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Report of the Chief Planning Officer

PLANS PANEL CITY CENTRE

Date: 19th AUGUST 2010

Subject: APPLICATION 06/04610/OT – Layout access roads and erect mixed use development, with residential, business, retail, leisure and community uses, with car parking, public open spaces, riverside walkway and nature corridor – Kirkstall Rd. and land off Wellington Rd.

APPLICANT
Gladedale

DATE VALID
28th July 2006

TARGET DATE
10th November 2006

Electoral Wards Affected:

City and Hunslet

No

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION : DEFER and DELEGATE to the Chief Planning Officer for approval subject to the specified conditions (and any others which he might consider appropriate) and the completion of a Section 106 agreement, to include the following obligations:

1. Affordable Housing
2. Provision of a Travel Plan Coordinator
3. Provision of package of physical and financial measures as part of the Travel Plan
4. Funding of potential TRO measures on the public highway
5. Public Transport Improvements
6. Off Site Highways Mitigation Package including Trigger Points
7. 24hr Public Access Areas and linkages to other public routes
8. Maintenance Package for Public Areas
9. Riverbank Enhancement for the Additional Nature Area
10. Public Car Parking Tariff Controls
11. Provision of Bridge Link
12. Local Employment Initiatives
13. Education contribution
14. Public Art Provision

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

Conditions:

1. Time limit on outline permission and submission of reserved matters
2. Samples of walling and roofing materials to be submitted
3. Sample panel of stonework
4. Sample panel of brickwork
5. Details of fencing and/or walls to be provided
6. Areas to be used by vehicles to be laid out
7. No refuse containers outside specified areas
8. Submission of landscape details
9. Implementation of landscaping scheme
10. Preservation of existing trees and other vegetation
11. Protection of existing trees and other vegetation
12. Submission of second round of site investigation works
13. Submission of remediation statement
14. Amendment of remediation statement
15. Submission of verification reports
16. Details of storage and disposal of litter
17. Sound insulation scheme to protect residential amenity from commercial uses
18. No playing of music in external areas
19. Details of extract ventilation system to incorporate filter to commercial kitchens
20. Standard opening hours on restaurant bar uses, 0700 – 2300
21. Specified hours of delivery, loading and unloading
22. Provision of grease traps to commercial kitchens
23. Extract ventilation system details
24. Sound insulation of specified plant and machinery
25. Sustainable drainage systems to be used
26. Separate system of drainage for foul and surface water
27. Details of disposal of surface water
28. No piped discharge of surface water until drainage works completed
29. Surface water to pass through oil interceptor
30. Submission of plan indicating phasing
31. Notification of LPA on commencement of each phase of development
32. Restriction of overall A1 use to 430 sq m
33. Removal of permitted development for change of use from A3,A4,A5 to A1
34. No building occupied until the car parking for that building has been laid out
35. No construction operations outside hours of 0800 - 2000
36. Submission of details for treatment of the riverbank
37. Submission of a statement which address the principles of sustainable development (SG10)
38. Suppression of dust from construction vehicles and construction equipment
39. Means of preventing mud on carriageway
40. Access for disabled people
41. Provision of disabled person parking spaces
42. The provision of a schedule of public art to include its design and locations.
43. A construction management plan to be approved indicating how vehicles will enter and exit the site and the location of construction cabins and any necessary highway closures.

Site specific conditions 44 – 51 are included at the end of this report.

Reasons for approval: The application is considered to comply with policies GP5, H11, T2, T5, T6, BD2, BD5, B12, N8, N9, LT6B, BD15 of the UDP Review, as well as guidance contained within Supplementary Planning Documents on Biodiversity and Waterfront Development, Public Transport Improvements and Developer Contributions, Sustainable Design and Construction and Central Government advice set out in PPS1, PPS3, PPS4, and PPS25 and having regard to all other material considerations, as such the application is recommended for approval.

1.0 INTRODUCTION:

This is an outline application which was submitted in July 2006 and was considered by Members during a series of Panel meetings and workshop sessions in 2007. At that time the applicant was working together with the owners of the adjoining sites to the west who were seeking to submit their own applications for similarly large scale mixed use schemes. However, more recently, the likelihood of these other schemes coming forward in their original form has diminished and the current application remains the only one to have been formally submitted and the applicant now wishes this application to be determined.

In order to refamiliarise Members with this scheme officers presented it at Panel in November 2009. The minutes of this are reproduced in the Planning History section below. Following this the applicant was required to bring the scheme in line with current Central and Local Government policy and submitted a package of revisions including plans and a revised suite of documentation which formed the basis of a reconsultation exercise, the results of which are set out below. The scheme was also readvertised and the applicant undertook a new community consultation exercise the results of which are also referred to below.

2.0 CURRENT PROPOSAL:

This application is in Outline and is for siting and means of access only. The scheme being brought to Panel is very similar in terms of the plan form to that presented to Members in November 2009 with the exception of the areas which Members expressed concern over as set out in the Minutes below (specifically the taller building at the western end of the island site (Building 7) and the limb of the building which fronts the open space area to the north of the river (Building 4) – these changes are explained below).

The mix of uses has stayed much the same since the previous presentation and as explained in November, with the exception of the offices and car park at the Kirkstall Rd end of the site, all of the building heights have been reduced since the time of the original submission. In total the scheme provides the following:

- B1 Offices 31,000 sqm
- A3,A4,A5 public houses/restaurants 2,500sqm
- A1 retail 430 sqm
- Community Health Facility 400 sqm
- C3 (flats) 1,000 – 1424 units
- C3 (houses) 20 units

As this application is in outline for siting and means of access only, the external envelope of each of the buildings and their overall mass and form, whilst important to the consideration of the scheme, can only be referred to as part of a design code. This sets out the principles in terms of heights and any stepping and cut backs for each of the buildings and will be used to inform the detailed design at subsequent reserve matters stage. Extracts from the design code will be presented to members at Panel in order to give a full understanding of the sculptural nature of the proposal. The following is a description of the development which should be read together with the plan attached to this report using the building numbers set out on that plan.

Kirkstall Rd Riverside

- Vehicular access is to be taken from a central point on the Kirkstall Rd frontage with 2 no. nine storey office buildings to either side fronting the main road (Buildings 1 and 2). These are positioned a distance from the curb which would allow the commencement of the 'boulevard' type of street character which is referred to in the Kirkstall Rd Renaissance Area Planning Framework (KRRAPF – this document will be explained in more detail in the policy section below).
- The main access road intersects the secondary east/west running spine road at a 'T' junction, giving vehicular access to the basement car parking areas which sit beneath all of the buildings on the north side of the river. It also enables connection to the neighbouring sites to west and east when this is required in the future. However, initially the road would be set out with turning heads on the boundaries to enable vehicles to be able to turn and exit the site in forward gear.
- 3 further buildings continue the grid pattern between the spine road and the River Aire; the 2 fronting the river (Buildings 4 and 5) being primarily residential and having a maximum height of 10 storeys reducing to between 6 and 8 storeys fronting the river. The other (Building 3) is more central to the site and is a 9 storey car park with commercial uses at ground floor level to provide a lively and active frontage next to the pedestrian environment.
- Car parking will be located in individual basements under the office buildings and in a combined basement beneath the multi-storey car park and residential buildings (numbers of spaces are set out in the paragraphs below). Additional parking will be within the multi-storey car park which will be for the use of both the commercial and residential buildings as the collective basement capacity is too small to provide the necessary numbers of spaces. 61 spaces will be provided in the lowest level of the multi-storey car park which will be a short stay facility for visitors and this use will be controlled by tariffs. A management plan will be used to control the use of the car park and this will be part of the S106 agreement.
- All of the buildings are located at such a distance from the western boundary that they would not prejudice the erection of buildings on the neighbouring development site. To the east there is a considerable area of publicly accessible open space fronting the River Aire with 2 no. retail buildings, one a large warehouse type unit and the other a much smaller stand alone unit fronting Kirkstall Rd, to the north.

- The main publicly accessible open space area is proposed next to the river in the south eastern corner of the site and adjacent the open space area on the neighbouring site. The largest single area of space measures approximately 75m north to south and 65m west to east. This is linked to the main site access road by a 20m wide tree lined pedestrian boulevard ensuring that the north/south access route is strong and legible.
- The construction of the basement car parks enables the whole site to be raised above the existing ground levels to the extent that it would be above the 1:200 year plus climate change flood level required in the L.C.C. Flood Alleviation Scheme (FAS). This means that the site and the various access points to the buildings and the basements will not flood. This also enables the riverside walkway to be continuous with site levels being adjusted to ensure that the gradients are kept to an absolute minimum (less than 1:20 to ensure full accessibility along the waterfront and to the pedestrian/cycle bridge – referred to below). The Island site to the south is set well above the northern river bank levels; hence, there is no chance of the island site flooding. The raising of the northern site also has the additional benefit of enabling the river bridge to achieve a gradient of less than 1:20 making it fully accessible.
- In response to Members comments at Panel in November 09, Building 4 has been reduced in length and its southern-most elevation set at an angle to replicate that of the neighbouring river frontage building (Building 5). A set back has also been introduced at ground and first floor levels which will be entirely glazed to further open up the riverside area. There will also be a double height opening through the building to increase pedestrian permeability and the sense of openness. This will create visual interest and provide a location for an A3/A4 unit which will animate the open space that exists on 3 sides.
- All of the buildings will have a mix of uses at ground floor level and also at first floor level in some cases. These include a small scale retail unit, a community health facility, offices, bars and restaurants and these will help to animate the pedestrian routes through the site and provide a healthy mix of uses rather than being reliant on one particular use class. The bar and restaurant uses are to be contained in Buildings 4 and 5 and be oriented towards the large area of public open space which means they will be able to take advantage of the river views and southerly aspect.

