



<b>Total</b>	<b>25%</b>
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Further evidence can be provided in due course on a confidential basis subject to the Commissioners and Revenue Act restrictions. In the meantime, I refer you to a schedule of anonymised evidence in Appendix 17.3

### Capitalisation Yield

The applicant has adopted a Net Initial Yield (NIY) of 4.50% to the net revenue which is considered by DVS to be reasonable, for an institutional grade asset of this type in Leeds City Centre.

The applicant states anecdotal evidence for what they believe are comparable schemes in Leeds and Manchester.

I am aware that Legal & General secured forward funding of approximately £57m to bring forward the 'Tower Works' development – 245 Build to Rent units - in the South Bank regeneration area of Leeds which is relatively close to the subject site. Whilst exact transactional details remain commercially confidential.

I refer you to a table below which contains evidence of agreed capitalisation yields, for net income for a number of PRS schemes in Leeds City Centre. The developers were advised by a full suite of professional advisers and agreed and analysed capitalisation yields as summarised below.

PRS Schemes	Gross to Net Leakage (%)	Revenue Per Parking Space	Furniture Allowance	Capitalisation Yield	Professional Fees Construction	Benchmark Land Value/acre	Finance	Advisors Fees	Purchasers Costs	Contingency	Agreed Profit on Cost (%)	Notes
17-20 storeys comprising 463 residential units 102 parking spaces	23.78%	£1,800	£1,700	4.80%	7%	£1,328m	6%	0.55% Funding £255,000 Freehold Monitoring	0.50%	3%	8.04%	Previous consent for Office Development
349 Apartments, 53 car parking spaces	23%	£1,500	NIL	4.50%	6.2%	£1,011m	5%	2%	1.72%	3%	8.0%	Site occupied by modern industrial buildings
322 Apartments across 3 blocks on two sites intersected by the public highway	25%	1500	£2000	4.65%	6.4%	£375,000	5%	0.75% Agent 0.25% Legal	1.75%	3%	8.08	3 Blocks on two separate sites
783 Units across 8 blocks of apartments with in excess of 30,000 sq ft of commercial space	25%	£1,800	£2,000	4.5%	8%	£581,000	5%	0.25 Agent 0.1 Legal	0.25	3%	8.055	8 blocks apt blocks and large area of public realm
245 Apartments within a City Centre site with a high proportion of Public Realm Units Tower Works Leeds	23.75%	N/A	£2,000	4.5%	8%	£974,417	5%	0.85% Agent 0.5% Legal	1.6%	3%	8.08	Next to Train Station

### DVS Reasoning and Conclusion

Based on my comments above, I have given greater weight to the agreed capitalisation yields for PRS scheme I have reviewed in Leeds City Centre. I have therefore adopted a yield of 4.5%.

#### 8.2 Discounted Market Value for the Affordable Apartments

By virtue of my difference of opinion regarding market value rents the Discounted Market Rents (DMR) are higher than those adopted by the applicant. The applicant has adopted the DMR income summarised below:

Tenure	Unit Type	Total Units	Avg. Unit NSA (ft <sup>2</sup> )	Total NSA (ft <sup>2</sup> )	Avg. Gross Rent PCM (£/Unit)	Avg. Gross Rent PA (£/Unit)	Total Gross Rent PA (£)	Avg. Gross Rent (£/ft <sup>2</sup> )
Open Market	1-Bed	248	523	129,628	£872	£10,461	£2,594,213	£20.01
	2-Bed	196	699	137,015	£1,142	£13,702	£2,685,674	£19.60
	3-Bed	50	922	46,116	£1,495	£17,935	£896,733	£19.45
<b>Open Market Total/ Avg:</b>		<b>494</b>	<b>633</b>	<b>312,758</b>	<b>£1,042</b>	<b>£12,503</b>	<b>£6,176,620</b>	<b>£19.75</b>
APR	1-Bed	60	541	32,469	£710	£8,521	£511,281	£15.75
	2-Bed	52	708	36,810	£919	£11,023	£573,182	£15.57
	3-Bed	12	911	10,934	£1,176	£14,112	£169,344	£15.49
<b>APR Total/ Avg:</b>		<b>124</b>	<b>647</b>	<b>80,214</b>	<b>£843</b>	<b>£10,111</b>	<b>£1,253,807</b>	<b>£15.63</b>
<b>Scheme Avg/ Total:</b>		<b>618</b>	<b>636</b>	<b>392,972</b>	<b>£1,002</b>	<b>£12,023</b>	<b>£7,430,427</b>	<b>£18.91</b>

Source: CBRE

### 8.3 Market Value of Commercial Units

The applicant's consultant has undertaken market research into new nearby lease and sale transactions.

They refer that there are limited comparables available and have focused on two comparables: 1 Gower Street and 1 Cypress Point, Leylands Road.

Gower Street is located 2 miles away from the subject through the other side of Leeds city centre along the A64M. This was constructed in 2020 as a hotel and premises and is currently occupied by Hampton by Hilton.

This is a 1,250 sqft ground floor retail unit let in January 2022 on a five year term at a market rent of £17,500 per annum; £14 per sqft.

Cypress Point, Leylands Road is located 2.3 miles away from the subject through the other side of Leeds city centre in a similar situation to 1 Gower Street.

This is an 829 sqft ground floor retail unit let in November 2022 at a rent of £12,000 per annum; £14.48 per sqft. This is currently let as a coffee shop.

The subject properties retail unit is due to be located on the ground floor of Block A which will front Kirkstall Road and The Tannery at 3,832 sqft.

Both of the applicants consultants comparable properties are considerably smaller than the subject by at least half.

#### DVS Comparables

46 Burley Street, LS3 1LB – This is let by Co-operative Group Ltd and located on the ground floor under UNION Student Living. It is 265 sqm (2,852 sqft). It is let at £55,800 per annum on a 15 year lease from September 2020. We are aware of a 4 month rent free period. The property was constructed in 2020 and is ½ mile from the subject. £19.57 per sqft.

I have also had regard to a variety of other evidence mainly located at Wellington Place which is arguably one of the newest and closest developments incorporating retail and leisure uses on the ground floors.

## Schedule of Comparables

DATE	ADDRESS	TENANT	AREA SQ FT	NET RENT	RENT/SQ FT
26/11/2019	6 Wellington Place	Mad Fran	1883	£36,000	£19.12
01-Mar-19	1 Whitehall Place LS12 1AA	Deli No.1	654	£15,000	£22.94
12-Jan-18	10 Wellington Place LS1 4AP	Sociable Folk	1,270	£24,500	£19.29
18-Sep-18	5 Wellington Place LS1 4AP	Sainsburys	4,492	£82,151	£18.29
08-Aug-17	Unit 32 Block H Leeds Dock	North Str Coffee Shop	1,472	£35,400	£24.05
19-May-17	Basement 68 Wellington Street LS1 2EE	Basement 65 Barbers	1,100	£48,000	£43.64
26-Oct-16	5 Wellington Place LS1 4AP	Veen0	2,357	£37,656	£15.98

Source: CoStar

Wellington Place is a more established centre for retail and leisure than Whitehall Riverside and the rents above indicate a “tone” of value of between £16 moving to £19 per sqft for the most recent transactions which took place before the Covid Pandemic. In addition, hybrid working has also reduced footfall in and around Wellington Place and Whitehall Riverside.

The rents summarised above are net adjusted rents which include allowances for rent free periods. The general level of rent free has been 12 months with the exception of Veen0 which was offered 23 months in 2016. As you are aware the Globe Road scheme includes an allowance of 24 months rent free.

At present “letting risk” within the applicants appraisal is currently accounted for by a 24 month rent free period and a yield of 7% which I have accepted as reasonable. I have included a rent free/void period for the commercial space within the residential blocks and also adopted a headline rent of £15 per sqft.

### 8.4 Market Value of Car Parking

In addition to the rental apartments the scheme incorporates 231 car parking spaces, including 12 accessible spaces. As such the applicants consultant regarded that 219 parking spaces would be lettable at an assumed additional rent of £100 per calendar month per space.

I agree with their approach of adopting 100% take-up as there are 219 car parking spaces serving 618 apartments in the city centre and there is likely to be a waiting list for spaces.

Furthermore, Leeds City Council Supplementary Planning document for parking published in 2016 refers to “Supporting: Core Strategy T1” (paragraph 4.1.2) “Limiting the supply of commuter parking in areas of high public transport accessibility, such as the City Centre” which means city centre parking in the future will be at a premium.

Based on current evidence of parking spaces let in Mustard Wharf I have adopted £1,700 per parking space. I understand from my enquiries that there is a substantial list for parking spaces Mustard Wharf.

### 8.5 Total GDV

My total for GDV is £144,609,287 which is £15,862,825 higher than the applicant.

## 9.0 Total Development Costs

### 9.1 Summary of Costs

The applicant's viability consultant submitted costs in their original viability appraisal dated March 2022. The report included a cost plan dated 30 March 2022 which was prepared by Abacus Cost Management.

Rex Proctor and Partners has been appointed by Leeds City Council to act as independent cost consultants and they approached Abacus Cost Management to confirm that their build costs were current in March 2022. The applicant's cost consultant Abacus confirmed that their costs were out of date and resubmitted a cost plan dated 26 July 2022.

Since the initial cost plan there has been a significant increase in build costs and as a consequence, the applicant's total build costs for the scheme have increased from £103,119,078 in March 2022 to £106,338,220 on 26 July 2022 and then again in September 2022 to £113,743,000 inclusive of 2.5% contractors contingency / risk allowance.

I refer to the extract below from the Rex Proctors and Partners report advising on the reasonableness of the applicant's updated cost plan:

*"The revised cost plan dated 1st September 2022 has been prepared by Abacus and assumes a design and build form of contract, with current day pricing.*

*Contract period has been stated at 146 weeks. No allowance has been included for inflation to a mid-point of construction.*

*A high level summary of cost plan is as follows: -*

- *Construction Cost £113,870,000*
- *Cost/m<sup>2</sup> (GIA) £2352.93*
- *Cost/sqft (GIA) £218.60*
- *Cost/apartment £184,255.67*

*The above figures represent a circa 6% increase on the previous cost plan.*

*As noted above, we have reviewed in detail the cost plan and associated assumptions and exclusions and note the following key observations: -*

- *Fees are excluded*
- *Contingencies are excluded – although a Contractors contingency price risk allowance of 2.5% has been allowed for*
- *S106 and any offsite works are excluded*
- *Allowance of £1,503,000 for demolition and remediation based on tenders.*

*The cost plan contains a number of lump sum allowances for items such as attenuation, substation, contamination etc pending further investigations/design.*

*Also an allowance for the external envelope is included which will need to be reviewed as design and materials choices evolve.*

The allowances included for main contractor preliminaries, overheads and profit and contingencies are considered reasonable given current market conditions

Our detailed review of the cost plan identifies items which in our opinion are priced on the high side, but countered by some items which are low.

It should also be noted that the cost plan includes £5.65m for external works which equates to circa £11/sqft. An element of this could be considered as a site abnormal cost.

Overall the cost plan is considered reasonable given current market conditions. A 6% increase from the previous cost on the face of it appears high, however to put this in context the recent steel and concrete increases are in excess of this.”

## 9.2 Summary Agreed Cost Inputs

The following cost inputs have been accepted as reasonable and adopted by DVS in the review assessment.

Cost	Agent	DVS	Comments
Contingency	2.5%+0.5%	3%	Contractors Price Risk Allowance
Latent Defects Insurance	£760,000	£760,000	Insurance against contractor insolvency
Amenity Furniture Allowance	£65,000	£65,000	Agreed
Furniture Allowance for Apartments	£2,625 per apartment	£2,000 per apartment	An allowance for installation of furniture in apartments in accordance with numerous viability schemes agreed in Leeds city centre
Professional fees	7.5%	7.3%	Not Agreed
Marketing	£300,000	Nil	Marketing Costs including in the gross the net rent adjustment
Commercial letting agency fees	10%	10%	Agreed
Commercial letting legal fees	5%	5%	Agreed
Investment sale agent fee	1%	0.25%	DVS conclusion supported by evidence of agreed comparable DVS financial viability appraisals
Investment sale legal fee	0.5%	0.10%	DVS conclusion supported by evidence of agreed comparable DVS financial viability appraisals
Land acquisition fees & Stamp Duty Land Tax	2%	1.5% plus prevailing Stamp Duty 2%	SDLT plus 1.5%

Finance	4.5%	5%	100% debt funded scheme; land purchased in entirety at day 1 reflecting recent turbulence in funding markets
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## 10.0 Developer's Profit

10.1 The applicants advisor has adopted an approach which assumes a target profit of 10% profit on cost.

I disagree with this and have adopted a target profit of 8% profit on cost and is evidenced by previous viability schemes. I refer you to a schedule of evidence in Appendix 17.3

## 11.0 Benchmark Land Value (BLV)

### 11.1 Applicant's BLV

The applicant's surveyor has adopted a Benchmark Land Value of £6,310,000, equivalent to £1,232,421.88 per acre this is based upon reference to:

- Alternative Use Value as a car park or open storage land
- Market Transactional evidence with the greatest weight attached to the Globe Road transaction.

It appears the applicant has favoured comparable evidence for land values in respect of the former Yorkshire Post Site and Globe Road. However, we note there is no comprehensive analysis or workings for their conclusion regarding the benchmark land value.

Please also note that the applicant has not made any reference to the sites purchase price on 15 December 2021 when Glenbrook KR Limited purchase the site for £5,800,000 with extant consent which was fully policy compliant in respect of Section 106, CIL and affordable housing. The purchase price is equivalent to £1,132,812.50 per acre.

In forming my opinion of BLV I have followed the five-step process, which is detailed in RICS GN '**Assessing viability in planning under the National Planning Policy Framework 2019 for England**' (effective 1 July 2021).

### 11.2 Existing Use Value (EUV)

Step one is to undertake a valuation to determine EUV.

The Applicant has not offered an opinion as to the EUV due to 'the lack of an existing use at the site'.

However, in my opinion it is not unreasonable to consider the EUV as a continuation of the sites former use as employment land recognising the site would suit use as open storage land.

To inform an appropriate value as open storage and industrial development land, we have had regard to transactional freehold evidence of open storage land within the Leeds vicinity which is summarised below.

**Access 26** – a site extending to 11.9 acres, it was acquired by Tungsten Developments in autumn 2021 at a price equivalent to £780,000 per acre, reflective of piling works required to facilitate development.

**Triangle 45** – located at Cross Green to the eastern fringe Leeds, it extends to 11.14 acres and was acquired by Chancergate for £725,000 per acre in July 2021.

**Gateway45** – the site extends to 43 acres and lies adjacent to Junction 45 of the M1 and a 5-minute drive from the M62. It was acquired by PLP in May 2019 for £500,000 per acre.

The above evidence is representative of prime, logistical locations with superior accessibility to the motorway network. They are also significantly larger and therefore a quantum adjustment is appropriate.

The subject site lies within a city centre location and its access is not ideal for large haulage vehicles, which would impact its marketability as open storage land. On balance, I therefore consider a rate of £600,000 per acre to be appropriate.

I therefore consider the EUV to be approximately £3.1m.

### 11.3 Alternative Use Value (AUV)

Step two is the assessment, where appropriate, of the AUV.

I have undertaken a residual valuation of the existing extant consent for 631 PRS apartments within six blocks. I have based my appraisal on the build costs recommended by RPP to £202.45 per sqft and adopted the Section 106 costs and the CIL and affordable housing obligations as set out in the signed Section 106 agreements. This has resulted in a residual land value of £6,529,587 which is equivalent to £1,275,310 per acre. However, the site was purchased in advance of significant market turmoil which has resulted in Bank of England interest rates increasing and impacting on development finance markets

### 11.4 Cross Sector Collaboration Evidence of BLV and Premium

The RICS GN explains that Step three is to assess a premium above EUV based on the evidence set out in PPG paragraph 016, which is '*the best available evidence informed by cross sector collaboration. which can include benchmark land values from other viability assessments' comparisons with existing premiums above EUV*'.

I have first considered Other Benchmark Land Values (BLV) such as those adopted in local plan studies produced under public scrutiny to inform policy for viability purposes or those put forward by applicants and accepted by DVS, or those put forward by DVS and accepted by an applicant or as adopted and agreed between DVS and an applicant's advisor.

In terms of established benchmarks, the area study for city centre residential was agreed at £750,000 per acre as published by Avison Young on behalf of Leeds City Council.

I have also had regard to whether the site-specific costs would support a benchmark land value consistent with the evidence. The residual land value of the planning compliant scheme, based on 20% of units have discounted rents at 80% of market value rents, is minus £6,529,587m which is higher than the applicants benchmark land value. Therefore the implication is that the scheme is fully viable.

I have also considered a site where 783 Dwellings and 2,315 sqm of Commercial Uses. The site is also situated off Globe Road / Water Lane at the junction of the River Aire and Leeds to Liverpool Canal, and the Leeds to Manchester rail line.

The site is bounded by Globe Road and Whitehall Road with immediate road access to the A643, M621 and wider motorway network. The subject site lies outside the Holbeck Conservation Area but also within Flood Zones 2 and 3. The site comprises 2 parcels of irregular shaped brownfield land.

The site extends to 1.8 hectares (4.45 acres) and lies to the south of Globe Road, the west of Whitehall Road and to the north of the railway line. The comparable site had been cleared of all industrial buildings and comprised concrete slabs, retaining walls and fences and slopes around 3 metres from west to east.

The smaller parcel extends to 0.20 hectares (0.49 acres) and is bounded by the Leeds to Liverpool Canal to the north, and Globe Road and the railway line to the south. It comprises a redundant showroom and lies at a lower level to the larger site, broadly level with the canal.

The surrounding area is occupied by a variety of established employment uses to the south and east and new build office and retail uses to the north along Whitehall Road and Wellington Street.

The benchmark land value agreed with Cushman and Wakefield was equivalent to £581,983 per acre which supports the proposed BLV of £720,000 per acre for the subject site after an allowance for the relative locations and quantum.

I have also had regard to the agreed benchmark land value for a scheme at Tower Works comprising erection of 245 dwellings & partial demolition of existing structures



and the erection of two buildings ranging from five to eleven storeys, comprising PRS apartments.

The site extended to approximately 2.13 acres (0.86 hectares). The viability appraisal was agreed between DVS and the applicants consultant at £843,457 per acre.

It is my balanced and professional opinion having considered all of the above to place greatest weight to other benchmarks, and that a fair and reasonable BLV for this site would be between £750,000 to £1,150,000 per acre. However, I have also considered the sites recent purchase price on 15 December 2021 and refer to my comments below.

#### 11.5 Purchase Price

The NPPG on viability encourages the reporting of the purchase price to improve transparency and accountability, however it discourages the use of a purchase price as a barrier to viability, stating the price paid for land is not a relevant justification for failing to accord with relevant policies in the plan. And under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan.

The PPG does not, however, invalidate the use and application of a purchase price, or a price secured under agreement, where the price enables the development to meet the policies in the plan.

I understand that the purchase price on 15 December 2021 for a fully policy compliant scheme with a signed Section 106 agreement at £5,800,000. The purchase price late last year was equivalent to £1,132,812.50 per acre.

It should be noted that it is reasonable to assume that the applicant would not have paid £1,132,812.50 per acre in the knowledge that construction costs would increase for the current scheme from £103,119,078 in March 2022 to £113,743,000 in September 2022. Therefore, I have given less weight to the purchase price in December 2021.

#### 11.6 Benchmark Land Value Conclusion

The reasonableness of the applicant's £6,310,000 Benchmark Land Value has been considered against:

- The EUV of £3,100,000
- EUV Premium £NIL due to current market uncertainty
- Alternative use value £6,529,587 based on the sites previous scheme
- Benchmark Land Values (BLV) adopted in the local plan study for this £3,840,000
- BLV adopted and agreed between DVS and an applicant's advisor, with greatest weight BLVs which delivered full policy as £5,888,000 listed above

- The purchase price £5,800,000

It is my balanced and professional opinion having considered all of the above approaches and giving greatest weight to the Existing use value and the established planning policy benchmark derived from the area study for city centre residential was which agreed at £750,000 per acre as published by Avison Young on behalf of Leeds City Council.

In conclusion, I considered the benchmark land value is £3,000,000 or £585,937.50 per acre which reflects the impact of recent market uncertainty and build cost inflation.

## 12.0 DVS Viability Assessment

### 12.1 DVS Viability Appraisal 1 Policy Compliant Scheme

My viability review assessment has been produced using Argus Developer software.

Appraisal 1 can be found at **Appendix (i)** which contains my viability conclusion setting out on site Affordable housing and CIL/. It also confirms the scheme cannot support any s.106 contributions costs based on a developer's profit of 8% and a BLV at £3,000,000.

**It is my independent conclusion a planning policy compliant scheme is not viable.**

## 13.0 Sensitivity Analysis

13.1 Further to mandatory requirements within the RICS Professional Statement '**Financial viability in planning: conduct and reporting**', sensitivity tests are included to support the robustness of the viability conclusion described above.

13.2 I have varied one of the most sensitive appraisal inputs relating to base construction costs. I have adjusted these in upward and downward steps of £1.5 per sq ft from the base appraisal assumption, and the output is the profit, which can be compared to the BLV Target Developers Profit of 8%.

### 13.3 Sensitivity Test

Table of Profit on Cost% and Profit Amount									
Construction: Rate /ft²									
-6.00 /ft²	-4.50 /ft²	-3.00 /ft²	-1.50 /ft²	0.00 /ft²	1.50 /ft²	3.00 /ft²	4.50 /ft²	6.00 /ft²	7.50 /ft²
10.966%	10.209%	9.462%	8.725%	7.998%	7.281%	6.573%	5.875%	5.185%	4.505%
14,290,622	13,395,389	12,500,157	11,604,924	10,709,691	9,814,458	8,919,226	8,023,993	7,128,760	6,233,527

13.4 The base conclusion is shown in the centre of the results table (white cell). The green cells indicate the impact on profit if build costs reduce by £1.50 per sqft increments, and the red cells illustrate an unviable scheme if costs increase by increments of £1.50 per sqft.

### 14.0 Recommendations

Summary of key issues and recommendations.

#### 14.1 Viability Conclusion

**Following the above testing work it is my considered conclusion that the proposed development is not able to support full planning policy requirements**

**I have appraised the scheme to establish what level of contributions the scheme can reasonable support and conclude it can provide 1 (one) affordable apartment, a CIL contribution of £308,082.25 and no contributions to section 106 costs.**

### 15.0 Engagement

15.1 The DVS valuer has not conducted any negotiations with the applicant or any of their other advisors.

15.2 Should the applicant disagree with the conclusions of our initial assessment; we would recommend that they provide further information to justify their position. Upon receipt of further information and with your further instruction, DVS would be willing to review the new information and reassess the schemes viability.

15.3 If any of the assumptions stated herein this report and / or in the attached appraisal are factually incorrect the matter should be referred back to DVS as a re-appraisal may be necessary.

15.4 Following any new information and discussions a Stage Two report may then be produced, however if the conclusion is unchanged, a redacted version of this report including reference to the discussions will be provided.

## **16.0 Disclosure / Publication**

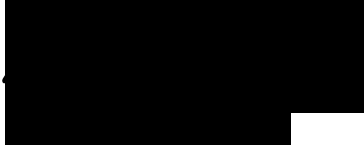
- 16.1 This initial review report is not for publication.**
- 16.2 The report has been produced for Leeds City Council only. DVS permit that this report may be shared with the applicant and their advisors CBRE as named third parties only.
- 16.3 The report should only be used for the stated purpose and for the sole use of your organisation and your professional advisers and solely for the purposes of the instruction to which it relates. Our report may not, without our specific written consent, be used or relied upon by any third party, permitted or otherwise, even if that third party pays all or part of our fees, directly or indirectly, or is permitted to see a copy of our report. No responsibility whatsoever is accepted to any third party (named or otherwise) who may seek to rely on the content of the report.
- 16.3 Planning Practice Guidance for viability promotes increased transparency and accountability, and for the publication of viability reports. However, it has been agreed that your authority, the applicant and their advisors will neither publish nor reproduce the whole or any part of this report, nor make reference to it, in any way in any publication.
- 16.4 As stated in the terms, none of the VOA employees individually has a contract with you or owes you a duty of care or personal responsibility. It is agreed that you will not bring any claim against any such individuals personally in connection with our services.
- 16.5 This report is considered Exempt Information within the terms of paragraph 9 of Schedule 12A to the Local Government Act 1972 (section 1 and Part 1 of Schedule 1 to the Local Government (Access to Information Act 1985) as amended by the Local Government (access to Information) (Variation) Order 2006 and your council is expected to treat it accordingly.

The DVS valuer assume that all parties will restrict this report's circulation as appropriate, given the confidential and personal data provided herein.

**If the parties do not wish to discuss or contest this report, a redacted version suitable for publication can be issued following your formal request.**

I trust that the above report is satisfactory for your purposes, however, should you require clarification of any point do not hesitate to contact me further.

Yours sincerely



RICS Registered Valuer  
Principal Surveyor  
DVS  
Date: 14<sup>th</sup> October 2022

**Reviewed by:**

 (Hons) MRICS

Principal Surveyor  
RICS Registered Valuer  
DVS  
Date: 14<sup>th</sup> October 2022

## **17.0 Appendices**

- (i) Appraisal 1 Alternative Use Residual Value based on Extant Consent

- (ii) Appraisal 2
- (iii) Information to support inputs e.g. abnormal review /BCIS extract/ GDV comps
- (iv) Redacted TOE

(i) Appraisal 1 Viability Conclusion

**APPRAISAL SUMMARY** **VALUATION OFFICE AGENCY**

87-89 Kirkstall Road, Leeds  
% AH (1 unit) @ 20% DMR

Summary Appraisal for Merged Phases 1 2 3 4 5

Currency in £

**REVENUE**

**Rental Area Summary**

	Units	ft <sup>2</sup>	Rent Rate ft <sup>2</sup>	Initial MRV/Unit	Net Rent at Sale	Initial MRV	Net MRV at Sale
Car Parking	219			1,700	335,070	372,300	335,070
Block A: Commercial Unit	1	3,832	15.00	57,480	57,480	57,480	57,480
Block A: 1 Bed Apartments	41	21,387	20.01	10,438	320,964	427,952	320,964
Block A: 2 Bed Apartments	6	3,978	21.60	14,321	64,444	85,925	64,444
Block A: 2 Bed Apartments	42	27,930	21.59	14,357	452,257	603,009	452,257
Block A: 2 Bed Apartments	9	6,498	21.36	15,422	104,098	138,797	104,098
Block A: 2 Bed Apartments	15	10,905	21.34	15,514	174,535	232,713	174,535
Block A: 2 Bed Apartments	12	8,784	21.32	15,606	140,456	187,275	140,456
Block A: 1 Bed Apartments (DMR)	1	522	16.01	8,352	6,264	8,352	6,264
Block B: 1 Bed Apartments	60	31,260	20.01	10,425	469,134	625,513	469,134
Block B: 1 Bed Apartments	24	12,528	20.01	10,445	188,014	250,685	188,014
Block B: 2 Bed Apartments	12	8,724	21.34	15,514	139,628	186,170	139,628
Block B: 3 Bed Apartments	24	21,528	21.73	19,492	350,853	467,803	350,853
Block D: 1 Bed Apartments	4	2,076	20.02	10,390	31,171	41,562	31,171
Block D: 1 Bed Apartments	62	32,302	20.01	10,425	484,772	646,363	484,772
Block D: 1 Bed Apartments	6	3,354	19.56	10,934	49,203	65,604	49,203
Block D: 2 Bed Apartments	4	2,648	21.60	14,299	42,898	57,197	42,898
Block D: 2 Bed Apartments	6	3,984	21.59	14,336	64,511	86,015	64,511
Block D: 2 Bed Apartments	10	6,650	21.59	14,357	107,680	143,574	107,680
Block D: 2 Bed Apartments	12	8,520	21.41	15,201	136,810	182,413	136,810
Block D: 2 Bed Apartments	10	7,350	21.31	15,663	117,471	156,629	117,471
Block D: 3 Bed Apartments	8	8,072	21.00	21,189	127,134	169,512	127,134
Block E: 1 Bed Apartments	38	19,798	20.01	10,425	297,118	396,158	297,118
Block E: 1 Bed Apartments	8	4,304	19.98	10,749	64,495	85,994	64,495
Block E: 2 Bed Apartments	16	10,640	21.59	14,357	172,288	229,718	172,288
Block E: 2 Bed Apartments	10	6,660	21.58	14,372	107,792	143,723	107,792
Block E: 2 Bed Apartments	16	11,712	21.32	15,606	187,275	249,700	187,275
Block E: 2 Bed Apartments	10	7,790	21.15	16,476	123,569	164,759	123,569
Block E: 3 Bed Apartments	8	7,352	21.58	19,832	118,992	158,656	118,992
Block E: 3 Bed Apartments	2	1,864	21.50	20,038	30,057	40,076	30,057
Block F: 1 Bed Apartments	33	17,193	20.01	10,425	258,024	344,032	258,024
Block F: 1 Bed Apartments	11	5,742	20.01	10,445	86,173	114,897	86,173
Block F: 1 Bed Apartments	11	5,918	19.98	10,749	88,681	118,242	88,681
Block F: 1 Bed Apartments	9	5,715	18.30	11,621	78,438	104,585	78,438
Block F: 2 Bed Apartments	18	11,970	21.59	14,357	193,824	258,432	193,824
Block F: 2 Bed Apartments	11	7,326	21.58	14,372	118,571	158,095	118,571
Block F: 2 Bed Apartments	18	13,176	21.32	15,606	210,684	280,912	210,684
Block F: 2 Bed Apartments	11	8,569	21.15	16,476	135,926	181,234	135,926
Block F: 3 Bed Apartments	9	8,109	21.70	19,552	131,974	175,965	131,974
Block F: 3 Bed Apartments	11	10,131	21.57	19,866	163,894	218,526	163,894
<b>Totals</b>	<b>838</b>	<b>396,801</b>			<b>6,532,623</b>	<b>8,616,544</b>	<b>6,532,623</b>

**Investment Valuation**

<b>Car Parking</b>					
Current Rent	335,070	YP @	4.5000%	22.2222	7,446,000
<b>Block A: Commercial Unit</b>					
Market Rent	57,480	YP @	7.0000%	14.2857	
(2yrs Rent Free)		PV 2yrs @	7.0000%	0.8734	717,218
<b>Block A: 1 Bed Apartments</b>					
Current Rent	320,964	YP @	4.5000%	22.2222	7,132,529
<b>Block A: 2 Bed Apartments</b>					
Current Rent	64,444	YP @	4.5000%	22.2222	1,432,080
<b>Block A: 2 Bed Apartments</b>					
Current Rent	452,257	YP @	4.5000%	22.2222	10,050,145
<b>Block A: 2 Bed Apartments</b>					
Current Rent	104,098	YP @	4.5000%	22.2222	2,313,288
<b>Block A: 2 Bed Apartments</b>					
Current Rent	174,535	YP @	4.5000%	22.2222	3,878,545
<b>Block A: 2 Bed Apartments</b>					
Current Rent	140,456	YP @	4.5000%	22.2222	3,121,248
<b>Block A: 1 Bed Apartments (DMR)</b>					
Current Rent	6,264	YP @	4.5000%	22.2222	139,198

**APPRAISAL SUMMARY**

**VALUATION OFFICE AGENCY**

87-89 Kirkstall Road, Leeds  
 % AH (1 unit) @ 20% DMR

<b>Block B: 1 Bed Apartments</b>					
Current Rent	469,134	YP @	4.5000%	22.2222	10,425,210
<b>Block B: 1 Bed Apartments</b>					
Current Rent	188,014	YP @	4.5000%	22.2222	4,178,088
<b>Block B: 2 Bed Apartments</b>					
Current Rent	139,628	YP @	4.5000%	22.2222	3,102,836
<b>Block B: 3 Bed Apartments</b>					
Current Rent	350,853	YP @	4.5000%	22.2222	7,796,724
<b>Block D: 1 Bed Apartments</b>					
Current Rent	31,171	YP @	4.5000%	22.2222	692,692
<b>Block D: 1 Bed Apartments</b>					
Current Rent	484,772	YP @	4.5000%	22.2222	10,772,717
<b>Block D: 1 Bed Apartments</b>					
Current Rent	49,203	YP @	4.5000%	22.2222	1,093,404
<b>Block D: 2 Bed Apartments</b>					
Current Rent	42,898	YP @	4.5000%	22.2222	953,280
<b>Block D: 2 Bed Apartments</b>					
Current Rent	64,511	YP @	4.5000%	22.2222	1,433,576
<b>Block D: 2 Bed Apartments</b>					
Current Rent	107,680	YP @	4.5000%	22.2222	2,392,892
<b>Block D: 2 Bed Apartments</b>					
Current Rent	136,810	YP @	4.5000%	22.2222	3,040,220
<b>Block D: 2 Bed Apartments</b>					
Current Rent	117,471	YP @	4.5000%	22.2222	2,610,475
<b>Block D: 3 Bed Apartments</b>					
Current Rent	127,134	YP @	4.5000%	22.2222	2,825,200
<b>Block E: 1 Bed Apartments</b>					
Current Rent	297,118	YP @	4.5000%	22.2222	6,602,633
<b>Block E: 1 Bed Apartments</b>					
Current Rent	64,495	YP @	4.5000%	22.2222	1,433,232
<b>Block E: 2 Bed Apartments</b>					
Current Rent	172,288	YP @	4.5000%	22.2222	3,828,627
<b>Block E: 2 Bed Apartments</b>					
Current Rent	107,792	YP @	4.5000%	22.2222	2,395,380
<b>Block E: 2 Bed Apartments</b>					
Current Rent	187,275	YP @	4.5000%	22.2222	4,161,664
<b>Block E: 2 Bed Apartments</b>					
Current Rent	123,569	YP @	4.5000%	22.2222	2,745,975
<b>Block E: 3 Bed Apartments</b>					
Current Rent	118,992	YP @	4.5000%	22.2222	2,644,269
<b>Block E: 3 Bed Apartments</b>					
Current Rent	30,057	YP @	4.5000%	22.2222	667,933
<b>Block F: 1 Bed Apartments</b>					
Current Rent	258,024	YP @	4.5000%	22.2222	5,733,866
<b>Block F: 1 Bed Apartments</b>					
Current Rent	86,173	YP @	4.5000%	22.2222	1,914,957
<b>Block F: 1 Bed Apartments</b>					
Current Rent	88,681	YP @	4.5000%	22.2222	1,970,694
<b>Block F: 1 Bed Apartments</b>					
Current Rent	78,438	YP @	4.5000%	22.2222	1,743,075
<b>Block F: 2 Bed Apartments</b>					
Current Rent	193,824	YP @	4.5000%	22.2222	4,307,205
<b>Block F: 2 Bed Apartments</b>					
Current Rent	118,571	YP @	4.5000%	22.2222	2,634,918
<b>Block F: 2 Bed Apartments</b>					
Current Rent	210,684	YP @	4.5000%	22.2222	4,681,872
<b>Block F: 2 Bed Apartments</b>					
Current Rent	135,926	YP @	4.5000%	22.2222	3,020,572
<b>Block F: 3 Bed Apartments</b>					
Current Rent	131,974	YP @	4.5000%	22.2222	2,932,755
<b>Block F: 3 Bed Apartments</b>					
Current Rent	163,894	YP @	4.5000%	22.2222	3,642,095
					<b>144,609,287</b>

**NET REALISATION** **144,609,287**

**OUTLAY**

**ACQUISITION COSTS**

Fixed Price (5.12 Acres 585,937.50 pAcre)	3,000,000	
		3,000,000



**APPRAISAL SUMMARY**

**VALUATION OFFICE AGENCY**

87-89 Kirkstall Road, Leeds  
 % AH (1 unit) @ 20% DMR

Stamp Duty			139,500	
Agent Fee		1.00%	30,000	
Legal Fee		0.50%	15,000	
				184,500
<b>CONSTRUCTION COSTS</b>				
<b>Construction</b>	<b>ft<sup>2</sup></b>	<b>Build Rate ft<sup>2</sup></b>	<b>Cost</b>	
Block A: Construction Costs	108,834	198.38	21,590,000	
Block B: Construction Costs	98,735	209.96	20,310,000	
Block D: Construction Costs	95,702	207.52	19,860,000	
Block E: Construction Costs	92,763	213.12	19,770,000	
Block F: Construction Costs	125,959	198.95	25,060,000	
<b>Totals</b>	<b>619,993</b>		<b>106,590,000</b>	<b>106,590,000</b>
Demolition & Remediation			1,503,000	
Externals			5,650,000	
Contingency		0.50%	568,715	
CIL			302,082	
Education Contribution			1	
Greenspace Offsite Contribution			1	
Bus Shelter			1	
Off Site Highways Contribution			1	
Travel Plan Monitoring Fee			1	
Sustainable Travel Fund			1	
S106			1	
				8,023,804
<b>Other Construction</b>				
Amenity FF&E			65,000	
Apartment FF&E	618 un	2,000.00 /un	1,236,000	
				1,301,000
<b>PROFESSIONAL FEES</b>				
Professional Fees		7.30%	7,890,789	
				7,890,789
<b>MARKETING &amp; LETTING</b>				
Letting Agent Fee		10.00%	5,748	
Letting Legal Fee		5.00%	2,874	
				8,622
<b>DISPOSAL FEES</b>				
Sales Agent Fee		0.25%	361,175	
Sales Legal Fee		0.10%	144,470	
				505,645
<b>Additional Costs</b>				
Purchaser Project Monitoring/Insure			760,000	
				760,000
<b>FINANCE</b>				
Debit Rate 5.000%, Credit Rate 0.000% (Nominal)				
Total Finance Cost				5,635,235
<b>TOTAL COSTS</b>				<b>133,899,696</b>
<b>PROFIT</b>				<b>10,709,691</b>
<b>Performance Measures</b>				
Profit on Cost%		8.00%		
Profit on GDV%		7.41%		
Profit on NDV%		7.41%		
Development Yield% (on Rent)		4.88%		
Equivalent Yield% (Nominal)		4.51%		
Equivalent Yield% (True)		4.64%		
IRR		12.86%		
Rent Cover		1 yr 8 mths		
Profit Erosion (finance rate 5.000)		1 yr 7 mths		

(ii) Information to support inputs e.g., abnormals review / BCIS extract / GDV comps

PRS Schemes	Gross to Net Leakage (%)	Revenue Per Parking Space	Furniture Allowance	Capitalisation Yield	Professional Fees Construction	Benchmark Land Value/acre	Finance	Advisors Fees	Purchasers Costs	Build Cost Contingency	Agreed Profit on Cost (%)	Notes
17-20 storeys comprising 463 residential units 102 parking spaces	23.78%	£1,800	£1,700	4.80%	7%	£1.328m	6%	0.55% Funding £255,000 Freehold Monitoring	0.50%	3%	8.04%	Previous consent for Office Development
349 Apartments, 53 car parking spaces	23%	£1,500	NIL	4.50%	6.2%	£1.011m	5%	2%	1.72%	3% £1740.09	8.0%	Site current occupied by modern industrial buildings
322 Apartments across 3 blocks on two sites intersected by the public highway	25%	1500	£2000	4.65%	6.4%	£375,000	5%	0.75% Agent 0.25% Legal	1.75%	3%	8.08	3 Blocks on two separate sites
783 Units across 8 blocks of apartments with in excess of 30,000 sq ft of commercial space	25%	£1,800	£2,000	4.5%	8%	£581,000	5%	0.25 Agent 0.1 Legal	0.25	3%	8.055	8 blocks apt bocks and large area of public realm
SOYO B	23.5%	£1,500	£2,000	4.5%	Inc	£812,000	4.5%	0.5% + 0.25%	0.5 Agent 0.25 Legal	3%	8% on cost	Extant consent for Offices
410 units BTR York	23.5%	n/a	Reflected in build	4.5%	7%	£140,000 gross	5.5% debit / 0.5% credit	1% Agent 0.5% Legal	1.8%	5%	8% on GDV	Former gas works high <del>abnormals</del> .
375 Apartments & 55 Parking Spaces	23.5%	£1,700	Reflected in build	4.45%	8%	£720,000	5%	0.5% Agent 0.25% Legal	0.5%	2.5%	8% on cost	Blank

(iii) Redacted TOE



**DVS** Property Specialists  
for the Public Sector

Valuation Office Agency  
7 Wellington Place  
Leeds  
LS1 4AJ

██████████  
Principal Planner  
Central Team  
Planning Services,  
City Development  
Leeds City Council

Our Reference : 1798302  
Your Reference : 87-89 Kirkstall Road

Please ask for : ██████████  
Tel : ██████████

E Mail : ██████████@voa.gov.uk

Date : █████ June 2022

Dear ██████████

### Independent Review of Development Viability Assessment

<b>Proposed Development</b>	618 Build to Rent Apartments – 1, 2 and 3 bed apartments, 1 ground floor retail units, resident amenity and 231 car parking spaces
<b>Subject of Assessment:</b>	87-89 Kirkstall Road, Leeds, LS3 1HS
<b>Planning Application Ref:</b>	PP-11130674
<b>Applicant / Developer:</b>	Glenbrook RIL Limited
<b>Applicant's Viability Advisor:</b>	CBRE

I refer to your instructions dated 13<sup>th</sup> April 2022 and am pleased to confirm my Terms of Engagement in undertaking this commission for you.

This document contains important information about the scope of the work you have commissioned and confirms the terms and conditions under which DVS, as part of the VOA proposes to undertake the instruction.

It is important that you read this document carefully and if you have any questions, please do not hesitate to ask the signatory whose details are supplied above. Please contact them immediately if you consider the terms to be incorrect in any respect.

Please note that this Terms of Engagement document is confidential between our client, Leeds City Council, and the VOA. As it contains commercially sensitive and data sensitive

information, it should not be provided to the applicant or their advisor without the explicit consent of the VOA. A redacted copy of these terms will be included as an appendix to our final report.

## 1. Client

This instruction will be undertaken for Leeds City Council and the appointing planning officer is yourself, Richard Smith.

## 2. Subject Property and Proposed Development

The land or property (properties) subject to the review is 618 residential Build to Rent Apartments, 1 ground floor retail units, resident amenity and 231 car parking spaces at 87-89 Kirkstall Road, Leeds, LS3 1HS.

It is understood that the development has:

- a site area of 5.12 acres
- a total GIA of 519,993 sqft
- the proposed schedule of accommodation is as follows:

Property Type	Number	NIA Sqft	Total NIA Sqft
1-bed	308	526	162,097
2-bed	248	701	173,825
3-bed	62	920	57,050
Retail Unit	1	3,832	3,832
Car Parking	231	Blank	Blank

## 3. Purpose and Scope

To complete this assessment DVS will:

- a) Assess the Financial Viability Appraisal (FVA) submitted by / on behalf of the planning applicant / developer, taking in to account the planning proposals as supplied by you or available from your authorities planning website.
- b) Advise you on those areas of the appraisal which are agreed and those which are considered unsupported or incorrect, including stating the basis for this opinion.
- c) If DVS considers that the applicant's appraisal input and viability conclusion is incorrect, we will advise on the cumulative viability impact of the changes and in particular whether any additional affordable housing and / or s106 contributions might be provided without adversely affecting the overall viability of the development. This will take the form of sensitivity tests.

3.1 My report to you will constitute my final report if my findings conclude that the planning applicant / developer cannot provide more affordable housing and s106 payments than have been proposed.

3.2 However, if having completed my assessment, I conclude that the planning applicant / developer may be able to provide more affordable housing and s106 payments than have been proposed, I understand that my findings report may only constitute Stage One of the process as the report will enable all parties to then consider any areas of disagreement and potential revisions to the proposal.

3.3 In such circumstances, I will, where instructed, by you be prepared to enter into discussions on potential revisions to the applicant's proposals, and / or consider any new supporting information. Upon concluding such discussions, I will submit a new report capturing my subsequent determination findings on the potentially revised application; for convenience and to distinguish it, this report on a second stage assessment may be referred to as my Stage Two report.

#### 4. Date of Assessment

The date of the assessment is to be 21<sup>st</sup> July 2022.

#### 5. Confirmation of Standards to be applied

The DVS viability assessment review will be prepared in accordance with the following statutory and other authoritative requirements:

##### Mandatory provisions

- The '**National Planning Policy Framework**', which states that all viability assessments should reflect the recommended approach in **the 'National Planning Practice Guidance on Viability'**. This document is recognised as the 'authoritative requirement' by the Royal Institution of Chartered Surveyors (RICS).
- RICS Professional Statement '**Financial viability in planning: conduct and reporting**' (effective from 1 September 2019) which provides the mandatory requirements for the conduct and reporting of valuations in the viability assessment and has been written to reflect the requirements of the PPG.
- RICS Professional Standards PS1 and PS2 in the '**RICS Valuation – Global Standards**'.

##### Best Practice provisions

Regard will be had to applicable RICS Guidance Notes:

- RICS GN 'Assessing viability in planning under the National Planning Policy Framework 2019 for England' (effective 1 July 2021)
- RICS GN 'Valuation of Development Property'
- RICS GN 'Comparable Evidence in Real Estate Valuation'

Measurements stated will be in accordance with the RICS Professional Statement '**RICS Property Measurement' (2<sup>nd</sup> Edition)** and, where relevant, the **RICS Code of Measuring Practice (6<sup>th</sup> Edition)**.

Valuation advice, where applicable, will be prepared in accordance with the professional standards, in particular VPS 1 to 5 of the **RICS Valuation – Global Standards'** and with the '**UK National Supplement'**, which taken together are commonly known as the RICS Red Book. Compliance with RICS Professional Standards and Valuation Practice Statements (VPS) gives assurance also of compliance with the International Valuations Standards (IVS).

## 6. Agreed Departures from the RICS Professional Standards

As agreed by you, any office and/or residential property present has been reported upon using a measurement standard other than IPMS, and specifically Net Internal Area has been used. Such a measurement is an agreed departure from '**RICS Property Measurement (2<sup>nd</sup> Edition)**'.

I understand that you requested this variation because this measurement standard is how the applicant has presented their data, is common and accepted practice in the construction /planning industry, and it has been both necessary and expedient to analyse the comparable data on a like with like basis.

RICS Red Book Professional Standards PS1 and PS2 are applicable to our undertaking of your case instruction. As our assessment may be used by you as part of a negotiation, compliance with the technical and performance standards at VPS1 to VPS 5 is not mandatory (PS 1 para 5.4) but best practice and they will therefore be applied to the extent not precluded by your specific requirement.

## 7. Bases of Value

**7.1 Benchmark Land Value (BLV):** Paragraph 014 of the NPPG for Viability states that:

*"Benchmark Land Value should:*

- *be based upon existing use value*
- *allow for a premium to landowners (including equity resulting from those building their own homes).*

- *reflect the implications of abnormal costs; site-specific infrastructure costs; and professional site fees.*

*Viability assessments should be undertaken using benchmark land values derived in accordance with this guidance. Existing use value should be informed by market evidence of current uses, costs and values. Market evidence can also be used as a cross-check of benchmark land value but should not be used in place of benchmark land value. There may be a divergence between benchmark land values and market evidence; and plan makers should be aware that this could be due to different assumptions and methodologies used by individual developers, site promoters and landowners.*

*This evidence should be based on developments which are fully compliant with emerging or up to date plan policies, including affordable housing requirements at the relevant levels set out in the plan. Where this evidence is not available plan makers and applicants should identify and evidence any adjustments to reflect the cost of policy compliance. This is so that historic benchmark land values of non-policy compliant developments are not used to inflate values over time.*

*In plan making, the landowner premium should be tested and balanced against emerging policies. In decision making, the cost implications of all relevant policy requirements, including planning obligations and, where relevant, any Community Infrastructure Levy (CIL) charge should be taken into account.*

*Where viability assessment is used to inform decision making under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan. Local authorities can request data on the price paid for land (or the price expected to be paid through an option or promotion agreement)."*

**7.2 Existing Use Value (EUV):** Paragraph 015 of the NPPG for viability states that:

*"Existing use value (EUV) is the first component of calculating benchmark land value. EUV is the value of the land in its existing use. Existing use value is not the price paid and should disregard hope value. Existing use values will vary depending on the type of site and development types. EUV can be established in collaboration between plan makers, developers and landowners by assessing the value of the specific site or type of site using published sources of information such as agricultural or industrial land values, or if appropriate capitalised rental levels at an appropriate yield (excluding any hope value for development).*

*Sources of data can include (but are not limited to): land registry records of transactions; real estate licensed software packages; real estate market reports; real estate research; estate agent websites; property auction results; valuation office agency data; public sector estate/property teams' locally held evidence."*

**7.3 Alternative Use Value (AUV):** Paragraph 017 of the NPPG for viability states that:

*“For the purpose of viability assessment alternative use value (AUV) refers to the value of land for uses other than its existing use. AUV of the land may be informative in establishing benchmark land value. If applying alternative uses when establishing benchmark land value these should be limited to those uses which would fully comply with up to date development plan policies, including any policy requirements for contributions towards affordable housing at the relevant levels set out in the plan. Where it is assumed that an existing use will be refurbished or redeveloped this will be considered as an AUV when establishing BLV.*

*Plan makers can set out in which circumstances alternative uses can be used. This might include if there is evidence that the alternative use would fully comply with up-to-date development plan policies, if it can be demonstrated that the alternative use could be implemented on the site in question, if it can be demonstrated there is market demand for that use, and if there is an explanation as to why the alternative use has not been pursued. Where AUV is used this should be supported by evidence of the costs and values of the alternative use to justify the land value. Valuation based on AUV includes the premium to the landowner. If evidence of AUV is being considered the premium to the landowner must not be double counted.”*

**7.4 Gross Development Value (GDV)** is defined in the Glossary of the RICS GN ‘Valuation of Development Property’ (February 2020) as:

*“The aggregate Market Value of the proposed development on the special assumption that the development is complete on the date of valuation in the market conditions prevailing on the date. Where an income capitalisation approach is used to estimate the GDV, normal assumptions should be made within the market sector concerning the treatment of purchaser’s costs. The GDV should represent the expected contract price.”*

**7.5 Market Value (MV) is defined by** RICS VPS 4, paragraph 4 as:

*“The estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm’s length transaction after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion.”*

**7.6 Market Rent (MR)** is defined by RICS VPS 4, paragraph 5 as:

*“The estimated amount for which an interest in real property should be leased on the valuation date between a willing lessor and a willing lessee on appropriate lease terms in an arm’s length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion.”*



## 8. Special Assumptions

On occasion, it may be agreed that a basis of value requires to be modified and a Special Assumption added, for example where there is the possibility of Special Value attaching to a property from its physical, functional, legal or economic association with some other property.

Any Special Assumptions agreed with you have been captured below under the heading Special Assumptions, in accordance with VPS 4, para 9 of the professional standards of the Royal Institution of Chartered Surveyors: RICS Valuation – Global Standards and RICS UK National Supplement and will be restated in my report.

The following special assumptions have been agreed and will be applied:

- That the proposed development is complete on the date of assessment in the market conditions prevailing on the date of assessment.
- That your Council's Local Plan policies, or emerging policies, including for affordable housing are up to date.
- That the applicant's abnormal costs, where adequately supported, are to be relied upon to determine the viability of the scheme, unless otherwise stated in our report and/ or otherwise instructed by your Council and that are no abnormal development costs in addition to those which the applicant has identified.

## 9. Extent of Valuer's Investigations, Restrictions and Assumptions

An assumption in this context is a limitation on the extent of the investigations or enquiries that will be undertaken by the assessor.

The following agreed assumptions will apply to your instruction and be stated in my report, reflecting restrictions to the extent of our investigations.

- Such inspection of the property and investigations as the Valuer decides is professionally adequate and possible in the particular circumstance will be undertaken.
- No detailed site survey, building survey or inspection of covered, unexposed, or inaccessible parts of the property will be undertaken. The Valuer will have regard to the apparent state of repair and condition and will assume that inspection of those parts that are not inspected would neither reveal defects nor cause material alteration to the valuation unless the valuer becomes aware of indication to the contrary.

The building services will not be tested, and it will be assumed that they are in working order and free from defect. No responsibility can therefore be accepted

for identification or notification of property or services' defects that would only be apparent following such a detailed survey, testing or inspection. If the Valuer decides further investigation to be necessary, separate instructions will be sought from you.

- It will be assumed that good title can be shown, and that the property is not subject to any unusual or onerous restrictions, encumbrances or outgoings.
- It will be assumed that the property and its value are unaffected by any statutory notice or proposal or by any matters that would be revealed by a local search and replies to the usual enquiries, and that neither the construction of the property nor its condition, use or intended use was, is or will be unlawful or in breach of any covenant.
- It will be assumed that all factual information provided by you or the applicant or their agent with regard to the purpose of this request and details of tenure, tenancies, planning consents and all other relevant information is correct. The advice will therefore be dependent on the accuracy of this information and should it prove to be incorrect or inadequate the basis or the accuracy of any assessment may be affected.
- Valuations will include that plant that is usually considered to be an integral part of the building or structure and essential for its effective use (for example building services installations) but will exclude all machinery and business assets that comprise process plant, machinery and equipment unless otherwise stated and required.
- No access audit will be undertaken to ascertain compliance with the Equality Act 2010 and it will be assumed that the premises are compliant unless otherwise stated by the applicant.
- No allowances have been made for any rights obligations or liabilities arising from the Defective Premises Act 1972 unless identified as pertinent by the applicant.

## **10. Nature and Source of Information to be relied upon by Valuer**

### **10.1 From the client**

Information that will be provided to the VOA by the client comprises the following material, which will be relied upon by the viability assessor without further verification.

- a) The Planning application details.
- b) Confirmation of Local plan policy requirement such as CIL / S106 / S278 planning obligations. In particular whether the applicant's assumptions on

these matters are correct, if they are incorrect then please provide the correct details.

- c) Details of any extant or elapsed consents relating to permitted Alternative Use.
- d) If the applicant has relied on an alternative use that is not permitted, a statement as to whether this alternative would be an acceptable development.
- e) If the applicant has applied vacant building credit, a statement as to whether this is agreed by your Council, if not the appropriate figure.
- f) A copy of the applicant's financial viability appraisal dated March 2022 prepared by CBRE.

## 10.2 Information from the applicant

### Site access

It is understood that the site is accessible or can be sufficiently viewed from the roadside) and no appointment to inspect is required.

In particular it is understood there are no extraordinary health and safety issues to be aware of. If this is incorrect, please provide details of access arrangements and any PPE requirements.

### Viability assessment

The applicant should provide sufficient detail to enable DVS to assess their contention that the scheme would not be viable if the Policy requirements in the Local Plan were met.

The applicant's Viability Assessment is expected to meet the authoritative requirements of the NPPF and NPPG for Viability. Where completed by a member the RICS, it is also expected that the applicant's report will comply with RICS Professional Standards PS 1 and PS 2 and the **RICS Professional Statement 'Financial Viability in planning: conduct and reporting'**.

In all cases the applicant's viability report is expected to include:

- a) A schedule of accommodation which accords with the planning application.
- b) A plan showing the respective boundaries and the site area
- c) An appraisal compliant with the policy requirements of the Local Plan.
- d) A report with text and evidence in support of the:
  - (i) Gross Development Value adopted
  - (ii) Benchmark Land Value, with reference to EUV and premium.
  - (iii) Gross Development Costs including any Abnormal Costs
  - (iv) Profit assumptions.
  - (v) Finance assumptions.
  - (vi) Cash flow assumptions.

### **10.3 DVS Information**

DVS will make use of VOA held records and information. The sources of any other information used that is not taken from our records will be identified in the review report.

### **10.4 Information Outstanding**

I confirm I have in my possession a copy of the applicant's viability report / appraisal and to complete the assessment I require the following:

From your council:

A summary of Section 106 Costs applicable to the application

A summary of CIL charges applicable to the application

DVS will contact the applicant's viability advisor directly for this information.

The report delivery date will be dependent upon timely receipt of this information.

## **11. Identity of Responsible Valuer and their Status**

It is confirmed that the valuation will be carried out by a RICS Registered Valuer, acting as an external valuer, who has the appropriate knowledge and skills and understanding necessary to undertake the assessment competently.

The valuer responsible will be Brian Maguire and their contact details are as stated above in the letterhead.

Any graduate involvement will be detailed in the report.

## **12. Disclosure of any Material Involvement or Conflict of Interest**

In accordance with the requirements of the RICS standards, the VOA has checked that no conflict of interest arises before accepting this instruction.

It is confirmed that DVS are unaware of any previous conflicting material involvement and am satisfied that no conflict of interest exists. Should any such difficulty subsequently be identified, you will be advised at once and your agreement sought as to how this should be managed.

It is confirmed that the valuer appointed has no personal conflict undertaking this instruction.

## **13. Resignation of Independent Expert**

In the rare event of the independent expert becoming ill or otherwise incapable of conducting the determination, or where for any reason it would be improper to continue, then they may have no alternative but to resign. In these circumstances, DVS would seek agreement with

the parties as to the best way forward, such as through the appointment of another suitably qualified DVS surveyor. It is agreed that permission for this would not be unreasonably withheld by the parties in such special circumstances.

#### **14. Description of Report**

A side headed written report as approved by you for this purpose will be supplied and any differences of opinion will be clearly set out with supporting justification, where inputs are agreed this will be stated also. The DVS report will be referred to as a viability review assessment.

Further to the requirements of the RICS a non-technical summary will be included in the review assessment, together with sensitivity tests to support the viability conclusion.

Further to the requirements of the PPG a redacted version of the DVS viability review assessment detailing the final or agreed position will be supplied for transparency purposes.

#### **15. Report Date**

It is my intention to submit my review assessment by 22<sup>nd</sup> August 2022.

If unforeseen problems arise that may delay my report, you will be contacted before this date with an explanation and to discuss the position.

In order to meet the above reporting date, it is essential that the information requested with section 10 of these terms is supplied by 23<sup>rd</sup> June 2022.

#### **16. Validity Period**

The report will remain valid for 6 (six) months unless circumstances change, or further material information becomes available. Reliance should not be placed on the viability conclusion beyond this period without reference back to the VOA for an updated valuation.

#### **17. Restrictions on Disclosure and Publication**

The client will neither make available to any third party or reproduce the whole or any part of the report, nor make reference to it, in any publication without our prior written approval of the form and context in which such disclosure may be made.

#### **18. Limits or Exclusions of Liability**

Our viability advice is provided for your benefit alone and solely for the purposes of the instruction to which it relates. Our advice may not, without our specific written consent, be used or relied upon by any third party, even if that third party pays all or part of our fees, directly or indirectly, or is permitted to see a copy of our valuation report.

If we do provide written consent to a third party relying on our valuation, any such third party is deemed to have accepted the terms of our engagement.

None of our employees individually has a contract with you or owes you a duty of care or personal responsibility. You agree that you will not bring any claim against any such individuals personally in connection with our services.

## 19. Fee Basis

### Fixed fee quote

19.1 You have asked for a fixed fee quote for the viability appraisal. Having considered the initial details of this application, we have agreed a fixed fee basis of £[REDACTED] plus VAT in order to complete the work set out above.

The personnel involved in this assessment will be as follows:

Personnel	Role	Task
[REDACTED]	Principal Surveyor / Registered Valuer / Consultant	Viability review Report and Appraisal(s) Research and Valuation

19.2 This fixed fee proposal is for the provision of a report stating my findings on the development viability appraisal as initially provided by the planning applicant / developer. It will include a meeting with you to deal with initial issues. It may require revision if the information supplied by you or the applicant is not quickly forthcoming at our request or if the initial task is varied by you and in both cases, we would revert to you for advice on the way forward. Abortive fees would be based on work already carried out.

19.3 If there is a subsequent need following the delivery of my report to discuss issues with the planning applicant / developer or you, including the consideration of potential revised proposals, or to attend meetings, this will constitute a second stage requiring a Stage 2 report and we would need to charge on a time spent basis as an additional cost at hourly rates as shown in the table above for this Stage 2 work. I am able to reduce the amount of time I need to spend upon your work by delegating some functions to colleagues who have a lower cost, and this will be reflected in the invoice for this work.

Role	Task	Hourly Fee Excluding VAT
RICS Principal Valuer	Report, valuation and viability assessment, discussions, advice appeal work	[REDACTED]
RICS Senior Valuer	Report, valuation and viability assessment, discussions	[REDACTED]

RICS Graduate Surveyor	Research, valuation	■
Quantity Surveyor	Cost estimates, advice	■
RICS Principal Valuers	Formal case review / Quality Assurance	■
Administration	Typing/ Research	■

19.4 **Payer of fees:** With regard to the payment of fees, Homes and Communities Agency has issued a Good Practice Note: "Investment and Planning obligations - Responding to the downturn". In this GPN is a comment that it is common practice for developers to fund the cost of independent validation. The reasoning for this is that you have a planning policy which the applicant is seeking to vary. In order to assess the applicant appraisal, you need advice which it is reasonable for the applicant to bear in these circumstances. I understand that the planning applicant / developer has agreed to reimburse your reasonable costs incurred in this review.

