
Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 24th March 2016

Subject: OUTLINE PROPOSAL FOR MIXED USE DEVELOPMENT COMPRISING RESIDENTIAL (C3/C4), STUDENT HOUSING (C3/C4), FLEXIBLE RANGE OF SUPPORTING USES A1-A5 (RETAIL, CAFES, RESTAURANTS, BARS, PROFESSIONAL SERVICES AND TAKE AWAY'S, B1 (OFFICE), D1 (NON-RESIDENTIAL INSTITUTION), D2 (ASSEMBLY AND LEISURE), BASEMENT CAR AND CYCLE PARKING, PUBLIC OPEN SPACE, RIVER BRIDGE, NEW ACCESS JUNCTION TO KIRKSTALL RD AND HIGHWAYS IMPROVEMENTS AT SITE SOUTH OF KIRKSTALL RD FRONTING THE RIVER AIRE (FORMER YORKS CHEMICALS SITE) APPLICATION REF: 15/06844/OT

Electoral Wards Affected:

City and Hunslet

☐ Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION: Members are recommended to approve this application in principle and defer and delegate the final decision to the Chief Planning Officer subject to the conditions outlined in the appendix at the end of this report (and such other conditions as he may consider appropriate) and following the completion of a Section 106 Agreement to secure the following:

- a) Requirement for public access to and maintenance of all routes through the scheme and public spaces
- b) The provision of on-site Affordable Housing in line with para 9.7 of the report
- c) Junction improvement works and off-site highways contributions in line with para 3.14(vii) of the report
- d) Travel Plan initiatives to include:
 - i) £7,050 Travel Plan Review fee
 - ii) Sustainable Travel Fund of £155,850
- e) Provision of river crossing
- f) Retention of student accommodation to be occupied by students only
- g) Relocation and up-grade of bus stop on Kirkstall Rd (£5,000)
- h) Local Employment Initiatives

Together with such other and ancillary clauses as the Chief Legal Officer shall consider appropriate

1.0 INTRODUCTION:

- 1.1 Members have previously seen this scheme at pre-application stage in October 2015, which is for a new major mixed tenure residential scheme proposed on the vacant former Yorkshire Chemicals site on the southern side of Kirkstall Rd. Members will be aware that the site has been vacant for some considerable time and all of the buildings have now been demolished. The land has been sold and the current owner wishes to pursue its redevelopment.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site is approximately 2.25 hectares and is located to the south of Kirkstall Rd and also has a frontage to the River Aire which flows along the southern side of the site. The existing bridge, which is the only remaining part of the former chemical works, crosses the River Aire to the Otter Island residential scheme (now called Holts Crest Way), which is currently under construction. To the west is the vacant former First Bus depot which is also a cleared and vacant site. To the east is the City Gate development which has a large area of landscaped open space adjacent the application site closest to the river, with the service yard of the Staples retail unit to the north of this, running along the common boundary. To the north of that is a free-standing commercial unit accessed directly from Kirkstall Rd.
- 2.2 On the northern side of Kirkstall Rd is the 9 storey Holiday Inn Express hotel and next to this is the 2/3 storey fire station. To the north of these are the student residential buildings of Opal 1 and 2, Concept Place and The Tannery which are all clearly visible from Kirkstall Rd and range in height from 5 storeys up to 14 storeys. Kirkstall Rd itself was upgraded as part of a Quality Bus Initiative (QBI) and now carries a dedicated bus lane on both inbound and outbound carriageways.

3.0 PROPOSAL

3.1 Uses

This is an outline application, with access only being applied for in detail. Therefore, appearance, landscaping, layout and scale are all reserved matters. However, the application is informed by a series of parameter plans and these form part of the submission for determination. This proposal is for a primarily residential development comprising 3 types of residential tenure, private 'for sale' accommodation (approx. 202 units), Private Rented Sector (PRS – approx. 574 units) and student residences (approx. 234 bed spaces in both cluster flats and studios). There are also a number of other supporting uses which will exist to service the main residential uses. In summary, the total provision of floor space by use is set out below:

- 3.2 The development comprises a maximum floor space of 97,750sqm (GIA), of which:
- A maximum of 69,500sqm will be used for residential (Use Class C3), comprising a maximum of 51,000sqm for PRS and up to 18,000sqm of units for sale.
 - A maximum of 8,750sqm of student accommodation (Use Class C3).
 - A maximum of 2,000sqm of supporting uses comprising retail (A1 - A5) (with A1 retail capped at 500sqm), business (B1), and non-residential uses (e.g. crèche D1) leisure uses (e.g. gymnasium D2)
 - A basement car park of circa 17,500sqm (516 spaces).

- 3.3 The supporting uses will be mainly located in the ground floor spaces of the northern 2 buildings, which the applicant has included to animate the pedestrian routes through the site and provide support services for the occupiers. The applicant has made allowance for the provision of Affordable Housing on site within both the 'for sale' and the PRS accommodation and this matter is discussed in greater length in the appraisal section below (para 9.7). In addition, the PRS accommodation will include a range of facilities for the sole use of the tenants including cinema room and dining/entertainment room. Each of the blocks will also have a courtyard area (varying dimensions between min. 15m wide and max 30m in long) providing private amenity areas for residents as well as amenity space on the roofs of the buildings.
- 3.4 Layout
The scheme splits the site into 4 quarters, with a building in each. This forms a junction at the centre of the site which is indicated on the submitted plans as being laid out to create a formally recognized space called 'Community Square'. The taller buildings are located around the perimeter of the site, being 10-12 storeys fronting Kirkstall Road, rising to 14 storeys along the western and eastern boundaries and declining to 7 storeys fronting the river. The elements of the buildings located in the centre of the site are all lower in height (approx. 7 storeys) declining still further to some 2-4 storey elements fronting the river. Some of these units would have their own small area of private space accessing out on to the riverside open space area. In the centre of the scheme is to be located a building which rises above its 7 storey neighbours (part 9 and part 11 storeys) and this is intended to act as a focal point for both ground level views and those from the south and the river.
- 3.5 Vehicular access is to be taken from a central point on the Kirkstall Rd frontage with a building sitting either side of a 20m wide gap. These buildings are proposed to be a student accommodation block to the east (11 storeys) and a PRS building to the west (10 to 12 storeys). The elevations to Kirkstall Rd would create an urban street frontage and have been set at this height as they equate to the 9 storey office buildings approved under the previous outline scheme (see Planning History para 5.1). The buildings would be set back from the public footway by 1.3m at the eastern end widening to 5.4m to the west. This variation is due to the slight divergence between the building line and road at this point and has been used to set up the start of a landscaped strip which it is proposed to set up along the southern side of Kirkstall Rd running eastwards towards the viaduct. This marks the transition point between the harder urban city centre edge and a softer, boulevard style planting strip, referred to in the Kirkstall Road Renaissance Area Planning Framework (see para 8.4.2).
- 3.6 Both of the buildings fronting Kirkstall Rd are focused around their own central raised areas of private residential amenity space. These are located one storey height above main ground level and would accommodate commercial space, additional car parking and servicing areas beneath. For the PRS building, the U-shaped plan form is oriented to open the central space up to views from the access road. For the eastern building, the development encloses the courtyard but retains a gap between the student block and the adjacent PRS building to provide articulation to the built frontage.
- 3.7 The site access road leads to a junction at the centre of the scheme – Community Sq. Vehicles do not progress further south than this which means that the spaces towards the river would be pedestrian dominated. At this junction the north/south route intersects a secondary east/west route which runs parallel with Kirkstall Rd and would eventually join up with the neighbouring sites to the east and west. This

route also aligns with views to the east towards the recently approved taller buildings on the corner of the former Yorkshire Post building adjacent the Inner Ring Rd.

- 3.8 To the south of this spine road 2 further buildings sit either side of the 18-25m wide pedestrian route down to the River Aire. The south-western building is proposed to contain the 'for sale' residential units and would be visible when entering the site from the north due to its angled eastern façade. Views of the river are to be opened up and this also allows the GII listed Castleton Mill chimney to be seen when heading southwards towards the river. This historic feature is noted as a key focal point in the Leeds Waterfront Strategy.

3.9 Open Space

The development of this site has been seen as an opportunity to provide new green infrastructure as well as linking up the existing green space in the area. The submitted documents provide information on the amount, location and quality of the publicly accessible open space and the pedestrian linkages to these spaces. These are to be of high quality and of varying characters, which will help to create a hierarchy of spaces, routes and connections to assist legibility and visual interest. Materials to be used are proposed to be high quality textured paving and block-paving, bound gravel, raised planters incorporating seating of wood with metal detailing. Bespoke lighting will be included in columns, bollards, concealed strips and ground based up-lighting.

- 3.10 A large riverside open space is proposed containing the riverside walkway. This spans the entire width of the site (135m) and is between 10m and 25m in width. At its widest point it would turn northwards, up through the centre of the scheme to form an inverted T-shaped space running for 40m towards Kirkstall Rd. The bridge can be accessed from the riverside space. It is proposed to either reuse the existing structure or provide a new bridge crossing over to the Holts Crest Way open space and Trans-Pennine canal-side route beyond. The open space within the scheme has been calculated as follows.

- The area of public open space fronting the river (0.34ha)
- River bridge (0.02ha)
- All other pedestrian only areas (0.24ha)
- Shared surface – service vehicles only (0.18ha)
- Internal courtyards (0.20ha)

- 3.11 A gap of approximately 8m is retained from the western boundary to ensure that this scheme would not prejudice the erection of buildings on the neighbouring development site. On the neighbouring site to the east is the large open space area and 2 no. retail buildings with rear servicing. Therefore, the requirement for a similar distance separation from this boundary is reduced. The residential units are proposed at first floor level on this part of the scheme in order to elevate the views above the service area and retail unit rather than directly into it.

3.12 Highways

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

- The provision of a suitable layout for the access on to the Kirkstall Road Quality Bus Initiative (QBI)
- The mitigation of any impact on the physical QBI running lane

- The realignment of the existing pedestrian crossing facility on Kirkstall Rd
- The provision of acceptable parking levels within the site.
- Funding an appropriate level of off-site highway improvements to mitigate for the development traffic associated with the site
- The provision of a Travel Plan that will deliver the required modal split and reduce dependency on the private motor vehicle

The proposal seeks to achieve these objectives by carrying out the works and funding the proposals set out in the following paragraphs (3.13 – 3.15)

3.13 Car and Cycle Parking

Car parking for approximately 516 vehicles will be located in a single basement level which would sit beneath all of the buildings and be accessed from the 2 western buildings on either side of the east/west spine road. The provision to be made is one space per market ('for sale') dwelling, 0.55 spaces per PRS unit and zero provision for the student element. The construction of the basement car park enables the whole site to be raised above the existing ground level by 1.3m to reduce the risk of flooding. The basement itself will be constructed to be flood resilient and resistant meaning that, other than at the points of vehicle access, there will be no other locations where water will be able to penetrate the structure. The road will rise at a low gradient from its junction with Kirkstall Rd in order to bring it up to this new ground level. The site level is currently below that of the neighbouring site to the east and therefore raising the site level will help to bring these two sites into near alignment. Secure cycle parking is to be provided at ground floor level, beneath the raised podium areas, within each of the 4 buildings and is to be at the ratio of one space per unit.

