



## Report of the Chief Planning Officer

### *CITY PLANS PANEL*

Date: 1 August 2013

**Subject: APPLICATION 13/01872/FU 128 BEDROOM HOTEL WITH ASSOCIATED LANDSCAPING AT WHITEHALL ROAD, LEEDS LS1 4BN**

**APPLICANT**

GMI (Whitehall Road) Ltd.

**DATE VALID**

7 May 2013

**TARGET DATE**

6 August 2013

**Electoral Wards Affected:**

City and Hunslet

Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION:** Defer and delegate to the Chief Planning Officer for approval, subject to the specified conditions (and any others which he might consider appropriate), and following the completion of a Section 106 Agreement to cover the following matters:

- Contribution to public transport improvements in accordance with SPD5 prior to first occupation £22198
- Provision of 1 car club space prior to first occupation
- Public access around the site
- Travel plan implementation and monitoring fee prior to first occupation £2500
- Employment and training opportunities for local people in City and Hunslet or any adjoining Ward.
- Management fee payable within one month of commencement of development £750

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

## **Conditions for 13/01872/FU**

1. Time Limit (3 years)
2. Development in accordance with approved plans
3. Samples of all external walling and roofing materials.
4. Construction of a sample panel of all external walling materials.
5. Samples of all external surfacing materials.
6. Detailed 1:20 scale working drawings shall be submitted including cross sections of ground floor treatments, window bays and roofline/eaves.
7. Hard and/or soft landscaping scheme .
8. Maintenance of landscaping scheme.
9. Waste storage and disposal details, including recycling and details of security of and access to the bins.
10. Provision of cycle and motorcycle parking.
11. Details of installation and operation of air conditioning including odour filtration.
12. Details of a noise attenuation scheme including all plant.
13. Contaminated land information.
14. Amendment of remediation statement.
15. Submission of verification reports.
16. Specified hours for delivery, loading and unloading 0700 -2000 Monday to Saturday with no such operations Sundays and Bank Holidays
17. Details of works for dealing with surface water discharges from the development required.
18. No piped discharge of surface water from the development prior to completion of approved surface water drainage works.
19. Areas to be used by vehicles to be laid out prior to occupation
20. Details of disabled parking bays
21. Details of entrance ramp and handrails
22. Construction Management plan
23. Sustainability - Submission of detailed scheme comprising (i) a recycled material content plan (using the Waste and Resources Programme's (WRAP) recycled content toolkit), (ii) a Site Waste Management Plan for the construction stage, (iii) a waste management plan for the buildings occupation and (iv) a BREEAM assessment to at least Very Good rating or equivalent
24. Implementation of off-site highways works
25. Implementation of flood risk assessment measures

The following are non-standard conditions which can be found in full in Appendix 1 – 24, 25

### **1.0 INTRODUCTION:**

- 1.1 This application is brought to Panel as it is a significant major full planning application for a new hotel development in the West End of the City Centre, close to the railway station.

### **2.0 PROPOSAL:**

- 2.1 The proposal is for a 9 storey 128 bedroom hotel building on part of the site facing Whitehall Road that was subject of a hotel and office scheme, application reference 11/04293/FU approved at Plans Panel (City Centre) December 2011. This application is to develop a hotel only building, with the remainder of the site laid out as landscaping. The revised building proposal would be within the siting and height parameters of the existing approved scheme, and develop just over half of the original application plot boundary. The building would be approximately 33m high to

the top of the plant room, set some 7-8m back from the parapet facing Whitehall Road. The height to the building parapet would be approximately 30m high. This application proposal is some 10 metres lower in height at their highest points, and some 30 metres narrower across the width of the plot fronting Whitehall Road than the extant approval. The proposal would be some 7 metres lower in height than the No.1 Whitehall Riverside office building to the south. The upper storeys of the building would be approximately 21m apart. The single storey service area to the rear would be approximately 11m from the neighbouring building. The eastern elevation would be approximately 5m from the existing sub station wall.

- 2.2 A number of documents have been submitted in support of this proposal:
- Scaled Plans
  - Design and Access Statement (including Statement of Community Involvement)
  - Transport Assessment
  - Flood Risk Assessment
  - Noise Statement
  - Land Contamination Desk Top Study
  - Land Contamination Site Investigation
  - Travel Plan
  - Flood Risk Sequential Test
  - Sustainability Statement
  - Coal Recovery Assessment
  - Daylight and Sunlight Assessment
  - Wind Assessment
- 2.3 The building would employ a simple palette of materials to contrast with the nearby residential and hotel buildings built in the last 10 years, and to complement the No.1 Whitehall Riverside office building. The building would be clad in black anodised aluminium rainscreen panels (similar to the nearby Leeds One office building also on Whitehall Road) with deeply recessed windows, arranged in vertical slots along each elevation. Asymmetrical raked window reveals would be paired together, and expressed in a natural anodised aluminium finish, giving variety to the façade and balancing the visual relationship between the window elements and the main cladding material.
- 2.4 The hotel would incorporate restaurant and bar facilities at ground floor. The ground floor would be raised in order to meet flood risk requirements, and it would present an active full height glazed frontage to Whitehall Road. The building entrance would be located at the north east corner of the building, facing onto Whitehall Road and the pedestrian route to the riverside.
- 2.5 Two disabled parking bays and a car club parking bay would be located at the rear of the building, accessed from the service road to the south of the building.
- 2.6 As a result of the reduced size of building footprint from the 2011 approval, a temporary landscaped area of some 34m by 25m is now proposed. It would feature a large grassed area with paths leading across the site towards the riverside. The area would include wildflower meadow, earthwork mounds, ornamental planting to the building edge, and Himalayan Birch trees clustered around the road frontage.

