



Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 5th June 2014

Subject: APPLICATIONS 14/01511/FU AND 14/01713/LI – FULL AND LISTED BUILDING APPLICATIONS FOR THE VARIATION OF THE APPROVED PLANS FOR REPLACEMENT WEIRS AT LEEDS WEIR AND KNOTSTROP WEIR

APPLICANT	DATE VALID	TARGET DATE
Leeds City Council	14/01511/FU – 17/3/14 14/01713/LI – 24/3/14	14/01511/FU – 16/6/14 14/01713/LI – 19/5/14

Electoral Wards Affected:

**City & Hunslet
Burmantofts and Richmond Hill**

Yes Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATIONS:

14/01511/FU - GRANT PERMISSION subject to the conditions set out in Appendix 1.

14/01713/LI – AGREE IN PRINCIPLE AND DEFER AND DELEGATE to allow the application to be referred to the Secretary of State for the Department of Communities and Local Government.

1.0 INTRODUCTION:

1.1 The Leeds Flood Alleviation Scheme includes the introduction of flood defences, the removal of Knostrop Cut and the replacement of the existing Leeds and Knostrop Weirs with moveable weirs. The City Plans Panel resolved to approve applications relating to the two replacement weirs at the January 2013 City Plans Panel and the applications relating to the defences and cut at the October 2013 Panel. Revisions are now proposed to the design and locations of the movable weirs and it is these changes that are presented to Members.

2.0 PROPOSAL:

- 2.1 Permission has been granted to remove the existing weirs at Leeds Weir and Knostrop Weir and introduce two movable weirs that will allow the river levels to be controlled to prevent flooding during high flows. The current applications under consideration propose design changes to the new weir replacing Leeds Weir and both changes to the design and location of the new Knostrop Weir.
- 2.2 The design changes to Leeds Weir include the realignment of the fish pass and in channel piers. The previous approval aligned the piers perpendicular to the weir crest but the revisions now aligns the fish pass and piers with the direction of flow of the river to improve efficiency.
- 2.3 Knostrop Weir was to be replaced with a movable weir 40m downstream. It is now proposed to locate the new weir in the same location as the existing weir. In addition the new weir has changed from a design with two weir gates perpendicular to the channel to three weir gates in a diagonally staggered arrangement. The revised location requires the removal of the sluice gate.
- 2.4 The in channel piers for both weirs are now proposed to be finished in a smooth concrete. It was previously proposed to reuse the stone removed from the Leeds Weir and Knostrop Cut.
- 2.5 As with the approved applications, small control rooms are proposed adjacent to the weirs on the river bank.

3.0 SITE AND SURROUNDINGS:

- 3.1 The proposed works take place within the River Aire and adjacent land at Leeds Weir and Knostrop Weir.
- 3.2 Leeds Weir is a grade II listed structure built in stone and is located within the Central Area Conservation Area. The listing description for Leeds Weir states the weir is medieval in origin and was probably rebuilt in mid 19th Century during the building of the Leeds Dock area. The weir stretches from Fearn's Island to Turlow Court on the northern bank of the River Aire. There is a mix of residential and commercial properties in the area.
- 3.3 Knostrop Weir is located between Knostrop Cut and the northern bank of the River Aire upstream from Thwaites Mill. There is one residential property and a number of large scale commercial and industrial properties in the area. The Transpenine Trail stretches along Knostrop Cut.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 12/04465/FU and 12/04466/LI: The removal of the existing Leeds and Knostrop Weirs and replacement with movable weirs, approved 1/5/13 and 5/6/13 after being agreed at the 17/1/13 City Plans Panel.
- 4.2 13/03191/FU and 13/03192/LI: Flood defences and the removal of Knostrop Cut, approved 21/3/14 and 23/4/14 after being agreed at the 24/10/13 City Plans Panel.

5.0 HISTORY OF NEGOTIATIONS:

5.1 A flood defence scheme has been under consideration since 2008 and works have now commenced on site at Woodlesford.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The full application was advertised in the Yorkshire Evening Post 17/4/14 and site notices were erected at various locations around both sites on 28/3/14.

6.2 The listed building application was advertised in the Yorkshire Evening Post 17/4/14 and site notices were erected on 4/4/14.

