



Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 10th November 2011

Subject: Application 11/03274/FU - Demolition of existing buildings and erection of retail development (Class A1) with food and drink facilities (Class A3), alterations to access arrangements, car parking and landscaping at Bridge Road, Kirkstall

APPLICANT

Metric Property Kirkstall Ltd

DATE VALID

18th August 2011

TARGET DATE

17th November 2011

Electoral Wards Affected:
Kirkstall

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: DEFER AND DELEGATE TO THE CHIEF PLANNING OFFICER FOR SECTION 106 AGREEMENT to cover

- Submission and monitoring of a Travel Plan (£3750)
- Funding for off site landscape works, (approximately £110,000)
- Funding for the improvement of Public Transport and/or public transport infrastructure (£199,793)
- Use of local labour and local training
- Funding for off site highway works (approximately £40,000)
- Funding for cycle lane on Bridge Road (approximately £55,000)
- No less than 391 car parking spaces
- Bus shelter upgrades and real time bus information (£53,000)

And to resolve issues related to

- wind modeling
- active travel
- impact on the listed building
- climate change
- job creation and local training

and subject to the following conditions:

1. Time limit
2. Development shall be line with approved plans
3. Samples of external materials to be submitted
4. Details of fencing and boundary treatment to be submitted
5. The gross internal area of the development including mezzanines shall not exceed 16,232 square metres
6. Limit on the floorspace of food retail to 706 square metres (gross internal area)
7. Use classes A3, A4 and A5 of the Town and Country Planning (Use Classes) order 1987 limited to the small units referred to as Bridge Road Terrace
8. Scheme for external storage to be submitted
9. Details of storage and disposal of litter to be submitted.
10. All existing trees, shrubs and other natural features shown on approved plans to be retained
11. Landscaping scheme to be submitted
12. Landscaping scheme to be implemented
13. Replacement of landscaping if die or seriously damaged in first 5 years
14. Areas to be used by vehicles to be laid out.
15. Scheme for layout and management of car parking areas including provision of parking for other users of Kirkstall Town Centre and time restrictions
16. Hours of opening and hours of delivering
17. The development shall not commence operating until the off site Junction Improvements at the junction of Leeds and Bradford Road, Bridge Road and Broad Lane have been completed and are operating.
18. Full details of the access to and egress from the site to be submitted
19. Internal and external directional signs to be submitted
20. Details of cycles and motorcycles parking areas to be submitted
21. Green travel plan to be submitted
22. Full details of proposed clock feature to be submitted
23. Scheme of external lighting to be submitted
24. Layout and management of car parking areas to be submitted
25. Before development commences the flood defences shall be provided
26. Full details of proposed ground floor levels to be submitted
27. Scheme for provision of surface water and ground water drainage works to be submitted
28. No new buildings and structure within 6 metres of watercourse and 3 metres of culverted watercourse
29. No external advertisements within written consent from Local Planning Authority.
30. Archaeological recording of WW2 post tower
31. Phase 1 desk study required
32. Unexpected contamination encountered require revised remediation statement
33. Verification report
34. Reason for approval – development in line with UDP policies S2, S3, S3a, BD5, N12, N13, LD1, T2, T24 and GP5.

1.0 INTRODUCTION:

- 1.1 Members may recall that a progress report for the retail development by Metric Property Kirkstall for a mixed retail development at the British Home Stores site on Bridge Road was report to Panel last month. Members commented on and requested additional information on the following:
 - o Concerns that there would be higher volumes of traffic

- Proposed use of a requested footbridge to link the development with the rugby fields on the other side of the River Aire
- Views across to Kirkstall Abbey and back
- Concerns over the reduction in car parking and public transport contribution
- Environmental works along the river boundary and provision of survey on Otters.

This report is for the decision on the proposed retail scheme.

