Leeds CITY COUNCIL

Originator:	Andrew Perkins

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 3rd November 2022

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

APPLICANT
Glenbrook RIL Limited

DATE VALID
04 April 2022

TARGET DATE
04 July 2022 (EOT to agreed)

Electoral Wards Affected:	**Specific Implications For:**	
Hunslet & Riverside	Equality and Diversity	☐
	Community Cohesion	☐
	Narrowing the Gap	☐

RECOMMENDATION: Defer and Delegate to the Chief Planning Officer for approval, subject to the conditions at Appendix 2 (and any amendment to or addition of others which the Chief Planning Officer considers appropriate), subject to resolving the outstanding technical concerns of the Environment Agency, Travel Behavior team and Highways and also subject to the completion of a Section 106 agreement to secure the following:
1. Employment and training of local people
2. Publicly accessible areas
3.Travel Plan Review fee
4. The provision of a Residential Travel Plan Fund
5. A contribution towards highway improvements in the area
6. Legible Leeds Wayfinding signage
7. Off site green space contribution

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

Conditions

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

1.0 INTRODUCTION:

1.1 The proposal is put before City Plans Panel, in accordance with the Officer Delegation Scheme as this application meets one of the exceptions which would be a departure from the Development Plan, currently in force. The proposal involves the creation of a number of new dwellings, upon which the Applicant seeks to justify a viability case, requesting that the planning obligations for affordable housing, travel plan review fee, travel plan fund, off-site highway contribution, Leeds Wayfinding signs and off-site green space contributions be set aside. The viability case has been independently reviewed by the District Valuer who has concluded that the proposals cannot reasonably support the above planning obligations but can support the Community Infrastructure Levy of £270,401 (The District Valuers report is provided at Appendix 1). Notwithstanding the above and the District Valuers independent review, the developer has since agreed to pay all relevant planning obligations, which relate to a travel plan review fee, travel plan fund, off-site highway contribution, Leeds Wayfinding signs and off-site green space contributions.

1.2 The development involves a significant investment on a brownfield site which is located at an area to the west side of the City Centre.The Applicant's team presented the emerging pre-application proposals to City Plans Panel on 27th January 2022. At the meeting Members were generally supportive of the proposal but required consideration around the design of the build to rent apartments blocks, housing mix (Minimum 10%) and that affordable housing be provided in accordance with existing policy. Member's comments from the City Plans Panel minutes are set out below in paragraph 5.2.

2.0 PROPOSAL:

2.1 The proposals seek to create a multi-level development of residential apartments, ranging up to 19 storeys high (including ground and roof level), set within a landscaped area, with ground floor car parking. The scheme would bring forward 500 apartments, with these being in the following mix;

Number of Bedrooms:	Total no.	Mix	Internal ranges
1 Bedroom Apartment	257	51%	42.5 - 61m²
2 Bedroom Apartment	192	39%	61 – 99m²
3 Bedroom Apartment	41	8%	85 – 111m²
3 Bedroom Duplex	10	2%	156 – 205m²

2.2 In addition, the proposal would include three ground floor commercial units two fronting Whitehall Road and one fronting the River Aire, equating to a total of 428sqm. The development would also provide external communal amenity spaces to the 1st floors, as well as the wider ground floor surface greened landscaping.

2.3 A total of 60 car parking spaces (including 3 disabled spaces) are proposed in the ground floor parking area, of which Electric Vehicle Charge points will be provided in A total of 298 long stay cycle spaces are to be provided. In addition, 48 short stay cycle spaces will be provided through 24 Sheffield stands within the landscaped areas.

2.4 The application is supported with the following documents:

I. Scaled Drawings
II. Design and Access Statement
III. Planning Policy Statement
IV. Air Quality Assessment
V. Daylight & Sunlight Assessment
VI. Arboricultural Impact Assessment & Tree Survey
VII. Fire Statement
VIII. Housing Needs Assessment
IX. Desk-based Archaeological Assessment
X. Flood Risk and Drainage Assessment
XI. Phase 1 & 2 Ground Report
XII. Preliminary Ecological Appraisal
XIII. Biodiversity Net Gain Assessment
XIV. Transport Assessment
XV. Travel Plan
XVI. Noise Report
XVII. Wind Comfort Assessment
XVIII. Sustainability/ Energy Statement
XIX. Policy H9 Document
XX. Policy H10 Document
XXI. Statement of Community Involvement

3.0 SITE AND SURROUNDINGS:

3.1 The site is some 1.03 hectares and is laid out as surfaced car park which is located to the west of the City and to the south of Whitehall Road.

3.2 The wider site has been used as part of two long stay car parks of which the surface is a mixture of tarmac and crushed concrete. The car park subject of this permission is the largest car park of these two, which is bounded by post and rail fencing, with landscaped borders to the east and west sides and Whitehall Road to the north.

3.3 Beyond the south west border of the site, Whitehall Waterfront is located which is a part 11/16 storey block of 193 flats and offices, with basement car parking.

3.4 Beyond the eastern boundary of the site No.1 Whitehall Riverside is located which is 8 storeys and used as office accommodation, with cafe and bar uses, and

undercroft parking. To the north of No.1 Whitehall Riverside a grassed area is located, and to the west of this Premier Inn sits, which is 9 storeys in height.

3.5 Existing vehicular access to the site is gained from Riverside Way to the west (providing access to the long stay car parks and servicing/parking for Whitehall Waterfront). Pedestrian links are also located to the east and west, linking to the riverside and further the footbridge over the River Aire which then leads to the Leeds Liverpool Canal towpath.

3.6 The site lies within the designated City Centre and part of the site is identified in the Site Allocations Plan (SAP) as an office site ref. EO1-31 for at least 9690 sqm office use. The entire site is located within Flood Risk Zone 3.

4.0 RELEVANT PLANNING HISTORY:

4.1 22/02638/FU - Hybrid Planning Application for the remainder of the wider car park site consisting of Full Planning Application for 12 storey office building with Use Class E at ground level (comprising ground plus 11 storeys plus plant) and 14 storey multi-storey car park with Use Class E at ground level (MSCP) (comprising ground plus 13 storeys) and internal infrastructure works and landscaping and Outline Application for 8/11 storey office building/hotel/aparthotel (comprising ground plus 7 storeys and plant for office or ground plus 9 storeys and plant for hotel/aparthotel) and further 14 storey office building (comprising ground plus 13 storeys plus plant) including means of access & scale to be considered – Pending consideration

4.2 21/05322/FU - Variation of condition 1No. (Time Limit) and 3No. (Phased Reduction) to previously approved planning application 17/01491/FU for changes to provisions of phased reductions – Refused – 10.05.2022

4.3 19/02455/RM – Reserved matters application for office building pursuant to outline planning permission 13/02619/OT – Approved – 09.03.2020

4.4 17/01491/FU - Continued use of vacant land as a temporary car park (423 spaces) - Approved – 02.05.2017 (Temporary 5 year period approved)

4.5 16/07322/RM - Reserved matters application for office block, pursuant to outline planning permission 13/02619/OT – Approved – 28.04.2017 (No.2 Whitehall Riverside)

4.6 16/07323/RM - Reserved matters application for multi-storey car park with ground floor A3 café/D2 gym, pursuant to outline planning permission 13/02619/OT – Approved – 28.04.2017

4.7 14/07412/FU - Eight storey office block including basement car parking – Approved – 01.04.2015 (1 Whitehall Riverside)

4.8 13/02619/OT - Outline application for 3 office buildings, multi-storey car park and pavilion unit, with ground floor food, drink and gym uses and public realm – Approved – 23.12.2013

4.9 13/01872/FU - 128 bedroom hotel with associated landscaping – Approved – 03.10.2013 (Premier Inn)

4.10 10/04375/FU - Retention of surface car park for period of 5 years (423 spaces) – Approved – 19.03.2012 (Temporary 5 year period approved)

4.11 11/04023/FU - Part 6 and part 10 storey mixed use development comprising office space (Class B1) and 130 bed hotel (Class C1) with basement car parking – Approved – 23.12.2011. This planning permission was not implemented, and permission has now expired.

4.12 06/04389/FU - Pedestrian footbridge over River Aire with associated feature lighting – Approved – 30.10.2006, requirement of the commenced outline approval 20/299/00/OT.

4.13 06/02701/FU - Seven storey office block with undercroft car parking - Approved – 11.08.2006 (No.7 Whitehall Road). This planning permission was not implemented, and permission has now expired.

4.14 20/456/03/RM - 8 storey office block with 2 basement level car parking areas Approved – 16.03.2004 (No.3 Whitehall Riverside). This planning permission was not implemented, and permission has now expired.

4.15 20/543/01/RM – Part 16 storey and part 11 storey block of 193 flats offices and a3 food and drink use unit & basement parking – Approved – 08.03.2002 (Whitehall Waterfront, No.2 Riverside Way)

4.16 20/299/00/OT - Outline application to erect 4 office blocks 2 residential blocks 2 cafe bars, retail units & multi storey car park – Approved – 14.12.2000

5.0 HISTORY OF NEGOTIATIONS:

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

5.2 The preapplication proposals were presented to City Plans Panel on 27th January 2022. Members made the following comments, which are relevant to this aspect of the development; Members were generally supportive of the proposal – but required further consideration around the design of the build to rent apartments blocks, consideration be given to the housing mix, more 3 bed flats (Minimum 10%), Affordable Housing be provided in accordance with existing policy and there was a need to see and understand the pallet of materials

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Planning application publicity consisted of:
Site Notices posted adjacent and around the site on 06.05.2022

Press Notice published 13.05.2022

6.2 As part of the application publicity 91 letters of representation have been received consisting of 2 letters of general comment, 1 letter of support and 88 letters of objection.

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

Councilor Carlisle's comments

"*I'm one of the three city councillors for this ward (Hunslet and Riverside), and have serious concerns about both this application (22/02521/FU), and also the dual application (22/02638/FU) on the immediately adjacent land.*

1.These two applications must surely be seen in conjunction. Whilst recognising that they have been submitted by different developers, they are very closely inter-twined, on the same stretch of land. The developers publicly announced their partnership on this development. Even if the law states otherwise, it's baffling that they are not cross-referenced on the planning portal. Nevermind, many of my comments refer to them both.

2. This land is scheduled for major development within the original masterplan. However, these plans (proposed here) diverge from the original masterplan by now including a large residential development. Whilst recognising the need for housing provision in the city, can we be confident that the new plans will not negatively impact the established residential community compared to the pre-determined plans?

3. These applications present well superficially in their documents, but I fear actually exemplify the wholly unsustainable build-em-high-and-build-em-cheap ethos that underpins too many of our city centre developments. One architect we spoke with agreed that this proposed development was 'very dense'.

4. There also seems to be some confusing discrepancies within the applications - these need to be resolved before there is any further movement. The proposed buildings are measured at about 50m-60m in some parts of the planning app, and elsewhere at about 90m-100m. Which is it?

5. Whichever height they are (but especially if the latter), and in light of their proximity to Whitehall Waterfront, they will surely form an overbearing and out-of-proportion presence in that location. The impact upon privacy and light for Whitehall Waterfront residents seems especially concerning. Do these new schemes fit within pre-agreed limits set within the masterplan, eg on height and proximity to established buildings? If not, can we accept and justify the altered plans?

6. Whilst recognising the needs of the developers to somewhat maximise their usage of the site(s), these applications seem to be unsustainably dense, creating an overcrowded and oppressive development. Taking onboard the concerns about light and privacy, and also the wellbeing and safety of residents (current and future), creating a more spacious development - with more breathing spaces between buildings - would seem like a no-brainer.

7. Linked to this, the provision of open leisure space within the development seems inadequate. Looking at other developments like those around Ingram Row and Ingram Street in Holbeck LS11, it seems entirely feasible for developers to create more spacious developments.

8. At a tangent (but an important one): the pre-approved masterplan featured a central 'spine' route, overlooked by the different buildings (new and old), and enabling an easy flow of people through the site. This is missing from this new proposal, with the proposed apartment block turning its back onto Whitehall Waterfront (which will then be facing onto servicing / refuse facilities / etc). Whitehall Waterfront will therefore be excluded from, not integrated into the overall site plan. This doesn't feel like good design.

9. There is also surely significant risk that these developments are at such a scale that they will put overbearing stress on local infrastructure. What is the provision from the developers to address this?

10. I would push for more detailed independent reports on the flood risk (especially noting the extra burden upon drainage), and wind dangers (especially if the buildings are at the higher range of the proposals).

Finally, it appears to me that local residents objecting to these plans are reasonable in their approach, and tell me they are keen to have dialogue around these proposals / planning apps, in order to problem-solve, and help conceive the best possible plans. For instance, whilst questioning the need for the buildings to be quite so high at all, they have queried whether the taller buildings might not be further from Whitehall Waterfront (as the most immediate neighbouring blocks), to address concerns around privacy, light, etc. Many thanks in advance for your consideration of these queries and concerns."

Councilor Wray's comments:

6.5 *"Following additional feedback from other residents at West Point and additional comments from those at Whitehall Waterfront, we have altered our comments to try and mitigate concerns on both Whitehall Waterfront and West Point from the proposed developments.*

We appreciate some residents feel very strong against any development and therefore even with alterations to the plans - they will not be welcomed by many. Indeed, we feel the use of the site as green open space would be better for the area but in making our comments we feel it is important to be upfront with residents that the principle of development of these sites has already be approved in planning terms and was deemed as such when the government appointed inspector held a public inquiry into what is known as the Leeds Site Allocation Plan and this site, EO1-31, was allocated as office development.

Although a move to a mixed-use development is generally seen as more sustainable in planning terms, we also strong believe the plans for the development should limit the amount of harm caused to the two existing local residential sites nearby.

Our feedback on the applications will focus on material considerations – this does not mean the other concerns raised by residents and owners are not totally

understandable, but they are not material considerations in the planning process and thus would not carry weight when determining the final planning decision.

***Parking Capacity**: The development must meet the minimum policy on this provision as this level will already be inadequate to meet demand as is. This would be further supported by a reduction of the density of the developments because of our view of the need to reduce the number of floors on several plots to limit the harm of light loss and the footprint of the plot to limit the harm to the waterfront as both outlined below.*

***Light Loss**: The proposed development will have a significant impact on accessible light to the Whitehall Waterfront due to its proposed height and orientation. This will have a significant impact on many dwellings in a harmful manner in our view.*

We considered the reorienting of the overall development to have taller buildings moved away from Whitehall Waterfront and thus keep the overall density of the development, but this would have an impact on West Point dwellings as a result. We have therefore concluded that to reduce the harm to as many as possible, the heights of Plot 5, 6, 7 and 9 should be reduced to reduce the over shadowing and light loss to the adjacent residential buildings.

***Privacy Loss**: The proposed developments will have an impact on the privacy of many dwellings at Whitehall Waterfront and West Point. Although this is a city centre location and was always going to be an issue when the site was developed, reasonable steps should be taken to reduce any unreasonable overlooking, including the location of windows and the glazing style of those windows which may be within reasonable sight range of overlooked residential properties.*

***Flood Risk**: Many buildings in the area have basement flooding issues and we feel any flood risk management plan needs to be extremely robust to prevent the same happening to new residents.*

***River Sightline Impact**: The current positions of some of the proposed development(s) will have, in our view, a negative impact on the waterfront. We have considered stepping back the development to the roadside of the site to retain the site density, but this would have an impact on West Point residents.*

Reflecting on this, we believe the overall footprint of the individual plots should be reduced on the waterfront side to ensure a clear slight line without causing harm elsewhere. This would also have the benefits of reducing overall density and this demand for parking.

***Plot 9 and Whitehall Waterfront**: We believe the space between the proposed site and current residential site should be increased and therefore the footprint of the plot should be reduced as a minimum, if now removed totally. We also believe the current proposed location of waste and services access is unreasonable should the plot be developed and should be moved out of sight of dwellings.*

6.6 The comments raised during the public consultation are as follows:

Objection comments:

- Loss of light
- Loss of privacy

- Lack of car parking in the vicinity, proposal removes existing car parking
- Flood risk and drainage of the site, impact on existing buildings
- Inadequate parking provision
- Increase in traffic movements
- Mental Health and standard of living disruption through construction phase noise, dust and pollution and once development is completed.
- No notification of the application/lack of advertisement
- Highway safety implications
- Scale of development is out of keeping with the immediate vicinity
- Existing flood defences have failed
- Clarification required on several measurements
- Loss of views
- Existing property and rental values will decrease because of the development
- Existing residents will need to use additional utilities to mitigate any overshadowing
- Site should be turned into a park
- Existing sites work outside of conditioned construction hours.
- Additional Class E uses would impact on noise towards surrounding residents
- Impact on public safety by limiting access to Whitehall Road and River Walk
- Construction planned to Whitehall Waterfront to address cladding issues, this would clash with this proposed construction.
- Impact on safety through high winds surrounding and the balconies of Whitehall Waterfront
- Safety of people walking through the sites, against the safety aspirations of LCC possible encouraging criminal activity
- Already too many Build to Rent developments in Leeds
- Access of emergency services to Whitehall Waterfront would be restricted
- Development would push the existing community out
- Development is not sustainable
- No improvement to Biodiversity
- Development would remove existing open space
- Flats are not required
- Development is taller than previous consented scheme and overdevelopment
- Illegal density to open space
- Impact on physical and mental health
- How will servicing take place

6.7 General comment

- No segregated cycle link through the development
- No affordable car parking spaces
- Development will benefit surrounding residents by driving house prices up

6.8 Support comment

- The proposal seems high quality, respectful of the local area and will improve the area visually
- Encourage developer to ensure spaces are improved to a high standard

6.9 Leeds Civic Trust have also written in support of the principle of development, their comments are as follows:

"The Leeds Civic Trust has considered the above planning application, to erect a multilevel residential development; with ground floor commercial units (Class E) and associated hard and soft landscaping; associated parking, bin and bike stores (drawings dated 5thApril 2022).

The Trust wishes to support this proposal. We are pleased to see that the design deals with a number of concerns expressed by the Trust for various developments: a good proportion of 3-bed flats is proposed; a fair number of flats have balconies; and internal corridors have some natural light. We also appreciate the mix of external materials".

7.0 CONSULTATION RESPONSES:

7.1 **Canal & River Trust –** No comments to make on the proposal

7.2 **Environment Agency** – The submitted FRA does not address the commercial use of the ground floor of the multi storey car park for application 22/02638/FU. As the submitted model review and FRA is regarding both sites 22/02521/FU & 22/02638/FU. The EA have placed a holding objection on both of these applications until they can sign the model off.
Response: Ongoing discussions are taking part with the EA and the applicant regarding this outstanding matter. Given this issue is not in relation to this site and of a technical nature it is not considered that this would affect the design or details which are presented to Members regarding this application.

7.3 **Health and Safety Executive (HSE) –** are now satisfied with the information provided in relation to this application.

7.4 **Yorkshire Water** state that If planning permission is to be granted, then Conditions to cover surface run off, foul and surface drainage will be required.
Response: Such Planning Conditions will be applied.

7.5 **District Valuer** state that it is their view that the scheme cannot support the delivery of any affordable housing or the other S106 contributions (listed at the head of this report). The District Valuer has advised that in their view the development could only support a CIL contribution.

7.6 **Highways** revised information has been requested demonstrating a continuous cycle path to the frontage against Whitehall Road, increased footpath width and bus stop shelter required to the west of Whitehall Road. An obligation will be required as part of the S106 ensuring that the footpaths along Whitehall Road remain clear of any obstructions. A stage 1 RSA is also required, the brief is to be agreed, with LCC as the overseeing organisation. The RSA and designers response must be approved before planning permission can be granted. Contribution of £10,000 for improvements to Legible Leeds and Off site Highway contribution £225,000 requested.
Response: The required Planning Conditions will be applied, and the obligations are subject to the Viability Appraisal

7.7 **Influencing Travel Behaviour state** that there is a requirement for the following obligations; -A Travel Plan Review fee (subject to a 3% increase annually on 1st April)

- The provision of two Leeds City Council Car Club provider parking spaces - The provision of a Residential Travel Plan Fund
Responses: These obligations will be subject to the Viability Appraisal

7.8 **Flood Risk Management** require conditions to cover that the development is implemented in accordance with the agreed drainage details submitted on the application, details of any interim drainage measures, details for the maintenance of all drainage systems and a requirement for a Flood Evacuation Plan
Response: Such Planning Conditions will be applied.

7.9 **West Yorkshire Police** additional security measures to the cycle store, CCTV provision, access control, external light coverage of the site and staff safely are recommended.
Response: conditions will be included which secure the above measures.

7.10 **Cycling Officer** state that the development is next to segregated cycle facilities on Whitehall Road and should link with these facilities and there should be clear, step free route from Whitehall Road through the development to the canal side. Clear signage through the development should be incorporated, signalling the towpath route from Whitehall Road and other destinations in the city centre, including the rail station. The existing cycle path should be extended across the frontage of the development and there should be consideration of a contribution to the council ambition to have a segregated route along this section of Whitehall Road going into the city centre. There should be ground level secure cycle storage in line with Leeds guidance and Sheffield cycle stands should be provided for visitors. Communal EV and electric bike charging points for apartments should be provided. Dedicated space should be provided for a future bike share scheme along with direct walking links to bus stops. The riverside path should be shared use with cycles as this is a route to and from the city centre.
Response: relevant conditions will be attached. The wayfinding signage package is subject to the Viability Appraisal.

