



## Report of the Chief Planning Officer

### CITY PLANS PANEL

25 February 2021

Hybrid application comprising full application for proposed residential development comprising 783 apartments in buildings of between 8 and 23 storeys, open space areas, range of mixed use units (Use Classes A1 - A5, B1, D1 and D2) and car parking spaces and outline application with all matters reserved for mixed use 'Hub' building (Use Classes A1 - A5, B1, D1 and D2) fronting Leeds Liverpool Canal with associated open space, parking and landing point for potential bridge across the canal on land at Whitehall Road/Globe Road, Leeds (19/03109/FU)

Applicant – Get Living Group (Leeds) Ltd

#### Electoral Wards Affected:

Hunslet and Riverside

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 draft conditions set out in Appendix 1 (and any amendments to the draft conditions and other additional conditions which he might consider appropriate); the completion of a revised Stage 1 Road Safety Audit and designers response to the same; and the completion of a Section 106 agreement to include the following obligations:**

- **Affordable Housing: accept 3.44% (benchmark levels) or 10.21% (20% discount levels) as on-site affordable housing provision to be managed directly by the PRS provider as detailed in Para's 3.14-3.15 & 9.25-9.28 of the report.**
- **Reassess the viability of the scheme when the reserved matters application for The Hub comes forward to establish whether Affordable Housing should be increased.**
- **£200,000 off-site highway works contribution (or £100,00 with tunnel infilling and regrading works to be carried out by the applicant)**
- **£20,000 Traffic Regulation Order amendments**
- **£195,945.75 Residential Travel Plan Fund (option to use up to £100,000 to contribute to the canal bridge)**
- **£46,000 Bus shelter improvements**

- **£7,098 Travel Plan Review fee**
- **Compliance with Travel Plan requirements including Travel Plan Coordinator**
- **Provision of 2 car club spaces**
- **Access to and maintenance of public open space areas**
- **Provision of-land for the canal bridge landing**
- **Dedication of land to be used for highways improvements**
- **Employment and Training for Local People**

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

## **1.0 Introduction**

1.1 This application is to consider the land either side of Globe Road which was occupied by the former Doncaster Monkbridge Foundry. The site is split into two with the main part of the site to the west of Globe Road, also having a frontage to Whitehall Road, and the smaller part of the site being on the eastern side of Globe Road fronting the Leeds Liverpool Canal. The scheme is a hybrid application, with the proposal on the main part of the site being submitted in full, and the smaller area fronting the canal being submitted in outline with all matters reserved.

## **2.0 Site and Surroundings**

2.1 The site comprises two parcels of irregular-shaped brownfield land. The larger site is **1.8 Ha** and lies to the west of Globe Road, the south of Whitehall Road and to the north of the elevated railway line. It has been cleared of former industrial buildings and now comprises concrete ground slabs, retaining walls and fences and slopes down approximately 3m from west to east, with a majority of its highway frontage being screened by 3m high brick walls and railings. There is an existing vehicular access on Whitehall Road and a secondary access from Globe Road.

2.2 The smaller site is **0.20 Ha** and is bounded by the canal to the north, and Globe Road and the railway line to the south. It comprises a redundant residential showroom with tarmacked surface car park and lies at a slightly lower level to the larger site, broadly level with the canal retaining wall.

2.3 The site lies within the south-western edge of the defined Leeds City Centre. There are established employment uses in the area as well as new-build office, residential and retail uses to the north-east along Whitehall Road. Opposite the site, to the north of Whitehall Road, is the Latitude office building (referred to later in this report as 'Latitude Red'). Between this and the railway viaduct, also fronting Whitehall Road, is a vacant and cleared site and is referred to later in this report as 'Latitude Yellow'. Behind this is the vacant 'Latitude Purple' site which has received planning permission for a high rise residential scheme and beyond this is the 'Highline' residential scheme which has now commenced construction (see Appendix 2 for the context plan).

2.4 On the northern side of the canal is the Trans-Pennine Cycle Route (Route 66) and towpath to Granary Wharf and the Station Southern Access. Whitehall Road offers good connections to the west and to the City Centre, passing over the River Aire at Monkbridge and then Wellington Place and Whitehall Riverside. To the east, passing

beneath the railway bridge, South Bank and Holbeck Urban Village can be reached along Globe Road and then onwards to access both the M1 and M621.

### **3.0 Proposals**

3.1 Key features of the proposal are set out below:

3.1.1 Full Application Site:

- 8 buildings ranging in height between 8 and 23 storeys
- Building footprints as a proportion of total site 32%
- Approximately 43% of the site provided as publicly accessible open space with landscaped spaces, pedestrianised routes and colonnades
- 783 apartments with a density of 435 apartments per hectare
- Balconies to 396 (51%) apartments and private garden spaces to a further 12 (2%) apartments
- Circa 3,000 sqm of flexible commercial space at ground floor and limited areas of first floor – a range of use classes covered across various units A1, A2, A3, A4, A5, B1, D1 and D2
- Creation of a private site roadway along the rear of the site adjacent the viaduct for access to the on-site car parking and servicing the development
- 103no. car parking spaces including 2no. Car Club spaces, electric vehicle charging places (EVCP - 10% initially rising to 100%), 8no. accessible spaces
- 18no. motorcycle parking spaces
- 474no. secure internal cycle parking spaces with 40no. external shared spaces
- Highways improvements - pathway widening, road junction widening, traffic calming and a dedicated cycle lane
- Accessible roof areas and a number of internal amenity areas offering additional amenity space for the benefit of residents
- Biodiverse roofs to all of the buildings

3.1.2 Outline Application Site:

- Flexible use class (A1 – A5, B1, D1 and D2) building of up to 6 storeys
- Landscape improvements and public access along the canal edge
- A building footprint maximising usable area but limited by the constraints of the canal edge, an existing sewer and the railway viaduct
- A potential landing point for a future pedestrian/cycle canal crossing

### **3.2 Full Application Site**

The principle of the layout is for the buildings to create linear open spaces termed 'street spaces' aligned on a south-west to north-east axis, maximising daylight into public spaces and taking full advantage of views through to the canal and river corridor. These linear street spaces are totally free of vehicles providing a pedestrian environment punctuated by open spaces with a large amount of planting.

### **3.3 Building typology and architectural detailing**

The 8no. buildings are stepped in height to create visual interest when viewed from a distance, and to facilitate views and light penetration into and about the buildings. There are 3 types of building proposed

- taller 'Skyline' buildings

- intermediate 'Mid-rise' buildings
- lower 'Street' buildings

- 3.4 The two tallest 'Skyline' buildings present 'bookends' at the western and eastern extents of the site and would be visible at a distance on the approach to Leeds. Each block is designed with an almost square footprint with an emphasis on the vertical form and a four storey subdivision of the facade. The tallest building at the eastern end of the site (Building A) would be 23 storeys with the second tallest at the western end (Building F) being 18 storeys
- 3.5 The 'Mid-rise' buildings bridge between the smaller 'Street' and the taller 'Skyline' buildings. These two blocks (Buildings D & H) sit more centrally within the scheme and take the characteristics of their appearance from both of the other typologies following the more restricted footprint of the Skyline buildings while introducing balconies and brickwork detailing from the Street buildings. These buildings are both 14 storeys in height.
- 3.6 The 'Street' buildings form a more traditional residential setting being linear in footprint and relate closely to the landscaped routes through the site. These buildings (B, C, E & G) follow a one storey elevation language reinforcing their horizontal plan footprint and are all 8 storeys in height with the exception of E which is 9 storeys.
- 3.7 Each building typology has differences of height, floorplate size, shape, facade tone and articulation. However, there are a number of constituent characteristics in facade appearance summarised below which repeat across the development to tie the three typologies together:
- All typologies consist of a base, middle and top with the scale of each dependent on the height of the building
  - All bases aim to maximise openness to the retail spaces and public realm
  - The floors are grouped into either 1, 2 or 4 storey bands with each individual residential floor level being a consistent height across the whole development
  - All buildings are based primarily on varying tones of traditional brickwork introducing soldier courses to create the bands
  - Feature brickwork arrangements are used to create depth, shadow and visual interest across elevations
  - Metalwork cladding is used around openings to visually interconnect floors and enhance openings
  - Windows and doors are a consistent height
  - Mid-rise and Skyline buildings have matching glazing arrangements with Street buildings having glazed corners
  - The buildings contain consistently detailed and sized balconies
  - Façade details will be used to ensure that adequate noise reduction is created on frontages which face the highway and rail infrastructure.
- 3.8 Within this palate of similarities there will be details specific to each typology:
- Skyline buildings:
- Brickwork is cream/white – selected to emphasise the landmark nature of the taller buildings at either end of the site

- Metal Panelling is metallic brown/bronze in colour with local horizontal accents at intermediate floors, parapets and base level cladding - including to colonnade column edges

Mid-Rise buildings:

- Brickwork is light grey as these buildings act to subdivide the lower red brick Street buildings across the site, with the light intended to reflect from the lighter grey further down to the street spaces
- Metal panelling to be champagne/silver in colour with local horizontal accents at intermediate floors, parapets, balconies and first floor cladding
- The glazing frames to match the metal panelling

Street buildings:

- The use of red brickwork emphasising the lower rise and residential nature of these buildings
- Metal panelling to be bronze in colour with local accents of metalwork to window heads, parapets and balconies
- The glazing frames to match metal panelling

3.9 The tops of Mid-Rise and Street buildings terminate with upper levels similar to the typical levels. However, the Skyline buildings introduce a change of materials as they are to be viewed from a greater distance, with bronze coloured metal panel surrounds to the windows in the top 4 floors. As described above, the buildings use a restrained number of details and materials to the façade with variations of recurring characteristics across the development, in order to avoid visual monotony but to ensure they read together as an architectural ‘family’.

3.10 There are also 2 single level podia being delivered which are in the spaces between buildings E&F on Whitehall Road and buildings C&H in the centre of the scheme. Internally these provide some of the mixed use provision but externally the roof tops provide residents’ private terraces.

3.11 Uses

The proposals are for 783 residential units and ground floor commercial units totalling 3,000 sqm of mixed uses. The residential units would all be Private Rented Sector (PRS). The mix of unit sizes is proposed to be as set out in the table below, with all of the units designed to meet the space standards set out in Core Strategy (CS) Policy H9.

<u>Unit size</u>	<u>No.</u>	<u>(as%)</u>	<u>Unit size range</u>	<u>CS H9 (min)</u>
Studios	31	(3.9%)	37.4	37
1 beds	352	(45%)	45.3 – 52.9	37
2 beds	357	(45.6%)	65.3 – 81.3	61
3 beds	43	(5.5%)	87.9 – 124.4	74

Of the 3 bedroom units, 4no. of these are proposed as double storey height townhouses which would have their own private garden areas at ground floor level. These would be secured by a boundary treatment and gates which are sympathetic to the architecture and screened by evergreen planting and hedges for privacy and security.

3.12 In respect of the way the scheme would operate, the applicant has stated that:

'...the scheme would provide tenants with:

- An experienced professional management and letting team within a dedicated landlord operator environment providing more security, stability and personal interface
- A range of additional services/features/welfare and activities to be provided fostering a connected community
- A mix of home types and tenancy lengths providing flexibility for families, sharers, couples and individuals
- Internal and external amenity provision providing communal lounges, office space, gardens and flexible amenity space
- A quality public realm space interconnected with the local waterfront and city centre
- A welcome office
- Lettable storage facilities and personal on-site storage compartments'

3.13 The Whitehall Road and Globe Road frontages incorporate approximately 3,000sqm of mixed uses at ground floor, creating activity, interest and amenity addressing the public realm about the perimeter of the site. Frontages through the street spaces between buildings become more residential in nature with on-site gym, amenity and site management functions, before reaching the ground floor spaces facing towards the railway viaduct which provide support functions and the townhouses with their own private amenity spaces. In addition, the proposed Hub building (outline application) would provide another 3,000 sqm of mixed use floor space.

#### 3.14 Affordable Housing

The scheme is to provide affordable housing on site. In respect of this, the applicant has stated the following:

'Affordable housing will be delivered on-site and managed by Get Living, an established residential operator. The scheme will deliver a pro-rata mix of either 27 social rented units or 80 discount rent units. The units will be spread throughout the development and be of the same quality as the open market units. Get Living currently manage discounted rent units at their East Village neighbourhood in London (the former London Olympics athlete village) but will be operating social rented units within their established schemes by the time Globe Road is occupied and therefore will be experienced in the management of both tenures. The Local Lettings Policy will also allow LCC to nominate tenants to Get Living.'

3.15 The site has been the subject of a Viability Appraisal which has been reviewed by the District Valuer. This has been assessed on the basis of the numbers of units set out above. In accordance with Core Strategy Selective Review Policy H5, which offers 2 on-site options, either:

- 27no. units when provided in line with the LCC benchmark affordable rents – the full Policy H5 amount would be 55no. units. This represents 3.44% provision set against a policy requirement of 7%
- 80no. units when provided at 20% discount of the market rental levels – the full Policy H5 amount would be 157no. units. This represents 10.21% provision set against a policy requirement of 20%.

As the scheme is PRS these would be provided on site by the applicant and controlled through the S106 agreement. The full consideration of this matter is set out in paras **9.25-9.28** below.

### 3.16 Highways

There are a number of significant highways and vehicle movement related proposals associated with this scheme, both to the surrounding public highway network and within the site. The key features of which are set out below:

#### 3.16.1 Off-site:

- Setting back the buildings fronting both Globe Road and Whitehall Road from the boundary of the site to allow the improvement of the Globe Road and Whitehall Road junction. This would permit the introduction of a light controlled junction and pedestrian crossing facilities with a pedestrian refuge on Globe Road – considered to be essential given the increased footfall across this junction to the proposed development.
- Widening and realignment of the footway along Whitehall Road
- A new dedicated cycle lane along the Whitehall Road frontage
- Bus stop improvements on Whitehall Road outbound in front of the development and inbound on the northern side of the carriageway
- Raised tables in Globe Road to align with the linear streets spaces within the development to provide a visual link to the canal side.
- Upgraded single access point to the site on Globe Road linked to single egress point on Whitehall Road
- Layby to serve the proposed hub site
- Wind mitigation measures as set out in para.3.32 below

#### 3.16.2 On-site

- Proposed turning facility adjacent the main Globe Road site entrance.
- A new private one-way access road running alongside the viaduct and exiting out onto Whitehall Road
- The one-way route would give access to 3no. service and drop-off/pick up laybys and surface level car parking, generally provided facing towards the railway viaduct, but with 2 other dedicated areas adjacent to the access road.
- 103no. car parking spaces would be provided of which 8no. are to be accessible.
- 18no. motor cycle spaces
- 474no. secure internal cycle parking spaces provision (with 40no. external shared spaces)
- 2no. car club bays.

In respect of the 103 car parking spaces the applicant has stated that:

‘spaces will be let at an additional rate to the rental for the residential unit and allocated on a first come first served basis. Given the level of car parking it is anticipated that taxi use would be increased. Taxis will be able to access the site for drop-off and pick up.

3.17 Refuse will be collected from the one way route, with most of the refuse stores being located along this route. Those that are not would have their refuse taken through the landscaping scheme for collection by site management operatives. This means there is no collection from Globe Road or Whitehall Road in respect of both residential and commercial waste. All deliveries will also occur from these laybys, with smaller deliveries taken to the central management suite for collection.

3.18 The applicant has made the case for providing the supporting electrical infrastructure for all of the EVCP parking spaces on completion of the development, but to phase in the installation of the actual charge points starting with 10% coverage on first occupation. This would be increased in stages over time to its final 100% coverage. The matter will be controlled by planning condition. The rationale for this is that electric vehicles will only represent a small percentage of vehicles at the time of first occupation and, as technology advances, the actual charge point types that will be required may well change, as make and models are released which cannot be predicted. This means the charge points that are part of the phased installation can reflect both the market and the demand.

3.19 Travel Plan features

A Travel Plan accompanies this proposal and this sets out the following in respect of the way the site will be run:

- Allocation of an on-site Travel Plan Coordinator and initiation of a Travel Plan Steering Group involving L.C.C. to agree the monitoring regime, effectiveness and any action plans necessary, backed up by an annual report.
- A Travel Plan Working Group giving residents an opportunity to feed-back to the Travel Plan Coordinator
- Communicating the Travel Plan to all residents and new residents
- Periodically reviewing the contents of the Travel Plan
- Making available a Residential Travel Plan fund of £195,945.75 to be spent on:
  - Public transport ticketing;
  - Personalised travel planning;
  - Cycle purchase schemes;
  - Cycle training/cycle support package;
  - Promotion of car sharing, walking and cycling initiatives and other infrastructure enhancements; and
  - Support and marketing of Car Club trial and monitoring of usage.
- Regular events will help maintain a high-profile for the Travel Plan. These events will take a number of forms and will tie in with national and regional events as appropriate. Measures proposed include:
  - Travel Plan days/weeks (e.g. Britain Bike Week);
  - Campaigns promoting the Travel Plan;
  - On-site cycle training/cycle repair events; and
  - Exhibitions promoting individual elements and measures from the Travel Plan (e.g. cycling information).

The applicant has stated that the site will be operated on a 'car last' principle, which means:

'Any information provided on travel options, whether on the website or as part of a Travel Plan pack, should encourage residents to use sustainable modes of travel rather than the private car, with information for travel by car coming last and given least prominence.'

3.20 The development proposals include cycle parking for residents, staff and visitors. Internal, secure cycle stores are located within the core of each building and are accessed internally following entry into the building. In all buildings, cycle parking will comprise 20% Sheffield stands and/or lockers and 80% two-tiered racking. Visitor cycle parking is located at various external locations throughout the public realm area and is situated in areas that are well overlooked and located adjacent to key

destinations. Cycle parking will be monitored as part of the Travel Plan, and it is anticipated that the management will be able to expand the types/levels of cycle parking to accord with demand at the site.

3.21 Existing car club spaces lie in close proximity to the site on Whitehall Road East (350m) and Central Square (450m). The current site layout includes 2no. car club parking spaces adjacent to the site access road.

### 3.22 Landscaping and Public Realm

New public open space is created through a series of spaces connected by new linear corridors between the buildings. These would provide a variety of landscape character areas of hard and soft landscaping which would be fully accessible. The streets between buildings benefit from additional routes connecting them together across the site to encourage pedestrian permeability. These include 2 routes that pass through the ground floors of the buildings adjacent to the 2 podia. This results in a hierarchy of both routes and spaces which can be broken down into a series of character areas:

- Globe Road: an upgraded environment with new landscaping and planting on one side and improved visibility of, and access to, the canal on the other.
- Whitehall Road Frontage: active commercial frontages and colonnades addressing the urban street scene
- Internal Squares: characterised by open hard landscaped areas surrounded by planting borders and feature islands of soft landscaping with peripheral active commercial uses spilling out into the spaces.
- Street Spaces: linear in nature with a predominance of active residential led building frontages, looking out to soft landscaped central bands edged by clear pedestrian walkways
- Site Access Route (adjacent to the viaduct): characterised by a mix of soft landscaping, service frontages and a roadway bounded by the viaduct wall

3.23 Across the full planning site hard landscaping would account for 27% of the entire site area (0.51HA) with the planting and landscaped areas being 13% of the site area (0.25HA) supplemented by colonnade areas of 2.6% (0.05HA). Therefore, a total of 0.8 HA of public realm space is being created across the full application site which is approximately 43% of the total site area. This is supplemented by the Hub outline application site, half of which is proposed to be publicly accessible space (0.09HA).

3.24 Level changes across the site have been resolved through the introduction of a number of set level ground slabs which cascade down from the highpoint at the Whitehall Road Globe Road junction, to the south-east and south-west. The level changes between these slabs vary between 0.5m to 1m and ultimately set the levels for the ground floors of each building. These level changes also help to tie the ground levels of the proposal into those of the existing highway which they abut. They also assist with making the site more accessible, as they distribute the level changes evenly over the site. These small level changes have been utilized through the use of bunds, undulating land-forms and low seating walls to provide visual interest in the landscaping scheme. These areas also incorporate routes of no more than 1:21 gradient which provide alternative accessible routes to the steps.

- 3.25 The Street Spaces will be designed as linear gardens and provide planting which would form part of the Sustainable Urban Drainage System (SUDS). Planting will be varied ranging from grasses, ferns, colourful shrubs & bulbs to multi-stem and standard trees with the predominant tree species proposed being Alder, Birch and Pin Oak. It is proposed that 178no. new trees will be planted on the site.
- 3.26 Surfaces will be a mix of natural stone and man-made paving in primary areas, with decking, gravel and setts used in the more informal areas. Block paving will be used for the vehicle areas which would be permeable to support the SUDS drainage. There will be street furniture in the form of benches, seating, lighting columns & bollards, planters, bins, feature walls and cycle stands. These will be in wood, metal, natural stone, granite and man-made products. Art work will also be installed where appropriate which the applicant has advised would be 'interactive, have historical references and enable play'. The scheme will also be well lit from both high level and low-level bollards and include feature lighting of the landscaping.
- 3.27 The first floor podium gardens offer two areas of amenity space for residents which is private and accessible only from within the residential blocks. The E&F podium would provide 357 sqm of communal space with the C&H podium providing 260 sqm for the community and 4 private terraces totalling 203 sqm. These spaces will be formed of raised steel planters which flow from the steel work within the architecture, providing adequate soil depths for perennial plantings and also trees. These roofs also provide amenity for those units that look down over them.
- 3.28 The top of each of the 8 buildings will have brown-roofs across the development which would provide ecologically beneficial habitats for local wildlife. Roof planting will be low maintenance, with the addition of log piles, bird and bat boxes, 'bug hotels' and bee hives to promote bio-diversity.
- 3.29 Accessibility and inclusivity  
The scheme has been designed to incorporate the principles for inclusive design wherever possible, offering equal access to all areas of the site. The landscaping and architecture have been developed in parallel to promote and provide the following:

Externally:

- Accessible routes to all connections with local pedestrian routes, the public highway and public transport
- A new pedestrian crossing and central refuge at the Globe Road/Whitehall Road junction to enable easier crossing for everyone but especially those who are less mobile
- Level and gently sloping access capability across the whole site meeting all entrances with at-grade thresholds
- Level access to all building entrances
- Public realm with level surfaces for comfortable use by residents and local people
- Clear pathways about building perimeters
- Landscape paths and passageways between buildings creating further east/west pedestrian permeability
- Spacious, generous and sheltered residential entrances with indentations created in the landscape around the entrances. These arrangements announce residential entrances, providing further space for passing, meeting and seating

- A secure and safe environment passively overlooking the linear street spaces by commercial and residential uses

Internally buildings would have:

- Level access throughout the common areas of the buildings
- The scheme is designed to meet Part M4(2) & (4) levels of accommodation provision
- Access to a second lift allowing wheelchair users to reach units if one lift is out of order

### 3.30 Climate Change and Sustainability:

The development encourages the design and implementation of energy efficient systems and equipment that support sustainability. The applicant has provided the following statement in respect of energy use and production on the site:

'The energy strategy for Globe Road complies with the LCC planning policy to achieve a 20% reduction in carbon emissions over Part L of the *Building Regulations*. This is achieved through a fabric first energy efficiency approach. The façade design delivers a low infiltration rate and good U-Values with a particular emphasis on minimising thermal bridging. The scheme also provides a minimum of a 10% renewables contribution through application of a Combined Heat and Power source (CHP) in the energy centre to generate on site electricity and supply a base heat load to the heating and domestic hot water systems.'

