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**Supplementary Report of the Chief Planning Officer**

***CITY PLANS PANEL***

**Date: 11 JUNE 2015**

**Subject: PLANNING APPLICATION REF. 15/00415/FU FOR 312 DWELLINGS INCLUDING NEW OPEN SPACE AND ASSOCIATED WORKS AT LOW FOLD, SOUTH ACCOMMODATION ROAD, LEEDS**

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**Appendix 3 - Draft Conditions for application reference 15/00415/FU**

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

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

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

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

- 3) No development shall commence until details of a phasing plan have been submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include associated highways works, car and cycle parking provision, any affordable housing provision on-site, and landscaping works within a given phase where relevant. Details for condition shall then be submitted for each phase as per the phasing plan. Any subsequent changes to the phasing schedule shall be submitted in writing to and approved by the Local Planning Authority. The scheme shall be built out in accordance with the approved phasing plan.

In order to accord with the provisions of the Leeds Core Strategy, Saved Policies of the Leeds Unitary Development Plan Review, and Leeds Natural Resources and Waste DPD in the interests of amenity, visual amenity, the provision of affordable housing, pedestrian connectivity, highways safety, flood risk, and sustainable development, and in order that the Local Planning

Authority is informed of the phasing in order that the relevant sections of the conditions may be discharged.

- 4) No construction of external walling or roofing shall take place until details and samples of all external walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Such materials shall be made available on site prior to the commencement of their use, for the inspection of the Local Planning Authority who shall be notified in writing of their availability. This shall include a large sample panel of all external facing materials and glazing types to be used. The external cladding and glazing materials shall be constructed in strict accordance with the sample panel(s) which shall not be demolished prior to the completion of the development.

In the interests of visual amenity in order to accord with Leeds UDP Review Policies GP5 and BD2, Leeds Core Strategy Policy P10 and the NPPF.

- 5) Notwithstanding details shown on the plans hereby approved, no external walling or roofing shall be constructed within a phase until typical 1:20/1:50 scale elevations/section/plan working drawings showing the following details junctions between materials including rooftop parapets, soffits, shutters, framing, window and door openings and all junctions of materials,

for that phase have been submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the details thereby approved and retained as such thereafter.

In the interests of visual amenity in order to accord with Leeds UDP Review Policies GP5 and BD2, Leeds Core Strategy Policy P10 and the NPPF.

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

In the interests of visual amenity, in accordance with Leeds UDPR Policies GP5 and LD1, Leeds Core Strategy Policy P10 and the NPPF

- 7) External surfacing or landscaping works shall not commence within a phase until full details of both hard and soft landscape works as shown on LAAND drawing 14-19-SD-100 Revision 04 including an implementation programme for that phase have been submitted to and approved in writing by the Local Planning Authority. Hard landscape works shall include
- (a) proposed finished levels and/or contours,
  - (b) boundary details and means of enclosure,
  - (c) car parking layouts,
  - (d) other vehicle and pedestrian access and circulation areas,
  - (e) hard surfacing areas,

- (f) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.),
  - (g) proposed and existing functional services above and below ground (e.g. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.).
  - (h) lighting
- Soft landscape works shall include
- (i) planting plans
  - (j) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and
  - k) schedules of plants noting species, planting sizes and proposed numbers/densities.
  - l) tree pits and soil volumes

All hard and soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.

To ensure the provision and establishment of acceptable landscape in accordance with adopted Leeds Core Strategy Policy P12, Saved Leeds UDP Review (2006) policies GP5 and LD1, Leeds Natural Resources and Waste DPD, and the NPPF.

- 8) If within a period of five years from the date of the planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the Local Planning Authority.

To ensure maintenance of a healthy landscape scheme, in accordance with adopted Leeds Core Strategy Policy P12, Saved Leeds UDP Review (2006) policies GP5 and LD1, the Leeds Natural Resources and Waste DPD, and the NPPF.