6.3 Leeds Civic Trust support the proposals. The Trust also request details of the new bridge proposed at Knostrop Cut be included within the proposals.

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory:

7.2 English Heritage: No objection. Details of the materials to be required by condition.

7.3 Environment Agency: No objection provided the previous conditions are imposed on the new applications.

7.4 Canal and River Trust: No objection subject to the imposition of the same conditions as the approved applications. It is requested the piers at Leeds Weir be clad in stone as previously proposed.

7.5 Natural England: No objection.

7.6 Non-statutory:

7.7 Coal Authority: No objection.

7.8 Contaminated Land: Standard conditions recommended. Further gas monitoring should take place in relation to the control rooms.

7.9 Flood Risk Management: No objection.

7.10 Public Rights of Way: No objection.

7.11 Yorkshire Water: No objection.

8.0 PLANNING POLICIES:

8.1 Development Plan Policies

8.2 UDPR Designation: Leeds Weir is grade II listed, located within the Central Area Conservation Area and Riverside Quarter. Knostrop Weir has no relevant designations.

GP5: Proposals should resolve detailed planning considerations.

BC7: Use of local materials in Conservation Areas

N14: Demolition or the substantial demolition of a listed building will only be permitted in exceptional circumstances and with the strongest justification.

N18A: There will be a presumption against the demolition of a listed building that makes a positive contribution to a conservation area.

N18B: In a conservation area demolition will not be granted unless a scheme of redevelopment has been approved.

N19: Development within or adjoining Conservation Areas should preserve/enhance the character and appearance of the Conservation Area.

N29: Sites and monuments of archaeological importance will be preserved and investigated in accordance with the detailed archaeological policies in the UDPR.

N49: Biodiversity protection.

8.3 National Planning Guidance

8.4 The National Planning Policy Framework (NPPF) came into force on 27th March 2012. The NPPF states that unless material considerations indicate otherwise development proposals which accord with the Development Plan should be approved. This has recently been supplemented by the National Planning Practice Guidance (NPPG).

8.5 Emerging Policy

8.6 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. As the Core Strategy has been through public examination some weight can be attached to the policies therein.

9.0 **MAIN ISSUES**

- Changes to the previous approvals.

10.0 **APPRAISAL**

10.1 Changes to the previous approvals

10.2 The detailed design work and engineering assessments continued post-approval of the original weirs applications and it became evident that changes to the design would improve efficiency and assist in the delivery of other elements of the Leeds Flood Alleviation Scheme (FAS). The reasoning behind the changes are outlined below.

10.3 **Leeds Weir**

10.4 The weir requires in-channel piers for the function of the moving weir plates and to allow isolation of each weir gate from the river during construction and maintenance. In the original design these were aligned perpendicular to the weir crest, during physical hydraulic modelling this was found to disrupt smooth flow over the weirs. This turbulence worsened the hydraulic efficiency of the weir and increased the risk of bed scour (erosion of the river bed). The revised design better aligns the piers with the river flow so as to create smoother flow patterns, the weir therefore performs more efficiently, reducing flood water levels and reducing the risk of scour.

10.5 The pier alignment of the original design also resulted in creating an unusual triangular section of fixed weir between the pier and fish pass. This was again hydraulically inefficient and would also have resulted in a structure that was difficult to construct and may have left the triangular section of old weir vulnerable to damage.

