



## CITY PLANS PANEL

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**Meeting to be held in Civic Hall, Leeds on  
Thursday, 18th May, 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  
A Khan  
A Maloney  
J McKenna (Chair)  
B Anderson

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.

We strive to ensure our public committee meetings are inclusive and accessible for all. If you are intending to observe a public meeting in person, please advise us in advance of any specific access requirements that we need to take into account by email ([FacilitiesManagement@leeds.gov.uk](mailto:FacilitiesManagement@leeds.gov.uk)) . Please state the name, date and start time of the committee meeting you will be observing and include your full name and contact details.

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/council-and-democracy)

# 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 - 23 MARCH 2023</b></p> <p>To confirm as a correct record, the minutes of the meeting held on Thursday, 23 March 2023.</p>	9 - 18
7	Hunslet and Riverside		<p><b>APPLICATION 22/02638/FU - LAND SOUTH OF WHITEHALL ROAD, LEEDS</b></p> <p>To receive and consider the attached report of the Chief Planning Officer regarding a Planning Application 22/02638/FU for Hybrid Planning Application at Land South Of Whitehall Road, Leeds, consisting of Full Planning Application for 12 storey office building with Use Class E at ground level (comprising ground plus 11 storeys plus plant) and 14 storey multi-storey car park with Use Class E at ground level (MSCP) (comprising ground plus 13 storeys) and internal infrastructure works and landscaping.</p> <p>Outline Application for 8/11 storey office building/hotel/aparthotel (comprising ground plus 7 storeys and plant for office or ground plus 9 storeys and plant for hotel/aparthotel) means of access &amp; scale to be considered; and principle of an office building with only means of access to be considered with all other matters reserved.</p>	19 - 76

Item No	Ward	Item Not Open		Page No
8	Little London and Woodhouse		<b>APPLICATIONS 22/04079/FU AND 22/04080/LI - 7 DUNCAN STREET, LEEDS, LS1 6DQ</b>  To receive and consider the attached report of the Chief Planning Officer regarding Planning (22/04079/FU) and Listed Building (22/04080/LI) Applications for conversion of vacant upper floors to Serviced Accommodation/Short Term Lets (Use Class C1) including internal and external works, replacement bin store and new external staircase	77 - 94
9	Little London and Woodhouse		<b>PREAPP-22/00217 - THE CORE, LANDS LANE, LEEDS, LS1 6JB</b>  To receive and consider the attached report of the Chief Planning Officer regarding a pre-application presentation of proposed development comprising demolition and replacement of an existing shopping centre with a mixed-use development comprising Class E commercial floorspace and purpose-built student accommodation (PBSA).	95 - 116
10			<b>DATE AND TIME OF NEXT MEETING</b>  Thursday, 22 June 2023 at 1,30 p.m.	

#### **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.

To all Members of City Plans Panel

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

Our ref: City Site Visits  
Date: 09.05.2023

Dear Councillor

**SITE VISITS – CITY PLANS PANEL – Thursday 18th May 2023**

It has been agreed with the Chair of City Plans Panel to undertake site visits as detailed below on the morning of the next City Plans Panel meeting.

Since the sites to be visited are within walking distance of the Civic Hall it has been agreed not to hire a mini-bus in this case. Please contact me if this causes particular difficulties and I can agree arrangements to meet you on site.

Otherwise please meet in the **Ante-Chamber, Civic Hall at 10.00am for a prompt start at 10.05am.**

Time	Ward	Site
10.05 am	DEPART FROM CIVIC HALL	
10.15 – 10.45 am	Little London & Woodhouse	Preapplication reference PREAPP/22/00217 – Demolition of existing shopping centre and replacement with mixed use development comprising Class E commercial space and purpose built student accommodation at The Core, Land Lane, Leeds LS1 6JB
11.00- 11.30	Little London & Woodhouse	Application references 22/04079/FU and 22/04080/LI– Conversion of vacant upper floors to serviced hotel accommodation (Class C1) at 7 Duncan Street, Leeds, LS1 6DQ

Please notify me 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

## CITY PLANS PANEL

**THURSDAY, 23RD MARCH, 2023**

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

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

**SITE VISITS:** Councillors C Campbell, A Garthwaite, C Gruen, A Khan  
and J McKenna.

### **79 Election of Chair**

Councillor McKenna informed the meeting that he would have to leave at 4.00 p.m. and sought a nomination for someone to Chair the meeting following his departure. A nomination was made on behalf of Councillor Caroline Gruen.

**RESOLVED** – That Councillor C Gruen take over the Chair following the departure of Councillor J McKenna.

### **80 Appeals Against Refusal of Inspection of Documents**

There were no appeals.

### **81 Exempt Information - Possible Exclusion of Press and Public**

There was no exempt information.

### **82 Late Items**

There were no late items.

### **83 Declaration of Interests**

There were no declarations.

### **84 Apologies for Absence**

Apologies for absence were submitted on behalf of Councillor R Finnigan.

### **85 Minutes - 23 February 2023**

**RESOLVED** – That the minutes of the meeting held on 23 February 2023 be confirmed as a correct record.

### **86 Application 22/02638/FU - Land South of Whitehall Road, Leeds**

Draft minutes to be approved at the meeting  
to be held on Thursday, 20th April, 2023

The report of the Chief Planning Officer presented a hybrid application consisting of a Full element for 12 storey office building with Use Class E at ground level (comprising ground plus 11 storeys plus plant) and 14 storey multi-storey car park (MSCP) with use Class E at ground level (comprising ground plus 13 storeys) and internal infrastructure works and landscaping.

Also an Outline element for 8/11 storey office building/hotel/aparthotel (comprising ground plus 7 storeys and plant for office or ground plus 9 storeys and plant for hotel/aparthotel) and further 11 storey office building (comprising ground plus plant) including means of access & scale to be considered.

Members attended the site prior to the meeting and site plans and photographs were displayed and referred to throughout the discussion of the application.

The following was highlighted:

- The site was a key brownfield site within the city centre boundary that had been undeveloped for a number of years.
- The proposals would provide opportunity for further investment into the city centre.
- A residential scheme had been approved on the wider site allocation plan designated site in December 2022.
- There would be landscape improvements along Whitehall Road and Riverside Way and enhanced connections through the site.
- A pre-application presentation had been made in January 2022 when Members were generally supportive of the scale and layout, access and landscaping proposals.
- Full details had been submitted for Block 2 which would be an office building and Block 5 which was the proposed multi-storey car park.
- For the Outline element, details for scale and access had been submitted for Block 4 (Aparthotel) and Block 9 (Office accommodation).
- The building heights would be from 8 to 14 storeys and followed a similar pattern to the rise in scale of development as implemented at Wellington Place.
- The proposed distance between buildings was felt appropriate for the prevailing city centre character and context.
- Improvements to landscaping included widened footpaths and cycle routes; planting and improved connections. There would also be improvements to the semi circle area at Whitehall Waterfront including a riverside park and areas for play.
- Façade development and proposed materials were displayed for Block 2 along with typical floor plans. There would be a commercial space on the ground floor, cycle parking and a roof terrace.
- CGI images of the proposed Blocks 2 and 5 were displayed.
- The Multi-Storey Car Park would have solar panels and electric vehicle charging points. There would be 478 spaces which would be used for occupiers of the proposed accommodation (up to the maximum parking



allowed by the council's parking guidelines) and for short stay public parking.

- Samples of materials to be used were made available for inspection.
- CGI images of the development showing natural surveillance provided by ground floor commercial units.
- There had been a reduction in the proposed height of Block 9 to reflect that of the Whitehall Waterfront buildings.
- The proposals were considered to be a positive addition to the regeneration of a brownfield site that had not been in use for many years. There had been a detailed design process since the pre-application stage including enhancements to key routes in and out of the city centre. The applications were recommended for approval.

A local resident addressed the Panel with objections to the application. These included the following:

- The previous proposals approved at the site was only approved by a small majority and the Panel had conceded that those plans were flawed and residents had felt let down by the process.
- Principles of good planning and design had been overlooked for profit.
- Resident's objections to the application had not been addressed.
- Resident's experience and quality of life would be marginalised by the proposals,
- The mass and density of the proposals would dominate and engulf existing developments, invade privacy, increase problems with wind, reduce daylight, create poor surveillance and increase traffic.
- The building at Plot 9 would be the biggest problem. Despite the proposed height reduction it would still dominate existing properties and does not address the objections that have been made.
- Resident's have not seen any evidence of the light impact assessment that had been submitted.
- The invasion of resident's privacy had been ignored.
- There would be compromised safety and security for residents.

The applicant's representatives were invited to address the Panel. The following was highlighted:

- There had been a great deal of pre-application work with officers.
- There would be the provision of new cycle ways and landscaping.
- The riverside area would be enhanced alongside improved connections to other areas.
- The provision of a riverside park.
- Guidance for tall buildings had been followed and Block 9 had been reduced to an equitable size to Whitehall Waterfront. There was always a proposal for an office building adjacent to Whitehall Waterfront.
- Separation distances between the buildings were generous.
- All contributions would be met through Section 106 agreement and CIL payments.

- Highest possible standards would be targeted and high energy efficiency.

In response to questions to the applicant's representatives, discussion included the following:

- Frontages of the buildings at ground floor level and the need for functionality and surveillance.
- There were constraints on providing landscaping around the base of Plot 9 but there were connections to other landscaped areas. There would be more detail on landscaping for this plot at a later planning stage.
- The width of roads was suitable for access and service and emergency vehicles.
- The wind modelling had shown that wind conditions would improve when more building work was undertaken. It was proposed to develop plots 6 and 7 first (the approved residential scheme on the wider site).
- The multi-storey car park long stay spaces would be allocated for occupants of the office building and aparthotel. Short stay parking would be restricted to 5 hours with no entry prior to 09:30. Consultation had shown the need for parking at the site.
- There would be ramped and level access to the buildings.
- Landscaping between the office building and riverside. There would be a 5 metre cycle way and footpath and stepped up levels to meet flood prevention requirements. There would be space for some planters.
- The major part of the outdoor development would be the riverside frontage improvements and proposed park in front of Whitehall Waterfront. There would be increased and enhanced opportunity for the use of outdoor space by the riverside.

In response to questions to officers, discussion included the following:

- Once the development was fully built there would not be any wind safety issues. The implementation of the approved residential phase on the wider site had been demonstrated to provide necessary wind mitigation for the development of plots 2, 5 and 9. As a result there would be a condition to control the phasing of building delivery to ensure wind safety.
- Parks and Countryside would be looking at where off-site biodiversity improvements would be achieved within the Ward.
- Car parking was within policy requirements to allow short stay parking in the city centre. This policy was to be reviewed to support using other forms of travel into the city centre. Cycle parking could also be reviewed.
- The daylight impact assessment had not been made publicly available at this stage but the findings were outlined in the report.
- Further information on landscaping around Block 9 would be brought at the Reserved Matters stage.

- The buildings closest to the multi-storey car park would be less sensitive to noise than residential properties.
- There had been discussions with Ward Members that had included distances between buildings and the impact on the privacy of Whitehall Waterfront residents. These concerns had been noted and it was felt that levels of impact were acceptable within a city centre context.
- Surveillance to Whitehall Waterfront was considered to be an improvement as there would be more usage.

In response to Members' comments, discussion included the following.

- Concern that the full daylight impact assessment had not been seen by the Panel or members of the public.
- The detailed plans for Blocks 2 and 5 were more than adequate with a more extensive landscape plan than for other phases on the site.
- There was some concern that the biodiversity net gain policy was not being met.
- Concern regarding the lack of landscaping detail around Block 9 and level of greenspace overall.
- The overall design and use of materials was good but there was still concern regarding landscaping and biodiversity net gain.
- A motion had been made to defer the application to allow for the daylight impact assessment to be published. Members discussed the possibility of non-determination and any other outstanding issues that needed to be resolved. It was proposed that further consideration should be given to a more oblique design for Block 9 and biodiversity.

**RESOLVED** - That the application be deferred to allow for the daylight impact assessment to be published and made available to all parties.

*(Councillor C Gruen assumed the Chair following this item).*

## **87 Application 22/04400/FU - Sweet Street West, Holbeck, Leeds**

The report of the Chief Planning Officer presented a hybrid application which included full planning element for construction of a building up to 15 storey 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)), an 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 and outline element for mixed use development comprising a maximum of 900 dwellings (Use Class C3), a maximum of 7,000 sqm of office space (Use Class E (g)) and a maximum of 200 sqm of commercial floorspace (Use Classes E (a,b,d,e and f) and Sui Generis (drinking establishment)).

Site plans and photographs were displayed and referred to throughout the discussion of the applications.

The following was highlighted in relation to the applications:

Draft minutes to be approved at the meeting  
to be held on Thursday, 20th April, 2023

- There had been a permission granted for the site in 2007 for a high density residential, office and business scheme. This had now lapsed.
- The site was allocated in the site allocation plan and was flagged as a key regeneration site.
- The former library building was just outside the site boundary and was now used as an office. The current occupier of the building had forgone their right to speak against the recommendation but had made objections regarding drainage and the impact of the proposed office building. In response the full details of the drainage proposals would be conditioned to ensure that an impact on shared drainage arrangements between the two sites would be appropriately addressed and the impact of the office development on the occupants of the former library building was considered acceptable in townscape and amenity terms.
- It was proposed that there would be 1,351 dwellings, 20,000 sqm of office space and associated communal and commercial space.
- Pre-application proposals had been submitted in 2021.
- The RESI 1 building would contain 451 dwellings and would range in height from 6 storey to 15 storey. Detailed façade treatments were displayed.
- The Commercial Public House would be refurbished with modest side and rear extensions.
- The pavilion building would house a cafe, gymnasium and workspace for local residents.
- The Office 1 building would be up to 8 storeys with basement car parking. The relationship with the former library building was shown.
- Landscaping – there would be a substantial buffer alongside the railway and tree lined boulevard along Sweet Street West. There would be 213 new trees planted to replace the 71 lost at the standard ratio of 3:1.
- Wind mitigation features.
- Public open space would be 25% of the site area and the applicant was willing to pay a commuted sum towards the shortfall of the requirement against Core Strategy Policy G5.
- There would be a public square to the rear of the public house and pavilion buildings.
- There were proposed to be green roof spaces for the use of building occupiers.
- All highways matters had been resolved. There would be interim access measures during the first phase of the development.
- The scheme had been to City Plans Panel twice before
- There were some outstanding issues as the scheme could not deliver all policy requirements and remain viable.
- There were significant highways improvements which included £896k to remodelling and enhancement of Bath Road, £368k to the City Centre Transport Package and £70k for a crossing over Ninevah Road.
- The District Valuer had concluded that the full Section 106 package could not be delivered due to viability. The following two options were presented with Option 2 being the recommended option:

- Option 1 – if all other planning benefits are delivered, affordable housing would reduce to 3.5% (44 units)
- Option 2 – if the Residential Travel Plan Fund is reduced to £100,000 and the Green Space and Biodiversity Net Gain reduced to zero, affordable housing would be 5.5% (70 units), plus the applicant has offered a further 1% giving a possible affordable housing total of 6.5% (82 units)
- Affordable housing would be delivered at the 80% rate of local private sector rents.
- The scheme offered significant investment into the city centre, re-use of a long disused site and considerable offsite and on-site open space improvements. There had been a robust viability appraisal carried out and the proposals were recommended for approval.

In response to questions from the Panel, discussion included the following:

- A representative of the District Valuer informed the Panel of the process used when producing the viability assessment including issues surrounding construction costs and discussions with the developer regarding the development of the scheme. These had informed the options that had been presented to the Panel.
- No specific schemes had been identified for offsite greenspace or biodiversity net gain should the option that included commuted sums be taken.
- Ward Members had not commented on the application or been consulted on the options.
- Members were advised that if they chose to support the application that the options relating to viability could be deferred to Ward Members.
- Policy allowed the developer flexibility of how they wished to provide affordable housing and they had opted for the build to rent model at discount market rent. Properties would be let to people on local housing lists. The applicant's representative explained the reason for their proposals for affordable housing fitting in with the model of development and that other kinds of affordable housing would not be suitable for this scheme.

Members were asked to comment on the proposals. Discussion included the following:

- The site would accrue a significant profit for the developer and could become viable in the longer term particularly with the rise in rental values.
- The design was blocky.
- Greenspace was minimal and much of it was not usable space.
- There was a lot of development on the area and there needed to be more greenspace on site.
- The need for the street network to be pedestrian friendly.
- In response to comments, it was reported that the greenspace calculation did not include the area adjacent to the railway and there

would be improved landscaping, cycling and pedestrian routes both within the site and along the site frontages.

- Concerns about traffic on Jack Lane.
- The proposed crossing could be in a better location.
- Some Members noted there had been significant improvements since the pre-application stage and were prepared to support the recommendation.
- Concern that Ward Members had not had an input or commented on the proposals.

It was proposed that the officer recommendation be moved with the viability options as reported to be determined by Ward Members.

**RESOLVED** – That the application be deferred and delegated to the Chief Planning Officer for approval subject to 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 be determined following consultation with Ward Members on the options for planning obligation spend in terms of affordable housing.

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.

## **88 Pre-application 21/00142 - Land at 76 York Street, Leeds**

The report of the Chief Planning Officer informed Members of a pre-application presentation of proposed demolition of existing building and construction of 10 storey purpose built student accommodation block at land at 76 York Street, Leeds.

Members attended the site prior to the meeting and site plans and photographs were displayed and referred to throughout the presentation.

The applicant's representatives addressed the Panel. Issues highlighted included the following:

- There had been pro-active work with planning officers during the pre-application stage.
- The current vacant two storey building on the site was last used as a night club.
- Brick Street was closed at the junction with York Street.
- The area was in a commercial area and close to the city bus station.
- A full redevelopment was proposed with a 10 storey student accommodation building. The height had been reduced following discussion with planning officers.
- The proposals would take the pressure off private housing for student use.

- The site was accessible to the universities by sustainable travel modes.
- There would be 121 fully furnished studio units all compliant with emerging space standards.
- There would be external and internal communal spaces.
- Servicing arrangements – these had been agreed with the neighbouring medical practice and access would remain for Network Rail. Student drop off bays would be available.
- The applicant had discussed building issues with Network Rail.
- The proposed siting of the building had been moved further away from the viaduct at the request of Network Rail.
- CGI images of how the proposed building would appear were displayed.
- Floor plans were displayed. All studios were over 20 metres squared and ensuite.
- There was generous amenity space with a gym, communal spaces and roof terraces.
- There would be opportunity for some soft landscaping.

In response to questions and comments from the Panel. Discussion included the following:

- Concern due to the undeveloped nature of the area and safety issues walking from the city centre. It was reported that there would be further development in the area as there were other consented schemes and applications in the area. There would also be natural surveillance with how the building would be developed.
- The design was suitable within the constraints of the site.
- Concern regarding the location of drop off and pick up points.
- Could front entrance area be designed to protect people from passing cyclists.
- Concern that an outdoor seating area could attract anti-social behaviour.
- Concern that the area was not suitable for student accommodation.
- Could work be done to the underside of the bridge and surrounds.
- The applicant would be willing to address any safety concerns. There had been a previous permission for a backpackers hostel to be developed at the site. This permission had now lapsed. There was other activity in the area with the adjacent medical centre and bus stops.
- The development would contribute towards the improvement of the area and help to provide the needed activity.
- The design was good but it was questioned whether this would be suitable for student accommodation at the current time.
- The area was in need of redevelopment but there were concerns whether purpose built student accommodation was the right kind of development to start the redevelopment.
- Concerns about the appearance of the railway bridge.
- In response to questions outlined in the report, the following was discussed:

- Members considered that the proposed use of the site for student accommodation was acceptable in principle but there were reservations with regards to security while the rest of the area remained undeveloped.
- Members supported the approach towards living conditions for the student accommodation.
- Members considered that the proposed mass and form of the development and its relationship with the surrounding context was acceptable.

**RESOLVED** – That the presentation and discussion be noted.

**89 Date and Time of Next Meeting**

Thursday, 20 April 2023 at 1.30 p.m.





Originator: Andrew Perkins

## Report of the Chief Planning Officer

### CITY PLANS PANEL

Date: 18<sup>th</sup> May 2023

**Subject: Planning Application 22/02638/FU for Hybrid Planning Application at Land South Of Whitehall Road, Leeds, consisting of Full Planning Application for 12 storey office building with Use Class E at ground level (comprising ground plus 11 storeys plus plant) and 14 storey multi-storey car park with Use Class E at ground level (MSCP) (comprising ground plus 13 storeys) and internal infrastructure works and landscaping.**

**Outline Application for 8/11 storey office building/hotel/aparthotel (comprising ground plus 7 storeys and plant for office or ground plus 9 storeys and plant for hotel/aparthotel) means of access & scale to be considered; and principle of an office building with only means of access to be considered with all other matters reserved.**

### APPLICANT

Town Centre Securities PLC

### DATE VALID

13<sup>th</sup> April 2022

### TARGET DATE

7<sup>th</sup> July 2022 (EOT to agreed)

#### Electoral Wards Affected:

Hunslet & Riverside

#### Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

### RECOMMENDATION:

For Members to note the contents of this report which is provided by way of an update to the report to 23rd March 2023 City Plans Panel and to Defer and Delegate to the Chief Planning Officer for approval, subject to the conditions at Appendix 2 (and any amendment to or addition of others which the Chief Planning Officer considers appropriate), subject to resolving the outstanding technical concerns of Highways and Flood Risk Management also subject to the completion of a Section 106 agreement to secure the following

1. Employment and training of local people
  2. Publicly accessible areas
  3. Travel Plan Review Fee - £14,977 (Plots 2 & 4)
  4. The provision of 2 Leeds City Council Car Club parking spaces
  5. A contribution towards highway improvements to Globe Road junction – £420,000
  6. Biodiversity improvements off site - £15,000
  7. A contribution for free trial membership usage of the car club by staff employed at the development– £10,786 (£13,844 if building 4 is developed as offices)
  8. Travel Plan Review Fee & Car Club Trial Membership for Plot 9
  9. Legible Leeds Wayfinding signage – £10,000
  10. Recalculation of Greenspace at commencement of development if 22/02521/FU has already delivered the river side park and walkway area to the north of the River Aire.
  11. S106 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

### Conditions

A list of draft Conditions for the application is provided in Appendix 2 of this report.

## **1.0 INTRODUCTION:**

- 1.1 The proposal was originally put before City Plans Panel, in accordance with Exception 1(d) of the Officer Delegation Scheme as this application was considered sensitive and due to the adjacent application on this site which has already been presented to Members in December 2022.
- 1.2 This development involves a significant investment on a brownfield site which is located to the west side of the City Centre, of which part of the wider site has already received planning approval for a residential redevelopment
- 1.3 City Plans Panel considered these proposals on the 23rd March 2023 and resolved that the Application (No. 22/02638/FU) be deferred to allow for the Daylight Impact Assessment to be published and made available to all parties. Members also made comments on the proposed landscaping and biodiversity. Member's comments from the City Plans Panel minutes are set out below in paragraph 3.3 and addressed at section 5.0 of this report.
- 1.4 The scheme is now brought back to City Plans Panel to report on the progress made since the 23rd March 2023 Panel meeting. The updated comments in this report are to be considered alongside the Chief Planning Officer Report of 23rd March 2023 (Appendix 2).