3.14 Creation of New Site Access Junction on Kirkstall Rd and Off-site Highway Works

- 3.14(i) The out-bound bus lane which runs along the Kirkstall Rd frontage to the site is currently unbroken. The original design for the QBI took account of the requirement to create a signalised access into the site at this point, which would mean that a length of bus lane would have to be removed before the junction in order to enable vehicles turning left to position themselves correctly at the junction. Presently buses exit the West Street gyratory in lanes shared with general traffic before entering a bus lane close to the start of Kirkstall Road. Once in the bus lane they have an uninterrupted run to the Willow Road junction. The introduction of the traffic controlled junction will delay the passage of some buses on a regular basis as the traffic signals cycle to allow the side road to exit, this may also result in traffic queues extending beyond the start of the current bus lane and delaying buses entering. As such it is proposed, in compensation for introducing the signalised junction, to extend the bus lane a further 40m to enable buses to enter earlier. This would be achieved by widening the carriageway through the removal of an existing roadside planter, resulting in a bus feeder lane of approximately 100m in length to the signals.
- 3.14(ii) However, it has become clear that there are statutory undertaker's facilities (stats) in the area where this bus lane extension is identified and it is not known what the costs of carrying out these works, including any necessary stats diversions, would be, until exploratory works have been undertaken. Therefore, it is possible that the cost of these works could be prohibitive and, in these circumstances, the applicant is not willing to take on the risk of committing to these works. As a result of this, an alternative solution has been sought which removes the requirement for signals to be introduced at all. Both the signalised junction option and the non-signalised junction option are described below.

3.14(iii) Signalised Junction Option

This would allow traffic to turn 'left in' to the site and 'left out' of the site but also allow in-bound traffic on Kirkstall Rd to turn right across the out-bound flow. This would require the insertion of a right turning slip road in the central reserve which partly utilises the existing Fire Station exit route, also located in the central reserve at this point. The layout incorporates the existing pedestrian crossing facility into the traffic light stop line on the out-bound carriageway.

Points to note about this arrangement:

- It allows vehicles coming to the site from the west to access the site directly.
- The presence of a light-controlled junction will mean that the out-bound bus is stopped on a regular basis when the signals change to red.
- Vehicles wishing to head east when exiting the site, turn left on to Kirkstall Rd before utilising an existing U-turn arrangement a little to the west.
- The submitted Transport Assessment sets out that even in the evening peak, when the number of vehicles turning right in to the site is likely to be at its highest, this would involve only 10 vehicle movements per hour (an average of 1 every 6 minutes) whilst in the morning peak this would reduce to 3 vehicles per hour (an average of 1 every 20 minutes).

3.14(iv) Non-signalised Junction Option

This arrangement has a 'left in'/'left out' junction onto Kirkstall Rd which is non-signalised. Traffic entering the site would turn left from the Kirkstall Rd outbound carriageway and then exit the site by turning left on to the Kirkstall Rd out-bound carriageway. Under this arrangement, vehicles wanting to enter the site when approaching from the west along Kirkstall Rd would have to travel past the site, go around West St gyratory and then head west along Kirkstall Rd and use the 'left in' facility to access the site. Given what has been set out above, it follows that the same number of vehicles, 10 per hour evening peak and 3 per hour in the morning peak, would access the site using this route.

Points to note about this arrangement:

- The bus lane still has to be removed when approaching the junction to allow cars to position themselves correctly to make the left turn without accessing the bus lane.
- The outbound flow of traffic is not required to be stopped by the phasing of the lights thereby ensuring the bus lane is free to flow – unless stopped by the pedestrian crossing which is an existing facility.
- There is an existing gap in the central reservation opposite the site, required to allow fire engines from the fire station opposite the site to head west, the right turn using the gap for right turning traffic is banned, this would continue to be the case, the geometry of the central reserve gap is not conducive to a right turn movement.

3.14(v) Contribution to Off-site Highways Improvement Works

The applicant has agreed to make a financial contribution to works required to the local highway network on the following basis:

1. If the signalised junction option is to be installed then a contribution of £48,000 would be made to improvements to the local highway network.
2. If the non-signalised junction option is provided then a contribution of £201,000 would be made to improvements to the local highway network. This takes account of the fact that there would be an increased number of vehicles

using the West St gyratory and the costs of providing the signalised junction at the site itself will have been saved.

3.14(vi) Road Safety Audit

The two junction arrangements set out above were being submitted for a Road Safety Audit and at the time of writing this report and therefore the results of this had not yet been received. Members will be updated verbally at Panel on the results of this procedure.

3.14(vii) Options Proposed for Junction Improvements

As a result of the above situation the applicant is proposing to pursue Option 1 as set out below:

Option 1

- Installation of the signalised junction
- the carrying out of the bus lane extension (if costs are not prohibitive – up to £220,000)
- the provision of £48,000 for off-site highways improvements

However, if the costs become prohibitive then Option 2 will be pursued, as set out below:

Option 2

- Installation of the non-signalised junction
- the provision of £202,000 for off-site highways improvements (no bus lane extension would occur)

3.15 The applicant has agreed to a Travel Plan which includes the following measures:

- Appointment of a Travel Plan Coordinator
- Provision of Sustainable Travel Fund (STF) of £155,850 to initially cover: car club spaces and trial; month-long bus ticket trial; loan bikes; walking and map information; bus passenger information; Travel Plan information board and web site
- Provision of electric vehicle charging points 5% at start and 5% cable ready.
- Secure cycle parking provision
- Management of student drop-offs at commencement of term time
- Mode share target to monitor and reduce the use of the private motor vehicle.
- Action plan to be agreed with LCC if targets not met (used to inform future spending of the STF)

3.16 River frontage

In respect of the river frontage, the current riverside wall is in a very poor condition and the site levels are also to be increased. Therefore, a new riverside wall will be constructed which will serve to continue the new wall already in place on the neighbouring site to the east. It is proposed to plant native species of trees and shrubs to provide foraging and nesting habitats for birds and other wildlife. There will also be some opportunity to enhance the river corridor for species such as otter. A number of bird, bat and insect boxes are proposed to be installed as well as an invertebrate loggery. Lighting will be carefully considered in this area to avoid impacting the sensitive habitat areas through unnecessary light spillage.

3.17 Sustainability

The proposal incorporates the following features:

- There will be a site-wide district heating network and construction would enable connection to any future district-wide heating system
- Water saving measures will be included and the consumption for each unit is designed to be less than 105 litres per day
- The student accommodation, retail and office uses are designed to achieve BREEAM 'excellent'
- The residential accommodation is designed to achieve the equivalent of Code for Sustainable Homes Level 4
- 35% lower CO2 emissions than a baseline Part L compliant Building Regulations development.
- Low energy lighting
- Energy efficient white goods
- Sustainably sourced construction materials

3.18 Flood Risk

The proposal is within a Zone 3 flood risk area. Within the L.C.C. Strategic Flood Risk Assessment it is recognized that the area fronting Kirkstall Rd is at greater risk of flooding than the main body of the site, given current ground levels. The construction of the buildings above a basement car park means that the surface level of the site can be raised to that required by the Environment Agency in order to reduce the risk of flooding (31.3m AOD). The car park access points are located towards the centre of the site rather than on the more vulnerable Kirkstall Rd frontage to reduce still further the risk of water ingress. The indicative floor plans indicate that the mixed use units are to be located to the north of the site fronting Kirkstall Rd, with no residential units being proposed at ground floor level in this location.

3.19 The applicant has also submitted the outline of an emergency evacuation procedure. A Flood Plan Coordinator would be allocated by the site manager, who, in the event of a flood alert/warning being issued by the Environment Agency, would be responsible for ensuring all residents are aware of the risk and what actions they should take. Flood evacuation procedures would be shown on internal site emergency information boards. The site will be linked across to the Holts Crest Way site by the bridge, which is being raised to reduce its risk of flooding, and this provides a safe route off the site to the public highway.

3.20 The applicant has provided a full suite of supporting information:

- Design and Access Statement
- Planning and Regeneration Report (incl. Housing Needs Assessment and Sequential and Impact Assessment for Town Centre Uses)
- Contaminated Land/Site Investigation Report
- Air Quality Assessment
- Arboricultural Report
- Coal Mining Risk Assessment
- Study
- Sunlight/Daylight Assessment
- Statement of Community Involvement
- Drainage Strategy
- Flood Risk Assessment (Incl. Sequential and Exceptions Test)
- Transport Assessment
- Travel Plan

- Noise assessment
- Odour Assessment
- Preliminary Ecological Appraisal
- Sand and Gravel Minerals Safeguarding Assessment
- Sustainability Statement
- Energy Strategy

4.0 HISTORY OF NEGOTIATIONS

- 4.1 Officers had pre-application discussions with the applicant's team culminating in a pre-application presentation to Members at Panel in October 2015. Members visited the site on the morning of Panel and will be familiar with the prominent location of this site on the southern side of Kirkstall Rd.

The minutes for the pre-application presentation are set out below:

The Panel discussed the proposals, with the following matters being raised:

- the mix of residential accommodation proposed and whether any problems were envisaged . Members were informed that the scheme would be highly managed and that it was likely that the student accommodation would be sold to a student housing provider
- the ownership of the bridge across the site. Members were informed that it was in the ownership of the proposed applicant with the intention being to retain and repair it in view of its importance in creating cohesive communities
- wider links from the site
- car parking levels and whether sufficient was being proposed. Members were informed that the car parking would be fully managed and that a more flexible approach to this was being proposed. Furthermore, no parking was being proposed for the student accommodation. Cycle storage would be provided on the site and a car club was also proposed

On the specific questions posed in the report, the Panel provided the following responses:

- that further details were required on whether the scheme could be developed without prejudicing the provision of a school on the wider SAP site
- that the city centre high rise approach to residential development was acceptable on this site
- that the overall scale and articulation in the heights of the buildings, with the taller flanks and the lower centrally located buildings with central focal point, was an acceptable approach in the context of the existing area
- regarding the amount and location of publicly accessible open space and the pedestrian linkages to these spaces, more information was required on the proposed quality and nature of the proposed spaces and linkages
- that Members shared the SAP requirement to retain, if not the existing, then a replacement river crossing to improve/enhance north-south connectivity

Additionally, achieving connectivity, particularly to the adjoining area of greenspace to the east of the site, was stressed as being an important part of the proposals as they developed.

5.0 RELEVANT PLANNING HISTORY

5.1 Outline planning permission (06/04610/OT) was granted on 16 February 2011 for a mixed use development over both the current proposal site and the Holts Crest Way site to the south, which was the subject of a S106 Agreement. This consisted of 5 buildings on the part of the site currently under consideration consisting of:

- 2 no. 9 storey office buildings fronting Kirkstall Rd
- 9 storey multi-storey car park
- 2 no. 5-10 storey residential buildings
- ground floor commercial/leisure units to support and service the site occupiers (approx. 3,000 sqm)

These buildings all sat above individual basement car parks apart from the multi-storey car park element. A further 6 buildings were proposed on the Holts Crest Way site, consisting of largely residential apartment buildings of between 3 - 8 storeys and 20 no. houses. This permission lapsed on 16th February 2016.

5.2 After consideration by Members at City Plans Panel, full planning permission on the Holts Crest Way part of the site was granted in August 2014 for the erection of 113 no. dwellings (96 no. 2 bed houses and 17no. 3 bed houses) and related works with associated S106 Agreement (app. ref. 13/05566/FU). This site is currently under construction.

5.3 The existing bridge over the river, linking the two sites, falls within the redline boundary and ownership of the site under consideration here. The Holts Crest Way layout allows for the landing of a bridge and connection to the open space network and Leeds Liverpool Canal towpath to the south and some of this infrastructure is now in place.

