



Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 8th May 2014

Subject: PROPOSAL FOR 113 NO. RESIDENTIAL UNITS (17no. 3 BED UNITS AND 96no. 2 BED UNITS) ON LAND AT FORMER YORKSHIRE CHEMICALS SITE BETWEEN RIVER AIRE AND LEEDS LIVERPOOL CANAL (13/05566/FU)

Electoral Wards Affected:

City and Hunslet

Yes

Ward Members consulted

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 also the completion of a Section 106 agreement to include the following obligations:

- Provision of 5% (6no.) affordable housing units
- £170,671 Green Space contribution
- £107,598 Education Contribution
- £31,440 Improvement works to the local highway network
- £35,470 Public transport infrastructure contribution
- £2,565 Travel Plan Review Fee and travel plan measures including co-ordinator
- £6,780 Provision of free trial membership of the city car club
- Ensure public access to the open space area
- Maintenance of public areas
- Ensuring ability to connect to the bridge over the River Aire
- Use of best endeavours to create 2 no. links to canal towpath
- Retention of Meadow area
- Revocation of Hazardous Substances Consent - if this is considered to represent the best method by which this can be achieved
- Local Employment Initiatives
- Any other obligations which arise as part of the application process.

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. Standard 3 year permission
2. Development to be carried out in accordance with approved plans
3. Walling, roofing and surfacing materials to be submitted and approved
4. Submission and implementation of a landscaping plan
5. Landscape maintenance schedule
6. Tree replacement if trees fail
7. Submission and approval of surface water drainage details
8. Details of bin and cycle storage enclosures to be submitted and approved
9. Details of boundary treatments to individual plots
10. Details of boundary treatments to the perimeter of the site
11. Areas to be used by vehicles to be laid out, surfaced and drained
12. No occupation until the upgrade works to Wellington St have been completed
13. Method of ventilation for residential units
14. Construction Environmental Management Plan
15. Biodiversity Enhancement Management Plan
16. Lighting design strategy for bats
17. Detailing any disturbance to the ground which may take place close to the embankment adjacent the canal
18. Details of canal towpath connections.
19. Amendment of remediation statement if unexpected contamination is discovered during development
20. Submission of contaminated land verification reports
21. Hours of construction for later phases of development.

1.0 INTRODUCTION:

- 1.1 This relates to the use of part of the former Yorkshire Chemicals site between The River Aire and the Leeds Liverpool Canal. This was part of a wider redevelopment site which gained approval for a mixed use residential, office and commercial development in 2011. However, this scheme was never commenced and the site has remained vacant. The intention is to develop this site with 113 housing units accessed via a single spine road with the buildings fronting both the River and Canal. Members visited the site in November 2013 before receiving a presentation at Panel by the developer, Strata Homes, and their representatives. Members have also been to see another site being developed by Strata at Ackworth in order to gain a better understanding of the 3 storey, 2 bedroom house type (Monaco unit) described below.

2.0 PROPOSALS

- 2.1 General layout
This is to construct a housing development comprising 113 units. 17no. of these units are to be of a traditional 3 bedroom, 3 storey, terrace type, with each terrace being 4/5 units in length. In respect of the other 96 units, the applicant has developed a residential house type which it considers to be a hybrid between an apartment and a traditional house, referred to by the applicant as the 'Monaco' unit. This will be described below.

- 2.2 Given the unusual shape of the site, the most efficient method of creating vehicular access is via a central spine road from which all car parking is accessed. The buildings are located between the access road and the perimeter of the site. This enables a built frontage to be presented to both the River Aire and the Leeds Liverpool Canal. However, because of the nature of the Monaco unit, there are also frontages on to the spine road. The layout also contains the car parking within the site so that it is screened from the view of passing pedestrians on the towpath and from across the river.
- 2.3 Monaco Unit type
The ability to provide frontages on all sides of the buildings is a result of the use of a specific type of house form known as the Monaco unit. This consists of a block of 3 storey houses set in groups of 4, 6 or 8 units. Half of these are oriented in one direction and back onto the other half, which are oriented in the opposite direction. They consist of a ground floor second bedroom with shower room and toilet, first floor lounge/kitchen and top floor master bedroom and en suite bathroom. Windows would be located at all floor levels, with some units gaining secondary windows where they are on the ends of blocks. Each unit would have its own small area of attached amenity space and a dedicated car parking space. They are designed to appeal to city centre apartment dwellers who wish to purchase their first freehold property, but who still want the benefits and convenience of city centre living.
- 2.4 Canal Front development
Fronting the canal, there are a series of 7 no. of the hybrid buildings. Each unit has pathway access to the road and parking areas. Given that the towpath is approx. 1.2m higher than the site, when viewed from the canal, the buildings would be the equivalent of two and a half storeys. A section through the site shows that the building heights will align with the existing lock-keeper's cottage, which is part of the composition of canal buildings at the Grade II listed Oddy's Lock to the eastern end of the site. This is intended to integrate the proposal with the area and specifically the cottage, which is the most characterful building in the immediate vicinity.
- 2.5 The buildings fronting the canal have been oriented to create a gentle convex curve which would be evident when viewed from the towpath. From within the site the buildings would curve in a correspondingly concave manner. Those units which front the canal would be no closer than 5m to the towpath and each building is a minimum of 5m away from its immediate neighbour. The windows which face directly across to other properties would be secondary windows to rooms which can be either omitted or obscure glazed to avoid any direct vision between units.
- 2.6 Building Design
Responding to comments made by Members at pre-application stage, the properties fronting the canal are to be constructed of a man made stone to harmonise with the existing cottage. Further design development has also taken place on the Monaco blocks to improve their visual appearance. These measures include: Introducing a small check in the building line to provide a central projection on a number of the 8 unit blocks, more variation in roof forms and eaves projection, the introduction of a 'rafter foot' detail at eaves line and an improved Juliet balcony detail. The terraced houses have also been amended to introduce units with stone elevations, a variation in roof form and building line.
- 2.7 Main Open Space Area
The row of buildings fronting the canal terminates at its eastern end before the lock keepers cottage to avoid impacting on its north-east facing living space windows. This is coincident with the provision of an area of landscaped publicly accessible open

space (30m x 40m) to be created between the residential buildings and the main spine road (although the buildings which sit around this space provide a total area of 55m x 60m). The layout would visually contain the space with new development on 3 sides and the lock-keepers cottage, and lock itself, on the other. The space would contain tree planting, grassed areas, a planting bed and a pathway feeding in to the pathway network which runs across the site all within a perimeter hedge and railings. This space has been designed to provide an impressive landscaped entrance feature which would be useable by both residents and visitors and provide a green link between the canal and river corridors.