## **2.0 SITE AND SURROUNDINGS, RELEVANT PLANNING HISTORY AND RELEVANT PLANNING POLICIES:**

- 2.1 These matters are addressed – in sections 3.0, 4.0 and 7.0 of Appendix 2

## **3.0 HISTORY OF NEGOTIATIONS:**

- 3.1 The proposals have been the subject of pre-application discussions between the Developer, their Architects, and Local Authority Officers since July 2021. The pre-application discussions focused on the design, massing and layout of the scheme including relationship with Whitehall Road and the river side, massing of the blocks, heritage considerations including the relationship to nearby heritage and non-heritage buildings and conservation areas, and also key views to the site. Highway matters including access and servicing strategy and traffic modelling. Landscaping matters including landscaping strategy, tree planting and amenity spaces.
- 3.2 The pre-application proposals were presented to City Plans Panel on 27<sup>th</sup> January 2022. Members made the following comments, which are relevant to this aspect of the development; Members were generally supportive of the proposal – but required clarification on how the multi storey car park (MSCP) would operate, how would long stay commuter parking be prevented, the provision of secure cycle parking, the design of the car park, referring to climate change and sustainability how would the development meet the requirements of planning policies EN1 and EN2, so that the finished buildings do not need to undergo retrofitting work.
- 3.3 City Plans Panel considered this proposal on the 23rd March 2023 and resolved that the application be deferred to allow for the Daylight Impact Assessment to be published and made available to all parties. Members also made comments on the proposed landscaping and biodiversity. Member's comments from the City Plans Panel are addressed at section 5.0 of this report.

#### **4.0 PUBLIC/LOCAL RESPONSE:**

- 4.1 The 23rd March 2023 panel report details the public consultation which was undertaken and the comments that were received as part of the publicity period. Following Plans Panel the Daylight Assessment was uploaded to the councils Public Access website on 24<sup>th</sup> March 2023 and all Members of Plans Panel were notified as well as Ward Councillors Wray and Carlisle and also the lead representative of the objectors to the application. In addition, a 10-day re-notification to all original objectors of this application was also sent out on 14<sup>th</sup> April

#### **5.0 MAIN ISSUES**

##### Publication of the Daylight Assessment:

- 5.1 In response to discussions at City Plans Panel of 23rd March 2023 the submitted Daylight Assessment has been publicised and objectors to the proposal have sought further clarification on aspects of the assessment which has been passed to the applicant. In response, the applicant has now requested to remove the consideration of scale relating to Building 9 at outline stage and that they only wish to seek the principle of an office use to this aspect of the site, as well as access. The description of the planning application has also now been altered to the following:

*“Hybrid Planning Application consisting of Full Planning Application for 12 storey office building with Use Class E at ground level (comprising ground plus 11 storeys plus plant) and 14 storey multi-storey car park with Use Class E at ground level (MSCP) (comprising ground plus 13 storeys) and internal infrastructure works and landscaping and Outline Application for 8/11 storey office building/hotel/aparthotel*

*(comprising ground plus 7 storeys and plant for office or ground plus 9 storeys and plant for hotel/aparthotel) means of access & scale to be considered; and principle of an office building with only means of access to be considered with all other matters reserved”*

- 5.2 This alteration of the application description will allow for the office block and MSCP (Buildings 2 & 5) to be considered in Full, with the office and aparthotel (Building 4) considered only for access and scale and the office (Building 9) only considered for the principle of development and access at this stage. The reserved elements will then require a subsequent application(s) which in the case of building 9 will relate to the Appearance, Landscaping, Layout and Scale of the building. This would allow planning permission to be granted for the full elements of the proposal whilst enabling the Local Planning Authority to consider the full details of the reserved matters for buildings 4 and 9 at the appropriate stage before the development begins for buildings 4 and 9.
- 5.3 This alteration has been carried out as it was observed that Members were generally supportive of the proposal and the only concerns related to Building 9 and the potential impact upon the existing occupiers of Whitehall Waterfront. Removing the scale of the development from the proposal at this stage for Building 9 would allow more detailed consideration to be given to the final design in the context of the concerns raised and prior to seeking planning consent at reserved matters stage.
- 5.4 In the context of the above, further detailed consideration of the submitted daylight assessment in relation to the impact of Building 9 becomes a rather moot point since its findings are wholly dependent on the scale and form of the proposed buildings and officers therefore consider that this detailed matter can be properly considered at reserved matters stage.
- 5.5 In terms of the principle of office development on this site. As noted within the Appendix 2 of this report, the site is identified in the Site Allocations Plan (SAP) under site reference EO1-31 for office use. The site also benefits from extant planning permission for office buildings and for this reason it was identified as an employment site in the SAP. Core Strategy Policy CC1 (a) states that locations with the best public transport accessibility should be favoured for large scale offices. This location is highly accessible being just approximately 500m from Leeds Train Station. Spatial Policy 3, and Policy EC2, states that the City Centre will be the main focus for office development.
- 5.6 Given the removal of the maximum parameters of Plot 9 the section 106 obligations which relate to the Travel Plan Review Fee and free membership of the Car Club have now also been altered to allow for these details to be provided later due to these figures being based on the total floorspace of the building, which is unknown at this stage. The revised obligations and the amounts required are set out at the head of this report, within the recommendation box.
- 5.7 Officers consider that the development of this and the wider area involves the regeneration of a site which has been used for public commuter car parking for some considerable time. The site falls within the designated City Centre and as noted above the site is identified in the Leeds Site Allocations Plan (SAP), for office use. It is considered that the proposed commercial uses would in principle meet the SAP

requirement for office use as well as contribute to the wider city centre economy in line with adopted policy.

#### Comments regarding Landscaping/Biodiversity

- 5.8 As part of discussions at the 23<sup>rd</sup> March Plans Panel, Members raised comments regarding the proposed landscaping on site and the level of Biodiversity Net Gain (BNG) which was achieved. Even though this wasn't a reason for deferral the applicant has since taken these comments on board and looked at areas which could further be enhanced. Officers have also re-evaluated these areas and the uses that some of these spaces serve and whether these would function similar to existing Greenspace which exist with the City Centre and through similar developments.
- 5.9 The proposed north/south connection from the River Aire to Whitehall Road to the west of Buildings 2 & 5 creates a minimum of 2x 3 metres wide pedestrian accessible routes along with linear planting in the form of rain gardens and creation of seating amidst ornamental perennial and tree planting.
- 5.10 The proposed riverside enhancements will follow on from the riverside park and would consist of a 5m+ wide shared pedestrian and cycle route with pockets of planting and areas of seating through. The route would also feature large focal trees, drawing people into the site and also aid with orientation.
- 5.11 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 - Commercial developments to provide a minimum of 20% of the total site area.
- 5.12 In accordance with Policy G5, based on the site area of 1.2 hectares and the proposal of a commercial development, this requires that a minimum of (2400 sqm.) 20% of the total site area, is provided as open green space. A total amount of 2571 sqm open green space will be provided on site. The greenspace on site will be delivered in the form of the riverside improvements, creation of a riverside park and public realm improvements. The supporting text of Policy G5 (para 5.5.19) states that new developments considered under policy G5 are '*required to support implementation of the new City Park at the South Bank of the River Aire and creation of a network of improved green spaces and public realm infrastructure throughout the City Centre. This support could be in the form of land or off-site financial contributions*'. The proposed Greenspace on site can therefore be considered part of the 'network' with connectivity/footpath improvements along Whitehall Road and to the riverside to also aid and improve access to the proposed park.
- 5.13 In addition, the proposed on-site Greenspace and pedestrian routes will also improve north-south connections between the riverside and Whitehall Road forming part of a wider public realm network including existing open spaces within Wellington Place, and the newly opened pocket park, between the canal and River Aire.
- 5.14 It is acknowledged that some of the Greenspace proposed (half circle area and the riverside walkway) are also secured as part of application 22/02521/FU and given this, it has been agreed with the applicant that a S106 obligation will be included which requires that if 22/02521/FU delivers these areas then a recalculation of the Greenspace contribution would be required for this development and a commuted sum would be required instead, of which Policy G5 would still allow for, which is

identified in the supporting text of the Policy (para5.5.19). The inclusion of these spaces within both of these applications will also help to ensure that these on-site improvements are provided and delivered, despite which application should come forward first.

- 5.15 Officers consider that the proposal is now fully compliant with Policy G5 and the spaces provided can be considered as Green Space within a city centre environment, which allows for 20% greenspace to be provided on site, given the city centre context and density of development. This approach is also consistent with other recent consented developments in the city centre. The amount of greenspace proposed (2571 sqm) now provides a fully policy compliant.

#### Biodiversity

- 5.16 Members also raised comments regarding Biodiversity and the amount proposed on site and where the commuted sum would be provided.
- 5.17 In terms of the amount of Biodiversity provided on site, the metric assessment concludes a loss of biodiversity habitat units on the site notwithstanding the proposed public realm improvements, due to the loss of an area of existing grassland to the west of the Premier Inn building.
- 5.18 To achieve Leeds City Council's aims of a 10% BNG which is soon to be mandated through the Environment Act. The BNG should be delivered on-site and where BNG on site is not possible this may then involve an off-site contribution.
- 5.19 Based on the objectives to achieve 10% BNG which would be mandatory later this year this would require 1.15 Habitat Units post development. The landscaping scheme, as it stands now leaves a shortfall of 0.60 Habitat Units to achieving a 10% BNG. The BNG Assessment states the developer intends to secure these 0.60 Habitat Units through an offsetting land bank. The shortfall of 0.60 Habitat Units would be delivered on Leeds City Council or a partner's land through a S106 agreement. In accordance with Leeds City Council guidance, the cost for 0.60 Biodiversity Units would be ...  $0.60 \times £25,000 = £15,000$
- 5.20 The Biodiversity unit sum would be used towards biodiversity projects/measures and would be delivered in the same ward (or immediately adjacent to the ward subject to agreement of the LPA) as the development site of where the impacts occur.
- 5.21 Given the above the proposal is acceptable to the Nature Team and the offsite contribution would be secured via the S106 legal agreement.

#### **PLANNING BALANCE**

- 5.22 The scale and massing of the development (Buildings 2, 4 & 5) are considered wholly appropriate within this dense city centre environment. The identification of this site within the Site Allocations Plan (SAP) recognised this site for development. The scale of Building 9 has now been removed from the determination of the application and this matter would be reserved for a later stage, in which full consideration of any impact would be fully assessed. The proposed development follows similar principles already established as part of the original Masterplan of

this site which were approved in 2000 and 2013 and has been partially implemented.

- 5.23 The proposal would help to further transform a key highly prominent brownfield city centre site, which has been used for surface car parking for many years. The proposal would also help to regenerate this area of the city in a highly sustainable location and improve/enhance landscaping & connectivity within the city centre and also provide additional facilities to nearby neighbourhoods. The development would also propose all S106 obligations and these matters are given substantial weight in favour of the development.

6.0 **CONCLUSION:**

- 6.1 In conclusion, the development would involve the further regeneration of a key brownfield site within the city centre boundary. The site is identified within the Site Allocation Plan (SAP) due to the previous historic consents to this site. The site is in a highly sustainable location, 10-minute walk to Leeds train station and within easy access to numerous bus stops. The development of this site would also contribute to the mix of developments within this area of the city centre and would introduce new footfall and activity, which would complement the existing development within this part of the city centre. The development of this site would follow similar design principles already established as part of the overall Masterplan for this site, approved in 2000 originally and refreshed in 2013.
- 6.2 Therefore, on balance the proposal is considered to be in accordance with the Development Plan and is considered to be acceptable and is therefore recommended for approval, subject to the conditions set out in Appendix 1 of the previous 23<sup>rd</sup> March 2023 report (Appendix 2).

## Appendix 2



Originator: Andrew Perkins

### Report of the Chief Planning Officer

#### CITY PLANS PANEL

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

**Subject: Planning Application 22/02638/FU for Hybrid Planning Application at Land South Of Whitehall Road, Leeds, consisting of Full Planning Application for 12 storey office building with Use Class E at ground level (comprising ground plus 11 storeys plus plant) and 14 storey multi-storey car park (MSCP) with Use Class E at ground level (comprising ground plus 13 storeys) and internal infrastructure works and landscaping.**

**Outline Application for 8/11 storey office building/hotel/aparthotel (comprising ground plus 7 storeys and plant for office or ground plus 9 storeys and plant for hotel/aparthotel) and further 11 storey office building (comprising ground plus 10 storeys plus plant) including means of access & scale to be considered.**

#### APPLICANT

Town Centre Securities PLC

#### DATE VALID

13<sup>th</sup> April 2022

#### TARGET DATE

7<sup>th</sup> July 2022 (EOT to agreed)

#### Electoral Wards Affected:

Hunslet & Riverside

#### 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 conditions at Appendix 1 (and any amendment to or addition of others which the Chief Planning Officer considers appropriate), subject to resolving**



**the outstanding technical concerns of Highways and Flood Risk Management also subject to the completion of a Section 106 agreement to secure the following:**

- 1. Employment and training of local people**
- 2. Publicly accessible areas**
- 3. Travel Plan Review fee - £22,233**
- 4. The provision of 2 Leeds City Council Car Club parking spaces**
- 5. A contribution towards highway improvements to Globe Road junction – £420,000**
- 6. Biodiversity improvements off site - £15,750**
- 7. A contribution for free trial membership usage of the car club by staff employed at the development– £17,372 (£20,430 if building 4 is developed as offices)**
- 8. Legible Leeds Wayfinding signage – £10,000**
- 9. Off site green space contribution - £34,584.28.**
- 10. S106 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**

### Conditions

A list of draft Conditions for the application is provided in Appendix 1 of this report.

## **2.0 INTRODUCTION:**

- 1.1 The proposal is put before City Plans Panel, in accordance with Exception 1(d) of the Officer Delegation Scheme as this application is considered sensitive and due to the adjacent application on this site which has already been presented to Members in December 2022.
- 1.2 This development involves a significant investment on a brownfield site which is located to the west side of the City Centre, of which part of the wider site has already received planning approval for a residential redevelopment. The applicant's team presented the wider emerging pre-application proposals to City Plans Panel on 27<sup>th</sup> January 2022. At the meeting Members were generally supportive of the proposal. Member's comments from the City Plans Panel minutes are set out below in paragraph 5.1 of this report.

## **2.0 PROPOSAL:**

Full planning permission is sought for:

- a. Building 2 comprises a 12 storey office (Class E(g)(i)) with a ground floor commercial unit (Class E) comprising of 300sqm within the ground floor southern side of the building.
- b. Building 5 is a 14 storey Multi Storey Car Park (MSCP) providing 478 parking spaces, including 56 Electric Vehicle Charging (EVC), 24 Accessible spaces and 2 Accessible/(EVC) spaces. 515sqm of ground floor commercial/retail space Class E would also be provided to the northern side of the building. In addition, the ground floor would also feature a cycle repair hub, which would equate to 88sqm. Out of the 478 spaces these would be split and allocated for other parts of the development, consisting of 163 parking spaces for the office (including retail on ground floors including the MSCP) – this is based on 1 space per 175 sq. m and 36 parking spaces

for the aparthotel based on 1 space per 3 bedrooms. Therefore, a total of 199 spaces will be long stay for the development and the remaining 279 spaces will be short and medium stay available to the public.

- c. Landscaping, public realm, cycle and pedestrian infrastructure improvements are also proposed along Whitehall Road, through the site and the existing hard surfaced area to the south of Whitehall Waterfront.

Outline planning permission relating to access & scale is sought for:

- a. Building 4 comprises either an 8 storey office building/hotel/aparthotel (Class E & Class C1) or an 11 storey hotel/aparthotel (Class C1).
- b. Building 9 comprises an 11 storey office building (Class E(g)(i)).

- 2.1 A total of 96 long stay bicycle spaces are to be provided within Building 2. In addition, 10 short stay cycle spaces will be provided through 5 Sheffield stands within the landscaped areas.

- 2.2 The application is supported with the following documents:

- I. Scaled Drawings
- II. Design and Access Statement (Buildings 2 & 5)
- III. Planning Policy Statement
- IV. Landscape Strategy
- V. Air Quality Assessment
- VI. Noise Impact Assessment Report
- VII. Detailed Drainage Strategy
- VIII. Outline Drainage Strategy
- IX. Flood Risk Assessment
- X. Flood Risk Sequential Test
- XI. Phase 1 & 2 Ground Report
- XII. Preliminary Ecological Appraisal
- XIII. Biodiversity Net Gain Assessment
- XIV. Transport Assessment
- XV. Travel Plan
- XVI. Wind Comfort Assessment
- XVII. Energy Strategy (Buildings 2 & 5)
- XVIII. Statement of Community Involvement

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application site is some 1.20 hectares and consists of three parcels of land which are to the north and south of Whitehall Waterfront and to the west of No.1 Whitehall Riverside and Premier Inn. Most of the site is laid out as surfaced car park, except for the area to the north west, which is laid out with grass and a footpath through. The application site is located to the west of the City and to the south of Whitehall Road.
- 3.2 The site has been used as part of two long stay car parks of which the surface is a mixture of tarmac and crushed concrete. The car parks are bounded by post and rail

fencing, with landscaped borders to the east, south and west sides with Whitehall Road to the north.

- 3.3 To the south of the site, Whitehall Waterfront is located which is a part 11/16 storey block of 193 flats and offices, with basement car parking.
- 3.4 The central area of the site, excluded from this application has recently obtained planning permission (February 2023) for the construction of a 19 storey residential development with ground floor commercial units and associated hard and soft landscaping.
- 3.5 Beyond the eastern boundary of the site No.1 Whitehall Riverside is located which is 8 storeys and used as office accommodation, with cafe and bar uses, and undercroft parking. A grassed area is also located which falls to the west of Premier Inn, which is 9 storeys in height.
- 3.6 Existing vehicular access to the site is gained from Riverside Way to the west (providing access to the long stay car parks and servicing/parking for Whitehall Waterfront). Vehicular access is also proposed from the existing service road to Premier Inn and No.1 Whitehall Riverside. Pedestrian links are located to the east and west, linking to the riverside and further the footbridge over the River Aire which then leads to the Leeds Liverpool Canal towpath. The existing half circle area and footpaths partially to the north and to the east and west are noted as protected Greenspace within the Site Allocations Plan (SAP) and protected under Policy G6 of the Core Strategy.
- 3.7 The site lies within the designated City Centre and the majority of the site is identified in the Site Allocations Plan (SAP) as an office site ref. EO1-31 for at least 9690 sqm office use. The entire site is located within Flood Risk Zone 3.

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

- 4.1 22/02521/FU – Erection multi-level residential development; with ground floor commercial units (Class E) and associated hard and soft landscaping; associated parking, bin and bike stores – Approved – 02.02.2023
- 4.2 22/06021/FU - Change of Use of land to form enlarged Car Park – Pending Consideration
- 4.3 21/05322/FU - Variation of condition 1No. (Time Limit) and 3No. (Phased Reduction) to previously approved planning application 17/01491/FU for changes to provisions of phased reductions – Refused – 10.05.2022
- 4.4 19/02455/RM – Reserved matters application for office building pursuant to outline planning permission 13/02619/OT – Approved – 09.03.2020
- 4.5 17/01491/FU - Continued use of vacant land as a temporary car park (423 spaces) - Approved – 02.05.2017 (Temporary 5 year period approved)
- 4.6 16/07322/RM - Reserved matters application for office block, pursuant to outline planning permission 13/02619/OT – Approved – 28.04.2017 (No.2 Whitehall Riverside)

- 4.7 16/07323/RM - Reserved matters application for multi-storey car park with ground floor A3 café/D2 gym, pursuant to outline planning permission 13/02619/OT – Approved – 28.04.2017
- 4.8 14/07412/FU - Eight storey office block including basement car parking – Approved – 01.04.2015 (1 Whitehall Riverside)
- 4.9 13/02619/OT - Outline application for 3 office buildings, multi-storey car park and pavilion unit, with ground floor food, drink and gym uses and public realm – Approved – 23.12.2013
- 4.10 13/01872/FU - 128 bedroom hotel with associated landscaping – Approved – 03.10.2013 (Premier Inn)
- 4.11 10/04375/FU - Retention of surface car park for period of 5 years (423 spaces) – Approved – 19.03.2012 (Temporary 5 year period approved)
- 4.12 11/04023/FU - Part 6 and part 10 storey mixed use development comprising office space (Class B1) and 130 bed hotel (Class C1) with basement car parking – Approved – 23.12.2011. This planning permission was not implemented, and permission has now expired.
- 4.13 06/04389/FU - Pedestrian footbridge over River Aire with associated feature lighting – Approved – 30.10.2006, requirement of the commenced outline approval 20/299/00/OT.
- 4.14 06/02701/FU - Seven storey office block with undercroft car parking - Approved – 11.08.2006 (No.7 Whitehall Road). This planning permission was not implemented, and permission has now expired.
- 4.15 20/456/03/RM - 8 storey office block with 2 basement level car parking areas Approved – 16.03.2004 (No.3 Whitehall Riverside). This planning permission was not implemented, and permission has now expired.
- 4.16 20/543/01/RM – Part 16 storey and part 11 storey block of 193 flats offices and a3 food and drink use unit & basement parking – Approved – 08.03.2002 (Whitehall Waterfront, No.2 Riverside Way)
- 4.17 20/299/00/OT - Outline application to erect 4 office blocks 2 residential blocks 2 cafe bars, retail units & multi storey car park – Approved – 14.12.2000

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 The proposals have been the subject of pre-application discussions between the Developer, their Architects, and Local Authority Officers since July 2021. The discussions as part of this pre-application submission focused on the design, massing and layout of the scheme including relationship with Whitehall Road and the river side, massing of the blocks, heritage considerations including the relationship to nearby heritage and non-heritage buildings and conservation areas, and also key views to the site. Highway matters including access and servicing strategy and traffic

modelling. Landscaping matters including landscaping strategy, tree planting and amenity spaces.

- 5.2 The pre-application proposals were presented to City Plans Panel on 27<sup>th</sup> January 2022. Members made the following comments, which are relevant to this aspect of the development; Members were generally supportive of the proposal – but required clarification on how the multi storey car park (MSCP) would operate, how would long stay commuter parking be prevented, the provision of secure cycle parking, the design of the car park, referring to climate change and sustainability how would the development meet the requirements of planning policies EN1 and EN2, so that the finished buildings do not need to undergo retrofitting work.
- 5.3 In addition and during the application process, the applicant has revised the scale of building 9 from 13 storeys to 11 storeys. This has been carried out to address certain comments raised from local residents and Ward Members. The height of this element would match the existing Whitehall Waterfront building, which was constructed as part of the original Masterplan.

## **6.0 PUBLIC/LOCAL RESPONSE:**

- 6.1 Planning application publicity consisted of:  
Site Notices posted adjacent and around the site on 17.05.2022  
Press Notice published 13.05.2022
- 6.2 As part of the application publicity 88 letters of representation have been received consisting of 1 letter of general comment and 87 letters of objection.

The comments raised during the public consultation are as follows:

Objection comments:

- Loss of light via building 9
- Loss of privacy via building 9
- Impact upon visual amenity
- Flood risk and drainage of the site, impact on existing buildings
- Details of a sun shade report are missing
- Right to light
- Inadequate parking provision
- Increase in traffic movements
- Mental Health and standard of living disruption through construction phase noise, dust and pollution and once development is completed.
- No notification of the application/lack of advertisement
- Highway safety implications
- Clarification required on several measurements
- Loss of views
- Existing property and rental values will decrease because of the development
- Existing residents will need to use additional utilities to mitigate any overshadowing
- Impact upon insurance premiums
- Existing sites work outside of conditioned construction hours.
- Impact on public safety by limiting access to Whitehall Road and River Walk

- Construction planned to Whitehall Waterfront to address cladding issues, this would clash with this proposed construction.
- Impact on safety through high winds surrounding and the balconies of Whitehall Waterfront
- Safety of people walking through the sites, against the safety aspirations of LCC possible encouraging criminal activity
- Access of emergency services to Whitehall Waterfront would be restricted
- Development would push the existing community out
- No improvement to Biodiversity
- Development would remove existing open space
- Development is taller than previous consented scheme and overdevelopment

### 6.3 General comment

- Affordable car parking spaces required

### 6.4 Councillor Paul Wray and Councilor Ed Carlisle have also made objections to this application. Their comments are as follows:

#### Councilor Carlisle's comments are summarised below:

- These two applications must surely be seen in conjunction.
- Discrepancies of measurements
- Impact upon privacy and light for Whitehall Waterfront residents
- Applications seem to be unsustainably dense, creating an overcrowded and oppressive development.
- Concerns about light and privacy, and also the wellbeing and safety of residents provision of open leisure space within the development seems inadequate.
- Whitehall Waterfront will be excluded from, not integrated into the overall site plan.
- There is also surely significant risk that these developments are at such a scale that they will put overbearing stress on local infrastructure.
- More detailed reports required regarding flood risk and wind.