- 10.6 The proposed design retains part of the existing weir on the left (north) bank as per the previous approval for reasons of heritage preservation.
- 10.7 Short sections of new fixed weir, of triangular shape in plan, are needed at the piers as the weir gates must seal against a face perpendicular to the weir crest.
- 10.8 Knostrop Weir**
- 10.9 There are two key design changes to Knostrop Weir. The location of the weir has changed from downstream at an existing disused bridge pier to further upstream at the existing weir location. There are a number of advantages to the upstream location:
- The upstream location allows a longer weir crest length; this improves hydraulic performance with the weir gates in the up position. This reduces flood risk in the unlikely event the weirs are not lowered during an extreme flood and allows the weir gates to operate less frequently. The later reducing wear and maintenance requirements.
 - The downstream location does have space on the weir for a fish pass or hydro-power turbine. However, including these features would require a long in-bank structure with high construction costs. The inlet and outlet locations for these structures were not ideal; in particular comments received from Environment Agency fisheries team suggested this arrangement was undesirable for fish passage. The upstream location offers a better solution for both fish pass and hydro-power turbine.
 - The upstream location is closer to the existing weir location therefore the higher velocity flows around the weir will be in an area which already experiences high flow velocities. On the other hand the downstream location is more likely to increase the risk of scour around the disused bridge pier and river walls.
 - The upstream location allows the weir to be used to support a new footbridge as part of the Transpennine Trail. Indicative details of this bridge were highlighted as part of the previous application for the flood defences and a standalone application for the bridge will be submitted in the coming weeks.
 - The upstream location does not require agreements with Network Rail for the re-use of the existing disused bridge pier.
 - Locating the new structure at the existing weir site limits construction works to a single site, rather than one for demolition of the old weir and another for the construction of the replacement.
- 10.10 The second key design change is the revision from two weir gates perpendicular to the channel to three weir gates in a diagonally staggered arrangement; this has a number of advantages:
- The staggered arrangement allows the moving weir crest length to be longer by taking a diagonal path and making use of the curve of the river. This makes weir performance with the gates up more similar to the existing structure.
 - With the weirs in the up position the intermediate piers are allowed to overtop in flows exceeded approximately 10% of the time. This effectively increases the weir crest length, again reducing water levels and the frequency of gate operation. In large flood events with the weirs down the piers are designed to submerge and have minimal impact on flows.
 - By providing 3 separate gates the weir can be constructed and maintained with less of the river isolated from flows (ie any one of the three sections can be constructed/maintained at any one time leaving flows to continue over the rear of the weir therefore reducing temporary case flood risk).

- 10.11 The proposed changes to the location and form of both the Leeds and Knostrop Weirs is supported. The changes to the form of Leeds weir are relatively minor and principles already established are continued through in the current proposals therefore the character of the conservation area will be preserved subject to the comment regarding materials below. The relocation of the proposed Knostrop Weir will result in a weir on the same location as the existing and therefore result in less change to the existing character of the area. The weir will continue to be an attractive feature in the area and the loss of the existing sluice gate and any vegetation will be outweighed by the scheme benefits.
- 10.12 There is also a change to the material proposed for the in channel piers for both weirs that were originally intended to be clad in reclaimed stone but are now proposed to be finished with a high quality concrete (similar to that used for the London Millennium Bridge). The engineers working on the submission have stated that if stone were used it would be prone to crack dwelling vegetation such as buddleia which is already prevalent on many of the masonry walls within the river. The stone reclaimed from the existing weir and Knostrop Cut is not guaranteed to be of a suitable strength to survive the demolition and rebuilding process in addition to the continued scour. What quality stone can be reclaimed will first be used in the remnant weir replaced adjacent to the new Crown Point Weir. To maintain the quality of the concrete finish the concrete will be treated to try and prevent algal staining. Conservation colleagues have raised concerns regarding the failure to reuse the stone for the in channel piers and are not supportive of the use of concrete in the conservation setting at Leeds Weir. Further comment is being sought from English Heritage. The FAS team will be asked to continue to explore the potential for reusing the stone reclaimed from Leeds Weir for the new piers and conditions requiring full details of all materials and a method statement for the removal and reuse of Leeds Weir will be agreed with English Heritage and design/conservation officers prior to the commencement of construction works.

11.0 CONCLUSION

- 11.1 The proposed changes to the design of the weirs will improve their efficiency whilst maintaining the general principles established by the original permissions. The historic remnant to Leeds Weir is retained and the form of Knostrop Weir will allow for the introduction of the new bridge to accommodate the relocated Transpennine Trail. The introduction of the weirs is strongly supported as part of the Leeds FAS and the protection of key sites in and around Leeds City Centre.

12.0 BACKGROUND PAPERS

- 12.1 Application files 14/01511/FU and 14/01716/LI and history files 12/04465/FU and 12/04466/LI.
- 12.2 Notice served on the Canal and River Trust and Pemberstone Reversions (Leeds) Ltd.

APPENDIX 1 - Conditions – 14/01511/FU

- 1) The development hereby permitted shall be begun before 1st May 2016.

