



Leeds
CITY COUNCIL

Originator: Andrew Perkins

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 18th May 2023

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

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

APPLICANT

Town Centre Securities PLC

DATE VALID

13th April 2022

TARGET DATE

7th July 2022 (EOT to agreed)

Electoral Wards Affected:

Hunslet & Riverside

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION:

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

1. Employment and training of local people
 2. Publicly accessible areas
 3. Travel Plan Review Fee - £14,977 (Plots 2 & 4)
 4. The provision of 2 Leeds City Council Car Club parking spaces
 5. A contribution towards highway improvements to Globe Road junction – £420,000
 6. Biodiversity improvements off site - £15,000
 7. A contribution for free trial membership usage of the car club by staff employed at the development– £10,786 (£13,844 if building 4 is developed as offices)
 8. Travel Plan Review Fee & Car Club Trial Membership for Plot 9
 9. Legible Leeds Wayfinding signage – £10,000
 10. Recalculation of Greenspace at commencement of development if 22/02521/FU has already delivered the river side park and walkway area to the north of the River Aire.
 11. S106 Monitoring Fee
- In the circumstances where the Section 106 has not been completed within 3 months of the Panel resolution to grant planning permission, the final determination of the applications shall be delegated to the Chief Planning Officer

Conditions

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

1.0 INTRODUCTION:

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

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

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

3.0 HISTORY OF NEGOTIATIONS:

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

4.0 PUBLIC/LOCAL RESPONSE:

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

5.0 MAIN ISSUES

Publication of the Daylight Assessment:

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

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

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

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

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

Comments regarding Landscaping/Biodiversity

- 5.8 As part of discussions at the 23rd March Plans Panel, Members raised comments regarding the proposed landscaping on site and the level of Biodiversity Net Gain (BNG) which was achieved. Even though this wasn't a reason for deferral the applicant has since taken these comments on board and looked at areas which could further be enhanced. Officers have also re-evaluated these areas and the uses that some of these spaces serve and whether these would function similar to existing Greenspace which exist with the City Centre and through similar developments.
- 5.9 The proposed north/south connection from the River Aire to Whitehall Road to the west of Buildings 2 & 5 creates a minimum of 2x 3 metres wide pedestrian accessible routes along with linear planting in the form of rain gardens and creation of seating amidst ornamental perennial and tree planting.
- 5.10 The proposed riverside enhancements will follow on from the riverside park and would consist of a 5m+ wide shared pedestrian and cycle route with pockets of planting and areas of seating through. The route would also feature large focal trees, drawing people into the site and also aid with orientation.
- 5.11 Policy G5 of the Core Strategy (as amended) states that within the City Centre, open space provision will be sought for sites over 0.5 hectares as follows - Commercial developments to provide a minimum of 20% of the total site area.
- 5.12 In accordance with Policy G5, based on the site area of 1.2 hectares and the proposal of a commercial development, this requires that a minimum of (2400 sqm.) 20% of the total site area, is provided as open green space. A total amount of 2571 sqm open green space will be provided on site. The greenspace on site will be delivered in the form of the riverside improvements, creation of a riverside park and public realm improvements. The supporting text of Policy G5 (para 5.5.19) states that new developments considered under policy G5 are *'required to support implementation of the new City Park at the South Bank of the River Aire and creation of a network of improved green spaces and public realm infrastructure throughout the City Centre. This support could be in the form of land or off-site financial contributions'*. The proposed Greenspace on site can therefore be considered part of the 'network' with connectivity/footpath improvements along Whitehall Road and to the riverside to also aid and improve access to the proposed park.
- 5.13 In addition, the proposed on-site Greenspace and pedestrian routes will also improve north-south connections between the riverside and Whitehall Road forming part of a wider public realm network including existing open spaces within Wellington Place, and the newly opened pocket park, between the canal and River Aire.
- 5.14 It is acknowledged that some of the Greenspace proposed (half circle area and the riverside walkway) are also secured as part of application 22/02521/FU and given this, it has been agreed with the applicant that a S106 obligation will be included which requires that if 22/02521/FU delivers these areas then a recalculation of the Greenspace contribution would be required for this development and a commuted sum would be required instead, of which Policy G5 would still allow for, which is