Please note that you will be our named Client. As such, our contractual obligation is to you and not to the applicant and your authority will be responsible for payment of our fees. Any arrangement between your authority and the Applicant relating to payment of the fees would be a matter between yourselves.

Please note that that DVS minimum fee is £200 unless agreed otherwise as part of a contract or SLA.

## 20. Currency

All prices and values are stated in pounds sterling.

## 21. Fee Payment and Interim Billing

Our fees are payable by our client within 30 days from the receipt of our invoice whether or not the amount is disputed or is being passed on to a third party for reimbursement.

The VOA reserves the right, subject to prior notification of details of time spent, to invoice at suitable points during the financial year for work in progress undertaken but not yet formally reported. In order to ensure timely cash flows within the public sector, such interim bills may be issued at either monthly or two monthly intervals. You will be advised beforehand that any such bill is imminent.

Where a case is cancelled before completion, our fees will be calculated on a 'work done' basis with added reasonable disbursements unless alternative arrangements have been prior agreed.

Please note under HM Treasury Managing Public Money we are required to review our charging on a regular basis. The VOA reserves the right to undertake an annual review of our rates going forward.

## **22. Purchase Order Numbers**

If your organisation uses Purchase Order Numbers, and you have not already provided one with your originating instructions, please supply this number to us as soon as possible as I cannot proceed without this information.

## **23. Complaints**

The VOA operates a rigorous QA/QC system. This includes the inspection by Team Leaders of a sample of work carried out during the life of the instruction together with an audit process carried out by experienced Chartered Surveyors upon completion of casework. It also includes a feedback cycle to ensure continuous improvement.

The VOA has a comprehensive complaint handling procedure if you are not getting the service you expect. If you have a query or complaint it may be best to speak first to the person you have been dealing with or their manager. If you remain dissatisfied, you should be offered a copy of our brochure "Our Code of Practice on Complaints". If it is not offered to you, please request a copy or access it on our website [www.voa.gov.uk](http://www.voa.gov.uk).

## **24. Freedom of Information**

We take our duty of confidentiality very seriously and will keep any information gathered or produced during this instruction confidential unless you tell us otherwise.

Also, we will advise you of any Freedom of Information Act (FOIA) and / or Environmental Information Regulation (EIR) requests we receive in regard to information we 'hold' relating to this instruction.

The VOA, as part of HM Revenue and Customs, is subject to the Freedom of Information Act 2000. The VOA undertakes to make reasonable endeavours to discuss the appropriateness of disclosure, or the applicability of any exemptions allowed by the Act, with you prior to responding to any FOIA request. However, the VOA reserves the right to comply with its statutory obligations under the Act in such manner as it deems appropriate. If we receive a FOIA request that relates to you or a named member of your staff (legal or actual person) or they can be deduced from the disclosure of the information sought, we must have regard to section 18 (1) of the Commissioners for Revenue and Customs Act (CRCA) 2005 and apply the exemption at section 44 of the FOIA due to section 23 of the CRCA (as amended).

However, outside of FOIA we will seek your views about whether you wish to put the information sought in the public domain or authorise us to disclose it on your behalf.

In turn, the VOA requires you to make all reasonable endeavours to discuss with us the appropriateness of disclosure, or the applicability of any exemptions allowed by the Act, prior to your responding to any third-party requests which you receive for information provided to you by the VOA.



The VOA is subject to the Environmental Information Regulations (EIR) 2004. We will apply the same legal thought process as FOIA but will also need to seek your views on where the greater public interest lies and it may necessitate, upon request, the disclosure of information provided by you unless an exemption can be sustained.

## **25. Monitoring Compliance by RICS**

It is possible that the RICS may at some stage ask to see the valuation for the purposes of their monitoring of professional standards under their conduct and disciplinary regulations.

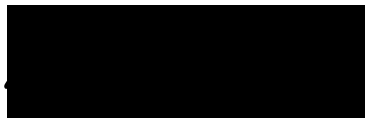
## **26. Revisions to these Terms**

Where, after investigation, there is in my judgement a need to propose a variation in these Terms of Engagement, you will be contacted without delay prior to the issue of the report.

For example, should it become apparent that the involvement of specialist colleagues would be beneficial, your consent will be sought before their involvement and we shall, if not included in the original fee estimate, provide an estimate of their costs.

The valuer will be grateful to receive at your earliest convenience brief written confirmation by email or letter that these terms and conditions are accepted and approved by you. If you have any queries, please do not hesitate to contact the valuer listed above.

Yours Sincerely



Principal Surveyor  
RICS Registered Valuer  
DVS

Based in Leeds Valuation Office

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**Leeds**  
CITY COUNCIL

Originator: R Coghlan  
Telephone: 0113 336 3775

## Report of the Chief Planning Officer

### *City Plans Panel*

Date: 23<sup>rd</sup> February 2023

**Subject: 22/04400/FU Hybrid Planning Application for Full planning permission for construction of 15 storey residential building providing 451 dwellings (Use Class C3) and ground floor commercial space (Use Classes E (a, b, c, d, e and f) and Sui Generis (drinking establishment)), 8 storey office building (Use Class E(g), pavilion building (Use Class E (b, c and d), partial demolition and extension to existing public house, landscaping, access road and other associated works; Outline application for mixed use development comprising a maximum of 900 dwellings (Use Class C3), a maximum of 7,000sqm of office space (Use Class E (g) and a maximum of 200sqm of commercial floorspace (Use Classes E (a, b, d, e and f) and Sui Generis (drinking establishment)) at Sweet Street West, Holbeck Leeds.**

**Applicant: Platform Leeds**

#### Electoral Wards Affected:

Hunslet and Riverside

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 lifting of a Holding Response from National Highways, the specified conditions set out in Appendix 1 (and any amendment to or addition of others which he might consider appropriate) and the completion of a Section 106 agreement to include the following obligations:**

- Affordable Housing provision is subject to viability as explained in section 11.2 of the report and Appendix 2: 6.5% 82 affordable private rent. The affordable rents

will be 80% of market rents and the mix of dwelling sizes will be proportionate to the mix of sizes throughout the scheme].

- City Centre Transport Package financial contribution £368,280
- Bath Road Improvements financial contribution £896,000
- Nineveh Road pedestrian crossing improvement £70,000
- Travel Plan Monitoring Fee of £19,688 subject to an annual increase for inflation
- Residential Travel Plan Fund of £100,000
- Traffic Regulation Order Costs of £10,000
- Greenspace –0.79ha of Public Open Space to be publicly accessible according to an agreed drawing.
- Tree replacement. A financial contribution may be required based on CAVAT assessment of tree removal if the replacement of trees according to planning policy cannot be achieved on site
- Clawback obligation for a payment to the City Council if a greater number of car parking spaces yield income than anticipated in the Viability Review Report
- A monitoring fee

**In the circumstances where the Section 106 has not been completed within 3 months of the Panel resolution to grant planning permission, the final determination of the applications shall be delegated to the Chief Planning Officer.**

## **1. Introduction**

- 1.1. As a large brownfield development site forming part of the Temple Works Mixed Use allocation (MX35) in the Site Allocations Plan the proposal has the potential to make a significant contribution towards the regeneration of this part of the South Bank. The proposed scheme is being reported to Panel due to its significance and potential impact in accordance with the scheme of delegation.
- 1.2. The applicant has submitted a financial viability case which is addressed in detail at section 11.2 below. This has been independently reviewed by the District Valuer who has confirmed that the development cannot meet all the Council's planning obligation requirements and full affordable housing policy requirements in this case. At section 11.9 of the report Officers have set out two options in which the planning obligations could be requested, Officer recommendation is that option 2 is agreed as this maximises on site affordable housing provision and also enables the developer to take a longer term view on the current market conditions and viability position and offer an additional 12 affordable housing units than would otherwise be achieved.

## 2. Proposal

- 2.1. The proposal involves full and outline applications. The applicants submitted a phasing plan with 4 phases, but for simplicity in the remainder of this report the full application element is referred to as Phase 1 and the outline element is referred to as Phase 2.

### Full Application (Phase 1)

- 2.2. The full application is for three new buildings and partial development of the existing public house. Facing Sweet Street West, a 15 storey residential building of 451 dwellings known as “Resi 1” is proposed. The ground floor has a mix of dwellings, commercial and community space and servicing facilities whilst the upper floors are entirely residential. The residential is proposed as build-to-rent with a mix of 225 x 1 bed units (50% of total), 181 x 2 bed units (40%) and 45 x 3 bed units (10%). The commercial space falls under the new Class E, and the applicant has specifically requested uses E(a) retail, E(b) hot food & drink for consumption on the premises, E(c) financial or professional services, E(d) indoor sport and fitness, E(e) medical or E(f) creche. In other words, the only use excluded from Class E is Class E(g) which is for office, R&D and light industry, the former B1 use class.
- 2.3. The residential building comprises three linked towers stepping up in height from east to west. The east tower has 10 residential floors above ground, the central tower has 12 residential floors above ground and the west tower has 14 residential floors above ground. The towers are linked by blocks facing Sweet Street West with 5 residential floors above ground. To the rear (south) the west and central towers have garden courtyards and the east tower opens onto a public square behind the Commercial Inn public house and pavilion. Pedestrian permeability is provided with double height tunnel walkways from Sweet Street through to the courtyards.
- 2.4. The public house on the corner of Sweet Street West and Marshall Street is largely retained and refurbished, with later additions demolished to make way for a two storey extension to the south and west. As well as a main entrance off Marshall Street the rear of the pub would open onto the new public square. A south facing rear terrace is also proposed at first floor level.
- 2.5. From the public house on the corner running down Marshall Street would be the 4 storey detached pavilion building followed by an eight storey office building.
- 2.6. The pavilion has an irregular 7 sided polygon floor plan. Food and beverage use is proposed on the ground floor, resident’s gym on the 1st floor, co-working space on the 2nd floor and bar on the 3rd floor. The west facing walls at 2nd and 3rd floor levels are set back leaving terraced areas for social interaction.
- 2.7. The office building provides 14,863sqm of office floor space and is 76m long and 31m wide at its northern end. It has a double height reception space in the centre of the building opening onto Marshall Street. In terms of height it

drops down from 8 storeys to 5 at the southern end to respect the scale of the Holbeck Library listed building.

#### Outline Application (Phase 2)

- 2.8. The outline application is for a maximum of 900 dwellings, a maximum of 7,000sqm of office floorspace and a maximum of 200sqm of commercial floorspace.
- 2.9. An indication of the layout and scale of the outline proposals are given on the Proposed Ground Floor Site Plan and Vertical Limits of Deviation Plan. The area of the outline application is the rear part of the site that backs onto the railway line. Four separate buildings are shown:
- 2.10. The Resi 2 building would sit in the centre of the site, with four sides around a courtyard. It would have up to 14 storeys (80m)
- 2.11. The Resi 3 building would sit at the north west corner of the site where the railway crosses Sweet Street West. It would have up to 30 storeys (125m)
- 2.12. The Resi 4 building would sit half way along the railway frontage in an L shape footprint. It would have up to 14 storeys (80m)
- 2.13. The Office 2 building would sit at the southern end of the site where Nineveh Road rises to cross the railway, adjacent to Holbeck Library listed building. It would have up to 6 storeys (60m).
- 2.14. The application is supported with the following documents:
  - i. Scaled Drawings
  - ii. Design and Access Statement + Addendum
  - iii. Design and Access Statement Addendum
  - iv. Air Quality Assessment
  - v. Arboricultural Impact Assessment
  - vi. Drainage Strategy
  - vii. Drainage Strategy and Surface Water Management Plan
  - viii. Drainage Inspection Report
  - ix. Drainage Strategy Design Note
  - x. Ecological Assessment
  - xi. Energy Statement
  - xii. Fire Statement
  - xiii. Flood Risk Assessment
  - xiv. Historic Environment Assessment
  - xv. Housing Needs Assessment
  - xvi. Landscape maintenance and management plan
  - xvii. Landscape specification
  - xviii. Noise assessment
  - xix. Planning and Tall Building Statement
  - xx. Sand and Coal Recovery Report
  - xxi. Statement of Community Involvement
  - xxii. Sustainability Statement
  - xxiii. Dwelling SAP Ratings

- xxiv. BRUKL reports for commercial buildings
- xxv. Travel Plan
- xxvi. Wind Microclimate Reports
- xxvii. Design Principles
- xxviii. Landscape Design and Access Statement
- xxix. Geoenvironmental Desk Study
- xxx. Townscape Visual Impact Assessment
- xxxi. Transport Assessment
- xxxii. Highways Response Technical Note
- xxxiii. Viability Report + cost reports
- xxxiv. Biodiversity Report and Metric 3.0
- xxxv. Railway Solar Glare Report

### **3. Site and Surroundings:**

- 3.1. The cleared brownfield site of 3.1ha in size is bounded by Sweet Street West to the north, Marshall Street to the east, a bit of Nineveh Road to the south and the railway line running diagonally to the west. It is roughly triangular in shape with The Commercial public house (now vacant but formerly owned by Peter Lorimer) at the 90° corner of Sweet Street West and Marshall Street within the site. But the site boundary excludes the separately owned grade 2 listed Holbeck library which has an elevated position on the corner of Marshall Street and Nineveh Road.
- 3.2. There are listed buildings to the north of the site. Buildings associated with the grade 1 listed Temple Works including the Drapers Yard building are on the north side of Sweet Street West opposite the site. The Grade 2 listed Marshall Mills is further north on Marshall Street.
- 3.3. The site is within the City Centre boundary and also within the City Centre Housing Market Characteristic Area. The Commercial public house is the only part of the site that lies within the Holbeck Conservation Area which covers land predominantly to the north of Sweet Street West.
- 3.4. The site is within the scope of the Holbeck Neighbourhood Plan and both the South Bank Leeds and Holbeck South Bank Supplementary Planning Documents.
- 3.5. A high pressure gas main runs east-west along Sweet Street West.

### **4. Relevant Planning History**

- 4.1. In August 2007 outline permission (20/304/05/OT) was given for a major development of 66,160m<sup>2</sup> of residential floorspace (approximately 830 apartments), 14,357m<sup>2</sup> of office floorspace, 2,987m<sup>2</sup> of B1 workspace, a community and medical centre (700m<sup>2</sup>) and creche and gym (1,665m<sup>2</sup>). This was followed up by a reserved matters approval for internal roads and footways (10/03383/RM) in October 2010. An extension of time (12/02031/EXT) for the outline permission was approved 9/4/13, but none of these permissions were ever implemented.
- 4.2. An idea for the site to be developed as a factory for the manufacture of designer clothing was never followed up with any planning applications.

## 5. History of Negotiations

- 5.1. Pre-application meetings took place and a presentation to Plans Panel on the initial and further iteration of the proposals before the planning application was submitted in June 2022.
- 5.2. At Plans Panel on 27/1/22, Members raised the following issues:
- Members were of the opinion that the principle of the development was acceptable
  - This is a big strategic site and a high-quality scheme needs to be brought forward, including carbon zero development
  - There is a need to create the right urban environment with lots of trees and greenspace that is reflective of the aspirational images presented
  - The housing mix for this site is an important element
  - There will be a significant number of residents on this site and it is important that the necessary facilities are provided/ available
  - It is important to understand how office workers would travel to and from the site. The development needs to take into account aspirations for mass transit travel
  - There were mixed views on the proposed 27 storey apartment building with one Member not convinced by the proposed height whilst another was supportive
  - The proposed 6 storey office block would be overbearing/ dominate the former Public Library building
  - The Commercial Pub is too isolated, needs to be brought more into the development by perhaps facing into the site
  - A substantial buffer is required between the railway line and the residential blocks
  - Members were supportive of the proposed mix of uses
  - Members were generally supportive of the emerging design, scale and layout of the development, but further details were required to address the detailed comments above
  - Members supported the approach to residential and office car parking provision in this location
- 5.3. A further presentation to Plans Panel of 19/05/22 concentrated on design changes, including agreement to provide 10% three bedroom units, stepping down of the office blocks toward the listed library building on the structural grid of each block, opening the rear of the Commercial Inn to integrate with the proposed public square, and increase in public open space from 23% to 30%. More detailed landscaping proposals were presented. In response members welcomed the changes to the plans and the design for a cohesive neighbourhood with provision of greenspace. One member questioned the need for supermarket provision as there is one quite close to the site.
- 5.4. The main revisions to the planning application submitted in June 2022 have included pulling back the building line of the Resi 3 building to 10m from the centre line of Sweet Street West in order to be consistent with the Resi 1



building and accord with guidance of the Draft Temple Quarter Brief to safeguard land for a mass transit route along Sweet Street and Sweet Street West. As a consequence of this the height of Resi 3 as set by the parameter plans for the outline elements of the application has been increased by 3 storeys to 30 storeys (125m). The green buffer alongside the railway line has been widened and detailed design improvements have been agreed to the street frontage of the Resi 1 building and the Pavilion.

## **6. Public/Local Response**

6.1. Planning application publicity consisted of:

- i. Leeds City Council Public Access Website posted 27/6/22
- ii. Site Notices posted 7/7/22
- iii. Yorkshire Evening Post published 15/7/22

6.2. Nearby landowner developer CEG commented on the proposed scheme. It is supportive of the proposed quantum and mix of development in principle but makes the following points:

- Concern about the impact on the Draper's Yard building on the north side of Sweet Street West, that CEG expect to be occupied by LAB Corp who will be undertaking delicate medical procedures.
  - i. To avoid unacceptable impacts from construction activity CEG propose a condition be applied to any permission that requires a construction management plan be approved by LCC that sets out how consultation with LabCorp will take place on appropriate mitigation measures to ensure they are not unduly impacted by the construction activities.
  - ii. LabCorp also require two "blue light" routes for emergency vehicles. CEG request that any highways works undertaken in support or associated with the Sweet Street West Masterplan are planned to allow for at least two blue light routes to Draper's Yard to remain open at all times, this is inclusive of, but not limited to routes along Sweet Street and Marshall Street.
  - iii. Drapers Yard may be affected by loss of daylight and sunlight from the proposed development. CEG request a Daylight/Sunlight/Overshadowing assessment to assess the impact on the amenity of the area. This would be consistent with the Draft Temple Planning Brief (paras 6.14.17-24) and Policy BD5 of the UDPR and Tall Building SPD.
- Given that much of the development will be car free, CEG expects the applicant to accommodate the greater number of development generated trips through non-car modes. This should include provision beyond the site frontage and include contributions toward large-scale schemes in the area.

- Is the applicant aware of LCC's plans for an Active Travel Scheme through an Experimental Traffic Regulation Order (ETRO)? Are proposals for Sweet Street West consistent? Will the proposed contraflow cycle lane on Sweet St and the eastbound one-way system for vehicles on Sweet St work effectively if on-street parking is provided on the south side of Sweet Street West? And will servicing of Draper's Yard be compromised? Does the widening of the public highway offer opportunity to use the additional width to secure appropriate access to Drapers Yard alongside new active travel infrastructure?
  - CEG would welcome discussion on these points.
- 6.3. In response it can be noted that a Construction Management Plan has been submitted, revised and agreed and the applicant has committed to work with the main contractor to ensure that relevant parties are consulted, including both CEG and LabCorp, to ensure that any potential operational impacts are minimised and appropriate temporary mitigation is implemented as necessary. The applicant has also said it does not believe full road closures will be required to facilitate the construction of the development, but this will be considered noting the various routes that are available to access the neighbouring site.
- 6.4. It is considered that the width of Sweet Street West plus set back of buildings as proposed means that there will not be excessive loss of sunlight/daylight or overshadowing to Drapers Yard, given the city centre context. The main part of the LabCorp building faces the two storey public house whose height will not change; the element of the proposed Resi 1 building closest to the LabCorp building would be 6 storeys in height and is approximately 25m away.
- 6.5. In terms of contributions to active travel infrastructure in the South Bank area, the development will deliver a dedicated two way cycle path on Marshall Street, wide footpaths on Marshall St and Sweet St West and pedestrian permeability through the site. Contributions are also being made to off-site transport improvements, including Bath Road, the City Centre Package and a new pedestrian crossing facility at Nineveh Road.
- 6.6. The Leeds Civic Trust gave a favourable response to the pre-application proposals, but raises more detailed design comments on the current proposal:
- i. In terms of the potential of the scheme to improve links and accessibility it makes no mention of the direct bridge link over the railway which is an aspiration of the Holbeck Neighbourhood Plan (HNP) and the South Bank Planning Framework (SBPF). Also, the proposed footprint of the L shaped tower [Resi 3 building] impedes potential for improved access to west Holbeck under the railway and prevents continuation of the boulevard of trees along Sweet Street West, contrary to the HNP and SBPF.
  - ii. The massing of the development, including the excessively tall north west tower [Resi 3 building] could be harmful to mid-distance views of listed buildings Temple Works and Marshall Mills

- iii. The housing mix fails to prioritise 4 bed dwellings as expected by the HNP
  - iv. The reasonable amount of public space is hemmed in and over shadowed by blocks. Occasional seating and playground structures fail to give a convincing impression of spaces for people to dwell.
  - v. The character of the Commercial Inn has been masked. Its architectural identity - albeit modest and hybrid - ought to be a stronger contribution to the scheme.
- 6.7. In response it is considered that the aspiration for a bridge from Marshall St over the railway to Nineveh Parade (Policy T4 of Holbeck Neighbourhood Plan) could not be viably delivered by this development. However, a new pedestrian crossing over Nineveh Road will be provided just to the west of the junction with Marshall Street.
- 6.8. The development proposals have been revised to pull back the building line to the Resi 3 building thereby continuing the boulevard of trees along Sweet St West. It is considered that the height of Resi 3, revised to 30 storeys, would be acceptable in this location which is sufficiently distant from sensitive listed buildings.
- 6.9. Regarding housing mix, during the pre-app process Members pressed for an increase in the mix of 3 beds to 10% which has been achieved in the Resi1 building of Phase 1. The Housing Needs Assessment submitted with the application believes that proposed housing mix is acceptable given the location of the site within the city centre and the demand for accommodation within the Build to Rent sector.
- 6.10. It is considered that there is sufficient space between and around buildings overall (see Landscape comments below) and the quantity of public open space required by Policy G5 at 0.79ha (25% of site area) is sufficient.
- 6.11. It is considered that the character of the Commercial Inn is retained in terms of removal of later additions and subordinate linear extensions. Also, a condition will require the potential to remove the render to street elevations (thus revealing original brickwork) to be explored.
- 6.12. An objection was received from the occupier of the former public library on the corner of Marshall Street and Nineveh Road. The objections are:
- i. The proposed development would be detrimental to their grade II listed library building which is important because its architectural and historical significance for Holbeck and Leeds
  - ii. The height and proximity of the proposed development would overshadow their building. It would have an overbearing oppressive impact and breach their right to light
  - iii. The new development needs to be planned to take into account the drainage soakaway that their building relies upon for drainage. Otherwise their building could suffer flooding.

- 6.13. An appraisal of the impact of the development on the former library listed building is made in the appraisal section below. The Council's drainage engineers and Yorkshire Water have expressed their satisfaction with the drainage plans for the development.
- 6.14. A neighbour of the nearby Candle House, Wharf Approach, supports the proposal in principle, but feels that with an increase in residents there is a need for improved public service provision, particularly local health services. Could a GP or larger supermarket be provided?
- 6.15. In response it is understood that the applicant is in negotiations to secure the presence of a 350sqm supermarket within the commercial space. As an out-of-centre location, planning policy only allows for up to 372sqm of convenience retail space in locations such as these. Further space would be available for a GP surgery if there were interest from health providers.

## 7. Consultation Response

### Statutory

#### Coal Authority

- 7.1. The Coal Authority raises no objection based on the Phase 1 Geoenvironmental Desk Study of Ramboll UK Ltd 22/7/22.

#### Health and Safety Executive (HSE)

- 7.2. The HSE concludes that it is "content" with the proposal. It recommends conditions applicable to the outline element of the scheme, 1) that satisfactory fire statement submitted with any reserved matters application and 2) that HSE be consulted on any reserved matters application.
- 7.3. The HSE also observed that the 1st to 5th floor plan drawings illustrate flats that have windows at right angles with windows of the adjoining flats and in close proximity (less than 1 m). Further engineering analysis may be required to determine if the proposed design may allow the spread of fire or smoke from a flat to another, by way of windows. The results of such analysis may affect land use planning considerations such as the appearance of the development.
- 7.4. *The applicant responded that all internal corner windows will be positioned min 1m away from the internal junction as advised by the fire engineer to comply with Approved Document B. All these internal corner windows are under 3.6m<sup>2</sup> in area as advised by the fire engineer to comply with Approved Document B. All areas of the external wall within 1m of the junction of the flat with the window located 1m away will be fire rated to achieve at least 120 minutes fire resistance.*
- 7.5. *The applicant has also agreed to a condition requiring submission of a fire statement in relation to any reserved matters application for the outline element.*

## Northern Gas Networks (NGN)

- 7.6. A high pressure gas pipeline, known as Birkshall – Meadow Lane, passes along Sweet Street West. It is 450 mm diameter and has a maximum operating pressure of 17bar (equivalent to 247 psig). Pipeline Safety Reference is 1923. NGN's advice is as follows:
- i. no occupied buildings should be erected within 7 metres of the pipeline. *The development achieves this. The two new buildings Resi 1 (full planning application) and Resi 3 (outline application) will be set back 10m from the centre of Sweet Street West. The Commercial Inn is an existing building but City Council's Uniform OS mapping shows a sufficient gap of 8.5m between the centre of the pipeline and the frontage of the pub.*
  - ii. no other structures or buildings should be placed over the 7m easement either side of the pipe that could adversely affect the pipe or restrict access for repairs, maintenance or monitoring. *The applicant has confirmed that this will not be the case, other than street furniture.*
  - iii. The depth of cover of the pipe should not be reduced. *The proposed development is metres away from the pipe so will not reduce the depth of cover.*
  - iv. Drainage or balancing ponds should not be placed over the pipe. *The proposed development is a sufficient distance away from the pipe so will not reduce the depth of cover.*
  - v. Tree planting should adhere to guidelines such that the planting of particular species of trees provides sufficient distance from the pipe so that roots will not damage the pipe, including in cases where trees blow over in the wind. *The applicant confirms that the tree guidelines will be adhered to.*
  - vi. Protective measures for any new road crossings over the pipe should be agreed with NGN. *The development will not be creating any new roads or crossings of the pipe.*
  - vii. safety precautions should be agreed with NGN and adhered to by any third parties appointed by the developer to carry out ground works in close proximity to the pipe at any point along its length. *The applicant confirms that safety precautions for all ground works in proximity to the pipe will be agreed in advance with NGN, including its own works and those of any third parties appointed.*
  - viii. no blasting techniques should be used in construction. *The applicant has agreed to not use blasting techniques.*
  - ix. NGN should be informed where the population density of a scheme will exceed 30 persons / hectare. In these instances, additional safety obligations fall to the gas transporter, such as NGN, who are obliged to seek to agree lower densities with developers. *This development will*

*have a density of over 2000 persons per hectare when fully occupied which is typical for city centre locations such as this. From a wider planning perspective there are significant benefits of higher densities in highly accessible sustainable city centre locations such that the proposed density of this development is supported in proximity of the pipe.*

- 7.7. NGN have confirmed satisfaction with the applicant's responses to points i - viii but maintain objection on the basis of point ix. This is addressed under the Appraisal section below.

Historic England

- 7.8. No objection. Advice given to rely on views of LCC's specialist advisers.

Yorkshire Water

- 7.9. Yorkshire Water raised a number of concerns with the initial proposal that were addressed by the applicant such that Yorkshire Water on 5/9/22 confirmed their satisfaction with the responses, subject to conditions.

Network Rail

- 7.10. A number of concerns were raised by Network Rail in relation to the initial scheme. These have all been addressed such that no objection is raised.

- i. In order to protect its assets along the rail corridor that abuts the south west side of the site, Network Rail requested a condition that a construction methodology be drawn up in consultation with Network Rail and agreed by the local planning authority. *Such construction methodology was submitted as part of the Enabling Works planning application 22/05819/FU approved 1/12/22. This was conditioned to ensure consultation with network rail before development commences.*
- ii. A condition is also requested to not allow any ponding of water adjacent to the boundary with Network Rail or any attenuation scheme within 30m of the railway boundary without the prior agreement of Network Rail. *This condition was placed on the Enabling Works application 22/05819/FU, but it is also applied to this application.*
- iii. Network Rail is concerned about trespass and incursion of individuals or vehicles onto railway land and requests conditions to prevent this. *Conditions are proposed to require a trespass proof fence and vehicle barriers as necessary.*
- iv. Network Rail considers that trees planted too close to the boundary with the railway can impact adversely on operational railway safety. Trees and shrubs should not be planted any closer to the boundary than their expected height at maturity and a number of tree species are considered unacceptable: Acer (*Acer pseudoplatanus*), Aspen – Poplar (*Populus*), Small-leaved Lime (*Tilia Cordata*), Sycamore – Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), Ash (*Fraxinus excelsior*), Black poplar (*Populus nigra var*,

betulifolia), Lombardy Poplar (*Populus nigra* var. *italica*), Large-leaved lime (*Tilia platyphyllos*) and Common lime (*Tilia x europea*). The following tree species are acceptable: Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees – Pines (*Pinus*), Hawthorn (*Cretaeagus*), Mountain Ash – Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (Shrubby *Salix*), Thuja Plicatata “Zebrina” *The applicants have revised the landscape plans to include the acceptable species of tree. It is considered that Network Rail’s tree concerns have been addressed in indicative landscaping plans for the green buffer corridor next to the railway line – see Appraisal section below for further details.*

- v. Network Rail is concerned about lighting and glass reflections around the site, startling train drivers. As a consequence, the developer commissioned a glint and glare report. Network Rail are broadly satisfied with the conclusions of the report with the exception of possible instances of low level sun distractions to train drivers. Network Rail therefore recommend a condition to address any complaints up to 2 years after the completion of the development. The applicant is agreeable to this condition.

Environment Agency

- 7.11. No response.

Non-Statutory

LCC Conservation

- 7.12. Consideration is given to the impact of the development on 8 historic assets in the vicinity of the development with the conclusion of very low less than substantial harm:

- The Commercial Inn
- Holbeck Conservation Area
- Temple Mill
- Former Holbeck Library
- Marshall Mill
- Tower Works
- LNWR Viaduct
- Holbeck Depot.

- 7.13. It is recognised that the development would bring positives including sense of enclosure to Sweet Street West, refurbishment and re-use of the Commercial Inn and enhanced long-term viability for investment. These positive effects should be considered to be "public benefit" to be weighed against the harm in accordance with paragraph 202 of the NPPF. The Commercial Inn is an historic asset which is impacted directly through the proposed extension and also indirectly through changes to its setting and its re-use should be considered part of the public benefit of the proposed development. There is potential to increase public benefit by removing the render which currently obscures the

original brick elevations, but this should be subject (by condition) to the removal of sections of the render to investigate whether the brickwork's condition is satisfactory. Conditions should also be applied to control the repair of the brickwork and stone dressing if it is considered that the removal of the render is viable and replacement windows and doors.

- 7.14. Response: *the applicants have agreed to conditions to investigate the render removal, repair of brickwork and replacement windows and doors.*

#### LCC Landscape

- 7.15. Concerns expressed about the loss and replacement of trees, the green buffer along the railway line, about the building line of the Resi 3 outline application building and having a consistent tree line for the full length of Sweet Street West have been addressed. The development would result in the loss of 71 existing trees which will need to be replaced at a ratio of 3:1. A number of conditions are recommended to protect existing trees/hedges/bushes. It is accepted that the overall density of scheme which has not changed from the pre-application proposals will have a degree of shadowing. Amendments to the open space uses - play space and grassed gardens - make the best of the sunnier spots.

#### LCC Flood Risk Management and Drainage

- 7.16. Additional drainage information was requested and submitted including Meinhardt Design Note 02 Rev 03 dated 08/12/2022 which satisfies concerns raised. As such the Flood Risk Management service has no objection subject to conditions that the drainage arrangements of the Design Note are implemented and that a drainage scheme for the construction period is submitted, agreed and implemented.

#### LCC Climate Change

- 7.17. No objection subject to conditions. Further to the initial Energy Statement and Sustainability Statement by the applicant's consultant Hoare Lee, the Climate Change officer required submission of BRUKL and SAP sheets for all the buildings to validate the energy use claims of the Statements. The submitted sheets demonstrate that phase 1 of the development will meet the requirements of Core Strategy Policy EN1i).
- 7.18. It has also been agreed that conditions will be used to secure compliance of Phase 1 of the development with the following:
- Policy EN1(ii) concerning renewable energy generation from air source heat pumps and photo voltaics
  - Policy EN2 concerning water usage of sanitary fittings, and
  - Policy EN4 concerning connection to a district heating network
- 7.19. Phase 2 will be subject to conditions that will require submission of design details and implementation to ensure compliance with Policy EN1, EN2 and EN4.



## LCC District Heating

- 7.20. There are long-term ambitions to extend the Leeds PIPES network to this part of the city centre, but at present there are no clear timescales. It should also be noted that with Heat Network Zoning due to come into effect in 2025, the growth of heat networks will increase and there may be another network in operation in the area. At this point, enabling future connections in any blocks with sufficient heat demand is a sensible solution. The applicants have agreed to this being controlled by condition.
- 7.21. LCC Access Officer
- 7.22. The number of accessible dwellings to M4(2) and M4(3) standard exceeds the policy requirement which is welcome. The Access Officer sought confirmation that the public, office and commercial areas of the new development would meet the accessibility standards of Part M of the building regulations and the landscaping would meet BS8300 2018.
- 7.23. The applicant confirmed the full application i.e. (Resi 1 building, pavilion, public house and office 1) have / will be designed and developed to meet the requirements of Approved Document M including access to, and use of buildings. The outline elements of the application have not yet been designed in detail, but the developer commits that when they come forward, they will be designed and developed to meet the requirements of Approved Document M. Regarding the landscaping, the developer confirms that the overall design of the scheme prioritises pedestrian movement with clear linear unobstructed routes for pedestrians and segregated cycle lanes on Marshall St and Sweet St West. Footpaths along Marshall St and Sweet St West are 3m wide and within the development a minimum of 2m wide. All buildings in the full application have access at grade. Seven disabled parking bays are being provided to serve Phase 1 (Full Permission) including 4 in the Office 1 basement car park and 3 behind the Resi1 building. An additional 2 disabled parking bays will be provided on Sweet Street West, but these are for general public use. Street furniture such as benches, lighting and cycle stands are set within planting beds to avoid clutter. All drawings are designed to RIBA Stage 3 with many elements, such as bench arm rest spacing, bench heights and surface finishes, are designed to BS800-1 2018.

## LCC Nature Conservation

- 7.24. The initial assessment of the development calculated a biodiversity deficit of 24.02 Biodiversity Units, which carried a cost based on the Council's policy and practice of £600,500.
- 7.25. The Preliminary Ecological Appraisal (PEAR) identified two buildings on site that had bat roosting potential and committed to undertake two bat surveys. The PEAR also identified that the site contains habitat with potential for foraging bats and recommends appropriate lighting to avoid impacting on bats, including a lighting design strategy for bats and illustrative maps. The developer submitted a bat survey which is acceptable subject to conditions on lighting.

- 7.26. The PEAR also notes that the site contains habitat suited to nesting birds. Conditions are required to avoid harming birds and their active nests.
- 7.27. Japanese knotweed, an invasive non-native species, is present on the site which requires a condition to ensure its eradication.
- 7.28. Response: *the applicant has agreed to all standard conditions applicable by phase of development.*

#### LCC Environmental Health

- 7.29. Following initial comments raising concern about noise from the streets, public spaces and terraces, railway and commercial uses combined with summer temperatures, the applicant agreed to install mechanical ventilation to all the apartments in Resi 1 and agreed to a number of conditions to control hours of use of terraces, amplified sound, deliveries and waste collection on Phase 1 and to submit details in connection with Phase 2.
- 7.30. Evidence of expected temperatures of habitable rooms in Resi 1 and mitigation measures for dealing with overheating as a result of solar gain on the southern façade submitted by the applicant are considered as good as can be expected at this time and fall within the current industry standard parameters.

#### LCC Environmental Studies (Transport Noise and Air Quality)

- 7.31. The Noise Assessment submitted by MZA Acoustics in support of this application details on-site noise measurements and noise modelling which were then used to formulate a glazing and ventilation strategy such that acceptable noise levels may be achieved throughout the site. We agree with the methodology, findings and recommendations of the Noise Assessment.
- 7.32. Based on the air quality assessment submitted, no objection on the grounds of local air quality. A condition to control dust and particulates during demolition and construction has been agreed to by the applicant.

#### LCC Highways

- 7.33. Regarding adoption issues, the internal road connecting Sweet Street West and Marshall Street will be built to adoptable standard but maintained in private ownership. In addition, stopping up of Walton Street will be undertaken. The road off Marshall Street would be two-way up to the residential block 2 and office block 2 and thereafter will be one-way in a clockwise direction. The phase 1 development would not provide the internal road in its entirety due to the adverse construction impact on the road from the works to deliver the later phase 2. As a result an interim solution has been agreed with Highway Services to enable acceptable servicing and access from both Sweet Street West and Marshall Street to serve phase 1.
- 7.34. Regarding accessibility the 3m footway and 3m bi-directional cycleway on Marshall St and the 10m buffer zone to the Sweet Street frontage are welcomed.

- 7.35. The site has good accessibility generally, including to the Tesco at Bridgewater Place, but improvements could be made, particularly to facilities south of the site. In line with Policy CC3 of the Core Strategy, the applicant has agreed to fund an improved pedestrian crossing facility over Nineveh Road, just to the east of the junction with Marshall Street. This will involve the formation of a small pedestrian island in the centre of the road. Also, the developer has agreed to contribute toward improvements for pedestrians and cyclists within the area. See Appraisal section below for further details.
- 7.36. A number of detailed concerns have been raised about the operational effectiveness and safety of the scheme which are set out in the Appraisal section below.
- 7.37. A number of conditions, a S278 agreement and a S106 Agreement are recommended and the key provisions of these have been agreed with the applicant.

#### LCC Influencing Travel Behaviour

- 7.38. The team is satisfied with the revised Travel Plan including commitment to contribute to travel funds, which will be secured through a legal agreement. The S106 obligations agreed are:
- i. Leeds City Council Travel Plan Review Fee of £19,688 for the Travel Plan, subject to an annual increase in April each year in line with general income inflation
  - ii. Provision of Leeds City Council Car Club provider parking spaces (with EVCP)
  - iii. Provision of a Residential Travel Plan Fund of £345,518.25 part of which is to be expended on Leeds City Council Car Club free trial membership and usage package. A 50% discount has been applied due to the development being within the city centre fringe location
  - iv. Mitigation measures if mode split targets are not met

#### National Highways

- 7.39. National Highways have submitted a Holding Recommendation for the application not to be determined until further information on trip generation is submitted and agreed. The response from National Highways stresses the importance of ensuring that new developments promote sustainable travel choices - walking, wheeling, cycling, and public transport - and reducing the need to travel by private car. As such, the need for infrastructure enhancements to the Strategic Road Network can be reduced. National Highways considers that Leeds' Consistent Approach to trip generation as applied to city centre sites will need review to ensure that developments are optimising sustainable travel choices.
- 7.40. Council officers consider that the proposed development is highly sustainable with low provision for car ownership, good provision for pedestrians and cyclists including contributions toward off-site route improvements and sustainable travel infrastructure in the area. As such it is anticipated that the

Holding Recommendation can be lifted in response to the applicant supplying additional information. It is recommended that this matter is deferred and delegated to officers to address.

#### LCC Local Plans

- 7.41. The mix of uses is considered appropriate in accordance with the site allocation; no policy objection is made to the lack of general employment land in the scheme.
- 7.42. Public open space is required by Core Strategy Policy G5 as the greater area of either 20% of the total site area, or a minimum of 0.41ha per 1,000 people. For this scheme the latter requirement is greater, equating to 1.1ha (based on an average occupancy of 2 persons per dwelling in the City Centre). Negotiations have established what can be agreed to count as Public Open Space for the purposes of Policy and a financial sum in lieu can be accepted for the shortfall. The agreed amount of Public Open Space is 0.79ha, or 25% of the site area. The shortfall of 0.31ha translates into a sum of £263,540.12.
- 7.43. There are planning policies to support improved connections to the site surroundings. Policy CC3 notes the importance of providing and improving routes connecting the City Centre with adjoining neighbourhoods and the need to improve connections within the City Centre to improve access to jobs and services, to encourage greater usage and make walking and cycling easier, safer and more attractive. As noted through Policies H5 and E2 of the Holbeck Neighbourhood Plan, there is an opportunity, through the development of this scheme, to help address severance issues with Holbeck. The policies encourage pedestrian and cycle links which will facilitate safe and easy movement between the Holbeck Neighbourhood Area south of the site(s) and the remainder of Holbeck, and also look for the environment of Sweet Street to be improved through the creation of a local green corridor with greenspace and street trees and active frontages.
- 7.44. Holbeck Neighbourhood Plan Policy T4 also provides specific support to development which supports a new foot and cycle bridge across the railway connecting Nineveh Parade and Marshal Street. This is an important aspiration of the Plan, though at the current point in time it is understood that specific plans for this new bridge have not yet been developed, and a delivery mechanism for progressing this is not in place. This limits the extent to which this application could be required to contribute towards the delivery of this scheme. Importantly, however, the proposal would not obstruct the delivery of such a new bridge at a later date, and the connectivity through the site from its SE corner would provide an option of onward routes for those using this bridge.
- 7.45. Commercial uses are proposed at ground floor level as part of the development. The exact type of uses proposed is not confirmed, with flexible permission being sought for all uses within the E use class as well as Sui Generis (drinking establishment) uses. Given the location of the site within the City Centre boundary a mix of uses within the E use class would be acceptable. However, Policy CC1 of the Core Strategy does require that a sequential approach is taken to the siting of retail floorspace, recognising the importance

of supporting the role of the primary shopping quarter and (for convenience retail) local convenience centres. No sequential assessment has been submitted with the application. Consequently, it is recommended that a condition is used to limit the extent of convenience retail to 372sqm (as the threshold at which a sequential assessment is required for convenience retail proposals in this location according to Policy CC1(f)).

#### LCC Waste Management

- 7.46. Sets numbers, dimensions, distances and related stipulations for bin storage to serve the residential apartments.

#### Contaminated Land Team

- 7.47. It is recommended in the approved Phase 1 Desk Study report that a site investigation be carried out. It would be preferable to receive the Phase 2 site investigation report prior to recommending conditions. Where permission is to be granted a number of conditions are needed to require submission of a Phase 2 investigation report, to undertake specified actions if unexpected contamination is discovered and, on completion of remediation works, to submit a verification report. Directions are also recommended to advise that the reports need to be prepared by qualified people and that the remediation needs to be designed to be suitable for the proposed uses of the development. The applicants have agreed to the conditions.

#### Private Sector Housing Team

- 7.48. Concern about the risk of fire from the arrangement of apartments to have inner and outer rooms has been addressed by the applicant installing fire safety provisions for open plan design throughout the Resi 1 building in phase 1 of the development. This will include sprinklers with a Category LD1 automatic fire detection and alarm system to BS 9991 standards. This commitment has satisfied the Private Sector Housing Team.

## **8. Relevant Planning Policies**

### **8.1. Statutory Context**

- 8.1.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making at this site, the Development Plan for Leeds currently comprises the following documents:

- The Leeds Core Strategy (Adopted November 2014)
- The Site Allocations Plan (Adopted July 2019 except for 37 Green Belt sites remitted back to the Secretary of State for re-examination)
- The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013) including revised policies Minerals 13 and 14 (Adopted September 2015)
- Saved Leeds Unitary Development Plan Policies (2006), included as Appendix 1 of the Core Strategy

- The Holbeck Neighbourhood Plan

8.1.2. These development plan policies are supplemented by supplementary planning guidance and documents.

## **9. Development Plan**

### **9.1. Leeds Core Strategy (CS)**

9.1.1. The adopted CS sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. The most relevant policies are set out in the paragraphs below:

Spatial Policy 1: Location of Development prioritises the redevelopment of previously developed land within the Main Urban Area, prioritising urban regeneration and taking advantage of existing services and high levels of accessibility.

Spatial Policy 3: Role of Leeds City Centre views the city centre as the regional capital for office development (i) and the South Bank / Holbeck Urban Village as the main focus for office development. It sees the city centre as an area for comprehensively planning the redevelopment and re-use of vacant and underused sites for mixed use development and new areas of public space (iv), an area for improved connections with adjoining neighbourhoods (viii) and an area for expanding city living with a broader mix of housing, including family housing (x).

Spatial Policy 6: The Housing Requirement and Allocation of Housing Land establishes a target of 51,952 (net) new dwellings to be delivered between 2017 and 2033. This provision should be guided by the settlement hierarchy, with a preference for sustainable, brownfield locations and areas having low flood risk.

Spatial Policy 7: Distribution of Housing Land and Allocations establishes that 15.5% of dwellings to be identified should be within the City Centre in the period 2017-33.

Spatial Policy 8: Economic Development Priorities supports a competitive local economy through promoting the development of a strong local economy through enterprise and innovation, job retention and creation, promoting the need for a skilled workforce, educational attainment and reducing barriers to employment opportunities, and by supporting training/skills and job creation initiatives via planning agreements.

Spatial Policy 9: Provision for Offices, Industry and Warehouse Employment Land and Premises.

Spatial Policy 11: Transport Infrastructure Investment Priorities sets out a series of spatial priorities for the delivery of an integrated transport strategy for Leeds. Priority iv) is expansion of the Leeds Core Cycle Network to improve local connectivity. Priority v) is improved facilities for pedestrians to

promote safety and accessibility, particularly connectivity between the edges of the City Centre and the City Centre. There are also intentions to deliver safer roads and better provision for people with impaired mobility to improve accessibility.

Policy CC1: City Centre Development expects the city centre to be planned to accommodate 655,000sqm of new office floorspace and 15.5% of the identified housing requirement. Residential development is encouraged providing it does not prejudice the town centre functions of the city centre and provides a reasonable level of amenity for occupiers. All non-retail town centre uses are supported within the city centre providing the use does not negatively impact on the amenity of neighbouring uses.

Policy CC2: City Centre South prioritises large scale office development, cultural and leisure uses and sees substantial opportunity for residential development in the southern half of the city centre.

Policy CC3: Improving Connectivity between the City Centre and Neighbouring Communities sets out the requirement to improve routes connecting the City Centre with adjoining neighbourhoods and improve connections within the City Centre through developer contributions.

Policy H4: Housing Mix requires residential developments to provide an appropriate mix of dwelling types and sizes to address long term needs taking into account the nature of the development and character of the location. This should include the need to make provision for Independent Living. Table H4 gives an indication of the preferred housing mix across Leeds, before the nature of the development and character of location are taken into account:

Table H4: Preferred Housing Mix (2012 – 2028)

Type*	Max %	Min %	Target %
Houses	90	50	75
Flats	50	10	25
Size*	Max %	Min %	Target %
1 bed	50	0	10
2 bed	80	30	50
3 bed	70	20	30

\*Type is applicable outside of City Centre and town centres; Size is applicable in all parts of Leeds

Policy H5: Affordable Housing sets out a target affordable housing provision of 7% for build-for-sale residential developments. For build to rent developments such as the Resi 1 building in Phase 1, Policy H5 allows 3 delivery options in this location:

- i) 20% of dwellings on-site at 80% of local market rents

ii) 7% of dwellings on-site at Leeds City Council's benchmark rents, 40% of the affordable housing as "intermediate" and 60% of the affordable housing as "social rented" types

iii) a commuted sum in lieu of Option ii)

Policy H9: Space Standards expects all new dwellings to meet the minimum internal nationally described space standards.

Policy H10: Accessible Housing expects developments to provide at least 30% of new dwellings to M4(2) standards of accessibility and 2% to M4(3) standards of accessibility (wheelchair user occupant).

Policy EC3 Safeguarding Existing Employment Land and Industrial

For areas (including this site) that do not have a shortfall of employment land, the policy sets criteria for development involving the loss of employment land. Criterion i) concerns the retention of identified land to meet recognised employment needs; criterion ii) is a test of viability of the existing land; and criterion iii) allows loss of employment land if it is replaced with mixed use development that addresses local employment opportunities.

Policy P10: Design requires new development to be based on a thorough contextual analysis to provide good design appropriate to its scale and function. New development is also required to deliver high quality inclusive design. Policy P10 sets out a series of key design principles (i to vi) for new development, in relation to size, design, layout, existing assets, amenity and accessibility.

Policy P11: Heritage states that the historic environment and its settings will be conserved, particularly those elements which help to give Leeds its distinct identity.

Policy P12: states that landscapes will be conserved and enhanced.

Policies T1: Transport Management and T2: Accessibility Requirements and New Development identify transport management measures and accessibility measures to ensure new development is adequately served by highways and public transport, and provides safe and secure access for pedestrians, cyclists and people with impaired mobility.

Policy G5: Open Space in the City Centre, expects provision of open space on all development sites of 0.5ha or more in size. Commercial developments are expected to provide a minimum of 20% of site area; residential developments to provide a minimum of 0.41ha per 1000 population; and mixed use developments to provide whatever provision is greater. Where achievement on site is not realistic, contributions towards open space and public realm projects can be accepted in lieu of on-site provision.

Policy G9: Biodiversity Improvements states that development will need to demonstrate biodiversity improvements.



Policy EN1: Climate Change – Carbon Dioxide Reduction states that all developments of over 1,000 square metres of floorspace, (including conversion where feasible) whether new-build or conversion, will be required to:

- (i) Reduce total predicted carbon dioxide emissions to achieve 20% less than the Building Regulations Target Emission Rate and,
- (ii) Provide a minimum of 10% of the predicted energy needs of the development from low carbon energy.

Policy EN2: Sustainable Design and Construction states that to require developments of 1,000 or more square metres or 10 or more dwellings (including conversion) where feasible) to meet at least the standard set by BREEAM or Code for Sustainable Homes as shown in the table below. A post construction review certificate will be required prior to occupation.

Policy EN4: District Heating expects connection to be made to the district heat network where feasible.

Policy EN5 – Flood Risk. The site lies almost entirely in Flood Zone 1 with slither of Flood Zone 2 along Sweet Street West where it slopes down to go underneath the railway line.

## **9.2. Site Allocations Plan**

- 9.2.1. The Site Allocation Plan was adopted in July 2019. Following a statutory challenge, Policy HG2, so far as it relates to sites which immediately before the adoption of the local plan were within the green belt, has been remitted to the Secretary of State and is to be treated as not adopted. All other policies within the SAP remain adopted and should be provided full weight. The SAP provides office, residential, green space and retail allocations and other designations for all areas of Leeds with the exception of Aire Valley Leeds, which has its own plan.
- 9.2.2. The site forms part of the Temple Works Mixed Use Site (ref MX2-35) with indicative capacities of 1000 dwellings and 3.1ha of employment land. The total extent of the allocation is over 11 hectares covering this site plus land to the north of Sweet Street and Sweet Street West including Temple Works, land east and west of Bath Road and land east of Marshall Street.
- 9.2.3. The allocation has the following site requirements:
  - The site is suitable for older persons housing / independent living in accordance with Policy HG4
  - Marshall Street improvements for pedestrians
  - Contributions to Holbeck Urban Village traffic management, streetscape and pedestrian improvements
  - Contributions towards transport interventions for Meadow Lane, Victoria Road and Neville Street in line with emerging City Centre Transport Strategy and South Bank proposals
  - Development must preserve the special architectural or historic interest of Listed Buildings and their setting

- Development should preserve or enhance the character or appearance of the Conservation Area
- Detailed design layout should have regard to the proximity of a gas pipeline, consulting with Northern Gas Networks

### **9.3. Leeds Unitary Development Plan Review 2006 (UDPR) Saved Policies**

#### 9.3.1. Relevant Saved Policies include:

- Policy GP5 all planning considerations
- Policy BD2 design and siting of new buildings
- Policy BD4 mechanical plant
- Policy BD5 residential amenity
- Policy LD1 landscaping

### **9.4. Leeds Natural Resources and Waste DPD 2013 Part / 2015 Part**

9.4.1. The Natural Resources and Waste Local Plan was adopted by Leeds City Council on 16th January 2013. The Natural Resources and Waste Development Plan Document (Local Plan) is part of the Local Development Framework. The plan sets out where land is needed to enable the City to manage resources, like minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way.

#### 9.4.2. Relevant policies include:

- Air 1 management of air quality through new development
- Water 1: water efficiency
- Water 6 flood risk assessments
- Water 7 surface water run-off
- Land 1 contaminated land
- Land 2 development and trees
- Minerals 3 coal safeguarding

### **9.5. Holbeck Neighbourhood Plan**

9.5.1. The whole of the site falls within the Holbeck Neighbourhood Plan (HNP) area. Sweet Street West and Sweet Street provide a northern boundary to the HNP area. It is a relatively recent plan adopted on 9<sup>th</sup> April 2018 and sets a number of policy expectations for development of this site.

9.5.2. The site is identified under policy E2 Sweet Street West for employment use or a mix of residential and employment uses. Achievement of high quality environment and public realm is expected including:

- pedestrian and cycle links which will facilitate safe and easy movement between the Holbeck Neighbourhood Area south of the site and the remainder of Holbeck
- a local green corridor providing greenspace including street trees planted along the south side of Sweet Street, and;
- building entrances and windows along the Sweet Street local green corridor, including active frontages where possible

9.5.3. Policy G1 Strategic Green Infrastructure and Local Green Corridors states that development that lies alongside the proposed local green corridors should

include the provision of green space and/or planting appropriate to the scale of development including street trees, safe cycling routes and footpaths where possible. The northern side of this site forms part of the defined Local Green Corridor LGC4 Sweet Street/Marshall Street shown on Map 9 of the HNP and the Policies Map.

9.5.4. Policy T4 supports development that can deliver a new foot and cycle bridge across the railway connecting Nineveh Parade and Marshall Street. The supporting text explains that the routes between the two parts of Holbeck divided by the railway line are uninviting and awkward to get to and that a more direct attractive route would be via a new bridge across the railway.

9.5.5. Policy H2 expects the following dwelling types to be prioritised:

- Single bedroom properties
- Larger family houses
- Properties for independent living

#### **9.6. Relevant Supplementary Planning Guidance:**

SPD Southbank Leeds (2018)

SPD Holbeck and Southbank (2016)

SPD Building for Tomorrow Today Update (2020)

SPD Tall Buildings Design Guide (2010)

SPD Street Design Guide (2009)

SPD Parking (2016)

SPD Travel Plans (2015)

SPG Neighbourhoods for Living updates 2015 and 2020

SPD Accessible Leeds (2016)

Temple District Planning Brief Consultation Draft (2021)

#### **9.7. National Planning Policy Framework (NPPF) 2021**

9.7.1. The NPPF sets out the Government's planning policies for England and how these should be applied (para 1), and is a material consideration in planning decisions (para 2). It states that the purpose of the planning system is to contribute to the achievement of sustainable development (para 7). So that sustainable development is pursued in a positive way at the heart of the Framework is a presumption in favour of sustainable development (paras 10-11). It states that decision makers at every level should seek to approve applications for sustainable development where possible (para 38). The Framework sets policies on the following issues which are relevant to this planning application proposal (including section numbers):

2 Achieving sustainable development (paras 7, 8, 10, 11, 12)

4 Decision making (paras 38, 39, 40, 41, 43, 47, 48, 54, 55, 56, 57, 58)

5 Delivering a sufficient supply of homes (60, 62, 63, 65)

6 Building a strong competitive economy (81, 83)

7 Ensuring the vitality of town centres (86, 87)

8 Promoting healthy and safe communities (92, 93, 95, 97, 98)

9 Promoting sustainable transport (104-113)

11 Making effective use of land (119, 120, 121, 123)

12 Achieving well designed places (126-136)

- 14 Meeting the challenge of climate change and flooding (152-169)
- 15 Conserving and enhancing the natural environment (179-188)
- 16 Conserving and enhancing the historic environment (194)

9.7.2. In particular, Paragraph 93 of the NPPF supports the provision of community facilities and other local services in order to enhance the sustainability of communities: To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

plan positively for the provision and use of shared space, community

- i. facilities (such as local shops, meeting places, sports venues, cultural
- ii. buildings, public houses and places of worship) and other local services
- iii. to enhance the sustainability of communities and residential environments
- iv. ensure an integrated approach to considering the location of housing
- v. economic uses and community facilities and services.

9.7.3. Paragraph 95 attaches great weight to the need to create, expand or alter schools:

It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools; and
- work with school promoters to identify and resolve key planning issues before applications are submitted.

9.7.4. Paragraph 112 of the NPPF states that priority should be given to pedestrian and cycle movements; the needs of people with disabilities and reduced mobility addressed; creation of safe, secure and attractive spaces; allow for the efficient delivery of goods; and be designed to enable use by sustainable vehicles.

9.7.5. Paragraph 126 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process

9.7.6. Paragraph 130 states that decisions should ensure that developments:

- a. will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b. are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c. are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or

- discouraging appropriate innovation or change (such as increased densities);
- d. establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
  - e. optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
  - f. create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 9.7.7. Paragraph 131 says trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.

## **10. Main Issues**

- 10.1. Principle of the development
- 10.2. Viability Appraisal
- 10.3. Wind
- 10.4. Sustainability
- 10.5. Design, Landscape and Biodiversity
- 10.6. Sustainable Transport and Travel Planning
- 10.7. Housing Standards
- 10.8. Green Space
- 10.9. Planning Obligations

## **11. APPRAISAL**

### **11.1. Principle of the Development**

- 11.1.1. The allocation of 11.37ha of land at Temple Works (MX2-35) in the Site Allocations Plan (SAP) for 1000 dwellings and 3.1ha of employment land includes this site.

#### Employment Use

- 11.1.2. It is considered that the proposed residential and office uses (with supporting social and commercial uses) broadly accord with the intentions of the SAP allocation. The 3.1ha of employment land would have reflected the expectation whilst the SAP was being prepared that a well-known clothing designer would develop a manufacturing facility on the site. The employment use would have been a combination of the B2 and B8 use classes.

- 11.1.3. Since the adoption of the SAP in July 2019, aspirations for this part of the city have evolved significantly and the original intended and bespoke use of the allocation for potential manufacturing has fallen away and is now considered undeliverable. Nevertheless, the Council retains commitment to the expectation for mixed-use development in this location.
- 11.1.4. The aspirations for the South Bank (as set out in the adopted Holbeck South Bank SPD and South Bank Regeneration Framework SPD) form a material consideration for this application. They aspire for the area to be a welcoming, desirable and pedestrian friendly environment with low through traffic volumes and mixed use in character including office and residential uses. In addition the guidance appended to the emerging Temple District brief that specifically addresses this site also recognises that the achievement of a high-quality redevelopment of this site will be critical to delivering the vision for Temple District and ensuring a successful transition between the two schemes. It notes that “a mix of uses will be supported on this site, and employment uses compatible with the vision for Temple District are desirable, including potential for small scale or start-up business, creative, digital, R&D sectors and office spaces as appropriate”. Although little planning weight can be attached to the emerging brief due to its early stage in the process of adoption, the site aspirations reflect the wider adopted policy aspirations for the regeneration of this area.
- 11.1.5. The proposed office space of approximately 20,000sqm of floorspace (c. 14,000 in Phase 1 and 7,000 in Phase 2) plus commercial space will deliver employment appropriate to this city centre location consistent with Core Strategy Policy CC2 which prioritises development in the southern part of Leeds City Centre “...for town centre uses...particularly large scale office development...”. It also accords with Policy CC1a) which favours locations with the best public transport accessibility for large scale offices. This site is within reasonably easy walking distance of Leeds train station.

#### Residential

- 11.1.6. The total number of residential units proposed significantly exceeds the indicative capacity set out for the MX2-35 allocation. This is not of concern from a policy perspective as the site is located in a sustainable location and the delivery of significant housing here aligns with the overall spatial strategy set out in Spatial Policy 1 of the Core Strategy, and role of the City Centre set out in Spatial Policy 3 and the opportunity in the south of the City Centre outlined in Policy CC2.