In addition the site will contain the following energy saving features:

- A water standard of 110 litres per person per day to meet the requirements of CS Policy EN2.
- Suitable energy metering of the operational energy consumption
- Efficient lighting fittings and smart controls with low energy lamps
- Apartment mechanical ventilation with heat recovery

### 3.31 Wind

The scheme has been accompanied by a wind study which has assessed 3 development scenarios: Interim phase 1 (the proposed development without Latitude Purple); Interim phase 2 (the proposed development with Latitude Purple but without Latitude Yellow); Final phase (the proposed development with cumulative development surroundings). The wind assessment has been independently peer reviewed on behalf of the Council- see consultation section below. On site, the same mitigation is proposed for all 3 development scenarios except for the final phase when one screen is removed from the south west of building F. The on site mitigation comprises 5no. 2m to 3m tall screens on the south-western facing elevations of 4 of the buildings (buildings A,B,F and G). Building F would have two screens located to its south west side apart from the final phase scenario when one would be removed.

### 3.32 Off site, the temporary wind mitigation measures comprise the following:

Interim phase 1 – 2no. x 2m (high) screens located on the south side of Whitehall Road within the colonnade arches between buildings E and F; 1no.x3m (high) screen located to the south west corner of Latitude Red on the north side of Whitehall Road; 4no. x planters with screens (1m high planters with 1m high screens) on the south side of Whitehall Road adjacent to building E; 1no. x 3m high x 12m long screen located adjacent to the proposed cycle lane on the south side of Whitehall Road; provision of pedestrian guard rails to the north and south side of

Whitehall Road (close to the junction with the access road to the Latitude sites to restrict pedestrians crossing the road in this area); extension of the hatched zone at the same junction filter lane to guide cyclists away from this area (prior to accessing the Latitude sites).

Interim phase 2 – The changes from interim phase 1 comprise the introduction of a temporary 4m high screen to be delivered on the Latitude Yellow site as part of the Latitude Purple development and the removal of the temporary screens to the corner of Latitude Red and adjacent to the cycle lane on the south side of Whitehall Road.

Final phase – This comprises removal of all the temporary off site mitigation measures.

The proposed screens would have 50% porosity and full details of their design would be controlled by planning condition.

### 3.33 **Outline Application Site / The Hub**

The scheme is a hybrid and includes a part of the proposal which is being submitted in outline, with all matters reserved. This would contain a new building identified as 'The Hub'. This is proposed to have a flexible range of uses identified as Use Classes A1-A5 (retail, cafes, bars, restaurants and take away), B1 office and D2 leisure. The development on this part of the site would also retain a landing point for the potential, future installation of a non-vehicular bridge over the canal as well as a route from the bridge to Globe Road. The bridge itself is not proposed as part of this application.

## 4.0 **Relevant planning history**

4.1 The current proposal in its pre-application form (Ref. PREAPP/17/00675) was presented to Members at City Plans Panel on 29<sup>th</sup> March 2018. The relevant minutes stated the following:

Members provided the following feedback;

- Members were supportive of the emerging heights and footprints of the buildings
- Subject to further assessment/reconsideration of the need for a footbridge, Members were supportive of the approach to public realm enhancements.
- Members were of the view that the proposed mix of unit sizes was acceptable (at that time 49% 1 bedroom units (368no); 46% 2 bedroom units (345no); and 5% 3 bedroom units (38no)).
- Subject to the inclusion of an acceptable travel plan, Members were of the view that the proposed level of car parking provision was acceptable

4.2 On the same land as the current application, application ref. 12/03459/FU was approved in December 2013 after consideration by Members at Plans Panel. This was for a multi-level development up to 17 storeys with 609 residential apartments, commercial units (Class A1 to A5, B1, D1 and D2), car parking, associated access, engineering works, landscape and public amenity space. The application was subject to a full viability appraisal and the District Valuer agreed that the full policy compliant provision of affordable housing and other financial contributions could not be met at the time. The resultant S106 Agreement required a contribution of £568,000 to be spent on affordable housing, education, public transport and/or public realm improvements as considered appropriate, with £100,000 of that contribution set aside to assist in the delivery of a bridge over the canal. 30no. residential units were also required to be provided as assisted purchase units with 20no. under First Buy/Help to

Buy and 10no. as shared ownership. A landing point for the bridge over the canal was also reserved. The planning consent has now expired.

- 4.3 On the same land as the current application, application ref. 20/499/04/FU proposed a multi-level predominantly residential development up to 31 storeys with 833 flats, commercial units, car parking and landscaping. This was approved in September 2005 after being agreed at Plans Panel in April 2005. A subsequent extension of time application, ref. 10/01670/EXT, was approved in November 2010. Application ref. 07/00018/FU amended 20/499/04/FU by increasing the height of the tallest element to 33 storeys; this was approved in April 2007. A subsequent extension of time application, 10/01666/EXT was approved in November 2010. The planning consent has now expired.
- 4.4 CEG application for a multiple building, phased development on land at Water Lane and Globe Road application ref. 17/06455/FU approved 3<sup>rd</sup> October 2018. The S106 Agreement requires a contribution for a scheme for the signalisation of the junction of Whitehall Road and Globe Road, or any other such highway works to alleviate congestion at this location. The contribution being £72,624 for design works within 14 days of commencement of the development, and £400,000 within 3 years of commencement. The consent is extant but yet to be implemented.
- 4.5 Wellington Place application ref. 18/07929/OT approved 29<sup>th</sup> November 2019 for a mixed use development at Whitehall Road and Wellington Street. As part of this, £250,000 has been secured as a contribution to the signalisation of the junction of Globe Road and Whitehall Road. The consent is extant but yet to be implemented.
- 4.6 'Latitude Purple' application ref. 18/02481/FU approved 13<sup>th</sup> June 2019 as amended by application ref. 19/07803/FU approved 30<sup>th</sup> June 2020 for the erection of a high rise residential building north of Whitehall Road and to the south of the disused listed railway viaduct. This was approved with a range of wind mitigation features with the more recent of these two applications amending the wind mitigation and including a 4m screen around the Latitude Yellow site before it is developed. The consent is extant but yet to be implemented.

## **5.0 Responses from the Public**

- 5.1 2 letters of representation have been received from residents of Vesper Road, Kirkstall, and Hertford Chase, Colton. Both support the redevelopment of this site in principle. However, they believe that Globe Road should be realigned to follow the line of the viaduct so that the scheme can make better use of the waterfront (point addressed in para **9.32** below).
- 5.2 Leeds Civic Trust (LCT)  
The LCT supports the application which it considers to be of a high standard. They consider it to be a comprehensively planned application, making maximum use of an awkward site, but also enhancing the public realm both within and outside the immediate development.

The LCT wishes the developer would consider the needs of growing families and wish to see an increased number of three bedroom units. This would also assist in retaining families in the City Centre rather than feeling they have to move to the suburbs, with the associated pollution and energy use of the commute. Point addressed in para **9.23**.

The LCT note that the larger three-bed units will not be in the tallest blocks, and will all have balconies, which is positive. However LCT are concerned that play spaces are in the public realm which do not appear to be readily overlooked from the three bedroom units. However, they accept that this is something that could be controlled through the long-term management plan for the development. Point addressed in para **9.14**.

5.3 A Statement of Community Involvement (SCI) has been submitted with this proposal. This makes reference to a public consultation exercise on 6<sup>th</sup> December 2018 which was attended by 15 people – described as being ‘generally residents of adjacent apartment buildings at Whitehall Riverside and City Island’. It is stated that ‘very little written feedback was received, but all verbal feedback was generally positive’. The SCI states that the following comments were made:

- Need to ensure that traffic doesn’t increase
- Dominance of the roads at the moment is bad for people and this can be reduced (as currently proposed) – this would be very positive
- Ensure that the canal side ecology is maintained and that a safe and active place for people to walk through is needed in the area
- Ensure public spaces for everyone, particularly play spaces for families with children
- Independent retailers are welcome
- Expansion of City Centre to include Holbeck and towards the west is desirable
- Plans should be made for a new bridge to provide better links across the canal
- Promotion of the use of the canal would be interesting (canoe/boats etc.)

5.4 No Responses have been received from Ward Members.

## **6.0 Consultation responses**

### **6.1 Statutory**

#### LCC Highways:

A package of off-site highways works are required. These include:

- Works along the Whitehall Road frontage for provision of widened footway, outbound segregated cycleway, relocation of the bus stop and new site egress
- Works along Globe Road for provision of widened footways, new site access, layby for the hub, and speed tables
- Associated TROs/speed limit reductions

It is acknowledged that there is land take from the site for the Globe Road/Whitehall Road junction. In addition the existing historic service tunnels under the highway will have to be infilled and a new pedestrian crossing facility will have to be provided. Therefore, it is considered that a reasonable and proportionate contribution would be £200,000, although the option of a £100,000 contribution, with the tunnel in-filling and site regrading works carried out by the applicant, would also be acceptable.

Dedication of land as highway is required for these works. The land for footway and cycleway provision along the Whitehall Road frontage and land for provision of the

Whitehall Road/Globe Road junction improvements should be provided to LCC on request after planning permission is granted, to be secured in the S106 Agreement. The highways works require an approved Stage 1 Road Safety Audit (RSA) and designer's response prior to planning permission being granted

Any works to retaining walls to the highway, or that may impact on retaining walls to the highway, must be agreed with LCC Highways Bridges and Structures team.

- Proposed footway widths are acceptable
- Cycleway along Whitehall Road is acceptable subject to detailed design
- Bus stops on the in-bound and out-bound carriageways both require shelters.
- The temporary wind mitigation works on Whitehall Road (detailed in paragraph 3.32 above) are acceptable on a temporary basis but these require a license to be granted by the Highways Authority. The temporary works must be removed when they are no longer needed.
- The location of 2no. car club bays close to the site exit is acceptable.
- 100% EVCP is proposed to be phased in and this is acceptable.
- The proposed servicing and delivery strategy for the management of visitor parking is acceptable.
- The turning arrangement at the site access point is acceptable for all taxi pick up and drop offs to take place within the site.
- The level of provision of cycle and motor cycle parking is acceptable.
- The use of a layby to service the hub element of the proposal is acceptable.
- The space for the landing of the canal bridge and the link to Globe Road should be secured through the legal agreement.
- The proposed provision of raised tables along Globe Road are acceptable in principle, subject to a Stage 1 RSA.

Conditions are required to control: construction practices, any gates to be located back from the highway, signage of the entrance and exit points; details of the cycle and motor cycle parking facilities; vehicle spaces to be laid out prior to first occupation; details of a vehicle management plan; carrying out of specified off-site highways works; Wind monitoring; highways condition survey; EVCP provision.

The following should be secured as part of the legal agreement:

- For bus shelters and real time information: £46,000
- Towards the required highway improvements: £200,000 with the option of a £100,000 contribution, with the tunnel in-filling and site regrading works carried out by the applicant
- For TROs/traffic management to address parking issues arising should these arise as a result of the development: £20,000
- Requirement for land for the junction and cycleway/footway to be provided / dedicated to LCC after planning permission being granted.
- Requirement for land for footbridge and link to it to be provided on request from LCC
- Provision of 2no. car club bays on site

#### Environment Agency:

No objection subject to condition requiring the development to be carried out in accordance with the submitted Flood Risk Assessment with finished floor levels set out.

#### LCC Flood Risk Management:

No objection. The proposal is be acceptable subject to conditions requiring surface water drainage details and a Construction Method Statement.

Canal & River Trust:

The Trust broadly welcomes the proposals which offer the potential to improve the canal-side frontage and go on to make the following comments:

- The Trust is satisfied that the buildings next to the canal will not result in an unacceptable impact upon the Macrophyte (visible waterborne plants) populations on/in the canal.
- Details of the lighting in proximity to the canal needs to be controlled by condition and excessive luminance avoided.
- Landscaping adjacent the canal needs to be controlled and any impact on existing infrastructure needs to be fully understood – this can be controlled by condition. Native species should be used as compensatory planting.
- The Trust welcomes the findings of the bat survey which indicates that the development should not have a significant impact on bat populations.
- Development adjacent the waterway could have an impact on the structural integrity of the canal infrastructure. A Construction Management Plan (CMP) should be secured by condition as well as an assessment of the impact of any proposal adjacent the canal, to ensure it does not have an adverse loading on the canal walls.
- The drainage proposals show no interaction with the canal, which is positive. Contamination of the canal during construction should be prevented as part of the CMP.
- The presence and eradication of giant hogweed needs to be assessed and controlled by condition
- Concerned about the height of Building 4D in terms of its visual impact on views towards Holbeck (see para **9.7**).
- Brick detailing and variations in balcony designs could add visual interest to the scheme.
- Recognise that The Hub is in outline only. Full details will subsequently need to be submitted (*The Trust would be a consultee to any reserved matters application submitted*). The requirements for a ramp need to be fully included in the design of any bridge and adequate space reserved for this. Any bridge would require the consent of The Trust in their capacity as landowner.

The proposal originally included viewing platforms on the canal side of Globe Road which were on the Trust's land and were subsequently removed from the proposal. The Trust would wish to see better access to the waterfront and would wish to see these areas improved even though they have now been removed from the application site. A response to this point is provided at para **9.15** below.

Network Rail (NR):

No objection but have requirements which must be met, given the proximity of the

proposal to an electrified railway line:

- Given the location of the site and its proximity to the railway viaduct and associated high voltage overhead lines, it is imperative that the developer liaise with NR prior to work commencing on site in order to ensure that the scheme can be delivered safely and without impact to operational railway safety. Any working which may have an impact on the running of the railway (e.g. vibrating machinery, scaffolding piling or other earth works etc.) will have to be notified to NR. NR's Asset Protection Project Manager must be notified of works to be carried out on site.
- All surface and foul water arising from the proposed works must be collected and diverted away from NR property. All soakaways must be located so as to discharge away from the railway infrastructure. Drainage should be controlled by condition
- All operations, including the use of cranes or other mechanical plant working must be operated in a 'fail safe' manner which is set to avoid impact on the line or electrification cables
- An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. NR to be contacted to avoid potential bridge strikes during and post construction. NR's existing fencing/wall must not be removed or damaged.
- The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account
- Landscaping adjacent the railway boundary should be of a size and location which does not interfere with railway operations
- Lighting should be erected which does not dazzle train drivers and the location and colour of any lighting scheme must be erected in order not to confuse drivers when they are approaching signals. To be controlled by condition
- Have concerns that glint and glare could result from sun reflecting off parts of the buildings at various times during the day. Therefore request that a monitoring condition be placed on any permission in order that any subsequent issues may be appropriately addressed by the developer.

Advise that the boundary fencing, glint and glare monitoring, drainage, method statements, soundproofing, lighting and landscaping should be the subject of conditions, for the reason of safety, operational needs and integrity of the railway. For the other matters mentioned above NR request an informative be attached to the decision notice.

## **6.2 Non-Statutory**

### **TravelWise Team (Travel Planning):**

In accordance with Travel Plans SPD the Travel Plan should be included in the Section 106 Agreement along with the following:

- Leeds City Council Travel Plan Review fee of £7,098
- Provision of 2no. Leeds City Council Car Club provider parking spaces.
- Provision of a Residential Travel Plan Fund (RTPF) of £195,945.75
- Canal Bridge landing zone

The RTPF shall cover: public transport ticketing; personal travel planning; cycle training and support packages; car club trial; cycle stores to be equipped with maintenance packs. The Travel Plan identifies the need for a Travel Plan Coordinator and the need for ongoing dialogue with LCC and the residents. EVCP's are to be provided. (see responses at paras. **9.31**, **9.33** and **10.2** below)

L.C.C. Access Officer:

No objection - recommend that there should be contrasting manifestation to all the glazed walls and shopfronts. All entrances should avoid disabled segregation and should be level, including any bi-folding doors to café areas and terraces. The gym should be fully accessible and include accessible showers and changing areas. The disabled parking needs to be provided and landscaping needs to meet BS8300-2:2018, including accessible seating, surface treatments and tactile paving to steps. Clear signage needs to highlight the alternative 'non-stepped' routes in these areas. Dropped kerbs should be provided at taxi drop-off points and crossing points on Globe Road. The detailed design needs to align with BS8300 2018 in order to satisfy the Accessible Leeds SPD. (see para. **9.34**)

Yorkshire Water:

The submitted Drainage Strategy is acceptable. In summary, the report states that foul water will discharge to the public combined sewer in Globe Road. Surface water will discharge to the public combined sewer via storage with restricted discharge at two separate points that have been agreed. Conditions required ensuring that details of these works are to be submitted (relevant conditions will be applied –see Appendix 1).

WYAAS:

This site was occupied by a former metal foundry in the mid 1850's which was advanced for this period. Ground based archaeology is likely to exist. A written scheme of investigation has been submitted. No objection subject to a condition controlling archaeological work to take place through-out the ground based part of the construction process (see Appendix 1).

LCC Contaminated Land:

No objection subject to conditions regarding further ground investigations, verification, the requirement to carry out unexpected remediation and no contaminants being brought onto site (see Appendix 1).

L.C.C. Environmental Health:

No objection subject to conditions controlling hours and methodology of construction; acoustic protection of residential units; delivery hours; hours of operation of the commercial units ; lighting; provision of refuse areas; commercial kitchen extracts; the method by which the residential units will be isolated from any ground-borne vibrations which may exist from the proximity to the railway line. See para.**9.20** and Appendix 1.

L.C.C. Nature and bio-diversity:

No objection. Agreed that the proposal will not have an adverse impact on Macrophytes. Conditions required regarding bird and bat roosting facilities; lighting to

be sensitive to bats; the use of a Construction Environmental Management Plan (CEMP); method of eradication of giant hogweed. (see Appendix 1)

West Yorkshire Combined Authority (WYCA):

WYCA support the principle of the application for housing and commercial uses in this location and the significant contribution it would make to increasing housing growth within Leeds and the wider City Region. They anticipate that a high proportion of residents would be minded to walk or cycle to access employment opportunities and services within the City Centre. WYCA are encouraged to see that the application provides pedestrian and cycling enhancements including a link onto the canal towpath and also support the low car parking provision at the site. They recommend new shelters be erected at the out-bound and in-bound bus stops on Whitehall Rd. Contributions of £23,000 should be sought for each stop. Residential travel plan contribution or the funding of a Metrocard scheme should be required (see para. 10.2).

West Yorkshire Police:

Have no objection in principle to the proposal and then provide advice regarding: protection of the buildings from vehicle strike and access to the buildings for residents; secure lighting; landscape design to avoid areas that are not able to be viewed or that obscure lighting; CCTV linked to site office; details of recessed doorways; cycle storage security; mail delivery; BS standards for doors and windows; alarm and security systems to be used for the ground floor commercial units (see response at para. 9.14).

Coal Authority:

This site does not fall within an area of high risk therefore no Coal Mining Risk Assessment is required. Standing advice shall be applied only.

Wind (Tobermory Consultants):

A review of the submitted wind assessment has been carried out by Tobermory Consultants on behalf of LCC. Tobermory Consultants have advised as follows:

- The interim (development) scenario with wind mitigation measures improves significantly the existing wind conditions, and conditions come close to but do not meet the Lawson criterion (there remains an area of exceedance in the middle of Whitehall Road). The pedestrian barriers and road hatching aims to rectify this, by preventing road users and pedestrians entering the wind affected area.
- It is worth considering the significance of the “safety exceedances”.
- The Lawson criteria is a simple and conservative measure, where the value of 15m/s (and the frequency of one daylight hour per year) was chosen to provide a single conservative value that could be used to show that conditions were clearly calm enough. Note that meeting the criterion does not mean that there is no risk from high winds – extreme winds are still acceptable for one daylight hour a year.
- The criterion should not be used in a binary, pass/fail manner where the occurrence of say a 15.1m/s wind speed causes an automatic fail,. The information from the wind study needs interpretation, and where a development generates conditions that exceed the conservative Lawson criterion, then the question that needs to be answered is: are the wind risks to the general public significant?
- To answer this question, one needs to consider 3 aspects: the magnitude of the wind speed, the size of the affected area and the frequency of occurrence of the

severe wind conditions. The last two factors in particular, determine the risk that any member of public might be affected by the high winds, during the few hours per year that they are present.

- In applying this approach in respect of the Whitehall Road conditions:
  - o the affected area is small, and the proposed measures would deter or even prevent vehicles and pedestrians from entering the area;
  - o the wind speeds (peak of 16.2) are high, but are not extreme (note that the wind pressure, i.e. the force on a pedestrian or cyclist, increases with the square of the wind velocity);
  - o the frequency of occurrence is 3 daylight hours, i.e. 2 hours exposure per year more than the Lawson criterion allows.
- Based on these observations, and the proposed added measures of pedestrian barriers and road hatching, the risks to the public are similar to the risks that would be posed if the wind conditions just met the Lawson criterion.