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

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

Biodiversity

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

PLANNING BALANCE

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

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

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

6.0 **CONCLUSION:**

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

Appendix 2



Originator: Andrew Perkins

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 23rd March 2023

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

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

APPLICANT

Town Centre Securities PLC

DATE VALID

13th April 2022

TARGET DATE

7th July 2022 (EOT to agreed)

Electoral Wards Affected:

Hunslet & Riverside

Specific Implications For:

Equality and Diversity

☐

Community Cohesion

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Narrowing the Gap

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RECOMMENDATION: Defer and Delegate to the Chief Planning Officer for approval, subject to the conditions at Appendix 1 (and any amendment to or addition of others which the Chief Planning Officer considers appropriate), subject to resolving

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

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

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

Conditions

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

2.0 INTRODUCTION:

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

2.0 PROPOSAL:

Full planning permission is sought for:

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

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

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

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

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

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

- 2.2 The application is supported with the following documents:

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

3.0 SITE AND SURROUNDINGS:

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

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

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

4.0 RELEVANT PLANNING HISTORY:

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

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

5.0 HISTORY OF NEGOTIATIONS:

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

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

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

6.0 PUBLIC/LOCAL RESPONSE:

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

The comments raised during the public consultation are as follows:

Objection comments:

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

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

6.3 General comment

- Affordable car parking spaces required

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

Councilor Carlisle's comments are summarised below:

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

6.5 Councilor Wray's comments are summarised below:

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

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

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

7.0 CONSULTATION RESPONSES:

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

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

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

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

8.0 RELEVANT PLANNING POLICIES:

8.1 Development Plan

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

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

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

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

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

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

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

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

8.4.1 The following policy within the SAP is also relevant to this application:

Policy GS1 - Designation/Protection of Green Space

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

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

8.6 The National Planning Policy Framework (NPPF), revised 20th July 2021 sets out the Government's planning policies for England and how these should be applied (para 1), and is a material consideration in planning decisions (para 2). It states that the purpose of the planning system is to contribute to the achievement of sustainable development (para 7). So that sustainable development is pursued in a positive way at the heart of the Framework is a presumption in favour of sustainable development (paras 10-11). It states that decision makers at every level should seek to approve applications for sustainable development where possible (para 38). The Framework sets policies on the following issues which are relevant to this planning application proposal (including section numbers):

8.6.1 2 Achieving sustainable development (paras 7, 8, 10, 11, 12)
4 Decision making (paras 38, 39, 40, 41, 43, 47, 48, 55, 56, 57, 58)
6 Building a strong competitive economy (para 81)
7 Ensuring the vitality of town centres (paras 86, 87)
8 Promoting healthy and safe communities (paras 92, 97, 98)
9 Promoting sustainable transport (paras 104, 108, 112, 113) 7
11 Making effective use of land (paras 119, 120, 122,123, 124,125)
12 Achieving well designed places (paras 126, 128,129,130, 131,132, 133)