2.0 PROPOSAL:

- 2.1 The application is for the redevelopment of the site to provide 16,619 square metres of gross external area (GEA) and 16,232 square metres of gross internal area (GIA) which is the same maximum floorspace allowed for the previous scheme. This is divided into four areas:
- 2.2 There is a replacement BHS store plus a smaller unit proposed in one block to the rear of the site. This will have a total Gross Internal Area of 2,058 square metres. The building for the new BHS will be 54 metres by 26 metres to a height of 8.5 metres to the eaves and 9.5 metres to the pitch. The other unit will be 29 metres by 25 metres to the same height as the new BHS. This building will be two storey in height and will have its frontage onto the proposed car park and its servicing to the rear. The materials will be glass and re constituted stone cladding on the front elevation. The stone element will return round to the side elevations for the first 14 metres on each side and the rest of the side elevations and rear will be red brick with composite cladding above.
- 2.3 The second block will be 4,320 square metres of gross internal area which will run down the western boundary along side the River Aire. The building will be 115 metres long and 8.2 metres in height to the eaves and 9.8 metres to the pitch. It is a two storey block and will be a flexible building as it can be broken up into different combinations depending on retail occupier requirements. Some may have mezzanines but this floorspace has been taken into account and will not be greater than the proposed 16,232 square metres for the whole site. This buildings main frontage will be onto the car park and will be glass and red brick. The rear elevation will be onto the River Aire and will be red brick and composite cladding above. The servicing will be to the rear and the service yard will have green fences (foliage is planted into the fence to create a hedge effect) to shield the yards and provide some acoustic screening.
- 2.4 The third element will be a main store onto Bridge Road which will have a ground floor space of 1,858 square metres. This will be attached to the second block described above. This will be constructed of glazing and re constituted stone on the frontage with a small element of zinc feature cladding. The upper half of the glazing will be aluminium bris soleil. The re constituted stone will be on the side elevation for the first 20.5 metres then red brick and composite cladding for the rest. The roof will have a small pitch and will be constructed from profiled aluminium colour coated roofing system. This building will be 38 metres in width at the Bridge Road end and 46 metres where it adjoins the second block. Its length will be 34 metres at the front and 52 metres at the rear. The height will be 8.4 metres to the eaves and 9.5 metres at the pitch. The occupier of this unit with be another anchor tenant which along with BHS forms the two anchor tenants for the development.

- 2.5 The final element is the building facing Bridge Road. This will be two storey and account for 1,543 square metres. The building will be just short of 25 metres in width and the two storey element 58 metres in length. This building is two sided and can be traded from both the front and the rear. This will be marketed to a mix of retailers in the form of restaurants/cafes/ coffee shops. The plans show that there will be 5 units with the extent of mezzanine depending on the occupier's requirement. It will consist of glazing and red brick to the front elevation with a slate roof. Both ends will be red brick with a glass corridor between the two. At the western end will be an additional single storey unit fully glazed on the front and side elevation with glazing and red brick on the rear elevation.
- 2.6 The proposed access will be the existing access at the eastern part of the site next to an existing sub station. The access will be round the perimeter of the site with the egress on the western part of the site next to the adjoining office building. The car park will be in the centre of the site.
- 2.7 It is proposed to remove part of the embankment on the western boundary along the River Aire with a retaining wall and a small flood wall along the eastern side of the site. Boundary treatments will be walls and weldmesh fences. There will be landscaping comprised off individual trees within the car park plus off site tree planting subject to the landowners agreement.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site comprises the former Alders department store in a single building of varying elements with a car park surrounding the building on all sides. The floorspace of the current building on site is 12,730 sqm. British Home Stores occupy the building at the current time. Vehicular and pedestrian access is from Bridge Road where the front entrance into the store is located. To the east of the site is the Abbey Light railway and Abbey Mills, to the west there is the Kirkstall Design Centre and the River Aire, to the north there is a single dwelling at the Weir and beyond that the River Aire and Kirkstall Abbey, to the south there is the Morrison's development and a rugby training ground. The site forms part of the defined Kirkstall District Centre in the adopted UDP. The existing building is brick and two storey fronting Bridge Road with a series of pitched roof industrial sheds behind. The landmark clock tower on top of the building was removed in 2005 for safety reasons.

4.0 RELEVANT PLANNING HISTORY:

H26/47/77 – Change of use of warehouse to retail sales. Refused 25 Jul 1977 but allowed on appeal 11 Oct 1978
24/113/03/FU – removal of condition B of H26/47/77 (sales of durable goods only). Approved 5 Sep 2003
24/413/04/fu – application for 9 retail units and 3 food and drink units refused permission on 22 January 2007 allowed on appeal on 7th April 2008.
10/01298/EXT – extension of time application for the 9 retail units and 3 food and drink units approved 9/2/2011 (was approved by panel on 12 August 2010.)