## **7.0 Relevant Planning Policy**

### **7.1 Development Plan**

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 on this application, the Development Plan for Leeds currently comprises the following documents:

- The Leeds Core Strategy (Adopted 2014 and 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).
- Leeds Site Allocations Plan (SAP, Adopted July 2019)

### **7.2 Core Strategy (CS)**

7.2.1 The site is located just inside the City Centre boundary as defined in the Core Strategy. Relevant CS policies include:

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

Spatial Policy 3 seeks to maintain and enhance the role of the City Centre as an economic driver for the District and City Region, by comprehensively planning the redevelopment and re-use of vacant and under-used sites for mixed use development and areas of public space; enhancing streets and creating a network of open and green spaces to make the City Centre more attractive; and improving connections between the City Centre and adjoining neighbourhoods.

Spatial Policy 11 includes a priority related to improved facilities for pedestrians to promote safety and accessibility, particularly connectivity between the edges of the City Centre and the City Centre itself.

Policy CC1 outlines the planned growth within the City Centre for 10,200 new dwellings, supporting services and open spaces. Part (b) encourages residential development, providing that it does not prejudice town centre functions and provides a reasonable level of amenity for occupiers.

Policy CC3 states new development will need to provide and improve walking and cycling routes connecting the City Centre with adjoining neighbourhoods.

Policy H3 states that housing development should meet or exceed 65 dwellings per hectare in the City Centre.

Policy H4: Housing Mix states:

Developments should include an appropriate mix of dwelling types and sizes to address needs measured over the long term taking into account the nature of the development and character of the location.

<b>Type*</b>	<b>Max %</b>	<b>Min %</b>	<b>Target %</b>
Houses	90	50	75
Flats	50	10	25
<b>Size*</b>	<b>Max %</b>	<b>Min %</b>	<b>Target %</b>
1 bed	50	0	10
2 bed	80	30	50
3 bed	70	20	30
4 bed+	50	0	10

\*Type is applicable outside of City Centre and town centres; Size is applicable in all parts of Leeds

Policy H5 identifies affordable housing requirements for PRS developments. The following methods of provision are identified:

- i) on-site, according to national policy advice, currently 20% Affordable Private Rent dwellings at 80% of local market rents administered by a management company with appropriate arrangements for identifying households in need, including city council nomination rights, which apply in perpetuity, or
- ii) on-site, (7% at 60/40 split social rented/intermediate) at affordable housing benchmark rents administered by either a registered provider or a management company with appropriate arrangements for identifying households in need, including City Council nomination rights, which apply in perpetuity, or
- iii) a commuted sum in lieu of on-site provision of affordable housing of option ii).

Policy H9: Requires that residential units meet a set of minimum space standards dependent on their number of bedrooms and whether they are apartments or houses.

Policy H10 Requires that a certain percentage of residential units are accessible for the needs of those who have accessibility constraints.

Policy P10 requires new development to be based on a thorough contextual analysis to provide good design appropriate to its scale and function, delivering high quality innovative design and that development protects and enhances the district's historic assets in particular, historically and locally important buildings, skylines and views.

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

EC3 Controls the loss of previous employment land.

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.

Policy G5 requires mixed use developments over 0.5 hectares in the City Centre to provide a minimum of 0.41 hectares of open space per 1,000 population or 20% of the site area, whichever is the greater.

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

Policy G9 states that development will need to demonstrate biodiversity improvements.

Policies EN1 and EN2 set targets for CO<sup>2</sup> reduction and sustainable design and construction requiring developments of 1,000 sqm of non-residential development to be BREEAM 'excellent', at least 10% low or zero carbon energy production on-site, and a maximum daily water usage per person of 110 litres per-day on sites of more than 10 dwellings.

Policy EN4 requires energy systems to be considered on a hierarchy with district heating at the top of the hierarchy.

Policy EN5 identifies requirements to manage flood risk.

Policy EN8 requires all spaces that are to be used for residential purposes to be set out as EVCP.

Policy ID2 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. In order to provide the necessary infrastructure and facilities to support the growth of Leeds and the proposals and Policies in the Core Strategy, developer contributions will be sought through Section 106 planning obligations and the Community Infrastructure Levy as appropriate.

### 7.3 Saved Unitary Development Plan Review policies (UDPR)

#### 7.3.1 Relevant Saved Policies include:

Policy GP5 – All relevant planning considerations should be taken into account.

Policy BD2 - New buildings should complement and enhance existing skylines, vistas and landmarks.

Policy BD4 – Plant equipment and services areas criteria are outlined.

Policy BD5 states that a satisfactory level of amenity for occupants and surroundings should be provided.

LD1 - Sets out criteria for landscape schemes.

#### 7.4 Natural Resources & Waste DPD 2013

7.4.1 The plan sets out where land is needed to enable the City to manage resources, such as minerals, energy, trees, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. Relevant policies include:

Air 1 management of air quality through new development

Water 1 water efficiency including incorporation of sustainable drainage

Water 4 development in flood risk areas

Water 6 flood risk assessments

Water 7 surface water run-off

Land 1 contaminated land

Land 2 development and trees

#### 7.5 National Planning Policy Framework (NPPF)

The NPPF and the National Planning Practice Guidance (NPPG) set out the national policies for England and how these are expected to be applied. It is a material consideration in planning decisions. One of the key principles running through the NPPF is a presumption in favour of sustainable development set out in three parts: Economic, Social and Environmental (Paragraphs 10-11). The NPPF states that decision-makers at every level should seek to approve applications for sustainable development where possible, with a strong emphasis placed on high-quality design and place-making.

Development proposals that accord with an up-to-date development plan are to be approved without delay (NPPF Paragraph 59).

The below sections of the NPPF are also considered to be particularly relevant to this proposal:

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

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

Section 9: Promoting Sustainable Transport – developments should give priority first to pedestrian and cycle movements and facilitate access to high quality public transport; address the needs of people with disabilities; create places that are safe, secure and attractive which minimise the scope for conflicts between pedestrians,

cyclists and vehicles; avoid unnecessary street clutter; respond to local character and design standards; allow for the efficient delivery of goods, and access by service and emergency vehicles; be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

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

Para 123 (c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

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

Para 127: Planning policies and decisions should ensure that developments:

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

The guidance in NPPF: Section 5 - Delivering a Sufficient Supply of Homes; Section 6 - Building a Strong Competitive Economy; Section 7 - Ensuring the Vitality of Town Centres; Section 8 - Promoting Healthy & Safe Communities also support the proposal.

#### 7.6 Relevant Supplementary Planning Guidance includes:

SPD Tall Buildings Design Guide  
SPD Parking  
SPD Street Design Guide

SPD Travel Plans  
SPD Building for Tomorrow Today: Sustainable Design and Construction  
SPD Accessible Leeds  
SPG City Centre Urban Design Strategy  
SPG Leeds Waterfront Strategy  
SPG Neighbourhoods for Living  
Affordable Housing Benchmarks Update 2020/21 (supports CS Policy H5)

## 7.7 Holbeck South Bank SPD

Only The Hub site falls within the area covered by this document.

The Holbeck, South Bank SPD was adopted in June 2016 as an updated revision to the 1999 and 2006 Holbeck Urban Village planning frameworks. As with earlier versions the main aim of the SPD is to create vibrant, sustainable, mixed use communities whilst safeguarding the unique historic character of the area. The whole of Holbeck, South Bank, is designated as a mixed-use area which should include a mixture of working, living, retailing and recreational opportunities. For sites over 0.5ha, 20 per cent of the gross site area should be provided as publicly accessible open space. Further improvements to connectivity including along the canal towpath, utilising the disused viaduct and along Hol Beck, are encouraged. At the same time a pedestrian and cycling friendly environment is sought in part by minimising through traffic in the area. Encouragement will also be given to developing with the minimum acceptable parking provision.

The Hub site falls within the Tower Works and Temple Works character area where the aim is to maximise the visual impact that the listed buildings have on the area both by protecting and opening up new views. New buildings in their immediate vicinity should respect the scale and heights of listed buildings with the overall aim of the listed towers being visually dominant and important views of them protected. It may be appropriate for new buildings to gradually increase in height away from the listed buildings. Buildings should define street frontages and provide pavement widths responding to building scale. New public realm should be given an adequate sense of enclosure by the buildings that define them. Relevant specific proposals for this area include the extension and enhancement of the footpath along the southern side of the canal to Globe Road and the reservation of a landing point for a footbridge over the canal on The Hub site.

## 7.8 Site Allocations Plan (SAP)

The SAP 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. It is therefore to be treated as not adopted for these sites. However, all other policies within the SAP remain adopted and should be afforded full weight. The application site is identified in SAP as MX1-12 with the ability to deliver 609 residential units & 3,220 sqm of offices. This is not affected by the statutory challenge, it remains as per the identified allocation, and this allocation carries full weight.

## 8.0 **Key Issues**

Principle of the use  
Layout Scale and massing  
Design  
Public realm and pedestrian connectivity  
Residential Amenity  
Housing Mix

Affordable Housing  
Highways  
Travel Plan  
Accessibility and inclusivity  
Climate Change and Sustainability  
Wind  
Biodiversity and ecology  
Flood Risk  
The Hub Building  
Planning obligations

## **9.0 APPRAISAL**

### **9.1 Principle of the uses**

The site is brownfield land and has benefited from previous permissions for primarily residential use, with the accommodation provided in tall apartment blocks, as set out in the planning history section above. The site is allocated in the SAP (Ref. MX1-12) for mixed use, including residential and office uses, and therefore it is considered that the proposed mix of residential, office and leisure uses is acceptable here. The site allocation in the SAP is to be afforded full weight.

9.2 A range of supporting uses are proposed for the lower levels and again this general arrangement was proposed by the previous permissions. Given the number of residential units, and the requirement to make the ground floors vibrant and attractive, it is again considered that the use of the lower levels of the buildings, for the mix of ground floor uses proposed, is acceptable.

9.3 The proposal includes 800 sqm of A1 retail space to be provided as one convenience type small supermarket of 400 sqm and additional A1 units up to 400sqm. making a total of 800 sqm. Whilst a sequential test has been submitted making the case for a much larger amount of A1 floor space the applicant has agreed to limit the provision of A1 retail to this 800 sqm upper limit and this is considered to be an acceptable balance between the provision of sufficient A1 floor space to service the development and the requirement to protect the retail function of the City's Primary Shopping Area. This will be controlled through the use of an appropriately worded condition.

9.4 Subject to this retail limit, in principle, the proposed range of uses aligns with guidance set out in CS policies CC1 and Spatial Policy 3 and guidance detailed in the NPPF. Further, this proposed range of uses was accepted by Members at pre-application stage and are considered to be acceptable.

### **9.5 Layout, scale and massing**

The proposals range between 8-23 storeys and the site is located within an area where tall buildings have been consistently approved in the past because they will help to fulfil a City Centre gateway function on approaches from the west and their vertical scale can be mitigated at street level by the horizontal emphasis of the significant railway and waterways infrastructure in this location. It is considered that the site remains appropriate for tall buildings such as those proposed.

9.6 The buildings are arranged in a manner which sets the tallest buildings at the ends of the site, with the lowest buildings next to these and the mid-range height buildings in the centre. This creates a rhythm to the composition and offers interesting distance views. The spacing between the buildings has been carefully considered which is important as it has the following impacts:

- Gives the residents sufficient space about the units to provide an adequate amount of amenity through day-light penetration and reasonable outlook
- Prevents the run of buildings creating an oppressive linear wall, which could be visually monotonous and relentless
- Allows a better relationship with the street, connectivity and encouragement for pedestrian accessibility to the proposed public spaces.

The density of units proposed is 384 dwellings per hectare, which increases to 435 per hectare if just the main part of the site is taken as the site area. This is well in excess of the minimum level set in Policy H3, but policy H3 does not set a maximum level and the objective of policy H3 is to maximise the efficient use of brownfield sites within a City Centre location. It is considered that the proposals represent an efficient and sustainable use of City Centre land for the reasons set out below and is therefore acceptable. Officers consider that the layout and massing of the proposal achieves a balance which fulfil the objectives of policy H3.

9.7 This site is located on the opposite side of the railway viaduct to the historic areas of Holbeck, which contain a number of listed buildings including Tower Works. Taller buildings than those proposed in the current application have been approved as part of the CEG site on Globe Road and these would be located much closer to the heritage assets and would largely obscure views of the proposed development from within the Holbeck Conservation area. Also the wider city centre context for the Holbeck conservation area is one of taller modern city scale buildings visible beyond the boundaries of the conservation area. In the light of this, it is considered that the greater distance the current application site is away from the heritage assets, coupled with the viaduct as a physical and visual barrier, provides sufficient separation for the proposal to sit comfortably alongside the more historic parts of Holbeck without having any detrimental impact on its historic character.

#### 9.8 Design

The buildings have a definite base, middle and top, being defined by the colonnade and large glazed frontages at the ground and lower levels, the subdivided window patterns of the middle floors and parapets and termination features at the top of the buildings, respectively. The materials and their detailed use define these zones and this is considered to represent a well-mannered style which would provide coherence and consistency of approach across the site, without producing a repetitive building appearance. This is further enhanced by the use of a varying yet complimentary palette of brick colours. As a result, it is considered that the building designs are acceptable, suitably fulfilling the requirements of CS Policy P10 and being regarded as acceptable by officers in their full contextual analysis of the design as outlined earlier in this Report.

#### 9.9 Public realm and pedestrian connectivity

The open spaces and routes are set out as squares and linear spaces which are linked laterally by a set of secondary connectors. Vehicles are kept to the periphery of this area meaning that the main body of the proposal is pedestrian dominated including the frontage to Globe Road. The raised tables proposed on Globe Road lead to the area fronting the canal and the canal-side 'Hub' building and the potential footbridge location. This would create a natural flow, offering a potential route over the canal and on to the City Centre and rail station beyond. This assists in breaking down the barrier which Globe Road provides to the Canal in order to offer a waterfront environment. The overall layout is considered to fulfil the objectives of CS Policies CC3 and P12 and the NPPF.

- 9.10 In respect of the footbridge, the Holbeck South Bank SPD only requires that a part of the Hub land 'should be reserved as a landing point'. The bridge would fulfil wider connectivity objectives than for just access to this site. As the applicant has made a viability case which has been accepted by the District Valuer, the applicant has agreed that, if required, £100,000 of the Residential Travel Plan Fund can be utilized to contribute towards the funding of any future bridge given it does support non-vehicular modes of transport and offers a more direct route to the canal tow path (Route 66) and on to the railway station. As a result, it is considered that the protection of the landing point and the link from the bridge to the public footway at Globe Road is a reasonable and proportionate obligation for this scheme.
- 9.11 A total of 0.8 Ha of public realm space is being created across the full application site which is approximately 43% of the total site area. Policy G5 requires that for mixed use development the greater of either 20% of the total site area or 0.41 Ha per 1,000 population should be provided on site. At an average occupancy rate of 2 people per unit this would require 0.64 Ha of space. Therefore, the proposal would provide on-site open space which would exceed the G5 policy requirement.
- 9.12 The information submitted and described above indicates that the public realm will be of high quality with the use of natural materials supplemented by man-made products and the inclusion of large areas of planting including 178 trees. The use of the subtle levels changes across the site to add an extra layer of interest and detailing is also supported. The layout will be animated by the mixed uses contained at ground floor level, as well as by the use of play-spaces and art installations. The landscaping also fulfils a practical function by supporting the SUDS.
- 9.13 The ground floor areas promote and maximise active frontages about all perimeters of the buildings and avoid 'back-of-house' functions occupying primary frontages. This is achieved by incorporating usable and active use types to the main spaces and restricting the necessary service areas to an absolute minimum in order to limit the extent of inactive frontage.
- 9.14 With regard to the West Yorkshire Police Architectural Liaison officer and Leeds Civic Trust comments about surveillance and security, all of the main spaces being provided have the benefit of being over-looked by either ground floor uses or the lower level residential units. It is considered that there is sufficient natural surveillance of the ground level public spaces but in addition CCTV will be in operation across the site. Private areas for resident-only amenity space are provided on top of the 2 podia and therefore not accessible to the general public, thus offering greater levels of security. It is considered that the issue of child safety during play raised by the LCT will be mitigated by the above design and measures and the benefit of the development being fully managed by the operator.
- 9.15 In their consultation response, the Canal and River Trust made comment regarding the viewing platforms on Globe Road which were originally included and which were on the Trust's land. These were subsequently removed from the proposal. However, as part of this scheme the Hub site, its canal frontage and land dedicated for a bridge and access to this from Globe Road are all being secured. The narrow strip of land towards the junction where the platforms were originally proposed to be located is more difficult to open up and there is a levels difference with the footway being higher than the canal. As the Trust say themselves, they want the waterfront opening up 'where it is appropriate to do so'. In this case, the Hub site will provide approximately 100m of publicly accessible waterfront, as well as access to a new bridge, and it is considered that this is a reasonable and proportionate response to

the requirement to provide waterfront access and meets the requirements of the Holbeck SPD.

9.16 Residential amenity

The units proposed range from 37.4-52.9sqm one bedroom units; 65.3-81.3sqm 2 bedroom units and 87.9-124.4sqm 3 bedroom units. They would all be open-plan to maximize natural light, flexible use and ease of movement. There is the ability to carry out all the functions within each apartment that would be expected from a self-contained unit of accommodation. Generous glazing and access to either balconies or private open space for 53% of the units would provide additional levels of amenity. Therefore, it is considered that the proposed units are of sufficient size to provide an acceptable standard of accommodation. All apartments are designed to meet or be above the minimum space standards set out in CS Policy H9, as set out in the table above at para 3.11, and are supported by officers.

9.17 In addition, as this is a PRS scheme communal facilities are to be provided – such as touch-down workspaces and lounge areas as well as the on-site gymnasium. There are also the external garden areas created on top of the 2 podia. These facilities provide the residents with the ability to use space that is not included within each individual unit thereby providing additional amenity for the residents.

9.18 The scheme has been designed around a series of routes and open spaces and the buildings have been oriented to maximize the amount of light received by each of the units. The buildings have been set away from each other by distances of 15m and in the locations where the buildings are at their closest, the windows have been configured to ensure that primary windows are not impacted. This gives a degree of separation which will provide the occupiers with sufficient light and outlook to be considered acceptable.

9.19 The scheme is within the City Centre and enjoys the easy access this provides to all the City Centre's facilities including open space. There is no requirement to provide private open space for flats but, as stated above, 53% of units do have balconies or a garden and the scheme itself has a large amount of on-site open space. In view of the proposed distances between the buildings and their spatial relationship, along with the provision of shared internal and external space, the amenity of the occupiers of these buildings is considered to be acceptable in respect of outlook, daylight and amenity areas.

9.20 The site is in proximity to the elevated railway line, Whitehall Road and Globe Road. As a result, assessment of the local context has been used to identify noise characteristics about the site which has been used to guide the incorporation of suitable cladding and glazing specification to mitigate noise ingress into the buildings. This has been coupled with mechanical ventilation heat recovery units to give residents some control over the quality of internal environment. As a result the façade has been designed to protect the amenity of occupiers through appropriate sound insulation and ventilation measures and this approach is considered to be acceptable. Therefore the amenity of residents has been adequately accounted for, as set out in the comments from Environmental Health above, and is considered to be acceptable subject to the recommended conditions.

9.21 Housing Mix

The Council's policy targets for the mix of unit sizes is set out by Core Strategy Policy H4 as referenced in paragraph 7.2 above. In this case the proposed development would comply with the minimum targets for the proportion of 1 and 2 bedroom accommodation but does not meet the minimum target for 3 bedroom

units. Policy H4 does allow a housing needs assessment to be submitted to take account of the local characteristics of an area and a particular development in order to justify a departure from the minimum mix of accommodation targets set by the policy.

- 9.22 The applicant's Housing Needs Assessment states that this type of high rise development, available only on the rental market, and located in the city centre appeals largely to the younger demographic rather than to those with families. It is for this reason that they are seeking for the policy to be applied flexibly, allowing the nature and location of the scheme to be taken into account when assessing the appropriate mix of unit types. It should also be noted that the current mix is very similar to that proposed at pre-application stage in March 2018 which Members considered to be acceptable.
- 9.23 The application proposes 5.5% of the total units as 3-bedroom accommodation. Although this is less than the minimum policy target of 20%, it would equate to 43no. 3 bedroom units due to the scale of the overall proposals. The provision of three-bed dwellings in the City Centre currently stands at around 1% and so this proposal would be well in excess of the current provision in the area. The proposal would therefore deliver housing to meet an acknowledged need for accommodation for smaller households, and it would offer a significant number of 3 bedroom units, 4 of which are in the form of town houses with their own private amenity space. In respect of the issue of family housing raised by the LCT, it is considered that the provision of this number of 3 bedroom units on one development provides a good range of opportunity for families to be accommodated in this proposal. In addition, the 4 town houses represent a move towards the provision of larger more family-oriented units with their own private amenity space, within a PRS development, and this is fully supported.
- 9.24 The proposal is considered to offer a sufficient variety of unit types in this City Centre location to provide accommodation for a wide range of household types including families. Members expressed their support for the unit mix at pre-application stage and the number of 3 bedroom units has been increased since then. In light of the above, the proposed unit mix is considered to be acceptable.
- 9.25 Affordable housing  
Policy H5 sets out 3 options for the provision of affordable housing for PRS schemes. Two are on site and the third is by way of a commuted sum. Policy H5 also identifies that applicants may choose to submit individual viability appraisals to verify that the precise affordable housing target cannot be met in terms of quantum to be provided. In such cases, the quantum of affordable housing provision may be reduced accordingly.
- 9.26 The applicant's position on this matter is set out at para **3.14** above. At pre-application stage, the applicant informed Members that affordable housing would be provided on site and this remains the case. The applicant has submitted a viability appraisal which has been independently reviewed by the District Valuer Service (DVS). The DVS has provided a report (**see Appendix 3**) which concludes at para 1.2:

'it is my independent conclusion the scheme can viably support the whole of the required Section 106 contributions and 3.44% on site affordable housing (27 Units) based on LCC published affordable rents.

It is also my opinion that the scheme can viably support the whole of the required Section 106 contributions and 10.21% on site affordable housing (80 Units) assuming affordable rents are based on a 20% reduction from market rents.'

