



**Leeds**  
CITY COUNCIL

Originator: Peter Jorysz

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**Report of the Chief Planning Officer**

**PLANS PANEL WEST**

**Date: 18<sup>th</sup> August 2011**

**Subject: 11/01400/EXT; EXTENSION OF TIME FOR 24/96/OT FOR MIXED DEVELOPMENT COMPRISING RESIDENTIAL, OFFICES, LEISURE, HOTEL, RETAIL, BAR/RESTAURANTS, ACCESS, SITE REMEDIATION, BRIDGE WORKS, RIVER WORKS, CAR PARKING AND LANDSCAPING; KIRKSTALL FORGE, KIRKSTALL.**

**APPLICANT**

Commercial Estates Group

**DATE VALID**

5<sup>TH</sup> April 2011

**TARGET DATE**

31<sup>st</sup> August 2011

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**Electoral Wards Affected:**

Kirkstall, Horsforth and  
Bramley & Stanningley

Y

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**RECOMMENDATION: Defer and delegate to the Chief Planning Officer to approve subject to the same conditions as planning permission 24/96/05/OT (with the exception of revisions to conditions 11, 12 and 14 and deletion of condition 13 as set out in this report) and a variation to the original Section 106 agreement to include:**

- recession proof clauses for reassessment of viability,
- a revised capped contribution of minimum £9,973,071 and maximum of £13,009,606 (index linked) towards the train station, affordable housing, primary and secondary education, off-site highway works at Horsforth roundabout, footpath/cycleway links to Kirkstall Abbey and the canal towpath, Travel Plan monitoring and community benefits,
- commitment to phase 1 (comprising road/bridge infrastructure to serve the train station and either 100,000 sq ft of office and 10,000 sq ft of supporting retail or temporary car park to serve the train station) within the life of the original outline,
- revisions to the original triggers for payment of the commuted sums to allow for early funding of the train station and commercial development in the first phase.

## **1.0 INTRODUCTION:**

- 1.1 Panel will recall consideration of a Progress Report at West Panel on 25<sup>th</sup> May 2011 regarding Kirkstall Forge. The report updated members on Commercial Estates Group (CEG) plans for Kirkstall Forge.
- 1.2 CEG is the landowner/developer for the site. CEG have submitted an application to extend the life of the original outline permission via a new a new outline permission for 15 years. The application has been prompted by the slowdown in the economy and changing circumstances regarding funding of the associated train station on the adjoining site. Revisions to the S106 and conditions are proposed to increase the proportion of funding for the proposed train station and enable flexibility with access improvements and bus services.
- 1.3 Members views were invited on 25<sup>th</sup> May. Members commented that general support could be given to:
- the principle of the development,
  - revisions to the S106 to enable additional early funding for the train station by re-allocating existing contributions,
  - amendments to highway conditions 11 and 14 regarding the timing of construction of the accesses and trigger for the bus service,
  - assessing recession proof clauses in a revised S106 given the proposed 15 year permission.
- 1.4 Further to continued discussion and in accordance with agreed Planning Performance Agreement timescales the application is now brought before Panel for determination.

## **2.0 PROPOSAL:**

- 2.1 The original outline planning permission (24/96/05/OT), including details of access only, was granted on 20<sup>th</sup> July 2007. This required submission of reserved matters within 10 years. The description of development comprised:
- “Residential, offices, leisure, hotel, retail and bar/restaurants including access, site remediation, construction of bridges and river works, car parking and landscaping.”
- 2.2 The indicative development at that time comprised the following elements:
- 1,355 dwellings (1,109 apartments and 246 townhouses/ maisonettes);
  - 146,000 square feet of offices;
  - Support facilities including bars, restaurants, small scale retail, health and fitness and spa, banking, hotel, a creche and accommodation for social community uses totalling 104,000 square feet;
  - Preservation and change of use of existing grade 2 listed lower forge building to provide food and drink uses;
  - Change of use grade 2 listed stables to residential;

- Areas of amenity green space;
- Wildlife and ecological enhancements;
- Park and ride for approximately 150 cars;
- Improvements to vehicular junctions, allowing access to the A65;
- Internal access roads, catering for new bus services;
- Network of pedestrian and cycle routes, enabling connections to the national cycle network and canal towpath, including new footpaths alongside the former abbey mill race;
- New pedestrian and vehicular bridge across River Aire;
- Site remediation works;
- Riverside improvement works and creation of flood relief channel.

The development was predicated on delivery of a new railway station on adjoining land.

- 2.3 The current application documentation is identical to the original outline (bar a new supporting statement and a revised Flood Risk Assessment), as the application simply seeks to extend the life of that original permission in line with government guidance in “Greater Flexibility for Planning Permissions.” The supporting statement seeks to justify the extension of time arguing that the viability of the scheme has changed and seeks an amendment to the S106 to provide additional funding for the train station.
- 2.4 The proposed train station, which already has planning permission (10/01211/FU), is fundamental to a successful, sustainable development at Kirkstall Forge. The original intended construction date of 2011/12 has been deferred due to the Coalition government spending review and is now looking likely to be 2015 at the earliest. The scheme is one of many that are competing for Department of Transport (DfT) funding; DfT have now stated that funding for outstanding schemes may still be forthcoming; but only if the extent of local funding is significantly increased. Although there is no fixed percentage which would make the scheme acceptable DfT have advised METRO that there are a number of schemes now achieving 40% and one achieving 60% at the local level.
- 2.5 Accordingly METRO are looking at providing additional funding of £1.3 million, which CEG are looking to match. This would result in 40% funding at local level helping Kirkstall Forge Train Station (along with Apperley Bridge Train station which is in the same package) to compete effectively against other schemes nationally.
- 2.6 CEG originally requested that funds be re-apportioned and the original S106 be revised as follows.

<b><u>ORIGINAL S106</u></b>		<b><u>REVISED S106</u></b>	
Train Station	£4,000,000	Train Station	£5,300,000
Affordable Housing/ Offsite highway works/	£3,500,000	Affordable Housing/ Offsite highway works/	£2,200,000

Footpath Improvements/ Community Benefits.		Footpath Improvements/ Community Benefits.	
Education	£100,000	Education	£100,000
<b>TOTAL</b>	<b>£7,600,000</b>	<b>TOTAL</b>	<b>£7,600,000</b>

Subsequent to consideration of the progress report this offer has increased and this is covered in the "Appraisal" section.

- 2.7 The application also seeks to amend some of the original conditions to allow for the western access to be completed first and introduce revised triggers for provision of a bus route through the site, taking the increased commercial floorspace into account. This is covered in the "Appraisal" section.

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

- 3.1 The site comprises the former Kirkstall Forge site. This totals c 23 hectares, located off the A65, about 6km (3.7m) from the city centre. The former commercial buildings have now been fully cleared with the exception of the listed buildings. Archaeology work and remediation work in accordance with the original outline permission are largely complete.
- 3.2 The site is surrounded by the A65, Hawksworth Wood and post-war residential development to the north, Bramley Fall Woods and the railway line/Leeds Liverpool canal to the south, open land and the Newlay Conservation Area to the west and open land leading to Kirkstall Forge to the east.

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

- 4.1 The original outline permission (24/96/05/OT) was granted on 20<sup>th</sup> July 2007. The original officer reports dated 26<sup>th</sup> January 2006 and 20<sup>th</sup> April 2006 are attached at Annex B and C to this report.

### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Discussions with CEG have focussed on material changes of circumstance since the original outline permission, the difficulties in funding the train station and necessary revisions to the S106 agreement/conditions.
- 5.2 As a separate exercise, CEG is proposing revisions to the illustrative Masterplan considered at outline stage. These revisions were initially brought to Panel as a pre-application presentation on 21<sup>st</sup> January 2010. Whilst these do not affect consideration of this application to extend the original permission, they will affect the form that subsequent applications for reserved matters will take. Panel were supportive of the principle of the changes.

### **6.0 PUBLIC/LOCAL RESPONSE:**

- 6.1 The application was advertised by site notice on 15<sup>th</sup> April 2011 and advertised in the press on 18<sup>th</sup> May 2011. No public representations have so far been received (9<sup>th</sup> August 2011).
- 6.2 One representation has been received from Councillor Illingworth who has commented that the S106 should be renegotiated and expressing discontent with the lack of public consultation about the original S106. Councillor Illingworth in

particular would like to see some specific commitment to the Hawksworth Wood Estate, to the main Kirkstall gyratory and to active travel along the valley floor. He does support the railway station on site but does not consider any expenditure from this site should be spent at Horsforth roundabout.

- 6.3 The Kirkstall Forge Community Liaison Group (inc Kirkstall ward members) also meets every 4 months to discuss progress and ensure local community engagement. The most recent meeting was on 11th May at which general support was expressed for both the scheme and the train station.
- 6.4 Horsforth Town Council have responded that they have no comment to make.

## **7.0 CONSULTATIONS RESPONSES:**

### **Statutory**

Network Rail: Support the application. Delivery of the station would be seriously jeopardised if extension of time not granted. A fundamental element of the application is to deliver significant improvement to public transport in the Aire Valley and recognition should be given to difficult financial pressures on delivery of such infrastructure projects.

METRO: Support the application. If extension of time not granted the funding arrangement for the train station would be put in serious jeopardy.

Environment Agency: No objection, subject to conditions.

British Waterways: No objection.

Highways: No objection, subject to conditions. However 15 years not recommended without the ability to address future highway impacts as scheme built out.

Yorkshire Water: No objection, request imposition of conditions as originally suggested.

National Grid: Comments awaited.

Civic Trust: Comments awaited.

West Yorkshire Archaeology Service: No objection, subject to conditions.

### **Non Statutory**

Asset Management: Consider that the conclusions of the applicant's original viability assessment in relation to the original outline are reasonable. Although showing a 10% profit this would not have been viable at that time and would be significantly less viable now. As regards the current proposed scheme, on which the new viability assessment is based, although showing a 12% return this similarly is not viable in the current market.

To be viable in the current market any scheme would need a 20% return; neither the original proposal or current proposal would meet this. The reasons for the lack of viability are considered to be:

1. Current and ongoing depressed state of the property market.

2. Substantial proportion of residential accommodation.
3. Substantial costs associated with demolition, site clearance, treatment of contamination, ecological and environmental issues etc.
4. Continued limited bank funding availability.

Asset Management comment that:

“The risk to the Council, which grows with the length of the consent period, is that it commits itself too soon and too remotely from the circumstances of actual development and misses out on the opportunity to secure these benefits but similarly the developer risks committing to requirements which are not deliverable at the moment on the assumption that at some undefined points over the life of the renewed consent viability will improve sufficiently to make them deliverable.”

Asset Management comment that the proposed development, in 8 phases over 15 years, would allow the developer to optimise on timing. In this context a snapshot viability assessment is of limited value and profitability could vary significantly over this time period. Asset Management’s “strong view” is that further assessments of viability are best deferred to pre-determined trigger points such as reserved matters and recession proof clauses should be introduced into the S106.

Contamination: No objection subject to repetition of original conditions.

Environmental Health: Comments awaited.

Rights of Way: Comments awaited.

Nature Conservation: No objection in principle but updated otter survey will be required which should include details of mitigation and enhancement measures to be implemented as part of the development.

## **8.0 PLANNING POLICIES:**

- 8.1 A full list of relevant policies was contained in the original officers report at Panel dated 26<sup>th</sup> January 2006 (attached at Annex A). Since determination there have been material changes and additions to planning policy at national, regional and local levels that are relevant to the extension of time application (and any future reserved matters). These changes are as follows.

### **Leeds Unitary Development Plan Review (UDP) (2006)**

- 8.2 The adopted Leeds UDP (2001) and UDP Deposit Draft (2003) have been replaced by the adopted Leeds UDP Review (2006). In the Leeds UDP Review (2006) the site comprises land within the main urban area. A small part of the western site is allocated as part of the existing employment supply under policy E3A:28 and designated as policy N38 Washland. The southern part of the site (south of the river) is also designated under policy N8 as urban green corridor. The previous forge building is designated as a grade 2 ancient monument (nos137) under policy N29.
- 8.3 A small part of the site (comprising the former cafeteria on the A65 frontage) is designated as green belt and the site is surrounded by designated green belt on the western, northern and southern boundaries.
- 8.4 To the south of the site lie designated nature reserve LNA 020 (Bramley Fall & Newlay Quarry) and designated SSSI 009 (Leeds/Liverpool Canal).

## 8.5 Relevant policies include:

- GP5: Detailed planning considerations to be taken into account.
- GP7: Where development not otherwise acceptable and a condition not effective, a S106 will be necessary.
- GP11: Development must meet sustainable design principles.
- GP12: Major applications must include a Sustainability Assessment.
- SP3: New development concentrated within or adjoining main urban areas on sites well served by public transport.
- SP4: Priority to supporting public transport.
- SA6: Promotion of leisure and tourism.
- N2/4: Residential development will be required to provide on or off-site greenspace.
- N13: Design to have regard to character and appearance of surroundings.
- N24: Where development abuts the green belt assimilation into the landscape must be achieved.
- N29: Sites of archaeological importance will be preserved and appropriate investigation required.
- N32: Land shown on Proposals Map as Green Belt.
- N38B: Flood Risk Assessment in certain circumstances.
- N51: Development, including landscaping should enhance existing wildlife habitats.
- H1: Provision of housing in line with RSS targets.
- H3: Housing Land Release (inc. Phase 2 to 2010-2012).
- H4: states: "Residential development on sites not identified for that purpose in the UDP but which lie within the main and smaller urban areas as defined on the proposals map, or are otherwise in a demonstrably sustainable location, will be permitted provided the proposed development is acceptable in sequential terms, is clearly within the capacity of existing and proposed infrastructure, and complies with all other relevant policies of the UDP."
- H11/12: Council will negotiate for appropriate affordable housing.
- T1: Transport investment directed towards improving public transport.
- T2: New development should be capable of being served adequately by:
- existing/programmed highways or improvements to the highway network,
  - public transport,
  - cycling,
  - convenient walking distance to local facilities.
- T2B/C: All planning applications of significant traffic generation must be accompanied by a Transport Assessment and Travel Plan.
- T5/6: Satisfactory safe and secure access for cyclists and pedestrians.
- T9: Effective public transport service encouraged and supported.
- T15: Measures giving priority to bus movements will be supported.
- T16: Criteria for suitable park and ride facilities.
- T24: Parking provision guidelines.
- N2/4: Hierarchies and provision of greenspace.
- N8: Development affecting urban green corridors
- N12: Priorities for urban design.
- N13: Design of all new buildings to be of high quality and have regard to character and appearance of surroundings.
- N14: Presumption in favour of retention of listed buildings.
- N23: Incidental open space.
- N24: Assimilation of development abutting the green belt.
- N29: Sites and monuments of archaeological importance to be preserved.
- N32: Areas designated as green belt.
- N38A: Development not allowed in the functional floodplain.
- N38B: Planning applications to be accompanied by a Flood Risk Assessment.

N49: Development not normally permitted if net depletion of wildlife.  
 N50: Impact of development on local nature reserves.  
 N51: Design of new development to enhance existing wildlife habitats.  
 E3: Existing supply of employment land.  
 E5: Employment uses on non-identified sites.  
 E7: Non-employment use will not be permitted unless:  
     -site is not reserved for employment use,  
     -sufficient alternative sites district wide/in locality,  
     -no resultant environmental, amenity or traffic problems.  
 S9: Non major retail proposals outside centres.  
 LT6: Leisure potential of waterways corridor will be recognised.  
 LT6B: LCC will seek to secure footpath access to the River Aire and canal system.  
 ARC4: Confirms there will be a presumption in favour of the physical preservation of class 2 areas and their settings.  
 ARC5: Informed planning decisions to be made where development may adversely affect a class 2 area or setting.  
 ARC 6: Archaeology preservation by record by condition or S106.  
 LD1: Requirements for landscape schemes.

### **Regional Spatial Strategy (RSS) (2008)**

8.6 The RSS (2004) has been replaced by the adopted RSS (2008). A recent high court decision following a challenge to the Secretary of State's purported abolition of RSS leaves RSS as part of the development plan. However, the Secretary of State's intention to abolish RSS may be taken into account as a material planning consideration. Therefore the amount of weight to be given to RSS is a matter for the decision maker. Relevant policies include:

YH4: Regional cities to be the prime focus for housing.  
 YH7: First priority to re-use previously developed land and existing developed areas within town and cities. LPA's to make best use of existing transport infrastructure, take into account capacity constraints and comply with public transport accessibility.  
 LCR1: Focus most development in Leeds and Bradford.  
 ENV5: Reduce greenhouse gas emissions, improve energy efficiency, developments over 10 dwellings to secure at least 10% renewable or low carbon sources.  
 ENV8: Maintain, enhance and restore natural environment.  
 H2: Prioritise development of brownfield land.  
 H4: LDF's to set affordable housing targets 30%-40%.  
 Table 12.3: indicative gross build rate 4,740 pa.  
 T1: Personal travel reduction and modal shift - discourage inappropriate car use and encourage public transport and accessibility to non-car modes.

### **Local Development Framework (LDF)**

8.7 Initial consultations on "Issues and Allocations" were carried out in October 2007 followed by consultation on the "Preferred Approach" in October/December 2009. The formal publication of the Core Strategy however will not take place until Autumn 2011, with a Public Inquiry in 2012. The Strategic Sites DPD is not due for publication until 2012. In the context that the LDF is at an early stage, it is considered that it carries little weight in planning decisions at this time.

### **Draft National Planning Policy Framework (July 2011)**

8.8 The Coalition government has just released this consultation draft aimed at replacing all existing Planning Policy Statements and Planning Policy Guidance Notes. Guidance given to Inspectors by CLG is that the draft NPPF is capable of



being a material consideration which can be taken into account by decision makers. Para 39 notes that to ensure viability, S106 costs should provide acceptable returns for developers to enable development to be deliverable. Para 53 states that the primary objective of development management is to deliver sustainable development, to approach decisions positively looking for solution to enable applications to be approved and to attach significant weight to the benefits of economic and housing growth.

### **PPS3 “Housing” (2010)**

8.9 Para 40 states the key objective of making the best use of previously developed land. Para 57 states that the supply of housing land should be managed so that a 5 year supply of deliverable sites is maintained. Para 69 states that local planning authorities should have regard to:

- achieving high quality housing,
- good mix of housing,
- suitability of site given environmental sustainability,
- using land effectively and efficiently
- ensuring development in line with planning for housing objectives.

### **PPS4 “Planning for Sustainable Economic Growth” (2009)**

8.10 PG4 (1992) and PPS6 (2005) were replaced in 2009. Policy EC10 states that:

“Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably.”