2.8 River Front Development

Fronting the River Aire would be 8 hybrid blocks containing a mix of 4, 6 and 8 units. This terminates at the location of the existing river bridge in a 10m wide strip of public open space which would ultimately allow access to the river crossing. The bridge is the only surviving structure of the former chemical works. To the east of this, terraced houses are proposed to fill the remainder of the site. These will have rear gardens of 10m minimum length, which would back on to either the river or the warehouses to the south-east. In response to comments made by Members at pre-application stage, it is proposed that the boundary with the warehouses would be screened by a row of trees in order to reduce their impact on the rear amenity space and views out from the residential units.

2.9 All of the properties adjacent the river will be kept away from the top of the river bank in order to allow a minimum 4m width of natural landscape buffer to be created. This has been introduced to protect this sensitive waterfront habitat and would be protected by a suitably designed means of enclosure.

2.10 When viewed from within the scheme, the unit layout will create an elongated tapering enclosed street which focuses on the block at the north-western end. This includes a metal archway feature which sits above the access to the western-most residential building. This block backs on to a wild meadow (74m x 18m ave.) which would be inaccessible to both residents and the public in order to create a natural buffer between the development and the steep river bank to the north-west. This area is currently covered in piles of rubble on a concrete base and therefore the setting out of the wild meadow, along with the river bank-top buffer zone, have been included to improve on the current contribution which the site makes to the biodiversity of the area.

2.11 Car Parking and Services Provision

The car parking spaces on the site are to be allocated to the proposed units at a rate of one per unit with an additional 25 spaces provided for visitors. The area to either side of the road will contain the car parking which is split into smaller areas in front of each of the buildings they serve and which are separated by 3m-6m wide landscaped strips containing trees, hedge planting and grass. Some of the parking areas are between the buildings and can be seen from the canal towpath, although landscaping is proposed to be used to soften the visual impact of these areas and all of the parking areas will be paved in a large unit block paving to improve the visual appearance. Refuse storage and cycle parking are also included within the landscaped areas with the landscaping being positioned to reduce their impact. The refuse areas have been positioned to be accessible from the highway to avoid the requirement to leave refuse containers on the highway on collection days.

2.12 River Connection

The previous outline scheme proposed a new pedestrian and cycle bridge across the River Aire. However, the applicant is being offered the application site only, which

means they have no control over the use of the land on the northern side of the river or the existing bridge. Given this situation, the applicant is proposing to provide a link which would enable a future connection to be made when the northern site is developed and the bridge upgraded. A space 10m x 30m has been created at this point with the buildings to either side being 16m apart with the stone gables to either side acting as markers facing out over the open space. Once opened, there would be a route to the north which would give access to the existing and proposed areas of river-front open space and the Kirkstall Rd corridor.

2.13 Landscaping Overview

The landscaping proposals have been included within the description of the various parts of the site above. However it is considered appropriate to bring all of these together to make clear the hierarchy of provision included within this scheme:

- Main area of open space 40m x 30m containing mature tree planting and grassed areas
- Bridge link open space 30m x 10m
- Wild meadow 74m x 18m (ave.)
- 4m wide strip along the River Aire bank-top to give a buffer to the bankside habitat, planted with appropriate species and retention of existing where appropriate.
- Avenue of trees along central spine road
- Areas between car parking 4m-6m wide containing further trees, hedge planting and grass.
- 2 no. incidental open space areas between blocks to provide increased space about dwellings and better layout. approx. 12m x 12m
- Private amenity areas around dwellings (various sizes)
- Total 87 no. trees

In addition to this a contribution of £170,671 is being made to off-site green space provision in accordance with Policies N2 and N4.

2.14 Highways Works

Given the number of units it serves, the spine road which runs through the site must be adopted. This requires the carriageway to be surfaced, drained and lit to adoptable standards. In addition, the 200m long section of road which links the site with the Inner Ring Rd is not currently adopted and therefore further works to the existing construction are required including a new surface and sub-surface strata, the creation of a new footway along the southern side of the carriageway, street-lighting and drainage to improve it to adoptable standards. The developer has agreed that they would make the necessary provision for the carrying out of these works under Section 38 of the Highways Act to create a fully adopted highway from the ring road all the way to the north-western end of the Otter Island site.

2.15 The central spine road enters the site and goes through a right-hand, then left-hand, bend to enable it to run down the centre of the site. This has the advantage of slowing down the traffic as it passes the main landscaped area. At this point there is also a change in surface treatment to block paving which will create a better visual appearance. Pedestrians would benefit from an alternative route, to walking along the road, by walking through the open space area and along the footpath in front of the residential units. The spine road will have trees set out in pairs to either side of the carriageway at approximately 25m intervals to create an avenue type appearance.

2.16 Links to the Towpath

There is already a narrow set of steps within the towpath wall close to the access point to the site and a much larger ramped access near the inner ring road - the ramp being wide enough to enable cyclists to move between the towpath and the access road without having to dismount. However, an improved pedestrian link to the towpath, closer to the site access point, would also be desirable. There are significant levels differences between the road and the towpath and the link would be located on land outside the control of either the applicant or The City Council. In these circumstances the applicant has commenced discussions with the Canals and Rivers Trust (CRT) and will enter in to a S106 agreement to use their best endeavours to create a better link at this point. There is also a desire to install a connection to the towpath at the western end of the spine road which would be for the benefit of the residents and this connection also forms part of the discussions with the CRT.

