

**Leeds**  
CITY COUNCIL

Originator: Richard Edwards

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**Report of the Chief Planning Officer**

**PLANS PANEL SOUTH AND WEST**

**Date: 19<sup>th</sup> January 2017**

**Subject: Application 16/03597/FU: Laying out of a public footpath along the River Aire, at land adjoining St. Ann's Mills, Kirkstall, Leeds.**

**APPLICANT**

Cllr. John Illingworth

**DATE VALID**

18<sup>th</sup> July 2016

**TARGET DATE**

20<sup>th</sup> September 2016

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**Electoral Wards Affected:**

**Kirkstall**

Yes Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**RECOMMENDATION: GRANT PERMISSION subject to the specified conditions.**

1. Time limit on permission.
2. Plans to be approved.
3. Stone used for bridge repairs to match existing.
4. Condition to report unexpected contamination.
5. Importation of soils to site.
6. Submission of scheme of archaeological site investigation.
7. Fencing to protect engine house ruins.
8. Submission and agreement of an Otter Mitigation Plan.

9. No removal of trees without confirmation of absence of nesting birds (1<sup>st</sup> March – 31<sup>st</sup> August inclusive).
10. Pre-commencement Arboricultural Method Statement and Tree Protection Plan.
11. Details of all proposed fencing prior to installation.

## **1.0 INTRODUCTION:**

- 1.1 This application is brought to South and West Plans Panel because the named applicant (John Illingworth) is an Elected Member for the Kirkstall ward.
- 1.2 This application was considered by Panel Members at the 24<sup>th</sup> November 2016 meeting. At that meeting Panel resolved to defer the decision to allow further discussion with the applicant and on-site business owners to resolve issues of security (that arise from the proposal) within the industrial estate.
- 1.3 The security issues arise from a section of the proposed footpath that was shown to run through the grounds of the St Anns Mills business estate. This estate has suffered from a history of anti-social behaviour and criminal activity which includes break-in, arson, vandalism, trespass and illicit activities. This has resulted in loss of finance and insurance issues for the companies affected as well as contributing to a negative image of the area. In order to overcome the security concerns gates were installed at the access point into the site, and also at a gap in the perimeter at the other end, this enables the police to take relevant action if an intruder is suspected, as well as acting as a visual and physical deterrent. The concerns arose as the previous proposal for the northern spur of the footpath involved diverting up into the estate itself, giving access to the buildings and surroundings by footpath users. The gates would need to be modified or removed to enable pedestrian access back out of the site, which would then result in people being able to gain access to the site for illegitimate reasons. There were also concerns raised regarding the safety of pedestrians using this northern spur due to the poor state of some of the buildings, and the use of the access road by large vehicles.
- 1.4 As a result of discussions the application has now been revised to remove the “northern spur” element of the footpath so that the proposal no longer involves entering the industrial estate or its private access road. This overcomes the current concerns with regard to security at the site, but would not prevent such a proposal coming forward again in future should the relevant concerns be fully addressed.

## **2.0 PROPOSAL:**

- 2.1 Permission is sought to carry out alterations, including fencing, importation of materials, repairs to existing bridges and installation of a new footbridge, to create a footpath to and through St Ann’s Mills on Council-owned land. This

route would link up existing footpaths on the riverside adjacent to the Leeds Rhinos Rugby Academy pitches and the Goitside walk along Abbey Mill Goit, with a view to enabling the creation of a larger park within the Kirkstall Valley, improving public access to greenspace and the riverside.