### **PPS5 “Planning for the Historic Environment” (2010)**

8.11 PPG15 (1994) and PPG16 (1990) were replaced by PPS5 in 2010. This advises on the approach to heritage assets.

### **DCLG Guidance “Greater Flexibility for Planning Permissions”(2010)**

8.12 Para 21 confirms procedures for extending the life of outline permissions. Para 23 states that:

“In current circumstances, local planning authorities should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly.”

8.13 Para 28 confirms that there may be a need for a supplementary deed to update S106 agreements.

### **Ministerial Statement “Planning For Growth” (March 2011)**

8.14 This notes that the planning system has a key role in helping to secure a swift return to economic growth. In determining planning applications local planning authorities should:

“ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably...” and

“..reconsider, at developers request, existing S106 agreements that currently render schemes unviable, and where possible modify those obligations to allow development to proceed...”

### **Adopted SPD “Public Transport Improvements and Developer Contributions” (2008)**

- 8.15 Para 4.3.2 states that the minimum level of accessibility to public transport should be 400m walking distance to a bus stop and 800m walking distance to a rail stop. Section 5 sets out the methodology for calculating S106 contributions.

### **Adopted “Interim Housing Policy” (2008)**

- 8.16 Introduced in 2008 this requires 30% in the inner suburbs in accordance with the latest Strategic Housing Needs Assessment 2007.

### **Adopted “Interim Housing Policy” (2011)**

- 8.17 Executive Board considered an item on 11<sup>th</sup> February 2011 proposing revisions to the Interim Housing policy. This follows receipt of a LCC commissioned report from DTZ undertaking an Economic Viability Assessment of affordable housing targets across Leeds. This report identifies that because of the economic downturn existing targets are not viable and should be reduced to be deliverable. The site would be categorised as Inner Suburb where 20% affordable housing was previously required at the time of the outline, but 15% is now suggested. Following public consultation, the policy has been formally adopted.

### **Draft SPD “Travel Plans” (2007)**

- 8.18 Para 4.23 confirms that any applications comprising more than 50 dwellings will require a Travel Plan. Table 2 lists essential components of any Travel Plan. Table 6 lists the process for speculative outline applications.

### **Adopted SPD “Biodiversity and Waterfront development” (2006)**

- 8.19 Provides guidance on biodiversity interests for developments adjacent to rivers, canals and becks.

### **Adopted SPD “Street Design Guide” (2009)**

- 8.20 Provides guidance on the Council’s current standards for adopted road design and parking requirements in residential areas.

### **Draft SPD “Sustainable Design and Construction” (2010)**

- 8.21 Provides guidance on eco-standards in design.

### **Adopted SPD “Tall Buildings Design Guide” (2010)**

- 8.22 Provides guidance on appropriate locations/design for tall buildings.

## **9.0 MAIN ISSUES**

1. Principle of Development.
2. Material Change of Circumstances
3. Timescales/Phase 1
4. Section 106 issues
5. Highways Conditions

## **10.0 APPRAISAL**

### **1. Principle of Development:**

- 10.1 As an application for an extension of time, the description of development remains the same as the original, extant, outline permission. The principle of development was established as acceptable by that planning permission (24/96/05/OT).
- 10.2 The site remains a substantial brownfield site and development would comply with policy H4 of the adopted Leeds UDP (2006) by comprising development within the main urban area, acceptable in sequential terms and within the capacity of existing or proposed infrastructure. Development would contribute towards brownfield regeneration targets, the Council's Housing Land Supply and provide the *raison d'être* for development of the train station on adjoining land as a significant sustainability benefit. The development will also lead to significant investment in west Leeds, with associated job creation. By providing a new community and new employment centre it would meet current government policy aspirations around encouraging sustainable development that fosters economic recovery.
- 10.3 As such it is considered that the principle of the development remains acceptable.

## **2. Material Change of Circumstances:**

- 10.4 There have been a number of material changes of circumstances since the original permission as follows:
- a) The Leeds UDP Review (2006) has been adopted.
  - b) Regional Spatial Strategy for Yorkshire and the Humber (RSS) was approved in 2008. However on the 6 July 2010, the Secretary of State for Communities announced revocation of the Regional Strategies, which would leave the Leeds Unitary Development Plan (Review 2006) as the sole statutory Development Plan. Although the High Court has recently ruled that the Secretary of State's decision was unlawful, the coalition government has confirmed that it will still seek to remove Regional Strategies through the Localism Bill.
  - c) National Policy and Supplementary Planning Guidance has been updated since 2007 as listed above.
  - d) On site all buildings (bar the listed buildings and former cafeteria) are now demolished and remediation/archaeology work has been undertaken and relevant conditions discharged.
  - e) Off-site the train station now has planning permission (10/1211/FU) but the DfT has stated that in the current financial climate it is not able to fund the station without an increase in the percentage of local funding.
- 10.5 Having identified these material change of circumstances, the key question is what bearing and weight they have on this application. Officers consider that:
- a) The general thrust of development plan policy has not changed since the Panel decision in April 2006, despite the adoption of the current Leeds Unitary Development Plan in July 2006 and RSS in 2008. Many of the original Leeds UDP(2001) policies were carried over into the Leeds UDP (2006) which constitutes a Review, rather than a new UDP. The overall approach of focusing development in the main urban areas, in sustainable locations, utilising brownfield land where possible, and reducing the need to travel all remain within current policy.

- b) RSS remains but with reduced weight. There are no policies that would significantly count against the current proposal and most would count in favour.
- c) Changes to national policy in PPS3 and PPS4 (and their proposed replacement in the draft National Planning Policy Framework) count in favour of proposals such as this that result in sustainable economic development and contribute to housing choice (particularly where a 5 year Housing Land Supply cannot be demonstrated). A positive and constructive approach is advised so that planning applications that secure sustainable economic growth should be treated favourably. DCLG Guidance and Ministerial Statements are advising local planning authorities to support economic recovery and show flexibility in reviewing S106's.

Revised guidance in adopted SPD "Public Transport Improvements and Developer Contributions" (2008) and the adopted "Interim Housing Policy" (2011) are of particular relevance. The application meets the aspirations of the SPD through providing the *raison d'être* and funding for the train station which is significantly funded by this development. The Interim Housing Policy would reduce the amount of affordable housing required from 20% (in 2006) to 15%.

- d) The on-site works do not affect the acceptability of the principle of development or the proposed Section 106 package.
- e) Whilst the funding of the proposed train station is a financial matter, the off site train station affects the potential mix and quantum of development on the application site, as well as delivery. In addition recent government guidance stresses the need to take viability into account, secure economic recovery and be flexible with Section 106 packages. Hence the funding of the train station is concluded to be a material planning consideration in this case. The revisions to the proposal, by supporting the likely delivery of the train station and hence sustainable development of Kirkstall Forge are therefore to be supported.

### **3. Timescale/Phase 1**

- 10.6 The applicant is seeking a 15 year timescale for the submission of reserved matters, on the basis that the earliest delivery of phase 1 would not be prior to construction of the train station (provisionally 2015).
- 10.7 The existing outline permission does not require submission of final reserved matters until 2017 (i.e. a further 6 years from now). A further 15 years as requested would give the developer 11 years (after provisional construction of the train station in 2015) to submit final reserved matters. Officers have questioned whether extending the outline permission a further 15 years offers the certainty the local planning authority want in terms of:
  - a) understanding highways impacts over the timescale of development and
  - b) initiating development in accordance with the "Planning for Growth" Ministerial Statement, which encourages flexibility on S106 agreements to "allow development to start on stalled schemes."
- 10.8 In similar cases the local planning authority has requested that developers commit to implementation of the first phase within the life of the original permission. Other developers have agreed to this (e.g. Keyland Developments in relation to a warehouse distribution development at Temple Green, East Leeds). Subsequent to consideration of the progress Report at Panel CEG has confirmed that it is willing to

commit to the first phase of development within the life of the original outline permission comprising road/bridge infrastructure to serve the train station and either 100,000 sq ft of office with 10,000 sq ft of supporting retail, or a temporary car park to serve the train station.

- 10.9 At Progress Report stage members indicated general support for the proposed 15 year timescale, given the delays in the train station funding and the need to bring the site forward in a series of construction phases over time.
- 10.10 There are substantial upfront abnormal costs of bring this site forward for development (£19,163,000 so far as shown in Annex A) and train station timing issues. In total there is a projected spend of £69,800,000 for the developers on the site before any revenue is received. In this context planning officers conclude that the level of proposed phase 1 works noted above are sufficient to satisfy planning objectives about delivery.
- 4. Section 106 issues**
- 10.11 The application seeks to vary the original Section 106. The S106 package agreed in relation to the extant outline permission totalled £7.6 million and the current application originally suggested that this remained the same, but with £1.3 million diverted from the wider planning benefits (namely affordable housing, off-site highway works at Horsforth roundabout, footpath improvements and community benefits) to the train station to minimise necessary DfT funding.
- 10.12 A revised business case for the Train Station (“Best and Final Bid”) has to be made by METRO to the DfT by 9th September 2011 with a final decision due by December 2011. Further information specific to funding of the Kirkstall train station has been received from METRO which confirms that DfT’s informal advice is that the higher the proportion of funding the more likely bids will be successful and that a number of other schemes have reached 40% local funding. On this basis METRO and CEG have sought to achieve 40% local funding. It is agreed that successful delivery of the train station is fundamental to the overall development of Kirkstall Forge.
- 10.13 Since consideration of the Progress Report by Panel on 25<sup>th</sup> May 2011 CEG has revised it’s application by offering to increase their minimum S106 package by £1.3 million to provide additional train station funding themselves (to match the £1.3 million provided by METRO), with payment of some of the remaining commuted sum for other planning obligations deferred to later phases of development. This offer is significant and positive in that it would avoid the local planning authority having to consider any potential reduction in funding for the other legitimate planning benefits though the life of the development as previously suggested.
- 10.14 This will ensure that the additional funding for the train station is secured early to give the DfT certainty over local funding in its consideration of METRO’s “Best and Final Bid” in September.
- 10.15 Panel should note that a calculation has been done of the current legitimate planning benefits that would be sought to meet current policy. The overall total substantially exceeds what can be afforded by the delivery of this scheme, given the level of up front infrastructure works which have to be funded and provided before any revenues are generated in return.
- 10.16 Panel did accept with the original outline and in the light of the viability work done at that time that the scheme could only deliver a proportion of the required policy

requirements via the Section 106 agreement and took into account and recognised the substantial up-front costs of remediation, contamination works, infrastructure provision and public transport benefits. An updated table is provided at Annex A which demonstrates that the developer has already invested £19,163,000 and anticipates investing £69,800,000 before any revenue is received.

- 10.17 Asset Management has confirmed that neither the original indicative outline scheme or current indicative outline scheme would be viable at this time due to the recession. In this context it is concluded that any increase in S106 contribution above the original outline to meet these current circumstances would not be viable at this time.
- 10.18 Asset Management’s advice is that over the proposed 15 year time period however the viability position is likely to change. In this context it is planning officers view that other legitimate planning benefits may well become viable in that time frame. As such recession proof clauses have been suggested for the S106.
- 10.19 The Council’s planning policy section and planning solicitors have been working on recession proof clause wording for S106’s to enable a flexible approach to S106’s in line with government guidance “Greater Flexibility for Planning Permissions” and the Ministerial Statement of March 2011. Panel commented at Progress Report stage that they wanted the potential for this to be assessed.
- 10.20 Planning Officers have therefore been exploring potential S106 wording that could allow for re-assessment of viability at future set times. Given that the time period requested is 15 years, this re-assessment may well require increased commuted sums above the original S106 package to contribute towards legitimate planning benefits in later phases.
- 10.21 Such an approach provides a flexible solution that offers the DfT certainty on additional train station funding upfront; but also protects the Council’s position re additional contributions to planning benefits above the original outline permission in later phases, if the economic situation improves and viability increases. This would be in line with the positive approach to development management advocated in PPS4 and its proposed replacement in the draft National Planning Framework.
- 10.22 It is planning officers view that seeking a total Section 106 package based on the total current policy requirements would not viable and would be unreasonable given the approach already adopted with this site when outline approval was originally given. However it is considered reasonable that an increased sum should be capped to provide certainty for the developer and aid deliverability. As such it is considered that the total S106 package cap should be a maximum of £13,009,606. This is based on the following calculation. The original outline permission had an overall S106 package of £7.6 million (inc. the side agreement with METRO for £4 million). This is four years old. Index linked (based on the RPI) that sum would now be worth c £8,673,071. On the basis that this covers 10 years (i.e. average £867,307 pa) if one took that annual allowance x 15 to reflect the nature of the new permission for 15 years, a total cap would be £13,009,606.
- 10.23 Accordingly the current S106 offer comprises:

**MINIMUM S106**

**MAXIMUM S106**

Train Station

£5,300,000

Train Station

£5,300,000

Affordable Housing/ Offsite highway works/ Footpath Improvements/ Community Benefits/ Education	£4,673,071	Affordable Housing/ Offsite highway works/ Footpath Improvements/ Community benefits/ Education	£7,709,606
<b>TOTAL</b>	<b>£9,973,071</b>	<b>TOTAL</b>	<b>£13,009,606</b>

- 10.24 In the context of the substantial up-front costs the proposed capped S106 package of between minimum £9,973,071 and maximum of £13,009,606 (dependant on revised viability testing) is considered acceptable. The developers have also confirmed their agreement to these figures for inclusion in the revised Section 106 agreement.

### **5. Highways Conditions**

- 10.25 The supporting documentation seeks to revise some of the highway conditions on the outline (namely conditions 11,12 and 14) with deletion of one condition (condition 13). The suggestion is:
- Condition 11- revisions to ensure that use of the western access by construction traffic would only be permitted following completion of access improvement works and that no part of the development could be occupied until access improvement works had been constructed for the western or eastern access.
  - Condition 12- revisions to the trigger for completion of the western and eastern access works to allow for potential commercial development within phase1.
  - Condition 14- revision to the bus service triggers taking account of potential commercial development within phase1.
- 10.26 The wording follows pre-application discussions and is broadly in line with those discussions. Following the formal Highways consultation the wording has been agreed with Highways.

## **11.0 CONCLUSION**

- 11.1 Kirkstall Forge is one of the key regeneration sites in the city with outline permission for mixed use redevelopment. The delivery of the new railway station is significantly financed by this development. Long and complex negotiations with Network Rail, the Strategic Rail Authority and METRO have been ongoing to realise the delivery of the station. It is considered that the delivery of this major brownfield site in this sustainable location, supported by rail infrastructure, must remain a key objective given the pressure on greenfield sites around the city.
- 11.2 The project has been delayed due to the economic downturn and the applicant has applied to extend the life of the outline for a further 15 years and revise the proportion of S106 funding between the different planning benefits.
- 11.3 Planning officers conclude that:
- a) the principle of development remains acceptable and that that the material change of circumstances since the previous decision would increase support for the principle of development,

b) the fifteen year period is acceptable subject to a Section 106 agreement that confirms the development of phase 1 within the life of the original outline permission and includes recession proof clauses,

c) the developer's offer enables METRO to provide DfT certainty with an additional £1.3 million funding towards the train station (on top of the existing S106 package) to match METRO's additional £1.3 million,

d) the applicant's proposed alteration to highways related Conditions 11,12 and 14 offer flexibility in delivery and are acceptable in planning and highways terms.

11.4 Overall planning officers conclude that the application is acceptable in planning terms subject to a variation to the existing Section 106 agreement and conditions noted above. Accordingly the recommendation is for approval.

**Background Papers:** Outline permission ref 24/96/05/OT



<b>Key Milestones</b>	<b>£</b>
Land purchase price – Feb 2003	8,853,000
Additional expenditure between Feb 2003 - Aug 2011	
- Planning/Legal Fees	
- Legal/Agents Fees	
- Architects Fees	
- Landscape Architects Fees	
- Civil Engineers Fees	
- Structural Engineers Fees	
- QS Fees	
- Project Management Fees	
- Reports & Surveys	
- Archaeology	
- Marketing/PR Fees	
- Demolition	
- Remediation (Part)	
- S106	
- S278	
- Security/Maintenance/Misc.	
- TOTAL	10,210,000
Expenditure prior to first revenues	69,800,000
Peak expenditure exposure	106,000,000

## PLANS PANEL WEST 26 JANUARY 2006

### REPORT OF THE CHIEF PLANNING AND DEVELOPMENT SERVICES OFFICER

**WARD:** Kirkstall, Horsforth,  
Bramley and Stanningley

**Application:** 24/96/05/OT

**Address:** Kirkstall Forge, Abbey Road,  
Leeds 5

**Applicant:** Commercial Estates Group

**Proposal:** Outline Application to erect mixed-use development comprising residential, offices, leisure, hotel, retail and bar/restaurants to industrial site

#### **RECOMMENDATION:**

**Members are requested to note the report , support the principle and scale of this development and defer the application for further consideration and resolution of outstanding issues and Ward Member briefings. Members are particularly requested to indicate if there is any further information that is needed which is not highlighted in the report to enable a determination to be made at a future Panel meeting.**

#### **1.0 Introduction:**

- 1.1 Members will be aware that plans for the redevelopment of Kirkstall Forge were received in February 2005 and reported to Panel on 17<sup>th</sup> February 2005. The receipt of the application followed a lengthy period of pre-application discussion and community involvement. The site was acquired by the Commercial Estates Group (CEG) from the Dana Corporation back in 2003. Panel Members together with other Members of Council had an opportunity in December 2004 for an extended look around the site, a briefing on the proposals and to view an exhibition at the site, and also visited Kirkstall District Centre and the former Allders site on Bridge Road.
- 1.2 An update report was noted by Panel Members on 6<sup>th</sup> October 2005.
- 1.3 A full briefing for Panel Members has been arranged at the site on Thursday morning 19<sup>th</sup> January, a week prior to Panel, so that Members are given an in depth opportunity to look at the implications and impact of the scheme prior to its formal consideration.

- 1.4 The site extends to a total area of about 23 hectares (56.7 acres), much of it previously developed for industrial purposes. It is therefore a major brownfield site which offers substantial opportunity for a high quality development within the main urban area and only some 6 km (3.7 miles) to the west of the City Centre. The site is complex because of the number of issues involved and has posed a substantial challenge to the development team and officers. The processing of the application and its consideration has therefore been protracted. Whilst not all issues have yet been fully resolved and work is ongoing on a number of fronts, this report seeks to update Members with the latest information available and then appraise the application to narrow down the areas where further work is necessary before a formal resolution of the application can be made.
- 1.5 Substantial pre-application discussion and community consultation has culminated in the submission of this outline application which seeks to establish the principle of development on the site within which detailed reserved matter applications for different phases will be considered. CEG have made it clear that they have a long term interest in the site and that community involvement will continue and be ongoing through the detailed planning and implementation of the development. At this stage it is anticipated that the development will take about 10 years to complete.