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Negotiations at pre application stage commenced in early 2011. Officers have been negotiating with the developer regarding this proposal for a number of months. The

plans have evolved through these negotiations concluding with the plans being presented to you today.

6.0 PUBLIC/LOCAL RESPONSE:

At the last panel meeting a email from all three ward members for Kirkstall was presented which withdrew Councillor Illingworths and Councillor Atha previous objections. The revised comments were:

1. The new proposals are a significant improvement on the previous planning consent and are generally supported.
2. We encourage Metric to cooperate with the neighbouring retail operators and potential developers to achieve a satisfactory outcome for the wider area.
3. We do not want to delay consideration of the Metric application, however we would like to see urgent meetings with highway officers to optimise traffic movements on Bridge Road and ensure that sufficient land is available to the South of the development to guarantee priority for Public Transport at peak times.
4. We support the proposed concept for the public realm and the inclusion of the iconic clock. We would encourage community involvement in establishing pieces of public art.
5. We are pleased to see the developers are co-operating with the Abbey Light Railway and also improving active travel routes along the valley floor.

Since last Panel there have been further emails from Councillor Illingworth regarding the proposal. He is concerned that the application is being rushed by officers to Panel for a decision and there has not been adequate time to assess all of the issues especially in relation to highway impacts and the impact of the scheme along with the application by Tesco at Kirkstall Hill which has only just been submitted.

Meetings between Ward Members and officers are ongoing and any views from Ward Members at these meetings will be verbally reported to Panel.

uncillor Walshaw (Headingley Ward) I agree with Councillor Illingworth initial comments that the applications should be considered in terms of their cumulative impact and transport issues are central to this. Councillor Walshaw has sent further comments stating that these important land use developments that will have a dramatic impact on part of city. Members need opportunity to discuss matters before the Metric development goes before Panel.

Keith Collridge chair of Gilbert and Sandford Residents Association – Totally agree with Councillor Illingworths comments (referring to first set of comments). Kirkstall already at saturation point and residents have already expressed their fears over this issue.

John Liversedge Kirkstall Valley Communication Association – Councillor Illingworths makes very good points the focal point of the application must be the traffic issues.

Leeds Civic Trust – Offers its support for the development with the following comments;

- Developers have gained an understanding of the way in which Kirkstall operates and how a retail park on this site could make a positive contribution to the community
- Strong pedestrian's links need to be developed between this site and other retail units within the district.
- Highways are very complex and feel that adding yet more traffic light junction to an already complex network is not the answer. Need to go back to first principles and develop a road layout which acknowledges the existence of the various retail parks in the area while not condemning the pedestrians to a mass of crossing interrupted by corrals on small traffic islands.

One letter of comment from a local resident who states that overall they are supportive of this application but have a few comments to make:

- The west elevation of the retail terrace needs to be improved. The east face into the development itself is attractive but its rear is not and will be visible to everyone who visits the site.
- I can see no reference to delivery traffic, concerned that heavy traffic will use Burley Road, Morris Lane, Abbey Walk and Kirkstall Hill and Lane. Should be planning condition to ensure such traffic is confined to the A65.
- The pedestrian space for the public at the entrance by the new proposed clock is too small to be of much use. Perhaps some of the car parking spaces could be lost to allow people to enjoy 'pausing' spaces especially to catch the sun.
- Support the proposed footpath over the Abbey Light Railway but how can this be delivered.
- Glad that there will be recording of the surviving 2nd World War feature.
- Agree with Metro that new attractive bus shelters should be provided.
- Regret no public access to riverside and hope that the plans include encouraging wildlife at the least.

7.0 CONSULTATIONS RESPONSES:

STATUTORY CONSULTEES

Environment Agency – No objections subject to conditions in relation to works required as part of the submitted Flood Risk Assessment.