7.11 **Environmental Studies - Transport Strategy** state that the submitted Noise Impact Assessment (NIA) details on-site noise measurements and calculations which are then used to formulate an appropriate glazing and ventilation strategy such that transportation noise is reduced to acceptable levels throughout the proposed development. The proposed methodology and findings of the NIA are agreed, but would make the following comments : A range of suitable glazing configurations are given, offering greater and lesser degrees of acoustic benefit; we recommend erring on the side of caution and using the higher-end specifications, to guard against any reduction in traffic levels at the time of the noise measurements (due to COVID restrictions etc). Additionally, we favour the additional height mentioned as a possibility for the parapet to Terrace 1.

7.12 **Environmental Health Services (Pollution Control)** The submitted Noise assessment has been reviewed and Environmental Health are in agreement with the methodology and criteria adopted. There was discussion on the risks of overheating where windows are required to be closed to preserve a suitable internal noise environment.
Responses: appropriate conditions will be attached regarding details of sound insulation, internal residential noise levels and hours for construction.

7.13 **District Heating Network Team** state that the site The Leeds PIPES district heating network is not close to this site at present. However, it is the intention of the council to extend the network to the South Bank in the next 3-5 years, and the eventual pipe route would likely run right past this site. The network can offer low carbon and cost counterfactuals to other renewable energy, and in addition does not provide any local strain on the grid unlike the proposed all-electric solution. Further, the network has evolving plans to further decarbonise. The government is due to bring in district heat network zoning in 2025, and it's likely that this development will be situation in the middle of one of the zones. The district heating team would welcome the opportunity to provide an outline cost and design for a connection. At the least, the developer should include provisions for future connection.
Responses: to allow these matters to be addressed fully at the appropriate design stage/s this matter will be controlled via Planning Condition.

7.14 **Landscape Team** state that the details of the landscape scheme need to be addressed via Conditions
Responses: Such relevant conditions will be applied

7.15 **Nature Team** state that a Biodiversity Net Gain would be achieved on site and conditions are required.
Responses: Such relevant conditions will be applied

7.16 **Children's Services** state that there would be sufficient capacity in Holbeck schools to meet the, estimated pupil yield from this development.

7.17 **Ramblers Association** no response received.

7.18 **Health Partnerships** no response received.

7.19 **Commercial Boat Operators Association** no response received.

7.20 **Access Officer** requires details of accessibility across the site and final details of accessible housing via Conditions
Response: such Planning Conditions will be applied

7.21 **Contaminated Land Team** state that Conditions to cover the submission of a Remediation Strategy and Verification Report are required.
Response: such Planning Conditions will be applied.

7.22 **Wind consultant** states that the Applicant's wind study has demonstrated that onsite wind conditions for the new Development are generally acceptable and concludes that wind mitigation measures are not necessary. The new Development is not expected to generate any wind safety exceedances.

7.23 **Local Plans Flooding Team** state that the site is located in high flood risk zones and the sequential and exceptions test will need to be passed in regard to the proposed sensitive uses. The applicant has submitted the required sequential and exceptions test.

7.24 **Local Plans** state that an offsite greenspace obligation of £132,415.44 is required.
Response: this is subject to the submitted Financial Viability Appraisal.

7.25 **Climate Change and Energy Officer** states that the submitted Energy Strategy states its intent to comply with the Leeds Core Strategy Policies EN1 (i) & (ii), EN2. EN4. Lack of intent and evidence for connecting to the district heating EN1(i) Response; to allow these matters to be addressed fully at the appropriate design stage/s these matters will be controlled via Planning Conditions.

8.0 RELEVANT PLANNING POLICIES:

8.1 Development Plan

8.1.1 Section 38(6) of the Planning and Compulsory Purchase Act states that for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan, unless material considerations indicate otherwise. The development plan currently comprises the adopted Local Development Framework Core Strategy as amended (2019), those policies saved from the Leeds Unitary Development Plan (Review 2006) (UDP), the Aire Valley Leeds Area Action Plan (2017), the Natural Resources and Waste Local Plan, the Site Allocations Plan (July 2019) and any made Neighbourhood plan.

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

General Policy – Sustainable Development and the NPPF
Spatial Policy 1 - Location of development
Spatial Policy 2 – Spatial approach to retailing
Spatial Policy 3 – Role of Leeds City Centre
Spatial Policy 8 - Economic Development Priorities
Spatial Policy 11 – Transport Infrastructure Investment Priorities
Spatial Policy 13 –The River Aire corridor is part of the GI network
Policy CC1 - City Centre Development
Policy CC2 - City Centre South
Policy CC3 - Connectivity between the City Centre and neighboring communities
Policy EC2 - Office Development
Policy EC3 – Safeguards existing employment land and industrial areas
Policy H2 – New housing development on non-allocated sites
Policy H3 – Density of development.
Policy H4 - Housing Mix
Policy H5 - Affordable Housing
Policy H8 – Independent Living
Policy H9 - Minimum Spacing Standards
Policy H10 - Accessible Housing Standards
Policy P8 - Sequential and impact assessments for main town centre uses
Policy P10 - Design
Policy P12 - Landscape
Policy T1 - Transport Management
Policy T2 - Accessibility requirements and new development
Policy G3 - Standards for Open Space, Sport and Recreation
Policy G5 - Open Space Provision in the City Centre
Policy G9 - Biodiversity improvements

Policy EN1 - Carbon Dioxide reductions
Policy EN2 - Sustainable design and construction
Policy EN4 - District heating network
Policy EN5 - Managing flood risk
Policy EN6 - Strategic Waste Management
Policy EN8 - Electric Vehicle Charging
Policy ID1 – Implementation and Delivery Mechanisms
Policy ID2 – Planning Obligations

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

Policy GP1 - Land use and the Proposals Map
Policy GP5 - General planning considerations.
Policy BD2 – New buildings
Policy BD4 - All mechanical plant
Policy BD5 – Residential amenity
Policy LD1 - Landscape design
Policy LD2 - New and altered roads
Policy N25 - Site boundaries

8.4 **The Site Allocations Plan** was adopted in July 2019. Following a statutory challenge, Policy HG2, so far as it relates to sites which immediately before the adoption of the SAP were within the green belt, has been remitted to the Secretary of State and is to be treated as not adopted. All other policies within the SAP remain adopted and should be afforded full weight. This site is identified as office employment (site reference EO1-31) with a site capacity of 9690sqm and an area of 1.7 hectares which includes areas to the east, which fall outside of the redline for this site. The allocation is not therefore affected by the remittal and remains fully adopted.

8.5 The Natural Resources and Waste Local Plan was adopted by Leeds City Council on 16th January 2013. **The Natural Resources and Waste Development Plan Document** (Local Plan) is part of the Local Development Framework. The plan sets out where land is needed to enable the City to manage resources, like trees, minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way including revised policies Minerals 13 and 14 (Adopted September 2015). Relevant policies include:

GENERAL POLICY1 – Presumption in favour of sustainable development.
AIR1 – The Management of Air Quality through Development measures.
WATER1 – Water efficiency
WATER2 – Protection of Water Quality
WATER7 – No increase in surface water run-off, incorporate SUDs.
LAND1 – Land contamination to be dealt with.1
LAND2 – Development conserve trees and introduce new tree planting.

8.6 The National Planning Policy Framework (NPPF), revised 20th July 2021 sets out the Government's planning policies for England and how these should be applied (para 1), and is a material consideration in planning decisions (para 2). It states that the purpose of the planning system is to contribute to the achievement of sustainable development (para 7). So that sustainable development is pursued in a

positive way at the heart of the Framework is a presumption in favour of sustainable development (paras 10-11). It states that decision makers at every level should seek to approve applications for sustainable development where possible (para 38). The Framework sets policies on the following issues which are relevant to this planning application proposal (including section numbers):
2 Achieving sustainable development (paras 7, 8, 10, 11, 12)
4 Decision making (paras 38, 39, 40, 41, 43, 47, 48, 55, 56, 57, 58)
5 Delivering a sufficient supply of homes (paras 60, 62, 63, 64, 65, 77)
6 Building a strong competitive economy (para 81)
7 Ensuring the vitality of town centres (paras 86, 87)
8 Promoting healthy and safe communities (paras 92, 97, 98)
9 Promoting sustainable transport (paras 104, 108, 112, 113) 7
11 Making effective use of land (paras 119, 120, 122,123, 124)
12 Achieving well designed places (paras 126, 128,129,130, 131,132, 133)
14 Meeting the challenge of climate change and flooding (paras 154-169)
15 Conserving and enhancing the natural environment (including ground conditions (paras 174, 179, 180, 183, 184, 185, 187)
16 Conserving and enhancing the historic environment (paras 195, 197)

8.7 **Relevant Supplementary Planning Guidance includes:**

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

9.0 MAIN ISSUES

Principle of the proposed uses
Affordable housing
Accessible housing
Internal space standards
The impact on the character and appearance of the street scene and wider area
Impact on future residential amenity
Impact on existing residential amenity
Air Quality/ Noise
Green Space
Landscape proposals
Biodiversity
Flood Risk
Inclusivity
Sustainability and Climate Change
Wind impact
Highways and transportation considerations
Safety and security
Representations

S106 legal agreement

Principle of the proposed use

10.1 The site is identified in the Site Allocations Plan (SAP) under site reference EO1-31 for office use with a site capacity of 9,690sqm, office development. This proposal includes a mixed use of residential (Built to Rent) dwellings with ancillary ground floor commercial uses. The development would provide 500 apartments and (approximately) 428sqm of ground floor commercial uses in three separate units, falling within use Class E.

10.2 The site benefits from extant planning permission for office buildings and for this reason it has been an identified site in the SAP. Policy EC3 applies to all development allocated for employment use. Policy officers have confirmed that there are sufficient proposals available elsewhere in the district to meet the employment land needs identified under Spatial Policy 9 and therefore the part use of this identified office site for a residential use is considered acceptable.

10.3 The proposal proposes three ground floor commercial units throughout the development approximately (428sqm). The exact nature of these uses is to be determined, by what is viable within this part of the City Centre at the time of the completion of the building. However, these units would activate the ground floor frontages, generate footfall, provide vibrancy to the development, and serve the residents and other business users and residents in this part of the city. Any retail space would be limited in floorspace and range of goods (i.e. small scale convenience retail only where within Class E of the general Permitted Development Order) and on this basis is not considered to undermine the vitality of the prime shopping area within the City Centre; providing a direct and targeted element of convenience retail to support the other proposed uses in the scheme and vicinity of it. Control of this matter will be addressed by conditions which will also serve to prevent the future introduction of uses which could be detrimental to the amenities of the site without further consideration within Class E and may (as a result of the nature of such uses) promote a deadened frontage to the public spaces and/or may have different servicing needs which require further consideration.

10.4 The development would involve the regeneration of a site which has been used for car parking for some considerable time. The site falls within the designated City Centre and as noted above the site is identified in the Leeds Site Allocations Plan (SAP), for office use. It is considered that the proposed residential and commercial uses would contribute to the ongoing mix and the creation of a vibrant community in this area of the City.

10.5 Policy H2 of the Core Strategy sets out that new housing development will be acceptable in principle on non-allocated land, providing that: (i) The number of dwellings does not exceed the capacity of transport, educational and health infrastructure, as existing or provided as a condition of development, (ii) For developments of 5 or more dwellings the location should accord with the Accessibility Standards in Table 2 of Appendix 3, (iii) Green Belt Policy is satisfied for sites in the Green Belt. In this case, the development site is located within the City Centre boundary and therefore the size of development would not exceed the capacity of existing infrastructure and is also in a highly accessible location by foot, bicycle, and

public transport. Policy H2 is therefore satisfied.

10.6 Policy H3 of the Core Strategy sets out appropriate densities of housing, for City Centre and fringe settlements which is stated to be at least 65 dwellings per hectare. A total of 500 dwellings are proposed on site. This would provide 485 dwellings per hectare and the development would provide a density greater than the minimum levels as outlined in Policy H3 and is therefore acceptable.

10.7 Policy H4 of the Core Strategy sets out a preferred Housing Mix for developments. The proposal would now provide a range of 1-3 bedroomed properties in the following mix:

Type	**Policy H4 Max %**	**Policy H4 Min %**	**Policy H4 Target %**	**Proposed**
Houses	90	50	75	(0 units)
Flats	50	10	25	100% (500 units)
Size				
1 bed	50	0	10	51% (257 units)
2 bed	80	30	50	39% (192 units)
3 bed	70	20	30	10% (51 units)
Total				**100% (500 units)**

10.8 The supporting text to this policy in Paragraph 5.2.11 states: '*The form of development and character of area should be taken into account too. For example, a scheme of 100% flats may be appropriate in a particular urban context'*. With this in mind, the provision of 100% flats is deemed acceptable in principle due to the City Centre location and size of the site.

10.9 The proposed housing mix is considered to accord with policy H4 and would broadly fall within the parameters set out within the maximum and minimum ranges, identified in the explanatory text of Policy H4, which informs the policy. The exceptions to this are the slight over provision of 1bedroom properties and the under provision of 3bedroom properties.

10.10 On this basis, the planning application is supported by a Housing Needs Assessment to address Core Strategy Policy H4. The assessment demonstrates the demographic need of the City Centre has been, and will continue to be, the focus for younger professionals, where 1- and 2-bedroom homes are more appropriate for this demographic. This is evidenced by the high proportion of people aged 20-30 who currently live in the City Centre (c. 61%), based on market advice.

10.11 Whilst the 10% 3 beds proposed is below the 20% preferred minimum identified in the supporting table of Policy H4, officers accept that this approach is supported by the housing needs assessment and therefore takes account needs identified as required by policy H4. Further the 10% 3 bed provision (equating to 51 units in this scheme) will facilitate the overall aim of the Development Plan in promoting City Centre living for all users, with some provision suitable for families. It is also noted that there is a higher demographic of younger people with a related demand for smaller flats within the City Centre. Policy H4 also requires viability considerations to be considered. In this case an increase in the proportion of 3-bed units is likely to further adversely affect the viability position. On balance, the overall benefits of this proposal, including

the regeneration of this important site and making good use of urban/brownfield land. It is therefore considered that the proposed housing mix is acceptable.

Affordable housing

10.12 Core Strategy Policy H5 states that the council will seek affordable housing provision equating to 7% of the total provision on major residential developments in this part of the city. In this case this would equate to 35 affordable units. For BTR residential development, Core Strategy Policy H5 allows for flexibility in meeting the Council's affordable housing requirements either on-site through provision of discounted/reduced rent levels or as a financial contribution towards affordable housing provision off site. This policy also identifies that applicants may choose to submit individual viability appraisals to verify that the affordable housing target cannot be met. In such cases affordable housing provision may be reduced accordingly.

10.13 The applicant has submitted a viability appraisal which has been independently reviewed by the District Valuer (DV). The DV has provided a report (see Appendix 1) which reviewed the scheme and have stated it is their view that the scheme cannot support delivery of any affordable housing.

10.14 Paragraph 6.30 of the Core Strategy (as amended) states that "*developer contributions will also be expected to take a role in the funding and delivery of any required new infrastructure as a result of the cumulative impact of the high level of growth proposed for Leeds. Therefore, planning obligations will be used to secure matters including education provision, green space and public realm, and transport provision such as highway improvements, cycle routes, and public transport improvements. Contributions for a very wide range of aspects which are impacted as a result of new development could be sought, although the Council will bear in mind that schemes need to be viable. Residential developments will be required to provide affordable housing provision as outlined in Policy H5.* In addition, Para 6.31 states *"In accordance with guidance contained within the Community Infrastructure Levy (CIL) Regulations and the NPPF, the nature and scale of any planning obligation required has to be related to the scale and type of development proposed, and three tests have to be met: "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. Local planning authorities should take account of changes in market conditions over time, and where appropriate should be sufficiently flexible to prevent planned development from being stalled."

10.15 These paragraphs and further guidance within the NPPF require LPA's to be mindful of viability issues and to also consider the changing market conditions and they should prevent development from being stalled. Notwithstanding, the viability position regarding affordable housing, the proposal would regenerate a key brownfield site within the City Centre which will meet the housing need, provide improved connectivity, and improved public realm areas along the Riverside.

Accessible housing

10.16 In terms of accessibility of the properties themselves, the applicant has confirmed and have indicated on the required H10 form that the development would meet the requirements of Core Strategy Policy H10 by being designed to ensure that 30% of properties meet the accessible and adaptable dwellings standards of Part M4(2) of the Building Regulations and 2% of properties meet the requirement of M4(3) 'wheelchair user dwellings. The development would provide 340 units/68% as M4(1), 150 units/30% as M4(2) and 10 units/2% as M4(3). The mix of accessible housing would range from 1 bedroom to 3 bedrooms. The proposal is considered to comply with relevant Core Strategy Policies regarding residential accessibility. To control and finalise compliance with all aspects of the policy, a planning condition is proposed which requires details to be submitted demonstrating full compliance with policy H10 in terms room layouts.

Internal space standards

10.17 The dwellings fully comply with Policy H9 of the Core Strategy regarding space standards. The dwellings range internally as follows, 1 bed - 42.5 – 61m², 2 bed – 61 – 99m² and 3 bed 85 – 205m². This demonstrates that each of the proposed property types adheres to and exceeds the policy requirements for overall floor area. To control and finalise compliance with all aspects of the policy, a planning condition is proposed which requires details to be submitted demonstrating full compliance with policy H9 in terms of the location of storage within room layouts.

The impact on the character and appearance of the street scene and wider area

10.18 As identified above, the proposals seek to create 500 residential apartments, within two blocks attached via a first floor podium. The buildings are of similar height which step down to Whitehall Road and the building would span across the site. Comments received from Ward Members and neighbouring residents have raised concerns regarding the scale of buildings and that this development is out of keeping with the locality. As part of this submission the applicant has provided key views of the proposed scale of development from within the locality and an array of key views as noted within the Tall Building SPD. These demonstrate that the form of the buildings would not unduly dominate the skyline and would be contextual to similar developments within this side of the City Centre. In addition, the wider area has several existing and consented tall buildings and towers and the proposals would be viewed predominantly in this context, in longer views across the area.

10.19 In terms of the urban grain, enhancements to existing routes and the contextual analysis of the proposals, the proposal compares favourably to the character of the surrounding street scape. Whilst the site is currently an open cleared area of land, the existing site is uncharacteristic when considering the urban grain of surrounding developments to the north and east. This development would create a new arrangement of building with enhanced pedestrian routes and vehicular accesses intended to sit within the existing street pattern.

10.20 Gaps between modern buildings of a similar nature within the locality are generally limited, ranging from approximately 18 metres between Central Square Leeds and West Point Apartments and between 13 - 20 metres between buildings at MEPC Wellington Place. Notwithstanding, the buildings proposed here are in some instances taller than those identified in the surrounding vicinity and therefore, the separation between buildings is a key consideration in terms of the experience

of the pedestrian at the human scale when moving through the site.

10.21 The site layout as proposed has regard to this important consideration. The buildings are arranged to the east of Whitehall Waterfront, with the main facades facing north and south. The development would be set back between 10 and 20 metres from the kerb edge of Whitehall Road and ranging from between 8 and 17 metres to the waterside edge with the River Aire. The proposed development at ground floor level will retain 21 metres to the side of Whitehall Waterfront, increasing to 28 metres above first floor. Further relief from the building heights at the ground level will be achieved by the concentration of landscaping and planting towards the northern, southern, and western sides of the building. It is considered that this arrangement and landscape provision combined with the active ground floor frontage will provide an acceptable environment for people moving through the site.

10.22 Holbeck Conservation Area is located to the south of the site, beyond the River Aire and the Leeds Liverpool Canal. The development is not considered to cause any significant harm to the Holbeck Conservation Area. The proposed development would be considered contextual, which would fit within the constructed and consented developments to this area of the City Centre, therefore preserving the Conservation Area.

10.23 The elevational arrangement to this building are highly ordered with regular grid arrangements of brick and different shades, with windows set into reveals with balconies to the northern and southern elevations. The final materials of all built elements will be controlled through conditions which will allow for a finer degree of control. The proposals would be of a high quality design, with detailing and materials that would be appropriate to the wider context, complementing the character and appearance of the surrounding area.

Impact on future residential amenity

10.24 Core Strategy Policy CC1 1(b) encourages residential development in City Centre locations providing that the development does not prejudice the functions of the City Centre and that it provides a reasonable level of amenity for occupiers

10.25 The proposal is considered to provide for acceptable levels of internal space and a good standard of residential amenity. The typical layout provides for the majority of apartments facing north and south, with an uninterrupted outlook, and consequently very good levels of amenity. Where apartments are situated to the western elevation these retain 28 metres to the apartment windows situated to the eastern side of Whitehall Waterfront, it is considered that the minimum separation of 28 metres are considered to be an acceptable standard, when taking into account the context of high-density urban environment, typical of a city centre context and the level of separation (particularly relevant to units on the lower floors) to surrounding buildings.

10.26 The building is split via a first floor podium which would provide a distance from the east façade to the west façade of the buildings of 19 metres. This relationship is also considered acceptable within a City Centre context and would provide good levels of outlook and daylight penetration to these apartments and future residents.