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

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

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

- 3) Prior to each phase of development approved by this planning permission no development (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors;
- potentially unacceptable risks arising from contamination at the site.

- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved. Reason The Humber river basin management plan (HRBMP) requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies.

Both weir locations are in areas with long industrial histories, and potentially contaminative historic use such as dyeworks and timber yards at Crown Point, and historic railway lines at Knostrop. No chemical testing of made ground or river bed sediments on site have been undertaken. The River Aire is currently failing the Water Framework Directive General Chemical Assessment test. Site investigations works are required to ensure the site is reclaimed to an appropriate standard, and that the adjacent River Aire is protected.

- 4) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this

unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved. Reasons The Humber river basin management plan (HRBMP) requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies.

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

To ensure that the remediation works are fully implemented as agreed and the site has been demonstrated to be suitable for use in accordance with national and Leeds City Council's planning guidance.

- 6) Prior to the commencement of development a Biodiversity Protection and Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include:
 - * details of an up-to-date survey for otters; an assessment of the impacts of the development on both otter passage and available habitat and identification of any necessary mitigation and enhancement measures, which should include features designed into the new weirs to allow otters to move freely in both directions and the provision of a permanent otter holt;
 - * provision of bat roosting features and vegetation planting to benefit bat commuting/foraging;
 - * an assessment of the impacts (including those related to geomorphological changes) of the development on existing fish habitats and species, clearly identifying any species of conservation interest, and identification of any necessary mitigation measures.The Biodiversity Protection and Enhancement Plan and identified mitigation measures shall be carried out in accordance with a timetable for implementation as approved.

To ensure safeguarding of protected species and provide local biodiversity enhancements in accordance with adopted UDPR policy N49 and in line with national planning policy.

- 7) Prior to the commencement of development a method statement for the eradication of Japanese Knotweed and control of Giant Hogweed, Himalayan Balsam and Signal Crayfish shall be submitted to and approved in writing by the LPA. The agreed plan shall thereafter be implemented.

To control the spread of invasive plant and animal species in accordance with adopted UDPR policy N49.

- 8) Prior to the commencement of development a method statement to ensure bats, otters and fish are not disturbed during the construction phase shall be submitted to and approved in writing by the Local Planning Authority. The agreed plan shall thereafter be implemented.

To ensure safeguarding of protected species in accordance with adopted UDPR policy N49.

- 9) No site clearance, demolition or removal of any trees, shrubs or other vegetation shall be carried out during the period 1 March to 31 August inclusive unless otherwise agreed in writing with the Local Planning Authority.

To ensure the protection of wild birds during the breeding season in accordance with adopted UDPR policy N49.

- 10) Prior to the commencement of development, full details of the design and external facing materials of the control rooms shall be submitted to and approved in writing by the Local Planning Authority with the agreed details implemented in accordance with the approved details and retained and maintained as such thereafter.

In the interests of visual amenity in accordance with UDPR policy GP5.

- 11) Interpretation panels shall be provided adjacent to both weirs to highlight the historic relevance of the weirs at the site. Details of the location and general content of the interpretation panels shall be submitted to and approved in writing prior to the commencement of development and be implemented prior to first use of the weirs hereby approved. The interpretation panels shall be retained and maintained as such thereafter.

To ensure the historic and current significance of the site and weirs is recognised at both sites in accordance with adopted UDPR policies N14 and GP5.

- 12) Prior to the commencement of development, a scheme detailing the operation of the moveable weirs shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency.

The scheme shall include the following details:

- a) Calculation of the trigger levels at which the weirs shall be operated;
- b) Details of the remote and 'on site' operating mechanisms;
- c) Measure to be put in place in the event of remote operation or electrical failure.

The scheme shall be fully implemented and subsequently maintained in accordance with any timing/phasing arrangements embodied within the scheme or within any other period subsequently agreed in writing by the local planning authority, in consultation with the Environment Agency.

To optimise the use of the moveable weirs whilst ensuring that they remain operational in a flood event without increasing flood risk elsewhere.