9.27 In both cases there would be a requirement for the affordable units to proportionally reflect the mix of unit sizes proposed within the overall development. The applicant has accepted the DVS's conclusions and agreed to provide the affordable units on site, in accordance with the quantum outlined above and with a proportional mix of unit sizes. Therefore, whilst the full quantum of affordable housing cannot be delivered in accordance with policy H5, it is clear from this policy and also government guidance, that, where a viability case is verified, affordable housing provision can be reduced. Accordingly, the DVS's conclusions should be accepted.

9.28 In respect of the outline part of the application, the DVS's report goes on to state the following at paras 2.6:

"This is a hybrid application which includes outline consent for an additional 0.20 ha (0.49 acre) site which has been master planned as a Hub building comprising office and leisure uses. This viability report excludes an assessment of the hub building and the applicant has agreed to review the viability of the hub site (0.20 ha) at reserved matters stage and increase the proportion of Affordable Housing if the viability position of the development is improved as a result."

Therefore, the opportunity will exist to reassess the viability of the scheme when full details of the Hub building are being considered, to establish whether an increased on-site affordable housing provision should be made. This will be secured by way of appropriate drafting within the S106 Agreement.

9.29 Highways

A considerable number of off-site highways changes are being brought along with this application as set out above in para 3.16.1. The details of these changes have been the subject of extensive negotiations with colleagues in Highways Services. This package of measures is required to make the site accessible using sustainable modes of transport (foot, cycle and public transport) but also acknowledges that the important Globe Road/Whitehall Road junction needs to be upgraded given the increased level of footfall expected as a result of the development. The applicant is to provide not only land but also the financial contributions set out above. The mechanisms for achieving the range of highways works and contributions would be through the inclusion of land dedication clauses and financial obligations in the associated S106 Agreement, as well through the use of conditions. This range of works and obligations is considered to be acceptable by officers, taking into account the viability appraisal accepted by the DVS.

9.30 Site accessibility by sustainable modes of transport is very high. The site is within walking distance of Leeds Train Station, cycle Route 66 is on the canal towpath and there are bus stops in close proximity to the site which are to be upgraded through a financial contribution secured through the S106 Agreement. The Transport Assessment and supporting plans demonstrate a satisfactory vehicular access to the site on Globe Road and egress on to Whitehall Road. The new Globe Road/Whitehall Road junction would help to mitigate the impact of the development on the network. The introduction of traffic lights and a pedestrian crossing facility will improve pedestrian routes and access to the site. It is considered that the proposed

development would not have a detrimental impact on the highway network subject to the package of highways works being undertaken.

- 9.31 In respect of CS Policy EN8 regarding the provision of EVCPs, the City has recognised that air quality problems in the district are mainly attributable to transport emissions. The provision of a strong EVCP infrastructure will help mitigate this poor air quality. The applicant has made the case for providing the supporting electrical infrastructure for all of the parking spaces on completion of the development, but to phase the installation of the actual charge points starting with 10% coverage on first occupation. This would be increased in stages over time to its final 100% coverage. The rationale for this is set out above in para **3.18** and is considered by colleagues in Highways Services to be a reasonable one. The provision of all EVCP spaces and gradual increase in coverage over time is to be secured and controlled by planning condition.
- 9.32 The point made in the two letters of representation, that it would be better to align the highway along the base of the viaduct, thereby creating a better connection between the development and the canal side, is something that was considered at the very first stages of this proposal. However, there are many statutory services that run under the existing Globe Road route which would have to be diverted. In addition, the 90 degree junctions that would be created at Globe Road and Whitehall Road, being so close to railway bridges, would offer poor sightlines and difficult vehicle manoeuvring, especially for large vehicles. Further, Network Rail need to have access to the viaduct for maintenance which is easier to ensure next to a car park than it would be adjacent to a redirected public highway. It is considered that to use the part of the site adjacent to the viaduct for parking and servicing the entire development is by far the best use of this area, with the added advantage that it provides increased physical separation between the residential buildings and the railway line.
- 9.33 Travel Plan  
The proposed development is in an area that benefits from public transport accessibility and proximity to the City Centre. It is therefore anticipated that limited car trips will be made, particularly given the 13% car parking to be provided on site. In addition, the development includes a large number of infrastructure features that will promote sustainable travel behaviour at the site which have been described above. Given this wide ranging package of measures it is considered that the proposed development accords with the NPPF and relevant local transport policies and guidance, particularly CS Policy T2, and is acceptable.
- 9.34 Accessibility and Inclusivity  
The scheme has been set out to incorporate the principles for inclusive design wherever possible, offering equal access capability to all areas of the site. The landscaping and architecture have been developed in parallel to promote and provide: accessible routes through the site and to the local highway network; a new pedestrian crossing on Globe Road; all entrances with at-grade thresholds; clear pathways about building perimeters; sheltered residential entrances; level access throughout the common areas of the buildings and meeting Part M4(2) & (4) of the Building Regulations for levels of unit provision. It is considered that the proposal fully meets the requirements of providing an accessible and integrated environment and contributing to the creation of a residential community. The approach to detailed design is considered to align guidance in the Accessible Leeds SPD.
- 9.35 Climate Change and Sustainability

As set out above, the site is in a highly sustainable location, close to good public transport links, with pedestrian links to be maintained and improved. The development will be built to the latest building regulations and the submitted Energy Report sets out that the scheme will meet the CS Policy EN1 energy targets in respect of renewable energy generation; reduction in carbon emissions; water usage and a site wide district energy system.

9.36 Travel Plan encourages future occupiers to utilise sustainable methods of transport and the site has good access to all forms of public transport. In addition there is a considerable amount of planting to take place across the site including 178 new trees and SUDS. The scheme is considered to accord with CS Policy T2 concerning accessibility requirements and accords with the NPPF and all other relevant development plan policies and guidance.

9.37 Wind

Due to the height of the buildings and location of the proposal, the scheme has been subject to extensive wind tunnel testing and the resultant assessment has been the subject of an independent peer review. The submitted wind study demonstrates that the existing wind conditions on Whitehall Road exceed the Lawson safety criteria but that the proposed development with the mitigation measures detailed in paras **3.31 and 3.32** above, in conjunction with the Latitude Purple development to the north, would deliver a significantly improved wind environment that would meet acceptable safety and comfort criteria.

9.38 In advance of the Latitude Purple development (Interim phase 1), although the proposals would significantly improve the existing wind conditions, there would remain minor exceedences of the safety criteria in the middle of Whitehall Road. The submitted wind report concludes that with the achievement of better than acceptable conditions in more used areas and minor exceedences only in areas where pedestrians and cyclists are discouraged, the overall risks will be similar to or lower than just meeting the general public access distress criterion in a heavily used area. The Council's independent wind consultant agrees with this conclusion for the reasons stated in the consultation section above.

9.39 The temporary off-site wind mitigation measures proposed for interim phases 1 and 2 will not be required once the development of the Latitude Purple and Yellow sites have been completed. Highway Services have requested that these mitigation measures are provided by the developer under licence from the Highway Authority and removed once they are no longer required and that the highway is then returned to an agreed layout. At this stage it is not confirmed whether the arrangements for removal are required to be controlled by an appropriately worded planning condition or by an obligation in the Section 106 legal agreement relating to the planning permission or whether the necessary Highway licence will suffice. Once the matter has been determined then an appropriate planning condition or Section 106 planning obligation can be added if necessary.

9.40 It should be noted that, although the wind modelling work has identified that existing wind conditions on Whitehall Road exceed the accepted safety and comfort criterion, to date the Council has not been made aware of any adverse impacts arising on Whitehall Road as a result of these conditions. It is also noted that the potential wind safety risks posed to public safety arising from the development have been robustly investigated and it has been demonstrated that the temporary mitigation measures detailed above would significantly improve the existing conditions. It is also accepted that, based on the detailed advice of specialist wind engineers, that the residual risk posed to the general public arising from the remaining minor wind exceedences in

the middle of Whitehall Road would be similar to if the Lawson criteria were met. As a result it is considered that the proposals, if delivered ahead of Latitude Purple, would still provide an acceptable wind environment.

#### 9.41 Biodiversity and ecology

The site is currently a disused and mostly cleared former industrial site and a derelict sales office. The scheme is to provide a number of bio-diverse features from ground level landscaping and the roof top podia, to the brown-roofs and provision of bat boxes and bug hotels. The combination of these provisions affords multiple habitat opportunities. The outline scheme fronts the canal where there is a requirement to provide a Construction Environmental Management Plan prior to the commencement of construction work in order to ensure that the works carried out do not have an adverse impact on the ecologically sensitive canal side environment. Lighting will also be controlled by condition to ensure the sensitive areas of the site are protected. The scheme will provide much greater opportunity for plants and wildlife to flourish for the betterment of the ecology of the area and is considered to be acceptable.

#### 9.42 Flood Risk

Detailed assessments of the site have been undertaken given the proximity to water sources and potential for flooding. To mitigate assessed risks, internal ground floor levels have been raised with the lowest building being set above the 1 in 100 year flooding event (+climate change factor), alongside incorporation of site surface water drainage management techniques and SUDS. There is to be no drainage directly into the canal which is a requirement of the Canal and River Trust. The drainage to the site, part of which is in a Zone 2 flood risk area, is considered to be acceptable subject to conditions controlling details of the works to be carried out.

#### 9.43 The Hub Building

The application for the Hub Building is in outline with all matters reserved. This means that the reserved matters application will contain all of the relevant detail in respect of layout, external appearance, means of access, scale and landscaping. However the applicant has provided indicative plans and images to show how the building could look. In respect of policy, the main requirement of this site is that it reserves a landing point for any future bridge that may be constructed across the canal along with a link from the bridge to the nearest part of the public highway at Globe Road. It is clear that the proposal allows for this and this would also be secured by way of planning obligation in the S106 Agreement. This is therefore fully supported by officers.

### **10.0 Planning Obligations and Community Infrastructure Levy**

10.1 A legal test for the imposition of planning obligations was introduced by the Community Infrastructure Levy Regulations 2010. These provide that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- a. necessary to make the development acceptable in planning terms,
- b. directly related to the development; and
- c. fairly and reasonably related in scale and kind to the development.

10.2 Further to the above, and taking adopted policy requirements into considerations, there are likely to be following matters which will need to be addressed by way of a Section 106 Agreement concluded with the applicant:

- Affordable Housing: accept 3.44% (benchmark levels) or 10.21% (20% discount levels) as on-site affordable housing provision to be managed directly by the PRS provider as detailed in Para's 3.14-3.15 & 9.25-9.28 of the report.
- Reassess the viability of the scheme when the reserved matter application for The Hub comes forward to establish whether Affordable Housing should be increased.
- £200,000 off-site highway works contribution (or £100,00 with tunnel infilling and regrading works to be carried out by the applicant)
- £20,000 Traffic Regulation Order amendments
- £195,945.75 Residential Travel Plan Fund (option to use up to £100,000 to contribute to the canal bridge)
- £46,000 Bus shelter improvements
- £7,098 Travel Plan Review fee
- Compliance with Travel Plan requirements including Travel Plan Coordinator
- Provision of 2 car club spaces
- Access to and maintenance of public open space areas
- Provision of land for the canal bridge landing
- Dedication of land to be used for highways improvements
- Employment and Training for Local People

10.3 The proposed development could therefore bring about benefits for the local area and certain elements of concern or Development Plan policy requirements arising from the development could suitably be addressed via the imposition of planning obligations. In light of this, it is considered that the Council is justified in seeking such obligations and others that may arise as a result of the development.

10.4 The proposal would be subject to the Community Infrastructure Levy (CIL) and the initial sum calculated is approx. £325,000 (not allowing for social housing provision). This is for Members' information only and is not a material planning consideration in the assessment of the overall planning application and decision-making process.

## 11.0 **Conclusion**

11.1 This is a highly sustainable, City Centre location and consists of under-utilised, brownfield land. The site benefits from a number of previous approvals for multi-level residential neighbourhood development, but which have not come forward to date. It is a site which is allocated in the SAP for mixed-use development and, therefore, the principle of use on this site is accepted and to be given full weight in the decision-making process. Accordingly, this scheme is a significant regeneration opportunity which would make a large contribution to housing supply and provide employment opportunities.

11.2 The proposal would create a sustainable community with the ability to live, work, and enjoy leisure time all in one place. This would occur in a fully accessible, high quality and attractive environment and in buildings which have been designed to be energy efficient, with sustainable transport modes fully accommodated. A high standard of amenity would exist for the residents and a wider section of the community can be accommodated through the inclusion of on-site affordable housing. In addition, the applicant is providing land, making a contribution to and carrying out works to the public highway that will give rise to a more accessible and safer vehicle environment.

11.3 In light of the above, it is considered that the proposed development satisfies national and local policy and represents a suitable development of the site that

addresses all the relevant and material considerations. It is therefore recommended that planning permission should be granted.

### **Background papers**

Application Site:

Pre-application ref. PREAPP/17/00675

Application ref. 19/03109/FU

# DRAFT

Applicant Get Living Group (Leeds) Limited      Application Number: 19/03109/FU

Agent: ID Planning  
Mr Andrew Windress  
9 York Place  
Leeds  
LS1 2DS

**Proposed Development At:** Land At Whitehall Road And Globe Road, Leeds, LS12,

**Proposal:** Hybrid application for full planning permission for the erection of new residential dwellings with ancillary commercial uses (A1, A2, A3, A4, A5, B1, D1 and D2) and landscaped public realm; outline application for an associated 'hub' building in a flexible commercial use (A1, A2, A3, A4, A5, B1, D1 and D2)

- 1) The part of this application submitted in full and 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) Application for approval of reserved matters for Phase 2 (The Hub) of the development as shown on plan ref XX-XX-XX shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The Phase 2 development shall be implemented either within 5 years of the date of this permission or no later than 2 years from the date of approval of the reserved matters whichever is the later.

Imposed pursuant to the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and to enable sufficient time for funding to be confirmed for Phase 2.

- 3) Development shall not commence on Phase 2 (The Hub) as defined on plan ref. XX-XX-XX until approval of the following details (hereinafter referred to as the reserved matters) have been obtained from the Local Planning Authority,
  - a. Appearance
  - b. Landscaping
  - c. Layout
  - d. Scale
  - e. Means of access

Plans and particulars of the reserved matters shall accord with the approved design parameters set out on plan ref. XX-XX-XX and shall be submitted utilising a planning application form and shall be carried out as approved.

Because Phase 2 of the application is in outline only and the above details have not been submitted, they are reserved for subsequent approval by the Local Planning Authority

- 4) 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.

- 5) No works involving the use of the external materials for the buildings hereby approved shall take place for each building until details and samples of all external walling and roofing materials to be used for that building have been submitted to and approved in writing by the Local Planning Authority. Samples shall be made available on site prior to the commencement of building works for that building, for inspection by the Local Planning Authority which shall be notified in writing of their availability. A sample panel shall be erected on site to establish jointing and junction details between the materials. The building works for that building shall be constructed from the materials thereby approved and in accordance with the sample panel.

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

- 6) No works involving the use of the external materials for The Hub shall take place until details and samples of all external walling materials have been submitted to and approved in writing by the Local Planning Authority. Samples shall be made available on site prior to the commencement of The Hub building works, for inspection by the Local Planning Authority which shall be notified in writing of their availability. A sample panel shall be erected on site to establish jointing and junction details between the materials. The building works for The Hub shall be constructed from the materials thereby approved and in accordance with the sample panel.

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

- 7) The development hereby permitted shall not be occupied until full details of both hard and soft landscape works, including an implementation programme, have been submitted to and approved in writing by the Local Planning Authority. Hard landscape works shall include
- (a) proposed finished levels and/or contours,
  - (b) boundary details, means of enclosure and retaining structures,
  - (c) car parking layouts,
  - (d) other vehicle and pedestrian access and circulation areas,
  - (e) hard surfacing areas,
  - (f) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.),
- Soft landscape works shall include
- (h) planting plans
  - (i) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and
  - (j) schedules of plants noting species, planting sizes and proposed numbers/densities.

All hard and soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.

To ensure the provision and establishment of acceptable landscaping.

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

To ensure maintenance of a healthy landscape scheme.

- 9) Prior to works taking place which relate to the items contained in this condition for each building, detailed 1:20 scale working drawings of the following features shall be submitted to and approved in writing by the Local Planning Authority for that phase:
- (a) typical sections of windows, doors and balconies
  - (b) typical junctions of materials and recesses, parapets and eaves
  - (c) commercial unit frontages
  - (d) lower level columns and soffits to all overhangs, external routes through buildings and colonnades.

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

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

- 10) The development shall be carried out in accordance with the submitted flood risk assessment 'Flood Risk Addendum 2' by Arup (ref GLL\_GRL-ARP-XX-XX-RP-CE-0003 Revision P03 dated April 2020) and the following mitigation measures it details
- Finished floor levels shall be set no lower than 29.759 meters above Ordnance Datum (AOD) for buildings in location A of the proposed development (shown in Figure 1 on the FRA)
  - Finished floor levels shall be set no lower than 29.430 meters above Ordnance Datum (AOD) for the Southern building in location B of the proposed development ((shown in Figure 1 on the FRA).
- 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

- 11) Development shall not commence until a drainage scheme (i.e. drainage drawings, summary calculations and investigations) detailing the surface water drainage works as well as arrangements for its future maintenance (e.g. adoption by the Water Company) have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage of the site should be consistent with the Drainage Strategy: GLL\_GRL-ARP-XX-XX-RP-CD-0002 P2 and the submitted drawings "GLL-GRL-ARP-XX-XX-DR-CD-00005 Rev P02 & GLL-GRL-ARP-XX-XX-DR-CD-00001 Rev P04, with the maximum rate of discharge, off-site, shall not exceed 55 l/s, unless otherwise agreed with the Local Planning Authority and the attenuation provisions for the site shall be in accordance with the councils Minimum Development Control Standards for Flood Risk. The works shall be implemented in accordance with the approved scheme before the development is brought into use, or as set out in the approved phasing details.

To ensure sustainable drainage and flood prevention

- 12) No construction works in the relevant area (s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid within /immediately adjacent to the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority . The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. Furthermore, no trees shall be planted within 5 metres of the aforementioned sewer.

In the interest of public health and maintaining the public sewerage

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

Where remediation measures are shown to be necessary in the Phase II Report and/or where soil or soil forming material is being imported to site, development shall not commence until a Remediation Statement demonstrating how the site will be made suitable for the intended use has been submitted to, and approved in writing by, the Local Planning Authority. The Remediation Statement shall include a programme for all works and for the provision of Verification Reports.

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

- 14) If remediation is unable to proceed in accordance with the approved Remediation Statement, or where significant unexpected contamination is encountered, the Local Planning Authority shall be notified in writing immediately and operations on the affected part of the site shall cease. An amended or new Remediation Statement shall be submitted to, and approved in writing by, the Local Planning Authority prior to any further remediation works which shall thereafter be carried out in accordance with the revised approved Statement.

To ensure that any necessary remediation works are identified to make the site suitable for use.

- 15) Remediation works shall be carried out in accordance with the approved Remediation Statement. On completion of those works, the Verification Report(s) shall be submitted to the Local Planning Authority in accordance with the approved programme. The site or phase of a site shall not be brought into use until such time as all verification information has been approved in writing by the Local Planning Authority.

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

- 16) Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, public open space or for filling and level raising shall be tested for contamination and suitability for use. A methodology for testing these soils shall be submitted to, and approved in writing by, the Local Planning Authority prior to these materials being imported onto site. The methodology shall include information on the source of the materials, sampling frequency, testing schedules and criteria against which the analytical results will be assessed (as determined by risk assessment). Testing shall then be carried out in accordance with the approved methodology. Relevant evidence and verification

information (for example, laboratory certificates) shall be submitted to, and approved in writing by, the Local Planning Authority prior to these materials being imported onto the site.

To ensure that contaminated soils are not imported to the site and that the development shall be suitable for use.

- 17) Construction activities shall be restricted to 08.00 to 18.00 hours Monday to Friday and 09.00 to 13.00 hours on Saturdays with no works on Sundays and Bank Holidays.

In the interests of residential amenity

- 18) No works shall begin until a Statement of Construction Practice has been submitted to and approved in writing by the Local Planning Authority. The Statement of Construction Practice shall include full details of:
- a) the methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development hereby approved;
  - b) measures to control the emissions of dust and dirt during construction;
  - c) access, storage, parking, loading and unloading of all contractors' plant, cabins, equipment, materials and vehicles (including workforce parking)
  - d) the measures that the contractor will employ to control surface water run-off from site during construction period and to avoid this run off impacting both the canal and the railway viaduct; 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 site, and shall thereafter be retained and employed until completion of works on site. The Statement of Construction Practice shall be made publicly available for the lifetime of the construction phase of the development in accordance with the approved method of publicity.

The carrying out of the development could result in significant harm to the amenities of local residents and/or highway safety and accordingly details of construction practice is required to be agreed prior to the commencement of works in order to protect such interests.

- 19) Details of a sound insulation scheme designed to protect the future occupants of the proposed accommodation from noise emitted by nearby sources and to protect sensitive receptors from noise emitted from the development shall be submitted to the Local Planning Authority and approved in writing prior to the commencement of the development. The approved works shall be completed prior to first occupation of the development and shall thereafter be retained.

The scheme shall also include a ventilation strategy, which provides for the adequate control of room comfort, where windows will need to remain closed to meet the internal noise level targets.

With windows closed, the scheme shall achieve internal ambient noise levels, associated with environmental noise ingress of no higher than:

- \* LAeq,T 30 in bedrooms between 23:00 and 07:00 hours;
- \* LAeq,T 35 in habitable rooms between 07:00 and 23:00 hours; and
- \* LAeq,T 40 in Dining rooms between 07:00 and 23:00 hours.

The scheme should be designed such that maximum noise level events do not regularly exceed LAF,max 45 dB(A) in bedrooms between 23:00 and 07:00 hours.

The scheme shall achieve internal residential noise levels, associated with mechanical services noise of no higher than:

- \* Noise rating NR 25 in bedrooms between 23.00 and 07.00; and
- \* NR 30 in all habitable rooms between 07.00 and 23.00.