### 6.5 Councilor Wray's comments are summarised below:

- Minimum policy regarding parking standards must be met
- Impact on light to the Whitehall Waterfront and impact on dwellings in terms of the loss of view.
- Impact on the privacy of dwellings at Whitehall Waterfront and West Point.
- Basement flooding issues, any flood risk management plan needs to be robust
- Positions of some of the proposed development(s) will create a loss of view of the riverside.
- The space between the proposed site (Plot 9) and current residential site should be increased
- the current proposed location of waste and services access is unreasonable and should be moved out of sight of dwellings.

### 6.6 Leeds Civic Trust have also objected to the development on the following grounds (which are summarised below:

- The buildings are very close together, considering their height.
- Impact on the aspect and amenity of the proposed adjacent apartments, particularly those at lower levels, which will get little daylight, let alone sunlight.
- No sun studies have been provided
- Concerns regarding initial wind testing

## **7.0 CONSULTATION RESPONSES:**

- 7.1 Canal & River Trust** – No comments to make on the proposal
- 7.2 Coal Authority** – no objection, standing advice should be provided on any decision notice.
- 7.3 Environment Agency** – No objection, since updated modelling has been provided. Conditions recommended regarding flood risk and ecology/landscaping.  
Response: conditions will be attached.
- 7.4 Health and Safety Executive (HSE)** – The purpose of a relevant building (dwelling or educational accommodation) is not met
- 7.5 Yorkshire Water** state that If planning permission is to be granted, then Conditions to cover drainage of the site will be required.  
Response: Such Planning Conditions will be applied.
- 7.6 Natural England** state they have no objections to the proposal
- 7.7 LCC Highways** revised information has been requested demonstrating a continuous cycle path width of 2.2m and a footpath width of 3m to the frontage of Whitehall Road. Other technical revisions are also required regarding the ramp of the MSCP, long stay cycle storage for the commercial unit at ground floor level of the MSCP. Short Stay cycle parking for each of the building, no details of motorcycle parking are shown, bus shelters should also be provided to mitigate the windy environment predicted at the bus stops adjacent to the site - these can form part of the highway works. A stage 1 RSA is also required, the brief is to be agreed, with LCC as the overseeing organisation. The RSA and designers response must be approved before planning permission can be granted. An obligation will be required as part of the S106 ensuring that the footpaths along Whitehall Road remain clear of any obstructions. A contribution of £10,000 is required for improvements to Legible Leeds and an Off site Highway contribution of £420,000 is also required.  
Response: The required revisions are of a technical nature and will be secured in full before determination of this application. The required planning conditions will be applied, and the required obligations will be secured via the legal agreement.
- 7.8 LCC Influencing Travel Behaviour** state that there is a requirement for the following obligations; -A Travel Plan Review fee - £22,233 (subject to a 3% increase annually on 1st April) - The provision of two Leeds City Council Car Club provider parking spaces and also a contribution for free trial membership usage of the car club by staff of the development – £17,372 (£20,430 if building 4 is developed as offices)  
Responses: These obligations will be secured via the legal agreement.
- 7.9 LCC Public Rights of Way** state they have no objections to the proposal

- 7.10 **LCC Flood Risk Management** further information is required to address technical matters and calculations in the form of an updated report which should set out all points of clarification, include all of the relevant drawings, assessments and calculations demonstrating compliance with the above.  
Response: A meeting has been held with Flood Risk Management (FRM) and the applicant's drainage consultant a strategy has been agreed and formal submission of these documents is now required. FRM colleagues have confirmed that these matters are of a technical nature and will not affect the layout or scale of the development presented to Members.
- 7.11 **West Yorkshire Police** additional security measures to the cycle store, CCTV provision, access control, external light coverage of the site and staff safety are recommended. Please ensure all open glazed areas are protected from a vehicle potentially with loss of control or which also could be used as a weapon, these areas require higher rated bollards to withstand a HGV. Areas around the bridge requires full CCTV coverage, the bridge offers an escape route which will be exploited by the criminal fraternity, consider a chicane which would hinder motorcycles and quad bikes use.  
Response: conditions will be included which secure the above measures.
- 7.12 **LCC Conservation** state that the proposal does not have any impact on nearby heritage assets.
- 7.13 **Environmental Studies - Transport Strategy** state that the Noise Impact Assessment Report (NIA) prepared by Hann Tucker Associates and submitted in support of this application details on-site noise measurements and calculations which are then used to formulate an appropriate glazing and ventilation strategy such that transportation noise is reduced to acceptable levels throughout the proposed development. We agree with the methodology and findings of the NIA.
- 7.14 **Environmental Health Services** have reviewed the noise assessment by consultants Hann Tucker submitted in support of the application. The report considers the impact of transportation noise sources and the multi-storey car park. We concur with the findings of the baseline noise assessment that rail and road traffic are the dominant noise sources and agree with the package of glazing and alternative ventilation options to mitigate noise and over-heating in dwellings. It is recommended that a condition is attached to any approval to secure the required glazing and ventilation specifications outlined in the report to ensure that satisfactory internal levels in dwellings are maintained. Responses: appropriate conditions will be attached regarding details of sound insulation, internal residential noise levels and hours for construction.
- 7.15 **Landscape Team** state that the details of the landscape scheme need to be addressed via Conditions  
Responses: Such relevant conditions will be applied
- 7.16 **Nature Team** state they have no objections to the proposal subject to signing a legal agreement for Biodiversity improvements works off site (£15,750). The shortfall of 0.63 Habitat Units could be delivered on Leeds City Council's or a partner's land in the same ward and secured through a S106 agreement.



Responses: Such relevant conditions and the BNG off site sum will be applied and secured via the legal agreement.

- 7.17 **Employment and Skills** no response received.
- 7.18 **Ramblers Association** no response received.
- 7.19 **Health Partnerships** no response received.
- 7.20 **Access Officer** no response received.
- 7.21 **Open Spaces Society** no response received.
- 7.22 **Commercial Boat Operators Association** no response received.
- 7.23 **Contaminated Land Team** state that Conditions to cover the submission of a Phase 1 and potential Phase 2 including Remediation Strategy and Verification Report are required.  
Response: such Planning Conditions will be applied.
- 7.24 **Wind consultant** states that the applicant's wind study has demonstrated that the Detailed and Outline phases for the new Development have the potential to generate an offsite wind safety issue in Whitehall Road, and a range of onsite and offsite wind comfort issues.  
Response: In order to address these concerns a condition will be attached which requires construction of the detailed scheme should not commence until completion of the external envelope of buildings 6 & 7 of the Riverside Residential Development, in order to mitigate against offsite wind comfort issues. Construction of Plot 9 should not commence until either the scheme is updated to eradicate the wind safety exceedance, or completion of the external envelope buildings 6 & 7 of the Riverside Residential Development. These matters are discussed in further detail within para 10.77 of this report and via suitably worded conditions, noted within appendix 1.
- 7.25 **Local Plans Flooding Team** state that the site is located in high flood risk zones and the sequential and exceptions test will need to be passed in regard to the proposed sensitive uses. The applicant has submitted the required sequential and exceptions test and these are assessed under para 10.54 in this report.
- 7.26 **Local Plans** state that an offsite greenspace obligation of £34,584.28 is required.  
Response: this will be secured via the legal agreement
- 7.27 **Climate Change and Energy Officer** states that the submitted Energy Strategy states its intent to comply with the Leeds Core Strategy Policies EN1, EN2 & EN4.  
Response: to allow these matters to be addressed fully at the appropriate design stage/s these matters will be controlled via Planning Conditions.

## **8.0 RELEVANT PLANNING POLICIES:**

### **8.1 Development Plan**

- 8.1.1 Section 38(6) of the Planning and Compulsory Purchase Act states that for the purpose of any determination to be made under the Planning Acts, the

determination must be made in accordance with the plan, unless material considerations indicate otherwise. The development plan currently comprises the adopted Local Development Framework Core Strategy as amended (2019), those policies saved from the Leeds Unitary Development Plan (Review 2006) (UDP), the Aire Valley Leeds Area Action Plan (2017), the Natural Resources and Waste Local Plan, the Site Allocations Plan (July 2019) and any made Neighbourhood plan.

8.2 **Leeds Core Strategy (as amended 2019)** sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. Relevant Core Strategy policies will include those outlined below.

8.2.1 General Policy – Sustainable Development and the NPPF  
Spatial Policy 1 - Location of development  
Spatial Policy 2 – Spatial approach to retailing  
Spatial Policy 3 – Role of Leeds City Centre  
Spatial Policy 8 - Economic Development Priorities  
Spatial Policy 11 – Transport Infrastructure Investment Priorities  
Spatial Policy 13 – The River Aire corridor is part of the GI network  
Policy CC1 - City Centre Development  
Policy CC2 - City Centre South  
Policy CC3 - Connectivity between the City Centre and neighbouring communities  
Policy EC2 - Office Development  
Policy EC3 – Safeguards existing employment land and industrial areas  
Policy P8 - Sequential and impact assessments for main town centre uses  
Policy P10 - Design  
Policy P12 - Landscape  
Policy T1 - Transport Management  
Policy T2 - Accessibility requirements and new development  
Policy G3 - Standards for Open Space, Sport and Recreation  
Policy G5 - Open Space Provision in the City Centre  
Policy G6 – Protection and redevelopment of existing Green Space  
Policy G9 - Biodiversity improvements  
Policy EN1 - Carbon Dioxide reductions  
Policy EN2 - Sustainable design and construction  
Policy EN4 - District heating network  
Policy EN5 - Managing flood risk  
Policy EN6 - Strategic Waste Management  
Policy EN8 - Electric Vehicle Charging  
Policy ID1 – Implementation and Delivery Mechanisms  
Policy ID2 – Planning Obligations

8.3 Relevant Saved Policies from the **Leeds Unitary Development Plan (UDP)** are:

8.3.1 Policy GP1 - Land use and the Proposals Map  
Policy GP5 - General planning considerations.  
Policy BD2 – New buildings  
Policy BD4 - All mechanical plant  
Policy BD5 – Residential amenity  
Policy LD1 - Landscape design

Policy LD2 - New and altered roads  
Policy N25 - Site boundaries

- 8.4 **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. This site is identified as office employment (site reference EO1-31) with a site capacity of 9690sqm and an area of 1.7 hectares which includes areas to the east, which fall outside of the redline for this site. The allocation is not therefore affected by the remittal and remains fully adopted.
- 8.4.1 The following policy within the SAP is also relevant to this application:  
  
Policy GS1 - Designation/Protection of Green Space
- 8.5 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 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 including revised policies Minerals 13 and 14 (Adopted September 2015). Relevant policies include:
- 8.5.1 GENERAL POLICY1 – Presumption in favour of sustainable development.  
AIR1 – The Management of Air Quality through Development measures.  
WATER1 – Water efficiency  
WATER2 – Protection of Water Quality  
WATER7 – No increase in surface water run-off, incorporate SUDs.  
LAND1 – Land contamination to be dealt with.  
LAND2 – Development conserve trees and introduce new tree planting.
- 8.6 The National Planning Policy Framework (NPPF), revised 20th July 2021 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):
- 8.6.1 2 Achieving sustainable development (paras 7, 8, 10, 11, 12)  
4 Decision making (paras 38, 39, 40, 41, 43, 47, 48, 55, 56, 57, 58)  
6 Building a strong competitive economy (para 81)  
7 Ensuring the vitality of town centres (paras 86, 87)  
8 Promoting healthy and safe communities (paras 92, 97, 98)  
9 Promoting sustainable transport (paras 104, 108, 112, 113) 7  
11 Making effective use of land (paras 119, 120, 122,123, 124,125)  
12 Achieving well designed places (paras 126, 128,129,130, 131,132, 133)

- 14 Meeting the challenge of climate change and flooding (paras 154-169)
- 15 Conserving and enhancing the natural environment (including ground conditions (paras 174, 179, 180, 183, 184, 185, 187)
- 16 Conserving and enhancing the historic environment (paras 195, 197)

## 8.7 **Relevant Supplementary Planning Guidance includes:**

SPD Accessible Leeds  
 SPD Transport  
 SPD Building for Tomorrow Today: Sustainable Design and Construction  
 SPG Neighbourhoods for Living  
 SPG Neighbourhoods For Living Memoranda to 3rd Edition  
 SPD Tall Buildings Design Guide  
 SPG City Centre Urban Design Strategy  
 SPG Sustainable Urban Drainage  
 SPD Biodiversity and Waterfront Development  
 SPG Leeds Waterfront Strategy

## 9.0

### **MAIN ISSUES**

Principle of the proposed uses	Paragraph 10.1
The impact on the character and appearance	Paragraph 10.8
Impact on existing/future residential amenity	Paragraph 10.26
Green Space	Paragraph 10.45
Landscape proposals	Paragraph 10.50
Biodiversity	Paragraph 10.59
Air Quality/ Noise	Paragraph 10.62
Flood Risk	Paragraph 10.65
Inclusivity	Paragraph 10.73
Sustainability and Climate Change	Paragraph 10.75
Wind impact	Paragraph 10.82
Highways and transportation considerations	Paragraph 10.92
Safety and security	Paragraph 10.100
Representations	Paragraph 10.103
S106 legal agreement	Paragraph 10.110
Planning Balance	Paragraph 10.114

### **APPRAISAL**

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

- 10.1 The site is identified in the Site Allocations Plan (SAP) under site reference EO1-31 for office use with a site capacity of 9,690sqm, office development. This proposal includes a mixture of offices, multi storey car park and hotel use, with some featuring ground floor commercial uses falling within use Class E.
- 10.2 The site benefits from extant planning permission for office buildings and for this reason it has been an identified employment site in the SAP. Core Strategy Policy CC1 (a) states that locations with the best public transport accessibility should be favoured for large scale offices. This location is highly accessible being just

approximately 500m from Leeds Train Station. Spatial Policy 3, and Policy EC2, states that the City Centre will be the main focus for office development.

- 10.3 The proposal will deliver a mixed-use scheme with 31,351sq.m. office and commercial floorspace. Therefore, the proposed development will meet the SAP policy requirement.
- 10.4 The proposal would also include ground floor commercial units (Class E or sui generis(public house, wine bar, drinking establishment)). The exact nature of these uses is to be determined by what is viable within this part of the City Centre at the time of the completion of these buildings. However, these units would activate the ground floor frontages, generate footfall, provide vibrancy to the development, and serve nearby residents and other business users 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 primary shopping area within the City Centre; providing a direct and targeted element of convenience retail 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 an inactive frontage to the public spaces and/or may have different servicing needs which require further consideration.
- 10.5 The proposal also involves the development of a 478 space Multi Storey Car Park (MSCP) which would serve the development and also offer parking to the general public. Policy T1 expects the Council to use parking policy to limit the supply of commuter parking in areas of high public transport accessibility, such as the City Centre. The Transport SPD provides further guidance on this and states that new short and medium stay public car parks may be accepted if they are shown to support the vitality of the City Centre as a visitor and retail attraction. Therefore, the principle of short/medium stay public visitor parking is accepted as opposed to catering for public commuter car parking. Planning conditions on opening times, length of stay and pricing will be required in order to ensure that the car park does not create adverse demand for peak period travel into the City Centre and does not operate as a public commuter car park. The proposed car park is also proposed to partially support the development as well as provide short stay parking to the general public. The Council's adopted parking guidelines allow parking for office use to be provided at a maximum ratio of 1 space per 175sq.m. of office space within this city centre location. This is to balance promotion of more sustainable modes of transport with the operational needs of the office use. The total number of private office use parking spaces within the multi-storey car park and the office developments would be limited to the council's maximum parking ratio for office use. The details are to be secured via a management plan.
- 10.6 In terms of the proposed hotel/aparthotel use, the City's cultural and leisure destinations already play an important role, which contributes greatly to the vitality and economy of the City Centre. Policy CC1 supports the principle of hotel development as it is a main town centre use and the site is located in the City Centre boundary.

- 10.7 The development would involve the regeneration of a site which has been used for public commuter car parking for some considerable time. The site falls within the designated City Centre and as noted above the site is identified in the Leeds Site Allocations Plan (SAP), for office use. It is considered that the proposed commercial uses would in principle meet the SAP requirement for office use as well as contribute to the wider city centre economy in line with adopted policy.

The impact on the character and appearance of the street scene and wider area via the layout, scale and design of buildings.

- 10.8 As identified above, the proposals seek to create a mixed-use development, within 4 buildings, which range from 8 to 14 storeys. Building 4 would be 8 storey and building 9 would be 11 storey which are in outline stage and therefore this part of the application just seeks the scale and parameters of these buildings.
- 10.10 The proposed heights of the development continue to reflect the proposals presented to members as part of the applicant's pre-application presentation in January 2022. The heights and gaps also reflect the recently consented residential building, within part of this wider site. Comments received from Ward Members and neighbouring residents have raised concerns regarding the scale of development and that this development is out of keeping with the locality. Following these comments, massing models have been examined in detail to ensure the scale, mass and form of these buildings are acceptable for this location. In addition, and as part of this submission, the applicant has also provided key views of the proposed scale of development from within the locality and an array of key views. These demonstrate that the form of these buildings would not unduly dominate the skyline and would be contextual to similar developments within this side of the City Centre. In addition, the wider area has several existing and approved tall buildings and towers and the proposals would be viewed predominantly in this context, in longer views across the area.
- 10.11 As part of the application process, comments have also been received regarding the heights of the building and specifically building 9. The height parameters of this building have now been reduced to respond to local residents concerns and as such this buildings height has been reduced from 14 storeys to 11, which is now a similar height to the existing Whitehall Waterfront building.
- 10.12 In terms of the urban grain, enhancements to existing routes and the contextual analysis of the proposals, the proposal compares favourably to the character of the surrounding streetscape. Whilst the areas under this application are open cleared area of land, the existing site is uncharacteristic when considering the urban grain of surrounding developments to the north and east. This development would create a new arrangement of buildings with enhanced pedestrian routes and vehicular accesses, intended to sit within the existing street pattern.
- 10.13 Gaps between modern buildings of a similar nature within the locality generally range from approximately 13-20 metres between buildings at Wellington Place and 22 metres between Riverside West Apartments and Whitehall Waterfront Apartments. Notwithstanding, the buildings proposed here are in some instances 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 when moving through the site.

- 10.14 The site layout of the development has regard to this important consideration. The development would be set back between 5.3 metres and 6.1 metres from the kerb edge of Whitehall Road and 10 metres to the waterside edge of the River Aire. The gap to the approved residential block, within the centre of the site would retain between 16.6 metres and 18.3 metres from the eastern elevation to buildings 2 & 5. The distance retained from the western elevation of this consented development to building 9 would be 25 metres. 24 metres would be retained from the eastern elevation of building 2 to the existing No.1 Whitehall Riverside office. A distance of 4 metres would be retained from the eastern side of building 4 to the western elevation of Premier Inn. A distance of between 18 metres and 19 metres would be retained from the rear elevation of building 9 to the northern elevation of Whitehall Riverside. 20 metres would be retained between the side of building 9 to the side of Riverside West.
- 10.15 Further relief from these gaps at the ground level will be achieved by the proliferation of landscaping and planting throughout the site, which will create attractive routes through the development towards the Riverside or Whitehall Road. It is considered that this arrangement and landscape provision combined with the active ground floor frontage proposed within buildings 2 and 5 will provide an attractive and enhanced environment for people moving through the site.
- 10.16 Holbeck Conservation Area is located to the south of the site, beyond the River Aire and the Leeds Liverpool Canal. The development is not considered to cause any harm to the setting of the Holbeck Conservation Area. The proposed development would be considered contextual, which would fit within the constructed and approved developments to this area of the City Centre, therefore preserving the Conservation Area's setting. In addition, partial views of the grade II listed chimney within Holbeck (Giotto Tower) are also retained as well as views of the Riverside from Whitehall Road. This is a key view which is noted within the Holbeck SPD. The remaining towers Verona and Little Chimney would be obscured via the consented development to Tower Works.
- 10.17 Buildings 4 and 9 are proposed in outline only with parameters proposed for their height and footprint. The precise detailing of the architectural treatment of these buildings would be controlled through a future Reserved Matters application, however of note within the supporting information the buildings appear as an intended continuation of the architectural principles of the surrounding buildings in the scheme, notably a strong base, middle and top. The buildings also appear to take influences from Building 2 in terms of the elevational treatment and vertical emphasis of glazing. Conditions will be utilised to control the submission and approval of construction standard drawings and samples of materials. Full permission is sought for Buildings 2 and 5 and these are appraised in detail below. Architecturally, both buildings are proposed to adopt a plinth, mid-section, and crown. These buildings are patterned and introduce texture at the lower levels which are gradually simplified toward the upper levels.

#### Building 2 – Office

- 10.18 In terms of detailed building design, this block would be clad in brick and the exact choice of bricks would be controlled at planning condition stage. The architectural order would feature a defined base, middle and top, expressed through a defined

ground floor treatment at the base, a defined roof parapet, and in the middle a vertical grouping of well-ordered window patterning, with a vertical emphasis. Windows reveals would vary between a whole brick and half a brick, up to a 200mm reveal to create shadow and robust detailing, final details will also be controlled via condition. This building would be of a high quality design, with detailing and materials which would be appropriate to the wider context, complementing the character and appearance of the surrounding area.

- 10.19 In terms of active frontages, a commercial unit (Class E) would be located to the southern elevation with the office and lobby area to east. This building will therefore provide active frontages at ground floor and introduce a greater amount of natural surveillance over the existing footpaths, when compared to the current use of the site.

#### Building 5 – Multi Storey Car Park (MSCP)

- 10.20 The building elevations are well considered and add an element of interest, with the articulation through the patterning of the aluminium vertical fins, brick plinth at ground floor and aluminium curtain walling. The comments raised at pre-application stage regarding the potential for green walls has been explored, though there is no policy requirement for these and it is noted that the sustainability credentials and long-term maintenance of such features can also be questionable. Given this, the development will not feature any green walls. However, , the MSCP would feature Solar PV Panels to the roof, hidden via the vertical fins. The proposed MSCP is considered of a good design and of a high quality. The final details of all external materials are to be secured through conditions.
- 10.21 In terms of active frontages, a commercial unit (Class E) would be located to the northern elevation with the entrance to the car park to the east and cycle repair hub. This building will therefore provide active frontages at ground floor and again introduce a greater amount of natural surveillance over the existing footpaths and enhanced public routes, when compared to the current use of the site.
- 10.24 The elevational arrangement of the buildings 2 & 5 are considered high quality, with different uses of materials and textures, to create visual interest in the site. The proposals would be of a high quality design, with detailing and materials that would be appropriate to the wider context, complementing the character and appearance of the surrounding area. The final materials of all built elements will be controlled through conditions, which will allow for a finer degree of control

#### Impact on existing/future residential amenity

- 10.26 Neighbourhoods for Living (NFL) provides general guidance on traditional minimum distances when based in a suburban area, which range from 21m for main living uses to other main living uses and 15m from secondary uses to secondary uses. The explanatory text within NFL also states that these distances are a guide and do not take into account the local context. Given the site is located within the Leeds City Centre boundary with an existing predominant character of tall office and apartment blocks and a tight urban grain of streets and gaps between buildings, the traditional 21m and 15m separation distances which are applicable to assess any impact are not appropriate on this site given the context and density of the neighbouring area. There



is no specific guidance on relationships between buildings in the City Centre and this needs to be based on a contextual approach.