- 13) Prior to the commencement of development a scheme that assesses and details the need for mitigation measures for the downstream flood risk impacts shall be submitted to and approved in writing by the local planning authority in consultation with the Environment Agency.
The approved mitigation measures shall be fully implemented prior to commencement of the development; and shall thereafter maintained for the life of the development unless, in either case, otherwise approved in writing by the local planning authority in consultation with the Environment Agency.

To prevent any increase in flood risk downstream of the moveable weirs.

- 14) No development shall take place until scheme for ensuring the development hereby approved will not cause deterioration of the WFD status of the River Aire Esholt STW to River Calder waterbody or prevent the waterbody reaching Good Ecological Potential in the future that includes the following components has been submitted to and approved in writing by the local planning authority in consultation with the Environment Agency:
1. A detailed scope for the survey of sediment size and sediment distribution to be undertaken in the proximity of the proposed moveable weirs. The survey scope shall include proposed sampling locations and depths in order to understand size distribution of sediment in the waterbody.
 2. An assessment of the impact of the development, based on the results of the survey referred to in part (1), on the following hydromorphology quality elements:
 - a. Quantity and dynamics of flow;
 - b. Connection to groundwaters
 - c. River continuity
 - d. River depth and width variation
 - e. Structure and substrate of the river bed;
 - f. Structure of the riparian zone.
 3. An assessment of any impacts on the WFD Biological Quality Elements that will occur as a consequence of the impacts identified in part (2).
 4. Details of any measures required to mitigate against any impacts identified through parts (2) and (3).
- The development shall be carried out in accordance with the approved scheme.

The Humber River Basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of waterbodies in order to meet obligations under the Water Framework Directive. This condition is required to ensure that impacts on the hydro-morphological characteristics do not have a detrimental effect on the ecological status of the waterbody and the ability of the waterbody to reach Good Ecological Potential by 2027.

- 15) The development hereby approved shall not be brought into use until schemes providing for multi-species fish passage and eel passage over the Crown Point and Knostrop moveable weirs have been submitted to and approved in writing by the Local Planning Authority.
The schemes shall comprise the following features:
- o The weirs shall be made passable to a range of fish species moving upstream or downstream over a range of flows using a design or designs that have received written approval from the Environment Agency

o Details of timescales for the completion of the works;

The works to provide multi-species fish passage shall proceed in accordance with the design detail and timescales as submitted and agreed.

The National Planning Policy Framework (NPPF) paragraph 109 recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

- 16) No development, including any demolition, shall take place until a Construction and Demolition Method Statement detailing measures to protect the River Aire during the removal and replacement of the weirs has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction/demolition period. The method statement should include but not be limited to:

- methods proposed for in-channel works,
- pollution prevention measures,
- machinery (location and storage of plant, materials and fuels),
- site supervision and incident response.

The method statement shall be implemented as approved unless otherwise approved in writing by the local planning authority.

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

- 17) Prior to the commencement of development, a detailed assessment of the impact of the moveable weirs on the operation of Mickletown Ings SSSI, Fairburn and Newton Ings SSSI shall be submitted to the Local Planning Authority for approval in writing. The assessment shall contain as a minimum the following details:
- o information on the site designation and features;
 - o changes to the water level within the SSSI's related to the operation of the moveable weirs;
 - o any necessary mitigation related to the impacts.

Any mitigation measures identified shall be carried out in accordance with timing/phasing arrangements which will be embodied within the detailed assessment.

To safeguard the designated SSSIs against any impact from the installation and operation of the moveable weirs.

- 18) Prior to the construction of the external facing materials, full details of all external facing materials for the in channel piers, fish passes and turbines shall be submitted to and approved in writing by the Local Planning Authority with the agreed details implemented in accordance with the approved details and retained and maintained as such thereafter.

In the interests of visual amenity in accordance with UDPR policies GP5 and N19.

- 19) Prior to the commencement of development a method statement highlighting how the existing Leeds Weir is to be removed, how the material is to be assessed, reused (including the reintroduction of the remnant at Leeds weir), stored and disposed of as necessary, shall be submitted to and approved in writing by the Local Planning Authority. The approved method statement shall be adhered to thereafter.