## **2.0 Proposal:**

- 2.1 The outline application as submitted comprised a mixed-use development consisting of:
- 1385 dwellings
  - 16,500m<sup>2</sup> of B1 office floorspace
  - Support facilities including bars, restaurants, small scale retail, health and fitness and spa, banking, a creche and accommodation for social/community uses
  - a hotel
  - preservation and change of use of the existing Grade II Listed Lower Forge building in an enhanced setting to provide food and drink uses
  - change of use of the existing Grade II listed former cottages/stables to residential use
  - areas of amenity green space
  - wildlife and ecological enhancements
  - a park and ride car park for approximately 150 cars within the site
  - improvements to existing vehicular junctions, allowing access into and out of the development site from Abbey Road (A65)
  - internal access roads, catering for new bus services running through the site
  - internal undercroft parking to help avoid car-dominated street scene
  - a network of pedestrian and cycle routes, enabling connections to the national cycle network and canal towpath, including new footpaths

- alongside the former Abbey Mill Race, which is to be re-opened, and along the riverside
  - new pedestrian and vehicular bridge crossings over the River Aire
  - site remediation works to address contamination associated with the site's historical industrial usage
  - riverside improvement works (including work to the river bed and bank)
  - creation of a flood relief channel next to the railway bridge
- 2.2 Although not included as part of the application a key aim in the development is the delivery of a new railway station at Kirkstall Forge and significant time and effort has been spent pursuing this aim during the consideration of the application.
- 2.3 The application whilst in outline seeks approval in detail for the means of access to the site, and to establish the principle and scale of a mixed-use development on the site. Whilst the masterplan is illustrative it sets the parameters in terms of height, scale and massing of future development. The footprints of the buildings are indicative with siting reserved for future determination. The Design Statement submitted with the application is a supporting document to the illustrative masterplan and is intended to guide the detailed planning of the site.
- 2.4 A substantial amount of information has been submitted to support the application:-
- Planning statement
  - Statement in Response to PPS1 : Delivering Sustainable Development (March 2005)
  - Sustainability Appraisal
  - Design Statement incorporating an indicative masterplan
  - Full Environmental Statement in 3 volumes with Non-technical summary
  - Transport Assessment incorporating a Green Travel Plan and Access Details
  - Statement of community involvement
  - Arboricultural survey of the trees
  - 43 application drawings
  - additional drawings to indicate impact of office buildings at West and Eastern entrances to the site
  - additional cross sections and 3D graphics to indicate massing across the site
  - Indicative sketch layout and cross sections of the actual residential zone at a scale of 1:500 to show massing, spaces and inter-relationship of buildings
  - landscape infrastructure during the various phases of the development
- 2.5 The main change since submission has been the request by officers to omit the 2 four storey "gateway" office buildings at the West and Eastern entrances because of their impact on the Green Belt, the Urban Green corridor and existing trees. The applicants have agreed to this change and a revised masterplan showing this change is expected shortly.

### **3.0 Site and Surroundings:**

- 3.1 The application site comprises about 23 hectares of land in total lying some 6 kilometres to the west of Leeds City Centre. The site is roughly rectangular in shape with the thinner end of the rectangle to the eastern end of the site which then broadens out towards the western part of the site and then thins again to a narrower neck of land to the west along the valley bottom towards Newlay Bridge in Horsforth. Effectively the site is in the base of the Aire Valley through which run the historic transportation routes of the Leeds and Liverpool canal and the Aire Valley rail line, both of which for reasons of topography have generally followed the line of the River Aire. Immediately downstream of the site lies Kirkstall Abbey set within its Conservation Area. Upstream is Horsforth and the Newlay Conservation Area.
- 3.2 Whilst a small portion of the site lies effectively trapped between the railway and the southern bank of the River Aire the majority lies on the northern bank and is bounded on its northern-most edge by the A65 main arterial route connecting Leeds to Leeds/Bradford Airport, Ilkley and Skipton. There are significant gradient changes as the land slopes down from Abbey Road into the site representing the valley side before the valley bottom adjoining the River Aire is reached. Therefore existing buildings on the site are formed at a number of different levels. On the valley floor however the site is relatively flat.
- 3.3 Significant areas of woodland planting along the northern boundary with the A65 and the position of the site within the Kirkstall Valley means that generally there are limited views of the existing site from the surrounding area and those views which are most clearly seen are those from the existing railway line or the other side of the river. Travelling along the A65 with the very strong 2 metre high red brick boundary wall with trees behind it is difficult to envisage the scale of existing development on the site. Within the site however it is clear that there are substantial areas of existing building and hard-standings on the valley side and valley bottom which occupy the majority of the site. Many of these have developed over a period of time and are substantial in size and scale and have been used for a variety of purposes including mainly light or heavy industry or warehousing. The buildings are very significant in terms of size, age and condition reflecting the piecemeal development of the site over its lifetime and also the decline of manufacturing that has occurred with economic restructuring. Areas of hard-standing and car-parking surround the industrial buildings with a large part of the site being occupied by areas of hard-standing. Broadly speaking the buildings are located within the central area of the site on land west of the existing security gatehouse and east of the "blue box" bridge crossing the River Aire. Within the site itself the height of existing buildings does vary ranging from 2 storey to 4 storey generally.

- 3.4 There are four listed buildings and structures located on or around the site, all of which are Grade II listed. The largest of these is the Lower Forge building surrounded by large portal-framed industrial buildings one of which sits over the route of the tail-races which eventually discharge into the River Aire. Effectively this building is in two parts. The part open to the elements houses 3 wheel pits, one of which retains its original wheel, albeit with 20<sup>th</sup> century woodwork. The internal part of this building accommodates a further waterwheel and various examples of stamps used on the site during its early operation as a Forge. A rail mounted crane is also located adjacent to this building. This building sits at a lower level than the surrounding ground level and is thus dominated by the proximity of larger buildings and is screened by these buildings from the rest of the site. Part of the building is roofed with a 20<sup>th</sup> century addition. The second and third listed buildings comprise 2 cottages and adjoining stables which lie adjacent to the existing eastern security gatehouse. They are domestic in scale but were last used as offices and a boardroom. The fourth listed building is the milepost located close to the eastern entrance of the site on the A65 which delineates the mid-point between London and Edinburgh (200miles either way).
- 3.5 Apart from the buildings and the hard-standings the remainder of the site comprises areas of woodland and self-seeded vegetation particularly alongside the riverbanks, the railway and the northern boundary with the A65. These areas are generally sloping and did not therefore lend themselves to heavy industry and have therefore been allowed to remain.
- 3.6 To the north of the site on the other side of the A65 Abbey Road is a steep tree-covered bank which separates the A65 from the residential area of Hawksworth. The land to the north of the western entrance forms an area of public open space known as Hawksworth Wood, through which there is existing public access and walks. To the eastern end of the site there is existing residential development and a former petrol station which is now vacant and is also owned by CEG but does not form part of this planning application. The southern boundary of the site is formed by the Leeds-Shipley/Ilkley railway line. Beyond this lies the Leeds-Liverpool canal, which is a Site of Special Scientific Interest, and this forms the northern extent of the woodland known as Bramley Falls which comprises dense, mature woodlands. Bramley Falls is a steep tree-covered hill which rises from the valley floor up towards Bramley proper to its south and is a popular area of public open space. To the west of the site is the residential area of Newlay, much of which is designated as a Conservation Area. Pollard Lane bounds the western most extent of the site and beyond this lies the site of the former Woodside Works which has been granted permission for the development of 120 new residential units. Immediately to the east of the site lies an existing rugby club ground and its associated playing pitches. Beyond this lies Kirkstall Abbey, a former Cistercian abbey which is set within generous grounds which lie both north and south of the A65. Kirkstall Abbey lies within its own designated Conservation Area and has recently benefited from substantial improvement works as a result of a grant through the Heritage Lottery Fund. The Abbey is a key building within the valley and an historic and important landmark.

- 3.7 The site does have a significant landscape setting with significant areas of trees along the western boundary to Cow Beck which also forms the boundary of the Green Belt along with the A65 where there is an urban green corridor and also the eastern end of the site where there is significant tree cover and again the land is within Green Belt. The Green Belt does therefore effectively encircle the site with the only gap being along the northern boundary near to the entrance where it is bounded by existing residential development on the other side of the A65. To that extent the site could be considered as an island site set within the Green Belt.
- 3.8 Close to the western entrance and directly to the south of it is an existing electricity sub-station and whilst the applicant holds the freehold to this site, no works to this area are proposed and it is therefore excluded from the application. It is understood that this is a significant sub-station supplying electricity to the local area.
- 3.9 The former Abbey Mill Race passes through the woodland on the northern boundary of the site adjacent to the A65. The Mill Race is mainly open, albeit culverted in parts and slow-moving due to heavy silting. The existing sluice gates in the Mill Race are in disrepair and water escapes from these into the former goit below. Water from the Mill Race formerly fed the original Forge (the "Upper Forge") which was located close to the northern boundary of the site. This was subsequently diverted underground through the listed Lower Forge to discharge into the River Aire on the eastern side of the rail bridge through the associated tail-races. The now defunct goit, which is located mid-way through the site, once fed a large reservoir which in turn fed the waterwheels in the Forge until this was filled up some years ago. The goit was originally fed from Cow Beck to the west boundary of the site but this link was severed through the instatement of a concrete retaining wall rendering the western section of the goit stagnant being fed by rainwater alone. The mid-sections of the goit have been canalised through the insertion of a brick lining and those sections are now at a higher level than the western section which formerly fed it. The only flow through this section of the goit is provided by surface water run-off and by water which leaked from the sluice gates of the Mill Race. The eastern section of the goit is located underground and passes through the Lower Forge.
- 3.10 A small portion of the site on both northern and southern banks of the River Aire retains the flat or artificially level areas formerly occupied by the Lower Forge and stamping process buildings. However development on the northern bank is terraced to make viable platforms for development compatible with its industrial history. These terraces are punctuated by man-made or modified watercourses, the most significant of which being the Mill Race which has been described above. Whilst the site is relatively narrow in terms of the valley-wide proportions, the area immediately to the north and south of the river has a platform which broadens to the extreme western end of the site and remains as washland.

- 3.11 Whilst the site is constrained in relation to its location and topography it is a significant site in terms of size and is some 1000 metres in extent from Cow Beck in the west to the eastern entry into the site and at its broadest is some 230 metres wide between the A65 and the existing railway line.

#### **4.0 Relevant Planning History:**

- 4.1 The site has been used for heavy industry for a significant period of time dating back many centuries. The first record of industrial activity on the site was through a lease agreement in 1618. At this time the site was located in open countryside some way west of development in Leeds. The Upper Forge is thought to have been located close to the Abbey Mill Race thereby utilising the existing watercourse to power it. Expansion and redevelopment was the key for the next 100 years or so until the then owners sold the lease for the developing complex to a family partnership, the Beecrofts and Butlers. It was under this partnership that the site continued to develop apace for the next 300 years or so with descendants of the family finally buying the site in 1893. Throughout the operation of the site the production of axles survived as one of the few continuous processes undertaken on site with a shift away from the production of cart and railway axles towards axles for commercial motor vehicles. Such was the success of the Kirkstall Forge axles that in the post-war period up to the 1930's it was thought that almost every lorry and bus made in England had a Kirkstall back-axle casing.
- 4.2 The final major expansion of the site took place in the first few years of the Second World War with the site growing in order to meet the war demand. Due to the output of the site during the war years the Government sought ways to protect the complex with a detailed camouflage scheme being developed for the site and gun emplacement positions being cut within the boundary wall to the side in July 1940. The site continued to operate successfully for the next 40 years or so although by this time Leeds had grown around the site and complaints regarding the noise of the Forge hammers, particularly in the summer months when the doors were opened to enable ventilation, were commonplace. The issue of noise was exacerbated by the fact that the site operated almost continuously throughout the day and night. The site was sold to Dana Spicer in the late 1990's. Dana Spicer, a multi-national industrial engineering firm based in the United States, operated the site up until its closure in December 2002, the company subsequently sold the site after moving the operation to Spain and India, along with most of the machinery and materials. At the time of the Forge's closure approximately 300 people were employed on the site.
- 4.3 The history of the site post 1947, and the introduction of the planning system, indicates that the site has been subject to incremental general expansion and rationalisation over the years. In addition to minor applications there have been some applications for larger scale development which have been subject of appeals against refusal by the Council. In 1994 a local inquiry was held into a recovered appeal against the refusal of application for non-food retail development on land within the western limits of the site. That appeal was



dismissed principally as a result of policy conflicts in relation to major out-of-centre retail development. In 1994 an appeal was lodged against the refusal of an outline application for residential development on land at the site's eastern extremity. The site which was just below a hectare in size lay between the existing eastern side entrance and the club to its east. The site was in the Green Belt and it was considered to be inappropriate development without very special circumstances. The Inspector also did not consider that effectively developing the site in isolation for a non-employment use was acceptable, the appellant had argued that the proposals would form " an extension of an industrial area". The appeal was dismissed.

- 4.4 Since the site was acquired by CEG in 2003 there has been one application for a temporary storage use on the valley floor at the western end of the site and this has been given a temporary planning permission pending the redevelopment of the site.
- 4.5 Of greater significance is the adoption by the City Council of the Kirkstall Forge Planning Framework in September 2003 as Supplementary Planning Guidance following public consultation in June and July 2003. The Framework was developed to guide the redevelopment of this key site and form the basis of discussions to bring forward a more detailed masterplan for the site. It is within the context of that document that this outline planning application has been submitted. The content of the Planning Framework is dealt with in more detail in the policy section.
- 4.6 Within the identified boundary of the Kirkstall District Centre in the adopted UDP there are two applications of significance which are under consideration which will have also impact on traffic conditions along the A65 ;
- **24/413/04/FU** for the redevelopment of the former Allders store at Bridge Road with a retail scheme and public square on a 1.27 hectare site. The existing store which has a net sales area of about 12,730 square metres and would be replaced by 5 larger retail units within the site and 7 smaller retail and A3 uses along the Bridge Road frontage. The floorspace of the proposed scheme is some 16,620 square metres gross.
  - **24/572/05/OT** for the redevelopment of the Kirkstall District Centre on a 3.6 hectare site for a mixed use scheme comprising retail, residential, restaurant café/bar premises, nursery and health club/ gym, local support facilities and space for community and social facilities ( such as a LIFT scheme proposed for the site as a Joint Service Centre between the Council and the PCT ). Although the application does not propose a specific amount of floorspace for each activity the Transport Assessment has been based on an assumed maximum of the whole site of 11,410 square metres of retail floorspace and about 780 apartments. It is now known that the likely floorspace requirement for the LIFT scheme will be about 8,900 square metres which includes a library and pharmacy.

## 5.0 Consultations:

5.1 **Highways** – A significant amount of time has been spent in looking at transport issues which are raised by this significant development within the main urban area and its impact on the road network and also what measures can be brought forward to improve public transport as part of the proposal. There has been significant discussion on the scope and content of the original Transport Assessment and Green Travel Plan which were submitted and that has now resulted in an agreed position in relation to the impact of the proposal in terms of traffic generation.

The developers have expended considerable effort and money in looking at the provision of a rail halt to serve this development and the wider area. Discussions with the relevant transport bodies have sought to deal with all of the constraints to see if in both timetabling and capacity terms two rail stations can be delivered on this rail line. These would be at Kirkstall Forge and Apperley Bridge. The aspiration for two stations at Kirkstall and Apperley Bridge are included within the Local Transport Plan (LTP).

The philosophy behind the planning of this development has been to reduce the need to travel and seek to provide alternative modes to the use of the car either via bus or rail.

This is a major development proposal with consequential major traffic implications. Whilst the issue of sustainable travel is key to the success of this development there is a major highway concern that the provision of the rail halt and/or the Quality Bus Initiative (QBI) scheme on the A65 is not tied into the implementation of the development. **From the Highway Authority's point of view it has been demonstrated that there will be a significant detrimental impact from this development on traffic congestion levels.** The Highway Authority is only willing to support the full redevelopment of the Kirkstall Forge site on condition that the rail halt is provided at the site and the Horsforth roundabout is signalised to cater for the additional development trips.

5.2 **Environment Agency** – The Environment Agency (EA) have considered at some length the Flood Risk Assessment (FRA) submitted as part of the Environmental Statement. Their latest response is dated 5<sup>th</sup> January 2006. **The EA objects to the development as insufficient flood risk information has been provided with the application.**

Part of the proposed development site lies within Flood Zone 3, "high risk" as described in paragraph 30 of PPG25. In addition EAs historical evidence records that the site has flooded 3 times in the last 60 years (1946, 1967 and 2000). Following the autumn 2000 flood event consultants were commissioned to produce a model of the river Aire to determine the catchment wide peak flood level data. This data was to be used as a baseline for the Upper Aire Catchment Strategy and the City of Leeds Flood Alleviation Scheme.

The applicants have purchased this data for their own investigations and assessments of the site. The applicant's consultant has refined the model to

better reflect the local flood regime at the development site and this has formed the basis of their FRA. A similar refinement was also done by the EA to give a detailed basis for the City of Leeds Flood Alleviation Scheme and covered the Kirkstall Forge site.

Since the receipt of the application and the FRA a significant amount of work has been done and a lengthy dialogue entered into with the applicant's consultants.

The findings from the applicants model show a lower peak flood level than the EA's model and despite detailed work the EA have not been able to reach agreement with the applicant regarding the peak flood level data to be used at the site. The differences between the two models is significant. The EA consider their own model adopts the necessary precautionary approach advocated within PPG25. The model used for the applicants FRA indicates that the site is not at high risk of flooding which is considered contrary to historical records. The site does not currently have the standard of protection necessary to meet the requirements of PPG25 and climate change will further diminish the standard of defence on the site.

The EA have referred both sets of modelling results to an independent modeller for them to be tested.

In addition to the flood risk discussions, the Environment Agency has also met with the applicants' consultants on several occasions to discuss biodiversity and fishery issues. Finalised biodiversity plans are expected once the issue of flood risk has been resolved. The inclusion of a fish pass on the River Aire has also been discussed and the applicant is keen to support this. Further discussions regarding this will also take place once the flood risk issue has been resolved.

In their latest comment the EA have concerns that the information submitted regarding protection and enhancement of the biodiversity of the site is inadequate to address PPS9. The development gives a significant opportunity to improve an area of river corridor that has been neglected at the expense of industrial growth. It is essential that further submissions be made to reflect how the proposals will comply with PPS9 by enhancing the biodiversity along the river corridor and elsewhere on the site.