- 2.2 This footpath will commence at the end of the existing footpath adjacent to the rugby pitches located to the north west of the site, and enter through a new motorcycle barrier and follow the course of the river, set back from the river bank to minimise disturbance to wildlife. Due to possible ground contamination, it is proposed that a 'no-dig' construction method is used that would simply involve laying a crushed stone footpath onto a geotextile sheet, laid directly onto the existing ground surface. This will not only avoid disturbing potentially contaminated ground but will also prevent damage to tree roots.
- 2.3 Existing cut timber on site will be used to demarcate the boundary of the footpath to the north, and discourage pedestrians from venturing off the footpath.
- 2.4 The footpath then runs along the southern edge of the depot site before turning to the south, passing through the ruins of the original mill, and crossing two existing stone bridges leading to the existing mill race. Due to the loss of some of the stone over the years, the smaller of the two existing bridges has no parapet on one side and a low parapet on the other. To ensure pedestrian safety and improve visual amenity a new stone parapet will be constructed in reclaimed Yorkshire stone to match the existing masonry, to a height of 1m. The height of the existing parapet will also be increased to 1m. At this location a new 1.5m wide pedestrian bridge will be constructed to allow public access to the adjacent woodland. Again a 'no-dig' crushed stone footpath will be created to avoid disturbing any contaminated land or damaging tree roots. Due to the difficulties associated with bringing heavy vehicles over the access bridge and into the woods, it is proposed to use a timber hardwood kit bridge, to be assembled on site. On the wooded side of the mill race the footpath will also be constructed using a 'no dig' construction method, to avoid damaging existing tree roots.
- 2.6 The footpath is to be constructed using an unbound buff sandstone that would be compacted to create a hard wearing surface. As the surrounding soil becomes vegetated and leaf litter etc., builds up, the footpath will take on a naturalistic appearance. The access barriers will be powder coated green to minimise their impact. The proposed finger posts, knee rail and footbridge would be of hardwood timber, in keeping with the wooded character of the area.

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application site is an area of land formerly occupied by a textile mill located on the western side of Commercial Road in Kirkstall. The site is set down from

the road on the floor of the Aire Valley, and is approached via a meandering tarmac driveway which passes over the wooded embankments of the former mill goit via a single-width bridge, and through a pair of gates on the western side of the goit. To the south of the road bridge, the goit joins a bend in the River Aire via a series of weirs, channels and two semi-derelict stone bridges. Some of these structures comprise the ruins of the original 18<sup>th</sup> century mill building, which was long ago demolished to a height of around 1.0m, and an adjacent steam pumping engine house, possibly occupied by a Newcomen-type beam engine, which would have been used to augment the supply of water to the mill wheel during times of reduced water flow via the mill race.

- 3.2 This original watermill was replaced by a steam mill in approximately the 1820s, which was initially used for the manufacture of cashmere goods. This is located to the western end of the access road, and comprises a stone building over three stories. This main building is currently secured and has been vacant for many years. Other remnants of the original complex survive in the form of the semi-ruined boiler house and the stump of the original mill chimneystack, which it is believed stood to its full height until the early 1980s, and a number of stone and brick single and two-storey workshops lining the northern side of the access road. The whole site has a mixed and complex ownership pattern with the Council owning the area of land affected by the revised footpath scheme
- 3.3 There is currently an informal, unmade footpath which follows a route through the wooded embankment to the eastern side of the river south of the access bridge; however there is no access from this point to the western / northern part of the riverbank. The tree cover in this area is predominantly comprised of white willow, sycamore and ash. All are self-seeded, and most are in retention categories A or B.
- 3.4 The Aire Valley along Kirkstall Road is N1 Greenspace, designated as Urban Green Corridor (saved UDP Policy N8) and is also adjacent to the Kirkstall S2 centre, which follows the outline of the Morrison's supermarket site to the west. Whilst there are no other designations or allocations which affect the site, it lies within the Environment Agency's Flood Risk Zone 3, and is considered at high risk of flooding due to its proximity to the river and other watercourses. The last major flood event took place in December 2015, when much of the site was inundated.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 There is no directly relevant planning history to the site covered by this application. The majority of the historical records relate to changes of use of the surrounding buildings, including a retrospective application for change of use of the site of a former recycling centre on the northern side of the complex to a site for containerised storage, following the destruction of those buildings by a fire in 2012.