2.17 Sustainability

This is a highly sustainable location within walking distance of the city centre and Leeds Station as well as being on the Sustrans cross-country cycle route. The developer is keen to support sustainable objectives and has included the following items within each unit:

- All light-fittings to be low energy
- Air tightness standards will average a 40% improvement over Building Regulations.
- Commitment to Robust Detail sound insulation levels
- Installation of 'Seasonal Efficiency of Domestic Boilers in the UK' (SEDBUK) 'A' rated boiler systems
- Low energy rated kitchen appliances provided as standard
- Water efficient taps, cisterns and showers
- Exceeds building regulations requirements in building envelope materials specifications,
- Glazing to have Low-E coatings to reduce heat transfer through windows

In addition, external lighting will be positioned, controlled and focused such that it provides efficient safe and secure access. This will comprise energy efficient luminaries supported by infrared sensor and time controls where necessary.

2.18 Affordable Housing

The applicant is fully intending to construct the development at the earliest opportunity and certainly within 2 years from the date of approval, should Members agree the officer recommendation. In these circumstances the requirement for the provision of affordable housing is reduced to 5% which, in this case, equates to 6 units of which 3 would be for social rent with the remaining 3 being available at sub-market rates. The applicant has agreed to this level of provision.

2.19 Travel Plan measures

The site occupies a highly sustainable location within easy walking distance of the city centre. The submitted travel plan identifies that a Travel Plan coordinator will be identified and they will have a budget of up to £1,000 per annum in addition to the other measures to be directly funded:

- Travel Plan coordinator
- Travel Plan review fee £2,565
- Lockable covered cycle parking facilities
- Direct link to the tow path cycle route

- Funding for car club use £6,780
- Motorcycle anchor points if required by an occupier

3.0 SITE AND SURROUNDINGS:

- 3.1 The site consists of one part of the former Yorkshire Chemicals site. It is an unusual long, tapering site which has frontages to both the River Aire to the north-east and The Leeds Liverpool Canal to the south-west. This includes the Grade II listed Oddy's Lock and associated stone built lock-keeper's cottage, which has windows facing out over the site, although at the time of writing this report many windows in the property were boarded up and there were no signs of habitation. The site is currently reduced to its concrete slab and is generally flat. The towpath to the south is higher by approximately 1.2m which offers views down over the site. On the opposite side of the canal to the south-west are a range of buildings of mixed light and general industrial uses with some storage and warehousing. These range from the Grade II listed Castleton Mill through to 8m high corrugated sheds. The towpath forms part of the Sustrans Trans-Pennine Trail which runs the entire breadth of the country, but more immediately provides a direct link to Kirkstall Valley Park to the west and Leeds City Centre and the railway station to the east.
- 3.2 To the north, some naturally seeded vegetation has grown along the waterfront and provides a dense natural screen to the top of the river bank. The river level is much lower than the site and the steep sided river bank is densely grown with low level vegetation and mature trees. The original private chemical works vehicle bridge remains in place over the river. However, it is not part of the land being offered to the developer and so does not form part of this proposal. A number of larger industrial sites to the north of the river have now been demolished and so the impression is of an area which is now very much in transition. Located along the south-eastern boundary are the 6m high rear elevations of a row of industrial/warehousing sheds and to the west the site tapers down to a narrow and steep sided, naturally vegetated, area which is part of the river bank to which there is no public access.

4.0 RELEVANT PLANNING HISTORY

- 4.1 This site was part of a comprehensive redevelopment proposal for the former Yorkshire Chemicals site which received outline planning permission in 2011 (permission remains extant) after consideration by Members at Plans Panel. This 'Island' part of the site was to be developed with 6 apartment buildings up to 12 storeys in height containing c.400 residential units, 20 houses, ground floor commercial units and open space provision. All of this was to be built above a basement parking area accessed from the Inner Ring Road containing 503 parking spaces. (App. Ref. 06/04610/OT)

5.0 HISTORY OF NEGOTIATIONS

- 5.1 A number of pre-application meetings took place with the applicant and advice from a range of internal consultees was provided. The scheme was presented to Members at pre-application stage in November 2013 and the site was also visited by Members at that time. Since then Members have also visited a Strata Homes site at Ackworth to see the 2 bed Monaco and 3 bed terraced units.
- 5.2 At pre-application stage, Members commented that - the principle of the site being used for residential accommodation remained acceptable. In respect of the unusual

form of housing in this location, there were mixed views about the type and restricted size of private amenity space for the majority of the units. It was recognized that conventional housing would probably not be viable but that some concerns existed about the size of the dwellings and the blandness of the design of the blocks, with the importance of attention to detail and use of materials being stressed to avoid the appearance that a normal housing scheme had simply been transplanted on to this unusual site. More stone needed to be provided along the towpath and access to the towpath needed to be achieved to make links with the site and the Sustrans-route. Views of the warehouse along the eastern boundary of the site needed to be screened. The provision of a central parking area would ensure good surveillance