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

- 3.1 The site is currently an open grassed area, and is bounded at its eastern boundary by a 5m high red brick wall, which partially encloses an electricity sub-station. Immediately to the east of the substation are two very recent constructions: the 14

storey Whitehall Quays residential development, primarily built using red brick and silver cladding; and the 8 storey red brick and stone Novotel hotel on Whitehall Road. The site is in close proximity to a number of large redevelopment sites including the proposed Wellington Place scheme to the north of Whitehall Road, the West Point residential scheme (to the north east), No. 1 Whitehall Riverside (immediately to the south), and the 16 storey residential and office block at the western end of the Whitehall Riverside site known as Whitehall Waterfront.

- 3.2 The site has previously formed part of an outline planning permission for most of the south side of Whitehall Road between the end of Northern Street and Monk Bridge. It was allocated for an 8 storey multi-storey car park however the outline permission has now expired. Two subsequent full planning permissions for 10-12 storey office buildings have been granted in recent years, however these have also now expired. In December 2011, following a Plans Panel City Centre resolution to approve, planning permission was granted at this site for a part 6 part 10 storey mixed use development comprising 6000 square metres of office space and 130 bed hotel.
- 3.3 The site lies within the designated City Centre Prime Office Quarter and within flood risk zone 3 a (i).

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

- 4.1 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 – pending consideration at the adjacent site to the south west. This scheme was the subject of a pre-application presentation to May 2013 City Plans Panel – See Appendix 3 for a plan showing the emerging context of the area taken from that application. The plan also shows the hotel subject of this application, and the approved mixed use Wellington Place scheme to the north of Whitehall Road.
- 4.2 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 at Plans Panel (City Centre) December 2011.
- 4.3 06/04682/FU 11 storey office block (elevational changes to previous approval 20/192/04/FU) – approved 9 November 2006.
- 4.4 20/192/04/FU Part 10 part 12 storey office block with undercroft car parking – approved 29 July 2004.
- 4.5 20/299/00/OT Outline application to erect 4 office blocks (c50 000 sqm) 2 residential blocks (c400 units) 2 cafe bars, retail units & c1000 space multi storey car park – approved 10 October 2001. The current application site was identified as an 8 storey multi-storey car park with ground floor café/bar use under this outline planning permission.

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Pre-application meetings have been held with the developer GMI regarding this site with officers during January and February 2013 following the decision to pursue a hotel only scheme at this site.
- 5.2 At pre-application stage, City and Hunslet Ward Members were consulted by email on 4 March 2013. No comments were received.

5.3 GMI and their architects presented to City Plans Panel on 14 March 2013. Some Members had concerns regarding the proposed cladding material, however Members were generally supportive of the scheme. The minutes of the presentation and subsequent discussion are attached at Appendix 2 of this report.

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

6.1 Application publicity consisted of:

6.1.1 Site Notice of Proposed Major Development posted 10.05.2013, expired 07.06.2013

6.1.2 Press Notice of Proposed Major Development published 16.05.2013, expired 06.06.2013

6.1.3 City and Hunslet Ward Members consulted 10.05.2013 and 13.05.2013 - no comments received.

6.2 Letter of comment from Leeds Civic Trust received 24.05.2013 (comments responded to at Paragraph 10.2):

- supports the principle of a hotel scheme in this location
- disappointed by the quality of the design and the lack of 'spark'
- the building looks top heavy, with a dark bulk sitting on top of a lighter base, the two do not really go together
- given the fact that the corner facing Northern Street is going to be particularly prominent, there is no design response other than taking away a couple of windows – it needs a feature here (public art?)
- the entrance area is very much underplayed, with a structural column, a glazed screen and planting rather hiding it away – it needs better signposting and a gathering space to also accommodate pedestrians waiting to cross at the traffic lights outside.

6.3 One letter of objection from a resident at Flat 306 West Point, Wellington Street received 11.06.2013. The concerns can be summarised as follows:

- The proposal would add to existing traffic problems in the area (Response to highways related comments see paragraph 10.3)
- The hotel and bar would have a negative impact for residents of West Point in terms of late night noise, disturbance and litter, particularly from smokers.
- The distance between the proposed building and West Point is too close.
- The proposed building would significantly reduce daylight and sunlight in flats and on balconies in West Point.
- The hotel rooms would look directly into apartment rooms at West Point. (Response to amenity-related comments – see paragraph 10.5)
- The building would be an overbearing monolithic structure with a dark and uniform appearance (Response to comments on design see paragraph 10.2)

## **7.0 CONSULTATIONS RESPONSES:**

**7.1 Statutory:**

7.1.1 Leeds City Council Transport Development Services:

The proposal is considered acceptable in terms of traffic impact, transportation provision and road safety. The following conditions are recommended:

- The proposal should not cause distress wind conditions around the building
- Cycle and motorcycle parking shall be provided in accordance with the drawings
- Off-site highways works consisting of directional signage for cyclists, the realignment of the kerb line to accommodate the new cycle lane and associated lining/hatching, and road lining to Whitehall Road opposite the site frontage shall be provided prior to the occupation of the building
- Section 106 agreement is required to secure the public transport contribution, car club space and travel plan monitoring and fee.