4.2 The footpath to the north, which runs alongside the rugby pitches and to which the proposed access will link, was constructed in 1999, as part of the redevelopment of former industrial land with the Morrison's superstore and Abbey retail park, to replace a previous alignment which crossed an earlier playing field.

## **5.0 HISTORY OF NEGOTIATIONS**

5.1 Following the previous Panel decision to defer determination discussions have taken place with the applicant to remove the northern spur of the footpath so that the path no longer diverts up through the industrial estate. As a consequence this will allow time for separate negotiations with all relevant landowners to take place on if a footpath should run through the estate and if so what route it should take. All previous commentators on the application have been notified of this change and Panel Members will be notified of any further responses received.

## **6.0 CONSULTATION RESPONSES:**

6.1 Highways:  
No objection subject to agreement of Public Rights of Way officers.

6.2 Contaminated Land:  
As no breaking of ground is proposed, there are no objections subject to standard conditions to report unexpected contamination and test any imported soils.

6.3 Sport England:  
The proposal affects only land incapable of forming part of a playing pitch, does not involve the loss of or prejudice the use of any playing pitches, and thus meets one of Sport England's exceptions for development on land designated as playing pitches. No objections.

6.4 Nature Conservation:  
The protected species survey submitted in support of the application has not been able to rule out the presence of otters or kingfishers, and hence conditions are recommended to agree and implement an Otter Mitigation Plan and prevent removal of trees during nesting season unless a survey is provided to the LPA prior to any such works.

6.5 West Yorkshire Archaeological Service:  
St. Ann's Mill is a non-designated Heritage Asset with the remains of an early pumping system to augment the mill race, possibly using a Newcomen-type steam engine, located in the vicinity of the original mill building. An archaeological watching brief should be conditioned along with protection

measures for the remaining structures on site.

6.6 Environment Agency:

The proposed bridge will not result in any increase in constriction of the waterways and hence no additional flood risk is anticipated as a result of the scheme. The mill race is not a main river and can therefore be dealt with by the Local Authority's flood risk team. An evacuation plan for use in the event of rapid inundation is recommended.

6.7 Landscape:

No objection to no-dig construction subject to submission and approval of an Arboricultural Method Statement to include details of tree protection measures, contractor provision and use of locally sourced soils prior to the commencement of development.

6.8 Public Rights of Way:

Support the proposal as it would improve connectivity to the local footpath network including a path provided under Section 106 agreements from the Morrison's development along the river bank and alongside the Rugby Academy's playing pitches. It should be noted that all of the paths in this vicinity are currently not recorded on the Definitive Map as Public Rights of Way and so are not publicly maintainable as Public Footpaths.

6.9 Peak and Northern Footpath Society:

Support the proposals to improve public access to the waterway.

**7.0 PUBLIC/LOCAL RESPONSE:**

7.1 A departure site notice was posted adjacent to the site entrance on Commercial Road on 5<sup>th</sup> August 2016. Sixteen letters of support and seven objections have been received in response, which can be summarised as follows:

7.2 Letter of support from Ward Cllr Venner due to benefits to recreation and accessibility to the riverside. The application supports original plans for the local area which date back to the 1970's as well as more recent city wide aspirations in the Waterfront Strategy. Opening up the area to more visitors will have a positive effect on reducing crime and anti-social behavior.

7.3 *Support:*

- The footpath link would complete the existing path to the rear of Morrison's and the Rugby Academy;
- Creating a waterside footpath would offer a safe and pleasant alternative to walking alongside the main road;
- The proposal will encourage walking, improving physical and mental health, and potentially reduce car use;

- Ensuring the land remains in public ownership will assist in protecting its wildlife;
- Local businesses and volunteer groups will benefit from improved access, which is currently difficult due to the overgrown state of parts of the site;
- Access will be improved to recent developments such as the Kirkstall Bridge Shopping Park;
- The area is currently neglected and used for fly-tipping, which the proposal would reduce;
- More public access would reduce anti-social behavior and the use of the area for nefarious purposes;
- The proposal would see the realisation of a long-standing Council policy (Leeds Waterfront Strategy) and demonstrate the importance of the river to the identity of Kirkstall.