- 5.3 It was also agreed that further discussions should take place with Children's Services about the need for education contributions as the 2 bed form of dwelling was considered unlikely to be attractive to families with children and that a study undertaken by Strata Homes showed that of the 133 units of this type already constructed, only 3 contained families with children.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 A Statement of Community Involvement has been submitted. This sets out that a letter was sent to 20 local businesses in the area and the owner of the Lock-keeper's cottage, informing them of the proposal. As a result of this exercise, one response was received, which was from the owner of the cottage. This stated that they were supportive of the proposal and that the development was much needed in the area, would enhance the setting of the cottage and improve the area in general. The owner also indicated their willingness to work with the applicant to determine if shared services could be provided to the cottage.
- 6.2 Comments have been received from Councillor Nash who is the Ward Member for City and Hunslet within which this site is located. Significant concerns are raised about the construction of 'back to back' properties. Also considers that the Monaco units should be split into blocks of 4 so that better levels of light can be achieved in each unit, but there should be space between the blocks to allow the ones on the northern corners to get their fair share of sunlight. Accepts that this location is really only suitable for first time buyers and as an experiment for any future development of this kind.
- 6.3 A letter of objection has been received from Leeds Civic Trust:
Whilst they support the use of brown field land for housing, they state that this location is not suitable. There is no development framework showing how this part of the city will be developed in the future. The site is poorly located behind industrial uses and an extended access road from Wellington Rd with no alternative access for emergency vehicles. There is no easy pedestrian access and a long walk to any public transport system. They also go on to state that:
- The layout is very poor
 - No account is taken of the adjacent listed Oddy's Lock
 - There is repetition of the back to back house types across the site with only half of the units having a view of either the canal or the river.
 - The central area is a large car park
 - No consideration has been given to the quality and variety of spaces
 - The visual monotony of buildings overlooking the central space is depressing.

7.0 REPONSE FROM CONSULTEES

7.1 Statutory:

Highways Agency: No objection

The Coal Authority: No objection

Canal and River Trust: No objection - subject to conditions detailing any disturbance to the ground which may take place close to the embankment adjacent the canal and the details of any boundary treatment to the canal.

Environment Agency: No objection - subject to condition regarding mitigation if unexpected contamination is discovered during development

Health and Safety Executive: No objection – subject to the revocation of the current Hazardous Substances Consent which still exists on the site and this to be secured though the S106 Agreement. (This is the method that was used as part of the extant outline permission (06/04610/OT).

Highways Services: No objection - the proposed layout is acceptable. The developer is to upgrade the existing stretch of highway which links this site to Wellington Rd to adoptable standards and provide a new central spine road to adoptable standards. The highway works will be carried out under a Section 38 Order as part of the Highways Act and any Traffic Regulation Orders will form part of that agreement. Any towpath links can be incorporated in the S106 agreement. The contribution of £31,440 for improvement works to the local highway network is acceptable.

7.2 Non-statutory:

Housing: No objection – This scheme should provide 6no. 2 bed affordable units if built within 2 years. 3 no. should be for social rent and 3 no. at sub-market rates. The units should be spread throughout the scheme (pepper-potted).

NGT, Public Transport Infrastructure: No objection - a contribution of £35,470 is required for improvements to public transport infrastructure and should be secured through a S106 Agreement.

Travelwise: No objection - Lockable cycle parking is to be provided and there is good access to the canal towpath which is part of the Sustrans Trans-Pennine cycle route. The Travel Plan Review Fee of £2,565 and provision of free trial membership of the car club costing £6,780 have been agreed and should be secured as part of the S106 Agreement. A Travel Plan coordinator will be in place from the occupation of the 34th dwelling to five years post completion of the site. As the site is close to the city centre a Metrocard scheme is not considered to be either necessary or appropriate for this site. Regarding electric vehicle charging points - all parking spaces are remote from the houses, there are no garages and the properties will be sold freehold so there is no management company to maintain the facility. It is accepted that the provision of an EV charging point is not practical as part of this unusual scheme. Provision on the public highway is also not possible as a public, on-street charging point network does not exist at present. It is considered that the other measures being included within the Travel Plan package, as well as the location of the site, will mitigate the use of private motor vehicles to an acceptable level. Whilst the contents of the Travel Plan had been agreed at the time of writing this report, the final

document had not been received by officers. Should the contents be altered in any way from those reported above then Members will be updated verbally by officers at Panel.

Metro: Access to the city centre and the bus network is good. Welcome the improvements and adoption of the access road. Support the provision of a public transport infrastructure contribution. Consider that as well as the car club scheme contribution supported by L.C.C., Metrocards should also be provided. Electric vehicle charging points would be supported if the infrastructure could be provided.

Public Rights of Way: No objection – Note that the canal towpath runs past the site.

Yorkshire Water: No objection – subject to a condition requiring that the scheme be built in accordance with the submitted drainage details

Flood Risk Management: No objection - subject to a condition regarding drainage details

Environmental Protection: No objection - The residential units are to receive double glazing systems to mitigate external noise that may affect the units. Subject to an adequate method of ventilating the rooms in periods of warm weather in the event that the windows need to remain closed, then no objections subject to condition requiring this method of ventilation to be agreed. An odour assessment has been carried out due to the mixed commercial nature of this area. The quality of the assessment carried out is robust as the method of testing has taken place at 15 different times of the day, over a 3 month period and in 10 locations across the site. The report makes it clear that there have been numerous detections of a 'soapy' odour with less frequent detections of burning wood, burning plastic, water vegetation, tar and paint. The report concludes that despite the presence of these odours none were either of such a duration or so unpleasant as to suggest that they would prevent the site from being acceptable for residential use. This is clearly a subjective area and is therefore very difficult to gauge. It is only when residential uses are placed in proximity to them that the true picture is established.

Environmental Studies Team: No Objection - the noise measurements for garden areas relate to a currently cleared site, and are likely to be reduced by screening provided by the development itself, as well as by any future development on the adjacent site to the east.

Neighbourhoods and Housing - Air Quality: No objection – wish to see electric vehicle charging points included within the scheme if possible.

Education: No objection - Accept that this type of unit on this particular site is less likely to generate children of school age than a more traditional housing type in an existing housing area. A financial contribution of £107,598 towards funding education facilities in this part of the city is required. (This has been secured and will be included in the S106 agreement)

Contaminated Land: - No objection – subject to conditions regarding the discovery of unexpected contamination.

8.0 POLICY

8.1 The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan is the adopted Leeds Unitary Development Plan (Review 2006) (UDPR) and the Natural Resources and Waste DPD. These development plan policies are supported by supplementary planning guidance and documents. The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight they may be given.