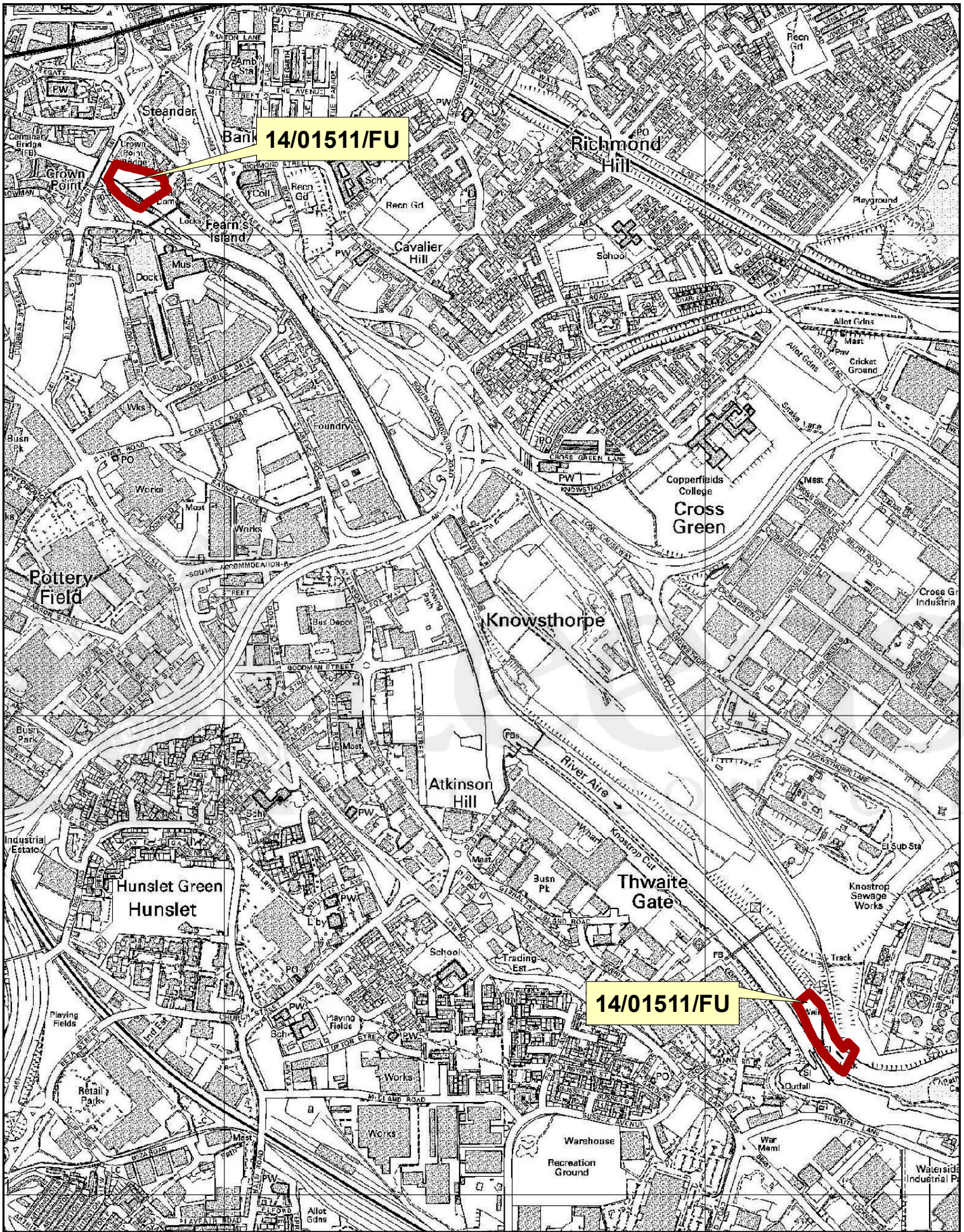
To ensure the existing material within Leeds Weir is reused where possible and a remnant is appropriately introduced adjacent to the proposed movable weir in accordance with adopted UDPR policies GP5 and N19.

- 20) Prior to the commencement of development a method statement highlighting how the existing sluice gate and stone structures at Knostrop Weir is to be removed, how the removed material is to be assessed and reused or stored or disposed of as necessary, shall be submitted to and approved in writing by the Local Planning Authority. The approved method statement shall be adhered to thereafter.