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

8.7 **Relevant Supplementary Planning Guidance includes:**

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

9.0

MAIN ISSUES

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

APPRAISAL

Principle of the proposed use

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

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

- 10.3 The proposal will deliver a mixed-use scheme with 31,351sq.m. office and commercial floorspace. Therefore, the proposed development will meet the SAP policy requirement.
- 10.4 The proposal would also include ground floor commercial units (Class E or sui generis(public house, wine bar, drinking establishment)). The exact nature of these uses is to be determined by what is viable within this part of the City Centre at the time of the completion of these buildings. However, these units would activate the ground floor frontages, generate footfall, provide vibrancy to the development, and serve nearby residents and other business users in this part of the city. Any retail space would be limited in floorspace and range of goods (i.e. small scale convenience retail only where within Class E of the general Permitted Development Order) and on this basis is not considered to undermine the vitality of the primary shopping area within the City Centre; providing a direct and targeted element of convenience retail to support the other proposed uses in the scheme and vicinity of it. Control of this matter will be addressed by conditions which will also serve to prevent the future introduction of uses which could be detrimental to the amenities of the site without further consideration within Class E and may (as a result of the nature of such uses) promote an inactive frontage to the public spaces and/or may have different servicing needs which require further consideration.
- 10.5 The proposal also involves the development of a 478 space Multi Storey Car Park (MSCP) which would serve the development and also offer parking to the general public. Policy T1 expects the Council to use parking policy to limit the supply of commuter parking in areas of high public transport accessibility, such as the City Centre. The Transport SPD provides further guidance on this and states that new short and medium stay public car parks may be accepted if they are shown to support the vitality of the City Centre as a visitor and retail attraction. Therefore, the principle of short/medium stay public visitor parking is accepted as opposed to catering for public commuter car parking. Planning conditions on opening times, length of stay and pricing will be required in order to ensure that the car park does not create adverse demand for peak period travel into the City Centre and does not operate as a public commuter car park. The proposed car park is also proposed to partially support the development as well as provide short stay parking to the general public. The Council's adopted parking guidelines allow parking for office use to be provided at a maximum ratio of 1 space per 175sq.m. of office space within this city centre location. This is to balance promotion of more sustainable modes of transport with the operational needs of the office use. The total number of private office use parking spaces within the multi-storey car park and the office developments would be limited to the council's maximum parking ratio for office use. The details are to be secured via a management plan.
- 10.6 In terms of the proposed hotel/aparthotel use, the City's cultural and leisure destinations already play an important role, which contributes greatly to the vitality and economy of the City Centre. Policy CC1 supports the principle of hotel development as it is a main town centre use and the site is located in the City Centre boundary.

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

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

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

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

Building 2 – Office

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

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

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

Building 5 – Multi Storey Car Park (MSCP)

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

Impact on existing/future residential amenity

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

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

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

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

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

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

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

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

Greenspace

- 10.45 Policy G5 of the Core Strategy (as amended) states that within the City Centre, open space provision will be sought for sites over 0.5 hectares as follows:
- I. Commercial developments to provide a minimum of 20% of the total site area,

- II. Residential development to provide a minimum of 0.41 hectares of open space per 1,000 population,
- III. Mixed use development to provide the greater area of either 20% of the total site area, or a minimum of 0.41 hectares per 1,000 population of open space,

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

Landscape proposals

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

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

incorporates service and emergency access within a pedestrian priority environment.

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

Biodiversity

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

Air Quality/ Noise

- 10.62 An Air Quality Assessment has been carried out by the applicant and the assessment considers construction traffic and development-generated traffic emissions. The air quality assessment indicates that air quality standards will not be exceeded either at the application site or elsewhere as a result of the development. However, the proposal is classified as a major development for the purposes of the West Yorkshire Air Quality and Emissions Technical Planning Guidance (part of the

West Yorkshire Low Emission Strategy) and as such a cost damage calculation has been required and this been submitted which equates to £98,056. This amount is expected to be spent on measures to mitigate the impacts created by the development on air quality. As part of the proposal 56 EV charging points are proposed within the MSCP, equating to a total cost of £140,000 (£2,500 per charging point). This exceeds the £98,056 that is expected to be spent on air quality mitigation measures. Colleagues have been consulted on this costing and are satisfied with this mitigation and no further costings are required.

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

Flood Risk

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

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

Inclusivity

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

Sustainability and Climate Change

- 10.75 Members will be aware that the Council has declared a Climate Emergency. Existing planning policies seek to address the issue of climate change by ensuring

that development proposals incorporate measures to reduce the impact of non-renewable resources.