10.27 The development would also include for additional facilities and amenities to improve the standard and experience of occupiers. Internal amenity space is to be provided which will include a gym to the ground floor and other facilities to the first floor, as well as three communal resident gardens at podium level. These communal spaces will be accessible to all residents within the building and are designed to encourage interaction between residents. The proposals are supported on this basis and subject to control of the finalised layout detail by condition are considered to provide for an acceptable standard of residential amenity for occupiers. In addition, units within the northern and southern elevations would benefit from private balconies, measuring between 0.9 and 1.2 metres in depth and ranging in areas from 4.2m² to 8.8m².

Impact on existing residential amenity

10.28 Neighbourhoods for Living (NFL) provides general guidance on traditional minimum distances when based in a suburban area, which range from 21m for main living uses to other main living uses and 15m from secondary uses to secondary uses. The explanatory text within NFL also states that these distances are a guide and do not take into account the local context. Given the site is located within Leeds City Centre boundary and the existing tight urban grain, the traditional 21m and 15m separation distances which are applicable to suburban sites would not be appropriate on this site given the context and density of the neighbouring area. There is no specific guidance on relationships between buildings in the City Centre and this needs to be based on a contextual approach.

10.29 The main impact by the proposal is to the apartments within the eastern elevation of Whitehall Waterfront, which would retain 21 metres at ground floor and 28 metres above, to the side of the proposed development. Representations have been received from local residents and Ward Members regarding concerns regarding the loss of privacy, due to the location of the proposed building.

10.30 In order to consider the relationship upon existing residents to Whitehall Waterfront a Daylight and Sunlight Assessment has been submitted and is based upon the methodologies set out in Building Research Establishment (BRE) report 'Site layout planning for daylight' and which are guidelines only for assessing a property's sunlight/daylight conditions. The Local Planning Authority does not have a specific measurement, metric or planning policy concerning acceptable levels of daylight penetration for residential uses and a planning judgement is therefore required.

10.31 Consistent with other similar assessments received by officers as part of the determination process of planning applications in the City Centre, it is recognised that in assessing dense urban schemes, including tall buildings, the use of the BRE metric has a number of limitations. This is because the BRE tests used are based on a typical (two storey) suburban model of development and expectations of levels of daylight and sunlight are different in larger developments such as this in a City Centre area.

10.32 The data provided in the BRE assessment has been considered alongside a more qualitative assessment of the application site and the surrounding context, including previously approved applications of a similar nature in the city, with regard to Central Square/ West Point. The submitted daylight assessment demonstrates that following completion of the development under consideration, Whitehall Waterfront meets approximately 80% compliance with BRE guidance overall on the required amount

of light reaching a window and 86% compliance with regard to light distribution within rooms. It is further noted that the report advises that where specific and more adverse impacts occur to these residential buildings, the more significant impacts are likely to occur to bedroom spaces rather than living areas.

10.33 The BRE guidance advises that bedroom spaces are to be regarded with less importance than other habitable areas, although in planning terms limited weight is afforded to this approach. In summary, the daylight sunlight assessment concludes that the proposed development would not cause any materially unacceptable effects in terms of neighbouring properties' ambient daylight conditions when compared to the available industry guidance. The report also concludes that the site was identified for development within the outline planning permission, the daylight and sunlight levels currently received by the surrounding properties are therefore temporary due to the open site at present. A reduction of light would have therefore been anticipated when this site was developed and is not uncommon within a dense urban environment. The assessment has identified limited impacts and the overall impact of the scheme on the surrounding residential properties.

10.34 Notwithstanding the use of the BRE recommendations in the applicant's supporting information, officers have assessed the development in light of its urban context. Separation distances between residential buildings within the City Centre range between 17 metres (Merrion Way Podium Buildings) 20 metres (Bridge Street and Doncaster Monkbridge schemes) and 26 metres (X1 Points Cross Scheme) 21 meters (Riverside West Whitehall Waterfront scheme). Therefore, the relationship of a tall building with a separation distance of approximately 21 metres and 28 metres to an adjacent residential premises is considered to be an appropriate and consistent level of separation comparable to other City Centre residential schemes and the relationships between buildings and their surrounds.

10.35 On this basis and having regard to the developing urban character of the site, its surroundings, consistencies with the developing City Centre and the flexible suburban basis of the BRE guidance, the development's effects on neighbouring properties are considered acceptable in this instance.

Air Quality/ Noise

10.36 An Air Quality Assessment has been carried out by the applicant which confirms impact on air quality standards would be negligible at the site or elsewhere as a result of the proposed development.

10.37 As part of the application process representations received from local residents have raised concerns regarding additional noise associated with the proposed Class E uses and disturbance through the construction phase of the development. During the determination of the application a Noise Assessment has been submitted which Environmental Health have been consulted on and agree with their methodology and criteria adopted. However, there were discussions on the risks of overheating where windows are required to be closed to preserve a suitable internal noise environment and therefore details of this are to be conditioned, requiring details of an overheating assessment. Noise limits for new fixed plant are also acceptable and it is recommended that final details of plant are also secured via condition. In addition, a further condition is also recommended limiting construction hours from 0800-1800 Monday to Saturday with no working on Sundays of Bank Holidays.

Greenspace

10.38 The scheme has been designed with a hierarchy of hard and soft amenity space for private shared communal space and publicly accessible space. Core Strategy Policy G5 requires that for sites within the City Centre and over 0.5 hectares open Green Space provision will be sought on the following basis: (ii) Residential development to provide a minimum of 0.41 hectares of open space per 1,000 population.

10.39 In accordance with Policy G5, 4100sqm of Green Space is required on site and 2,045sqm of the space provided on site will meet the definition of Green Space and would be publicly accessible. The shortfall of 2055sqm has been translated into a commuted sum using the standard policy-based formula which equates to £132,415.44. This will be secured through the legal agreement and is subject to the viability assessment.

10.40 In summary, the overall approach to landscaping, amenity space and public realm would offer a good standard of landscape amenity for residents and provide an appropriate level of landscaped publicly accessible open space and contribute positively to the overall distinctive sense of place at the site.

Landscape proposals

10.41 A variety of planting will be involved, including environment and setting appropriate species and specimen sizes of trees, shrubs, grasses, wildflowers and border plants, to ensure an attractive, colourful landscape scheme is achieved as part of the development. Comments raised from local residents have also commented on the lack of greenspace.

10.42 As part of the proposal improvements to Whitehall Road would consist of the existing cycle path being maintained and extended along the highway. A minimum 3m wide pedestrian route is proposed to the north of the building along with new ornamental shade tolerant planting and street trees. This planting to the northern boundary of the site would create a buffer between the proposed development and Whitehall Road and would also mirror the space which has been created to the opposite side of the road along Wellington Place.

10.43 The landscaping proposed to the west of the building would consist of a 3.5m wide pedestrian route along the building, framed by planting and rain gardens measuring 5.5m wide. Car park access into the building is towards the south and would be designed to prioritise pedestrian movement over vehicles. To the centre of the street a rationalised square space highlights the junction to allow space for multiple vehicle turning while maintaining a high quality pedestrian environment and also incorporating the vehicular entrance into Whitehall Waterfront, which would also provide relief for vehicles to wait so the ramp can become clear to allow them to enter the ramp into the car park of Whitehall Waterfront. Cycle access is through a shared approach from the bridge along the central vehicular route to tie in with the protected infrastructure along Whitehall Road.

10.44 Improvements works will be carried out to the existing paved area to the south of Whitehall Waterfront which will involve creation of a riverside park, which will be predominantly grassed for incidental play and gatherings. This improvement would

also provide an enhanced and attractive arrival point from the River/ Canal footbridge to the south. The park would be framed to the north by planting and seating while the southern side is more open allowing visual permeability with the river. Immediately to the east of the footbridge landing, adjacent to the river there would be a seating area with a focal tree. Smaller seating decks with specimen trees will provide varied opportunities for seating. The riverside park would also overlook the future Whitehall Riverside Pocket Park. The existing footbridge provides a strong connection between the Whitehall Riverside development, the pocket park, and the canal towpath.

10.45 The landscaping approach to the south and against the River Aire would consist of an improved 5m shared space for pedestrians and cyclists, with pockets of planting and seating created. The building edge would be softened by planting along with seating edges offering places to dwell with a sunny southern aspect and views over the River Aire. The south eastern corner of the building is wrapped by seating and a raised bar edge to create a generous spill out space from the ground floor commercial use, also providing natural surveillance over this shared space.

10.46 The roof garden to the first floor of the building creates a private amenity space for the residents. The space to the north forms an extensive green roof with a mix of wildflowers, herbs and flowering perennials. To the south is a larger usable space with a sunny aspect. Pre-grown wildflower mats are proposed here to soften the space while defining areas and providing opportunities for recreation, gathering, socialising and potential group activities.

10.47 The areas of landscaping will be managed, and the emerging design and layout offer natural surveillance of the external landscaped areas. Full details of all soft and hard landscape proposals and their maintenance will be required to come forward under planning conditions.

Biodiversity

10.48 Core Strategy policy G9 states that, developments will need to demonstrate: (i) That there will be an overall net gain for biodiversity commensurate with the scale of the development, including a positive contribution to the habitat network through habitat protection, creation and enhancement, and (ii) The design of new development, including landscape, enhances existing wildlife habitats and provides new areas and opportunities for wildlife, and (iii) That there is no significant adverse impact on the integrity and connectivity of the Leeds Habitat Network. Comments have also been received through representations, which have raised concerns regarding the lack of Biodiversity on site.

10.49 With regards to Biodiversity, it is noted that the Baseline is 0.26 Habitat Biodiversity Units and that through landscaping (including a rain garden area) there should be approx. 0.61 Habitat Biodiversity Units delivered on-site. This is considered adequate to provide a net gain for biodiversity which can be delivered on-site through the landscaping proposals. No objections are raised to this application, subject to conditions controlling details of the biodiversity enhancement measures.

Flood Risk

10.50 A flood risk Sequential Test has been submitted which is considered to be satisfied. With regards to the Exception Test, the development will provide a sustainably located and designed residential accommodation and improved areas of public realm which outweigh flood risk. In addition, the submitted FRA has demonstrated that the development would remain safe if extreme flood conditions were to happen and all sensitive uses are located to the first floor and above and that it will not increase flood risk elsewhere. The use of sustainable urban drainage systems, provision of new soft landscaped areas with the incorporation of rain gardens will help to reduce flood risk overall. Consequently, the Exception Test is passed.

10.51 Comments received through representations have raised concerns of flood risk and increase in flooding to the site. In support of the application a Flood Risk Assessment (FRA) has been submitted which sets out the detailed mitigation measures which will be incorporated into the development. The Leeds City Council Minimum Development Control Standards for Flood Risk (MDCSFR) provides advice on the level of climate change which should be applied to modelled flood levels and the necessary freeboards as to which flood safe levels above the modelled data should be set.

10.52 The minimum requirements for flood safe are as follows: - Residential 600 mm, Offices & Commercial 400 mm, Industrial & Warehousing 300 mm (not relevant) Access to Underground Car Parks 300 mm (not relevant)

10.53 The FRA states that the all residential inhabitable (sleeping) space is on first floor (33.000 mAOD), and above, so the 600 mm flood level is met by several metres in all cases.

10.54 The ground floor uses of the comprise of commercial units, lobbies, bin stores, bike stores and post rooms. The proposal is to set the level of all of the ground floor at 30.000 mAOD. This proposed floor level is also considered to meet the requirements.

10.55 Flood risk has also been assessed to the site(s) both in the current scenario and lifecycle ‘residual’ scenario including two catastrophic flood defense breaches. In all instances the proposed development area and adjacent Whitehall Road remain flood free. There is no risk to others of increased flood risk by developing the site(s) in either the current state of the LFAS2 or when it is completed e.g. the long term ‘residual risk’ condition.

10.56 Implementation of the scheme in accordance with the submitted flood risk assessment and technical note, and the preparation of a flood warning and evacuation plan would be controlled by condition.

Inclusivity

10.57 The building would feature fully accessible entrances and lift access would be provided to all floors. Level and stepped access would be provided to the buildings and lifts would provide access to all floors. The developer has confirmed the development would provide accessible accommodation in line with the Accessible Leeds SPD, BS8300 and Building Regulations standards and on this basis, the proposals are considered acceptable.

Sustainability and Climate Change

10.58 Members will be aware that the Council has declared a Climate Emergency. Existing planning policies seek to address the issue of climate change by ensuring that development proposals incorporate measures to reduce the impact of non-renewable resources.

10.59 The proposal will introduce a number of measures to ensure that Core Strategy policy EN1 (Climate Change – Carbon Dioxide Reduction) is complied with. The developer's accompanying sustainability statement confirms that reduction in energy use is achieved through assessments of mechanical and electrical design. The following energy and carbon reduction measures are to be implemented into the design of this development:

- Mechanical ventilation with heat recovery (MVHR)
- Electrical panel heating
- LED lighting
- Sophisticated heating controls including appliance programmer and room thermostats
- Photovoltaics (PV)

10.60 The above measures will ensure a minimum of 20% reduction in carbon dioxide emissions is achieved (24.88%) against the Building Regulations Target Emission Rate and energy reduction through the use of renewable energy generation would meet the 10% (11.4%) figure as set out in policy EN1.

10.61 In addition to the above, the use of efficient water fixtures will ensure the Council's water consumption standard of 110 litres per person per day as set out in Core Strategy policy EN2 is met.

10.62 In regard Policy EN4, the proposal is currently not located close to the District Heating Network but there are plans to extend the district heat network to the South Bank in the next 3-5 years, and the eventual pipe route would likely run right past this site. Due to the uncertainty of this proposed extension the applicant has agreed to revisit the potential to connecting to the District Heating network at discharge of condition stage. The Council's Sustainability Officer has accepted this position.

10.63 It is further noted that the additional tree planting, greater accessibility and the introduction of electric vehicle charging points within the car parking areas of the site, will also assist in tackling climate change and air pollution in line with wider Council objectives and assist in encouraging more sustainable travel choices.

Wind impact

10.64 A wind study was submitted as part of the application which considers the impact on the prevailing winds as a result of the development/proposed developments and any creation of localised wind focused micro-climates. The Lawson distress criteria is an industry standard and as such this has been employed in the wind study. This criteria states that a wind speed greater than 15 metres-per-second occurring for more than two hours per year is classified as unsuitable for the general public and represents a wind speed with the potential to destabilise the less able members of the public such as the elderly, cyclists and children. Able-bodied users are those

determined to experience distress when the wind speed exceeds 20 metres-per-second for two hours per year.

10.65 The wind study has demonstrated that onsite wind conditions for the new development are generally acceptable, and concludes that wind mitigation measures are not necessary. The new development is not expected to generate any wind safety exceedances. Design changes have been requested to the entrances on the western side and north western corner of the development, to improve wind comfort. A revised plan has been provided now showing that the entrance to the north west has been fitted with an internal lobby, to provide comfortable wind conditions throughout the year. No change has been made to the entrance to the western side due to these being described as back of house. In addition, the exceedances in this area was only when tested with existing surrounds and becomes suitable in the cumulative scenario, and was also suitable in the CFD tests, as such it is considered to be marginal and short term and this justification is accepted

10.66 The study also demonstrates that the new development has a limited effect on the offsite wind conditions, with the biggest impact being on the wind conditions to the west of the Development, in the gap between it and the Whitehall Waterfront building, where wind speeds are increased but still fall within the safety limits of 15 metres-per-second. This creates windy conditions near one of the entrances to the Whitehall Waterfront building in the existing surrounds scenario but conditions at the doorway are perceived to be acceptable. Testing has also been carried out regarding any impacts upon the existing balconies on the eastern façade of Whitehall Waterfront. The modellers have provided further post processing information which demonstrates that there are no safety exceedances on these balconies, and that wind comfort conditions are predicted to be suitable for occasional sitting or better in the winter and frequent sitting in the summer, therefore conditions remain suitable for use.

10.67 The wind study has been peer reviewed and is considered to be robust and of a suitable quality and to provide realistic result, consistent with the reviewer's expectations and no recommendations are requested.

Highways and Transportation Considerations

10.68 Comments received from local residents have raised concerns regarding the lack of car parking, impact on the surrounding highway, increase in traffic movements and impact upon highway safety. The site is located in a highly sustainable City Centre location. The proposal includes 60 ground floor car parking spaces, which would equate to 12% parking provision. This amount of parking spaces is considered a sustainable approach to parking provision and is acceptable with a suitable management plan, and in accordance with policy for the City Centre location. Due to the sustainable location of the site visitor car parking is proposed in nearby car parks and is accepted.

10.69 The applicant proposes Electric Vehicle Charging Points (EVCP) in line with the standards set out within CS Policy EN8. A phased approach is proposed, and this is acceptable, with 100% provision within 5 years of first occupation, secured via condition. This phased implementation is to be conditioned. 2 Car club bays are also

proposed to the access road to the western side of the building with a layby to the opposite side. These would also be electric vehicle charging enabled too.

10.70 The development would also provide 3 motorcycle parking spaces and 298 long stay cycling spaces for residents in a mix of 2 tier racking and Sheffield stands. In addition, 48 short stay cycle spaces will be provided through 24 Sheffield stands within the landscaped areas.

10.71 Servicing and deliveries are proposed to operate via the access road to the west, which also serves Whitehall Waterfront. Final details of this will be secured via conditions for a car park, servicing, and delivery management plan. Internal bin stores are proposed. The site would prioritise pedestrians and cyclists over occasional use vehicles and this would be reinforced through kerb and pavement design within the site, along with changes in materials palette and levels to signify to vehicles where the loading bays and vehicle alignments are.

10.72 The scheme would also deliver a widening of the existing cycling lane along Whitehall Road, which will measure 2.2m wide.

10.73 As a result of this development, there will be a direct impact on the Globe Road/Whitehall Road Junction, and likely cumulative impact at Armley Gyratory, as a result of the development. There is an identified scheme to signalise the Globe Road/Whitehall Road Junction, forming part of the City Centre Package, therefore a contribution is required towards this scheme, commensurate with the size of the development. The cost of the junction works are conservatively estimated at £1.365M. Using the methodology for cumulative impact as set out in the Draft Transport SPD, the development traffic constitutes 35% of the modelled traffic growth. Taking contributions from other developments into account, the contribution required is £225,000. It should be noted, in light of this contribution, schemes including Armley Gyratory and other cycling and walking infrastructure schemes have not been included in the calculation of highway contributions required, to keep the overall cost for the development proportionate and reasonable. This contribution is subject to the Viability considerations as noted in paragraphs 10.72 to 10.77.

10.74 In summary, the proposal would have an appropriate level of parking, make appropriate transportation provision, promote sustainable travel and improved connectivity and would deliver public realm improvements to Whitehall Road and Riverside Way, and would not be likely to give rise to adverse parking, road safety or amenity concerns.

Safety and Security

10.75 Comments received from local residents have raised concerns regarding safety and how feel people will feel walking around the site at night. The Applicant has provided the following statement on safety and security; *The safety and security of residents, staff, guests and other users of the proposed development is critical to the success of the scheme, and has been given careful coordination. The scheme will be designed in accordance with the principles set out in the Secured By Design (SBD) guidance with a view to the "designing out crime" by good design. The development will benefit from 24 hour on-site management and the car parking will be provided with a secure roller-shutter. The residential building will be fully access controlled with only residents and their guests having the facility to gain access. The ground*

floor layout provides good visibility to access routes and spaces, and good accessibility has been achieved to all residential entrances which will be well lit and the development will incorporate CCTV. Care has been taken to design out hidden spaces at this level to enable passive supervision of the entire car park. Residential entrances are situated within the central public realm, which will be well lit and overlooked. Care has been taken to incorporate passive surveillance on all four corners with special care afforded to the south west corner where the building has been cut back to improve site lines along the rivers edge to landscaped area and from here down to Whitehall road. Retail units will provide passive surveillance on the other 3 corners of the building. Semi transparent facade treatment will also provide extra opportunities for improved sight lines to prevent hidden spots.

10.76 The lighting strategy for the site has also been designed to create an inviting public realm after dark. Light posts are proposed to the main movement routes along with uplighters to trees to the streets leading from Whitehall Road to the riverfront and under seat strip lighting to the feature seating along the riverside. The riverside has ambient feature lighting, with the aim to keep light spill to a minimum. Places to dwell along streets should be lit at a pedestrian scale rather than rely on street lighting coverage.

10.77 To ensure the above measures are implemented conditions are recommended securing details of all security measures and external lighting strategy. It is considered that the activation of this site would have a benefit to the people using this site/walking by. The development will provide active frontages at ground floor and an increase in pedestrian movements through the uses proposed, therefore a greater amount of natural surveillance and lighting, when compared to the open land site as it stands today.

Representations

10.78 Comments raised via representations have been addressed within the above report and through the imposition of appropriate conditions. With regards to concerns relating to loss of a view / Impact on property prices / usage of additional utilities, the courts have taken a view that planning is concerned with land use in the public interest and as such the loss of a view and impact on property prices and greater use of utilities relate to the protection of purely private interests and are not therefore considered to be material considerations in the determination of planning applications.

10.79 It is unfortunate that the proposals have been commented as potentially having an adverse impact on mental health and wellbeing of existing residents to nearby apartments. However, as highlighted above the proposals are considered to be reflective of the existing wider City Centre context in terms of juxtaposition of uses and gaps between buildings and in terms of the general scale of development in this part of the City Centre. The purpose of the planning system is to take decisions in the public interest and in accordance with the development plan to ensure decision making is objective.