8.2 National Planning Policy Framework (NPPF)

Planning should proactively support sustainable economic development and seek to secure high quality design. It encourages the effective use of land and achieves standards of amenity for all existing and future occupiers of land and buildings. One of the core principles is the reuse of land that has previously been developed. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF states that local authorities should deliver a wide choice of homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities (para 50). Local Planning Authorities should look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance (para. 137).

8.3 Leeds Unitary Development Plan (Review) 2006

The development plan comprises the Unitary Development Plan Review 2006 (UDPR) and the National Resources and Waste Local Plan 2013 (NRWLP)

8.4 Policy H4 of the Unitary Development Plan Review (UDPR) allows for residential development on unidentified, brownfield sites subject to the proposals being compatible with the area and all other normal development control considerations. Policy H9 of the UDPR states that the Council will seek to ensure that a balanced provision in terms of size and type of dwelling is made in housing development.

8.5 UDPR policies H11-H13 set out the requirement for the provision of affordable housing. The Interim Affordable Housing policy states that 5 per cent of the dwellings should be provided as affordable housing if the development is implemented in two years.

8.6 UDPR policy GP5 states proposals should resolve detailed planning considerations; seek to avoid loss of amenity; avoid highway congestion and maximise highway safety and resolve access issues. Policy T2 amplifies these requirements and subsequent policies T2B-D set out the need for transport assessments, travel plans, and public transport contributions. Policy T6 states that satisfactory access for disabled people and others with mobility problems is required. Car parking, cycling, and motorcycle parking requirements are also set out.

8.7 UDPR policies N2 and N4 identify where new development should assist in supporting the establishment of the hierarchy of greenspace. Policy N12 identifies fundamental priorities for urban design, including ensuring new buildings are good neighbours. Policy N8 identifies this site as an Urban Green Corridor which has the potential to provide for informal recreation and contribute to visual amenity and nature conservation. This policy also requires that where there is the potential to create a link between existing green spaces this should be retained. The river

corridor is identified as a Site of Ecological or Geological Interest (SEGI) in the UDPR. Policy N50 seeks to ensure that development does not harm the SEGI. The extent of any damage to the SEGI needs to be taken into account.

8.8 Natural Resources and Waste Local Plan 2013 (NRWLP)

The NRWLP was adopted by Leeds City Council on 16th January 2013. The NRWLP is part of the Local Development Framework. The plan sets out where land is needed to enable the City to manage resources, like minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. One of the strategic objectives of the NRWLP is the efficient use of previously developed land. General Policy 1 ensures that, when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy Land 1 states that trees should be conserved wherever possible and new planting should be introduced to create high quality environments for development. Policy Air 1 requires that low emission sources of transportation be included in developments.

8.9 Draft Core Strategy (DCS)

The draft Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State. The Inspector examined the Strategy during October 2013. Some weight can now be attached to the document and its contents recognizing that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the examination.

8.10 Policy H2 refers to new housing development on non-allocated land. The development will be acceptable in principle providing the development does not exceed the capacity of transport, educational and health infrastructure and the development should accord with accessibility standards.

8.11 DCS Policy H4 says that developments should include an appropriate mix of dwelling types and sizes to address needs measured over the long-term taking into account the nature of the development and character of the location. Policy H5 states that the Council will seek affordable housing from all new developments either on-site, off-site or by way of a financial contribution if it is not possible on site.

8.12 Policy P10 requires new development to be based on a thorough contextual analysis to provide good design appropriate to its scale and function, delivering high quality innovative design and enhancing existing landscapes and spaces. Policy P11 states that heritage assets will be preserved. P12 states that landscapes will be conserved and enhanced. Policies T1 and T2 identify transport management and accessibility requirements for new development. Environment and sustainability policies EN1 and EN2 will make the requirements of the Sustainable Construction SPD mandatory. However, these are currently the subject of Examination by the Planning Inspectorate and therefore, at this point in time, it is not possible to know whether they will be adopted in their current form.

8.13 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 that a sustainable environment is created. As policies EN1 and EN2 of the DCS are to undergo further examination, the objectives of the SPD should be pursued although these are not mandatory at this time.

SPD - 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.

Neighbourhoods for Living - Adopted Saved SPG: This sets out guiding principles that should be considered when designing residential layouts. These include:

- Making connections – linking to what is around
- Pedestrian and cycle permeability
- Provision of open space
- Use larger open spaces as major focal points
- Creation of a safe environment
- Encourage natural surveillance
- Discourage through traffic and reduce traffic speeds.
- Design buildings to front on to streets
- Provide a mix of dwelling sizes
- Avoid unnecessary rear accesses
- Consider landscaping and open space from the outset.
- Retain existing habitats and consider the potential for new habitat creation
- Provide convenient and secure cycle parking
- Use innovative solutions for car parking

Waterfront Strategy – Adopted Saved SPG: This advocates public access to the waterfront as well as the laying of landscape treatments which seek to soften the bank edge. In addition, open space oriented towards the river and the protection of any wildlife habitats are also advocated.

8.14 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 to either side of Kirkstall Rd 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.

8.15 The framework area is split in to a series of character areas. The area between the river and the canal, which contains the application site, is identified as 'The Island'. Development sites 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.

The Island should be the 'greenest' of the areas covered by the framework with building heights reducing away from the city from 4 down to 2 storeys with the western end to be preserved as a wildlife habitat. A link across the river is also indicated as is public access to the water corridors.

9.0 ISSUES

1. The principle of residential use
2. The scheme layout and scale
3. Building design
4. Landscaping
5. Parking and Travel Plan
6. Sustainability
7. Environmental Issues
8. Biodiversity
9. Planning Obligations

9.1 Principle of Residential Use

The development is located on a brownfield site and already has permission for approximately 400 flats and 20 houses as part of the previous outline consent for the whole of the former Yorkshire Chemicals site. The site has been vacant and the former industrial buildings removed for a number of years and there is no land use allocation in current policy documents. The proposed use therefore has to be assessed on its merits taking into account all material planning considerations.