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

Wind impact

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

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

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

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

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

Highways and Transportation Considerations

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

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

Safety and Security

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

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

Representations

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

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

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

10.108 *Comments raised regarding 22/02521/FU*

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

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

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

S106 legal agreement

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

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

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

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

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

PLANNING BALANCE

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

11.0 CONCLUSION

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

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

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

Background Papers:

22/02638/FU

PREAPP/21/00311

Appendix 1

Proposed conditions:

Commencement of detailed phase:

The development of the detailed phase of development (either buildings 2 or 5) hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

RM details (Plot 4):

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

Layout
Appearance
Landscaping

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

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

RM details (Plot 9):

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

Layout
Scale
Appearance
Landscaping

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

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

RM applications

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

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

RM parameters

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

For the avoidance of doubt.

Approved plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.

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

Wind Safety – Buildings 2 & 5

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

In the interests of safety.

Wind Safety – Building 9

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

In the interests of safety.

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

In the interests of wind safety and comfort.

Phase development

A plan showing the anticipated phases of the development shall be submitted to and approved in writing by the local planning authority prior to the submission of any application for the approval of reserved matters or any application for the approval of details required by conditions on this permission. Phases of the development shall thereafter be carried out in accordance with the submitted plan, unless otherwise approved in writing by the local planning authority, and any reference to `phase` or `phases` in the conditions below shall refer to the phases detailed in the plan thereby approved.

In order to accord with the provisions of the Leeds Core Strategy, Saved Policies of the Leeds Unitary Development Plan Review and the Leeds Natural Resources and Waste DPD, in the interests of amenity, visual amenity, the provision of affordable housing, pedestrian connectivity, highways safety, sustainable development, and in order that the Local Planning Authority is informed of the phasing in order that the relevant sections of the conditions may be discharged.

External materials

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

Surfacing

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

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

1:20 details

Prior to the construction of the following elements of any relevant phase of the development, full 1 to 20 scale working drawing details of the following for that phase shall be submitted to and approved in writing by the Local Planning Authority:

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

Development shall then be undertaken in accordance with the approved details

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

Travel Plan

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

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

Areas to be used by vehicles

The relevant phases of development shall not be occupied until all areas shown on the approved plans to be used by vehicles, including roads, footpaths, cycle tracks, loading and servicing areas and vehicle parking spaces for that phase have been fully laid out, surfaced

and drained such that loose materials and surface water does not discharge or transfer onto the highway. These areas shall not be used for any other purpose thereafter.

To ensure the free and safe use of the highway.

Details of Loading Area

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

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

Disabled parking

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

In the interests of accessibility.

Cycle parking

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

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

Vehicle parking and turning areas

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

To ensure the free and safe use of the highway.

Car Park and Servicing Management Plan

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

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

Car parking Designation

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

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

Highway condition

Development shall not commence until a survey of the condition of Whitehall Road from the Globe Road junction, to the junction of Northern Street has been submitted to and approved in writing by the Local Planning Authority. Upon completion of the development (completion of the final approved building on the site) a further condition survey shall be carried out and submitted to the Local Planning Authority together with a schedule of remedial works to rectify damage to the highway identified between the two surveys. The approved mitigation works shall be fully implemented within 3 months of the remedial works being agreed with the Local Planning Authority. In the event that a defect is identified during other routine inspections of the highway that is considered to be a danger to the public it must be immediately made safe and repaired within 24 hours from the applicant being notified by the Local Planning Authority.

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

Statement of Construction Practice

No works shall begin on the relevant phase of development until a Statement of Construction Practice for that phase has been submitted to and approved in writing by the Local Planning Authority. The Statement of Construction Practice shall include full details of:

- (a) the construction vehicle routing, the means of access, location of site compound, storage and parking (including workforce parking), means of loading and unloading of all contractors' plant, equipment, materials and vehicles and associated traffic management measures;
- (c) the methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development;
- (d) measures to control the emissions of dust and dirt during demolition and construction; and
- (e) how this Statement of Construction Practice will be made publicly available by the developer.