Any proposed entertainment uses shall control noise so 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 3 dB below the background noise level LA90 (without entertainment noise) in octaves between 63 and 125Hz when measured at the nearest noise sensitive premises.

Any proposed 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 BS 4142:2014+A1:2019, and include the addition of any character correction as appropriate.

In order to protect the amenity of residents from noise generating sources in the area and from the commercial units within the scheme.

- 20) Deliveries to and from the premises, including loading and unloading, shall be restricted to 08.00 to 20.00 hours Monday to Saturday and 09.00 to 18.00 hours on Sundays and Bank Holidays.

In the interests of residential amenity

- 21) The operating hours of A1,A2, A3, A4, A5, B1, D1 and D2 uses shall be restricted to 08.00 to 23.00 hours Monday to Saturday and 10.00 to 22.00 hours on Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

In the interests of residential amenity

- 22) Prior to the commencement of development a Construction Environmental Management Plan (CEMP:Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. 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 including that no surface water shall drain directly into the canal.
  - d) Location and timings of sensitive works to avoid harm to biodiversity features, including nesting birds
  - e) The times during construction when specialist ecologists need to be present on site to oversee works
  - f) The role of a responsible person (Ecological Clerk of Works) and lines of communication
  - g) Use of protective fences, exclusion barriers and warning signs

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

In order to ensure the protection of existing biodiversity features in accordance with Core Strategy Policy G8, the NPPF, and BS 42020:2013.

- 23) The development hereby permitted shall not be occupied until details for the provision of bin stores (including siting, materials and means of enclosure) and (where applicable) storage of wastes and access for their collection shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full before the use commences and shall be retained thereafter for the lifetime of the development.

In the interests of the provision of refuse storage facilities.

- 24) Details of any external extract ventilation system for commercial food premises 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 and retained for the lifetime of the development.

In order to ensure that there is no detrimental impact on the environment from cooking smells

- 25) Prior to its installation on site, a scheme shall be submitted to and approved in writing by the Local Planning Authority, for the external lighting of the development hereby approved. This scheme shall ensure that no external lighting shall create a hazard to users of the nearby public highways or to drivers of trains on the adjacent elevated section of railway viaduct. The scheme shall be installed and retained thereafter in accordance with the approved details.

In the interests of the amenity of users of the public highway, safety on the adjacent railway, and residents and surrounding occupiers.

- 26) Prior to the carrying out of the works to which this condition relates, a Lighting Design Strategy For Bats shall be produced by an appropriately qualified ecological consultant and submitted to and approved in writing by the Local Planning Authority. The Strategy shall:
- a) Identify those areas/features on site that are sensitive for commuting and foraging bats which will include the land adjacent to the canal - using an appropriately scaled map to show where these areas are
  - b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb commuting and foraging bats
- All external lighting shall be installed in accordance with the specifications and locations set out in the Strategy, and shall be maintained thereafter in accordance with the Strategy. Under no circumstances should any additional external lighting be installed without prior consent from the Local Planning Authority in the areas identified in the Strategy as particularly sensitive for commuting and foraging bats.

In order to safeguard a protected species (bats) in accordance with protection and enhancement of biodiversity in accordance with Core Strategy Policy G8 and G9, NPPF and BS 42020:2013

- 27) Prior to the carrying out of the works to which this condition relates, a plan shall be submitted to and approved in writing by the Local Planning Authority of integral bat roosting and bird nesting features (for species such as House Sparrow) within buildings. The agreed Plan shall show the number, specification of the bird nesting and bat roosting features and where they will be located, together with a timetable for implementation and

commitment to being installed under the instruction of an appropriately qualified bat consultant. All approved features shall be installed prior to first occupation of the building on which they are located and retained thereafter.

In order to maintain and enhance biodiversity in accordance with Core Strategy Policy G9, NPPF, and BS 42020:2013.

- 28) Prior to the commencement of development a Method Statement for the control and eradication of Giant Hogweed (hereafter referred to as the Target Species) shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement will include post-treatment monitoring of the site to ensure a continuous 12-month period of time occurs where none of the Target Species is identified growing on the whole site, if any Target Species is identified as growing on-site during the 12-month monitoring period then treatment shall resume and continue until a continuous 12-month period with no Target Species occurs. The agreed Method Statement shall thereafter be implemented in full.

In order to control the spread of non-native invasive plant species in accordance with the Wildlife & Countryside Act 1981 (as amended) and BS 42020:2013.

- 29) No development shall take place/commence until a written scheme of archaeological investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:
- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
  - The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

In order that the site archaeology is properly recorded and those records are made available for public viewing.

- 30) Prior to the commencement of the development to the north of Globe Road (the Hub building), a comprehensive and detailed assessment, to demonstrate that the development on site will not result in adverse loading upon the canal wash wall, shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall include details of the proposed building foundations, the supports of any canalside platforms and a land stability assessment. The works shall then be carried out in accordance with the assessment.

In the interest of protecting land stability on site, in accordance with the aims of paragraphs 170 (part e) and 178 of the National Planning Policy Framework.

- 31) Notwithstanding the provisions of the Town and Country Planning (Use Classes Amendment) Order 2005 (or any order revoking or re-enacting that order with or without modification) planning permission shall be obtained before any change of use of the premises referred to in this consent as within the Use Classes A2, A3, A4 and A5, to any use within use classes A1 as defined in the same 2005 Order.

In order that the Local Planning Authority can retain control over uses which considers could be harmful to the character of the area and the viability of the City Centre in accordance with Policy CC1 of the Leeds Core Strategy 2014.

- 32) No greater than 800 m<sup>2</sup> of gross floorspace of A1 use as defined in the Town and Country Planning (Use Classes Amendment) Order 2005 (or any order revoking or re-enacting that order with or without modification) shall be provided on the application site at any one time with no single A1 unit being greater than 410 sqm

In order to control the extent of A1 use on this site which, if it were not controlled, could impact on the viability of the Primary Retail Quarter as identified in the Core Strategy Selective Review 2019.

- 33) From the date of commencement of the development to a date 24 months after the completion of that phase of the development (with the completion date to be notified to the Local Planning Authority) in the event of any complaint to the Local Planning Authority from Network Rail relating to signal sighting safety or driver distraction arising from the development, the applicant or operator of the development shall, as soon as possible and not later than 28 days from the date of the complaint, submit for approval, to the Local Planning Authority, details of a scheme of remedial measures to address the concerns raised with details of a timescale for implementation of the works. The works shall be carried out in accordance with the approved details and timetable.

To ensure safety of the users of the railway in accordance with saved policy GP5 of the Leeds UDP Review (2006).

- 34) Any gates across the access road to the development site shall be set back a minimum of 10m from the back of the footway and only open inwards into the development site.

To ensure the free and safe use of the highway.

- 35) Development shall not be occupied until details (including location and size) of proposed In and Out signage, clearly visible to motorists, have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be completed before the development is occupied and retained for the lifetime of the development.

To ensure the free and safe use of the highway.

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

In the interests of highway safety.

- 37) All areas shown on the approved plans to be used by vehicles should be surfaced and drained such that surface water does not discharge or transfer onto the highway at any time, including during construction of the vehicle related areas. These areas shall not be used for any other purpose thereafter.

To ensure the free and safe use of the highway.

- 38) Development shall not be occupied until a Car Park and Servicing Management Plan (to include car parking only being used by occupants of the development, and actions to

minimise exit from the Globe Road access) has been submitted to and approved in writing by the Local Planning Authority. The plan shall be fully implemented and the development thereafter operated in accordance with the approved timescales.

To ensure the free and safe use of the highway.

- 39) Prior to occupation of the development details of works comprising highways works as set out on drawing(s) reference XX.XX (to be agreed as those not within the S106) at locations (to be agreed dependant on works) shall be submitted to and approved in writing by the Local Planning Authority and shall have been fully implemented.

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

- 40) The development shall not commence until a condition survey of Globe Road and Whitehall Road has been submitted to and approved in writing by the Local Planning Authority. Any highway damage to the surface course, sub bases, kerbs and/or drainage systems on these roads identified as a result of construction traffic for the development must be remedied by the Applicant to the satisfaction of the Local Planning Authority prior to completion of the development.

In order to ensure highway safety

- 41) Prior to the commencement of construction, a scheme setting out the provision of Electric Vehicle Charging Points (EVCP), to include:
- a) the number to be provided on first occupation (no less than 10% of the total number of spaces),
  - b) the phasing for the introduction of EVCP to all other parking spaces (no later than 5 years from the date of first occupation)
- shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and timescales contained therein and the EVCP's shall thereafter be retained on site in accordance with the approved details

In order to ensure adequate and timely provision of EVCPs across the site.

- 42) Prior to the commencement of building construction work, a scheme for the monitoring of the wind environment (pre- and post-development), to be submitted and agreed in writing by the Local Planning Authority. The scheme shall incorporate details of and timescales for (i) the monitoring measures to be undertaken and (ii) the implementation of any further mitigation measures where these are found to be necessary by the monitoring exercise. The scheme shall be implemented in accordance with the details and timescales thereby approved.

In order to ensure safe wind conditions exist across the site and the adjacent public highway

- 43) Details of signs, to include size, wording, location and method of support, which shall indicate to members of the public, vehicle occupiers and residents of the proposal, that the existing area of Whitehall Road to the north of the development site is prone to windy conditions, shall be submitted to and approved in writing by the Local Planning Authority. These signs shall be erected in accordance with a timescale which shall have first been agreed in writing with the Local Planning Authority.

In the interests of public safety

- 44) Prior to commencement of development a scheme setting out how the construction of the development hereby approved shall ensure that the proposed residential units are not impacted by any ground-borne vibrations which may exist from the proximity of this development to the nearby railway infrastructure, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the scheme thereby approved.

In order to ensure the residential units are protected against impact from ground-borne vibrations

- 45) This scheme hereby approved shall not be used for residential purposes until the 'Latitude Purple' scheme as approved by application reference no. 19/07803/FU decision dated 13th June 2020 has been completed with its wind mitigation scheme in place including the 4m screen to be erected around the Latitude Yellow site.

The wind study attached to this approval has been carried out with the assumption that Latitude Purple development has been constructed and the study indicates that only with this building in place are wind conditions on Whitehall Road suitable for the range of purposes intended.

#### **Plans Schedule :-**

**Plan Type**

**Plan Reference**

**Received**

#### **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 and the detailed advice available on the Council's website and further discussion where appropriate to produce an acceptable development. For this particular application, positive discussions took place which resulted in further information being submitted to allow the application to be approved.
- 2) All reports addressing land contamination should be compiled in accordance with best practice and policies Land 1 of the Natural Resources and Waste Local Plan 2013 and GP5 of the Unitary Development Plan Review 2006.

Prior to preparing any reports in compliance with conditions related to land contamination the applicant is also advised to refer to the Leeds City Council guidance leaflets in the series:- The Development of Contaminated Sites:  
The Blue Leaflet (CL2) - Reports in Support of Planning Applications  
The Yellow Leaflet (CL4) - Residential Development on Land Affected by Contamination

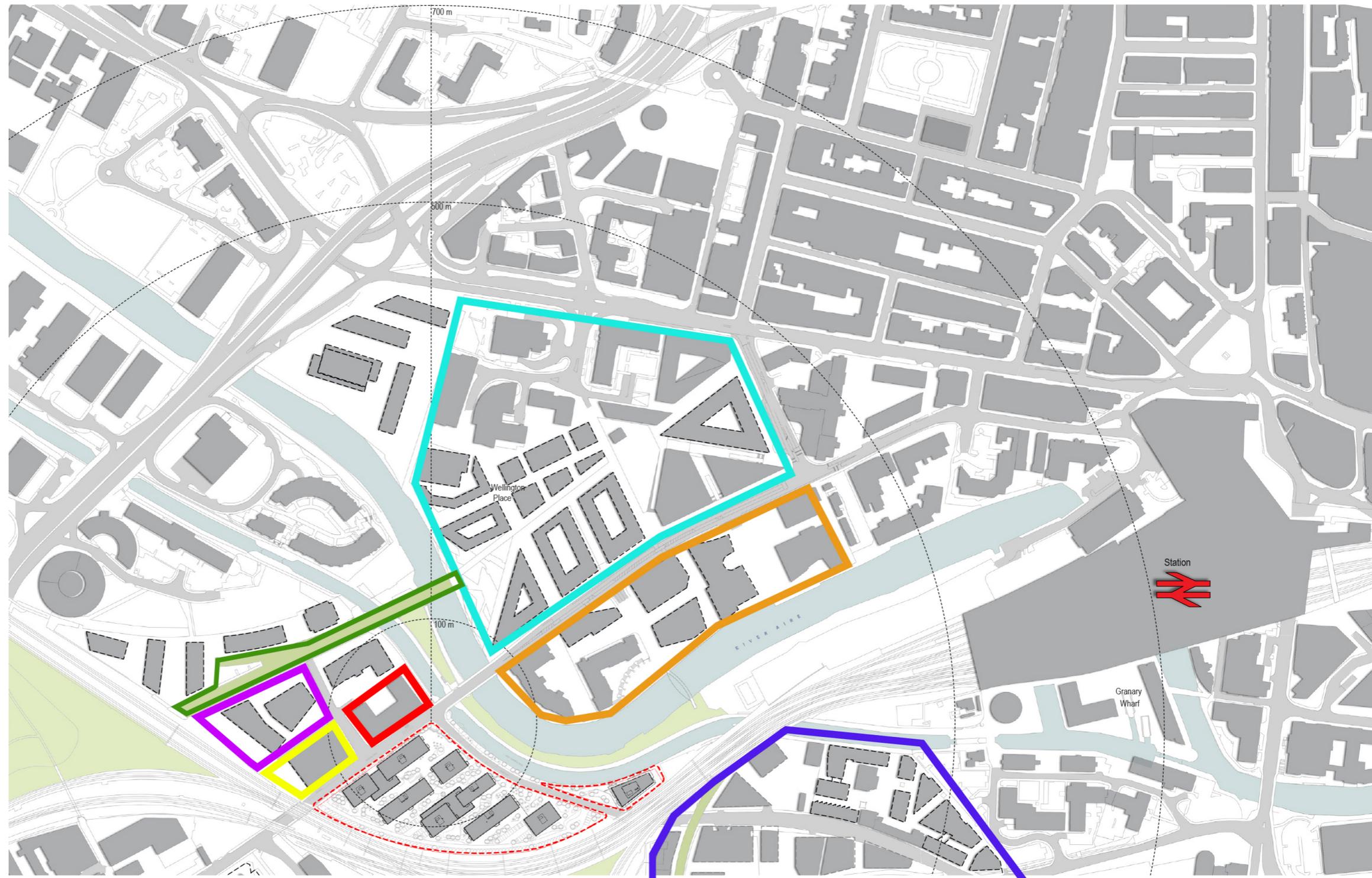
These leaflets can be obtained at [www.leeds.gov.uk/contaminatedland](http://www.leeds.gov.uk/contaminatedland)

- 3) The applicant is advised that remediation of any contaminated site is required to a standard such that the site would be suitable for use policies Land 1 of the Natural Resources and Waste Local Plan 2013 and GP5 of the Unitary Development Plan Review 2006. This includes the quality of imported soils and soil forming materials. The developer is responsible for ensuring that development is safe and suitable for use for the intended purpose.
- 4) The contractor must ensure compliance with current legislation on noise and dust control including the Environmental Protection Act 1990 and the Control of Act 1974. Relevant Codes of Practice set out procedures for dealing with the control of noise on construction and demolition sites are contained in BS5228: 2009 Noise and Vibration Control on Construction and Open Sites.
- 5) The applicant is requested to consider participating in the Considerate Constructor's Scheme, details of which can be found here:  
<http://www.ccscheme.org.uk/>
- 6) Food businesses must be registered with the Local Authority. Please contact Leeds City Council Health and Environmental Action Service, Food and Health Services, Millshaw Park Way, Churwell, Leeds, LS11 0LS. Telephone: 0113 2477789 or email [env.health@leeds.gov.uk](mailto:env.health@leeds.gov.uk) for details.
- 7) The approval of this planning application does not imply compliance or acceptability of the residential elements of the development under the Housing Act 2004. Advice in relation to housing legislation and HMO licensing requirements should be obtained from the Housing Regulation Team, Knowsthorpe Gate, Leeds, LS9 0NP, 0113 378 4699.
- 8) This approval should not be construed to imply that a licence under the provisions of the Licensing Act 2003 will be granted. For further information the applicant should contact Leeds City Council, Entertainment Licensing Section, Telephone 0113 378 5029 email: [entertainment.licensing@leeds.gov.uk](mailto:entertainment.licensing@leeds.gov.uk)/licensing).
- 9) The development should not be brought into use until a grease trap has been provided on the drainage outlet(s) from the food preparation areas. The grease trap should be retained at all times thereafter.
- 10) Hot food uses will often require an extract ventilation system to deal with odour and fumes.  
Guidance on suitable design is provided in DEFRA guidance at:  
<http://www.defra.gov.uk/publications/files/pb10527-kitchen->
- 11) The applicant/developer is advised to contact the Canal & River Trust's Works Engineering Team on 0303 0404040 in order to ensure that any necessary consents are obtained and that the scheme would comply with the Trust's 'Code of Practice for Works affecting the Canal & River Trust'.
- 12) Water Yorkshire Water have advised the following:

- i) The developer should note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Industry Act 1991), they should contact our Developer Services Team (tel 0345 120 84 82, email: [technical.sewerage@yorkshirewater.co.uk](mailto:technical.sewerage@yorkshirewater.co.uk)) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.
- ii) Foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewer network.
- iii) The developer is required to consult with Yorkshire Water's Trade Effluent team (telephone 0345 1242424) on any proposal to discharge a trade effluent to the public sewer network. Under the provisions of section 111 of the Water Industry Act 1991 it is unlawful to pass into any public sewer (or into any drain or private sewer communicating with the public sewer network) any items likely to cause damage to the public sewer network interfere with the free flow of its contents or affect the treatment and disposal of its contents.
- iv) The developer should note that there are two sections of 63mm mains entering the site, one is 2 (two) inches and the other is 4 (four) inches in diameter and both of these will need capping back. A reinforcement main is planned to be laid for developments in the area, so any future connections will need to be taken from the new main to be laid.
- 13) In order to discharge the relevant conditions of this permission it is necessary to obtain separate Highway Authority approval of the specification and construction details and enter an agreement under Section 278 of the Highways Act 1980. The applicant is advised to make early contact with the Department of Highways and Transportation prior to submission of condition discharge details, see <https://www.leeds.gov.uk/parking-roads-andtravel/licences-and-permits> for information.
- 14) Network Rail consultation response to be reproduced here

**Further information regarding rights of appeal, removing site notices etc will appear from this point forward on the final decision notice when it is produced.**

-  **Train Station**
-  **Globe Road**
-  **Wellington Place**
-  **Whitehall Riverside**
-  **South Bank**
-  **Highline**
-  **Latitude Red**
-  **Latitude Purple**
-  **Latitude Yellow**





Valuation Office Agency  
6<sup>th</sup> Floor, Castle House  
31 Lisbon Street  
Leeds  
West Yorkshire LS1 4DR

Our Reference : [REDACTED]  
Your Reference: 19/03109/FU

Please ask for [REDACTED]

Tel : [REDACTED]

E Mail : [REDACTED]

Date : 17th September 2020

**IN CONFIDENCE**

Dear [REDACTED]

**DVS Independent Review of a Development Viability Appraisal**

<b>Scheme:</b>	<b>Erection of 783 Dwellings and 2,315m<sup>2</sup> of Commercial Uses and Landscaped Public Realm and an Outline Application for Associated Hub Building in a Flexible Commercial Use.</b>
<b>Planning Ref:</b>	<b>19/03109/FU</b>
<b>Applicant:</b>	<b>Holbeck Quarter (Leeds) Development Co Ltd</b>
<b>Applicant's Advisor:</b>	<b>Cushman and Wakefield</b>

**1.0 Introduction**

Further to your instructions dated 20 August 2019, and my terms of engagement of the same date, I have now inspected the site, attended a meeting with you and the applicant's adviser and reviewed their initial report dated 12 July 2019 and an amended the viability report dated 6 September 2019 and a further addendum report dates 11<sup>th</sup> June 2020 and a final report dated August 2020 prepared by Applicant's surveyor Cushman and Wakefield, and I am pleased to supply my report.

It is understood that Leeds City Council Planning Authority require an independent opinion on the viability information provided by Cushman and Wakefield, in terms of the extent to which the accompanying appraisal is fair and reasonable and whether the assumptions made are acceptable and can be relied upon to determine the viability of the scheme.

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

**Planning Professional Guidance promotes increased transparency and accountability, and for the publication of viability reports and review reports. It has, however been agreed that your authority, the applicant and their advisors will neither publish nor reproduce the whole or any part of this report, nor make reference to it, in any way in any publication. It is intended that a non technical executive summary of the final DVS report will later be prepared, which will redact certain personal and confidential data and that document will be available for public consumption.**

### **Covid -19 Pandemic**

The assessment date for this scheme is after the outbreak of the Novel Coronavirus (COVID-19), declared by the World Health Organisation as a “Global Pandemic” on 11 March 2020, which has impacted global financial markets. Travel restrictions have been implemented by many countries.

Please note the RICS Material Valuation Uncertainty Leaders Forum (UK) met on 11th June 2020 to discuss material valuation uncertainty in UK real estate markets. It advised there was a consensus that reporting material valuation uncertainty may no longer be appropriate for Build to rent residential property of institutional grade, which is professionally managed.

Market activity is being impacted in other property sectors. We consider that we can attach less weight to previous market evidence for comparison purposes, to inform opinions of value. Although, DVS has made allowances in our appraisal and advise to account for the market uncertainty, in particular, in respect of hospitality and office uses. The current response to COVID-19 means that we are faced with an unprecedented set of circumstances on which to base a judgement.

## 1.2 Viability Conclusion

This report explains that it is my independent conclusion the scheme can viably support the whole of the required Section 106 contributions and 3.44% on site affordable housing (27 Units) based on LCC published affordable rents.

It is also my opinion that the scheme can viably support the whole of the required Section 106 contributions and 10.21% on site affordable housing (80 Units) assuming affordable rents are based on a 20% reduction from market rents.