#### High Pressure Gas Main

- 11.1.7. A high pressure gas main runs along the centre of Sweet Street West with a kink at the junction with Marshall Street such that its alignment is slightly to the south of Sweet Street going eastwards. Northern Gas Networks (NGN) is a consultee representing the interests of the pipeline. NGN have a number of stipulations concerning distances of buildings from the pipeline (7m), no structures to be placed over the pipe, no drainage or balancing ponds above the pipe, tree planting restrictions and methods of construction. All stipulations

have been met with the exception of a requirement for NGN to be informed where surrounding population would exceed 30 persons per hectare such that additional safety obligations are raised for the gas network provider who are obliged to seek to agree lower densities with developers. This development will have a density of over 2000 persons per hectare when fully occupied which is typical for city centre locations such as this. From a wider planning perspective there are significant benefits of higher densities in highly accessible sustainable city centre locations such that the proposed density of this development is supported in proximity of the pipe. It should also be noted that the Health and Safety Executive (HSE) are the statutory consultee regarding the gas pipelines adjacent to the site and they have raised no objection to the proposals

## **11.2. Viability Appraisal**

- 11.2.1. The headline conclusion is that the scheme is only viable if reductions in planning policy requirements are made. Two options for such reductions are set out in the Planning Obligations section below. The process of viability appraisal that arrived at this conclusion is explained further here.
- 11.2.2. The applicants submitted a viability assessment report that concluded that the scheme would not be viable, even with zero affordable housing. This was reviewed by the District Valuation Service (the "DVS"). The DVS was advised by specialist cost consultants Rex Procter and Partner. The DVS's Stage 1 Report concluded that the whole scheme could deliver all planning policy requirements and remain viable. However, the process allows for the Stage 1 inputs and assumptions to be challenged and revisited in the Stage 2 Report. A meeting was held 6/1/23 with the DVS and the applicants' surveyors and advisors which agreed to an uplift in certain costs and a reduction in certain revenue streams. As such, the conclusions of the Stage 2 Report are more robust because they are based on inputs and assumptions that have been subject to scrutiny and revised according to the latest evidence.
- 11.2.3. It should also be noted that the above conclusions are based on development of the whole scheme over a 10 year development programme. The DVS also appraised scenarios of Phase 1 only and the Resi1 building only to understand if they would be more viable than the whole scheme. The conclusions were that these partial development options were generally less viable. In any case, it is considered that it is appropriate to rely upon a viability appraisal of the whole scheme as that is what is applied for in this planning application.
- 11.2.4. The DVS Stage 2 report was received on 6/2/22 and is included as Appendix 2 to this report. The conclusion is that a fully policy compliant scheme is not viable, although the development can deliver substantial planning benefits. In cases of schemes that are not fully viable it is normal practice for the amount of affordable housing to be reduced and other planning requirements to be retained. Such an approach forms the basis of Option 1. However, an option of reducing some of the other policy requirements is set out as Option 2 in order to increase affordable housing provision. These options are set out in the Planning Obligations section below.

### 11.3. **Wind**

- 11.3.1. The applicant submitted a wind microclimate report with the application. This was updated in a version 2<sup>nd</sup> November 2022 to address a change to the height and massing of the tall Resi 3 building and to include mitigation for both Phases 1 and 2. The Council's wind consultant concluded that the combined wind tunnel and CFD wind study revealed the site is exposed to prevailing winds that require appropriate building design and wind mitigation to deliver safe and comfortable wind conditions.
- 11.3.2. For Phase 1 the wind mitigation measures proposed will mean there are no safety exceedances onsite or offsite and wind comfort conditions are generally suitable throughout the site and at all entrances (on and off site). Minor comfort issues in the thoroughfares and amenity spaces of Phase 1 are either insignificant or can be addressed by soft landscaping.
- 11.3.3. Phase 2 will have its own wind mitigation measures to address its own wind effects without having to revise the massing of Phase 2 buildings. But once Phase 2 is completed, the previous Phase 1 wind mitigation measures can be removed as the Phase 2 buildings will have an effect of shielding the Phase 1 buildings and areas from prevailing winds.
- 11.3.4. Drawings showing full details of all the wind mitigation measures have been submitted and it is agreed that they do not raise any other planning issues in respect of pedestrian connectivity, vehicle sight lines and impact on residential windows. The full details and delivery will be controlled by condition. The proposed terraces to the Pavilion and level 6 of the Phase 1 office building may require screening or soft landscaping to deal with wind conditions above comfort levels, but as these are private spaces this is a matter for the applicant to determine.

### 11.4. **Sustainability**

- 11.4.1. Core Strategy Policies EN1 and EN2 expect the following standards:
- carbon emissions 20% better than Building Regulations (EN1 i),
  - 10% of energy from low carbon sources (EN1 ii),
  - Non-residential buildings of more than 1,000sqm to meet the BREEAM "excellent" standard (EN2)
  - Developments of 10+ dwellings to meet a water standard of 110 litres per person per day (EN2)
- 11.4.2. The proposed approach to carbon reduction in this development is achieved through passive design, energy efficiency and low or zero carbon (LZC) technologies. The CO<sub>2</sub> emissions are satisfactory and above the percentage improvement required over Part L1A of 2013 building regulations set out in Leeds Core Strategy EN1 policy. Additional detailed SAP sheets/ SBEM calculations/ BRUKL were submitted to validate the standards for Phase 1.



- 11.4.3. It is expected that the development will exceed the 10% requirement for energy generation through air source heat pumps and photo voltaics. Additional details will be required prior to commencement of works through condition.
- 11.4.4. Generic evidence for compliance to the water usage standard was provided. Further details were provided for each unit type separately along with the make / model of the fixtures to ensure compliance. A condition will ensure construction cannot commence without specifications of sanitary fittings.
- 11.4.5. BREEAM Pre Assessment for the non-domestic parts of the scheme is greater than the minimum 70% required for “excellent” standard.
- 11.4.6. Regarding phase 2 of the development conditions will require submission of evidence to demonstrate that the carbon emission of buildings will be policy compliant, including energy generation by low carbon sources, submission of BREEAM pre-assessment and water target evidence.
- 11.4.7. A post construction review of how the development meets the sustainability standards set out in the Energy and Sustainability reports and of the submitted evidence will be required 6 months after first occupation by condition
- 11.4.8. In terms of connecting to the district heating network as required by Policy EN4 there is currently no network in this part of the City Centre so it will not be possible for the development to be connected. However, in such situations part iv) of the policy expects developments to be designed to allow for connection in case the district heating network is extended into the area. The developer has agreed to a condition to ensure a potential connection can be made.

#### Contaminated Land

- 11.4.9. The site is contaminated from former railway sidings, linen works and concrete works, amongst other things. A Phase 1 Desk Study report was submitted and approved. Conditions will be applied to require a Phase 2 site investigation report, to undertake specified actions if unexpected contamination is discovered and, on completion of remediation works, to submit a verification report.

#### Flood Risk

- 11.4.10. The application site is located within Flood Zone 1 and there have been no records of any recent flooding within the property or adjacent areas. An initial review has also identified that there are no known flood risks which require specific mitigation and would impact on the proposed development.
- 11.4.11. The applicants submitted a drainage strategy and surface water management plan, a drainage plan and flood risk assessment in support of the application. On request of Flood Risk Management (FRM) the applicants submitted a further design note to address a number of queries about drainage design and sustainable urban drainage solutions. FRM consider the application acceptable subject to conditions.

## **11.5. Conservation, Design, Landscape and Biodiversity**

### Conservation

- 11.5.1. Policies P10, P11 and P12 of the Core Strategy expect schemes to be appropriately designed for the site context conserving the historic environment and conserving and enhancing landscapes. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Listed Buildings Act 1990') provides:

"In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

- 11.5.2. Section 72 also provides that special attention must be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

- 11.5.3. Further, in accordance with paragraph 199 of the NPPF great weight should be given to the conservation of heritage assets. Any new development must also provide good design that is appropriate to its location, scale and function (CS Policy P10). Part (i) of the policy states that the size, scale, design and layout should be appropriate to its context and that (Part ii) the development should protect and enhance skylines and views. These policies accord with guidance in the NPPF which requires that development establishes a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; to respond to local character and history; and to reflect the identity of local surroundings

- 11.5.4. It is considered that the layout, scale, form and design of the proposed development will sit comfortably within the context of the site, including the setting of the listed buildings. With regard to the grade 2 listed former Holbeck library building at the south east corner of the site at the junction of Marshall Street and Nineveh Lane, it is important for the proposed office building facing onto Marshall Street, part of Phase 1, to be set apart from the listed former library building and for its upper floor to step down in order to give the listed building space. There is approximately a 30m gap between buildings with the access road and some open space in between. The gap is 40m at the most publicly visible point where the buildings are closest to Marshall St. Also, the building steps down from 8 to 5 storeys. The second office building, part of Phase 2 is situated 11m from the listed former library building, but this is a less sensitive location at the rear of the library. This office building would be up to 6 storeys high with detailed design reserved. As such, the visual prominence, historic value, and architectural features of the former library will remain legible, and in the terms of the NPPF, any harm from the proposals would be less than substantial.

- 11.5.5. Regarding the grade 1 listed Temple Works, the most important frontage faces east onto Marshall Street opposite the junction with Manor Road. This frontage is separated from the proposal site by a separate non-listed building, Drapers Yard (formerly known as Stylanese House); the important frontage is approximately 110m northwards along Marshall Street. The site of Temple Mills wraps around the non-listed Drapers Yard building such that it has a frontage on the north side of Sweet Street West. This frontage does not contain any historic elements; 20<sup>th</sup> century buildings have been demolished. As such, views from locations in front of the important eastern frontage would only take in, at distance, the mid-upper floors of the proposed development, minimising harm to a very low level of less than substantial.
- 11.5.6. The commercial inn public house is a non-designated heritage asset. Forming part of Phase 1 of the proposed development, later additions to the pub would be removed and replaced with low level one and two storey extensions to the west side and rear of the pub. The form and massing of the extensions relate to the main core building as historic outshoots, stepping down deferentially to the main building.
- 11.5.7. The proposed surrounding development to the pub will leave public space to the sides and a public square to the rear. Whilst this will be different to the tighter historic street pattern of the original pub setting, it is considered that it will be a considerable improvement on the setting of the pub when it was surrounded by Kays catalogue buildings and its current exposed setting of cleared land. At the request of the Conservation Officer, a condition will be applied to require a sample test removal of render to the street elevations of the pub. If the underlying brickwork is found to be intact, the render will be removed from the street elevations and the brickwork restored.
- 11.5.8. The Commercial Inn is the only part of the site within the Holbeck Conservation Area. It is considered that the development is sensitively designed to enhance the setting of the pub and its proposed refurbishment will enhance its appearance for the benefit of the character and appearance of the conservation area. Similarly, the scale, massing and design of the scheme as a whole is considered to be sensitive to the buildings and setting of the conservation area to the north. This is explored more fully in the Design section below.

## Design

- 11.5.9. Policy P10 of the Core Strategy requires new development to be appropriate to its setting and function in terms of size, design, layout, existing assets, amenity and accessibility. Supplementary plans provide useful guidance for assessing how this scheme is appropriate to its setting.
- 11.5.10. The scheme was the subject of pre-application discussions and meetings with the applicants culminating with two presentations to Development Plan Panel on 27/1/22 and 19/5/22. Members were generally supportive of the emerging design, scale and layout of the development at the January meeting and further refinements to the design were presented to the May meeting. These included proposals for the Commercial Inn to be

extended with a rear frontage offering access and openings for public interaction with the open space behind. Detail of the residential block facades were presented with defined top, middle and base elements. The office blocks would have framed facades set within curtain walling, deep recesses and solar gain fins. The stepping down of the office blocks toward the listed Holbeck library building is structured to make visual sense.

- 11.5.11. In terms of the overall scale and massing of the scheme, Para 13.2 of the Holbeck South Bank SPD suggests that new development on this site should recreate an appropriate sense of enclosure to these streets. Para 11.1, commenting on the Eastern Gateway area on the north side of Sweet Street comments that heights of new buildings should drop down to approximately 5 storeys in the vicinity of Temple Works. The draft Temple District plan (8.2.5) says that building heights on this site should be complementary to those in the South Zone of the Temple District. For the South Zone the plan advises at para 6.14.22 that there are opportunities for tall buildings, with a “step-down” towards Temple Works. The site also bounds the East Zone where it advises at 6.14.20 that mid-rise building of around 5-6 storeys will be supported along Marshall Street.
- 11.5.12. The proposals accord with this guidance. The Resi1 building facing onto Sweet Street West is 6 storeys high punctuated by 3 towers of 11 storeys, 13 storeys and 15 storeys. They rise from the east to the west such that the part of the building closest to the Commercial Inn, Marshall St and the sensitive elements of Tower Works is only 6 storeys in height. Phase 2 includes a tall tower of up to 30 storeys at the western corner of the site next to the railway bridge. On Marshall Street, the proposed pavilion is only 4 storeys in height and the Office1 building 8 storeys. As such the proposed buildings to Sweet Street West and to Marshall St are considered to respect the supplementary guidance for the area in providing a sense of enclosure to the streets and stepping down to appropriate heights in the vicinity of Temple Works.
- 11.5.13. Building proportions are designed with a plinth/base, middle and top. Detailed elevational design of the residential buildings has a legible and simple rhythm of windows drawing upon character of industrial buildings such as Marshalls Mill. The commercial buildings have a formal and regular grid with greater opportunity for variation. All buildings will have window openings of vertical emphasis with appropriate reveal depths. Materials will be predominantly brick with stone/ceramic and concrete used to establish grids and a hierarchy of detail. The detailed design of Phase 1 is considered appropriate; the detailed design of Phase 2 will be a reserved matter.
- 11.5.14. Further refinements have been agreed to the application scheme including setting the building line of the Resi 3 building (the tallest building to the north west corner of the site, part of the outline application) back a further 4 metres so that it is consistent with the building line of the Resi 1 building. Also the design of the street frontages onto Sweet Street West have been improved and the materials of the Pavilion building simplified. Officers consider the design is in accordance with development plan policy (including the Holbeck Neighbourhood Plan) and guidance of the Supplementary Planning Documents, and will have a positive visual impact on the street scene

including the setting of the Temple Works, Marshall Mills listed buildings and the Holbeck Conservation Area.

#### Landscape

- 11.5.15. Inevitably, the high blocks result in some overshadowing of open spaces, the design seeks to optimise sunlight penetration by giving the tallest blocks a north-south orientation. The landscaping has also been reconfigured to increase the area of planting within Sweet Street Square and raise the children's play area from the rain gardens.
- 11.5.16. The "green buffer" alongside the railway has been widened from the original proposals at the expense of podia to the Resi 3 and Resi 4 buildings. As such the scheme now better accord with the South Bank SPD and the draft Temple District plan aspirations for a green wildlife corridor.
- 11.5.17. In terms of trees Policy Land 1 of the Natural Resources and Waste Plan expects tree loss to be minimised and any trees lost as a result of development to be replaced on a 3:1 ratio. Most existing trees along the elevated land next to the railway will have to be lost as a result of the need to regrade the land to allow the development to happen. However, the 71 trees lost will be replaced on the 3:1 ratio with 213 new trees. Indicative proposals show 90 new trees forming the green buffer next to the railway. The applicants have agreed to plant the particular species and size of trees that Network Rail recommend next to railway lines. Network Rail advises that trees should be planted no closer to their boundary than their height. As such, trees of 2.5 - 3m in height and of the species acceptable to Network Rail are proposed, which are smaller than the council would normally accept as 3:1 replacement trees, but the need to address Network Rail's safety concerns is considered paramount here.
- 11.5.18. The applicants have submitted indicative landscape drawings to demonstrate that the 71 trees to be felled as a consequence of the development can be replaced with 213 trees achieving the 3:1 replacement ratio of Policy Land 2. However, given that most of the replacement trees will be on Phase 2 of the development and unforeseen impediments could arise, the applicant has agreed to a S106 obligation to pay the Council £1000/tree for off-site planting if it transpires that not all of the 213 replacement trees can practically and safely be planted.

#### Biodiversity

- 11.5.19. Following the demolition of the former Kays Catalogue buildings on the site, the site has remained vacant for many years and over the passage of time has self-seeded with a variety of scrub habitat. Core Strategy Policy G9 expects there to be an overall net gain for biodiversity and that existing wildlife habitats are safeguarded and enhanced. The brownfield site as existing is classified as having large areas of relatively valuable "mixed scrub". Due to the large area of existing self-seeded scrub habitat to be lost to the development proposals, the development would result in an overall shortfall of 24 biodiversity units to achieve a net gain. In accordance with Policy G9, this

translates into a payment of £600,500 for the Council to use towards off-site biodiversity improvement. .

11.5.20. There are positive on-site biodiversity aspects of the development. The scheme will deliver 1.11 Habitat Biodiversity Units and 2.78 Hedgerow Biodiversity Units. A substantial green buffer adjacent to the railway will be created involving the planting of 90 new trees. On the rest of the site there will be large areas of public open space and 123 new trees will be planted.

11.5.21. The development will also provide on-site enhancements to encourage bat roosting and bird nesting and to remove the invasive species, Japanese Knotweed from the site. These matters will be achieved through condition.

## 11.6. Sustainable Transport and Travel Planning.

11.6.1. Core Strategy policies T1 and T2 and Transport SPD (adopted 3/2/23) provide the basis for a number of requirements to ensure the proposed development functions effectively and safely and contributes appropriately to sustainable transport. Core Strategy Policy CC3 also seeks to improve pedestrian routes and connections within the city centre and to adjoining neighbourhoods. The allocation MX2-35 of the Site Allocations Plan also sets out a number of transport related site requirements including pedestrian improvements to Marshall Street, contributions to traffic management, streetscape and pedestrian improvements in the area and contributions toward improvements of Meadow Lane, Victoria Road and Neville St in line with emerging strategy.

### Accessibility and Active Travel

11.6.2. The site location in the City Centre means the development can rely upon public transport and proximity of employment, services and facilities within walking or cycling distances without having to provide car parking. The development will bring on-site and off-site improvements to improve routes and connectivity for pedestrians and cyclists. On-site improvements include:

- i. Laying out of a 2 way cycle route along Marshall Street
- ii. Widened footways to Sweet Street West and Marshall Street
- iii. Pedestrian permeability through a site that is currently fenced off to the public
- iv. An access road with traffic calming and wide footpaths
- v. Public realm improvements including new street trees to Sweet Street West and Marshall Street

11.6.3. Off site contributions have been agreed:

- i. £896,000 toward the Bath Road Improvement Scheme. Bath Road is currently a tatty poorly surfaced industrial road highly unattractive to pedestrians. The scheme will see the road transformed into a properly paved road attractive to and safer for pedestrians and cyclists. Works will

include resurfaced footway and kerb with perfecta flags and conservation kerbs, plus Copenhagen crossings at the junctions. The improvement will provide an alternative route northward better connecting the site to beck, canal and river crossings at Water Lane and Globe Road.

- ii. £368,280 toward the City Centre Transport Package. Designed to reduce traffic in the South Bank and increase travel to the centre by sustainable modes of transport this package involves a series of improvements to bus infrastructure, public realm, pedestrian infrastructure and cycling infrastructure on a number of roads. The contribution is considered proportionate to the scale of the proposed scheme
- iii. £70,000 to pay for a Nineveh Road pedestrian crossing. This will involve installation of a traffic island feature to the centre of the road, dropped kerbs and tactile paving. The location would be a few metres to the west of the junction with Marshall Street. In the desire line for pedestrians wanting to walk between Marshall Street and the old centre of Holbeck, this would be a significant improvement for connecting the Holbeck Neighbourhood Plan area with the city centre in line with Policy E2 of the Neighbourhood Plan. It would provide a deliverable alternative to the aspiration for a new railway footbridge connecting Marshall Street with Nineveh Parade under Policy T4 of the Neighbourhood Plan
- iv. £10,000 Traffic Regulation Order costs

#### Car Parking

11.6.4. The scheme will be served by 258 car parking spaces. Phase 1 (full permission) will have 19 parking spaces to serve the Resi1 building and 82 for Office 1 . Nine spaces including 2 disabled spaces and 3 car club spaces will be provided along Sweet Street West for public use as regulated by the council. All residential spaces will be large enough for electric vehicle charging equipment which will be installed in phases, as controlled by condition. Seven disabled parking spaces will be provided for Phase 1 (full application) exceeding the 5% standard requirement of the Transport SPD. Provision for Phase 2 (outline permission) will be one of the matters reserved.

#### Cycle Parking

11.6.5. The development will be supported with over 1,500 cycle parking spaces overall. The residential blocks will each have sufficient secure storage for 1 space/dwelling and provision of 40 short stay spaces in accordance with the Transport SPD . The Office 1 building will have 110 secure spaces and 20 short stay spaces and the Office 2 building will have 55 secure spaces and 10 short stay spaces, in accordance with the Transport SPD requirements for 1 secure space / 150sqm floor space and 1 short stay space / 1000sqm floor space. Thirteen car club bays will be provided including three on Sweet Street West and the remainder spread across the site in locations to be agreed by condition

#### Layout and servicing

- 11.6.6. Ultimately the development will be serviced by an access road which will be two-way from where it joins Marshall Street for a short distance to serve the offices and then one-way northbound to where it joins Sweet Street West. For Phase 1 of the development, only the parts of the access road joining Marshall Street and Sweet Street West will be built. The remaining central section will be built as part of the outline element. Interim highway arrangements have been agreed so that the Phase 1 sections of road are sufficiently wide and have turning heads and splay corners to enable servicing vehicles to enter and exit the site safely to serve the Phase 1 buildings. It has been agreed that the access road will not be adopted but will be built to adoptable standards with appropriate provision of loading bays and traffic restrictions to be agreed with the Council.
- 11.6.7. It is considered that all the buildings of Phase 1 will have sufficient bin storage space, both for general and recycling collections. Resi 1 will have space for 120 x 1100 size bins (60 for recycling and 60 for general waste); the commercial space in the Resi 1 building will have space for 7 x 1100 size bins for collection twice per week. Office 1 will have ground floor space for 26 x 1100 bins for collection twice per week; the Pavilion will have ground floor space for 4 x 1100 bins for collection twice a week and the Pub will have ground space for 2 x 1100 bins to be collected twice per week.

#### Travel Planning

- 11.6.8. The developer submitted a Travel Plan setting out plans to appoint a Travel Plan Coordinator and promote active travel. The Travel Plan was revised to include a budget for the Travel Plan Coordinator and improve provisions for monitoring and evaluation. Agreement was also reached with the developer to provide financial contributions of £345,518.25 as the Residential Travel Plan Fund to encourage non-vehicle modes of travel and £19,688 as the Travel Plan Review fee. Conditions will also be required to cover cycle parking, motorcycle parking, car share spaces, showers and electric vehicle charging points.

### **11.7. Housing Standards**

#### Housing Mix

- 11.7.1. Core Strategy Policy H4 expects residential developments to provide an appropriate mix of dwelling sizes and types having regard to the city-wide strategic mix of dwellings needed according to Table H4 and regard to the nature of the development and character of the location. Phase 1 of this scheme proposes 225 studio and 1 bedroom apartments, 181 2 bed apartments and 45 3 bed apartments out of a total 451 dwellings. How this performs against the minimums, maximums and targets of Table 4 can be seen in the table below.

At 10% the percentage of of 3 beds is below the target of 30% and minima of 20%. However, Table 4 is intended for city-wide provision and annual monitoring and is not designed to be prescriptive to individual schemes. The city-wide need of Table 4 for 3 and 4 bedroom dwellings is not so evident in the city centre where the need for family sized dwellings is emerging rather



than manifest. At the pre-application presentations to Development Plans Panel in 2022 Members pressed for an increase to 10% of 3 bedroom dwellings which is what is now proposed. It should be noted that the mix of dwellings for phase 2 is not yet known, so there will be opportunity to seek a different mix as part of a reserved matters application, including the potential to consider inclusion of 4 bedroom dwellings as expected by Policy H2 of the Holbeck Neighbourhood Plan

	1 bed	2 bed	3 bed	4 bed
Table 4 %minima	0%	30%	20%	0%
Table 4 %maxima	50%	80%	70%	50%
Table 4 %target	10%	50%	30%	10%
Phase 1 Number (451 total)	225	181	45	0
Phase 1 Percentage	50%	40%	10%	0%

#### Internal Space Standards

- 11.7.2. All the proposed dwellings of the Phase 1 Resi1 building exceed the minimum size requirements of the Nationally Described Space Standards (NDSS) in Core Strategy Policy H9. Of the 25 studio apartments there are 5 on each of floors 1-6, which range in size from 39sqm to 55sqm. There are 200 one bedroom units spread over all the floors, including many 1 bedroom 1 person apartments that are mostly 46 or 47sqm (larger than the NDSS minimum of 39sqm), and many 1 bedroom 2 person apartments of 50-59sqm (larger than the NDSS minimum of 50sqm). There are 181 two bedroom apartments of which the three person ones all exceed the NDSS minimum of 61sqm and the four person ones all exceed the NDSS minimum of 70sqm. The 45 three bedroom apartments which are designed for 4 and 5 person occupation comfortably exceed the NDSS minima of 74sqm and 86sqm respectively. All bedroom sizes meet the NDSS minima.

#### Accessible dwellings

- 11.7.3. Core Strategy Policy H10 expects 30% of new dwellings to meet the M4(2) standard for accessibility and 2% to meet the M4(3) standard. The standards are defined in the Building Regulations: M4(2) dwelling standards are designed for extra mobility and M4(3) dwellings are designed for wheelchair users to live in. M4(3) dwellings come in two forms: wheelchair accessible and wheelchair adaptable. The wheelchair adaptable form is appropriate in this case because the dwellings only have to be fully kitted out to be accessible when the local authority is responsible for allocating a household with a wheelchair user to that dwelling.
- 11.7.4. Phase 1 of the development will be policy compliant in having 138 (30.6%) of the 451 total dwellings as M4(2) standard and 11 (2.2%) as M4(3) standard.

The provision will involve a reasonable mix of sizes of dwellings and floor levels. It is considered appropriate for the 11 M4(3) dwellings to be all situated on the lowest 5 floors.

#### Environmental Health - amenity of dwellings

- 11.7.5. It is considered that the dwellings proposed in Phase 1 will have a sufficient level of amenity in terms of noise and temperature. The applicants have submitted evidence of expected ambient external noise levels and it is considered that the provision of mechanical ventilation will ensure that windows will not have to be opened on hot days when it could be noisy outside. It helps that Sweet Street West is not a heavily trafficked road and that the apartments facing it will be facing north so will not suffer undue solar gain in summer months. Apartments facing south into the site may endure higher levels of solar gain but evidence of expected temperatures of habitable rooms in Resi1 and mitigation measures for dealing with overheating submitted by the applicant are considered as good as can be expected at this time and fall within the current industry standard parameters. Also, conditions will be applied to ensure that noise nuisance from commercial premises, from balconies and from outdoor amplification will be controlled to certain hours and certain noise levels to maintain a reasonable level of residential amenity.

#### **11.8. Green Space Provision**

- 11.8.1. Policy G5 of the Core Strategy is applicable as this site, at 3.1ha is larger than 0.5ha policy threshold. Policy G5 expects mixed commercial and residential developments to provide the greater of either 20% of the total site area or a minimum of 0.41 hectares of open space per 1,000 population. In this case 20% of site area equates to 0.62ha and 0.41ha/1000 population (based on 1351 apartments with assumed average occupancy of 2 residents per unit) would equate to 1.1ha.
- 11.8.2. Agreement was reached between the applicant and officers on the extent of outdoor space within the development that should count towards the total of public open space. This includes the main squares and the wider internal thoroughfares but excludes the street footpaths to Sweet Street West and Marshall Street and other incidental spaces. The landscape buffer adjacent to the railway does not count as this is designed for wildlife and biodiversity with no public access. The agreed total is 0.79ha which at 25% of total site area is substantial, but falls 0.31ha below the policy requirement. An equivalent financial payment toward provision/improvement of off-site green space would be £263,540.12 according to the Council's standard calculation formula. The applicant is agreeable to paying this sum as a S106 obligation if required subject to consideration of the viability case and planning obligation options detailed below.

#### **11.9. Planning Obligations**

- 11.9.1. The Council's adopted policies result in the following Section 106 matters, which are considered to be necessary, directly related to the development and fairly and reasonably related in scale and kind to the development:

- i. Affordable Housing. 20% Affordable Private Rent dwellings at 80% of local market rents or 7% affordable dwellings with 40% for intermediate affordable tenures and 60% for social rented tenures
- ii. City Centre Transport Package financial contribution £368,280
- iii. Bath Road Improvements financial contribution £896,000
- iv. Nineveh Road pedestrian crossing improvement £70,000
- v. Travel Plan Monitoring Fee of £19,688 subject to an annual increase for inflation
- vi. Residential Travel Plan Fund £345,518.25
- vii. Greenspace –0.79ha of Public Open Space to be publicly accessible according to an agreed drawing and £263,540.12 to be paid as an off-site commuted sum
- viii. Biodiversity net gain contribution of £600,500 towards biodiversity improvements in Leeds
- ix. Tree replacement. A financial contribution may be required of £1,000 per tree if the replacement of trees according to planning policy cannot be achieved on site

11.9.2. The viability appraisal demonstrates that this scheme is unable to deliver this full range of S106 requirements. It should be noted that the highway requirements are significant with a large contribution toward the City Centre Transport Package and a contribution that would pay for most of the Bath Road improvement scheme.

11.9.3. This report presents two options below with different obligations prioritised. It is common practice for affordable housing to be reduced in order to achieve a viable development; the results of this are set out as Option 1.

11.9.4. For Option 2 it is considered that other benefits could be sacrificed in order to deliver a greater amount of affordable housing. Since the proposed scheme is designed for active travel with low car parking provision, good cycle parking and improved routes for walking and cycling it is considered that the Residential Travel Plan Fund could be reduced to £100,000. It is also considered that because the development is already providing 25% of the site area as public open space, which represents 0.79ha of attractive additional public realm that would be easily accessible and connected to communities beyond the site (as well as the future occupiers of the site), that the contribution toward off-site green space could be forgone. It is also considered that the contribution toward off-site biodiversity net gain (BNG) could be forgone. The £600,500 sum arises as the site has been left for nature to colonise over many years. However the site has long been designated for redevelopment (with previous planning proposals) as part of the regeneration

of the south bank and Holbeck area and as an unexpected windfall it is considered that the BNG contribution could be waived in this case.

11.9.5. Also, notwithstanding the conclusions of the viability report the applicant has offered to deliver an additional 1% of affordable housing on the basis of Option 2. The applicant explains that this is possible because the early cashflow constraints are reduced in Option 2 allowing the cost of additional affordable housing to be absorbed over the longer term of the project. As a result, Officers recommend that as a result of the viability case that has been verified by the DVS that Panel agree to Option 2 for the Planning obligations in this case.

11.9.6. Option 1:

- i. Affordable Housing. 3.5% 44 affordable private rent dwellings with rents at 80% of market rents and a proportionate mix of dwelling sizes throughout the scheme
- ii. City Centre Transport Package financial contribution £368,280
- iii. Bath Road Improvements financial contribution £896,000
- iv. Nineveh Road pedestrian crossing improvement £70,000
- v. Travel Plan Monitoring Fee of £19,688 subject to an annual increase for inflation
- vi. Residential Travel Plan Fund £345,518.25
- vii. Traffic Regulation Order Costs £10,000
- viii. Greenspace –0.79ha of Public Open Space to be publicly accessible according to an agreed drawing and £263,540.12 to be paid as an off-site commuted sum
- ix. Biodiversity net gain contribution of £600,500 towards biodiversity improvements in Leeds
- x. Tree replacement. A financial contribution may be required of £1,000 per tree if the replacement of trees according to planning policy cannot be achieved on site
- xi. Clawback obligation for a payment to the City Council if a greater number of car parking spaces yield income than anticipated in the Viability Review Report

11.9.7. Option 2

- i. Affordable Housing. Option 2: 6.5% 82 affordable private rent dwellings with rents at 80% of market rents and a proportionate mix of dwelling sizes throughout the scheme
- ii. City Centre Transport Package financial contribution £368,280

- iii. Bath Road Improvements financial contribution £896,000
- iv. Nineveh Road pedestrian crossing improvement £70,000
- v. Travel Plan Monitoring Fee of £19,688 subject to an annual increase for inflation
- vi. Residential Travel Plan Fund £100,000
- vii. Traffic Regulation Order Costs £10,000
- viii. Greenspace –0.79ha of Public Open Space to be publicly accessible according to an agreed drawing
- ix. Biodiversity net gain – no contribution
- x. Tree replacement. A financial contribution may be required of £1,000 per tree if the replacement of trees according to planning policy cannot be achieved on site
- xi. Clawback obligation for a payment to the City Council if a greater number of car parking spaces yield income than anticipated in the Viability Review Report

11.9.8. Whilst both options mean that usual policy requirements are not achieved, this is justified on the basis of viability, which is a matter for the decision maker (NPPF paragraph 58). City Plans Panel is recommended to agree Option 2.

## **12. Conclusion**

- 12.1. Although a fully policy compliant scheme is not viable it is considered that the scheme has many benefits overall to justify planning permission. The scheme will transform a neglected brownfield site into a vibrant part of the South Bank providing a major economic boost to the city centre and Holbeck area with a development value of nearly £0.4 billion. Through new permeability through the site and through financial contributions toward transport improvement schemes it will improve connectivity with the rest of the South Bank, with bridges to the north bank of the city centre and with the older neighbourhood of Holbeck. It is designed as a low car development with good cycle storage and facilities.
- 12.2. The scheme has been designed through the council's pre-application process to sit sensitively within its surroundings, with appropriate reductions in height and massing to respond to the presence of the listed former Holbeck Library building to the south and grade 1 listed Temple Mills to the north, having regard to supplementary guidance on the heights of buildings in the area. It will also sensitively restore to active use a historic landmark of the area, the Commercial Inn public house, and provide a community facility in the form of the Pavilion building with its café and space for a gym and community work space. The development will provide a large public square behind the public house and Pavilion and provide open areas throughout the scheme amounting to 0.79ha of public open space, 25% of the entire site area. A substantial green

buffer will also be provided alongside the railway creating a wildlife corridor in accordance with supplementary guidance.

- 12.3. However, the agreed position on viability means that the full range of planning policy requirements cannot be achieved. Affordable housing in the form of “affordable private rent” housing is normally expected as 20% of total dwellings. Two options are set out, Option 1 with affordable housing reduced to 3.5% but all other contributions achieved in full; and the recommended Option 2 with affordable housing at 6.5% but contributions to travel planning, off-site public open space and off-site biodiversity net gain are reduced or omitted.

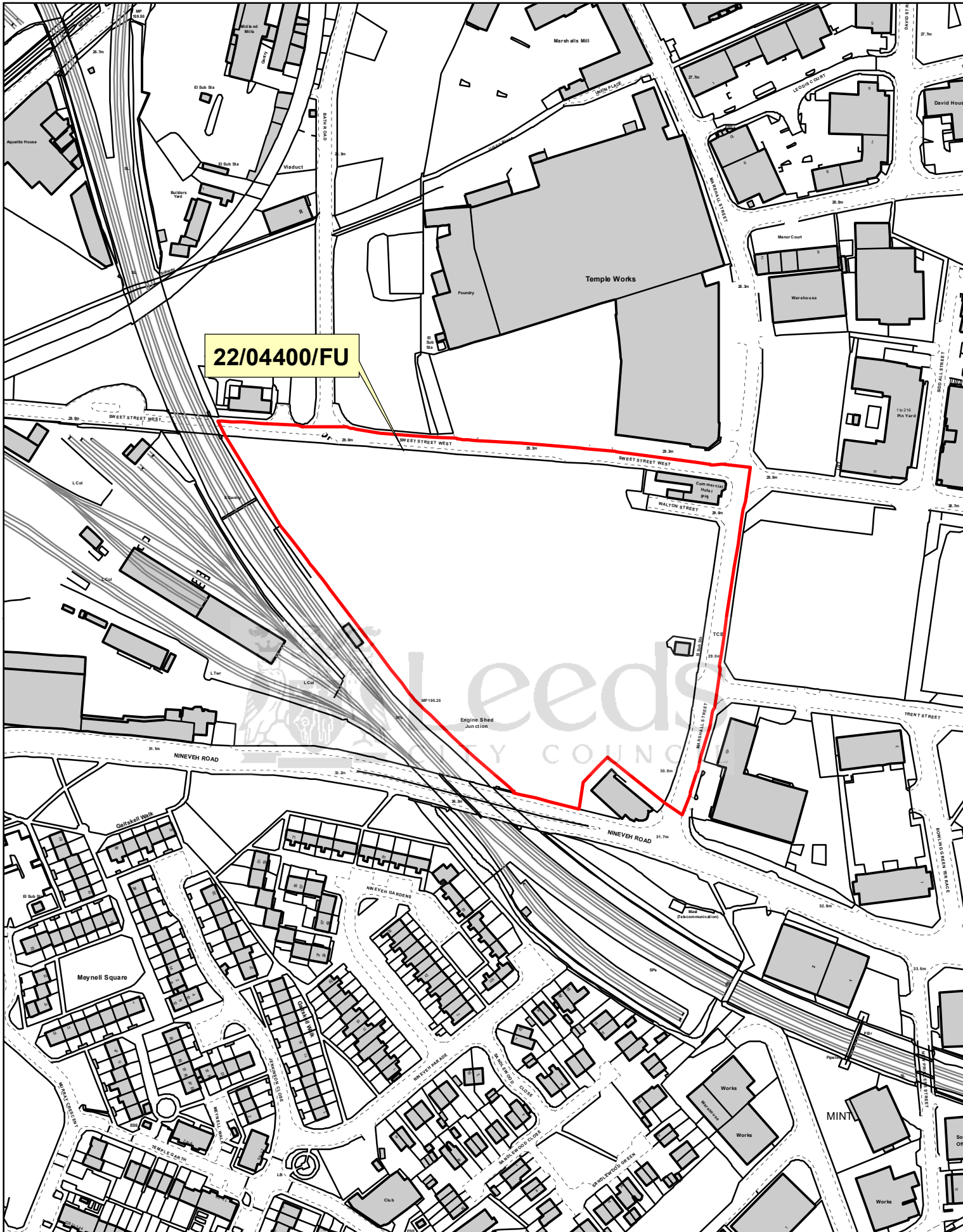
### **Background Papers**

Application file 22/04400/FU

### **Appendices**

Appendix 1: Draft Conditions

Appendix 2: Stage 2 Viability Review Report




**22/04400/FU**

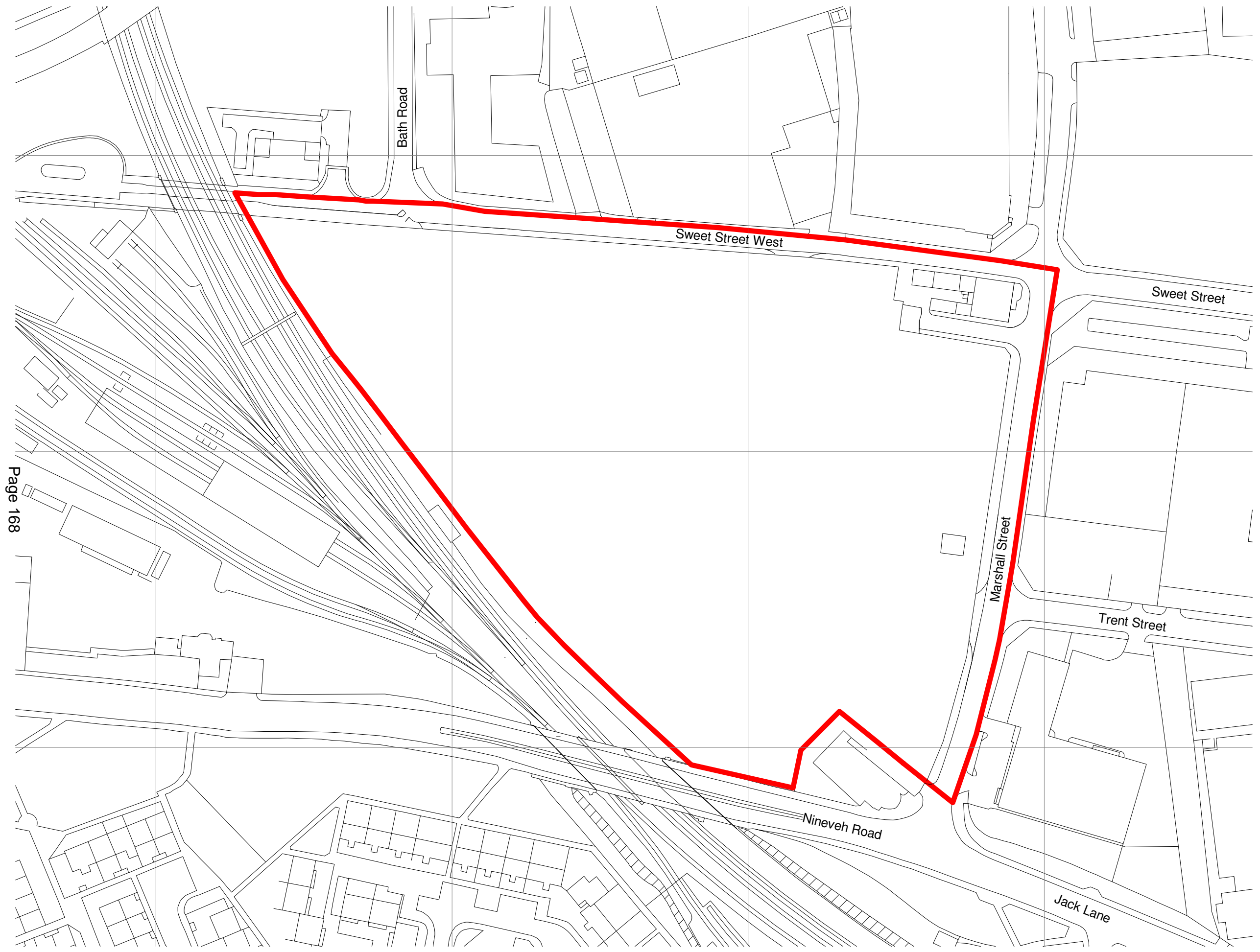
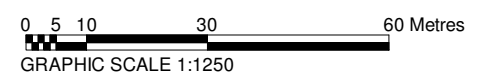
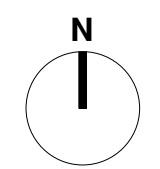
# CITY PLANS PANEL



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REV	DESCRIPTION	INITIALS/DATE	CHKD BY

 Application Boundary



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**JOB NAME**  
 SWEET STREET WEST LEEDS

**CLIENT**  
 Platform\_Leeds S.a.r.l

**DRAWING TITLE**  
 SITE LOCATION PLAN

**STATUS**  
 PLANNING

**SCALE @ SIZE**  
 1:1250@A3

**DATE**  
 June'22

**SHEET BY**  
 SIT

**CHECKED BY**  
 TWS

**JOB NO.**  
 4408

**DRAWING NO.**  
 DLG-STE-PL-A-001

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# Appendix 1

## 22/04400/FU Draft Conditions

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

Reason: 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 and Specifications above.

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

- 3) Development shall not commence on the outline part of the development until approval of the following details (hereinafter referred to as the reserved matters) have been obtained from the Local Planning Authority,
  - a. Appearance
  - b. Landscaping
  - c. Layout
  - d. Scale

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

Reason: Because part of the application is in outline only and as limited details have been submitted of the reserved matters, they are reserved for subsequent approval by the Local Planning Authority.

- 4) Application for approval of reserved matters shall be made to the Local Planning Authority 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

- 5) The outline part of the development hereby permitted shall be implemented either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the reserved matters to be agreed whichever is the later.

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.

- 6) The reserved matters shall be submitted in accordance with the approved parameter plans listed in the Plans Schedule except where the local planning

authority considers any proposed amendments to be sufficiently minor that they will not materially affect the terms and expectations of the planning permission hereby granted.

Reason: For the avoidance of doubt and in the interests of proper planning

- 7) The proposed mix of residential accommodation in the outline phase of development should be set proportionally in accordance with the guidance of Core Strategy policy H4 and Holbeck Neighbourhood Plan policy H2, taking into account the mix of the full permission and information set out in an updated submitted Housing Needs Assessment. Details of this should be set out clearly in the Reserved Matters submission and thereafter implemented as approved.

Reason: In the interests of providing a sustainable development and housing mix in accordance with policy H4 of the Core Strategy and Holbeck Neighbourhood Plan policy H2

- 8) The proposed residential accommodation in the outline phase of development should be designed in accordance with the space standards guidance of Core Strategy policy H9. Details of this should be set out clearly in the Reserved Matters submission and thereafter implemented as approved.

Reason: In the interests of providing a sustainable development in accordance with policy H9 of the Core Strategy

- 9) The reserved matters application shall be accompanied by details of the proposed number and mix of accessible (adaptable and adapted) units for the outline phase of development. This shall be provided in accordance with Core Strategy Policy H10 unless otherwise agreed in writing, and thereafter implemented as approved.

Reason: In the interests of equality for disabled people and access for all

- 10) The development shall be undertaken in accordance with the Meinhardt Design Note 02 Rev 03 dated 08/12/2022 unless otherwise submitted and approved in writing with the Local Planning Authority. The works shall be fully implemented in accordance with the approved scheme before the relevant phases of development are brought into use, or as set out in the approved phasing details.

Reason: To ensure sustainable drainage and flood prevention in accordance with NRWLP policy Water 7 and GP5 of the UDP.

- 11) Development shall not commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure

there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. Where temporary discharges to a sewer are proposed, written confirmation from the sewer owner that these have been accepted shall be provided. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Planning Authority

Reason: To prevent flooding and pollution offsite in accordance with the NPPF

- 12) No building or other obstruction including landscape features shall be located over or within 3 metres either side of the centre line of the public sewer i.e. a protected strip width of 6 metres, that crosses the site. Furthermore, no construction works in the relevant area(s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the required stand-off or protection measures are to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken.

Reason: In the interest of public health and maintaining the public sewer network

- 13) The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

Reason: In the interest of satisfactory and sustainable drainage.

- 14) There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:
- i) the means of discharging to the public sewer network at a rate not to exceed 3.5 metres per second

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal

- 15) Surface water run-off from hardstanding (equal to or greater than 800 square metres) and/or communal car parking area(s) of more than 50 spaces must pass

through an oil, petrol and grit interceptor/separator of adequate design that has been submitted to and approved by the Local Planning Authority, prior to any discharge to an existing or prospectively adoptable sewer.

Reason: To prevent pollution of the aquatic environment and protect the public sewer network

- 16) A satisfactory fire statement must be submitted to and approved in writing by the local planning authority with any reserved matters application

Reason: fire safety

- 17) Surface water must flow away from the railway, there must be no ponding of water adjacent to the boundary and any attenuation scheme within 30m of the railway boundary must be approved by Network Rail in advance. There must be no connection to existing railway drainage assets without prior agreement with Network Rail.

Reason: to safeguard the operational effectiveness and safety of the railway

- 18) A suitable trespass proof fence (approximately 1.8m high) must be installed adjacent to Network Rail's boundary and make provision for its future renewal and maintenance. Network Rail's existing fencing/wall must not be removed or damaged.

Reason: to safeguard railway safety and security.

- 19) An Armco or similar barrier should be erected in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged.

Reason: to safeguard the safety and security of the railway

- 20) Prior to the installation of external lighting adjacent to the railway line details of the lighting should be submitted to and approved in writing by the Local Planning Authority following consultation with Network Rail.

Reason: to safeguard the safety and efficiency of the railway

- 21) Prior to commencement of works to the Commercial Inn public house results of investigatory removal of small sections of render to elevations of the Commercial Inn shall be submitted to the local planning authority. If the local planning authority agree in writing that the brickwork condition is satisfactory, details of the method of brickwork repair and stone dressing shall be submitted to and approved in writing by the local planning authority, and the works to the Commercial Inn shall only be

carried out in accordance with that method. If the local planning authority express in writing that the render removal is harmful to the brickwork or that the brickwork is in an unsatisfactory condition, the existing render shall be retained and repaired.

Reason: to preserve and enhance the historic character of the Commercial Inn

- 22) Works to the Commercial Inn shall not commence until full details (to include a survey relating to the repair/replacement of existing 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) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the occupation of the Commercial Inn and retained for the lifetime of the development.

In the interests of the character and visual amenity of the area and to preserve the historic character of the building.

- 23) a) No works shall commence to the relevant phase of development (including any demolition, site clearance, ground works or drainage etc.) until all existing trees, hedges and vegetation shown to be retained on plan 8107-LDA-01-DR-L-4106 PL02 are fully safeguarded by protective fencing and ground protection in accordance with approved plans and specifications and the provisions of British Standard 5837 (2012) Trees in relation to design, demolition and construction, unless otherwise agreed in writing by the Local Planning Authority. NOTE: Only the BS5837 default barrier with the scaffold framework shall be employed. Such measures shall be retained for the full duration of any demolition and/or approved works.
- b) No works or development shall commence to the relevant phase of development until a written Arboricultural Method Statement (AMS) in accordance with BS5837 for a tree care plan has been submitted to and approved in writing by the Local Planning Authority. Works shall then be carried out in accordance with the approved method statement. The AMS shall include a Site Supervision Schedule i.e. a list of site visits and the operational specifics related to trees for the full construction duration. The AMS shall include for reporting back to the Local Planning Authority immediately after each site supervision intervention (written & photographic).  
NOTE - this item cannot be discharged until the last supervision visit report is submitted.
- c) Evidence shall be submitted, such as a written appointment (including site specifics), that confirms that a qualified Arboriculturist/competent person has been appointed to carry out this Arboricultural monitoring/supervision.

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

NOTE - this item cannot be discharged until post inspection approval is confirmed.

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

To ensure the protection and preservation of trees and vegetation during construction works, in accordance with Leeds City Council policies.

24) Within 5 years of occupation of the relevant phase of development, no approved retained tree/hedge/bushes shall be cut down, uprooted or destroyed nor any tree be pruned, topped or lopped or suffer root severance (other than in accordance with the approved plans and particulars) without the prior written approval of the Local Planning Authority (LPA). In the event of any such works being carried out without having first sought and received written approval from the LPA the following actions shall be undertaken:

a) Within one month of the removal, uprooting, damage or loss of any retained tree a replacement planting scheme shall be submitted to and approved in writing by the LPA. That replacement planting scheme shall include the replacement of trees in accordance with current policies (e.g. LAND 2 'Development and Trees') by semi-mature size trees (circumference 25/30cm) or an equivalent offsite mitigation planting scheme, where on site provision is not possible. The mitigation planting scheme shall be implemented in the first planting season following the receipt of the written approval of those details by the LPA.

b) Within one month of a pruning, topping, lopping or root severance of a retained tree, a Professional Arboricultural Report shall be submitted to and approved in writing by the LPA. The report shall include a full assessment of the unauthorised work, remediation proposals and implementation programme.

c) Within one month of removal, uprooting, damage or loss of any retained bush/bushes details of replacement planting and implementation scheme shall be submitted to and approved in writing by the LPA.

d) Within one month of removal, uprooting, damage or loss of any retained hedges details of replacement planting and implementation scheme, that shall comprise or include "instant hedging" of at least 1m in height, shall be submitted to and approved in writing by the LPA.

Within one week following the implementation of the planting scheme agreed pursuant to a), b), c) or d) above documentation shall be submitted to the LPA that evidences the works have been carried out in accordance with the agreed details. This shall include photographic evidence.

Please note that retained tree/hedge/bush refers to vegetation which is to be retained, as shown on the approved plans and particulars and the condition shall have effect until the expiration of five years from the date of occupation.

In the interests of the character and amenities of the area, the best interests of nature conservation and bio-diversity.

- 25) a) No above ground works or development of the relevant phase of development shall commence until full details of the load bearing cell type rooting zone using proprietary structures has been submitted and approved in writing by the Local Planning Authority (LPA). Details shall be fully in accordance with LCC guidance on urban tree planting (available on Landscape Planning website).

Details shall include:

- o Proprietary soil cell structures to support paving over extended sub-surface rooting areas;
- o Soil cell volume /soil volume calculations;
- o Specification of topsoil including additives and conditioners;
- o Tree grilles and guards and means of anchoring root balls. Built-in Root Irrigation Pipe system with end cap and aeration system;
- o Passive and/or active irrigation including directed use of grey water/roof water or surface water infiltration to benefit planted areas. Details of distribution system and controls;
- o Tree grill details;
- o Drainage system for tree pits;
- o Where applicable - details of protection measures for statutory utilities and drainage;
- o Works shall then be carried out in accordance with the approved details;
- o Confirmation of Manufacturer supervision on site (free service).

b) To ensure full compliance, a brief report on the installation of the rooting zone system, including supporting photographic evidence, shall be submitted to the LPA when the works are still "open" to allow LPA inspection prior to any finish surfacing works. Seven days written notice shall be given to the Local Planning Authority that the rooting zone structures are in place to allow inspection and approval of them as installed. Confirmation is required that the installation has been overseen by the manufacturer of the system.

NOTE - this item cannot be discharged until post inspection approval is confirmed.

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

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

- 26) The relevant phase of development hereby permitted shall not be occupied 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, means of enclosure and retaining structures,
  - (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.),
- 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.

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 landscaping.

- 27) 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 relevant phase of development. The landscape management plan shall be carried out as approved.

To ensure successful aftercare of landscaping.

- 28) The following broad leaf deciduous species Acer (*Acer pseudoplatanus*), Aspen - Poplar (*Populus*), Small-leaved Lime (*Tilia Cordata*), Sycamore - Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), Ash (*Fraxinus excelsior*), Black poplar (*Populus nigra var, betulifolia*), Lombardy Poplar (*Populus nigra var, italica*), Large-leaved lime (*Tilia platyphyllos*), Common lime (*Tilia x europea*) shall not be planted adjacent to the railway boundary. Any hedge planted adjacent to the railway boundary fencing for screening purposes should be placed



so that when fully grown it does not damage the fencing, provide a means of scaling it, or prevent Network Rail from maintaining its boundary fencing.

Reason: in order to safeguard the safety and operational effectiveness of the railway

- 29) Before commencement of works to the development given full planning permission, details of:
- i) the air source heat pumps and photo voltaic provision associated with the development given full planning permission, and
  - ii) the make and model of water supply domestic and commercial fixtures and fittings associated with the development given full planning permission
  - iii) the design demonstrating that connection to a district heating system would be possible
- shall be submitted to and approved in writing by the local planning authority. The development shall be constructed according to the approved details.

Reason: To ensure the inclusion of appropriate sustainable design measures.

- 30) Prior to commencement of works to the development given outline planning permission, details of the design must be submitted to and approved in writing by the local planning authority covering the following policy requirements of the Core Strategy:
- i) Policy EN1(i) SAP/ SBEM/ BRUKL report
  - ii) Policy EN1(ii) calculation of the building's energy demand with what percent of it is being generated by low and zero carbon sources (LZC). In case the reduction in carbon emissions using these LZC sources is being achieved for compliance of EN1(i) then they need to provide the carbon emissions from these sources as well.
  - iii) Policy EN2 (non-residential) BREEAM pre-assessment.
  - iv) Policy EN2 (residential) the water target to be met
  - v) Policy EN4 evidence for one of the four policy options needs to be provided.
- Prior to occupation a report shall be submitted to and approved in writing by the local planning authority comparing the values of the design details with values of the as-built development.

Reason: to ensure the outline element of the development is designed and constructed to environmental policy standards

- 31) The development shall be implemented following the principles and measures set out within:
- the Energy Statement Rev 2 of Hoare Lea (15/6/22),
  - the Sustainability Statement Rev 2 of Hoare Lea (15/6/22),
  - the latest submitted BRUKL Reports for the Offices, Pub, Pavilion Building, Commercial (E class uses) and Resi 1 Building Hub and
  - the latest submitted SAP dwelling ratings,
- unless otherwise approved in writing by the Local Planning Authority.

Reason: to ensure delivery of a sustainable development

- 32) Within 6 months of the first occupation of the first phase of development a post-construction review statement shall be submitted to and approved in writing by the Local Planning Authority demonstrating compliance with Core Strategy policies EN1 and EN2. Within 6 months of the first occupation of the outline development a post-construction review statement shall be submitted to and approved in writing by the Local Planning Authority demonstrating compliance with Core Strategy policies EN1 and EN2.
- The development shall thereafter be maintained and any repairs shall be carried out all in accordance with the approved detailed scheme and post-completion review statement or statements.

Reason: to maintain the agreed sustainability of the development

- 33) None of the commercial floorspace (Class E) of the full and outline elements of the development shall be used for comparison retail purposes and no more than 372sqm shall be used for convenience retail purposes.

To support town centre planning

- 34) The approved Phase I Desk Study report indicates that a Phase II Site Investigation is necessary, and therefore development (excluding demolition) on the relevant phase of 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 (excluding demolition) on the relevant phase of development shall not commence until a Remediation Strategy demonstrating how the site will be made suitable for the intended use has been submitted to, and approved in writing by, the Local Planning Authority. The Remediation Strategy shall include a programme for all works and for the provision of Verification Reports.

It is strongly recommended that all reports are prepared and approved by a suitably qualified and competent person.

To ensure that the presence of contamination is identified, risks assessed and proposed remediation works are agreed in order to make the site 'suitable for use' with respect to land contamination.

- 35) 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.

It is strongly recommended that all reports are prepared and approved by a suitably qualified and competent person.

To ensure that any necessary remediation works are identified to make the site 'suitable for use' with respect to land contamination.

- 36) 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.

It is strongly recommended that all reports are prepared and approved by a suitably qualified and competent person.

To ensure that the remediation works are fully implemented as agreed and the site has been demonstrated to be 'suitable for use' with respect to land contamination.

- 37) Prior to the commencement of above ground works a Landscape & Biodiversity Net Gain Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan, which may be structured to reflect phases of development, shall deliver a minimum of 1.11 Habitat Biodiversity Units and 2.78 Hedgerow Biodiversity units on land identified in the Biodiversity Metric 3.0 & Report Spreadsheet Version 3.0, JCA Report Ref: 17308a/Awe, dated 16/08/2022 and include details of the following:
- a) Description and evaluation of features to be managed to include Baseline Metric calculations of Biodiversity Units with Condition assessments and UKHAB mapping
  - b) Extent and location/area of proposed habitats and proposed Biodiversity Units on scaled maps and plans using UKHAB mapping, with Target Condition assessments and Metric calculations
  - c) Ecological trends and constraints on site that might influence management
  - d) Aims and Objectives of management to include Target Biodiversity Units and Target Condition Criteria
  - e) Appropriate management Actions for achieving Aims and Objectives
  - f) An Annual Work Programme (to cover an initial 5 year period)

- g) Details of the specialist ecological management body or organisation responsible for implementation of the Plan
- h) How the Plan is to be funded and confirmation from the landowner that it can be delivered
- i) For each of the first 5 years of the Plan, a progress report sent to the LPA, within 3 months of each year being completed, by an appropriately qualified ecological consultant reporting on progress of the Annual Work Programme and confirmation of required Actions for the next 12 month period
- j) Confirmation that habitat monitoring will be carried out in years 1, 3, 5, 10, 20 and 30
- k) The Plan shall set out how contingencies and/or remedial action will be identified, agreed and implemented when necessary
- l) The Plan will be reviewed and updated every 5 years and implemented for perpetuity
- m) The approved Plan will be implemented in full accordance with the approved details.

Reason: to ensure the long-term protection and enhancement of biodiversity in accordance with Core Strategy Policy G8 and G9, NPPF and BS 42020:2013.

- 38) Prior to occupation of the first dwelling of each phase of development a Biodiversity Monitoring Programme & First Monitoring Report carried out by an appropriately qualified ecological consultant shall be submitted to and agreed by the Local Planning Authority. It shall include the first Monitoring Report, to take place after full implementation of approved habitat creation establishment works and no later than the end of Year 1 of the Landscape & Biodiversity Net Gain Management Plan, and specify the frequency and timing of subsequent Monitoring Reports to cover a minimum 30 year period to be submitted to the Local Planning Authority. The Monitoring Report will include the following:
- a) Confirmation of the number of Biodiversity Units present based on a survey at an appropriate time of year and how this compares to the 1.11 (number to be confirmed) Habitat Biodiversity Units and 2.78 (number to be confirmed) Hedgerow Biodiversity units identified for management on land identified in the Biodiversity Metric 3.0 & Report Spreadsheet Version 3.0, JCA Report Ref: 17308a/Awe, dated 16/08/2022.
  - b) Where the Target Condition is not yet met provide an assessment of time to Target Condition for each habitat and any changes to management that are required
  - c) How the monitoring is funded and the specialist ecological body responsible
  - d) Photographs of any proposed integral bat and bird nesting features.