#### 7.1.2 Environment Agency:

No objection subject to a condition requiring the recommendations of the submitted Flood Risk Assessment to be implemented.

#### 7.1.3 Yorkshire Water:

No objection subject to conditions regarding surface water drainage.

#### 7.1.4 Coal Authority:

No objection

### 7.2 Non-statutory:

#### 7.2.1 Leeds City Council Environmental Protection:

No objection subject to conditions regarding details of construction management, sound insulation to plant and machinery, odour filters, mechanical plant, and restrictions to hours of delivery to 0700-2000 Monday to Saturday only, with no deliveries on Sundays or Bank Holidays.

#### 7.2.2 Leeds City Council Flood Risk Management:

No objection subject to conditions regarding surface water drainage and the implementation of the scheme in accordance with the submitted FRA.

#### 7.2.3 West Yorkshire Police:

No objection.

## 8.0 PLANNING POLICIES:

### 8.1 Development Plan

#### Leeds Unitary Development Plan Review 2006 (UDPR)

Leeds UDPR policies require that matters such as good urban design principles, sustainability, flood risk, highways and transportation issues, public realm, landscaping, biodiversity and access for all are addressed through the planning application process. The site lies within the designated City Centre, as an identified Proposal Area within the Prime Office Quarter (Proposal Area 1 : Whitehall Road (South Side)). This allocates the area as principally office use, with other uses bringing activity and variety, such as hotels. The Whitehall Waterfront and Riverside West mixed office/residential schemes and Whitehall Quay mixed residential/hotel/office scheme have all contributed to this aim. The proposal area also identifies opportunity for small scale retail and food and drink uses. The statement also requires new development to provide for the riverside walkway, and public realm to connect the area to the sites to the north. The development of

Whitehall Waterfront to the west and No. 1 Whitehall Riverside to the south under the now expired outline planning permission delivered the riverside walkway for the full length of the wider site, and the pedestrian bridge over the River Aire.

Other relevant policies include:

GP5 all relevant planning considerations

GP7 planning obligations

GP11 sustainability

GP12 sustainability

A1 improving access for all

A4 safety and security provision

N12 urban design

N13 design and new buildings

N29 archaeology

BD2 design and new buildings

BD4 all mechanical plant

BD5 amenity and new buildings

CC1 City Centre and planning obligations

CC3 City Centre character

CC10 public space and level of provision

CC11 streets and pedestrian corridors

CC12 public space and connectivity

CC13 public spaces and design criteria

CC27 Prime Office Quarter

Prime Office Quarter Proposal Area 1: Whitehall Road (South Side)

T2 transport provision for development

T2D public transport provision for development

T2C Travel plans and new development

T5 pedestrian and cycle provision

T6 provision for the disabled

T7A cycle parking

T7B motorcycle parking

LD1 landscaping

R5 employment and training for local residents associated with the construction and subsequent use of developments

N38A development and flood risk

N38B planning applications and flood risk assessments

N39A sustainable drainage systems

N51 Nature conservation

## **8.2 Leeds Natural Resources and Waste DPD 2013**

The Natural Resources and Waste Local Plan was adopted by Leeds City Council on 16th January 2013 and is part of the Local Development Framework. The plan sets out where land is needed to enable the City to manage resources, like minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. Policies regarding coal recovery, flood risk, drainage, and air quality are applicable to this proposal.

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

SPD Street Design Guide

SPD5 Public Transport Improvements and Developer Contributions

SPD Travel Plans

SPD Sustainable Design and Construction

Leeds Waterfront Strategy

#### **8.4 Draft Core Strategy**

The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013. As the Council has submitted the Publication Draft Core Strategy for independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination. Spatial Policies 1 Location of Development and 2 Hierarchy of Centres aim to concentrate the development of visitor facilities in Leeds City Centre, and Spatial Policy 3 Role of Leeds City Centre seeks to maintain and enhance the role of the City Centre as an economic driver for the District and City Region, by promoting the City Centre's role as the regional capital for major new hotel development.

#### **8.5 National Planning Policy Framework**

The NPPF includes policy guidance on sustainable development, economic growth, transport, design, and climate change. The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. The NPPF advocates a presumption in favour of sustainable development, and a "centres first" approach to main town centre uses such as hotels. The location of hotel development within the City Centre, close to the railway station meets this requirement to locate such uses in sustainable locations. The NPPF also promotes economic growth in order to create jobs and prosperity. It is considered that the proposed use would meet the objectives of the National Planning Policy Framework in terms of meeting the objectives of sustainable development, and promoting the economic growth of the City.