The Island

- The large river front open space area on the north side of the river will act as a springing point for a new pedestrian and cycle bridge crossing the River Aire landing on The Island site where it would lead to another large area of publicly accessible open space approx. 70m x 50m. This space would be enclosed on 3 sides by 7/8 storey buildings (Buildings 12,13 and 14) and a pedestrian route through the middle of this would lead through to the canal-side towpath close to the GII listed Oddy's Lock and lock keepers cottage. This is the identified route for cycles and pedestrians and ensures full permeability both to and through the site. (Members should note that it is unusual for both sides of a river to be in a single ownership and this is an important factor in securing the delivery of the bridge without having to rely on another party).

- The Island site benefits from a totally pedestrianised environment as all vehicles (except for emergency and service) are taken into a basement at the south-eastern corner of the site off the Wellington Road Industrial Estate access road. This basement sits under the entire site and has the effect of raising the site to the level of the canal towpath. This enables simple and direct connections to be made through the towpath boundary wall for pedestrians and cyclists.
- Buildings 13 and 14, along the eastern edge of the site, are set away from the boundary and have a 10m gap between them which would allow access through to any future redevelopment of the neighbouring site and ensure that such a proposal would not be prejudiced.
- Residential buildings then occupy the remainder of the site and reduce in scale to the west in three north/south oriented blocks. These reduce in scale (8 storeys at Building 12 down to 5 storeys at Building 10) as they get further away from the city and also at their river and canal frontages. This results in an appropriate scale of development and the ability to create terraces for the upper level residential units.
- To the west of these are proposed 20no. 3 to 4 storey terraced town-houses in Buildings 8 and 9. The apartments and town-houses are set within a private area of amenity space, necessary due to the fact that residential uses are taken to ground level here and are therefore more vulnerable. These open space areas, although private, will still provide visual amenity value and will contain substantial areas of hard and soft landscaping. The town houses which back on to the river include balconies that are cantilevered out over the river bank which, given their height above the river flood levels, the EA have approved in principal (see comments from EA below). The car parking for these units will be in the basement beneath and this includes for disabled spaces, although there is now an additional provision to be made for 3no. disabled spaces on the surface adjacent the town houses.
- The western most building (Building 7) is located at the point where the river and the canal converge and are only 30m apart adjacent the GII listed Spring Gardens Lock. This is one of the aspects of the scheme over which Members expressed concern in November 09 and this has been the subject of further negotiations between officers and the developer team. It remains a residential building which will rise from 4 storeys adjacent the town-houses to 9 storeys at its western end where it will act as an end stop to the development before the waterside nature area commences. The footprint of this building is asymmetrical with a straight side against the river and a curved elevation to the canal and these 2 faces converge to a curved balcony feature. There is a narrow strip of private amenity space surrounding this building which again is being provided for reasons of residential amenity and security.
- The nature area is the very thin strip of land which is located between the River Aire and Leeds Liverpool Canal to the west of Building 7. For much of its length it is set on a steep slope which makes it difficult to access and very difficult to use for anything other than as the natural wildlife habitat proposed. This area will be made secure and additional planting used where it is considered necessary.

- Emergency and service vehicles and the disabled spaces will use a shared surface area which will run parallel with the canal towpath. This will be separated from the towpath by a landscaped strip containing hedge planting and trees and will also be lit for directional and security purposes. As previously stated, a series of connections can then be made to enable a high degree of permeability to be achieved.
- The towpath is part of the Aire Valley Towpath Route and also a part of the Sustrans network of cycle ways which span the country. The proposal is to upgrade the surface of the towpath from Viaduct Rd, to the west of the application site, all the way to Granary Wharf to the east. Also to improve the lighting from at least the IRR bridge to the site itself (the path is already lit from the IRR to Granary Wharf). This is referred to below as part of the package of off-site transport measures. This would ensure that a high quality link would then exist from the City Centre out as far as Viaduct Rd.

Except for the private areas of amenity space around the buildings identified above on The Island site the remainder of the site will be open to general public access throughout the day and night. This will be ensured by appropriately worded clauses within the S 106 agreement.

To summarize **car parking provision**, on the Kirkstall Rd side of the site this will consist of 394 spaces within the basements and a multi-storey car park containing 488 spaces, of which 61 will be short stay for visitors. On the Island site there will be 503 basement parking and 7 surface parking spaces. It is proposed that a small number of surface short stay bays will be provided close to the convenience store on the Kirkstall Rd side to enable retail customers to park for short periods of time without blocking the carriageway. The proposed car parks will be actively managed by the Management Company to ensure they are not abused and there will be no ‘over-allocation’ of parking during the initial phases of the development. In addition, no parking is to take place on un-developed parts of the site.

It is also proposed to provide approximately 1310 cycle spaces and 60 motor cycle spaces, a large percentage of which will be within the basement areas. Electric vehicle charging points will also be provided, with 20 disabled parking bays to be provided within the basement parking area to the north of the river and 18 in the basement on the Island. There are 3 disabled spaces located on the surface in the vicinity of the townhouses. There is also the opportunity to provide additional spaces within the multi-storey facility if this becomes necessary.

Highways: The applicant has completed a revised Transport Assessment and Travel Plan. The primary requirements of these are identified as:

- The provision of a suitable layout for the access on to the Kirkstall Road Quality Bus Initiative (QBI)
- The provision of acceptable parking levels within the site.
- Funding an appropriate level of off-site highway improvements to mitigate for the development traffic associated with the site
- The provision of a Travel Plan for a stand alone site that will deliver the required modal split and reduce dependency on the private motor vehicle.

The Travel Plan and Transport Assessment sit side by side and work together. The Travel Plan exists as a main framework document with 3 specific documents nesting within it which detail measures relevant to the proposed residential, office and leisure uses. The measures in the Travel Plan act to reduce reliance on the private motor vehicle and this limits the numbers of vehicles arriving at the site and therefore reduces potential pressure on the highway network. Detailed comments on the Transport Assessment and the Travel Plan are included in the Highways Services comments in the Non-Statutory consultation section below (Section 7)

The resultant number of trips generated on the local highway network is modeled within the Transport Assessment and as a result of this the highway mitigation measures identified below are considered to be necessary:

Traffic Mitigation Measures

- Yorkshire Post Gyratory Improvements £250,000–£500,000 - Phased re occupation of Grade A offices which are responsible for most peak period flows.
- Improvement to egress from Armley gyratory on to Wellington Rd, north bound – Phased provision.
- M 621 Islington Roundabout Improvements £100,000 – Phased to occupation of a proportion of the development
- Lengthening of the start to the QBI lane on the outbound carriageway to allow the new site access junction to be created and sufficient space for vehicles to be able to turn into the site without impeding bus flow.

In addition to this, other measures are considered necessary in order to make the site more accessible to modes of transport especially the island site which is currently remote from the public transport network. These are:

- Pedestrian and cycle bridge - provision phased for when the landing points on both sides of the river are completed
- SPD Public Transport Infrastructure Contribution total £899,024 - Phased Provision relating to occupation of each building.
- Canal Towpath Improvements surfacing, lighting, signage £350,000 phased to the residential occupation on the island site.
- Enforcement cameras on the QBI lane to ensure no abuse of the site access junction and bus lane.
- £150,000 to be set aside for use on improving peak period bus services or the provision of a dedicated shuttle bus (final details to be agreed with Metro) if this is considered to be necessary once the scheme is occupied
- Funding up to £50,000 for Traffic Regulation Orders necessary if parking on local residential streets occurs.

Travel Plan measures

The Travel Plan will ensure the following:

- Promote the integration of travel modes.
- Improve the accessibility of the site by means other than the single person occupied car and encourage use of sustainable modes of travel.
- Ensure that the Travel Plans meet the needs of the business occupiers, staff and residents.
- Make staff and residents aware of the benefits to be derived from the Travel Plan.
- Minimise the level of vehicular traffic generated by the development.
- Enable the development to protect and enhance the environment
- Encourage car sharing by making certain spaces available for car sharers only (minimum 15% per each business)
- Identify public transport fare discount opportunities e.g. Metro Cards Contribution
- Assemble and maintain current public transport timetable and fare information ensuring this is readily available to employees and residents

In order to ensure that these objectives are achieved the following measures will be put in to place:

- LCC Monitoring/Evaluation Review Costs £15,000 - phased to occupation
- Cycle/Walking Incentives Budget £20,000 - phased to occupation
- 2 no. City Car Club Vehicles £30,000 - phased to occupation
- City Car Club Budget for Membership/Free Trial Incentives £20,000 - phased to occupation
- Metro Cards Contribution £157,604 available to all occupiers of residential and office/commercial buildings
- Real time information displays - £40,000
- TP Co-ordinator Funding (initial 5 years) £100,000 - prior to occupation (thereafter funded by service charges levied on the occupiers)
- Travel Plan Bond for Mitigation Measures £100,000 payable within 1 year from occupation of the office buildings should target modal splits not be met

Drainage and Flooding: The applicant has submitted a revised Flood Risk Assessment and this sets out the following:

- Detailed examination of existing site features and topography shows that the northern part of the site is defended at present and therefore does not fall within the effective flood plain and the most likely source of flooding would be from water flowing along Kirkstall Road if the river overtops defences or breaks its banks further upstream
- Along the frontage with Kirkstall Road, commercial premises can be set at a level to suit the existing road level, subject to the adoption of a flood resilient design.
- The access road should ramp up from Kirkstall Road as soon as possible.
- The bridge should be designed with a minimum soffit level to avoid impeding river flow in times of maximum flood
- The Island site is above the predicted 100 year plus climate change flood level (medium risk) and requires no further consideration from a flood risk point of view.