- 10.27 The potentially most sensitive consideration of the proposal is the relationship of building 9 (outline only) to the northern elevation of Whitehall Waterfront and western elevation of Riverside West (both in residential use), which would provide a gap of between 18 and 19 metres to Whitehall Waterfront and a gap of 20 metres to Riverside West. Representations have been received from local residents and Ward Members raising concerns about potential overlooking, the loss of privacy, dominance and lack of light due to the location of this proposed building. In response to the comments raised the applicant has revised the height of building 9 during the determination process from 14 storeys to 11 storeys, to alleviate some concerns regarding dominance. This reduction in height also brings the building to a similar height as Whitehall Waterfront.
- 10.28 It should also be noted that the existing site, although identified as a development site in the development plan, has been in car park use for many years and has provided an uncharacteristically generous outlook and aspect to the existing residential buildings than the wider city centre context.
- 10.29 The wider site, as noted above has an extensive history in which it should also be noted that earlier consents, as part of the original Masterplan for this site has sought permission for an office development in the location of building 9, which were subsequently approved 06/02701/FU and 13/02619/OT. These proposals related to construction of a 7 and 8 storey office block with a separation distance of between 17 and 20 metres to the northern elevation of Whitehall Waterfront.
- 10.30 In order to consider the relationship of building 9 to the existing residents within Whitehall Waterfront and Riverside West a Daylight and Sunlight Assessment has been submitted and is based upon the methodologies set out in Building Research Establishment (BRE) report 'Site layout planning for daylight' and which are guidelines only for assessing a property's sunlight/daylight conditions. The BRE guidelines note that *"In housing, the main requirement for sunlight is in living rooms, where it is valued at any time of day, but especially in the afternoon."* Other areas such as bedrooms are therefore to be treated as less important. The Local Planning Authority does not have a specific measurement, metric or planning policy concerning acceptable levels of daylight penetration for residential uses and a planning judgement is therefore required.
- 10.31 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 limitations. This is because the BRE tests used are based on a typical (two storey) suburban model of development and expectations of levels of daylight and sunlight are different in larger developments such as this in a City Centre area.
- 10.32 The data provided in the BRE assessment examines 2 measures of diffuse daylight, namely Vertical Sky Component (VSC) and No-Sky Line (NSL) (also known as Daylight Distribution). The assessment has been considered alongside a more qualitative assessment of the application site and the surrounding context, including previously approved applications of a similar nature in the city, with regard to Central Square/ West Point and also the history of the site.

- 10.33 In terms of Vertical Sky Component (VSC), the BRE guide recommends that a VSC level of over 27% is achieved or the reduction is no greater than 20% (or 80% of the former value). The BRE does not state a required amount of No-Sky Line floor area that should remain after a development but merely suggests a maximum reduction (proposed No-Sky Line floor areas should be more than 0.8 times the existing).
- 10.34 The submitted daylight assessment demonstrates that following completion of building 9, 41 of the 163 windows (25%) to Whitehall Waterfront serving habitable rooms exceed the BRE target figure of 27% or their VSC values do not reduce more than 20% as a result of the proposed development and therefore pass the BRE criteria. 6 of the remaining 122 windows (4%) have a reduction in VSC between 21% and 30% (less than 10% above the permitted 20%) and are considered to be minor adverse. 12 of the remaining 116 windows (7%) have a reduction in VSC between 31% and 40% and are considered to be moderately adverse. However, all of these windows are to bedrooms which are deemed to be less important by the BRE Guide. The assessment has also been carried out on the previous approved development for this site (13/02619/OT) which has demonstrated similar results.
- 10.35 In terms of No-Sky Line (NSL), 28 of the 134 rooms analysed (21%) to Whitehall Waterfront do not reduce by more than 20% as a result of the proposed development and therefore pass the BRE criteria. 6 of the remaining 106 rooms (4%) have a reduction in NSL between 21% and 30% and are considered to be minor adverse. In addition, 5 of these rooms serve bedrooms which are deemed to be less important by the BRE Guide. 4 of the remaining 100 rooms (3%) have a reduction in NSL between 31% and 40% (less than 20% above the permitted 20%) and are considered to be moderate adverse. However, 3 of these rooms serve bedrooms which are deemed to be less important by the BRE Guide. The remaining 96 rooms (72%) have a reduction in NSL greater than 40% (more than 20% above the permitted 20%) and are considered to be majorly adverse. However, it should be noted that 64 of these rooms are bedrooms which are deemed to be less important by the BRE Guide. It should also be noted that of the moderate/major adverse rooms, all are served by windows that have design features such as balconies above and below, resulting in these windows being far more sensitive to nearby developments. The effects on the daylight to these rooms/windows can also be considered of minor adverse significance as they are largely affected by the existing building's own design features. This assessment has also been carried out on the previous approved development for this site (13/02619/OT) which again has demonstrated comparable results.
- 10.36 Whilst the results above do not demonstrate high levels of compliance with the BRE guide criteria at face value, as noted these are severely impacted by the existing balconies and architectural form of the adjacent buildings etc. that block available light to the windows/rooms and do not take account of the flexible approach advocated in the BRE guide itself and also recent Planning appeal decisions.
- 10.37 In terms of Riverside West, 77 of the 96 windows (80%) to habitable rooms exceed the BRE target figure of 27% or their VSC values do not reduce more than 20% as a result of the proposed development and therefore pass the BRE criteria. 12 of the remaining 19 windows (13%) have a reduction in VSC between 21% and 30% (less than 10% above the permitted 20%) and are considered to be minor adverse. The 7 remaining windows (7%) have a reduction in VSC between 31% and 40% and are

considered to be moderately adverse. However, 3 of these windows are to bedrooms which are deemed to be less important by the BRE Guide. The assessment has also been carried out on the previous approved development for this site (13/02619/OT) which again demonstrates similar findings.

- 10.38 The NSL values for 44 of the 72 rooms analysed (61%) to Riverside West do not reduce by more than 20% as a result of the proposed development and therefore pass the BRE criteria. 10 of the remaining 28 rooms (14%) have a reduction in NSL between 21% and 30% (less than 10% above the permitted 20%) and are considered to be minor adverse. 7 of the remaining 18 rooms (10%) have a reduction in NSL between 31% and 40% (less than 20% above the permitted 20%) and are considered to be moderately adverse. However, 2 of these rooms are also bedrooms which are deemed to be less important by the BRE Guide. The remaining 11 rooms (15%) have a reduction in NSL greater than 40% (more than 20% above the permitted 20%) and are considered to be majorly adverse. 60 of the 72 rooms (83%) therefore either pass the BRE guideline, experience a minor adverse effect, are of minor adverse significance due to the existing architectural form of the building or serve bedrooms which are deemed to be of less importance by the BRE. The assessment has also been carried out on the previous approved development for this site (13/02619/OT) which again demonstrates similar findings.
- 10.39 In summary, the daylight sunlight assessment concludes that the proposed development would not cause any materially unacceptable effects in terms of neighbouring properties' ambient daylight conditions when compared to the available industry guidance. The report also concludes that given the complexities and high rise, urban character of the site, the impacts to the adjacent properties when compared to other recent consents in Leeds city centre are broadly comparable and reasonable. Where deviations from the BRE guidelines exist, their significance is also offset by the following: It is inevitable that when constructing buildings in an urban environment that alterations in daylight and sunlight to adjoining properties can occur and deviations from the BRE baseline are generally extremely marginal. The BRE guidelines indicate that in interpreting the results of an assessment, a degree of flexibility is required, especially in a dense urban environment where neighbouring properties are located within narrow streetscapes and with design obstructions restricting the availability of daylight or sunlight. The NPPF states that *"a flexible approach should be taken in applying policies relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site"*. The BRE tests are also based on a typical (two storey) suburban model of development and it is reasonable to assume that expectations of levels of daylight sunlight will be different in developing larger properties such as this. This is noted in the guide itself, lastly the balconies and recessed windows to the adjacent properties severely affect the results presented in this report (as recognised by the BRE guide)
- 10.40 Given the above, officers have also assessed the development and considering its urban context comparable separation distances between multi-storey buildings within the city centre range between, 17 metres between Crozier House and McClure House (residential) (Leeds Dock), 18 metres between Central Square (offices) and West Point Apartments and 19 metres between buildings to Brewery Wharf. Therefore, although the scale and position of building 9 would reduce the outlook and light to the north facing windows at Whitehall Waterfront compared to the existing situation, it is considered that the separation distance of between 17 and 19 metres would be compatible with the existing city centre character and is clearly established as an

acceptable separation distance, in such circumstances. In this instance, the relationship Building 9 would portray to existing buildings would be very similar to the approved relationships as noted above.

- 10.41 In addition to the above, The Planning Practice Guidance (PPG) – Making Efficient Use of Land, published on 22 July 2019, paragraph 007 reference ID: 66-007-20190722 states that: *“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.”*
- 10.42 Having regard to the developing urban character of the site, its surroundings and consistencies with the developing city centre, the scale of building 9 and the effects on neighbouring properties are considered acceptable in this instance. As accounted for in the NPPF and PPG, some impact on daylight levels and impact on outlook would be unavoidable for this city centre site given the existing open context of the site, and the SAP designation where future development on this site has always been anticipated. The outlook and amount of daylight experienced by residents of the northern elevation of Whitehall Waterfront has always been temporary in nature. The distances demonstrated and density/scale of development proposed is considered wholly appropriate given the brownfield nature of the site and highly sustainable city centre location, in which similar built forms can be found on nearby sites.
- 10.43 As noted within this report, part of the wider site has recently been consented for a 19 storey residential building and as such an assessment needs to be carried out regarding any potential impact upon the amenity of future residents to this development. This consented development would be located to the west of buildings 2 and 5 and would retain between 16.6 and 18.3 metres to the sides of these buildings. The gaps proposed are noted to be smaller than those quoted above however these gaps are not between long facing elevations and the relationship is effectively ‘side to side’ therefore the above distance is considered acceptable and appropriate within this city centre context and comparable with other city centre developments. Furthermore, the residential building has been developed in a way which provides all external balconies to the north and south elevations only.
- 10.44 On this basis and having regard to the developing urban character of the site, its surroundings, consistencies with the developing City Centre, the development’s effects on existing neighboring properties and future properties is considered acceptable in this instance.

#### Greenspace

- 10.45 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,

- 10.46 In accordance with Policy G5, based on a site area of 1.2 hectares and the proposal of a commercial development, this requires that a minimum of (2400 sqm.) 20% of the total site area, is provided as open green space. A total amount of 1500sqm open green space will be provided on site. The greenspace on site will be delivered in the form of the riverside improvements and creation of a riverside park. The shortfall of 900sqm against the policy requirement has been translated into a commuted sum using the standard policy-based formula which equates to £34,584.28.
- 10.47 The supporting text of Policy G5 also states that new developments considered under policy G5 are '*required to support implementation of the new City Park at the South Bank of the River Aire and creation of a network of improved green spaces and public realm infrastructure throughout the City Centre.*' The proposed Greenspace on site can be considered part of the 'network' with connectivity/footpath improvements along Whitehall Road and the riverside to aid and improve access to the proposed park.
- 10.48 In addition, the proposed on-site Greenspace and pedestrian routes will also link to other existing open spaces within Wellington Place, to the River Aire bridge and the newly created pocket park between the canal and River Aire. Lastly, the contribution secured could also be used as a contribution to other public realm schemes which are in this area (subject to funding) e.g. the proposed pedestrian footbridge over the Leeds Liverpool Canal linking from this site, to the proposed pocket park to the south and then into Holbeck. This would provide enhanced and alternative public routes away from roads.
- 10.49 Officers consider that although the proposal does not fully comply with the Policy G5 requirement for a minimum 20% of the site area to be provided as greenspace on site, in this case the quality and enhanced connectivity of the on-site greenspace provision together with the off-site contribution makes the proposal acceptable in planning terms.

#### Landscape proposals

- 10.50 A variety of planting will be involved, including environment and setting appropriate species and specimen sizes of trees, shrubs, grasses, wildflowers and border plants, to ensure an attractive, colourful landscape scheme is achieved as part of the development. Comments raised from local residents have also commented on the lack of greenspace.
- 10.51 As part of the proposal improvements to Whitehall Road would consist of the existing cycle path being maintained and extended along the highway. A minimum 3 metres wide pedestrian route is proposed to the north of the building along with new ornamental shade tolerant planting and street trees. This planting to the northern boundary of the site would create a buffer between the proposed development and Whitehall Road and would also mirror the space which has been created to the opposite side of the road along Wellington Place.

- 10.52 The landscaping proposed to the east of building 9 would consist of a 4 metres wide pedestrian route along the building and to the side of Whitehall Waterfront, framed by planting and rain gardens measuring 2.5 metres wide. To the centre of the street a rationalised square space highlights the junction to allow space for multiple vehicle turning while maintaining a high quality pedestrian environment and also incorporating the vehicular entrance into Whitehall Waterfront, which would also provide relief for vehicles to wait so the ramp can become clear to allow them to enter the ramp into the car park of Whitehall Waterfront. Cycle access is through a shared approach from the bridge along the central vehicular route to tie in with the protected infrastructure along Whitehall Road.
- 10.53 Improvements works will be carried out to the existing paved area to the south of Whitehall Waterfront which will involve the creation of a riverside park, also secured as part of the recently consented residential development (22/02521/FU), which will ensure this enhancement is delivered with whichever application comes forward first. This area will be predominantly grassed for incidental play and gatherings. This improvement would also provide an enhanced and attractive arrival point from the river/ canal footbridge to the south. The park would be framed to the north by planting and seating while the southern side is more open allowing visual permeability with the river. Immediately to the east of the footbridge landing, adjacent to the river there would be a seating area with a focal tree. Smaller seating decks with specimen trees will provide varied opportunities for seating. The riverside park would also overlook the future Whitehall Riverside Pocket Park. The existing footbridge provides a strong connection between the Whitehall Riverside development, the pocket park, and the canal towpath.
- 10.54 The landscaping approach to the south and against the River Aire would consist of an improved 5 metres shared space for pedestrians and cyclists, with pockets of planting and seating created. The building edge of building 2 would be softened by planting along with seating edges offering places to dwell with a sunny southern aspect and views over the River Aire. The southern side of the building is wrapped by seating and a raised bar edge to create a generous spill out space from the ground floor commercial use, also providing natural surveillance over this shared space.
- 10.55 The proposal would also introduce a new north/south connection from the River Aire to Whitehall Road. This area would create a minimum of 2x3 metres wide pedestrian accessible routes along with linear planting in the form of rain gardens. This route would be primarily a transition space allowing people to move through the site, but to the south, close to the river the planting opens up to create pockets of seating amidst ornamental perennial and tree planting. At the junction with the riverside route is a feature seating deck with a large focal tree marking the change in character and also aiding with orientation.
- 10.56 The proposed enhancements to the existing north/south connection to the west of No.1 Whitehall Riverside would consist of a minimum 3 metres wide pedestrian accessible route along with linear planting with shrub and herbaceous perennials along with tree planting. This area again is primarily a transition space allowing people to move through, with occasional pockets of seating amidst ornamental perennial and tree planting. At the junction with the riverside route is a feature seating deck with a large focal tree marking the change in character and aiding with orientation. Between the two proposed buildings (2 and 5) the east-west route

incorporates service and emergency access within a pedestrian priority environment.

- 10.57 The areas of landscaping will be managed, and the emerging design and layout offer natural surveillance of the external landscaped areas. Full details of all soft and hard landscape proposals and their maintenance will be required to come forward under planning conditions.
- 10.58 In summary, the overall approach to landscaping, amenity space and public realm would offer a good standard of landscape amenity for occupiers of the site and the general public and provide an appropriate level of landscaped publicly accessible open space and contribute positively to the overall distinctive sense of place at the site. In addition, the proposed enhancements would also comply with Policy G6 in that the protected Greenspace areas are to be enhanced and will remain as Greenspace protected by the SAP.

### Biodiversity

- 10.59 Core Strategy policy G9 states that developments will need to demonstrate: (i) That there will be an overall net gain for biodiversity commensurate with the scale of the development, including a positive contribution to the habitat network through habitat protection, creation and enhancement, and (ii) The design of new development, including landscape, enhances existing wildlife habitats and provides new areas and opportunities for wildlife, and (iii) That there is no significant adverse impact on the integrity and connectivity of the Leeds Habitat Network. Comments have also been received through representations, which have raised concerns regarding the lack of Biodiversity on site.
- 10.60 With regards to Biodiversity, it is noted that the Baseline is 1.04 Habitat Biodiversity Units (lost) and that through landscaping (including a rain garden area) there should be approx. 0.52 Habitat Biodiversity Units delivered on-site. Given this the scheme does not achieve a measurable Biodiversity Net Gain (BNG). To achieve Leeds City Council's aims of a 10% BNG requires 1.15 Habitat Units post development. The landscaping scheme, as it stands, leaves a shortfall of 0.63 Habitat Units to achieving a 10% BNG. The BNG Assessment states the developer intends to secure these 0.63 Habitat Units through an offsetting land bank. The shortfall of 0.63 Habitat Units is to be delivered through a S106 agreement and these units would be delivered on Leeds City Council or a partners land. In accordance with Leeds City Council guidance, the cost for 0.63 Biodiversity Units would be ... $0.63 \times £25,000 = £15,750$ .
- 10.61 The Biodiversity Units would be delivered in the same ward and the proposal is acceptable subject to the signing of the S106 agreement and the insertion of conditions controlling details of the biodiversity enhancement measures on site.

### Air Quality/ Noise

- 10.62 An Air Quality Assessment has been carried out by the applicant and the assessment considers construction traffic and development-generated traffic emissions. The air quality assessment indicates that air quality standards will not be exceeded either at the application site or elsewhere as a result of the development. However, 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) and as such a cost damage calculation has been required and this been submitted which equates to £98,056. This amount is expected to be spent on measures to mitigate the impacts created by the development on air quality. As part of the proposal 56 EV charging points are proposed within the MSCP, equating to a total cost of £140,000 (£2,500 per charging point). This exceeds the £98,056 that is expected to be spent on air quality mitigation measures. Colleagues have been consulted on this costing and are satisfied with this mitigation and no further costings are required.

- 10.63 A Noise Assessment has been submitted which Environmental Health have been consulted on and agree with their methodology and criteria adopted. Environmental Health concur with the findings of the baseline noise assessment in that rail and road traffic are the dominant noise sources and given the development relates to a commercial operation no concerns in regard to the impact on proposed residential amenity is considered to be created. Conditions are recommended which requires details of any new plant, details of any entertainment use and the required mitigation measures. Comments have been made by local residents who raise concerns regarding the construction phase and the potential disturbance created. A condition is therefore recommended limiting construction hours from 0800-1800 Monday to Saturday with no working on Sundays or Bank Holidays. These hours also match the same as those conditioned on the recently consented residential element.
- 10.64 Final details of any required plant are to be secured via condition. In addition, a further condition is also recommended limiting construction hours from 0800-1800 Monday to Saturday with no working on Sundays or Bank Holidays.

#### Flood Risk

- 10.65 A flood risk sequential test has been submitted which is considered to be satisfied. With regards to the exception test, the development will provide a sustainably located mixed use development and improved areas of public realm which outweigh flood risk. In addition, the submitted Flood Risk Assessment has demonstrated that the development would remain safe if extreme flood conditions were to happen and all sensitive uses are located to the first floor and above and that it will not increase flood risk elsewhere. The use of sustainable urban drainage systems, provision of new soft landscaped areas with the incorporation of rain gardens will help to reduce flood risk overall. Consequently, the Exception Test is passed.
- 10.66 Comments received through representations have raised concerns of flood risk and increase in flooding to the site. In support of the application a Flood Risk Assessment (FRA) has been submitted which sets out the detailed mitigation measures which will be incorporated into the development. The Leeds City Council Minimum Development Control Standards for Flood Risk (MDCSFR) provides advice on the level of climate change which should be applied to modelled flood levels and the necessary freeboards as to which flood safe levels above the modelled data should be set.
- 10.67 The minimum requirements for flood safe are as follows: - Residential 600 mm (not relevant), Offices & Commercial 400 mm, Industrial & Warehousing 300 mm (not relevant) Access to Underground Car Parks 300 mm (not relevant)



- 10.68 The FRA states that building 2 (offices) will be set at 30.50 mAOB and building 5 (MSCP) will be set at 30.000 mAOB, therefore the 400mm commercial flood safe is met.
- 10.69 The proposed outline element (buildings 4 & 9) will have no ground floor inhabitable (sleeping) space and will also be set at 30.000 mAOB. This proposed floor level provides 1.26 m freeboard over the adjacent 'in channel' design river flood level. Therefore the 400 mm commercial freeboard requirement is considered met.
- 10.70 Flood risk has also been assessed to the site(s) both in the current scenario and lifecycle 'residual' scenario including two catastrophic flood defense breaches. In all instances the proposed development area and adjacent Whitehall Road remain flood free. There is no risk to others of increased flood risk by developing the site(s) in either the current state of the Leeds Flood Alleviation Scheme 2 or when it is completed e.g. the long term 'residual risk' condition.
- 10.71 Further details are required by Flood Risk Management colleagues to address technical matters and calculations in the form of an updated report which will set out all points of clarification, include all of the relevant drawings, assessments and calculations demonstrating full compliance with the above. These matters are of a technical nature and have been confirmed to not affect the layout or scale of the development presented to Members. These details will be secured in full before determination of the application.
- 10.72 Implementation of the scheme in accordance with the submitted flood risk assessment and technical note, and the preparation of a flood warning and evacuation plan including details of the full and outline element would be controlled by conditions.

#### Inclusivity

- 10.73 The buildings proposed would feature fully accessible entrances and lift access would be provided to all floors. Level and stepped access would be provided to the buildings and lifts would provide access to all floors. The developer has confirmed the development would provide accessible accommodation in line with the Accessible Leeds SPD, BS8300 and Building Regulations standards and on this basis, the proposals are considered acceptable.
- 10.74 The end use of building 4 is unknown at this stage (either hotel or office use), due to the outline nature of this element. A condition is recommended to ensure that if a hotel use comes to fruition then accessible rooms are provided at a ratio of 1:20. These rooms would also need to provide a mix of accessible shower rooms and also some rooms with baths. Half of these rooms should also have an interconnecting door to an adjoining standard room. One room must also include a hoist which runs between the bedroom and the bathroom. This would be to ensure that the hotel is inclusive and can accommodate disabled guests including those who use hoists.

#### Sustainability and Climate Change

- 10.75 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.

- 10.76 The proposal regarding buildings 2 and 5, will introduce a number of measures to ensure that Core Strategy policy EN1 (Climate Change – Carbon Dioxide Reduction) is complied with. The developer's accompanying sustainability statement confirms that reduction in energy use is achieved through assessments of mechanical and electrical design. The following energy and carbon reduction measures are to be implemented into the design of this development:
- Improved fabric values.
  - Low air permeability.
  - High efficiency LED lighting throughout.
  - Daylight dimming where appropriate in landlord areas.
  - High efficiency Mechanical, Electrical and Plumbing (MEP) services.
  - Photovoltaic Panels.
- 10.77 The above measures will ensure a minimum of 20% reduction in carbon dioxide emissions is achieved against the Building Regulations Target Emission Rate and energy reduction through the use of renewable energy generation would meet the 10% figure as set out in policy EN1.
- 10.78 In addition to the above, Non-residential developments of 1,000 or more square metres (including conversion) where feasible are required to meet the BREEAM standard of 'excellent'. The office building no.2 is proposed to comply with Policy EN2, in reaching a BREEAM excellent rating. Due to the use of building no.5 as a Multi Storey Car Park this is not required to be assessed under this policy due to the nature of the building and the size of the ground floor commercial offering, which falls below the minimum 1000sqm
- 10.79 With regards to Policy EN4, the proposal is currently not located close to the District Heating Network but there are plans to extend the network to the South Bank in the next 3-5 years, and the eventual pipe route would likely run right past this site. Due to the uncertainty of this proposed extension the applicant has agreed to revisit the potential to connecting to the District Heating network at discharge of condition stage. The Council's Sustainability Officer has accepted this position.
- 10.80 Due to the outline nature of buildings 4 and 9, full details regarding the sustainability credentials and the implementation of these buildings will be secured and addressed via conditions and at reserved matters stage.
- 10.81 It is further noted that the additional tree planting, greater accessibility and the introduction of electric vehicle charging points within the car parking areas of the site, will also assist in tackling climate change and air pollution in line with wider Council objectives and assist in encouraging more sustainable travel choices.