NON-STATUTORY CONSULTEES

Highways initial comments were that the proposal could not be supported as submitted due to the following:

- The traffic assessment needs amending to include all GFA in the assessment and to represent the proposal for an element of food retailing.
- Need restriction to include no more than 706 sqm GFA of food retail
- Parking provision is very low and should be increased
- Proposed egress signals are located too close to the adjacent access road (Sandford Place) and do not provide adequate lane widths or cycling facilities on

Bridge Road through the new traffic lights. Additional land from the site frontage is needed to achieve an appropriate road layout.

Amendments have been submitted to cover these matters and highway officer's views are the following:

- Agree that the flow changes do not have a negative effect on the performance of the junctions, and that in places the degrees of saturation are marginally reduced. It is noted that the TA does not take into account of the proposed and as yet unspecified development on the Kirkstall District Centre Site which would be expected to put major pressures on the network in the area. A planning application for the re-development of the Kirkstall District Centre Site has been submitted. A separate Transyt model has been prepared for that scheme which does take into account the BHS site traffic and other committed developments. On the basis of the previous extant permission on this (BHS) site and the ability to assess all of the sites impact together, in dealing with the Kirkstall District Centre proposal, I do not consider that there is a need to re-assess the TA for the BHS site to take account of the new application on the Kirkstall District Centre site.
- The revised alignment for the footpath link through Abbey Grounds is welcomed and signage to direct pedestrians especially on the days the railway is operating is required.
- Changes to accommodate extra road width for cyclists at the egress are welcomed. The proposals do not make any enhancements to cater for additional cycling demand at the junction of Bridge Rd/Leeds and Bradford Road/Broad Lane which has been highlighted as being hazardous to cyclists. Access to the canal towpath for cyclists and pedestrians is confusing and would benefit from signing from the development site.
- A revised layout has been provided showing 391 car parking spaces. There are still concerns into the level of parking provided which should ideally be no less than 450 car parking spaces. However, the layout on the site makes it unlikely that this will lead to any blocking back of traffic onto Bridge Road. In addition parking restrictions on Bridge Road are restrictive enough to prevent on street car parking here. For these reason no objection is made on the basis of car parking.
- Off site highway works required should include:
 - o Access plays and reinstatement of existing crossing points.
 - o Egress signals including straight across pedestrian crossing
 - o Refurbishment of controller and signals at Leeds and Bradford Road/Wyther
 - o Contribution required to improve signing to the towpath and address the cycling issues at the Leeds and Bradford Road/Bridge Road junction are sought.

NGT Planning Coordinator – a contribution of £223,298 should be sought for public transport improvements. This is based on the increase in GFA from the application based on the contribution required as part of the appeal which was £170,000. The applicant has submitted information into other costs for the development which should be considered to allow a further 10% discount to the figure required for public transport improvements in line with section 4.5 of the SPD. This has been accepted so the requirement is now £199,793.

Metro – The site is in a very accessible location for public transport users which will be further improved by the A65 QBI is operating. Metro welcomes the development as it enables public transport to be a realistic travel option for both staff and shoppers. However, there could be high bus numbers, increased traffic levels can have a greater impact on bus services than in other areas where fewer buses operate. The development must ensure that the journey time of bus users are not adversely affected by the development particularly the journey time benefit of the QBI are not absorbed by the increased traffic as a result of the development. Concerned that car parking provision has also been decreased. A balance needs to be struck to ensure that the car parking provision is a sufficient level to ensure informal parking does not occur around the site. The bus stops to the front of the development would benefit from an upgrade at a cost of £10,000 per shelter.

Ecology – concerns regarding the treatment of the river bank and extent of works not entirely clear. Otter survey has been submitted which states that there is no evidence of Otters along the riverbank in this area. The ecologist is assessing this information and their comments are awaited.

WYAS – Application site had previously been James Popplewells Thrift Stores Ltd from 1939 with the building constructed in the 1930s. During the Second World War a purpose built brick firewatchers post or strong point was constructed on the roof of the office building. This post is an undesignated heritage asset and has local significance as a rare survivor of a Second World War defence structure integrated into an industrial building. Structures of this period are increasingly rare and are of further study if threatened by developer. Recommend that an appropriate level of archaeological and architectural recording should be carried out prior to the demolition of the office block and firewatchers post.

Access officer – Amendments to car park required.

Policy – The proposal is within an town centre location so no objection

Architectural liaison Officer – Offers suggestions to improve safety.