#### 7.4 *Objections:*

- The route of the path will bypass a security gate erected by the Council as landlord, in response to anti-social behaviour within the site;
- Encouraging public access, particularly after-hours, is incompatible with the site's current role as a small business centre;
- The poor condition of some of the site buildings poses a risk to pedestrians and a potential liability issue for the Council;
- A lack of pedestrian facilities over the bridge risks bringing walkers into conflict with cars and vans associated with the small businesses on site;
- There is no official public right of way through the site;
- Existing paths through the woods are underutilized and attract drug use, fly tipping, arson and prostitution;
- Allowing public access to the mill site after business hours could result in increased insurance premiums especially given a large fire which destroyed part of the site in 2012;
- The money allocated for the project could be more effectively spent elsewhere.

7.5 It should be noted that all commentators have been notified of the change to the footpath route however due to time constraints any further responses received will be verbally reported to Panel.

7.6 To date a letter of comment has been received from one of the businesses based at St Anns Mill who comments that the revision seems to address major concerns, however security remains an ongoing concern. They request that fencing around the estate should be of the palisade type as a minimum. Comments are also made regarding the ownership of the strip of land to the southern edge adjacent to the river which is leased out to one of the occupiers of the estate, and that all owners of the site are entitled to access the river. The letter goes on to state that no contact has been made by the applicant since September 2016 to discuss such issues.

7.7 A further letter of support has been received from a previous supporter of the scheme who states that the footpath is an important asset to the community.

## **8.0 PLANNING POLICIES:**

8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan currently comprises the adopted Local Development Framework Core Strategy (2014), those policies saved from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Local Plan. Relevant supplementary planning guidance and documents and any guidance contained in the emerging Local Development Framework (LDF) represent material considerations.

### Core Strategy Policies

P10 – Design

P11 – Conservation

P12 - Landscape

T2 – Accessibility

G1 – Green Infrastructure

G8 – Protected Species and Habitats

### Relevant Saved UDP Policies

GP5 – General planning considerations

BD5 – General amenity issues

N1 - Greenspace

N8 – Urban Green Corridors

N9 Development in Urban Green Corridors

### SPD

Leeds Waterfront Strategy – highlights the riverbank corridor between the City Centre and Kirkstall Abbey as offering opportunities to improve access and provide alternative routes to the main highway for pedestrians and cyclists.

Natural Resources and Waste DPD – contains guidance on flood risk.

### National Planning Policy Framework

The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.



There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

## **9.0 MAIN ISSUES:**

- Principle of development.
- Impact on Amenity.
- Highways and Access
- Landscape, Archaeology and Nature Conservation
- Contamination and Flood Risk
- Representations

## **10.0 APPRAISAL:**

### Principle of development

- 10.1 The site lies within the Kirkstall Valley Urban Green Corridor (UDP policy N8) which states that development proposals should ‘ensure that any existing corridor function of the land is retained, enhanced or replaced’. Policy N9 highlights the importance of Urban Green Corridors for informal recreation and nature conservation, and states that development proposals should respect and enhance the value of corridor land in terms of ‘access, recreation, nature conservation and visual amenity’.

- 10.2 The Leeds Waterfront Strategy, which was published in 2002 and partially reviewed in 2006, deals mainly with land along the River Aire between the City Centre, Armley Mills and Thwaite Mills in the context of ensuring that development along the river and canal corridor maximises potential benefits to the city. However it also makes mention of the area to the west of the study area, and recommends improving pedestrian linkages through this part of the valley in order to directly connect key destinations in the corridor as well as providing a more complex network of 'interesting walks' for leisure use.
- 10.3 The application in land use terms is therefore considered to be acceptable and complies with local and national policy regarding the recreational use of open land and green space.