- Flood risk to others as a consequence of surface water drainage from the site will not be compromised as the impermeable area will have approximate parity with the existing situation. Existing peak discharge rates will be reduced by 30% in compliance with PPS25 and LCC development standards.
- On site storm water storage will be provided. This is located to coincide with landscaped areas and will therefore fulfil a secondary function of sustaining plant life.
- Safeguards to be provided include subscription to Environment Agency Flood Warning Services, evacuation to the upper storeys of buildings and egress via the proposed elevated footbridge crossing the river.

The Sequential and Exceptions Tests also indicate that there are no other sites which are able to be developed which have a lower level of flood risk and which can create the sustainable mixed use community proposed here and also be within the Kirkstall Road Renaissance Area Planning Framework (KRRAPF) area which defines the limit of the tests.

Contaminated Land: All buildings have now been removed and this has enabled further exploratory works to be undertaken. The applicant has submitted revised ground assessment reports and these will require further works to be undertaken during each phase of development because the ground situation may change overtime and studies are required closer to the time of development. This is clearly important given the previous use of the site as a chemical works. Any subsequent issues regarding contamination will be dealt with by conditions and therefore the site will be developed in a safe and controlled manner.

The site still benefits from a hazardous substances consent which has resulted in the consultation response to the proposal from the HSE set out below. This matter will be dealt with as part of the Section 106 agreement which will result in the applicant giving up this consent and therefore removing this source of objection.

Sustainability: In respect of sustainability objectives, the scheme is developed on brownfield land which has good transport links and accessibility to the public transport network. It will also utilize the following sustainable methods and technologies:

- 3 combined heat and power plants
- renewable energy sources e.g. solar water and photovoltaic panels
- locally sourced and recycled materials
- reduce and off-set water consumption
- low energy lighting
- reduce CO₂ emissions
- accommodation of waste recycling schemes
- construction to minimum BREEAM rating ‘very good’ and code for sustainable homes Level 3.

Habitat protection and protected species: The river banks have been identified by Natural England as an area where otters are present. The applicant has therefore produced a mitigation statement to show how the development would avoid impacting negatively on their habitat as well as providing enhancements to their corridor of use, including additional planting, resting areas and a holt. It also makes it clear that a “band of semi-natural woodland and associated Bankside vegetation will be retained and supplemented to form a continuous nature corridor along the south bank of the river, providing cover for otters”. It is also stated there will be: no external illumination of buildings fronting the river, bridge supports and other structures will be designed not to create obstacles to otter movement; gently graded sections will be retained to provide otter haul-out areas.

The statement also makes it clear that strands of Giant Hogweed, Japanese Knotweed and Himalayan Balsam exist in the river bank and that other legislation requires that these invasive species are not spread. Where these are required to be cleared a search will precede it to ensure that otter holts are not disturbed although this is considered to be highly unlikely.

An arboricultural assessment has been undertaken as part of the proposal and this identifies both the number and species of the trees which currently exist on site. These are mainly located on the southern bank of the river and more particularly where the site narrows and the proposed nature area would exist at the western end of the island site. Within the area of embankment which sits in front of the proposed buildings the assessment states that there are: no category A trees (retention most desirable); 3 no. category B trees (retention desirable); the remainder are classified as Category C (trees which could be retained). However, as identified above, this area is one in which the otter habitat is to be protected and therefore the extent of the retention of these trees will be controlled by condition.

Other matters: Items to be provided as part of the scheme and to be controlled by a Section 106 agreement are:

- Affordable Housing: Potentially £10,000,000 (min) at 15% on site based on phased occupation of the residential buildings to standard S106 criteria.
- Education: £59,446.45 - phased to occupation of the 3 bed units and use of identified mechanism if additional 3 bed units are provided as part of subsequent reserve matters applications
- Hazardous Substances Consent Revocation: Prior to commencement/occupation
- Public Access Areas: Phased details to be agreed and implemented as and when the open space areas are constructed.
- Riverside and Nature Area: Management scheme to be agreed prior to commencement
- Vehicular Links to Adjacent Sites: To facilitate the connection of this site to the neighbouring sites (not to hold those sites to ransom)
- Public Art: Phased re Riverside Squares etc, Amount and location to be agreed
- Training & Employment Initiative: To be introduced during construction and for employment element of the scheme

3.0 SITE AND SURROUNDINGS:

The site is located to the south of Kirkstall Road and comprises the former Yorkshire Chemicals PLC site along with the island immediately to the south of this and lying between the River Aire and the Leeds-Liverpool Canal. The total site area is 5.3 hectares. The buildings have now been totally demolished and therefore the site is cleared and vacant.

To the west is the former First Bus depot and various out buildings and to the east is the City Gate site which along the common boundary has a large mature landscaped open space area at its southern side and a retail warehouse to the north fronting Kirkstall Rd. Between this retail warehouse and the application site fronting Kirkstall Rd is a small single storey retail unit. Kirkstall Rd is generally characterized by its mix of commercial uses and its width due to the fact that the buildings on the northern side of the road are set well back from the highway. Works to construct the new Quality Bus Initiative (QBI) have commenced along this section of the Kirkstall Rd corridor which will clearly have a major impact on not only this site but the whole western side of the city.

4.0 RELEVANT PLANNING HISTORY:

At City Centre Plans Panel on 1st March 2007 Members received a presentation from the developer's team regarding the progress made on the application. For information the minutes and resolution of this are reproduced below:

Members welcomed the progress which had been made and commented on the following:

- the extent of the improvements to the canal and whether British Waterways supported the proposals
- the design of the living bridge and the need to ensure this was not designed as a 'block'
- concerns that the proposals may be over intensive
- that the proposals should include a level of Affordable Housing at 15%

RESOLVED –

- (i) To note the report, the presentation and the comments now made
- (ii) That a series of workshops involving Members, Officers and the applicants be set up to explore the proposals further in respect of detail, heights, materials prior to the determination of the application

As a consequence, and in accordance with resolution (ii) above, there then followed 2 no. Member workshops in April and September of 2007. These considered not only the application site itself but the sites further to the west. There then followed a site visit and Panel presentation in Dec 2007 specifically to consider the design of the Living Bridge. However, Members will now be aware that this aspect of the scheme has been removed. A considerable number of meetings were then undertaken regarding traffic modeling on the highway network and travel planning on both this and the adjoining sites.

As explained above, officers presented the scheme to Members at Panel on 5th November 2009 and the minutes of this are set out below:

Members commented on the following matters:

- the scale of the proposals and uncertainty regarding the height and massing of the large residential block adjacent to the town houses on the Island site (building 7) and that further design detailing was required
- the car parking for the residential units on the Island site and concerns that no disabled parking was being provided directly outside the town houses
- the massing of the buildings, with some Members raising concerns that these were too bulky
- the living bridge, with mixed views about the deletion of this feature from the scheme
- the latest otter survey and the need for reassurances that the proposals took this survey into account
- concerns at the underground parking, particularly due to the high risk of flooding on this site
- why the proposals might constitute a departure from the Development Plan
- the level of affordable housing being provided on the site
- the need to provide links to Armley and under the Inner Ring Road (IRR) to the city centre
- the need for the towpath and Island road to be separate

- the need for quality design, materials and construction and regret that the opportunity for an iconic building in this area had been lost through the deletion of the living bridge
- that the replacement pedestrian bridge must be of good quality and design
- concerns were expressed that the newly extended eastern residential limb (*Building 4 on the northern side of the river*) was located between the existing and proposed green spaces rather than allowing them to be joined and should be redesigned and reconfigured, recognising that the neighbouring existing green-space was in a different ownership

Officers provided the following responses:

- that the tall residential block (building 7) on the Island site was smaller than in the previous scheme, although the Civic Architect, Mr Thorp, stated that further consideration could be given to this building. It would then be a balanced judgement between either a reduction in height to reflect the town houses, or be designed to be more reflective of its island context
- that some vehicular access to the town houses, particularly for people with disabilities, could be considered
- that the otter survey would need to be updated by the applicant
- in relation to flooding, that there was an obligation under the Strategic Flood Risk Assessment to satisfy the Environment Agency (EA) on the proposals and if the EA remained unhappy, the scheme could be called in by the Secretary of State
- that safety measures would be included in the design details of the underground car park
- that Officers were considering whether the application was a departure from the development plan as the office and commercial elements were not in the city centre. However the KRRAPF did envisage a mix of uses and underground car park for the site (*now determined that this is not a departure*)
- that the applicant had agreed to affordable housing provision of 15%
- regarding linking the site to the wider area, that a Green Travel Plan would be included and would provide for a cycle, bus and walking study (*included within the TP*) which would show the links from the site to the city centre, and that further consideration would be given to establishing links to Armley and the city centre under the IRR
- that as the living bridge was not required by policy and as it was an aspiration of the applicant, then its loss could not be objected to
- that discussions would take place with the applicant on the need for better links both visually and management wise between the existing and new open space

RESOLVED - To note the position statement and the comments now made

5.0 HISTORY OF NEGOTIATIONS:

Officers have been in negotiations with the applicant and agent on a range of matters since the Plans Panel presentation in November 2009. In all cases the applicants have demonstrated their willingness to accommodate the raft of relevant policy requirements and also to enter into a S106 agreement where necessary. The items to be included in the S106 have been highlighted above in the proposal section.