Subsequent Monitoring Reports will be submitted to the Local Planning Authority at time-scales stated in the Monitoring Programme and where remedial measures or changes in management are required these will be addressed in the subsequent Landscape & Biodiversity Net Gain Management Plan's Annual Work Programmes.

Reason: to ensure Biodiversity Units are delivered as agreed in the approved Management Plan for perpetuity.

- 39) Prior to commencement of the above ground works a Lighting Design Strategy For Bats shall be produced by an appropriately qualified ecological consultant and submitted to and approved in writing by the Local Planning Authority. The Strategy shall:
- a) Identify those areas/features on site that are used by commuting and foraging bats, using an appropriately scaled map to show where these areas are
  - b) Confirm how the areas where no light spill will occur (southern treeline) during and post construction will be achieved, as stated in The 'Bat Emergence and Re-entry Survey Report' JCA Ref: 17308c/JE, dated 13/08/2021.
  - c) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb commuting and foraging bats

All external lighting shall be installed in accordance with the specifications and locations set out in the Strategy, and shall be maintained thereafter in accordance with the Strategy. Under no circumstances should any additional external lighting be installed without prior consent from the Local Planning Authority in the areas identified in the Strategy as having no light spill or proposed integral bat roosting features.

Reason: to safeguard a protected species (bats) in accordance with protection and enhancement of biodiversity in accordance with Core Strategy Policy G8 and G9, NPPF and BS 42020:2013

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

Reason: to protect nesting birds in vegetation and built structures in accordance with the Wildlife & Countryside Act 1981 (as amended) and BS 42020:2013.

- 41) Prior to the commencement of the above ground works a Plan shall be submitted to and approved in writing by the Local Planning Authority of: integral bat roosting and bird nesting features (for species such as House Sparrow and Swift) within buildings. 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 timetable for implementation and commitment to being installed under the instruction of an

appropriately qualified bat consultant. All approved features shall be installed prior to first occupation of the dwelling on which they are located and retained thereafter.

Reason: to maintain and enhance biodiversity in accordance with Core Strategy Policy G9, NPPF, and BS 42020:2013.

- 42) Prior to the commencement of the relevant phase of development a Method Statement for the control and eradication of Japanese Knotweed (hereafter referred to as the Target Species) shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement will include post-treatment monitoring of the site to ensure a continuous 12-month period of time occurs where none of the Target Species is identified growing on the whole site. If any Target Species is identified as growing on-site during the 12-month monitoring period then treatment shall resume and continue until a continuous 12-month period with no Target Species occurs. The agreed Method Statement shall thereafter be implemented in full.

Reason: to control the spread of non-native invasive plant species in accordance with the Wildlife & Countryside Act 1981 (as amended) and BS 42020:2013.

- 43) Unless otherwise agreed in writing by the Local Planning Authority, where amplified music/sound is to be used by any Sui Generis or Class E use business hereby approved, occupation shall not commence unless a scheme to control noise emitted from the premises has been approved in writing by the Local Planning Authority and installed as approved. The scheme shall provide that the LAeq of entertainment noise does not exceed the representative background noise level LA90 (without entertainment noise) and the LAeq of entertainment noise will be at least 3dB below the background noise level LA90 (without entertainment noise) in 1/3 octaves between 63 and 125Hz when measured at the nearest noise sensitive premises. The approved scheme shall be retained thereafter.

- 44) There shall be:  
No use of the residential external roof terraces after 11pm.  
No use of the commercial roof terraces or any commercial outside seating areas after 11pm (except for smoking).  
No external speakers shall be installed or utilised at any of the ground floor commercial units, offices, pavilion or pub.

Reason: to protect residential amenity

- 45) Commercial deliveries and commercial waste collections shall be restricted to 07:30 - 19:00 hours Monday to Saturday and 09:30 - 16:00 hours on Sundays and Bank Holidays.

In the interests of residential amenity.

- 46) 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 (e.g. jet/wheel washing, provision of water cubes);
  - b) measures to control the emissions of dust and dirt during construction;
  - c) location of site compound and plant equipment/storage;
  - d) construction vehicle routing;
  - e) the means of access, location of site compound, storage and parking/holding areas (including workforce parking), means of loading and unloading of all contractor's plant, equipment, materials and vehicles and associated traffic management measures; and
  - f) how this Statement of Construction Practice will be made publicly available by the developer.
  - g) hours of construction

The approved details shall be implemented at the commencement of work on site within 2 weeks 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.

The carrying out of the development could result in significant harm to the amenities of local residents and/or highway safety and accordingly details of construction practice is required to be agreed prior to the commencement of works in order to protect such interests.

- 47) Within 24 months of the completion of the development hereby approved (such a date as to be notified to the LPA) in the event of any complaint to the Council from Network Rail relating to signal sighting safety or driver distraction, upon notification to the LPA, the applicant or site owner shall as soon as possible and not later than 28 days, submit for approval to the Council details of a scheme of remedial measures to address the concerns raised with details of a timescale for implementation of the works. The works shall be carried out in accordance with the approved details and timetable.

Reason: To ensure safety of the users of the railway.

- 48) The external extract ventilation system plant to the Resi1 building of the full planning permission element shall be installed and maintained in accordance with the approved details prior to the first occupation / use of the building. The system shall limit noise to a level no higher than the existing background noise level (L90)

when measured at noise sensitive premises, with the measurements and assessment made in accordance with BS4142:2014. The rating level shall include the addition of any character corrections as appropriate. If the character is unknown at the design stage or cannot be evidenced then a penalty of 5dB should be applied to take into account of potential corrections. The system shall be installed and maintained in accordance with the approved details and retained for the lifetime of the development.

In the interests of visual and residential amenity.

- 49) Details of any external extract ventilation system to any building other than Resi1 shall be submitted to and approved in writing by the Local Planning Authority prior to its installation and the system shall be installed and maintained in accordance with the approved details.

In the interests of visual and residential amenity.

- 50) Notwithstanding the plans hereby approved, the construction of above ground building works of a relevant phase of the development shall not commence until full design details, including dimensions, exact positions on site, porosity and materials of the wind mitigation measures, as referenced in the hereby approved Landscape General Arrangement Plan 8107-LDA-00-XX-DR-L-1101 PL10, Detailed Wind Mitigation Plans 8107-LDA-00-XX-DR-L-7221 PL02 and Wind Mitigation Presentation for LCC 27-01-23 for that phase have been submitted to, and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the details then so approved and retained for the lifetime of the development.

Reason: In the interests of public and highway safety

- 51) Prior to installation of the agreed wind mitigation measures for a relevant phase of development a scheme for the monitoring of the wind environment for that phase shall be submitted to and agreed in writing by the Local Planning Authority, assessing the effectiveness of the approved mitigation measures. The scheme shall incorporate details and timescales for the implementation of any further mitigation measures where these are found to be necessary by the monitoring exercise and shall be implemented in accordance with the details and timescales thereby approved.

Reason: In the interests of public and highway safety

- 52) At the following points in time:
- completion of at least 50% of the dwellings within the full permission (Resi1)
  - at the stage of the final completion of the remaining 50% of the dwellings in the full permission (Resi 1),
  - completion of at least 50% of the dwellings within the outline permission



- at the stage of the final completion of the remaining 50% of the dwellings in the outline permission (Resi 1),

a post-construction Accessible Housing Certification Table containing confirmation of the full details of the matters below shall be submitted to and approved in writing by the Local Planning Authority;

- Which and how many dwellings within the development have satisfied M4(2)\* accessible and adaptable dwellings standards

- Which and how many dwellings within the development have satisfied M4(3)\* wheelchair adaptable dwellings standards

- Which and how many dwellings within the development have satisfied M4(3)\* wheelchair accessible dwellings standard.

\*contained within Part M volume 1 of the Building Regulations. The accessible dwellings shall be implemented and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of disabled people and access for all

- 53) The disabled parking shown on the approved plans shall be laid out prior to first occupation of the development and retained for the life of the development.

In accordance with the adopted Core Strategy and parking policies.

- 54) Means of vehicular access to and from the site shall be only as shown on the approved plan ref and delivered prior to first occupation and retained thereafter for the lifetime of the proposed development.

To ensure the free and safe use of the highway.

Informative: In relation to Condition (...) of this permission, it is necessary to obtain separate Highway Authority approval for the specification and construction details and enter an agreement under Section 278 of the Highways Act 1980. The applicant is advised to make early contact with the Department of Highways and Transportation by emailing [S278Agreements@Leeds.gov.uk](mailto:S278Agreements@Leeds.gov.uk) prior to submission of condition discharge details. Further information is available on the council's website at <https://www.leeds.gov.uk/parking-roads-and-travel/licences-and-permits>.

- 55) Prior to the first occupation of the development, the approved plan showing the closing off and making good all existing redundant accesses to the development site shall be submitted to and approved in writing by the local planning authority. The approved works shall be completed before the development is occupied and the highway layout retained as such for the lifetime of the development.

To ensure the free and safe use of the highway.

- 56) 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.

- 57) Any gates across the access road to the development site shall be set back m from the back edge of the highway (footway) and only open inwards into the development site.

To ensure the free and safe use of the highway.

- 58) Development shall not be occupied until details (including location and size) of proposed In and Out signage, clearly visible to motorists, have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be completed before the development is occupied and retained for the lifetime of the development.

To ensure the free and safe use of the highway.

- 59) The development shall not be occupied until a wayfinding scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details and location of pedestrian and cycling signage between IN and \*\*\*\*IN. The works shall be carried out in accordance with the approved details within a timescale that shall have first been agreed in writing by the Local Planning Authority.

To ensure pedestrian and cycling safety and legibility.

- 60) The access(es) hereby approved shall not be brought into use until works have been undertaken to provide the sightlines / visibility splays shown on the approved plan ref to an adoptable standard. These sightlines / visibility splays shall be retained clear of all obstruction to visibility greater than \*\*\*\*m in height above the adjoining carriageway for the lifetime of the development.

To ensure the free and safe use of the highway.

- 61) The access hereby approved shall not be brought into use until the area of land shown on the approved plans has been laid out as a forward visibility splay to adoptable standards. The visibility splay shall be retained clear of all obstructions for the lifetime of the development.

To ensure the free and safe use of the highway.

- 62) Notwithstanding the approved details, 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.

In the interests of highway safety and promoting sustainable travel opportunities.

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

To ensure the free and safe use of the highway.

- 64) Development shall not be occupied until a Car Park and Servicing Management Plan (including timescales) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following information: (INSERT SPECIFIC REQUIREMENTS). The plan shall be fully implemented, and the development thereafter operated in accordance with the approved timescales.

To ensure the free and safe use of the highway.

- 65) 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 from the development hereby approved.

c) measures to control the emissions of dust and dirt during construction.

d) 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 on 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.

The carrying out of the development could result in significant harm to the amenities of local residents and highway safety, and accordingly details of construction practice is required to be agreed prior to commencement of works in order to protect such interests.

- 66) Prior to occupation of the development, the off-site highway works as shown on plan ref 105387-PEL-XX-XX-DR-C-00007 Rev C and 105387-PEL-XX-XX-DR-C-00008 Rev C comprising shall be fully delivered.

To ensure the free and safe use of the highway.

DOSHW Informative: In relation to Condition (j) of this permission, the applicant must enter an agreement with the Council under Section 278 of the Highways Act 1980. The applicant is advised to make early contact with the Highway and Transportation Service by emailing the details to [S278Agreements@Leeds.gov.uk](mailto:S278Agreements@Leeds.gov.uk). Further information is available on the council's website at <https://www.leeds.gov.uk/parking-roads-and-travel/licences-and-permits>.

- 67) Development shall not be occupied until Electric Vehicle Charging Points have been provided in accordance with a scheme that shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall thereafter be retained for the lifetime of the development.

In the interest of promoting low carbon transport.

- 68) The approved details for the provision of bin stores (including siting, materials and means of enclosure) and (where applicable) storage of wastes and access for their collection shall be implemented in full before the use commences and shall be retained thereafter as such for the lifetime of the development.

In the interests of amenity and to ensure adequate measures for the storage and collection of wastes are put in place.

Informative: In relation to condition (j) of this permission, it is necessary to obtain separate approval from the Waste Management department in relation to refuse storage details. The applicant is advised to make early contact with [Bin.Deliveries@leeds.gov.uk](mailto:Bin.Deliveries@leeds.gov.uk) prior to submission of condition discharge application.

**For information:-**

- 1) The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website and further discussion where appropriate to produce an acceptable development. For this particular application, positive discussions took place which resulted in further information being submitted to allow the application to be approved.
- 2) All reports addressing land contamination should be compiled in accordance with best practice and with the National Planning Policy Framework and policies Land 1 of the Natural Resources and Waste Local Plan 2013 and GP5 of the Unitary Development Plan Review 2006.

Prior to preparing any reports in compliance with conditions related to land contamination the applicant is also advised to refer to the latest version of the Yorkshire and Lincolnshire Pollution Advisory Group technical guidance for developers, landowners and consultants, as noted below:

- Development on Land Affected by Contamination
- Verification Requirements for Cover Systems
- Verification Requirements for Gas Protection Systems

Where C\_SOIL has been placed on the planning permission, guidance on the required information to submit is available in the Verification Requirements for Cover Systems guidance.

The latest version of this guidance and additional information is available at [www.leeds.gov.uk/contaminatedland](http://www.leeds.gov.uk/contaminatedland)

- 3) The applicant is advised that remediation of any contaminated site is required to a standard such that the site is 'suitable for its proposed use' in accordance with the National Planning Policy Framework (NPPF) and policies Land 1 of the Natural Resources and Waste Local Plan 2013 and GP5 of the Unitary Development Plan Review 2006.

Remediation may include the requirement for the importation of suitable soils and/or soil forming materials, an appropriately designed capping layer and satisfactory gas protection measures.

In order that the council can confirm that the site has been demonstrated as suitable for use, verification information in line with the approved Remediation Strategy must be submitted to the Local Planning Authority for approval in writing. Without submission of evidence to support the discharge of conditions relating to verification eg C\_VERI, C\_SOIL, C\_LUNX, there may arise delays to condition discharge, failure of property sale, liability issues and enforcement action including action under Part 2A of the Environmental Protection Act 1990.

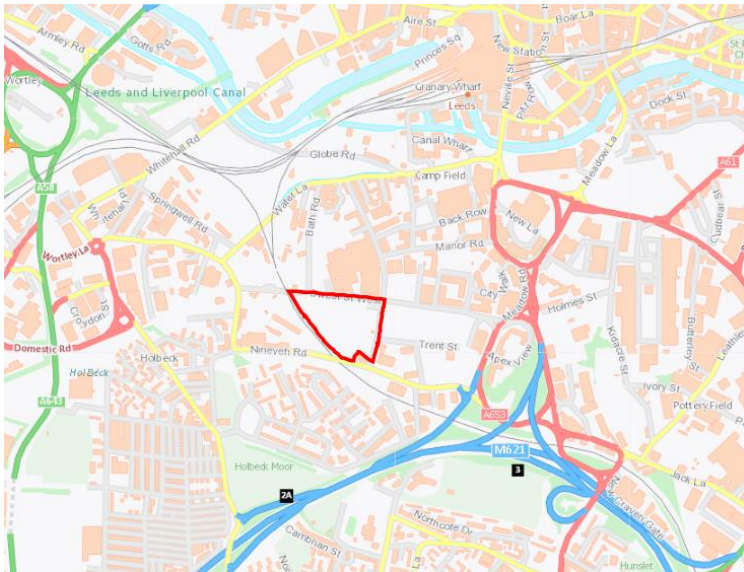
As noted in the NPPF, where a site is affected by contamination issues, responsibility for securing a safe development rests with the developer and/or landowner.



Valuation Office  
Agency

**DVS** Property Specialists  
for the Public Sector

Stage 2  
Viability Review Report  
Land South Of Sweet Street  
Leeds  
LS11 9TE



Report for:  
Leeds City Council

Prepared by:  
[REDACTED] MRICS  
Principal Surveyor  
RICS Registered Valuer  
DVS

Tel: [REDACTED]

[XXXXXXXXXXt@voa.gov.uk](mailto:XXXXXXXXXXt@voa.gov.uk)

Case Number: 1806415

Client Reference: 22/04400/FU

Date: 7<sup>th</sup> February 2023

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## 1.0 Executive Summary

### 1.1 Proposed Development Details.

This report provides an independent review of a viability assessment in connection with:

<b>Proposed Development</b>	Hybrid Planning Application for Full planning permission for construction of 15 storey residential building providing 451 dwellings (Use Class C3) and ground floor commercial space (Use Classes E (a, b, c, d, e and f) and Sui Generis (drinking establishment)), 8 storey office building (Use Class E(g), pavilion building (Use Class E (b, c and d), partial demolition and extension to existing public house, landscaping, access road and other associated works; Outline application for mixed use development comprising a maximum of 900 dwellings (Use Class C3), a maximum of 7,000sqm of office space (Use Class E (g) and a maximum of 200sqm of commercial floorspace (Use Classes E (a, b, d, e and f) and Sui Generis (drinking establishment))
<b>Subject of Assessment:</b>	Land South of Sweet Street West Leeds, LS11 9TE
<b>Planning Application Reference:</b>	22/04400/FU
<b>Applicant / Developer:</b>	Platform, Leeds S.a.r.l
<b>Applicant's Viability Advisor:</b>	Savills

### 1.2 Instruction

In connection with the above application Leeds City Council Planning Department require an independent review of the viability conclusion provided by the applicant in terms of the extent to which the accompanying appraisal is fair and reasonable and whether the assumptions made can be relied upon to determine the viability of the scheme.

A site-specific viability assessment review has been undertaken, the inputs adopted herein are unique to this site and scheme and may not be applicable to other viability assessments undertaken or reviewed by DVS.

### 1.3 Viability Conclusion

It is my considered and independent opinion that:

**The above scheme assessed with regards to full planning policy requirement comprising 20 % discounted market rent apartments, S.106 contributions of £2,573,526 and CIL contributions of £1,559,444 is not viable.**

In addition, and in accordance with your instructions we have undertaken two further options in respect of all phases of the scheme, which are summarised below:

#### Option 1

**The above scheme assessed with regards to planning policy requirement comprising 3.5 % discounted market rent apartments (44 units), S.106 contributions of £2,573,526 and CIL contributions of £1,559,444 is viable.**

#### Option 2

**The above scheme assessed with regards to planning policy requirement comprising 5.5% discounted market rent apartments (70 units), S.106 contributions of £1,463,867 and CIL contributions of £1,559,444 is viable.**

### 1.4 Non-Technical Summary of Viability Assessment Inputs

Policy Compliant Inputs	Agent Policy Compliant	DVS Viability Conclusion Review	Agreed (Y/N)
<b>Assessment Date</b>	August 2022	January 2023	N
<b>Scheme, Gross Internal Area, Site Area</b>	7.7 acres	7.7 acres	Y
<b>Development Period</b>	126 months	120 months	N
<b>Gross Development Value</b>	£368,644,053	£378,753,153	N
<b>Affordable Housing</b>	20%	20%	
<b>CIL/Planning Policy /</b>	CIL £1,559,444	CIL £1,559,444	N

<b>S.106 Total and £/sq. ft.</b>	S106 NIL	S106 £2,573,526	
<b>Total Development Cost (includes build cost and externals)</b>	£303,367,301	£288,928,358	N
<b>Comprising:</b>			
<b>Construction Cost Total and £/sq. ft.</b>	£295,464,456	£281,298,097	N
<b>Externals Total.</b>	£7,902,845	£7,630,261	N
<b>Abnormal Cost Total</b>	£10,535,971	£9,778,000	N
<b>Professional Fees %</b>	8%	7%	N
<b>Contingency %</b>	5%	3%	N
<b>Finance Interest and Sum</b>	Debit Rate 6%	6%	Y
<b>Other Fees</b>			
Marketing Fees	£100,000	£100,000	Y
Sales / Agency Fees	10% commercial letting agent fee	10% commercial letting agent fee	Y
Legal Fees	Not stated	<b>1.5%</b>	N
Land Acquiring Costs	NIL	SDLT +1.5%	N
<b>Profit Target %</b>	8%	10.58% (blended)	N
<b>Benchmark Land Value</b>	£13,700,000	£8,700,000	N
<b>EUV</b>	Not Stated	£4,620,000	N
<b>Premium</b>	Not Stated	£4,080,000	N
<b>Purchase Price</b>	Not Stated	£15,600,000 inclusive of VAT	N
<b>Alternative Use Value</b>	Not Stated	Not Applicable	N/A
<b>Residual Figure Land Value</b>	Negative £34.87m	£1,604,492	N
<b>Viability Conclusion Full Policy Scheme</b>	Not viable	Not Viable	N
<b>Deliverable Scheme</b>	NIL	Option 1 – 3.5% Affordable (44 units) CIL £1,559,444 S106 £2,573,425	N

A site-specific viability assessment review has been undertaken, the inputs adopted herein are unique to this site and scheme and may not be applicable to other viability assessments undertaken or reviewed by DVS.

## 2.0 Instruction and Terms

2.1 The Client is Leeds City Council.

2.2 The Subject of the Assessment is a Hybrid Planning Application for Full planning permission for construction of 15 storey residential building providing 451 dwellings (Use Class C3) and ground floor commercial space (Use Classes E (a, b, c, d, e and f) and Sui Generis (drinking establishment)), 8 storey office building (Use Class E(g), pavilion building (Use Class E (b, c and d), partial demolition and extension to existing public house, landscaping, access road and other associated works; Outline application for mixed use development comprising a maximum of 900 dwellings (Use Class C3), a maximum of 7,000sqm of office space (Use Class E (g) and a maximum of 200sqm of commercial floorspace (Use Classes E (a, b, d, e and f) and Sui Generis (drinking establishment). This is in relation to land to the South of Sweet Street West, Leeds, LS11 9TE.

I refer you to my comments below in section 3.4 regarding the Most Effective and Efficient Development.

2.3 The date of viability assessment is 1<sup>st</sup> December 2022. Please note that values change over time and that a viability assessment provided on a particular date may not be valid at a later date.

2.4 Instructions were received on 26<sup>th</sup> September 2022 It is understood that Leeds City Council require an independent opinion on the viability information provided by Brian Maguire, in terms of the extent to which the accompanying appraisal is fair and reasonable and whether the assumptions made are acceptable and can be relied upon to determine the viability of the scheme. Specifically, DVS have been appointed to:

- Assess the Viability Assessment submitted on behalf of the planning applicant / developer, taking in to account the planning proposals as supplied by you or available from your authority's planning website.
- Advise Leeds City Council in writing on those areas of the applicant's Viability Assessment which are agreed and those which are considered unsupported or incorrect, including stating the basis for this opinion, together with evidence. If DVS considers that the applicant's appraisal input and viability conclusion is incorrect, this report will advise on the cumulative viability impact of the changes and in particular whether any additional affordable housing and / or s106 contributions might be

provided without adversely affecting the overall viability of the development.

- 2.5 Conflict of Interest Statement - In accordance with the requirements of RICS Professional Standards, DVS has checked that no conflict of interest arises before accepting this instruction. It is confirmed that DVS are unaware of any previous conflicting material involvement and is satisfied that no conflict of interest exists.
- 2.6 Inspection – The site was inspected on 18<sup>th</sup> October 2022, by Brian Maguire. This was an external inspection for valuation purposes and does not constitute a building survey.
- 2.7 DVS/ VOA Terms of Engagement were issued on 27<sup>th</sup> September 2022, a redacted version is attached at **Appendix (iv)**
- 2.8 DVS issued our Stage 1 report on 19<sup>th</sup> December 2022 which gave the applicant to present a rebuttal. My stage 2 report supersedes the stage 1 report.

### **3.0 Guidance and Status of Valuer**

#### **3.1 Authoritative Requirements**

The DVS viability assessment review will be prepared in accordance with the following statutory and other authoritative mandatory requirements:

- The '**National Planning Policy Framework**', which states that all viability assessments should reflect the recommended approach in **the 'National Planning Practice Guidance on Viability'**. This document is recognised as the 'authoritative requirement' by the Royal Institution of Chartered Surveyors (RICS).
- RICS Professional Statement '**Financial viability in planning: conduct and reporting**' (effective from 1 September 2019) which provides the mandatory requirements for the conduct and reporting of valuations in the viability assessment and has been written to reflect the requirements of the PPG.
- RICS Professional Standards PS1 and PS2 of the '**RICS Valuation – Global Standards**'.

### 3.2 Professional Guidance

Regard will be made to applicable RICS Guidance Notes, principally the best practice guidance as set out in RICS GN '**Assessing viability in planning under the National Planning Policy Framework 2019 for England**' (effective 1 July 2021).

Other RICS guidance notes will be referenced in the report and include RICS GN '**Valuation of Development Property**' and RICS GN '**Comparable Evidence in Real Estate Valuation**'.

Valuation advice (see Note 1) will be prepared in accordance with the professional standards of the of the '**RICS Valuation – Global Standards**' and the '**UK National Supplement**', which taken together are commonly known as the RICS Red Book. Compliance with the RICS Professional Standards and Valuation Practice Statements (VPS) gives assurance also of compliance with the International Valuations Standards (IVS).

Whilst professional opinions may be expressed in relation to the appraisal inputs adopted, this consultancy advice is to assist you with your decision making for planning purposes and is not formal valuation advice such as for acquisition or disposal purposes. It is, however, understood that our review assessment and conclusion may be used by you as part of a negotiation.

The RICS Red Book professional standards are applicable to our undertaking of your case instruction, with PS1 and PS 2 mandatory. While compliance with the technical and performance standards at VPS1 to VPS 5 are not mandatory (as per PS 1 para 5.4) in the context of your instruction, they are considered best practice and have been applied to the extent not precluded by your specific requirement.

### 3.3 RICS 'Financial Viability in Planning Conduct and Reporting'

In accordance with the above RICS Professional Statement it is confirmed that:

- a) In carrying out this viability assessment review the valuer has acted with objectivity, impartiality, without interference and with reference to all appropriate sources of information.
- b) The professional fee for this report is not performance related and contingent fees are not applicable.

- c) DVS are not currently engaged in advising this local planning authority in relation to area wide viability assessments in connection with the formulation of future policy.
- d) The appointed valuer, [REDACTED] CS is not currently engaged in advising this local planning authority in relation to area wide viability assessments in connection with the formulation of future policy.
- e) Neither the appointed valuer, nor DVS advised this local planning authority in connection with the area wide viability assessments which supports the existing planning policy.
- f) The DVS viability review assessment has been carried out with due diligence and in accordance with section 4 of this professional statement
- g) The signatory and all other contributors to this report, as referred to herein, has complied with RICS requirements.

#### 3.4 Most Effective and Efficient Development

It is a mandatory requirement of the **RICS 'Financial viability in planning: conduct and reporting'** Professional Statement for the member or member firm to assess the viability of the most effective and most efficient development.

I have considered whether the “hybrid” planning application and the applicants viability appraisal contains sufficient detail to determine viability for both the detailed and outline application which will be delivered over 10 years.

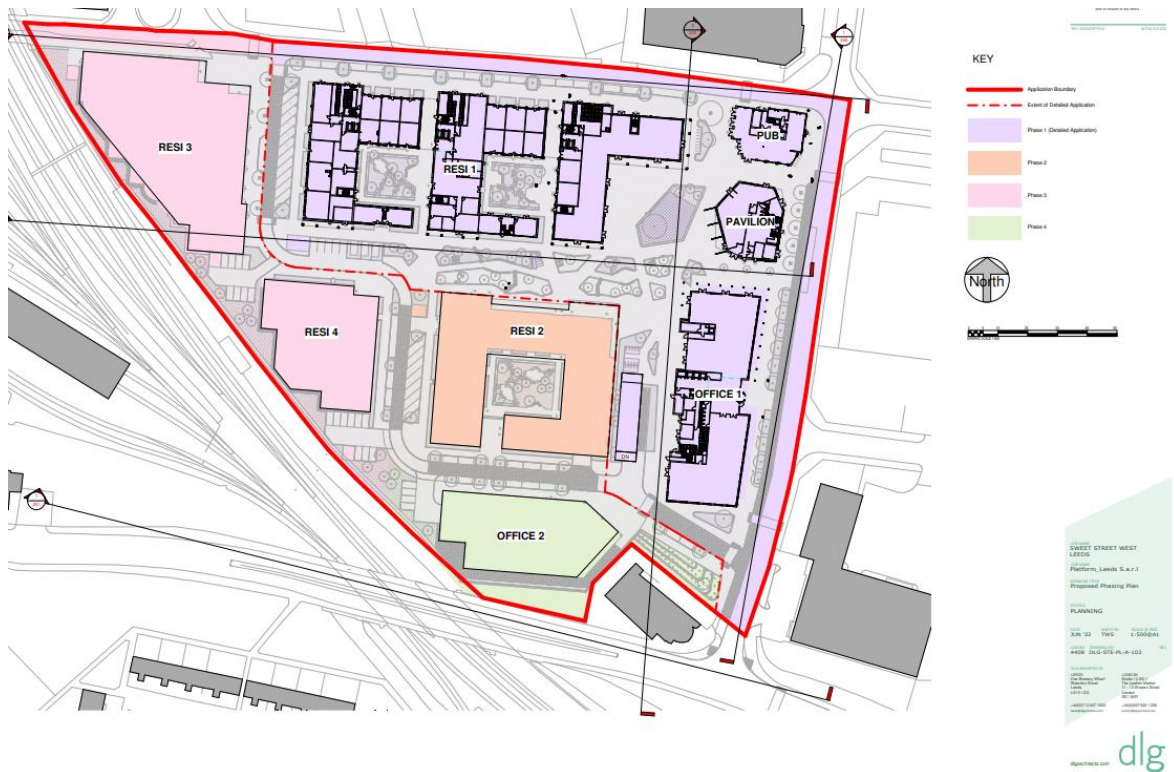
I do not believe the applicants viability consultants approach provides a sufficiently accurate conclusion by virtue of insufficient data regarding PRS apartment sizes within later phases. In addition, the time period over which the outline consent is intended to be delivered will be between year 2 and 10 which introduces additional uncertainty regarding revenues and costs.

RICS 'Financial viability in planning: conduct and reporting' also explains that Local Planning Authorities and their advisers need to be confident that the FVA fully reflects the way the development would actually be carried out.

The proposed development, as set out in the applicants appraisal, comprises two main phases. However, the applicants viability appraisal



appears to contradict information provided by the applicant and their consultants. The plan entitled “Proposed Phasing Plan” below dated June 2022 refers to 4 distinct phases shaded in purple, orange, pink and green.



Following discussions with the applicant and planning authority it has been agreed to appraise the entire scheme but also specifically comment on phase 1 in isolation comprising PRS apartments, a Pavilion building housing hospitality units, offices, a gym and a separate public house building.

Therefore, my report will specifically comment on to what extent the following scenarios are viable:

- a) The entire scheme comprising phase 1 (detailed application) and later phases (outline application) as presented by the applicant in their viability appraisal.
- b) Phase 1 only comprising 15 storey residential building providing 451 dwellings (Use Class C3) and ground floor commercial space (Use Classes E (a, b, c, d, e and f) and Sui Generis (drinking establishment)), 8 storey office building (Use Class E(g), pavilion building (Use Class E (b, c and d),

partial demolition and extension to existing public house, landscaping, access road and other associated works.

### 3.5 Signatory

- a) It is confirmed that the stage 2 viability assessment has been carried out by [REDACTED] MRICS a Registered Valuer, acting in the capacity as an external valuer, who has the appropriate knowledge, skills and understanding necessary to undertake the viability assessment competently and is in a position to provide an objective and unbiased review.
- b) As part of the DVS Quality Control procedure, this report and the appraisal has been formally reviewed by [REDACTED] MRICS Registered Valuers, who also have the appropriate knowledge, skills and understanding necessary to complete this task.
- c) Other Contributors - Graduate Valuer [REDACTED] has assisted in the case, and was responsible for the site inspection, photographs, comparable research and GDV review under supervision of [REDACTED] [REDACTED] at Rex Proctor and Partners, Quantity Surveyors have provided advice in relation to development costs.
- d) DVS has provided viability assessment reviews for Leeds City Council for several years.

### 3.6 Bases of Value

The bases of value referred to herein are defined in the Terms of Engagement at **Appendix IV** and are sourced as follows:

- Benchmark Land Value is defined at Paragraph 014 of the NPPG.
- Existing Use Value is defined at Paragraph 015 of the NPPG.
- Alternative Use Value is defined at Paragraph 017 of the NPPG
- Market Value is defined at VPS 4 of 'RICS Valuation – Global Standards'
- Market Rent is defined at VPS 4 of 'RICS Valuation – Global Standards'
- Gross Development Value is defined in the Glossary of the RICS GN 'Valuation of Development Property' (February 2020).

## 4.0 Assumptions, and Limitations

### 4.1 Special Assumptions

As stated in the terms the following special assumptions have been agreed and will be applied:

- That your council's planning policy, or emerging policy, for affordable housing is up to date.
- There are no abnormal development costs in addition to those which the applicant has identified, and (for cases with no sq. review) the applicant's abnormal costs, where supported, are to be relied upon to determine the viability of the scheme, unless otherwise stated in our report.
- That the development as proposed is complete on the date of assessment in the market conditions prevailing on the date.

### 4.2 General Assumptions

The site has been externally inspected. The below assumptions are subject to the statement regarding the limitations on the extent of our investigations, survey restrictions and assumptions, as expressed in the terms of engagement.

- a) Tenure - A report on Title has not been provided. The review assessment assumes that the site is held Freehold with vacant possession.
- b) Easements / Title restrictions - The advice is provided on the basis the title is available on an unencumbered freehold or long leasehold basis with the benefit of vacant possession. It is assumed the title is unencumbered and will not occasion any extraordinary costs over and above those identified by the applicant and considered as part of abnormal costs.
- c) Access / highways - It is assumed the site is readily accessible by public highway and will not occasion any extraordinary costs over and above those identified by the applicant and considered as part of abnormal costs.
- d) Mains Services - It is assumed the site is or can be connected to all mains services will not occasion any extraordinary costs over and above those identified by the applicant and considered as part of abnormal costs.

- e) Mineral Stability - This assessment has been made in accordance with the terms of the agreement in which you have instructed the Agency to assume that the property is not affected by any mining subsidence, and that the site is stable and would not occasion any extraordinary costs with regard to Mining Subsidence. I refer you to the DVS Terms of Engagement at **Appendix IV** for additional commentary around ground stability assumptions.
- f) Environmental Factors Observed and/or Identified - It is assumed the site will not occasion any extraordinary costs relating to environmental factors over and above those identified by the applicant and considered as part of abnormal costs.
- g) Flood Risk – Not applicable
- h) Asbestos – It is assumed any asbestos will not occasion any extraordinary costs over and above those identified by the applicant and considered as part of abnormal costs.

## **5.0 Proposed Development**

### **5.1 Location / Situation**

The subject site extends to 7.71 acres and is situated in Holbeck, 0.5 miles from Leeds train station. Access is provided from Sweet Street and Marshall Street. Land use in the surrounding area comprise of mixed-use residential blocks, industrial land, and office space.

The subject site is situated in close proximity to junction 3 of the M621, which provides good access to the M1 and M62 motorways.

### **5.2 Description**

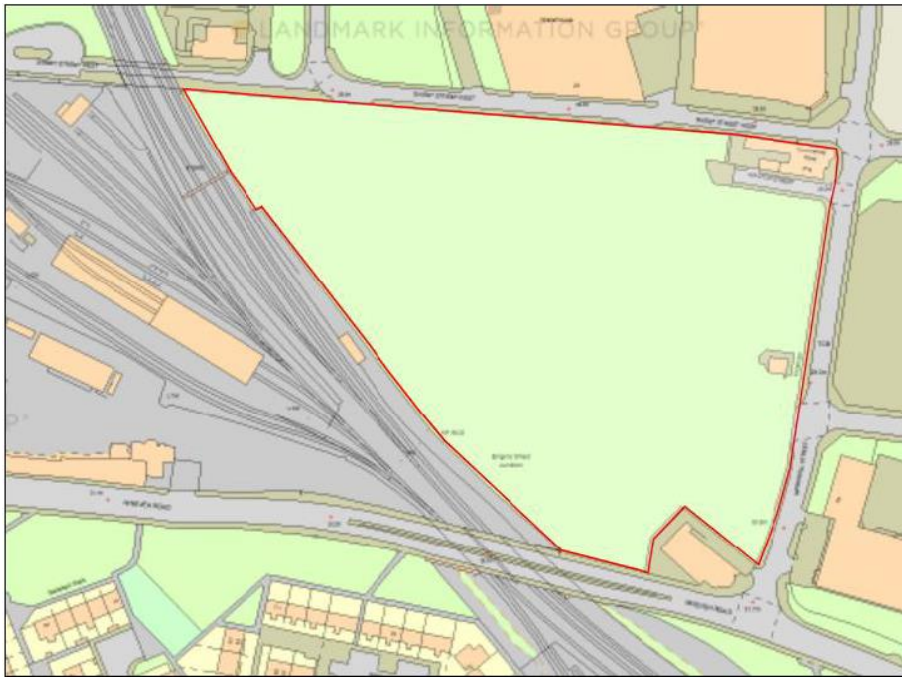
The subject is of a regular shape bounded by public highway to the north, east and south. Immediately to the west there is a railway line.

The brownfield site was formerly used as a distribution warehouse that has since been demolished and cleared of all buildings, apart from the derelict 'Commercial' pub situated in the North Eastern corner. The site is approximately 7.71 acres in total.

### **5.3 Site Plan and Area**

The site extends to 7.71 acres (3.12 Hectares).

### Site Plan



Source: Savills

#### 5.4 Schedule of Accommodation/ Scheme Floor Areas

Details have been taken from the applicant’s appraisal and are summarised below which sets out the scale and type of development in Phase 1:

Block	Storeys	Apartments	Apartment Sqft (NSA)	Ave Apartment Sqft (NSA)	Commercial Sqft (NIA)	Parking Spaces	GIA (Sqft)
Resi 1	14	451	288357	639	7324	32	387569
Office 1	8	n/a	n/a	n/a	88598	82	150685
Pavilion	4	n/a	n/a	n/a	5016	0	15296
Pub	5	n/a	n/a	n/a	5597	0	6781
<b>Totals/Ave</b>	n/a	<b>451</b>	<b>288357</b>	<b>639</b>	<b>106535</b>	<b>114</b>	<b>560331</b>

Source: Savills

In addition, the applicant has described the size and type of apts within Phase 1 and summarised in the table below taken form the applicants viability report:

	Studio	1 bed 1 person	1 bed 2 person	2 bed 3 person	2 bed 4 person	3 bed 5 person	Totals/Ave
Total No.	25	173	27	105	76	45	451
Total Sqft	11900	86327	16578	73500	57380	42660	288345
Ave Sqft	476	499	614	700	755	948	639
£/sqft pa	£20.00	£21.00	£20.00	£21.00	£21.50	£22.00	£21.15
Ave £pa	£9,520	£10,479	£12,280	£14,700	£16,233	£20,856	£13,521
Ave £pcm	£793	£873	£1,023	£1,225	£1,353	£1,738	£1,127
Total £pa	£238,000	£1,812,867	£331,560	£1,543,500	£1,233,670	£938,520	£6,098,117
% Provision	6%	38%	6%	23%	17%	10%	100%

Source: Savills

The proposed first phase of the scheme comprises a residential scheme delivering 451 Build to Rent Apartments. There is also a 88,598 sq ft (NIA) office block, 15,296 sq ft (GIA) 'Pavilion' "leisure space" which incorporates a gym and additional offices and a 2,960 sq ft public house.

The applicant has set out that the first phase of the proposed development that the scheme will have a Gross Internal Area of 557,140 sq ft.

The size of the remaining phase is summarised by the applicant and illustrated in the table below which has been taken from their viability appraisal:

A draft scheme for the subsequent phases has been provided and is summarised below, forming part of this viability appraisal:

Block	Storeys	Apartments	Apartment Sqft (NSA)	Ave Apartment Sqft (NSA)	Commercial Sqft (NIA)	Parking Spaces	GIA (Sqft)
Resi 2	14	326	202665	622	1344	24	268799
Resi 3	20	336	211534	630	n/a	35	295601
Resi 4	13	154	99502	646	n/a	14	132107
Office 2	5	n/a	n/a	n/a	44896	30	65068
<b>Totals/Ave</b>	n/a	<b>816</b>	<b>513701</b>	<b>630</b>	<b>46240</b>	<b>103</b>	<b>761575</b>

Source: Savills

Measurements stated are in accordance with the RICS Professional Statement '**RICS Property Measurement' (2<sup>nd</sup> Edition)** and, where relevant, **the RICS Code of Measuring Practice (6<sup>th</sup> Edition)**.

## 5.5 Planning

Local Plan 2 The site forms part of a wider site allocated under Policy MX2 of the Site Allocations Plan (site reference: MX2-35). The wider site is designated for 1000 dwellings and 3.1ha of general employment land. Site Allocations Plan Policy EG2: 'General Employment Allocations, or Mixed Use Allocations Which Include General Employment Uses' is of relevance.

The site is identified within Zone 4 for the CIL charging Schedule which was implemented in 2015. Zone 4 currently requires a payment of £6.43 psm for residential development. The current CIL charge for offices in the city centre

is £45 psm. Affordable Housing policy is included within the Core Strategy, which was subject to selective review late 2019. The review, Policy H5 includes 3 options for PRS developments: i) on-site, according to national policy advice, currently 20% Affordable Private Rent dwellings at 80% of local market rents administered by a management company with appropriate arrangements for identifying households in need, including city council nomination rights, which apply in perpetuity, or ii) on-site, the percentage of affordable housing specified for zones 1-4 and mix of Intermediate and Social Rented types of affordable housing set out in the first paragraphs of this Policy at affordable housing benchmark rents administered by either a registered provider or a management company with appropriate arrangements for identifying households in need, including City Council nomination rights, which apply in perpetuity, or iii) a commuted sum in lieu of on-site provision of affordable housing of option ii).

- a) Developments are expected to meet the policy provision as prescribed in the Plan. DVS have not been made aware of why this scheme has been accepted for site specific viability assessment. It is understood this is because the local plan viability study can be differentiated from the typologies/ assumptions used as there are extensive abnormal costs.

#### 5.6 Policy Requirements for the Scheme

The local authority has not set out the Local Plan policy requirements at this stage of the viability process other than a requirement for 20% of the PRS accommodation should be Discounted Market Rental units with rents at 80% of market rental value.

I have been asked to provide 2 options to Leeds City Council in respect of the amount of affordable provided. The first option is based on the Section 106 contributions detailed below which total £2,573,526 for option 1:

#### Option 1 Section 106 Contributions

Biodiversity Net Gain: £600,500  
Greenspace: £263,540  
Residential Travel Plan: £345,518  
Travel Plan Monitoring: £19,688  
Highways – Bath Road Improvements: £896,000  
Highways – City Centre Package: £368,280  
Highways – Nineveh Road: £70,000  
Highways – TRO: £10,000

For option 2 the Council have excluded contributions towards Biodiversity and Greenspace and reduced the residential travel plan contribution, as summarised below, which enables the scheme to support additional affordable housing.

#### Option 2 Section 106 Contributions

Biodiversity Net Gain: £NIL  
Greenspace: £NIL  
Residential Travel Plan: £100,000  
Travel Plan Monitoring: £19,688  
Highways – Bath Road Improvements: £896,000  
Highways – City Centre Package: £368,280  
Highways – Nineveh Road: £70,000  
Highways – TRO: £10,000

The applicant has adopted the sum of £1,559,444 in respect of CIL (Community Infrastructure Levy). Planning policy requirements should be factual and agreed between the LPA and the applicant and I await confirmation that the CIL calculation is correct. If the review assessment adopts an incorrect figure and or a significantly different figure is later agreed the viability conclusion should be referred back to DVS.

#### 5.7 Planning Status

I have made enquiries of the Planning Authority as to the planning status and history which has revealed that there are no extant consents, but there has been a previous planning application on the site.

Previous applications include:

Ref. Ref: 20/304/05/OT

Received: 21/06/2022

Description: Outline application to erect 66,160m<sup>2</sup> of residential floorspace, 14,357m<sup>2</sup> of Class B1 (office) floorspace, 2986m<sup>2</sup> of class B1 (workspace units) and ancillary Class A uses (960m<sup>2</sup>), a community and medical centre use (700m<sup>2</sup>) and gym use (1,665m<sup>2</sup>) and ancillary car parking and landscaped amenity areas.

Status: Approved on 29/08/2007 now expired and not implemented.



## 6.0 Summary of Applicant's Viability Assessment

### 6.1 Report Reference

DVS refer to the Financial Viability Assessment prepared by Sue Howarth, Savills dated August 2022 titled *Sweet Street, Leeds Viability Assessment Report*, and the appraisal(s) therein. The surveyor and firm are noted to be a member and member firm of the RICS and the report states that they have followed mandatory and best practice professional statement and guidance of the RICS.

### 6.2 Summary of Applicant's Appraisal

In summary Savills' appraisal has been produced using Argus Developer software and follows established residual methodology. This is where the Gross Development Value less the Total Development Costs Less Profit, equals the Residual Land Value, and the Residual Land Value is then compared to the Benchmark Land Value as defined in the Planning Practice Guidance, to establish viability.

The applicant outlines in their report the following:

- The proposed scheme with 20% Affordable Housing provision and £872,441 (CIL Phase 1) Policy requirements produces a Residual Land Value of **negative £34,870,000**.
- The Benchmark Land Value is **£13,700,000** based upon an EUV approach. The applicant has not considered the EUV+ approach as viable in this case due to the likelihood of a mixed-use scheme being granted planning consent.
- A residual deficit of £34,870,000 is identified, this is substantially below their opinion of the Benchmark Land Value and therefore the applicant seeks to demonstrate that no Affordable Housing contributions are viable. It is worth noting that the applicant has advised they are willing to offer a commuted sum of £500,000 towards affordable or S106 costs.
- The applicant's advisor concludes a scheme with no policy planning contributions is unviable. The applicant has subsequently submitted an appraisal without provision of affordable housing that has resulted in a **negative £24,470,000** land value. Notwithstanding the significant shortfalls identified, it is understood the applicant intends to deliver this scheme.

To review the reasonableness of this conclusion, the reasonableness of the applicant's appraisal inputs is considered in the next sections.

## 7.0 Development Period/ Programme

7.1 The development period adopted by the applicant's advisor for the entire scheme is 120 months, however this equates to both first and second phases of the scheme. The applicant's appraisal comprises:

- 1 month for site purchase
- 6 months pre-construction/ site preparation
- 120 months for construction
- 1 month for the sale of Phase 1 upon practical completion

I agree with the time scale for the delivery of the entire scheme.

7.2 I have also appraised a scenario where the viability is tested for phase 1 in isolation.

I have adopted the following development period relating to phase 1:

- 1 month for site purchase
- 6 months pre-construction/ site preparation and enabling site specific abnormalities
- 24 months for construction
- 1 month for the sale of the completed PRS scheme, Pavilion Building and Public House.

## 8.0 Gross Development Value (GDV)

The applicant's viability surveyor has adopted a GDV of £380,786,686 in relation to the entire development which is summarised below:

### Full Application – Phase 1

Description	Sqft or No.	£/Sqft or £/unit	MRV pa incl AH	Deductions	Net Rent	Inv Yield	Investment Value
Block 1 Resi	288345	£21.15	£5,854,192	25%	£4,390,644	4.25%	£103,309,270.59
Resi Parking	32	£1,440.00	£46,080	0%	£46,080	4.25%	£1,084,235.29
Block 1 Comm	7324	£15.00	£109,860	0%	£109,860	8.00%	£1,373,250.00
Office 1	88598	£28.00	£2,480,744	0%	£2,480,744	6.00%	£41,345,733.33
Office Parking	82	£1,800.00	£147,600	0%	£147,600	6.00%	£2,460,000.00
Pavillion	5016	£15.00	£75,240	0%	£75,240	8.00%	£940,500.00
Pub	5597	£15.00	£83,955	0%	£83,955	8.00%	£1,049,437.50
<b>Totals</b>			<b>£8,797,671</b>		<b>£7,334,123</b>		<b>£151,562,426.72</b>

Source:Savills

## Outline Application

Description	Sqft or No.	£/Sqft or £/unit	MRV pa	Deductions	Net Rent	Inv Yield	Investment Value
Block 2 Resi	202665	£21.68	£4,393,250	25%	£3,294,938	4.25%	£77,527,941.18
Block 3 Resi	211534	£22.21	£4,697,349	25%	£3,523,012	4.25%	£82,894,394.12
Block 4 Resi	99502	£22.76	£2,262,161	25%	£1,696,621	4.25%	£39,920,488.24
Resi Parking	73	£1,440.00	£105,120	0%	£105,120	4.25%	£2,473,411.76
Block 2 Comm	1344	£15.00	£20,160	0%	£20,160	8.00%	£252,000.00
Office 2	44896	£28.00	£1,257,088	0%	£1,257,088	6.00%	£20,951,466.67
Office Parking	30	£1,800.00	£54,000	0%	£54,000	6.00%	£900,000.00
<b>Totals</b>			<b>£12,789,128</b>		<b>£9,950,938</b>		<b>£224,919,701.96</b>

Source: Savills

I have reviewed the GDV proposed with regards to RICS Guidance Notes **‘Assessing viability in planning under the National Planning Policy Framework 2019 for England’** and **‘Comparable Evidence in Real Estate’** and my conclusions are set out below.

### 8.1 Market Value of PRS Apartments

The applicant’s consultant states they have undertaken market research into new Build to Rent developments within the city centre and have focused on three schemes: Mustard Wharf, Leodis Square and The Headline. I have also researched Pin Yard, another new BTR scheme on Sweet Street that opened in 2021/2022.

I would comment that each scheme benefits from ease of access to the city centre amenities, services, and transport links, although Mustard Wharf occupies the most superior position, 5 minutes’ walk from the train station and delivering enhanced specification and on-site amenity.

I disagree with the rents adopted by the applicant’s advisor as I have agreed rents for viability purposes at numerous other properties schemes in the city centre including developments off Water Lane/Sweet Street/Wellington Street which have been agreed with developers at higher rental values for 1, 2 and 3-bedroom units.

I have had regard to previous agreements with PRS/Build to Rent developers when determining rental values for this scheme. I refer you to evidence of rents agreed in respect of similar city centre schemes and make more comparables available upon request. In addition, I have reviewed availability at several schemes across the city centre to assess current rental levels. In light of this evidence, I have adopted the following gross rents for the market value apartments within the Sweet Street development:

Rental Area Summary	Units	ft <sup>2</sup>	Rent Rate ft <sup>2</sup>	Initial MRV/Unit	Net Rent at Sale	Initial MRV	Net MRV at Sale
1B1P Type A *	28	13,552	23.00	11,132	236,889	311,696	236,889
1B1P Type E *	49	24,255	23.00	11,385	423,977	557,865	423,977
1B1P Types B,C,F,G,H,I,J *	82	41,492	23.00	11,638	725,280	954,316	725,280
1B1P Type H *	1	517	22.50	11,633	8,841	11,633	8,841
1B1P Type D *	6	3,294	22.00	12,078	55,076	72,468	55,076
1B2P Types H,D,G,E,D,D *	8	4,304	22.50	12,105	73,598	96,840	73,598
1B2P Types B,C *	7	4,067	22.00	12,782	68,000	89,474	68,000
1BST Type A *	13	5,460	24.00	10,080	99,590	131,040	99,590
1BST Type B *	9	5,328	20.00	11,840	80,986	106,560	80,986
1B2P Type F *	1	603	22.00	13,266	10,082	13,266	10,082
1B2P M4 *	9	5,715	22.00	13,970	95,555	125,730	95,555
1B2P M4 (3) *	1	700	20.00	14,000	10,640	14,000	10,640
2B3P Type B *	31	20,677	22.31	14,882	350,620	461,342	350,620
2B3P Type D *	1	689	21.60	14,882	11,311	14,882	11,311
2B3P Type A *	44	30,800	21.43	15,000	501,600	660,000	501,600
2B3P Types A,E *	8	5,680	21.27	15,100	91,808	120,800	91,808
2B3P Type A,E	4	2,884	21.08	15,200	46,208	60,800	46,208
2B4P Type A *	74	55,722	21.50	16,190	910,497	1,198,023	910,497
2B3P Type C *	13	9,932	21.00	16,044	158,515	208,572	158,515
2B3P Type A *	1	807	20.14	16,250	12,350	16,250	12,350
2B3P Type F *	1	861	19.16	16,500	12,540	16,500	12,540
3B4P Type A *	18	16,668	22.00	20,372	278,689	366,696	278,689
3B5P Type B *	2	2,130	22.00	23,430	35,614	46,860	35,614
3B5P Type A *	11	12,309	22.00	24,618	205,806	270,798	205,806
3B5P Type C *	3	3,036	22.00	22,264	50,762	66,792	50,762
3B4P Type E *	1	936	22.00	20,592	15,650	20,592	15,650
3B5P Type D *	6	5,748	22.00	21,076	96,107	126,456	96,107
3B5P Type E *	1	926	22.00	20,372	15,483	20,372	15,483
3B5P Type E *	2	1,872	22.00	20,592	31,300	41,184	31,300

## 8.2 Market Value of Affordable Housing Dwellings

By virtue of my difference of opinion regarding market value rents the Discounted Market Rents (DMR) are higher than those adopted by the applicant. the applicant has adopted the following Affordable Housing Rents for Phase 1 summarised below:

	Studio	1 bed 1 person	1 bed 2 person	2 bed 3 person	2 bed 4 person	3 bed 5 person	Totals/Ave
<b>Total No.</b>	25	173	27	105	76	45	<b>451</b>
<b>20% AH</b>	5	35	5	21	15	9	<b>90</b>
<b>Ave Sqft</b>	476	499	614	700	755	948	<b>639</b>
<b>Total AH Sqft</b>	2380	17265	3316	14700	11476	8532	<b>57669</b>
<b>Private £/sqft pa</b>	£20.00	£21.00	£20.00	£21.00	£21.50	£22.00	<b>£20.77</b>
<b>Private Rent Equiv pa</b>	£47,600	£362,573	£66,312	£308,700	£246,734	£187,704	<b>£1,219,623</b>
<b>AH £/sqft pa @ 80%</b>	£16.00	£16.80	£16.00	£16.80	£17.20	£17.60	<b>£16.62</b>
<b>Ave AH £pa</b>	£7,616	£8,383	£9,824	£11,760	£12,986	£16,685	<b>£10,817</b>
<b>Ave AH £pcm</b>	£635	£699	£819	£980	£1,082	£1,390	<b>£901</b>
<b>Total £pa</b>	<b>£38,080</b>	<b>£290,059</b>	<b>£53,050</b>	<b>£246,960</b>	<b>£197,387</b>	<b>£150,163</b>	<b>£975,699</b>

Source: Savills

I summarise below the total number of affordable units included in my policy compliant scheme and the Rent Rate per sq ft for the discounted market rental units:

AFF 1BST Type A *	2	840	19.20	8,064	12,257	16,128	12,257
AFF 1B1P Type A *	8	3,872	18.40	8,906	54,146	71,245	54,146
AFF 1B2P Types H,D,G,E,D,D *	1	538	18.00	9,684	7,360	9,684	7,360
AFF 2B3P Type B *	2	1,334	17.85	11,906	18,097	23,812	18,097
AFF 2B4P Type A *	2	1,506	17.20	12,952	19,686	25,903	19,686
AFF 3B5P Type A *	1	1,119	17.60	19,694	14,968	19,694	14,968

### 8.3 Market Value of Commercial Units

The applicant's consultant has undertaken market research into the Leeds market, however, they have not referred to comparable evidence. The commercial units within phase 1 of the development can be seen highlighted in red below, along with elements of the car parking provision.

Description	Sqft or No.	£/Sqft or £/unit	MRV pa	Deductions	Net Rent	Inv Yield	Investment Value
Block 1 Resi	288345	£21.15	£6,098,117	25%	£4,573,588	4.25%	£107,613,829.41
Resi Parking	32	£1,440.00	£46,080	0%	£46,080	4.25%	£1,084,235.29
Block 1 Comm	7324	£15.00	£109,860	0%	£109,860	8.00%	£1,373,250.00
Office 1	88598	£28.00	£2,480,744	0%	£2,480,744	6.00%	£41,345,733.33
Office Parking	82	£1,800.00	£147,600	0%	£147,600	6.00%	£2,460,000.00
Pavillion	5016	£15.00	£75,240	0%	£75,240	8.00%	£940,500.00
Pub	5597	£15.00	£83,955	0%	£83,955	8.00%	£1,049,437.50
<b>Totals</b>			<b>£9,041,596</b>		<b>£7,517,067</b>		<b>£155,866,985.54</b>

Source: Savills

In accordance with RICS and NPPG viability guidance I have undertaken detailed market research to support my conclusions regarding the rental and capital values for the commercial units in the scheme.

#### Offices

The applicant has based the office rental values at £28 per sq ft after an allowance for incentives and rent-free periods which I have replicated in my appraisal. There is an absence of comparable evidence in the applicants report. However, I have assumed the same rental levels within my appraisal for the office space and I have supported my conclusion with comparable evidence summarised below.

I have considered recent lettings and quoting rents for "standalone office buildings on the edge of Leeds City Centre. I refer you to the table below where I have given particular weight to the lettings at 3 Wellington Place and Riverside II Whitehall Quay which support the rental value adopted in my viability appraisal.

## Table of Comparable Office Rents

	<ul style="list-style-type: none"> <li>• Globe Point, Globe Road</li> <li>• Speculative Development</li> <li>• Grade A Space</li> <li>• Net Internal Area 37,842 sq ft</li> <li>• Distance from Leeds station 500 metres</li> <li>• Quoted headline rent £32 per sq ft</li> </ul>
	<ul style="list-style-type: none"> <li>• Benson House, Wellington Street, Leeds</li> <li>• Mid-1990's refurbished</li> <li>• Grade A Space</li> <li>• Net Internal Area 73,390 sq ft</li> <li>• Distance from Leeds station 580 metre</li> <li>• Headline rent £29.91 per sq ft</li> <li>• Let to Walker Morris Solicitors</li> <li>• 15 year lease from 25<sup>th</sup> March 2019</li> <li>• Analysed and adjusted rent £22.61 per sq ft</li> </ul>
	<ul style="list-style-type: none"> <li>• Riverside II, Whitehall Quay, Leeds</li> <li>• Late 1990's/2000 new build</li> <li>• Waterside Location</li> <li>• Let in part to Department of Health</li> <li>• Net Internal Area 12,346 sq ft</li> <li>• Distance from Leeds station 290 metres</li> <li>• Headline rent £26.20 per sq ft</li> <li>• 5 year lease from 1<sup>st</sup> December 2018</li> <li>• Analysed and adjusted rent £21.70 per sq ft</li> </ul>
	<ul style="list-style-type: none"> <li>• 3 Wellington Place, Wellington Street, Leeds</li> <li>• New Build</li> <li>• Grade A Space</li> <li>• Let to Mazars LLP</li> <li>• Net Internal Area 13,455 sq ft</li> <li>• Distance from Leeds station 504 metres</li> <li>• Headline rent £28.90 per sq ft</li> <li>• 15 year lease from 17<sup>th</sup> September 2018</li> <li>• Analysed and adjusted rent £23.83 per sq ft</li> </ul>

I have also had regard to investment yields for multi tenanted buildings in Leeds city Centre. One of the most recent sales was Toronto Square, Toronto Street, Leeds LS1 2HJ. The building extended to 88,207 sq ft with 34 surfaced car parking spaces and sold in December 2021 for £34,750,000 or £393.96 psf. The building was built in 1980 and substantially refurbished and vertically extended in 2009. The building holds a BREEAM Excellent Rating. At the time of the sale the property was 95.6% let and had a gross income of £2,164,346. The sale price represented a net initial yield of 6.20%.