Section 7 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important that design is inclusive and of high quality. Key principles include:

- Establishing a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- Optimising the potential of the site to accommodate development;
- Respond to local character and history;
- Reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- Create safe and accessible environments; and
- Development to be visually attractive as a result of good architecture and appropriate landscaping.

#### **8.6 Relevant National Planning Policy Practice Guides**

NPPF Practice Guide Flood Risk

#### **9.0 MAIN ISSUES**



1. Principle of use
2. Urban design and landscaping
3. Transportation
4. Wind
5. Flood risk
6. Sustainability
7. Amenity
8. Planning obligations

## **10.0 APPRAISAL**

### **10.1 Principle of use**

- 10.1.1 The application site lies within the designated City Centre, and is allocated as a specific proposal area within the Prime Office Quarter – Proposal Area 1 Whitehall Road (South Side). UDPR Policy CC19 states that office use will be supported as the principal use within the Quarter. Under UDPR Policy CC27, proposals for other uses which service the area, add variety and vitality, support the attractiveness of the area and would not prejudice its function, would generally be encouraged. This is supported by the Prime Office Quarter Proposal Area Statement 1 which specifically states that office use would be the principal use, with hotel identified as an appropriate supporting use.
- 10.1.2 The proposal would meet the objectives of the Draft Leeds Core Strategy as it would add to the provision of visitor facilities in the City Centre.
- 10.1.3 The proposal would accord with the NPPF as a hotel is a designated town centre use. The proposal would also meet NPPF objectives by promoting economic growth in a sustainable location such as Leeds City Centre.

### **10.2 Urban design and landscaping**

- 10.2.1 The design and scale of the proposed building at 9 storeys is considered to be appropriate to the scale and character of neighbouring buildings and the surrounding area. It is considered that the scale responds to the context and scale of Whitehall Road as it leads away from the railway station. The scale of existing and proposed buildings is generally around 8-10+ storeys across the Whitehall Quay, West Point, Whitehall Riverside and Wellington Place sites.
- 10.2.2 The proposal for this block is considered to be appropriate to the architectural features and materials of surrounding existing and proposed developments. It is considered that the modern, calm design in metal panels would complement the wide variety of materials in the area, such as the red brick/terracotta, render, silver panelling and glazing of the nearby Whitehall Quay, West Point, Whitehall Waterfront developments. It is considered that this contemporary design would enhance its setting and start to deliver the next steps in the regeneration of the West End of the City Centre. The window rhythm is intended to give a vertical emphasis, which would complement the architectural language of the Wellington Place indicative proposals. It is considered that the design features provide appropriate modern detailing. The glazing would be recessed to create a meaningful window reveal, with one side splayed in a natural finish aluminium panel, which would give visual interest to the elevations.
- 10.3.3 The buildings along Whitehall Road contain a wide mix of materials and styles of building, from Victorian to mid 2000s, including black metal and blue brickwork. The materials proposed in the application are suitable for this location within the Prime Office Quarter. The street level visuals for the scheme include a view from

Whitehall Road at the junction with Aire Street, in which the varied mix of materials can be clearly seen. Black anodised aluminium has reflective qualities and will change in appearance in differing light conditions. Samples will be available at Plans Panel for Members to view.

- 10.2.4 The quality of the external materials would be controlled through the provision of working drawing details and large on-site material samples panels by condition. 1:50 and 1:20 typical bays and sections have been submitted to establish the detailing of the elevations, and this would be reinforced at working drawing stage by conditions. Full details of mechanical plant would be required by condition in order to control its potential amenity and visual impact.
- 10.2.5 The routes and spaces around the building would also be appropriate to the continuing regeneration of this part of the city centre and in accordance with the Leeds Waterfront Strategy and the UDPR Proposal Area Statement. The riverside walkway and pedestrian bridge have been delivered as part of previous permissions for this wider site, and the current proposal provides for connections to the riverside beyond the neighbouring block at No.1 Whitehall Riverside. This application proposal would not prejudice the development of the remainder of the wider site along similar lines to that previously approved.
- 10.2.6 Regarding the concerns of the objector in relation to visual links with the canal, the West Point apartments are on the edge of the Prime Office Quarter, and all the land to the south has been designated since 2001 as a Proposal Area for office-led mixed use redevelopment. A number of office, hotel and residential schemes have been built and occupied as a result. All the remaining vacant land to the west and southwest of the apartments is likely to be developed in the coming years, which would be consistent with the UDPR allocation for the area. A visual link to the canal from West Point diagonally across the Whitehall Riverside site has not featured in the previous approvals for its redevelopment, nor are they in the current application. Such views are temporary pending the permanent redevelopment of the land in line with the UDPR, and the current direct views of the River Aire footbridge across the temporary surface car park would be interrupted by new office development over time. Significant views between buildings do feature in the current proposal for the adjoining site – application reference 13/02619/OT. The current hotel application subject of this report is considerably smaller than the current 2011 hotel/office approval, and therefore less of an intrusion visually to the residents of West Point when looking westwards along Whitehall Road than if the extant permission were built.
- 10.2.7 It is considered that the temporary landscaping scheme to the west of the building would be a positive addition, appropriate to the character of the building and that emerging in the surrounding area. Exact details of hard and soft landscaping, including samples of surfacing materials, would be controlled by condition. The larger Whitehall Riverside masterplan application includes this area as a permanently landscaped area with a pavilion café located within it. The permanent treatment would be delivered with the first phase of the development to the west, subject to the detailed consideration of that application in due course.
- 10.2.8 Leeds Civic Trust's comments regarding the prominence of the entrance, appropriate signage proposals would be considered separately under an advertisement consent application, which could draw attention to the building entrance to enable customers to identify it. It is not considered that this particular building should create a focal point in its own right, it is a City Centre street frontage building which complements the surrounding context.