6.0 PUBLIC/LOCAL RESPONSE:

A revised community engagement exercise was carried out by the applicant in Oak House (91 Kirkstall Rd) for two afternoon and evening sessions on a Friday and Saturday in November 2009. This was advertised by house delivered flyers, generally distributed flyers, direct e-mail invitations to all Councillors and an advertisement in the Yorkshire Evening Post. 14 members of the public attended the event along with representatives of the Little Woodhouse Community Association and one Councilor (Cllr Hanley) and this resulted in 7 completed comment sheets. Below is a summarized list of comments:

Supportive comments

- Provides good connection to the river
- Would provide more public space
- Opens up the river and canal front
- Low density – waterside presence
- Offers a mix of uses
- Uses brownfield land
- Provides family housing
- Will provide a catalyst for new businesses and support existing businesses in the area
- Bars and Restaurants will be a positive addition to the area
- Will regenerate the western area of Leeds city centre
- The bridge is a positive feature
- Both sides of the river are opened up to create a breathing space

Critical comments

- Only deals with a part of the waterfront: - response, this is one scheme and others will inevitably follow. However, the timing of these submissions is out of the hands of the Local Planning Authority or the developer. This site will act as a catalyst for the future regeneration of the area.
- Building design appears blank: - response, this is an outline scheme and the building designs are not for consideration. The visualizations submitted are only indicative and are intended to give an impression of the buildings and not their final design.
- Layout is regimented - wants a return to ‘the street’ with a human scale:- response, the layout is dictated by the requirement for north south and east west movement and linkages to the adjoining sites and the creation of frontages to the road and river corridors. The site is on the edge of the city centre where a larger scale of building is appropriate. However, there is a downward shift in scale towards the river and especially on the island site. This accords with the principles set out in the KRRAPF.
- Developments need to be more individualistic :- response, each scheme inevitably develops its own character and in this case where there is so much open space and a river focus with an island site and water frontages, the Bankside site will have an individual character in the same way that other schemes in the city have developed.
- There needs to be a light-rail link within the site:- response, The City is now committed to the QBI scheme and this means that a light-rail link would conflict and compete with these objectives.

Other points raised

- Is there a risk of flooding? response:- See Environment Agency comments below.
- How does the site link to adjacent sites? Response:- See Description of development proposals above.

A letter was received from Cobbetts solicitors in April 2007 on behalf of **Evans Property Group** who own the neighbouring site to the east (The City Gate site). This identifies that there are potential benefits arising from the redevelopment of this site but that it is when and how these benefits come to be realized over which Evans express their concern. They then went on to make a critical analysis of the original Transport Assessment (TA). Cobbetts were re notified of the submission of the revised package of information on 16th July 2010 and were given 14 days to respond. At the time of writing this report, no response had been received.

A letter was received from **Leeds Civic Trust** and this made comments on the original scheme:

- Required more detail and a 'light touch' to the living bridge building:- response, This has now been removed from the scheme
- The heights of the buildings at 14 storeys was too tall:- response, These have now been reduced considerably
- There was a lack of green space:- response, This has now been increased considerably
- Pedestrian routes should have tree planting:- response, The main pedestrian route through the site is a tree lined avenue.
- The towpath needs to be well integrated to the scheme and the route in to town under the Inner Ring Road requires to be upgraded:- response, A considerable length of the towpath is being upgraded as part of this scheme and this will provide a better quality access to Armley and Granary Wharf/Leeds Station. West St gyratory is being amended in 2 places as part of the off site highways mitigation package and the area already benefits from pedestrian crossings over both the on and off slip which give safe and direct pedestrian and cycle access under the Inner Ring Road to Wellington St and the Prime Office Quarter.

7.0 CONSULTATION RESPONSES:

A full re-consultation process has taken place since the scheme was formally revised following the November Plans Panel presentation. The responses received are set out below:

Statutory:

Environment Agency: No objections provided the measures proposed in the submitted Flood Risk Assessment are carried out as part of the development: including: minimum levels of the basement access points, finished floor levels and soffit level beneath the new river bridge; a scheme to manage surface water run off; details of the flood defenses along the northern side of the river (the wall is to be built up to in excess of flood defence level plus

freeboard); the provision of safe routes off the site (which includes crossing the river bridge to the southern bank which is higher). They have also attached the general condition about no development within 6m of the top of the river bank. However, the EA have accepted the structures shown on the layout plans which are located within 6m of the tops of the river's south bank. This is predominantly because the southern side of the river is higher than the north and therefore will not flood.

British Waterways: The layout of the island site allows vision from the canal to the river which is positive. Elevations on to both watercourses should be well designed. The height of the western building (Building 7) on the island will become a landmark. The interface between the canal towpath and the development is important (hedge and tree planting as well as level access and a number of access points are proposed here). A mix of uses will provide greater surveillance and security on the site. Require a financial contribution to the upgrading of the canal towpath as this is in poor condition and the intensity of its use would increase as a result of this proposal. The canal wall will be supported adequately by the new basement parking structure which sits beneath the island site.

Health and Safety Executive: Advise that there is still a Hazardous Substances consent on this site and therefore the HSE must issue the advice that there are sufficient reasons, on safety grounds, for advising against the granting of planning permission. Response:- See appraisal section

Highways Agency: Require that there is a clear structure in place in order to implement, deliver and monitor a workable Travel Plan and agree that the document now submitted is both robust and practical.

Yorkshire Forward: (These comments were made prior to the recent Central Government advice stating its intent to abolish the Regional Spatial Strategy but have been included here for completeness). They support the proposal and welcome use of a Brownfield site. Policy emphasizes the needs for significant economic development, jobs and homes that will enable Leeds to develop its role as a regional city. This scheme could potentially support 1,500 jobs and is therefore welcomed. The integrated mix of uses presents an opportunity for a sustainable community to be developed as on site services and uses will lead to vibrancy. The large amount of green space is supported as this also attracts investment and jobs. The spaces have to be well designed for multi-purpose use. Points out that traditionally canal side buildings are parallel to the water. Supports the objectives of the Travel Plan and the drive towards sustainable development. YF considers that the minimum BREEAM rating should be Very Good and the Code for Sustainable Homes a Level 4 (*LCC emerging draft SPD10 on Sustainable Development requires Level 3 in this location*).

Non-Statutory:

Highways: This section of the report explains how Highways Services colleagues have considered the range of highways related matters attached to this proposal. Whilst this leads to a significant set of highways comments, it is considered that this is the clearest way of explaining how each of the separate measures sit alongside each other and in certain cases inter-relate. The comments have been broken down into headed sections for ease of reference.

Kirkstall Road Masterplan: A masterplan traffic modelling exercise was carried out in 2009 whereby the combined impact of proposed development of the Bankside, First Bus and the ARLA sites was examined. Works were identified to amend the Kirkstall Road QBI scheme to accommodate the development accesses and generated traffic together with improvements to West Street/Wellington Road and Armley Gyratory to accommodate the development traffic. Discussions were still ongoing on the content of the Travel Plan when the First and ARLA developers withdrew due to the financial downturn.

Traffic Modelling: The Bankside development has taken the modelling work from the masterplan, the trip rates and distribution of traffic agreed at that stage and has used them in this application. The office trip rates are based on an assumption that 35% of trips would be by car driver. This figure reflects the information gathered from the 2010 West Yorkshire annual snap shot travel to work survey that shows that around 32% of the journeys to work in Leeds city centre are by car driver. The parking provision on site only allows for approximately 21% of office trips to be by car, however, off site car parking is available, and robust travel plan measures are proposed including funding for on street parking controls in residential areas to help achieve this target.

The residential traffic generations are considered realistic for the location of the site and are based on similar developments around Leeds and elsewhere.

Transyt Model Results: The extent of the highway network to be modelled was agreed at the master planning stage and various Transyt models developed. The same extent of modelling has been used for this development. The Transyt models from the masterplan work have been re-examined and modified and are considered fit for purpose.