- 9)
  - a) No retained tree/hedge/bush shall be cut down, uprooted or destroyed nor any tree be pruned, topped or lopped or suffer root severance other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any approved pruning, topping or lopping shall be carried out in accordance with current British Standards and any tree survey approved by the Local Planning Authority.
  - b) If any retained tree/hedge/bush is removed, uprooted or destroyed or dies the Local Planning Authority shall be notified forthwith in writing. Another tree/hedge/bush of an agreed size and species shall be planted at the same

place and at such time, as may be specified in writing by the Local Planning Authority.

Retained tree/hedge/bush refers to vegetation which is to be retained, as shown on the approved plans and particulars, and the condition shall have effect until the expiration of five years from the last date of occupation.

To ensure the continuity of amenity afforded by existing vegetation in accordance with adopted Leeds UDP Review (2006) policies GP5, N23 and LD1.

- 10) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The landscape management plan shall be carried out as approved.

To ensure successful aftercare of landscaping, in accordance with adopted Leeds Core Strategy policy P12, Saved Leeds UDP Review (2006) policies GP5 and LD1, the Leeds Natural Resources and Waste DPD, and the NPPF.

- 11) Each phase of the development shall not be occupied until all areas shown on the approved plans to be used by vehicles for that phase have been fully laid out, surfaced and drained such that surface water does not discharge or transfer onto the highway. These areas shall not be used for any other purpose thereafter.

To ensure the free and safe use of the highway in accordance with adopted Leeds Core Strategy Policy T2 and Street Design Guide SPD (2009).

- 12) Prior to the installation of cycle/motorcycle facilities for each phase, full details of long and short stay cycle/motorcycle parking and facilities for that phase shall be submitted to and approved in writing by the Local Planning Authority. Each phase shall not be occupied until the approved cycle/motorcycle parking and facilities have been provided for that phase. The facilities shall thereafter be retained for the lifetime of the development.

In order to meet the aims of adopted Leeds UDP Review (2006) policies T7A, and T7B, Leeds Core Strategy Policy T1, the Travel Plans SPD and the NPPF.

- 13) Prior to the installation of residential bin stores for each phase, full details (including siting, materials and means of enclosure) of the proposed residential bin store(s) for that phase shall be submitted to and approved in writing by the Local Planning Authority. Each phase shall not be brought into use until the bin store(s) thereby approved have been provided for that phase. The bin store(s) shall thereafter be retained and maintained as such in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

To ensure that adequate provision for bin storage is made and in the interests of visual and residential amenity, in accordance with Leeds UDPR Policy GP5, Leeds Core Strategy Policies T2 and P10 and the NPPF.

- 14) Prior to the installation of basement car park access controls for each phase, details of the access controls to the basement car park for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to first occupation of the development and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of pedestrian and vehicular safety, in accordance with Leeds UDPR Policy GP5 and Leeds Core Strategy Policy T2

- 15) Prior to the first occupation of each phase of the development hereby approved, details including the locations of the proposed electric vehicle charging points for that phase shall be submitted to and approved in writing by the Local Planning Authority. The charging points shall be provided in accordance with the approved details for use prior to first occupation of each phase, and retained as such thereafter.

In the interests of encouraging more sustainable forms of travel, in accordance with the NPPF, Leeds Natural Resources and Waste DPD, Leeds Travel Plans SPD, Leeds UDPR Policies GP5 and Leeds Core Strategy Policy T2

- 16) No development shall take place within a phase until details for the provision of relevant off-site highways works for each phase as shown on Optima drawing no. 14087/GA/01 Revision E have been submitted to and approved in writing by the Local Planning Authority for inclusion in the section 278 Highways Agreement or to be secured by such other procedure as may be agreed between the applicants and the Local Planning Authority.

In the interests of pedestrian and vehicular safety, in order to accord with the NPPF and Core Strategy Policy T2.

- 17) Prior to the first occupation of the development hereby approved, details of a car park and servicing management plan shall be submitted to and approved in writing by the Local Planning Authority. Car parking spaces shall only be allocated to and/or used by residents of this site or their visitors. The car park and servicing shall be operated in accordance with the approved management plan thereafter.