10.80 In addition to the above, comments which have been raised as highlighted in *italics* below have also been provided with a response.

10.81 *No notification of the application/lack of advertisement*

Response - the application was advertised in accordance with Government legislation, which was done via site notices located around the perimeter of the site.

10.82 *Construction planned to Whitehall Waterfront to address cladding issues, this would clash with this proposed construction and impact on public safety by limiting access to Whitehall Road and River Walk*.
Response - the application will submit a construction management plan, secured via condition which will provide details of any temporary closures/diversions which are required to facilitate the development stage. This construction management plan will also look at any future works to neighbouring sites which may cause conflict.

10.83 *Comments raised regarding 22/02638/FU*

All comments raised which are relevant to this application will be considered as part of this applications determination process.

10.84 Other comments which have been received and are noted below but are not considered material to the determination of this application and therefore have not been addressed within the above report relate to the following.

- Site should be turned into a park
- Flats are not required
- Illegal density to open space

S106 legal agreement

10.85 Policy ID2 of the Core Strategy (as amended) is regarding planning obligations and developer contributions, which states that section 106 planning obligations will be required as part of a planning permission where this is necessary, directly related to the development, and reasonably related in scale and kind in order to make a specific development acceptable and where a planning condition would not be effective. This is further enforced by the Community Infrastructure Levy Regulations 2010. which provide that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is -

(a) Necessary to make the development acceptable in planning terms,
(b) Directly related to the development; and
(c) Fairly and reasonably related in scale and kind to the development.

10.86 The Council's adopted policies would result in a requirement for the following obligations;
1. Employment and training of local people
2. Publicly accessible areas
3. Affordable housing provision
4. Travel Plan Review fee
5. The provision of a Residential Travel Plan Fund
6. A contribution towards pedestrian and cycle improvements in the area
7. A off site green space contribution

10.87 The development is Community Infrastructure Levy (CIL) liable and is estimated to be in the region of £270,400.54. CIL is generally payable on the commencement of

development. The CIL contributions are spent on infrastructure projects to meet the needs created by new growth.

10.88 The applicant has submitted a viability appraisal which has been independently reviewed by the District Valuer (DV). The DV has provided a report (see Appendix 1) which reviewed the scheme and have stated it is their view that the scheme can only deliver a full CIL payment and none of the obligations listed in paragraph 10.86 supporting text of Policy ID2 states that planning obligations will be used to secure matters including education provision, green space and public realm, and transport provision such as highway improvements, cycle routes, and public transport improvements. Contributions for a very wide range of aspects which are impacted as a result of new development could be sought, although the Council will bear in mind that schemes need to be viable. In addition, paragraph 58 of the NPPF states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker

10.89 Despite the viability position of the development, the applicant has now agreed to pay the relevant obligations, which are as follows and equates to the £401,368 figure, as stated within the District Valuers report (see Appendix 1).

- Travel Plan Review fee - £6078
- Residential Travel Plan Fund – £27,875
- Off-site Highway works - £225,000
- Legible Leeds Wayfinder – £10,000
- Off site green space – £132,415.44

11.0 CONCLUSION

11.1 In conclusion it is considered that the proposals are appropriate in respect of the use and the scale, design and style of the built form. The resulting scheme would be a high quality, appropriate development, which would significantly contribute to the provision of housing and would add to the vibrancy and vitality to the area and furthering its regeneration. Although the policy requirement for affordable housing cannot be met, this been justified by a financial viability assessment. This scheme represents an opportunity to regenerate a highly prominent brownfield site on the southern side of Whitehall Road. The proposals provide large areas of open space as well as improved connectivity to the waterfront and a new section of riverside walkway.

11.2 Therefore, on balance the proposal is considered to be in accordance with the Development Plan and is considered to be acceptable and is recommended for approval, subject to the conditions set out in Appendix 2.

Background Papers:
22/02521/FU
PREAPP/21/00311

Appendix 1

Valuation Office Agency

DVS Property Specialists for the Public Sector

Stage 2 Review Report
500 PRS Apartments
Whitehall Riverside
Whitehall Road
Leeds
LS1 4BN

Report for:
[redacted]
Principal Planner
Central Team
Planning Services
City Development
Leeds City Council

Prepared by:
[redacted]
Principal Surveyor
RICS Registered Valuer
DVS

Tel: 03000 503008
Email: [redacted]@voa.gov.uk

Case Number: 1798295

Client Reference: Whitehall Riverside

Date: 14th October 2022

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1.0 Executive Summary

1.1 Proposed Development Details

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

Proposed Development	500 Build to Rent Apartments – 1, 2 and 3 bed apartments, 3 ground floor retail units, resident amenity and 60 car parking spaces
Subject of Assessment:	Whitehall Riverside, Leeds, LS1 4BN
Planning Application Reference:	22/02521/FU
Applicant / Developer:	Glenbrook RIL Limited
Applicant's Viability Advisor:	CBRE

1.2 Instruction

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

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

1.3 Viability Conclusion

It is my considered and independent opinion that:

The above scheme assessed with regards to full planning policy requirement comprising 20% affordable housing, £401,368 of Section 106 contributions and £270,401 of CIL contributions is unviable.

I have appraised the scheme to establish what amount of affordable housing and S106 costs the development can support. I have concluded the development cannot support any affordable housing or section 106 cost but will be capable of contributing to the full CIL contribution of £270,401.

1.4 Non-Technical Summary of Viability Assessment Inputs

Policy Compliant Inputs	Agent	DVS Viability Review Conclusion	Agreed (Y/N)
Assessment Date	26 July 2022	14 October 2022	N
Scheme, Gross Internal Area, Site Area	324,880 sqft 1.48 acres	324,946 sqft 2.58 acres	N
Development Period	3m pre-construction 34m build period	3m pre-construction 28m build period	N
Gross Development Value	£111,110,662	£128,576,574	N
Market Housing GDV blended value rate	£90,458,650	£125,441,587	N
Affordable Housing GDV	£17,956.,800	£NIL	N
Car Parking	£1,520,000	£1,959,775	N
Other GDV – Retail Units	£1,175,212	£1,175,212	N
CIL/Planning Policy / S.106 Total and £/sq. ft.	£217,227 £432,223	CIL £270,401 S106 Provisional £NIL	N
Construction Cost Total and £/sq. ft.	£88,116,494 £193.53 / sqft Updated applicant cost £101,981,902 £223.58 / sqft	£101,981,902 £223.58 / sqft	N
Externals Total and £/sq. ft.	£2,722,172	Included above	N
Professional Fees %	7.5%	7.0%	Y
Contingency %	3%	3%	Y
Finance Interest and Sum	4.5%	5.0%	N
Other Fees:			
Marketing Fees	£300,000	Nil	N
Letting Agency Fees	10%	10%	Y
Letting Legal Fees	5%	5%	Y
Sales Agency Fees	1%	0.25%	N
Sales Legal Fees	0.5%	0.10%	N
Purchasers Costs	£250,000	£250,000	Y
Land Acquiring Costs	Nil	SDLT +1.5%	N
Profit Target %	10%	8%	N
Benchmark Land Value	£5,877,983	£1,935,000	N
EUV – Car Parking	£859,821	Not Applicable	N
Premium	Not Stated	Not Applicable	N
Purchase Price	Not Stated	Not Known	N

AUV – Office & MSCP	£5,877,983	Minus - £1,887,362	N
Viability Conclusion Full Policy Scheme	Not Viable	Unviable	N
Deliverable Scheme	Not Affordable	CIL £270,401	Y

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

2.0 Instruction and Terms

2.1 The Client is Leeds City Council.

2.2 The Subject of the Assessment is 500 Build to Rent Apartments – 1, 2 and 3 bed apartments, 3 ground floor retail units, resident amenity and 60 car parking spaces on a site of approximately 2.58 acres.

2.3 The date of viability assessment is 14th October 2022. Please note that values change over time and that a viability assessment provided on a particular date may not be valid at a later date.

2.4 Instructions were received on 13 April 2022. It is understood that Leeds City Council require an independent opinion on the viability information provided by CBRE, in terms of the extent to which the accompanying appraisal is fair and reasonable and whether the assumptions made are acceptable and can be relied upon to determine the viability of the scheme. Specifically, DVS have been appointed to:

- Assess the Viability Assessment submitted on behalf of the planning applicant / developer, taking in to account the planning proposals as supplied by you or available from your authority's planning website.

- Advise Leeds City Council in writing on those areas of the applicant's Viability Assessment which are agreed and those which are considered unsupported or incorrect, including stating the basis for this opinion, together with evidence. If DVS considers that the applicant’s appraisal input and viability conclusion is incorrect, this report will advise on the cumulative viability impact of the changes and in particular whether any additional affordable housing and / or s106 contributions might be provided without adversely affecting the overall viability of the development.

2.5 Conflict of Interest Statement - In accordance with the requirements of RICS Professional Standards, DVS has checked that no conflict of interest arises before accepting this instruction. It is confirmed that DVS are unaware of any previous conflicting material involvement and is satisfied that no conflict of interest exists.

2.6 Inspection - As agreed, the site has been inspected from the roadside.

2.7 DVS / VOA Terms of Engagement were issued on 9 June 2022, a redacted version is attached at appendix IV.

3.0 Guidance and Status of Valuer

3.1 Authoritative Requirements

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

- The '**National Planning Policy Framework'**, which states that all viability assessments should reflect the recommended approach in **the 'National Planning Practice Guidance on Viability'**. This document is recognised as the 'authoritative requirement' by the Royal Institution of Chartered Surveyors (RICS).

- RICS Professional Statement **'Financial viability in planning: conduct and reporting'** (effective from 1 September 2019) which provides the mandatory requirements for the conduct and reporting of valuations in the viability assessment and has been written to reflect the requirements of the PPG.

- RICS Professional Standards PS1 and PS2 of the '**RICS Valuation – Global Standards'**.

3.2 Professional Guidance

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

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

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

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

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

3.3 RICS 'Financial Viability in Planning Conduct and Reporting'

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

a) In carrying out this viability assessment review the valuer has acted with objectivity, impartiality, without interference and with reference to all appropriate sources of information.

b) The professional fee for this report is not performance related and contingent fees are not applicable.

c) DVS are not currently engaged in advising this local planning authority in relation to area wide viability assessments in connection with the formulation of future policy.

d) The appointed valuer, [redacted] MRICS is not currently engaged in advising this local planning authority in relation to area wide viability assessments in connection with the formulation of future policy.

e) Neither the appointed valuer, nor DVS advised this local planning authority in connection with the area wide viability assessments which supports the existing planning policy.

f) The DVS viability review assessment has been carried out with due diligence and in accordance with section 4 of this professional statement.

g) The signatory and all other contributors to this report, as referred to herein, has complied with RICS requirements.

3.4 Most Effective and Efficient Development

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

The applicant's advisor has assessed the viability based on 500 apartments and has assessed the viability based upon a sale of the entire development to an investor. Having considered the size and location of the development, the applicant's proposal is considered to be reasonable. The DVS Valuer agrees that the scheme is an efficient and effective development.

3.5 Signatory

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

b) As part of the DVS Quality Control procedure, this report and the appraisal has been formally reviewed by [redacted] MRICS, Registered Valuer, who also has the appropriate knowledge, skills and understanding necessary to complete this task.

c) Other Contributors - As part of my viability review, I have relied on professional opinions provided by Rex Procter and Partners (Andrew Cooper). Rex Procter and Partners have been independently appointed by Leeds City Council and have provided me with advice relating to build costs.

d) DVS has provided viability assessment reviews for Leeds City Council for a number of years.

3.6 Bases of Value

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

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

4.0 Assumptions, and Limitations

4.1 Special Assumptions

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

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

4.2 General Assumptions

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

a) Tenure - A report on Title has not been provided. The review assessment assumes that the site is held Freehold with vacant possession.

b) Easements / Title restrictions - A report on Title has not been provided. The advice is provided on the basis the title is available on an unencumbered freehold or long leasehold basis with the benefit of vacant possession. It is assumed the title is unencumbered and will not occasion any extraordinary costs over and above those identified by the applicant and considered as part of abnormal costs.

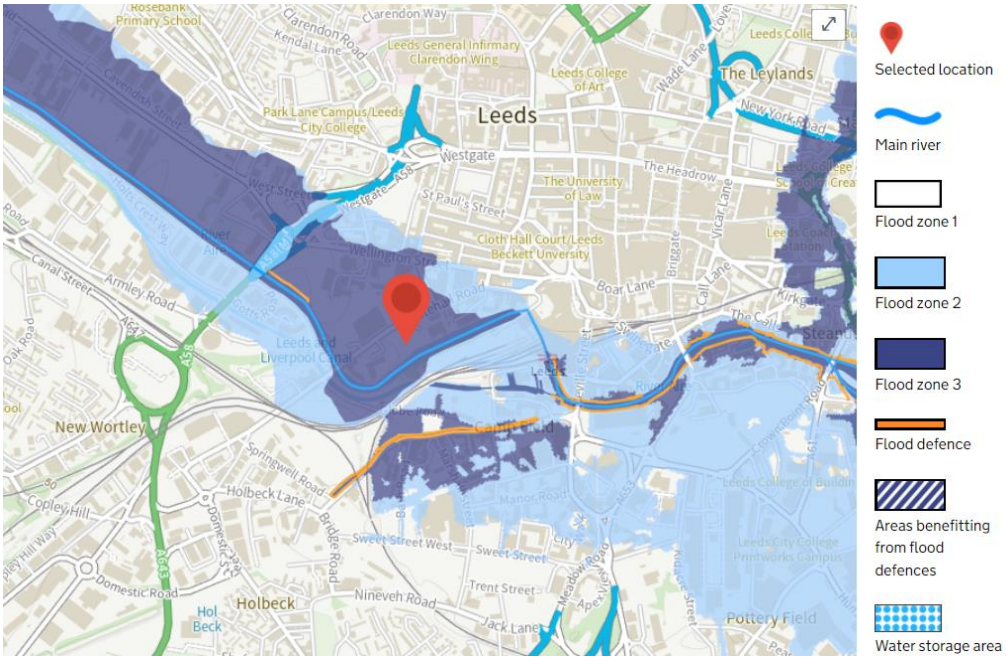
c) Access / highways - It is assumed the site is readily accessible by public highway and will not occasion any extraordinary costs over and above those identified by the applicant and considered as part of abnormal costs.

d) Mains Services - It is assumed the site is or can be connected to all mains services will not occasion any extraordinary costs over and above those identified by the applicant and considered as part of abnormal costs.

e) Mineral Stability - This assessment has been made in accordance with the terms of the agreement in which you have instructed the Agency to assume that the property is not affected by any mining subsidence, and that the site is stable and would not occasion any extraordinary costs with regard to Mining Subsidence. I refer you to the DVS Terms of Engagement at appendix IV for additional commentary around ground stability assumptions.

f) Environmental Factors Observed and/or Identified - It is assumed the site will not occasion any extraordinary costs relating to environmental factors over and above those identified by the applicant and considered as part of abnormal costs.

g) Flood Risk – The applicant has not specifically included abnormal development costs for flood alleviation. DVS have referred to the Environment Agency's Flooding 'flood risk assessment' mapping tool which indicates the site is in Flood Zone 3 and subject to a flood risk as indicated by the plan below.



Source: Flood Map for Planning

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

5.0 Proposed Development

5.1 Location / Situation

The subject site is situated to the south of Whitehall Road on Riverside Way in the West End District of Leeds City Centre.

It is situated fronting the River Aire and lies approximately half a mile east of Leeds train station and the city centre.

The site is surrounded by a mixture of commercial uses including the Wellington Place development and Whitehall Waterfront development - the initial phases of No.1 Whitehall Riverside (offices), Whitehall Waterfront (residential) and the Premier Inn (hotel).

The site benefits from ease of access to the city centre and close to the main arterial routes serving the M621, M62 and M1.

5.2 Description

The subject site is irregular in shape and currently operates as a temporary pay and display car park. The site enjoys a broadly level topography and is abutted by Whitehall Road and Wellington Place development to its north, the River Aire to its south, and Whitehall Waterfront development to the east and west.

5.3 Site Plan and Area

2.58 acres / 1.044 hectares.

The applicant has confirmed their original report contained an error and the site area has now increased to 2.58 acres. Leeds City council have confirmed the increased site area is correct.

5.4 Schedule of Accommodation / Scheme Floor Areas

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

Rental Area Summary

	Units	ft²
1-Bed Apartment (Open Market)	201	104,636
2-Bed Apartment (Open Market)	158	110,862
3-Bed Apartment (Open Market)	40	39,709
1-Bed Apartment (APR)	56	29,114
2-Bed Apartment (APR)	34	23,946
3-Bed Apartment (APR)	11	11,231
Retail Unit 1	1	2,637
Retail Unit 2	1	1,044
Retail Unit 3	1	926
Retail Unit 4	1	775
Car Parking	57	
Totals	**561**	**324,880**

Source: CBRE

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

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

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

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

5.5 Planning

a) Local Plan: Leeds City Council's Statutory Development Plan includes the Core Strategy (2014, updated 2019) where the remaining policies onto the Unitary Development (2006), including the proposals map.

   Leeds City Council's Site Allocation Plan (SAP) was adopted on 10 July 2019. The subject site is not allocated for development.

b) The Local Authority viability study sets out that a scheme in this location should provide 7% affordable housing.

c) Developments are expected to meet the policy provision as prescribed in the Plan. DVS have not been made aware of why this scheme has been accepted for site specific viability assessment.

5.6 Policy Requirements for the Scheme

My assessment includes the following Local Plan policy requirements with S106 £401,368 and CIL of £270,401. I understand Leeds City Council are awaiting final confirmation of the relevant Section 106 costs from the relevant departments. For the avoidance of doubt my report will need updating once all the costs have been confirmed by Leeds City Council:

S106: Travel Plan Review Fee	6,078
S106: Residential Travel Plan Fund	127,875
S106: Off-Site Highways	225,000
S106: Off-Site Greenspace	32,415
CIL	270,401
Legible Leeds Wayfinder	10,000

The applicant's original viability assessment incorporated some different costs which departed from policy namely:	
Community Infrastructure Levy	£217,227
Off Site Highways	£225,000
Residential Travel Plan	£132,223
Car Club Provision	£48,000
Travel Plan Monitoring Fee	£7,000
Management Fee	£5,000
Verification Fee	£10,000
Wind Consultant	£5,000

5.7 Planning Status

I have made enquiries of the Planning Authority as to the planning status and history which has revealed that there have been previous planning applications on the site.

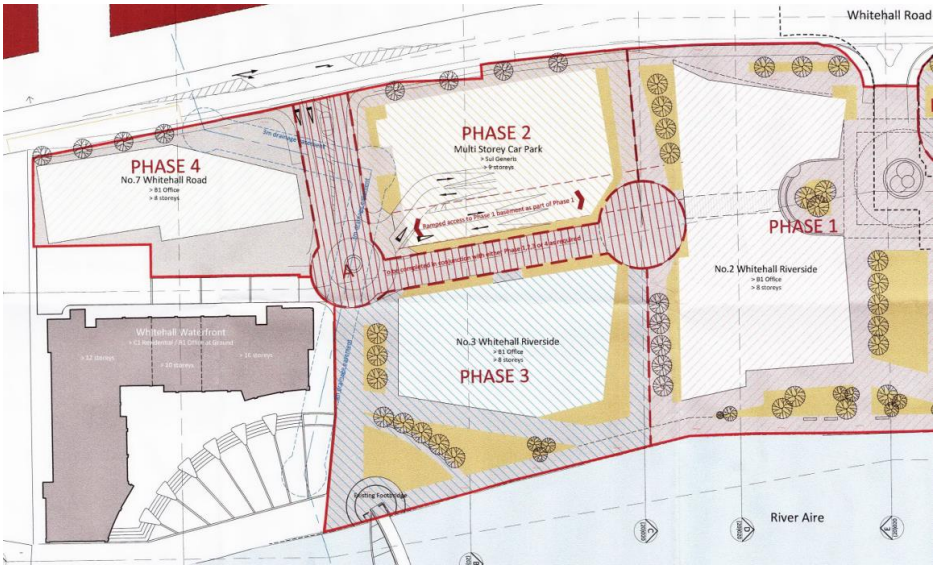
Previous applications include:

Ref: 20/02657/FU
Received: 07 May 2020
Description: Use of land for car parking with associated access, electric vehicle charging infrastructure, ticket booth, ticket stations, access control infrastructure, and other associated infrastructure and landscaping.
Status: Refused

Source: Leeds Planning Portal

Ref: 19/02455/RM
Received: 23 April 2019
Description: Reserved matters application for office building pursuant to outline planning permission 13/02619/OT
Status: Approved

Ref: 13/02619/OT
Received: 01 June 2013
Description: Outline application for 3 office buildings, multi-storey car park and pavilion unit, with ground floor food, drink and gym uses and public realm.
Status: Approved



Source: Leeds Planning Portal

It is our understanding that the site has an extant consent for the construction of a multi-storey car park and office building. We refer you to our comments later in this report regarding the sites Alternative Use Value based on the existing planning consent.