## 1.3 Executive Summary Viability Assessment Inputs

Appraisal Input	Applicant (Assumes 7% Affordable based on LCC 2019-2020 transfer values) August 2020	DVS 3.44% Affordable based on LCC 2020-2021 transfer values (conclusion)	Agreed or Not Agreed
Gross Development Value	£177,501,888	£181,757,255	Not Agreed
Market Housing	£163,529,747	£169,887,887	Not Agreed
Affordable Housing	£5,271,221	£2,628,745	Not Agreed
Commercial Space	£4,344,920	£4,884,623	Not Agreed
Car Parking	£4,356,000	£4,356,000	Agreed
Professional Fees	£10,794,089	£10,794,089	Agreed
Gross to Net Rent Adjustment	25%	25%	Agreed
CIL / S 106	£243,057/£469,044	£243,057/£469,044	Agreed
Build Costs	£134,926,112	£134,926,112	Agreed
Developers Contingency	£4,047,783	£4,047,783	Agreed
Developer's return	8% Profit on Cost (£13,115,417)	8.% profit on cost (£13,432,235)	Not Agreed
Benchmark Land Value (basis)	EUV Plus	EUV Plus	Agreed
Benchmark Land Value (figure)	£2,875,000	£2,875,000	Agreed

## 2.0 Assumptions and Limitations

This report is for the purposes of determining viability and it is not a Red Book valuation report.

### 2.1 Date of Viability Review

The viability review has been assessed at September 2020.

## 2.2 Validity

This report remains valid for 3 (three) months from the date unless market circumstances change or further or better information comes to light, which would cause me to revise my opinion.

## 2.3 Conflict of Interest

In accordance with the requirements of the RICS standards, the VOA has checked that no conflict of interest arises before accepting this instruction. It is confirmed that I am unaware of any previous conflicting material involvement and am satisfied that no conflict of interest exists. Should any such difficulty subsequently be identified, you will be advised at once and your agreement sought as to how this should be managed.

In accordance with the requirements of the recent RICS Professional Standard 'Financial Viability in Planning: Conduct and Reporting', (effective from 1 September 2019) it is confirmed that:

- In carrying out this viability assessment review the valuer has acted with objectivity impartiality, without interference and with reference to all appropriate sources of information.
- The professional fee for this report is not performance related and contingent fees are not applicable.
- DVS are not currently engaged in advising this local planning authority in relation to area wide viability assessments in connection with the formulation of future policy.
- The appointed valuer, [REDACTED] MRICS is not currently engaged in advising this local planning authority in relation to area wide viability assessments in connection with the formulation of future policy.
- Neither the appointed valuer nor DVS advised this local planning authority in connection with the area wide viability assessments which supports the existing planning policy.

DVS are employed to independently review the applicants financial viability assessment, and can provide assurance that the review has been carried out with due diligence and in accordance with section 4 of the professional standard. It is also confirmed that all other contributors to this report, as referred to herein, have complied with the above RICS requirements.

## 2.4 Restrictions on Disclosure and Publication

The report has been produced for Leeds City Council only.

DVS permit that this report may be shared with the applicant and their viability advisor Cushman and Wakefield as named third parties.

**In the event the report is published on your planning portal, the report must be redacted to protect commercially sensitive and personal information.**

The report should only be used for the stated purpose and for the sole use of your organisation and your professional advisers and solely for the purposes of the instruction to which it relates. Our report may not, without our specific written consent, be used or relied upon by any third party, permitted or otherwise, even if that third party pays all or part of our

fees, directly or indirectly, or is permitted to see a copy of our report. No responsibility whatsoever is accepted to any Third Party who may seek to rely on the content of the report.

The figures contained within this report, including revenues and costs, are site specific and are not necessarily appropriate for another similar site that we may have appraised in the past or the future.

It is agreed that your authority and applicant / their viability advisor will neither make available to any other third party nor reproduce the whole or any part of the report, nor make reference to it, in any publication without our prior written approval of the form and context in which such disclosure may be made.

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

This report is considered Exempt Information within the terms of paragraph 9 of Schedule 12A to the Local Government Act 1972 (section 1 and Part 1 of Schedule 1 to the Local Government (Access to Information Act 1985) as amended by the Local Government (access to Information) (Variation) Order 2006 and your council is expected to treat it accordingly.

#### Professional Standards

In accordance with the professional standards it is confirmed that:

- a) In carrying out this viability assessment review the valuer has acted with objectivity impartiality, without interference and with reference to all appropriate sources of information.
- b) The professional fee for this report is not performance related and contingent fees are not applicable.
- c) DVS are not currently engaged in advising this local planning authority in relation to area wide viability assessments in connection with the formulation of future policy.
- d) The appointed valuer, is not currently engaged in advising this local planning authority in relation to area wide viability assessments in connection with the formulation of future policy.
- e) The report author nor DVS have advised Leeds City Council in respect of a affordable housing viability area study.
- f) DVS are employed to independently review the applicant's financial viability assessment, and can provide assurance that the review has been carried out with due diligence and in accordance with section 4 of the professional standard. It is also confirmed that all other contributors to this report, as referred to herein, have complied with the above RICS requirements.

## 2.5 Status of Valuer

It is confirmed that the viability assessment has been carried out by myself, [REDACTED] MRICS, RICS Registered Valuer, acting in the capacity of an external valuer, who has the appropriate knowledge and skills and understanding necessary to undertake the viability assessment competently and is in a position to provide an objective and unbiased viability assessment.

As part of the DVS Quality Control procedure, this report and the appraisal has been reviewed by Cecilia Reed BSc (Hons) MRICS, Registered Valuer.

## 2.6 Inspection and Background

[REDACTED] has inspected the site and is familiar with the area and property values in the locality.

The applicant proposes to develop a substantial Build-To-Rent apartment scheme (BTR), commercial floor space and landscaped public realm.

The scheme will be situated in the Southbank area of Leeds and includes a proposal for 8 new build blocks of apartments extending across 8-23 storeys and comprising 783 apartments and approximately 30,000ft<sup>2</sup> of flexible commercial floor space on the ground floor of the residential blocks.

This is a hybrid application which includes outline consent for an additional 0.20 ha (0.49 acre) site which has been master planned as a Hub building comprising office and leisure uses. This viability report excludes an assessment of the hub building and the applicant has agreed to review the viability of the hub site (0.20 ha) site at reserved matters stage and increase the proportion of AH if the viability position of the development is improved as a result.

The subject site is situated approximately 1 mile to the south of Leeds City Centre at the junction of the River Aire and Leeds to Liverpool Canal, and the Leeds to Manchester rail line.

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

The larger parcel extends to 1.8 hectares (4.45 acres) and lies to the south of Globe Road, the west of Whitehall Road and to the north of the railway line. The site has been cleared of all industrial buildings and now comprises concrete slabs, retaining walls and fences and slopes around 3 metres from west to east. There is an existing vehicle access via Whitehall Road and a secondary access from Globe Road.

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

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

### 3.0 The Development Proposed

#### 3.1 The Scheme

The proposed development totals 783 x dwellings with a combined Net Sales Area (NSA) equating to 487,983ft<sup>2</sup> comprising a mixture of studios, 1-bed, 2-bed and 3-bed apartments. Plans also include 121 car parking spaces, 17 motorcycle and 474 bicycle spaces. I understand from the viability assessment prepared by the applicant's adviser that ancillary areas extend to 5,470ft<sup>2</sup> equating to an aggregate Net Internal Area (NIA) of 493,453ft<sup>2</sup>. I refer you to the table below which is an extract from the applicant's viability appraisal which details the size and type of BTR apartments and commercial space.

##### Residential NIA

Unit Type	Block(s)	No.	Total NIA	Ave. Unit Size
Studio	B, C, G	31	12,480	403
1 bed	A, B, D, E, F, G, H	352	172,812	491
2 bed	A, B, C, D, E, F, G, H	357	260,099	729
2 bed	B, C, G	43	42,592	991
<b>Total</b>		<b>783</b>	<b>487,983</b>	

##### Commercial NIA

Block	Floor	Use	NIA
1A	GF	Café	1,662
2B	GF	Restaurant	2,625
3C	GF	Flexible office space	1,356
4D	GF	Retail	1,789
		Retail	318
4E	GF	Flexible workspace	1,701
	FF	Flexible workspace	8,173
4F	GF	Supermarket	4,202
		Flexible office space	733
4G	GF	Flexible office space	2,424
4H	GF	Gym	5,047
<b>Total</b>			<b>30,030</b>

I make no comment about the density, design, efficiency, merit or otherwise, of the suggested scheme.

#### 3.2 Applicant's Assessment

I refer to the applicant's surveyor's report dated 26 August 2019 entitled Financial Viability Assessment proposed Development and Globe Road, Leeds and their addendum dated 11<sup>th</sup> June 2020 and final report dated 26<sup>th</sup> August 2020 and the appraisals therein.

For the avoidance of doubt this report specifically comments on the applicants report dated 26<sup>th</sup> August 2020.

There were 3 viability appraisals within the applicant's report dated 6<sup>th</sup> September 2019 comprising a scenario where 5% of all units are provided as affordable housing at published council rates and a further appraisal assuming 20% of all the units are affordable based on a

discount of 20% on market rental values and finally an appraisal assuming no affordable housing and 100% privately rented apartments.

The applicants report dated 26<sup>th</sup> August 2020 contains two appraisals detailing schemes where a scheme incorporating 7% affordable housing at published affordable transfer rates is unviable. The second appraisal shows a scheme assuming 20% of all units are let a 20% discount on market rents is also unviable.

Whilst the applicants appraisals conclude the scheme is unviable, the applicant has offered to provide 24 no. (3.1%) affordable units (based on LCC transfer values). Alternatively, they are proposing to offer 67 Units (8.5%) affordable housing based on a 20% reduction in market rents for affordable units.

Recent discussions has resulted in the applicant increasing the proportion of affordable units to:

- 3.44% affordable housing (27 no. units) based on LCC transfer values and assuming a 60% lower decile and 40% lower quartile tenure split; or
- 10.21% affordable housing (80 no. units) in accordance with Government guidance on the private rented sector representing 20% discount to Market Rents.

To review the reasonableness of this conclusion I have considered each appraisal input in turn.

The appraisals are based upon a number of assumptions which are not fully evidence based particularly in respect of some costs.

### 3.3 Development Period

The applicant's surveyor has adopted a 40 month development period, comprising 1 month's purchase period and 36 months for construction, and then an allowance for subsequent sale total project length of 40 months.

This development programme is considered reasonable and accepted by DVS.

### 3.4 Gross Development Value (GDV)

I have considered the applicant's Gross Development Value (GDV) for their report (26<sup>th</sup> August 2020) contained within their viability report which I have summarised below:

Conclusion 3.1% affordable housing (24 Units based published transfer values)

Gross Development Value	£177,501,888
Market Housing	£163,529,747
Affordable Housing	£5,271,221
Commercial Space	£4,344,920
Car Parking	£4,356,000

### 3.5 PRS Apartment Units

I have first considered the reasonableness of the valuation of apartments under Market Housing. I summarise below an extract from the applicant's appraisal which sets out the Gross Rental Value (GRV) per annum for each apartment type (1, 2, 3 bedroomed).

## Rental Area Summary

	Rent Rate ft <sup>2</sup>
Private studio	21.22
Private 1 beds	23.20
Private 2 beds	20.88
Private 3 beds	19.60

The rents above have been agreed as part of reviewing the applicant's previous appraisal dated 6<sup>th</sup> September 2019.

My conclusions and subsequent agreement of residential rents were based on the evidence I have summarised below and agreements with other applicants in respect of City Centre PRS schemes.

### 1 Bed Apartments

Development	Beds	Baths	Size (SQFT)	Furnished (F/UF/PF)	Parking (Y/N)	Floor	Rent £/PCM	Rent £/SQFT
17 Park Row	1	1	-	F	N	4	£2,250.00	-
Mansio Residence	1	1	-	F	N	-	£1,180.00	-
Bridgewater Place	1	1	-	F	Y	-	£1,000.00	-
Mansio Residence	1	1	-	F	N	5	£1,000.00	-
83 Cardigan Lane	1	1	-	F	Y	-	£997.00	-
Aire House, Navigation Walk	1	1	-	F	Y	-	£995.00	-
Watermans Place	1	1	-	F	N	-	£995.00	-
Q Two	1	1	-	F	N	-	£995.00	-
Candle House	1	1	475	UF	Y	12	£975.00	£24.63
Park Square Residence	1	1	436	F	N	-	£970.00	£26.70
Park Square Residence	1	1	436	F	N	-	£970.00	£26.70
Park Square Residence	1	1	436	F	N	4	£970.00	£26.70
83 Cardigan Lane	1	1	-	F	Y	-	£958.00	-
Denison Hall	1	1	-	F	Y	1	£950.00	-
Mansio Residence	1	1	-	F	N	-	£950.00	-
Mansio Residence	1	1	-	F	N	-	£950.00	-
Havana Residence	1	1	-	F	N	-	£945.00	-
83 Cardigan Lane	1	1	-	F	Y	-	£936.00	-
Havana Residence	1	1	-	F	N	3	£935.00	-

### 2 Bed Apartments

Development	Beds	Baths	Size (SQFT)	Furnished (F/UF/PF)	Parking (Y/N)	Floor	Rent £/PCM	Rent £/SQFT
Park Square Residence	2	2	680	F	N	-	£1,275.00	£22.49
Park Square Residence	2	2	680	F	N	-	£1,275.00	£22.49
Park Square Residence	2	2	680	F	N	-	£1,275.00	£22.49
Brewery Wharf	2	2	680	F	Y	-	£1,260.00	£22.23
Watermans Place	2	2	-	F	N	-	£1,250.00	-
Candle House	2	2	-	UF	N	-	£1,250.00	-
Whitehall Waterfront	2	2	-	F	N	-	£1,250.00	-
Merchants Quay	2	2	812	F	Y	2	£1,250.00	£18.47
53 The Calls	2	2	766	F	Y	-	£1,250.00	£19.57
53 The Calls	2	2	-	F	Y	-	£1,250.00	-
Whitehall Quay	2	2	777	PF	Y	6	£1,250.00	£19.31
Park Square Residence	2	2	630	F	N	-	£1,250.00	£23.82
Candle House	2	2	-	UF	N	-	£1,250.00	-
The Quays	2	2	-	F	Y	-	£1,250.00	-
Park Row Apartments	2	2	850	F	N	-	£1,250.00	£17.65
Candle House	2	2	-	UF	Y	-	£1,250.00	-
Park Square Residence	2	2	707	F	N	-	£1,250.00	£21.21
53 The Calls	2	2	-	F	N	-	£1,250.00	-
Candle House	2	2	-	F	N	16	£1,250.00	-

## 2 & 3 Bed Apartments

Development	Beds	Baths	Size (SQFT)	Furnished (F/UF/PF)	Parking (Y/N)	Floor	Rent £/PCM	Rent £/SQFT
West Point	2	2	-	F	Y	-	£1,100.00	-
Whitahall Quay	2	2	-	F	Y	-	£1,100.00	-
Q Two	2	2	-	F	N	-	£1,100.00	-
Aire Street	2	2	-	F	N	-	£1,100.00	-
Dock Street	2	2	-	F	N	-	£1,100.00	-
Watermans Place	3	2	-	F	Y	-	£2,850.00	-
Watermans Place	3	2	1353	F	Y	-	£2,800.00	£24.83
Waterside	3	2	1211	F	N	-	£1,850.00	£18.33
Waterside	3	2	1104	F	N	-	£1,800.00	£19.57
St Pauls Street	3	3	-	F	N	-	£1,690.00	-
Regents Quay	3	2	-	F	Y	-	£1,650.00	-
Simpsons Fold	3	2	1500	F	N	-	£1,500.00	£12.00
Tunlow Court	3	2	1085	F	Y	-	£1,400.00	£15.48

## Net Rental Income Capitalisation Yield

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

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

Description	Cost expressed as a percentage of gross revenue
BTR Operating Costs	25%

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

The applicant has subsequently allowed for a deduction to gross rents of 25% which covers site staff, building operations, tenancy operational expenditure and management fees. Their viability report did not include a detailed commentary nor any supporting evidence justifying the allowances adopted.

Based on agreements with other developers in Leeds where PRS viability appraisals have been submitted and reviewed, I consider a 25% adjustment to be high.

However, the scheme is arranged over 8 buildings with substantial public realm and I consider the operating costs will be higher than a single of two building PRS scheme simply due to the higher volume of hard FM services within a series of buildings. I summarise below a breakdown of leakage costs:

Operation Voids	2.5%
Bad Debt	0.5%

Council Tax Voids	1%
Void Utilities	1.5%
Management Fees	9.25% inclusive of VAT
Operational Expenditure	10.25%
<b>Total</b>	<b>25%</b>

### Capitalisation Yield PRS

Following a deduction for operational costs a valuer is then required to capitalise the net rent to arrive at a value at which the completed scheme will be sold. The applicants has adopted an initial yield of 4.5% which I consider reasonable and supported by comparable information available, I have adopted the same within my appraisal.

Cushman & Wakefield have adopted an initial yield of 7% for all the flexible commercial space which I do not accept as fair and reasonable for the office accommodation. I have adopted 7% for the flexible commercial space within the residential buildings.

### 3.6. Affordable Housing - Proportion

Leeds City Council Core Strategy stipulates a requirement for affordable housing provision in respect of all new-build residential dwellings.

The subject site lies within Zone 4 as part of the Core Strategy, which stipulates a requirement for 7% affordable housing based on the total number of units, of which 40% of units should provide for households on lower quartile earnings and 60% on lower decile earnings.

**LCC's adopted Policy stipulates a requirement for 7% affordable housing. Based on the proposed residential development of 783 no. units, adopted policy requires that 55 no. units should be of affordable tenure.**

Policy states that affordable housing requirements can only be varied by way of a viability assessment.

### 3.7 Current Transfer/Benchmark Rates for Affordable Housing

Table 2 below sets out affordable rent benchmarks. These apply in situations where a Private Rented Scheme Provider and the City Council have agreed that affordable housing provision will be provided on-site, or in buildings off-site. Management companies responsible for administering the rental of dwellings would be expected to rent the affordable dwellings at rents that accord with the benchmarks subject to arrangements agreed with the City Council.

Table 2: Affordable Rents for PRS Schemes

Dwelling Type	Affordability	Benchmark £/sqm/week	Benchmark £/sqm/mth
Apartment	Lower Decile	1.34	5.82
	Lower Quartile	1.73	7.49

The benchmarks apply to the gross internal floorspace of dwellings.

I have also adopted the updated transfer values, as a price per sq ft, when assessing the value of the affordable units which is expressed in terms of the rates per sq ft per annum below:

Tenure	Benchmark/£ per sq ft per annum
Lower Decile	£6.48
Lower Quartile	£8.34

### 3.8 Ground Rent Revenue

Further to the evidence regarding the tenure on disposal of PRS apartments in Leeds ground rent investment value is excluded. In reality an institutional investor acquires the entire building and collects the rents from individual tenants, therefore it is not appropriate to adopt an additional revenue as the business model does not conjunctionally support a grant of long ground leases.

### 3.9 Commercial Space and Car Parking

#### **Commercial Space (Ground/First Floor Residential Buildings)**

The applicant regards the development site to be a fringe location and inferior to the prime leisure pitches along Wellington Street/Whitehall Road, which is amongst around 1.5m sq ft of office space. There rental evidence is primarily focussed on the Wellington Street area, where there has been significant demand from retail and leisure providers over recent years prior to the Covid-19 pandemic.

Cushman and Wakefield's analysis indicates the range of rental values for the leisure pitches is between £10.42 to £19.29 per sq. ft. and have concluded there is sufficient evidence to support their conclusion that achievable rents for leisure uses will lie to the lower end of the range of the evidence considered, reflecting their view that Globe Road is an inferior site and lower demand from occupiers compared to the prime pitches, particularly in the current climate. On that basis they have applied an overall rental value of **£12.41 per sq. ft** to the 30,030 sq ft of leisure & office space proposed, equating to **£372,590 per annum**. In addition they have assumed a 24 month rent free/void period for all of the space.

I do not agree with Cushman and Wakefield's conclusion for the reasons outlined below.

DVS and Cushman and Wakefield have discussed the proposed uses of the commercial space which could be a range of planning uses. The planning application refers to "flexible commercial space":

"Hybrid application for full planning permission for the erection of new residential dwellings with ancillary commercial uses (A1, A2, A3, A4, A5, B1, D1 and D2) and landscaped public realm; outline application for an associated 'hub' building in a flexible commercial use (A1, A2, A3, A5, B1 and D2)"

Cushman and Wakefield's valuation assumes all the space will be occupied as leisure where, in fact, additional options for your client include offices, health centre, crèche and a cinema. I acknowledge the challenges faced by retail and leisure in the coming year(s). However, the value of the commercial space is likely to be underpinned by office rents with options for retail and leisure.

I have researched additional retail and leisure rents within the Wellington Place development:

DATE	ADDRESS	TENANT	AREA SQ FT	NET RENT	RENT/SQ FT
12-Jan-18	10 Wellington Place LS1 4AP	Sociable Folk	1,270	£ 24,500	£ 19.29
18-Sep-18	5 Wellington Place LS1 4AP	Sainsburys	4,492	£ 82,151	£ 18.29
26-Oct-16	5 Wellington Place LS1 4AP	Veeno	2,357	£ 37,656	£ 15.98

Source: Costar

I agree that Wellington Place is a more established centre for retail and leisure than Globe Road and the rents above indicate a “tone” of value of between £16 moving to £19 per sq ft for the most recent transactions. However, it should be acknowledged that there could be critical mass of consumers for bars, casual dining and convenience stores once the scheme is completed.

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

### **Summary of DVS research Wellington Place/Whitehall Road/Wellington Street/Leeds Dock**

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

The applicant has identified the largest commercial unit in the scheme will be a gym and I have adopted a reasonable approach and valued the Gym accommodation at £6 per sq ft even through there is additional evidence at £10 plus in the centre. I am satisfied, that in the absence of evidence from the applicant that the evidence that I have adjusted and adopted is a more reasonable conclusion than that adopted by the applicant.