The proposals need to consider the naturalisation of the river corridor. Past industrial uses along the site have led to a mixture of bank treatments. The EA would welcome proposals that restore the riverbank to its natural state. Proposals should not just aim to enhance what is currently on site but aim to return the river corridor to its natural form.

Opportunities should be investigated to open up the culverted sections of the Abbey Mill Race to the north of the site to restore it to its original form and help to regenerate the habitats along its length.

A number of conditions are recommended to ensure the application meets the requirements of PPS9.

- 5.3 **Yorkshire Water** – Observations are in relation to water supply and waste water. The local public sewer network does not have the capacity to accept any discharge of surface water from the proposed site and the developer and Local Planning Authority are advised to contact the relevant drainage

authorities with a view to establishing a suitable watercourse for the disposal of surface water – the River Aire passes through the site and seems to be the obvious place for surface water disposal. Sustainable systems of drainage are recommended for this particular site. An offsite foul sewer will be required which may well need to be adopted under Section 104 of the Water Industry Act 1991. Conditions are recommended.

5.4 **Land Drainage** – Awaiting the final response of the Environment Agency to the Flood Risk Assessment so that the finished floor levels, flood mitigation measures and drainage matters can be agreed jointly with Land Drainage and the Environment Agency.

5.5 **Land Contamination Officer** – A significant amount of information on contamination and its remediation is included within the submitted Environmental Statement following on earlier work from the Geo Environmental appraisal carried out. Given the previous use of the site as a Forge and with an industrial history of over 900 years including a chemical works, a gasworks and landfill, there are clearly significant contamination issues which have to be addressed on this site as part of any redevelopment of the site.

Extensive site investigation works ( over 200 boreholes and trial pits ) across a range of areas have taken place within the site and the main sources and locations of potential pollutants have been identified. It is considered that each of the potential pollutants can be satisfactorily addressed using the appropriate methods of remediation.

In principle remediation involves placing of a capping layer over the made ground and removal/treatment of hydrocarbon contamination. Remediation will be necessary to treat contamination within the site and improve sections of the River Aire.

A full remediation strategy covering the whole site will need to be agreed prior to works commencing on the site and suitably worded conditions are recommended at this stage to ensure that this happens as well the general remediation which now needs to be carried out for each phase of development.

Meetings have taken place between officers and consultants on behalf of CEG in relation to outstanding issues in relation to remediation and general approach has been agreed. The principles will be need to be agreed at outline stage with the detail coming in as part of detailed planning applications for the individual phases. The remediation strategy is still being developed. At this stage however it is envisaged that the remediation will comprise ground clearance following demolition, remediation of identified hotspots (primarily hydrocarbons), and other assessments based on visual and old factory evidence, re-profiling of the site as necessary to suit the masterplan and development platforms, application of cover to suit the contamination characteristics with regard to safeguarding the proposed end use.

No remediation work is planned within the woodland area along the northern margin of the site adjacent to Kirkstall Road as this is an area with high ecological value and the trees are subject to a Tree Preservation Order making it difficult to undertake any remedial work. The risk therefore is low and remedial work is probably not appropriate – further assessment however

of the risks regarding residual contamination which may be present in this area is to be further considered by the Local Planning Authority.

- 5.6 **British Waterways** – Support the principle of mixed-use redevelopment of this site including residential, office, leisure, business and hotel uses built to a high standard and set within a landscape setting focusing on the river. It offers the opportunity to create a sustainable community and new destination location.

The Leeds-Liverpool canal runs close to the site with “area of landscape to be improved as part of the development scheme” lying adjacent to the waterway. British Waterways would support the use of the canal for tourism, leisure, recreation and sporting activities and in particular formation of a network of pedestrian and cycle routes enabling connections to the national cycle network and canal towpath.

British Waterways note the potential location for the new rail station and pedestrian link across the site to Bramley Fall Park and canal. As well as being a benefit to the development a new station well connected to the canal would allow greater public access to the waterway and this is particularly supported as an element of the scheme. The canal corridor is ecologically valuable and forms a green corridor that links habitats and enhances the biodiversity of the local area. There is a substantial woodland adjacent to the waterway and it is important that this is retained and enhanced. New footpath links through this woodland should be carefully designed to ensure that this happens. Opportunities for habitat creation or enhancement in consultation with an ecologist should be incorporated into the development wherever possible.

British Waterways would wish particularly to be involved in the landscape improvement works to take place on the land in the applicants’ ownership between the river and the canal.

British Waterways also confirm that they are happy to discuss with the applicants the possibility of forming business destination moorings on the canal at a suitable point to enable boaters to stop and use the leisure facilities to be provided as part of the development and this could be dealt with by way of a Section 106 Agreement given the additional impact this development will have on the canal and towpath and the fact that such an amenity will provide for residents as an area of open space and a sustainable transport route. British Waterways conclude that they are looking forward to working with the applicants as the scheme proceeds and being consulted on the subsequent reserved matter applications.

- 5.7 **Sport England** – The development does not affect any statutorily defined playing field and so the consultation has been treated as non-statutory. 60% of the overall site area is to be used as open space with a defined hierarchy of formal areas on the other side of the River Aire directly related to the built forms planned to be erected including 2 squares with associated footbridge crossings. The site shape is essentially linear with little scope for the inclusion of formal playing pitches. A network of new footpaths and cycleways are to be provided within the site linked to neighbouring open space facilities e.g. Bramley Fall to the south, Hawksworth Wood to the north.

The pedestrian/cycle routes are intended to foster increased walking and cycling to generate a more sustainable lifestyle.

Sport England consider that the scale of development may introduce a substantial level of additional public demand with a potential need for additional or improved sports and recreational facilities within this part of the Leeds district. Notwithstanding the proximity of existing formal outdoor sports facilities, the question of the capacity of these facilities to accommodate the increased pressure has not been presented as part of the evidence base. Sport England refer to their objectives to promote the use of planning obligations as a way of securing the provision of new or enhanced places for sport and a contribution towards their future maintenance to meet the needs arising from new developments. The need for additional formal outdoor sports facilities ought to ideally be addressed in the context of an Open Space Sport and a Recreation Strategy/ Playing Pitch Strategy whereby a contribution to known deficiencies within the catchment area of the site could be addressed.

- 5.8 **Network Rail** – No objection in principle to the outline planning application. The site has a long boundary with the railway but there does not seem to be any particular element of the developed proposal that is likely to be of concern to Network Rail. Protection measures will be sought to ensure that the railway is not adversely affected. Network Rail do not comment on the potential railway station as if this comes to fruition it will form a separate and later planning application. They do raise issues in relation to construction and particularly the use of multi-storey construction where crane working may well be necessary and these works will need to be regulated as the railway is electrified adjoining to some of these structures. Network Rail do comment in relation to the proposed railway station that support will need to be obtained from the West Yorkshire Passenger Transport Executive and the current train operating company, Northern Rail Ltd and the franchisee will need to agree to stop its services at the proposed halt stop.
- 5.9 **Metro** – In a letter dated 17<sup>th</sup> January 2005 Metro state they have current Rail Plan aspirations to provide new additional rail stations at Kirkstall and Apperley Bridge. Metro has carried out feasibility design work at both locations but subsequent timetable and capacity studies have identified significant train capacity issues on existing Leeds to Skipton and Leeds to Ilkley services. It has therefore been necessary to undertake further development work on timetable and cost issues.
- The proposed commitment by CEG of a significant financial contribution towards transport improvements in the A65 corridor and in particular towards a rail station would be of major benefit to both station proposals. It creates an opportunity for Metro to consider the development of both stations at the same time using a combination of LTP and third party funding and allows costs savings to the public purse. It is understood that the funding contribution from CEG would be flexible to be delivered in the form of capital and/or revenue which is helpful to Metro in terms of future ongoing cost issues.
- Assuming that an acceptable financial commitment can be secured from CEG and that Metro can assemble an appropriate public/private funding package

for the stations then Metro will pursue the further development of both station sites. Actual delivery is subject to all the necessary railway regulatory processes being achievable and the business case for both stations meeting the requirements of Metro, the train operator and the Department for Transport. Assuming this can be achieved it is reasonable to expect at this stage that a delivery programme could be assembled that would meet the current development timescales of the Kirkstall site. Since the Supertram decision Metro and the City Council have been working together on a revised transport strategy for Leeds. Whilst this is still at an early stage it is likely that both Kirkstall and Apperley Bridge stations and their park and ride opportunities for the A65 corridor will feature in it.

It is worth noting that CEG have tangibly demonstrated their support for the rail stations by committing significant expenditure for consultancy services and these consultants continue to work with Metro on the resolution of issues relating to the development of a workable timetable, provision of appropriate train capacity and the business cases.

**The creation of an opportunity that enables both stations to be developed and delivered is therefore supported.**

- 5.10 **Yorkshire Electricity** – No particular points are made in the consultation response. Yorkshire Electricity are expecting the developer and all their agents to contact them in the near future to discuss the scheme in greater detail and to allow Yorkshire Electricity to produce firm proposals for any new connections work and diversions of existing cables.
- 5.11 **Commission for Architecture and the Built Environment (CABE)** – CABE have responded to say that they have received consultations for more schemes than they currently have resources to deal with and will not therefore be able to comment on this scheme. They ask the City Council to note that a “no comment” should not be interpreted as their tacit endorsement of the scheme.
- 5.12 **English Heritage** – English Heritage have considered the application and do not intend to comment in detail upon the proposals. They do state that given the potential for archaeological deposits and features of industrial significance it is essential that discussions are held with the West Yorkshire Archaeological Advisory Service to establish a suitable level of archaeological mitigation. Providing that that is adequately dealt with they recommend that the case is determined in accordance with government guidance, development plan policies and with the benefit of any necessary further conservation advice locally. It will not be necessary for them to be consulted again on the application.
- 5.13 **West Yorkshire Archaeology Advisory Service (WYAS)** – Substantial discussions have taken place with WYAS during the consideration of the planning application. A specification for archaeological evaluation by trial trenching at the Forge has been agreed and the works were carried out before Christmas. Whilst the results have not yet been formally submitted it is understood that little of archaeological significance has been found through the trial trenching work. One particular trial trench (Trench 5) which was

underneath an existing building has not been examined at this stage and it has been agreed with WYAS that a Grampian condition will be imposed on the permission which ensures that no work is carried out in this area until the results of this evaluation have taken place.

In relation to the illustrative material submitted as part of the application WYAS comment that any designs for the treatment of the Lower Forge area must retain in situ and incorporate sympathetically all industrial fixtures and fittings which survive within the structure of the Lower Forge building and that also the successful design should be sympathetic with the massing roofline and pallet of surviving portions of the Lower Forge buildings. To date they do not consider that the information so far submitted does this but it is understood that this is illustrative at this point.

WYAS concur with the Environmental Statement that the primary archaeological significance of the development site relates to its industrial function. Although not of medieval origin, Kirkstall Forge probably had its inception in the mid to late 1580s functioning initially as a forge and bloomery and then through the course of the 17<sup>th</sup> and 18<sup>th</sup> centuries as a forge converting pig iron for the manufacture of small implements, the site expanded during the 19<sup>th</sup> century into the production of a variety of general engineering products. The closure of the engineering department in the 1870s led to a concentration on the specialist production of superior line shafting and vehicle axles, the latter of which survived until the closure of the site in 2003. There is a very high probability that Kirkstall Forge is one of a very small number of sites, and may be the only site nationally, to have survived in continuous use as an iron-working site from the late 16<sup>th</sup> century to the late 20<sup>th</sup> century.

The Forge is also one of the earliest sites to have housed an all-iron waterwheel and the iron puddling plant on the south side of the site appears to have been among the earliest established and the last to cease production nationally. The site as a whole is therefore potentially of national, if not international, significance. With regard to individual structures WYAS, whilst concluding that many of the buildings on site could not be justified to be listed, consider that some of them are of regional archaeological significance and the proposed demolitions will therefore have a major impact on the archaeological resource of the county. They therefore want these properly recorded prior to demolition.

The trenching work has been carried out to identify the likelihood of survival of below ground archaeology. This could potentially be of regional or possibly national significance by reason of the period of use (few sites of this date survive nationally to any degree of completeness, the longevity of the site and the possibility for survival of evidence of technological innovation). Conditions are therefore recommended in relation to proper archaeological recording of buildings and also to enable below ground archaeological exploration and the developer has been strongly advised to allow reasonable periods of time for this to take place during the development of the site.

- 5.14 **Architectural Liaison Officer** – The ALO makes various recommendations about the need to take into account security concerns during the design



process as the detailed designs for the development are worked up. There are a number of potential areas of risk involved in the scheme and there is clearly a need to design out crime and use Secured by Design standards in the detailed planning of this development.

- 5.15 **Public Rights of Way** – The definitive footpath map shows that in the vicinity of the site there is only one known public right of way recorded on the definitive map and statement which is public footpath Leeds Number 39 which exists on the northern towpath of the Leeds-Liverpool canal and passes through the separate area of the identified site off the main site lying between the railway and the River Aire and the Leeds-Liverpool canal. Additionally public bridleway Horsforth Number 35 lies in close proximity to the north-west of the site, and public footpath Leeds Number 45 lies to the north of the site across Abbey Road.

Public footpath Number 39 co-exists with the Aire Valley towpath route from Leeds to Bingley which is part of the national cycle network and multi-user recreational links between the site and this route would offer much public benefit. There is a non-definitive footpath that currently exists westwards from Kirkstall Abbey along the northern bank of the River Aire towards the development site and it seems feasible that a future link can be made to this from the site. Improvement work would be necessary however to bring this route up to a reasonable standard for designated public use. The status of this footpath is currently unknown as it has not been formally claimed as a public right of way. The application suggests that pedestrian, cycle and possibly horse-riding access is being considered within the redevelopment proposals and these are welcomed. Links to neighbouring public paths are also feasible and would benefit the development of the public rights of way network within the area.

- 5.16 **Housing** – The site is in an area where 20% affordable housing is normally required with a 40/60 split between social housing and mid-market housing. As this scheme is on a very big scale there may also be other issues which need to be taken into account.

- 5.17 **English Nature** – Additional information has been sought in relation to the ecological survey work and protected species survey and proposed treatment of the riverbank where it passes through this site. The additional ecological survey information has been received and it is understood that there has been a recent site meeting to discuss in greater detail the nature conservation and biodiversity issues in relation to the riverbanks.

With regard to the protected species surveys it is noted that the Inspector on the site did not find any evidence of any active bat roosts within the development area – some additional work on this is required in relation particularly to in-filled sections of the mill goit as the culverts could be used by roosting bats.

English Nature note that the proposed development lies close to the Leeds-Liverpool canal of which is a Site of Special Scientific Interest (SSSI) but only a small portion of the application site immediately adjoins the canal. It is English Nature's view that the proposed development is unlikely directly to affect the interests of this statutory nature conservation site. However there

may be an opportunity to provide interpreted information on the SSSI on notice boards placed beside footpaths in this area.

The development will affect an important wildlife corridor created by the River Aire and the associated Mill Race. It is essential therefore to recognise and to accommodate the needs of wildlife within the proposed redevelopment scheme. The proposal should include the retention and where necessary the recreation of a natural riverbank through the development site together with the provision of a generously proportioned corridor with semi-natural habitats alongside. The opportunity to reinstate a more natural river corridor as a result of the redevelopment of this former industrial site must not be missed. English Nature would wish to see that sustainable urban drainage systems, including the use of swales and the creation of balancing ponds are implemented on this site. The redevelopment of this site offers an ideal opportunity to use an imaginative approach to create an area which, whilst providing sustainable business and residential land uses, benefits local wildlife and enhances peoples ability to enjoy the wildlife.

## **6.0 Public/Local Response:**

- 6.1 Since the involvement of CEG from March 2003, there has been extensive pre-application consultation. This started with an initial 3-day consultation in April 2004, attendance at the Kirkstall Festival in July 2004 and a 3-day exhibition in July and August of 2004. A Kirkstall Forge Liaison Group involving all community organisations was established and met first in October 2004 and has met a number of times since then. A submission exhibition prior to putting the application into the Local Planning Authority was held for 3 days in November 2004.
- 6.2 In addition to these formal sessions, a number of meetings have taken place with local community groups, Councillor briefings have been held and there has been publicity through "Kirkstall Matters", the magazine of Kirkstall Village Community Association which is circulated widely throughout the Kirkstall area. All of the pre-application consultation is documented in the Statement of Community Involvement submitted with the planning application.
- 6.3 On balance of those responses received throughout the course of the various public exhibitions and consultations most were supportive of the redevelopment proposals, recognising that the site was no longer required to meet today's employment needs nor was it appropriate now to locate heavy industrial uses at the site. Most responses were supportive of mixed-use proposals and the scheme's potential to open up public access to the site for the first time in over 400 years.
- 6.4 The public consultation in terms of responses received have confirmed that there is significant support for;
  - public open space being provided on the site
  - public access to the river to be provided in the form of riverside walkways

- for the heritage of the Kirkstall Forge site to be retained and enhanced
- the provision of woodland walks
- improved bus services along the A65 corridor
- the provision of a rail halt as part of the development
- the provision of jobs for local people as part of the development
- the provision of restaurants on site
- the provision of new housing on the site
- for there to be a mix of commercial development such as local shops, craft workshops and bars and cafes,
- for there to be leisure facilities such as a fitness centre on the site.

6.5 There was little support for student housing on the site. The position in relation to the provision of a hotel on the site was relatively neutral.

6.6 The majority of people who commented felt that the site should be redeveloped before greenfield sites on the edge of city were built upon. A number of individual comments were made about the possibility of particular uses on the site and these are all responded to in the Statement of Community Involvement.

6.7 It is true to say overall that community involvement has been significant and comprehensive and has certainly contributed towards the final form of the scheme which is now put before Members.

6.8 Consultation and involvement has continued after the application has been submitted. People on the database who have expressed interest in the scheme over the pre-application consultation period and have asked to be kept informed have been sent information regarding the submission of the planning application.

Community groups have been consulted and a number of briefings have taken place at their regular meetings.

The site has been open every Tuesday morning for the public to visit where surgeries have been held.

The plans and submission documents have been held and available for inspection at four local libraries (Armley, Kirkstall, Headingley and Horsforth) as well as at site and also the Development Department offices at The Leonardo Building.

The receipt of the planning application was well advertised in the local press and site notices have been displayed along the complete site frontage on Abbey Road and into Horsforth on residential streets in the Newlay Wood area, on Pollard Lane and also on Leeds and Bradford Road on the opposite side of the valley in Bramley. People have been given an extensive period in which to comment.

The Kirkstall Forge Liaison Group has continued to meet as necessary and there has been attendance at Area Committees and again this year at the Kirkstall Festival to keep people informed of progress on this application.