5.4 Planning permission has been granted for an 8 - 11 storey office/hotel/residential scheme fronting the north side of Kirkstall Rd on land between Abbey St and Bingley St app. ref. 11/01850/EXT (84 Kirkstall Rd). Applications subsequently submitted for mixed use development comprising residential with ground floor A3/A4 unit with under-croft car park and landscaped public space (apps ref.'s 15/05029/OT and 15/05030/RM) These applications were considered at City Plans Panel on 3rd March 2016 and were approved in principle subject to the signing of a S106 agreement.

5.5 Planning permission has been granted for a 6 – 9 storey student residential scheme on the former RSPCA site between Abbey St and Bingley St app. ref. 14/03023/EXT, again to the north side of Kirkstall Rd.

6.0 PUBLIC/LOCAL RESPONSE

6.1 This application was notified on site by notices dated 11th December 2015 and in the press by notice dated 17th December 2015. Local ward Members were notified by e-mail dated 24th November 2015.

6.2 Correspondence has been received from Leeds Civic Trust (LCT). This does not object to the application but makes the following comments:

- Welcomes the scheme in its response to the site and its potential location within the wider Kirkstall Road development corridor – it is certainly an improvement on the consented scheme and, delivered to a high standard of design, materials and construction, has potential to be an attractive place to live. LCT supports the general arrangement and the intentions for future development along the south side of Kirkstall Road and these should be considered carefully in future schemes.
- Concern over the inclusion of student accommodation and the impact on permanent residents. This could impact on residents to the north as students walk to the university. Whilst the aspiration to bring more liveliness to the development during the day is understood, this could be achieved with greater office content.
- In order to encourage a more stable community more of the larger size units should be included to promote a real mix of residents including families. There should also be a community facility, i.e. a room attached to a local bar.
- The view across the valley from the area to the north should be studied as the little Woodhouse Neighbourhood Design Statement for the area to the north seeks protection of views across the valley.
- Supports the shared use of the space where vehicles are intended to be located. Understand that there are likely to be only 1 or 2 vehicle movements per minute during the peak. However, the reality will be that these will not be spread evenly but 'bunched'.
- The amount of public realm is acceptable but concerned that certain areas will have to remain able to be used by vehicles. Suggest the car park access is closer to the entrance to get vehicles off the surface sooner
- Welcome the links to the wider area and that every effort should be made to ensure that these are opened up, especially to the east into the pocket park and along the waterfront.
- The illustrative proposals for green space and green roofs are welcomed and it should be ensured that these are not lost at the Reserved Matters stage.

6.3 A letter of objection has been received from the Little Woodhouse Neighbourhood Planning Interim Forum Steering Group (LWNPIFSG). This states that:

The group's area borders the application site along Kirkstall Rd. This has a draft vision which supports:

A strong and resilient mixed community of long-term residents, families, students and young professionals with good connections to the city centre, universities, LGI and major transport links, retaining the rich heritage of buildings, streets and spaces and a sustainable place to live.

The group welcomes the introduction of housing in to this derelict site but raise the following concerns:

- The site provides an opportunity to introduce a wide range of accommodation that this development offers including a greater number of larger units.
- The development needs to encourage longer term occupiers to take advantage of the benefits which the site has to offer in terms of its accessibility to the range of local attractions and amenities as well as employment opportunities. Doubt that the proposed range of units and their tenure will achieve the required diversity.
- The development is 'too dense and massive' with 1010 households giving rise to potentially 2,000 residents.
- The buildings are all about 11 storeys in height and create a block to the river as well as impacting on the Otter Island residents to the north.
- The buildings are too close to the Kirkstall Rd and to the flank boundaries which will make the development of the neighbouring sites difficult
- The lack of space will create a 'hemmed in' feeling – this could give rise to winds
- Lack of open space for the public and for residents
- Lack of trees and other soft landscaping for amenity and air pollution purposes
- The number of vehicle movements, service vehicles and pedestrians using a single access point on to Kirkstall Rd will create traffic issues, with the neighbouring site also expected to bring traffic to the area in future.
- Pedestrian crossing facilities are already inadequate
- Recent flooding on Kirkstall Rd brings into question the basement car parking, ground floor services and the use of hard surfaces

6.4 A letter has been received from a resident of the Holts Crest way scheme who is also a Member of the LWNPIFSG. This supports the above points and also adds the following:

- The current view across the river is surprisingly rural and the new buildings will dominate the skyline.
- Supports the addition of new residents in close proximity as well as the foot bridge and possible retail and other facilities
- The west-east spine road will carry traffic meaning that those living in the blocks fronting Kirkstall Rd will be surrounded by roads to north and south.
- The existing riverside park on the neighbouring site to the east will not compensate for the lack of amenity space on site as it is isolated and potentially threatening.
- The 3 bedroom flats will more likely be used for shared accommodation rather than families

- Wishes to see a lower rise development to complement Holts Crest Way.
- Objects to the purpose built student accommodation and fears that the PRS accommodation would also be occupied by students and that the private for sale units would be purchased by the parents of students, thus adding to the student population already in the area.
- The bridge would be heavily used by cyclists to the detriment of pedestrians. Devices should be erected at either end of the bridge which would oblige cyclists to dismount.

6.5 A representation has been received from a resident of Wetherby who objects to the proposal as he considers that this site should be used as a greyhound stadium. The objector states that this would have synergy with the 2 casinos in the area and would provide an ideal location for the head-quarters of betting companies. The track would be an ideal use on a site which is prone to flooding.

6.6 The developer team for the current application carried out a public consultation exercise at the Holiday Inn Express on Kirkstall Rd on 1st October 2015. The public feedback from this has been included in the Statement of Community Involvement which has been submitted as part of the application. 11no. residents attended the event (a further event was set up for the LWNPIFSG at which 5 residents attended) and a summary of the comments made is set out below:

- Support for regeneration of the Site, especially for a realistic scheme which would be delivered;
- General support for the mix of dwelling types on the site, in particular that the PRS elements would provide a less transient more stable community;
- Support for the community based principles of build to rent and welcome the developer being the operator.
- Various suggestions were made for promoting a sense of community and avoid high turnover of residents (including community orchards, herb gardens, launderette and community meeting rooms.
- Support for the proposals for communal 'green' spaces on the roofs.
- Support for the provision of affordable housing.
- Support for the pedestrian/cycle bridge to the Holts Crest Way site.
- Support for retail uses on the site to serve existing residents as well as new residents.

6.7 Residents also raised a number of queries and comments which are summarised below:

- Whether the development would have an impact on traffic on Kirkstall Road;
- Some attendees expressed concern that the development would be targeted to the younger demographic and provision should be made for family housing.
- Whilst some residents considered that an element of student accommodation in the overall mix to be acceptable, others had reservations regarding potential impacts on other residents;
- In respect of students, suggested arrangements should be made for move in days and management of impacts on pedestrian routes.
- Residents asked whether the pedestrian routes to the north of Kirkstall Rd could be improved.

- The issue of flooding was raised, though residents understood that mitigation measures would be designed into the scheme.
- Suggestion that car parking numbers seemed high for this location.
- It was questioned whether the heights of the buildings would create a wind tunnel.
- Whilst no significant concerns were raised regarding the overall scale of the development at the event, one of the consultation responses suggested that the scale of development would be too large and could have an overlooking impact on the Holts Crest Way site and the listed Oddy's Lock.

7.0 CONSULTATION RESPONSES

7.1 Statutory:

Environment Agency (EA): An addendum to the originally submitted Flood Risk Assessment was submitted after the Boxing Day (2015) flood event. The EA have advised that:

The *addendum* document states that the recent flooding (Boxing Day 2016) levels on site ranged between 30.1m above Ordnance Datum (AOD) and 30.2m AOD and therefore provided a flooding depth of 0.5m. The development proposals are to raise ground levels on site to a level of 31.3m AOD (stated in the update document), which is 1.1m above the recent event level on site. Access to the car park basements and building finished floor levels will also be set no lower than this level. As such the mitigation originally proposed is still considered suitable as it is sufficiently higher than both the 1 in 100 year level and the recent flood event.

The additional information highlights the basement threshold to be 31.3m AOD, as opposed to the original FRA's 31.0m AOD. The EA have therefore recommended that the condition should be worded to set the threshold at this new higher level (31.3m AOD). They recommend that a flood resilient design should be considered for the basement and the commercial/shop frontages

No compensatory flood plain storage is required as historically the site has been intensively developed and has therefore not provided any flood plain function (i.e. flood waters even up to 1 in 100 plus climate change could not enter the site in any great volume). When judged against this baseline there is no increase in flood risk to other properties by increasing the level of the site.

Conditions should cover:

1. Finished floor levels for any residential/habitable development shall be set no lower than 31.3 m AOD.
2. Basement accesses/thresholds shall be no lower than 31.3 m AOD.
3. There shall be no residential development in the basement.
4. The pedestrian bridge soffit shall be no lower than 31.864 m AOD.

In addition the EA has advised that:

- The Local Planning Authority should be satisfied that the Sequential and Exceptions Tests have been passed.
- Emergency planning to ensure safe passage during times of flood should be considered
- They agree with the proposal for ecological enhancement of the Riparian Zone immediately in front of the new flood defence wall.
- That no lighting should be directed on to the river corridor.

Yorkshire Water: No objection subject to conditions controlling details of safeguarding existing water mains, the discharge of surface water from the site, the passing of water from vehicle parking areas through an oil interceptor.

Highways England: No objection on the basis that student drop-off and pick-up will be managed.

Natural England: No objection - This application is in close proximity to Leeds-Liverpool Canal Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. Therefore advise that this SSSI does not represent a constraint in determining this application. Advise that the removal of riverbank vegetation should be avoided during the period December to March to avoid potential disturbance to Lamprey. The inclusion of roosting and nesting areas should be considered.

Canals and Rivers Trust: advise they have no comment to make

Coal Authority: The site is located in the Development Low Risk Area. No objections

7.2 Non-statutory:

Highways Services: The entrance to the site must be adopted and built to the appropriate standards. Subject to a Road Safety Audit both access options proposed could be supported. The site will have a cumulative impact on the highway network and a contribution towards off-site highways works will be required to mitigate the increase in traffic flow. In view of the site's proximity to the city centre and the available public transport, the level of parking proposed is sufficient.

Travelwise: The submitted Travel Plan is considered to be acceptable. The Plan includes a Sustainable Travel Fund (STF) of £155,850 for the provision of a bike club, a loan bikes facility, month-long bus tickets for new residents for each of the new residential units and car club spaces and trial. The Travel Plan includes monitoring and the production of an annual report which introduces flexibility. The river crossing, which creates links to other cycle/walking routes, and the incorporation of EV charging points, makes a significant contribution to the increased use of sustainable modes of transport. The Plan also includes a Travel Plan Co-ordinator, EV charging points and the management of student drop-off at the commencement of term. A Travel Plan Review fee £7,050 is also required.

West Yorkshire Combined Authority (WYCA): No objections in principle. The proximity of the site to the city centre is likely to encourage a high proportion of walking and cycling. The layout should promote connectivity with sustainable means of transport. The junction should be designed to minimize the impact on the free running of buses. The relocation of the existing bus stop to the west, to facilitate the realignment of the junction, should be at the developer's expense and is expected to be no more than £5,000. Support the use of a financial contribution to establish a package of incentives (STF) to promote active travel modes e.g. walking and cycling (STF – see above Travelwise response).