Coal authority – No objections subject to conditions

Yorkshire water – No objections subject to conditions

Contaminated Land – No objections subject to conditions

Transport Policy – Amendments to the Green Travel Plan required.

8.0 PLANNING POLICIES:

Leeds UDP Review (2006)

8.1 The site comprises land outside the main urban area but inset within the green belt in the adopted Leeds UDP Review (2006). No specific allocations or designations affect the site (with the exception of the recreation ground which is a protected playing pitch under Policy N6). Relevant policies comprise:

PPS1 – Creating sustainable communities.

PPS4 – Planning for Sustainable Economic Growth

The site is unallocated in the Leeds Unitary Development Plan (2006) and is located within the town centre of Kirkstall.

Relevant Unitary Development Policies;

S2 – vitality and viability of town centres to be maintained and enhanced.

S3 – enhancement and maintenance of town centres.

S3a – priority given to refurbishment and enhancement of Kirkstall.

BD5 – new buildings design consideration given to own amenity and surroundings.

N12 – priorities for urban design.

N13 – new buildings should be of high quality.

LD1 – landscape scheme.

T2 – development capable of being served by highway network.

T24 – car parking guidelines.

GP5 – detailed planning considerations should be resolved including design and loss of amenity.

PPS1 “Delivering Sustainable Development” 2005

- 8.2 Para 3 states that sustainable development is a core principle underlying the planning system. Para 18/19 states that planning should seek to “improve” and “enhance” the local environment. Para 27 states that planning authorities should improve access to jobs, health, education, shops, leisure and community facilities and open space by foot, cycle or car to reduce reliance on car. Para 27 also states that planning authorities should promote the more efficient use of land through higher density development and bring vacant and underused land back into beneficial use.

PPG13 “Transport” 2006

- 8.3 Para 4 states key objectives as promoting more sustainable transport choices, promoting accessibility to jobs, shopping, leisure and other service by public transport and reducing need to travel by car. Para 74 states local planning authorities should identify routes for bus improvements and potential for improved transport interchange, and negotiate improvements in public transport provision. Para 76 and 79 state the importance of promoting walking and cycling as a prime means of access. Para 91 states that the acceptability of a Travel Plan will depend on the extent to which it materially affects the acceptability of development.

Adopted SPD “Public Transport Improvements and Developer Contributions” 2008

- 8.4 Para 4.3.15 states that the minimum level of accessibility to public transport should be 400m to a bus stop, offering a 15 minute (or better) service to a major public transport interchange, normally Leeds city centre, between 7am and 6pm, with a 30 min service up to 11pm and at weekends. Para 4.3.16. confirms that in locations where public transport accessibility is not acceptable, the developer is expected to establish and fund the measures required to make the site accessible.

Draft SPD “Travel Plans” 2007

- 8.5 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.

9.0 MAIN ISSUES

1. Principle of development
2. Highways
3. Public Transport and Travel Plan Issues
4. Design/visual amenity
5. Landscaping and ecology
6. Boundary treatments and flood walls
7. Job creation
8. Ward Members

10.0 APPRAISAL

1. Principle of development

- 10.1 The whole of the site is within the Town Centre boundary of Kirkstall so policy S2 is applicable which states that the vitality and viability of town centres listed within policy S2 will be maintained and enhanced in order to secure the best access for all sections of the community to a wide range of forms of retailing and other related services. The site has one large retail unit on the site and the proposal is for a range of retail units in terms of size plus some restaurants or cafes. The mix of uses on the site provides a range of retail uses for the surrounding area rather than one existing use. This should improve the vitality and viability of the Kirkstall town centre providing a range of outlets for the surrounding area and complies with policy S2. There is an application for a large Tesco superstore with a range of small retail units proposed on the existing Kirkstall District Centre. This scheme along with the redevelopment of the Kirkstall District Centre should improve the area as a whole and add to the long term viability of Kirkstall. With the requirements of the conditions and the section 106 agreement along with compliance with policy S2 as well as there being an existing use on the site and the fact that there is a live permission on the site for a mixed retail development lead officers to conclude that in principle the development is considered acceptable.
- 10.2 There is a current permission for retail development on this site which was allowed on appeal in 2008 and an extension of time application was approved earlier this year. The permission related to 16,620 square metres of gross internal area floorspace. There was also a section 106 agreement which ensure provision of £170,000 to public transport improvements, £40,000 towards highway improvement works on Bridge Road/ Wyther Lane and a landscaping contribution for off site landscaping work of £105,000. This scheme will provide an additional £29,793 towards public transport improvements which will be used for public transport improvements within the area of Kirkstall along with two upgrade of bus stops, northern and southern pedestrian links and provision of a cycle lane on Bridge Road. Along with these there would be a clause to ensure that the jobs created would be for local people and a requirement that the car parking spaces is no less than the 391 proposed to prevent car parking spaces being converted to other uses. These additions plus a scheme which has designs improvements on the previous approval will have additional benefits to Kirkstall and improve its long term viability.
- 10.3 This scheme is for 16,232 square metres of gross internal floorspace area. The applicant requires the flexibility in terms of the size of units and whether there will be mezzanine floors for not. This will depend on the individual occupiers who will occupier the retail units. If all of the units have mezzanine floors then this floorspace plus the proposed ground floor space will not exceed the 16,232 square metres. A condition can be attached to control the over floorspace figure.