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

In the interests of amenity and highway safety.

Offsite highway works

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

To ensure the free and safe use of the highway

Bin stores

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

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

EV Charging

The relevant phases of the development shall not be occupied until Electric Vehicle Charging Points have been provided for that phase in accordance with a scheme that shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall thereafter be retained for the lifetime of the development.

In the interest of promoting low carbon transport.

Road Safety Audit

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

To ensure the free and safe use of the highway

EA - Flood Risk Assessment

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

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

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

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

EA – Biodiversity

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

shall be agreed in writing by the local planning authority. The scheme shall include the following elements:

A. A Biodiversity and Landscape Management Plan (BLEMP) which details;

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

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

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

Submission Report + Remediation Strategy

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

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

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

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

Amendment of Remediation Strategy

If remediation is unable to proceed in accordance with the approved Remediation Strategy, or where significant unexpected contamination is encountered, or where soil or soil forming

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

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

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

Submission of Verification Report(s)

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

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

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

Construction Environmental Management Plan

Prior to the commencement of development a Construction Environmental Management Plan (CEMP:Biodiversity) shall be submitted to and approved in writing by the LPA. The CEMP (Biodiversity) shall include the following:

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

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

To ensure the protection of existing biodiversity features.

Lighting Design Strategy for Bats

Prior to commencement of development of each phase a Lighting Design Strategy For Bats shall be produced by an appropriately qualified ecological consultant and submitted to and approved in writing by the LPA. The Strategy shall:

- a) Identify those areas/features on site that are “particularly sensitive for commuting and foraging bats” - using an appropriately scaled map to show where these areas are
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb commuting and foraging bats

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

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

Bat roosting and bird nesting features

Prior to the commencement of the cladding of the building of each phase details shall be submitted to and approved in writing by the Local Planning Authority of integral bat roosting and bird nesting features (for species such as House Sparrow and Swift) within the relevant building. The agreed details shall show the number, specification of the bird nesting and bat roosting features and where they will be located, together with a timetable for implementation and commitment to being installed under the instruction of an appropriately qualified bat consultant. All approved features shall be installed prior to first occupation of the relevant phase of the development and retained thereafter.

To maintain and enhance biodiversity.

Biodiversity Enhancement & Management Plan

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

- a) Description and evaluation of features to be managed and enhanced
 - b) Extent and location/area of proposed habitats and Biodiversity Units on scaled maps and plans
 - c) Ecological trends and constraints on site that might influence management
 - d) Aims and Objectives of management to include Target Biodiversity Units and Condition Criteria
 - e) Appropriate management Actions for achieving Aims and Objectives
 - f) An annual work programme (to cover an initial 5 year period)
 - g) Details of the specialist ecological management body or organisation responsible for implementation of the Plan
 - h) How the Plan is to be funded
 - i) For each of the first 5 years of the Plan, a progress report sent to the LPA reporting on progress of the annual work programme and confirmation of required Actions for the next 12 month period
 - j) The Plan will be reviewed and updated every 5 years and implemented for perpetuity
- The Plan shall also set out how contingencies and/or remedial action will be

identified, agreed and implemented when necessary. The approved Plan will be implemented in accordance with the approved details.

To ensure the long-term protection and enhancement of biodiversity.

Biodiversity Monitoring Programme & Monitoring Report

Prior to occupation of the first dwelling a Biodiversity Monitoring Programme & Monitoring Report carried out by an appropriately qualified ecological consultant shall be submitted to and agreed by the LPA. It shall include the first Monitoring Report and specify the frequency and timing of subsequent Monitoring Reports to cover a minimum 30 year period to be submitted to the LPA. The Monitoring Report will include the following:

- a) Confirmation of the number of Biodiversity Units present based on a survey at an appropriate time of year and how this compares to the 0.55 Habitat Biodiversity Units and 0.80 River Biodiversity Units in the Biodiversity Net Gain Assessment, ER-6293-01C, dated 07/11/2022, by Brooks Ecologica
- b) Where the Target Condition is not yet met provide an assessment of time to Target Condition for each habitat and any changes to management that are required
- c) How the monitoring is funded and the specialist ecological body responsible
- d) Confirmation by photographs that all integral bird nesting and bat roosting features are in place as approved

Subsequent Monitoring Reports will be submitted to the LPA at time-scales stated in the Monitoring Programme and where remedial measures or changes in management are required these will be addressed in the subsequent Biodiversity Enhancement & Management Plan (BEMP) annual work programmes.

To ensure Biodiversity Units are delivered as agreed in the approved BEMP for perpetuity.

Waste Water

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

In the interest of satisfactory and sustainable drainage

Lighting

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

In the interests of amenity and highway safety.

Hard and soft landscape

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

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

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

Soft landscape works shall include:

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

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

To ensure the provision and establishment of acceptable landscaping.

Hard and soft landscaping works

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

To ensure the provision and establishment of acceptable and accessible landscaping.

Landscape Management

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

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

Tree Dies

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

To ensure the maintenance of a healthy landscape scheme.

Hotel Accessibility

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

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

Commercial deliveries

Commercial deliveries to and from the premises (all uses) including loading and unloading and refuse collection, shall be restricted to 08.00 to 20.00 hours Monday to Saturday and 09.00 to 18.00 hours on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

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

Sound Insulation

Prior to the commencement of above ground works on any relevant phase, full details of a sound insulation scheme designed to protect the amenity of future occupants of that phase of the development from noise emitted from nearby or proposed noise sources shall be submitted to and approved in writing by the local planning authority. The use hereby approved shall not commence until the works have been completed, and any such noise insulation as may be approved shall be retained thereafter. (This should be based on the recommended noise mitigation contained within the approved Apex Acoustics Noise Impact Assessment).

In the interests of residential amenity.

Ventilation

Prior to the installation of any external extract ventilation system on any phase including plans, noise levels, smoke and odour report shall be submitted to and approved in writing by the Local Planning Authority prior to its installation and the system shall be installed and maintained in accordance with the approved details for that phase. Plant and machinery operated from the site shall limit noise to a level no higher than the existing background noise level (L90) when measured at noise sensitive premises, with the measurements and assessment made in accordance with BS4142:2014. The rating level shall include the addition of any character corrections as appropriate. If the character is unknown at the

design stage or cannot be evidenced then a penalty of 5dB should be applied to take into account of potential corrections.

In the interests of visual and nearby residential amenity.

In the interests of visual and nearby residential amenity.

Prior to the installation of any extract ventilation system or externally mounted mechanical plant, details of such systems, including where relevant details of odour and smoke filtration for hot food uses, shall be submitted to and approved in writing by the Local Planning Authority. Any external extract ventilation system/air conditioning plant shall be installed and maintained in accordance with the approved details.

In the interests of amenity.

Entertainment use

No use of the commercial units as an entertainment or bar use shall commence unless a scheme to control noise emitted from the premises has been approved in writing by the Local Planning Authority and installed as approved. The scheme shall provide that the LAeq of entertainment noise does not exceed the representative background noise level LA90 (without entertainment noise), and the LAeq of entertainment noise will be at least 3dB below the background noise level LA90 (without entertainment noise) in octaves between 63 and 125Hz when measured at the nearest noise sensitive premises. The approved scheme shall be retained thereafter.

In the interests of residential amenity

Hours of construction

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

In the interests of residential amenity.

Sustainability

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

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

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

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

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

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

RM sustainability

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

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

Security

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

In the interests of security and public safety.

The commercial ground floor uses

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

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

Convenience goods

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

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

Opening hours if commercial units

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

In the interests of residential amenity.