#### Wind impact

- 10.82 A wind study was submitted as part of the application which considers the impact of the prevailing winds as a result of the proposed development and any creation of localised wind focused micro-climates. The Lawson distress criteria is an industry

standard and as such this has been employed in the wind study. This criteria states that a wind speed greater than 15 metres-per-second occurring for more than two hours per year is classified as unsuitable for the general public and represents a wind speed with the potential to destabilise the less able members of the public such as the elderly, cyclists and children. Able-bodied users are those determined to experience distress when the wind speed exceeds 20 metres-per-second for two hours per year.

- 10.83 The wind study has demonstrated that onsite wind conditions for the new development are generally acceptable. Conditions will remain suitable at all of the entrances to the new development and at the majority of the entrances to the surrounding buildings. This said, it is noted that winter comfort conditions deteriorate by one category at the south east corner of 6 Wellington Place to the north of the site, and by two categories at the western face of 1 Whitehall Riverside to the east of the site. However, in both of these locations, winter comfort conditions would become suitable for walking, which is one category higher than is desirable for an entrance way.
- 10.84 With construction of the proposed outline phase of the development, alongside the full phase of the development and in the current surrounds, a new exceedance is generated of the 15m/s safety criterion, in Whitehall Road to the north of building 9. Extreme wind speeds are predicted for 3.6hrs/yr, against a threshold value of 2, and whilst the affected area is small and the exceedance is minor, it does represent a deterioration in the wind safety conditions for the general public.
- 10.85 Also, winter comfort wind conditions are one category higher at the entrances to building 9 of the outline phase. Furthermore, wind conditions at the offsite entrance to 1 Whitehall Riverside to the east of the site remain one category too windy, and the same would be the case for the offsite entrance at the north east of the Riverside West building to the west of building 9. By contrast, wind conditions have calmed slightly to the north of the detailed phase, so that wind conditions are now suitable at 6 Wellington Place.
- 10.86 Wind conditions have also calmed slightly at one of the bus stops (the westbound bus stop, to the north west of building 9. Wind conditions elsewhere, on the thoroughfares and at the amenity spaces and the remaining bus stops, remain unchanged, and similar to baseline conditions.
- 10.87 The wind study has demonstrated that the detailed and outline phases for the new development have the potential to generate an offsite wind safety issue in Whitehall Road, and a range of onsite and offsite wind comfort issues. It was found that:
- 10.88 a) Construction of the detailed scheme (buildings 2 & 5) causes excessive windiness at the entrances to Riverside West, 6 Wellington Place and 1 Whitehall Riverside.  
b) Construction of the currently proposed outline scheme (buildings 4 and 9) alongside the proposed detailed scheme (buildings 2 & 5) generates a wind safety exceedance in Whitehall Road, north of the new building 9.
- 10.89 In order to mitigate these impacts, the applicant has agreed to two planning conditions, of which both of these issues are removed once the residential development has been constructed. The planning condition will require that the

construction of the detailed scheme (buildings 2 & 5) should not commence until the external envelope (including façade) has been completed of the residential buildings 6 & 7 (22/02521/FU) and that construction of the outline scheme (building 9) should not commence until either the scheme is updated to eradicate the wind safety exceedance in Whitehall Road or the onsite and off-site wind comfort issues, or the external envelope (including façade) has been completed of the residential development, buildings 6 & 7 (22/02521/FU).

- 10.90 Testing has also been carried out regarding any impacts upon the existing balconies on the northern façade of Whitehall Waterfront. The modellers have provided further post processing information which demonstrates that there are no safety exceedances on these balconies, and that wind comfort conditions are predicted to be suitable for frequent and occasional sitting. Conditions are noted to be windier on the upper floor of Whitehall Waterfront, which is likely due to their elevated nature above the rest of the development and their exposure to the prevailing winds rather than an effect of building 9.
- 10.91 The submitted wind study has been peer reviewed and is considered to be robust and of a suitable quality and to provide realistic result, consistent with the reviewer's expectations and recommendations which are to be addressed via conditions.

#### Highways and Transportation Considerations

- 10.92 Comments received from local residents have raised concerns regarding the lack of car parking, impact on the surrounding highway, increase in traffic movements and impact upon highway safety. The proposal includes a total of 478 car parking spaces within the MSCP. This would provide 199 long stay car parking spaces for the proposed development and 279 short stay spaces proposed, which is policy compliant. The MSCP would also including 56 Electric Vehicle Charging (EVC) spaces, 24 Accessible spaces and 2 Accessible/(EVC) spaces. The operation of the car park will be secured appropriately by condition to ensure it operates only as a short stay car park for the number of spaces approved.
- 10.93 The applicant proposes 2 Car club bays to the access road to the eastern side of building 9 with a layby to the opposite side. These would also be electric vehicle charging enabled too and secured via the Travel Plan and s106 legal agreement.
- 10.94 The development would also provide 6 motorcycle parking spaces and 96 long stay cycling spaces in a mix of 2 tier racking and Sheffield stands. In addition, 10 short stay cycle spaces will be provided through 5 Sheffield stands within the landscaped areas.
- 10.95 Servicing and deliveries are proposed to operate via the two access roads from Whitehall Road, which also serves Whitehall Waterfront, No.1 Whitehall Riverside and Premier Inn. Final details of how servicing would operate are to be secured via conditions for a servicing and delivery management plan. Internal bin stores are proposed. The site would prioritise pedestrians and cyclists over occasional use vehicles and this would be reinforced through kerb and pavement design within the site, along with changes in materials palette and levels to signify to vehicles where the loading bays and vehicle alignments are.

- 10.96 The scheme would also deliver a widening of the existing cycling lane along Whitehall Road, which will measure 2.2 metres wide.
- 10.97 As a result of this development, there will be a direct impact on the Globe Road/Whitehall Road Junction, and likely cumulative impact at Armley Gyratory, as a result of the development. There is an identified scheme to signalise the Globe Road/Whitehall Road Junction, forming part of the City Centre Package, therefore a contribution is required towards this scheme, commensurate with the size of the development. The cost of the junction works are conservatively estimated at £1.365M. Using the methodology for cumulative impact as set out in the Transport SPD, estimating revised trip generation, and using the distribution as set out in the Transport Assessment, the contribution requested is £420,000. It should be noted, in light of this contribution, schemes including Armley Gyratory and other cycling and walking infrastructure schemes have not been included in the calculation of highway contributions required, to keep the overall cost for the development proportionate and reasonable. In addition, a contribution of £10,000 is also required regarding Legible Leeds Wayfinding, which will secure 2 new totems along the Whitehall Road frontage, and existing signage will also need to be updated to signpost the development.
- 10.98 A further package of sustainable measures will be provided as part of the development and these will be secured via the legal agreement. This will require a Travel Plan Review fee of £22,233 and contribution for free trial membership usage of the car club by staff of the development – £17,372 (£20,430 if building 4 is developed as offices)
- 10.99 In summary, the proposal would provide an appropriate level of parking, make appropriate transportation provision, promote sustainable travel and improved connectivity and would deliver public realm improvements to Whitehall Road and Riverside Way and enhanced north/south connections, and would not be likely to give rise to adverse parking, road safety or amenity concerns.

#### Safety and Security

- 10.100 Comments received from local residents have raised concerns regarding safety and how people will feel walking around the site at night. The applicant has provided the following statement on safety and security of the development. *“The safety and security of office staff, car park users and guests of the hotel/aparthotel and other users of the proposed development is critical to the success of the scheme and has been given careful coordination. The scheme will be designed in accordance with the principles set out in the Secured By Design (SBD) guidance with a view to the “designing out crime” by good design. The development will benefit from 24 hour on-site management and the office buildings will be fully access controlled with only staff and their guests during working hours having the facility to gain access. The ground floor layout provides good visibility to access routes and spaces, and good accessibility has been achieved to all office entrances and indeed the car park and hotel entrances which will be well lit and the development will incorporate CCTV. Care has been taken to design out hidden spaces at all levels to enable passive supervision of the entire public car park. The office, hotel and car park entrances will be well lit and overlooked. Active uses at ground floor level provide a natural surveillance.”*

- 10.101 The lighting strategy for the development has been designed to create an inviting public realm after dark. Light posts are proposed to the main movement routes along with uplighters to trees to the streets leading from Whitehall Road to the riverfront and under seat strip lighting to the feature seating along the riverside. The riverside has ambient feature lighting, with the aim to keep light spill to a minimum. Places to dwell along streets will be lit at a pedestrian scale rather than rely on street lighting coverage.
- 10.102 To ensure the above measures are implemented conditions are recommended securing details of all security measures and external lighting strategy. It is considered that the activation of this site would have a benefit to the people using this site/walking by. The development will provide active frontages at ground floor and an increase in pedestrian movements through the uses proposed, therefore a greater amount of natural surveillance and lighting, when compared to the open land site as it stands today.

### Representations

- 10.103 Comments raised via representations in respect of: loss of light via building 9, loss of privacy via building 9, impact upon visual amenity, lack of car parking in the vicinity, flood risk and drainage of the site, highway safety implications, existing sites work outside of conditioned construction hours, impact on public safety by limiting access to Whitehall Road and River Walk, impact on safety through high winds surrounding and the balconies of Whitehall Waterfront, safety of people walking through the sites, against the safety aspirations of LCC possible encouraging criminal activity, no improvement to Biodiversity, development would remove existing open space, development is taller than previous consented scheme, have been addressed within the above report and through the imposition of appropriate conditions. With regards to concerns relating to loss of a view / Impact on property prices / usage of additional utilities (gas and electricity), the courts have taken a view that planning is concerned with land use in the public interest and as such the loss of a view and impact on property prices and greater use of utilities relate to the protection of purely private interests and are not therefore considered to be material considerations in the determination of planning applications.
- 10.104 It is noted that the proposals have been commented on as potentially having an adverse impact on mental health and wellbeing of existing residents to nearby apartments. However, as highlighted above the proposals are considered to be reflective of the existing wider City Centre context in terms of juxtaposition of uses and gaps between buildings and in terms of the general scale of development in this part of the City Centre. The purpose of the planning system is to take decisions in the public interest and in accordance with the development plan to ensure decision making is objective.
- 10.105 In addition to the above, comments which have been raised as highlighted in *italics* below have also been provided with a response.
- 10.106 *No notification of the application/lack of advertisement*  
Response - the application was publicised in accordance with Government legislation and the Council's adopted Statement of Community Involvement which was implemented via site notices located around the perimeter of the site.

10.107 *Construction planned to Whitehall Waterfront to address cladding issues, this would clash with this proposed construction and impact on public safety by limiting access to Whitehall Road and River Walk.*

Response - the application will submit a construction management plan, secured via condition which will provide details of any temporary closures/diversions which are required to facilitate the development stage. This construction management plan will also look at any future works to neighbouring sites which may cause conflict.

10.108 *Comments raised regarding 22/02521/FU*

All comments raised which are relevant to this application were considered as part of the determination of that application.

10.109 Other comments which have been received in respect of the adjacent residential development approved in February 2023 are noted below but are not considered material to the determination of this application and therefore have not been addressed within the above report.

- Site should be turned into a park
- Illegal density to open space

#### S106 legal agreement

10.110 Policy ID2 of the Core Strategy (as amended) is regarding planning obligations and developer contributions, which states that 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 and where a planning condition would not be effective. This is further enforced by the Community Infrastructure Levy Regulations 2010. which 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.

10.111 The Council's adopted policies would result in a requirement for the following obligations;

1. Employment and training of local people
2. Publicly accessible areas
3. Travel Plan Review fee - £22,233
4. The provision of 2 Leeds City Council Car Club parking spaces
5. A contribution towards highway improvements to Globe Road junction – £420,000
6. Biodiversity improvements off site - £15,750
7. A contribution for free trial membership usage of the car club by staff employed at the development – £20,430 (if building 4 is developed as offices)
8. Legible Leeds Wayfinding signage - £10,000
9. Off site green space contribution - £34,584.28.
10. S106 Monitoring Fee

- 10.112 Given that part of this application is at outline stage, and so the final floor space and uses are yet not fully established, the CIL figure generated by the scheme as it currently stands is in the region of £1.4,463,98.38
- 10.113 CIL is generally payable on the commencement of development. The CIL contributions are spent on infrastructure projects to meet the needs created by new growth.

## **PLANNING BALANCE**

- 10.114 The scale and massing of the development is considered wholly appropriate within this dense city centre environment. The identification of this site within the Site Allocations Plan (SAP) recognised this site for development. Any development of this site would have an impact on the existing residents of Whitehall Waterfront and the levels of daylight/light experienced by residents of the northern elevation of this building Whitehall Waterfront have always been temporary. This matter is given some weight against the development, however given the city centre context and dense development any impact from the regeneration of this site would be inevitable and has also been highlighted in the original outline application's for this site, which have been subsequently approved. As noted above, the site and wider area are identified for development within the SAP, which would result in a form of dense development coming forward on this site, given its location and the built form on adjacent sites, rather than a low density development. The proposed development also follows the principles already established as part of the original Masterplan of this site which were approved in 2000 and 2013 and has been partially implemented.
- 10.115 The proposal would help to further transform a key highly prominent brownfield city centre site, which has been used for surface car parking for many years. The proposal would also help to regenerate this area of the city in a highly sustainable location and improve/enhance landscaping & connectivity within the city centre and provide additional facilities to nearby neighbourhoods. The development would also propose all S106 obligations and these matters are given substantial weight in favour of the development.

## **11.0 CONCLUSION**

- 11.1 The development would involve the further regeneration of a key brownfield site within the city centre boundary. The site is identified within the Site Allocation Plan (SAP) due to the previous historic consents to this site. The site is in a highly sustainable location, 10-minute walk to Leeds train station and within easy access to numerous bus stops. The development of this site would contribute to the mix of developments within this area of the city centre and also would introduce new footfall and activity, which would also complement the existing development within this part of the city centre. The development of this site would also follow similar design principles already established as part of the overall Masterplan for this site, approved in 2000 originally and refreshed in 2013.
- 11.2 In conclusion it is considered that the proposals are appropriate in respect of their use and the scale, design and style of the built forms. The resulting scheme would be a high quality, appropriate development, which would significantly contribute to mixture



of uses evident in this area and would also add to the vibrancy and vitality to the area and further its regeneration. As noted, this scheme represents an opportunity to further regenerate a highly prominent brownfield site on the southern side of Whitehall Road. The proposals provide large areas of open space as well as improved connectivity to the waterfront and a new section of riverside walkway.

- 11.2 Therefore, on balance the proposal is considered to be generally in accordance with the Development Plan and is considered to be acceptable and is recommended for approval, subject to the conditions set out in Appendix 1.

**Background Papers:**

22/02638/FU

PREAPP/21/00311

## Appendix 1

Proposed conditions:

### Commencement of detailed phase:

The development of the detailed phase of development (either buildings 2 or 5) 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.

### RM details (Plot 4):

Approval of the following details (hereinafter referred to as the reserved matters) shall be obtained from the Local Planning Authority, in writing before the development of the outline phase (building 4) is commenced.

Layout  
Appearance  
Landscaping

Plans and particulars of the reserved matters shall be submitted utilising a planning application form and shall be carried out as approved.

As only outline details have been submitted of the reserved matters, they are reserved for subsequent approval by the Local Planning Authority.

### RM details (Plot 9):

Approval of the following details (hereinafter referred to as the reserved matters) shall be obtained from the Local Planning Authority, in writing before the development of the outline phase building 9 is commenced.

Layout  
Scale  
Appearance  
Landscaping

Plans and particulars of the reserved matters shall be submitted utilising a planning application form and shall be carried out as approved.

As only outline details have been submitted of the reserved matters, they are reserved for subsequent approval by the Local Planning Authority.

### RM applications

Application for approval of all reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development of buildings 4 and 9 hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be agreed.

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.

### RM parameters

Reserved matters applications shall be submitted in accordance with the limits specified in the approved parameter plans: 21.046 00-022 - P1, 21.046 00-023 and 20,107 20-150 REV 1.

For the avoidance of doubt.

### Approved plans

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.

### Wind Safety – Buildings 2 & 5

Construction of the detailed scheme (buildings 2 and 5) shall not commence until the external envelope (including façade) of the consented residential development, buildings 6 & 7 (22/02521/FU) has been completed OR a scheme has been submitted to and approved in writing by the Local Planning Authority to eradicate the wind safety exceedances. This may include further mitigation measures and additional wind modelling.

In the interests of safety.

### Wind Safety – Building 9

Construction of outline phase (Building 9) should not commence until the external envelope of buildings 6&7 (including façade) has been completed of the consented Riverside Residential Development (22/02521/FU) OR a scheme has been submitted to and approved in writing by the Local Planning Authority to eradicate the wind safety exceedances. This may include further mitigation measures and additional wind modelling.

In the interests of safety.

Prior to the approval of any Reserved Matters Application(s) relating to Plot 9, a wind report shall be submitted to and approved in writing by the Local Planning Authority. This shall include wind tunnel modelling of existing and future surrounds and the testing/optimisation of any necessary wind mitigation measures. If any necessary wind mitigation works are required, works shall be carried out in accordance with the approved specifications prior to first occupation of the development and retained and maintained as such thereafter.

In the interests of wind safety and comfort.

### Phase development

A plan showing the anticipated phases of the development shall be submitted to and approved in writing by the local planning authority prior to the submission of any application for the approval of reserved matters or any application for the approval of details required by conditions on this permission. 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 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.

#### External materials

Prior to the installation of any external facing material, roofing and glazing types on site for any relevant phase of the development, full details including a sample panel of the relevant external facing materials, roofing and glazing types for that phase 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.

#### Surfacing

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

In the interests of visual amenity, highway and public safety and inclusivity

#### 1:20 details

Prior to the construction of the following elements of any relevant phase of the development, 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 and the character of the surrounding area.

#### Travel Plan

Prior to the first occupation of the first phase of development the Optima Highways Travel Plan, dated October 2022, Rev 3 shall be implemented. The plan shall not be varied without the prior written approval of the Local Planning Authority.

In the interests of sustainable travel and in reducing the traffic impact of the development on the road network.

#### Areas to be used by vehicles

The relevant phases of 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 spaces for 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.

#### Details of Loading Area

No phase of development shall be occupied until a plan showing details of dedicated space for loading, unloading and parking of service/delivery vehicles for that phase has been submitted to and approved in writing by the Local Planning Authority. The plan shall be fully implemented and operated in accordance with the approved timescales.

To ensure the free and safe use of the highway, to protect the amenities of nearby residents and to ensure coordination with other operations.

#### Disabled parking

The disabled parking facilities shown on the approved plans shall be laid out prior to first use of building 5 and thereafter retained for the lifetime of the development.

In the interests of accessibility.

#### Cycle parking

Works above the ground floor slab level to any phase of the development 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 that phase of development and retained thereafter for the lifetime of the development.

In the interests of highway safety and promoting sustainable travel opportunities.

#### Vehicle parking and turning areas

Works above the ground floor slab level to any phase shall not commence until a plan showing details of all vehicle parking and turning areas for that phase has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented, and parking made available for use prior to first occupation of that phase of development and retained for the lifetime of the development.

To ensure the free and safe use of the highway.

#### Car Park and Servicing Management Plan

The relevant phases of development shall not be occupied until a Car Park and Servicing Management Plan (including timescales) for that relevant phase has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following information: The hours of operation for the Car Park, a pricing structure in regard to short stay public only, tariff controls and how the designations for the car parking facilities shall be enforced. The plan shall be fully implemented, and the development thereafter operated in accordance with the approved timescales.

To promote sustainable modes of transport and ensure the free and safe use of the highway.

#### Car parking Designation

The car parking within the Multi Storey Car Park (MSCP) shall will be allocated as follows: 199 long stay parking spaces for the development and 279 short/medium stay parking spaces for the public, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of sustainable development, and vehicular and pedestrian safety.

Highway condition

Development shall not commence until a survey of the condition of Whitehall Road from the Globe Road junction, to the junction of Northern 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.

Statement of Construction Practice

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 construction vehicle routing, the 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;
- (c) the methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development;
- (d) measures to control the emissions of dust and dirt during demolition and construction; and
- (e) how this Statement of Construction Practice will be made publicly available by the developer.

The approved details shall be implemented at the commencement of work on each phase of development 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 amenity and highway safety.

Offsite highway works

Prior to occupation of the development, the off-site highway works as shown on plan **IN** comprising **TBC** at location **TBC** shall be fully delivered.

To ensure the free and safe use of the highway

### Bin stores

The relevant phases of the development shall not be occupied until the bin stores relating to that phase have been provided. For the avoidance of doubt refuse bins shall not be stored outside the building at any time except at collection times.

In the interests of amenity and to ensure adequate measures for the storage and collection of wastes are put in place.

### EV Charging

The relevant phases of the development shall not be occupied until Electric Vehicle Charging Points have been provided for that phase 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.

### Road Safety Audit

Notwithstanding the approved details, works above ground floor slab level to any units hereby approved shall not commence until a revised Stage 1 Road Safety Audit (RSA) and designers response has been submitted to and approved in writing by the Local Planning Authority. The design revisions identified within the approved RSA and designer's response shall be fully provided prior to the first occupation of the development and retained thereafter for the lifetime of the development.

To ensure the free and safe use of the highway

### EA - Flood Risk Assessment

The development shall be carried out in accordance with the submitted flood risk assessment (titled Whitehall Riverside, Residential & Commercial Development Flood Risk Assessment", ref. "079153-CUR-00-XX-XX-RP-C-004", rev. 04, dated 24/11/2022, compiled by Curtins) and the following mitigation measures it details:

- Finished floor levels in the office block (building 02) shall be set no lower than 30.500 metres Above Ordnance Datum (AOD)
- Finished floor levels of the retail space and substations in the multi storey car park with retail space (building 05) shall be set no lower than 30.000mAOD
- Finished floor levels of the office block and aparthotel (buildings 04 and 09) shall be set no lower than 30.000mAOD

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.

To reduce the risk of flooding to the proposed development and future occupants

### EA – Biodiversity

No development 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. The scheme shall include the following elements:

- A. A Biodiversity and Landscape Management Plan (BLEMP) which details;
- i. a full BNG assessment including river metric element
  - ii. how light spill onto the river will be minimised from the final development and mitigation for any residual impacts upon bats and otters
  - i. how Invasive Non-Native plant species will be controlled and their long term management,
  - ii. a management plan for the maintenance (if required) of any habitat created on site for 30 years in-line with BNG requirements
  - iii. evidence that consideration has been given to “Leeds City Council - Draft Tall Buildings Design Guide SPD FOR CONSULTATION Leeds Local Plan Supplementary Planning Document July 2019” including potential for inclusion of; green walls (see point 7.14) nesting features - potential for bat, sand martin & swift features, claddingsystem-compatible units are commercially available (see point 8.2), energy production (see point 10.9 and Principle 4)
  - iv. evidence that the biodiversity and waterfront development guidance has been taken into consideration (see “Local Plan Supplementary Planning Document: Biodiversity and Waterfront Development, adopted December 2006”).
  - v. consideration should also be given to managing the gravel roof areas as “brown roofs” (if they aren’t going to be used for solar generation) which could provide significant increase in the biodiversity value of the development with minimal effort.