6.9 The extensive consultation exercise which has been undertaken has meant that people have been well informed about this particular development and that seems to have resulted in very few public comments actually being made.

6.10 The involvement of people in the development of this site is expected to continue with a similar approach being adopted by CEG through the consideration of detailed applications and when development is taking place on site. It is anticipated that the overall development period for the construction of this scheme will be about 10 years.

6.11 **Councillor Minkin** has commented back in June about having looked in detail at the Planning Statement, the Environmental Statement and Design Statement but by far the greater part of the plans seem to her to promise an excellent development of “this wonderful site” but that she has some concerns about one or two aspects which she hopes can be addressed.

These mainly relate to levels and sections through the site compared to the existing levels and understanding what the impact of the new development will actually be. She therefore questions the footprints of some of the proposed blocks, the permeability through the site, how much car parking will be surface and how much will be underground, the treatment along the riverside, some of the indicative street scenes and views, and the materials to be used.

Her concerns are to ensure that there is good permeability through the site, that large areas of car parking is avoided, that there is a sensitive treatment to the riverside avoiding the steep high vertical banks, and that there is good space between buildings so that we do not end up with streets which appear rather like canyons.

She makes it clear in her comments that she is a member of the Plans Panel and so that these are initial comments only and are given to help inform the process given how open CEG have been during the whole of what she describes as “the excellent public consultation process”.

**Councillor Illingworth** strongly supports Councillor Minkin’s comments especially in relation to permeability, canyon-like streets and any harsh concrete or sheet piling near the river - he feels that any treatment along the riverside should be of a much gentler shelving or terraced bank treatment which would be better for wildlife as well as an improvement in health and safety terms.

6.12 **Leeds Civic Trust** have had the opportunity to consider in detail the Design Statement for this development and have received a detailed presentation and site tour from the developer. They have written to support this outline application which they consider is an appropriate way to redevelop this “brownfield” site. They include a letter with detailed points sent to CEG which are raised to inform the development and which they consider to be important. These include;

- ensuring that the less common Flora which exists on the site be protected and be given the opportunity to establish over wider areas, rather than be replaced by imported species
- that consideration be given to “green roofs” given that there are significant level changes and the potential for views from above and it also may help to alleviate storm water run-off
- that there is a varied treatment to the riverbank and hoping that hard edges will be kept to a minimum particularly as these may require fencing

- that consideration be given to the retention of the stone façade of the workshop just to the north of the Forge as a retaining wall
- that any dressed stone be retained on site for use in features
- that any artefacts from the site are retained on site and displayed in some way
- that the Forge is properly restored and incorporated into a pub or bar complex and
- that despite the practical difficulties that some pedestrian access to the canal and the residential development on the opposite side of the river ought to be explored so that the site can be properly integrated into the community.

They did express some concern over views from Kirkstall Abbey and will be looking at that further as the scheme develops.

Leeds Civic Trust particularly welcomes the public consultation that has been carried out with the local community from the outset and hopes that it will be used as an exemplar when the City Council starts talking to other developers with large sites.

6.13 **Leeds Local Access Forum** have written following a presentation made to them on 21 June. The Leeds Local Access Forum is a statutory body set up under Section 94 of The Countryside and Rights of Way Act 2000 by the City Council as local highway authority to advise it on strategic access and open-air recreational issues. In particular the Forum was very interested to learn about the proposed network of pedestrian and cycle routes within this large and strategic site. The Forum supports the outline planning application for the former Kirkstall Forge insofar as it relates to the provision of new pedestrian and cycle routes within the site. These proposed routes will enable valued links to be made with the existing rights of way networks across the valley, between Hawksworth Wood and Bramley Falls, and create new routes along the river between Newlay and Kirkstall.

The Forum agreed that it would be in the best interest of both the Local Authority and the improved rights of way network if any works required offsite to create connections to the existing rights of way network are incorporated into a Section 106 Agreement.

The Forum also agreed that they would like to see this site become an exemplar of how a major prestigious development can deliver improvements to the rights of way network both in the routes themselves and in the construction, the Forum will be urging and supporting officers in the public rights of way section to achieve the highest standards when discussing the specifications with the developer.

An update was given on progress of the development at the LLAF meeting on 17<sup>th</sup> January 2006.

6.14 A letter has been received sent on behalf of **the Aire and Calder Rivers Group** who would like to bring to the City Council's attention the possibility of the return of salmon to Leeds and the way in which this could be aided by the development. The water quality is now such that salmon are returning to the lower Aire after a 200 year absence. In order for salmon to return to Leeds, it is necessary to put fish passes on the weirs in the Leeds area.

The Environment Agency has recently published its fish pass strategy for the river Aire in the Leeds area. This strategy and overall objectives are supported by SORM, a partnership which was officially launched in April 2004 between British Waterways, the Environment Agency, the City Council, the Leeds Initiative, Yorkshire Water, Water Voice Yorkshire and Eye on Leeds. The partnership's main objective is to improve the environmental and amenity value of the river Aire. Primary funding is required to enable the Leeds fish pass strategy to be put in place and it is hoped that some of this funding can be obtained from developments which are taking place along the Leeds riverside. Fish passes are one of the aims of the West Yorkshire biodiversity action plan and are also covered by the wildlife enhancement provisions of policy N51 of the UDP. The group hope that the above can be taken into consideration and that some funding might be obtained from the prospective development to advance the Leeds fish pass strategy.

They also raise an additional wildlife related concern to facilitate fish breeding. They believe that a flood channel is to be created as part of the scheme and the riverbed is to be reinstated. As part of this exercise they ask for thought to be given to creating suitable spawning habitats for salmonids and of coarse fish.

- 6.15 A letter has been received from a local resident which has also been copied to the applicants in relation to the use of the site for waterpower. The resident makes the point that Kirkstall Forge has used waterpower since medieval times and used the Forge goit as a source of cooling water which was only abandoned in 1919. The resident urges the developer to take advantage of the historic water resources of the site to generate hydro-electricity. This would be a useful source of clean and renewable energy and would also demonstrate the city's commitment to sustain energy sources and reduction of greenhouse gases. The resident confirms that he has no personal connection with the Kirkstall area or the energy industries but lives in north Leeds and is interested in a sustainable future for the country.
- 6.16 **Four other letters from individual residents** have been received in relation to the planning application. One letter is opposed to any more shops, offices, bars or restaurants as it is considered there are sufficient of these already and that leisure is already provided at Cardigan Fields. One letter raises concerns that the development will alter the environment making it another "village" complex. The main concern of this particular resident however is the amount of traffic on the A65 which will result given that the road is already heavily used by all kinds of traffic. The resident makes the point that it is very difficult at present for pedestrians to cross the road and that traffic will increase on the A65 as a result of the development of the High Royds and other various schemes along the A65. This resident also raises concerns about the height of the development and is concerned about the future of the woodland area adjoining Abbey Road. The resident makes the point that much thought is needed when considering this plan and hopes from the conservation side that the heritage of the Forge will be retained and that the names of Butler and Beecroft could be used somewhere in the development which has long historical associations with the site and that it

would be possible to link it with the important heritage site of Kirkstall Abbey. This resident wishes us success with our deliberations on this particular scheme and raised also the issue of the insensitive placing of the speed camera at the eastern entrance of the site very close to the historic milestone at the Forge's entrance.

Another local resident is mainly concerned about the two high rise buildings which appear to be 8 to 10 storeys high which she considers will be obtrusive and out of keeping with the valley side and will spoil the long-distance views as well as the views from within the site itself and will rob nearby residential properties of their privacy. She considers overall that the proposed plan in her opinion is mediocre and wastes the opportunity for world-class development that this interesting site presents.

The fourth representation is from someone who has a property in Armley and resides in Yeadon and who is particularly concerned about the impact of the development on the A65 given the number of people projected to be employed on the site and the number of houses proposed. Whilst accepting that the Forge did produce some lorry traffic, this has been minimal in the last few years of the Forge's operation. The objector considers that the minimum requirement of the site is that a railway station should be provided on the Aire Valley line at the sole cost of the applicant to service this development and that all the demolition waste and materials ought to leave the site by rail rather than by road. Failing that, it is suggested that severe limitations are placed on the hours at which construction traffic can use the site to avoid adding to rush hour congestion. This particular representation also states that there should be no existing trees lost on the site, that there should be no net loss of open space on the site, there should be no net loss of grass areas on the site, and that there should be no extra demand on local utilities by this site. Finally the objector considers that there should be no visual intrusion to the valley scene caused by this site, views from any vantage point or the Abbey site itself.

- 6.17 There have been no formal written comments regarding the application from any of the local community organisations although they have been regularly involved in Liaison Group meetings.

## **7.0 Planning Policies:**

### **7.1 National Planning Guidance;**

There are several national policy statements or guidance notes which are important in the consideration of this planning application;

PPS1: Delivering Sustainable Development – This statement emphasises the encouragement that should be given to mixed-use development and also the role of substantial pre-application consultation and community involvement prior to the submission of a planning application.

- PPG2: Green Belts – Inappropriate development within the Green Belt should not be allowed unless very special circumstances can be justified and shown.
- PPG3: Housing – This directs that new housing development should take place in sustainable locations on previously developed sites in existing urban areas and that Councils should undertake urban capacity studies to identify such sites. The guidance also gives general advice about the quality of new housing, mix, densities to be provided and car parking guidelines. In January 2005 the Government published a new paragraph 42A the effect of which is to introduce a presumption in favour of housing on existing employment sites that are no longer needed for that use. Only where the site's development for housing would undermine the relevant regional or local housing or employment strategy should permission be resisted.
- PPG4: Industry and Commercial Development – This guidance deals with the planning issues associated with the location of industrial and commercial development and seeks to reconcile the need for economic development with the Government's environmental objectives. It does stress the need to bring back underused or vacant former industrial land in to beneficial use which is crucial in achieving regeneration of towns and cities. It also emphasises the importance of maximising the reuse of urban land.
- PPS6: Planning for Town Centres – This statement was issued in 2005 and sets out the Government's key objectives for town centres to promote their vitality and viability in planning for growth and development and promoting and enhancing existing centres. It sets out a number of criteria for considering the development of town centres in development plan documents and the need to ensure that retail, office and leisure developments are incorporated in centres where possible which are most accessible and which strengthen the role of town centres in providing services to a wide range of the population. The PPS though does also set out the wider Government policy objectives of delivering more sustainable patterns of development, ensuring that locations are fully exploited through high density, mixed-use development and promoting sustainable transport choices, including reducing the need to travel and providing alternatives to car use. It sets out that in dealing with planning applications material considerations to be taken into account include physical regeneration, employment, economic growth and social inclusion. Small scale ancillary retail development out of centres is not necessarily unacceptable providing that it remains ancillary and small in scale and the use of planning conditions to ensure that this happens is recommended.



- PPS9: Nature Conservation – This is a recent Planning Statement replacing PPG9 and sets out the Government’s policies for the conservation of the natural heritage and embodies the Government’s commitment to sustainable development and to conserving wildlife diversity.
- PPG13: Transport – Aims to promote sustainable transport choice, accessibility to jobs and essential services by non-car modes, thereby reducing the need to travel. Also recommends the use of travel plans.
- PPG15: Heritage – This sets out the Government’s objectives in dealing with all aspects of heritage including conservation areas and listed buildings.
- PPG16: Archaeology and Planning – Sets out detailed guidance on the importance of the consideration of archaeological matters during the consideration of a planning application and the need for works to be retained in situ or for watching briefs to be maintained during the development process.
- PPG17: Open Space, Sport and Recreation – In considering new housing proposals, local authorities should ensure that provision is made for local sports and recreational facilities. In planning for development local authorities should seek opportunities to improve the local open space network, to create public open space from vacant land and to incorporate open space within new development on previously developed land.
- PPG23: Planning and Pollution Control – This states that the planning authorities may use conditions or planning obligations to meet planning goals to protect the environment, where these are relevant to the development proposed, including where there is a need to ensure decontamination works are undertaken.
- PPG24: Planning and Noise – This confirms that the impact of noise can be a material consideration in the determination of planning applications.
- PPG25: Development and Flood Risk – This sets out the Government’s policy on the positive role of land use planning in reducing the risk to people, the developed and natural environment from flooding. In assessing proposed new development the impact of the development from flooding or increased flood risk elsewhere should be considered. The restriction and reduction of surface water run-off from new developments is also encouraged through the use of sustainable drainage systems.

## **7.2 Regional Planning Guidance;**

The Regional Spatial Strategy (RSS) – The RSS for Yorkshire and the Humber was established in September 2004 and comprises former Regional Planning Guidance Note 12. This picks up national policy themes including the encouragement for the development of previously developed urban sites and translates them into regional policy.

Relevant regional policies are;

S3 - which seeks to foster the renaissance of existing urban and regional settlements of all sizes and make them more attractive, high quality and safe places to live, work, shop, spend leisure time and invest in. This is achieved by concentrating new developments of all appropriate kinds within existing settlements in ways which respect their character and landscape setting, by improving the quality of life they offer including reclaiming and remediating derelict and underused land for development, open space, recreation and amenity and high standards of design.

P1 - continues the support for the redevelopment of brownfield urban sites by setting out a series of locational principles for new development. The policy seeks to minimise the need for greenfield development and the need to travel and confirms that wherever possible, development should be located within urban areas. This should be achieved by adopting a sequential approach to meeting development needs, prioritising the reuse of suitable previously developed land and buildings within urban areas.

SOC3 and S3 seek to ensure that the provision of facilities minimises the need for communities to travel, especially by car.

T1 provides advice on the integration of planning and transportation.

The Revised Draft RSS was issued for consultation on 16 January 2006. Whilst acknowledging its status, it is noted that the Revised Draft RSS proposes significantly higher house-building targets for the District as well as an increased target of 80% for new housing on previously developed land.

## **7.3 Adopted Unitary Development Plan**

Within the adopted Unitary Development Plan (UDP) there are some site specific designations which affect the perimeters of this site. The eastern part of the site beyond the existing site entrance is in the Green Belt as is the western extremity of the site between Pollard Lane and Cow Beck across part of the valley floor. At the north-western part of the site adjoining the western entrance there is also a piece of land which is in the Green Belt and the Green Belt designation in this part of the A65 is actually drawn inside the site to include the woodland trees along the northern boundary on the southern side of the A65. A small piece of land on the valley floor towards the western end of the site and immediately to the west of Cow Beck is down as an E3

existing supply site under the local economy. This part of the site together with adjoining land to the west and the east is designated as washland.

**There are no specific proposals put forward for this site in the UDP.**

The environmental sensitivities of the site are demonstrated by the Leeds Nature Areas (LNAs) to the north (Hawksworth Wood) and to the south (Bramley Falls) and also to the Leeds-Liverpool canal to the south which is a Site of Special Scientific Interest (SSSI). The site is therefore effectively surrounded by Green Belt and areas of special interest in terms of nature and the environment. Land to the north, west and south as well as the fringes of the site to the north and south are designated as urban green corridors.

There are a number of relevant policies in the adopted UDP which should be taken into account when considering this planning application;-

- GP2: Development proposals on redevelopment sites for which there are no specific proposals in the local plan will be considered favourably in the context of other policies in the plan.
- GP5: Detailed planning considerations need to be taken into account in looking at development proposals.
- SP3: New development to be concentrated within or adjoining main urban areas on site well served by public transport.
- SP4: Priority to supporting public transport.
- S9: Non-major retail proposals outside of defined centres.
- SA6: Promotion of tourism.
- LT7: Encouragement of the development of a wide range of visitor accommodation.
- HO4: Major hotel development outside city centre and adjoining inner city areas normally be acceptable where it will contribute toward the regeneration of the riverside
- T1: Transport investment will be directed to supporting public transport.
- T2: New development should normally be served adequately by existing or programmed highways, be capable of being adequately served by public transport, and make adequate provision for parking and be within convenient walking distance of local facilities.
- T5/T6: The need for safe and secure access for pedestrians, cyclists and disabled people.
- T15: Measures to give priority to bus movements will be supported.
- T16: Support to the provision of park and ride facilities associated with bus routes and rail stations.
- T24: Requires the provision of adequate parking and associated with the detailed guidelines contained in the annex to the UDP.

- N2/N4: The requirement for a hierarchy of greenspaces within residential developments.
- N8: Development affecting urban green corridors.
- N12: Sets out the fundamental priorities for urban design that all development proposals should respect.
- N13: Requires all new buildings to be of high quality and to incorporate contemporary design that is sympathetic to its setting
- N14: Presumption in favour of the preservation of listed buildings.
- N23: Development should retain wherever possible existing features that make a positive visual contribution.
- N24: Proposals abutting the Green Belt must be assimilated into the landscape.
- N29: Requires sites and monuments of archaeological importance to be preserved and investigated to provide an accurate record of their significance.
- N32: Development principles within the Green Belt.
- N38: Development within flood plains.
- N49: Developments resulting in significant net depletion of wildlife or habitats will not normally be permitted.
- N50: Impact of proposals on local nature areas (LNA).
- N51: Encourages new development to enhance existing wildlife habitats and provide new areas for wildlife as opportunities arise.
- N52: Reclamation of derelict/despoiled land to enhance and provide wildlife areas.
- ARC4: Confirms there will be a presumption in favour of the physical preservation of Class 2 areas and their settings.
- ARC5: Informed planning decisions need to be made where development may adversely affect a Class 2 area or its setting.
- ARC6: Refers to the use of planning obligations to secure the implementation of appropriate programme of archaeological investigation before development commences.
- E3: Existing supply of industrial land.
- E5: Deals with proposals for employment uses on sites not identified as such in the UDP.
- E7: Relates to proposals for non-employment uses on employment sites, either allocated or in use as such.
- H1A: Need to take account of guidance in PPG3 (Housing).
- H8: Development of housing on non-identified sites in the UDP.
- H11/H12: Affordable housing requirements.
- .

The Leeds UDP First Deposit (2003) also contains relevant policies;-

- GP9: Development must ensure that it meets sustainable design principles.
- GP10: Requires a Sustainability Appraisal.

- N38A: Development will not be permitted on washland unless it is for open uses or essential transport/utility infrastructure.
- N38B: Applicants must submit a Flood Risk Assessment in certain circumstances.
- H2: The phasing of housing land release into three phases. The majority of Phase 1 land to comprise brownfield land within the main urban area.
- T2C: All planning applications of significant traffic generation must be accompanied by Travel Plan.
- T2D: Where public accessibility is unacceptable the Council will expect developer contributions.
- E7: Extends resistance to development of employment sites to those "last" in employment use unless the site comprises a mixed-use scheme.