I also refer you to the table below which summarises several office investments sold in Leeds:

## Comparable Yield Evidence Leeds

Key Investments (2020-present)				
Address	Purchaser	sqft	Date	Notes
Broad Gate, 22-26 The Headrow	TC Revcap	300,600	Q2 21	£85.0m, yield of 6.61%
Bridgewater Pl, Water Ln	TC M7 Real Estate	234,000	Q4 20	£84.5m, yield of 6.53%
Westbank, Water Ln	TC Shelborn Asset Management, Stamford Property Company	128,500	Q4 21	
Toronto Sq, Toronto St	TC Grosvenor	88,500	Q4 21	
Yorkshire Hse, Greek St	TC Castleforge Partners	85,000	Q1 20	£22.1m, yield of 4.9%
1953 Reality Bldg, Marshall St	EOT CEG	82,200	Q1 20	Will undergo refurbishment as part of wider Temple District masterplan.
Milshaw Ct, Global Ave	OOT Shelborn Asset Management	81,000	Q2 21	£8.1m.
Castle Hse, Lisbon St	TC Bruntwood	78,300	Q2 21	Undisclosed purchase price.
20 Merriion Way	TC Private UK Investor	76,300	Q1 21	£20.0m.
3-4 The Embankment	TC Ship Street Advisors, UKRO II Limited Partnership	71,700	Q1 20	£20.5m, yield of 7.23%
Livingstone House, Chadwick St	TC Yorkshire Water	71,600	Q2 20	£20.0m, yield of 6.4%
Minerva Hse, East Parade	TC Corum Asset Management	58,600	Q4 20	£19.7m, yield of 6.6%
12 King St	TC Opus North, Fiera Real Estate Opportunity Fund	47,700	Q1 20	£12.0m.
Globe Point, Water Ln	TC Aviva Investors	37,800	Q2 21	Foward funded.

Sources: PMA, Egi Last update: 28/03/2022

Based on the comparable properties above I have adopted a headline rent of £28 which is lower than the headline rents for the comparables listed. All of the above rents researched by DVS have also been adjusted to show the office rent net of incentives and car parking.

I have also adopted a net initial capitalisation yield of 6% for the offices on site with reference to the sale of Bridgewater Place and Toronto Square.

### Public House & Pavilion

The applicant has adopted a generic £15 per sq ft figure for the remainder of the commercial space in phase 1 namely the Pavilion and Pub. I understand the Pavillion building will act as a “Hub” for communal space and also provide facilities such as hospitality units, a gym and flexible office working space. I do not accept that the applicants approach to valuing Pavilion space at £15 per sq ft, after an allowance for incentives and rent free periods, I also have some concerns that the applicants viability consultant has not applied rents to all the lettable space.

I have challenged the applicant’s viability consultant and areas adopted for lettable space within the Pavilion. They have clarified the proposed uses in the building:

- Level 0 – 347 sqm/3,735 sq ft
- Level 1 – 370 sqm/3,983 sq ft
- Level 2 – 269 sqm/2,896 sq ft
- Level 3 – 119 sqm/1,281 sq ft

The applicants viability consultant has also stated :

*“My understanding is that 0 and 3 will be the lettable space – most likely food and beverage Levels 1 and 2 are to be the resident amenity space; gym and communal workspaces”*

I have adopted “Headline” rents based on comparable evidence and applied rent free periods to the various units ranging from 6 months to 24 months.

I have adopted a 24 month rent free period for the food & beverage units in the Pavilion which represents a void and incentive for tenants while the remaining scheme is constructed and occupied. My approach results in a lower adjusted rent of £11.40/sq ft for retail rents which is lower than the applicants at £15 per sq ft.

I have adopted a market rent for the hospitality units equivalent to £12/sq ft in the Hub which is lower than the applicants rents of £15 per sq ft.

However, I have adopted a net rent of £18 on one retail unit for a convenience store with a 6 month rent free (as opposed to 24 month on other retail and hospitality). This reflects my professional opinion that a national convenience store retailer will occupy a unit within phase 1 to secure a “foothold” in the development which will in due course yield a substantial customer base and footfall from both residential tenants and office workers.

I have also applied rent to the 2<sup>nd</sup> floor co-working space as I consider it to be lettable as communal workspace and have adopted £28 per sq ft immediately with 6 months rent free period.

I have also adopted £20 per sq ft for the public house with a 12 month period.

The rental values for the pub are based on various pieces of rental evidence I have identified from the surrounding area, which is listed below:

- [REDACTED], is a public house situated in the centre of Leeds, forming part of the City Varieties theatre. The building is let to one company at a passing rent of £68,133 per annum (£24.23 per sq ft). It is situated in a better position than the proposed pub at



Sweet Street, and therefore I would expect this to be of a higher rental level hence my opinion of £20 per sq ft.

- [REDACTED] is a bar situated on the ground floor of an office block on the periphery of Leeds’s CBD. It is far smaller than the proposed public house, however benefits from similar mixed used surroundings to the development on Sweet Street. The passing rent is £27,500 (£29.28 per sq ft). While I would also accept that this is a better pitch than the subject, it does indicate that the applicant’s proposed rental level of a £15 per sq ft flat rate is too low and that £20 per sq ft is more reasonable.
- [REDACTED] **Great George Street LS2** where a 4,843 unit let in August 2021 at a Headline Rent of £20.02 per sq ft which will have been subject to substantial incentives.

Additionally, I have also considered rents at Wellington Place, an office development with several bar/retail/leisure uses at ground floor level. The below table summarises the comparable evidence listed.

DATE	ADDRESS	TENANT	AREA SQ FT	NET RENT	RENT/SQ FT
12-Jan-18	[REDACTED]	[REDACTED]	1,270	£ 24,500	£ 19.29
18-Sep-18	[REDACTED]	[REDACTED]	4,492	£ 82,151	£ 18.29
26-Oct-16	[REDACTED]	[REDACTED]	2,357	£ 37,656	£ 15.98

Source: Costar

Wellington Place is a more established centre for retail and leisure than Sweet Street and the rents above indicate a “tone” of value of between £16 moving to £19 per sq ft.

In addition, hybrid working has also reduced footfall in and around Wellington Place and Whitehall Riverside. The proposed development will contain considerably more residential space than at Wellington Place, and with the increase in hybrid working it is reasonable to expect high footfall at Sweet Street.

The leisure/bar uses of [REDACTED] and [REDACTED] are both let at closer to £20/sq ft, therefore I believe it is reasonable to adopt a headline rent of £20 per sq ft for the proposed pub.

### Retail Units within Phase 1 PRS



and extended and the lease was extended and regeared with the occupier, [REDACTED] Ltd. The lease generates an annual income of £65,000 or £26.83 per sq ft.

The remaining retail units have been capitalised at an initial yield of 8% to reflect the uncertainty regarding tenant mix and covenant strength of the tenants.

#### 8.4 Market Value of Car Parking

In addition to the rental apartments the first phase of the scheme incorporates 32 residential parking spaces. As such the applicant's advisor has regarded that the parking spaces would be lettable at a rent of £120 per calendar month per space (£1,440 per annum).

I agree with their approach of adopting 100% take-up as there is likely to be a waiting list for spaces.

Furthermore, Leeds City Council Supplementary Planning document for parking published in 2016 refers to "Supporting: Core Strategy T1" (paragraph 4.1.2) "Limiting the supply of commuter parking in areas of high public transport accessibility, such as the City Centre" which means city centre parking in the future will be at a premium.

Based on current evidence of parking spaces let in [REDACTED] at £1,700 per parking space and nearby spaces at [REDACTED] Leodis Square, off Sweet Street at £1,500 per annum I have adopted £1,500 for the PRS car spaces

The first phase of the development also proposes that 82 office car parking spaces will be created in addition to the residential ones. The applicant has adopted a value of £1,800 per annum per space. I have reduced the rent slightly to £1,700 per annum per space.

#### 8.5 Total GDV

My total for phase 1 GDV is £159,696,199 (One Hundred and Fifty Nine Million, Six Hundred and Ninety Six Thousand, One Hundred and Ninety Nine Pounds) which is £8,133,773 higher than the applicant.

My GDV for the entire scheme on a policy compliant basis is £378,753,153 which is £2,271,026 higher than the applicants appraisal at £376,482,127 which does not account for any affordable apartments.

## 9.0 Total Development Costs

### 9.1 Summary of Costs

The applicant's viability consultant submitted costs in their original viability appraisal dated August 2022. The report included a cost plan dated 03 August 2022 which was prepared by KS4 Cost Management.

I understand KS4 have prepared an updated cost plan which has been reviewed by Leeds City Councils independent cost consultants Rex Proctor & Partners. I refer you to a summary of their initial advice which was incorporated within my Stage 1 report below:

#### Stage 1 Report (Rex Proctor and Partners Advice)

*"Further to the meeting with KS4 on 23.11.22 in relation to our initial review of their cost plan, the subsequent receipt of their updated cost plan on 29.11.22 and also our meeting last week, we have now re-worked the figures by adjusting some of the costs to be more in line, and benchmark, with other similar schemes in Leeds, notably Water Lane, Kirkstall Road and Whitehall Riverside.*

*We note you have queried some potential inconsistencies in the areas stated by KS4, however, to undertake a comparable costing exercise against the KS4 costs, we have used the areas as noted in the cost plan and therefore our adjustments result in an overall construction estimated cost of £292,978,187.00, which equates to £2504/m<sup>2</sup> & £233/ft<sup>2</sup> based on a total GIFA of 117,002m<sup>2</sup> & 1,259,396ft<sup>2</sup>.*

*This is a reduction of £21,951,841.00 (£188/m<sup>2</sup> & £17/ft<sup>2</sup>) from KS4's revised estimated costs of £314,930,028.00 (£2692/m<sup>2</sup> & £250/ft<sup>2</sup>).*

*In summary, our adjusted £/ft<sup>2</sup> of each block (including prelims, ohp and risk but excluding externals) are as follows:-*

- *Block 1 (resi 1) = £206/ft<sup>2</sup>*
- *Block 3 (resi 3) = £218/ft<sup>2</sup>*
- *Block 4 (resi 4) = £223/ft<sup>2</sup>*
- *Block 5 (resi 2) = £212/ft<sup>2</sup>*
- *Block 6 (office 2) = £238/ft<sup>2</sup>*
- *Block 7 (office 1) = £277/ft<sup>2</sup>*

*The main elements of our cost adjustments are a reduction of the preliminaries of 0.5% down to 15%, a reduction of the internal walls and apartment M&E and fit out costs across all blocks, reductions to the roof, external façade and ceiling costs to the office blocks and a reduction of the tarmacadam costs within the external works elements.*

*We have not made any adjustment to the public house cost as KS4 have not yet provided a breakdown of this. Therefore, the cost of £1,253,070.00 remains within our proposed estimated figure noted above.*

*With regards to the phase 1 elements i.e. apportioned site abnormalities, block 1, clubhouse, public house, apportioned external works and office 1 our adjustments result in an estimated cost of £127,760,117.00, which equates to £242/ft<sup>2</sup>, based on a GIFA of 528,050ft<sup>2</sup>. A summary build up of phase 1 is as follows:-*

Site abnormalities	£4,234,074
Block 1	£79,765,102
Clubhouse (Pavillion)	£2,266,054
Public House	£1,253,070
External works	£3,957,535
Block 7 (Office 1)	£32,611,555
<b>TOTAL PHASE 1</b>	<b><u>£124,087,390</u></b>

*This is a reduction of £3,613,369.00 (£7/ft<sup>2</sup>) from KS4's estimated phase 1 cost of £131,373,486.00 (£249/ft<sup>2</sup>)."*

Following further discussions and representations Rex Proctor and Partners provided additional advice and increased some of the costs as detailed below:

Stage 2 Report (Rex Proctor and Partners Advice)

*"Further to the below and following further discussions with KS4 and the receipt of additional substantiation, we have made some amendments to our costs provided to you before the Christmas break and summarise these as follows:-*

- Increased the block 3 external walls cost, following receipt of further substantiation from KS4 which is representative of the proposed elevations of natural materials and triple glazing etc. This has resulted in a revised block 3 cost of £65,019,795 (£2,498/m<sup>2</sup> : £232/ft<sup>2</sup>).*
- Increased the block 6 (Office 2) roof and external walls costs following receipt of further substantiation from KS4. This has resulted in a revised block 6 cost of £14,931,866 (£2,701/m<sup>2</sup> : £251/ft<sup>2</sup>).*
- Increased the block 7 (Office 1) roof and external walls costs following receipt of further substantiation from KS4. This has resulted in a revised block 7 cost of £33,857,504 (£3,097/m<sup>2</sup> : £287/ft<sup>2</sup>).*

Overall the above amendments have resulted in a revised total estimated cost of £299,053,068 (£2,556/m<sup>2</sup> : £237/ft<sup>2</sup>), which is c£15.9m less than the original KS4 estimated cost of £314.9m.

This is an increase of £6,074,881 (£52/m<sup>2</sup> & £4/ft<sup>2</sup>) from our original estimated costs of £292,978,187 (£2504/m<sup>2</sup> & £233/ft<sup>2</sup>).

With regards to the phase 1 elements i.e. apportioned site abnormalities, block 1, clubhouse, public house, apportioned external works and office 1, our adjustments noted above have resulted in a revised estimated cost of £125,333,339.00, which equates to £237/ft<sup>2</sup>, based on a GIFA of 528,050ft<sup>2</sup>."

I have adopted the revised figures adopted by Rex Proctor and Partners. Please note the build cost for the public house remains provisional based on Rex Proctors advice.

#### 9.6 Summary Agreed Cost Inputs

The following cost inputs have been accepted as reasonable and adopted by DVS in the review assessment

Cost	Agent	DVS	Comments
Contingency	5%	3%	Not agreed. In my appraisal 2% contingency is allowed for within the based build costs and an additional 1% is added to my Argus appraisal resulting in a total allowance of 3%. DVS confirm that 3% is typical for a site with detailed investigations and known abnormalities.
Professional fees	8%	7%	Not Agreed, based on DVS agreements with City centre schemes
Commercial Property Letting Fees	10%	10%	Agreed
Commercial Property Marketing	£100,000	£100,000	Not Agreed
PRS Net to Gross Rental Adjustment	25%	24%	Not expressly confirmed in applicants appraisal but confirmed verbally 13 <sup>th</sup> December by Sue Howarth.

			Not Agreed. DVS allowance based on agreements with applicants in respect of similar schemes in Leeds city Centre
Commercial letting legal fees	Not Stated	1.5%	Allowance made by DVS
Land acquisition fees	2%	1.5%	Not Agreed. Have combined agent and legal fees
Stamp Duty Land Tax	Not Stated	£69,725	at the prevailing (commercial) rate of (DVS opinion) of the residual land value,
Finance	6%	6%	Agreed for a mixed use scheme
Target profit Margin	8%	PRS 8% GDV Commercial 15% GDV	Not Agreed. My dual rate profit margin gives results in a blended profit for the entire scheme of 10.59%

## 10.0 Developer's Profit

- 10.1 The applicant's adviser has adopted an approach that assumes a target profit of 8% profit on gross development cost for the entire scheme including PRS and commercial buildings. I disagree with this approach for the commercial elements of the development and have adopted 15% profit on gross development cost for the commercial units to reflect the increased risk associated with letting the office buildings, retail units and public house which is based on recently agreed viability appraisal containing commercial elements in Leeds City Centre.
- 10.3 In conclusion my viability review assessment adopts a profit target of 8 % of GDC for PRS and 15% for commercial buildings. This results in a blended rate for the entire scheme of 10.59% of gross development costs
- 10.4 This profit rates are supported by evidence of agreements with developers and their advisors which are summarised in Appendix iv.
- 10.6 To accord with the RICS Guidance Note '**Assessing viability in planning under the National Planning Policy Framework 2019**', I can report that the profit level I have adopted of 10.59% GDC is equivalent an Internal Rate of Return of 13.4%, please note this IRR is relative to the development period and finance rate adopted.

## 11.0 Benchmark Land Value (BLV)

### 11.1 Applicant's BLV

The applicant's advisor has adopted a Benchmark Land Value of £13,700,000, this comprises their opinion of the EUV without any uplift for a landowner's premium. The applicant's advisor states the omission of an uplift is to reflect the likelihood of planning consent being granted at the subject property based on the area and planning history of the site.

In forming my opinion of BLV I have followed the five-step process, which is detailed in RICS GN '**Assessing viability in planning under the National Planning Policy Framework 2019 for England**' (effective 1 July 2021).

### 11.2 Existing Use Value (EUV)

Step one is to undertake a valuation to determine EUV.

The Applicant's benchmark land value is £13,700,000 which is not based upon assessing the existing use of the site on a comparable basis. This is not accepted as reasonable.

Following consultation with the planning officer I consider the sites most recent land use as employments land and therefore, in my opinion, it is not unreasonable to consider the EUV as a continuation of the sites former use as employment land recognising the site would suit use as open storage land.

To inform an appropriate value as open storage and industrial development land, I have had regard to transactional freehold evidence of open storage land within the Leeds vicinity which is summarised below.

**Access 26** – a site extending to 11.9 acres, it was acquired by Tungsten Developments in autumn 2021 at a price equivalent to £780,000 per acre, reflective of piling works required to facilitate development.

**Triangle 45** – located at Cross Green to the eastern fringe Leeds, it extends to 11.14 acres and was acquired by Chancergate for £725,000 per acre in July 2021.

**Gateway45** – the site extends to 43 acres and lies adjacent to Junction 45 of the M1 and a 5-minute drive from the M62. It was acquired by PLP in May 2019 for £500,000 per acre.



The above evidence is representative of prime, logistical locations with superior accessibility to the motorway network. They are also significantly larger and therefore a quantum adjustment is appropriate.

The subject site lies within a city centre location and its access is not ideal for large haulage vehicles, which would impact its marketability as open storage land. On balance, I therefore consider a rate of £600,000 per acre to be appropriate.

I therefore consider the EUV to be approximately £4,620,000.

#### 11.3 Alternative Use Value (AUV)

Step two is the assessment, where appropriate, is the AUV. An Alternative Use Value approach is not considered applicable in this case.

#### 11.4 Cross Sector Collaboration Evidence of BLV and Premium

The RICS GN explains that Step three is to assess a premium above EUV based on the evidence set out in PPG paragraph 016, which is '*the best available evidence informed by cross sector collaboration, which can include benchmark land values from other viability assessments' comparisons with existing premiums above EUV*'. Such evidence includes a schedule of agreed benchmark land values in Appendix iv:

In terms of established benchmarks, the area study for city centre residential was agreed at £750,000 per acre as published by Avison Young on behalf of Leeds City Council in 2018.

#### 11.5 Residual Land Value

Step four is to determine the residual value of the site or typology, assuming actual or emerging policy requirements, and this assessment of land value can be cross checked against the EUV+.

Adopting the inputs described herein this report, the residual land value of the proposed scheme with full policy requirements is £1,604,000(rounded).

Which compared to the EUV of £4,620,000 would give way to a reverse premium of £ £3,016,000.

#### 11.6 Adjusted Land Transaction Evidence

Step five is to cross-check the EUV+ approach to the determination of the BLV of the site by reference to (adjusted) land transaction evidence and

can also include other BLV of compliant schemes (or adjusted if not compliant).

I have first considered Other Benchmark Land Values (BLV) such as those adopted in local plan studies produced under public scrutiny to inform policy for viability purposes or those put forward by applicants and accepted by DVS, or those put forward by DVS and accepted by an applicant or as adopted and agreed between DVS and an applicant's advisor.

I have also had regard to whether the site-specific costs would support a benchmark land value consistent with the evidence. The residual land value of the planning compliant scheme, based on 20% of units have discounted rents at 80% of market value rents, is £1,604,000 (rounded) which is lower than the applicants benchmark land value.

In the interest of transparency I comment on the bench mark land value comparable evidence referred to by the applicants viability advisor:

1) [REDACTED], Whitehall Road, Leeds

The applicant states the site was purchased by [REDACTED] after the site had been openly marketed by Jones Lang LaSalle during 2015. The purchase price in December 2015 was £3,500,000 (£788,288 per acre) but I should clarify that the site did not have a valid planning consent in place and the historic planning consent on the site dating back to 2008 had lapsed.

Subsequently, reserved matters planning consents were obtained for a scheme of 663 apartments plus commercial and car parking and the 4.44 acre site was purchased by Highline at £15,400,000 in March 2019. The purchased equated to £23,228 per plot or £3,500,000 per gross acre.

I understand the consent granted for 663 units was granted for a policy compliant scheme and I consider this comparable is historic when compared to more recent transactions. The purchased equated to £23,228 per plot or £3,500,000 per gross acre.

I should add that the site was subsequently the subject of a planning application for 17-20 storeys comprising 463 residential units and 102 parking spaces and a viability appraisal which concluded the benchmark land value was equivalent to £1,328,000 per acres.

2) [REDACTED] Leeds, LS2

I do not consider this directly comparable because it is a student scheme which is a sale in a different sector of student accommodation. Student accommodation does not have the same policy requirements for affordable housing as therefore results in a higher residual land value for the site. I give this the least weight.

3) [REDACTED] Leeds LS2

The applicant has also referred to the sale of a site extending to 0.98 acres just to the south of the station next to Granary Wharf. The site had outline planning for a mainly residential led development and was purchased in May 2017 at a price of £5,250,000 plus VAT or £5,357,142 per acre. Planning consent was granted in June 2017 for a scheme of 250 apartments across 3 blocks with associated ground floor commercial space in two of the blocks and parking with 34 car spaces. The scheme is now built out and ranges between 6 and 10 storeys and provides a range of 1, 2 and 3 bed apartments ranging in size from 423 sqft (39.3 sqm) to 999 sqft (92.8 sqm). We are unaware of the development costs and whether there were low abnormal costs effecting the site.

4) [REDACTED] Hunslet Road, Leeds

This site is located on the periphery of the city centre. I am not convinced the site is an appropriate comparable for a city centre PRS development site. The applicant's advisor informs us that the site was purchased in 2015 for £3,500,000 without planning consent and subsequently sold in 2018 for £19,000,000 excluding VAT with planning consent for a policy compliant scheme for 928 dwellings (5% affordable). The applicant's advisor does not comment on whether the site purchase price was based on a fully planning compliant scheme with section 106 costs but does state the sale was equivalent to £3,250,363 per acre. The developments website states the development comprises mixed tenures, including a minimum of 35% affordable. I give this less similar weight but the location of the subject which is superior.

3) [REDACTED], Globe Road, Leeds, LS11

I am familiar with this site having undertaken a viability on behalf of the council. It is important to note that this scheme was subsequently granted

planning permission for a sub policy compliant scheme with an agreed Benchmark Land Value between the parties of £583,000 per acre in 2019.

5) [REDACTED], Leeds, LS2

I do not consider this directly comparable as it was sold approximately 7 years old and is located in the northern periphery of Leeds City Centre. In addition, the scheme included a mixed use development which included a hotel. I give this the least weight, when arriving at the benchmark land value.

6) [REDACTED] Site

I consider this comparable considerably larger than the other evidence available extending to 22 acres. The applicant informs me that the site sold for £47,000,000 on an unconditional basis equating to £2,136,000 per gross acre. However, the applicant has not included the date of the sale and therefore this evidence cannot be effectively relied upon. I give this the limited weight, the location of the subject is superior and a much smaller site.

7) [REDACTED], East Street

This comparable had extant planning consent when purchased in August 2020 for £4,300,000. However, the applicant's advisor correctly states that the purchaser intends to construct a different scheme on the site and therefore their bid is likely to reflect hope value as they intend to increase the density of the scheme from 300 units to 350 units. I am also familiar with the site as I advised Leeds City Council in respect of the viability issues. I reviewed a viability appraisal in respect of modified consent that was not subsequently granted consent, but at the time agreed, "in principle", the Benchmark Land Value at £784,615 per acre.

I have given significant weight to the purchase price of a site known as 87-89 Kirkstall Road, Leeds which has not been referred to by the applicant.

I have recently advised Leeds City Council in respect of a viability review of [REDACTED] Kirkstall Road and I am aware of a planning compliant transaction where consent was granted on the 17th June 2020 (Ref: 20/03494/OT including follow up 22/03145/COND) for full planning permission and demolition of existing buildings and structures and Outline planning permission with all matters reserved, except for access, for the redevelopment of the site for residential dwellings (use class C3), flexible

commercial space (use classes A1, A2, A3, A4, D1 and D2) and associated refuse and plant infrastructure, landscaping, new public realm and open space.

The consent was granted for up to 631 residential apartments (use class C3) comprising a mix of one, two- and three-bedroom units; and - Up to 965m<sup>2</sup> of ground floor flexible commercial space to serve the new community (Use Class A1, A2, A3, A4, D1 and D2) spread across six units. The scheme comprised a landmark 16 storey building and the remaining blocks are between 6 to 12 storeys and complete the development.

I understand that the subsequent purchase price on 15 December 2021 for a fully policy compliant scheme with a signed Section 106 agreement at £5,800,000. The purchase price late last year was equivalent to £1,132,812.50 per acre.

Please note the site is currently the subject of a viability review and the benchmark land value is considerably lower than the purchase price in 2021 (£1,132,812.50 per acre) due to the impact of construction cost inflation on the scheme.

I have also considered Benchmark Land Values agreed with applicants for viability purposes on similar sites in Leeds. I refer you to a schedule of evidence in appendix iv.

#### 11.7 Purchase Price

The NPPG on viability encourages the reporting of the purchase price to improve transparency and accountability, however it discourages the use of a purchase price as a barrier to viability, stating *the price paid for land is not a relevant justification for failing to accord with relevant policies in the plan. And under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan.*

The PPG does not, however, invalidate the use and application of a purchase price, or a price secured under agreement, where the price enables the development to meet the policies in the plan.

I understand that the purchase price on 21<sup>st</sup> August 2015 was £15,600,000, equating to £2,025,974 per acre.

I reiterate the important point that the sale in 2015 may have been lower if the purchaser had been aware of unforeseen abnormal costs of approximately £10 million which have only recently been identified and are refer to in the applicant viability report.

#### 11.8 Benchmark Land Value Conclusion

The reasonableness of the applicant's £13,700,000 Benchmark Land Value has been considered against:

- The EUV of £4,620,000 (£600,000 per acre)
- Alternative use not applicable
- The appropriate premium above the EUV = £9,080,000 (196%)  
The Residual Land Value of the planning compliant scheme  
£1,604,000 (rounded) (£208,105 per acre)
- Benchmark Land Values (BLV) adopted in the local plan study for this typology £5,775,000 (£750,000 per acre)
- BLV adopted and agreed between DVS and an applicant's advisor, with greatest weight BLVs which delivered full policy as listed above  
£8,700,000 (£1,130,000 per acre)
- I have given least weight to the purchase price £15,600,000

In conclusion, and in light of the above evidence it is reasonable to say that the site at Sweet Street would not have been purchases for a mixed use residential and office scheme on 21st August 2015 for £15,600,000, equating to £2,025,974 per acre in the knowledge that construction costs would increase and there would be unforeseen abnormal costs of approximately £10 million. Therefore, the benchmark land value should be considerably lower than the figure adopted by the applicant.

It is my balanced and professional opinion having considered all of the above to place greatest weight to other agreed benchmarks and the policy compliant transaction at [REDACTED] Kirkstall Road, and that a fair and reasonable BLV for this site would be between £750,000 to £1,130,000 per acre.

It is my balanced and professional opinion having considered all of the above approaches and giving greatest weight to previously agreed benchmark land values and the sale of land at [REDACTED] Kirkstall Road, that an appropriate BLV would be £8,700,000 (£1,130,000 per acre) this comprises an EUV £4,620,000 and a premium £4,080,000 (53%).

## 12.0 DVS Viability Assessment

### 12.1 DVS Viability Appraisal 1 Policy Compliant Scheme

My viability review assessment has been produced using Argus Developer software.

Appraisal 1 can be found at **Appendix (i)** reflects the combined policy requirements comprising 20 % discounted market rent apartments, S.106 contributions of £2,573,425 and CIL contributions of £1,559,444 and fixes blended developer's profit of 10.590% GDV.

Based on the inputs I have outlined above the residual output presented as the amount available for land which is then compared to the valuer's opinion of the BLV to determine the viability of the scheme.

As detailed in this report, I have a difference of opinion regarding values and construction costs. The cumulative effect of these changes is that my viability appraisal generates a residual land value of £1,604,000 (rounded) which is lower than the benchmark value adopted by DVS at £8,700,000.

**It is my independent conclusion that the scheme assessed with regards to full planning policy requirement comprising 20 % discounted market rent apartments, S.106 contributions of £2,573,526 and CIL contributions of £1,559,444 is not viable.**

### 12.2 DVS Viability Appraisal 1 Sub-Policy Compliant Scheme – Option 1

I have been asked to model a scenario in order to determine the level of affordable housing is viable in order to provide policy compliant level of S106 and CIL contributions. The appraisal is in **Appendix (ii)**. This has a residual value of £8,685,492 which is rounded to the benchmark land value £8,700,000 for the purposes of determining viability.

**The above scheme assessed with regards to planning policy requirement comprising 3.5 % discounted market rent apartments (44 units), S.106 contributions of £2,573,526 and CIL contributions of £1,559,444 is viable.**

### 12.3 DVS Viability Appraisal 2 Sub-Policy Compliant Scheme –Option 2

I have been asked to model a scenario in order to determine the level of affordable housing is viable in order to provide a sub policy compliant level of S106 and CIL contributions. The appraisal is in **Appendix (iii)**. This has

a residual value of £8,688,503 which is rounded to the benchmark land value £8,700,000 for the purposes of determining viability.

**The above scheme assessed with regards to planning policy requirement comprising 5.5% discounted market rent apartments (70 units), S.106 contributions of £1,463,867 and CIL contributions of £1,559,444 is viable.**

### 13.0 Sensitivity Analysis & Scenario Testing

13.1 Further to mandatory requirements within the RICS Professional Statement **'Financial viability in planning: conduct and reporting'**, sensitivity tests are included to support the robustness of the viability conclusion described above.

13.2 I have varied the most significant in my appraisal which is the base construction costs. I have adjusted these in upward/downward steps of 1.5% from the base appraisal assumption, and the output is the residual land value which can be compared to the BLV of £8,700,000

#### 13.3 Sensitivity Test 1 – Appraisal 1 – Policy Compliant Scheme Results

Table of Profit on Cost% and Land Cost				
Construction: Rate /ft²				
-3.000%	-1.500%	0.000%	1.500%	3.000%
10.590%	10.590%	10.590%	10.590%	10.590%
£8,703,478	£5,157,162	£1,604,492	£-2,149,559	£-6,078,417

13.4 The table above allows for the construction costs to increase / decrease and based on a profit of 10.59% of cost, how the residual value changes. The base conclusion is shown in the central cell. The table shows that the residual in the green cells indicate that if construction costs decreased by 3% then the scheme will be able to support full planning policy for affordable housing as the residual land value will fall above the benchmark land value of £8,700,000.

#### 13.5 Scenario Test – Appraisal 2 – Option 1 – Sub Policy compliant scheme results

Table of Profit on Cost% and Land Cost				
Construction: Rate /ft²				
-3.000%	-1.500%	0.000%	1.500%	3.000%
10.590%	10.590%	10.590%	10.590%	10.590%
£15,745,067	£12,219,802	£8,685,871	£5,140,791	£1,589,641



13.6 The table above allows for the construction costs to increase / decrease and based on a profit of 10.59% of cost, how the residual value changes. The base conclusion is shown in the central white cell. The table shows that the residual in the green cells indicate that if construction costs decreased by at least 1.5% then the scheme will be able to support sub planning policy for affordable housing as the residual land value will fall above the benchmark land value of £8,700,000. Conversely if costs increase by at least 1.5% then this option is no longer viable.

**13.7 Scenario Test – Appraisal 3 – Option 2 – Sub Policy compliant scheme results.**

<b>Table of Profit on Cost% and Land Cost</b>				
Construction: Rate /ft²				
-3.000%	-1.500%	0.000%	1.500%	3.000%
10.590%	10.590%	10.590%	10.590%	10.590%
£15,749,357	£12,223,690	£8,688,503	£5,142,673	£1,591,112

13.8 The table above allows for the construction costs to increase / decrease and based on a profit of 10.59% of cost, how the residual value changes. The base conclusion is shown in the central white cell. The table shows that the residual in the green cells indicate that if construction costs decreased by at least 1.5% then the scheme will be able to support sub planning policy for affordable housing as the residual land value will fall above the benchmark land value of £8,700,000. Conversely if costs increase by at least 1.5% then this option is no longer viable.

13.8 If your council requires any additional or specific testing for future reports please let me know.

**14.0 Recommendations**

Summary of key issues and recommendations.

**14.1 Viability Conclusion**

**It is my considered and independent opinion that:**

**The above scheme assessed with regards to full planning policy requirement comprising 20 % discounted market rent apartments, S.106 contributions of £2,573,526 and CIL contributions of £1,559,444 is not viable.**

In addition, and in accordance with your instructions we have undertaken two further scenarios in respect of all phases of the scheme, which are summarised below:

## Option 1

**The above scheme assessed with regards to full planning policy requirement comprising 3.5 % discounted market rent apartments (44 units) , S.106 contributions of £2,573,526 and CIL contributions of £1,559,444 is viable.**

## Option 2

**The above scheme assessed with regards to full planning policy requirement comprising 5.5% discounted market rent apartments (70 units), S.106 contributions of £1,463,867 and CIL contributions of £1,559,444 is viable.**

### 14.2 Viability Review

Further to my conclusion above and the advice that your Council's full planning policy requirements will not be met; a review clause might be appropriate as a condition of the permission, in line with paragraph 009 of the PPG Review mechanisms are not a tool to protect a return to the developer, but to strengthen local authorities' ability to seek compliance with relevant policies over the lifetime of the project. DVS can advise further on this should you so require.

The council may consider it appropriate to make it a pre commencement condition that viability is reviewed if construction does not start within a prescribed period of time.

### 14.3 Market Commentary

My appraisal is in accordance with NPPG and RICS guidance where viability is assessed on current day build costs and revenues, however, I include a brief market commentary below which illustrates the relative investment performance of PRS properties and past for rental growth.

The Office of National Statistics reports that private rental prices paid by tenants in the UK rose by 3.8% in the 12 months to October 2022, up from 3.7% in the 12 months to September 2022.

The Rightmove Rental Trends Tracker Q3 2022 reported that average asking rents for new tenants outside of London have risen to a new record of £1,162 per calendar month. This quarter's increase of 3.2% is only the third time on record that rents have increased by 3% or more in a quarter, as new asking rents continue to rise rapidly.

The pace of asking rent growth is primarily down to the severe shortage of available rental properties, combined with extremely high demand which continues to surpass even last year's levels in every region and country of Great Britain. Demand is up by 20% compared with last year, while the total number of available properties to rent is down by 9%. This widening gap between supply and demand is creating ever fiercer competition between tenants looking for a home.

The Association of Residential Letting Agents (ARLA) reported in their Private Rented Sector Report, March 2022 that the average tenancy length has increased to 23 months. This is because increasing rental prices and lack of available stock have made it often unaffordable or unachievable for tenants to move to a new property.

The Royal Institution of Chartered Surveyors' (RICS') November 2022 Residential Market Survey reported that tenant demand continues to rise, evidenced by a net balance of +35% of respondents reporting a pick-up in November (part of the monthly non-seasonally adjusted lettings dataset).

At the same time, the flow of fresh supply becoming available on the rental market continues to dwindle, as a net balance of -27% of respondents highlighted a decline in landlord instructions this month.

Consequently, the ongoing misalignment between rising demand and falling supply continues to exert upward pressure on rents. Indeed, a headline net balance of +43% of contributors anticipate rental prices moving higher over the coming three months, although this has somewhat moderated from a recent high of +66% back in February this year. that tenant demand continues to rise at a robust pace.

## **15.0 Engagement**

- 15.1 The DVS valuer has not conducted any negotiations with the applicant or any of their other advisors but has sought clarification regarding a number of issues concerning the scheme.
- 15.2 If any of the assumptions stated herein this report and/or in the attached appraisal are factually incorrect the matter should be referred back to DVS as a re-appraisal may be necessary.

## **16.0 Disclosure / Publication**

### **16.1 This report is not for publication.**

16.2 The report has been produced for Leeds City Council only. DVS permit that this report may be shared with the applicant and their planning advisor and viability advisor, as named third parties only.

16.3 The report should only be used for the stated purpose and for the sole use of your organisation and your professional advisers and solely for the purposes of the instruction to which it relates. Our report may not, without our specific written consent, be used or relied upon by any third party, permitted or otherwise, even if that third party pays all or part of our fees, directly or indirectly, or is permitted to see a copy of our report. No responsibility whatsoever is accepted to any third party (named or otherwise) who may seek to rely on the content of the report.

16.3 Planning Practice Guidance for viability promotes increased transparency and accountability, and for the publication of viability reports. However, it has been agreed that your authority, the applicant and their advisors will neither publish nor reproduce the whole or any part of this assessment report, nor make reference to it, in any way in any publication. It is intended that a final report will later be prepared, detailing the agreed viability position.

16.4 As stated in the terms, none of the VOA employees individually has a contract with you or owes you a duty of care or personal responsibility. It is agreed that you will not bring any claim against any such individuals personally in connection with our services.

16.5 This report is considered Exempt Information within the terms of paragraph 9 of Schedule 12A to the Local Government Act 1972 (section 1 and Part 1 of Schedule 1 to the Local Government (Access to Information Act 1985) as amended by the Local Government (access to Information) (Variation) Order 2006 and your council is expected to treat it accordingly.

The DVS valuer assume that all parties will restrict this report's circulation as appropriate, given the confidential and personal data provided herein.

**If the parties do not wish to discuss or contest this report, a redacted version suitable for publication can be issued following your formal request.**

I trust that the above report is satisfactory for your purposes, however, should you require clarification of any point do not hesitate to contact me further.

Identity and status: The valuer responsible for the viability appraisal is Brian Maguire.

**[REDACTED] MRICS**  
Principal Surveyor  
RICS Registered Valuer  
DVS

Date: 7<sup>th</sup> February 2023

**Signed**

**[REDACTED] B.Sc (Hons) MRICS**  
Principal Surveyor  
RICS Registered Valuer  
DVS

## 17.0 Appendices

- (i) Appraisal 1
- (ii) Appraisal 2
- (iii) Appraisal 3
- (iv) Information to support inputs e.g. abnormal review /BCIS extract / GDV comps
- (v) Redacted TOE

(i) Appraisal 1: All Phases Policy Compliant Residual Land Value

**All Phases Sweet Street Policy Compliant  
20% Discount on Market Rents (90 Units)**

Summary Appraisal for Merged Phases 1 2 3 4 5

Currency in £

REVENUE

Rental Area Summary

	Units	ft <sup>2</sup>	Rent Rate ft <sup>2</sup>	Initial MRV/Unit	Net Rent at Sale	Initial MRV	Net MRV at Sale
1B1P Type A *	2	968	23.00	11,132	16,921	22,264	16,921
1B1P Type E *	49	24,255	23.00	11,385	423,977	557,865	423,977
1B1P Types B,C,F,G,H,I,J *	82	41,492	23.00	11,638	725,280	954,316	725,280
1B1P Type H *	1	517	22.50	11,633	8,841	11,633	8,841
1B1P Type D *	6	3,294	22.00	12,078	55,076	72,468	55,076
1B2P Types H,D,G,E,D,D *	3	1,614	22.50	12,105	27,599	36,315	27,599
1B2P Types B,C *	7	4,067	22.00	12,782	68,000	89,474	68,000
1BST Type A *	10	4,200	24.00	10,080	76,608	100,800	76,608
1BST Type B *	9	5,328	20.00	11,840	80,986	106,560	80,986
1B2P Type F *	1	603	22.00	13,266	10,082	13,266	10,082
1B2P M4 *	9	5,715	22.00	13,970	95,555	125,730	95,555
1B2P M4 (3) *	1	700	20.00	14,000	10,640	14,000	10,640
2B3P Type B *	12	8,004	22.31	14,882	135,724	178,584	135,724
2B3P Type D *	1	689	21.60	14,882	11,311	14,882	11,311
2B3P Type A *	44	30,800	21.43	15,000	501,600	660,000	501,600
2B3P Types A,E *	8	5,680	21.27	15,100	91,808	120,800	91,808
2B3P Type A,E	4	2,884	21.08	15,200	46,208	60,800	46,208
2B4P Type A *	61	45,933	21.50	16,190	750,545	987,560	750,545
2B3P Type C *	13	9,932	21.00	16,044	158,515	208,572	158,515
2B3P Type A *	1	807	20.14	16,250	12,350	16,250	12,350
2B3P Type F *	1	861	19.16	16,500	12,540	16,500	12,540
3B4P Type A *	18	16,668	22.00	20,372	278,689	366,696	278,689
3B5P Type B *	2	2,130	22.00	23,430	35,614	46,860	35,614
3B5P Type A *	3	3,357	22.00	24,618	56,129	73,854	56,129
3B5P Type C *	3	3,036	22.00	22,264	50,762	66,792	50,762
3B4P Type E *	1	936	22.00	20,592	15,650	20,592	15,650
3B5P Type D *	6	5,748	22.00	21,076	96,107	126,456	96,107
3B5P Type E *	1	926	22.00	20,372	15,483	20,372	15,483
3B5P Type E *	2	1,872	22.00	20,592	31,300	41,184	31,300
Residential Car Parking	19	19	1,500.00	1,500	25,650	28,500	25,650
AFF 1BST Type A *	5	2,100	19.20	8,064	30,643	40,320	30,643
AFF 1B1P Type A *	34	16,456	18.40	8,906	230,121	302,790	230,121
AFF 1B2P Types H,D,G,E,D,D *	6	3,228	18.00	9,684	44,159	58,104	44,159
AFF 2B3P Type B *	21	14,007	17.85	11,906	190,019	250,025	190,019
AFF 2B4P Type A *	15	11,295	17.20	12,952	147,648	194,274	147,648
AFF 3B5P Type A *	9	10,071	17.60	19,694	134,710	177,250	134,710
Construction	1	387,276		0	0		
Outline MV	261	162,342	21.68	13,485	2,674,877	3,519,575	2,674,877
Outline Aff	65	40,430	17.34	10,785	532,803	701,056	532,803
Construction	1	263,033		0	0		
Outline MV Apartments	392	248,528	22.40	14,202	4,230,941	5,567,027	4,230,941
Outline Aff Apartments	98	62,132	17.92	11,361	846,188	1,113,405	846,188
Parking	73	73	1,500.00	1,500	98,550	109,500	98,550
Construction Resi 4	1	128,438		0	0		
Construction Resi 3	1	279,867		0	0		
Office 2 Phase 4	1	44,896	28.00	1,257,088	1,257,088	1,257,088	1,257,088
Office Parking Phase 4	30	30	1,700.00	1,700	51,000	51,000	51,000
Public House	1	5,597	20.00	111,940	111,940	111,940	111,940
Pavillion Level 0	1	3,735	20.00	74,700	74,700	74,700	74,700
Convenience Store	1	3,000	20.00	60,000	60,000	60,000	60,000
Retail Units	1	4,324	19.00	82,156	82,156	82,156	82,156
Office block 1	1	88,598	28.00	2,480,744	2,480,744	2,480,744	2,480,744
Office Car Parking	82	82	1,700.00	1,700	139,400	139,400	139,400
Pavillion Level 2 Workspace	1	2,897	28.00	81,116	81,116	81,116	81,116
Construction Pavillion	1	15,296		0	0		
Pavillion Level 3	1	1,281	28.00	35,868	35,868	35,868	35,868
<b>Totals</b>	<b>1,484</b>	<b>2,032,047</b>			<b>17,460,218</b>	<b>21,567,283</b>	<b>17,460,218</b>

Investment Valuation

<b>1B1P Type A *</b>					
Current Rent	16,921	YP @	4.2500%	23.5294	398,133
<b>1B1P Type E *</b>					
Current Rent	423,977	YP @	4.2500%	23.5294	9,975,939
<b>1B1P Types B,C,F,G,H,I,J *</b>					

Project: B-10V Strategic/DEVELOPMENT CONSULTANCY SERVICES/04 Yorkshire, NE Port Millard/1 and 11 EERS CITY CENTRE - BPS Sweet Street

**APPRAISAL SUMMARY**

**VALUATION OFFICE AGENCY**

**All Phases Sweet Street Policy Compliant  
20% Discount on Market Rents (90 Units)**

Current Rent	725,280	YP @	4.2500%	23.5294	17,065,416
<b>1B1P Type H *</b>					
Current Rent	8,841	YP @	4.2500%	23.5294	208,016
<b>1B1P Type D *</b>					
Current Rent	55,076	YP @	4.2500%	23.5294	1,295,898
<b>1B2P Types H,D,G,E,D,D *</b>					
Current Rent	27,599	YP @	4.2500%	23.5294	649,398
<b>1B2P Types B,C *</b>					
Current Rent	68,000	YP @	4.2500%	23.5294	1,600,006
<b>1BST Type A *</b>					
Current Rent	76,608	YP @	4.2500%	23.5294	1,802,541
<b>1BST Type B *</b>					
Current Rent	80,986	YP @	4.2500%	23.5294	1,905,544
<b>1B2P Type F *</b>					
Current Rent	10,082	YP @	4.2500%	23.5294	237,227
<b>1B2P M4 *</b>					
Current Rent	95,555	YP @	4.2500%	23.5294	2,248,348
<b>1B2P M4 (3) *</b>					
Current Rent	10,640	YP @	4.2500%	23.5294	250,353
<b>2B3P Type B *</b>					
Current Rent	135,724	YP @	4.2500%	23.5294	3,193,502
<b>2B3P Type D *</b>					
Current Rent	11,311	YP @	4.2500%	23.5294	266,132
<b>2B3P Type A *</b>					
Current Rent	501,600	YP @	4.2500%	23.5294	11,802,353
<b>2B3P Types A,E *</b>					
Current Rent	91,808	YP @	4.2500%	23.5294	2,160,188
<b>2B3P Type A,E</b>					
Current Rent	46,208	YP @	4.2500%	23.5294	1,087,247
<b>2B4P Type A *</b>					
Current Rent	750,545	YP @	4.2500%	23.5294	17,659,888
<b>2B3P Type C *</b>					
Current Rent	158,515	YP @	4.2500%	23.5294	3,729,758
<b>2B3P Type A*</b>					
Current Rent	12,350	YP @	4.2500%	23.5294	290,588
<b>2B3P Type F *</b>					
Current Rent	12,540	YP @	4.2500%	23.5294	295,059
<b>3B4P Type A *</b>					
Current Rent	278,689	YP @	4.2500%	23.5294	6,557,387
<b>3B5P Type B *</b>					
Current Rent	35,614	YP @	4.2500%	23.5294	837,967
<b>3B5P Type A *</b>					
Current Rent	56,129	YP @	4.2500%	23.5294	1,320,683
<b>3B5P Type C *</b>					
Current Rent	50,762	YP @	4.2500%	23.5294	1,194,398
<b>3B4P Type E *</b>					
Current Rent	15,650	YP @	4.2500%	23.5294	368,233
<b>3B5P Type D *</b>					
Current Rent	96,107	YP @	4.2500%	23.5294	2,261,331
<b>3B5P Type E *</b>					
Current Rent	15,483	YP @	4.2500%	23.5294	364,299
<b>3B5P Type E*</b>					
Current Rent	31,300	YP @	4.2500%	23.5294	736,467
<b>Residential Car Parking</b>					
Current Rent	25,650	YP @	4.2500%	23.5294	603,529
<b>AFF 1BST Type A *</b>					
Current Rent	30,643	YP @	4.2500%	23.5294	721,016
<b>AFF 1B1P Type A *</b>					
Current Rent	230,121	YP @	4.2500%	23.5294	5,414,605
<b>AFF 1B2P Types H,D,G,E,D,D *</b>					
Current Rent	44,159	YP @	4.2500%	23.5294	1,039,036
<b>AFF 2B3P Type B *</b>					
Current Rent	190,019	YP @	4.2500%	23.5294	4,471,034
<b>AFF 2B4P Type A *</b>					
Current Rent	147,648	YP @	4.2500%	23.5294	3,474,076
<b>AFF 3B5P Type A *</b>					
Current Rent	134,710	YP @	4.2500%	23.5294	3,169,640
<b>Outline MV</b>					
Current Rent	2,674,877	YP @	4.2500%	23.5294	62,938,274
<b>Outline Aff</b>					
Current Rent	532,803	YP @	4.2500%	23.5294	12,536,534
<b>Outline MV Apts</b>					
Current Rent	4,230,941	YP @	4.2500%	23.5294	99,551,545



**APPRAISAL SUMMARY**

**VALUATION OFFICE AGENCY**

**All Phases Sweet Street Policy Compliant  
20% Discount on Market Rents (90 Units)**

<b>Outline Aff Apartments</b>					
Current Rent	846,188	YP @	4.2500%	23.5294	19,910,309
<b>Parking</b>					
Current Rent	98,550	YP @	4.2500%	23.5294	2,318,824
<b>Office 2 Phase 4</b>					
Current Rent	1,257,088	YP @	6.0000%	16.6667	20,951,467
<b>Office Parking Phase 4</b>					
Current Rent	51,000	YP @	6.0000%	16.6667	850,000
<b>Public House</b>					
Market Rent	111,940	YP @	8.0000%	12.5000	
(1yr Rent Free)		PV 1yr @	8.0000%	0.9259	1,295,602
<b>Pavillion Level 0</b>					
Market Rent	74,700	YP @	8.0000%	12.5000	
(2yrs Rent Free)		PV 2yrs @	8.0000%	0.8573	800,540
<b>Convenience Store</b>					
Market Rent	60,000	YP @	6.0000%	16.6667	
(6mths Rent Free)		PV 6mths @	6.0000%	0.9713	971,286
<b>Retail Units</b>					
Market Rent	82,156	YP @	8.0000%	12.5000	
(2yrs Rent Free)		PV 2yrs @	8.0000%	0.8573	880,444
<b>Office block 1</b>					
Current Rent	2,480,744	YP @	6.0000%	16.6667	41,345,733
<b>Office Car Parking</b>					
Current Rent	139,400	YP @	6.0000%	16.6667	2,323,333
<b>Pavillion Level 2 Workspace</b>					
Market Rent	81,116	YP @	8.0000%	12.5000	
(6mths Rent Free)		PV 6mths @	8.0000%	0.9623	975,674
<b>Pavillion Level 3</b>					
Current Rent	35,868	YP @	8.0000%	12.5000	448,350
					<b>378,753,153</b>

**NET REALISATION 378,753,153**

**OUTLAY**

**ACQUISITION COSTS**

Residualised Price		1,604,492		1,604,492
Stamp Duty		69,725		
Agent Fee	1.00%	16,045		
Legal Fee	0.50%	8,022		
				93,792

**CONSTRUCTION COSTS**

Construction	ft <sup>2</sup>	Build Rate ft <sup>2</sup>	Cost	
Construction	387,276	206.00	79,778,856	
Construction	263,033	212.00	55,762,996	
Construction Resi 4	128,438	223.00	28,641,674	
Construction Resi 3	279,867	232.00	64,929,144	
Office 2 Phase 4	59,409	251.00	14,911,659	
Public House	7,503	167.01	1,253,070	
Office block 1	117,612	287.00	33,754,644	
Construction Pavillion	15,296	148.15	2,266,054	
<b>Totals</b>	<b>2,077,399</b>		<b>281,298,097</b>	<b>281,298,097</b>

Contingency	1.00%	2,889,284	
Apportionment of Abnormal Costs		4,234,074	
Abnormal Costs		2,617,970	
Apportionment Abnormal Costs		2,925,956	
Apportionment of Externals		6,406,019	
Apportionment Externals		1,224,242	
CIL Resi Phase 1		231,159	
Apportionment of Bio Diversity Gain		600,500	
Residential Travel Plan Fund		345,518	
Greenspace		131,770	
Highways - City Centre		184,140	
Highways - Bath Road improvements		896,000	
Highways - Mineveh Road		70,000	
Highways - TRO		10,000	
Highways - Travel Plan Monitoring		9,793	
CIL Phase 2		160,320	
Green Space		131,770	
Travel Plan Monitoring		9,793	
Highways- City Centre		184,140	

**All Phases Sweet Street Policy Compliant  
20% Discount on Market Rents (90 Units)**

CIL Block 3 Resi		176,306	
CIL Block 4 Resi		78,793	
CIL Office 2		272,023	
CIL Office Phase 1		629,954	
CIL Pavillion Phase1		9,123	
CIL Public House Phase1		1,765	
			24,430,412
<b>PROFESSIONAL FEES</b>			
Professional Fees	7.00%	20,224,985	20,224,985
<b>MARKETING &amp; LETTING</b>			
Marketing		100,000	
Letting Agent Fee	10.00%	907,686	
Letting Legal Fee	1.50%	136,153	
			1,143,839
<b>DISPOSAL FEES</b>			
Purchasers Legal Fees	0.10%	110,655	110,655
<b>FINANCE</b>			
Debit Rate 6.000%, Credit Rate 1.000% (Nominal)			
Total Finance Cost			13,577,855
<b>TOTAL COSTS</b>			<b>342,484,127</b>
<b>PROFIT</b>			<b>36,269,026</b>
<b>Performance Measures</b>			
Profit on Cost%		10.59%	
Profit on GDV%		9.58%	
Profit on NDV%		9.58%	
Development Yield% (on Rent)		5.10%	
Equivalent Yield% (Nominal)		4.60%	
Equivalent Yield% (True)		4.74%	
IRR		14.51%	
Rent Cover		2 yrs 1 mth	
Profit Erosion (finance rate 6.000)		1 yr 8 mths	

(ii) Appraisal 2: Full Scheme Sub Policy Compliant Residual Land Value- Option 1

**APPRAISAL SUMMARY** **VALUATION OFFICE AGENCY**

**All Phases Sweet Street Policy Compliant  
3.5% Discount on Market Rents (44 Units) - Option 1**

Summary Appraisal for Merged Phases 1 2 3 4 5

Currency in £

**REVENUE**

**Rental Area Summary**

	Units	ft <sup>2</sup>	Rent Rate ft <sup>2</sup>	Initial MRV/Unit	Net Rent at Sale	Initial MRV	Net MRV at Sale
1B1P Type A *	28	13,552	23.00	11,132	236,889	311,696	236,889
1B1P Type E *	49	24,255	23.00	11,385	423,977	557,865	423,977
1B1P Types B,C,F,G,H,I,J *	82	41,492	23.00	11,638	725,280	954,316	725,280
1B1P Type H *	1	517	22.50	11,633	8,841	11,633	8,841
1B1P Type D *	6	3,294	22.00	12,078	55,076	72,468	55,076
1B2P Types H,D,G,E,D,D *	8	4,304	22.50	12,105	73,598	96,840	73,598
1B2P Types B,C *	7	4,067	22.00	12,782	68,000	89,474	68,000
1BST Type A *	13	5,460	24.00	10,080	99,590	131,040	99,590
1BST Type B *	9	5,328	20.00	11,840	80,986	106,560	80,986
1B2P Type F *	1	603	22.00	13,266	10,082	13,266	10,082
1B2P M4 *	9	5,715	22.00	13,970	95,555	125,730	95,555
1B2P M4 (3) *	1	700	20.00	14,000	10,640	14,000	10,640
2B3P Type B *	31	20,677	22.31	14,882	350,620	461,342	350,620
2B3P Type D *	1	689	21.60	14,882	11,311	14,882	11,311
2B3P Type A *	44	30,800	21.43	15,000	501,600	660,000	501,600
2B3P Types A,E *	8	5,680	21.27	15,100	91,808	120,800	91,808
2B3P Type A,E	4	2,884	21.08	15,200	46,208	60,800	46,208
2B4P Type A *	74	55,722	21.50	16,190	910,497	1,198,023	910,497
2B3P Type C *	13	9,932	21.00	16,044	158,515	208,572	158,515
2B3P Type A *	1	807	20.14	16,250	12,350	16,250	12,350
2B3P Type F *	1	861	19.16	16,500	12,540	16,500	12,540
3B4P Type A *	18	16,668	22.00	20,372	278,689	366,696	278,689
3B5P Type B *	2	2,130	22.00	23,430	35,614	46,860	35,614
3B5P Type A *	11	12,309	22.00	24,618	205,806	270,798	205,806
3B5P Type C *	3	3,036	22.00	22,264	50,762	66,792	50,762
3B4P Type E *	1	936	22.00	20,592	15,650	20,592	15,650
3B5P Type D *	6	5,748	22.00	21,076	96,107	126,456	96,107
3B5P Type E *	1	926	22.00	20,372	15,483	20,372	15,483
3B5P Type E *	2	1,872	22.00	20,592	31,300	41,184	31,300
Residential Car Parking	19	19	1,500.00	1,500	25,650	28,500	25,650
AFF 1BST Type A *	2	840	19.20	8,064	12,257	16,128	12,257
AFF 1B1P Type A *	8	3,872	18.40	8,906	54,146	71,245	54,146
AFF 1B2P Types H,D,G,E,D,D *	1	538	18.00	9,684	7,360	9,684	7,360
AFF 2B3P Type B *	2	1,334	17.85	11,906	18,097	23,812	18,097
AFF 2B4P Type A *	2	1,506	17.20	12,952	19,686	25,903	19,686
AFF 3B5P Type A *	1	1,119	17.60	19,694	14,968	19,694	14,968
Construction	1	387,276		0	0		
Outline MV	314	195,308	21.68	13,485	3,218,051	4,234,277	3,218,051
Outline Aff	12	7,464	17.34	10,785	98,364	129,426	98,364
Construction	1	263,033		0	0		
Outline MV Apts	474	300,516	22.40	14,202	5,115,984	6,731,558	5,115,984
Outline Aff Apartments	16	10,144	17.92	11,361	138,153	181,780	138,153
Parking	73	73	1,500.00	1,500	98,550	109,500	98,550
Construction Resi 4	1	128,438		0	0		
Construction Resi 3	1	279,867		0	0		
Office 2 Phase 4	1	44,896	28.00	1,257,088	1,257,088	1,257,088	1,257,088
Office Parking Phase 4	30	30	1,700.00	1,700	51,000	51,000	51,000
Public House	1	5,597	20.00	111,940	111,940	111,940	111,940
Pavillion Level 0	1	3,735	20.00	74,700	74,700	74,700	74,700
Convenience Store	1	3,000	20.00	60,000	60,000	60,000	60,000
Retail Units	1	4,324	19.00	82,156	82,156	82,156	82,156
Office block 1	1	88,598	28.00	2,480,744	2,480,744	2,480,744	2,480,744
Office Car Parking	82	82	1,700.00	1,700	139,400	139,400	139,400
Pavillion Level 2 Workspace	1	2,897	28.00	81,116	81,116	81,116	81,116
Construction Pavillion	1	15,296		0	0		
Pavillion Level 3	1	1,281	28.00	35,868	35,868	35,868	35,868
<b>Totals</b>	<b>1,484</b>	<b>2,032,047</b>			<b>17,908,652</b>	<b>22,157,327</b>	<b>17,908,652</b>