Transyt models have been presented for a base situation that includes various committed developments in the city centre and extant Arla traffic. The model reflects the current position on the A65 QBI scheme, whereby the funding for the project provides two traffic lanes and a bus lane both inbound and outbound passed the site. The alignment also allows space within the central reserve area to accommodate additional lanes to allow turning movements to this site and the other master plan sites. The QBI scheme is therefore providing significant works to the benefit of the developments.

The principle adopted in dealing with the Bankside development in isolation was that part of the masterplan improvements would be provided and that the remainder of the network would be examined to ensure the impact did not become unacceptable.

Transyt models have been presented to reflect the situation with the proposed Bankside development and identified improvement schemes to the West Street/Wellington Street gyratory and the west bound on slip to the A58(M)and Armley Gyratory/Wellington Road junction. The first improvement is that required to accommodate the masterplan development, the second is a minor interim improvement necessary for the Bankside development, until a more major improvement required for the masterplan development is brought forward.

QBI Impact: The proposals extend the bus lane towards the city centre and introduce bus detection linked to the signal operation to compensate. It has also been demonstrated that the access arrangements for the right turn into the site operate without detriment to the inbound bus lane. The proposals have been submitted to the Govt office for comment which is still awaited. An element of funding from the public transport contribution will be spent on bus lane camera enforcement to deter illegal use of the bus lane.

A contribution is also being offered towards identified improvements to the roundabout at Junction 2 of the M621 or further improvements at Armley Gyratory of £100,000.

Sustainable Transport Assessment: As described above, the traffic impact of the development is predicated on a demanding target for car driver mode share. Therefore, the robustness of measures to encourage travel by means other than single occupancy car journeys is crucial to the acceptability of the development proposals. In discussions on the master plan, it was emphasised by council officers and the Highways Agency that the proposal would only be acceptable with an innovative travel plan and substantial measures to encourage sustainable travel options.

The options for travelling to the site by public transport have been considered in some detail. Whist buses on the Kirkstall Road and Burley Road corridors allow people to directly access the site from origins and destinations on these corridors, this only accounts for approximately 25% of bus users, the remainder will need to change within the city centre or walk to the site, similarly rail users are delivered to the city centre. Measures proposed to assist people travel to and from the city centre include; improvements to the canal towpath, funding for Metrocards which enable people to change buses without paying additional fares and funding towards additional services/shuttle bus if this is considered to be necessary by L.C.C./Metro

As with other city centre residential developments, it is expected that a significant proportion of residents will walk to jobs within the city centre and the surrounding area. The railway station, university and LGI are a little over 1km from the site i.e. 15 minutes walk, with much of the city centre lying within the recommended 2km maximum walk distance to places of work or education.

Pedestrian and cycle access through the site will be encouraged through the provision of a bridge over the river within the site, this will link to the canal towpath, an important arterial route into the city. The Kirkstall Road QBI scheme has 4.2m wide bus lanes to facilitate shared use with cycles and a pedestrian crossing will be provided across Kirkstall Road at the site access.

The scheme will generate a substantial contribution to public transport improvements under the SPD, it has been agreed that a part of this contribution can be used to improve the canal towpath surface and lighting towards the city centre to encourage its use as it is the most direct route to the station from the island part of the site and a little longer but pleasant car free route to the whole of the site.

A financial contribution is also available towards establishing the car club on site including funding two cars and trial membership, this will reduce the need for people to bring a car to work for use during the working day and provide an option to residents who do not wish to own a car, or require a second car on occasions.

A fund of £50,000 is also available to fund traffic orders on surrounding residential streets, should fly parking become a problem.

Travel plan: Concurs with the Council's Travelwise officer and the Highways Agency's view that the Travel Plan is an acceptable and robust document.

Targets have been set within the travel plan to achieve a level of car driver trips to the various uses as follows; 35% of office trips, 25% of residents drive to work, 23% of children to school by car, 35% of drivers to health and leisure facilities and 25% of visitors. These targets are considered to be tough but achievable.

The travel plan structure involves the appointment by the developer of a site wide travel plan co-ordinator (SWTPC) for five years to establish measures on site and assist occupiers to prepare their individual travel plans. A steering group will be established consisting of the SWTPC, representatives of site occupiers, the council and Highways Agency, this group will review the effectiveness of the travel plan at meeting the targets set and advise on measures to improve performance, a fund of £100,000 will be available to introduce further measures should targets not be met.

The travel plan is to remain in place for perpetuity, ongoing funding will be met through lease agreements and service charges.

Car parking Layout: A total of 882 car parking spaces are proposed on the main site. Office space provision is at UDP maximum of 293 spaces, residential parking is less than 1 space per unit at 528 spaces on the main site and 470 spaces for the island site, with 40 spaces for the 20 townhouses. Office car parking is being provided at UDP maximum levels (see guidelines set out in policy section below). However, it is likely that 35% of office employees may drive and therefore it is expected that demand for spaces will exceed supply. This excess will be diminished by certain factors such as leave and sickness which will mean that not all employees will be at work all day every day. The funding towards traffic orders in residential streets will constrain the off site parking to acceptable locations.

Parking for visitors has been identified both within the proposed multi storey car park, where 61 short stay spaces will be designated with a small number of surface spaces for people visiting the retail uses and disabled parking. A car park management plan is required for the multi-storey car park to control the use to within UDP guidance and the short stay use by the public, this will need to be controlled by the Section S106 agreement.

Site layout: The site layout is acceptable as a self contained site with suitable turning areas being provided. Access by vehicles is limited to the half of the site nearest to Kirkstall Road, reserving the remainder of the site for pedestrian activity. With future adjacent development the internal roads should connect through to improve internal circulation.

Construction: A construction management plan will be required to deal with the impact of construction traffic and parking.

Department for Transport: Comments will be reported verbally to Members at Panel

Travelwise (Travel Planning): The Travel Plan is sufficiently robust and has a significant package of measures included within it to achieve the required modal split targets. Also a financial penalty of £100,000 is to be paid if these targets are not met which will be used to fund mitigation measures.

NGT (Public Transport): The applicant is funding a significant package of measures to the extent that there is sufficient access given to public transport infrastructure.

Metro: Support the general principal of development of this site and note that there are a number of bus services on both Kirkstall Rd and the Inner Ring Road. Note that a substantial SPD contribution toward improving sustainable transport as well as specific improvements particularly to pedestrian and cycling access to the city centre via the canal towpath. Accept that a robust travel plan is to be set in place and that there will be a means of crossing Kirkstall Rd to gain access to the inbound bus services. The river bridge is supported as it will give the island residents better access to bus services. Welcome the provision of a financial contribution to real time bus displays and a contribution to improving peak period bus services/a shuttle bus if this ultimately becomes necessary.

Main Drainage: No objection subject to compliance with all recommendations of the FRA and application of conditions recommended by the EA.

Minerals Contaminated Land: No objection subject to conditions

Environmental Protection: No objection subject to conditions

Education: There is a requirement for a contribution to education and this is a product of the number of 3 bedroom units. At this stage only the townhouses are proposed to be 3 bedrooms although subsequent apartments may also have this number. The applicant has indicated their willingness to provide the contribution at the levels required and to provide additional funding if at reserved matters stage further 3 bedroom units are proposed.

West Yorkshire Archaeological Society: No objection

Police Architectural Liaison Officer: No objection. However, North East Counter Terrorism Unit will be required to comment on subsequent reserved matters applications.

Nature Conservation Ecology: The applicant has submitted a revised Otter Survey and a mitigation strategy indicating how the development will avoid impacting on the identified otter habitat locations along the river bank and this is considered to be acceptable subject to the imposition of a condition which controls development both during construction and on occupation to ensure that the habitat is not negatively impacted upon. This is specifically so in the case of the townhouse balconies which overhang the river bank.

8.0 PLANNING POLICIES:

The area is allocated immediately outside the City Centre as defined in the Leeds Unitary Development Plan Review 2006 (UDPR) with the boundary running along the eastern edge of the site. The area is unallocated in the UDPR which assumes that the existing use will continue. As previously explained, none of the buildings remain on the site and the chemical works was considered to be a blight on the area when it existed. The future development of the land is impacted upon by a raft of national and local planning policies. The following are considered to be of particular relevance to the proposals:

Leeds Unitary Development Plan Review 2006

GP5 Development proposal should resolve detailed planning considerations including access, drainage, contamination, stability, landscaping and design. Proposals should seek to avoid problems of environmental intrusion, loss of amenity, pollution, danger to health or life and highway congestion, promote energy conservation and the prevention of crime.

H11 Housing developments throughout the district will normally be required to provide an appropriate proportion of affordable housing.

T2 New development will not be permitted unless adequately serviced by road access, public transport and cycle access.

T5 Safe and secure access for pedestrians/cyclists.

T6 Satisfactory access for disabled people and persons with mobility problems.

BD2 The design and siting of new buildings should complement and where possible enhance existing vistas skylines and landmarks.

BD5 New buildings should be designed with consideration given to both their own amenity and that of their surroundings. This should include useable space, privacy and satisfactory penetration of daylight and sunlight.

B12 Development to respect fundamentals of urban design, linked and appropriate spaces and retain best of the old fabric.

N8 & N9 Seek the provision of green corridors which improve connectivity to the surrounding countryside and improve access, recreation, nature conservation and visual amenity

LT6B Seek, where appropriate, to secure footpath access and public rights of way along both banks of the river having regard to public safety and nature conservation interests.