### 10.3 **Transportation**

- 10.3.1 The site lies within the city centre core parking area, with widespread on-street parking restrictions. It is also readily available by bus and train. Within this context, it is considered that the lack of general on-site car parking provision would not cause highways safety or amenity problems. There would however be some provision for disabled and car club users.
- 10.3.2 With regard to the concerns of the objector, it is considered that hotel users would use the drop off facility on the service road.
- 10.3.3 To further reduce reliance on the private car the submitted Travel Plan includes the following measures:
- provision of shower facilities to encourage cycle use for hotel staff.
  - appropriate secure storage for cyclists and motorcyclists
  - provision of short stay cycle spaces for visitors
  - improvements to local pedestrian and cycle connectivity through the provision of cycle lane and cycle route signposting
  - provision of a real-time bus display in the hotel reception
  - Arrangements for the monitoring and take-up of the Travel Plan measures for hotel staff and hotel guests, and revising the Travel Plan as necessary.
  - Provision of one car club space on-site
  - Provision of a budget for the promotion of sustainable travel incentives in the event that travel plan targets are not met

The applicant will also be providing a contribution towards strategic public transport improvements in accordance with SPD5.

### 10.4 **Wind**

- 10.4.1 The applicant has submitted a wind assessment in support of the proposal which states that the wind environment would be acceptable for all users in the vicinity of the building and that the building is unlikely to generate wind conditions that would cause distress to pedestrians, or result in a danger to high-sided or other road vehicles. The Council instructed an independent wind expert to review the report, and they have confirmed that the findings of the report are reasonable.

### 10.5 **Flood Risk**

- 10.5.1 The proposed development is for hotel use, which is classed as 'more vulnerable' under the NPPF. The sequential and exceptions tests therefore apply. The applicant has submitted a sequential test that demonstrates that no sequentially preferable sites with a lower flood risk are available to deliver this project within the Prime Office Quarter Proposal Area 1 as defined by the UDPR. Most of the Proposal Area lies within Zone 3a(ii). This site has a lower probability of flooding as it lies in Zone 3a(i). The exceptions test has therefore been applied, and the site is considered sustainable given its location within the Prime Office Quarter Proposal Area accessible to pedestrians and cyclists and close to public transport links, the site is previously developed land, and through the submission of an acceptable flood risk assessment, the proposal would adequately safeguard against potential flooding impact. The proposal is an appropriate use for the City Centre as identified in the NPPF, and the site is within a specific Proposal Area which is identified to deliver the regeneration of the area through the large scale office development and other complementary uses (specifically hotels).

### 10.6 **Sustainability**

- 10.6.1 The proposal will meet at least a BREEAM Very Good rating of 65%, and a planning

condition to provide details of the verification of this will be applied. Adopted SPD policy states that from January 2013 new hotels meet the BREEAM Excellent standard. However, in accordance with policy, a minimum of 10% energy generation will be developed through on site low carbon energy sources in the form of air heat source pumps and hot water combined heat and power (CHP). CO2 emissions will be reduced by a combination of the introduction of the low carbon technology, and enhanced u-value and air tightness values. Adopted policy would seek to achieve 20% better than building regulations in terms of carbon emissions. This scheme would deliver a reduction of 24.9%. On this basis, it is considered that the reduced carbon emissions of the project mitigate the shortfall in the BREEAM accreditation in this case. A green roof would be provided above the single storey element of the building at the rear. Full details of the types of sustainability measures that the future hotel and restaurant use corporately has been submitted, and this includes food recycling, cooking oil recycling, low water use systems, low energy lighting and heating and air conditioning controls.