9.2 There have been very few residential developments in the city in the last few years. This represents a realistic opportunity to restart the construction of residential units in the city centre. Not only that, this is a new style of housing in a location at the edge of the city centre. It is possible that this scheme may act as a catalyst for not only this area but also, if successful, other sites which are on the periphery of the city centre. The introduction of residential use on this brownfield site is in line with national legislation, as is the provision of affordable housing. The level of provision is in accordance with the guidance set out in the relevant SPD and this is welcomed by officers.

9.3 The residential accommodation being provided is 2 and 3 bed units whereas the bulk of the extant outline would have provided apartments which would most likely have been 1 and 2 bed units. The proposal therefore provides generally larger units than would have been anticipated with the extant apartment block development. It is clear that the Monaco style of unit is an unusual hybrid form and some Members experienced this at their recent site visit. The applicant expects this format to appeal to a certain type of occupier and has specifically targeted those who may otherwise have occupied a city centre apartment but who wish to have the benefits of freehold ownership. It has been marketed and sold in other parts of the north of England and is therefore a model with a successful track record, albeit that it is new to Leeds. The inclusion of 17 no. 3 bed family houses with full length gardens is welcomed as a positive step towards the creation of a 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 considered to be achieved. The principle of residential use on this site, as well as the size of the units proposed, is supported.

9.4 Scheme Layout and Scale

The KRRAPF sets out that building's within 'The Island' should be between 2 and 4 storeys. The extant permission was for a range of building sizes from town-houses to 12 storey apartment blocks. This proposal clearly reduces the scale of development down to that set out in the framework document. The open space to be created at the entry point to the site, adjacent the lock-keepers cottage, has been designed to create a positive arrival experience and generate a real sense of place. The buildings have been laid out to create a large square using the existing cottage on one side with development located around the open space. This allows a significant amount of landscaping to be provided and a pleasant open feel to the scale of development. The lock-keepers cottage would take on additional significance, as the only original feature in the composition, with the remainder of the site relating in height to this existing feature. Far from ignoring the cottage it is considered that the proposal uses it for guidance on scale and design which will only serve to increase its prominence.

9.5 In developing the layout it has been considered that there needs to be frontages on to both the canal and river to provide a positive appearance when viewed from outside the site. The spine road runs through the middle of the site and the use of the Monaco design means that there would be frontages on to this main access route as well. Given the unusual narrow tapering nature of the site the use of a more traditional house type would have resulted in rear gardens facing on to either the river/canal or on to the central spine road. Both of these were considered to be un-desirable for reasons of visual appearance as the rear elevations of the houses and potential 2m high boundary treatments would have been visible from either the water corridors or the spine road. This would also have had a significant detrimental impact on natural surveillance. The use of the blocks of Monaco units means that all of the elevations are frontages, with the level of fenestration and surveillance this brings with it.

9.6 This is an unusual format of residential unit which relies on houses, some of which are attached to others at the rear, in blocks of up to 8 units. 76 no. of the units have dual aspect or are south-west facing. 20 no. of the units are in the centres of the 6 and 8 unit blocks and would have a single aspect to the north-east. The applicant has made the following points in response to the concerns raised about back-to-back style development:

- Because of the orientation of the site the properties actually face north-east which means that they will receive early morning sun for approx. 6 months of the year.
- Lounges will all benefit from a minimum of one window and in all cases an additional full-height pair of Juliet balcony doors. This provides a greater amount of light but also a facility to open the doors and allow interaction with the outside space as well as fresh air ventilation. All master bedrooms will also benefit from this arrangement.
- The units over-looking the river will have views over the water corridor as well as further afield to Leeds city centre
- Those which face in to the scheme will have a distance of 25-40m of uninterrupted space across to the units to the north-east and 'glimpse' views through these properties to the city beyond.
- All lounges are at first floor level and so they will be elevated to look out above the road and parking areas.

- Many flat developments contain 2 bed apartments (which in general would have a maximum of 3 windows) and face exclusively north. Therefore, by comparison, the large amount of glazing and north-east orientation here would provide a much better quality of internal space.

- 9.7 It must also be remembered that there is a large area of open space included as part of this scheme which can be utilized by all residents and this is in addition to the amenity afforded by the presence of the canal towpath. Each unit will also have its own small area of private amenity space which would provide an additional amenity feature.
- 9.8 A number of the Monaco units which have secondary aspects would have windows looking across to the sides of the adjacent buildings at a distance of 5m. These windows will be positioned within the façade to avoid direct overlooking and where necessary will be obscure glazed to provide a natural light source. This is considered to represent an appropriate response to the issue of maximizing light to rooms without compromising privacy.
- 9.9 In light of the above, officers consider that the Monaco is a purpose-designed, hybrid form of housing and not a traditional back to back, and in this unique location it is considered that, this would provide an acceptable level of residential amenity for the future occupiers.
- 9.10 The composition of the Monaco buildings has been carefully considered. The different block-lengths provide flexibility in the treatment of roof forms and elevations and this, in turn, provides a more varied and interesting street scene. Given that officers consider the Monaco unit to be acceptable in respect of the level of residential amenity provided, the move to a smaller block size of 4 units, and a repetition of this across the site, would not be beneficial to the character or appearance of the development.
- 9.11 It is considered that the central location of the car parking is the most appropriate for this scheme. This location ensures that most vehicles are kept away from the water corridors, which are the most sensitive parts of the site. The parking areas are subdivided in to smaller areas and these have landscaped edges and are block paved rather than tarmacked in order to improve their visual appearance and reduce their impact. To the north the cars are separated by tree planting which is spaced in pairs along each side of the road in order to create a paired boulevard style arrangement. The amount of landscaping and the way in which it has been used to screen the parking areas, is considered to be acceptable.
- 9.12 As Members noted from the pre-application presentation, even though the parking areas are physically separated from the residential units, they will benefit from a good level of natural surveillance. The houses will also benefit as they will have a car free area around them.
- 9.13 It is considered that the scheme exhibits a simple and clear logic and the scale is appropriate to its setting, in this unusual location between the canal and the river. The relationship to the lock-keeper's cottage is also a positive feature and all of these factors will contribute to the creation of a scheme which will have a real sense of place.
- 9.14 Building Design