BD15 Works of public art will be encouraged in all new development.

Car parking guidelines for this Fringe City Centre Commuter Parking Control Area are set out in UDPR Vol. 2 and these are set as the following (maximum)

• Offices	1:100sqm
• Retail	1:40 sqm
• Bars/Restaurants	1:4 sqm
• Health Care	On merit
• Residential apartment less than 2 beds	1 per unit
• Residential apartment more than 2 beds	2 per unit

National Guidance

PPS1 Delivering Sustainable Development

PPS3 Housing - Advocates the use of previously developed land within urban areas for residential use and this leads to a more sustainable form of development, and reduces reliance on the private motor vehicle.

PPS4 Planning for Sustainable Economic Growth – Objectives are to build prosperous communities by improving the economic performance of cities, promoting regeneration and delivering more sustainable patterns of development and reducing the need to travel by car.

PPS25 Flood Risk – Sets out the requirement to ensure that uses sensitive to flooding are not located in high flood risk areas and the carrying out of a sequential test on sites prior to the consideration of detailed methods to mitigate the effects of flooding.

Supplementary Planning Documents

SPD - Biodiversity and Waterfront Development : Objectives are to: identify and safeguard existing habitats; provide ecological design guidance on waterfront developments; provide guidance on the conservation of protected and important species; identify opportunities for habitat enhancement, creation and restoration; encourage appropriate long term habitat management.

SPD - Public Transport Improvements and Developer Contributions: To ensure that developers take full account of ensuring access to their site by means other than the private motor vehicle.

SPD - Sustainable Design and Construction: Advocates the use of a range of measures to ensure that the best possible practices are used to ensure a sustainable environment is created.

SPD (Draft) - Travel Plans: Sets out the requirements to be placed on developers to ensure that their sites will be accessible by means other than the private motor vehicle.

Waterfront Strategy : This advocates public access to the waterfront as well as its laying out with landscape treatment which seeks to soften the bank edge. In addition, open space oriented towards the river, uses which take advantage of the amenity offered by the river and the protection of any wildlife habitats are also advocated.

Kirkstall Rd Renaissance Area Planning Framework : (KRRAPF) has now been adopted as Informal Guidance for planning purposes. It aims to promote the regeneration of the area in a manner which will establish a real sense of place and guide developers in formulating proposals for the re-development of land. It serves to develop the principles of the UDPR and broader renaissance initiatives. This is underpinned by a need to ensure that a consistent approach is taken to all development in the area.

The framework area is split in to a series of character areas. The area between the River and the Kirkstall Rd is within the 'Kirkstall Road Riverside' and the area between the river and the canal is identified as 'The Island'. Within these two areas the framework advocates that the buildings are laid out in a 'flexible configuration on a grid based block pattern. Development sites/blocks and building envelopes will be determined by the requirement for public realm and safe and attractive pedestrian movement'. New buildings must contribute to the formation of these objectives by resolving:

- Appropriate height, scale and massing
- Siting and orientation
- Landscape settings
- Emphasis of corners
- Locating entrances on public access streets/paths
- Facilitating pedestrian access through the area and avoid potential conflict with traffic.

There is a requirement to create a boulevard along the A65 Kirkstall Rd corridor which will be achieved in conjunction with works associated with the QBI and is considered to be a fundamental part of the future growth of this area.

Heights are set out on a plan but broadly envisage 8 storeys at the north-eastern corner of the Bankside site and reducing towards the river. The Island should be the 'greenest' of the areas covered by the framework with building heights reducing away from the city and the western end to be preserved as a wildlife habitat. A link across the river is also indicated as is public access to the river banks.

QBI : The A65 QBI has received Government funding and is in its initial construction phases on site. The scheme proposals have been amended to give a robust solution that will work without any proposed amendments associated with adjacent development. It does not, however, exclude further alteration to Kirkstall Road to accommodate future development access, as and when each of the development sites comes forward.

9.0 MAIN ISSUES:

1. The principle of the proposed uses
2. The scheme layout and building heights
3. Transport Assessment and Travel Plan Issues
4. Flood risk
5. Contaminated land
6. Education
7. Health and Safety Executive
8. Sustainability
9. Community Consultation
10. Otters
11. 24 hour access
12. Section 106 legal agreement heads of terms

10.0 APPRAISAL:

1. Principle of the proposed uses

The dominance of residential use on this site is desirable and is in line with national legislation, as is the provision of affordable housing which is in line with the guidance set out in the relevant SPD and this is clearly to be welcomed. The residential accommodation being provided is in a range of sizes and types and whilst it is accepted that most of these are in the form of apartments, the inclusion of family housing with gardens is welcomed as a positive step towards a truly mixed community. The objective of providing a wider range of accommodation types, which will encourage people to remain closer to the city centre for longer, is therefore fully supported. The residential use of the site is therefore supported as is the mix of unit types.

Regarding the inclusion of commercial uses, the previous use was as an employment site and an important aspect of this scheme is its potential to act as a catalyst for the regeneration of a very large area of riverside. As there are proposed to be a considerable number of residents within the site and the intention is to provide an environment which is to be sustainable and supportive to both the scheme and the wider community, it must also provide an appropriate mix of uses.

In respect of their location within the scheme, the Kirkstall Rd corridor provides an environment which, even after the QBI improvements, would be unsuitable for residential accommodation and therefore the commercial/office uses on this frontage would act as a buffer for the residential uses to the south. The ground floor commercial elements provide life and activity and would animate the extensive open space areas proposed. In this respect, the location of uses is considered to strike the correct balance between regeneration, attractiveness, place making and appealing to the wider community and this was a point brought out during the public consultation exercise.

These uses, and the creation of a mixed use environment are objectives set out in the KRRAPF which is a material consideration in this application and therefore must be given due weight. For the above reasons, the commercial uses on the site are considered to be appropriate and acceptable.

2. Scheme layout and building heights:

Kirkstall Rd Riverside: The grid-like layout plan on the northern part of the site is advocated in the framework document and has been accepted as appropriate at all stages of consideration to this point. It works very well in terms of providing both north/south and east/west access routes as well as links to neighbouring sites and along the river. The 2 buildings which front the river have plan forms which include south facing courtyards and this produces even greater areas of publicly accessible open space and allows natural light penetration to the benefit of the residential units above.

The heights of the buildings sets up a strong frontage to Kirkstall Rd whilst still allowing a better pedestrian environment along this major arterial route to be created by allowing a greater width of footway. The height of the buildings reduce in scale towards the river and this approach is also supported by the framework document.

The decision to remove the living bridge and the buildings which flanked it has both reduced the quantum of development considerably and increased the amount of open space. This results in the bridge itself becoming the focal point of the 2 open space areas which sit on either side of the river. It is also clearly visible in the view along the river from the Inner Ring Road bridge to the east and this places an even greater emphasis on the quality of the bridge design. This will be the subject of a future application and Members made it clear in November that this needs to be of a high quality. If Members require it then this bridge can be brought back to them to consider when the application is eventually received.

The level provision of publicly accessible open space on the site is considerable and accounts for over a third of the total site area even when the nature area is excluded. The main areas of space are adjacent the river, which is considered to be the best location and in line with policy requirements including those of the Waterfront Strategy. In the case of the space to the north of the river this would combine with the neighbouring site to form a sizeable south-facing riverside area (approx. 0.87 ha).

The Island site: The building layouts respond to the large area of open space adjacent the footbridge providing containment on 3 sides. The north/south orientation of the buildings provides both river and canal frontages but also allows visual permeability between the 2 water corridors. As the island narrows the buildings respond by reducing in height down to the town-house element and this has the smallest footprints of all of the buildings on the site. This reduction in scale is considered to be appropriate and inline with the objectives of the framework.

Officers have worked with the project architect to improve and refine Building 7 and now consider that its footprint, form and scale are acceptable and will provide an appropriate focal point whilst at the same time responding to the converging building lines of the river and canal frontages.

The design code provides a very useful tool when considering the overall sculptural nature of the proposal in respect of building heights and their relationships to one another and the streetscape. This will be used to control development at subsequent reserved matters stage and is considered acceptable as part of this outline proposal.

To conclude, the scheme exhibits a simple and clear logic and the scale is now considered to be appropriate resulting in a more successful scheme in terms of the locations of the building footprints and the scale and mass of the buildings. These factors will contribute to the creation of a scheme which will have a real sense of place with a river crossing point at its heart.

3. Transport Assessment and Travel Plan Issues:

Officers have reviewed the proposals in relation to the A65 QBI and are satisfied that the proposals made in terms of the vehicular access to the Bankside development will satisfactorily mitigate the impacts of this development on the QBI scheme such that it will have no detrimental impact to the performance of the QBI. As the scheme funder the Department for Transport has been notified of the proposed application and an opinion sought in accordance with the terms of the grant, however, no response had been received at the time of writing this report. Members will be updated verbally at Panel.

The TA includes a number of physical off site measures to improve and increase the capacity of the local highway network which are proportionate to the impact of this one development. Clearly, the future development of other sites could fund further network improvements if this is considered necessary once their impact has been established. As set out above, there is to be a significant financial contribution to public transport and associated infrastructure and this is in addition to the fact that the QBI is to be constructed immediately adjacent the site. This will contribute to the ability of the site to be accessed by means other than the private motor vehicle which will assist in meeting the modal split target for private car use.