The Inspector's Report following the Public Inquiry into representations in the UDP Review was received back in November 2005. The Report confirms the general approach to Housing Strategy and the phasing policy with the emphasis and importance of the development of brownfield sites in the next few years. The Inspector in his decisions on individual sites has emphasised the need to develop sites within the main urban areas before embarking on major urban extensions. In relation to policy E7 the Inspector recommends that the policy and supporting text be modified to accord with PPG3 para 42a.

#### 7.4 Supplementary Planning Guidance

A Planning Framework for Kirkstall Forge was adopted as Supplementary Planning Guidance on 26 September 2003 following public consultation in June and July 2003 (SPG26). **The Framework should therefore be afforded significant weight in the consideration of this application.** The objective of the SPG is to guide redevelopment of this key site and form a basis for bringing forward a more detailed masterplan for the site.

The overall intention is to create a mixed-use development with retention of some employment uses as an essential element of the redevelopment. The Framework therefore sets out that the redevelopment should include a mix of uses with a satisfactory proportion of employment generating uses within the B1 and B2 use classes (equivalent amount of employment floor space to that existing prior to the Forge closure), different types of residential accommodation, support facilities including those in use Class C1 (Hotel) and A3 (specifically public house/restaurant), greenspace and recreation, and uses which bring life to the river and its banks.

Specific requirements of the Framework are as follows;

- 20% of the total dwellings on the site should be affordable with a balanced mix of sizes and types with 50% being sub-market and 50% social rent.
- a minimum of 20% of the area should be laid out as greenspace not including the riverside walkway.
- Land contamination should be addressed.
- Phasing details will need to be negotiated through the outline application and detailed planning applications and a Section 106 Agreement.
- This is an important historical site – some features of historical and archaeological interest may need to be preserved in situ, others restored, interpreted and incorporated into new developments so the scheme reflects the site's historic character.
- There is a need to promote public transport and include feasibility of establishing a rail halt adjacent to the site and improvement of bus services.
- How the site links into strategic pedestrian and cycle movement across the valley and watercourses is important to improve linkages between communities with direct access to Abbey Road and Woodland paths to the north and the south.
- Parking below the maximum standards in the UDP is to be encouraged. A large proportion of the car parking ought to be in basement car parks or below landscape deck and avoid dominance of surface car parking areas.
- A Travel Plan will be necessary.
- Proposals should reflect guidance in "Neighbourhoods for Living" SPG. Innovative design and sustainable development objectives should be integrated into any proposals including sustainable drainage. A soft landscape structure should define and create a hierarchy of spaces.
- A walkway/cycleway should be provided along the River Aire and where possible link to the Leeds-Liverpool canal footpath. Links should be provided over the river for pedestrians and cyclists to the island site. There should be a dedicated bridge over the railway for pedestrians and cyclists.
- The goit and Abbey Mill Race should be retained and reopened where possible.
- There should be a maintenance and improving of habitat for otters along the river and avoiding a hard edge where possible.
- Flooding implications should be properly looked at and resolved as part of the application and restrictions on the rate of run-off and use of sustainable drainage will be important.

## **8.0 MAIN ISSUES**

1. Compliance with Policy – Mix of Uses
2. The Scale and Massing of the Scheme
3. Design Quality
4. Transport Implications and the Impact on the Highway Network
5. The Environmental Impact
6. The Impact on Listed Buildings/Archaeology/ Conservation Areas
7. Impact on the River Aire
8. The Planning Benefits Package
9. The Legal Agreement and Planning Conditions

## **9.0 APPRAISAL**

### **9.1 Compliance with Policy – Mix of Uses**

- 9.1.1 The site is a substantial brownfield site within the main urban area in a very sustainable location close to local facilities and infrastructure. It therefore offers a substantial opportunity for a high quality redevelopment which will substantially regenerate this part of the Kirkstall valley. It is generally recognised both by officers and by the local community that the previous use of the site for heavy industry is now obsolete and no longer applicable and that a new reuse of the site should be found.
- 9.1.2 The context for the consideration of this planning application is the several years of work which has been done in the production of the Kirkstall Forge Framework done by the City Council and then the significant amount of community consultation to bring about the current scheme that is undertaken by CEG since they acquired the site in March 2003. It is generally recognised in the community and amongst officers and members that the extensive public consultation and involvement in this project is unparalleled within the city and is an exemplar for major development sites within the city. It is also fully in accordance with the principles set out in PPS1 in terms of delivering sustainable development and is a material consideration in dealing with this planning application.
- 9.1.3 The backcloth to the production of this scheme which is before Members is the production of the Leeds Urban Housing Capacity Study (UHCS) produced in August 2003 and the adoption of the Kirkstall Forge Planning Framework as Supplementary Planning Guidance (26) in September 2003.
- 9.1.4 The UHCS was undertaken by the City Council in accordance with national policy in PPG3 in order to identify sites with potential for new housing development. The exercise did identify Kirkstall Forge as a site acceptable for new housing and indicated at that stage an undiscounted capacity of 500 dwellings on a 6.56 hectare parcel of the site. The document endorsed in

principle the acceptability of the site as a location for new housing at a high density (about 76 units per hectare). At the time the capacity of the site was limited because it was thought that this was the extent of land within the site to be available for development at the time the UHCS was being prepared and was not a ceiling for the overall development of the site. In the UHCS the site lay within the priority survey area as it was within a high accessibility zone which was defined as being within 300 metres of a main bus corridor, 600 metres of light rail or 800 metres of heavy rail stop.

- 9.1.5 Kirkstall Forge Planning Statement was prepared with public consultation and was adopted so that it could guide the redevelopment of this key site to ensure the proposals which are brought forward for reuse are sustainable and provide maximum benefit to the local communities in which the site is located. Whilst not setting a capacity for the site the Framework clearly talks about the site being reused for a mixed-use development including employment generating uses within the B1 and B2 use classes, different types of residential accommodation, support facilities including those within the use class C1 (Hotel) and A3 (specifically public house/restaurant), greenspace and recreation areas and uses which bring life to the river and its banks. The range of uses which are included within this application reflect the Framework and also public consultation which has been undertaken and which is summarised earlier in this report.
- 9.1.6 The regeneration of this site for a mixed-use scheme which is sustainable is considered to be wholly in line both with national, regional and Unitary Development Plan policy and the Kirkstall Forge Framework. For the purpose of determining this application the Development Plan is the RSS and the saved policies of the UDP. The reuse of the site with a mix of uses will provide the opportunity for people to live and work on the site and will give a reasonable opportunity for trips to be minimised. This reflects Government guidance on achieving sustainable development set out clearly within PPS1 and PPG3 but also retains useful employment on the site in accordance with PPG4 and the objectives of the Framework and detailed policies within the Unitary Development Plan.
- 9.1.7 In locational terms it is considered that this site is well placed in terms of accessibility and meets all the criteria for being a priority area where sustainable development should be achieved. It is close to the A65, a main arterial route into the City Centre where there are existing bus services and where improved bus services and priority is proposed via the Quality Bus Initiative (QBI). It also adjoins the main railway line in to Leeds from Ilkley/Shipley and a key component of the scheme is the deliverability of a railway station as part of the overall development. There is a well established district centre with shopping and other service facilities established at Kirkstall Bridge which is within a relatively short distance to the east of the site and where there are now applications for the further enhancement and enlargement of the centre which are referred to in the planning history.
- 9.1.8 If the City Council are to ensure that it meets Government targets in relation to the provision of new housing and also to meet the strategy of the Unitary



Development Plan in terms of the priority given to the reuse of brownfield sites then this is a key site which must be brought forward for development.

- 9.1.9 The adopted Planning Framework suggests that in the development employment generating uses within the B1 and B2 use classes (i.e. office, light industrial and general industrial) would be acceptable and that an equivalent amount of floor space should be provided to that which currently exists on the site. Members will be aware that the existing footprint of the buildings and their associated hard-standings is substantial and covers the majority of the site outside of the woodland edges. Employment on the site at the time of closure of Dana Spicer in December 2002 was approximately 300 people. The application proposals aim to deliver 16,500 square metres of B1 office floor space in a range of flexible formats, dispersed throughout the site including along the riverside and in the gateway building at the eastern entrance to the site. There is a concentration of commercial activity around the proposed location for a railway station. The scale and nature of the proposed office development has been formulated to appeal to a range of potential occupiers ranging from small businesses to regional, national and public sector occupiers. In addition to office development it is proposed that a range of additional non-B class type job opportunities will also be created via the support facilities that are integral and essential to the overall development.
- 9.1.10 The detailed job generation calculations which have been provided as part of the application suggest that when it is complete the development will employ approximately 1,170 jobs in office development and 370 jobs in support and other facilities. In addition it is calculated that there will be spin-off jobs within the local area and wider region from the businesses within the site in terms of goods supplies and services from other firms. In addition to these of course there is the substantial number of construction jobs which will be created during the lifetime of the development. The aim with the development is therefore not to be able to create an equivalent amount of floor area ( current useable industrial buildings on the site total some 43,300 square metres) because the general economic climate and demand for commercial premises has changed, but to create a substantial additional demand for jobs on the site in a form of development which will be compatible with the housing scheme to overall create a high quality mixed-use scheme where people will both live and work.
- 9.1.11 It is acknowledged that it will be very difficult to provide heavy industrial uses on this particular valley site and public consultation has shown that this would not be a form of development on the site which would be favoured by local people. Local jobs are considered to be important and it is thought that the employment aspect of this proposal more than satisfies the desire for an equivalent amount of employment to be provided on this site as required by the Framework. As such it is considered that the development complies with the relevant policies within the Unitary Development Plan and particularly Policy E7 and Policy E3 where part of the western part of the site is shown as existing employment land supply.

- 9.1.12 It should be noted that the Inspector in his report on the Unitary Development Plan Review particularly on Policy E7 has felt that the tightening of the policy proposed by the City Council is unduly restrictive and he has recommended the deletion of a couple of criteria which he considers to be not consistent with national policy advice in relation to PPG3 paragraph 42a. Nevertheless this proposal is a genuinely mixed-use scheme which whilst there is an emphasis on housing there is still substantial employment generating uses within it.
- 9.1.13 Recent guidance in relation to PPS6 states that office and leisure development should generally be located in town and district and other centres to give the best chances of accessibility to all sections of the community. It is considered given the balance of policies that are included both in national policy, regional policy and Unitary Development Plan policy and the significant weight which can be afforded to the Kirkstall Forge Planning Statement that the element of office use within this particular proposal can and should be supported.
- 9.1.14 The support facilities for the mixed-use scheme that are proposed include:-
- Small scale shopping facilities to meet the day to day needs of residents and employees on the site in a range of units such as newsagent, sandwich shop, general convenience store, pharmacy or dry cleaners;
  - Bars and restaurants to include coffee shops, bars, a public house and restaurants catering for differing dining requirements;
  - A health and fitness facility and spa which is proposed on the basis of the needs of people living and working on the site and is supported by increased Government emphasis on healthy living;
  - A crèche/management suite to provide onsite childcare that is both attractive to employees and residents. The management suite will have the potential to provide a multi-purpose community space, capable of fulfilling a wide range of social functions;
  - Banking for those people living and working on the site; and
  - A riverside hotel catering for the accommodation needs of visitors to both the employment and residential elements of the proposals, but also capable of assisting in meeting wider tourism needs.
- 9.1.15 The retail element shows a total of under 1,000 square metres (10,600 square feet) which is well short of the PPS6 criteria of a major retail development and will clearly need planning conditions to limit its extent and to ensure that it remains ancillary to the needs of the development. In relation to the hotel clearly this is an element which was included within the Kirkstall Forge Planning Framework and is also supported by Policy HO4 within the adopted Unitary Development Plan where hotels outside the City Centre and adjoining inner-city areas will normally be acceptable where they contribute towards the regeneration of the riverside. The hotel proposal is a significant element within the scheme and is integral to the proposal in regenerating this site.
- 9.1.16 The application proposals make provision for a total of 1,385 dwellings, based upon an indicative mix of 1,133 apartments and 252 houses in detached and townhouse format and also via the conversion of existing mill

cottages and stables at the eastern end of the site. Overall the development density proposed on this site is somewhere in the region of 60 dwellings per hectare. The proposed balance of house types on the site has been driven by a number of factors which include the goal of maximising the efficient use of land through high densities, the need for an appropriate design response to the site and its riverside setting, and market advice on “gaps” in provision and the need to balance local mix in the context of existing house types. All of these factors are found within PPG3 guidance. The scale and massing of the scheme and the Design Statement are considered further in the next section but suffice to say that the general objective has been to achieve a truly mixed-use scheme in a high quality living environment, positively shaped by the provision for public transport and with a range of greenspaces and public realm.

## **9.2 The Scale and Massing of the Scheme**

- 9.2.1 The Design Statement submitted with the planning application sets out the detailed and lengthy process that has led to the production of the masterplan. The evaluation process leading to the design has been informed by significant public consultation and by a full review of relevant up to date national planning policy and best practice guidance on design led by PPG1, PPS1 and PPG3 and associated guides and by advice from CABE. In a more local context the process has also paid due regard to information within the Kirkstall Forge Planning Framework.
- 9.2.2 A number of alternative development frameworks have been proposed and appraised as part of the evaluation process which have included such key factors as location, types of buildings, highways, access, permeability, form and massing and the frameworks have then been assessed and tested against functional, cultural and locational goals. It is true to say that the topography and natural characteristics of the site have both benefited and constrained the final form of the masterplan for this site. It is also noted that the gradient visually isolates the bulk of the site from the surrounding area and at present only fleeting views are obtained seen either from the railway line or from the canal towpath to the south of the site. The physical constraints and characteristics of the site mean that development platforms need to be created within the site on the valley bottom and that from within the site little of the surrounding area is visible promoting the concept of an inclusive community. The topography, particularly of the steep north valley side, will also limit the scale of development but will also constrain the views across the valley and from the more elevated sides.
- 9.2.3 The main aim of opening up the site for public use and the connection of the site to existing areas of public open space to the north and south and along the riverside together with giving priority to pedestrians and minimising the impact of the car have been fundamental aims which have been pursued in developing the final scheme. Whilst the Kirkstall Forge site has a lengthy history of industry related development, much of the subsequent growth and redevelopment of the site over the years have changed its original features and changed its character significantly so that a number of the water-driven

features have either been damned or subsequently filled in and the current context of the Forge has been compromised. The masterplan does seek to blend old with new and in so doing create a contemporary environment and community. In some ways there are similarities with the general drive and ethos when Sir Titus Salt developed Saltaire as a location which combined an inclusive live/work environment.

- 9.2.4 During the two-year appraisal and preparation of the masterplan the site constraints have been analysed in depth by a series of specialist advisors looking at critical areas of topography, transport, heritage/archaeology, contamination, hydrology and permeability. These have informed the Environmental Statement which has been submitted as part of the application. The characteristics and topography of the site have been seen as opportunities to develop a medium-rise development which could take place without intrusion in to the surrounding landscape or skyline and which also give a significant scale of development here on a brownfield site thereby easing pressure on more peripheral greenfield areas.
- 9.2.5 The structure of the masterplan has sought to produce a high density development within the middle body of the site where the island of land between the river and the railway is and then to decrease the scale and density of development towards the edges of the site. To the west this will be within the washland area and will lead towards the Green Belt and Pollard Lane and is shown as detached housing whilst to the eastern entrance of the site there is the Forge and the sensitivities of existing listed buildings. A gateway building on the eastern entrance to the A65 is proposed to mark the entrance. This is on the western side of this access and not in the Green Belt and would have to be a building whose architecture is striking as a landmark or statement building. The main height of the development is therefore in the centre of the site located where there are crossings of bridges across the river and near to where the location of the railway station is shown. Ribbons of development have been created to follow contour lines and scaling of buildings has been designed to minimise the intrusion of the development into its surroundings and optimise views where these benefit from more elevated positions.
- 9.2.6 Opportunities for linking the site north south and joining up established routes between Hawksworth and Bramley Fall must be taken as part of the proposal. There is significant connectivity / permeability within the scheme and the creation of a number of public open space areas so that there is a series of spaces provided throughout the development. The key principle of the design is to focus public areas around nodal points but also provide connections to these both along the river. Pedestrian-dominated shared surfaces follow natural site contours where possible. The variation in density across the scheme is balanced to respond to and generate uses which are compatible with the design of the main hubs of the scheme – which in their key locations contain an active mix of uses to give extended life and vibrancy to the scheme. There are two main prime hub locations, one around the location of the Lower Forge and one around the location of the new station.

- 9.2.7 The highest densities and heights of buildings are shown within the central section of the site adjoining the riverside. On the southern bank development is shown as varying in size from 5 storey to 10 storey with one landmark building adjoining the railway station which would be 15 storeys in height. On the northern bank opposite the development is generally shown as lower, between 6 and 9 storeys. Development to the north on higher land towards the A65 is shown as between 3 and 4 storeys. This is similar around the Forge building which provide the context for a central space. There are two feature buildings which are elliptical in shape adjoining the railway line on either side of the river which are some 10 storeys in height. Development at the western and eastern extremities of the site is generally shown as being 2 or 3 storeys in height.
- 9.2.8 At ground floor level the main commercial uses including the bars/restaurants, retail, gymnasium, craft workshops, health spa and crèche are adjoining the riverside, around the station hub or are gathered around the Lower Forge building. The office buildings are towards the western end of the site near the river crossing and at strategic locations within the site. The hotel is within the landmark building near the station.
- 9.2.9 The inclusion of a landmark building at the commercial focus of the site is intended to mark the heart of the commercial zone and provide identification and character for the immediate locality. Its height has been tested with the conclusion that there will only be limited views of it from the outside of the site and one of the most significant of these will always remain that from the railway line. The intention is that for commuters and irregular users of the railway line, it will establish and mark the significance of the site. So it therefore provides a visual focus, a circulation hub, a defining form at both destination and arrival points to the site and a symbol of the Lower Forge regeneration. The form of this building has been carefully considered within the context of the site as a whole and works in design terms connected to the delivery of the railway station.
- 9.2.10 An area of the residential part within the centre part of the site has been looked at in more detail to look clearly at the relationships between the buildings and the spaces that are created and it is felt that the Design Statement and masterplan is robust and gives a good variety of space and form which can then be worked up in more detail through subsequent detailed applications.
- 9.2.11 The Design Statement for this site and the overall evolution of the masterplan has been significantly influenced by officers within the City Council who are generally comfortable with the overall scale and massing of the scheme in design terms within the site and its visual impact within the broader area. There are significant spaces which are open to the public as part of this proposal and the general detail of the masterplan is considered fully acceptable in terms of the public open space that is being provided, the links to riverside, and offsite public open space areas to the north and south, permeability within the scheme, and the creation of walkways along the Abbey Mill Race and also along the riverside. The more detailed sketch study of the

residential area of the northern side of the Aire has shown that the riverside walkway at this point will be of a significant width, and will not appear as a narrow claustrophobic area, that will significantly enhance the riverside in a dense urban setting at this point.