B. A Construction and Environment Management Plan (CEMP) which details how impacts on the environment will be minimised, including temporary impacts from lighting on commuting bats and otters.

To protect the River Aire adjacent to the development site and avoid damaging and enhance the site’s nature conservation value

#### Submission Report + Remediation Strategy

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

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) 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.

#### Amendment of Remediation Strategy

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.

#### Submission of Verification Report(s)

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.

#### Construction Environmental Management Plan

Prior to the commencement of development a Construction Environmental Management Plan (CEMP:Biodiversity) shall be submitted to and approved in writing by the LPA. The CEMP (Biodiversity) shall 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 on the River Aire and non-native invasive plants
- d) Location and timings of sensitive works to avoid harm to biodiversity features, including nesting birds, and otters and bats associated with the river
- 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.

To ensure the protection of existing biodiversity features.

#### Lighting Design Strategy for Bats

Prior to commencement of development of each phase a Lighting Design Strategy For Bats 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 for that phase 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.

#### *Bat roosting and bird nesting features*

Prior to the commencement of the cladding of the building of each phase details 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 the relevant building. The agreed details 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 relevant phase of the development and retained thereafter.

To maintain and enhance biodiversity.

#### *Biodiversity Enhancement & Management Plan*

Prior to the commencement of development, a Landscape and Biodiversity Enhancement & Management Plan (Landscape BEMP) shall be submitted to and approved in writing by the LPA. The Plan shall deliver a minimum of 0.55 Habitat Biodiversity Units and 0.80 River Biodiversity Units on land identified in the Biodiversity Net Gain Assessment, ER-6293-01C, dated 07/11/2022, by Brooks Ecological, 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 perpetuity
- 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.

#### *Biodiversity Monitoring Programme & Monitoring Report*

Prior to occupation of the first 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 0.55 Habitat Biodiversity Units and 0.80 River Biodiversity Units in the Biodiversity Net Gain Assessment, ER-6293-01C, dated 07/11/2022, by Brooks Ecologica
- 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.

#### *Waste Water*

The development shall be carried out in accordance with the details shown on the submitted plan, "Outline site wide Foul and Surface Water drainage Strategy' 079153-CURXX-XX-RP-C-001 (rev V03) prepared by Curtins, dated 24/03/22 ", unless otherwise agreed in writing with the Local Planning Authority.

In the interest of satisfactory and sustainable drainage

#### *Lighting*

No external lighting shall be installed unless a scheme for the relevant phase of development has previously been approved in writing by the Local Planning Authority. No lighting fitment shall be installed on the site in such a way that the source of light is directly visible from nearby residential properties or is a hazard to users of adjoining or nearby highways. The scheme shall be installed and retained thereafter in accordance with the approved details.

In the interests of amenity and highway safety.

#### *Hard and soft landscape*

Prior to the commencement of on site hard and soft landscape works for each phase, details of these works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

- (a) proposed finished levels and/or contours,
- (b) boundary details, means of enclosure and retaining structures,

- (c) road/pedestrian/cycling paving areas, steps and ramps
- (d) CCTV and access control
- (e) minor artefacts and structures (eg, tree pits in hard paving, raised planting beds, flush planting beds, refuse/cycle storage units, screening, seating, play features, interpretation features, bins, bollards, lights, paved service covers, linear drainage covers, etc.)
- (f) proposed and existing functional services above and below ground (eg. drainage, sewers, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.).

Soft landscape works shall include:

- (g) planting plans;
- (h) written specifications (including cultivation and other operations associated with plant and grass establishment);
- (i) tree pit and planter details;
- (j) schedules of plants noting species, planting sizes and proposed numbers/densities;
- (k) implementation programme

All Soft Landscaping works to be carried out in accordance with Planting checklist (leeds.gov.uk). Hard and Soft works shall be carried out in accordance with the approved details; approved implementation programme and 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.

#### Hard and soft landscaping works

Hard and soft landscaping works within each phase shall be fully carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations and BS 8300:2009 +A1:2010 Design of buildings and their approaches to meet the needs of disabled people. The developer shall complete the approved landscaping works within the relevant 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 and accessible landscaping.

#### Landscape Management

The relevant phase of development shall not be occupied until a plan, schedule and specification for landscape management for the lifetime of the development has been submitted to, and approved in writing by, the Local Planning Authority. The Management Plan must be a standalone, self-contained document that is not reliant on cross referencing additional information/site plans. The document must therefore include copies of all approved landscape plans and specifications as appendices and also references to planting, hard landscaped areas, including paving, seating and other features. All in accordance with Planning Guidance No. 2 LANDSCAPE MANAGEMENT PLANS. Ref: <https://www.leeds.gov.uk/docs/Landscape%20management%20plans%20guidance.pdf>. The landscape management plan shall identify the frequency of operations for each type of landscape asset and reflect the enhanced maintenance requirement of planted areas.

To ensure successful establishment and aftercare of the completed landscape scheme.

### Tree Dies

If, within a period of five years from the planting of any trees or plants, those trees or plants or any trees or plants planted in replacement for them is removed, uprooted, destroyed or dies or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective another tree or plant of the same species and size as that originally planted shall be planted at the same place in the first available planting season, unless the Local Planning Authority gives its written consent to a variation. If such replacements die within twelve months from planting these too shall be replaced, until such time as the Local Planning Authority agrees in writing that the survival rates are satisfactory.

To ensure the maintenance of a healthy landscape scheme.

### Hotel Accessibility

The reserved matters application confirming the layout of building 4 (as a apart-hotel/hotel) would be required to provide accessible rooms at a ratio of 1:20, including a mix of showers and baths within these rooms. Half of these rooms should also have an interconnecting door to an adjoining standard room. One room must also include a hoist (see BS8300 vol 2 2018 19.2,1.2) which runs between the bedroom and the bathroom.

To ensure the proposed hotel/apart hotel use is inclusive and can accommodate disabled guests including those who use hoists.

### Commercial deliveries

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, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of amenity and due to the mixed use of the area.

### Sound Insulation

Prior to the commencement of above ground works on any 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 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 Apex Acoustics Noise Impact Assessment).

In the interests of residential amenity.

### Ventilation

Prior to the installation of any external extract ventilation system on any phase including plans, noise levels, smoke and odour report 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 for that phase. Plant and machinery operated from the site 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.

In the interests of visual and nearby residential amenity.

*In the interests of visual and nearby residential amenity.*

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. Any external extract ventilation system/air conditioning plant shall be installed and maintained in accordance with the approved details.

In the interests of amenity.

*Entertainment use*

No use of the commercial units as an entertainment or bar use shall 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 octaves between 63 and 125Hz when measured at the nearest noise sensitive premises. The approved scheme shall be retained thereafter.

In the interests of residential amenity

*Hours of construction*

The hours of construction shall be restricted to 08.00 - 18:00 hours Monday to Saturday, with no works on Sundays or Bank Holidays, unless agreed in writing with the Planning Local Authority.

In the interests of residential amenity.

*Sustainability*

Prior to the commencement of above ground works on any relevant phase of the development an updated Sustainability Statement shall be submitted to and approved in writing by the Local Planning Authority, for that phase which will include a detailed scheme comprising:

- a. a recycled material content plan (using the Waste and Resources Programme's (WRAP) recycled content toolkit).
- b. a Site Waste Management Plan (SWMP).
- c. a passive design analysis and a thermal comfort report with details of how it influences design.
- d. an energy plan showing the amount of on-site energy produced by the selected Low and Zero Carbon (LZC) technologies and that it produces a minimum of 10% of total demand including their location and timelines for connection.
- e. details that demonstrate at least a 20% reduction in total predicted carbon dioxide emissions in the Building Regulations Target Emission Rate Part L 2013.
- f. details that demonstrate the development would meet the BREEAM standard of 'excellent'

g. a proposal to explore making the development future proof, to enable future connection to the local district heat network.

The development shall be carried out in accordance with the approved details and

g. Within 6 months of the final occupation a post-construction review statement shall be submitted to the Local Planning Authority including demonstration that the building(s) have achieved the relevant standards. The development and buildings comprised therein shall be maintained thereafter and any repairs shall be carried out all 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.

#### RM sustainability

The reserved matters application confirming the layout of buildings 4 and 9 shall include full details of proposed sustainability measures for that phase of development.

To ensure the inclusion of appropriate sustainable design measures for building 4 and 9.

#### Security

Prior to the commencement of the construction of each phase a Security Plan shall be submitted to and approved in writing by the Local Planning Authority. The Security Plan, which shall be prepared in conjunction with advice from the RSES (Register of Security Engineers and Specialists) shall set out measures to control access to the relevant building; to protect the structure and fabric of the building; and also the public realm around the site during construction and following completion. The measures thereby approved shall be implemented prior to first use of each phase of the development and thereafter retained and maintained.

In the interests of security and public safety.

#### The commercial ground floor uses

The commercial ground floor uses within buildings 2, 4, 5 and 9 shall be used as Class E(a), Class E(b) Class E(c)(i), E(c)(ii), Class E(d), Class E(e) and Class E(g)(i) and uses as a public house, wine bar, or drinking establishment (sui generis) and shall not be used for any other purposes within Class E or other Use Classes of the Schedule of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order with or without modification.

In order that the Local Planning Authority can retain control over uses which could be harmful to the vitality and viability of the city centre and to ensure any new uses accord with the requirements of the Core Strategy (as amended 2019).

#### Convenience goods

Notwithstanding the details shown on the approved plans, no more than 200 square metres gross internal area of the 815 square metres ground floor commercial uses, within buildings 2,4,5 and 9 and shall be used for Class E(a) for the sale of convenience goods, as defined in The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order with or without modification, and its subsequent amendments.

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 and Wellington Street Local Convenience Centre.

Opening hours if commercial units

The opening hours of the ground floor commercial units within buildings 2 & 5 shall be restricted to 7:00 hours to 23:00 hours Monday to Sunday, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of residential amenity.

Window display

Prior to the occupation of any ground floor commercial unit within any buildings, details of a signage/window manifestation strategy shall be submitted to and approved in writing by the Local Planning Authority. This shall set out signage zones on the building and shall at no time be solidly obscured or screened to prevent vision into and through the windows

In the interest of ensuring active frontages and natural surveillance are maintained.

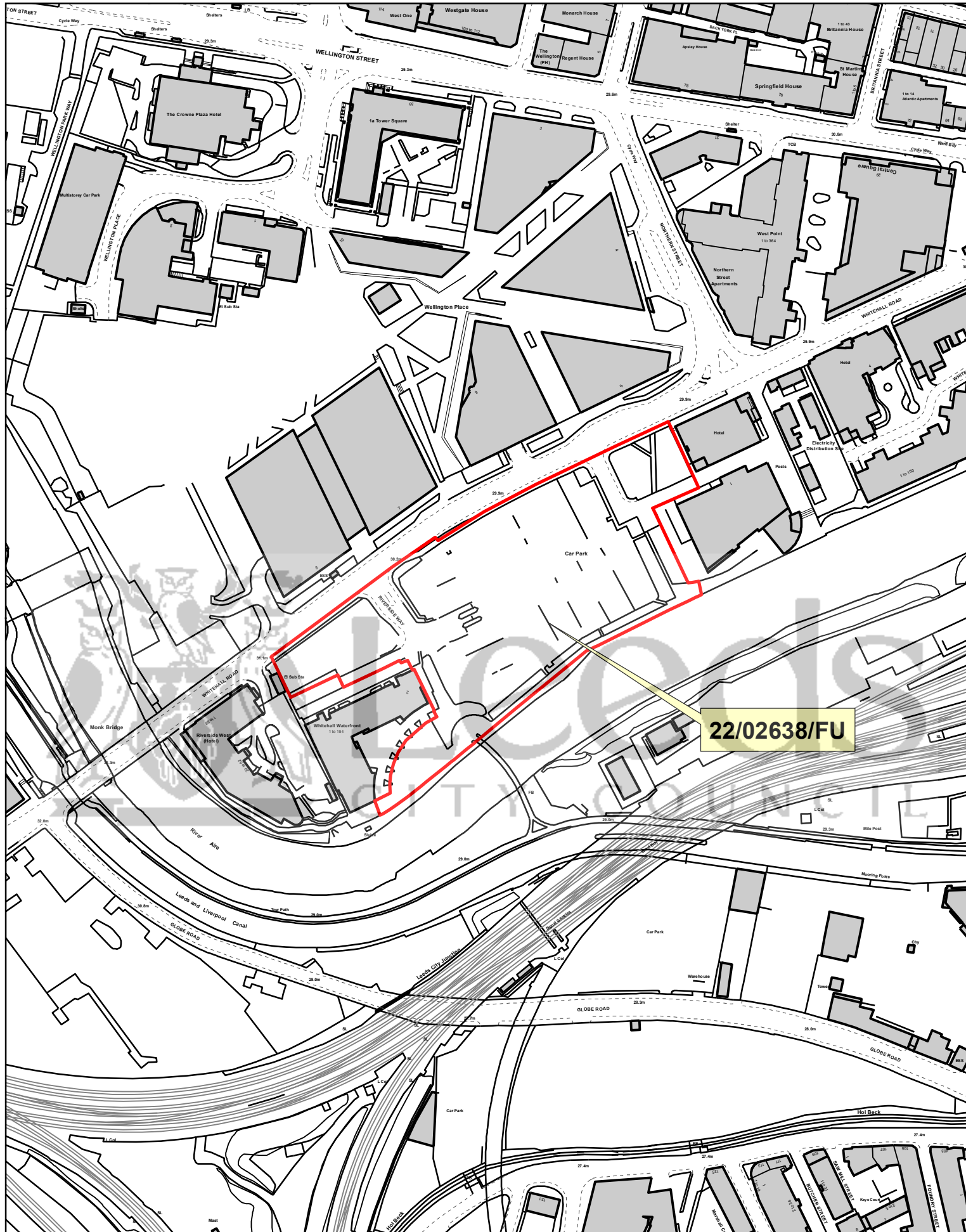
Hotel use

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification) the apart-hotel/hotel accommodation hereby approved shall only be used as apart-hotel/hotel accommodation for the purposes falling within Use Class C1 of The Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking or re-enacting that order with or without modification).

The same person or family unit shall not occupy any apartment within the apart-hotel, hereby approved, for more than three months in one continuous occupancy, or for more than 3 months in total within any 6 month period to avoid an apartment being occupied as a person's or family's sole, or permanent, place of residence.

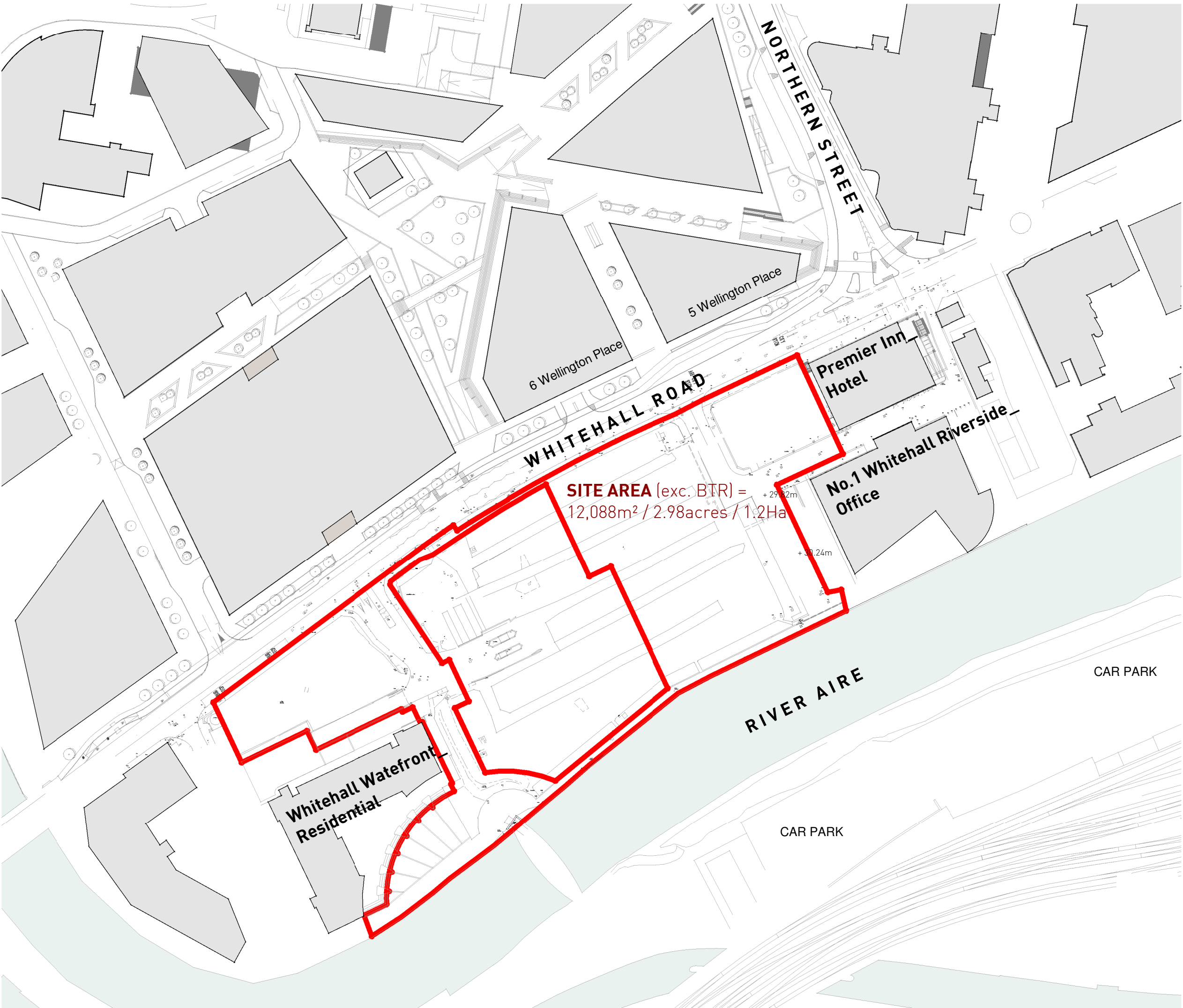
In order to ensure that the apart-hotel hereby approved is not used as a 'Dwelling House' as set out in the Town and Country Planning (Use Classes) Order 2005, or any subsequent amending Act, which would require compliance with other housing policies in the Development Plan.





# CITY PLANS PANEL





Location Plan

N

1 : 1250

0

25

50

75m

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. Enjoy Design Ltd.

Notes.		
<b>00 Series General Arrangement Notes</b>  1. Any areas indicated on the plans are approximate. They relate to the likely areas of the building at the current state of the design and are calculated using the stated eg[NIA] method from the Code of Measuring Practice 5th Edition RICS/ISVA. Any decision to be made on the basis of these predictions, whether as to project viability, pre-letting, lease agreements or the like, should include due allowance for design development and building tolerances. Floor areas are subject to Planning, Building Control and other statutory approvals.  2. Any structural, services or fit out detail shown is for coordination only, refer to relevant Consultants/Clients information for details.	3. Refer to Enjoy NBS for full outline performance specification of Architectural Elements.	
	4. THE CONTENT OF THIS DRAWING IS FOR DESIGN INTENT AND REQUIRES FURTHER DESIGN DEVELOPMENT AND COORDINATION WITH ALL RELEVANT CONSULTANTS, SUB-CONTRACTORS, SPECIALIST DESIGNERS AND STATUTORY AUTHORITIES.	
	5. Plot 06/07 has been designed by Sheppard Robson Architects and is being shown on these drawings for indicative purposes only. Please refer to separate planning application for the upto date design and drawings	

Rev.	Des.	By	Date	Ch.	Status:
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PLANNING

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Client: TCS		Job No: 21,046
Project: Whitehall Riverside 21		
Title: Location Plan		
Date: 07/09/21	Scale: As indicated@A1	Checked by: WD
Drawing No: 00-100	Drawn By: MH	Revision:





**Leeds**  
CITY COUNCIL

Originator: R Coghlan  
Telephone: 0113 336 3775

## Report of the Chief Planning Officer

### *City Plans Panel*

Date: 18<sup>th</sup> May 2023

**Subject: Planning (22/04079/FU) and Listed Building (22/04080/LI) Applications for conversion of vacant upper floors to Serviced Accommodation/Short Term Lets (Use Class C1) including internal and external works, replacement bin store and new external staircase**

**Applicant: APM Assets**

#### **Electoral Wards Affected:**

**Little London and Woodhouse**

☐ No

Ward Members consulted

#### **Specific Implications For:**

Equality and Diversity

☐  
☐

Community Cohesion

☐

Narrowing the Gap

**RECOMMENDATION: DEFER and DELEGATE to the Chief Planning Officer for approval subject to the specified conditions set out in Appendix 1 (and any amendment to or addition of others which he might consider appropriate).**

## **1. Introduction**

- 1.1. This is a joint report for both planning and listed building applications. It is brought to City Plans Panel under exception 1(b) within the Officer Delegation Scheme as it is proposing a C1 hotel use for a site allocated for C3 residential and B1 Office in the Site Allocations Plan. This is regarded as a departure from the Development Plan outside of the scope of the Officer Delegation Scheme. The merits of the departure are dealt with under section 10.1, "Principle of Development" below.

## **2. Proposal**

- 2.1. The development proposed is to convert the upper floors to serviced accommodation. A number of external alterations are proposed including restoration of original windows to front and side elevations (with sympathetic insertion of secondary glazing), rear window, door and brickwork alterations, removal of a rear flue and the replacement of the rear external fire escape and the ground floor bin store. Internal alterations include sub-divisions, replacement ground floor stairs, removal of the redundant lift shaft and insertion of ventilation ducting. Ten serviced hotel apartments would be provided ranging in size from 23sqm to 93sqm.

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

- 3.1. Number 7 Duncan Street is on the north side of the road comprising ground floor shop unit and three upper floors. It is a grade 2 listed building designed by local architect, Percy Robinson in a baroque revival style and constructed at the turn of the 20<sup>th</sup> century. Historically, the ground floor shop and upper floor offices were occupied by Rawcliffes. More recently the ground floor has been converted to food and drink outlets and is currently occupied by Mommy Thai and Sqew. Despite a partially implemented planning permission in 2006 for bedsits, the upper floors have lain vacant. A new doorway to Duncan Street and staircase to the upper floors was implemented as part of that permission.
- 3.2. There is a short alleyway off Duncan Street immediately to the east of the property which provides access to the Distrikt Bar at the rear ground floor of the property, to an existing bin store and to the external fire escape. The property sits between similar listed buildings of similar design and stature on the north side of Duncan Street between Briggate and Central Road.
- 3.3. The site falls within the City Centre Central Conservation Area. The upper floors of the property are allocated in the Site Allocations Plan as a mixed use allocation MX2-25 with indicative capacities of 15 dwellings and 428sqm of office space. The site is considered suitable for older persons housing/independent living in accordance with Policy HG4. The site is within the Primary Shopping Area of the City Centre and the ground floor of this part of Duncan Street is designated as Primary Frontage.