Window display

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

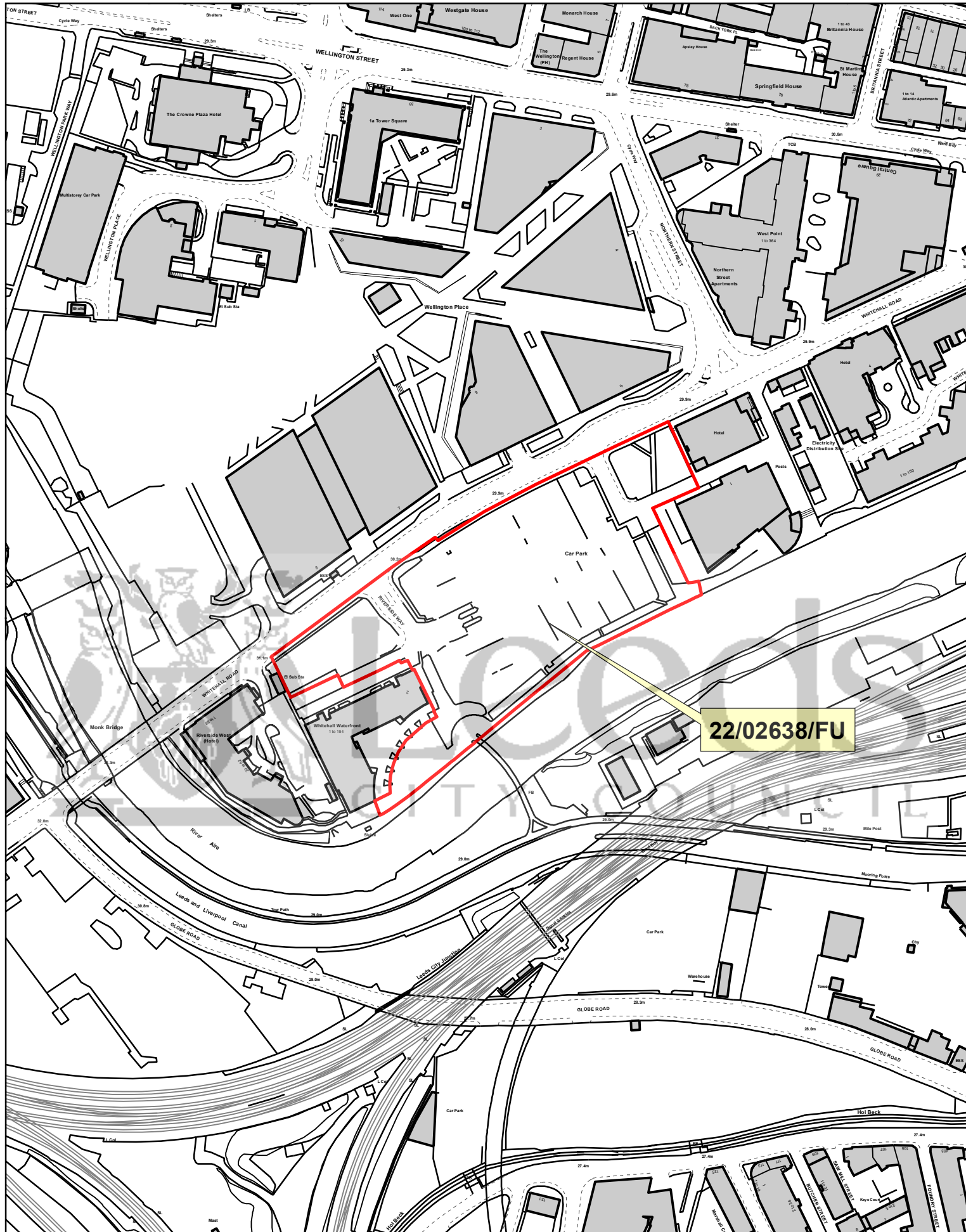
In the interest of ensuring active frontages and natural surveillance are maintained.