#### Impact on Amenity

- 10.4 Part of the philosophy behind the proposal is one of a 'light touch' which works with the local environment. Hence materials will be appropriate to the semi-wild, wooded character of the riverbank, with timber used for knee rail fencing and the footbridge, natural stone for the surface and bridge parapet repairs, and the use of seeded soil for landscaping as opposed to more formal planting. The proposal involves the relocation of some sections of palisade fencing in order to create the central portion of the path from the existing builder's yard, but the impact of this will be neutral.
- 10.5 The proposed footbridge will add an attractive and appropriate timber feature to the wooded context, whilst the works to stabilise and repair the existing arched bridge will represent a marked improvement, subject to a condition to ensure the use of matching stonework. It is proposed that the margins of the compacted stone footpath will be built up with soil and seeded with appropriate wildflowers in order to create a naturalistic appearance to the demarcation line between the footpath and adjacent land, and this is considered preferable to a hard or engineered margin both in terms of appearance and the impact on the land and tree root protection zones.
- 10.6 For the reasons set out above, it is considered that the proposal strikes the correct balance between improving access to the area and making it more welcoming and attractive to visitors, without over-sanitising the natural character that forms much of its appeal.

#### Highways and Access

- 10.7 The Highways Officer is satisfied that the proposals will not introduce or exacerbate issues of additional traffic movements or demand for parking. There is ample informal provision for visitors' vehicles on the access road, and any minimal increase in vehicle movements that may result from the scheme can be

easily accommodated without increasing parking pressure on surrounding streets.

- 10.8 Whilst the existing access drive lacks segregated pedestrian provision, it is considered that due to the nature of the area, vehicle speeds are generally very low and visibility good, particularly within the mill site itself. The access drive is currently also used as a pedestrian access to the existing Goitside path, and hence there is a precedent for shared pedestrian use of this access. The site is well connected to bus routes on Commercial Road and at Kirkstall town centre, and is a short walk from Headingley rail station to the north-west.
- 10.9 The majority of the objections to the proposal have been submitted by small business tenants of the St. Ann's Mills site and related largely to security issues caused by the previous spur that diverted up and through the industrial estate. This has now been removed, such that pedestrians would at all times be kept away from the site and its access road. This ensures that the site can retain its security gates which are locked outside of working hours to prevent access into the site. It is recognised that there are longer term plans to redevelop the mill site, and to improve public access into and through the site, however this would now be dealt with via a separate application once negotiations have taken place.

#### Landscape, Archaeology and Nature Conservation

- 10.10 The Landscape officer is satisfied that the 'no-dig' method of construction, which involves applying a permeable membrane to the ground before the creation of a level footpath on top of this, offers ample protection to the tree roots which cover the entire site and will not cause harm to the natural environment. As the only risks to trees are therefore through compaction by contractors' machinery and damage from being struck by equipment, the Landscape Officer has recommended that a full Arboricultural Method Statement should be submitted and approved prior to commencement, to augment the information supplied in support of the application with details of a tree protection plan, working methodology to include delivery and storage of plant and materials, schedule of plant, use of sandstone in favour of limestone (which can damage roots) and sourcing of soils. A condition to this effect is proposed.
- 10.11 The locality has been used for textile production for over two hundred years and this is evident in the physical structures and artefacts which remain in situ. The main 1820s multi-storey mill building is unaffected by the scheme; the footpath passes to the rear of it but the building itself, which is vacant but secure, is outside the scope of works at this time. However, the wooded section of the proposed footpath passes through the remains of the 18<sup>th</sup> century mill to the northern part of the site, over two bridges and a mill goit channel which remain from that period, and past a large, stone structure which once accommodated

an early steam pumping engine, possibly an atmospheric beam design by Newcomen, Watt or similar. The machinery of the original mill would have been driven by a water wheel, which would have relied on water being diverted through a series of channels and gates (some of which remain in evidence). The steam pump would have been used to maintain flow to the waterwheel at times when water levels were low. As such the remains of the engine house, mill and bridges are considered an important relic of early technological development of the Industrial Revolution in the Yorkshire textile industry, and constitute a non-designated heritage asset.