I have also considered evidence in Clarence Dock which is similar to Globe Road as both comprise high density waterside residential accommodation. Commercial rents have achieved in excess of £20 psf as evidenced by the letting of 1,472 sq. ft in Unit 32, Block H , Clarence Dock to North Street Coffee Shop in August 2017 for £24.05 psf.

I should emphasise that the rent adopted in my appraisal for a similar size units at Globe Road is lower at £17-18 psf. I believe the evidence I have considered has been comprehensive and well balanced including rents from Wellington Place, Whitehall Place and Clarence Dock.

At present “letting risk” within the Cushman and Wakefield appraisal is currently accounted for by a 24 month rent free period and a yield of 7%. To account for the increasing uncertainty I have included a rent free/void period of 36 months for all of the flexible commercial space within the residential blocks and adopted a headline blended rent across all the commercial units of £13.87 per sq. ft.

In addition to the PRS units within the scheme there are 121 parking space and 30,030 sq. ft of commercial space predominantly on the ground floor of the residential accommodation blocks. The applicant has attributed a value totalling £8,700,929 as summarised below:

Car Parking: £4,356,000 Agreed

Commercial Space: £4,344,929 Not Agreed

### 3.10 DVS Conclusion Gross Development Value (GDV)

My opinion of GDV for a scheme including 27 units (3.44%) at published transfer values:

Total GDV: £181,757,225

Comprising:

Market value housing	£169,887,887
Affordable housing	£2,628,745
Car Parking	£4,356,000
Commercial Space	£4,884,623

The applicant's surveyor's GDV/Net realisation is £177,501,888. This is not like with like as it reflects a different proportion of affordable homes and lower valuations for the commercial space.

I have assessed rental values assuming apartments will not be fully furnished other than fitted wardrobes and I have allowed for a costs of £2,000 per apartment for partially furnished including fitted wardrobes.

As part of any future negotiation or appeal process, and in the event further or better sales evidence, I may revisit this opinion of GDV.

## 4.0 **Gross Development Costs**

### 4.1 Construction Cost

#### Residential Blocks

The matter of construction costs have been referred to Leeds City Council's Quantity Surveying Consultant in respect of planning viability Rex Proctor and Partners (RPP). RPP had reviewed the appraisal and cost plan undertaken by Gardener and Theobald and have commented as follows.

"The original measured cost plan and rates have been reviewed and we comment as follows;

- The overall cost/ sq ft (incl externals and abnormals) is £194/sq ft. This is in excess of where we would have expected the costs to be for a mid-market specification.
- Typically we would expect costs to be in the £165 to £175/ sq ft region.
- However the cost does include a number of abnormal cost elements – site prep, drainage attenuation, off site services reinforcement which have inflated the costs
- The scheme is in a number of separate blocks with connecting podium structure – again this structure is included in the costs.
- Extensive external works and public realm/ landscaping are included – again increasing the base starting cost
- Excluding externals/ abnormals the cost/sq ft is circa £180 – again higher than we would expect but not excessively so.
- The measures and rates have been reviewed and in the main we agree with them.
- Sub contract prelims are included in the measured works which you could argue are in part double counted with the % addition for main contractor prelims

- Risk in the build cost is included at 3% - in addition there is a separate 3% contingency allowed for in the appraisal – again could argue some double counting here.
- Costs are current day – they have noted allowances for increased costs based on their own data and not BCIS. We would agree that their figures are more representative.
- A number of cost items are not included – most notably off site highway works, HV cable diversion works to Whitehall Road

In summary the costs whilst on the high side do appear reasonable given the design information available and the nature of the scheme and mix of accommodation.”

Following their initial response LCC’s consultant Rex Proctor and Partners met with the developer’s advisor where additional costs were identified and parties agreed the updated build cost should be £198.86 per sq. ft. which has been adopted in my appraisal and summarised below:

Note these costs have been applied to the updated GIA of 678,498 sq ft, which represents a reduction in floor area of 181 sq ft by comparison to the floor area adopted in the April 2019 cost plan. Please note these costs have been included for inclusion in the FVA by all parties.

Block	Cost	GIA	£ per sq ft
A	£24,870,683	135,876	£183.04
B	£12,098,458	69,952	£172.95
C	£7,296,094	39,799	£183.32
D	£15,128,229	82,907	£182.47
E	£12,709,759	76,413	£168.33
F	£20,175,367	111,521	£180.91
G	£11,968,910	69,990	£171.01
H	£17,697,267	92,221	£191.90
<b>Sub Total</b>	<b>£121,944,767</b>	<b>678,679</b>	<b>£161.34</b>
External works	£9,706,472	678,679	£14.30
<b>Total</b>	<b>£131,651,240</b>	<b>678,679</b>	<b>£193.98</b>

The above costs are calculated on the basis of 'current day' costs, excluding inflation. G&T have therefore made allowance for inflation based on a TPI of 1% year-on-year increase.

This reflects an overall inflationary increase of 2.52%, reflecting a total cost of £134,962,268 and representing **£198.86 per sq ft.**

#### 4.3 Abnormal Costs

The applicants’ appraisal accounts for £2,230,807 of abnormal costs. These comprise:

Item	Cost
Demolition and Alts	£1,526,214
Yorkshire Water Infrastructure Upgrade	£404,593
Service Diversions	£300,000
<b>TOTAL</b>	<b>£2,230,807</b>

These costs have been considered by your QS advisor and accepted as reasonable, consequently I have adopted this total in my appraisal.

#### 4.4 Planning Obligations

CIL is currently levied in this location at £5 per sq metre.

CIL: £243,057

In addition to the requirement for affordable housing contributions, Cushman and Wakefield have allowed £469,044 of Section 106 costs comprising:

CIL	243,057
Bus Shelter	46,000
Towpath/Footpath improvements	100,000
Signalised crossing/junction	100,000
Traffic Management	20,000
Travel Plan REview Fee	7,098
Residential Travel Plan Fund Fee	195,946

The contributions are accepted by DVS subject to confirmation by Leeds City Council that the contributions are accurate.

#### 4.5 Section 106 Hierarchy and Timing

Regarding the timing of these contributions, I have sought guidance from your Authority and consequently I agree with Cushman and Wakefield's cash-flow assumption for the Section 106 costs.

#### 4.6 Professional Fees

The applicant has used 8% for professional fees, applied to build cost and externals.

My appraisal includes the 8% professional fees, comprising:

Project Build Professional Fees: 7.75%  
Purchasers Construction Monitoring: 0.25%

I have included an additional allowance of 0.1% for investment sale legal costs and I have also included an agent's fee for selling the investment/arranging forward funding of 0.25% which is also included in the applicants appraisal.

#### 4.7 Finance

The debit rate of 5% is considered to be within an acceptable range for a forward funded PRS scheme.

### 5.0 **Developer Profit**

The applicants are seeking a minimum profit margins equivalent to the summary below:

- **Residential** – 8% of GDC
- **Commercial** – 8% of GDC
- **Affordable Housing** – 8% of GDC

Paragraph 18 of the NPPG Viability & Plan Making states: *For the purpose of plan making an assumption of 15-20% of gross development value (GDV) may be considered a suitable return to developers in order to establish the viability of plan policies. Plan makers may*

*choose to apply alternative figures where there is evidence to support this according to the type, scale and risk profile of planned development. A lower figure may be more appropriate in consideration of delivery of affordable housing in circumstances where this guarantees an end sale at a known value and reduces risk. Alternative figures may also be appropriate for different development types.*

When assessing a scheme with affordable housing it is recognised by the NPPG, that lower profit should be applied to reflect the different risk levels associated with disposing of affordable homes compared to general market housing.

For my review I have adopted a target profit at 8% of gross development costs for the PRS scheme and flexible commercial space on the lower floors. I consider profit margins at these levels to be well supported by other similar PRS developments DVS have appraised and reviewed in Leeds and that 8% profit on total development cost is acceptable for determining the viability of the scheme. Further evidence can be provided in due course on a confidential basis to support 8% profit on cost position.

## **6.0 Benchmark Land Value**

### **6.1 Site Description**

The subject site is situated approximately 1 mile to the south of Leeds City Centre at the junction of the River Aire and Leeds to Liverpool Canal, and the Leeds to Manchester rail line.

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

The larger parcel extends to 1.8 hectares (4.45 acres) and lies to the south of Globe Road, the west of Whitehall Road and to the north of the railway line. The site has been cleared of all industrial buildings and now comprises concrete slabs, retaining walls and fences and slopes around 3 metres from west to east. There is an existing vehicle access via Whitehall Road and a secondary access from Globe Road.

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

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

### **6.2 Applicant's Benchmark Land Value**

Cushman and Wakefield have adopted an EUV Plus approach to determining the Benchmark Land Value (BMLV) and have adopted a fixed land value of £2,875,000 which equates to approximately £581,198 per gross acre.

No comparables nor reasoning is given in support of this figure, this conflicts with the mandatory requirements of the RICS professional statement.

The RICS professional statement dictates a viability assessment must include:

## 2.7 Benchmark land value and supporting evidence

Stakeholders are often presented with a variety of valuation figures that are not always easy to understand. In particular they will wish to reconcile figures included in FVAs with figures reported in the market. In the interest of transparency, when providing benchmark land value in accordance with the PPG for an FVA, RICS members **must** report the:

- **current use value** – CUV, referred to as EUV or first component in the PPG (see paragraph 015 reference ID: 10-015-20190509). This equivalent use of terms – i.e. that CUV and EUV are often interchangeable – is dealt with in paragraph 150.1 of IVS 104 *Bases of Value* (2017)
- **premium** – second component as set out in the PPG (see paragraph 016 reference ID: 10-016-20190509)
- **market evidence** as adjusted in accordance with the PPG (see PPG paragraph 016 reference ID: 10-016-20190509)
- **all supporting considerations, assumptions and justifications adopted** including valuation reports, where available (see PPG paragraphs 014 reference ID: 10-014-20190509; 015 reference ID: 10-015-20190509; and 016 reference ID: 10-016-20190509)
- **alternative use value** as appropriate (market value on the special assumption of a specified alternative use; see PPG paragraph 017 reference ID: 10-017-20190509). It will not be appropriate to report an alternative use value where it does not exist.

A statement **must** be included in the FVA or review of the applicant's FVA or area-wide FVA that explains how market evidence and other supporting information has been analysed and, as appropriate, adjusted to reflect existing or emerging planning policy and other relevant considerations. If a market value report has recently been prepared, this should be stated with the:

- reason for the report
- assumptions adopted and
- reported valuation.

The onus is on RICS members to enquire about all of the above.

In addition, the price paid for the land (or the price expected to be paid through an option or conditional agreement), should be reported as appropriate (see PPG paragraph 016 reference ID: 10-016-20190509) to improve transparency. Price paid is not allowable evidence for the assessment of BLV and cannot be used to justify failing to comply with policy.

### 6.3 Professional Guidance

In order to judge the reasonableness of the applicant's land value figure I have referred to Professional Guidance. *The NPPG* advocates an Existing Use Value (EUV) plus approach to land value.

The PPG definition of EUV and BLV is set out below:

*Existing use value (EUV) is the first component of calculating benchmark land value. EUV is the value of the land in its existing use together with the right to implement any development for which there are policy compliant extant planning consents, including realistic deemed consents, but without regard to alternative uses. Existing use value is not the price paid and should disregard hope value. Existing use values will vary depending on the type of site and development types. EUV can be established in collaboration between plan makers, developers and landowners by assessing the value of the specific site or type of site using published sources of information such as agricultural or industrial land values, or if appropriate capitalised rental levels at an appropriate yield.*

*Sources of data can include (but are not limited to): land registry records of transactions; real estate licensed software packages; real estate market reports; real estate research; estate*

agent websites; property auction results; valuation office agency data; public sector estate/property teams' locally held evidence.

To define land value for any viability assessment, a benchmark land value should be established on the basis of the existing use value (EUV) of the land, plus a premium for the landowner. The premium for the landowner should reflect the minimum return at which it is considered a reasonable landowner would be willing to sell their land. The premium should provide a reasonable incentive, in comparison with other options available, for the landowner to sell land for development while allowing a sufficient contribution to comply with policy requirements. This approach is often called 'existing use value plus' (EUV+).

Benchmark land value should:

- be based upon existing use value
- allow for a premium to landowners (including equity resulting from those building their own homes)
- reflect the implications of abnormal costs; site-specific infrastructure costs; and professional site fees and
- be informed by market evidence including current uses, costs and values wherever possible. Where recent market evidence is used to inform assessment of benchmark land value this evidence should be based on developments which are compliant with policies, including for affordable housing. Where this evidence is not available plan makers and applicants should identify and evidence any adjustments to reflect the cost of policy compliance. This is so that historic benchmark land of non-policy compliant developments are not used to inflate values over time.

#### 6.4 Purchase Price

The applicant has disclosed the site was purchased in 2017 for £8,000,000.

The NPPG on viability very much dissuades the use of a purchase price as a barrier to viability and advocates an Existing Use Value (EUV) plus approach to land value. This is reinforced at several places in the guidance, including *Paragraph 2, 6, 11, 14, 18*:

*'The price paid for land is not a relevant justification for failing to accord with relevant policies in the plan'.*, and *'Under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan'*

#### 6.5 Alternative Use Value (AUV)

I consider an Alternative Use Value approach is not applicable in this case. The site has no extant or historic planning consents and there is no allocation in the local plan.

I assume this view is shared by the applicant's assessor whom has not mentioned AUV in their viability assessment.

#### 6.6 Market Evidence

At Para 14 the NPPG says that

Where recent market evidence is used to inform assessment of benchmark land value this evidence should be based on developments which are compliant with policies, including for affordable housing. Where this evidence is not available plan makers and applicants should identify and evidence any adjustments to reflect the cost of policy compliance. This is so that historic benchmark land values of non-policy compliant developments are not used to inflate values over time.

Due to the complex nature of how large city centre schemes are developed it is often difficult to obtain appropriate evidence and then correctly analyse it.

This is recognised in the RICS FVIP GN at 3.4.5 *Site Value will be based on market value, which will be risk-adjusted, so it will normally be less than current market prices for development land for which planning permission has been secured and planning obligation requirements are known.*



Location Plan of development sites Leeds City Centre

Site B identified on the plan above, was a mixed commercial site. The site now has planning consent for the construction of private rented apartments within Phase 1. The site was originally purchased by the current owner, without planning permission for PRS, in 2014 for £2,125,000. For a site extending to 1.90 hectares and the sale price was equivalent to £456,000 per acre. Phase 1 of the regeneration project was granted consent in early 2017, which I understand was fully policy compliant and it was reported that a block of 242 build to rent apartment units have been forward sold to Granger, the UK's largest residential landlord and build to rent specialist.

In conclusion, I consider the comparable site as informative and a helpful starting point in order to determine the subject site BMLV.

I have also considered the Current Use Value, as industrial employment land. The land is a brownfield site and I consider that based on experience of similar sites within the region and the available comparable evidence the site has a maximum current use value of approximately £500,000 per acre.

I am aware of a recent transaction off Pontefract Lane Crossgreen, Leeds where 16 acres of vacant land in a prime location with excellent road connectivity to the M1.

## Press Release for Sale of Land Off Pontefract Lane, Crossgreen, Leeds

### 12 Jul Keyland Confirms Sales of Strategic Leeds Development Site

Posted at 13:58h in News by admin Share

#### 265,000 Sq Ft Aire Valley Development Promises Up To 500 New Jobs



July 2018 – Keyland Developments Ltd, the property trading arm of Kelda Group and sister-company to Yorkshire Water, has sold a 16 acre site with planning consent in place for 265,000 sq ft of mixed-employment development to Total Developments Ltd for an undisclosed sum following a marketing campaign carried out by industrial property specialists, Gent Visick. The vacant site occupies a key location fronting the A63 in the Aire Valley area of Leeds and its development has the potential to provide up to 500 new jobs for the area.

Planning permission for the site was granted in January this year with the approved scheme providing 265,000 sq ft of B1, B2 and B8 industrial and commercial space. The site will create a prosperous new employment hub, which can be accessed directly off the A63 East Leeds Link Road Thomes Farm Roundabout.

### 6.7 DVS EUV

The applicants opinion of EUV is £2,500,000 (£506,072) can be accepted based on the research summarised in paragraph 6.6 above.

### 6.8 Premium (EUV)

The applicant's opinion of an appropriate uplift is unclear. I do not consider a fixed multiplier to be an appropriate means for assessing the premium

The value of developed land varies immensely and is influenced by the existing and alternative uses. Based on the above market evidence and my experience of other brownfield sites with similar abnormal development costs the C&W conclusion of £581,983 per acre is considered reasonable. And is supported by established benchmark land values, the relationship between this and the EUV would equate to an uplift of 10% from EUV in this case.

### 6.9 Benchmark Land Value Conclusion

In conclusion, I agree with the applicants BMLV based on an EUV Plus approach, however, their conclusion is not accompanied with a commentary supporting their BMLV and so i cannot comment whether i agree to their reasoning and evidence.

I have included comparable evidence for both industrial and mixed commercial land which have assisted my conclusions despite their limitations in terms of location and date of transactions. Further to this I can agree to the applicants EUV being reasonable.

I have had regard to established benchmarks of brown field sites when forming my opinion of the appropriate uplift, and established that 10% is appropriate.

EUV 4.94 acres @ £530,000 per acre = £2,618,200

Plus 10% incentive for land owner to sell = £2,880,020

**SAY: £2,875,000**

This is equivalent to £582,000 per acre, and is supported by benchmarks on other similar sites which have delivered full policy.

The applicant's BLV is agreed

## 8.0 DVS Viability Assessment

I have presented my appraisals in the same way as applicant's viability advisor, with the residual output presented as profit which is then compared to my opinion of the target profit to determine the viability of the scheme.

**It is my opinion that the scheme can viably support the whole of the required Section 106 contributions and 3.44% on site affordable housing (27 Units) based on LCC published affordable rents.**

Appraisal Input	Applicant August 2020 (Assumes 7% Affordable based on LCC 2019-2020 transfer values)	DVS 3.44% Affordable based on LCC 2020-2021 transfer values (conclusion)	Agreed or Not Agreed
Gross Development Value	£177,501,888	£181,757,255	Not Agreed
Market Housing	£163,529,747	£169,887,887	Not Agreed
Affordable Housing	£5,271,221	£2,628,745	Not Agreed
Commercial Space	£4,344,920	£4,884,623	Not Agreed
Car Parking	£4,356,000	£4,356,000	Agreed
Professional Fees	£10,794,089	£10,794,089	Agreed
Gross to Net Rent Adjustment	25%	25%	Agreed
CIL / S 106	£243,057/£469,044	£243,057/£469,044	Agreed
Build Costs	£134,926,112	£134,926,112	Agreed
Developers Contingency	£4,047,783	£4,047,783	Agreed
Developer's return	8% Profit on Cost (£13,115,417)	8.% profit on cost (£13,432,235)	Not Agreed
Benchmark Land Value (basis)	EUV Plus	EUV Plus	Agreed
Benchmark Land Value (figure)	£2,875,000	£2,875,000	Agreed

The applicant has stated that they wish to retain the flexibility at this stage (as allowed for by the Council's affordable housing policy) to either provide 7% of the total units at the Council's affordable transfer rates or to provide 20% of the total units at a 20% reduction of market rents.

**It is also my opinion that the scheme can viably support the whole of the required Section 106 contributions and 10.21% on site affordable housing (80 Units) assuming affordable rents are based on a 20% reduction from market rents.**

To assist the planning committee I set out below a comparison of the two proposals assuming either affordable rents or a 20% reduction in market rents.

Apartment Type	Leeds Affordable Housing Benchmark Transfer Rates Update 2020/21 expressed as monthly rents		Affordable Rents assuming a 20% reduction in market rents expressed as monthly rent
Studio	Lower Quartile £279.83	Lower Decile £217.41	£569.53
1 bed	Lower Quartile £344.00	Lower Decile £265.16	£759.42
2 bed	Lower Quartile £507.33	Lower Decile £394.16	£1,014.50
3 bed	Lower Quartile £690.16	Lower Decile £535.66	£1,294.91

## 8.1 Sensitivity Analysis

### Sensitivity Test 1

I have undertaken sensitivity analysis which shows the effect on profit if residential and commercial rents increase and decrease by £0.50 and £1, If rents decrease by £1 per sq ft the profit reduces from £13,432,235 to £12,825,439.

Rent: Rate /ft²				
-1.00 /ft²	-0.50 /ft²	0.00 /ft²	+0.50 /ft²	+1.00 /ft²
£12,825,439	£13,128,837	£13,432,235	£13,735,632	£14,039,034
8.000%	8.000%	8.000%	8.000%	8.000%

### Sensitivity Test 2

I have undertaken sensitivity analysis which shows the effect on profit if the capitalisation yield for residential units increases and decreases by 0.25% and 0.5% If the capitalisation yield increases by 0.25% to 4.75% the profit decreases from £13,432,235 to £12,744,398.

Rent: Yield				
-0.5000%	-0.2500%	0.0000%	+0.2500%	+0.5000%
4.0000%	4.2500%	4.5000%	4.7500%	5.0000%
£15,065,856	£14,201,008	£13,432,235	£12,744,398	£12,125,363
8.000%	8.000%	8.000%	8.000%	8.000%

## 9.0 Recommendations

If the factual matters above relating to unit numbers, floor areas, tenure split, planning obligation hierarchy, cost of planning obligations, cost of abnormalities etc. are incorrect my report would not be valid and I would have to revise my appraisal and advice.

I recommend that any increase in abnormal or build costs should be reviewed by an independent expert.

I emphasise that my appraisal embraces the costs and revenues appropriate to the review date and is therefore valid only if the building construction work commences within 12 months and proceeds at a rate consistent with achieving sales in the market. If commencement of the works were to be delayed and is then undertaken at some other time when market conditions may be different, then I believe a re-appraisal will be required adopting the costs and revenues then obtaining.

---

Some of the content of this report may be regarded by DVS, Applicant's surveyor or the applicant as commercially confidential and, in this regard, I assume that you will restrict the report's circulation as appropriate.