Hotel use

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

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

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



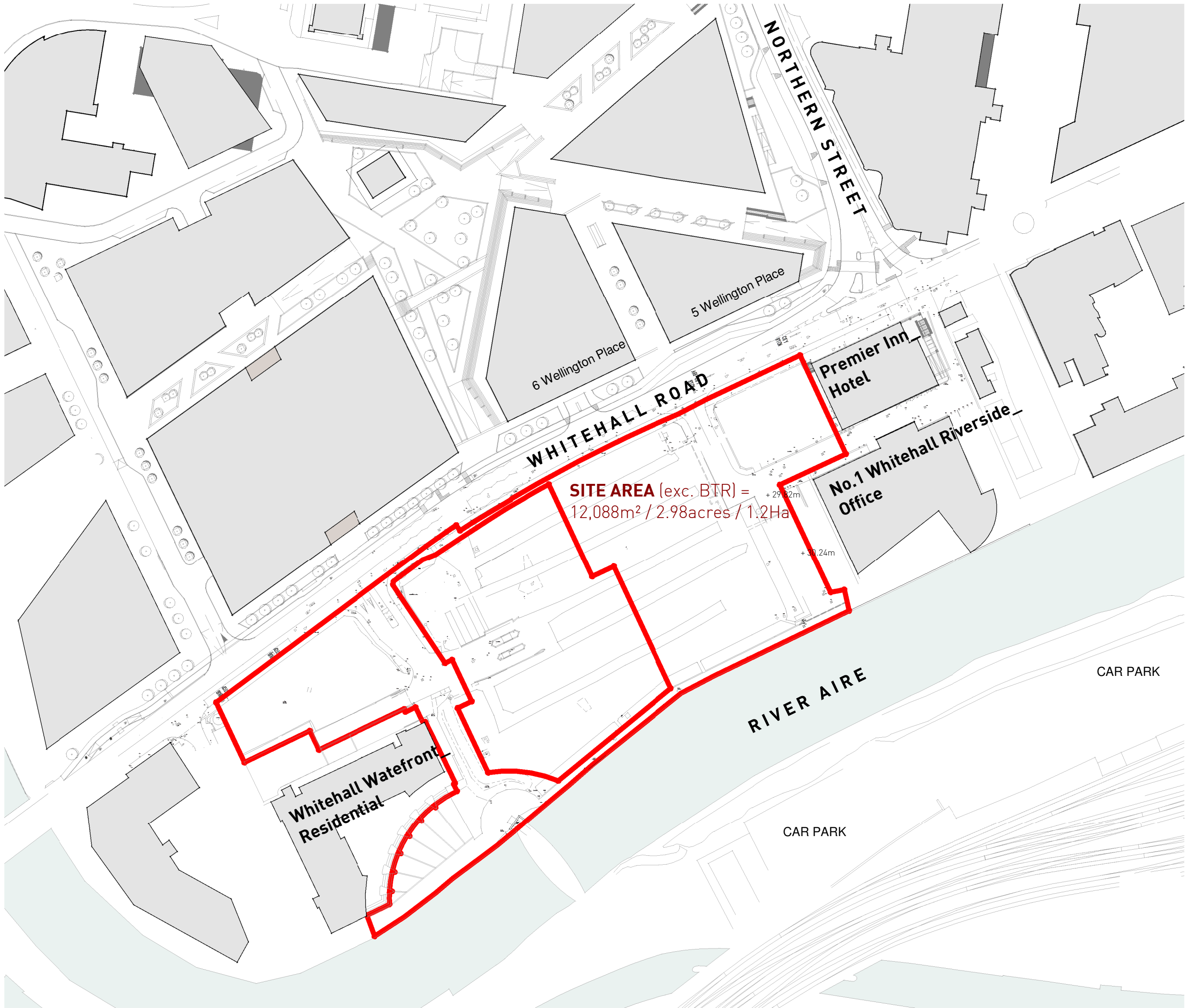
CITY PLANS PANEL

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SCALE : 1/2500





Location Plan