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

- 4.1. 06/03956/FU and 06/03954/LI Alterations to form basement restaurant, 3 ground floor retail units and 15 bedsit flats including 4 storey rear extension. Permissions 5/12/06. Only the ground floor retail element and access to upper floors implemented.
- 4.2. 08/05955/FU and 08/05956/LI for rear external fire escape permitted 4/12/08
- 4.3. 09/04185/FU Repositioning of gates and addition of external smoking canopy to rear to restaurant. Permitted 23/11/09
- 4.4. Extended opening hours 08/05241/FU to permission 06/03956/FU permitted 9/12/08



- 4.5. 09/04184/LI 1 externally illuminated projecting sign, external cameras and 2 external lights repositioning of gates and external smoking canopy to rear of restaurant. Permitted 23/11/09
- 4.6. 14/02281/FU for change of use of Unit 1 retail (A1) to food and drink (A3) permitted 19/6/14.
- 4.7. 14/07200/FU Installation of extraction system and flue to rear of Unit 3 permitted 13/2/13. 13/03081/FU and 13/02082/LI for air conditioning and 4 exhaust fans permitted 22/7/13
- 4.8. 11/00117/FU Change of use of Unit 3 from retail (A3) to hot food take away (A5) permitted 9/5/11
- 4.9. 17/01416/FU and 17/01362/LI for raised decking and fencing to side alley in front of Distrikt Bar. Retrospective applications refused 8/5/17. Reasons: visually harmful to listed building and conservation area, obstructive to access, including emergency, noise and disturbance to existing residents.
- 4.10. 18/00578/FU for change of use of ground floor shop unit 2 to restaurant/café/drinking establishment use (A3/A4) permitted 05/06/18.
- 4.11. 20/00441/FU and 20/00442/LI for insertion of door to front elevation and internal staircase to first floor. Permissions granted 07/05/20
- 4.12. 20/07362/FU and 20/07363/LI for retention of rear partially covered outdoor seating area to serve the bar in the rear ground floor. Permissions granted 26/03/21.
- 4.13. 20/03813/FU and 20/03814/LI for change of use of shop unit 1 from A3 food and drink to A3/A5 mixed use. Installation of flue to rear. Permissions granted 21/09/20. Currently in use as Sqew.
- 4.14. Various consents for new signage have been permitted over the years.

## **5. Public/Local Response**

- 5.1. A response has been received from Leeds Civic Trust. The Trust welcomes the proposed re-use of a vacant Grade II listed building for residential occupancy with the opportunity to see this architecturally imposing building given a face lift and its interior rescued from decay. However, it would like to see 2 cycle spaces provided and the sizes of the apartments increased in size to meet the nationally described space standards under Policy H9. The Trust recognises that the space standards are not applicable to C1 accommodation, but notes the comments in the Planning Statement about future conversion to C3 and suggests that the size standards should be met from the outset.
- 5.2. A response has been received from a commercial occupier of the upper floors of 9 Duncan Street which is on the opposite (east) side of the access road. It states that the access road is not “shared” as suggested in the planning application but tenants of number 7 Duncan Street only have access rights up to the centre line. For siting any skips, scaffold etc on the eastern side of the

centre line, permission of the landlord of number 9 Duncan Street would be required. Other concerns include the following:

- Noise nuisance from the open rear yard used by the night club is likely to be extreme, considerably noisier than extractor fans and require enclosure and sound insulation of rear yard activities.
- The proposed bin store is considered insufficient for the increased use. The current bin store is inadequate and not well managed.
- No fire exit is proposed from the rear yard of 7 Duncan Street.
- As Duncan Street is now a “Bus Gate” temporary parking on the access road will not be available for delivery / collection arrangements as proposed in the management plan.
- Cleaning of the exterior could damage the “Marmo” ceramic tiling/block work unless a specialist cleaner is appointed.
- Do the extraction flues to the rear of the building have permission?

5.3. All these matters are addressed in the appraisal section below.

## **6. Consultation Response**

### Statutory

6.1. None.

### Non-Statutory

#### Local Plans

6.2. No objection providing that the C1 use is conditioned to prevent lettings for longer than 90 days. The context for the allocation for residential use (MX2-25) in the Site Allocations Plan has changed such that it would not be appropriate to retain availability for C3 residential use. The proposed C1 use is supported by Core Strategy policy in this location.

#### Environmental Health – Commercial Noise

6.3. Firstly, that the external noise impact to occupiers needs to be made acceptable by:

- i. fitting mechanical ventilation so that windows do not have to be opened in hot weather. It is also necessary for building regulations because the rear restaurant flue finishes below roof level. Because it is a listed building, drawings showing ducting and any roof units will be required. It cannot be left to condition.

- ii. the new glazing needs to have 1 x 6mm layer and 1 x 4mm (standard) layer of glass. Because it is a listed building, details of the glazing need to be provided.
- 6.4. These matters are fully addressed with mechanical ventilation and key window details agreed to the satisfaction of the Conservation Officer and timber detailing of the new rear windows to be agreed by condition.
- 6.5. Secondly, the First Floor Raised Floor detail shown on drawing 22022-2006-B is sufficient for insulating against noise from the restaurants on the ground floor.

Conservation Team

- 6.6. Further information was required to clarify that the suspended ceilings will stop short of the windows and to illustrate the mechanical ventilation system, including ducting and vents to the rear of the building, and details of the proposed secondary glazing to the front and side elevations and new windows to the rear elevation. Subject to conditions, no objection is raised.

District Heating Team

- 6.7. No comment.

Highways

- 6.8. No objection following submission of evidence concerning the impracticality of providing long stay cycle parking spaces. Based on the application being for 10 serviced apartments in the C1 (Hotel) use class the Transport Supplementary Planning Document normally expects long stay cycle parking provision of 1 space per 8 bedrooms.
- 6.9. Of note, if the application were for residential apartments (C3), 10 long stay parking space would have been required, one for each apartment. Also, the bin storage for residential use would have had to have been kept separate from commercial bin storage.

National Trans Pennine Trail Officer

- 6.10. The site is on the route of the Trans Pennine Trail which passes along Duncan Street. As such it is recommended that cycle storage is included in the design to support sustainable travel.
- 6.11. As fully addressed in the Appraisal Section below, it is not physically possible to provide cycle storage.

## **7. Relevant Planning Policies**

### **7.1. Statutory Context**

- 7.1.1. 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 with Selective Review (Adopted 2019)
- The Site Allocations Plan (Adopted July 2019 except for 37 Green Belt sites remitted back to the Secretary of State for re-examination)
- Saved Leeds Unitary Development Plan Policies (2006), included as Appendix 1 of the Core Strategy

7.1.2. These development plan policies are supplemented by supplementary planning guidance and documents.

## **8. Development Plan**

### **8.1. Leeds Core Strategy (CS)**

8.1.1. 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:

General Policy (p23) that has a presumption in favour of sustainable development.

Spatial Policy 3: Role of Leeds City Centre views the city centre as the regional capital for major leisure, hotel and cultural development.

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.

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. 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 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.



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.

## **8.2. Site Allocations Plan**

8.2.1. 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.

8.2.2. The site is allocated under reference MX2 25 for 15 dwellings and 428sqm of office space.

8.2.3. The allocation has the following site requirements:

- The site is suitable for older persons housing / independent living in accordance with Policy HG4
- 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

## **8.3. Leeds Unitary Development Plan Review 2006 (UDPR) Saved Policies**

8.3.1. Relevant Saved Policies include:  
Policy GP5 all planning considerations  
Policy GP1 Proposal Map allocations

## **8.4. Relevant Supplementary Planning Guidance: SPD Transport SPD (2023)**

## **8.5. National Planning Policy Framework (NPPF) 2021**

8.5.1. 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):  
12 Achieving well designed places (126 and 130)  
16 Conserving and enhancing the historic environment (194 - 202)

## **9. Main Issues**

- 9.1. Principle of the development
- 9.2. Impact on Visual Amenity and Listed Building
- 9.3. Impact on General Amenity
- 9.4. Highway Issues
- 9.5. Residential Standards

## **10. APPRAISAL**

### **10.1. Principle of the Development**

10.1.1. The upper floors of 7 Duncan Street are allocated for mixed use under reference MX2-25 of Policy HG2 of the Site Allocations Plan 2019. Indicative capacities for 15 dwellings and 428sqm of office space are set, with site requirements that the site is suited for older persons housing / independent living, that any development should preserve the special architectural or historic interest of Listed Buildings and their setting and that any development should preserve or enhance the character or appearance of the Conservation Area. The proposal for C1 use would be contrary to the allocation in the Site Allocations Plan which anticipates use for housing and office use. In considering the principle of the proposed use, the following policies will also be relevant:

- Spatial Policy 3 Role of Leeds City Centre: (i) promoting the city centre's role for major new hotel development, (iv) re-use of vacant and underused sites and buildings for mixed use development
- Spatial Policy 6 The Housing Requirement and Allocation of Housing Land: accommodating 51,952 (net) new dwellings 2017-33 focussing on sustainable accessible locations with a preference for brownfield sites.
- Spatial Policy 7 Distribution of Housing Land and Allocations: accommodating 15.5% of identified and allocated housing land in the City Centre
- Spatial Policy 8 Economic Development Priorities: (ii) promoting the development of a strong local economy continuing to grow opportunities, inter alia, in leisure and tourism and (vii) developing the city centre as the core location for town centre uses
- Policy CC1 City Centre Development. To accommodate 15.5% of identified and allocated housing land and to support all other town centre uses within the city centre providing the use does not negatively impact on the amenity of neighbouring uses

10.1.2. The site was allocated in SAP under MX2-25 reflecting a previous planning application (06/03956/FU) that was approved in December 2006 and included 15 residential units. Policy GP1 of the UDP states that permission should not be given for different permanent uses to the allocated use unless evidence shows that circumstances have changed, in particular in relation to the need for the allocated use, the suitability of the site or the need for the proposed use. According to the council's land supply records the permission expired in December 2009 and the scheme is now undeliverable. The site is no longer in

the current pipeline of short-term deliverable supply and is not included as part of the five year housing land supply.

- 10.1.3. Thus, the context is different today. The location in the city centre means the premises could be used for other purposes that would be supported by planning policy for the City Centre. Serviced accommodation in the C1 use class is a town centre use that is supported by Policy CC1 in the City Centre. Spatial Policy 3 promotes major hotels in the city centre. Whilst this proposal is not major, it would still contribute to the growth of leisure and tourism, one of the economic development priorities of Spatial Policy 8. As such it is considered that the new circumstances expected of Policy GP1 apply in this case, and Policy GP1 is satisfied.
- 10.1.4. A conservation factor also comes into play. The upper floor premises have been vacant for more than 15 years since the closure of the Rawcliffes shop in the 2000's. Re-use of the premises would help preserve the Grade II listed building in accordance with Policy P11 of the Core Strategy and chapter 16 of the NPPF.
- 10.1.5. In conclusion it is considered circumstances are now different such that the allocation for C3 residential with a small amount of office floorspace is no longer needed in accordance with UDP Policy GP1 (iii) and the proposed C1 use is supported by Core Strategy Policy.

## **10.2. Impact on Visual Amenity and Listed Building**

- 10.2.1. Policy P10 of the core strategy expects new development to provide good design appropriate to its location, scale and function. Proposals will be supported i) of a size, scale and design appropriate to its context and respects the character and quality of surrounding buildings, and ii) that protect and enhance historic assets. Policy P11 of the core strategy expects the historic environment of Leeds to be conserved and enhanced. Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 and Section 72 of the Listed Building Act 1990 are also important as the property is grade 2 listed and within the city centre central conservation area.
- 10.2.2. Most of the proposed works to the building would be internal. There will be cleaning and repair as necessary of the external walls, roof and fenestration. To address the concern raised by the neighbour, the applicant has confirmed that a professional company will be employed to undertake the cleaning so that the ceramic tiling will not be damaged. This will also be controlled by condition. Some of the rear windows are proposed to be replaced with double and triple glazed timber casement windows replicating the original profiles in terms of glazing bars. Three former toilet cubicle windows formerly bricked up will be opened up and reinstated with timber casement windows. The rear fire escape will be replaced to reach the first floor, integrating with the ground floor bin store. The second floor fire exit door will be bricked up using matching brickwork. It is considered that the proposed external works would be modest, and generally enhance the building in accordance with Policies P10 and P11 of the Core Strategy.

- 10.2.3. The neighbouring landlord has questioned whether the flues at the rear of the building have listed building consent. As existing, the building has three flues. The applicant will remove the central flue (that does not appear to have planning permission) as part of this application. The flues to the left and the right have permission from consents in 2014 and 2020 serving the ground floor restaurants.
- 10.2.4. The internal alterations largely preserve the original structure and internal plan form. There are subdivisions of the space but there is limited evidence available of the original internal plan form. The stairs from the ground floor will be replaced with lower risers to improve accessibility for those with mobility issues. Minor demolitions include removal of the redundant lift shaft through all floors, including the lift head; removal of internal subdivisions in the NE corner of the first floor to allow the low rise stairs to be inserted and access to the new fire escape; removal of the derelict stairwell to the NE corner of the second and third floors; removal of the modern staircase at the SW corner of the first floor; and removal of the toilet cubicles to the rear of the third floor. Where mouldings are removed they will be used to replace or repair elements retained elsewhere in the building.
- 10.2.5. The central original stairwell will be reinstated to link the upper floors. New fire retardant ceilings will be installed to meet 60 minute fire retardance standards with minimal fixing points. Room subdividing walls will be attached to the new ceiling. A raised floor will be installed to the first floor to allow for servicing and sound insulation. A mezzanine floor will be installed into the 3rd floor roof space. All installations will be designed to be easily removed so that changes can be undone without harm to the original fabric of the building.
- 10.2.6. The vents of the ventilation system mostly open onto the rear of the building with the exception of one vent at second floor level to the side of the building. No venting to the front of the building is proposed.
- 10.2.7. The conservation officers concern that the suspended ceilings may extend to the windows has been allayed by the submission of a typical section drawing illustrating that the suspended ceilings stop short of the windows.

### **10.3. Impact on General Amenity**

- 10.3.1. Policy P10 expects development to protect the general amenity of the area. In terms of the impact of the proposed C1 use on surrounding uses, there are residential apartments above the Yorkshire Bank which is two buildings to the west. Most of the other surrounding uses are non-residential including the Distrikt Bar with external seating and restaurants, Mommy Thai and Sqew, on the ground floor. There are also a number of extractor fans for commercial uses. To the front of the property Duncan Street is a busy city centre thoroughfare with several pubs, bars and restaurants and high night time footfall and vehicular traffic. As such, it is not expected that the C1 use will add any noticeable unacceptable additional noise and disturbance over and above the ambient night time noise levels in the area.

- 10.3.2. In terms of amenity of short stay occupiers, the applicants have submitted a management plan to control how the apartments are managed in terms of entry and exit, waste disposal, laundry and general management. There will be a managing agent available to assist with access problems, faults, missing items, complaints or any other issue, who can attend the site if necessary. A condition to the planning permission will ensure that the management plan is adhered to.
- 10.3.3. The planning case officer visited the property to get a feel for the level of external noise, including from the rear extractor flues turned on. With the existing windows, which are single glazed with old poorly fitting frames, there was a modest background hum of external noise, which seemed to be at a level that one might expect for such a city centre location. However, on the recommendation of the environmental health officer the apartments will be fitted with mechanical ventilation so that windows do not have to be opened in warm weather and suffer from external noise. Also, the windows to the front and side elevations will be repaired and fitted with secondary glazing, in a form to the satisfaction of the conservation officer. The windows to the rear elevation will be replaced with new double and triple glazed units in a form to match the existing.
- 10.3.4. The neighbouring landlord of number 9 Duncan Street suggests the noise from the open yard used by the Distrikt night club can be extreme and require its own enclosure and sound proofing to prevent nuisance to bedrooms. However, the use of the open yard is not permitted beyond 23:00 except for smoking, and sound proofing is proposed to the floor of the first floor and to the party wall with the adjoining building to buffer against noise nuisance. Also, on the advice of the Environmental Health officer, all rooms will be fitted with mechanical ventilation so that windows do not have to be opened in warm weather. The existing dilapidated rear windows will be replaced with new double or triple glazed units which will provide much improved sound insulation. This is considered sufficient for short stay guests.
- 10.3.5. Overall it is considered that the proposals would accord with policy in terms of safeguarding general amenity

#### **10.4. Highway Issues and Servicing**

- 10.4.1. Policy T1 of the Core Strategy and supplementary documents set out standards for provision of car parking and cycle parking. The site is a highly sustainable location in terms of public transport and access to shops, facilities, services and employment. As such no on-site car parking provision is necessary. For C1 accommodation the Transport SPD expects 1 long stay cycle parking space for every 8 rooms. This ratio is based on the needs of hotel staff. As such 2 spaces would normally be expected for 10 small apartments. However, there is no physically suitable location available for any cycle parking to be provided. The entrance hallway is not wide enough for bike storage, which would create obstacles for people to pass. With the proposed bin store at the rear of the ground floor, the only other ground floor space is in

the access road which is shared with other properties and open to the public. Therefore, cycles would be vulnerable to theft and damage. Protective bike cages or stands could impede deliveries and other users of the access road. Therefore, notwithstanding the comments from Leeds Civic Trust and National Trans-Pennine Trail Officer, the highways officer has accepted that in this case, cycle provision would not be feasible.

- 10.4.2. In terms of waste collection C1 use is regarded as generating commercial rather than household waste. As such there is no need for a separate storage area for household waste. The proposed enlarged replacement bin store at the rear of the property is considered appropriate in terms of size, accessibility and appearance. Also, the revised drawing provides access in case of fire from the rear seating area of the Distrikt Bar to the service road at the side.
- 10.4.3. Regarding the neighbouring landlord concern that the Bus Gate would prevent vehicles reaching the private access road at the side, the Duncan St Traffic Regulation Order restricts Duncan Street to the use of busses, taxis and cycling only between 07-10am and 4-7pm which means deliveries and drop offs can be made outside of these peak hours; also, there is a loading bay nearby on Central Road that can be used anytime.
- 10.4.4. In terms of access rights to the service road raised by the neighbour, the service road is split along the centre, with properties either side having access rights along that side of the service road.

## **10.5. Residential Standards**

- 10.5.1. As the proposal is for serviced apartments within the C1 (hotel) use class the policies concerning residential arrangements and standards do not apply. This includes Core Strategy Policies H4 (Housing Mix), H5 (Affordable Housing), H9 (Internal Space Standards) and H10 (Accessible Housing). These cannot be applied on an assumption that the use may subsequently change to a C3 housing use. Such a change would require planning permission. If an application were submitted to change the serviced apartments to C3 apartments, Housing Policies H4, H5, H9 and H10 would have to be addressed. Transport Policy and Supplementary standards concerning cycle parking would also have to be addressed. A condition to limit residency to short term occupation (up to 3 months) is recommended to clarify the boundaries of C1 use granted by this permission.
- 10.5.2. In terms of access for all, as required by Policy P10 of the Core Strategy it is unfortunate that it will not be possible to achieve lift access, and therefore level access, to the upper floor hotel accommodation. The site does not lend itself to achieving wheelchair accessibility standards without major intrusions into the built fabric and securing access from the ground floor is not possible, as this is given over to other uses, and is outside the control of the applicant. Stair access is already provided from the front access door to the first floor. This access was the only part of an earlier planning application for residential use of the upper floors to be implemented.

10.5.3. However, the applicant has agreed to replace the stairs from the ground floor with new stairs of a lower rise, which will make them an “easy going” walk. Whilst not providing access for wheelchair users the new stairs will be easier to negotiate for those who are less able and should also facilitate ease of egress during any emergency situations. On balance it is considered that the positive aspects of the proposals outweigh the lack of lift access. The applicant will be made aware of their responsibilities under the Equalities Act by way of an informative on the decision.

## **11. Conclusion**

11.1. Overall, the proposed change of use to C1 serviced apartments is considered to accord with policy in terms of the principle of the change of use, impact on visual and general amenity, impact on the listed building and conservation area and highway standards, so should be granted planning permission and listed building consent subject to conditions.

## **12. Recommendation**

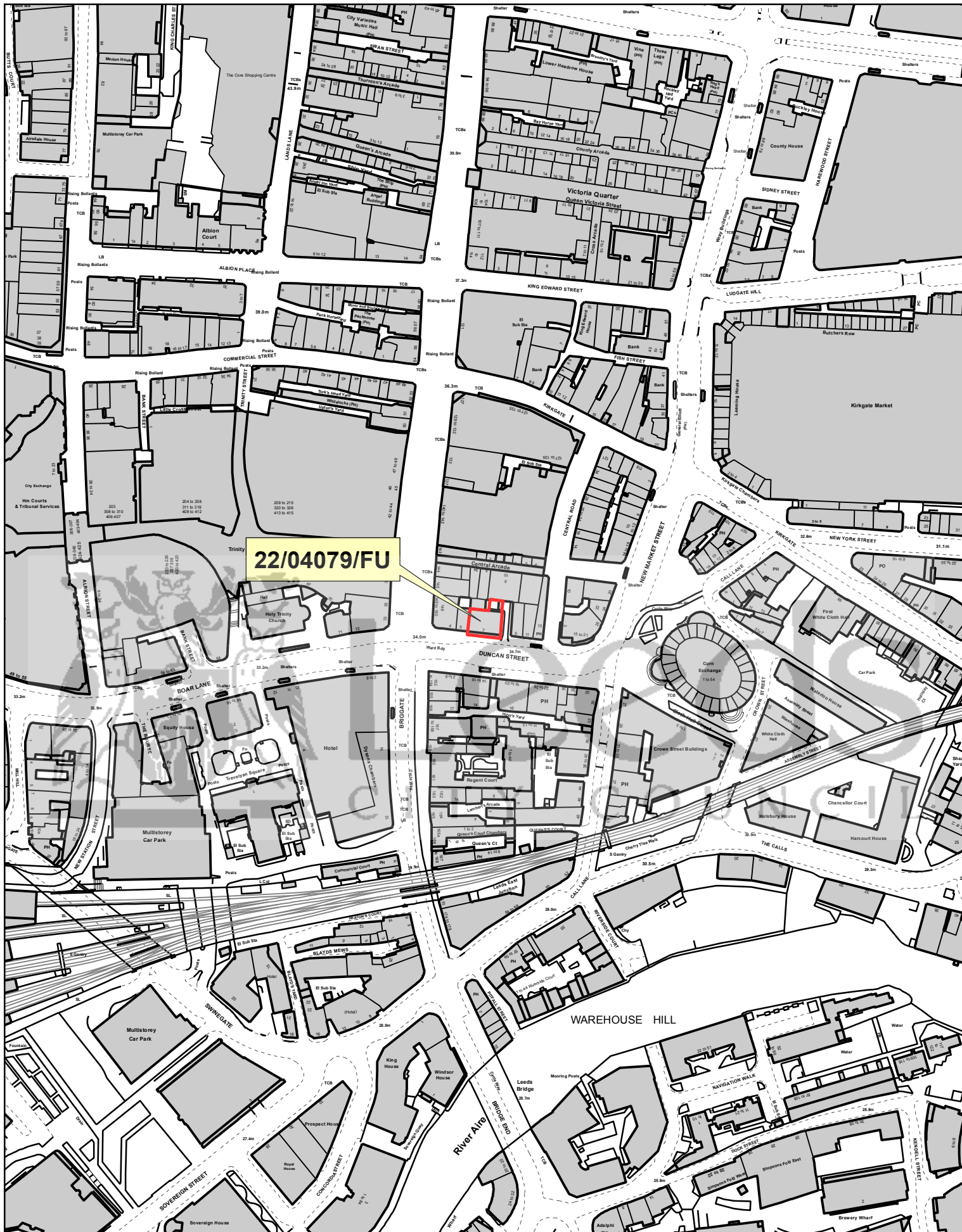
12.1. Grant planning permission and listed building consent subject to conditions.

## **Background Papers**

Application files 22/04079/FU and 22/04080/LI

## **Appendices**

Appendix 1: Draft Conditions



# CITY PLANS PANEL

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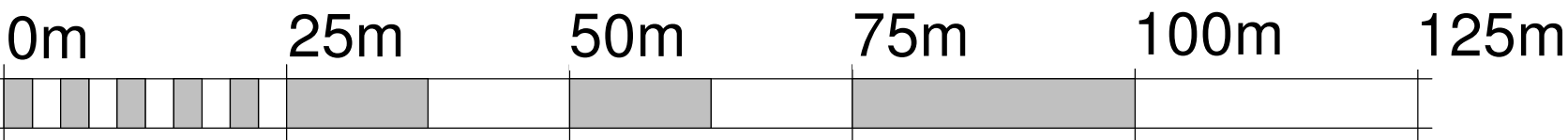
PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

Page 88

SCALE : 1/2500







SCALE 1:1250 @ A3-Landscape

-00- Site Location Plan  
1 : 1250





Appendix 1  
7 Duncan Street – 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 and Specifications above.