We will keep the file open for 6 weeks

Yours sincerely

[REDACTED]

[REDACTED]

RICS Registered Valuer  
DVS

Report reviewed by

[REDACTED] BSc Hons MRICS Registered Valuer  
Principal Surveyor DVS  
Sector Leader Viability (North)

**DVS Argus Viability Conclusion Appraisal based on published affordable transfer rates**

**APPRAISAL SUMMARY**

**LICENSED COPY**

**Globe Road, Leeds - 3.4% affordable housing  
Transfer Values (27 Units)**

Summary Appraisal for Phase 1

Currency in £

**REVENUE**

**Rental Area Summary**

	Units	ft <sup>2</sup>	Rent Rate ft <sup>2</sup>	Initial MRV/Unit	Net Rent at Sale	Initial MRV	Net MRV at Sale
Private studio	29	11,875	21.22	8,543	185,805	247,740	185,805
Private 1 beds	341	167,333	23.20	11,385	2,911,589	3,882,118	2,911,589
Private 2 beds	345	251,880	20.88	15,246	3,944,902	5,259,870	3,944,902
Private 3 beds	41	40,876	19.60	19,445	597,937	797,250	597,937
Resi Ancillary	1	158,315		0	0		
Car parking	121			1,800	196,020	217,800	196,020
Commercial	1	30,030	13.87	416,516	416,516	416,516	416,516
LD Affordable 1 bed	7	3,437	6.48	3,182	22,272	22,272	22,272
LD Affordable 2 beds	7	5,110	6.48	4,730	33,113	33,113	33,113
LD Affordable 3 beds	1	992	6.48	6,428	6,428	6,428	6,428
LQ Affordable 1 beds	4	1,980	8.34	4,128	16,513	16,513	16,513
LQ Affordable 2beds	5	3,650	8.34	6,088	30,441	30,441	30,441
LQ Affordable 3 beds	1	993	8.34	8,282	8,282	8,282	8,282
LD Private studio	1	403	6.48	2,609	2,609	2,609	2,609
LQ Private studio	1	403	8.34	3,358	3,358	3,358	3,358
<b>Totals</b>	<b>906</b>	<b>676,875</b>			<b>8,375,785</b>	<b>10,944,309</b>	<b>8,375,785</b>

**Investment Valuation**

Private studio							
Current Rent	185,805	YP @	4.5000%	22.2222	4,129,001		
Private 1 beds							
Current Rent	2,911,589	YP @	4.5000%	22.2222	64,701,975		
Private 2 beds							
Current Rent	3,944,902	YP @	4.5000%	22.2222	87,664,500		
Private 3 beds							
Current Rent	597,937	YP @	4.5000%	22.2222	13,287,493		
Car parking							
Current Rent	196,020	YP @	4.5000%	22.2222	4,356,000		
Commercial							
Market Rent	416,516	YP @	7.0000%	14.2857			
(2yrs 11mths Unexpired Rent Free)		PV 2yrs 11mths @	7.0000%	0.8209	4,884,623		
LD Affordable 1 bed							
Current Rent	22,272	YP @	4.5000%	22.2222	494,928		
LD Affordable 2 beds							
Current Rent	33,113	YP @	4.5000%	22.2222	735,840		
LD Affordable 3 beds							
Current Rent	6,428	YP @	4.5000%	22.2222	142,848		
LQ Affordable 1 beds							
Current Rent	16,513	YP @	4.5000%	22.2222	366,960		
LQ Affordable 2beds							
Current Rent	30,441	YP @	4.5000%	22.2222	676,467		
LQ Affordable 3 beds							
Current Rent	8,282	YP @	4.5000%	22.2222	184,036		
LD Private studio							
Current Rent	2,609	YP @	4.5000%	22.2222	57,972		
LQ Private studio							
Current Rent	3,358	YP @	4.5000%	22.2222	74,612		
							<b>181,757,255</b>

**GROSS DEVELOPMENT VALUE**

**181,757,255**

Purchaser's Costs

(454,393)

Effective Purchaser's Costs Rate

0.25%

(454,393)

**NET DEVELOPMENT VALUE**

**181,302,861**

**Income from Tenants**

Private studio

15,484

Car parking

16,335

LD Private studio

217

LQ Private studio

280

**32,316**

**APPRAISAL SUMMARY****LICENSED COPY****Globe Road, Leeds - 3.4% affordable housing  
Transfer Values (27 Units)**

<b>NET REALISATION</b>				<b>181,335,177</b>
<b>OUTLAY</b>				
<b>ACQUISITION COSTS</b>				
Residualised Price (4.45 Acres 646,572.06 pAcre)			2,877,246	2,877,246
Stamp Duty			133,362	
Agent Fee		1.00%	28,772	
Legal Fee		0.50%	14,386	
				176,521
<b>CONSTRUCTION COSTS</b>				
<b>Construction</b>	<b>ft<sup>2</sup></b>	<b>Build Rate ft<sup>2</sup></b>	<b>Cost</b>	
Construction Cost	678,498	198.86	134,926,112	134,926,112
Developers Contingency		3.00%	4,047,783	
CIL			243,057	
Bus Shelter			48,000	
Towpath/Footpath improvements			100,000	
Signalised crossing/junction			100,000	
Traffic Management			20,000	
Travel Plan REview Fee			7,098	
Residential Travel Plan Fund Fee			195,946	
				4,759,884
<b>Other Construction</b>				
Fitted Furniture	783 un	2,000.00 /un	1,566,000	1,566,000
<b>PROFESSIONAL FEES</b>				
Professional Fees		8.00%	10,794,089	10,794,089
<b>MARKETING &amp; LETTING</b>				
Letting Agent Fee		10.00%	41,652	
Letting Legal Fee		2.50%	10,413	
				52,065
<b>DISPOSAL FEES</b>				
Selling Agent Fees		0.25%	453,257	
Sales Legal Fee		0.10%	181,303	
				634,560
<b>FINANCE</b>				
Debit Rate 5.000%, Credit Rate 2.000% (Nominal)				
Land			505,737	
Construction			11,610,729	
Total Finance Cost				12,116,466
<b>TOTAL COSTS</b>				<b>167,902,942</b>
<b>PROFIT</b>				<b>13,432,235</b>
<b>Performance Measures</b>				
Profit on Cost%				8.00%
Profit on GDV%				7.39%
Profit on NDV%				7.41%
Development Yield% (on Rent)				4.99%
Equivalent Yield% (Nominal)				4.58%
Equivalent Yield% (True)				4.72%
IRR	Jun 2020	to Aug 2023		9.94%
Rent Cover				1 yr 7 mths
Profit Erosion (finance rate 5.000)				1 yr 7 mths

## Terms of Engagement

**DVS** Property Specialists  
for the Public Sector

Valuation Office Agency  
6th Floor, Castle House  
31 Lisbon Street  
Leeds  
West Yorkshire LS1 4DR

Our Reference: Globe Road Leeds  
Your Reference: [REDACTED]

Please ask for : [REDACTED]  
Tel : 03000 503008  
E Mail : [REDACTED]

Date : 20<sup>th</sup> August 2019

**By Email Only**

[REDACTED]  
Planning Services  
Development Management  
Leeds City Council

**By Email Only**

**Cc** [REDACTED]

Dear [REDACTED]

### **DVS Terms of Engagement**

#### **Review of Development Viability Appraisal**

#### **Proposed residential development of 888 PRS Units, Globe Road, Leeds**

Further to your instruction on the 20 August 2019 I write to confirm the DVS Terms of Engagement.

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

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

Please note that these terms of engagement are confidential between Leeds City Council as our client and DVS (as part of the VOA) and contain commercially sensitive and data sensitive information. The document should not be provided to the applicant or their advisor without our explicit consent.

#### **1. Client**

This instruction will be undertaken for Leeds City Council and the appointing planning officer is, [REDACTED].

## **2. Subject Property and proposed development**

It is understood that you require a viability assessment review in connection with a proposal under planning application ref 19/03109 and that the land and properties subject to the review is Globe Road, Leeds.

## **3. Purpose and Scope**

To complete this assessment DVS will:

- a) Assess the Financial Viability Appraisal (FVA) submitted by the applicant on behalf of the planning applicant / developer, taking in to account the planning proposals as supplied by you or available from your authorities planning website.
- b) Advise you on those areas of the appraisal which are agreed and those which are considered unsupported or incorrect, including stating the basis of this opinion.
- c) If DVS consider that the applicant's appraisal input and viability conclusion is incorrect, we will advise on the cumulative viability impact of the changes and in particular whether any additional affordable housing and/ or s106 contributions might be provided without adversely affecting the overall viability of the development.
- d) If having completed the assessment, DVS conclude that the planning applicant/ developer may be able to provide more affordable housing and/or s106 contributions than have been proposed; DVS will issue a draft report rather than a final report. This will enable all parties to consider areas of disagreement and to have discussions before submitting a final report and before the application is determined.

## **4. Date of Assessment**

The date of the assessment is required to be the date on which the report is signed, which date will be specified in the report in due course.

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

The viability assessment will be prepared in accordance with paragraph 57 of the National Planning Policy Framework, which states that all viability assessments should reflect the recommended approach in the National Planning Practice Guidance on Viability, this document was revised in May 2019.

The viability assessment review report will be prepared in accordance with the forthcoming professional statement Financial Viability in Planning: Conduct and Reporting (effective from 1<sup>st</sup> September 2019).

Regard will be made to the RICS Guidance Note "Financial viability in planning" 1<sup>st</sup> Edition (GN 94/2012), where applicable.

Valuation advice (where applicable) will be prepared in accordance with the professional standards of the Royal Institution of Chartered Surveyors: RICS Valuation – Global Standards 2017 and RICS UK National Supplement, commonly known together as the Red Book. Compliance with the RICS professional standards

and valuation practice statements gives assurance also of compliance with the International Valuations Standards (IVS).

Whilst our advice is consultancy advice for planning purposes, and is not formal valuation advice for acquisition or disposal purposes, it is understood that our assessment and conclusion may be used by you as part of a negotiation, consequently, it is recorded that the mandatory RICS Red Book requirements and guidance, of PS1 and PS2 and VPS1 to VPS5, as detailed below will be followed unless otherwise stated in the terms and/or the report.

- PS 1 Compliance with standards where a written *valuation* is provided
- PS 2 Ethics, competency, objectivity and disclosures.
- VPS 1 Terms of engagement (scope of work)
- VPS 2 Inspections, investigations and records
- VPS 3 Valuation reports
- VPS 4 Bases of value, assumptions and special assumptions
- VPS 5 Valuation approaches and methods.

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

## 6. Agreed Departures from the RICS Professional Standards

It is agreed by you, that the report will contain an agreed departure from 'RICS Property Measurement (2<sup>nd</sup> Edition)'. Specifically any office or residential property present or proposed will be reported upon using a measurement standard other than IPMS. Specifically the measurement standards of Net Internal Area , Gross Internal Area, Net Sales Area may be referred to / or will adopted as per the preceding guidance the RICS Code of Measuring Practice (6<sup>th</sup> Edition).

DVS understand that you agree to this departure because adopting these widely recognised measurement standards is established practice in the construction/ residential industry. It is considered expedient to use the same measurement basis as the applicant and necessary, to analyse the comparable data on a like with like basis, using the same basis will also aid transparency when comparing conclusions.

## 7. Basis of Value

**7.1 Benchmark Land Value.** Paragraph 014 of the NPPG (May 2019) states that Benchmark land Value should:

- *be based upon existing use value*
- *allow for a premium to landowners (including equity resulting from those building their own homes)*
- *reflect the implications of abnormal costs; site-specific infrastructure costs; and professional site fees*

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

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

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

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

Paragraph: 014 Reference ID: 10-014-20190509

**7.2 Existing Use Value** the NPPG (May 2019) explains Existing Use Value at para 15 as:

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

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

Paragraph: 015 Reference ID: 10-015-20190509

The equivalent RICS definition is found at 150.1 of IVS 104 **Premise of Value – Current Use/Existing Use**

*150.1. Current use/existing use is the current way an asset, liability, or group of assets and/or liabilities is used. The current use may be, but is not necessarily, also the highest and best use.*

**7.4 Market Value (MV)** the RICS VPS 4, defines MV as:

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

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

Any Special Assumptions agreed with you have been captured below under the heading Special Assumptions, in accordance with VPS 4, para 9 of the professional standards of the

## **8. Special Assumptions**

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

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

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

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

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

- Such inspection of the property and investigations as the Valuer decides is professionally adequate and possible in the particular circumstance will be undertaken.
- No detailed site survey, building survey or inspection of covered, unexposed or inaccessible parts of the property will be undertaken. The Valuer will have regard to the apparent state of repair and condition, and will assume that inspection of those parts that are not inspected would neither reveal defects nor cause material alteration to the valuation, unless the valuer becomes aware of indication to the contrary. The building services will not be tested and it will be assumed that they are in working order and free from defect. No responsibility can therefore be accepted for identification or notification of property or services' defects that would only be apparent following such a detailed survey, testing or inspection. If the Valuer decides further investigation to be necessary, separate instructions will be sought from you.
- It will be assumed that good title can be shown and that the property is not subject to any unusual or onerous restrictions, encumbrances or outgoing.
- It will be assumed that the property and its value are unaffected by any statutory notice or proposal or by any matters that would be revealed by a local search and replies to the usual enquiries, and that neither the construction of the property nor its condition, use or intended use was, is or will be unlawful or in breach of any covenant.
- It will be assumed that all factual information provided by you or the applicant or their agent with regard to the purpose of this request and details of tenure, tenancies, planning consents and all other relevant information is correct. The advice will therefore be dependent on the accuracy of this information and should it prove to be incorrect or inadequate the basis or the accuracy of any assessment may be affected.
- Valuations will include that plant that is usually considered to be an integral part of the building or structure and essential for its effective use (for example building

services installations), but will exclude all machinery and business assets that comprise process plant, machinery and equipment unless otherwise stated and required.

- No access audit will be undertaken to ascertain compliance with the Equality Act 2010 and it will be assumed that the premises are compliant unless otherwise stated by the applicant
- No allowances have been made for any rights obligations or liabilities arising from the Defective Premises Act 1972 unless identified as pertinent by the applicant.

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

### **10.1 Information to be supplied by you, the client**

Information that will be provided to the VOA by Leeds Council comprises the following material, which will be relied upon by the DVS viability assessor without further verification:

- a) The planning application details ref: 19/03109
- b) Written (email) correspondence from the planning officer.
- c) Confirmation of the relevant planning policy applicable to the site, such as amount and tenure of affordable housing and S106 payments expected. A copy of (or a link) to the adopted policy in the local development plan.
- d) The S106 / S278 planning obligations triggered by the scheme. In particular whether the applicant's assumptions on these matters are correct, or, if they are considered incorrect then please provide details of the figures to be used by DVS in the viability assessment.
- e) Confirmation of the existing and permitted planning use, including current designation in the local plan (and emerging designation if applicable). Details of any extant or elapsed consents relating to permitted Alternative Use of the site.
- f) If the applicant has relied on an Alternative Use Value that does not exist, a statement as to whether this alternative would be an acceptable development.
- g) If the applicant has applied vacant building credit, a statement as to whether this is agreed by your Council, if not, please provide the appropriate figure, if any, to be adopted by DVS.

### **10.2 Information to be supplied by the applicant's advisors**

#### **10.2.1 Site access -**

It is understood that the site is accessible and no appointment to inspect is required. In particular it is understood there are no extraordinary health and safety issues to be aware of. If this is incorrect please provide details of access arrangements and any PPE requirements.

#### **10.2.2 Applicant's Viability assessment**

With regards to the applicant's financial viability appraisal the applicant should provide sufficient detail to enable DVS to assess the applicant's contention that the scheme would not be viable if the requirements as stated in the Local Plan for affordable housing and other public realm contributions were met.

To support this contention, the applicant's FVA should include a report and development appraisal with the following details:

- a) A planning policy compliant viability assessment. If completed by a member of the RICS after the 1<sup>st</sup> September 2019 this should be prepared in accordance with the Financial viability in planning: conduct and reporting Professional Statement.
- b) Site area -and schedule of accommodation . The gross developable area and net developable area should be stated together with an illustrative plan showing the respective boundaries (or reference to the appropriate planning document with this information )
- c) A residual valuation approach should be undertaken and the main input assumptions should be explained, in particular:
  - (i) Development programme assumptions, to detail the anticipated period involved in development, including pre-construction, build period, and sales period.
  - (ii) Gross Development Value. This should be supported by market evidence of sales values adopted, and tenure assumptions and values for any affordable housing should be explained.
  - (iii) Land Value
    - i. The Benchmark Land Value should be clearly stated with reference to:
      - EUV (as defined in the Viability PPG para 015)
      - Premium (see PPG para 016)
      - Market evidence (of fully policy compliant schemes, suitably adjusted in accordance with PPG para 016)
    - ii. Where an Alternative Use Value for the site exists the AUV such be provided, together with supporting information. (see para 17 of the PPG)
  - (iv) For transparency the Purchase Price (or expected price as agreed through a conditional or optional agreement) should be reported. Where the purchase price is below the assessment of BLV a brief explanation of the reasoning as to why it has not been adopted should be provided.
  - (v) Gross Development Costs
    - i. Build Cost assessment - the evidence should include a full build cost estimate, showing how the construction costs have been estimated.
    - ii. Abnormal Costs total - Supporting reports for site abnormalities, should be provided together with the calculation adopted.
    - iii. Contingencies, professional fees, marketing and other development costs or allowances should be fully explained.
    - iv. Finance assumptions should be clearly stated and a Cash flow provided either in the form of an accessible viability toolkit (Argus developer or HCA DAT) or as a Microsoft Excel unprotected document.

- v. Profit assumptions or profit target should be explained.

DVS have a copy of the applicant's financial viability appraisal which contains the development appraisal and supporting information.

### **10.3 DVS Information**

DVS will make use of VOA held records and information. This includes the land Registry database and property attribute data from our in house database. The sources of any other information used that is not taken from our records will be identified in the review report.

It is considered that we have all the relevant information necessary for completing the viability assessment review, however if there is further information required we will contact yourself and/ or the applicant directly. The report delivery date will be dependent upon timely receipt of this information.

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

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

The valuer responsible will be [REDACTED] BSc Hons MRICS and their contact details are as stated above in the letterhead. Any graduate or surveyor involvement will be detailed in the report.

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

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

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

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

### **13. Description of Report**

A side headed written report as approved by you for this purpose will be supplied electronically

Further to the requirements of the RICS professional statement a non technical summary will be included in the report and any differences of opinion will be clearly set out with supporting justification, where inputs are agreed this will be stated. Sensitivity tests to support the viability conclusion will also be included unless otherwise instructed by you.

#### **14. Report Date**

It is our intention to begin immediately and to submit an electronic report by 27<sup>th</sup> September 2019.

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

#### **15. Validity Period**

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

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

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

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

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

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

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

#### **18. Fee Basis**

##### **18.1 Fee estimate**

You have asked for a fee estimate for the viability appraisal. This is assessed on a time spent basis. From the recorded time taken on other study reviews, the estimated time taken for the initial appraisal is [REDACTED]

This fee estimate is for the provision of a report (or draft report as referred to above) on the development viability appraisal as provided by the planning applicant/ developer, and will include our carrying out our own development appraisals.

The estimate may require revision if the information supplied by you or the applicant is not quickly forthcoming at our request or if the initial task is varied by you.

DVS may delegate some functions to colleagues who have a lower cost and this will be reflected in the invoice for this work. A graduate surveyor's rate is £75 per hour plus VAT.

##### **18.2 Negotiations or meetings**

If there is a subsequent need following the report or draft report to discuss issues with the planning applicant / developer or you, we would need to charge on a time spent basis.

You have asked for an estimate for this and this is detailed below

Personnel:	Task	Estimated Hours	Hourly rate (exc VAT)	Fee
	Negotiation meeting	4	█	█
	Rebuttal and final report	8	█	█
				█

**18.3 Payer of fees:**

With regard to the payment of fees, it is common practice for developers to fund the cost of independent validation. The reasoning for this is that you have a planning policy which the applicant is seeking to vary. In order to assess the applicant appraisal you need advice which it is reasonable for the applicant to bear in these circumstances.

I understand that the planning applicant / developer has agreed to reimburse your reasonable costs incurred in this review. Please note that whilst the applicant will be responsible for the payment of our fees, you are our client and we will be reporting to you. As such, our contractual obligation is to your authority and not to the applicant. If the applicant fails to pay our fees we would need to seek payment from your authority.

**18.4 Fees for abortive cases would be based on work already carried out. Please note that that our minimum fee █ unless agreed otherwise as part of a contract or SLA.**

**19. Currency**

All prices or values are stated in pounds sterling.

**20. Fee Payment and Interim Billing**

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

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

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

**21. Purchase Order Numbers**

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

**22. Complaints**

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

The VOA has a comprehensive complaints handling procedure if you are not getting the service you expect. If you have a query or complaint it may be best to speak first to the person you have been dealing with or their manager.

If you remain dissatisfied you should be offered a copy of our brochure "Our Code of Practice on Complaints". If it is not offered to you, please request a copy or access it on our website [www.voa.gov.uk](http://www.voa.gov.uk).

## **23. Freedom of Information**

We will do all that we can to keep any information gathered or produced during this assignment confidential. The Freedom of Information Act 2000 or Environmental Information Regulations 2004, and subordinate legislation, may apply to some or all of the information exchanged between yourself and the VOA under this engagement. Therefore the VOA's duty to comply with the Freedom of Information Act may necessitate, upon request, the disclosure of information provided by you unless an exemption applies.

The VOA undertakes to make reasonable endeavours to discuss the appropriateness of disclosure, or the applicability of any exemptions allowed by the Act, with you prior to responding to any third party requests. However, the VOA reserves the right to comply with its statutory obligations under the Act in such manner as it deems appropriate.

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

## **24. Monitoring Compliance by RICS**

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

## **25. Revisions to these Terms**

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

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

I will be grateful to receive at your earliest convenience brief written confirmation by email or letter that these terms and conditions are accepted and approved by you. If you have any queries please do not hesitate to me. In the event that I do not hear from you, I shall assume on the basis of previous communication that the terms are accepted.

Yours sincerely



RICS Registered Valuer  
DVS District Valuer Services.  
DVS