The units have been amended in their design since the original presentation to Members. Stone has been used exclusively along the canal frontage and this is considered to complement the location adjacent the Canal with its towpath wall and lock-keeper's cottage. The 8 unit Monaco blocks have a variation in building line coincident with the overhanging central hipped roof form to provide depth of elevation. Additional stone has been included in the 3 bedroom houses to provide visual interest and a more impressive façade composition. The retention of elements of brick along the eastern boundary and river frontage will provide visual interest and help to distinguish those buildings which front the canal from the remainder of the site. Roof forms have been further considered and the use of traditional gable ends to terminate blocks, with hip features located in the centre of the buildings, will provide a unifying theme. The eaves lines have been given greater depth and more expression through the inclusion of exposed rafter feet. It is now considered that the design of the buildings is much improved and that they now sit well together as a composition, respectful of their unusual location.

9.15 Landscaping

A clear hierarchy of open spaces has been created as part of this proposal, from the main area of open space, down to the small areas of private amenity space in front of each Monaco unit. Landscaping has clearly formed an integral part of the design development rather than being added as an after-thought. The main open space area is well located for its purpose and adds setting to the site entrance. The paired trees along the boulevard will add an extra dimension to this extended linear route and will look impressive when progressing down the central road. The landscaping features around the car parking will help to screen the parking courts and the refuse and cycle parking areas, as well as providing visual interest. Private amenity space will provide useable areas around the base of each building and the incidental open areas will help to provide spaces between the buildings to add variation to the visual appearance and improve residential amenity. In addition there will be a protected meadow and the riverside buffer zone which will also achieve bio-diversity objectives as well as improving the riverside and canal settings. The landscaping is therefore a well- designed part of the overall proposal and is considered to be acceptable.

9.16 Parking and Travel Plan

The applicant is proposing to upgrade the existing access road to an adoptable standard and provide a footpath along its full length all the way to the Inner Ring Road. This would run parallel with the canal towpath which also provides pedestrian and cycle facilities to the city centre and out to Armley and beyond. This section of towpath would also be lit by extension arms from the lighting columns on the highway and this would result in a fully lit towpath from Otter Island to Granary Wharf, and the new Station Southern Access. These are very positive aspects of the proposal which are all being provided by the developer and are acceptable.

9.17 As the bridge over the river is not within the control of the developer, the road and towpath would be the only routes by which pedestrians would be able to access the site, until such time as the bridge was brought into use by the neighbouring developer. After this link is opened a route would then exist to the future riverside walkway, associated areas of open space and the Kirkstall Road corridor. The applicant has agreed to allow the future link to take place using the appropriately located and dimensioned open space. This also aligns with the pathway through the main open space area which creates a positive off-highway link from the canal-side area to the river and this is considered to be acceptable. The retention of the publicly accessible open space areas for 24 hour access is supported, as is the fact that these areas will be maintained by the developer. This, along with the ability to link the site across the bridge, when this is eventually required, will be ensured through the S106 agreement.

9.18 The measures to be included in the Travel Plan are considered reasonable and proportionate to reduce the reliability on the private motor vehicle. The site is clearly in a sustainable location with the city centre and railway station walkable in 10/15 minutes. The development will seek to provide links to the canal towpath which will require further discussions with the Canals and Rivers Trust and this will be part of the S106 Agreement. Covered cycle stands are being provided as well as the ability to have a motor cycle anchor point in the ground of each car parking space. The funding of a Car Club trial scheme for the occupiers of all of the residential units to the value of £6,780 is considered to be proportionate to the requirements of this development. It is considered that this will either dissuade people from having a first car, or be a substitute for a second car.

9.19 The new access road and upgraded length of highway will have their parking controlled by suitable TRO's to prevent indiscriminate parking from occurring. The car parking spaces on the site are to be allocated to the proposed units with an additional 25 visitor spaces and this is considered to be a reasonable level of provision in this accessible location and is therefore acceptable.

9.20 Sustainability

The submitted statement sets out the principles on which the final scheme will be developed and demonstrates its alignment with sustainable objectives. A considerable number of measures are being included within the properties to improve energy efficiency. In units of this size and format it is only possible to introduce so many measures and in this case it is considered that those being included (set out in para. 2.13) are what can reasonably be expected. It must be remembered that this site is in a sustainable location and makes use of what is previously developed land. It is easily accessible and close to the city centre and the transport modes contained therein. There are also measures proposed as part of the submitted Travel Plan which support travel modes other than the private motor car. The scheme has sought to meet higher sustainability standards with a realistic package of measures. In this situation, it is therefore considered that the development meets sustainability objectives.

9.21 Environmental Issues

The site is set within an industrial area albeit that much of the heavier industry has now been removed from the areas to the north of the river, the application site itself having been a former chemical works. In the light of this proximity to existing industrial uses, the applicant considered it relevant to carry out an odour test to ensure that there would be no conflict between the proposed use and the existing uses in the area. It is considered that the report was carried out using a robust methodology and this is agreed with by colleagues in Environmental Protection. The report concludes that despite the presence of the odours identified, none were either of such a duration or so unpleasant as to suggest that they would prevent the site from being acceptable for residential use. As the Environmental Protection comments make clear this is a relatively subjective topic area. However, they do not dispute the conclusions and no measures are being sought to mitigate any potential odour impact. It is also the case that industrial uses are controlled through other legislation and therefore would be controlled by that process.

9.22 The units will be provided with a robust level of double glazing and the structure is to be of a block-work cavity-wall construction with low air-leakage rates. Mechanical ventilation will be installed and the details of this will be controlled by condition.