The measures to be included in the Travel Plan are extensive and significant and these are considered both by officers and the Highways Agency (HA) as sufficient to achieve the necessary move away from use of the private motor vehicle. As the HA do have the ability to exercise the right to issue a holding direction on the site, but have chosen not to do so in this case, this is a further indication of the robustness that they consider the Travel Plan exhibits.

The physical improvement of a significant length of the canal towpath is a very welcome aspect of the scheme as the poor surface is acknowledged as a weakness of the current network. It will also provide an improved walking and cycling route from the site to both the City Station and the proposed new southern access which it is hoped will encourage more people to walk and cycle to and from the site and out to Armley and the Kirkstall Valley.

Tariffs and management measures for the public spaces within the car park will ensure that this area is retained for visitor use only and this will be ensured by the S106. The remainder of the car parking spaces on the site are to be allocated to the proposed uses and therefore there are to be no tariff restrictions placed on these. The number of spaces to be provided on site is in line with the UDPR guideline figures set out above and therefore this level of

provision is acceptable. The applicants have also stated that they will not exceed the UDPR car parking guideline figures at any point and this will be controlled by the S106 Agreement. However, it may be the case that vehicles may still try to park on the surrounding highway network, albeit that almost all of the roads within reasonable walking distance of this site are controlled by TRO's. Therefore, in this event, the applicant has provided a fund of £50,000 for making further TRO's or strengthening existing ones and this will ensure that surrounding streets do not become parked with any overspill from the development site.

4. Flood Risk :

The applicant's revised FRA has been assessed by the EA and is considered to be acceptable. The mitigation produced by raising the site and creating a frontage to the river to the levels required by the Flood Alleviation Scheme is considered to be an acceptable approach. Basement car park accesses are set at a height which will avoid them flooding given that it is acknowledged that any flooding event is more likely to come from the direction of Kirkstall Rd . A series of conditions will be required to ensure that the objectives of the FRA are carried out on site

5. Contaminated Land :

All buildings have now been removed and this has enabled further exploratory works to be undertaken. The revised ground assessment reports are considered to be acceptable subject to conditions regarding detailed works prior to and during each phase of development. Any subsequent issues regarding contamination will be dealt with by these conditions and therefore the site will be developed in a safe and controlled manner.

6. Education :

The site contains family housing and this will require a contribution to be made towards local educational infrastructure. The applicant is to make the required level of contribution which is directly related to the number of family dwellings proposed (even if this is to rise on the submission of subsequent details) and this is to be included in the Section 106 Agreement and is acceptable.

7. Health and Safety Executive:

The HSE have advised that as the consent for the storage of Hazardous Substances currently remains in place, they must advise against the application being approved on safety grounds. However, the applicant has agreed that this consent will be revoked on the granting of planning permission and this process will be controlled through the Section 106 agreement. This means that the current objection by the HSE and the potential for call in by the Secretary of State would be avoided

8. Sustainability:

The submitted statement sets out the principles on which the final scheme will be developed and demonstrates its alignment with PPS1 and the associated climate change supplement and draft SPD10. This will ensure that the proposals will achieve a reduction in CO2 emissions; achieve the required BREEAM 'very good' and Code for Sustainable Homes Level 3 ratings for new buildings and use sustainable energy sources. A condition will be used to ensure that these proposed objectives are carried out on site for each phase of the development.

9. Community Consultation:

The revised community consultation exercise produced a largely positive response with the exception of those points raised and addressed above. In the light of this and the lack of any other objections it is concluded that the local community considers the scheme to be acceptable.

10. Habitat Protection and Protected species:

The applicant's mitigation strategy has been assessed as adequately protecting the otter habitat during and after construction. It also seeks to improve the existing environment and there is the additional assurance that the existing naturally grown area of land between the river and canal is retained and never developed. A condition will be used to ensure that, on each phase of development which impacts on the southern river bank, the measures to protect the otter habitat and protect the existing trees to be retained will be established and employed. This is considered to be an acceptable solution to the protection of the otter habitat and the riverside vegetation in the proximity of the site at this outline stage.

11. 24 hour access

The retention of all of the areas of the site (with the exception of those on the island site identified as private residential), as available for 24 hour access is clearly to be supported as is the fact that these areas will be maintained by the developer. The extent of the 24 hour access areas and the regime under which they are maintained is to be included in the S106 agreement.

12. Section 106 Agreement

In the light of the above, the S.106 heads of terms which will need to be covered in the final scheme (and detailed in the proposal section above) are:

Affordable Housing
Provision of Bridge Link
Public Transport Improvements contribution
Off Site Highways Mitigation Package including Trigger Points
Provision of a Travel Plan Coordinator
Provision of package of physical and financial measures as part of the Travel Plan
Funding of potential TRO measures on the public highway
24hr Public Access Areas and linkages to other public routes
Maintenance Package for Public Areas
Riverbank Enhancement for the Additional Nature Area
Public Car Parking Tariff Controls and Management Measures
Local Employment Initiatives
Education contribution
Public Art Provision
A £600 fee for each clause which requires management or monitoring.

All the identified S106 contributions have been considered against the 3 three legal tests introduced as a result of Community Infrastructure Levy legislation and which came into force on 6th April 2010 and are considered to comply.

11.0 CONCLUSION:

The scheme sets out a definite street pattern which provides a positive urban grain and offers opportunity to provide linkages to neighbouring sites. It also provides large areas of open space which relate well to each other as well as to the area which has already been laid out as part of the site to the east. These routes and spaces offer a range of attractive locations for the mix of uses proposed in an environment which is largely free of motor vehicles. It provides links to the surrounding network of streets and allows 24 hour access through all of the public areas. The site is clearly in a sustainable location with both public transport and river corridors running past and through it, however, despite this, it will benefit from a robust Travel Plan and a significant package of financial and physical highway and accessibility measures.

There is a high likelihood that this proposal will result in a greater focus of activity and investment in the area and will act as a catalyst for future development to the benefit of surrounding buildings and sites. The proposal accords with a range of policies at National, Regional and local level and is, therefore, considered to be acceptable.

Background Papers

Leeds Civic Trust letter 26th Sept 2006

Letter from Cobbetts on behalf of Evans Property Group 24th April 2007

Kirkstall Rd Renaissance Area Planning Framework - January 2007

Special conditions required to be attached.

44. Prior to the commencement of each phase, or part, of development which has a frontage to the southern bank of the River Aire, a Protection and Mitigation Statement, to incorporate both a written statement and plan, shall have been submitted to and approved in writing by the Local Planning authority. The statement shall set out how the development will ensure that the riverside habitat is protected both during construction and after the development has been completed and occupied shall include details on the provisions to be made for the following: identifying those areas of existing vegetation which are to be both retained and removed; the areas of the riverbank which are to receive additional planting; protecting the riverbank during construction; the extent to which the upper parts of the bank will be disturbed to enable construction to occur; the hours of construction; lighting to be used during construction; restrictions on lighting to be used in the river corridor on completion and during occupation and how this is to be enforced; any method of subsequent access to the river bank to be required for maintenance and survey work; the details of any new otter holt or other facility for the successful occupation of the area by otters to continue. The works set out in the approved Protection and Mitigation Statement shall be carried out during the construction and subsequent occupation and thereafter retained on site unless otherwise agreed in writing by the Local Planning Authority.

45. Notwithstanding the plans submitted prior to the commencement of development, details of the proposed demolition/excavations/earth removal/foundations to be undertaken shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: Demolition, excavation, earth removal and/or construction of foundations have the potential to adversely impact on the integrity of the waterway infrastructure.

46. Notwithstanding the plans submitted prior to the commencement of development, details of the existing and proposed ground levels and finished floor levels shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: Significant changes in ground levels have the potential to impact on the integrity of the waterway and the appearance of the waterway corridor.

47. Notwithstanding the plans submitted prior to the commencement of development, details of the proposed protective fencing to be erected to safeguard the waterway infrastructure during construction of the development shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: The ecological environment in this location is sensitive and should be protected from disturbance, dust, run off, waste etc. entering the canal.

48. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 22 July 2009 and the following mitigation measures detailed within the FRA:

1. Basement access points shall be set at a minimum level of 31.00 metres Above Ordnance Datum (m AOD).
2. Finished floor levels shall be set no lower than 31.6 m AOD, for 'more vulnerable' development, and no lower than 31.3 m AOD for 'less vulnerable' development. With the exception of buildings 1 & 2 as indicated on drawing No: 202 dated 27 January 2010 which shall have finished floor levels set no lower than the existing adjacent road level.
3. The soffit level of the proposed bridge crossing the River Aire shall be set no lower than 31.864 m AOD.
4. There shall be no buildings, structures (including gates, walls and fences) within 6 metres of the top of any bank of the River Aire or any constructed flood defence wall, unless otherwise agreed in writing by the Local Planning Authority.

Reason

1. To reduce the risk of flooding to the proposed development and future occupants.
2. To reduce the risk of flooding to the proposed development and future occupants.
3. To ensure that the bridge is compatible with the Leeds FAS.
4. To maintain access to the watercourse for maintenance or improvement.