Environmental Protection: This is a mixed use scheme so care will have to be taken over the location and attenuation of extract ventilation systems, music sources, plant and delivery areas/refuse collection points. Also customer's arrivals and departures will have to be considered. The submitted noise report uses the appropriate

standard to address internal noise levels. To address disturbance from road traffic the report proposes enhanced glazing and alternative ventilation, so that windows can be kept closed even during warm weather. These measures may also help address the impact of other noise sources that could affect the future occupants of the development. The report also discusses construction noise and advises a Construction Management Plan detailing hours of operation. No objection subject to conditions covering: construction hours; statement of construction practice; sound insulation scheme for the residential units; noise control from plant and machinery; details of refuse storage and disposal; control over deliveries; hours of opening of the commercial premises; extract ventilation systems; lighting.

Flood Risk Management: No objection subject to conditions requiring drainage to be carried out in accordance with the submitted Flood Risk Assessment as well as the conditions outlined in the EA response above.

Environmental Protection - Air Quality: No objections on grounds of air quality providing measures to control construction dust are implemented.

Environmental Studies Team: The use of enhanced glazing as specified, together with mechanical ventilation units in all dwellings, should mean that, despite the adjacent busy roads, internal noise levels in keeping with those specified in the appropriate British Standard, would be met throughout the proposed development.

Wind: peer review carried out by RWDI on behalf of the City Council: The submitted document is a desk based study supported by Computational Fluid Dynamics (CFD) simulations for the prevailing wind directions. RWDI concur with the conclusions of the report which state that:

- The introduction of the new development is not likely to result in considerable wind acceleration and is likely to provide shelter to areas to the east. Some areas have been identified as being likely to experience corner accelerations and façade downwash. However, the wind speeds experienced on site will be within acceptable limits for comfort with appropriate mitigation and will not be distressful.
- Wind speeds will be within safe limits. Only in extreme gales will there be difficult conditions for pedestrians. However, due to the moderately low height of the buildings that form the development, it is unlikely that conditions will be above the safety thresholds set out in the Lawson comfort Criteria (the industry standard criteria which describe the impact of wind on pedestrians).
- When compared to the baseline, the effects of the proposed development are likely to be 'minor beneficial' to 'minor adverse' and 'negligible', and acceptable with appropriate mitigation.
- The development will bring new pedestrian activities to the site in areas such as the public square and roof gardens; landscaping is likely to ensure that these external areas are suitable for their intended uses i.e. sitting or standing.

At the reserved matters stage, further analysis of the wind environment within and around the site will be necessary as it will then be clear where entrances and sitting out areas are to be located in association with the ground floor mixed uses. This should include wind tunnel testing and will be used to inform the location of evergreen vegetation barriers, canopies and other architectural devices to aid pedestrian comfort. A condition will be used to ensure that this takes place at the appropriate time.

L.C.C. Children's Services

There has been an ongoing dialogue with colleagues in Children's Services. Their comments are summarized as follows: Using their general calculator for school children, Children's Services have confirmed that this site could generate 17 primary school pupils per year group and 9 secondary school pupils per year group (generated by the 2 and 3 bed units). They have also confirmed that local primary schools in the area are at capacity. There are plans to expand provision at Brudenell and Castleton Primary Schools to cater for up to an additional 50 pupils per year, however, these schools are not easily accessible due to intervening highway and railway infrastructure. In addition, the closest school at Rosebank Primary is severely constrained in terms of physical site conditions. They have also confirmed that they have no firm proposals to provide a new school in this area. In any case, a new school would have to be a Free School unless it was developed as either a 'through-school primary', with an existing local secondary school, or as a split site with an existing primary school. They note that the school allocation in the emerging Sit Allocations Plan (SAP) is for a wider area than just this application site and, therefore, there remains the potential to provide a school in the remaining site. Therefore, they have requested that the CIL contribution generated by the development is put towards meeting any future school demand in the area.

Contaminated Land: Much of the top surface of the site is being removed due to the requirement to create the basement car park. Further site investigations have been undertaken now that all of the original chemicals works buildings have been removed from the site. The application is acceptable subject to conditions regarding the submission of remediation and verification reports.

Sustainability – Ecology: The riverside is the only sensitive part of the site. The proposal is acceptable subject to conditions controlling: method of working on the riverside wall; use of protective fencing; timing of works; the use of ecology specialists; the identification of protection zones; working methods

Police Architectural Liaison Officer: Overall security of the proposal is positive. Make recommendations that the developer should be aware of in respect of door and window security, the maintenance of clear visibility and lighting across the scheme and recommend CCTV to cover the bridge to include night vision.

Public Rights of Way: no definitive or claimed rights of way cross or abut this site

Refuse Services: Further details of refuse disposal will be required. (This item will be controlled by condition given that this proposal is in outline).

8.0 RELEVANT PLANNING POLICIES

8.1 National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied, only to the extent that it is relevant, proportionate and necessary to do so. It identifies 12 core planning principles (para 17) which include that planning should:

- Proactively drive and support sustainable economic development to deliver homes
- Seek high quality design and a good standard of amenity for existing and future occupants.
- Support the transition to a low carbon future taking full account of flood risk
- Conserve and enhance the natural environment

- Encourage the effective use of land by reusing land that has been previously developed (brownfield land)
- Promote mixed use developments and encourage multiple benefits from the use of land in urban areas.
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are, or can be, made sustainable.

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 50 states that local authorities should deliver a wide choice of homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

The Government attaches great importance to the design of the built environment. Section 7 (paras 56-66) states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important that design is inclusive and of high quality. Key principles include:

- Establishing a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- Optimising the potential of the site to accommodate development;
- Respond to local character and history;
- Reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- Development to be visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 66 states that applicants will be expected to work closely with those directly affected by development to evolve designs that take account of the views of the community.

Paras 93-108 consider the issue of climate change and flood risk:

The NPPF seeks to steer development away from areas which are at risk of flooding. However, where development is necessary, development should be made safe without increasing the risk of flooding elsewhere. A sequential approach is advocated and if, following the application of the Sequential Test, it is not possible or consistent with wider sustainability objectives for the development to be located in lower flood risk zones, then the Exceptions Test can be applied. For this to be passed it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk (informed by the Strategic Flood Risk Assessment). In addition a site specific FRA must demonstrate that the development will be safe for its lifetime taking into account the vulnerability of its users, without increasing flood risk elsewhere and, where possible, would reduce the risk of overall flood.

8.2.1 The Adopted Leeds Core Strategy 2014

This sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. The Core Strategy was adopted by the Council on 12th November 2014. This now forms the development plan for Leeds together with the Natural Resources & Waste Development Plan Document 2013 and the Saved Policies from the Leeds Unitary Development Plan Review 2006 (UDPR). Relevant Core Strategy policies include:

- Spatial Policy 1 sets out the broad spatial framework for the location and scale of development. This policy prioritizes the redevelopment of previously developed land within the Main Urban Area, in a way that respects and enhances the local character and identity of places and neighbourhoods.
- Spatial Policy 3 Role of Leeds City Centre. This seeks to maintain and enhance the role of the City Centre as an economic driver for the District and City Region by:
 - comprehensively planning the redevelopment and re-use of vacant and under-used sites for mixed use development and areas of public space,
 - enhancing streets and creating a network of open and green spaces to make the City Centre more attractive
 - improving connections between the City Centre and adjoining neighbourhoods
- Core Strategy Policy CC1 outlines the planned growth within the City Centre for 10,200 new dwellings, including office growth (although it is accepted that this site abuts the city centre boundary)
- Policy G4 sets out the requirement for open space provision in commercial and mixed use developments
- Policy H2 refers to new housing development. 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.
- Policy H4 states 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. The needs of the locality can be taken into account by the submission of a Housing Needs Assessment. The range of the mix of one, two, three and four bed units is set out.
- 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. (If on site then, in this location, the number of units shall be 5% of the total number of units, 40% of these to meet the needs of households on the lower quartile of earnings and 60% to meet the needs of households on the lower decile of earnings)
- Policy H6 addresses the provision of student accommodation by: extending the supply of student accommodation to take pressure off private housing; avoiding the loss of existing housing suitable for family accommodation; avoiding excessive concentrations of student accommodation; avoiding sites that are

not easily accessible to the universities by foot or public transport; ensuring satisfactory standards of accommodation.

- Policy H8 encourages the provision of residential accommodation designed to independent living standards for major schemes.
- 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.
- Policies T1 and T2 identify transport management and accessibility requirements for new development.
- Policies EN1 and EN2 set out the sustainable construction and on-going sustainability measures for new development. In this case a BREEAM 'Excellent' and Code for Sustainable Homes Level 4 (or equivalent) are required and to meet a water standard of 110 litres per person per day.
- Policy P8 sets thresholds for the carrying out of Sequential and Impact Assessments for the location of town centre uses in out of centre locations.
- G4 Seeks on site provision of greenspace for residential developments of 10 units or more.

Other relevant Core Strategy policies include:

EN4 district heating

EN5 Managing flood risk

EN6 Waste Management

ID2 Planning obligations and developer contributions

G9 Biodiversity improvements

8.2.2 Leeds Unitary Development Plan Review 2006 (UDPR) – Saved Policies

Saved Policies GP5 - all relevant planning considerations, BD2 design and siting of new buildings and BD5 Residential amenity are all relevant to this proposal. The Council is keen to promote good standards of daylight and sunlight in the interests of both mental and physical wellbeing, and in order to avoid a wasteful use of energy in providing unnecessary artificial light.

8.2.3 Leeds Natural Resources and Waste Development Plan Document 2013

The Natural Resources and Waste Local Plan was adopted by Leeds City Council on 16th January 2013. The Natural Resources and Waste Development Plan Document (Local Plan) is part of the Local Development Framework. The plan sets out where land is needed to enable the City to manage resources e.g. 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. The document indicates the location of a minerals safeguarding area where sites over 1 Ha need to consider the removal of sand and gravel and make a case if this is not viable, environmentally acceptable or the need for the development outweighs its extraction.

8.3 Supplementary Planning Documents

8.3.1 Neighbourhoods for Living: A Guide for Residential Design in Leeds (December 2003) aims to provide further guidance on good design in residential schemes in Leeds. Neighbourhoods for Living is relevant to all residential development in Leeds

and provides advice and principles for good residential design across the themes of use, movement, space and form. It promotes local character, analysis of landmarks, views and focal points, and quality buildings. It also states that the scale, massing and height of the proposed development should be considered in relation to its surroundings. It needs to respond well to that of adjoining buildings, the topography, the general pattern of heights in the area and views, vistas and landmarks. Buildings also need to be carefully positioned to relate to the spaces around them. The enclosure of the street, and the ratio of building height to the space, needs to be carefully considered in order to create the correct feel for that space and the people who will use it.'

- 8.3.2 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. It requires development to be set back from river banks.
- 8.3.3 Sustainable Design and Construction: Advocates the use of a range of measures to ensure that the best possible practices are used to ensure a sustainable environment is created.
- 8.3.4 Waterfront Strategy: This advocates public access to the waterfront as well as its laying out with landscape treatment, which seeks to soften the bank edge. In addition, open space oriented towards the river, uses which take advantage of the amenity offered by the river and the protection of any wildlife habitats, are also advocated.
- 8.3.5 Tall Buildings Design Guide: Identifies zones of sensitivity, and conservation areas, within the city centre where views should be carefully considered. The closest of these to the application site being Hanover Sq, which is approximately 400m to the north-east of the application site. The neighbouring site to the east of the current application site is identified as a potential site for tall buildings under its Unitary Development Plan allocation as a Prestige Development Area. Wind studies are required to be undertaken in the consideration of tall buildings.