6.0 Summary of Applicant's Viability Assessment

6.1 Report Reference

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

6.2 Summary of Applicant's Appraisal

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

The applicant outlines in their report the following:

- The proposed scheme with 20% Affordable Housing provision and the required Section 106 and CIL Policy contributions is unviable and produces a negative Residual Land Value of **£8,091,808**.
- The Benchmark Land Value is **£5,877,983** based upon an AUV of Office Space and Multi Storey Car Parking.
- A residual land value deficit of minus £8,091,808 this is below their opinion of Benchmark Land Value and therefore the applicant seeks to demonstrate that no Affordable Housing / financial planning contributions are viable.
- The applicant's advisor concludes a scheme with no affordable housing and Section 106 costs is unviable. Notwithstanding the significant shortfalls identified, it is understood the applicant intends to deliver this scheme.

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

7.0 Development Period / Programme

7.1 The development period adopted by the applicant's advisor is 39 months comprising:

- 1 month for site purchase
- 3 months pre-construction / site preparation
- 34 months for construction
- 1 month for sales starting at month 35

The completed scheme will be sold in its entirety at practical completion of the construction phase.

7.2 Whitehall Riverside is one building incorporating two towers linked by a ground floor podium.

Rex Proctor and Partners has been appointed by Leeds City Council to act as independent cost consultants. The construction period at 146 weeks (34 months) is considered to be on the high side, particularly when compared to recent similar projects.

In consultation with RPP we consider 120 weeks (28 months) is reasonable for the project and we have adopted this in our appraisal.

The total development period adopted by us is 33 months.

8.0 Gross Development Value (GDV)

I set out below the GDV for the scheme.

The applicant's viability surveyor has adopted a GDV of £111,110,662 this comprises:

Market Housing GDV	£90,458,650
Affordable Housing GDV	£17,956,800
Other GDV	£1,175,212
Car Parking	£1,520,000

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

8.1 Market Value of Private Dwellings

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

Each scheme benefits from ease of access to the city centre amenities, services and transport links, although Mustard Wharf occupies the most superior position, 5 minutes' walk from the train station and delivering enhanced specification and on-site amenity. However, I consider the proposed scheme to be comparable with the most central comparable scheme Mustard Wharf. I have inspected the developments referred to by the applicant in their appraisal and enquired as to their advertised rents.

I have also had regard to the MODA, New York Square development. This has the highest levels of rents in Leeds City Centre.

I consider that the rental values for Whitehall Riverside would be similar to Mustard Wharf, and I have adopted rental values in line with their current pricing.

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

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

Agreed Rental Values for PRS Schemes in Leeds

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

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

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

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

Rental Area Summary

	Units	ft²	Rent Rate ft²
Car Parking	57		
Retail Unit	4	5,382	17.50
1-Bed Apartment	256	133,120	22.01
1-Bed Apartment	1	657	19.67
2-Bed Apartment	98	64,386	23.77
2-Bed Apartment	14	10,248	23.45
2-Bed Apartment	15	11,025	23.44
2-Bed Apartment	30	22,320	23.40
2-Bed Apartment	30	22,380	23.39
2-Bed Apartment	1	785	23.21
2-Bed Apartment	1	871	22.81
2-Bed Apartment	1	880	22.77
2-Bed Apartment	1	887	22.74
2-Bed Apartment	1	1,072	21.90
3-Bed Apartment	1	785	24.67
3-Bed Apartment	1	871	24.07
3-Bed Apartment	1	880	24.00
3-Bed Apartment	1	887	23.96
3-Bed Apartment	14	12,880	23.73
3-Bed Apartment	15	14,445	23.43
3-Bed Apartment	4	4,220	22.79
3-Bed Apartment	2	2,124	22.79
3-Bed Apartment	1	1,095	22.53
3-Bed Apartment	2	2,198	22.50
3-Bed Apartment	2	2,200	22.48
3-Bed Apartment	3	3,576	21.85
3-Bed Apartment	4	4,772	21.84

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

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

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

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

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

I have adopted the same percentage for calculating the net rental income of 23.5% which is supported by agreements with other developers in Leeds where PRS viability appraisals have been submitted for multiple buildings within a scheme.

Operation Voids	2.5%
Bad Debt	0.5%
Council Tax Voids	1%
Void Utilities	1.5%
Management Fees	9% inclusive of VAT
Operational Expenditure	9%
Total	**23.5%**

Further evidence can be provided in due course on a confidential basis subject to the Commissioners and Revenue Act restrictions. In the meantime, I refer you to a schedule of anonymised evidence in Appendix iii

Capitalisation Yield

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

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

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

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

DVS Reasoning and Conclusion

Based on my comments above, I have given greater weight to the agreed capitalisation yields for PRS scheme I have reviewed in Leeds City Centre. I have therefore adopted a yield of 4.45% based on recent yield compression for centrally located schemes. Whitehall Riverside is one of the most centrally located and prime PRS locations in the heart of Leeds City Centres central business district.

8.2 Discounted Market Value for the Affordable Apartments

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

Tenure	Unit Type	Total Units	Avg. Unit NSA (ft²)	Total NSA (ft²)	Avg. Gross Rent PCM (£/Unit)	Avg. Gross Rent PA (£/Unit)	Total Gross Rent PA (£)	Avg. Gross Rent (£/ft²)
Open Market	1-Bed	201	521	104,636	£941	£11,289	£2,269,186	£21.69
	2-Bed	158	702	110,862	£1,246	£14,952	£2,362,397	£21.31
	3-Bed	40	993	39,709	£1,658	£19,898	£795,936	£20.04
Open Market Total/ Avg:		**399**	**640**	**255,207**	**£1,134**	**£13,603**	**£5,427,518**	**£21.27**
APR	1-Bed	56	520	29,114	£744	£8,928	£499,968	£17.17
	2-Bed	34	704	23,946	£989	£11,870	£403,584	£16.85
	3-Bed	11	1,021	11,231	£1,317	£15,805	£173,856	£15.48
APR Total/ Avg:		**101**	**637**	**64,292**	**£889**	**£10,667**	**£1,077,408**	**£16.76**
Scheme Avg/ Total:		**500**	**639**	**319,499**	**£1,084**	**£13,010**	**£6,504,926**	**£20.36**

Source: CBRE

8.3 Market Value of Commercial Units

The applicant's consultant has undertaken market research into new nearby lease and sale transactions. They have focused on one comparable: 1 Gower Street which in their opinion is due to "limited" evidence in the locality.

This scheme identified by the applicant is located approximately 1 mile from the subject to the north east of the city centre on the opposing side of Leeds inner ring road. The site is a new build in 2020 as a hotel and premises and occupied by Hampton by Hilton. I regard this comparable as remote to the subject site.

The applicant has provided limited comparable evidence to support their market rental values for the ground floor retail and gym space. I have researched retail and leisure rents within the Wellington Place development which are summarised below:

Wellington Place is a more established centre for retail and leisure than Whitehall Riverside and the rents above indicate a "tone" of value of between £16 per sqft moving to £19 per sqft 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 subject scheme is completed.

The rents summarised below 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. Whitehall Riverside 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

It is important to note that the majority of available evidence was transacted before the disruption of the Covid pandemic and I have reflected the timing in my rental valuation .

I agree the market rental value for the ground floor commercial space is in the region of £17.50 per sqft. At present "letting risk" within the CBRE appraisal is currently accounted for by a 24 month rent free / void period and a yield of 7%. To account for the uncertainty relating to footfall in the immediate area and occupier demand, I have also included a rent free / void period of 24 months for all of the commercial units and an initial yield of 7%.

8.4 Market Value of Car Parking

In addition to the rental apartments the scheme incorporates 60 car parking spaces, including three accessible spaces, for which the applicant's agent has assumed an additional rent of £100 per calendar month per space.

I agree with their approach of adopting 100% take-up as there are 57 car parking spaces serving 500 apartments in the city centre and there is likely to be a waiting list for spaces. Furthermore, Leeds City Council Supplementary Planning document for parking published in 2016 refers to "Supporting: Core Strategy T1" (paragraph 4.1.2) "Limiting the supply of commuter parking in areas of high public transport accessibility, such as the City Centre" which means city centre parking in the future will be at a premium.

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

8.5 Total GDV

My total for GDV is £123,416,862 which is £12,306,200 higher than the applicant.

9.0 Total Development Costs

9.1 Summary of Costs

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

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

Since the initial cost plan there has been a significant increase in build costs and as a consequence, the applicant's total build costs for the scheme have increased from £90,886,754 on 30 March 2022 to £95,600,000 on 26 July 2022 and then increase to £99,891,997 in September 2022 inclusive of 2% contractors contingency / risk allowance.

Rex Procter and Partners have reviewed the revised costs and can confirm they agree with the revisions to the cost plan.

In summary Rex Proctor and Partners comments are summarised below:

"I have reviewed further the costs of the project, based on the latest Abacus Cost Plan dated 8th September 2022.

As you are aware I have issued a number of queries to Glenbrook, as per my e-mails.

I have also had discussions with the applicant and their cost consultants on the points I have made – and they had provided me with further justification behind the numbers and the design solutions that are driving the numbers.

In conclusion I confirm the current build cost estimate of £223.58/sqft be used in your appraisal.

I will follow up with a report, however I wanted to advise you quickly to enable you to conclude your report."

9.2 Summary of Cost Inputs

The following cost inputs have been either accepted or changed by DVS in the review assessment.

Cost	Agent	DVS	Comments
Contingency	2% + 1%	3%	Contractors Price Risk Allowance
Latent Defects Insurance	£650,000	Nil	Removed as it has not previously been permitted in other viability appraisals in Leeds City Centre as it is commonly accepted collateral warranties are sufficient reassurance to investors when requiring recourse for latent defects
Amenity Furniture Allowance	£65,000	£65,000	Agreed
Furniture Allowance for Apartments	£2,650 per apartment	£2,000 per apartment	An allowance for installation of furniture in apartments in accordance with numerous viability schemes agreed in Leeds City Centre
Professional fees	7.5%	7.0%	Agreed
Marketing	£300,000	Nil	Marketing Costs including in the gross the net rent adjustment
Commercial letting agency fees	10%	10%	Agreed
Commercial letting legal fees	5%	5%	Agreed
Investment sale agent fee	1%	0.25%	DVS conclusion supported by evidence of agreed comparable DVS financial viability appraisals
Investment sale	0.5%	0.10%	DVS conclusion supported by

legal fee			evidence of agreed comparable DVS financial viability appraisals
Land acquisition fees & Stamp Duty Land Tax	2%	1.5% plus prevailing Stamp Duty 2%	SDLT plus 1.5%
Purchasers Cost (Investment)	£250,000	£250,000	Agreed
Finance	4.5%	5%	100% debt funded scheme; land purchased in entirety at day 1 and reflecting recent increases in development funding.

10.0 Developer's Profit

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

I disagree with this and have adopted a target profit of 8% profit on cost and is evidenced by previous viability schemes which is summarised in Appendix II .

11.0 Benchmark Land Value (BLV)

11.1 Applicant's BLV

The applicant's surveyor has adopted a Benchmark Land Value of £5,877,983, this has been reached through the applicants advisors interpretation of the Alternative Use Value (AUV) methodology and their opinion of AUV is £5,877,983.

The applicant's calculation of the BLV by adopting the sites AUV is based on a justification summarised below:

"Under the reserved matters application (19/02455/RM) for the 'No.3 Whitehall Riverside' office scheme, details of an 8 storey (GF-7F) building comprising a 92,353 sqft NIA and 117,776 sqft GIA were approved."

I disagree with the applicants appraisal inputs. In addition, the position adopted by the applicant represents a "circular argument" which leads me to pose the question: If the applicant believes offices and a multistorey car park represent the alternative use value and produces such substantial land value, why has the applicant chosen to develop Build to Rent apartments which results in a substantial loss of -£8,091,808

I do not believe the adoption of an AUV as an office or a multistorey car park is realistic as demonstrated by my independent appraisal for the scheme contained within appendix II.

I have concluded the appropriate process to determine the BLV is:

1) Consider the sites existing use value, by virtue of the extant planning consent, based on an office and multistorey car park scheme which also represents the alternative use value.
2) Consider the 500 unit PRS schemes natural residual value.

3) Have regards to market transactions for residential apartment blocks in the city centre.
4) Have regard to benchmark land values agreed with applicants for similar schemes.

11.2 Existing Use Value (EUV) & Alternative Use Value

Overview of Multistorey Car Park Investment Market

Purpose built city centre car parking has experienced a difficult period of trading during the Covid-19 pandemic and the future of the sector remain uncertain. I have researched the current financial position of two potential occupiers and leading car park operators in the UK and Europe.

Firstly, on 30 April 2021, National Car Parks launched its proposed restructuring plan, which is the flagship new restructuring process introduced last June through the Corporate Insolvency and Governance Act 2020.

The process for NCP was compressed into a two-month timetable, with the apparent urgency driven by the “cliff edge” after 30 June 2021, when the government’s various moratoria on landlords enforcing commercial rent arrears against tenants were due to end. After this was extended to 30 September 2021 for statutory demands and 25 March 2022 for forfeiture, and several offers were received for the business, NCP announced on 18 June 2021 that it was to “temporarily pause” the plan, which is where, at the time of writing, matters remain.

NCP suffered falling revenues during lockdown and an uncertain recovery to pre-pandemic trading levels. By June 2021, it is reported it owed £126m in rent and rates. Its plan involved separating leases into different classes for varying degrees of impairment. Class A landlords saw only a small deferral of arrears. Class B were to receive 60% of their arrears and see their rents rebased to market levels. Class C were to get their units back with no arrears but an amount paid equivalent to the estimated return in administration plus 10%.

When launching the plan, NCP said it was exploring potential sale options to see if these could increase recoveries for creditors. Only two weeks later, the company called a halt to the process. Car park operators face intense competition from ride-sharing services such as Uber which have become increasingly popular over the years due to convenience. Revenue derived from the retail segment has also fallen against the rising popularity of e-commerce and declining high-street footfall. In addition, as health consciousness, individuals are opting for more environmentally friendly modes of travel like walking or cycling. The uptake of cycling is expected to have increased markedly with schemes such as Cycle to Work that enables employers to loan cycles and cyclists' safety equipment to employees tax-free.

Similarly, Q-Park Ltd is the UK subsidiary of Dutch-based firm Q-Park BV. Q-Park is an international parking services provider with owned and leased investment property as well as property operated under management contracts.

Financial performance over the five years through December 2021, revenue is expected to have fallen at a compound annual rate of 0.8% to £65.9m. Prior to 2019, year-on-year growth had largely been driven by the company's solid reputation and loyal consumer base ensuring repeat custom. The company's strategic location of establishments has also helped aid industry revenue.

Over 2020, the deterioration in the company's trading performance was a direct result of the various lockdowns in response to the pandemic. Revenue is expected to increase in 2021 with the reopening of the economy, introduction of flexible season tickets as well the bicycle storage option. Operating income spiked over 2017 due to intercompany debt waivers from two of Q-Park group's subsidiaries, and another waived debt expense from a third party. However, margins declined over 2018 due to a lease provision, as well as rising business rates. Q-Park has significantly rental costs on the majority of its car parks and the fall in turnover made the subsequent losses inevitable over 2020.

I am not convinced that occupier or investor demand is strong enough at present to support the speculative development of a multistorey car park on Whitehall Road especially when NCP already operates a similar car park at Wellington Place. Similarly, the future looks uncertain regarding commuter demand which leads me to adopt a less optimistic appraisal that the applicant's advisor.

I have prepared a residual appraisal based on an office and multistorey car park scheme. I summarise the revenues below which can be supported with comparable evidence upon request:

Rental Area Summary

	Units	ft²	Rent Rate ft²	Initial MRV/Unit	Net Rent at Sale	Initial MRV
Office GF	1	8,143	30.00	244,290	244,290	244,290
Office 1F	1	12,030	30.00	360,900	360,900	360,900
Office 2F	1	12,030	30.00	360,900	360,900	360,900
Office 3F	1	12,030	30.00	360,900	360,900	360,900
Office 4F	1	12,030	30.00	360,900	360,900	360,900
Office 5F	1	12,030	32.00	384,960	384,960	384,960
Office 6F	1	12,030	32.00	384,960	384,960	384,960
Office 7F	1	12,030	34.00	409,020	409,020	409,020
MSCP: Car Park	512			1,000	512,000	512,000
MSCP: Retail Unit / Gym	1	9,577	15.00	143,655	143,655	143,655
Totals	**521**	**101,930**			**3,522,485**	**3,522,485**

Investment Valuation

Office GF					
Current Rent	244,290	YP @	5.2500%	19.0476	4,653,143
Office 1F					
Current Rent	360,900	YP @	5.2500%	19.0476	6,874,286
Office 2F					
Current Rent	360,900	YP @	5.2500%	19.0476	6,874,286
Office 3F					
Current Rent	360,900	YP @	5.2500%	19.0476	6,874,286
Office 4F					
Current Rent	360,900	YP @	5.2500%	19.0476	6,874,286
Office 5F					
Current Rent	384,960	YP @	5.2500%	19.0476	7,332,571
Office 6F					
Current Rent	384,960	YP @	5.2500%	19.0476	7,332,571
Office 7F					
Current Rent	409,020	YP @	5.2500%	19.0476	7,790,857
MSCP: Car Park					
Current Rent	512,000	YP @	5.7500%	17.3913	8,904,348
MSCP: Retail Unit / Gym					
Current Rent	143,655	YP @	5.7500%	17.3913	2,498,348
					66,008,981

Income from Tenants

Office GF	244,290	
Office 1F	360,900	
Office 2F	360,900	
Office 3F	360,900	
Office 4F	360,900	
Office 5F	384,960	
Office 6F	384,960	
Office 7F	409,020	
MSCP: Car Park	1,280,000	
MSCP: Retail Unit / Gym	71,828	
		4,218,658

Multistorey Car Park Rental and Yield Evidence

I refer you to the schedule of comparables below which illustrates the declining rental and yield performance of multi storey car parks as a consequence of the covid pandemic and emergence of hybrid working.

Address	Date	Rent	£/Parking Space	Comments / Analysis
Multistorey Car Park Heathfield Street Liverpool L1 4EN	1-09-2021	£600,000	£1,299	National car park operator
Multistorey Car Park Queen Square Liverpool L1 1EP	28-08-2019	£847,200	£1,577	National car park operator
Underground Multistorey St James Street Manchester M1 4PH	20-05-2019	£715,500	£3,179	National car park operator
Multi Storey Car Park Criterion Square Leeds LS1 4AG	29-03-2019	£929,603	£1,863	National car park operator
Address	**Date**	**Sale Price**	**Yield**	**Comments / Analysis**
Middleburg NCP Car Park Folkestone	March 2021	£4,550,000	6.42%	Sale price equivalent to £8,288 per parking space
Multistorey Carpark Richmond Hill Bournemouth BH2 6EJ	March-2020	£5,020,000	3.81%	Sale price equivalent to £23,568 per parking space
Multi Storey Car Park Criterion Square Leeds LS1 4AG	March 2019	£19,840,000	4.68%	Sale price equivalent to £39,680 per parking space

I also refer you to the full appraisal in appendix II of this report. My valuation of the site based on the extant planning permission and results in a residual land value of minus - £1,887,362. I have adopted a headline rent of £30 per sqft but adopted a longer rent free period for the offices of 18 months to account for a letting void and tenant incentives.

The largest differences in my appraisal are an initial yield of 6% as opposed to 5.25% adopted by the applicants agent. I should point out that the applicant's yield evidence relates to two transactions which took place 'pre Covid' and the yield profile for city centre offices deteriorated in the last three years. Furthermore, I do not believe it is appropriate or accurate to compare a scheme at Whitehall Riverside where there will be a mixture of multiple tenants with 7-8 Wellington Place which is occupied entirely by a government department.

With regard to the appropriate capitalisation yield I have had regard to similar size multi tenanted buildings in Leeds City Centre. One of the most recent sales was Toronto Square, Toronto Street, Leeds, LS1 2HJ. The building extended to 88,207 sqft with 34 surfaced car parking spaces and sold in December 2021 for £34,750,000 or £393.96 per sq ft. The building was built in 1980 and substantially refurbished and vertically extended in 2009. The building holds a BREEAM Excellent Rating. At the time of the sale the property was 95.6% let and had a gross income of £2,164,346 (Source CoStar). The sale price represented a net initial yield of 6.2%. The subject property has a net let space of 101,930 sqft including ground floor retail and leisure

space which is approximately 15% larger but I have concluded it is a similar “lot size” to Toronto Square.

I regard a proposed office development at Whitehall Riverside to be a marginally superior location and I have concluded that in the current market and with reference to comparables including those summarised below the appropriate yield is 6%.