In the interests of sustainable development, and vehicular and pedestrian safety, in accordance with Leeds Core Strategy Policies T1 and T2, and the NPPF.

- 18) Development within a phase shall not commence until a scheme detailing separate surface water and foul drainage works has been submitted to and approved in writing by the Local Planning Authority for that phase. This shall include drainage plans and summary of calculations and investigations. The works shall be implemented in accordance with the approved scheme before each phase of the development is brought into use.

To ensure sustainable drainage and flood prevention in accordance with Leeds UDP Review (2006) Policy GP5 the Council's Minimum Development Control Standards for Flood Risk, Leeds Core Strategy Policy EN5, the Leeds Natural Resources and Waste DPD and the NPPF.

- 19) Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works for each phase and no buildings shall be occupied or brought into use within a phase prior to completion of the approved foul drainage works for each phase.

To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal, in accordance with the Leeds NRWDPD and the NPPF.

- 20) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA). The mitigation measures shall be fully implemented prior to occupation of each phase and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

To reduce the risk of flooding to the proposed development and future occupants, in accordance with the NPPF.

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

Where remediation measures are shown to be necessary in the Phase II Report and/or where soil or soil forming material is being imported to site, development within a phase shall not commence until a Remediation Statement for that phase demonstrating how the site will be made suitable for the intended use has been submitted to, and approved in writing by, the Local Planning Authority. In the event that the site investigations confirm the need for remedial works to treat areas of unrecorded shallow coal mine workings to ensure the safety and stability of the proposed development, any necessary remedial works shall be undertaken prior to commencement of the development of the relevant phase.

The Remediation Statement shall include a programme for all works and for the provision of Verification Reports.

To ensure that the presence of contamination is identified, risks assessed and proposed remediation works are agreed in order to protect the environment including the waterway and make the site 'suitable for use' in accordance with policies Land 1 of the Natural Resources and Waste Local Plan 2013 and GP5 of the Unitary Development Plan Review 2006.

- 22) If remediation is unable to proceed in accordance with the approved Remediation Statement, or where significant unexpected contamination is encountered, the Local Planning Authority shall be notified in writing immediately and operations on the affected part of the site shall cease. An amended or new Remediation Statement shall be submitted to, and approved in writing by, the Local Planning Authority prior to any further remediation works which shall thereafter be carried out in accordance with the revised approved Statement.

To ensure that any necessary remediation works are identified to protect the waterway and make the site suitable for use in accordance with policies Land 1 of the Natural Resources and Waste Local Plan 2013 and GP5 of the Unitary Development Plan Review 2006.

- 23) Remediation works shall be carried out in accordance with the approved Remediation Statement for each phase. On completion of those works, the Verification Report(s) shall be submitted to the Local Planning Authority in accordance with the approved programme for each phase. 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 policies Land 1 of the Natural Resources and Waste Local Plan 2013 and GP5 of the Unitary Development Plan Review 2006.

- 24) Prior to the commencement of development of each phase an updated Sustainability Statement shall be submitted to and approved in writing by the Local Planning Authority, which will include a detailed scheme comprising (i) a recycle material content plan (using the Waste and Resources Programme's (WRAP) recycled content toolkit); (ii) a Site Waste Management Plan (SWMP); (iii) Details of photovoltaic cells; (iv) an energy plan showing the percentage of on-site energy that will be produced by the selected Low and Zero Carbon (LZC) technologies and that it produces a minimum of 10% of total demand and a carbon reduction target and plan showing a minimum of 20% reduction against building regulations; and (v) a construction design stage assessment that the buildings will meet the Fabric Energy Efficiency (FEE) criteria specified in the CITU/ID Planning Sustainability Statement dated April 2015.

The development of each phase shall be carried out in accordance with the detailed scheme for that phase, and

(a) Within 6 months of the first occupation of each phase a post-construction review statement for that phase shall be submitted to and agreed in writing by the Local Planning Authority

(b) The development and buildings comprised therein shall be maintained thereafter and any repairs shall be carried out all in accordance with the approved detailed scheme and post-completion review statement or statements.