## 10.7 Amenity

- 10.7.1 A local resident at the nearby West Point residential building to the north east of the application site has objected to the proposal. Their concerns include overlooking and loss of privacy, loss of sunlight and daylight, visual overdominance, loss of views of the canal, and noise and disturbance. Whilst these concerns are acknowledged, the present open aspect and lack of activity outside peak commuter times at this nearby site enjoyed by West Point to the south is a temporary condition, pending redevelopment in accordance with longstanding adopted policy objectives, approved and extant planning permissions and future regeneration schemes for the West End.
- 10.7.2 Regarding the distances between West Point and the proposed hotel, it is not considered that the relationship between the windows of the proposed and existing buildings is too close. The distance from the nearest edge of the balconies at West Point to the nearest hotel bedroom window would be approximately 28.5m, which is in excess of the generally more dense character of the City Centre streets in the vicinity of the site. It is therefore considered that the proposed building would not have an unduly adverse impact on the amenity of the residents of West Point.
- 10.7.3 The windows within the proposed building would not directly overlook the West Point building. They would be offset by some 12 metres at the nearest point, and these apartment windows are also set behind balconies. Therefore it is unlikely that there would be opportunity for hotel residents to look directly into residential accommodation beyond the balcony edges at a distance considered to be detrimental to normal levels of privacy in a City Centre context.
- 10.7.4 Regarding concerns about the loss of daylight and sunlight within flats in West Point, the applicant has submitted a sun path analysis plan undertaken by the Building Research Establishment (BRE). This confirms that there would be little adverse impact arising as a result of this development. The building proposed in the current application is smaller than the 2011 approval for the site and would therefore have less impact on daylight and sunlight. The BRE report associated with the application is quantitative and indicates that all windows on West Point would comfortably meet guidelines if balconies were removed. The report states that it is the balconies that limit existing levels of daylight and sunlight to windows rather than the proposed development. It should be noted that the BRE Report "Site layout for daylight and sunlight : a guide to good practice" is a tool to assist in forming a judgement about daylight and sunlight issues. It does not form part of any statutory,

national or local planning policy. As with approval of West Point itself in 2001, the earlier approval of the 2001 Whitehall Road Outline, and subsequent schemes on this plot since in 2004, 2006 and 2011, it is considered that this proposal would not result in unacceptable living conditions at West Point.

10.7.5 It has been the adopted policy aspiration of the Council since the 2001 that city centre residential development would be part of a wide mix of uses in the Prime Office and Riverside Quarters including offices, hotels, bars and restaurants, and contribute to the continuation of a successful and vibrant City Centre. The area currently consists of a mix of residential, offices, hotels with supporting ground floor bars, cafes, shops and restaurants. In this context it is not considered that there would be significant additional adverse impact on residential amenity. However, a condition would be applied to ensure that a sound insulation scheme is submitted to ensure that there is no adverse breakout of noise from the proposed uses and associated plant. Hotel use is consistent with the policy text of the UDP and its subsequent review, which has been adopted since 2001 and pre-dates the West Point development.

10.7.6 The proposals are consistent with the Whitehall Riverside outline permission which was approved in 2001. There have been several approvals for large scale buildings on the site and the most recent approval contains hotel use in 2011. The proposed building line is broadly consistent to the existing building line, and with those approved in 2001 (approved the same year as the West Point development), 2004, 2006 and 2011.

## 10.8 **Planning obligations**

10.8.1 A Section 106 Agreement would be signed in connection with the planning application, with the following obligations:

- Public transport contribution in accordance with SPD5 £22198
- Provision of 1 car club space
- Travel plan monitoring fee in accordance with the Travel Plans SPD £2500
- Public access to the route along the eastern end of the site to link to the riverside
- Cooperation with local jobs and skills training initiatives. This would involve making reasonable endeavours to cooperate and work closely with Employment Leeds to develop an employment and training scheme to promote employment opportunities for local people in City and Hunslet and any adjoining Ward during the construction works, from the start of the tendering process and reasonable endeavours would also be made to agree a method statement with the future occupiers to identify employment and training opportunities, to provide every six months details of recruitment and retention of local people as employees and training of apprentices, and identify any vacancies on a monthly basis to Employment Leeds.
- Section 106 management fee £750

10.8.2 As part of Central Government's move to streamlining the planning obligation process it has introduced the Community Infrastructure Levy Regulations 2010. This requires that all matters to be resolved by a Section 106 planning obligation have to pass 3 statutory tests. The relevant tests are set out in regulation 122 of the Regulations and are as follows:

'122(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is-

- necessary to make the development acceptable in planning terms;
- directly related to the development; and

- fairly and reasonably related in scale and kind to the development.'

As listed above (and also in the 'recommendation' box at the beginning of this report), there are matters to be covered by a Section 106 agreement. These matters have been considered against the current tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

## **11.0 CONCLUSION**

- 11.1 It is considered that the submitted full planning application would result in the re-use of a long vacant brownfield site, and support employment through the provision of visitor facilities in a sustainable location in the City Centre close to the railway station. It is therefore considered that the proposal would contribute positively to the enhancement and regeneration of the Riverside and West End area of the Prime Office Quarter in the City Centre.

### **Background Papers:**

Application files 13/01872/FU, 13/02619/OT, 11/04023/FU, 06/04682/FU, 20/192/04/FU, 20/299/00/OT

## Appendix 1 Non-standard conditions

22. Prior to the commencement of development, full details of the highways works identified on approved Fore Consulting drawing no. 3036/SK004/001 Revision A shall be submitted to and approved in writing by the Local Planning Authority, including:
- a) Directional signage for cyclists
  - b) Realignment of the kerb line to accommodate the new cycle lane and associated lining/hatching
  - c) Road lining to Whitehall Road opposite the site frontage

The above works should be implemented prior to first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of pedestrian and vehicular safety, in order to accord with the NPPF and Leeds UDPR Policies T2 and T5.

23. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated March 2013 and the following mitigation measures detailed within the FRA:
1. Managing the surface water run-off generated by the site as per the surface water drainage strategy in the FRA.
  2. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven (utilising the EA Flood Warning Service).
  3. Finished floor levels are set no lower than 30.775m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

To ensure safe access and egress from and to the site, and to reduce the risk of flooding to the proposed development and future occupants in accordance with the NPPF and Leeds UDPR Policy N38B

## **Appendix 2 Minutes of Pre-application Presentation to City Plans Panel 14 March 2013.**

85 Preapp/13/00159 - Proposals for hotel development - Whitehall Road, Leeds, LS1 Minutes approved at the meeting held on 11th April 2013.

Members commented on the following matters:-

- uncertainty about the metal cladding on this site; that natural materials as proposed in the previous scheme for the site might be better and concerns that the ground floor was reminiscent of a 1960s shopping parade
- the large windows being proposed, including windows to one side elevation and the welcome effect of these in the overall scheme
- that the quality of the workmanship was a key factor when considering metal clad buildings
- the high quality of the adjacent No1 Whitehall and whether the design of the proposed building was right for this site
- that metal cladding used elsewhere within Leeds had not always proved successful and the effects of colour changes which occurred during the day could be questioned
- the possibility of including renewables on the roof

In summing up the discussions, the Chair, whilst noting the mix of views about the cladding and the proposed colours, felt there was much merit in the scheme which had been presented and whilst accepting that it was right to compare the scheme in relation to No1 Whitehall, the site was also adjacent to the Novotel and that it was felt this was an appropriate location for the proposed use.

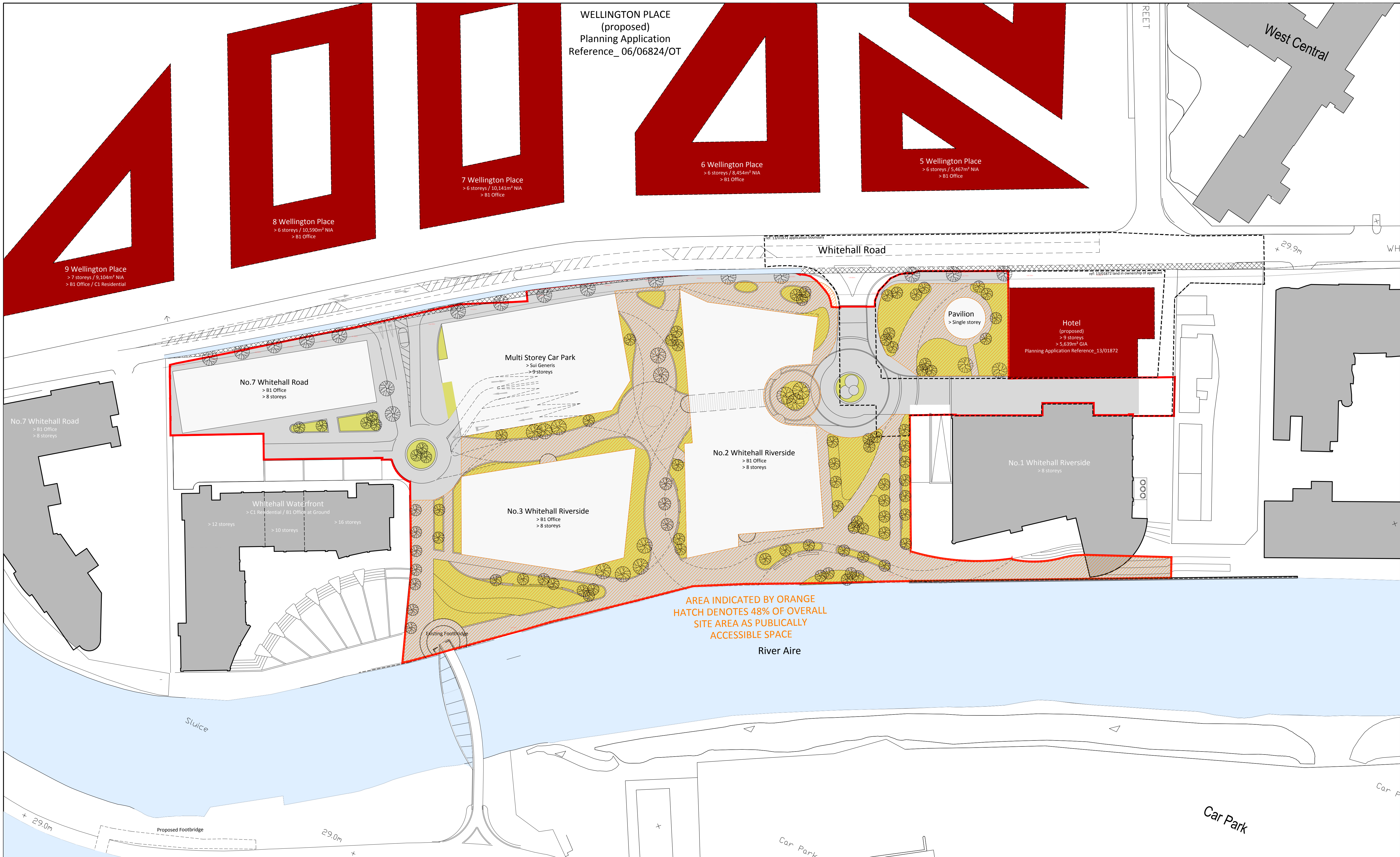
RESOLVED – To note the report, the presentation and the comments now made.