- 10.12 The West Yorkshire Archaeological Advisory Service have been consulted and are broadly in support of the proposals, on the basis that improved access will lead to more interest and improved understanding of the site, which is currently in a poor condition and suffering from woodland encroachment. Conditions have therefore been recommended to cover an archaeological watching brief for the area around the original mill, and to ensure the pumping engine house is adequately protected from accidental damage throughout the construction phase by an appropriate fence, both to be agreed and implemented prior to commencement.
- 10.13 The Nature Conservation Officer notes that the protected species surveys which were submitted in support of the application have failed to completely rule out the presence of a kingfisher nesting site, or the use of the riverbank by otters, and thus recommends that an Otter Mitigation Plan be submitted and that no removal of trees or shrubs that could be used by nesting birds be carried out within the summer months unless written confirmation has first been provided that the vegetation has been thoroughly checked for evidence of active nests. These provisions can be secured by condition.

#### Contamination and Flood Risk

- 10.14 As previously mentioned, the entire site has a long history of potentially contaminative industrial processes, including textile manufacture, vehicle dismantling /repairs, and various small industrial processes. It has also been subject to fly-tipping, and repeatedly flooded. As such, the contractor has opted to take a minimally intrusive approach, using no-dig construction techniques of laying the footpath directly onto the ground in order to avoid disturbing it and potential contaminants within. The Contaminated Land Officer is satisfied with this approach, and given the low sensitivity of the site (which will not be used for domestic gardens or food production) has recommended that conditions be limited to the reporting of any unexpected contamination and the testing of any soils imported to site, for example to build up ground at the sides of the proposed footpath.
- 10.15 The Flood Risk Assessment (FRA) identifies the site as being located within flood zone 3, at significant risk of flooding from the adjacent river which is

divided into three separate channels as the result of historic engineering works. It is considered that the permeable construction of the footpath will ensure that runoff volume is unaffected, and that the additional paths and bridge would help facilitate escape in the event of rapid inundations. The present system of channels and conduits will remain unchanged, and the footbridge is proposed to run at a higher level above the water than existing structures and thus would not have the effect of constricting the water flow. No connection to public sewerage systems is proposed. The Flood Risk Officer is satisfied with the contents of the FRA, and does not consider any additional drainage-related planning conditions to be necessary.

### Representations

- 10.16 It would appear that the revision to the scheme has in the main addressed local businesses concerns regarding the security of the estate, and it enables the footpath to remain separate from the estate at all times. There are still concerns regarding security with regard to potential access into the site from the footpath, but this can be mitigated against by appropriate boundary treatment and a condition is suggested to assist with this. Other matters raised are largely issues of land ownership, rights of access, and site management which all lie outside the remit of planning and would be addressed by the site owners, Asset Management and the applicant.