9.2.12 In conclusion therefore it is considered that the scale and massing of this scheme does achieve many of the aims and objectives of achieving a sustainable mixed-use scheme with a good use of space within this scheme which provides a variety of built-form and an interesting and potentially very exciting development.

### **9.3 Design Quality**

9.3.1 The Design Statement includes sufficient detail to indicate that if it is followed in subsequent detailing of the scheme then a high quality development can be achieved. The masterplan in terms of the overall concept of the scheme, it's philosophy, permeability, public open space provision and spaces between buildings in relation to their size and scale is fully supported. The Design Statement does look at a number of these spaces in more detail to indicate the quality that can be achieved and gives guidance in relation to detailed design and materials. This has not yet been developed sufficiently to become a design Code for the site. At this stage there is a need to retain some flexibility within the overall design parameters for changed circumstances which will almost certainly occur given the 10 year timescale.

9.3.2 If quality is to be achieved in the detail however a number of things need to happen;

- The future station needs to work in the framework of the emerging design code and be fully integrated
- A fuller design code is developed in the working up of detailed applications to also include the landscape
- The existing architect team is retained if possible to ensure consistency of approach in moving from the masterplan to the detail
- The urban design quality of the highways needs to relate to the masterplan and Design Statement and be design led particularly in relation to the distributor road and its impact on key locations within the site such as the Lower Forge
- Sensitive and innovative markers at the entrances to announce the development within its Green Belt and landscape setting

## **9.4 Transport Implications and the Impact on the Highway Network**

- 9.4.1 A transport assessment has been submitted and negotiations have been ongoing for some considerable time. Agreement has been reached on the order of traffic volume likely to be generated by the development proposals and most likely distribution onto the local highway network based on local census information. Account has also been taken of the traffic generating potential of the existing buildings on the site should they be brought back into use.
- 9.4.2 As a result it is concluded that the site will generate between 750 and 900 two-way vehicle movements in the morning peak hour. Allowing for the potential of bringing existing buildings back into use the net traffic generation in the am peak is between 380 - 525 vehicle movements in the peak hour. It should be noted that these trip generations are for the am peak hour only (ie 8-9am). In the am peak 3 hour period (7-10am) the trip generations are roughly double the peak hour alone.
- 9.4.3 It can clearly be seen that this site is a major generator of peak hour traffic onto the surrounding road network and there is no disguising the fact that traffic congestion will significantly increase on the A65 corridor in peak times - this will be detrimental to the 1500 existing vehicles using this primary route.
- 9.4.4 This extra traffic, a net additional flow of 250-300 vehicles, will be heading towards Leeds in the am peak hour (8-9am). As the traffic lights at the Kirkstall Gyratory are already at capacity at peak times these extra vehicles will extend the queues. Effectively 300 vehicles will extend the queue by 1800m ie over 1 mile, which along with the queue relocation effect of the Quality Bus Scheme, has the potential of queuing traffic back into Horsforth New Road Side area and back towards Horsforth roundabout itself.
- 9.4.5 Clearly this level of traffic impact will not be noticed in one go as the build programme for the site is over a 10 year period. It would be Highway Officer advice to seek to tie the implementation of the development into key provisions on the highway network eg signalisation of Horsforth roundabout prior to first occupation, provision of rail halt before development flow exceeds extant position.
- 9.4.6 The provision of the rail halt is key to this density of development being acceptable on this site in terms of its otherwise severely detrimental impact on the existing highway network. Although the benefits of the rail halt have not been modelled it is quite clear that the provision of stations at Kirkstall Forge and at Apperley Bridge have the potential to remove a significant number of trips from the A65 corridor.

- 9.4.7 To cater for safe access to and from the site signalised junctions are being provided to existing access points at each end of the site. The entrance at the western end of the site will be linked to the signalisation of the Hawksworth Road junction nearby which is also required as part of the development. An internal road will connect between the two accesses enabling bus penetration into the site and providing a link to the possible rail halt. A public car park is proposed to serve as a park and ride site, primarily for the rail halt but with potential for the bus. Bus and cycle feeder lanes are provided on the approaches to the junctions to minimise delays. The junction designs take account of the A65 QBI scheme.
- 9.4.8 The development proposals, in line with the adopted planning guidance, seek to bring buses into and through the site. First Bus have confirmed that they would look to divert a 10 minute frequency service through the site between 3 and 5 years after commencement, subject to adequate infrastructure being in place. This will be an important factor in supporting the successful implementation of the Green Travel Plan. The Quality Bus Scheme for Kirkstall Road has not yet received government funding but is in the list of regional priorities to be recommended for support as part of the regional review. It is likely to be at least March this year before we have a view from Government as to whether they agree with the regional prioritisation. The first phase of the bus priority scheme, which is funded separately, is however programmed to commence on site this summer covering the length from Horsforth to Kirkstall Lights. *There are currently no firm proposals to enhance the service in terms of numbers of buses although it is expected that the increased reliability of the bus service will lead to increased patronage and hence improved services.*
- 9.4.9 Access by cyclists is currently restricted to the main access roads. Whilst the canal towpath runs close to the site it is not directly accessible due to the barrier of the railway line. An access to the canal towpath is being promoted making use of the Pollard Lane bridge at Newlay, however this is not a convenient route for cyclists wishing to commute into Leeds. There may come an opportunity to form a route to the canal towpath if and when the rail halt is constructed as a bridge across the railway to access the far platform would be required as part of the design. The Developers have indicated that it would be feasible to link the rail halt (once provided) to the canal towpath across land which is in Leeds City Council ownership. This is highly desirable both for commuters on bicycle and also to enable residents from the Bramley side to access both the rail halt and the employment opportunities on the Forge site. A pedestrian route is also being catered for through the rugby ground and on into Kirkstall Abbey grounds. The delivery of these off site connections must be achieved as part of this development.



9.4.10 A substantial Green Travel Plan has been submitted which promotes means of travel other than the single occupancy car. Measures such as free metrocards for a year or a free bicycle per household, personal travel planning and a Kirkstall Forge website posting travel timetables and giving information on local services will be provided. Additionally car share schemes and potential for a car club on site is being investigated. The applicants have indicated their belief that the travel planning measures could bring about reductions in vehicle trips from the site of the order of 15% over that which may otherwise have been expected. It will be a requirement of the travel plan to submit annual surveys to record the progress of the travel plan and set and amend modal split targets as required.

## **9.5 The Environmental Impact**

9.5.1 The Environmental Statement submitted as part of the planning application considers in some detail the potential impact on human beings, land use, landscape and visual impact, cultural and material assets, Flora and Fauna, traffic and transportation, contamination, soils and geology, water and hydrology, noise and vibration, air quality, and the construction process. The non-technical summary sets out the main conclusions and this is backed up by a three-volume Environmental Statement, one volume of which is the Transport Assessment. Overall the conclusions are that the development is positive in terms of its general impact on the landscape and local area.

9.5.2 The removal of the existing large industrial sheds on the site and the decontamination of the site are obviously of significant importance. The built form of smaller building footprints interspersed with peripheral and internal landscape treatment will soften the existing strongly urban character and help to integrate the proposed development with nearby housing and the character of the valley although it is accepted that there will be more urban uses developed towards the centre of the site which will then dissipate outwards to merge with the adjoining areas to the west and east.

9.5.3 The proposed retention, reuse and refurbishment of the listed buildings within the site in a sensitive manner will result in the development having a beneficial and permanent impact on the cultural and material assets of the site. In particular the setting of the Lower Forge will be substantially improved.

9.5.4 The valuable woodland areas around the edges of the site are retained which give the site much of its individual setting along with the topography. Many of the trees are protected by Tree Preservation Orders. The Abbey Mill Race will be retained in its entirety and restored by de-silting to an open water habitat, with significant nature conservation benefits. It is recognised that the redundant goit will be lost as part of the scheme.

9.5.5 Overall nothing of major or substantive nature conservation value will be lost or adversely affected but there will be substantive mitigation and habitat

enhancement. A new wildlife pond is proposed in the western extremity of the site. Appropriate measures will take place to ensure compliance with wildlife legislation including the protection of breeding wild birds and all bat species. There will be an eradication of alien plant species and other measures to improve the riverbanks upstream and downstream of the central part of the site. A management plan will be prepared to ensure the woodlands and other habitats including vegetation and wild species are conserved and managed in the interest of nature conservation and biodiversity.

- 9.5.6 There will be no adverse impact on the setting of the SSSI ( Leeds Liverpool Canal) or the LNAs to the north and south of the site.
- 9.5.7 Each of the potential pollutants identified through ground investigation studies can be satisfactorily addressed by appropriate remediation and will be conditioned as part of any approval. The potential for water pollution from the site is likely to decrease as a result of the development compared to its present industrial setting.
- 9.5.8 Based on measured data the site generally falls within the national standards provided in PPG24 in relation to noise and vibration. Use of appropriate mitigation measures including barriers and upgraded glazing specification where necessary will be employed to achieve acceptable noise levels in all proposed buildings and gardens. Prevailing vibration levels on the site, due to the passage of trains on the adjacent railway line, are below the range for a “low probability of adverse comment”, and should prove acceptable for all occupants of the development. Estimated internal noise levels to commercial and residential properties are within acceptable design ranges.
- 9.5.9 A number of activities during the demolition and construction process are a potential major resource of dust emissions, such as building demolition, soil remediation, earthworks and operation of internal haul roads. The nearest potentially sensitive receptors are residential properties situated a minimum of approximately 50 metres to the north-east of the site. With the implementation of standard best practice mitigation measures the significance of the potential construction dust impacts is considered to be modest at most. The site complies with air quality standards and is suitable for residential development.
- 9.5.10 Overall it is considered that there are positive things coming from this scheme in terms of environmental impact and those elements where there is increased impact, apart from traffic volumes, can be adequately mitigated. In the consideration of all of this however it must be recognised that the history of the site has been one of heavy industry with significant adverse environmental impact and this application represents a major opportunity to improve the site and the character of the local area. A range of positive environmental measures are made as part of the application, which include;-
- The creation of a network of connected greenspaces, walkways and other areas of open space throughout the development site (so that 60% of the

overall site area will be open space compared to 20% requested in the Planning Forge Framework);

- Comprehensive proposals for new tree planting and landscaping throughout the site;
- The ecological enhancements that are proposed including the creation of a new wildlife pond and wildlife meadow;
- The riverbank treatment strategy, still under discussion with the Environment Agency, which proposes measures including the provision of artificial halts to aid the passage of otters along the River Aire;
- The detailed site remediation and decontamination measures set out in the Environmental Statement and which are expected to be the subject of conditions attached to a planning permission.

## **9.6 The Impact on Listed Buildings / Archaeology / Conservation Areas**

- 9.6.1 The intention for the Lower Forge is to substantially enhance the setting of what remains of this historic building. The Lower Forge building represents the industrial heritage of the site, which through subsequent phases of production-related development has been encroached upon and eroded in stature. This scheme offers the potential to redress that balance and realise the potential of this building to act as a focus and a hub for leisure-based activities for local people. The proposals would bring back into active use the old Lower Forge building and the indicative drawings submitted as part of the application suggest that it could become a restaurant/leisure building with a more modern glass building abutting the existing derelict shell. Around the space it is envisaged that a traffic-free pedestrian square can be developed with buildings of a semi-formal setting in contemporary style to complement the historic stone building of the Lower Forge. Water is also suggested within this design which will be entirely consistent with the previous use of the building and opportunity for the existing tail-race from the Forge in to the river to be opened up more as a public amenity.
- 9.6.2 The other listed buildings within the site are to be reused as part of the scheme for residential purpose which seems fully appropriate given their size, scale and setting. The existing milestone on the A65 is not shown as being affected by this proposal at present. Its setting could however be enhanced given other street furniture in the locality and opportunity for doing that should be explored.
- 9.6.3 The archaeological investigation done to date does not suggest that there are any significant findings in the underground archaeology. Some further work is however still required and this will be conditioned to take place before any other development commences. This includes work to Trench 5 which is mentioned by WYAS as of great importance and only when the findings of this trench (which is currently under an existing building with a heavy concrete base) have been obtained will decisions be able to be made about the possible future use of this area. An archaeological watching brief will be necessary during the development of the site.

9.6.4 It is not considered that the development will have an adverse impact on either the Kirkstall Abbey Conservation Area or the Newlay Conservation Area but there should be improved linkages to them by connecting paths.

9.6.7 Overall it is considered that the scheme offers substantial benefits in terms of the cultural heritage of the site and an opportunity for them both to be retained, enhanced and also interpreted which could then be linked via footpaths to the historic setting of Kirkstall Abbey and provide an enhanced tourist destination.

## **9.7 Impact on the River Aire**

9.7.1 There have been substantial discussions with the Environment Agency in relation to the Flood Risk Assessment for this particular development. At the present time this still remains unresolved and the Environment Agency are maintaining an objection on flood risk grounds. In addition to the flood risk there is also the impact of the proposal on the visual and wildlife element of the river in terms of the treatment to the riverbanks and again this is subject to ongoing discussion. The existing riverbank treatment through the middle of the site is very urban in appearance and poor in quality and the scheme does offer the opportunity for substantial enhancement in this area. It is recognised that there will be different treatments along the river through the site and this complements the design of the masterplan. The central higher density area will have a more urban feel whilst the lower density edges should have a more natural feel. There needs to be further detailed discussions about this as the project progresses which ensures that the eventual outcome is to a high design quality and also protects and enhances nature interests along the river to the satisfaction of the Environment Agency and English Nature.

## **9.8 The Planning Benefits Package**

9.8.1 A package of benefits in relation to the application was offered by CEG in August 2005 and has been subject to further discussion and refinement since then. The package has been based on the economics of delivering this particular scheme. It is recognised that there are substantial costs involved in bringing this site forward for development in terms of site clearance and remediation costs and also substantial investment in infrastructure to ensure that the site can be properly serviced.

9.8.2 The overall infrastructure costs including remediation, drainage, preparation of development platforms, bridges and access roads is in the order of £30million for 25 net developable acres. The applicants considers that the planning gain given as part of this scheme needs to be considered in the light of this substantial cost. Nevertheless they do accept that this is a large development and accept the need to make contributions in terms of planning benefit.

9.8.3 In terms of approach the main emphasis of the planning benefits package has been to seek to deliver public transport improvements as part of this particular scheme and to minimise the amount of extra trips generated on to the highway network.

9.8.4 The main benefits being offered are a substantial sum towards the following;

- £4 million to enable stations to be delivered at Kirkstall Forge and Apperley Bridge.

- Some contribution towards the QBI scheme for the A65.

A comprehensive and substantial Green Travel Plan which has been costed.

- Signalisation of the A65/ Ring Road roundabout ( currently being costed).
- A park and ride facility to cater for 150 cars
- A small contribution towards education provision ( evidence from the Environmental Statement suggests that there is spare capacity within local schools).
- The refurbishment work of the listed Lower Forge and cottages.
- The provision of affordable housing
- Provision of public open space and subsequent maintenance of both POS and woodland areas

9.8.5 At present the general way of dealing with this has been to suggest the provision of a pot of money in the Section 106 Agreement which could be used towards transport, the improvement to the Ring Road roundabout or affordable housing dependent upon the priorities given to it by the Council. Overall the planning benefit package is substantial and latest estimates suggest it is now over £10 million in total.

9.8.5 The original package included quite a low figure for affordable housing and in total was proposing a contribution of 50 apartments as affordable housing by way of equity share transferred to a registered social landlord at 75% of market value. It is clear from the Kirkstall Forge Framework document that overall the City Council was looking for 20% of the housing on the site to be affordable. There is therefore currently a significant shortfall in provision although it is recognised that there are substantial costs in bringing this site forward and substantial benefits being offered in relation to the provision of public transport. Nevertheless it is considered important that a range of housing is provided on this site which provides a good mix and further thought and negotiation will need to take place to ensure a range of housing prices on

the site so that the City Council's aim for a proportion to be lower priced can be achieved.

## **9.9 The Legal Agreement and Planning Conditions**

9.9.1 Work has already started on the drafting of a Section 106 Agreement and a set of planning conditions. This will need to be presented to Members in due course when a final recommendation is able to be made on the application. This work is still in progress as this report is being written particularly given the ongoing discussions taking place in relation to transport and flooding issues. Clearly there will be a need to ensure that the listed building renovation and refurbishment work is brought forward as part of the scheme. There will also need to be consideration given to the phasing of the development and what benefits are delivered at what stages in the lifetime of the development.

## **10 Conclusions**

- 10.1 There is much to commend this scheme both in terms of the process that has been followed and the masterplan which has resulted. The scheme offers substantial benefits in terms of regeneration and reuse of a significant brownfield site and opens up the site to public access for the first time in many centuries. The principle of a mixed use scheme here has been established by the adopted Framework, substantial public consultation and is supported by the raft of national, regional and UDP policies which set the Development Plan and policy context against which this application must be judged.
- 10.2 The design process and evaluation together with national, regional and local context all suggest that the scale of development being proposed is entirely appropriate having regard to the need to make best use of this site and to deliver the substantial public benefits which will result. However this is not without cost. The chief impact will be on the highway network where significant additional traffic generation will occur and which will further add to congestion on the A65 corridor. Whilst the strong aims to minimise trips and maximise public transport use should be pursued even with the implementation of the QBI and the delivery of two train stations at The Forge and Apperley Bridge the likely traffic impact cannot be mitigated but will add to current difficulties. A lesser scale of development whilst reducing the traffic impact will not deliver the benefits being offered and could prove uneconomic given the substantial up-front costs involved in redeveloping this site.
- 10.3 Overall officers consider that the scale of this development should be supported, despite the highway implications, given the compliance with policy and the benefits which result. There is a need to continue to work to achieve the two rail stations which are critical if trips by car are to be reduced.

10.4 Other major issues which need to be resolved are;

- the objection by the EA in relation to the flooding issue
- the cost and feasibility of a traffic controlled junction at the A65 / Ring Road in the light of the recently published Ring Road study
- the level of affordable housing to be provided

10.4 There is also a need to brief Ward Members in the 3 Wards identified so they are brought up to date with the current situation

**Background Papers:**

Application file: 24/96/05/OT.