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

- 3) The building shall not be occupied until mechanical ventilation according to the approved drawings has been installed to the written satisfaction of the Local Planning Authority

- 4) Once the permission is implemented the premises shall not be operated except in accordance with the Management Statement for APM Assets Ltd dated June 2022

- 5) The apart-hotel units hereby approved shall be used as an apart-hotel only. The same person or family unit shall not occupy any apartment within the apart-hotel, hereby approved, for more than three months in one continuous occupancy, or for more than 3 months in total within any 6 month period to avoid an apartment being occupied as a person's or family's sole, or permanent, place of residence.

In order to ensure that the apart-hotel hereby approved is not used as a 'Dwelling House' as set out in the Town and Country Planning (Use Classes) Order 2005, or any subsequent amending Act, which would bring with it the requirement to comply/address other housing policies in the Local Plan

- 6) Any necessary making good of the existing brickwork/stonework shall be carried out to match exactly that existing in terms of colour, texture, profile, dimension, scale, bonding and/or coursing, and colour and type of mortar jointing.

To preserve the character of the building in the interests of visual amenity.

- 7) The external walling materials shall match those existing.

In the interests of visual amenity.

- 8) Notwithstanding the details shown on the plans hereby approved, no building operations shall take place until full details (to include glazing details, joinery details and details of materials) of the replacement rear windows 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 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

- 9) Cleaning of the building external fabric shall only be undertaken by a professional cleaning company experienced in cleaning historic buildings according to a program approved in writing by the Local Planning Authority

To protect the historic and architectural value of the external tiling of the building

**Reason(s) for granting consent:-**

**For information:-**

- 1) The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries, the detailed advice available on the Council's website and further discussion where appropriate to produce an acceptable development. This particular proposal was clearly in accordance with the Development Plan and so permission could be granted without any further discussion.
- 2) The Applicant is advised that The Equality Act 2010 places duties on the applicant as a Service Provider to offer the same level of service to all customers. As such the provision of an accessible access should be considered further by the Applicant as a requirement to accord with the aforementioned Act.

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Originator: Jessica Ashton  
Telephone: 3797719

## Report of the Chief Planning Officer

### CITY PLANS PANEL

18 May 2023

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

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

#### Electoral Wards Affected:

**Little London & Woodhouse**

☐ Yes

Ward Members consulted

#### Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

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

## 1.0 Introduction

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

## **2.0 Site and surroundings**

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

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

- 2.8 The NCP car park abuts the south west of The Core and has a bridge connection to the building. It provides vehicular access to roof top car parking from an entrance on Albion Street. The Core is currently primarily serviced from the basement which is also accessed through the NCP car park through vehicular entrance on Albion Street.
- 2.9 The Core is in use but has been significantly impacted by changing retail trends and shopping habits as well as the construction of Trinity and Victoria Gate Shopping Centres to the south and east. Previous attempts to rejuvenate the centre include major reconfigurations and refurbishments in 2009 and 2014 and subsequent interventions to improve access, maximise lettable space and diversify the focus of the centre away from pure retail as evidenced by the introduction of The Gym Group and the Hot Room Yoga Studio. Despite these efforts the Centre remains significantly underused with only around a third of the building occupied. Many key stores are vacant, significant sections are totally vacant and a number of other occupiers have confirmed their intention to vacate the building when their leases end.

### **3.0 Proposals**

- 3.1 The proposals involve a collection of three buildings occupying a similar footprint to that of the current Core building, accommodating approximately 3356 sqm retail floorspace at ground floor level, together with 809 student bed spaces above. The development reinstates an historic east west connection through the site and creates two new streets linking Lands Lane with King Charles Street. Providing pedestrian permeability and reinstating more of a fine urban grain typical of Leeds' historic core.
- 3.2 The three buildings reduce in scale from north to south, and generally also from west to east responding to the topography of the site and surrounding townscape character.
- 3.3 Building A fronting the Headrow is proposed at nine storeys. There is a six storey main element, storeys seven and eight are accommodated within a mansard roof which is slightly set back from the main elevation, the ninth floor is accommodated within a part glazed part mirrored structure set back again.
- 3.4 Building B is the central block and proposed at eight storeys comprising of: a five storey main element, a sixth storey setback in brick, a seventh storey accommodated within a mansard roof and the eight storey set further back from the Lands Lane elevation in a light weight glazed/mirrored structure.
- 3.5 Building C is the southernmost building and is proposed at seven storeys, with a five storey main element to Lands Lane, a sixth storey set back from Lands Lane in brick and the seventh storey is set back further and in a contrasting material.
- 3.6 Each of the building are rectangular at ground floor level with the upper floors representing an inverted horseshoe shape accommodating a first floor outdoor landscape courtyard/amenity space.

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

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

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

#### **5.0 Consultation responses**



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 5.5 LCC Landscape Team

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

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

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

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

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

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

<https://www.leeds.gov.uk/docs/Guidance%20Urban%20Tree%20Planting.pdf>

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

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

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

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

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

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

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

## **6.0 Policy**

### **6.1 Development Plan**

- 6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making for

this proposal within the City Centre boundary, the Development Plan for Leeds currently comprises the following documents:

- The Leeds Core Strategy 2014 (as amended by the Core Strategy Selective Review 2019)
- Saved UDP Policies (2006), included as Appendix 1 of the Core Strategy
- The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013) including revised policies Minerals 13 and 14 (Adopted September 2015)
- Site Allocations Plan (Adopted July 2019)

## 6.2 **Leeds Core Strategy (CS)**

6.2.1 The Core Strategy sets out the strategic level policies and vision to guide the delivery of development and the overall future of the district. Relevant Core Strategy policies include:

- Spatial Policy 1 Location of development: prioritises the redevelopment of previously developed land in a way that respects and enhances the local character and identity of places and neighbourhoods. (iv) Prioritises new office, retail, service, leisure and cultural facilities in Leeds City Centre.
- Spatial Policy 2 promotes a 'centres first' approach to retail, office, intensive leisure and culture, and community development to support the vitality and viability of the City Centre and other designated town and local centres.
- Spatial Policy 3 seeks to maintain and enhance the role of the City Centre as an economic driver for the District and City Region by (i) promoting the City Centre's role as the regional capital for major new retail, leisure, hotel, culture and office development; (iii) valuing the contributions to the liver, vitality and economy of the City Centre made by the Universities, (iv) Comprehensively planning the redevelopment and re-use of vacant and under-used sites and buildings for mixed use development and new areas of public space, and (x) expanding city living with a broader housing mix.
- Spatial Policy 8 supports a competitive local economy through (ii) continuing to grow opportunities in retail and housing; and (vii) developing the City Centre as the core location for new retail and other town centre uses.
- Spatial Policy 11 includes a priority related to improved facilities for pedestrians to promote safety and accessibility and provision for people with impaired mobility.
- Policy CC1 outlines the planned growth within the City Centre including at least the following: (ii) 31,000sqm of net additional retails space (comparison), following completion of the Trinity and Victoria Gate schemes. Part B encourages residential development, providing that it does not prejudice town centre functions and provides a reasonable level of amenity for occupiers. The Primary Shopping Quarter is the preferred location for convenience retailing proposals and a concentration of shops with ground floor frontages should be maintained in the Prime Shopping Quarter for reasons of vitality.
- Policy CC3 states new development will need to improve connections within the City Centre as well as with adjoining neighbourhoods to make walking and cycling easier, safer and more attractive. New development will be expected i) to make contributions and (ii) if adjacent to a route planned for improvement make appropriate route enhancements or off-site contributions.
- Policy H2 states that new housing development will be acceptable in principle on non-allocated land subject to capacity of transport, educational and health infrastructure.
- Policy H6 Part B sets out criteria relating to development proposals for purpose-built student accommodation.

- Policy P10 establishes key principles to ensure that new development is well designed to contribute positively to place making, quality of life and wellbeing.
- Policy P11 states that the historic environment and its settings will be conserved, particularly those elements which help to give Leeds its distinct identity.
- Policy P12 seeks to conserve and enhance the character, quality and biodiversity of Leeds' townscape.
- Policies T1 and T2 identify transport management and accessibility requirements to ensure new development is adequately served by highways and public transport, and with safe and secure access for pedestrians, cyclists and people with impaired mobility. Developer contributions may be required for improvements to the offsite highway and pedestrian provision. Travel Plans are required to accompany planning applications in accordance with thresholds set out in the Transport SPD.
- Policy G2 seeks to increase tree cover and seeks to ensure development in the City Centre includes the planting of street trees in appropriately designed pits to increase the area of tree canopy cover.
- Policy G5(iii) requires mixed use development on sites over 0.5 hectares in the City Centre to provide the greater area of either 20% of the total site area, or a minimum of 0.41 hectares per 1,000 population of open space. Where it can be demonstrated that not all the required on site delivery of open space can be achieved contributions in lieu of provision will be required.
- Policy G9 states that development will need to demonstrate biodiversity improvements commensurate with the scale of development, including a positive contribution to the habitat network and that the design of the new development, including landscape, provides new areas and opportunities for wildlife.
- Policies EN1 and EN2 set targets for CO<sup>2</sup> reduction and sustainable design and construction, and at least 10% low or zero carbon energy production on-site.
- Policy EN4 states that where technically viable major developments should connect to district heating networks.
- Policy EN5 identifies requirements to manage flood risk.
- Policy EN6 relates to strategic waste management.
- Policy ID2 outlines the Council's approach to planning obligations and developer contributions.

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

#### 6.3.1 Relevant Saved Policies include:

- Policy GP5 states that all relevant planning considerations are to be resolved.
- N14 Listed building and preservation
- N18A & B Conservation area and demolition
- N19 Conservation areas new buildings
- S4 Retention of Retail Character
- CC22 Conservation
- Policy BD2 requires that new buildings complement and enhance existing skylines, vistas and landmarks.
- Policy BD4 relates to provision for all mechanical plant on and servicing of new developments.
- Policy BD5 requires new buildings to consider both amenity for their own occupants and that of their surroundings including usable space, privacy and satisfactory daylight and sunlight.
- Policy LD1 sets out criteria for landscape schemes.
- Policy N25 boundary treatments

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

- 6.4.1 The NRWLP sets out where land is needed to enable the City to manage resources, like trees, minerals, waste and water and identifies specific actions which will help use the natural resources in a more efficient way.
- 6.4.2 Relevant policies include:
- Air 1 states that all applications for major development will be required to incorporate low emission measures to ensure that the overall impact of proposals on air quality is mitigated.
  - Water 1 requires water efficiency, including incorporation of sustainable drainage
  - Water 4 requires the consideration of flood risk issues
  - Water 6 requires flood risk assessments.
  - Water 7 requires development not to increase surface water run-off and to introduce SUDS where feasible.
  - Land 1 requires consideration of land contamination issues.
  - Land 2 requires development to introduce new tree planting as part of creating high quality living and working environments and enhancing the public realm.
- 6.5 **Site Allocations Plan (SAP)**
- 6.5.1 The Site Allocations Plan was adopted in July 2019. Following a statutory challenge, Policy HG2, so far as it relates to sites which immediately before the adoption of the SAP were within the green belt, has been remitted to the Secretary of State and is to be treated as not adopted. All other policies within the SAP remain adopted and should be afforded full weight.
- 6.5.2 The site is unallocated in the Site Allocations Plan.
- 6.5.3 Lands Lane is part of the Central Leeds Pedestrian Shopping Precinct Greenspace/Civic Space designation (G2369 (CVC13))
- 6.5.4 There are a number of policies within the plan which are relevant:
- Policy RTC1 - Designations of Centre boundaries, Primary Shopping Areas and Protected shopping areas and protected shopping frontages.
  - RTC2 Protected Shopping Frontages within the City Centre in accordance with Policy CC1 of the Core Strategy proposals for non retail uses protected shopping frontages.
  - RTC4- Shopfronts. All changes of use within protected shopping frontages must:
    - 1) maintain a ground floor window display and/or shop frontage appropriate to the use of the premises at all times;
    - 2) maintain or enhance the general appearance of the existing shopping frontages in the design and materials used in any external alterations to the building façade;
    - 3) maintain or establish access to upper floors, where practicable.
- 6.6 **Supplementary guidance**
- Accessible Leeds SPD
  - Transport SPD
  - Draft Houses in Multiple Occupation, Purpose-Built Student Accommodation and Co-living Amenity Standards SPD
  - Draft Wind and Micro-climate toolkit for Leeds SPD
- 6.7 **National Planning Policy Framework (NPPF)**

- 6.7.1 The NPPF was updated in July 2021. Paragraph 11 states that decisions should apply a presumption in favour of sustainable development.
- 6.7.2 Chapter 5 identifies guidance for the delivery of a sufficient supply of homes for different groups including students.
- 6.7.3 Chapter 6 references the benefits of a strong, competitive economy. Paragraph 81 states that significant weight should be placed on the need to support economic growth.
- 6.7.4 Chapter 7 relates to measures to ensure the vitality of town centres to promote their long-term vitality and viability allowing them to grow and diversify, allowing a suitable mix of uses (including housing) and reflecting their distinctive characters.
- 6.7.5 Chapter 8 promotes healthy and safe communities aiming to achieve healthy, inclusive and safe places. Decisions should promote public safety and take into account wider security requirements (paragraph 97).
- 6.7.6 Chapter 9 identifies measures to promote sustainable transport. Paragraph 112 states that priority should be given to pedestrian and cycle movements; the needs of people with disabilities and reduced mobility addressed; creation of safe, secure and attractive spaces; allow for the efficient delivery of goods; and be designed to enable use by sustainable vehicles.
- 6.7.7 Chapter 11 states that decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 6.7.8 Chapter 12 identifies the importance of well-designed places and the need for a consistent and high quality, beautiful and sustainable buildings and places. Paragraph 126 states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 states that planning decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
  - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
  - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
  - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.



Paragraph 131 recognises that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change.

6.7.9 Chapter 14 identifies the approach to meeting the climate change challenge. New development should avoid increased vulnerability to the range of impacts arising from climate change and should be planned so as to help reduce greenhouse gas emissions, such as through its location, orientation and design (paragraph 154).

6.7.10 Chapter 15 identifies guidelines for conserving and enhancing the natural environment. Development should, wherever possible, help to improve local environmental conditions.

6.7.11 Chapter 16 refers to the historic environment. Paragraph 197 states that local planning authorities should take account of:

c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 199 states that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be).”

Paragraph 203 says that “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.

## 6.8 Other Legislation

6.8.1 Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 (the “Listed Building Act 1990”) reads:

*“In considering whether to grant planning permission... for a development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”*

6.8.2 Similarly, Section 72 of the Listed Building Act 1990 reads:

(1) In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

(2) The provisions referred to in subsection (1) are the planning Acts and Part I of the Historic Buildings and Ancient Monuments Act 1953 and sections 70 and 73 of the Leasehold Reform, Housing and Urban Development Act 1993

## 7.0 **Issues**

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

### 7.1 Principle of the development

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

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

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

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

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

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

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

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

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

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

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

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

**7.2 Townscape and heritage considerations**

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

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

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

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

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

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

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

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

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

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

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

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

#### 7.4 Landscape and public realm

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

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

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

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

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

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

## 7.5 Transportation and servicing

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

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

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

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

7.6 Conclusion

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

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

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

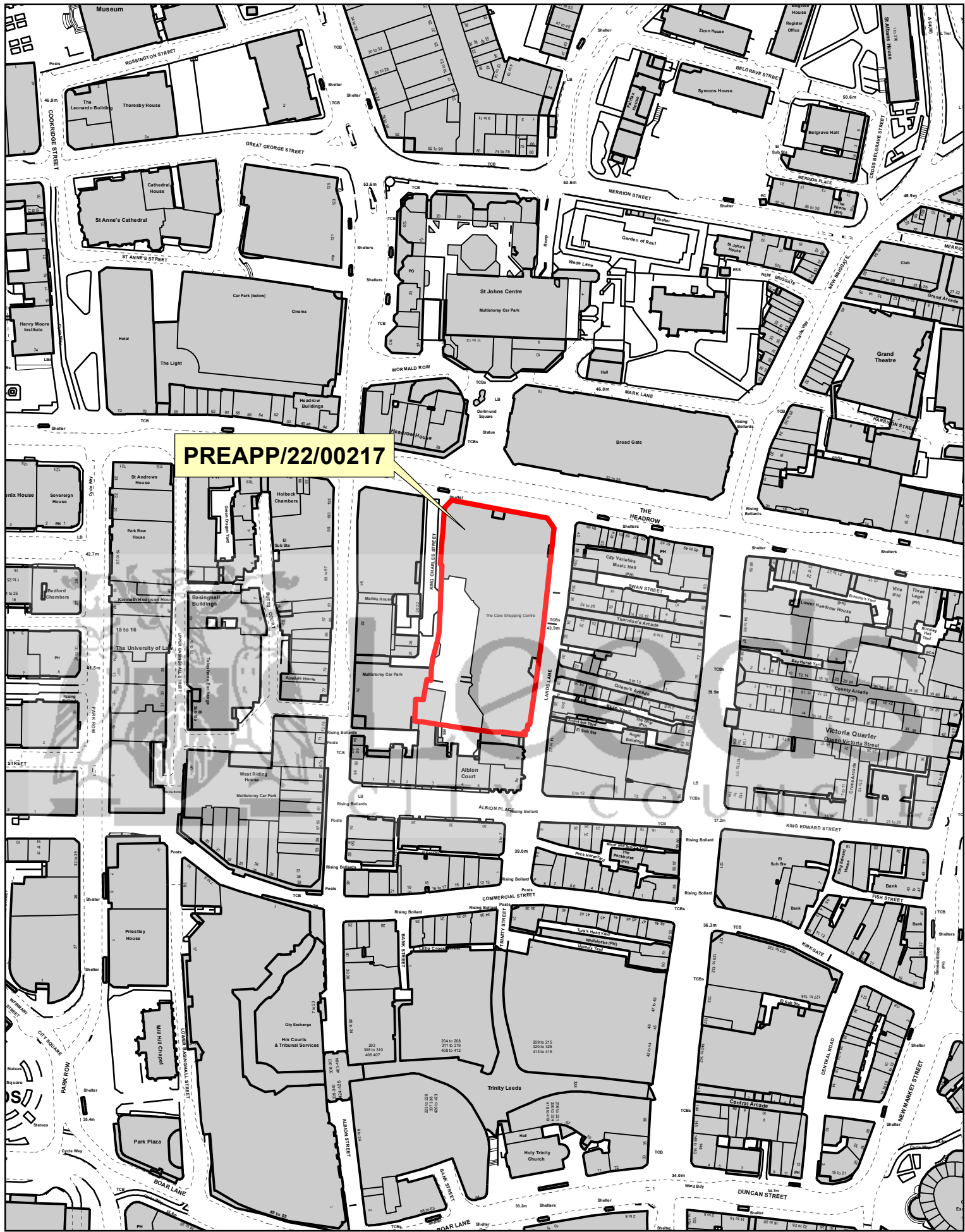
**Do Members support the proposed scale and form of development (subject to the outcome of wind testing at application stage)? (7.2.9)**

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

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

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





**PREAPP/22/00217**

# CITY PLANS PANEL

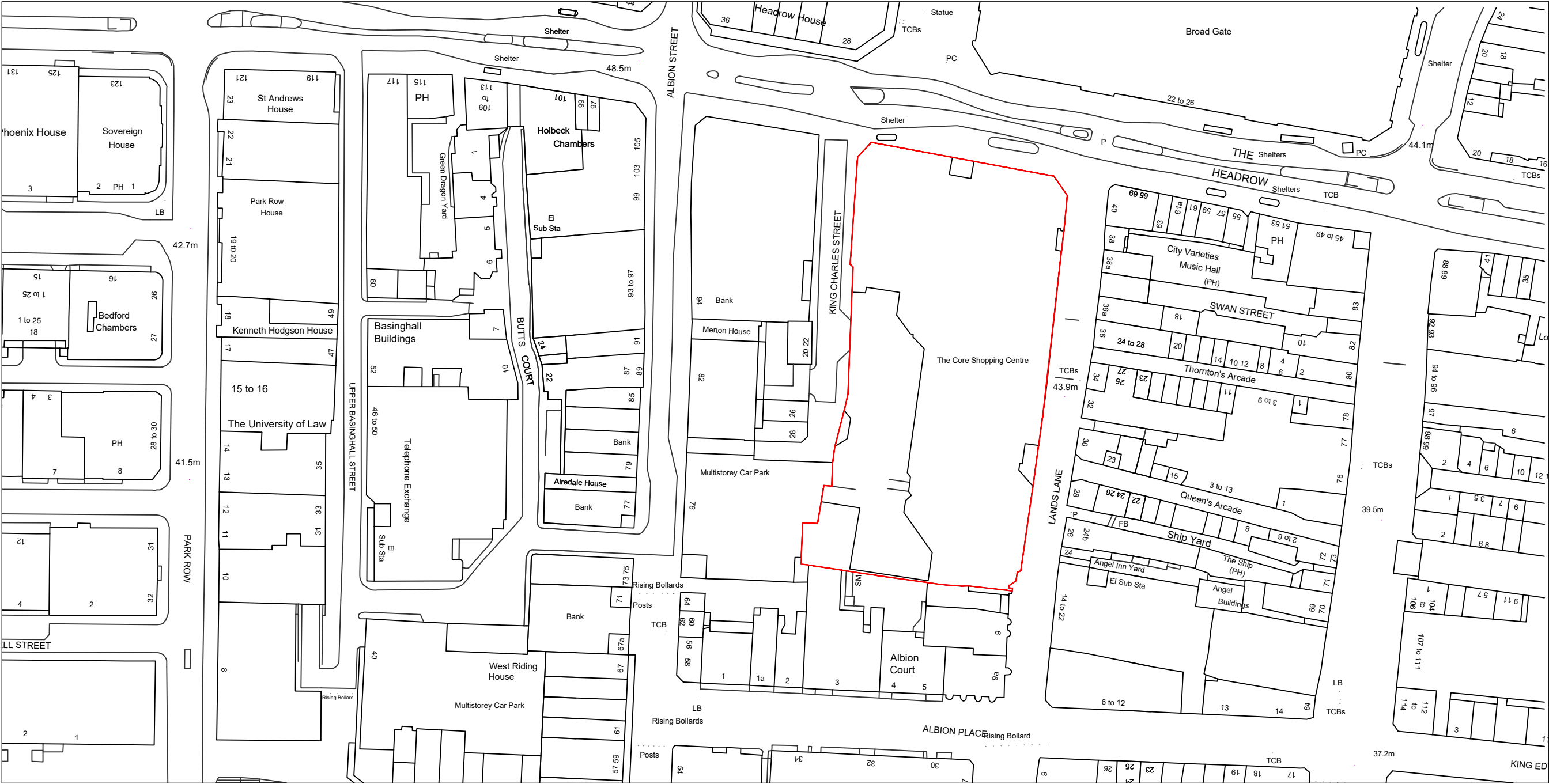
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Page 113

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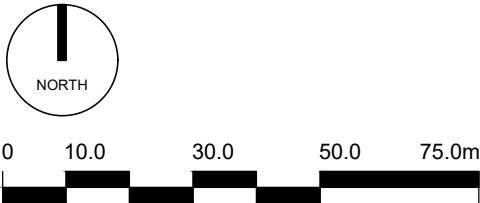




1 SITE LOCATION PLAN  
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KEY:  
BOUNDARY LINE

PRINT AT SIZE A3



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Rev.	Description	Date	Drw.	Chk.
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Client  
Tri7  
Fusion Students  
Project  
The Core Shopping Centre  
Leeds  
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