8.4 Other Material Considerations

- 8.4.1 Site Allocations Plan (SAP): This site, along with adjacent sites to the west, has been identified as site MX2-9, which is allocated for mixed use housing and employment. The public consultation period for this has now expired and the responses are being collated for consideration at the next stage of the adoption process. This allocation sets out the following:
 - This site is suitable for a mixed use development, mainly housing and office, but other uses would be acceptable subject to policy.
 - The existing footbridge over the River Aire should be refurbished or replaced to provide a pedestrian and cycle link to the development to the south and the canal.
 - A contribution towards highways mitigation measures at certain junctions will be required.
 - The site is located within Flood Zone 3. Flood risk mitigation measures should be applied.

- An Ecological Assessment of the site is required and where appropriate, mitigation measures will need to be provided, including provision of a biodiversity buffer alongside the River Aire.
- Part of the site should be retained for the provision of a school. A detailed Master plan approach is required for the development of the site.

8.4.2 Kirkstall Road Renaissance Area Planning Framework: (KRRAPF) is adopted as Informal Guidance for planning purposes. It aims to promote the regeneration of the area in a manner which will establish a sense of place and guide developers in formulating proposals for the re-development of land using positive urban design principles. This is underpinned by a need to ensure that a consistent approach is taken to all development in the area.

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

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

There is a requirement to create a boulevard along the A65 Kirkstall Rd corridor, to be achieved in conjunction with works already undertaken as part of the Quality Bus Initiative (QBI) and is considered to be a fundamental part of the future growth of this area.

Heights are set out on a plan but broadly envisage 8 storeys at the north-eastern corner of the current site reducing towards the river. A link across the river is also indicated as is public access to the river banks.

8.4.3 Residential Amenity Standards: The Council's aspirations for good standards of amenity and living conditions responds to guidance within the National Planning Policy Framework which states that a good standard of amenity for future occupants is one of the core planning principles. More recently the Council's Executive Board (September 2014) agreed to bring forward the Leeds Standard for Council schemes which sets out the importance of excellent quality housing in supporting the economic growth ambitions of the Council. This standard closely reflects the Government's Technical Housing Standards – Nationally Described Space Standard which seek to promote a good standard of internal amenity for all housing types and tenures. Whilst neither of these documents has yet been adopted as formal planning policy in Leeds, given their evidence base in determining the minimum space requirements, they are a material consideration in the determination of development proposals.

9.0 MAIN ISSUES

1. Principle of Use

2. Range of Supporting Uses
3. Housing Mix
4. Unit Sizes
5. Affordable Housing
6. Scale and Layout
7. Public Realm and Connections
8. Green Space
9. 24 Hour Access
10. Highways
11. Flood Risk
12. Contaminated Land
13. Habitat Protection
14. Objector Comment Re Alternative Use
15. Required obligations
16. CIL

9.1 Principle of Use

The site is located in a mixed use area which, in recent years, has seen the gradual replacement of traditional industrial sites by a wider mix of city centre type uses. On the southern side of Kirkstall Rd many of the original industrial buildings have now been demolished and the sites left vacant. This does not provide a positive image for the city on arrival along this primary western arterial route. The proposal would look to regenerate a brownfield site, in a sustainable location, with a high proportion of residential use, in line with national policy objectives. The residential accommodation is being provided in a range of sizes and tenures and it is accepted that most of these will be in the form of apartments which would result in relatively high densities. The provision of a wider range of accommodation types, which will encourage people to remain closer to the city centre for longer, is fully supported.

- 9.2 The student provision is being made within one building in the north-eastern part of the site, fronting Kirkstall Rd. This would have a separate entrance and is physically distinct from the 2 other buildings in this quadrant, which are proposed to be occupied by PRS tenants. In terms of the criteria set out in relevant Core Strategy policy H6, the scheme would provide purpose built student accommodation, thereby taking the pressure off the local housing stock, it would be easily accessible by foot to the universities and would be within a new building where the quality of the accommodation can be controlled at reserved matters stage. In addition, it forms part of a larger residential scheme, the remainder of which is not intended for student use. Therefore, even within the scheme itself, the student provision would not result in an excessive concentration of students as it provides only 20% of the number of units on the site. The site is a considerable distance away from the traditional residential areas to the north and so the presence of students as part of this scheme is not expected to have a detrimental impact on the amenity of residents in those areas. Therefore, it is considered that the objectives of Policy H6 are met and, in this managed environment, their presence is not expected to have any detrimental impact on the other residential sectors within the application site. The student accommodation will be retained for occupation by students only as part of the S106 agreement as this element of the proposal does not require the provision of Affordable Housing.

9.3 Site Allocations School Requirement

The public consultation period for the Site Allocation Plan (SAP) has now expired and the responses are being collated for consideration at the next stage of the adoption process. Therefore, the weight which can be attached to it is limited.

However, the plan identifies this site, along with adjacent sites to the west, for major mixed use redevelopment comprising housing and office uses as well as the provision of a school.

In respect of school provision, it is noted that the site is allocated for possible school provision in the emerging SAP which has limited weight at this stage, that this is predominantly a residential scheme which could place some demand on local schools and that Children's Services have confirmed that there is limited capacity at local schools to meet this demand.

However, set against this are the following factors:

- the characteristic of the proposal is for high-rise flats close to the city centre which is likely to generate less children than the usual levels calculated.
- a large proportion of the units would be rented and are targeted at young professionals who would be less likely to have children
- Children's Services do not have firm proposals for a new school in this area and they would need to identify sufficient funding to provide both the school and a site.
- The site allocation plan is a draft plan and has only just been through its public consultation and therefore has limited planning weight at this stage.
- The draft allocation for school provision is not just for the application site but for the much wider site (MX2-9) for which the application site is the first to come forward for redevelopment. Therefore, there remains an opportunity to provide a school on the wider site if the policy is adopted and the school is considered necessary to meet the future demand in the area.

It is concluded that, balanced against the other benefits that the development is likely to bring, such as the regeneration of a contaminated brownfield site, provision of significant numbers of new units of accommodation to meet the identified demand for smaller flats and the provision of new public open space, that the lack of provision for a school, as part of this proposal, is not sufficient reason for refusal in this case.

9.4 Range of supporting uses

The inclusion of a range of supporting uses is considered to provide an environment which would be more attractive to prospective occupiers and necessary for the generation of a sustainable community. These uses would also provide life and activity to lengths of the ground floor frontages and would assist in animating the open space areas. A Sequential and Impact Assessment has been submitted by the applicant to support the provision of the range of town centre uses in accordance with Policy P8. It is concluded that the impact would not be significantly adverse on the vitality and viability of centres within the catchment area and this is accepted by officers subject to conditions restricting the amount of A1 use to a maximum of 500 sqm and the overall amount of mixed use to be provided on the site to no more than 1,499 sqm. The provision of these uses is considered to be appropriate to improve the environment for the wider community, not just those residents within the scheme and is therefore acceptable.

9.5 Housing Mix

This scheme proposes that 6% of the units contain 3 bedrooms (39 units in total). The relevant Core Strategy policy H4 on Housing Mix requires a minimum provision of 20% of units be provided containing 3 bedrooms across the Local Authority area. However, the policy does allow the Local Planning Authority to take into account the nature of the scheme as well as its location, and requires a Housing Needs Assessment (HNA) to be submitted to justify any exceptions. The applicant has chosen to take this course of action.

The submitted HNA acknowledges that the development is a high density City Centre type scheme, as agreed at Panel at pre-application stage, which is largely directed towards the rental market and at young professionals. It also makes it clear that demand is likely to be for 1 and 2 bedroom units and less for 3 bedroom units. It also states that, across the whole city centre, presently the provision of 3 bed units is 1% of the total stock of 11,000 units (i.e. approximately 110 apartments are currently 3 bedroom units). Given that this scheme is offering 39 no. 3 bed units this scheme alone would provide the equivalent of 35% of the number of 3 bedroom units which currently exists across the whole city centre. In this context it is considered that the applicant has reasonably justified the number of 3 bedroom units and that this is acceptable. The scheme also proposes that a majority of the remaining units (55%) would be 2 bedroom units with 30% having 1 bedroom and the remainder as studios. This is broadly in line with the targets set out in the Core Strategy and is considered to be acceptable. If the market situation changes then this can be addressed at Reserved Matters stage when the details of the proposal will be submitted.

9.6 Unit sizes

Whilst this application is in outline, the applicant has indicated that the size of the units would be broadly in line with those set out in the national space standards for studio, one, two and three bedroom units. This will be considered in greater detail at reserved matters stage and assessed against the relevant policy at the time, but at this stage officers support the use of these standards.

9.7 Affordable Housing

In respect of the units for sale, the applicant has offered a policy compliant position in accordance with Core Strategy Policy H5 comprising 40% affordable housing for households of lower quartile earnings and 60% for those households on the lower decile earnings.

In respect of the PRS housing, 2 options have been offered.

1. That 5% of the units be made available (29 no. units in total) with 17 no. of these units at 25% market rent and 12 no. units at 80% of market rent.
2. That 6% of the units be made available (34 no. units in total) but all of these to be offered at 80% of market rent.

Option 1 would provide accommodation for those on the lower decile of earnings. Therefore, officers consider that the first option is in accordance with adopted policy in this respect and means that a wider section of the community would be catered for. Housing Strategy has confirmed that the proposed rental levels reflect the rates that Registered Providers are likely to charge. Therefore, whilst delivering a lesser number of units this option is recommended to Members.

The PRS part of the development is proposed to remain in the control of the applicant and therefore the involvement of a Registered Provider is not possible in

this situation due to the funding model used to finance the scheme. Therefore, the applicant will take on the role of the Registered Provider in accordance with a method of operation in line with the standard requirement of the L.C.C. Affordable Housing SPD. This will include the requirement to select tenant nominations from the City Council's Housing Register and a Local Lettings Plan (LLP) favouring those who live, work or have close family connections to Leeds and no history of anti-social behaviour. In addition, the units would be retained as affordable in perpetuity as the Right to Buy initiative would not be applicable to them. In these circumstances, and with the assurances offered by the signing of a S106 Agreement, this arrangement is considered to be acceptable.

9.8 Scale and Layout

The scheme is in a prominent location and is visible from distance on the southern side of Kirkstall Rd, which is the city's main western arterial route. It has potential to be the first phase of development on the MX2-9 SAP site and therefore it is considered important to ensure that it fits well within the city-scape of buildings which already exist in the area, as well as recognising those that may be developed in the future. The site is located on the edge of the city centre in an area with a mixture of building scales, density and uses. The scheme is clearly of a city centre type high-rise development and carries over some of the elements of the previously approved outline scheme. At pre-application stage Members considered that the city centre high rise approach to residential development was acceptable on this site. Officers also consider that the proposal makes the most efficient use of the available land, as opposed to a more traditional residential estate type scheme, and this is in line with the objectives for the use of urban, brownfield land, set out in the NPPF.