To ensure the existing material adjacent to the weir is removed appropriately and reused where possible in accordance with adopted UDPR policy GP5.

- 21) Prior to the removal of any vegetation full details of the vegetation proposed to be removed shall be submitted to and approved in writing by the Local Planning Authority. In addition, full details of any replacement planting shall also be submitted and agreed with the agreed planting taking place in the next available planting season.

To ensure vegetation is retained where possible and replaced if necessary in accordance with adopted UDPR policy GP5.



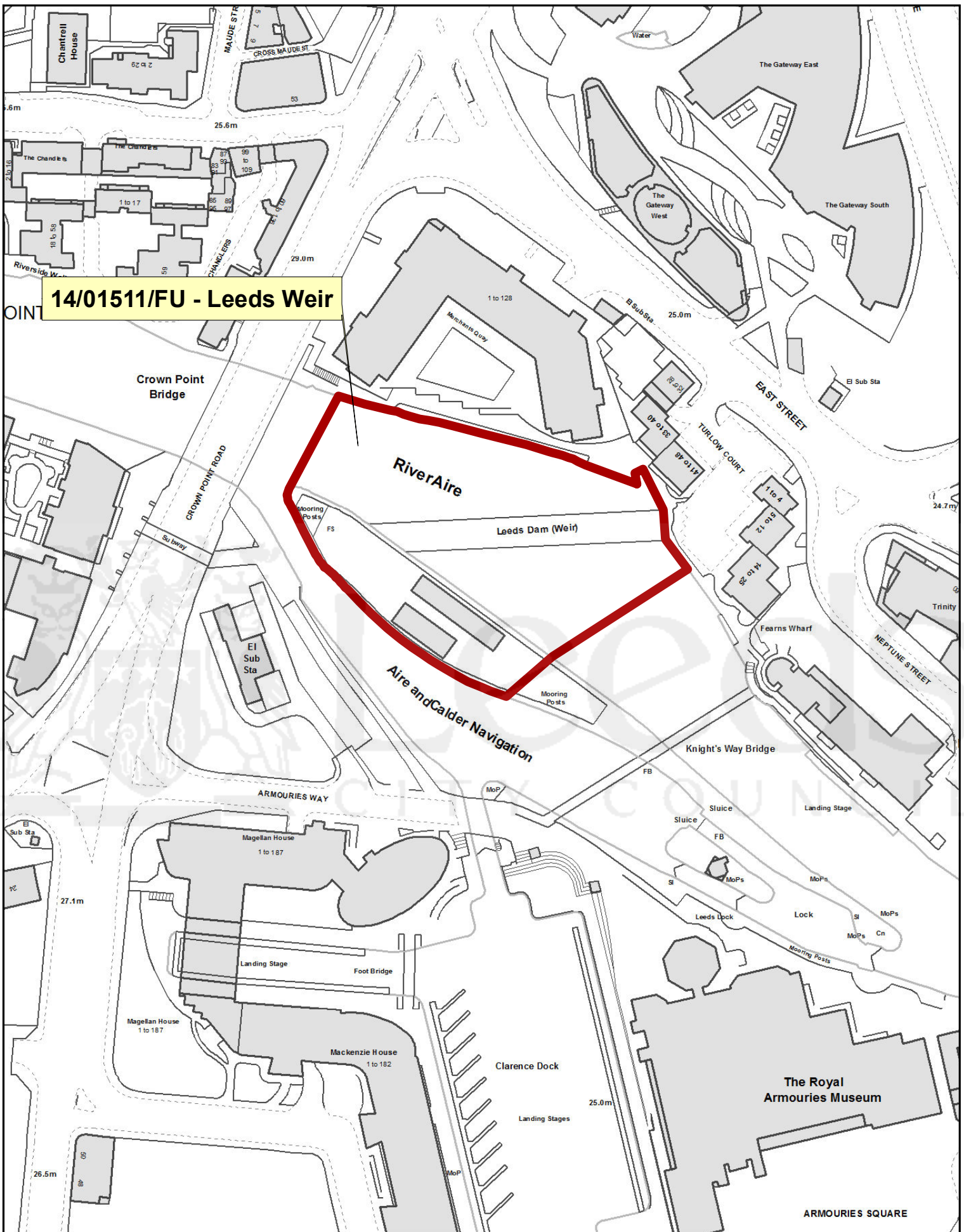
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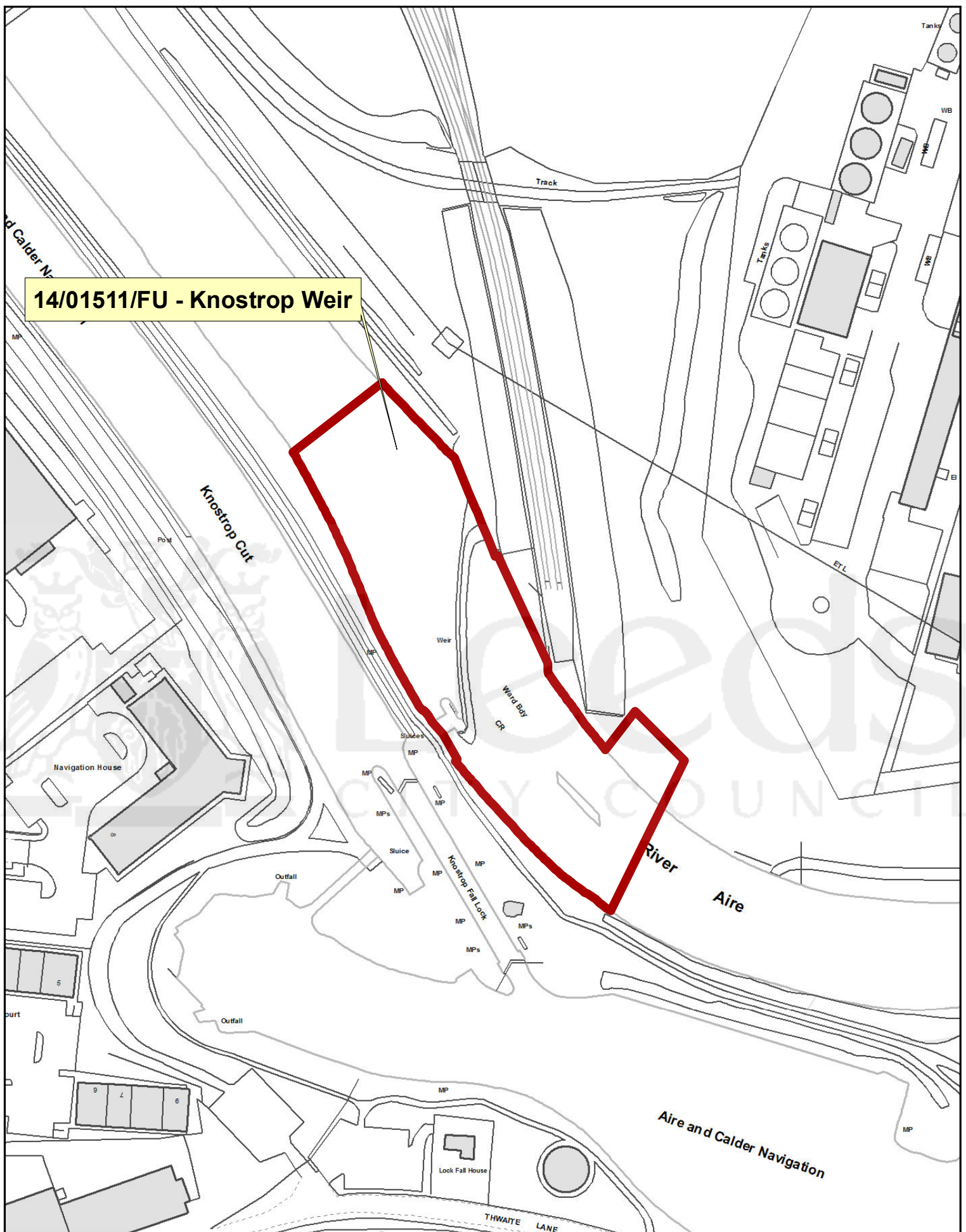




14/01511/FU - Leeds Weir

CITY PLANS PANEL





14/01511/FU - Knothrop Weir

CITY PLANS PANEL