Leeds Office Market Investment Sales

Key Investments (2020-present)

Address		Purchaser	sqft	Date	Notes
Broad Gate, 22-26 The Headrow	TC	Revcap	300,600	Q2 21	£85.0m, yield of 6.61%.
Bridgewater Pl, Water Ln	TC	M7 Real Estate	234,000	Q4 20	£84.5m, yield of 6.53%.
Westbank, Water Ln	TC	Shelborn Asset Management, Stamford Property Company	128,500	Q4 21	
Toronto Sq, Toronto St	TC	Grosvenor	88,500	Q4 21	
Yorkshire Hse, Greek St	TC	Castleforge Partners	85,000	Q1 20	£22.1m, yield of 4.9%.
1953 Reality Bldg, Marshall St	EOT	CEG	82,200	Q1 20	Will undergo refurbishment as part of wider Temple District masterplan.
Millshaw Ct, Global Ave	OOT	Shelborn Asset Management	81,000	Q2 21	£8.1m.
Castle Hse, Lisbon St	TC	Bruntwood	78,300	Q2 21	Undisclosed purchase price.
20 Merrion Way	TC	Private UK Investor	76,300	Q1 21	£20.0m.
3-4 The Embankment	TC	Ship Street Advisors, UKRO II Limited Partnership	71,700	Q1 20	£20.5m, yield of 7.23%.
Livingstone House, Chadwick St	TC	Yorkshire Water	71,600	Q2 20	£20.0m, yield of 6.4%.
Minerva Hse, East Parade	TC	Corum Asset Management	58,600	Q4 20	£19.7m, yield of 6.6%.
12 King St	TC	Opus North, Fiera Real Estate Opportunity Fund	47,700	Q1 20	£12.0m.
Globe Point, Water Ln	TC	Aviva Investors	37,800	Q2 21	Foward funded.

Sources: PMA, Egi *Last update: 28/03/2022*

In addition, I have reviewed the build cost adopted by the applicants advisor who have referenced BCIS Data. I have increased the build cost from £174.47 per sqft to £205.03 per sqft based on BCIS office build costs for Leeds in Q3 2022 for a 6 storey or above building.

I have also reviewed BCIS and increased the build cost from £50.73 per sq ft to £61.59 per sqft based on BCIS multistorey build costs for Leeds in Q3 2022. The applicant’s advisor should be aware that BCIS relies on limited data for multistorey car parks. My enquiries indicate that BCIS only holds 6 data sets for the whole of the UK for the past 15 years and there is a high degree of risk relating to the adoption of BCIS data. The RICS Guidance for Viability and Planning states that BCIS is only one of a number of sources that can be relied upon.

I am aware of a circa 500 space car park in the north west of England which is currently under construction at a cost of £100 per sqft. I have provisionally adopted the build rate of £61.59 per sqft ,however, this may be subject to change.

It is important to note that if I were to accept all the applicants figures regarding Gross Development Value for the Alternative Use Scheme (which I do not) and simply updated build costs the office and multistorey car park scheme would have a residual value of £2,498,560 which is significantly lower than the residual value in the applicants appraisal £5,877,983.

For the avoidance of doubt, I have concluded the natural residual value of the office and car park scheme is minus -£1,887,362 and my conclusion clearly demonstrates why the site is being developed as a residential scheme because the alternative does not make economic sense in the current market in a post Covid economy.

Clearly, based on my appraisals the Existing Use Value and Alternative Use residual land values do not represent a level of value that would incentivise a land owner to

sell the site for development and would require an additional incentive to sell the site therefore I have referred to other approaches to arrive at the benchmark land value.

11.3 Purchase Price

The PPG and the RICS encourage the reporting of the purchase price to improve transparency and accountability.

RICS FVIP (1st edition) 2012 guidance states at para 3.6.1.2 **"**It is for the practitioner to consider the relevance or otherwise of the actual purchase price, and whether any weight should be attached to it, having regard to the date of assessment and the Site Value definition..."

However, the NPPG on viability very much dissuades the use of a purchase price as a barrier to viability this is reinforced at several places in the PPG: the price paid for land is not a relevant justification for failing to accord with relevant policies in the plan. And Under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan.

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

DVS would welcome confirmation of the purchase price ahead of the final report.

11.4 Market Transactions

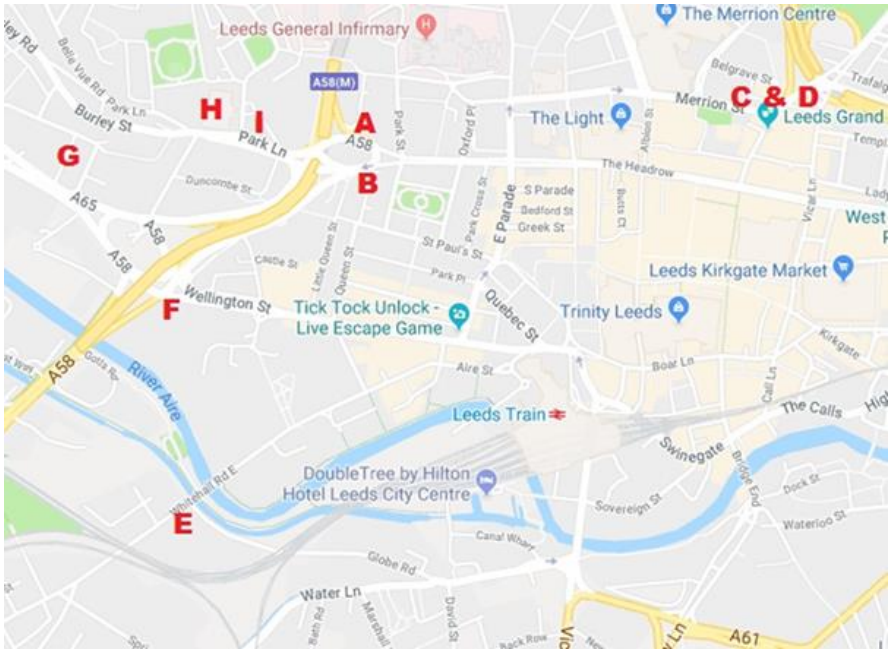
To accord with the requirements of the RICS professional statement Market Evidence must be reported, and adjusted in accordance with (Paragraph 14 of) the PPG. This explains that market evidence can also be used as a cross-check of benchmark land value but should not be used in place of Benchmark Land 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 accord with the requirements of the RICS professional statement Market Evidence must be reported, and adjusted in accordance with (Paragraph 14 of) the PPG. The applicant has not provided any evidence of land sales. The DVS valuer is therefore unable to comment upon how the BLV relates to adjusted market evidence.

Market Comparables Leeds City Centre



Sites C and D on the above plan refer to purpose built student accommodation which has been granted planning consent and is on site. Site C relates to a property formerly known as Symons House, Belgrade Street, Leeds where a 1990's office building was sold on 28 April 2017, for £3,112,505.

Subsequently a planning consent was granted for the building to be demolished and a part 9 and part 23 storey student accommodation building constructed incorporating 349 bedspaces. The price paid is equivalent to £8,918 per student bed space.

In addition, at location D on Wade Lane, a planning consent has been granted for the construction of 752 student bed spaces at land at Belgrave Gardens, Wade Lane, Leeds, LS2 8JU. I understand the site extended to 0.6 acres which included an area of public open space, however, only a small section of the site has been redeveloped and was sold for £1,396,000. The price paid is equivalent to £1,856 per student bed space.

Site F is the site of the former Yorkshire Post newspaper group and has planning consent for the construction of private rented apartments within Phase 1. The site was originally purchased by the current owner some time ago 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 and it was reported that a block of 242 build to rent apartment units have been forward sold to Granger, the UKs largest residential landlord and build to rent specialist. Opposite site F there is a second site which has consent for general residential which has not been developed.

Adjacent to location G there is a development site extending to 0.239 hectares which has recently been developed and comprises an 11 storey 107 unit residential development with commercial on the ground floor. The property comprises 26 studios, 16 x 1 bedroom, 62 x 2 bedroom and 3 x 3 bedroom apartments. The site

was sold in October 2017 for £1,900,000 which is equivalent to £17,757 per bed apartment.

I have also provided a viability review of a substantial PRS scheme at Globe Road which comprises 783 Dwellings and 2,315 sqm of Commercial Uses and Landscaped Public Realm and an Outline Application for Associated Hub Building in a Flexible Commercial Use.

The site extended to 4.94 acres and sold for £8,000,000 excluding VAT on 15 June 2017. At the time of the sale planning consent had lapsed. In addition, the most recent consent granted for the site was (Ref 12/03459/FU) for a multi-level development up to 17 storeys with 609 residential apartments, commercial units (Class A1 to A5, B1, D1 and D2). The sale of the site was equivalent to £1,619,433 per acre or £10,217 per apartment (783 apartments).

<u>Comparable Marsh Lane and Shannon Street</u>

Date	Address	Image	Number of Units	Consideration	Site Area	£ / Acre	Price Per Plot
06-Nov-20	LAND AT MARSH LANE SAXTON LANE &, RAILWAY STREET, LEEDS, LS9 8HB		367	£3,975,639.00	1.15	£3,457,077	£9,419.83
18-Nov-19	LAND NORTH SIDE OF, SHANNON STREET, LEEDS, LS9 8SS		85	£630,000.00	0.31	£2,032,258	£7,412

The site, above, at on the corner of Marsh Lane and Saxton Lane was granted planning consent for a sub policy compliant scheme of 349 apartments, of varying types and sizes. The total floor area of the development is 27,344 sqm GIA on a site of 1.15 acres. The transaction is equivalent to £9,419 per apartment.

The sale of a property on Shannon Street related to the sale of a policy compliant scheme of 85 units which is equivalent to £2,000,000 per acre or £7,412 per apartment.

Finally, the most recent policy compliant land sale was for a scheme at 87-89 Kirkstall Road where an extant consent existed with a signed Section 106 Agreement for full policy requirements. The scheme comprised 631 apartments across 6 blocks on a site of 5.12 acres and sold for £5,800,000 exclusive of VAT in December 2021. This is equivalent to £1,133,000 per acre.

I regard Whitehall Riverside to be a superior site to Kirkstall Road. In addition, Whitehall Riverside is a substantially smaller site and for the purposes of determining the Benchmark Land Value I will refer to both the transaction at Kirkstall Road but also other viability appraisals I have agreed with agents in the city centre in the past 3 years.

11.5 <u>500 Unit BTR Land Value Residual</u>

I have also considered the residual land value for a policy compliant BTR scheme. I have undertaken an appraisal in line with the inputs summarised earlier in this report. I refer you to appendix I of this report which includes a copy of the appraisal.

My residual valuation for a sub compliant scheme results in a negative residual land value which indicates a planning compliant scheme is significantly unviable.

11.6 <u>Benchmark Land Value Considerations</u>

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

In terms of established benchmarks, the area study for city centre residential was agreed at £750,000 per acre as published by Avison Young on behalf of Leeds City Council. I do not consider the figure sufficiently reflects the fact that the subject site has a current implementable consent.

In addition, I have agreed benchmark land values in the city centre area based on approximately £1,000,000 - £2,000,000 per acre subject to the sites planning status (extant commercial consents in place).

I have also had regard to market evidence specifically 4.94 acres sold at Globe Road. The sale of the site was equivalent to £1,619,433 per acre or £10,217 per apartment (783 apartments). The site was subject to an earlier planning consent for owner occupied apartment, which had lapsed at the time of the land sale. Nevertheless, the comparable is indicative of the value of the Whitehall Riverside site.

Finally, the applicant's agent will be aware of a viability appraisal I reviewed at Quarry Hill, Leeds when they acted on behalf of a developer building 331 units on a site which also had an extant consent for an office development. In that instance we agreed a Benchmark Land Value of £1,897,332 per acre. I believe Whitehall Riverside is a superior location and on balance I have concluded the Benchmark Land Value for the site is £2,000,000 per acre.

However, since the publication of the applicants original viability appraisal and the preparation of my stage 1 report the development finance markets have experience significant turbulence. In addition, the construction cost for the scheme have experience significant inflation. The build costs have been reviewed three times by the Councils independent cost consultant.

I have attributed less weight to recent comparable land sales in light of recent market turbulence. It is my balanced and professional opinion having considered all of the above approaches and giving greatest weight to the established planning policy benchmark derived from the area study for city centre residential was which agreed at £750,000 per acre as published by Avison Young on behalf of Leeds City Council.

I therefore set out the calculation to derive the total BLV for the site:

BLV £750,000 per acre

2.58 acre x £750,000 = £1,935,000

For the Stage teo report the DVS reviewer has adopted a BLV of £1,935,000.

12.0 DVS Viability Assessment

12.1 DVS Viability Appraisal Conclusion

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

Appraisal 1 can be found at appendix I reflects my independent conclusion that the scheme can not support and affordable housing of section 106 costs but can pay the full CIL contribution of £270,401 and fixes developer's profit of 8% gross development on costs.

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

13.0 Sensitivity Analysis

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

13.2 I have varied one of the most sensitive appraisal inputs relating to base construction costs. I have adjusted these in upward and downward steps of 1.125% from the base appraisal assumption, and the output is the developers profit, which can be compared to the Target profit of 8% (£1,935,000). The table illustrates if build costs increase by 2.25% then the scheme becomes unviable as the residual land value

falls below the Benchmark profit of £7,187,362. Similarly, if construction costs reduce through changes in design, materials or general value engineering the developer profit will increase to £11,162,846 if construction costs fall by 3.375% by the time construction begins.

13.3 **Sensitivity Test – Policy Compliant Scheme Results**

Sensitivity Analysis Report

Table of Profit Amount and Land Cost

Construction: Rate /ft²						
-3.375%	-2.250%	-1.125%	0.000%	1.125%	2.250%	3.375%
216.42 /ft²	218.94 /ft²	221.46 /ft²	223.98 /ft²	226.50 /ft²	229.02 /ft²	231.54 /ft²
11,162,846	9,837,684	8,512,523	7,187,362	5,862,200	4,537,039	3,211,878
-1,935,000	-1,935,000	-1,935,000	-1,935,000	-1,935,000	-1,935,000	-1,935,000

13.4 The base conclusion is shown in the centre of the results table (orange cell). The green cells indicate the impact on profit if build costs reduce by 1.125% increments, and the red cells illustrate an unviable scheme if costs increase by 2.25%.

14.0 Recommendations

14.1 Viability Conclusion

The above scheme assessed with regards to full planning policy requirement comprising 20% affordable housing, £401,368 of Section 106 contributions and £270,401 of CIL contributions is unviable.

I have appraised the scheme to establish what amount of affordable housing and S106 costs the development can support. I have concluded the development cannot support any affordable housing or section 106 cost but will be capable of contributing to the full CIL contribution of £270,401.

15.0 Engagement

15.1 The DVS valuer has conducted negotiations with the applicant.

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

16.0 Disclosure / Publication

16.1 This initial review report is not for publication.

16.2 The report has been produced for Leeds City Council only. DVS permit that this report may be shared with the applicant and their advisors CBRE as named third parties only.

16.3 The report should only be used for the stated purpose and for the sole use of your organisation and your professional advisers and solely for the purposes of the instruction to which it relates. Our report may not, without our specific written consent, be used or relied upon by any third party, permitted or otherwise, even if that third party pays all or part of our fees, directly or indirectly, or is permitted to see a copy of our report. No responsibility whatsoever is accepted to any third party (named or otherwise) who may seek to rely on the content of the report.

16.4 Planning Practice Guidance for viability promotes increased transparency and accountability, and for the publication of viability reports. However, it has been agreed that your authority, the applicant and their advisors will neither publish nor reproduce the whole or any part of this report, nor make reference to it, in any way in any publication. It is intended that a final report will later be prepared, detailing the agreed viability position or alternatively where the initial review report is accepted, a redacted version will be produced, void of personal and confidential data, and made available to the public.

16.5 As stated in the terms, none of the VOA employees individually has a contract with you or owes you a duty of care or personal responsibility. It is agreed that you will not bring any claim against any such individuals personally in connection with our services.

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

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

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

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

Yours sincerely

[redacted] MRICS
RICS Registered Valuer
Principal Surveyor
DVS
Date: 14th October 2022

Reviewed by:

[redacted] BSc (Hons) MRICS
Principal Surveyor
RICS Registered Valuer
DVS
Date: 14th October 2022

17.0 Appendices

(i) Appraisal 1
(ii) Information to support inputs e.g., abnormals review / BCIS extract / GDV comps
(iii) Redacted TOE

(i) Appraisal 1- Stage One Policy Compliant Viability Conclusion

Glenbrook RIL Ltd
Whitehall Riverside, Leeds, LS1 4BN
NIL% AH @ 20% DMR

Policy Compliant Residual
500 BTR Apartments
3 Retail Units
60 Car Parking Spaces

Development Appraisal
Valuation Office Agency
14 October 2022

APPRAISAL SUMMARY **VALUATION OFFICE AGENCY**

Glenbrook RIL Ltd
Whitehall Riverside, Leeds, LS1 4BN
NIL% AH @ 20% DMR

Summary Appraisal for Phase 1 Phase 1

Currency in £

REVENUE

Rental Area Summary

	Units	ft²	Rent Rate ft²	Initial MRV/Unit	Net Rent at Sale	Initial MRV	Net MRV at Sale
Car Parking	57			1,700	87,210	96,900	87,210
Retail Unit	4	5,382	17.50	23,546	94,185	94,185	94,185
1-Bed Apartment	256	133,120	22.01	11,445	2,241,428	2,929,971	2,241,428
1-Bed Apartment	1	657	19.67	12,923	9,886	12,923	9,886
2-Bed Apartment	98	64,386	23.77	15,617	1,170,798	1,530,455	1,170,798
2-Bed Apartment	14	10,248	23.45	17,165	183,841	240,316	183,841
2-Bed Apartment	15	11,025	23.44	17,228	197,696	258,426	197,696
2-Bed Apartment	30	22,320	23.40	17,410	399,550	522,288	399,550
2-Bed Apartment	30	22,380	23.39	17,449	400,453	523,468	400,453
2-Bed Apartment	1	785	23.21	18,220	13,938	18,220	13,938
2-Bed Apartment	1	871	22.81	19,868	15,199	19,868	15,199
2-Bed Apartment	1	880	22.77	20,038	15,329	20,038	15,329
2-Bed Apartment	1	887	22.74	20,170	15,430	20,170	15,430
2-Bed Apartment	1	1,072	21.90	23,477	17,960	23,477	17,960
3-Bed Apartment	1	785	24.67	19,366	14,815	19,366	14,815
3-Bed Apartment	1	871	24.07	20,965	16,038	20,965	16,038
3-Bed Apartment	1	880	24.00	21,120	16,157	21,120	16,157
3-Bed Apartment	1	887	23.96	21,253	16,258	21,253	16,258
3-Bed Apartment	14	12,880	23.73	21,832	233,816	305,642	233,816
3-Bed Apartment	15	14,445	23.43	22,563	258,911	338,446	258,911
3-Bed Apartment	4	4,220	22.79	24,043	73,573	96,174	73,573
3-Bed Apartment	2	2,124	22.79	24,203	37,031	48,406	37,031
3-Bed Apartment	1	1,095	22.53	24,670	18,873	24,670	18,873
3-Bed Apartment	2	2,198	22.50	24,728	37,833	49,455	37,833
3-Bed Apartment	2	2,200	22.48	24,728	37,834	49,456	37,834
3-Bed Apartment	3	3,576	21.85	26,045	59,774	78,136	59,774
3-Bed Apartment	4	4,772	21.84	26,055	79,729	104,220	79,729
Totals	**561**	**324,946**			**5,763,546**	**7,488,014**	**5,763,546**

Investment Valuation

Car Parking					
Current Rent	87,210	YP @	4.4500%	22.4719	1,959,775
Retail Unit					
Market Rent	94,185	YP @	7.0000%	14.2857	
(2yrs Rent Free)		PV 2yrs @	7.0000%	0.8734	1,175,212
1-Bed Apartment					
Current Rent	2,241,428	YP @	4.4500%	22.4719	50,369,168
1-Bed Apartment					
Current Rent	9,886	YP @	4.4500%	22.4719	222,163
2-Bed Apartment					
Current Rent	1,170,798	YP @	4.4500%	22.4719	26,310,073
2-Bed Apartment					
Current Rent	183,841	YP @	4.4500%	22.4719	4,131,268
2-Bed Apartment					
Current Rent	197,696	YP @	4.4500%	22.4719	4,442,604
2-Bed Apartment					
Current Rent	399,550	YP @	4.4500%	22.4719	8,978,659
2-Bed Apartment					
Current Rent	400,453	YP @	4.4500%	22.4719	8,998,948
2-Bed Apartment					
Current Rent	13,938	YP @	4.4500%	22.4719	313,218
2-Bed Apartment					
Current Rent	15,199	YP @	4.4500%	22.4719	341,543
2-Bed Apartment					
Current Rent	15,329	YP @	4.4500%	22.4719	344,467
2-Bed Apartment					
Current Rent	15,430	YP @	4.4500%	22.4719	346,749
2-Bed Apartment					
Current Rent	17,960	YP @	4.4500%	22.4719	403,590
3-Bed Apartment					
Current Rent	14,815	YP @	4.4500%	22.4719	332,920