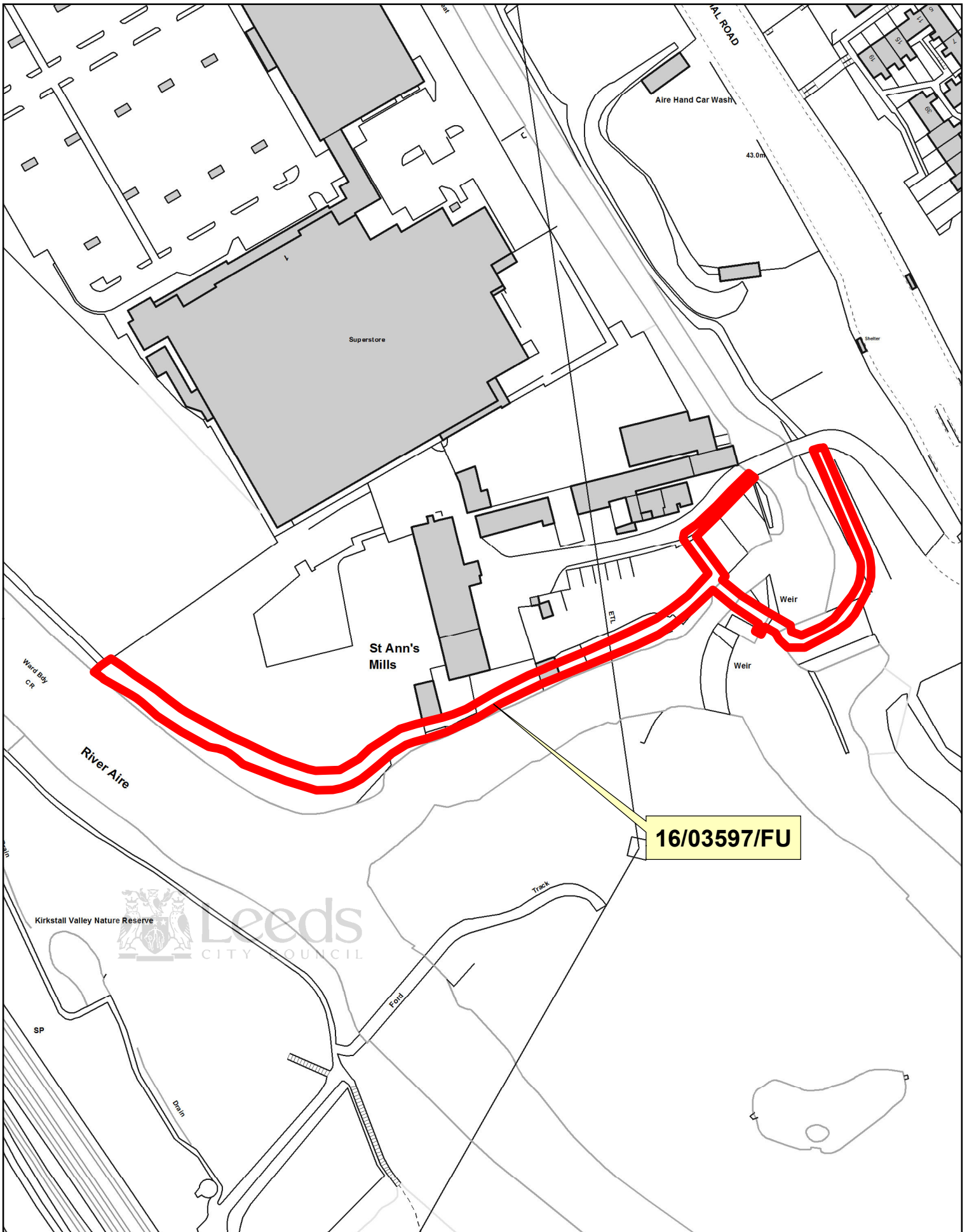
## **11.0 CONCLUSION**

- 11.1 It is not considered the proposed footpath and environmental improvements would have an adverse impact on highway safety, visual amenity, flood risk or biodiversity, whilst providing enhanced access to a currently under-used and inaccessible area of open space in order to improve the natural environment and maximise its recreational value. Security concerns from some of the occupiers of the site have been addressed through revisions to the scheme. The proposal is therefore considered acceptable in principle, and complies fully with all relevant national policy, Development Plan and supplementary planning guidance and policies, subject to the conditions set out at the head of this report.

### **Background Papers:**

Application file 16/03597/FU

Certificate of ownership – Leeds City Council / Northern Power Grid



# SOUTH AND WEST PLANS PANEL

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SCALE : 1/1500