49. The development hereby permitted shall not be commenced until a scheme to limit the surface water run-off generated by the site has been submitted to, and approved in writing by, the Local Planning Authority. The scheme must demonstrate how surface water will be

managed in compliance with Leeds City Council's document 'Minimum Development Control Standards for Flood Risk'. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

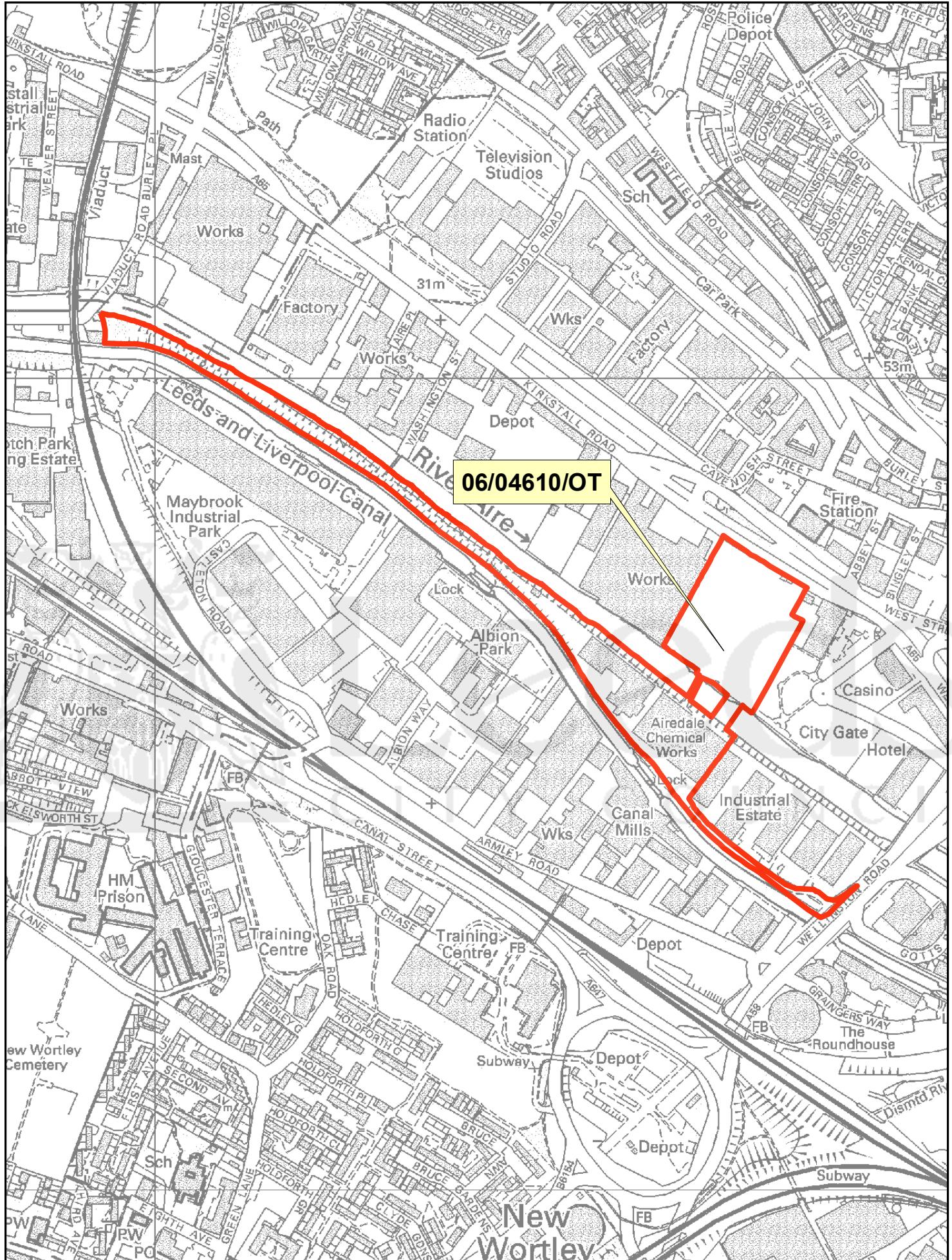
Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

50. The development hereby permitted shall not be commenced until the detailed specifications of the section of flood defence to be provided as part of the development along the north bank of the River Aire, has been submitted to, and approved in writing by, the Local Planning Authority. The design shall include the flood defences being built to a minimum height of 31.024, metres Above Ordnance Datum. The flood defence shall be fully implemented prior to occupation of the development or within any other period as may subsequently be agreed in writing by the Local Planning Authority, and shall subsequently be retained and maintained throughout the lifetime of the development.

Reason: To ensure the required standard of protection and structural integrity of the proposed flood defence, thereby reducing the risk of flooding. As detailed in the Flood Risk Assessment NJB/32034 dated 22 July 2009.

51. The development hereby permitted shall not be commenced until such time as scheme identifying the provision of safe route(s) into and out of the site to an appropriate safe haven during the event of flood, has been submitted to, and approved in writing by, the Local Planning Authority. The route(s) shall thereafter be incorporated into the design and layout of the development along with any associated infrastructure such as signage. The route(s) shall be retained as such throughout the lifetime of the development.

Reason: To ensure safe access and egress from and to the site.



CITY CENTRE PANEL



Scale 1/ 6000

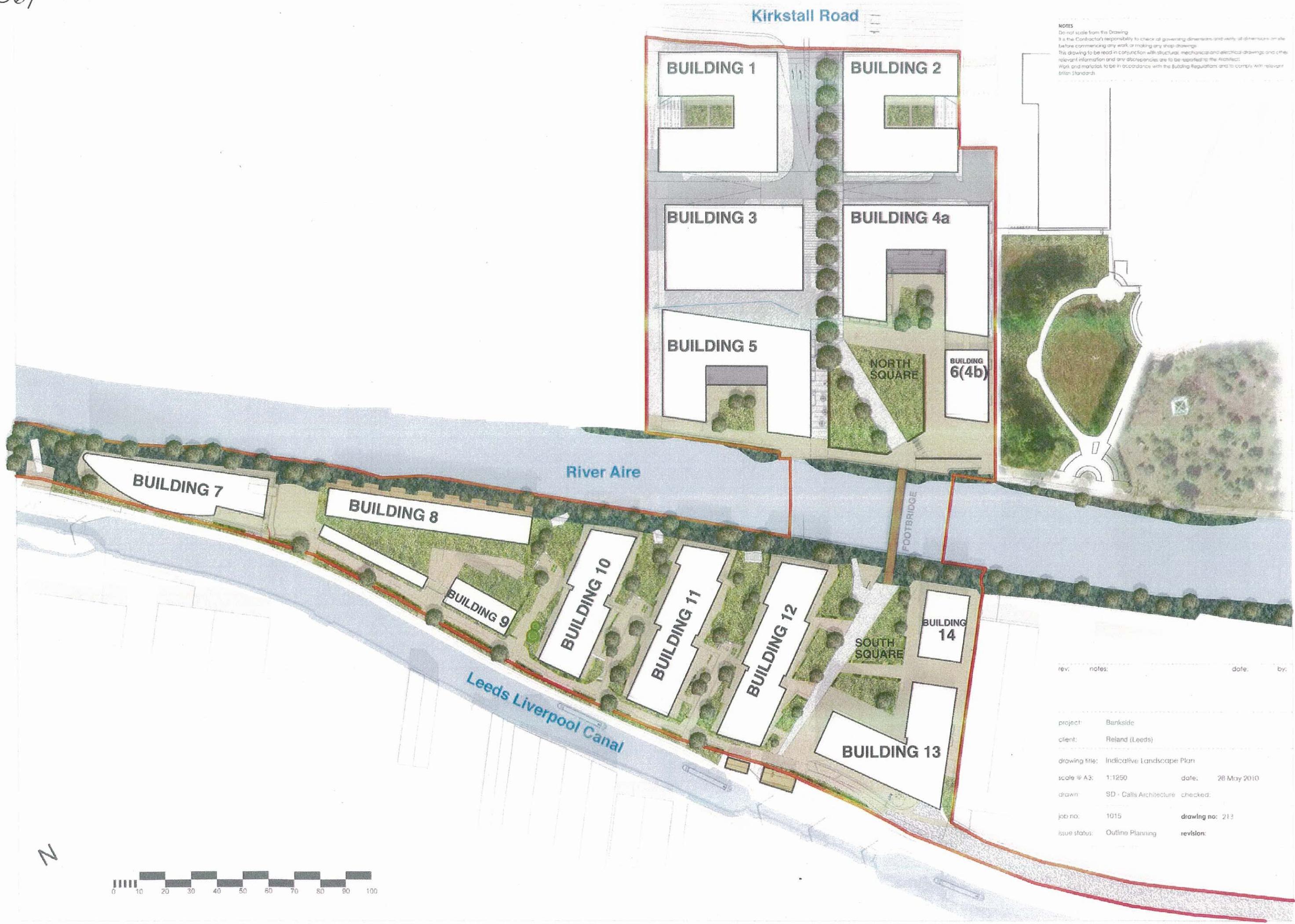
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Kirkstall Road