**All Phases Sweet Street Policy Compliant**

**3.5% Discount on Market Rents (44 Units) - Option 1**

Current Rent	725,280	YP @	4.2500%	23.5294	17,065,416
<b>1B1P Type H *</b>					
Current Rent	8,841	YP @	4.2500%	23.5294	208,016
<b>1B1P Type D *</b>					
Current Rent	55,076	YP @	4.2500%	23.5294	1,295,898
<b>1B2P Types H,D,G,E,D,D *</b>					
Current Rent	73,598	YP @	4.2500%	23.5294	1,731,727
<b>1B2P Types B,C *</b>					
Current Rent	68,000	YP @	4.2500%	23.5294	1,600,006
<b>1BST Type A *</b>					
Current Rent	99,590	YP @	4.2500%	23.5294	2,343,304
<b>1BST Type B *</b>					
Current Rent	80,986	YP @	4.2500%	23.5294	1,905,544
<b>1B2P Type F *</b>					
Current Rent	10,082	YP @	4.2500%	23.5294	237,227
<b>1B2P M4 *</b>					
Current Rent	95,555	YP @	4.2500%	23.5294	2,248,348
<b>1B2P M4 (3) *</b>					
Current Rent	10,640	YP @	4.2500%	23.5294	250,353
<b>2B3P Type B *</b>					
Current Rent	350,620	YP @	4.2500%	23.5294	8,249,880
<b>2B3P Type D *</b>					
Current Rent	11,311	YP @	4.2500%	23.5294	266,132
<b>2B3P Type A *</b>					
Current Rent	501,600	YP @	4.2500%	23.5294	11,802,353
<b>2B3P Types A,E *</b>					
Current Rent	91,808	YP @	4.2500%	23.5294	2,160,188
<b>2B3P Type A,E</b>					
Current Rent	46,208	YP @	4.2500%	23.5294	1,087,247
<b>2B4P Type A *</b>					
Current Rent	910,497	YP @	4.2500%	23.5294	21,423,470
<b>2B3P Type C *</b>					
Current Rent	158,515	YP @	4.2500%	23.5294	3,729,758
<b>2B3P Type A*</b>					
Current Rent	12,350	YP @	4.2500%	23.5294	290,588
<b>2B3P Type F *</b>					
Current Rent	12,540	YP @	4.2500%	23.5294	295,059
<b>3B4P Type A *</b>					
Current Rent	278,689	YP @	4.2500%	23.5294	6,557,387
<b>3B5P Type B *</b>					
Current Rent	35,614	YP @	4.2500%	23.5294	837,967
<b>3B5P Type A *</b>					
Current Rent	205,806	YP @	4.2500%	23.5294	4,842,505
<b>3B5P Type C *</b>					
Current Rent	50,762	YP @	4.2500%	23.5294	1,194,398
<b>3B4P Type E *</b>					
Current Rent	15,650	YP @	4.2500%	23.5294	368,233
<b>3B5P Type D *</b>					
Current Rent	96,107	YP @	4.2500%	23.5294	2,261,331
<b>3B5P Type E *</b>					
Current Rent	15,483	YP @	4.2500%	23.5294	364,299
<b>3B5P Type E*</b>					
Current Rent	31,300	YP @	4.2500%	23.5294	736,467
<b>Residential Car Parking</b>					
Current Rent	25,650	YP @	4.2500%	23.5294	603,529
<b>AFF 1BST Type A *</b>					
Current Rent	12,257	YP @	4.2500%	23.5294	288,407
<b>AFF 1B1P Type A *</b>					
Current Rent	54,146	YP @	4.2500%	23.5294	1,274,025
<b>AFF 1B2P Types H,D,G,E,D,D *</b>					
Current Rent	7,360	YP @	4.2500%	23.5294	173,173
<b>AFF 2B3P Type B *</b>					
Current Rent	18,097	YP @	4.2500%	23.5294	425,813
<b>AFF 2B4P Type A *</b>					
Current Rent	19,686	YP @	4.2500%	23.5294	463,210
<b>AFF 3B5P Type A *</b>					
Current Rent	14,968	YP @	4.2500%	23.5294	352,182
<b>Outline MV</b>					
Current Rent	3,218,051	YP @	4.2500%	23.5294	75,718,844
<b>Outline Aff</b>					
Current Rent	98,364	YP @	4.2500%	23.5294	2,314,437
<b>Outline MV Aprtments</b>					
Current Rent	5,115,984	YP @	4.2500%	23.5294	120,376,103

**All Phases Sweet Street Policy Compliant  
3.5% Discount on Market Rents (44 Units) - Option 1**

<b>Outline Aff Apartments</b>					
Current Rent	138,153	YP @	4.2500%	23.5294	3,250,663
<b>Parking</b>					
Current Rent	98,550	YP @	4.2500%	23.5294	2,318,824
<b>Office 2 Phase 4</b>					
Current Rent	1,257,088	YP @	6.0000%	16.6667	20,951,467
<b>Office Parking Phase 4</b>					
Current Rent	51,000	YP @	6.0000%	16.6667	850,000
<b>Public House</b>					
Market Rent	111,940	YP @	8.0000%	12.5000	
(1yr Rent Free)		PV 1yr @	8.0000%	0.9259	1,295,602
<b>Pavillion Level 0</b>					
Market Rent	74,700	YP @	8.0000%	12.5000	
(2yrs Rent Free)		PV 2yrs @	8.0000%	0.8573	800,540
<b>Convenience Store</b>					
Market Rent	60,000	YP @	6.0000%	16.6667	
(6mths Rent Free)		PV 6mths @	6.0000%	0.9713	971,286
<b>Retail Units</b>					
Market Rent	82,156	YP @	8.0000%	12.5000	
(2yrs Rent Free)		PV 2yrs @	8.0000%	0.8573	880,444
<b>Office block 1</b>					
Current Rent	2,480,744	YP @	6.0000%	16.6667	41,345,733
<b>Office Car Parking</b>					
Current Rent	139,400	YP @	6.0000%	16.6667	2,323,333
<b>Pavillion Level 2 Workspace</b>					
Market Rent	81,116	YP @	8.0000%	12.5000	
(6mths Rent Free)		PV 6mths @	8.0000%	0.9623	975,674
<b>Pavillion Level 3</b>					
Current Rent	35,868	YP @	8.0000%	12.5000	448,350
					<b>389,304,538</b>

**NET REALISATION 389,304,538**

**OUTLAY**

**ACQUISITION COSTS**

Residualised Price		8,685,871		8,685,871
Stamp Duty		423,794		
Agent Fee	1.00%	86,859		
Legal Fee	0.50%	43,429		
				554,082

**CONSTRUCTION COSTS**

Construction	ft <sup>2</sup>	Build Rate ft <sup>2</sup>	Cost	
Construction	387,276	206.00	79,778,856	
Construction	263,033	212.00	55,762,996	
Construction Resi 4	128,438	223.00	28,641,674	
Construction Resi 3	279,867	232.00	64,929,144	
Office 2 Phase 4	59,409	251.00	14,911,659	
Public House	7,503	167.01	1,253,070	
Office block 1	117,612	287.00	33,754,644	
Construction Pavillion	<u>15,296</u>	148.15	<u>2,256,054</u>	
<b>Totals</b>	<b>2,077,399</b>		<b>281,298,097</b>	<b>281,298,097</b>

Contingency	1.00%	2,889,284	
Apportionment of Abnormal Costs		4,234,074	
Abnormal Costs		2,617,970	
Apportionment Abnormal Costs		2,925,956	
Apportionment of Externals		6,406,019	
Apportionment Externals		1,224,242	
CIL Resi Phase 1		231,159	
Apportionment of Bio Diversity Gain		600,500	
Residential Travel Plan Fund		345,518	
Greenspace		131,770	
Highways - City Centre		184,140	
Highways - Bath Road improvements		896,000	
Highways - Mineveh Road		70,000	
Highways - TRO		10,000	
Highways - Travel Plan Monitoring		9,793	
CIL Phase 2		160,320	
Green Space		131,770	
Travel Plan Monitoring		9,793	
Highways- City Centre		184,140	

**All Phases Sweet Street Policy Compliant**  
**3.5% Discount on Market Rents (44 Units) - Option 1**

CIL Block 3 Resi		176,306	
CIL Block 4 Resi		78,793	
CIL Office 2		272,023	
CIL Office Phase 1		629,954	
CIL Pavillion Phase1		9,123	
CIL Public House Phase1		1,765	
			24,430,412
<b>PROFESSIONAL FEES</b>			
Professional Fees	7.00%	20,224,985	20,224,985
<b>MARKETING &amp; LETTING</b>			
Marketing		100,000	
Letting Agent Fee	10.00%	923,955	
Letting Legal Fee	1.50%	138,593	
			1,162,548
<b>DISPOSAL FEES</b>			
Purchasers Legal Fees	0.10%	114,483	114,483
<b>FINANCE</b>			
Debit Rate 6.000%, Credit Rate 1.000% (Nominal)			
Total Finance Cost			15,554,603
<b>TOTAL COSTS</b>			<b>352,025,081</b>
<b>PROFIT</b>			<b>37,279,456</b>
<b>Performance Measures</b>			
Profit on Cost%		10.59%	
Profit on GDV%		9.58%	
Profit on NDV%		9.58%	
Development Yield% (on Rent)		5.09%	
Equivalent Yield% (Nominal)		4.59%	
Equivalent Yield% (True)		4.73%	
IRR		13.58%	
Rent Cover		2 yrs 1 mth	
Profit Erosion (finance rate 6.000)		1 yr 8 mths	

(iii) Appraisal 3: Full Scheme Sub Policy Compliant Residual Land Value- Option

2

Rental Area Summary	Units	ft <sup>2</sup>	Rent Rate ft <sup>2</sup>	Initial MRV/Unit	Net Rent at Sale	Initial MRV	Net MRV at Sale
1B1P Type A *	24	11,616	23.00	11,132	203,048	267,168	203,048
1B1P Type E *	49	24,255	23.00	11,385	423,977	557,865	423,977
1B1P Types B,C,F,G,H,I,J *	82	41,492	23.00	11,638	725,280	954,316	725,280
1B1P Type H *	1	517	22.50	11,633	8,841	11,633	8,841
1B1P Type D *	6	3,294	22.00	12,078	55,076	72,468	55,076
1B2P Types H,D,G,E,D,D *	7	3,766	22.50	12,105	64,399	84,735	64,399
1B2P Types B,C *	7	4,067	22.00	12,782	68,000	89,474	68,000
1BST Type A *	12	5,040	24.00	10,080	91,930	120,960	91,930
1BST Type B *	9	5,328	20.00	11,840	80,986	106,560	80,986
1B2P Type F *	1	603	22.00	13,266	10,082	13,266	10,082
1B2P M4 *	9	5,715	22.00	13,970	95,555	125,730	95,555
1B2P M4 (3) *	1	700	20.00	14,000	10,640	14,000	10,640
2B3P Type B *	29	19,343	22.31	14,882	327,999	431,578	327,999
2B3P Type D *	1	689	21.60	14,882	11,311	14,882	11,311
2B3P Type A *	44	30,800	21.43	15,000	501,600	660,000	501,600
2B3P Types A,E *	8	5,680	21.27	15,100	91,808	120,800	91,808
2B3P Type A,E	4	2,884	21.08	15,200	46,208	60,800	46,208
2B4P Type A *	74	55,722	21.50	16,190	910,497	1,198,023	910,497
2B3P Type C *	13	9,932	21.00	16,044	158,515	208,572	158,515
2B3P Type A *	1	807	20.14	16,250	12,350	16,250	12,350
2B3P Type F *	1	861	19.16	16,500	12,540	16,500	12,540
3B4P Type A *	18	16,668	22.00	20,372	278,689	366,696	278,689
3B5P Type B *	2	2,130	22.00	23,430	35,614	46,860	35,614
3B5P Type A *	10	11,190	22.00	24,618	187,097	246,180	187,097
3B5P Type C *	3	3,036	22.00	22,264	50,762	66,792	50,762
3B4P Type E *	1	936	22.00	20,592	15,650	20,592	15,650
3B5P Type D *	6	5,748	22.00	21,076	96,107	126,456	96,107
3B5P Type E *	1	926	22.00	20,372	15,483	20,372	15,483
3B5P Type E *	2	1,872	22.00	20,592	31,300	41,184	31,300
Residential Car Parking	19	19	1,500.00	1,500	25,650	28,500	25,650
AFF 1BST Type A *	3	1,260	19.20	8,064	18,386	24,192	18,386
AFF 1B1P Type A *	12	5,808	18.40	8,906	81,219	106,867	81,219
AFF 1B2P Types H,D,G,E,D,D *	2	1,076	18.00	9,684	14,720	19,368	14,720
AFF 2B3P Type B *	4	2,668	17.85	11,906	36,194	47,624	36,194
AFF 2B4P Type A *	2	1,506	17.20	12,952	19,686	25,903	19,686
AFF 3B5P Type A *	2	2,238	17.60	19,694	29,935	39,389	29,935
Construction	1	387,276		0	0		
Outline MV	308	191,576	21.68	13,485	3,156,559	4,153,368	3,156,559
Outline Aff	18	11,196	17.34	10,785	147,545	194,139	147,545
Construction	1	263,033		0	0		
Outline MV Apts	463	293,542	22.40	14,202	4,997,259	6,575,341	4,997,259
Outline Aff Apartments	27	17,118	17.92	11,361	233,133	306,755	233,133
Parking	73	73	1,500.00	1,500	98,550	109,500	98,550
Construction Resi 4	1	128,438		0	0		
Construction Resi 3	1	279,867		0	0		
Office 2 Phase 4	1	44,896	28.00	1,257,088	1,257,088	1,257,088	1,257,088
Office Parking Phase 4	30	30	1,700.00	1,700	51,000	51,000	51,000
Public House	1	5,597	20.00	111,940	111,940	111,940	111,940
Pavillion Level 0	1	3,735	20.00	74,700	74,700	74,700	74,700
Convenience Store	1	3,000	20.00	60,000	60,000	60,000	60,000
Retail Units	1	4,324	19.00	82,156	82,156	82,156	82,156
Office block 1	1	88,598	28.00	2,480,744	2,480,744	2,480,744	2,480,744
Office Car Parking	82	82	1,700.00	1,700	139,400	139,400	139,400
Pavillion Level 2 Workspace	1	2,897	28.00	81,116	81,116	81,116	81,116
Construction Pavillion	1	15,296		0	0		
Pavillion Level 3	1	1,281	28.00	35,868	35,868	35,868	35,868
<b>Totals</b>	<b>1,484</b>	<b>2,032,047</b>			<b>17,854,191</b>	<b>22,085,669</b>	<b>17,854,191</b>
<b>Investment Valuation</b>							
<b>1B1P Type A *</b>							
Current Rent	203,048	YP @	4.2500%	23.5294	4,777,592		
<b>1B1P Type E *</b>							
Current Rent	423,977	YP @	4.2500%	23.5294	9,975,939		
<b>1B1P Types B,C,F,G,H,I,J *</b>							

**All Phases Sweet Street Policy Compliant- option 2  
5.5% Discount on Market Rents (70 Units)**

Current Rent	725,280	YP @	4.2500%	23.5294	17,065,416
<b>1B1P Type H *</b>					
Current Rent	8,841	YP @	4.2500%	23.5294	208,016
<b>1B1P Type D *</b>					
Current Rent	55,076	YP @	4.2500%	23.5294	1,295,898
<b>1B2P Types H,D,G,E,D,D *</b>					
Current Rent	64,399	YP @	4.2500%	23.5294	1,515,261
<b>1B2P Types B,C *</b>					
Current Rent	68,000	YP @	4.2500%	23.5294	1,600,006
<b>1BST Type A *</b>					
Current Rent	91,930	YP @	4.2500%	23.5294	2,163,049
<b>1BST Type B *</b>					
Current Rent	80,986	YP @	4.2500%	23.5294	1,905,544
<b>1B2P Type F *</b>					
Current Rent	10,082	YP @	4.2500%	23.5294	237,227
<b>1B2P M4 *</b>					
Current Rent	95,555	YP @	4.2500%	23.5294	2,248,348
<b>1B2P M4 (3) *</b>					
Current Rent	10,640	YP @	4.2500%	23.5294	250,353
<b>2B3P Type B *</b>					
Current Rent	327,999	YP @	4.2500%	23.5294	7,717,630
<b>2B3P Type D *</b>					
Current Rent	11,311	YP @	4.2500%	23.5294	266,132
<b>2B3P Type A *</b>					
Current Rent	501,600	YP @	4.2500%	23.5294	11,802,353
<b>2B3P Types A,E *</b>					
Current Rent	91,808	YP @	4.2500%	23.5294	2,160,188
<b>2B3P Type A,E</b>					
Current Rent	46,208	YP @	4.2500%	23.5294	1,087,247
<b>2B4P Type A *</b>					
Current Rent	910,497	YP @	4.2500%	23.5294	21,423,470
<b>2B3P Type C *</b>					
Current Rent	158,515	YP @	4.2500%	23.5294	3,729,758
<b>2B3P Type A *</b>					
Current Rent	12,350	YP @	4.2500%	23.5294	290,588
<b>2B3P Type F *</b>					
Current Rent	12,540	YP @	4.2500%	23.5294	295,059
<b>3B4P Type A *</b>					
Current Rent	278,689	YP @	4.2500%	23.5294	6,557,387
<b>3B5P Type B *</b>					
Current Rent	35,614	YP @	4.2500%	23.5294	837,967
<b>3B5P Type A *</b>					
Current Rent	187,097	YP @	4.2500%	23.5294	4,402,278
<b>3B5P Type C *</b>					
Current Rent	50,762	YP @	4.2500%	23.5294	1,194,398
<b>3B4P Type E *</b>					
Current Rent	15,650	YP @	4.2500%	23.5294	368,233
<b>3B5P Type D *</b>					
Current Rent	96,107	YP @	4.2500%	23.5294	2,261,331
<b>3B5P Type E *</b>					
Current Rent	15,483	YP @	4.2500%	23.5294	364,299
<b>3B5P Type E *</b>					
Current Rent	31,300	YP @	4.2500%	23.5294	736,467
<b>Residential Car Parking</b>					
Current Rent	25,650	YP @	4.2500%	23.5294	603,529
<b>AFF 1BST Type A *</b>					
Current Rent	18,386	YP @	4.2500%	23.5294	432,610
<b>AFF 1B1P Type A *</b>					
Current Rent	81,219	YP @	4.2500%	23.5294	1,911,037
<b>AFF 1B2P Types H,D,G,E,D,D *</b>					
Current Rent	14,720	YP @	4.2500%	23.5294	346,345
<b>AFF 2B3P Type B *</b>					
Current Rent	36,194	YP @	4.2500%	23.5294	851,626
<b>AFF 2B4P Type A *</b>					
Current Rent	19,686	YP @	4.2500%	23.5294	463,210
<b>AFF 3B5P Type A *</b>					
Current Rent	29,935	YP @	4.2500%	23.5294	704,364
<b>Outline MV</b>					
Current Rent	3,156,559	YP @	4.2500%	23.5294	74,271,987
<b>Outline Aff</b>					
Current Rent	147,545	YP @	4.2500%	23.5294	3,471,656
<b>Outline MV Aprtments</b>					
Current Rent	4,997,259	YP @	4.2500%	23.5294	117,582,565



**All Phases Sweet Street Policy Compliant- option 2  
5.5% Discount on Market Rents (70 Units)**

<b>Outline Aff Apartments</b>					
Current Rent	233,133	YP @	4.2500%	23.5294	5,485,493
<b>Parking</b>					
Current Rent	98,550	YP @	4.2500%	23.5294	2,318,824
<b>Office 2 Phase 4</b>					
Current Rent	1,257,088	YP @	6.0000%	16.6667	20,951,467
<b>Office Parking Phase 4</b>					
Current Rent	51,000	YP @	6.0000%	16.6667	850,000
<b>Public House</b>					
Market Rent	111,940	YP @	8.0000%	12.5000	
(1yr Rent Free)		PV 1yr @	8.0000%	0.9259	1,295,602
<b>Pavillion Level 0</b>					
Market Rent	74,700	YP @	8.0000%	12.5000	
(2yrs Rent Free)		PV 2yrs @	8.0000%	0.8573	800,540
<b>Convenience Store</b>					
Market Rent	60,000	YP @	6.0000%	16.6667	
(6mths Rent Free)		PV 6mths @	6.0000%	0.9713	971,286
<b>Retail Units</b>					
Market Rent	82,156	YP @	8.0000%	12.5000	
(2yrs Rent Free)		PV 2yrs @	8.0000%	0.8573	880,444
<b>Office block 1</b>					
Current Rent	2,480,744	YP @	6.0000%	16.6667	41,345,733
<b>Office Car Parking</b>					
Current Rent	139,400	YP @	6.0000%	16.6667	2,323,333
<b>Pavillion Level 2 Workspace</b>					
Market Rent	81,116	YP @	8.0000%	12.5000	
(6mths Rent Free)		PV 6mths @	8.0000%	0.9623	975,674
<b>Pavillion Level 3</b>					
Current Rent	35,868	YP @	8.0000%	12.5000	448,350
					<b>388,023,111</b>

**NET REALISATION 388,023,111**

**OUTLAY**

**ACQUISITION COSTS**

Residualised Price		8,688,503		8,688,503
Stamp Duty		423,925		
Agent Fee	1.00%	86,885		
Legal Fee	0.50%	43,443		
				<b>554,253</b>

**CONSTRUCTION COSTS**

	ft <sup>2</sup>	Build Rate ft <sup>2</sup>	Cost	
Construction	387,276	206.00	79,778,856	
Construction	263,033	212.00	55,762,996	
Construction Resi 4	128,438	223.00	28,641,674	
Construction Resi 3	279,867	232.00	64,929,144	
Office 2 Phase 4	59,409	251.00	14,911,659	
Public House	7,503	167.01	1,253,070	
Office block 1	117,612	287.00	33,754,644	
Construction Pavillion	15,296	148.15	2,266,054	
<b>Totals</b>	<b>2,077,399</b>		<b>281,298,097</b>	<b>281,298,097</b>

Contingency	1.00%	2,889,284	
Apportionment of Abnormal Costs		4,234,074	
Abnormal Costs		2,617,970	
Apportionment Abnormal Costs		2,925,956	
Apportionment of Externals		6,406,019	
Aportionment Externals		1,224,242	
CIL Resi Phase1		231,159	
Residential Travel Plan Fund		100,000	
Highways - City Centre		184,140	
Highways - Bath Road improvements		896,000	
Highways - Mineveh Road		70,000	
Highways - TR0		10,000	
Highways - Travel Plan Monitoring		9,793	
CIL Phase 2		160,320	
Travel Plan Monitoring		9,793	
Highways- City Centre		184,140	
CIL Block 3 Resi		176,306	
CIL Block 4 Resi		78,793	
CIL Office 2		272,023	

**All Phases Sweet Street Policy Compliant- option 2**  
**5.5% Discount on Market Rents (70 Units)**

CIL Office Phase 1		629,954	
CIL Pavillion Phase1		9,123	
CIL Public House Phase1		1,765	
			23,320,854
<b>PROFESSIONAL FEES</b>			
Professional Fees	7.00%	20,224,985	
			20,224,985
<b>MARKETING &amp; LETTING</b>			
Marketing		100,000	
Letting Agent Fee	10.00%	922,114	
Letting Legal Fee	1.50%	138,317	
			1,160,432
<b>DISPOSAL FEES</b>			
Purchasers Legal Fees	0.10%	114,050	
			114,050
<b>FINANCE</b>			
Debit Rate 6.000%, Credit Rate 1.000% (Nominal)			
Total Finance Cost			15,505,191
<b>TOTAL COSTS</b>			<b>350,866,365</b>
<b>PROFIT</b>			<b>37,156,747</b>
<b>Performance Measures</b>			
Profit on Cost%		10.59%	
Profit on GDV%		9.58%	
Profit on NDV%		9.58%	
Development Yield% (on Rent)		5.09%	
Equivalent Yield% (Nominal)		4.60%	
Equivalent Yield% (True)		4.73%	
IRR		13.58%	
Rent Cover		2 yrs 1 mth	
Profit Erosion (finance rate 6.000)		1 yr 8 mths	

(iv) Information to support inputs – Rents, BMLV, Yields & Professional Fees

REDACTED PRS SCHEMES AGREED INPUTS LEEDS 2019-22

PRS Schemes	Gross to Net Leakage (%)	Revenue Per Parking Space	Furniture Allowance	Capitalisation Yield	Professional Fees Construction	Benchmark Land Value/acre	Finance	Advisors Fees	Purchasers Costs	Build Cost Contingency	Agreed Profit on Cost (%)	Notes
17-20 storeys comprising 463 residential units 102 parking spaces	23.78%	£1,800	£1,700	4.80%	7%	£1.328m	6%	0.55% Funding £255,000 Freehold Monitoring	0.50%	3%	8.04%	Previous consent for Office Development
349 Apartments, 53 car parking spaces	23%	£1,500	NIL	4.50%	6.2%	£1.011m	5%	2%	1.72%	3% £1740.09	8.0%	Site current occupied by modern industrial buildings on
322 Apartments across 3 blocks on two sites intersected by the public highway	25%	1500	£2000	4.65%	6.4%	£375,000	5%	0.75% Agent 0.25% Legal	1.75%	3%	8.08	3 Blocks on two separate sites
783 Units across 8 blocks of apartments with in excess of 30,000 sq.ft of commercial space	25%	£1,800	£2,000	4.5%	8%	£581,000	5%	0.25 Agent 0.1 Legal	0.25% Agent 0.15% Legal	3%	8.055	8 blocks apt blocks and large area of public realm
SOYO B	23.5%	£1,500	£2,000	4.5%	Inc	£812,000	4.5%	0.5% + 0.25%	0.5 Agent 0.25 Legal	3%	8% on cost	Extant consent for Offices
410 units BTR York	23.5%	n/a	Reflected in build	4.5%	7%	£140,000 gross	5.5% debit / 0.5% credit	1% Agent 0.5% Legal	1.8%	5%	8% on GDV	Former gas works high abnormals.
375 Apartments & 55 Parking Spaces	23.5%	£1,700	Reflected in build	4.45%	8%	£720,000	5%	0.5% Agent 0.25% Legal	0.5%	2.5%	8% on cost	Blank
500 Apartments 60 Parking spaces 3 x Retail	23.5%	£1,700	£2,000	4.35%	7%	£750,000	5%	0.25 Agent 0.10 Legals	Nil	2.8%	8% on GDV	

Agreed PRS Apartment Rents 2019-2022

Location	Studio (sqm & £/sqm)	1-bed (sqm & £/sqm)	2-bed (sqm & £/sqm)	3-bed (sqm & £/sqm)
Leeds City Centre Scheme A	31.5 / £264.37	47.5 / £201.72	62.5 / £193.75	76.00 / £203.45
Leeds City Centre Scheme B	Blank	49.0 / £201.93	70.0 / £175.56	85.83 / 195.69
Leeds City Centre Scheme C	Blank	45.6 / £249.73	67.8 / £224.75	92.10 / £210.97
Leeds City Centre Scheme D	Blank	42.7 / £201.82	63.45 / £175.45	85.00 / £195.69
Leeds City Centre Scheme E	37.43 / £228.41	45.6 / £249.73	67.81 / £224.75	92.15 / £210.97
Leeds City Centre Scheme F	Blank	45.7 / £236.38 46.91 / £232.28	69.02 / £224.86 69.21 / £224.43	89.55 / 226.04 96.98 / £219.59
Leeds City Centre Scheme G	40.78 / £220.77	45.06 / £226.36 50.17 / £215.06	63.73 / £231.42 71.26 / £228.09	86.12 / £232.18
Leeds City Centre Scheme H	Blank	40.96 / £258.23 45.98 / £246	60 / £256.51 71.99 / £251.66	86 / £255 90 / £252.42
Leeds City Centre Scheme I	Blank	48 / £237.89 61 / £211.73	61 / £255.86 69.11 / £251.88	72.92 / £265.55 98 / £245.31

(v) Redacted TOE



Valuation Office  
Agency

[REDACTED]  
Principal Planner  
Central Team  
Planning Services,  
City Development  
Leeds City Council

**DVS** Property Specialists  
for the Public Sector

Valuation Office Agency  
7 Wellington Place  
Leeds  
LS1 4AJ

Our Reference : TBC  
Your Reference :  
EX000000/22/04400/FU

Please ask for : [REDACTED]  
Tel : [REDACTED]

E Mail : brian.maguire@voa.gov.uk

Date : [REDACTED]

Dear [REDACTED]

**Hybrid Planning Application for Full planning permission for construction of 15 storey residential building providing 451 dwellings (Use Class C3) and ground floor commercial space (Use Classes E (a, b, c, d, e and f) and Sui Generis (drinking establishment)), 8 storey office building (Use Class E(g), pavilion building (Use Class E (b, c and d), partial demolition and extension to existing public house, landscaping, access road and other associated works; Outline application for mixed use development comprising a maximum of 900 dwellings (Use Class C3), a maximum of 7,000sqm of office space (Use Class E (g) and a maximum of 200sqm of commercial floorspace (Use Classes E (a, b, d, e and f) and Sui Generis (drinking establishment))**

**Address: Land South Of Sweet Street West Leeds, LS11 9TE**

I refer to your instructions dated 27 September 2022 I am pleased to confirm my Terms of Engagement in undertaking this commission for you.

This document contains important information about the scope of the work you have commissioned and confirms the terms and conditions under which DVS proposes to undertake the instruction.

It is important that you read this document carefully and if you have any questions, please do not hesitate to ask the signatory whose details are supplied above. Please contact them immediately if you consider the terms to be incorrect in any respect.

Please note that this terms of engagement document is confidential between our client, Leeds City Council, and the VOA. As it contains commercially sensitive and data sensitive information, it should not be provided to the applicant or their advisor without the explicit consent of the VOA.

## **1. Client**

This instruction will be undertaken for Leeds City Council and the appointing planning officer is yourself, [REDACTED].

## **2. Subject Property and proposed development**

Land South Of Sweet Street West Leeds, LS11 9TE

Hybrid Planning Application for Full planning permission for construction of 15 storey residential building providing 451 dwellings (Use Class C3) and ground floor commercial space (Use Classes E (a, b, c, d, e and f) and Sui Generis (drinking establishment)), 8 storey office building (Use Class E(g), pavilion building (Use Class E (b, c and d), partial demolition and extension to existing public house, landscaping, access road and other associated works; Outline application for mixed use development comprising a maximum of 900 dwellings (Use Class C3), a maximum of 7,000sqm of office space (Use Class E (g) and a maximum of 200sqm of commercial floorspace (Use Classes E (a, b, d, e and f) and Sui Generis (drinking establishment))

## **3. Purpose and Scope**

To complete this assessment DVS will:

- a) Assess the Financial Viability Appraisal (FVA) submitted by / on behalf of the planning applicant / developer, taking in to account the planning proposals as supplied by you or available from your authorities planning website.
- b) Advise you on those areas of the appraisal which are agreed and those which are considered unsupported or incorrect, including stating the basis for this opinion.
- c) If DVS considers that the applicant's appraisal input and viability conclusion is incorrect, we will advise on the cumulative viability impact of the changes and in particular whether any additional affordable housing and / or s106 contributions might be provided without adversely affecting the overall viability of the development. This will take the form of sensitivity tests.

3.1 My report to you will constitute my final report if my findings conclude that the planning applicant / developer cannot provide more affordable housing and s106 payments than have been proposed.

3.2 **However**, if having completed my assessment I conclude that the planning applicant / developer may be able to provide more affordable housing and s106 payments than have been proposed, I understand that my findings report may only constitute stage 1 of the process as the report will enable all parties to then consider any areas of disagreement and potential revisions to the proposal.

3.3 In such circumstances, I will where instructed by you be prepared to enter into discussions on potential revisions to the applicant's proposals, and / or consider any new supporting information. Upon concluding such discussions, I will submit a new report capturing my subsequent determination findings on the potentially revised application; for convenience and to distinguish it, this report on a second stage assessment may be referred to as my Stage 2 report.

#### **4. Date of Assessment**

The date of the assessment is to be 1<sup>st</sup> December 2022

#### **5. Confirmation of Standards to be applied**

The viability assessment will be prepared in accordance with paragraph 57 of the National Planning Policy Framework, which states that all viability assessments should reflect the recommended approach in the National Planning Practice Guidance on Viability, this document was revised in May 2019.

The viability assessment review report will be prepared in accordance with the professional statement Financial Viability in Planning: Conduct and reporting (effective from 1<sup>st</sup> September 2019).

Regard will be made to the RICS Guidance Note "Financial viability in planning" 1<sup>st</sup> Edition (GN 94/2012), where applicable.

Valuation advice (where applicable) will be prepared in accordance with the professional standards of the Royal Institution of Chartered Surveyors: RICS Valuation – Global Standards and RICS UK National Supplement, commonly known together as the Red Book. Compliance with the RICS professional standards and valuation practice statements gives assurance also of compliance with the International Valuations Standards (IVS).

Measurements stated are in accordance with the RICS Professional Statement '**RICS Property Measurement' (2<sup>nd</sup> Edition)** and, where relevant, the **RICS Code of Measuring Practice (6<sup>th</sup> Edition)**.

## **6. Agreed Departures from the RICS Professional Standards**

As agreed by you, any office and/or residential property present has been reported upon using a measurement standard other than IPMS, and specifically Net Internal Area has been used. Such a measurement is an agreed departure from 'RICS Property Measurement (2<sup>nd</sup> Edition)'.

I understand that you requested this variation because this measurement standard is how the applicant has presented their data, is common and accepted practice in the construction/ residential industry, and it has been both necessary and expedient to analyse the comparable data on a like with like basis

RICS Red Book professional standards PS1 and PS2 are applicable to our undertaking of your case instruction but as our assessment may be used by you as part of a negotiation, compliance with the technical and performance standards at VPS1 to VPS 5 is not mandatory (PS 1 para 5.4) and they will only be applied to the extent not precluded by your specific requirement.

## **7. Basis of Value**

**7.1 Benchmark Land Value.** Paragraph 014 of the NPPG (May 2019) states that Benchmark land value should:

be based upon [existing use value](#)

allow for a premium to landowners (including equity resulting from those building their own homes)

reflect the implications of abnormal costs; site-specific infrastructure costs; and professional site fees

Viability assessments should be undertaken using benchmark land values derived in accordance with this guidance. Existing use value should be informed by market evidence of current uses, costs and values. Market evidence can also be used as a cross-check of benchmark land value but should not be used in place of benchmark land value. There may be a divergence between benchmark land values and market evidence; and plan makers should be aware that this could be due to different assumptions and methodologies used by individual developers, site promoters and landowners.

This evidence should be based on developments which are fully compliant with emerging or up to date plan policies, including affordable housing requirements at the relevant

levels set out in the plan. Where this evidence is not available plan makers and applicants should identify and evidence any adjustments to reflect the cost of policy compliance. This is so that historic benchmark land values of non-policy compliant developments are not used to inflate values over time.

In plan making, the landowner premium should be tested and balanced against emerging policies. In decision making, the cost implications of all relevant policy requirements, including planning obligations and, where relevant, any Community Infrastructure Levy (CIL) charge should be taken into account.

Where viability assessment is used to inform decision making under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan. Local authorities can request data on the price paid for land (or the price expected to be paid through an option or promotion agreement).

See related policy: National Planning Policy Framework [paragraph 57](#)

Paragraph: 014 Reference ID: 10-014-20190509

Revision date: 09 05 2019

**7.2 Existing Use Value:** the NPPG (May 2019) explains Existing Use Value at para 15 as follows:

Existing use value (EUV) is the first component of calculating benchmark land value. EUV is the value of the land in its existing use. Existing use value is not the price paid and should disregard hope value. Existing use values will vary depending on the type of site and development types. EUV can be established in collaboration between plan makers, developers and landowners by assessing the value of the specific site or type of site using published sources of information such as agricultural or industrial land values, or if appropriate capitalised rental levels at an appropriate yield (excluding any hope value for development).

Sources of data can include (but are not limited to): land registry records of transactions; real estate licensed software packages; real estate market reports; real estate research; estate agent websites; property auction results; valuation office agency data; public sector estate/property teams' locally held evidence.

See related policy: National Planning Policy Framework [paragraph 57](#)

Paragraph: 015 Reference ID: 10-015-20190509.

Revision date: 09 05 2019.

**7.3 Gross Development Value (GDV)**

GDV is the cumulative total of the market values of the entire development, as detailed in the schedule of accommodation.

**Market Value (MV)** RICS VPS 4, para 4 defines MV as:



*“The estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm’s length transaction after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion.”*

On occasion, it may be agreed that a basis of value requires to be modified and a Special Assumption added, for example where there is the possibility of Special Value attaching to a property from its physical, functional, legal or economic association with some other property.

Any Special Assumptions agreed with you have been captured below under the heading Special Assumptions, in accordance with VPS 4, para 9 of the professional standards of the Royal Institution of Chartered Surveyors: RICS Valuation – Global Standards and RICS UK National Supplement, and will be restated in my report.

## **8. Special Assumptions**

The following special assumptions have been agreed and will be applied:

- that your council's planning policy, or emerging policy, for affordable housing is up to date
- There are no abnormal development costs in addition to those which the applicant has identified, and (for cases with no QS review) the applicant's abnormal costs, where supported, are to be relied upon to determine the viability of the scheme, unless otherwise stated in our report.
- The Council has requested DVS undertake a number of scenario tests to inform their decision making an assess viability on the following basis:
  - a) Viability of entire scheme and all phases as submitted by the applicant
  - b) Phase 1 only including PRS, office building, Pavillion building and public house
  - c) PRS buildings only excluding office building, Pavillion building and public house

## **9. Extent of Valuer’s Investigations, Restrictions and Assumptions**

An assumption in this context is a limitation on the extent of the investigations or enquiries that will be undertaken by the assessor.

The following agreed assumptions will apply to your instruction and be stated in my report, reflecting restrictions to the extent of our investigations.

- Such inspection of the property and investigations as the Valuer decides is professionally adequate and possible in the particular circumstance will be undertaken
- No detailed site survey, building survey or inspection of covered, unexposed or inaccessible parts of the property will be undertaken. The Valuer will have regard to the apparent state of repair and condition, and will assume that inspection of those parts that are not inspected would neither reveal defects nor cause material alteration to the valuation, unless the valuer becomes aware of indication to the contrary. The building services will not be tested and it will be assumed that they are in working order and free from defect. No responsibility can therefore be accepted for identification or notification of property or services' defects that would only be apparent following such a detailed survey, testing or inspection. If the Valuer decides further investigation to be necessary, separate instructions will be sought from you.
- It will be assumed that good title can be shown and that the property is not subject to any unusual or onerous restrictions, encumbrances or outgoing.
- It will be assumed that the property and its value are unaffected by any statutory notice or proposal or by any matters that would be revealed by a local search and replies to the usual enquiries, and that neither the construction of the property nor its condition, use or intended use was, is or will be unlawful or in breach of any covenant.
- It will be assumed that all factual information provided by you or the applicant or their agent with regard to the purpose of this request and details of tenure, tenancies, planning consents and all other relevant information is correct. The advice will therefore be dependent on the accuracy of this information and should it prove to be incorrect or inadequate the basis or the accuracy of any assessment may be affected.
- Valuations will include that plant that is usually considered to be an integral part of the building or structure and essential for its effective use (for example building services installations), but will exclude all machinery and business assets that comprise process plant, machinery and equipment unless otherwise stated and required.
- No access audit will be undertaken to ascertain compliance with the Equality Act 2010 and it will be assumed that the premises are compliant unless otherwise stated by the applicant
- No allowances have been made for any rights obligations or liabilities arising from the Defective Premises Act 1972 unless identified as pertinent by the applicant.

## **10. Nature and Source of Information to be relied upon by Valuer**

### **10.1 From the client**

Information that will be provided to the VOA by the client comprises the following material, which will be relied upon by the viability assessor without further verification.

- a) The Planning application details.
- b) Confirmation of S106 / S278 planning obligations triggered by the scheme. In particular whether the applicant's assumptions on these matters are correct, if they are incorrect then please provide the correct details.
- c) A copy of, or a link to, the relevant planning policy applicable to the site, including current designation (and emerging designation if applicable).
- d) Details of any extant or elapsed consents relating to permitted Alternative Use.
- e) If the applicant has relied on an alternative use that is not permitted, a statement as to whether this alternative would be an acceptable development.
- f) If the applicant has applied vacant building credit, a statement as to whether this is agreed by your Council, if not the appropriate figure.
- g) A copy of the applicant's financial viability appraisal prepared by Savills dated May 2021.

### **10.2 Information from the applicant**

#### Site access

It is understood that the site is accessible and no appointment to inspect is required. In particular it is understood there are no extraordinary health and safety issues to be aware of. If this is incorrect, please provide details of access arrangements and any PPE requirements.

#### Viability assessment

With regards to the applicant's financial viability appraisal the applicant should provide sufficient detail to enable DVS to assess the applicant's contention that the scheme would not be viable if the requirements for affordable housing and other public realm contributions were met as stated in the Local Plan.

To support the contention, the applicant's FVA should include a report with the following details:

- a) A planning policy compliant viability assessment, if completed by a member the RICS this should be prepared in accordance with the Financial Viability in planning: conduct and reporting Professional Statement (effective from 1 September 2019). The follow details are required:
- b) Site area -and schedule of accommodation the gross developable area and net developable area should be stated together with an illustrative plan showing the respective boundaries (or reference to the appropriate planning document with this information )
- c) Development programme assumptions, to detail the anticipated period involved in development, including pre- build, build period and marketing period.
- d) Gross Development Value:
  - (i) Market evidence in support of the sales values adopted
  - (ii) Tenure assumptions and Values for affordable housing
- e) Land Value
  - (i) The Benchmark Land Value should be clearly stated with reference to:
    - i.EUV (as defined in the Viability PPG para 015)
    - ii.Premium (see PPG para 016)
    - iii.Market evidence (suitably adjusted in accordance with PPG para 016)
  - (ii) Alternative use value for the site such be provided, where it exists. (see para 17 of the PPG).
  - (iii) The Purchase Price (or expected price as agreed through a conditional or optional agreement) should be reported for transparency. Where this is below the assessment of BLV a brief explanation of the reasoning should be provided.
- f) Gross Development Costs
  - (i) Build Cost assessment - the evidence should include a full build cost estimate, showing how the costs have been estimated.

(ii) Abnormal Costs total - Supporting reports for site abnormalities should be provided, together with the calculation adopted

g) Cash flow. Either in the form of an accessible viability toolkit (Argus developer or HCA DAT) or as a Microsoft Excel unprotected document.

### **10.3 DVS Information**

DVS will make use of VOA held records and information. The sources of any other information used that is not taken from our records will be identified in the review report.

### **10.4 Information Outstanding**

We have reviewed the viability information already supplied and can confirm that we have most of the information to complete this case with the exception of the following

From your council:

A summary of Section 106 Costs applicable to the application

A summary of CIL charges applicable to the application

The report delivery date will be dependent upon timely receipt of this information.

## **11. Identity of Responsible Valuer and their Status**

It is confirmed that the valuation will be carried out by a RICS Registered Valuer, acting as an external valuer, who has the appropriate knowledge and skills and understanding necessary to undertake the assessment competently.

The valuer responsible will be Brian Maguire and their contact details are as stated above in the letterhead.

Any graduate involvement will be detailed in the report.

## **12. Disclosure of any Material Involvement or Conflict of Interest**

In accordance with the requirements of the RICS standards, the VOA has checked that no conflict of interest arises before accepting this instruction.

It is confirmed that DVS are unaware of any previous conflicting material involvement and am satisfied that no conflict of interest exists. Should any such difficulty subsequently be identified, you will be advised at once and your agreement sought as to how this should be managed.

It is confirmed that the valuer appointed has no personal conflict undertaking this instruction.

### **13. Description of Report**

A side headed written Stage 1 report as approved by you for this purpose will be supplied and any differences of opinion will be clearly set out with supporting justification, where inputs are agreed this will be stated also.

Further to the requirements of the RICS a non-technical summary will be included in the report, together with sensitivity tests to support the viability conclusion.

### **14. Report Date**

It is my intention to submit the stage 1 report of my findings by 15<sup>th</sup> December 2022

If unforeseen problems arise that may delay my report, you will be contacted before this date with an explanation and to discuss the position.

In order to meet the above reporting date it is essential that the information requested with section 10 of these terms is supplied by 1<sup>st</sup> October 2022.

### **15. Validity Period**

The report will remain valid for 6 months unless circumstances alter or further material information becomes available. Reliance should not be placed on the viability conclusion beyond this period without reference back to the VOA for an updated valuation.

### **16. Restrictions on Disclosure and Publication**

The client will neither make available to any third party or reproduce the whole or any part of the report, nor make reference to it, in any publication without our prior written approval of the form and context in which such disclosure may be made.

### **17. Limits or Exclusions of Liability**

Our viability advice is provided for your benefit alone and solely for the purposes of the instruction to which it relates. Our advice may not, without our specific written consent, be used or relied upon by any third party, even if that third party pays all or part of our fees, directly or indirectly, or is permitted to see a copy of our valuation report.

If we do provide written consent to a third party relying on our valuation, any such third party is deemed to have accepted the terms of our engagement.

None of our employees individually has a contract with you or owes you a duty of care or personal responsibility. You agree that you will not bring any claim against any such individuals personally in connection with our services.

**18. Fee Basis**

18.1 You have asked for a fixed fee quote for the viability appraisal. Having considered the initial details of this application, we have agreed a fixed fee basis of [REDACTED] plus VAT in order to complete the work set out above.

The personnel involved in this assessment will be as follows:

<b>Personnel:</b>	<b>Role</b>	<b>Task</b>
[REDACTED]	Development Consultant Residential and commercial Valuer	Report and Viability Residential and commercial research and Valuation

18.2 This fixed fee proposal is for the provision of a report stating my findings on the development viability appraisal as initially provided by the planning applicant / developer. It will include a meeting with you to deal with initial issues. It may require revision if the information supplied by you or the applicant is not quickly forthcoming at our request or if the initial task is varied by you and in both cases we would revert to you for advice on the way forward. Abortive fees would be based on work already carried out.

18.3 If there is a subsequent need following the delivery of my report to discuss issues with the planning applicant / developer or you, including the consideration of potential revised proposals, or to attend meetings, this will constitute a second stage requiring a Stage 2 report and we would need to charge on a time spent basis as an additional cost at hourly rates as shown in the table above for this Stage 2 work. I am able to reduce the amount of time I need to spend upon your work by delegating some functions to colleagues who have a lower cost and this will be reflected in the invoice for this work.

<b>Role</b>	<b>Task</b>	<b>Hourly Fee + VAT</b>
RICS Lead Development Consultant	Report and viability discussions	[REDACTED]
RICS Residential and commercial Valuers	Residential and commercial research and Valuation	[REDACTED]

18.3 If there is a subsequent need following the delivery of my report to discuss issues with the planning applicant / developer or you, including the consideration of potential revised proposals, or to attend meetings, this will constitute a second stage requiring a

Stage 2 report and we would need to charge on a time spent basis as an additional cost at hourly rates as shown in the table above for this Stage 2 work. I am able to reduce the amount of time I need to spend upon your work by delegating some functions to colleagues who have a lower cost and this will be reflected in the invoice for this work.

**18.4 Payer of fees:** With regard to the payment of fees, Homes and Communities Agency has issued a Good Practice Note: "Investment and Planning obligations - Responding to the downturn". In this GPN is a comment that it is common practice for developers to fund the cost of independent validation. The reasoning for this is that you have a planning policy which the applicant is seeking to vary. In order to assess the applicant appraisal you need advice which it is reasonable for the applicant to bear in these circumstances. I understand that the planning applicant / developer has agreed to reimburse your reasonable costs incurred in this review.

Please note that you will be our named Client. As such, our contractual obligation is to you and not to the applicant and your authority will be responsible for payment of our fees. Any arrangement between your authority and the Applicant relating to payment of the fees would be a matter between yourselves.

Please note that that my minimum fee is £200 unless agreed otherwise as part of a contract or SLA.

## **19. Currency**

All prices or values are stated in pounds sterling.

## **20. Fee Payment and Interim Billing**

Our fees are payable by our client within 30 days from the receipt of our invoice whether or not the amount is disputed or is being passed on to a third party for reimbursement.

The VOA reserves the right, subject to prior notification of details of time spent, to invoice at suitable points during the financial year for work in progress undertaken but not yet formally reported. In order to ensure timely cash flows within the public sector, such interim bills may be issued at either monthly or two monthly intervals. You will be advised beforehand that any such bill is imminent.

Where a case is cancelled before completion, our fees will be calculated on a 'work done' basis with added reasonable disbursements unless alternative arrangements have been prior agreed.

**Please note** under HM Treasury Managing Public Money we are required to review our charging on a regular basis. The VOA reserves the right to undertake an annual review of our rates going forward.



## **21. Purchase Order Numbers**

If your organisation uses Purchase Order) Numbers, and you have not already provided one with your originating instructions, please supply this number to us as soon as possible as I cannot proceed without this information.

## **22. Complaints**

The VOA operates a rigorous QA/QC system. This includes the inspection by Team Leaders of a sample of work carried out during the life of the instruction together with an audit process carried out by experienced Chartered Surveyors upon completion of casework. It also includes a feedback cycle to ensure continuous improvement.

The VOA has a comprehensive complaints handling procedure if you are not getting the service you expect. If you have a query or complaint it may be best to speak first to the person you have been dealing with or their manager. If you remain dissatisfied you should be offered a copy of our brochure "Our Code of Practice on Complaints". If it is not offered to you, please request a copy or access it on our website [www.voa.gov.uk](http://www.voa.gov.uk).

## **23. Freedom of Information**

We will do all that we can to keep any information gathered or produced during this assignment confidential. The Freedom of Information Act 2000 or Environmental Information Regulations 2004, and subordinate legislation, may apply to some or all of the information exchanged between yourself and the VOA under this engagement. Therefore the VOA's duty to comply with the Freedom of Information Act may necessitate, upon request, the disclosure of information provided by you unless an exemption applies.

The VOA undertakes to make reasonable endeavours to discuss the appropriateness of disclosure, or the applicability of any exemptions allowed by the Act, with you prior to responding to any third party requests. However, the VOA reserves the right to comply with its statutory obligations under the Act in such manner as it deems appropriate.

The VOA requires you to make all reasonable endeavours to discuss with us the appropriateness of disclosure, or the applicability of any exemptions allowed by the Act, prior to your responding to any third party requests for information provided to you by the VOA.

## **24. Monitoring Compliance by RICS**

It is possible that the RICS may at some stage ask to see the valuation for the purposes of their monitoring of professional standards under their conduct and disciplinary regulations.

## 25. Revisions to these Terms

Where, after investigation, there is in my judgement a need to propose a variation in these terms of engagement, you will be contacted without delay prior to the issue of the report.

For example, should it become apparent that the involvement of specialist colleagues would be beneficial, your consent will be sought before their involvement and we shall, if not included in the original fee estimate, provide an estimate of their costs.

The valuer will be grateful to receive at your earliest convenience brief written confirmation by email or letter that these terms and conditions are accepted and approved by you. If you have any queries please do not hesitate to contact the valuer listed above.

Yours sincerely

[REDACTED]

[REDACTED]

Principal Surveyor  
RICS Registered Valuer  
DVS



Originator: Matthew Walker  
0113 3788033

## Report of the Chief Planning Officer

### CITY PLANS PANEL

Date: 23<sup>rd</sup> February 2023

**Subject: 22/04895/FU - Construction of new buildings for residential (C3), purpose-built student accommodation (Sui Generis) and commercial uses (Class E), landscaping, servicing, internal access road, car parking, modifications to highways access, site clearance and associated works - Former Yorkshire Post Site Wellington Street, Leeds, LS1 1RF**

**Developer: Urbanite (Leeds) Ltd c/o QUOD Capitol, Bond Court, Leeds LS1 5SP**

#### Electoral Wards Affected:

Little London and Riverside

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 resolution of highways matters concerning vehicle tracking, the specified conditions set out in Appendix 2 (and any amendment to these and addition of others which he might consider appropriate) and the completion of a Section 106 agreement to include the following obligations:-**

**Leeds City Council Travel Plan Review fee of £16,957**

**Provision of Leeds City Council Car Club provider parking spaces x 2**

**Provision of a Residential Travel Plan Fund of £89,001**

**Offsite affordable housing commuted sum of £3,193,985. (This sum will be subject to independent valuer verification)**

**Offsite Greenspace contribution commuted sum (£184,934.73)**

**Contribution towards West Street highway Improvement Scheme (£262,721)**

**Wayfinding Contribution (£12,000)**

**Provision for TRO amendments**

**Maintenance of the internal road**

**Control of student occupancy and retention of public accessibility through the site  
Section 106 management fee**

**In the circumstances where the Section 106 Agreement has not been completed within 3 months of the resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer.**

**1.0 INTRODUCTION:**

- 1.1 Members will be aware of several major development proposals located towards the western end of Wellington Street (collectively termed the “West End”) that will involve substantial investment and deliver significant improvements to townscape, public realm and connectivity in the area and, wider economic benefits including meaningful employment and housing opportunities. Some of those schemes, such as land at the former International Pool site at Lisbon Street (planning ref 21/05142/FU), have already commenced whilst others such as the 31 storey residential development at the extreme north-western corner of the West End (Ridgeback Group, planning ref 22/02970/FU) has been found acceptable by City Plans Panel and is delegated to officers to grant consent pending the completion of a legal agreement.
- 1.2 The scheme brought forward for determination today is the latest in this ‘string’ of high density, residential led developments bordering the Inner Ring Road at the western end of Wellington Street and applies to the long (predominantly) vacant former Yorkshire Post site. The site is in a stage of only partial redevelopment following erection of the first phase of a former outline planning permission (The Headline Building).
- 1.3 Members will recall the presentation of the pre-application proposals for this site to City Plans Panel on 24th March 2022. Members comments included:
- Members welcomed the use of art structures celebrating the previous industries which had occupied this site, and how they would be used to mitigate wind flow through the development.
  - This was a good application which would enhance this area.
  - A thoughtful presentation which had provided a lot of answers. Particularly liked the use of trees as wind baffles.
  - Like the openable windows as it was recognised in 10 years the noise and pollution levels would be different.

A copy of the minutes of that meeting are appended to this report as Appendix A.

The application has been brought to City Plans Panel for determination under the terms of the officer/member delegation agreement due to the scale and significance of the proposals.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The subject site of this application is the remainder of the former Yorkshire Post Site, excluding that part which has recently been redeveloped for a major Build to Rent (BtR) scheme (16/07088/RM). The site comprises the remaining, undeveloped parts of the former Yorkshire Post site, which has been vacant since 2013. It has recently been used for the construction compound for the recently constructed, completed and

now occupied residential building known as 'The Headline'. The site (in its entirety as a compound of land) extends to c. 1.9ha, occupying a key gateway location.

- 2.2 Following the demolition of the former Yorkshire Post building in 2014 the Site has been cleared for redevelopment (the only remaining structure on the site is the clock tower of the Yorkshire Post building which was retained and reclad and now accommodates a digital advertising screen). The site falls within the western part of Leeds City Centre and is within the designated City Centre Boundary. The site is located within the Little London and Woodhouse Ward. It is bound to the north by Wellington Street, and to the east by Wellington Bridge Street. Its southern boundary is consistent with the River Aire, and the western boundary with the recently constructed 'The Headline' building.
- 2.3 A range of works to serve the entire former Yorkshire Post site, including the Site have been undertaken as part of the first phase of the original outline consent. This includes temporary flood risk alleviation and drainage works, including underground water storage tank, the removal of contaminated materials; breaking up and grubbing of former slabs and foundations across the whole site; importing site materials and raising site levels generally; ducting for incoming services. Separate to these current application proposals, the applicant is proposing the delivery of some of the flood alleviation works in the Site's river frontage which form a part of the Flood Alleviation Scheme (No 2) by Leeds City Council along the River Aire, to the west (and east) of the site.
- 2.4 The first reserved matters for the previous outline consent were approved for Plot D (application reference 16/07088/RM, City Plans Panel 02.02.2017) and has now been constructed for 'The Headline' building, public realm and access to the site, as well as the highway works to serve the redevelopment of the entire site. No other phases of the original outline scheme have come forward as part of the original outline consent masterplan.
- 2.5 Within the Site Allocation Plan, the site is identified as a Mixed-Use site, ref. MX1-24. In view of the previous consent, recognising the Site as being capable of delivering up to 37,000 sqm of office floorspace and 204 dwellings; it is however not specifically allocated for this specific quantum of development, nor these specific uses only.
- 2.6 Potentially affected heritage assets within visual range of the application site are set out at 9.4.12 of this report.

### **3.0 PROPOSAL:**

- 3.1 The application proposes the formation of three buildings, on a generally east/west axis, new public realm and a revised site access point from Wellington Bridge Street. In summary, full planning permission is sought for:
- Building A: 42 storeys and providing 1,131 student bedspaces (1,022 cluster bed spaces and 109 studios)
  - Building B: 32 storeys and providing 651 student bedspaces.(474 cluster bed spaces and 177 studios)
  - Building C: 25 storeys and providing 348 Build to Rent apartments.
  - Supporting commercial uses – a flexible space within the ground floor of Building C (411.5sqm) and a standalone kiosk within the public realm (52.5sqm).
  - Associated public realm, equating to 62% of the Site area, alongside cycle and pedestrian facilities. The landscaping proposes significant new tree planting including a "micro-forest" in the south-west corner.

- Modified site access from the western boundary with Wellington Bridge Street.
- A predominantly car free development save for car club and disabled spaces

### 3.2 Building A

This building would be closest to Wellington Street, and step via two 'shoulders' from 13 storeys to a maximum height of 42 storeys. This building is proposed for Purpose Built Student Accommodation (PBSA) and would provide 1,131 student units (120 Studios (11%) incl 22.no accessible studios and 1,011 Cluster Beds (89%) incl 39.no acc. beds). The ground, mezzanine and first floor levels of the building would contain 1517m<sup>2</sup> student ancillary spaces to service the future residential community on the site as well as plant rooms, study spaces, laundry, reception, refuse and cycle storage facilities.

### 3.3 Building B

This building is to the south of Building A and runs largely parallel with it and set back 13 m from it at its closest point. The proposed height is 32 storeys and again is intended to host student accommodation in the form of 651 student bed spaces (177 Studios (27%) including 30.no acc. Studios and 474 Cluster Beds (73%)).

Building B is proposed to feature a basement level swimming pool and associated leisure facilities for residents, with ground, mezzanine floors hosting a reception/management area, student lounge, plant and refuse, a resident gym at the mezzanine level, with student residential accommodation proposed at first floor and above.

### 3.4 Building C

This building would sit at the southern part of the site, adjacent to the River Aire and steps via two 'shoulders' from 12 and 14 storeys to a 25 storey height. It would provide 348 apartments, including a roof top external amenity space. A flexible commercial ground floor unit of 411.5 sqm (Class E) at Building C is also proposed.

### 3.5 Public Realm and routes

The buildings are proposed to be set in a landscaped public realm, which extends to approximately 62% of the site's area (excluding the road which is approximately 5% of the site area), providing:

- Connections to the external public highway, including two-way access (in/out) of the Wellington Street (as provided for 'The Headline' building), one-way entry (in only) from Wellington Bridge Street.
- Delivering the consented access route through the site.
- Focusing the ground level of the development around a major public square and creating new connections into and through the site.
- Creation of a riverside amenity space (see relevant planning history), which will connect the site in an east/west direction with other development taking place, including Wellington Place.
- The creation of substantial public realm, with approximately 62% of the site put over to public open space, which will link into and complement the public open space that has been developed as part of the 'Headline' scheme, to create a significant public square.

- Standalone flexible commercial kiosk of 52.5 sqm (Class E) within the public realm area.

### Landscaping and planting

- 3.6 70 new street trees are proposed for the site. Street trees will be specified as extra heavy standards, with min. 2m clear stems.

These trees are in addition to a proposed micro-forest, which has a density of approx. 3 trees per sqm and an area of approx 220 sqm. This means that the Microforest can provide approximately 660 trees.

### Site Access and Parking

- 3.7 A predominantly car free development is proposed, save for car club and three disabled spaces at surface level. A modified vehicular access into the site would be delivered from the west via Wellington Bridge Street on a one-way basis, with this to be secured via S278 Agreement under the Highways Act. The existing access junction to the north-east via Wellington Street will be retained, with a road link provided through the centre of the Site that connects these two points of access. Loading bays are included along this road to allow for servicing, deliveries and taxis.

### Wind Mitigation Structures / Columns

- 3.8 2.no towers will be recreated fronting onto Wellington Bridge Street. The towers will have two solid sides and two perforated facades for the first 20m in height reaching approximately 30 metres in total height. The applicant has committed to rehosting the former site’s clock / temperature gauge and this is likely to be on the tower closest to the Wellington Street junction.

### Projected programme of delivery

- 3.9

Determination of planning application	February 2023
S106 executed	March 2023
Submission and approval of pre-commencement conditions	April 2023 – June 2023
Enabling works to commence	June 2023
Full building works to commence	October 2023
Build durations	Building A – 4 years, Building B - 4 years, Building C and Riverside Walkway– 3 years

## **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 Outline consent (LPA Ref: 14/07956/OT) was approved in 2015 for a Mixed-Use development of residential/hotel, office and ancillary commercial use, controlled via a series of ‘parameter plans’ over four plots. The application description was as follows:

“a mixed use scheme comprising office (B1), residential and/or hotel (C3/C1) and a flexible range of supporting uses at ground floor (A1-A5, D1 and D2) with basement car parking; public open space and modifications to the site access junctions”.

The application proposed four principal blocks (Buildings A-D), alongside two smaller commercial units. Outline permission was granted, with all matters reserved other than access, with the details of new site junctions into the site approved at outline stage. The outline permission was subject to several non-material amendments since, including adjustments to the approved access arrangements (ref. 19/9/00198/MOD).

The parameter plans established the layout for that scheme. The plans also set building heights as well as parameters for public open spaces, active frontages and connectivity through the site. The outline consent was subject to a s106 Agreement (the Legal Agreement) with legal obligations relating to financial contributions to public transport improvements and off-site highways works, travel planning for the development and submission of details for public access areas for each phase.

Condition 3 of the Outline Permission required the submission of all reserved matters applications for the remaining phases of development to be made by 27 October 2019 at the latest. No applications have subsequently been made, and the time period for submitting further reserved matters applications under this Outline Consent has now expired.