OFFICIAL-SENSITIVE

APPRAISAL SUMMARY **VALUATION OFFICE AGENCY**

Glenbrook RIL Ltd
Whitehall Riverside, Leeds, LS1 4BN
NIL% AH @ 20% DMR

3-Bed Apartment					
Current Rent	16,038	YP @	4.4500%	22.4719	360,409
3-Bed Apartment					
Current Rent	16,157	YP @	4.4500%	22.4719	363,074
3-Bed Apartment					
Current Rent	16,258	YP @	4.4500%	22.4719	365,352
3-Bed Apartment					
Current Rent	233,816	YP @	4.4500%	22.4719	5,254,302
3-Bed Apartment					
Current Rent	258,911	YP @	4.4500%	22.4719	5,818,235
3-Bed Apartment					
Current Rent	73,573	YP @	4.4500%	22.4719	1,653,325
3-Bed Apartment					
Current Rent	37,031	YP @	4.4500%	22.4719	832,147
3-Bed Apartment					
Current Rent	18,873	YP @	4.4500%	22.4719	424,108
3-Bed Apartment					
Current Rent	37,833	YP @	4.4500%	22.4719	850,181
3-Bed Apartment					
Current Rent	37,834	YP @	4.4500%	22.4719	850,199
3-Bed Apartment					
Current Rent	59,774	YP @	4.4500%	22.4719	1,343,230
3-Bed Apartment					
Current Rent	79,729	YP @	4.4500%	22.4719	1,791,655
					128,576,574
GROSS DEVELOPMENT VALUE					**128,576,574**
Purchaser's Costs				(650,000)	
Effective Purchaser's Costs Rate			0.00%		(650,000)
NET DEVELOPMENT VALUE					**127,926,574**
NET REALISATION					**127,926,574**
OUTLAY					
ACQUISITION COSTS					
Fixed Price (2.58 Acres 750,000.00 pAcre)				1,935,000	
					1,935,000
Agent Fee			1.00%	19,350	
Legal Fee			0.50%	9,675	
					29,025
CONSTRUCTION COSTS					
Construction	**ft²**	**Build Rate ft²**		**Cost**	
Construction Costs	455,317	219.39		99,891,997	**99,891,997**
Contingency			3.00%	2,996,760	
S106: Travel Plan Review Fee				1	
S106: Residential Travel Plan Fund				1	
S106: Off-Site Highways				1	
S106: Off-Site Greenspace				1	
CIL				270,401	
Legible Leeds Wayfinder				1	
					3,267,166
Other Construction					
Amenity FF&E				65,000	
Apartment FF&E	500 un	2,000.00 /un		1,000,000	
					1,065,000
PROFESSIONAL FEES					
Professional Fees			7.00%	6,992,440	
					6,992,440
MARKETING & LETTING					
Letting Agent Fee			10.00%	9,419	
Letting Legal Fee			5.00%	4,709	
					14,128
DISPOSAL FEES					
Investment Sale Agent Fee			0.25%	321,441	
Investment Sale Legal Fee			0.10%	128,577	

OFFICIAL-SENSITIVE

APPRAISAL SUMMARY **VALUATION OFFICE AGENCY**

Glenbrook RIL Ltd
Whitehall Riverside, Leeds, LS1 4BN
% AH @ 20% DMR

			455,531
FINANCE			
Debit Rate 4.500%, Credit Rate 0.000% (Nominal)			
Land		240,748	
Construction		5,682,442	
Total Finance Cost			5,923,190
TOTAL COSTS			**121,870,337**
PROFIT			
			7,631,253
Performance Measures			
Profit on Cost%	6.26%		
Profit on GDV%	5.86%		
Profit on NDV%	5.89%		
Development Yield% (on Rent)	4.78%		
Equivalent Yield% (Nominal)	4.47%		
Equivalent Yield% (True)	4.60%		
IRR	9.62%		
Rent Cover	1 yr 4 mths		
Profit Erosion (finance rate 4.500)	1 yr 4 mths		

(ii) Information to support inputs e.g., BMLV/Fees/ Contingency/ Profit

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

(iii) Redacted Terms of Engagement

Valuation Office Agency

DVS Property Specialists for the Public Sector

Valuation Office Agency
7 Wellington Place
Leeds
LS1 4AJ

[redacted]
Principal Planner
Central Team
Planning Services,
City Development
Leeds City Council

Our Reference : 1798295
Your Reference : Whitehall Riverside

Please ask for : [redacted]
Tel : [redacted]

E Mail : [redacted]

Date : 9th June 2022

Dear Mr [redacted]

Independent Review of Development Viability Assessment

Proposed Development	500 Build to Rent Apartments – 1, 2 and 3 bed apartments, 4 ground floor retail units, resident amenity and 60 car parking spaces
Subject of Assessment:	Whitehall Riverside, Leeds, LS1 4BN
Planning Application Ref:	22/02521/FU
Applicant / Developer:	Glenbrook RIL Limited
Applicant's Viability Advisor:	CBRE

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

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

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

Please note that this Terms of Engagement document is confidential between our client, Leeds City Council, and the VOA. As it contains commercially sensitive and data sensitive information, it should not be provided to the applicant or their advisor without the explicit consent of the VOA. A redacted copy of these terms will be included as an appendix to our final report.

1. Client

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

2. Subject Property and Proposed Development

The land or property (properties) subject to the review is 500 residential Build to Rent Apartments, 4 ground floor retail units, resident amenity and 60 car parking spaces at Whitehall Riverside, Leeds, LS1 4BN .

It is understood that the development has:

- a site area of 2.58 acres.
- a total GIA of 455,317 sqft
- the proposed schedule of accommodation is as follows:

Property Type	Number	NIA Sqft	Total NIA Sqft
1-bed	257	520	133,750
2-bed	192	702	134,808
3-bed	51	999	50,940
Retail Units	4	Blank	5,382
Car Parking	60	Blank	Blank

3. Purpose and Scope

To complete this assessment DVS will:

a) Assess the Financial Viability Appraisal (FVA) submitted by / on behalf of the planning applicant / developer, taking in to account the planning proposals as supplied by you or available from your authorities planning website.

b) Advise you on those areas of the appraisal which are agreed and those which are considered unsupported or incorrect, including stating the basis for this opinion.

c) If DVS considers that the applicant's appraisal input and viability conclusion is incorrect, we will advise on the cumulative viability impact of the changes and in particular whether any additional affordable housing and / or s106 contributions

might be provided without adversely affecting the overall viability of the development. This will take the form of sensitivity tests.

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

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

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

4. Date of Assessment

The date of the assessment is to be 21st July 2022.

5. Confirmation of Standards to be applied

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

Mandatory provisions

- The '**National Planning Policy Framework'**, which states that all viability assessments should reflect the recommended approach in **the 'National Planning Practice Guidance on Viability'**. This document is recognised as the 'authoritative requirement' by the Royal Institution of Chartered Surveyors (RICS).

- RICS Professional Statement '**Financial viability in planning: conduct and reporting'** (effective from 1 September 2019) which provides the mandatory requirements for the conduct and reporting of valuations in the viability assessment and has been written to reflect the requirements of the PPG.

- RICS Professional Standards PS1 and PS2 in the '**RICS Valuation – Global Standards'**.

Best Practice provisions

Regard will be had to applicable RICS Guidance Notes:

- RICS GN '**Assessing viability in planning under the National Planning Policy Framework 2019 for England'** (effective 1 July 2021)

- RICS GN '**Valuation of Development Property'**

- RICS GN '**Comparable Evidence in Real Estate Valuation'**

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

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

6. Agreed Departures from the RICS Professional Standards

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

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

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

7. Bases of Value

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

"Benchmark Land Value should:

- *be based upon existing use value*

- *allow for a premium to landowners (including equity resulting from those building their own homes).*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8. Special Assumptions

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

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

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

- That the proposed development is complete on the date of assessment in the market conditions prevailing on the date of assessment.

- That your Council's Local Plan policies, or emerging policies, including for affordable housing are up to date.

- That the applicant's abnormal costs, where adequately supported, are to be relied upon to determine the viability of the scheme, unless otherwise stated in our report and/ or otherwise instructed by your Council and that are no abnormal development costs in addition to those which the applicant has identified.

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

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

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

- Such inspection of the property and investigations as the Valuer decides is professionally adequate and possible in the particular circumstance will be undertaken.

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

  The building services will not be tested, and it will be assumed that they are in working order and free from defect. No responsibility can therefore be accepted for identification or notification of property or services' defects that would only be

apparent following such a detailed survey, testing or inspection. If the Valuer decides further investigation to be necessary, separate instructions will be sought from you.

- It will be assumed that good title can be shown, and that the property is not subject to any unusual or onerous restrictions, encumbrances or outgoings.

- It will be assumed that the property and its value are unaffected by any statutory notice or proposal or by any matters that would be revealed by a local search and replies to the usual enquiries, and that neither the construction of the property nor its condition, use or intended use was, is or will be unlawful or in breach of any covenant.

- It will be assumed that all factual information provided by you or the applicant or their agent with regard to the purpose of this request and details of tenure, tenancies, planning consents and all other relevant information is correct. The advice will therefore be dependent on the accuracy of this information and should it prove to be incorrect or inadequate the basis or the accuracy of any assessment may be affected.

- Valuations will include that plant that is usually considered to be an integral part of the building or structure and essential for its effective use (for example building services installations) but will exclude all machinery and business assets that comprise process plant, machinery and equipment unless otherwise stated and required.

- No access audit will be undertaken to ascertain compliance with the Equality Act 2010 and it will be assumed that the premises are compliant unless otherwise stated by the applicant.

- No allowances have been made for any rights obligations or liabilities arising from the Defective Premises Act 1972 unless identified as pertinent by the applicant.

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

10.1 From the client

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

a) The Planning application details.

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

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

c) Details of any extant or elapsed consents relating to permitted Alternative Use.

d) If the applicant has relied on an alternative use that is not permitted, a statement as to whether this alternative would be an acceptable development.

e) If the applicant has applied vacant building credit, a statement as to whether this is agreed by your Council, if not the appropriate figure.

f) A copy of the applicant's financial viability appraisal dated March 2022 prepared by CBRE.

10.2 Information from the applicant

Site access

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

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

Viability assessment

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

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

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

10.3 DVS Information

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

10.4 Information Outstanding

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

From your council:
A summary of Section 106 Costs applicable to the application
A summary of CIL charges applicable to the application

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

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

11. Identity of Responsible Valuer and their Status

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

The valuer responsible will be [redacted] and their contact details are as stated above in the letterhead.

Any graduate involvement will be detailed in the report.

12. Disclosure of any Material Involvement or Conflict of Interest

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

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

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

13. Resignation of Independent Expert

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

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

14. Description of Report

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

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

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

15. Report Date

It is my intention to submit my review assessment by 22nd July 2022.

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

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

16. Validity Period

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

17. Restrictions on Disclosure and Publication

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

18. Limits or Exclusions of Liability

Our viability advice is provided for your benefit alone and solely for the purposes of the instruction to which it relates. Our advice may not, without our specific written consent, be

used or relied upon by any third party, even if that third party pays all or part of our fees, directly or indirectly, or is permitted to see a copy of our valuation report.

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

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

19. Fee Basis

Fixed fee quote

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

The personnel involved in this assessment will be as follows:

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

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

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

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

RICS Senior Valuer	Report, valuation and viability assessment, discussions	[redacted]
RICS Graduate Surveyor	Research, valuation	[redacted]
Quantity Surveyor	Cost estimates, advice	[redacted]
RICS Principal Valuers	Formal case review / Quality Assurance	[redacted]
Administration	Typing/ Research	[redacted]

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

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

Please note that that DVS minimum fee is [redacted] unless agreed otherwise as part of a contract or SLA.

20. Currency

All prices and values are stated in pounds sterling.

21. Fee Payment and Interim Billing

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

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

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

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

22. Purchase Order Numbers

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

23. Complaints

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

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

24. Freedom of Information

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

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

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

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

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

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

25. Monitoring Compliance by RICS

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

26. Revisions to these Terms

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

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

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

Yours Sincerely

Principal Surveyor
RICS Registered Valuer
DVS

Based in Leeds Valuation Office

Appendix 2

Proposed conditions:

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2) The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans and Specifications above.

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

3) Prior to the installation of any external facing material, roofing and glazing types on site, full details including a sample panel of the relevant external facing materials, roofing and glazing types to be used shall be constructed on-site and approved in writing by the Local Planning Authority. The external materials, roofing and glazing materials shall be constructed in strict accordance with the sample panel(s). The sample panel(s) shall not be demolished prior to the completion of the development, unless otherwise agreed in writing by the Local Planning Authority

   In the interests of visual amenity and the character of the surrounding area.

4) Prior to the construction of the following elements, full 1 to 20 scale working drawing details of the following shall be submitted to and approved in writing by the Local Planning Authority:

   a. soffit, roof line, eaves and any external plant area treatments
   b. junctions between materials
   c. each type of window bay proposed
   d. ground floor frontages

   The works shall be carried out in accordance with the details thereby approved.

   In the interests of visual amenity and the character of the surrounding area.

5) The disabled parking shown on the approved plans shall be laid out prior to first occupation of the development and retained for the life of the development.

   In accordance with the adopted Core Strategy and parking policies.

6) The development shall not be occupied until a wayfinding scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details and location of pedestrian and cycling signage along Whitehall Road and retention of the existing wayfinding signage around the site. The works shall be carried out in accordance with the approved details within a timescale that shall have first been agreed in writing by the Local Planning Authority.

To ensure pedestrian and cycling safety and legibility.

7) Notwithstanding the approved details, works above the ground floor slab level shall not commence until full details of cycle/motorcycle parking and facilities have been submitted to and approved in writing by the Local Planning Authority. The approved cycle/motorcycle parking and facilities shall be provided prior to first occupation of the development and retained thereafter for the lifetime of the development.

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

8) Development shall not be occupied until a plan showing details of dedicated space for loading, unloading and parking of service/delivery vehicles has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to first occupation and the space shall be retained for the lifetime of the development.

To ensure the free and safe use of the highway.

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

To ensure the free and safe use of the highway.

10) Development shall not be occupied until all areas shown on the approved plans to be used by vehicles, including roads, footpaths, cycle tracks, loading and servicing areas and vehicle parking space have been fully laid out, surfaced and drained such that loose materials and surface water does not discharge or transfer onto the highway. These areas shall not be used for any other purpose thereafter.

To ensure the free and safe use of the highway.

11) Development shall not be occupied until a Car Park and Servicing Management Plan (including timescales) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following information:
How will vehicles be managed to ensure the turning space is kept clear of parked and waiting vehicles and where will any contractors/maintenance vehicles be accommodated. 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.

12) Development shall not commence until a survey of the condition of (TBC) in the vicinity of the site has been submitted to and approved in writing by the Local Planning Authority. Upon completion of the development (completion of the final approved building on the site) a further condition survey shall be carried out and submitted to the Local Planning Authority together with a schedule of remedial works to rectify damage to the highway identified between the two surveys. The approved mitigation works shall be fully implemented within (TBC) months of the remedial works being agreed with the Local Planning Authority. In the event that a defect is identified during other routine

inspections of the highway that is considered to be a danger to the public it must be immediately made safe and repaired within 24 hours from the applicant being notified by the Local Planning Authority.

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

13) Development shall not commence until a statement of construction practice has been submitted to and approved in writing by the Local Planning Authority, the statement of construction practice shall include full details of:

a) the construction vehicle routing, means of access, location of site compound, storage and parking (including workforce parking), means of loading and unloading of all contractors' plant, equipment, materials and vehicles and associated traffic management measures.

b) methods to prevent mud, grit and dirt being carried on to the public highway from the development hereby approved.

c) measures to control the emissions of dust and dirt during construction.

d) how the statement of construction practice will be made publicly available by the developer.

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

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

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

To ensure the free and safe use of the highway

15) Development shall not be occupied until Electric Vehicle Charging Points have been provided in accordance with a phasing
scheme over 5 years that shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall thereafter be retained for the lifetime of the development.

In the interests of providing sustainable methods of travel.

16) Development (excluding demolition) shall not commence until a Phase I Desk Study has been submitted to, and approved in writing by, the Local Planning Authority and:
(a) Where the approved Phase I Desk Study indicates that intrusive investigation is necessary, development (excluding demolition) shall not commence until a Phase II

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

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

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

17) If remediation is unable to proceed in accordance with the approved Remediation Strategy, or where significant unexpected contamination is encountered, or where soil or soil forming material is being imported to site, the Local Planning Authority shall be notified in writing immediately and operations on the affected part of the site shall cease. The affected part of the site shall be agreed with the Local Planning Authority in writing. An amended or new Remediation Strategy and/or Soil Importation Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to any further remediation works which shall thereafter be carried out in accordance with the revised approved Strategy. Prior to the site being brought into use, where significant unexpected contamination is not encountered, the Local Planning Authority shall be notified in writing of such.

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

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

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

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

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

19) Before development commences, the detailed SuDS based Drainage Scheme based on the drainage strategy as set out within the Curtins Detailed Foul and Surface Water Drainage Strategy (ref 079153-CUR-00-XX-XX-RP-C-003 Rev 05 dated 06/10/2022), the principles of The SUDS Manual (C753) and the design criteria as set out within the current Councils Minimum Development Control Standards for Flood Risk, should be

submitted and approved in writing by the Local Planning Authority. The application should provide the additional detailed drainage details and supporting calculations which detail how the main buildings, external areas are to be drained and full details of all related SUDS features (e.g. rain gardens). The maximum rate of discharge, off-site, shall not exceed 38.8 l/s and be in line with the drainage strategy as set out within the Curtins Detailed Foul and Surface Water Drainage Strategy ref 079153-CUR-00-XX-XXRP-C-003 Rev 05 dated 06/10/2022 and the LLFAs requirements for Major Development unless otherwise agreed with the LPA. The works shall be implemented in accordance with the approved scheme before the development is brought into use, or as set out in the pproved phasing details.

To ensure sustainable drainage and flood prevention.

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

To ensure satisfactory drainage and pollution prevention.

21) Development shall not commence until details and a method statement for the interim and temporary drainage measures to be implemented during the demolition and construction phases as set out within Section 6 of the Curtins Detailed Foul and Surface Water Drainage Strategy (ref 079153-CUR-00-XX-XX-RP-C-003 Rev 05 dated 06/10/2022) have been submitted to and approved in writing by the Local Planning Authority. In addition, details shall also be provided, where relevant, to ensure that any existing overland flood paths are maintained during the demolition and construction phases. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. Where temporary discharges to a sewer are proposed, written confirmation from the sewer owner that these have been accepted shall be provided. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Planning Authority.

To prevent flooding and pollution offsite in accordance with the NPPF.

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

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

23) The development shall not be brought into use until a suitable Flood Evacuation Plan (FEP) has been submitted and approved by the Local Planning Authority. The Flood Evacuation Plan shall be based on the latest Environment Agency guidance and the ADEPT/EA document titled Flood Risk Emergency Plans for New Development dated Sept 2019 downloadable https://www.adeptnet.org.uk/system/files/documents/ADEPT%20%26%20EA%20Flood%20risk%20emergency%20plans%20for%20new%20development%20September%202019....pdf from here
and include the following:
a) Details of advanced flood warning measures.
b) Advanced site preparation measures to be undertaken in the event of a flood warning
c) Site evacuation measures.
e) Details of how the FEP will be monitored during all operational hours of the development, the responsibility for flood safety measures in accordance with emergency flood management plan.
f) Confirmation that details of the FEP will be relayed to all site users and shall be implemented for the life of the development and to any future owners.

To ensure a safe building environment for the lifetime of the development

24) Hard and soft landscaping works shall not commence until full details of both hard and soft landscape works, details shall include dimensions, proposed finished levels/gradients and sections/elevations identifying construction standards, material dimensions/types, preservative treatments, below ground foundations, colours, textures etc. associated with, 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) road/pedestrian/cycling paving areas, steps and ramps
(d) CCTV and access control
(e) minor artefacts and structures (eg, tree pits in hard paving, raised planting beds, flush planting beds, refuse/cycle storage units, screening, seating, play features, interpretation features, bins,bollards, lights, paved service covers, linear drainage covers,etc.)
(f) proposed and existing functional services above and below ground (eg. drainage, sewers, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.).

Soft landscape works shall include:

(g) detailed planting plans including the locations of trees, shrubs, grasses, bulbs, hedge planting etc.
(h) written specifications (including cultivation, stock handling/quality, seasonal/weather restrictions, planting methods, soil amelioration, drainage, irrigation, surface finish and other B.S compliant operations associated with tree, plant and grass establishment);
(i) schedules of plants noting species, planting sizes and proposed numbers/densities,
(j) an implementation schedule.

All Soft Landscaping works to be carried out in accordance with Planting checklist (leeds.gov.uk). Hard and Soft works shall be carried out in accordance with the approved details; approved implementation programme and BS 4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.

To ensure the provision and establishment of acceptable landscaping.

25) Hard and soft landscaping works shall be fully carried out in accordance with the approved details prior to the occupation of any part of the development in accordance with the programme agreed with the Local Planning Authority and to a reasonable standard in accordance with the relevant provisions of appropriate British Standards or other recognised codes of good practice.

To ensure the provision, establishment and maintenance to a reasonable standard of landscaping in accordance with the approved proposals.

26) If within a period of five years from the date of planting, any tree/hedge/shrub dies or is removed, uprooted or destroyed, 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,

27) A LANDSCAPE MANAGEMENT PLAN that applies for the lifetime of the development. The first five years should be detailed more fully to cover an extended defects period for the successful establishment of the proposed landscape. The report should include long term design objectives, management responsibilities and maintenance schedules shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development.

The Management Plan must be a standalone, self-contained document that is not reliant on cross referencing additional information/site plans. The document must therefore include copies of all approved landscape plans and specifications as appendices.