9.9 The Kirkstall Road Renaissance Area Planning Framework sets out a number of principles which have been used to inform the design development. The proposal would provide a strong building line fronting Kirkstall Road (which relates in height to the previously approved scheme) and sets up both, north-south and east-west, routes across the site. In addition, the proposal sculpts the form of the buildings to create interest in the roof lines, stepping up away from the road and then down towards the river and open space areas. The western boundary of the proposal aligns with the western side of the Holiday Inn Express and Opal 1 student schemes to the north, as well as the highest point of the Concept Place student building, and this provides a rationale for the continuation of this scale of development on to this site

9.10 The alignment of the buildings within the site has been carefully considered in order to provide focal points and create views through the scheme to assist in legibility and pedestrian permeability, whilst at the same time creating meaningful street frontages. On entering the scheme the views along the 20m wide access route would lead through to the riverside open space area and the buildings beyond - the listed Castleton Mill chimney and the new units at Holts Crest Way. This avoids the creation of an impenetrable wall of development and provides visual interest and a sense of arrival to the scheme. The 11 storey block at the centre of the development is considered to be of the correct height to avoid competing with the perimeter buildings, but is of sufficient scale to fulfil its function as a central focal point. The alignment of the east-west spine route allows views through to the recently approved taller buildings on the corner of the former Yorkshire Post building adjacent the Inner Ring Rd. Where the east/west route meets the boundary of the site, the tallest elements of the scheme would act as gateways sitting either side of the entrance when approaching from these directions.

- 9.11 Views of the site from the north, around Burley Rd and Belle Vue Rd, are largely obscured by the existing development which fronts the roads on the south facing valley side. Views across the valley are likely to be attainable from private windows in residential and commercial units, however, the closest of these are the student buildings at The Tannery and Opal 1 which are a considerable distance away to the north. The more domestic scale housing located on Belle Vue Road offers very distant views and is already impacted on by the existing large scale student residential schemes already mentioned. At pre-application stage Members considered that the overall scale and articulation in the heights of the buildings was an acceptable approach in the context of the existing area. Officers consider that this approach would preserve the amenity of occupiers to the north to a sufficient degree and is therefore acceptable.
- 9.12 The applicant has submitted a daylight and sunlight assessment which demonstrates that the courtyards and public routes through the site, will receive an acceptable amount of natural light throughout the day, given the reasonable expectations of a scheme which is of a high rise nature and that certain of the elevations will clearly face north. The use of the central courtyards to each quadrant, their generous dimensions and the lowering of the building heights in the centre of the scheme, assists in the achievement of this objective. In the context of this overall development the proposal is considered to strike the correct balance between the creation of a positive townscape and the provision of acceptable amounts of daylight and sunlight penetration to residential accommodation and open spaces.
- 9.13 As the scheme is to the north of the residential units on Holts Crest Way it would have no impact on the direct light which these units benefit from. The outlook from the units on Holts Crest Way is currently across a cleared and vacant former industrial site. This brings with it a degree of openness which would be expected, but which is clearly temporary in nature. It would be expected that this situation would be likely to change and that future development would impact on this. The proposal is 58m away from the closest residential unit on Holts Crest Way at its nearest point and, given that the proposal has lower elements fronting the river (2 – 7 storeys), only rising to its highest points further to the north and at the periphery of the site, this is considered to be a sufficient distance and distribution of the overall massing to avoid an over-dominant impact, or loss of amenity through over-looking.
- 9.14 Public Realm and Connections
The amount, location and quality of the open space, and the pedestrian linkages to these spaces, represent an extensive network of interlinked areas which would exist at different levels across the site. The submitted information indicates that these are to be of high quality and would have different characteristics depending on location and that this would help to give each space a different identity. This would result in a hierarchy of spaces, routes and connections producing a more interesting environment for both residents and visitors.
- 9.15 The applicants have indicated that they are willing to connect their site to the neighbouring sites at the points required by officers, both to the west and east along the river frontage and mid-way into the site coincident with the east-west route. This would require the development of the western site to take place and the agreement of the owner of the adjacent site to the east. The applicant has agreed to permit their site to link to these and this will be included in the S106 agreement. The S106 agreement attached to the Holts Crest Way permission ensures that the site can be accessed by the proposed bridge and the future southern connection to the bridge has already been put in place as part of that development.

- 9.16 Using these links it will be possible to walk/cycle from the Leeds Liverpool canal towpath, through the Holts Crest Way open space, across the river bridge to the new riverside space. Officers welcome the proposal to retain, if not the existing, then a replacement river crossing to improve/enhance north-south connectivity. It also provides the emergency egress in the event of flooding. On crossing the bridge it would then be possible to progress through to Kirkstall Rd or along the riverside to the adjoining site to the east, through the existing open space and on, towards the city centre along Wellington St. This site is therefore key to unlocking a series of new routes and spaces which have been planned over a considerable number of years, and is therefore fully supported by officers. The provision of the bridge will be secured through the S106 agreement.
- 9.17 Green Space
This site is on the outside edge of the city centre boundary where Core Strategy Policy G4 is relevant. This advocates on site provision with the minimum acceptable size of new greenspace being 0.2 hectares, which should be integral to the development and be provided as a contiguous green space area. The Core Strategy accepts that not every development site is capable of accommodating the required green space within the site boundary and that the majority of these cases arise in the town centre or high rise locations. However, the Core Strategy also states that in areas of deficiency the priority is the provision of new green space and improved green links to existing green space. It also makes clear that open space and green space include both public and private provision.
- 9.18 This proposal provides a riverside open space which is fully integrated with the development and links to further areas which are either pedestrian dominated or will be pedestrian spaces in the future. There are also 4 large areas of space for the private use of residents which sit within the courtyards at the centre of each building as well as the potential for roof top residential space. In addition, the site is to provide the new pedestrian and cycle river-crossing which gives access to the open space on Holts Crest Way. It has been accepted that this is a city centre type of development which is located adjacent the city centre boundary, and therefore it is considered that the amount and quality of the space provided fulfils the policy objectives of G4.
- 9.19 24 hour access
The retention of much of the open space and routes as available for 24 hour access is clearly to be supported, as is the fact that these areas will be maintained by the developer. The extent of the 24 hour access areas, and the regime under which they are maintained, is to be included in the S106 agreement.
- 9.20 Highways
The options in respect of the proposed junction onto Kirkstall Rd and the implications which this would have for the bus lane and off-site highways works contributions have been set out above. Both options are considered to be acceptable to officers in terms of highways efficiency. Therefore, subject to a Road Safety Audit, both options would be acceptable solutions to accessing the site. At the time of writing this report the results of these audits were not known and these will be reported verbally to Members at Panel.
- 9.21 The inclusion of student accommodation requires that a plan be in place to manage drop-offs at the start of term. This is stated as taking place either in the basement, if sufficient space is available, or in a controlled manner on the surface - with the appropriate level of marshalling required to manage such an operation. In the context of this scheme, where drop-offs will occur off the public highway in a

scheme where there is expected to be minimal peak period flow, and where a proportion of the arrivals are expected to take place at the weekend, the provisions made for the arrival of students on site is considered to be acceptable. The management of student drop-offs has been included as part of the Travel Plan as required by Highways England.

- 9.22 With regard to WYCA's comments, the Travel Plan includes a range of measures to promote the use of sustainable travel modes. This includes a Sustainable Travel Fund of £155,850 which is to be spent on a range of measures including a bike club, a loan bikes facility, month-long bus tickets for new residents for each of the new residential units and car club spaces and trial. The Travel Plan includes monitoring the success of the plan and the potential to use this fund to provide alternate measures, if identified in the annual report and agreed with L.C.C.. This introduces flexibility and enables a response to be made should new types of sustainable travel methods come forward. In addition to the Travel Plan measures, it is also considered that the provision of the river bridge, which creates links to other cycle/walking routes, and the incorporation of EV charging points, makes a significant contribution to the increased use of sustainable modes of transport. It is considered that this package of measures, together with the considerable costs of providing an up-graded river bridge, adequately meets the City Council's approach to providing sustainable means of travel.

9.23 Flood Risk

This site is within Flood Zone 3 and therefore a Sequential and Exceptions Test have been submitted alongside the site specific Flood Risk Assessment. The site is to be developed with a very high proportion of residential floor space. It is not possible to move residential use away from the area indicated on the Strategic Flood Risk Assessment risk zone plan as most at risk of flooding (along the Kirkstall Rd frontage). However, the site is being built up to a new ground level agreed with the EA, no residential uses are shown on the indicative ground floor layout in the area fronting Kirkstall Rd and the access points to the basement car park are to be set at a height which the EA have recommended to avoid flooding. These entrances are to be located a considerable distance away from Kirkstall Rd and the basement car park construction is flood resilient.

- 9.24 The applicant has provided a framework for the implementation of an emergency evacuation procedure including the allocation of a Flood Plan Coordinator. In this situation, where there is an alternative route off the site and the levels are to be raised to avoid flooding, it is considered appropriate to control the details of this emergency procedure by an appropriately worded condition.

- 9.25 The site is currently totally hard-standing and, during its previous use as a chemicals works, the site was populated by either buildings or hard-standing. This meant that the whole of the site generated rainwater runoff. The current proposal includes large areas of soft planting and landscaping which will act to absorb rainfall, reducing the amount of run-off into the system as a consequence and the EA have confirmed that no compensatory flood plain storage is required. The development of this site is considered to provide wider sustainability benefits to the community through the provision of a substantial amount of residential units and the site specific FRA demonstrates that the development will be safe. This approach to the issue of flooding is supported by the EA and L.C.C. Flood Risk Management and is therefore considered to be acceptable by officers. A series of conditions are proposed to ensure that the objectives of the FRA are carried out as required by the EA and L.C.C. Flood Risk Management.

9.26 Contaminated Land

All buildings have now been removed from the site and this has enabled further exploratory works to be undertaken. The revised ground assessment reports are considered to be acceptable subject to conditions regarding detailed works both prior to and during development. Any subsequent issues regarding contamination will be dealt with by these conditions and therefore the site will be developed in a safe and controlled manner. The applicant has provided a statement which makes it clear that any gravel on the site would not be economically viable to extract as it is beneath made ground of between 2m and 6m, the deposits are water bearing, there are a mix of material types, and the site is in a city centre location where there are the constraints of land ownership and road access. It is also the case that the residential amenity of nearby residents must be protected. In this case it is accepted that gravel extraction is not a feasible proposition for the reasons stated above.

9.27 Habitat Protection and Protected species

The applicant's mitigation strategy seeks to improve the existing environment, which is a featureless hard-standing surface, and provide habitat features for various species along the river corridor as well as within the scheme itself through the provision of green roofs and landscaped areas. Conditions will be used to ensure that the measures to protect the riverside environment will be established and employed. This is considered to be an acceptable solution to the creation of positive habitat features and the provision of suitable landscaping along the river frontage at this outline stage.

9.28 Objector Comment re alternative use

The greyhound track use suggested by the objector is not part of the current application and is not identified on the emerging SAP. The Local Planning Authority is required to assess the proposal before them on current adopted policy and a possible alternative use for the site is not a reason to resist the application in this case.

9.29 Required Obligations

- a) Requirement for public access to and maintenance of all routes through the scheme and public spaces
 - b) The provision of on-site Affordable Housing in line with para 9.7 of the report
 - c) Junction improvement works and off-site highways contributions in line with para 3.14(vii) of the report
 - d) Travel Plan initiatives to include:
 - i) £7,050 Travel Plan Review fee
 - ii) Sustainable Travel Fund of £155,850
 - e) Provision of river crossing
 - f) Retention of student accommodation to be occupied by students only
 - g) Relocation and up-grade of bus stop on Kirkstall Rd (£5,000)
 - h) Local Employment Initiatives
- Together with such other and ancillary clauses as the Chief Legal Officer shall consider appropriate

9.30 As part of Central Government's move to streamlining the planning obligation process it has introduced the Community Infrastructure Levy Regulations 2010. This requires that all matters to be resolved by a Section 106 planning obligation have to pass 3 statutory tests. The relevant tests are set out in regulation 122 of the Regulations and are as follows:

‘122(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is-

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.’