- 4.2 Reserved Matters application for appearance, layout, landscaping and scale for Phase 1 ('The Headline' building) were considered and approved under application 16/07088/RM having been considered by City Plans Panel on 2<sup>nd</sup> February 2017.
- 4.3 Pre-application discussions (PREAPP/18/00636) in relation to redevelopment of the site in 2019 from 2 no BtR buildings (419 units) of 17 and 23 storeys and a hotel of up to 19 storeys took place in 2018/2019. The scheme attracted the Council's support (the City Plans Panel and Officers), for a scheme of significant scale on the majority of the site, but ultimately did not come forward as a consequence of wind and microclimate conditions that could not be addressed through that scheme's design.
- 4.4 The application brought forward for determination relates to the proposals presented to Members on 24<sup>th</sup> March 2022 (PREAPP/22/00145)

Members comments included:

- Members welcomed the use of art structures celebrating the previous industries which had occupied this site, and how they would be used to mitigate wind flow through the development.
- This was a good application which would enhance this area.
- A thoughtful presentation which had provided a lot of answers. Particularly liked the use of biophilic trees as wind baffles.
- Like the openable windows as recognised in 10 years the noise and pollution levels would be different.

- 4.5 22/06166/FU - Creation of riverside walk and associated landscaping works, Former Yorkshire Post Site, Wellington Street, Leeds

This application has been submitted in parallel to the application under consideration and relates to the provision of a new route leading from the western edge of the application site southward parallel to the river edge and linking up to both the existing section of Riverside Walk installed on completion of 'The Headline' building and that programmed for installation to Wellington Place's later phases. The proposals are



subject to further consultation with the Environment Agency and are yet to be determined.

- 4.6 22/02970/FU - Construction of 31 storey building providing 399 dwellings (Use Class C3) incorporating ancillary amenity space, landscaping and other associated works (pending determination) - Land Between Westgate And Cropper Gate Leeds, LS1 4PL

The application relates to a vacant cleared site on the opposite side of Wellington Street from the Former Yorkshire Post site and was considered at City Plans Panel on 3<sup>rd</sup> November 2022 and deferred and delegated to the Chief Planning Officer for approval subject to resolution of matters identified by the Health and Safety Executive (HSE); to the specified conditions (and any amendment to these and addition of others which he might consider appropriate), and the completion of a Section 106 agreement. It is yet to be determined.

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 The scheme principles and scope of the application were agreed with Council officers during pre-application discussions and the emerging proposals were presented to City Plans Panel in March 2022 . An Environmental Impact Assessment (EIA) Screening Opinion was issued to the applicant on 24 May 2022 concluding that significant wide ranging environmental effects are not expected to arise from the proposed development, either individually or cumulatively with other developments, and therefore an EIA was not required.

## **6.0 RELEVANT PLANNING POLICIES:**

### **6.1 Statutory Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making at this site, the Development Plan for Leeds currently comprises the following documents:

- The Leeds Core Strategy (Adopted November 2014 and as amended by the Core Strategy Selective Review 2019)
- Saved Leeds Unitary Development Plan Policies (UDPR 2006)
- The Natural Resources & Waste Local Plan (NRWLP 2013) including revised policies Minerals 13 and 14 (2015).
- Leeds Site Allocations Plan (SAP 2019)

These development plan policies are supplemented by supplementary planning guidance and documents.

### **6.2 Development Plan**

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

Leeds Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. The site is located within the City Centre boundary. The most relevant policies are set out below:

- Spatial Policy 1 Location and scale of development.

- Spatial Policy 2 hierarchy of centres and spatial approach to retailing, offices, intensive leisure and culture
- Spatial Policy 3 City Centre Development
- Spatial Policy 6 Housing requirement and allocation of housing land
- Spatial policy 7 distribution of housing land and allocations
- Spatial Policy 8 Economic development priorities
- Spatial Policy 9 Employment
- Spatial Policy 11 Transport infrastructure investment priorities such as pedestrian improvements
- Policy CC1 City Centre Development
- Policy CC3 Improving connectivity between the City Centre and Neighbouring Communities.
- Policy H3 Housing Density
- Policy H4 Housing Mix
- Policy H5 Affordable Housing
- Policy H6 purpose-built student housing
- Policy EC3 Employment use land
- Policy P10 Design
- Policy P11 Heritage
- Policy P12 Landscape
- Policy T1 Transport management
- Policy T2 Accessibility requirements and new development
- Policy H9 Space Standards
- Policy H10 Accessible Dwellings
- Policy EN1 Carbon dioxide reduction
- Policy EN2 Sustainable design and construction
- Policy EN4 District heating
- Policy EN5 Managing flood risk
- Policy EN8 Electrical Vehicle Charging
- Policy G5 Open space provision
- Policy G8 Protection of important species and habitats
- Policy G9 Biodiversity Improvements

#### **6.4 Leeds Unitary Development Plan Review 2006 (UDPR) Saved Policies**

Relevant Saved Policies include:

- Policy GP5 all planning considerations
- Policy BD2 / BD5 design and siting of new buildings
- Policy LD1 landscaping

#### **6.5 Leeds Natural Resources and Waste DPD**

The plan sets out where land is needed to enable the City to manage resources, like minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way.

Relevant policies include:

- Air 1 management of air quality through new development
- Water 1 water efficiency including sustainable drainage
- Water 7 surface water run-off
- Water 2 protection of water quality

- Water 4 development in flood risk areas
- Water 6 flood risk assessments
- Land 1 contaminated land
- Land 2 development and trees
- Minerals 3 coal safeguarding

## **6.6 Relevant Supplementary Planning Documents/Guidance (SPD/SPG):**

- SPD Tall Buildings Design Guide
- SPD Building for Tomorrow Today: Sustainable Design and Construction
- Transport SPD
- SPD Accessible Leeds
- SPG City Centre Urban Design Strategy
- HMO, Purpose-Built Student accommodation and Co-Living Amenity Standards SPD (Draft)

## **6.7 Site Allocations Plan**

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

The SAP identifies the Former Yorkshire Post site as a mixed use allocation (ref. MX1-24) for c. 204 residential units and 37,000 sqm of office floorspace.

## **6.8 National Planning Policy Framework 2021 (NPPF)**

The NPPF sets out the Government's planning policies for England and how these should be applied (para 1) and is a material consideration in planning decisions (para 2). It states that the purpose of the planning system is to contribute to the achievement of sustainable development (para 7). So that sustainable development is pursued in a positive way at the heart of the Framework is a presumption in favour of sustainable development (paras 10-11). It states that decision makers at every level should seek to approve applications for sustainable development where possible (para 38).

The Framework sets policies on the following issues which are relevant to this planning application proposal (including section numbers):

- 2 Achieving sustainable development (paras 7-14)
- 4 Decision making (paras 38 - 58)
- 5. delivering a sufficient supply of homes (60-80)
- 6 Building a strong competitive economy (81-83)
- 7 Ensuring the vitality of town centres (86-91)
- 8 Promoting healthy and safe communities (92-97)
- 9 Promoting sustainable transport (104-113)
- 11 Making effective use of land (119-125)
- 12 Achieving well designed places (126-135)
- 14 Meeting the challenge of climate change and flooding (152-169)
- 15 Conserving and enhancing the natural environment (174-188)
- 16 Conserving and enhancing the historic environment (including paras 189-208)

## **6.8 Other Legislation**

Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 (the “Listed Building Act 1990”) reads:

“In considering whether to grant planning permission... for a development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”

## **6.9 Consultations Undertaken**

### **STATUTORY**

#### **6.9.1 Environment Agency**

The Environment Agency have advised no objections to the proposed development subject to a condition controlling the development to be in accordance with the submitted Flood Risk Assessment, controls requiring ‘less vulnerable uses’ at ground floor level and controls on finish floor level heights.

The Environment Agency have also commented on the scope of the submitted Biodiversity Net Gain (BNG) calculation submitted and advised this should be commented upon by the Nature Conservation Officer as the metric calculations did not take into account a series of trees formerly located at the north western edge of the application site.

The Nature Officer has advised that works that led to the removal of the vegetation referred to in the EA’s Informative comments (which were not the basis of an objection) were not linked to this current application (they were implemented as part of a separate consent for works relating to the provision of the adjacent Cycle superhighway route and therefore should not be considered as deliberate removal of vegetation to reduce the biodiversity value of the site prior to submitting the current planning application.

The Nature Team is satisfied deliberate “pre-planning-related” destruction of vegetation has not taken place, and therefore the BNG Metric calculations do not need to be recalculated.

#### **6.9.2 Health and safety Executive (HSE) (Fire Safety – Planning Gateway One)**

HSE issued a substantive response (significant concern) dated 02/09/2022, under the reference pgo-1701, in relation to a consultation received on 02/08/2022. HSE then issued a substantive response (some concern) dated 02/12/2022, in relation to a consultation and revised information received on 10/11/2022.

The applicant and officers then held two meetings with HSE to discuss the outstanding fire safety concerns relating to the single direction means of escape within building A and B, (specifically on the 2nd to 12th floors within building A and the 3rd to 10th floors in building B). This has implications for means of escape and firefighter access travel distance. The meetings took place on 20/12/2022 and 10/01/2023.

The applicant then provided HSE with a response to outstanding concerns discussed at those meetings. Following a review of the information provided in the applicant's response, HSE have advised they are satisfied with the fire safety design of this planning application. HSE have acknowledged that the proposed design modifications (involving the relocation of stair cores within buildings A and B), appear to have addressed HSE's concerns relating to the length of the single direction (western) corridors of the 2nd to 12th floors within building A and the 3rd to 10th floors within block B. The relocation of both stair cores appears to have reduced the length of the corridors making these more acceptable for both means of escape and firefighter access.

#### 6.9.3 Civil Aviation Authority

No comments received

#### 6.9.4 Coal Authority

In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

#### 6.9.5 Canal and Rivers Trust

Canal and Rivers Trust wrote to the Local Planning Authority on 4<sup>th</sup> August 2022 to advise they have no comment to make on the application.

#### 6.9.6 Yorkshire Water

Yorkshire Water have advised no objections to the proposals, subject to conditions related to development being undertaken in accordance with the submitted / proposed drainage strategy for the site.

### **NON-STATUTORY**

#### 6.9.7 Sustainability - Design Team

The proposals have been assessed by the design team alongside the conservation and planning teams as part of a series of pre application meetings since June 2021. The proposals presented to members represent the latest and most settled design solution for the site and correspond to the advice provided by the design officer at various stages of both the pre application and formal application processes with regard to architectural treatments, massing and scale and materiality.

#### 6.9.8 Influencing Travel Behaviour (ITB)

The Travel Plan has been assessed against the adopted Travel Plan SPD and the emerging policy Transport SPD. ITB advise that the Travel Plan is considered acceptable and should be included within the Section 106 agreement with respect to a review fee of £16.957, provision of Car Club Spaces and provision of a Residential Travel Plan fund.

#### 6.9.10 Flood Risk Management

The Flood Risk Management Team have advised that the development can be made acceptable in flood risk terms though the use of conditions controlling development in accordance with the submitted drainage assessment, controls on temporary drainage measures during the construction phases and the provision of a flood evacuation plan

#### 6.9.11 Highways

The proposals will require a s278 agreement under the Highways Act to be agreed concerning the new site access to Wellington Bridge Street. Highways also acknowledge the acceptability of a predominantly car free development in this sustainable location. A contribution towards a programmed cycle improvement scheme at West Street should be provided. Maintenance of the internal road must be secured through the section 106 agreement alongside conditions concerning a highways condition survey, construction management, provision of cycle and motorcycle parking, provision of wayfinding contribution (s106), provision of electrical vehicle charging points, disabled parking

#### 6.9.12 Contaminated Land

The Contaminated Land Team advise no objection to the proposals which have been supported by a Preliminary Land Quality Risk Assessment, Ground Investigation Interpretative Report and Remediation and Verification Strategy. Conditions are recommended with regard to the submission and approval of verification reports.

#### 6.9.13 Conservation Team

The Conservation Team have advised that the proposals would introduce no level of harm to the significance of nearby Listed Buildings and only low levels of harm to the significance of St Paul's House and the Leeds City Centre Conservation Area. The Conservation Officer further advises that there are no designated or non-designated heritage assets within the site, but the wall along the eastern boundary of Wellington Way immediately adjacent to the site should be considered to be a non-designated heritage asset as the only above ground remnant of Bean Ings Mill. The proposed development is not considered to be harmful to the setting of the wall.

#### 6.9.14 Landscape Team

The Landscape Team advise no objection subject to the following matters being controlled through conditions:

- Pre-commencement Tree Protection
- Full and finalised hard and soft Landscape details
- Landscape management plan (for lifetime of the development as per LCC guidance)
- Preservation / replacement of trees for 5 years

#### 6.9.15 Environmental Health Services (Pollution Control)

Environmental Health have advised no objections subject to conditions controlling the following matters:

- Controls on access times and the playing of music to terrace areas and management plan to control occupancy levels to external terraces
- Submission of a scheme to combat overheating
- Provision of full details of a sound insulation scheme
- Controls on maximum plant noise outputs

#### 6.9.16 Environmental Studies (Transport Strategy)

No objections subject to controls by condition on dust and particulate management. Environmental Studies have advised that the air quality assessment submitted demonstrates that air quality standards will not be exceeded either at the application site or elsewhere as a result of the development.

Environmental Studies further advise the proposal is classified as a major development for the purposes of the West Yorkshire Air Quality and Emissions Technical Planning Guidance (part of the West Yorkshire Low Emission Strategy). Accordingly, a cost damage calculation has been provided to establish the appropriate level of mitigation required for the increase in vehicle emissions resulting from the scheme. The overall damage cost was determined as £23,428 for all three buildings comprising the development. Providing that the total value of mitigation measures equals or exceeds the overall damage cost and are appropriate in terms of emissions reduction there are no objections to this approach: (note the proposed travel plan measures equate to £89,001 and relate to car Club membership as part of a predominantly car free development and are therefore in exceedance of the cost damage calculation).

#### 6.9.17 Sustainable Development Unit (Climate Change)

No objections subject to conditions concerning the following matters

- Provision of Building Regulations UK Part L reports for completed development
- Provision of Standard Assessment Procedure (SAP) sheets for building C post construction
- Provision of contract specifications for solar PV and Air Source Heat Pumps prior to commencement
- Details of specifications of water fixtures to be provided
- Full details of future proofed connection to district heat network.

#### 6.9.18 West Yorkshire Archives

No comments received

#### 6.9.19 West Yorkshire Police

The building and site layout has been designed to create a building which is a safe, and secure environment for residents, visitors and passers-by. It seeks to make a beneficial contribution to the prevention and fear of crime and promote enhanced security within and around the building through a range of measures. It is further recommended that access is controlled by phone QR codes; CCTV should cover all entrance and exit points and glazed areas are protected from vehicle strike. West Yorkshire Police agree with officer recommendations to closely assess the specifics

on locations for lighting, CCTV and other safety provisions as part of the assessment of landscaping proposals at condition discharge stage.

6.9.20 Employment and Skills

No comments received

6.9.21 Access Officer

The Access Officer has been closely involved with the design evolution of the scheme and advises the scheme meets the policy requirements for accessible dwellings and the scheme's accessibility strategy is acceptable. Further advice has been provided with regard to measures for seating within the public realm, to be controlled through conditions.

6.9.22 Ramblers Association

No comments received

6.9.23 Health Partnership

No comments received

6.9.24 Public Health

No comments received

6.9.25 Children's Services

Children's services estimate the proposed development apartments would yield approximately 7 primary school pupils. Current school place projections indicate that there will be sufficient capacity in nearby local schools to meet the small, estimated pupil yield from this development.

6.9.26 Leeds and Bradford Airport

No comments received

6.9.27 Local Plans

The site is part of an identified mixed-use site in the Site Allocation Plan (MX1-24) and is therefore considered appropriate for residential purposes. The site allocation contains no specific site requirements. There is an adequate supply of office space available to meet the Core Strategy requirements for new office floorspace in the district and in the City Centre during the plan period. The density of the site accords with requirements of CS Policy H3. Given the allocation of the site is for a high-density development and the desire to have a more family focused City Centre housing, a balanced judgement will be required on the proposed Housing Mix. The development should meet the requirements of CS policy H5 with regard to affordable housing.

6.9.28 Local Plans Flooding

A flood risk sequential test was carried out for residential use of this site on the original application in 2015. The site was in flood zone 3a at the time. Although there have been some significant flooding events since 2015, the site is still in flood zone 3a



therefore there has not been a change to the flood zone, but this site will benefit from the Flood Alleviation Scheme (FAS 2 Step 1) and therefore the location should be considered to have some sequential preference compared to flood zone 3a sites that do not have the benefit of a FAS. The original flood risk sequential test concluded that there were no reasonably available sites in areas with a lower probability of flooding that would be appropriate to the type of development proposed. The site passed another flood risk sequential test carried out by the Council in support of the Site Allocation Plan 2019 as MX1-24 and student housing has the same vulnerability as other types of residential development, i.e. more vulnerable, therefore the applicant is not required to re-undertake the flood risk sequential test.

#### 6.9.29 District Heating

The District Heating Team advise that a connection proposal has been put to the applicant. The site will require a further network extension to reach, but it is intended that this work will be undertaken in the 2023/24 financial year. It is likely dependent on external funding; however the District Heating Team are confident in securing this and being able to reach the site. So assuming the extension to the network goes ahead, a connection may become viable and will form a major part of the extension strategy.

#### 6.9.30 Tobermory Consultants (Wind and Microclimate Peer Review)

Tobermory Consultants reviewed the wind study on behalf of Leeds City Council. A combined wind tunnel and Computational Fluid Dynamics (CFD) wind study has been conducted for this Development and the findings of the assessment and review are summarised at section 9.12 of this report.

### **7.0 Public Response**

7.1 Site notices were erected on 04.08.2022 and the application was publicised in the Yorkshire Evening Post on 05.08.2022. 10 letters of representation have been received from the general public of which 9 letters of objection have been received and 1 letter of support recorded. The issues raised in the objections are summarised as follows:

- Buildings are excessively tall / large
- Loss of privacy to existing residential buildings at City Island
- Overshadowing of existing residential buildings at City Island
- Building work will be disruptive / impact from noise / dust
- Road infrastructure unfit for the amount of new homes
- Loss of view
- Loss of property value
- No need for additional student accommodation

The received letter of support advises support on the basis of design and the proposed art deco style of the buildings which mitigate for 'cheaper' designed buildings which have been erected in the city.

7.2 In addition to the above, a letter of objection has been received from Leeds Civic Trust (LCT) as follows:

*'The Leeds Civic Trust had raised doubts about a number of issues when the proposal was presented to them, and the full application confirms these concerns. The Leeds Civic Trust therefore objects to what is proposed, for the following reasons:*

*1) Wind Mitigation The site is known for its propensity to high winds carried by the river Aire to the South and exacerbated by the flyover to the West. Our concern is that the proposal as it stands, in seeking to minimize the impact of high winds, compromises the amenity of the residents, most obviously due to the lack of balconies proposed. We were informed that the orientation of the blocks has been designed to minimise wind channeling but this results in the majority of the flats having only a single aspect north light or being subject to shade by other buildings in their southerly aspect. Previous approvals on site have displayed a north/south axis which allows more light into the scheme. For this reason, any strategy that could potentially exacerbate this condition can only be regarded as very poor, especially when the disproportionately tall towers proposed have no inherent wind breaking features on their facades such as balconies.*

*2) Public Space The wind strategy understandably addresses how the towers should withstand the wind loads. However, the impact of this approach is that any public realm created will be impacted on by these considerations: - the proposed micro-forest is laudable but will the trees thrive in an area which will be subject to considerable winds - the public spaces (and in particular the public square area) will often be in shade as a result of the configuration of the buildings. We also note that this particular location suffers from noise pollution (from the flyover) and air pollution (from heavily trafficked roads). We could not see any specific measures proposed to combat this. We welcome the proposed pedestrian and cycle routes along the River Aire and suggest that they are provided at an early stage in the development*

*3) Environmental Sustainability Recent studies show that taller buildings have a disproportionately higher embodied carbon emissions than other buildings. The proposed buildings on this site are of considerable height. Whilst the proposed heat pumps and solar panels will make a small difference, this is outweighed by other negative impacts that are inherent in the layout proposed (including lack of sunlight). Although not strictly a planning issue, Leeds City Council has zero-carbon ambitions within its policies so every effort should be made to reduce the impact of new development.*

*4) Flexibility We are concerned about the current drive to develop student accommodation in the city centre and the flexibility that such accommodation affords for other users should the student market decline. In this instance, the developer refers to "co-living" in the same breath as "student development", suggesting that these are interchangeable. This implies that the accommodation could be suitable for both student and non-student uses. We would suggest that if the developer wishes to have the option of co-living, the internal designs should be built to suit this in the first instance. We are concerned about the extent to which the logistical challenges inherent in a scheme of this height and density have been properly addressed. In particular the following issues need consideration: - corridor layouts and natural light - lift journeys (particularly at peak times) - drop-off space at ground level (eg when take away food or other deliveries are being delivered at mealtimes). More generally, we are concerned about the proposed layouts of the flats. Deep layouts mean little natural light at apartment entrances, particularly for those that are north facing, and lack of personal outdoor space (due to anticipated wind impacts). Balconies can be provided at high level as can be seen in tall buildings in London (eg 54 storey Icon Tower at One West Point at Park Royal).*

*5) Building Design Notwithstanding our concerns with the layout of the development, its scale and plan form of the blocks, we feel that the detailed external design of the buildings themselves has been well considered. They just need to be lower and better orientated in order to create a community which could thrive on this site'*

The response to received letters of representation is set out at section 10 of this report.

## **8.0 KEY ISSUES**

- Principle of development
- Housing Mix and Density
- Affordable Housing
- Design and Heritage considerations
- Residential Amenity (occupiers)
- Residential Amenity (surroundings)
- Accessibility and Inclusivity
- Landscaping and Public Realm proposals / Greenspace
- Transportation Considerations
- Sustainability and Climate Change
- Wind and Microclimate Considerations
- Safety and Security
- Planning Obligations and CIL
- Representations
- Planning Balance and Conclusions

## **9.0 APPRAISAL**

### **9.1 Principle of development**

Site Allocation and Loss of Office Space

9.1.1 The site is allocated for mixed use in the SAP (MX1-24) and the proposal for the site is for a mixture of BtR and Student Residential accommodation, without an office/employment component in line with the extant allocation. The allocation contains no specific site requirements.

9.1.2 The SAP allocation does not include a prerequisite requiring that both residential and office uses must come forward. Furthermore, the suggested development parameters within the allocation are a representation of the previous (now expired) planning permission for the site and, therefore, the capacity and uses indicated by SAP Allocation MX1-24 are indicative and not intended to be a cap, nor a restriction on the type and quantum of uses that could come forward. However, where sites are allocated for employment use, CS Policy EC3 must be satisfied to permit alternative uses. Policy EC3 is satisfied on the following basis.

- The site is not necessary to meet the employment needs during the plan period, as there is an existing oversupply of office space proposed within the City Centre.
- Allocated and committed sites provide an oversupply of office space. As of September 2022, there is a total of office supply of 1,090,000sqm in the district compared to the allocation target of 1,000,00sqm for the plan period 2012-28. Accounting for the loss of the assumed office floorspace proposed in MX1-24 (37,000 sqm), an oversupply of 53,000 sqm would remain if the site is developed for non-employment use.

- There is, therefore, a sufficient range of alternative sites to meet the city's office employment needs during, and beyond, the plan period (particularly in the City Centre).

### C3 Residential Use

- 9.1.3 Residential development in the City Centre is encouraged by both CS policy CC1b and national policy. CS Policy H2 is supportive of residential development which is accessible to the necessary amenities and facilities to support housing which would be the case here. Therefore, this site is considered to be an appropriate location for residential development, being sustainably situated with excellent transport links to all the requisite amenities and facilities to support new residents. Paragraph 122 of the NPPF makes it clear that alternative uses of sites are supported where they meet unmet development need. These proposals would clearly go some way to meet Leeds' housing demand without compromising the development need for employment land as set out above.

### Student Residential Use

- 9.1.4 Core Strategy Policy H6B relates specifically to the provision of student housing and is therefore relevant to this proposal. The proposals for Purpose Built Student Accommodation are therefore assessed as follows against the criteria within Policy H6B (represented in italics below):

- i) states that development proposals should help extend the supply of student accommodation taking pressure off the need for private housing to be used.

*This proposal would assist this objective by providing 1614 purpose-built student bedspaces which would help to take pressure off the need to use private housing for student accommodation.*

- ii) states that development proposals should avoid the loss of existing housing suitable for family occupation

*This proposal would also meet this objective, because it does not propose the loss of any family housing.*

- (iii) aims to avoid excessive concentrations of student accommodation which would undermine the balance and wellbeing of communities.

*It is recognised that there is a concentration of student housing to the west of the Inner Ring Road in Little Woodhouse and along Burley Street. However this site is separated from these areas by the Inner Ring Road. The immediate surrounding land uses around the site are mixed use, predominantly offices, with no traditional housing, albeit there is high rise residential use at The Headline to the east of the site and at Gotts Island on the opposite side of the River Aire and there are planning proposals on nearby sites such as Lisbon Street for both student accommodation and BtR residential accommodation. It is considered that most pedestrian movements from the proposal site would generally be through a mixed use/predominantly commercial part of the City Centre towards the Universities, and therefore the impact on established residential communities and the character of the immediate area is likely to be acceptable.*

- (iv) To avoid locations which are not easily accessible to the universities.

*The site is located close to the universities, within easy walking and cycling distance. The fourth test would be satisfied as the development is approximately a 0.5-1 mile walk to the Universities area through the City Centre via Westgate, The Headrow and Calverley Street.*

- 9.1.5 Criteria (v) of policy H6B relating to proposals for purpose-built student housing requires that the proposed accommodation provides satisfactory internal living accommodation in terms of daylight, outlook and juxtaposition of living rooms and bedrooms. Core Strategy Policies CC1(b) and P10, and Saved UDPR Policies BD5 and GP5 also provide more general requirements that development should contribute positively towards quality of life and provide a reasonable level of amenity and useable space. The assessment of amenity is also a wider consideration of qualitative factors including arrangement and separation of living functions (general living, sleeping, studying, eating, cooking, food preparation, storage and circulation), usable shape, outlook, privacy and external amenity space. Whilst the Council's emerging policy for student housing space requirement is draft only at the time of writing, paragraph 5.2.46 of the supporting text to Core Strategy Policy H9 states that "provision of reasonable space standards is still important for student accommodation, and this will need to be judged on a case by case basis". A general assessment of the residential amenity of occupiers within the scheme is outlined at section 9.5 of this report and the proposals are considered to meet criteria (V) of the policy based upon that assessment.

#### Retail uses

- 9.1.6 A Ground floor commercial use (Class E) would be included within the BtR residential Building (411.5 sqm GEA) and a 52.5 Sqm Kiosk within the Public Realm. The exact nature of these retail uses is to be determined, by what is viable within this part of the City Centre at the time of the completion of the buildings. However, it is considered the Class E uses would activate the ground floor frontage, generate footfall, provide vibrancy to the development and serve the residents and users of the scheme as well as other business users and residents in this part of the City. Any retail space would be limited in floorspace and range of goods (i.e. small scale convenience retail only where within Class E of the general Permitted Development Order) and on this basis is not considered to undermine the vitality of the prime shopping area within the city centre; providing a direct and targeted element of convenience retail / food eatery types uses to support the other proposed uses in the scheme and vicinity of it. Control of this matter will be addressed by conditions which will also serve to prevent the future introduction of uses which could be detrimental to the amenities of the site without further consideration within Class E and may (as a result of the nature of such uses) promote a deadened frontage to the public spaces and/or may have different servicing needs which require further consideration.
- 9.1.7 On this basis, in land use terms officers consider the principle of development is acceptable, subject to detailed amenity and development control considerations as follows.

## **9.2 Housing Mix and Density**

- 9.2.1 The density of the Site (282dpa for the BtR) exceeds the minimum 65 dwellings per hectare threshold set out in Core Strategy Policy H3 and is therefore considered acceptable in this regard.
- 9.2.2 With reference to the proposed BtR residential component, the site is located within the City Centre, and within an area designated for significant regeneration and a focus

for new housing. In general, the demographic need of City Centre locations has been, and would continue to be, the focus for younger professionals, where 1- and 2-bedroom homes are more appropriate for this demographic. Residents living in rented accommodation are typically younger households, due to the flexibility of renting and to save to purchase a property. The planning application is supported by a Housing Needs Assessment (HNA) in order to address Core Strategy Policy H4.

Policy H4:

*‘Developments should include an appropriate mix of dwelling types and sizes to address needs measured over the long term taking into account the nature of the development and character of the location’*

9.2.3 The supporting text to Table H4 sets out the preferred housing mix which reflects the SHMA (2011). The baseline housing mix proposed by the application is compared below against Table H4:

Type	Max %		Min %	Target %	Proposed Scheme
Houses	90		50	75	0
Flats	50		10	25	348 (100%)
Size	Max %		Min %	Target %	Scheme
1 bed /st	50		0	10	282 (81%)
2 bed	80		30	50	42 (12%)
3 bed	70		20	30	24 (7%)
4 bed	50		0	10	0

The supporting text to this policy in Paragraph 5.2.11 states:

*‘The form of development and character of area should be taken into account too. For example, a scheme of 100% flats may be appropriate in a particular urban context’*

9.2.4 With this in mind officers consider the provision of 100% flats within Building C is deemed acceptable in principle due to the City Centre location, size of the site, density requirements and making best use of land to provide supporting infrastructure and public realm.

9.2.5 Whilst table H4 in the Core Strategy is only a preferred housing mix, the onus is with the applicant to demonstrate (with evidence of housing need) why the preferred housing mix cannot be met in the event of an application, which the applicant has provided. Members are advised this scheme overprovides on one bed units and underprovides on two and three bed units; therefore justification for this approach is required and has been provided as follows through the submitted housing needs assessment:

- ONS data shows that over 93% of residents in Leeds City Centre are aged 18-39 of which 64% are aged 20-30. Only 2.25% of residents are 55+ and just 1.5% are aged 16 and under. The data provided demonstrates Leeds City Centre caters for a specific demographic when compared against Leeds as a whole.
- The number of people living alone in the UK has increased by 8.3% over the last 10 years, while in Yorkshire and Humber the proportion of one-person and two-person

households currently comprises over 66% of all households. However, in Leeds City Centre, the proportion is far greater.

- The current housing stock in the City Centre area is dominated by private rented accommodation and apartments. Recent planning activity in the City Centre has been dominated by BtR developments, of which 1-bedroom and 2-bedroom properties are the foremost dwelling size.
- The 2011 SHMA (Strategic Housing Market Assessment) demonstrated a projected demand throughout Leeds for smaller properties, based on a projected increase in small households compared to larger 'family' households. It states that by 2026, the number of single person households will increase by 45,800 and 'couple' households by only 19,500. The increase in family households was projected to grow at a significantly lower rate than for one and two person households over this period by just 4,500.
- As with the 2011 SHMA, the 2017 SHMA demonstrated a projected demand throughout Leeds for smaller properties, based on a projected increase in small households compared to larger 'family' households. This included an increase in future market demand for 1 and 2 bed homes (5.2% increase) and for apartments in general (3% increase).
- Future market dwelling requirements are anticipated to be highest for 3 bed houses (rather than apartments), with one and two beds making up 21.6% of demand and flats and apartments making up 19% of demand (up from 16% current stock profile). This, however, reflects a Leeds-wide analysis and does not reflect the specific dynamics of individual Housing Market Character Areas such as the City Centre.
- Build to Rent Developments offer a unique approach to housing involving the provision of communal spaces and a managed environment more tailored to a relatively narrow demographic of potential residents. BtR occupiers are overwhelmingly younger cohabiting couples and single people, who are attracted by the communal lifestyle and less likely to require more private space in which to raise children.
- This Housing Needs Assessment (HNA) has demonstrated that the demographic need of the City Centre has been, and will continue to be, the focus for younger professionals, where 1 and 2 bedroom homes are more appropriate for this demographic. This is evidenced by the high proportion of people aged 20-30 who currently live in the City Centre (c. 64%), rising to 93% for the 18-39 age profile.

This suggests that the SHMA illustrates limited demand for additional 3 bedroom properties and a greater need for smaller units. The HNA also highlights that until recently the majority of residential planning permissions granted in the City Centre provided between 3-8% 3 bedroom apartments. It is further suggested that the demand for Build to Rent products is from single person households, couples or sharer households.

#### Adaptable Units

- 9.2.6 However, notwithstanding the above, In recognition of the desire of members to achieve higher numbers of family sized / sharable dwellings within the city centre, the applicant has presented a 'demand led' strategy which would see the BtR building capable of

adaptation to cater for market demand and would increase the number of 3 bed family sized units to a maximum of 66 from the baseline submission amount of 24 as shown in the table above. 42 of the proposed 2 bedrooled units in the building are proposed to be designed as 'oversized' against the policy requirements of Core Strategy Policy H9 to allow ready conversion to 3 Bed units in future should demand prevail, whilst still meeting the space and amenity requirements of Policy H9 (conversion from 2B4P layout at 74sqm to 3B4P layout at 74sqm).

9.2.7 If all of these identified units were converted to three bed units, this would substantially increase the quantum of family or 'sharable' scaled units to 66 (19%) - which whilst slightly under the 20% target outlined in the policy is far in excess of the static ratio's found and accepted in other similar schemes in the city led by their respective HNA's and cannot so easily adapt to market demand or changes in trend.

9.2.8 Whilst the submitted HNA suggests that market demand is not currently present to include a higher proportion 3 bedrooled component in the scheme, this approach demonstrates an understanding that market conditions are fluid and, acknowledges the wishes of members to increase family suitable housing stock in the locality - to attract a more diverse residential demographic and create more diverse neighbourhoods. This approach could also see a group of students (not exclusively) within the PBSA scheme being able to relocate in proximity to their current residence after completion of study to a familiar and sharable living environment without substantial upheaval and, take advantage of the BtR component of the scheme as a stepping stone into professional life/living and on to the housing ladder or their own longer term rental arrangements in the city.

9.2.9 The practical approach to delivery is set out as follows:

- Apartments will be marketed at defined rates for each unit size (i.e. different market facing rates for 2 bed & 3 bed units).
- If market interest dictates that there is demand for a 3 bed, then this will be converted to this format within a week of a tenant signing a contract and exchanging on a lease.
- Regarding incentive to an operator, rent for a 3 bed will be higher than a 2 bed and so there is a financial incentive to do so. Furthermore, the developer/operator will wish to rent out all apartments asap and maintain a full occupancy to ensure returns on their investment, so it would not be in their interest to delay occupation of a convertible apartment if there is market interest in the 3 bed format.
- The design of a convertible apartment deliberately facilitates this conversion with ease, including lighting and heating layouts which are designed for either format.
- The conversion itself is straightforward with limited intervention. All convertible units will have a stud partition wall installed with dry lining for appropriate acoustic insulation. This partition wall would include a "knock out panel" to allow an easy installation/removal, so the only fitout works required would be the dividing wall and door. This is a quick feature to install and/or remove (c. 2-3 days maximum).

9.2.10 It is recognised that Policy H4 allows for flexibility where justified by evidence of housing need. Given the nature of the development as Build to Rent, the character of the location adjacent to large scale highway infrastructure and the significant planning benefits in all other respects, and; recognising that the most recent residential planning applications for BtR in the City Centre have proposed a maximum of 10% 3 bed accommodation - It is considered the proposal to provide 7% of apartments as 3 bedroom properties from first day build (with flexibility based on demand to increase this ratio up to 19%) and a



proportion of 1 and 2 bedroom units that do not meet the preferred mix threshold in policy H4 can be supported in this instance.

### **9.3 Affordable Housing**

- 9.3.1 For BtR residential development, Core Strategy Policy H5 allows for flexibility in meeting the Council's affordable housing requirements either on-site through provision of discounted/reduced rent levels or as a financial contribution towards affordable housing provision off site. In this case the developer proposes to make an off-site commuted sum which is in line with arm (iii) of policy H5.
- 9.3.2 The applicant has offered to provide the full policy compliant commuted sum indicated at a value of £3,193,985. This sum will be subject to independent valuer verification and its delivery will be controlled through the S106. The development would therefore accord with CS policy H5 subject to being controlled through the associated Section 106.

### **9.4 Design and Heritage considerations**

#### Amendments to the proposed building heights since pre application

- 9.4.1 Since the pre-application discussions, Building A has been marginally increased in height with the roof level being increased by approx. 1.3m. With this change, each floor has been marginally reduced in height in order to accommodate 2no. additional floors of accommodation. Building B has followed block A in its approach to floor heights. The overall height has increased approximately 1.5m with 1 storeys added. With respect to Building C, a commercial unit has been included at ground level. The inclusion of this commercial unit allows for a greater extent of active frontage towards the existing Headline Building and along the Riverside Walk. This change has meant that the roof level has needed to increase by approximately 1.7m overall to also accommodate the additional associated M&E plant. The total number of apartments has risen from the 322 proposed as part of the earlier enquiry to 348. In townscape terms, given the minor nature of height change, officers consider the change does not alter the fundamental outcomes of the previously undertaken townscape assessment which is expanded upon below.

#### Site Assembly

- 9.4.2 The site is currently a predominantly open cleared area of land and is anomalous when considering the tight pattern of streets within the conservation area to the north east and the relationship between more modern commercial buildings in the vicinity, particularly MEPC Wellington Place with which this site will form an important link.
- 9.4.3 The site is also an important gateway point into the city from the west and save for the existing (cladded) clock tower which remains from the site's former use provides a weak ending to Wellington Street and does not complete the vista of what is essentially a visual entry point into the City Centre Core. In townscape terms, in consideration of nearby consented schemes such as Lisbon Street and Bridge House, this site represents the last of a string of larger scale environments that will go on to very much define the built edge adjacent to the inner ring road and help mitigate for the expansive area lost to highway and supporting highway infrastructure between the City Centre proper and the environment around Kirkstall Road.

- 9.4.4 The tallest elements of the proposals are proposed to be located at the north of the Site, creating a reference / gateway marker in the urban context at the end of Wellington Street and adjacent to the A58, before stepping down in height towards the riverside. This cascade arrangement of the buildings, each with varying heights and material tones, along with the architectural detailing such as adding texture and relief at the lower levels are considered to break up the scale and mass of the elevations, providing a more human scale building and providing visual interest from within the public realm.
- 9.4.5 In terms of the prevailing urban grain, creation of new routes and contextual analysis of the proposals, the proposal compares favorably to the character of the streetscapes of the immediate locality. The site is proposed to be assembled such that to the north of the site, Building A would reside close to the northern site boundary (reflective of buildings both existing and consented to the northern and southern edges of Wellington Street where buildings provide a regular and strong edge). The site would then open out into a large area of public realm where to the East - Wellington Place, the South - The Headline and to the West – Building B provide a sense of enclosure to the public realm; in a not too dissimilar fashion to the high quality public realm composition at MEPC Wellington Place (and the enclosure of buildings around it's distinctive Grade II Listed Lifting Tower).
- 9.4.6 Capillary pedestrian routes would lead down from the centre of the site towards the riverside environment where an important west-east linkage towards Whitehall Road would be formed. The site is to be assembled to create an important green edge to the highway environment of Wellington Bridge Street and the use of buildings on an east to west axis follows the approach established at Lisbon Street which in it's undeveloped state shares many characteristics with the application site and in it's consented arrangement follows the pattern and grid like arrangement of the conservation area beyond. By following a similar orientation of buildings to the Lisbon Street Development, the site composition will create an important corner/focal point to announce entry to Wellington Street without producing a fortress-like boundary to the Inner Ring Road and allowing filtered views through towards the city from the west.
- 9.4.7 Gaps between modern buildings of a similar nature within the locality are generally limited, ranging from approximately 10 metres between Central Square and its surrounding peers and between 15 - 20 metres between buildings at MEPC Wellington Place. Notwithstanding, the buildings proposed here are in some instances much taller than those identified in the surrounding vicinity and therefore, the separation between buildings is a key consideration in terms of the experience of the pedestrian at the human scale moving through the site.
- 9.4.8 Buildings B and C are separated by approximately 19 metres and whilst parallel are not directly opposite one another for their full extent and, at the point where the buildings are in tandem, Building C adopts a splay to taper massing away from building B, giving a sense of relief between the buildings and a reduction in the impression of enclosure within the public realm.
- 9.4.9 At the tightest point, the gap between buildings A and B is approximately 12-13 metres. However, this 'pinch point' area extends for a limited elevation length of around 10 metres and relates to the lower 'wing' of Building A, before the walls of the wing in-effect 'splay away' from building B creating an increased amount of separation. Again, the site layout has regard to not placing the taller point elements of the proposed buildings in direct opposition to one another which is positive,

provides the buildings satisfactory space to breath and avoids a tunneling effect within the public realm.

#### Principle of Tall Buildings

- 9.4.10 In terms of the proposed building height and massing, the site falls in an area identified in the Council's adopted Tall Buildings Strategy SPD as being suitable for tall buildings, and where subject to design, heritage and other development management considerations tall buildings could be supported.
- 9.4.11 The proposal would undoubtedly be visible in longer views around the City, and the applicant has prepared a townscape visual impact assessment to demonstrate key views in long, medium and near distance views from identified locations. Therefore, subject to layout considerations relating to outlook, privacy, daylight and sunlight, wind, skyline composition and heritage impacts, in principle the proposed range of building heights of 25-42 storeys are considered by officers to be acceptable in this location which is an emerging environment for tall buildings.

#### Heritage Considerations

- 9.4.12 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that decision makers should give considerable importance and weight to the desirability of preserving the setting of listed buildings. The proposals as presented have been the subject of a number of detailed design meetings including input from the Conservation Team and a series of meetings and assessments around the impact of the proposed developments have taken place as part of both the earlier pre application enquiry and formal application processes to establish what visual impacts and potential harm to the setting of heritage assets could occur as a result of the proposed development.
- 9.4.13 The analysis has established the proposed development would not be visible from key views from Millennium Square, St Paul's Street, Park Place and York Place within the Conservation Area. 22 further views have been analysed, taking into account any visual impacts in both the existing scenario and scenario where consented development could manifest. Of the views assessed the key areas of potential impact are as follows:
- 9.4.14 Park Square - Building A would be visible from the eastern edge of Park Square, however the building would be set back a substantial distance from the roofline of the square in views westward and would have a kinetic relationship to the listed buildings in the square and would not dominate in terms of height. The proposed materiality and tone of Building A would tie in with the brick/terracotta vernacular of the group heritage asset of the square and its buildings and the relationship to Park Square is considered acceptable in this regard.
- 9.4.15 View from Cookridge Street - This view takes in the presence of building A beyond buildings along the southern edge of Westgate. Again, it is considered that as a result of the application site's generous distance from Westgate the tower would be seen as a building in the backdrop rather than a prominent building that dominates the lower scale environment of Westgate and around the Town Hall.

9.4.16 View from City Square towards West Street / Wellington Street - Building A would be visible in long views from City Square. As part of the design evolution of the scheme, the taller element of Building A has been set back into the site to reduce massing levels close to the pedestrian environment to a more human scale and avoid over domination of the public environment. As a result of this design change, the taller 40 storey element of building A sits comfortably alongside surrounding buildings on Wellington Street and provides only a limited additional massing above the height of surrounding buildings when viewed from City Square in the setting of the Grade II listed Majestic building. From Wellington Street Building B becomes visible from the area approximately outside Central Square on Wellington Street, however again this building would be of limited height above the surrounding buildings and would not dominate. Building A becomes more visually prominent however it provides a neat end stop to the vista along Wellington Street and a point of height, slender in form rather than slab like and over dominant.

9.4.17 Hanover Square - The location of Building A in reference to the roofline of buildings around the southern edge of Hanover Square results in the building appearing over the top of more modern buildings such as Park Lane College and Marlborough Towers as opposed to clearly breaking the roofline of residential scale buildings around the southern edge of the square. In the event that surrounding consented development comes forward, the form of Building A would be read as part of a conglomerate of taller buildings. In this regard and in both scenarios, officers are satisfied that the proposals would not adversely impact the setting of the square as an important group heritage asset.

Woodhouse Square - From within woodhouse Square, the key view analysis has demonstrated that towers A and B would be emergent in the south western corner of the square but would read as buildings in the backdrop alongside Marlborough Towers which, by way of perspective would appear to be of a similar height to the new buildings. In this regard, the two visible towers are not considered to adversely break the roofline of buildings around the southern periphery of the square and the impact is considered acceptable.

9.4.18 Notwithstanding the above detailed analysis it is acknowledged that due to the visibility of the development there will be a limited and low level of harm to the setting of St.Pauls House and the Leeds City Centre Conservation Area. It is considered to be less than substantial under the terms of the NPPF and Paragraph 202 of the NPPF is therefore engaged. Paragraph 202 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. This matter is addressed at section 11 of this report.

#### Detailed building designs / façade treatments

9.4.19 In architectural terms, the three buildings would use a combination of verticality, unifying language and elements of depth and texture to create forms which although tall appear ordered with proportionate quantities of solid and void, regularity and consistency of vertical and horizontal proportions. The materials palette and use of profiled toned panels as secondary and tertiary elements would not compete with the primary visual strength of the vertical piers providing that colour and tone are given due consideration in the final design and carefully controlled through conditions at a formal application stage.

- 9.4.20 The starting point for the choice of materials has been a contextual analysis of both Leeds' historic core and the emerging modern and post-modern buildings in the city. The tonality of red brick and terracotta for Buildings A and C is intended to hark back to Leeds's industrial past whilst the tone and grid arrangement of Building B is anchored in both the city's examples of brutalism and the now established vernacular of the Phase 1 area of MEPC Wellington Place due south of the site. The façade panels of each building take inspiration from the intricate and three dimensional fenestration arrangements in buildings such as St Paul's House and the Victoria Quarter whilst shadow fall and depth would be achieved through the complex composition of each façade panel which are designed to feature an initial setback from each block's primary grid arrangement and then feature further undulations, recesses and setbacks within each bay (rather than the more commonly seen single-rebate between building face and window edge). This arrangement would (over the extent of each building façade) create many moments of visual interest whilst maintaining a rhythm of regular patterning, which is essential for buildings of the scale proposed. Whilst a generally common approach is proposed so that the three buildings are understood as a family, the change in tone between buildings A and B and then differences in the bay components between buildings B&C will ensure the buildings do not present as homogenous.
- 9.4.21 The tonality of the three buildings was a matter of discussion at the pre application presentation to members in March 2022 and material samples were provided for members consideration. It remains the case that the middle of the three buildings (Building B) should act as a clear visual mediator between buildings A and C to give all three buildings clear definition from one another, whilst maintaining the use of a tonal palette that pays homage to the tonality of buildings in the city centre and most notably the Conservation Area.
- 9.4.22 The finalised proposals follow the approach considered by members previously and, full details will be controlled by planning condition to ensure the tone and shade of materials be of high quality, with construction standard drawings and sample panels to be provided at condition discharge stage to ensure the finalised buildings remain honest compared to their representation on plan and to ensure that the façade panels truly provide the important sense of three dimensionality essential for buildings of the scale proposed.

#### Clock Tower

- 9.4.23 As with the former consent at the Former Yorkshire Post site, the proposals require the removal of the existing Yorkshire Post Clock Tower to facilitate the proposed landscaping, layout and wind mitigation strategy. However, the clock tower will be relocated and reimagined within the proposed public realm as a new public art feature.
- 9.4.24 Various designs are currently being explored with the detail to be subject of a planning condition, allowing officers and members (if so minded) the chance to review and agree the design approach of this feature. The applicant has advised that on completion of the planning process, the existing clock tower head will be removed and stored / refurbished. It is likely that the clock tower will be introduced to the top of one of the semi-porous landscaping screens/towers which are to be installed in specific locations for wind mitigation purposes, providing a reference (albeit in a differing location to the current tower) to the former clock tower within the site and in a more prominent location, or elsewhere within the site as desired by officers / members, and adding further design interest as a piece of new public art. It is proposed that a methodology and approach for the relocation be controlled by condition.

## **9.5 Residential Amenity (occupiers)**

### Outlook

- 9.5.1 All three proposed buildings would afford suitable outlook from habitable room windows with apertures of suitable height and width to attain a good field of view. By virtue of the positioning of each building in a stepped arrangement from west to east, use of lower scale wings and splays to each building will afford outlooks of sky from each elevation of all three buildings and would maintain reasonable opportunities to observe elements of sky from the western elevation of the existing 'Headline' building such that the residential amenity of occupiers would be adequately protected.

### Privacy

- 9.5.2 Window to window distances within the proposed layout (including the relationship of buildings to the existing 'headline' building) range from 18-26 metres approximately, which would provide adequate levels of distance such that a reasonable level of privacy is maintained. The closest precise point between buildings A and B is shown as approximately 11 metres, however this direct distance measurement would be from communal space within building A onto a stairwell / lift enclosure within Building B and would not therefore produce a harmful impact in terms of overlooking of resident dwelling spaces. In all other respects it is considered that as part of a tight grain high density residential setting the separation distance between the three buildings is consistent with what would be expected in such a setting and it is considered would not lead to undue impacts in terms of privacy for the occupier.

### Daylight and sunlight

- 9.5.3 In order to support the application, a daylight and sunlight report has been provided by the applicant and is based upon the methodologies set out in the Building Research Establishment (BRE) report 'Site layout planning for daylight' and which are guidelines only for assessing a property's sunlight/daylight conditions. Consistent with other similar assessments received by officers as part of the determination process of planning applications in the City Centre, it is recognised that in assessing dense urban schemes, including tall buildings, the use of the BRE metric has a number of shortcomings. This is because the BRE tests used are based on a typical (two storey) suburban model of development and expectations of levels of daylight/sunlight are different in larger developments such as this in a city centre area.
- 9.5.4 The Planning Practice Guidance (PPG) – Making Efficient Use of Land, published on 22 July 2019, paragraph 007 reference ID: 66-007-20190722 states: "All developments should maintain acceptable living standards. What this means in practice, in relation to assessing appropriate levels of sunlight and daylight, will depend to some extent on the context for the development as well as its detailed design. For example, in areas of high-density historic buildings, or city centre locations where tall modern buildings predominate, lower daylight and sunlight levels at some windows may be unavoidable if new developments are to be in keeping with the general form of their surroundings."
- 9.5.5 In the case of all three proposed buildings, it is noted that all three individual buildings exceed the guidelines of the BRE criteria, which is positive. However, the Local Planning Authority does not have its own specific measurement concerning

acceptable levels of daylight penetration for residential uses and an additional qualitative planning judgement is therefore required.

#### Building A

- 9.5.6 Building A features northern, eastern and western elevations which although not in sun path (by dint of orientation) would be predominantly unimpeded by buildings or structures. It is considered that receipt of natural light looking, north, east and west would be of a very high standard. The southern elevation (although in sunpath) Would be affected by the tight grain and proximity of both the 'Headline' Building and Wellington Place Multi Storey Car Park which whilst not effecting the upper portion of the building for the vast majority of the day would introduce shadowing into the public realm at the south of Building A for a significant portion of the day.
- 9.5.7 Notwithstanding, the clear breaks and separation between both Building A, the Headline building and between the Headline building and Building B/C would ensure that there were periods around the middle of the day where sun light was channeled into the space to the southern edge of Building A.
- 9.5.8 Also as a PBSA, building A will contain a number of alternative areas for study and recreational purposes outside of the bedroom units and for cluster rooms there would also be a directly proximate area for such purpose. So, in the case of rooms with lesser natural light levels to the lower southern edge of Building A, it is considered that sufficient alternative provisions will be available so that residents are not entirely reliant on the bedroom space for 100% of their daily functions. It is considered this will help to mitigate for this area of the building receiving lower natural light levels than is the case with the northern, eastern and upper floor areas of the southern elevations of the building.

#### Building B

- 9.5.9 The lower eastern portion of Building B's northern elevation will receive lower levels of natural light by virtue of its parallel placement to the western wing of Building B during the middle of the day. Again, as with Building A, the units occupying this area of the building are clusters. Furthermore, the building's position on an east-west axis would allow for light to channel across the northern elevation at the start and end of the day, with the 'middle' section of the northern elevation where light receipt would be at it's lowest occupied by a stair-core and lift enclosure rather than habitable spaces. As in the case of the southern edge of Building A, light would be channeled between building C and The Headline Building during the middle of the day to allow for daylight to reach the southern elevation for intervals during the middle portion of the day in addition to that received at the start and end of the daytime period.

#### Building C

- 9.5.10 A 21 metre separation distance between Buildings B and C would allow for the receipt of natural light to Building C's northern elevation to be mostly uninterrupted (with shadow cast from Building B falling in the opposite direction) and in terms of sun path, the remaining elevations would have uninterrupted sunlight for the vast majority of the day.
- 9.5.11 As can be seen in the table below, the separation distance between the buildings within the scheme compare favourably and are consistent with the established and emerging city context.

<b>Building 1</b>	<b>Building 2</b>	<b>Separation Distance</b>
MEPC Wellington Place	MEPC Wellington Place	13-20m
Crozier House (Leeds Dock)	McClure House (Leeds Dock)	17m
Merrion Way Podium	Merrion Way Podium	17m
Central Square	West Point	18m
Brewery Wharf	Brewery Wharf	18m
<b>Yorkshire Post</b>	<b>Yorkshire Post</b>	<b>19-21</b>
Riverside West Apartments	Whitehall Waterfront	22m
Lisbon Street former International Pool	Castle House	22m
X1 Points Cross	X1 Points Cross	26m

- 9.5.12 The relationship of tall buildings with separation distances of approximately 19-21 metres between residential spaces where parallel is considered to be an appropriate and consistent level of separation comparable to other city centre residential schemes. On this basis the relationships between the three buildings, would allow for similar levels of light receipt to other consented schemes and are considered appropriate in the high-density urban context.

#### Noise

- 9.5.13 The applicant has provided a noise impact assessment including noise modelling which demonstrates that transportation noise from the surrounding highway dominated environment can be successfully mitigated. With regard to more general noise levels conditions are recommended with regard to the provision of details of a sound insulation scheme and full building ventilation package for each of the buildings as well as controls on the hours of operation of roof terraces, the playing of external music, controls on plant noise and a scheme provide adequate mitigation for any areas of the three buildings found to be subject to solar gain.
- 9.5.14 Members will recall from the pre-application presentation that openable windows will be provided to the three buildings but ventilation and control of temperature will not be predicated on their use, rather they will be provided as an option for residents to provide a choice of mechanical or fresh air ventilation. This approach also has regard to future noise levels being potentially much lower than the current environment as a result of society's progression towards the use of quieter electric vehicles. Given that the openable windows are presented as an option rather than a necessity, this approach is supported.

#### Space Standards

##### Student Residential

- 9.5.15 As noted above, criteria (v) of policy H6B relating to proposals for purpose-built student housing requires that the proposed accommodation provides satisfactory internal living accommodation in terms of daylight, outlook and juxtaposition of living rooms and bedrooms. Core Strategy Policies CC1(b) and P10 and Saved UDPR Policies BD5 and GP5 also provide more general requirements that development



should contribute positively towards quality of life and provide a reasonable level of amenity and useable space. The following space standards are proposed:

	Proposed (sqm)	SPD (sqm)	Compliant?
Studios	20-23	20-28	Y
Accessible Studios	22-28	22-30	Y

Cluster room sizes	12.6-15	11.5-14	Y
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Cluster	Kitchen / shared space size (sqm)	SPD (sqm)	Compliant?
5 bed	30-35	30	Y
6 bed	32-34	32	Y
8 bed	40	36	Y

- 9.5.16 The assessment of amenity is also a wider consideration of qualitative factors including arrangement and separation of living functions (general living, sleeping, studying, eating, cooking, food preparation, storage and circulation), usable shape, outlook, privacy and external amenity space. Whilst the Council's emerging policy for student housing space requirement is draft only at the time of writing, paragraph 5.2.46 of the supporting text to Core Strategy Policy H9 states that provision of reasonable space standards is still important for student accommodation, and this will need to be judged on a case by case basis.
- 9.5.17 As noted in the tables at 9.5.15, the student accommodation meets LCC's draft Planning Guidance on the size and amenity standards for student schemes. It should be noted that the proposals breach the draft SPD's recommended 10 metre maximum travel distance between the furthest bedroom and communal space within clusters between 3<sup>rd</sup> and 10<sup>th</sup> Floor in Building B (16 metres). Within the lower section of Building A, a breach of the same recommended travel distance within clusters would also occur (by 3 metres). This lack of compliance relates to a relatively low number of units in the overall scheme with the vast majority achieving the target within the draft SPD. All cluster and studio units meet the space standards set out in the draft SPD and are demonstrated as being capable of hosting all functions of student living such as cooking facilities (studios) provision of a desk / study areas, bed and storage.
- 9.5.18 Work undertaken on the proposed designs and layouts of the two student buildings alongside consultation with the HsE on fire safety has resulted in the introduction of an increased number of lifts than originally proposed, which reduces the travel distance within corridors for residents and this assists in reducing overall walking distances for residents within the buildings. Furthermore, A total of 3,990sqm of student amenity space is provided in buildings A and B, equating to 2.26sqm per student. As well as general study and breakout spaces, this includes the amenity spa and a student gym accessible to residents within both buildings. The SPD recommends 1sqm be provided per student. On balance and in the round, considering all of these factors the two student residential buildings are considered to provide a high-quality living environment for residents.

## BtR

- 9.5.19 All BtR units are proposed to be in compliance with NDSS / Core Strategy Policy H9 standards.

Type	Floor area	H9 standard	Policy Compliant
1b1p	42.3-50.5	37	Y
1b2p	50.5	50	Y
2b3p	61.2-70	61	Y
2b4p	74.2	70	Y
3b4p	74.1-82.4	74	Y
3b5p	86.1	90	Y

- 9.5.20 In spatial terms and subject to the criteria set out above it is considered the proposals will provide for acceptable levels of internal space and a good standard of residential amenity. To control and finalise compliance with all aspects of the policy, a planning condition is proposed which requires details to be submitted demonstrating full compliance with policy H9 in terms of the location of storage within room layouts and other criteria within the policy.
- 9.5.21 BtR developments also include for additional facilities and amenities to improve the standard and experience of occupiers and encourage interaction between residents. In the case of Building 3, 780 sqm of internal amenity space is to be provided at the ground floor and mezzanine levels (which equates 2.2 sqm of space per dwelling).
- 9.5.22 Officers consider the three buildings would deliver a high standard of residential amenity for all residents and are acceptable in this regard.

## 9.6 Residential Amenity (surroundings)

### Privacy / Daylight and sunlight

- 9.6.1 By virtue of its position due north of City Island, the development would not introduce any additional shadow-cast to this residential site or it's surrounding environment south of the watercourse. At it's closest point, the southern elevation of Building C would be 33 metres in separation from the northern edge of the nearest City Island Block and this is considered to be an entirely reasonable level of separation between the residential windows of each building within a city centre context.
- 9.6.2 The proposed residential site at Bridge House is located approximately 34 metres from the northern façade of Building A and would incur shadowing to it's southern and south western faces between lunchtime and approximately 5pm. Bridge House would be relatively unaffected during the morning and evening hours (in summer) and on balance given the city centre context this relationship is considered acceptable both with regard to shadow fall and window to window distances and privacy.
- 9.6.3 The environment to the west of the site is predominantly highway dominated or populated by commercial premises. There are considered to be no significant impacts through shadowing or loss of privacy in this regard. To the east of the site is the office led environment of Wellington Place and again, impacts from shadowing later in the day would be of limited duration and to commercial rather than residential spaces.
- 9.6.4 On this basis and having regard to the developing urban character of the site, its surroundings, consistencies with the developing city centre and the flexible suburban

basis of the BRE technical guidance, the development's effects on neighbouring properties are considered acceptable.

- 9.6.5 Construction noise and the hours of operation of building processes will be controlled by conditions to ensure the building process occurs at reasonable and suitable hours and that an appropriate strategy is put into place to notify affected residents of any extraordinary noise generating processes (such as piling) and ensure these are properly mitigated for.