All in accordance with Planning Guidance No. 2 LANDSCAPE MANAGEMENT PLANS. Ref:https://www.leeds.gov.uk/docs/Landscape%20management%20plans%20guidance.pdf

The landscape management plan shall be submitted to, and approved in writing, prior to the occupation of the development and carried out as approved.

To ensure successful aftercare of landscaping.

28) Prior to the commencement of development a Construction Environmental Management Plan (CEMP:Biodiversity) shall be submitted to and approved in writing by the LPA. The CEMP (Biodiversity) shall include the following:
a) Risk assessment of potentially damaging construction activities
b) Identification of "biodiversity protection zones"

c) Measures to avoid or reduce impacts during construction on the River Aire and non-native invasive plants
d) Location and timings of sensitive works to avoid harm to biodiversity features, including nesting birds, and otters and bats associated with the river
e) The times during construction when specialist ecologists need to be present on site to oversee works
f) The role of a responsible person (Ecological Clerk of Works) and lines of communication
g) Use of protective fences, exclusion barriers and warning signs

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

To ensure the protection of existing biodiversity features.

29) Prior to commencement of development a Lighting Design Strategy For Bats shall be produced by an appropriately qualified ecological consultant and submitted to and approved in writing by the LPA. The Strategy shall:
a) Identify those areas/features on site that are "particularly sensitive for commuting and foraging bats" - using an appropriately scaled map to show where these areas are
b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb commuting and foraging bats

All external lighting shall be installed in accordance with the specifications and locations set out in the Strategy, and shall be maintained thereafter in accordance with the Strategy. Under no circumstances should any additional external lighting be installed without prior consent from the LPA in the areas identified in the Strategy as "particularly sensitive for commuting and foraging bats".

To safeguard a protected species (bats) in accordance with protection and enhancement of biodiversity.

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

To maintain and enhance biodiversity in accordance.

31) Following completion of at least 50% of the dwellings and secondly at the stage of the final completion of the remaining 50% of the dwellings, a post construction Accessible Housing Certification Table containing the full details of the following matters shall be submitted to and approved in writing by the Local Planning Authority;

- Which and how many dwellings within the development have satisfied M4 (2)* accessible and adaptable dwellings standards

- Which and how many dwellings within the development have satisfied M4 (3)* wheelchair adaptable dwellings standards
- Which and how many dwellings within the development have satisfied M4 (3)* wheelchair accessible dwellings standard.
*contained within Part M Volume 1 (Approved Document) of The Building Regulations 2010, or any such Approved Document or Regulations for the time being in force, including any modification, extension or re-enactment of the same and including all instruments, orders, regulations and directions for the time being made, issued or given under the Approved Document or Regulations (or deriving validity from the same).

The accessible dwellings shall be provided in accordance with the agreed details and shall be retained as provided for thereafter.

In the interests of disabled people and access for all.

32) A sound insulation and ventilation scheme designed to protect the future occupants of the proposed accommodation from noise emitted by nearby sources and to protect neighbours 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.

In the interests of amenity.

33) The scheme shall achieve internal residential noise levels of no higher than noise rating NR20 in bedrooms between 23.00 and 07.00 and NR25 in all habitable rooms between 07.00 and 23.00. Building services plant noise from the development shall achieve a BS 4142:2014 rating level of no higher than the background both within the development and at nearby noise-sensitive receptors, including the character corrections for tonality, impulsivity, and intermittency as appropriate.

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

In the interests of amenity

34) Commercial deliveries to and from the premises (all uses) including loading and unloading and refuse collection, shall be restricted to 08.00 to 20.00 hours Monday to Saturday and 09.00 to 18.00 hours on Sundays and Bank Holidays.

In the interests of amenity.

35) No use of the commercial units as an entertainment or bar use shall commence unless a scheme to control noise emitted from the premises has been approved in writing by the Local Planning Authority and installed as approved. The scheme shall provide that the LAeq of entertainment noise does not exceed the representative background noise level LA90 (without entertainment noise), and the LAeq of entertainment noise will be at least 3dB below the background noise level LA90 (without entertainment noise) in octaves

between 63 and 125Hz when measured at the nearest noise sensitive premises. The approved scheme shall be retained thereafter.

In the interests of residential amenity

36) No building operation shall take place before 08.00 hours on weekdays and 09.00 hours on Saturdays nor after 18:00 hours on weekdays and on Saturdays, with no works on Sundays or Bank Holidays, unless agreed in writing with the Planning Local Authority.

In the interests of residential amenity.

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

a. a recycled material content plan (using the Waste and Resources Programme's (WRAP) recycled content toolkit).
b. a Site Waste Management Plan (SWMP).
c. an energy plan showing the amount of on-site energy produced by the selected Low and Zero Carbon (LZC) technologies and that it produces a minimum of 10% of total demand.
d. details that demonstrate at least a 20% reduction in total predicted carbon dioxide emissions in the Building Regulations Target Emission Rate Part L 2013.
e. details that demonstrate the implementation of the low water usage target 110 litres/person/day.
f. a proposal to make the development future proof to enable future connection to the local district heat network.

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

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

In the interests of ensuring the development meets the requirements of the adopted energy policies within the Core Strategy.

38) The commercial ground floor uses shall be used as Class E(a), Class E(b), Class E(e) and shall not be used for any other purposes within Class E or other Use Classes of the Schedule of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020,or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order with or without modification.

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

39) Notwithstanding the details shown on the approved plans, no more than 200 square metres gross internal area of the 428 square metres commercial uses proposed shall be used for Class E(a) for the sale of convenience goods, as defined in The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020,or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order with or without modification, and its subsequent amendments.

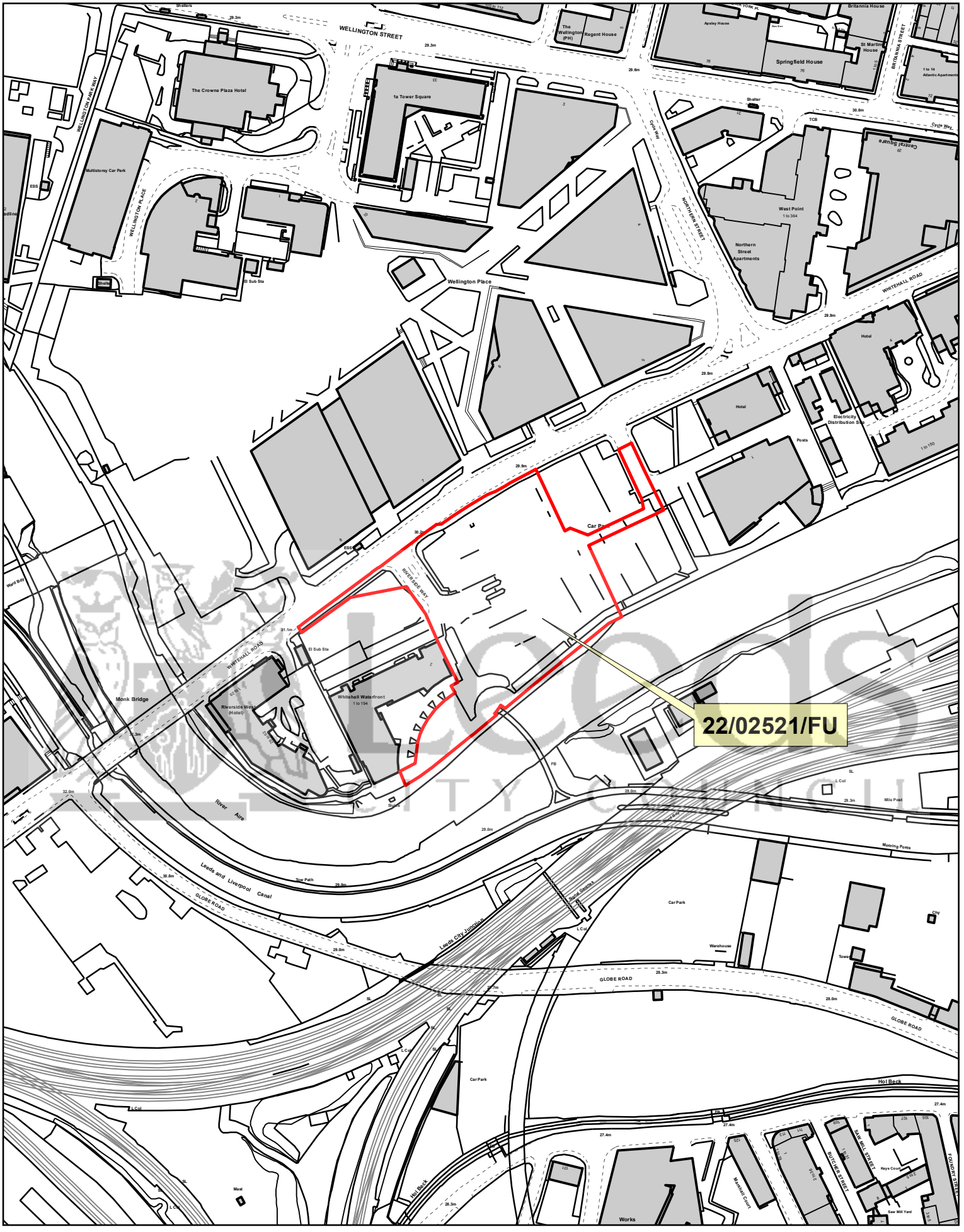
In order that the Local Planning Authority can retain control over uses which it considers could be harmful to the character of the area and the viability of the City Centre or Town and Local Centres.

40) The opening hours of the new commercial units shall be restricted to 7:00 hours to 23:00 hours Monday to Sunday.

In the interests of residential amenity.

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

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



CITY PLANS PANEL

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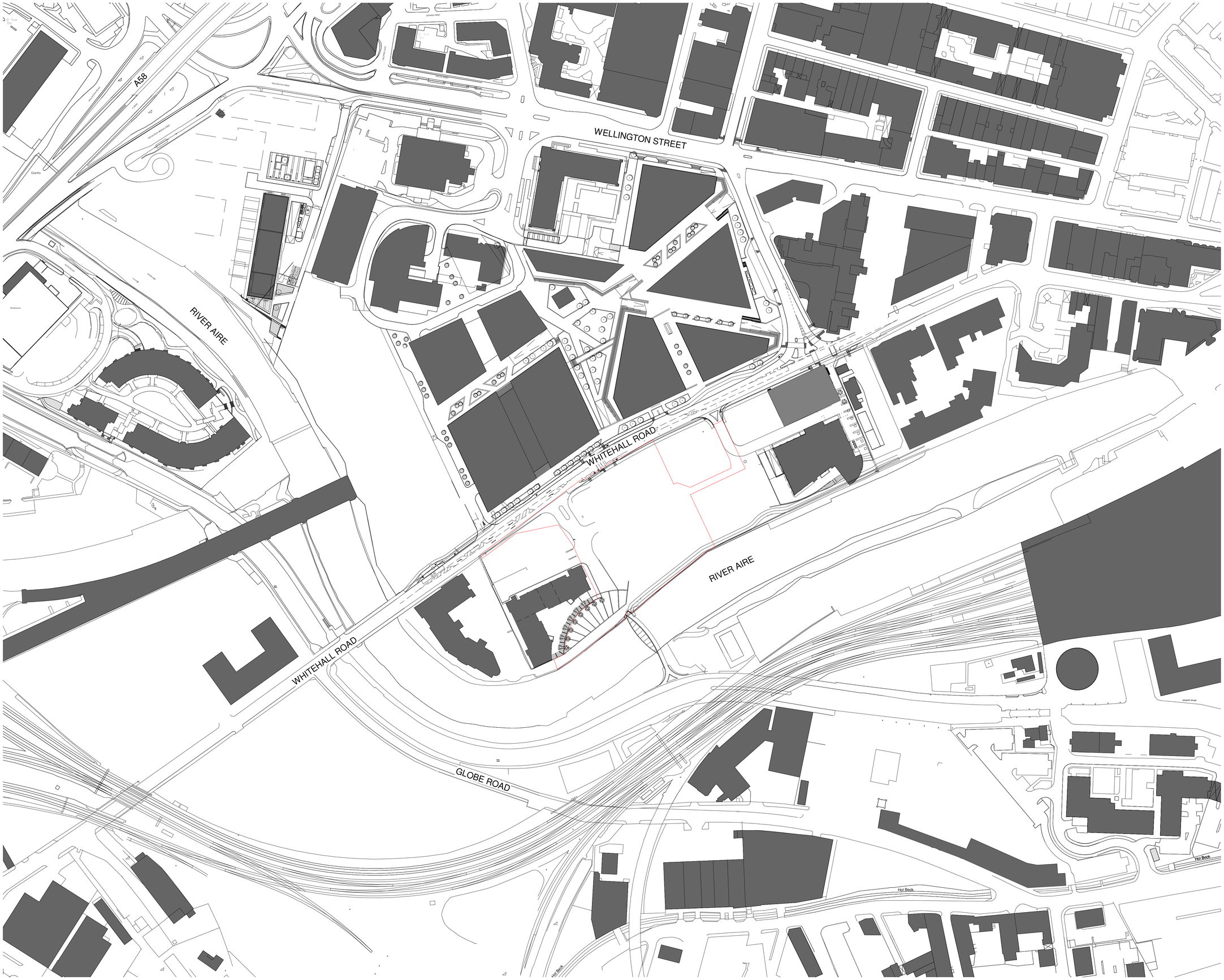
PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/2500



A1

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DO NOT SCALE FROM THIS DRAWING
The contractor shall check and verify all dimensions on site and report any discrepancies in writing to Sheppard Robson before proceeding work

FOR ELECTRONIC DATA ISSUE
Electronic Data / drawings are issued as "read only" and should not be interrogated for measurement. All dimensions and levels should read, only from those values stated in text on the drawing.

REV.	DATE	AMENDMENT
P01	24/03/22	First issue for planning
P02	04/07/22	Red Line Updated

KEYPLAN

CLIENT

GLENBROOK RIL LIMITED

GLENBROOK

SHEPPARD ROBSON

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T: +44 (0)161 233 8900 E: enquiries@sheppardrobson.com

PROJECT
WHITEHALL RIVERSIDE - RESIDENTIAL

SCALE@A1	DATE	ORIGINATOR	CHECKED	AUTHORISED
1 : 1250	**24/03/22**	**OC**	**KR**	**TOB**

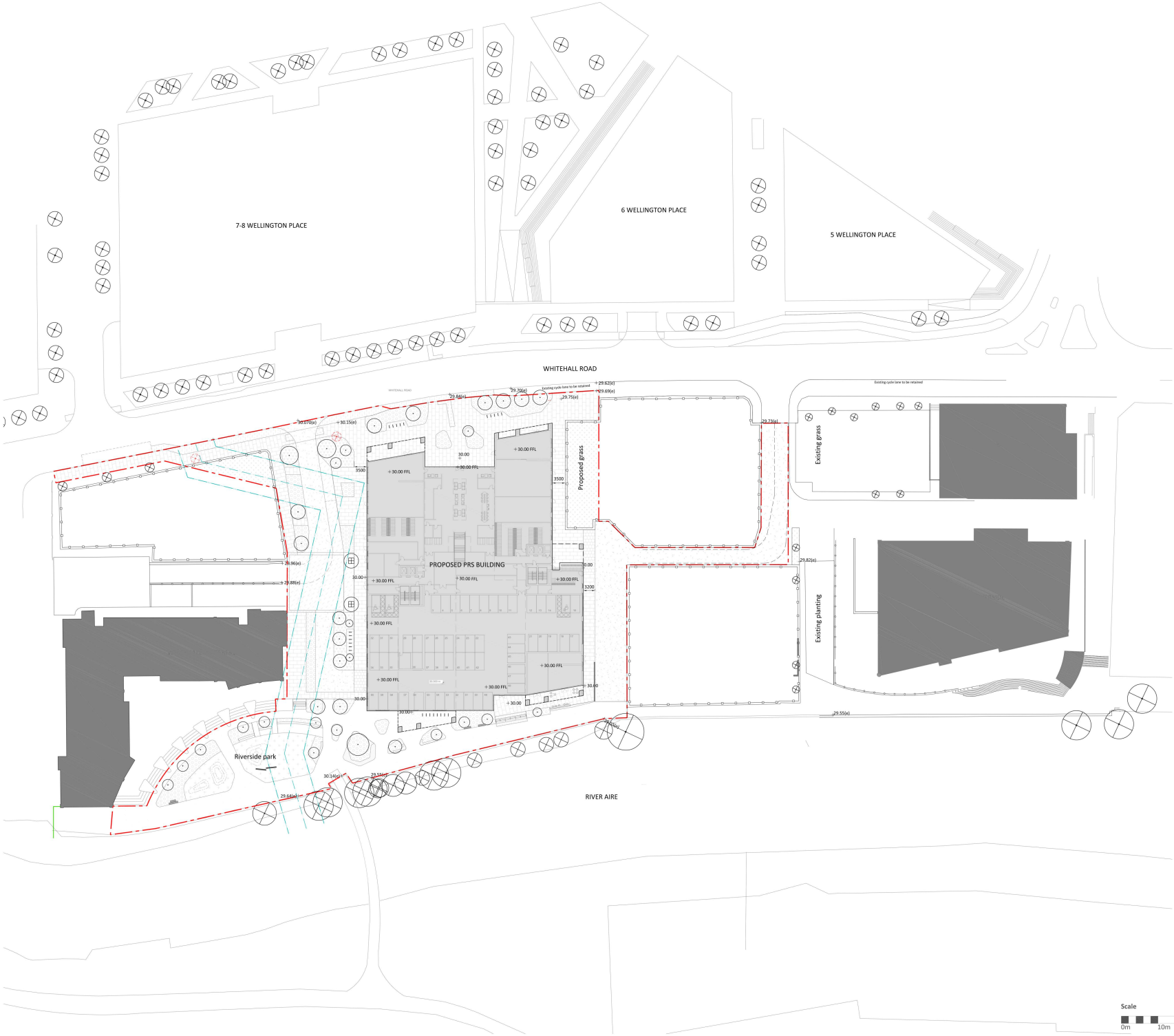
Location Plan

RIBA Stage 3

STATUS	PURPOSE FOR ISSUE	SR NO.
S2	**PLANNING**	**6753**

DRAWING NO. REV.

6753 - SRA - XX - XX - DR - A - 00800 **P02**



Key

- Planning application boundary
- BLDG — Proposed building
- BLDG — Existing building
- Proposed high quality block paving to pedestrian routes
- Proposed high quality sett paving to vehicular routes
- Resin bound gravel surfacing
- Proposed macadam surfacing
- Proposed coloured macadam surfacing
- Tactile corduroy paving
- Tactile blister paving to crossings
- Proposed surfacing to cycleway to match existing
- Proposed kerb
- Proposed steps
- Proposed timber seat
- Proposed timber deck/ seating edge
- Proposed cycle stands
- Proposed wall
- + 2.250 — Proposed levels
- +2.250(e) — Existing levels to be retained
- Proposed tree in hard landscape
- Proposed tree in soft landscape
- Existing trees to be retained
- Existing tree to be removed
- Proposed grass
- Proposed rain gardens with shrub and herbaceous planting
- Proposed ornamental herbaceous and shrub planting
- Existing sewer and extent of easement
- Proposed knee rail

Notes

1. All dimensions in mm, unless otherwise stated.
2. Scaling from drawing if printed incorrectly may lead to errors.
3. All information outside red line boundary shown for contextual purpose only.
4. All hatch patterns are indicative only unless stated otherwise.
5. This drawing is to be read in conjunction with the all relevant documentation from the design team

N

Scale
0m 10m 20m 30m 40m 50m

Date	Description of revision	Drawn by	Checked by	Approved by	Revision
28.03.22	Existing trees along Whitehall Road shown	SD	SD	AP	P04

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Project
WHITEHALL RIVERSIDE
RF21-893

Client
GLENBROOK

Document title
SITE PLAN

Paper size
A1

Scale
1:250

Status
FOR INFORMATION

S2

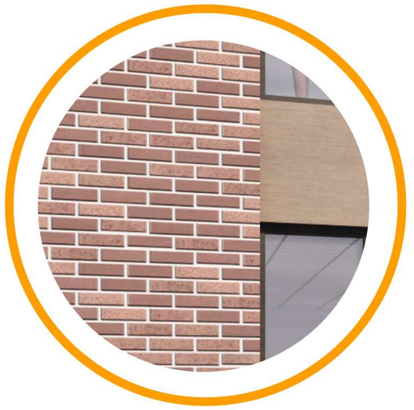
Drawing number
0893-RFM-XX-00-DR-L-0004

Revision
P04

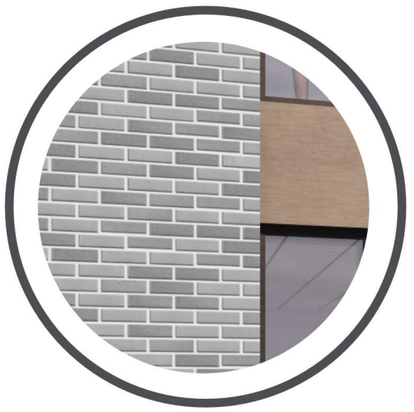
© re-form landscape architecture

5.7 External Appearance - Materials

RED BRICK



GREY BRICK



5.11 Perspective View

From River Aire looking North

5.12 Perspective View

From Whitehall Road looking East