Given that this is an outline scheme, and so the final floor space and uses are, as yet, not fully established, the CIL figure, generated by the land uses and floor spaces identified in the body of this report, is circa. £490,000.

10.0 CONCLUSION

- 10.1 This site will provide over a 1,000 new residential units on a single brownfield site in a highly accessible location on the edge of the city centre, this is also an area of former industrial uses which have largely been demolished. This creates a poor arrival experience to the city centre along one of its primary arterial routes. Therefore it is likely that this proposal will act as a catalyst for further development in this part of the city and result in a greater focus of activity and investment in the area to the benefit of local residents, occupiers and the city in general.
- 10.2 The scheme sets out a definite street pattern which provides a positive urban grain and offers opportunity to provide linkages to neighbouring sites. It also provides large areas of open space which relate well to each other as well as to the area which has already been laid out as part of the site to the east and across the river. These routes and spaces will be animated by the mix of supporting uses in an environment which is largely free of motor vehicles. It provides links to the surrounding network of streets and allows 24 hour access through all of the public areas. The site is clearly in a sustainable location with both public transport and river corridors running past it. The proposal accords with a range of policies at both national and local levels and is, therefore, considered to be acceptable.

BACKGROUND PAPERS:

Pre-application file: PREAPP/15/00587

Application file: Original Outline approval - 06/04610/OT

Application file: Otter Island (Holts Crest Way) approval - 13/05566/FU

Application file: Sites between Abbey St and Bingley St - 11/01850/EXT and 14/03023/EXT

Application file: 84 Kirkstall Rd - 15/05029/OT and 15/05030/RM

CITY REACH 15/06844/OT

CONDITIONS

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

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

- 2) Development shall not commence on any phase of the development until approval of the following details (hereinafter referred to as the reserved matters) in relation to that phase have been obtained from the Local Planning Authority,
 - a. Appearance
 - b. Landscaping (including the temporary treatment of future phases of the development)
 - c. Layout
 - d. ScalePlans and particulars of the reserved matters shall be submitted utilising a planning application form and shall be carried out as approved.

Because the application is in outline only and as no details have been submitted of the reserved matters, they are reserved for subsequent approval by the Local Planning Authority

- 3) Application for approval of reserved matters for the first phase of development shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. Application for the approval of reserved matters for each subsequent phase of development shall be made within two years of the approval of reserved matters for the previous phase.

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

- 4) The first phase of the development hereby permitted shall be implemented either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the reserved

matters to be agreed for that phase whichever is the later. Subsequent phases of development shall be implemented before the expiration of two years from the date of approval of the reserved matters to be agreed for that phase.

- 5) The reserved matters shall be submitted in accordance with the approved parameter plans listed in the Plans Schedule.

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

- 6) The mixed uses other than A1 hereby permitted shall be limited to the maximum Gross Internal Area of 1,499 sqm and no single use class shall account for more than half of this total floor space .

In order to ensure that the developed scheme does not exceed the floor spaces which have been used to assess the impact which this proposal will have on surrounding centres, including the neighbouring buildings and the local highway network and to ensure a mix of uses is provided. In the interests of proper planning in accordance with policy P8 of the adopted Leeds Core Strategy 2014.

- 7) The A1 retail floorspace shall be for convenience retail use only and shall not exceed a total of 500sqm on the entirety of the site.

In the interests of the vitality and viability of existing retail centres, in accordance with Leeds UDPR Policy GP5, Leeds Core Strategy policies SP2, SP3, P8 and CC1 and the NPPF.

- 8) Prior to the commencement of building works in each phase details and samples of all external walling and roofing materials for that phase shall be submitted to and approved in writing by the Local Planning Authority. Samples shall be made available on site prior to the commencement of building works, for inspection by the Local Planning Authority which shall be notified in writing of their availability. The building works shall be constructed from the materials thereby approved.

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.

- 9) Prior to the commencement of building works in each phase details of the position, design, materials and type of all walls and/or fences or permanent boundary/screening treatment for that phase shall be submitted to and approved in writing by the Local Planning Authority. Such walls and fences shall be erected in accordance with the approved details, before the land/buildings to which they relate are occupied, and shall thereafter be retained.

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

- 10) Prior to the commencement of building works in each phase full details of both hard and soft landscape works, including an implementation programme, shall

be submitted to and approved in writing by the Local Planning Authority for that phase. Hard landscape works shall include

- (a) proposed finished levels and/or contours
- (b) vehicle and pedestrian access and circulation areas,
- (c) hard surfacing areas,
- (d) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.),
- (e) proposed and existing functional services above and below ground (e.g. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.). Soft landscape works shall include
- (f) planting plans
- (g) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and
- (h) schedules of plants noting species, planting sizes and proposed numbers/densities. 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.

- 11) The approved Contamination Site Summary Report (Eastwood and Partners Ref:38675-006, 09/11/2015) indicates that Remediation measures are shown to be necessary. Development shall not commence until a Remediation Statement demonstrating how the site will be made suitable for the intended use, including where soils or soil forming material is being imported to site, has been submitted to, and approved in writing by, the Local Planning Authority. 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 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.

- 12) 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 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.

- 13) 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 policies Land 1 of the Natural Resources and Waste Local Plan 2013 and GP5 of the Unitary Development Plan Review 2006.

- 14) Development shall not commence until a scheme to include drainage drawings, summary calculations and investigations detailing the surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be designed in accordance with the City Reach - Kirkstall Road, Leeds, Addendum to Flood Risk Assessment, dated 14 January 2016, document ref CAT/RG/38675-014. The works shall be implemented in accordance with the approved scheme before the development is brought into use, or as set out in the approved phasing details.

To ensure sustainable drainage and flood prevention in accordance with NRWLP policy Water 7 and GP5 of the UDP

- 15) The site shall be developed with separate systems of drainage for foul and surface water on and off site.

To ensure sustainable drainage and flood prevention in accordance with Leeds UDP Review (2006) Policy GP5, Leeds Core Strategy Policy EN5, the Leeds Natural Resources and Waste DPD and the NPPF.

- 16) Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the live water mains, within the site.

In order to allow sufficient access for maintenance and repair work at all times in accordance with saved policy GP5 of the Leeds UDP Review (2006)

- 17) The development shall be carried out in accordance with the submitted flood risk assessment (ref 38675-008) and Update to Flood Risk Assessment (11 January 2016) and the following mitigation measures it details:

1. Finished floor levels for any residential/habitable development shall be set no lower than 31.30 m above Ordnance Datum (AOD).

2. Basement accesses/thresholds shall be no lower than 31.3 m above Ordnance Datum (AOD).
3. There shall be no residential development in the basement.
4. The pedestrian bridge soffit shall be no lower than 31.864 m above Ordnance Datum (AOD).

These measures shall be fully implemented prior to occupation, and according to the scheme's phasing arrangements (or with any other period, as agreed in writing, by the Local Planning Authority).

In order to reduce the risk of flooding to the proposed development and future occupants and to reduce the risk of causing flooding elsewhere due to obstruction of flows.

- 18) The development hereby permitted shall not be commenced until such time as a scheme to provide sufficient flood mitigation measures for any non-residential ground floor frontage has been submitted to, and approved in writing by, the local planning authority, which includes:

1. Identify and detail the proposed types of resilience measures (including consideration of water entry design if applicable).
2. Detail the level of the resilience measures.
3. Development of a suitable flood action plan should the development flood.

The scheme shall be fully implemented and subsequently maintained, in accordance with its timing/phasing arrangements or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

The FRA suggests that the finished floor levels for the commercial development shall be set at the same level as Kirkstall Road, and that further flood resilience will be incorporated above this level. However, no details have been submitted of this resilience; a scheme identifying resilience measures and thresholds should therefore be submitted prior to development. We recommend that resilience measures consider water entry design. There should also be a sufficient action plan in place in the event of a flood to ensure safe access and egress from the property in an extreme event.

- 19) No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water, other than the existing public sewer, have been completed in accordance with details to be submitted to and approved by the Local Planning Authority before development commences.

To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading in accordance with saved policy GP5 of the Leeds UDP Review (2006)

- 20) Construction activities shall be restricted to 08.00 to 18.00 hours Monday to Friday and 08.00 to 13.00 hours on Saturdays with no works on Sundays and

Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

- 21) No construction works shall begin on any 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) how this Statement of Construction Practice will be made publicly available by the developer.
- e) location of access and egress from the site and management of vehicle movements entering and exiting the site
- f) car parking for contractors staff and operatives

The approved details shall be implemented at the commencement of construction 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 residential amenity of occupants of nearby property in accordance with adopted Leeds UDP Review (2006) policy GP5 and the National Planning Policy Framework.

- 22) Prior to the commencement of building works in each phase of the development details of a sound insulation scheme designed to protect the amenity of the residential elements of that phase of the development from proposed and existing noise sources, shall be submitted to and approved in writing by the Local Planning Authority. The uses approved in that phase shall not commence until the works have been completed, and any such noise insulation as may be approved shall be retained thereafter.

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

- 23) Prior to occupation of each phase, details for the provision of bin stores (including siting, materials and means of enclosure) and (where applicable) storage of wastes and access for their collection for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full before the use commences and shall be retained thereafter for the lifetime of the development.

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.

- 24) The hours of delivery to and from (including refuse collection) any unit used for A1/A3/A4/A5 use shall be controlled by a delivery management plan to be agreed with the Local Planning Authority prior to the occupation of that unit.

In the interests of residential amenity, in accordance with Leeds UDP Review 2006 Policy GP5 and the NPPF.

- 25) No external lighting shall be installed to each phase of development unless a scheme has previously been approved in writing by the Local Planning Authority for that phase, such scheme to indicate how the placement and type of fitting used has been designed to ensure the protection of the amenity of residents of the scheme, and residential occupiers outside the application site, and how each fitting will avoid causing a hazard to users of the adjoining highway. The scheme shall be installed and retained thereafter in accordance with the approved details.

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

- 26) No phase of development hereby approved shall be occupied until a management plan for the control of vehicular movements through the site at surface level, which relates to that phase, has been submitted to and agreed in writing with the Local Planning Authority.

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

- 27) No phase of the development hereby approved shall be occupied until a plan, setting out the location of electric vehicle charging points, car share spaces and any car club parking spaces to be provided in that phase, has been submitted to and approved in writing by the Local Planning Authority. The charging points for that phase shall be provided in accordance with the approved details prior to first use of the car park for 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

- 28) Development shall not commence until a survey of the condition of the vehicular highway within the application site, with any necessary mitigation works, has been submitted to and approved in writing by the Local Planning Authority. The approved mitigation works shall be fully implemented prior to occupation of the development.

To ensure the free and safe use of the highway in accordance with adopted Leeds UDP Review (2006) policy T2.

- 29) Prior to the commencement of building works in each phase, details of cycle and motorcycle parking, and associated facilities to include showers and lockers where required, for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle/motorcycle parking and associated facilities shall be provided prior to occupation of that phase of development and retained as such thereafter.