**Appendix 3 Composite Whitehall Road Plan showing the approved Wellington Place scheme, this hotel application site, and the current planning application proposal for Whitehall Road South 13/02619/OT**



WELLINGTON PLACE  
(proposed)  
Planning Application  
Reference\_06/06824/OT



Notes:

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.

Scale 1:500	0 5 10 15 20 25m
<p>A HIGHWAYS INFO ADDED. PLANNING ISSUE. WD 29/05/13 WD</p> <p>Rev. Des. By Date Ch.</p>	

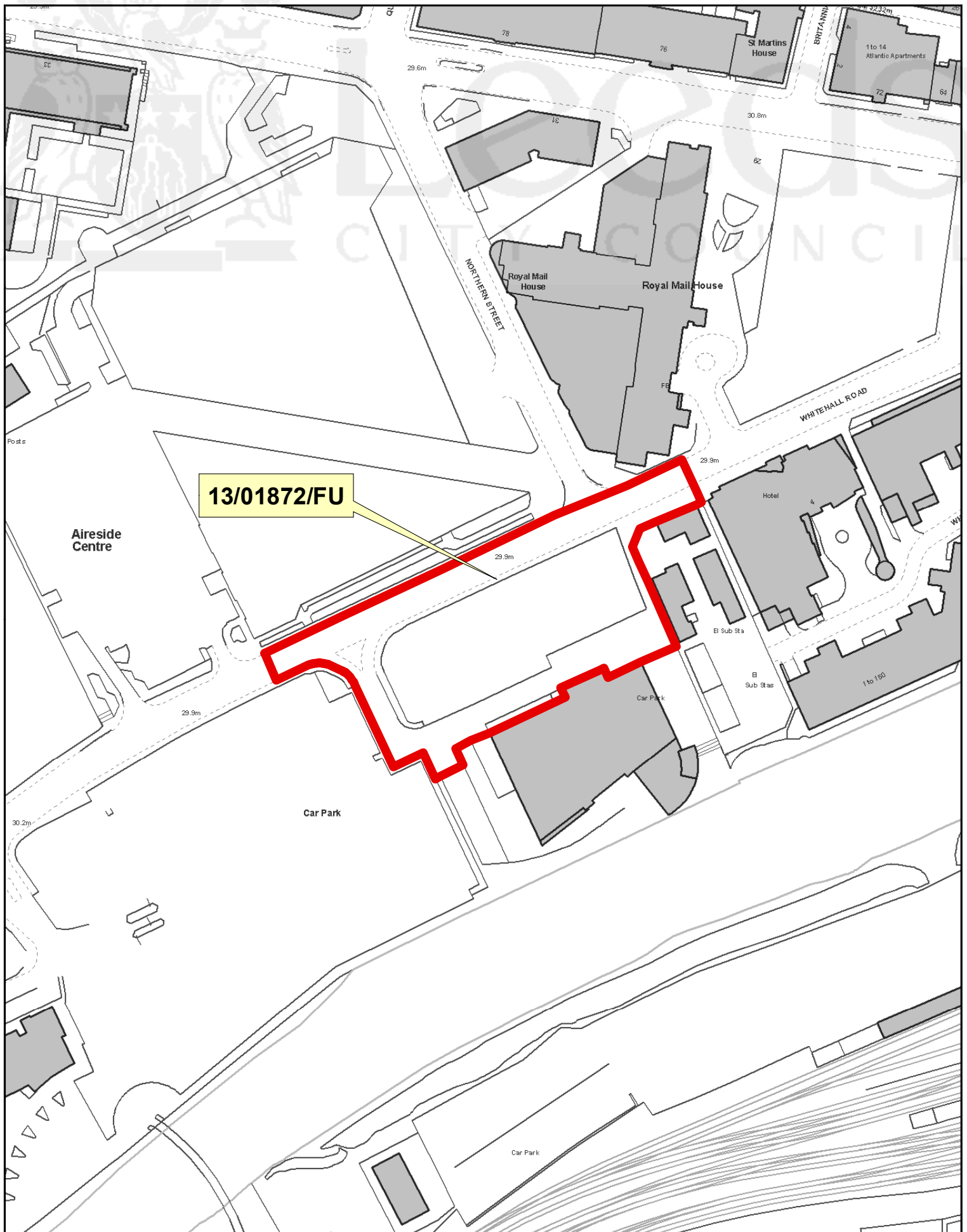
PLANNING

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Client: Town Centre Securities	Job No. 12,036
Project: Whitehall Riverside Outline Masterplan	
Title: Public Access Plan	
Date: 27th August '12	Scale: 1:500 @ A1
Checked By: (00)005	GM







# CITY PLANS PANEL