## **9.7 Accessibility and Inclusivity**

- 9.7.1 Policy H10 requires that 30% of residential dwellings within Building C meet M4(2) standards and 2% of dwellings meet the higher M4(3) 'wheelchair' user standard of part M of the Building Regulations. The proposals meet these criteria (31.61% and 2% respectively) and therefore the proposals meet the policy requirement.
- 9.7.2 With regard to the PBSA element of the scheme, Building Regulations requires 5% of rooms to have the potential to be occupied by people with accessible needs, which can vary greatly between individuals. The proposals precisely meet the requirement in this regard.
- 9.7.3 The two blocks are proposed to include an accessible cluster bedroom per floor within Building A with an associated adjustable height worktop within the cluster kitchen and 2 no. accessible studios with an associated adjustable height worktop. Accessible Studio's will be delivered with either a part M vol.2 standard accessible shower unit or be capable of being fitted with a vol.2 shower room if demand requires. Upper floors within Building A are to feature an 'Ambulant' standard room per floor. Building B is proposed to feature a total of 20 accessible studios.
- 9.7.4 Level access to all buildings and suitable door opening widths are proposed. Conditions will be employed to ensure at least 50% of all external seating within the public realm meets the full accessibility requirements set out in the British Standard (BS8300) and that surfacing materials within the public realm do not cause issues of glare or visual complexity for the partially sighted.
- 9.7.5 In consultation with the access officer, it is considered the scheme is (in both quantity, distribution and accessible room type) acceptable and will provide a range of room types for people with specific accessibility and inclusivity needs and be served by an accessible area of public realm.

## **9.8 Landscaping and Public Realm proposals / Green space**

- 9.8.1 Policy G5 of the Core Strategy (as amended) states that within the City Centre, open space provision will be sought for sites over 0.5 hectares as follows:
- i. Commercial developments to provide a minimum of 20% of the total site area,
  - ii. Residential development to provide a minimum of 0.41 hectares of open space per 1,000 population.
  - iii. Mixed use development to provide the greater area of either 20% of the total site area, or a minimum of 0.41 hectares per 1,000 population of open space.
- 9.8.2 Supporting paragraph 5.5.18 of Policy G5 states that "*As the green space requirement is expressed as an amount of green space per dwelling, high density developments (65 dwellings per hectare (dph (net)) usually found in or on the edge of town centres may generate requirements for green space that cannot be delivered on-site. For such*

*schemes an expected level of 20% of green space should be provided on-site with the residual being provided off-site or in the form of a commuted sum. However, it is accepted that there may be particular site circumstances to justify a higher or lower quantity than 20% on-site.”* In this case, 62% of the site area is given over as functioning publicly available open space, which is positive and an area not consistently achievable within high density, brownfield city centre sites.

- 9.8.3 In accordance with Policy G5, based on a site area of 1.06 hectares and the proposal of 348 residential units and 1882 student bedspaces, this would result in a requirement of almost 1.1 hectares (10960 sqm) of green space to be delivered as part of this development (where 6572sqm is being directly provided). The shortfall against the policy (4388 sqm) has been translated into a commuted sum using the standard policy-based formula which equates to £184,934.73 and will be secured through the legal agreement.
- 9.8.4 The application is supported by a landscape masterplan which seek to provide a high-quality area of public realm. Major landscaping is proposed on the western boundary of the site, where the site adjoins Wellington Bridge Street, and this will include a range of wind mitigation measures, some of which are proposed to form part of the public arts strategy on the site. It is proposed that the existing clock tower on the site, which is a legacy of the former Yorkshire Post use of the site, will be demolished and “reinvented” as a major piece of public art which will also act as wind mitigation. The applicant has committed to safely storing, refurbishing and reusing the existing clock / temperature gauge as part of the finalised scheme given its iconic status in the city.
- 9.8.5 The landscaping proposals involve a layout which is intended to serve a number of functions including informal play, functional lawn spaces and raingardens. The introduction of biophilic (wind mitigation) structures and sculptures and a Micro Forest at the site’s northern edge adjacent to the riverside are with the intention of promoting biodiversity, insect and animal species, promote carbon sequestering and reduce noise and pollutants from the adjacent highway. The scheme involves the retention of a mature area of trees and planting at the western corner of the site abutting the high edge of the riverside. Conditions are recommended to ensure this area of planting is safely maintained during the build process.
- 9.8.6 The hard and soft landscape arrangements are subdivided into 4 ‘character areas’ comprising the introduction of a ‘Micro Urban Forest’ leading onto a riverside walkway area (area 2) intended to link up to the public realm adjacent to the riverside aspect of ‘The Headline’ and allow for onward connections into the adjacent MEPC Wellington Place Phase 2 site. The third area (The Thread and River Park) would link Wellington Bridge Street to the centre of the site and provides an east-west axis route from buildings A and B to the riverside walkway. The final of the four areas is ‘The Square’ and is essentially a public square arrangement to the west of building A providing an area of communal outdoor space for residents and spill out space for pop up events. Conditions are proposed to control full details and samples of all components of the hard and soft landscaping arrangement both with regard to ensuring appropriate species are utilised, but also for reasons of inclusivity and maximizing biodiversity benefits.
- 9.8.7 The two key ‘open’ spaces within the layout are considered to be generously proportioned, with the area on the Riverside extending to circa 120 m in length x 12 m at its widest (and 10 m at its narrowest) with the public realm within the heart of the site extending to approximately 44 m x 65 m. Conditions would control the finalised planting scheme to adhere to the masterplan proposed for approval here. There

remain some points officers continue to work to resolve which are considered suitable to be addressed through the proposed conditions:

- The finalised layout and type of play equipment
- Finalised proposals on planting species to maximise pollutant reduction along the western boundary
- Provision of suitable sub ground provision for roots in order to maximise carbon capture benefits from the use of larger canopy species of trees
- Maximising the height of planting along the northern boundary (tree planting is constrained here due to the proximity of under pavement services - however it is considered important to provide as tall as species of planting to the building's northern side given the scale and height of Building A - work continues to find a solution in this area of the site which achieves this aim
- Management and maintenance of the Microforest both with regard to ensuring this area matures and achieves longevity but also in the interests of public safety.

9.8.8 The Riverside Walkway layout applied for in parallel (planning application reference 22/06166/FU) with this application would provide new pedestrian routes and accessible spaces and complete a safe pedestrian route starting at Whitehall Road via the MEPC site up to Wellington Bridge Street/Wellington Street which is considered positive in terms of the wider placemaking objectives in this part of the city centre. The walkway is applied for under a separate application to allow for the rapid discharge of it's associated conditions by separate cover of the main site. It is programmed to become an active route alongside the completion of Building C in order that surfacing works are timed to coincide with those around the final surface treatments in the public realm around Building C to avoid damage to the route surface during the building works for the BtR building.

9.8.9 Subject to conditions, officers consider the scheme would deliver an expansive and high quality area of accessible public realm for the city and residents, would substantially improve connectivity in the locality and provide a key component and jigsaw piece in improving east-west pedestrian and cycle transit in this area of the city centre.

## **9.9 Transportation Considerations**

9.9.1 The Site is situated in a highly sustainable location and easily meets the accessibility criteria set out in Appendix 3 of the Core Strategy. Leeds Rail Station is only 10 minutes' walk, and the heart of the City Centre is similarly within easy walking distance. Wellington Street and Wellington Bridge Street are main arterial routes into the City Centre and benefit from excellent public transport links. The nearest bus stops are located approximately 160m east along Wellington Street and at the Wellington Bridge Street site frontage. There is also easy walking access to leisure and retail services and widespread on street parking controls which mitigate against adverse impacts on the highway from displaced parking. Save for disabled and car club parking, the proposed development is car free, reflective of the highly sustainable location of the site in terms of local amenities and existing public transport infrastructure. The strategic aim of the site masterplan is to improve the public realm linking A65 Kirkstall Road to the riverside and beyond to sites due south of the application site to enhance the wider connectivity. The development proposals (and those of the parallel application to provide a Riverside Walkway) provide pedestrian routes through the new site arrangement to allow access from public transport routes to the River Aire and Wellington Place to the south east, which is considered positive.

- 9.9.2 A contribution is required towards the Council's proposed improvements to the cycle route along the Wellington Bridge Street linking into the section that has been delivered at the site frontage. In addition, an extension of the cycle route across the new/relocated access into the site at Wellington Bridge Street and up to the edge of the bridge adjacent to Gotts Road is required, to be delivered through the s278 highway agreement to ensure appropriate cycle connectivity from the site onto the network is attained. During pre-app discussions, developers confirmed that maintenance of the internal roads, including footpaths, cycle tracks and parking spaces would be through a management company and this remains the case. The associated S106 agreement will be employed to ensure this, and any maintenance liability falls to the developer and site successors/owners in perpetuity.
- 9.9.3 The proposals include a layby to accommodate two car club vehicles and three disabled car parking bays which highways officers advise is acceptable. An EVCP for the bays will be provided and controlled by condition. Future residents will be offered a free trial of the car club via travel planning measures - which will be secured through the S106 agreement. Two laybys are proposed for taxi pick up and drop off – each 18 metres in length in order to provide space for this purpose and online deliveries.
- 9.9.4 Although no parking is proposed for the student accommodation, move in and move out periods will certainly generate more traffic than on a normal day, with students potentially being dropped off and picked up with their belongings. The development proposals include the provision of a pick-up and drop-off point to facilitate student movements at the start and end of term and a management plan has been provided which will be reinforced by condition. The following measures are included; noting that The PBSA element of the scheme will be fully furnished, and as such residents will be able to move in and out without the requirement to move a significant amount of bulky goods:
- A check-in system will be operated, which will require residents to book a time slot in which to move in and out in advance. The process will be staggered over a number of weeks to minimise peaks in demand.
  - Information will be provided to prospective residents at the time of signing leases, so that those interested in living at the site are fully aware of the process at the outset.
  - On the basis that the moving in /out is staggered across a period of 3 weeks (21 days), 1/3 of residents will be escorted by car when moving in or out, and that 30 mins allowed for each time slot in which to load / unload
- 9.9.5 As part of the development's associated Travel Planning regime to be controlled through the section 106 agreement, the following measures have been included:
- Travel information provided to prospective and new residents.
  - Provision of legible walking and cycle routes within the site and details and links onto
  - local walking and cycling routes provided to residents
  - Provision of long-stay and short-stay cycle parking
  - Provision of e-bike charging points within long-stay cycle parking areas
  - Provision cycle maintenance/repair facilities
  - Promotion of Enterprise CarClub
  - Provision of parking spaces for car club provider
  - Provision of personalised journey plans
  - Incentives, prizes or gifts to reward residents for walking/cycling more

- Provision of free/subsidised walking and cycle gear/cycles
- Provision of free public transport tickets

9.9.6 A legible Leeds wayfinding scheme will be delivered between Kirkstall Road, the site, Wellington Street and Wellington Place. This is to support pedestrians walking through the site to get to/from key destinations, such as the train station and the riverside. Provision for this contribution is to be made within the section 106 agreement.

Cycle parking is proposed as follows:

- Buildings A and B – PBSA = 172 spaces including 62 Sheffield stands, 72 two tier racks, 8 individual cycle lockers and shared Brompton bike lockers.
- Building C – BtR = 212 spaces, comprising 86 Sheffield stands, 18 accessible Sheffield stands and 108 two-tier racks.
- Short-stay (visitor) = 44 Sheffield stands.

9.9.7 It is acknowledged that the ‘day one’ provision is lower than set out within the Transport SPD. However, the intention is to provide a mix of storage for shared/hire bikes (including Brompton bikes), as well as privately owned cycles. Space has been identified for future expansion should this be required. The future expansion area is sufficient to accommodate parking for 95 additional cycles across a similar mix of types of cycle. The Travel Plan regime will be employed to monitor the need for any further expansion of provision. Full and finalised details of storage and security provision for cycles will be controlled by condition. It should be further noted that level access will be provided into both cycle stores and with regard to Building A, an internal lift will be provided given the store is to be shared over two storeys.

9.9.8 In consultation with West Yorkshire Police it is considered that there is a potential requirement to install traffic calming measures and rise and fall barriers within the site. Further discussion is required on this matter and it is considered that this matter can be dealt with through the hard-landscaping details condition which will also be utilised to control the appearance, location and legible vistas of lighting and CCTV provision.

9.9.9 Each of the three buildings feature ground level bin storage and it is considered appropriate to control the provision of a servicing management plan to ensure reasonable travel distances are not breached and to coordinate the use of laybys for refuse vehicles. Some further work on precise swept paths is also required however it is considered the issue is suitable to be finalised and addressed by condition.

## **9.10 Sustainability and Climate Change**

9.10.1 Members will be aware that the Council has declared a Climate Emergency. Existing planning policies seek to address the issue of climate change by ensuring that development proposals incorporate measures to reduce the impact of non-renewable resources.

9.10.2 The proposals are stated to meet the requirements of planning policies EN1 and EN2 to reduce total predicted carbon dioxide emissions (to achieve 20% less than the Building Regulations Target Emission Rate and provide a minimum of 10% of the predicted energy needs of the development from low carbon energy).

EN1

- 9.10.3 In line with the Leeds Core Strategy Policy EN1 the student accommodation blocks, Buildings A & B, will incorporate the following zero or low carbon energy sources:
- Solar photovoltaics to the roof of the new buildings.
  - VRF air source heat pumps to communal facilities spaces to provide a low carbon source of heating and cooling.
- 9.10.4 Heating and hot water generation represents in excess of 75% of the predicted energy consumption for Buildings A&B and 87.8% of the predicted energy consumption for the build to rent residential Building C. Therefore, efficient methods for the generation of heating and hot water have been targeted since these will be the most beneficial method for reducing carbon dioxide emissions in line with Policy EN1.
- 9.10.5 In accordance with the comments of the Climate Change Officer, verification reporting will be required post construction to ensure these measures are correctly delivered.

#### EN2

- 9.10.6 The applicant has advised that a maximum water standard of 110 litres per person per day will be achieved. Calculations have been undertaken to demonstrate this utilising the SAP Water Efficiency Calculator for New Dwellings tool. Each building will be fitted with an incoming water meter which will enable the water consumption to be monitored. In accordance with the comments of the Climate Change Officer, full details of fixtures will be controlled by condition.

#### EN4

- 9.10.7 In line with Leeds Core Strategy EN4 the viability of a connection to the Leeds PIPES district heating network has been explored. A connection is not yet available and therefore a centralised communal air source heat pump arrangement is proposed to provide a low carbon source for part of the heating demand and 100% of the hot water demand.
- 9.10.8 The development site is within reach of the Leeds PIPES network and would provide a strategic anchor point for a future phase of expansion. The network is due to be extended to Little Queen St in early 2023 (this is already underway) and so the former Yorkshire Post site is within easy reach of a further potential future extension.
- 9.10.11 Notwithstanding this, policy EN4 is a hierarchical policy and arm (iv) of the policy requires that where District Heating is currently not viable, but there is potential for future District Heating networks, all development proposals will need to demonstrate how sites have been designed to allow for connection to a future District Heating network. The applicant has agreed details of space and blanked off pipe connections will be provided within each building to allow for future connection to the Leeds Pipes district heating network should the network become available adjacent to the site (details have been provided in advance of a determination to address this). The provision of this information meets the policy requirement and has the potential to provide between 50%-56% improvements over part L compared to the 20-31% improvement of an air source heat pump based system, which is recognised by the developer team.



## **9.11 Biodiversity**

9.11.1 Policy designations within (and close to the site) include Leeds Habitat Network, Green Space, Strategic Green Infrastructure and sites of ecological/geological importance. In this location, there is a need to achieve a Biodiversity Net Gain (BNG). In consultation with the nature officer and following assessment of Biodiversity Metric Calculations, it is noted that more than 10% Habitat BNG will be achieved and controls by condition on the submission and agreement of a construction/environmental management plan, Biodiversity and enhancement management plan, details of monitoring programme and reporting and full details of bat and bird roosting will be provided to secure the biodiversity improvements.

## **9.12 Wind and Microclimate Considerations**

9.12.1 Due to the scale of the proposed buildings and their largely exposed location there is a significant potential for the generation of strong winds around the development. The applicant engaged wind consultants at the commencement of the design process to provide advice regarding the safety and comfort of the wind environment resulting from the development. A wind tunnel assessment alongside four separate CFD assessments were made as part of the process (in line with the requirements of the Draft Wind and Microclimate Toolkit) and the findings were peer reviewed on behalf of Leeds City Council by Tobomory Consultants. The findings from the testing are as follows:

- There are significant wind safety and comfort issues in the current site, around the recently constructed YP Phase I building, 'The Headline'. Large areas to the NW and SW of the building, in the public realm, are subject to severe winds, for up to 13.4 hrs/yr (not allowing for the temporary mitigation structures associated with the phase 1 building) These safety exceedances become much less severe once the new Skinner Street (Bridge House) development is built out, and disappear once the YP Phase II Development is built out, with its associated mitigation measures.
- Construction of the Yorkshire Post development would have a major impact on the winds across the site and in the surrounding area, and it was found that mitigation measures were necessary to provide safe and comfortable conditions. These measures would also ensure safe conditions around 'The Headline' building, removing the existing aforementioned safety exceedances save for two minor exceedances south of the Bridge House site to the north of Wellington Street. Winds are predicted to exceed 15m/s for 2.0 and 3.3 hours per year in that location, against a target threshold of 1.9, and so these exceedances are very marginal and do not take into account the mitigation measures that would be provided by the Bridge House proposals which have been shown to address the safety exceedances when Bridge House is built.
- Wind comfort conditions on pedestrian thoroughfares, at the bus stops, building entrances and pedestrian crossings all remain suitable.
- A number of further, minor local landscaping measures are required to address minor comfort issues in the ground level amenity space and the western elevated terrace area of Building A.

9.12.2 The proposed landscape scheme would feature the following wind mitigation measures which were considered in the overall testing process. The full details of these measures will be controlled by conditions:

- 6 x 50% porous 'Biophillic structures' to the northern site entrance

- Sculpture – 5m wide, 5m deep, 8m tall to the south western corner of Building B
- 50% porous pergola, 3 metres in height to the north east of Building C within the landscaped area
- 12 x 50% porous screens within public realm ranging from 3-7 metres in height.

9.12.3 Following detailed peer review, it is considered acceptable public safety and comfort levels can be achieved subject to finalised details on appearance, location and testing of these measures and those to be applied to the building terraces, to be controlled through conditions.

### **9.13 Safety and Security**

9.13.1 CS policy P10(v) identifies that developments should create safe and secure environments that reduce the opportunities for crime and the NPPF states that developments should be safe and accessible so that crime and disorder, and the fear of crime, do not undermine quality of life.

9.13.2 The proposals identify a predominantly car-free development that would result in a significant number of people walking and cycling to the site. Off-site public realm works to improve the pedestrian and cycling corridor north-west of the development will bring additional movement and activity. These improvements will link with similar proposals on neighbouring sites which will result in a significantly improved environment and which should reduce the fear of crime as noted by West Yorkshire Police, whilst encouraging use by pedestrians and cyclists, creating a hospitable environment and promote natural surveillance.

9.13.3 CCTV surveillance would be provided around and within the site. This matter will be controlled by condition to allow for further direct consultation with West Yorkshire Police - to ensure optimum locations for lighting and CCTV are employed and to ensure CCTV equipment provides suitable legibility and recording of images for reporting purposes.

9.13.4 Lighting will be designed to ensure appropriate levels of lighting of areas such as the route between the two elements of Building A, provide directed lighting into the public realm, entrances and routes and all entry and exit points within the application site.

9.13.5 Access Control measures for residents will also be a consideration of a future condition discharge process and the development will be expected to meet the highest current technological standards and methods for building entry and access to the cycle storage provisions / residents amenity areas.

9.13.6 Subject to detailed design to be secured by a security strategy condition and details of all built measures in the public realm being addressed in tandem with the finalised landscaping scheme (to maximise opportunities to design such features into the public realm and minimise their visual impacts) the development would accord with CS policy P10.

### **9.14 Planning Obligations and CIL**

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

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

The proposed scheme produces the need for the following obligations which it is considered meet the legal tests:

- Leeds City Council Travel Plan Review fee of £16,957
- Provision of Leeds City Council Car Club provider parking spaces x 2
- Provision of a Residential Travel Plan Fund of £89,001
- Offsite affordable housing commuted sum of £3,193,985. (This sum will be subject to independent valuer verification)
- Offsite Greenspace contribution commuted sum (£184,934.73)
- Contribution towards West Street highway Improvement Scheme (£262,721)
- Wayfinding Contribution (£12,000)
- Provision for TRO amendments
- Maintenance of the internal road
- Control of student occupancy
- Retention of public accessibility through the site
- Section 106 management fee

9.14.2 This development is liable to the Community Infrastructure Levy (CIL) and is likely to generate a CIL charge of £569863.90. This figure is presented for information only and should not influence consideration of the application. The infrastructure requirements for this development are likely to relate to public transport and public space provision. Consideration of where any Strategic Fund CIL money is spent rests with the Council's Executive Board and will be decided with reference to the Regulation 123 List (or Infrastructure Funding Statement as the case may be) at the time that decision is made.

## 10.0 REPRESENTATIONS

10.1 As noted at paragraph 7.1 - 9 letters of objection and one letter of support have been received from the general public. The comments are summarised below.

- a) Buildings are excessively tall / large
- b) Loss of privacy to existing residential buildings
- c) Overshadowing of existing residential buildings
- d) Building work will be disruptive / impact from noise / dust
- e) Road infrastructure unfit for the amount of new homes
- f) Loss of view
- g) Loss of property value
- h) No need for additional student accommodation

The received letter of support advises support on the basis of design and the proposed art deco style of the buildings which mitigate for 'cheaper' designed buildings which have been erected in the city.

10.2 Response:

- a) the matter of the acceptability of tall buildings in planning policy terms is set out in the appraisal above
- b) the matter of Loss of privacy to existing residential buildings is set out in the residential amenity section of the appraisal above

- c) Overshadowing is addressed in the residential amenity section of the appraisal above
- d) This matter has been addressed through the proposed use of conditions
- e) This matter is addressed in the highways and transportation section of the appraisal above.
- f) the loss of a view is not a material planning consideration
- g) Loss of property value is not a material planning consideration
- h) Student housing need is not a policy matter for assessment in the adopted development plan and cannot be considered
- i) This matter is duly noted and reflected in the recommendation

10.3 In addition to the received comments from the general public, Leeds Civic Trust have objected to the development on the following basis, summarised and addressed as follows:

- a) lack of balconies proposed due to wind impacts
- b) flats only have single aspects due to site constraints
- c) Public spaces will be windy and in shade
- d) measures not proposed to combat noise and air pollution
- e) site and building orientation undo the benefits of sustainability policy requirements
- f) references and interchangeability between co-living and student accommodation in supporting literature
- g) Buildings should be of a lower height
- h) lack of natural light to corridors
- i) Need to provide drop off space at ground level
- j) Intensive use of lifts at peak times

10.4 Response:

Matters (a), (b) & (h) are duly noted however there are no specific planning policy requirements in relation to these detailed design matters and the context of high rise development in the city centre is that many flats due to site constraints and other planning factors may not have balconies, are only single aspect and may not have natural light to corridors. It is considered that in this context the concerns raised are not considered to outweigh the overall regeneration and planning benefits of the scheme as presented.

Matter (c) concerning wind and microclimate is addressed within the appraisal above. The development is considered to produce an acceptable level of comfort within the public realm through the proposed mitigation measures associated with the development.

Matter (d) is noted however preliminary noise and ventilation assessments have taken place and the finalised details will be secured by condition based on the initial assessments to the satisfaction of Environmental Health.

Matter (e) is noted however building orientation is in part of a corollary of making the site safe in wind safety terms and finding a balance between creating a safe environment and redevelopment of a key brownfield site.

Matter (f) is noted, however the development is confirmed as being for purpose-built student accommodation (not co-living) and occupancy will be controlled through the section 106 in this regard.

Matter (i) is addressed in the appraisal above.

Matter (j) is noted however this comment is considered subjective. In public safety terms the matter has been assessed in consultation with the Health and Safety executive and will be required to accord with the next gateway stage of assessment and Building Regulations.

## **11.0 PLANNING BALANCE AND CONCLUSION**

11.1 Paragraph 202 of the NPPF is engaged. Paragraph 202 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The public benefits of the scheme are considered to be as follows:

- The proposals would regenerate a prominently located brownfield City Centre site which has detracted from this gateway location for many years. In doing so it would deliver a significant number of new homes and meet policy requirements for affordable housing. Whilst not meeting the preferences detailed in the development plan's housing mix policy, the mix proposed is based on evidence of demand and need and includes flexibility to provide an increased number of homes suitable for families and sharing groups should future demand require it.
- The proposed development would provide high quality, landmark buildings which would animate and improve the appearance of the local townscape and alongside recent permissions and redevelopments would finalise and reinforce a belt of high density developments around the western periphery of the city centre - close to what is currently an area of visually over-dominant highway network.
- The development of this sustainably located site would have an acceptable impact upon highway and pedestrian safety and provide and encourage sustainable transport choices. Impacts upon the capacity of local cycle infrastructure can be made acceptable through contributions towards improvements which will have benefits beyond the operation of the site itself. The public realm and pedestrian connections around the site would be significantly enhanced and connectivity through the city centre improved.
- The development would be safe in terms of wind and microclimate considerations through the employment of suitable on-site mitigation which is an issue which has been difficult to resolve through previous iterations of proposed development at the site.
- The proposed development would provide a raft of measures to ensure compliance with relevant local and national sustainability policy and, in so doing, would positively respond to the Climate Change Emergency and would allow future connection to a potentially widened District Heating Network in future years.

11.2 As a result, on balance it is considered the development accords with the Development Plan as a whole and consequently outweighs the less than significant harm to heritage assets identified. Accordingly, it is recommended that the scheme should be deferred and delegated to the Chief Planning Officer for approval subject to the conditions specified in Appendix 2 (including any amendment to the same or

addition of further conditions as the Chief Planning Officer deems appropriate) and the completion of a Section 106 agreement.

**Background Papers:** 9 public letters of objection, 1 public letter of support, 1 letter of objection from Leeds Civic Trust, Application file 22/04895/FU

**CITY PLANS PANEL**

**THURSDAY, 24TH MARCH, 2022**

**PRESENT:** Councillor J McKenna in the Chair

Councillors K Brooks, P Carlill, D Cohen,  
A Garthwaite, C Gruen, G Latty, E Nash,  
P Wadsworth and N Walshaw

**133 PREAPP/21/00250 - Pre-Application for Purpose built student accommodation and residential development at the former Yorkshire Post site, Wellington Street, Leeds**

The Chief Planning Officer submitted a report to City Plans Panel to inform Members at an early stage of the emerging proposals for two purpose-built student residential blocks, a new build to rent residential block and associated public realm on the remainder of the former Yorkshire Post site.

Present at the meeting were:

- Tim Waring
- Sue Sparling
- Terry Shaw

Earlier in the day the Members had visited the site. Slides, photographs and CGI's were shown throughout the presentation.

Draft minutes to be approved at the meeting  
to be held on Thursday, 21st April, 2022

Members were provided with the following information:

- This is to be a key gateway site at the west part of the city. The developer hopes to start in 2023
- Building A would be the closest to Wellington Street, and step via two 'shoulders' from 13 storeys to a maximum height of 40 storeys. The building is proposed for purpose-built student accommodation and would provide 1,065 units with a mix of cluster apartments and studio apartments.
- Building B is proposed to be 30 storeys high set back 13m from the closest point to Building A. This is also proposed as purpose-built student accommodation and would provide 550 units.
- Building C is proposed as being at the southern part of the site adjacent to the River Aire and steps via two 'shoulders' from 12 storeys and 14 storeys to a maximum of 25 storeys in height. It is proposed that it will provide approximately 320 apartments, including roof top external amenity space.
- It is proposed that the buildings will be set in landscaped public realm which will cover two thirds of the site. This is to include:
  - Connections to the external public highway, with two-way access to Wellington Street and one way access from Wellington Bridge Street
  - A public square with art structures which will show the history of the site from a woollen mill and the printing of the Yorkshire Evening Post. The developer proposes to incorporate the iconic clock tower within the scheme.
  - Public realm includes a riverside walk, play area, links to the Headline building and a micro forest area which will take a period of 20 years to establish but will improve oxygen levels and acoustics
  - The play area will include active play and a time trial for adults.
- The material for the buildings is proposed as terracotta bricks which link to the history of the city. The design will incorporate a fold and weave on the façade, the design will address acoustic and air quality. Windows will be able to be opened.

In response to questions from Members the Panel were provided with the following information:

- The micro forest would be planted with up to 20 species of different trees known to be able to survive in the locality. The benefits that the micro forest would add were of air quality and links to the riverside walk. The micro forest would be made up of shrubs, sub tree layer, tree layer and canopy layer, a specific growing medium would be imported onto the site. The developer will work with a consultant to ensure that species of trees chosen will thrive in this locality. The micro forest would be maintained as appropriate through a legal obligation. This area would provide habitat for insects and wildlife. It was noted that the choice of species proposed should be shared with Cllr Nash.

Draft minutes to be approved at the meeting  
to be held on Thursday, 21st April, 2022



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- Members were advised that most of the units in Building B (student accommodation) were cluster flats with some studio apartments (the report was incorrect in this respect).
  - With regards to the build to rent building C, it was noted that this part of the development would be managed the same as the adjacent Headline building. All apartments would be in line with the Leeds space standards. The developers could look at more family sized units, however, the 2 bed 4 person units were 74 square metres and the 3 bed 4 person units were also 74 square metres. There was therefore an option for the 2 bed 4 person units to be adapted into 3 bed units if required by the occupiers.
  - There would be parking spaces for disabled residents and visitors.
  - 35 wind studies had taken place to ensure safety and comfort for pedestrians through the site with faceted towers, public art structures of differing heights and trees to allow wind to flow through the development.
  - Residents would have the choice of either opening windows or the use of mechanical air flow. All windows would have a grill for safety. This was part of the future proofing of the development. It was noted that as more vehicles become electric the noise and pollution from the busy roads would decrease. Noise and air quality surveys had been undertaken.
  - The developers all live in Leeds and realise that the clock tower is an iconic part of Leeds and used as a well-known landmark. It is the intention to replace and maintain this feature as part of the development.
  - The developers were confident that the students and non-student residents could live side by side sharing the public amenity space.
  - There were concerns in relation to parking as it had been noted by the Members on their visit, there were unauthorised cars parked at the rear of the Headline building which would need to be addressed.
  - It was the view that building B had a less attractive frontage, and that it could be better. However, it was recognised that this area would have fewer pedestrians passing by and the lower level would form part of the cycle and bin storage
  - It was noted that some of the trees on the riverside had suffered from storm damage and would be looked at as part of this scheme.

Members comments included:

- Members welcomed the use of art structures celebrating the previous industries which had occupied this site, and how they would be used to mitigate wind flow through the development.
- This was a good application which would enhance this area.
- A thoughtful presentation which had provided a lot of answers. Particularly liked the use of trees as wind baffles.
- Like the openable windows as recognised in 10 years the noise and pollution levels would be different.

Draft minutes to be approved at the meeting  
to be held on Thursday, 21st April, 2022

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The Chair thanked the applicants for the presentation and the detailed model which had been available for Members to view.

Members were invited to offer comments on officer questions in the report.

- 1. Do Members support the emerging proposals in respect of the principle of student /residential development?**  
Members agreed with the emerging proposals.
- 2. Do members support the proposed emerging approach to landscaping and pedestrian connectivity?**  
Members were supportive of the emerging approach to landscaping and pedestrian connectivity.
- 3. Do members support the emerging approach to car parking provision?**  
Members supported this approach to car parking provision.

## APPENDIX B – 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 development is a Phased Planning Permission for CIL purposes. CIL Phase 1 will be a non-chargeable CIL Phase comprising site wide preparation works (including removal of existing/historic foundations, raising of site levels, laying of a piling mat and the construction of new piling, remediation, and construction of revised site access and access roads within the site). Prior to commencement of any further works, a Phasing Plan of the remaining phases of development shall be submitted to and approved in writing by the Local Planning Authority.

To assist with the identification of each chargeable development phase and the calculation of the amount of CIL payable in accordance with the Community Infrastructure Levy Regulations 2010 (as amended), and to ensure that the scheme is delivered in a co-ordinated way.

4. The total Class E floorspace within residential Block C shall be limited to a maximum of 412 square metres (GEA) of floorspace.

In the interests of maintaining the retail vitality of the city centre and prime shopping quarter.

5. a) No works shall commence on any relevant phase (including any demolition, site clearance, groundworks or drainage) until all existing trees, hedges and vegetation shown to be retained in that phase are fully safeguarded by protective fencing and ground protection in accordance with approved plans and specifications and the provisions of British Standard 5837 (2012) Trees in relation to design, demolition and construction, unless otherwise agreed in writing by the Local Planning Authority. Only the BS5837 default barrier with the scaffold framework shall be employed. Such measures shall be retained for the full duration of any demolition and/or approved works.

b) No works or development shall commence on any relevant phase until a written Arboricultural Method Statement AMS in accordance with BS5837 for a tree care plan has been submitted to and approved in writing by the local planning authority. Works shall then be carried out in accordance with the approved method statement.

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

To ensure the protection and preservation of trees and vegetation during construction works, in accordance with LCC policies.

6. 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 the provision of amenity afforded by appropriate landscape design.

7. Prior to the commencement of development on any relevant phase a Construction Environmental Management Plan (CEMP:Biodiversity) for that phase shall be submitted to and approved in writing by the LPA. The CEMP (Biodiversity) shall put in place measures to retain and protect the 0.06 Habitat Biodiversity Units across the entirety of the development site, as per the Biodiversity Net Gain Assessment report by RDF Ecology dated November 2022 for the relevant phase, and include the following:
  - a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Measures to avoid or reduce impacts during construction.
  - d) Location and timings of sensitive works to avoid harm to biodiversity features, including nesting birds.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) The role of a responsible person (Ecological Clerk of Works) and lines of communication.
  - g) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the LPA.

REASON: to ensure the protection of existing biodiversity features in accordance with Core Strategy Policy G8, the NPPF, and BS 42020:2013.

8. Prior to the commencement of development on any relevant phase a Biodiversity Enhancement & Management Plan (BEMP) for that phase shall be submitted to and approved in writing by the LPA. The Plan shall demonstrate that the site as a whole can deliver a minimum of 0.61 on land identified in the Biodiversity Net Gain Assessment report by RDF Ecology dated November and include details of the following:
  - a) Description and evaluation of features to be managed and enhanced.
  - b) Extent and location/area of proposed habitats and Biodiversity Units on scaled maps and plans.
  - c) Ecological trends and constraints on site that might influence management.
  - d) Aims and Objectives of management to include Target Biodiversity Units and Condition Criteria.
  - e) Appropriate management Actions for achieving Aims and Objectives.
  - f) An annual work programme (to cover an initial 5 year period).
  - g) Details of the specialist ecological management body or organisation responsible for implementation of the Plan.
  - h) How the Plan is to be funded.

- i) For each of the first 5 years of the Plan, a progress report sent to the LPA reporting on progress of the annual work programme and confirmation of required Actions for the next 12 month period.
- j) The Plan will be reviewed and updated every 5 years and implemented for a 30 year period.

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

To ensure the long-term protection and enhancement of biodiversity in accordance with Core Strategy Policy G8 and G9, NPPF and BS 42020:2013.

9. Prior to occupation of the first residential/student dwelling a Biodiversity Monitoring Programme & Monitoring Report carried out by an appropriately qualified ecological consultant shall be submitted to and agreed by the LPA. It shall include the first Monitoring Report and specify the frequency and timing of subsequent Monitoring Reports to cover a minimum 30 year period to be submitted to the LPA. The Monitoring Report will include the following:
- a) Confirmation of the number of Biodiversity Units present based on a survey at an appropriate time of year and how this compares to the 0.61 identified for Retention and Creation in the Biodiversity Net Gain Assessment report by RDF Ecology dated November 2022.
  - b) Where the Target Condition is not yet met provide an assessment of time to Target Condition for each habitat and any changes to management that are required.
  - c) How the monitoring is funded and the specialist ecological body responsible.
  - d) Confirmation by photographs that all integral bird nesting and bat roosting features are in place as approved.

Subsequent Monitoring Reports will be submitted to the LPA at time-scales stated in the Monitoring Programme and where remedial measures or changes in management are required these will be addressed in the subsequent Biodiversity Enhancement & Management Plan (BEMP) annual work programmes.

To ensure Biodiversity Units are delivered as agreed in the approved BEMP for perpetuity.

10. Prior to the first occupation on any relevant phase, a Plan shall be submitted to and approved in writing by the LPA of: integral bat roosting and bird nesting features (for species such as House Sparrow and Swift) within the building(s) in that phase. 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 timetable for implementation and commitment to being installed under the instruction of an appropriately qualified bat consultant. All approved features shall be installed prior to first occupation of the dwelling on which they are located and retained thereafter.

To maintain and enhance biodiversity in accordance with Core Strategy Policy G9, NPPF, and BS 42020:2013.

11. Prior to first occupation on any relevant phase a Lighting Design Strategy For Bats for that phase shall be produced by an appropriately qualified ecological consultant and submitted to and approved in writing by the LPA. The Strategy shall:
- a) Identify those areas/features on site that are “particularly sensitive for commuting and foraging bats” - using an appropriately scaled map to show where these areas are.
  - b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb commuting and foraging bats.

All external lighting shall be installed in accordance with the specifications and locations set out in the Strategy, and shall be maintained thereafter in accordance with the Strategy. Under no circumstances should any additional external lighting be installed without prior consent from the LPA in the areas identified in the Strategy as “particularly sensitive for commuting and foraging bats”.

To safeguard a protected species (bats) in accordance with protection and enhancement of biodiversity in accordance with Core Strategy Policy G8 and G9, NPPF and BS 42020:2013

12. The below hard and soft landscaping works shall not commence for any relevant phase of the development until full details of both hard and soft landscape works for that phase, including an implementation programme for that phase and the temporary treatment of any future phases, 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. other vehicle and pedestrian access and circulation areas.
- d. hard surfacing areas.
- e. Lighting.
- f. CCTV and access control.
- g. proposed and existing functional services above and below ground (e.g. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.).
- h. access control and site security measures.
- i. seating (whereby 50% of all new seating must meet the full accessibility standard set out in British Standard BS8300, and no seating is to include gaps between arm and back rests).

Soft landscape works shall include.

- j. planting plans.
- k. written specifications (including soil depths and quality to BS 3882:2015, cultivation and other operations associated with plant establishment).
- l. schedules of plants noting species, planting sizes and proposed numbers/densities.
- m. details of tree pits and root cells.
- n. details of green roof.
- o. A scheme for management and maintenance of the publicly accessible areas.
- p. long term landscape management plan.
- q. Location of external cycle parking.

r. Temporary landscaping treatment on land within the site, but outside the relevant phase, where that is not proposed for construction within 18 months of practical completion of the relevant phase.

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 of amenity afforded by appropriate landscape design and in the interests of public safety.

13. Prior to the installation of any external facing material to the proposed buildings, full details including a sample panel of the relevant external facing materials, roofing and full details of glazing types for that building to be used shall be constructed on-site and approved in writing by the Local Planning Authority. The external materials, roofing and glazing materials shall be constructed in strict accordance with the sample panel(s). The sample panel(s) shall not be demolished prior to the completion of the development, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of visual amenity.

14. Prior to the construction of the following elements of the proposed buildings, full 1 to 20 scale working drawing details of the following for that phase shall be submitted to and approved in writing by the Local Planning Authority:
- a. soffit, roof line, eaves and any external plant area treatments.
  - b. junctions between materials.
  - c. each type of window bay proposed.
  - d. ground floor frontages.

Development shall then be undertaken in accordance with the approved details.

In the interests of visual amenity.

15. Prior to first occupation of the dwellings within Block C, a post construction Accessible Housing Certification Table containing the full details of the following matters shall be submitted to and approved in writing by the Local Planning Authority;
- Which and how many dwellings within the development have satisfied M4 (2)\* accessible and adaptable dwellings standards.
  - Which and how many dwellings within the development have satisfied M4 (3)\* wheelchair adaptable dwellings standards.
  - Which and how many dwellings within the development have satisfied M4 (3)\* wheelchair accessible dwellings standard.

\*contained within Part M Volume 1 (Approved Document) of The Building Regulations 2010, or any such Approved Document or Regulations for the time being in force at the time of commencing works onsite for that phase, including any modification, extension or re-enactment of the same and including all instruments, orders, regulations and directions for the time being made, issued or given under the Approved Document or Regulations (or deriving validity from the same).

The accessible dwellings shall be provided in accordance with the agreed details and shall be retained as provided for thereafter.

In the interests of disabled people and access for all.

16. The development shall not be occupied until the wind mitigation measures identified in the Wind Engineering CFD Assessment (Buro Happold, 8 July 2022) have been implemented. The measures shall thereafter be retained and maintained.

In the interests of pedestrian and highways safety.

17. Prior to first occupation of any part of the development, the off-site highway works as shown on plan T713/0100 (or as subsequently updated in agreement with the local planning authority) shall be fully delivered.
1. Removal of the existing left-in / left-out arrangement, with the kerb to be reinstated to full-height footway.
  2. Construction of a new one-way access, including associated works, signage and road markings.
  3. Dropped kerb pedestrian crossings with tactile paving at the new access.

To ensure the free and safe use of the highway.

18. 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.

19. Block C (residential) shall not be occupied until Electric Vehicle Charging Points have been provided in accordance with a scheme that shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall thereafter be retained for the lifetime of the development.

In the interest of promoting low carbon transport.

20. Notwithstanding the approved details, no building shall be occupied until full details of cycle/motorcycle parking and facilities for that building 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 that building and retained thereafter for the lifetime of the development.

In the interests of highway safety and promoting sustainable travel opportunities.

21. Development of the building superstructures or revised access to Wellington Bridge Street shall not commence until a survey of the condition of Wellington Bridge Street along the site frontage has been submitted to and approved in writing by the Local Planning Authority. Upon practical completion of the final approved building on the site a further condition survey shall be carried out and submitted to the Local Planning Authority together with a schedule of remedial works to rectify damage to the highway identified between the two surveys. The approved mitigation works shall be fully implemented within 3 months of the remedial works being agreed with the Local Planning Authority. In the event that a defect is identified during other routine inspections of the highway that is considered to be a danger to the public it must be immediately made safe and repaired within 24 hours from the applicant being notified by the Local Planning Authority.



In the interest of highway safety and to ensure the free and safe use of the highway.

22. No part of the development shall be occupied until a Car Park and Servicing Management Plan (including timescales) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following information:
1. Measures to manage students moving in and moving out, including slots / a booking system.
  2. Incentives to help students during move in/out times, such as moving kits.
  3. Management of food/parcel deliveries, including taxi drop-off / pick-up; and
  4. Measures to enforce the parking restrictions / signage within the site.

The development shall be operated in accordance with the approved details.

To ensure the free and safe use of the highway.

23. No part of the development hereby permitted shall be occupied until details for the provision of bin stores (including siting, materials and means of enclosure) and (where applicable) storage of wastes and access for their collection within that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full before the use of that phase commences and shall be retained thereafter for the lifetime of the development.

To ensure adequate measures for the storage and collection of wastes are put in place. In the absence of appropriate measures residential amenity could be adversely affected.

24. The disabled parking shown on the approved plans shall be laid out prior to first occupation of Block C and retained for the life of the development.

In accordance with the adopted Core Strategy and parking policies.

25. Remediation works for each relevant phase of the development shall be carried out in accordance with the approved Remediation Strategy (Ref. CGN/04840, Rev 2). On completion of those works, the Verification Report(s) shall be submitted to the Local Planning Authority for each phase in accordance with the approved programme. No phase of the development shall be brought into use until such time as all verification information relevant to that phase has been approved in writing by the Local Planning Authority. All reports are prepared and approved by a suitably qualified and competent person.

To ensure that the remediation works are fully implemented as agreed and the site has been demonstrated to be 'suitable for use' with respect to land contamination.

26. 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.

To ensure that any necessary remediation works are identified to make the site 'suitable for use' with respect to land contamination.

27. Development (excluding Demolition) of above ground structures shall not commence until a Gas Verification Plan has been submitted to, and approved in writing by, the Local Planning Authority. It is strongly recommended that all reports are prepared and approved by a suitably qualified and competent person.

To ensure that the 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.

28. The development shall be undertaken in accordance with the Roscoe Drainage Assessment (DA) ref 1058-ROS-00-00-RE-D-09001. Rev 7 dated November 2022 unless otherwise submitted and approved in writing with the Local Planning Authority. The works shall be fully 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 NRWLP policy Water 7 and GP5 of the UDP.

29. The temporary drainage measures to be implemented during the demolition and construction phases shall be as set out within the Roscoe Management Schedule for Surface Water Drainage During Demolition, Enabling Works and the Construction Stage ref 1058-ROS-00-00-RE-D-09003 Revision 2 dated December 2022 unless otherwise submitted and approved in writing with the Local Planning Authority. The temporary drainage measures shall be fully implemented in accordance with the approved scheme before the development is brought into use, or as set out in the approved phasing details.

To prevent flooding and pollution offsite in accordance with the NPPF.

30. No phase of the development shall be brought into use until a suitable Flood Evacuation Plan (FEP) has been submitted and approved by the Local Planning Authority for that phase. The Flood Evacuation Plan shall be based on the latest Environment Agency guidance and the ADEPT/EA document titled Flood Risk Emergency Plans for New Development dated Sept 2019 downloadable <https://www.adeptnet.org.uk/system/files/documents/ADEPT%20%26%20EA%20Flood%20risk%20emergency%20plans%20for%20new%20development%20September%202019....pdf> from here and include the following:
- a) Details of advanced flood warning measures;
  - b) Advanced site preparation measures to be undertaken in the event of a flood warning
  - c) Site evacuation measures;
  - d) Details of how the FEP will be monitored during all operational hours of the development, the responsibility for flood safety measures in accordance with emergency flood management plan.
  - e) Confirmation that details of the FEP will be relayed to all site users and shall be implemented for the life of the development and to any future owners.

To ensure a safe building environment for the lifetime of the development.

31. No Class E(b) (sale of food and drink) use serving hot food shall be brought into use until a grease trap has been provided on the drainage outlet(s) from the food preparation areas. The grease trap should be retained at all times thereafter.

To protect against pollution and clogging of the sewerage system.

32. No phase of the development shall be occupied until all areas shown on the approved plans to be used by vehicles, including roads, footpaths, cycletracks, loading and servicing areas and vehicle parking space within that phase have been fully laid out, surfaced and drained such that loose materials and surface water does not discharge or transfer onto the highway.

These areas shall not be used for any other purpose thereafter. To ensure the free and safe use of the highway.

33. No phase of the development shall be occupied until a SUDS management and maintenance plan for the lifetime of the development, including arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the scheme, has been submitted to and approved in writing by the Local Planning Authority relevant to that phase.

To ensure sustainable drainage and flood prevention in accordance with NRWLP policy Water 7 and GP5 of the UDP.

34. Prior to the commencement of above ground works to any building in a relevant phase, full details of a sound insulation scheme designed to protect the amenity of future occupants of that phase of the development from noise emitted from nearby or proposed noise sources shall be submitted to and approved in writing by the local planning authority. The insulation scheme shall aim to achieve the criteria set out in Leeds City Council Planning Consultation Guidance 'Noise and Vibration' dated December 2019. The use hereby approved shall not commence until the works have been completed, and any such noise insulation as may be approved shall be retained thereafter. (This should be based on the recommended noise mitigation contained within the approved MZA Noise Impact Assessment).

In the interests of residential amenity.

35. Commercial deliveries to and from the premises (all uses) including loading and unloading and refuse collection, shall be restricted to 08.00 to 20.00 hours Monday to Saturday and 09.00 to 18.00 hours on Sundays and Bank Holidays.

In the interests of amenity.

36. Prior to the installation of any extract ventilation system or externally mounted mechanical plant, details of such systems, including where relevant details of odour and smoke filtration for hot food uses, shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall aim to achieve the criteria set out in Leeds City Council Planning Consultation Guidance 'Noise and Vibration' dated December 2019. Any external extract ventilation system/air conditioning plant shall be installed and maintained in accordance with the approved details. The rating level of noise from any externally mounted plant or equipment is to be no higher than the existing representative background noise level (LA90) when measured at noise sensitive premises, with the measurements and assessment of calculation made in accordance with BS4142:2014.

In the interests of amenity.

37. A minimum sound insulation performance of  $D_{nTw} + C_{tr} 50dB$  shall be provided between any commercial units and any adjoining habitable areas. Maximum operating noise limits from commercial units shall not exceed NR20 in student or residential bedrooms and NR25 in other habitable rooms. Should any commercial tenant wish to exceed these maximum operating noise limits, further acoustic mitigation would be required to ensure the same criteria can be achieved.

In the interests of amenity.

38. Prior to occupation of the Blocks A or B (student accommodation) a Management Plan, Departure Management Plan and Site Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

In the interest of amenity and highway safety.

39. Prior to first occupation of any residential or student accommodation in a relevant phase, a Management Plan relating to the capacity of the rooftop terraces for that phase shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall detail maximum capacity figures for the use of the rooftop terraces and how capacity will be managed.

To prevent noise nuisance arising from use of the rooftop terraces.

40. Access to the communal roof terraces is to be restricted between the hours of 11pm and 8am (except for maintenance and emergency access).

In the interests of amenity.

41. No speakers for the playing of amplified music or sound shall be installed on the roof terraces.

In the interests of amenity.

42. Prior to the commencement of the above ground works to a building in a relevant phase, a TM59 Study to consider overheating to any building within that phase shall be submitted to and approved in writing by the Local Planning Authority. This study shall comply with the requirements of the 2017 CIBSE Guide ISBN 9781912034185 and Part 0 of the Building Regulations. This study shall identify the location and quantity of any units where open windows are proposed to mitigate against overheating, including the number of days that this would be applicable and implemented as such. Where open windows are proposed the resultant internal noise levels may not exceed the levels stated in Leeds City Council Planning Consultation Guidance 'Noise and Vibration' dated December 2019 by more than 10dBA. The Study shall also outline measures to prevent overheating without impacting on existing noise mitigation measures, where this can be achieved. The results of the Study should be constructed / implemented prior to first occupation.

REASON: in the interests of amenity and to ensure an acceptable internal living environment.

43. Prior to first occupation of any residential or student accommodation in a relevant phase, a sound insulation scheme related to any amenity space within that phase to be used as a gym or spa shall be submitted to and approved in writing by the Local

Planning Authority. The scheme shall achieve internal residential noise levels of no higher than noise rating NR20 in bedrooms between 23.00 and 07.00, and NR25 in all habitable rooms between 07.00 and 23.00. Associated plant noise from the amenity spaces shall achieve a BS4142:2014 rating level of no higher than the background at the nearest noise sensitive receptors, including the character corrections for tonality, impulsivity and intermittency as appropriate.

In the interest of amenity.

44. The development shall be constructed in accordance with the submitted Energy & Sustainability Statement (Doc ref: 19122-MMEP Energy & Sustainability Statement Rev P5) to achieve the following:
- To incorporate Low and Zero Carbon (LZC) technologies to produce a minimum of 10% of the total energy demand.
  - To achieve at least a 20% reduction in total predicted carbon dioxide emissions in the Building Regulations Target Emission Rate Part L 2013.
  - To achieve a low water usage target of 110 litres per person per day.
  - To enable future connection to the local district heat network.

Within 6 months of final occupation a post-construction review statement shall be submitted to the Local Planning Authority demonstrating that the buildings have achieved the relevant standards. The development and buildings comprised therein shall be maintained thereafter and any repairs shall be carried out in accordance with the approved detailed scheme and post-completion review statement.

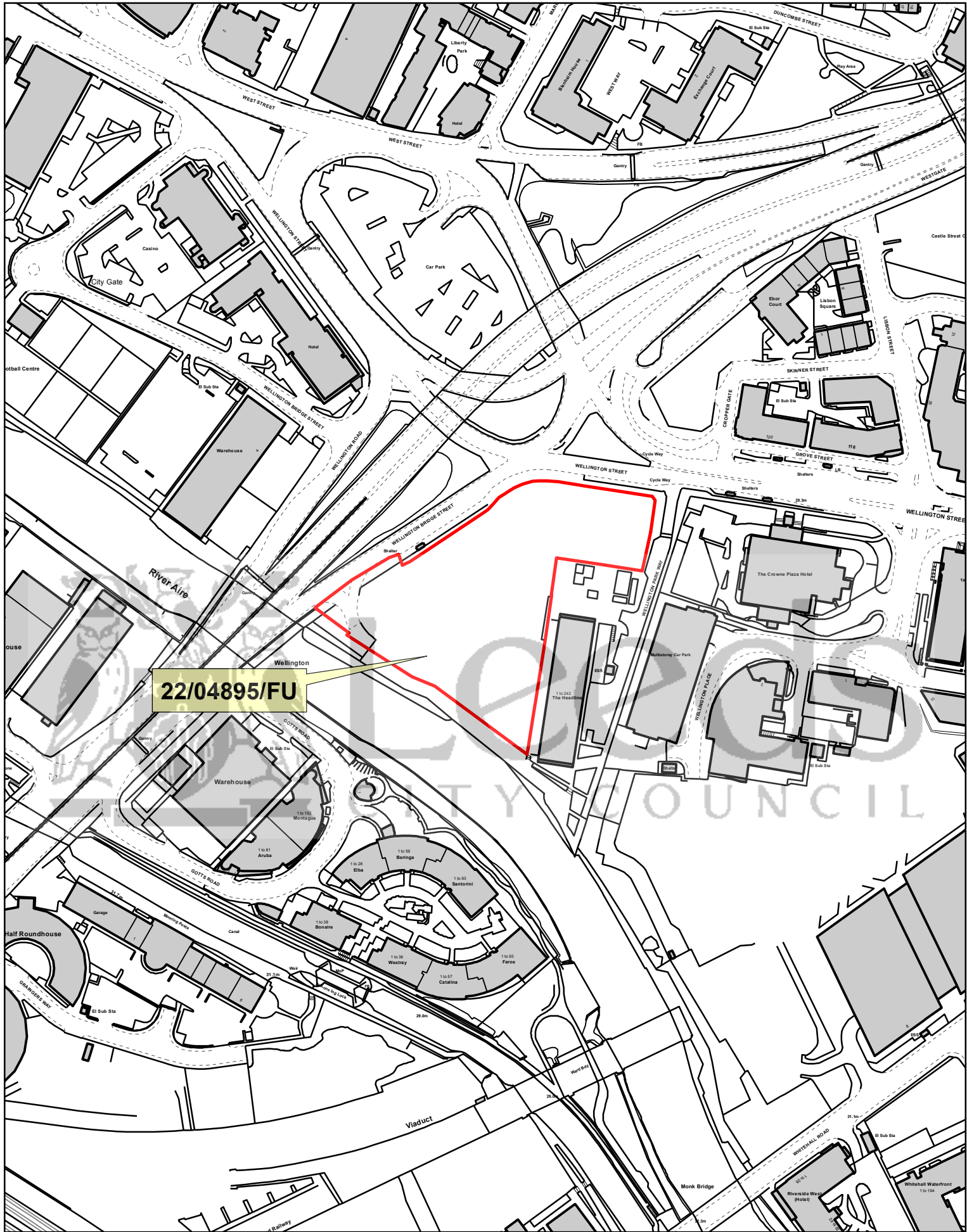
In the interests of ensuring the development meets the requirements of the adopted energy policies within the Core Strategy

45. Prior to the commencement of above ground works in a relevant phase the following shall be submitted to and approved in writing by the Local Planning Authority pursuant to that phase:
- a. a recycled material content plan (using the Waste and Resources Programme's (WRAP) recycled content toolkit).
  - b. a Site Waste Management Plan (SWMP).

In the interests of ensuring the development meets the requirements of the adopted energy policies within the Core Strategy.

46. Prior to first occupation of any of the buildings hereby approved and prior to its relocation, a full methodology and strategy for the re-use of the Yorkshire Post Clock and Temperature Gauge shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be undertaken in accordance with the approved details

In the interests of visual amenity, wind and microclimate safety and with regard to the heritage of the site and the city of Leeds.



**22/04895/FU**

# CITY PLANS PANEL



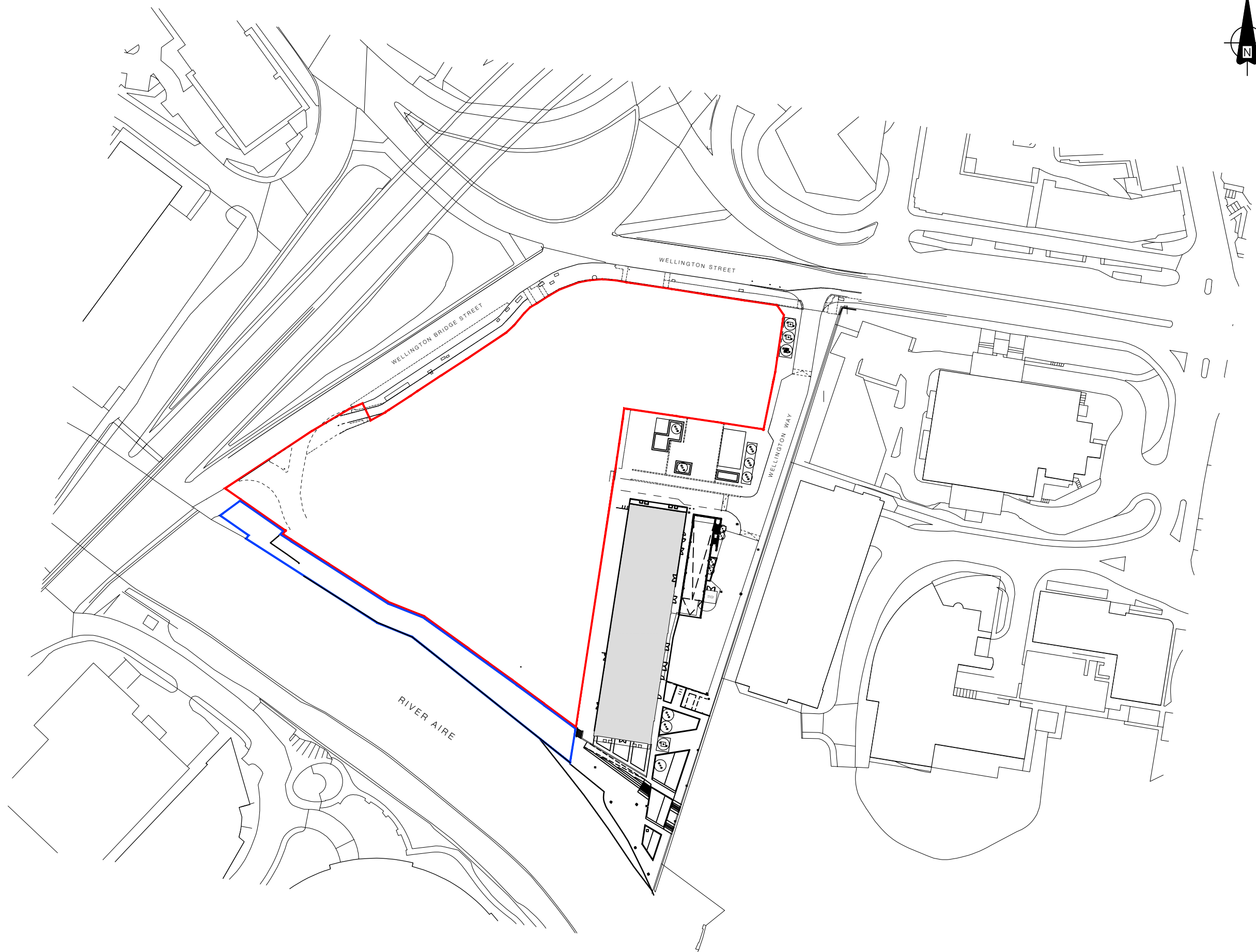


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REVISIONS

A	09/02/22	HS	LB
LAYOUT REVISED FOLLOWING DESIGN UPDATES			
B	01/04/22	LB	SS
DRAWING UPDATED TO REFLECT CHANGES TO BUILDING MODELS			
C	05/04/22	LB	SS
APPLICATION BOUNDARY UPDATED TO INCLUDE S278 WORKS			
D	22/06/22	SS	SS
UPDATED TO REFLECT LATEST SCHEME. DRAWING RETITLED TO STATE 'MAIN SITE' DRAWING SIZE AMENDED TO A1 @ 1:1000			
E	24/06/22	SS	SS
UPDATED PLANNING BOUNDARY. EXTG ACCESS ROAD SHOWN.			



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PROJECT  
FORMER YORKSHIRE POST SITE  
WELLINGTON STREET, LEEDS

TITLE  
**LOCATION PLAN (MAIN SITE)  
PLANNING REDLINE BOUNDARY**

SCALE	DATE
1:1250 @A3	01/06/21

DRAWN	REVIEWED
LB	SS

DLA REF	NUMBER	REVISION
2020-073	0102	E

STATUS  
PLANNING  
T:\2020\2020-073\CAD\05-AUTOCAD\DWGS\0102

LOCATION PLAN (PLANNING RED LINE BOUNDARY) - MAIN SITE



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