In the interests of promoting walking, running and cycling as more sustainable means of travel to work, in accordance with the NPPF, Leeds UDPR Policy GP5, Leeds Core Strategy Policy T1 and the Travel Plans SPD.

- 30) No part of any phase of development shall be occupied until all areas shown on the approved plans to be used by vehicles in 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).

- 31) The submission of Reserved Matters for each phase of development shall include a statement for that phase which demonstrates the feasibility of achieving the sustainable design and construction standards set out in policies EN1 and EN2 of the City Council's adopted Leeds Core Strategy 2014. The development shall be implemented in accordance with the agreed statement.

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.

- 32) Notwithstanding the plans hereby approved, the reserved matters application for the permanent and any temporary treatment of each phase of development shall include a wind study, which shall include wind tunnel testing and shall demonstrate a safe wind environment for the intended activities. The works shall then be implemented as approved prior to occupation of that phase of development.

In the interests of safety and amenity, in accordance with Leeds UDPR Policy GP5 and the NPPF

- 33) Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage should not be passed through any interceptor.

In the interests of satisfactory and sustainable drainage in accordance with the NPPF

- 34) Details of any external extract ventilation system shall be submitted to and approved in writing by the Local Planning Authority prior to its installation and the system shall be installed and maintained in accordance with the approved details.

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

Hot food uses will often require an extract ventilation system to deal with odour and fumes. Guidance on suitable design is provided in DEFRA guidance at: <http://www.defra.gov.uk/publications/files/pb10527-kitchen-exhaust-0105.pdf>

- 35) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification) planning permission shall be obtained before any change of use, of A3 and A4 uses referred to in this consent, to any use within use Class A1 as defined in the Town & Country Planning Use Classes (Amendment) Order 2005 (or any order revoking or re-enacting that order with or without modification).

In order that the Local Planning Authority can retain control over uses which it considers could be harmful to the character of the area and the viability of the City Centre in accordance with policy CC1 of the adopted Leeds Core Strategy 2014

- 36) Prior to building works commencing for each phase, detailed 1:20 scale working drawings of the following features shall be submitted to and approved in writing by the Local Planning Authority for that phase:

- (a) Sections of windows, doors and balconies;
- (b) Junctions of materials and recesses, rooflines and eaves;
- (c) Commercial frontage design guide to ground floor uses.

Works shall be carried out in accordance with the approved drawings and maintained as such thereafter.

In the interests of visual amenity in accordance with saved policy BD5 of the Leeds UDP Review (2006)

- 37) Prior to occupation of each phase of development details of a strategy for a CCTV system to be provided within that phase shall be submitted to the Local Planning Authority. This strategy shall then be implemented prior to occupation of each phase of development.

In the interests of safety of the users of the site in accordance with saved policy GP5 of the Leeds UDP Review (2006)

- 38) Prior to the commencement of development of each phase a Construction Environmental Management Plan (CEMP:Biodiversity) for that phase shall be

submitted to and approved in writing by the Local Planning Authority. 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 to include a programme for up to date surveys of the riverside wall for roosting bats prior to demolition
- d) Location and timings of sensitive works to avoid harm to biodiversity features, including nesting birds
- e) The times during construction when specialist ecologists need to be present on site to oversee works
- f) Responsible persons and lines of communication
- g) Use of protective fences, exclusion barriers and warning signs.

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

In order to ensure the protection of existing biodiversity features in accordance with Core Strategy Policy G8 and the NPPF.

- 39) Prior to commencement of development of each phase a Riverside Corridor & Riverside Wall Ecological Enhancement Scheme (EES) for that phase shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include the following:
- a) Purpose and conservation objectives for the proposed works - to be based on Section 7.2 of the Preliminary Ecological Appraisal by BuroHappold Engineering dated 11th November 2015, and include native shrub and tree planting at locations where there is no conflict with the rebuilt riverside wall structure
 - b) Review of the site potential and constraints
 - c) Detailed design and working methods to achieve the stated objectives
 - d) Extent and location of proposed works on appropriate scale maps and plans
 - e) Type and source of materials to be used e.g. native species of local provenance
 - f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development
 - g) Persons responsible for implementing the works
 - h) Details of initial aftercare and maintenance
 - i) Details for monitoring and remedial measures

The EES shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

In order to maintain and enhance biodiversity in accordance with Core Strategy Policy G9 and the NPPF

- 40) Prior to the commencement of development within the relevant phase, a Plan shall be submitted to and approved in writing by the Local Planning Authority of summer and hibernation bat roosting features to be provided within the riverside wall. The agreed Plan shall show the number, specification of the bat roosting features and where they will be located, together with a commitment to being

installed under the supervision of an appropriately qualified bat consultant. All approved features shall be installed prior to first occupation of the dwelling on which they are located and retained thereafter.

In order to maintain and enhance biodiversity in accordance with Core Strategy Policy G9 and the NPPF.

- 41) Prior to the commencement of development a method statement for the control and eradication of Japanese knotweed, Giant hogweed, and Himalayan balsam shall be submitted to and approved in writing by the Local Planning Authority. The agreed plan shall thereafter be fully implemented.

In order to control the spread of invasive plant species.

- 42) Prior to the commencement of development of each phase, a scheme setting out the measures to be put in place in the event of an emergency flood event, including the designation of a Flood Plan Coordinator and the identification of safe route(s) to be provided into and out of the site to an appropriate safe haven during the event of flood, shall be submitted to, and approved in writing by, the Local Planning Authority. The route(s) shall thereafter be incorporated into the design and layout of the development along with any associated infrastructure such as signage. The route(s) shall be retained as such throughout the lifetime of the development.

To ensure safe access and egress to and from the site in the event of a nearby flood in accordance with saved policy GP5 of the Leeds UDP Review (2006).

- 43) Plant and machinery operated from the site shall limit noise to a level at least 5dBA below the existing background noise level (L90) when measured at the nearest noise sensitive premises with the measurements and assessment made in accordance with BS4142:1997.

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

- 44) Means of vehicular access to and from the site shall be as shown on either of the approved plans ref. 3304-SK001/001 rev.C or 3304/SK001/012 (subject to the Road Safety Audit)

To ensure the free and safe use of the highway in accordance with adopted Leeds UDP Review (2006) policy T2, T5 and T6.

- 45) Development shall not commence until details of the proposed method of closing off and making good all existing redundant accesses to the development site have been submitted to and approved in writing by the local planning authority. The approved works shall be completed before the development is occupied.

To ensure the free and safe use of the highway in accordance with the adopted Leeds UDP Review (2006) policy T2.

- 46) The vehicular access gradient shall not exceed 1 in 25 for the first 10m and 1 in 20 (5%) thereafter, unless otherwise agreed in writing by the Local Planning Authority.

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

- 47) Each phase of development shall not be occupied until a Car Park and Servicing Management Plan (inc. timescales, details of student drop-off and pick-up arrangements at beginning and end of term and dedicated taxi pick-up and drop-off area/s) has been submitted to and approved in writing by the Local Planning Authority. The plan shall be fully implemented and operated in accordance with the approved timescales.

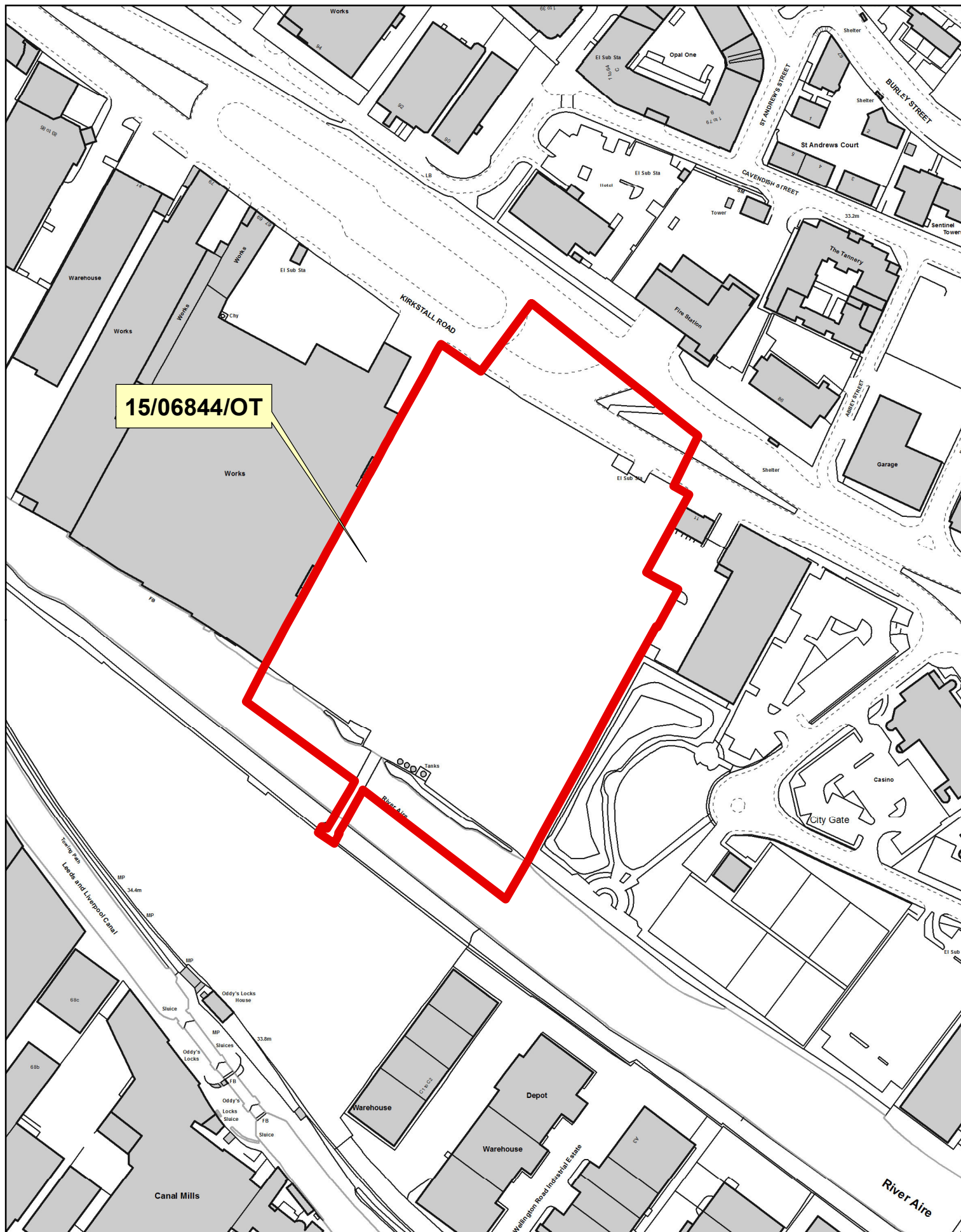
To ensure the free and safe use of the highway in accordance with adopted Leeds UDP Review (2006) policy T2

- 48) Development shall not commence until details of the off site highways works on Kirkstall Rd have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be fully implemented prior to occupation of the scheme hereby approved.

To ensure the free and safe use of the highway in accordance with adopted Leeds UDP Review (2006) policy T2.

- 49) There must be no gates or barriers on any part of the access road. The location of any barriers at the entrance to car parking areas must be submitted to and approved in writing by the Local Planning Authority.

To ensure the free and safe use of the highway in accordance with adopted Leeds Core Strategy policy T2



CITY PLANS PANEL

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