To ensure the adoption of appropriate sustainable design principles in accordance with Leeds Core Strategy Policies EN1 and EN2, Leeds SPD Sustainable Design and Construction, and the NPPF.

- 25) No installation of externally mounted plant or equipment shall take place until details of the installation and/or erection of any air conditioning or extract ventilation system, flue pipes, window cleaning equipment or other excrescences proposed to be located on the roof or sides of the building, including details of their siting, design, noise attenuation, and external appearance have been submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details and retained as such thereafter.

In the interests of amenity and visual amenity, in accordance with Leeds UDPR Policies GP5, BD2 and BD4, Leeds Core Strategy policy P10 and the NPPF.

- 26) The noise rating level from fixed plant items shall not exceed the prevailing background (LA90) noise level minus 5 dB at nearby noise sensitive receptors, when assessed in accordance with BS 4142:1997.

In the interests of residential amenity, in accordance with Leeds Core Strategy, Leeds Saved UDPR Policy GP5 and the NPPF

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

- a) the methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development hereby approved;
- b) measures to control the emissions of dust and dirt during construction;
- c) location of site compound and plant equipment/storage;
- d) details and location of contractor and sub-contractor parking
- e) a local resident and business communications strategy for the duration of the works

The approved details shall be implemented at the commencement of work on site, and shall thereafter be retained and employed until completion of works on site. The Statement of Construction Practice shall be made publicly



available for the lifetime of the construction phase of the development in accordance with the approved method of publicity.

In the interests of highways safety and residential amenity in accordance with Saved Leeds UDP Review (2006) policy GP5 and the National Planning Policy Framework.

- 28) No building operation shall take place before 08.00 hours on weekdays and 09.00 hours on Saturdays nor after 18.30 hours on weekdays and 13.00 on Saturdays, with no works on Sundays or Bank Holidays, unless agreed in writing with the Planning Local Authority.

In the interests of residential amenity, in accordance with Leeds Core Strategy, Leeds UDPR Saved Policy GP5 and the NPPF

- 29) Notwithstanding details shown on the plans hereby approved, exact details of the vehicular and pedestrian access gradients shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details and retained as such thereafter. The gradient of all pedestrian ramps shall meet BS8300:2009+A1:2010.

In the interests of pedestrian and vehicular safety and accessibility in accordance with Leeds Core Strategy policies T2 and P10 and the adopted Street Design Guide SPD (2009).

- 30) No development shall take place within a phase until details of the foundations have first been submitted to and agreed in writing by the Local Planning Authority. The development shall only be carried out in accordance with the agreed details.

To protect the structural stability of the Aire & Calder Navigation infrastructure which could be adversely affected by the development.

- 31) Prior to the commencement of the relevant phase of the development a method statement for the control and eradication of invasive plant species shall be submitted to and approved in writing by the Local Planning Authority. The agreed plan shall thereafter be implemented for each phase.

In order to control the spread of invasive plant species.

- 32) Prior to the commencement of development a Biodiversity Enhancement & Management Plan (BEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of the following:
- a) Description and evaluation of features to be managed and enhanced – to include all the land shown as Ecology Area, Riverside Terrace and Riparian Planting on the Landscape Masterplan drawing 14-19-SD-100 Rev 4 dated 16/01/15, and provision of bat roosting features and bird-nesting features

- b) Extent and location/area of proposed enhancement works on appropriate scale maps and plans
- c) Ecological trends and constraints on site that might influence management
- d) Aims and Objectives of management – to include providing an unlit area of river frontage to reduce impacts on bats, eradication of non-native invasive species, no public access in the Ecology Area, and a reed/wetland fringe along the river frontage consisting of emergent and marginal native species
- e) Appropriate management options for achieving Aims and Objectives
- f) Prescriptions for management Actions
- g) Preparation of a work schedule (including an annual plan capable of being rolled forward over a 5 year period)
- h) Details of the specialist ecological body or organisation responsible for implementation of the Plan
- i) Ongoing monitoring and remedial measures
- j) An annual progress report sent to the LPA reporting on progress of the work schedule and recommendation for the next 12 month period

The Plan shall include details of the legal and funding mechanisms by which the long-term implementation of the Plan will be secured by the developer with the specialist ecological management company responsible for its delivery. The Plan shall also set out (where the results from the monitoring show that the Aims and Objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the Objectives of the originally approved scheme. The approved Plan will be implemented in accordance with the approved details.