**REPORT OF THE CHIEF PLANNING AND DEVELOPMENT SERVICES OFFICER  
PLANS PANEL WEST**

**DATE : 20<sup>th</sup> April 2006**

**SUBJECT: Outline Planning Application 24/96/05/OT to erect mixed-use development comprising residential, offices, leisure, hotel, retail and bar/restaurants including access, site remediation, construction of bridges and river works, car parking and landscaping to industrial site at Kirkstall Forge, Abbey Road, Leeds 5.**

**Electoral Wards Affected :**

**Kirkstall, Horsforth  
Bramley & Stanningley**

**Specific Implications For :**

Ethnic Minorities   
Women   
Disabled People

**RECOMMENDATION:**

**Defer and Delegate approval of the outline application to the Chief Planning and Development Services Officer subject to the completion of the Section 106 agreement as set out in this report and the conditions contained in the appendix together with any other conditions considered necessary and the removal of the objection from the Environment Agency**

**1. Introduction**

- 1.1 Plans for the redevelopment of Kirkstall Forge were received in February 2005 and reported to Panel on 17<sup>th</sup> February 2005. Panel Members together with other Members of Council had an opportunity in December 2004 for an extended look around the site, a briefing on the proposals and to view the exhibition at the site. An update report was noted by Panel Members on 6<sup>th</sup> October 2005.
- 1.2 A full briefing for Panel Members took place at the site on Thursday 19<sup>th</sup> January 2006 so that Members were given an in depth opportunity to look at the implications and impact of the scheme prior to its formal consideration. A substantial report was then considered by Members at the Panel Meeting on 26<sup>th</sup> January 2006. Members noted the report and approved the principle and scale of development outlined, but deferred the application for further consideration and the resolution of



outstanding issues and Ward Member briefings. Additionally the Panel requested that future reports include information on the following matters:-

- comments of the Environment Agency
- details of the pedestrian linkages outside the site
- progress of discussions with the relevant transport providers
- environmental impact of the scheme and sustainability issues
- progress to deal with Public Right of Way issues

1.3 A further report was considered and noted by Panel at the last meeting on 23<sup>rd</sup> March when the position was updated regarding flooding, transport, archaeology and layout. Members were also shown the visual presentation which could not be shown in January and which had been updated and corrected regarding some height inaccuracies discovered with the taller buildings in the scheme.

1.4 It has previously been recognised by Panel that it would be sensible, if possible, to deal fully with this outline scheme through the Member stage before the Local Government Elections and any possible Panel changes which might result.

## 2. Outstanding Matters

2.1 Ward Member briefings – these have now been offered to the 9 Members in the 3 wards of Kirkstall, Bramley & Stanningley and Horsforth who have been sent copies of the previous reports to 26<sup>th</sup> January and 23<sup>rd</sup> March Panel. 3 of the Members – Councillors Minkin, Taggart and Hanley are of course also Members of the Plans Panel.

2.2 Flooding – the formal response of the Environment Agency to the review of the hydrological and hydraulic modelling of the site by Wallingfords is awaited. At present the Environment Agency have objected to the application and approval could not be given until that objection is finally removed.

2.3 Public Right of Way and linkages – whilst more detailed work is required on these elements the importance of them is recognised and provision has been made in the Section 106 and Conditions to ensure they are delivered.

2.4 Section 106 Heads of Terms – work has been progressing in drafting an appropriate legal agreement for the site. The main Heads of Terms are as follows:-

- The provision of a Rail Halt contribution of £4 million (Index Linked) towards either
  - a) the provision of a railway station at Kirkstall Forge; or
  - b) the purchase of new rolling stock to service a new railway station at Kirkstall Forge; or
  - c) as a subsidy towards new rolling stock to serve a new railway station at Kirkstall Forge: or
  - d) a combination of any or all of the above

The Rail Halt contribution is being made available for 10 years from grant of planning permission provided that within 2 years Metro has carried out a designated feasibility evaluation of the provision of a new railway station at Kirkstall Forge. Once Metro have entered into an agreement with the Owner to build a new station at the Forge, then the Rail Halt contribution would be paid in two parts:

- a) £2 million within 1 month of commencement of contract to build the rail station at The Forge, and
  - b) £2 million on date the train service first stops at The Forge
- A contribution of £3.5 million (Index Linked) to a Footpaths/Highway infrastructure/Affordable Housing pot which can be applied in the Council's absolute discretion towards the provision of any of the following:-
    - a) provision of footpaths from site boundary to grounds of Kirkstall Abbey and from existing canal towpath to the new railway station
    - b) improvements to Horsforth Roundabout
    - c) provision of Affordable Housing on site

The Council would not be able to call upon the money for the linking footpath from the canal to the station until the station had been completed. The contribution to improvements to the Horsforth Roundabout and provision of Affordable Housing would be triggered once 600 open market dwellings have been completed on site, as presently drafted, although discussions are continuing regarding an alternative formula which will take into account any office development which has been built as an appropriate trigger for the drawing upon the money for the Horsforth Roundabout works. The Council would be able to draw upon the money early to enable the footpath link to Kirkstall Abbey to be done as part of the 1<sup>st</sup> Phase and for design fees for the Horsforth Roundabout improvement works to be paid.

- A contribution of £100,000 towards Educational Provision following occupation of 700 dwellings provided the Council is able to demonstrate insufficient capacity in local schools to accommodate the number of pupils which the development will generate.
- Training and Employment initiatives to recruit and train employees having regard to the following training programmes:-
  - Job Placement programme
  - Foundation modern apprenticeships
  - Advanced modern apprenticeships
  - New Deal Welfare
  - Job guarantee
  - Ambition construction

and to send full details of job opportunities prior to construction and occupation of any building to an Officer nominated by the Council.

- To make all Footpath Links identified and available for use by the public as permissive footpaths. This would ensure public access along identified routes within the site but still entitle the owner to close these from time to time to enable maintenance works to be carried out. Within the site all the footpaths would be maintained by the Management Company to be established.
- To appoint an architect prior to commencement of development to have overarching responsibility for ensuring that each phase of the development accords with the design philosophy set out in the Design Statement. This is of great importance to ensure continuity and that the philosophy and quality evident in the outline submission is carried through into the implementation phase and is not lost sight of.

- 2.5 Draft Conditions – work has also been progressing on drafting appropriate conditions for the outline permission. The latest set are appended to this report for information. Whilst these are likely to be refined and perhaps others added, they do give a good indication of the likely conditions to be imposed. The general approach has been to deal with those things to be provided within the site via conditions as part of the approval, and to deal with off site provision via obligations in the Section 106 agreement. The only real exception to this is the works to the Hawsworth Road/A65 junction which is conditioned and will need to be linked to the provision of the western access junction onto the A65.

### 3. Conclusions

- 3.1 Members have already recognised in previous reports the substantial benefits which result from the scheme in terms of regeneration, the reuse of a significant brownfield site, opening up the site for public access, and the opportunity to create a truly sustainable development in the Kirkstall Valley.

- 3.2 Whilst there are significant costs and risks involved for the developer and substantial investment required in the early years in demolition, remediation and infrastructure provision, a planning benefits package has been assembled which is substantial comprising:-

- £4 m towards improvement to public transport through the provision of a rail station
- £3½ m towards footpath, highway improvements to Horsforth Roundabout and affordable housing
- £1 m committed towards listed building renovation and improvement
- £1 m committed towards implementing a robust Travel Plan for the site
- £100,000 towards educational provision if required

On site substantial areas of public open space will be laid out, including a fully equipped playground, and with other natural areas like the Abbey Mill Race will be managed in the long-term. Two new traffic controlled junctions will be provided to the A65 at the east and west entrance with western access linked to the signalisation of the Hawsworth Road/A65 junction. There are substantial opportunities to improve the river corridor through the site and give improved rights of access with links to wider recreational routes in the Valley.

- 3.3 The scale of development does give rise to significant highway implications for the A65. This was recognised in the report in January. The delivery of the two rail stations at Apperley Bridge and Kirkstall is of critical importance and everything is being done to ensure that these can be delivered. The final decision regarding that however is in the hands of others rather than the developers although they have done all they possibly can to facilitate it.
- 3.4 Overall it is considered that the stage has been reached that the application can be recommended to Members for approval and to be deferred and delegated to Officers subject to the satisfactory completion of the legal agreement, appropriate conditions and the withdrawal of the objection by the Environment Agency.

## APPENDIX

### Kirkstall Forge

#### Revised Draft Conditions – at 03.04.06

1. Application for approval of the following details (hereinafter referred to as the reserved matters) for each phase of the development shall be submitted to the local planning authority within ten years from the date of this permission

Siting of the buildings  
Design  
External appearance  
Landscaping

The development shall be carried out in accordance with the reserved matters as approved.

2. Applications for approval of reserved matters for each phase of the development shall be broadly in accordance with the approved Design Statement unless otherwise agreed in writing by the local planning authority.
3. Approval of the reserved matters shall be obtained from the local planning authority in writing for each phase of the development before each respective phase of the development (excluding works of demolition, site remediation and archaeological investigation) is commenced, unless otherwise agreed in writing by the local planning authority.
4. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters for the first phase of the development.
5. Prior to the commencement of any part of the development a remediation strategy for the whole of the site shall be submitted to and approved in writing by the local planning authority. The remediation strategy shall include details of:
  - a) phasing and implementation of remediation works;
  - b) existing and proposed ground levels;
  - c) those materials that are to be stored on or removed from the site.The remediation of the site shall be carried out in accordance with the approved remediation strategy or such variations thereto as may subsequently be approved in writing by the local planning authority.
6. In the event that remediation is unable to proceed in accordance with the approved Remediation strategy at any stage or should unexpected significant contamination be encountered during the development, the LPA shall be notified in writing immediately. A revised remediation statement shall then be submitted forthwith which deals with the situation for the approval of the LPA. Works shall thereafter be carried out in accordance with the approved remediation statement.

7. Prior to any phase being occupied a validation report shall be submitted to and approved in writing by the LPA, confirming that any remedial measures necessary in the approved remediation statement for that part of the site have been undertaken satisfactorily.
8. Prior to the commencement of any part of the development details of proposed site compound and cabin locations for the first phase of the development shall be submitted to and approved in writing by the local planning authority. Details of proposed site compounds and cabin locations for subsequent phases shall be submitted to and approved in writing by the LPA prior to the commencement of each phase. Site compounds and cabins shall be located in accordance with the approved details.
9. Prior to the commencement of development a strategy shall be submitted to and approved in writing by the LPA which deals with how the following matters will be dealt with consistently throughout the development:-
  - a) lighting
  - b) bin storage and rubbish collection
  - c) boundary treatments including walling, fencing and hedging
  - d) signposting and signage

Details for each phase shall then be submitted in accordance with the approved strategy.

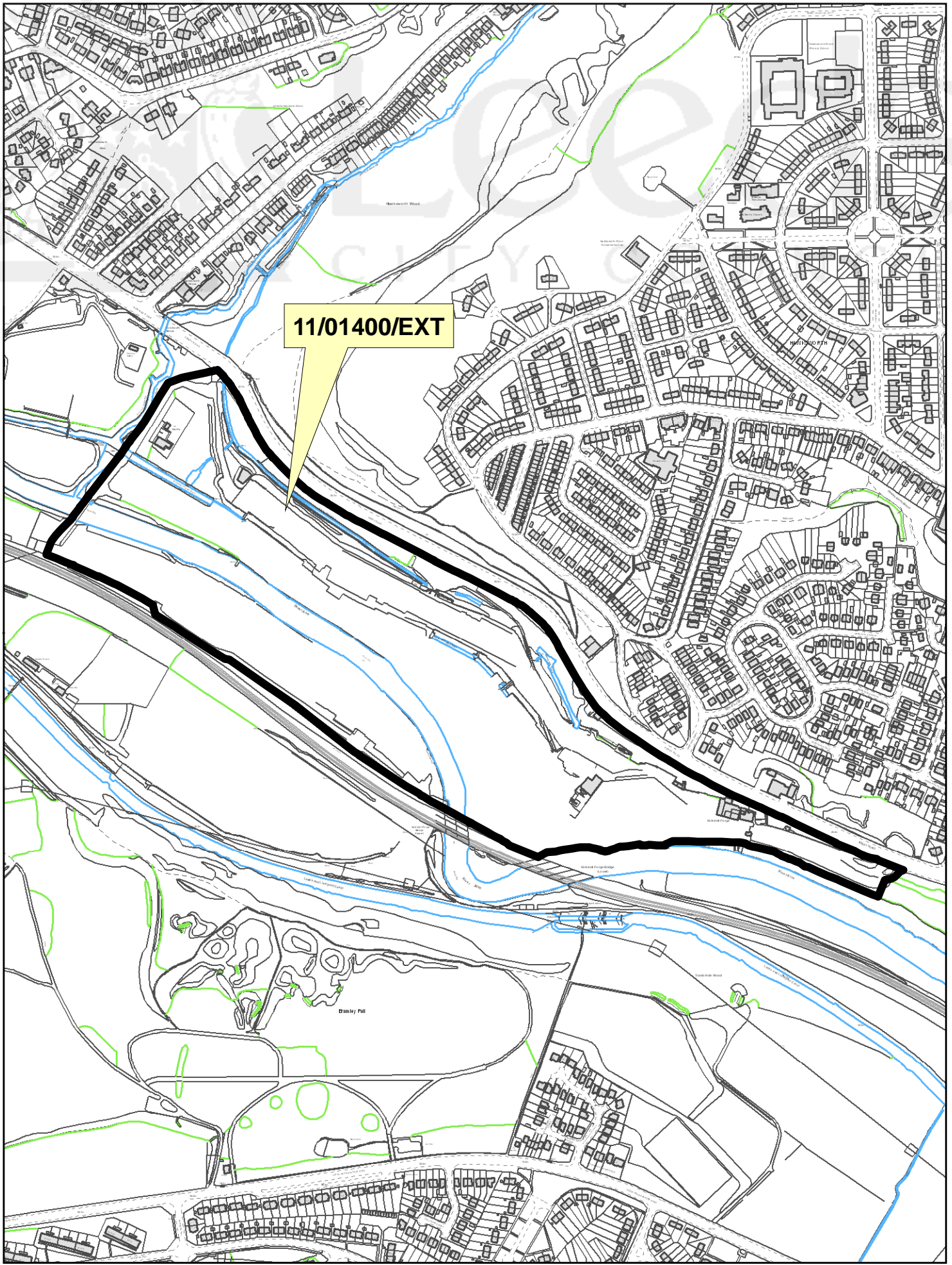
10. Prior to the commencement of each phase of the development the following details in respect of that phase shall be submitted to and approved in writing by the local planning authority:
  - a) sustainability appraisal;
  - b) foul and surface water drainage;
  - c) works to the River Aire and its banks including any road or pedestrian bridges;
  - d) nature conservation works;
  - e) provision and layout of public open space;
  - f) provision of footpath and cycle links;
  - g) access arrangements for vehicles including servicing and car parking, motor bike and cycle storage areas
  - h) existing and proposed levels
  - i) tree protection measures

Each phase of the development shall be carried out and completed in accordance with the details as approved, prior to the occupation of each phase.

11. No part of the development shall be occupied until the eastern access junction with the A65 as shown on drawing number [ ] has been constructed in accordance with details to be submitted to and approved in writing by the local planning authority.
12. No occupiers shall use the western access until the works shown on drawing number [ ] to include the works to the Hawksworth Road junction with the A65 have been completed.

13. The western access works including the works to the Hawksworth Road junction with the A65 shall be completed prior to the occupation of 300 dwellings on the site ( or alternative formula to be agreed ) unless otherwise agreed in writing by the local planning authority.
14. A route for buses through the site shall be made available at the earliest opportunity on completion of 450 dwellings unless otherwise agreed in writing by the local planning authority
15. No development shall take place on the site until the applicant, or their agents, or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation comprising strip, map and preservation by record which has been submitted by the applicant and approved in writing by the local planning authority.
16. No development shall take place on the site until an archaeological investigation has been carried out of the area marked "Trench 5" on drawing number [ ] in accordance with a methodology agreed by the LPA, and the results submitted to the LPA.
17. No development shall take place within the Lower Forge area of archaeological interest shown edged in [ ] on drawing number [ ] until details of the development, the design of which shall provide for the preservation of the archaeological interest in situ, have been submitted to and approved in writing by the local planning authority. Development within the Lower Forge area shall be carried out in accordance with the approved details.
18. [Prior to the occupation of the first phase of the development] a scheme for the display and interpretation to the public of the archaeological artefacts within the Lower Forge area of archaeological interest shall be submitted to and approved in writing by the local planning authority. The archaeological artefacts shall be made available for public display in accordance with the approved details.
19. Prior to the commencement of the first phase of the development the listed buildings on the site shall be protected and the listed cottages made weather-tight in accordance with details to be submitted to and approved in writing by the local planning authority.
20. Prior to the commencement of construction of any buildings on the site a programme of works for the refurbishment of the listed buildings shall be submitted to and approved in writing by the local planning authority. The refurbishment works shall be carried out in accordance with the approved programme unless otherwise agreed in writing by the local planning authority.
21. Prior to occupation of any part of the development an overall strategy for the management and maintenance of woodland, landscaped and public open space areas shall be submitted to and approved in writing by the local planning authority. A detailed management and maintenance plan for each phase of the development which shall be in accordance with the approved overall strategy shall be submitted to and approved in writing by the local planning authority prior to the occupation of each respective phase of the development. The woodland, landscaped and public open space areas shall thereafter be managed and maintained in accordance with the approved management plan for the relevant phase of the development.

- 22 Landscaping works and laying out of public open space areas in respect of each phase of the development shall be carried out in accordance with the approved reserved matters prior to the occupation of each phase of the development.
23. Trees and shrubs dying or becoming diseased within 5 years of completion of the relevant phase of landscaping and open space works shall be replaced with a tree or shrub of the same size and species within the first available planting season following the loss of the tree or shrub.
24. Prior to the commencement of each phase of the development samples of all external walling and roofing materials and the external treatment of hard surfaced and parking areas in respect of that phase shall be submitted to and approved in writing by the local planning authority. The works shall be constructed in accordance with the approved details.
- 25 The Travel Plan for the development shall be progressed in accordance with the actions, management, programme and measures as set out in the Revised Travel Plan dated [            ]. In particular a Travel Plan Co-ordinator shall be appointed, the Travel Plan Steering Group established, and the interim and Full Travel Plan submitted in accordance with the stated timescales. The Travel Plan shall then be managed, implemented, monitored, renewed and updated over the long term as one of the functions of the Management Company established for the site.
- 26 The class A1 retail floorspace hereby permitted shall not exceed [            ] sq m gross
27. No single class A1 retail unit shall exceed [            ]sq m gross unless otherwise agreed in writing by the LPA.
- 28 There shall be no change of use of any of the class A3 (restaurants and cafes) floorspace hereby permitted to be used for class A1 retail of the Use Classes (Amendment) Order 2005 or any subsequent amendment unless otherwise agreed in writing by the LPA.



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# WEST PLANS PANEL