9.23 Bio-diversity

The applicant has provided a wild meadow as well as a strip of land along the top of the river bank to act as a buffer between the residential units and the sensitive riverside environment. The construction of the development in this format would ensure that this sensitive environment is protected from development for the foreseeable future. Conditions will be used to ensure that, during development which impacts on the river bank, measures to protect the otter habitat and protect the existing trees to be retained, will be established and employed.

9.24 Planning Obligations

In the light of the above, the following is a list of S.106 heads of terms:

- Provision of 5% (6no.) affordable housing units
- £170,671 Green Space contribution
- £107,598 Education Contribution
- £31,440 Improvement works to the local highway network
- £35,470 Public transport infrastructure contribution
- £2,565 Travel Plan Review Fee and travel plan measures including co-ordinator
- £6,780 Provision of free trial membership of the city car club
- Ensure public access to the open space area
- Maintenance of public areas
- Ensuring ability to connect to the bridge over the River Aire
- Use of best endeavours to create 2 no. links to canal towpath
- Retention of Meadow area
- Revocation of Hazardous Substances Consent - if this is considered to represent the best method by which this can be achieved
- Local Employment Initiatives during construction
- Any other obligations which arise as part of the application process.

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.

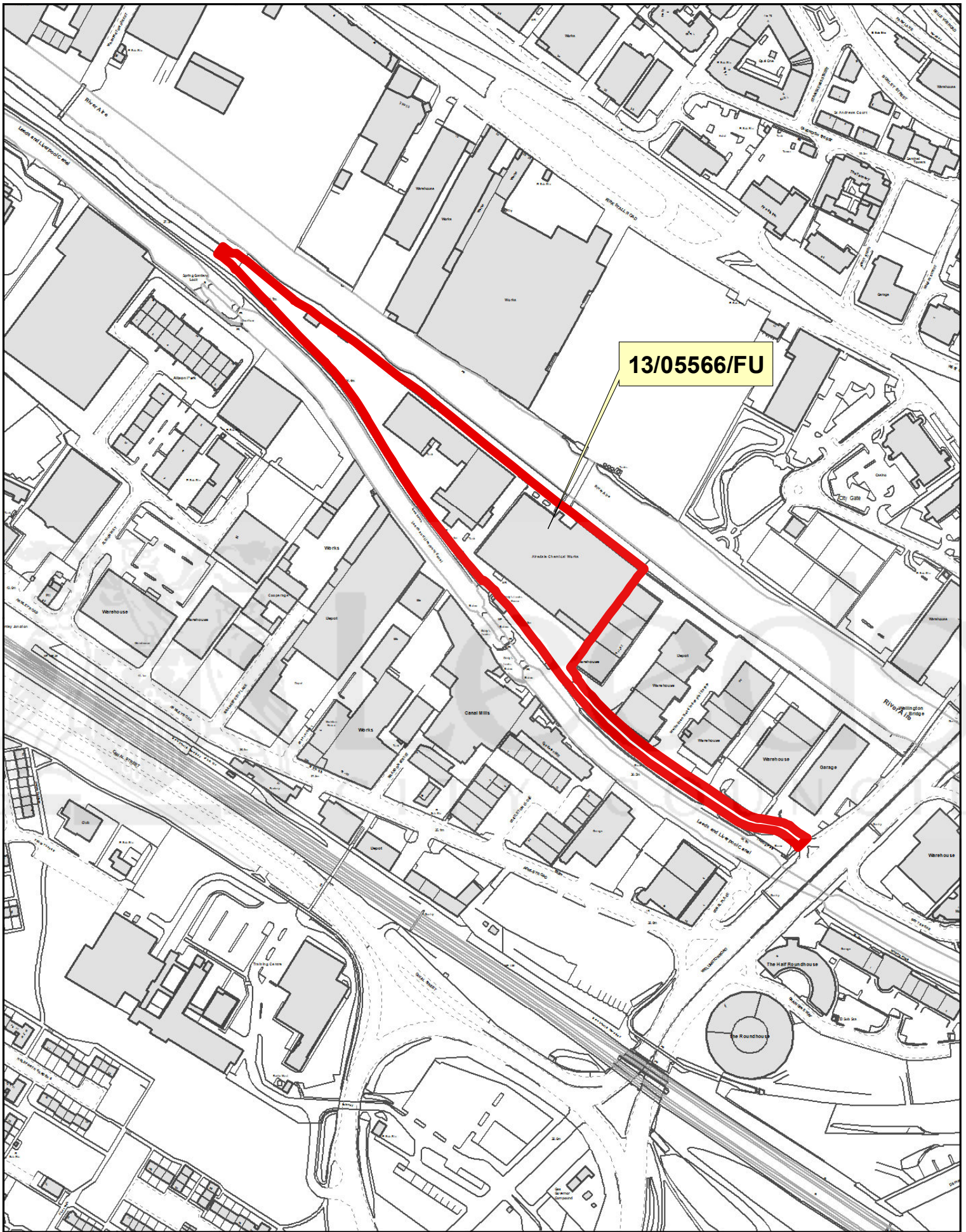
10.0 **CONCLUSION**

10.1 There have been very few residential developments in the city in the last few years. This represents a realistic opportunity to restart the construction of residential units in the city centre. Not only that, this is a new style of housing in a location at the edge of the city centre. The scheme sets out a strong idea which provides a positive means of addressing both the water corridors as well as the central road. It offers the opportunity to provide linkages to the north and through the proposed area of open space to the south. This space relates well to the buildings as well as to the sensitive riverside environment. The site is clearly in a sustainable location with good access to public transport and the city centre.

10.2 The layout and design of the residential units are considered to provide an acceptable standard of amenity and would enhance this vacant site and help to regenerate the wider area. The residential use on this site is in line with national legislation, as is the provision of affordable housing. In conclusion, the scheme is considered to be in line with both adopted and emerging national and local policies and Members are requested to support the above recommendation.

Background Papers:

Application file: Outline Planning Permission: 06/04610/OT



13/05566/FU

CITY PLANS PANEL