To ensure the enhancement of biodiversity in accordance with Core Strategy Policy G8 and G9, and the NPPF.

- 33) Prior to the commencement of development a Construction Environmental Management Plan (CEMP:Biodiversity) shall be submitted to and approved in writing by the LPA. The CEMP (Biodiversity) shall include the following:
  - a) Risk assessment of potentially damaging construction activities
  - b) Identification of “biodiversity protection zones”
  - c) Measures to avoid or reduce impacts during construction – with specific measures to minimise adverse impacts on bats and otters
  - d) Measures to control and eradicate invasive species
  - e) Location and timings of sensitive works to avoid harm to biodiversity features, including nesting birds and a pre-start otter survey
  - f) The times during construction when specialist ecologists need to be present on site to oversee works
  - g) Responsible persons and lines of communication
  - h) Use of protective fences, exclusion barriers and warning signs

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

To ensure the protection of existing biodiversity features in accordance with Core Strategy Policy G8 and the NPPF, and In order to safeguard the sensitive habitats along the River Aire in accordance with saved policies N8 and N50 of the Leeds UDP Review (2006)

- 34) Prior to the commencement of development a Plan will be agreed with the Local Planning Authority for an Otter Holt at a location within the Ecology Area as shown on the Landscape Masterplan drawing 14-19-SD-100 Rev 4 dated 16/01/15, together with a timescale for being built. The Otter Holt will be constructed as agreed and monitored annually for 3 years from its construction by an appropriately qualified ecologist and a report sent to the LPA with levels of use and recommendations made for any remedial or enhancement measures that are then to be addressed in full within 12 months of the recommendations. The Otter Holt will be retained thereafter.

To provide biodiversity enhancements (for a European Protected Species) as per the NPPF para. 109.

- 35) Unless otherwise approved in writing by the local planning authority, no construction of buildings or other structures shall take place until measures to divert or otherwise formally close the sewers and water mains that are laid within the site have been implemented in accordance with details that have been submitted to and approved by the local Planning Authority.

In the interest of satisfactory and sustainable drainage and to maintain the public water supply

- 36) Prior to the commencement of development full details of the compensatory storage for each of the two phases (as shown on the Weetwood Development Phasing plan) shall be submitted and agreed in writing by the Local Planning Authority. The flood storage measures shall be fully implemented prior to the first occupation of the phase to which they relate.

In the interests of reducing flood risk, in accordance with the NPPF

- 37) The development shall be carried out in accordance with the recommendations specified in the approved Environmental Noise Solutions Ltd (ENS) noise report NIA/5611/14/5420 dated 18 December 2014. The approved measures shall be retained as such thereafter.

In the interests of residential amenity, in accordance with Saved UDPR Policy GP5 and the NPPF.

- 38) Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, public open space or for filling and level raising shall be tested for contamination and suitability for use. A methodology for testing these soils shall be submitted to, and approved in writing by, the Local Planning Authority prior to these materials being imported onto site. The methodology shall include information on the source of the materials, sampling frequency, testing

schedules and criteria against which the analytical results will be assessed (as determined by risk assessment). Testing shall then be carried out in accordance with the approved methodology. Relevant evidence and verification information (for example, laboratory certificates) shall be submitted to, and approved in writing by, the Local Planning Authority prior to these materials being imported onto the site.

To ensure that contaminated soils are not imported to the site and that the development shall be suitable for use with respect to land contamination in accordance with policies Land 1 of the Natural Resources and Waste Local Plan 2013 and GP5 of the Unitary Development Plan Review 2006.