- 10.4 Both the current application and the previous application allowed for A3, A4 and A5 (restaurants/cafes/drinking establishments/hot food take away) uses on the smaller units fronting Bridge Road. A condition was attached to the previous permission limiting these uses to the units on Bridge Road only as these uses in the larger buildings would alter the variety of uses available on this site as well as having car parking and traffic implications. This condition is required on this current scheme as well. This current application does request a small amount of food retail which was not on the approved scheme. This amounts to 706 square metres of gross internal floorspace. A condition can be attached to restrict the food retail to this floorspace limit as larger food retail would have policy and highway issues that would need to be assessed.

2. Design and visual amenity

- 10.5 The existing building to the front of the site is three storey and constructed from red brick. There was previously a clock tower on this building which was removed in 2005 as it was unsafe. This existing building presents a good quality building which faces onto Bridge Road and has a presence in the street scene. The other buildings on the site behind this frontage are constructed from a range of materials and their design does not provide positive presence in the street scene.
- 10.6 The proposed scheme involves the demolition of all these buildings. The proposal offers a two storey building constructed from red brick and glazing with a slate roof facing onto Bridge Road. This building is set in line with the road network. This building takes on board materials local to the area in terms of the use of red brick and a design and scale that matches housing that is present in the area. The glazing elements provide a modern element to the frontage. This block has two frontages onto Bridge Road and the car park at the rear and the retail development therefore provides a active frontage on these two elevations
- 10.7 The second building on the front will be one retail user who will be an anchor tenant for the development. The building will be constructed from re-constituted stone and glazing on the front elevation which will return round onto both side elevations. The building will be a two storey height similar to the other building which fronts onto Bridge Road. The building is modern in appearance but uses re-constituted stone with stone being used in the surrounding area. This building is not in line with the road and is angled into the site. This angle allows for the other frontage building to be seen and opens up the front to views into the development. The side of this building will be visible in the street scene and is designed using materials present in the area. This set back also facilitates the opening up of a public area.
- 10.8 Behind this anchor building will be a row of retail units. The frontage is onto the proposed car park with the back for servicing being along the River Aire. These buildings are two storey in scale with brick and glazing on the elevation facing the car park. These materials tie this row to the main building on the front elevation. The glazing elements vary in design along the row which introduces variety and breaks up the row of retail units. To the rear facing the River the materials are the same bricks with composite cladding. There has been concerns regarding how this unit appears from the rear especially from views off Bridge Road and from along the River Aire. The egress from the site also goes to the rear of this elevation. However there are green walls proposed which will help to shield the service areas and vehicles from views leaving the development and across the River Aire. There is also planting on the bank of the River on this side and the applicants are willing to fund more planting along the River Aire side which will help to shield the rear elevation from views out of the site. This planting will be on land outside of the

applicant's ownership but the applicants have been having discussions for planting along here with the owners and this provision can be part of the proposed section 106 agreement.

- 10.9 The final building is the large anchor building to the rear of the site. One half of this building will house the existing BHS store and the other half another retail occupier. This building will be two storey in scale and will match the front anchor building using glazing and reconstituted stone on the front elevation which wraps round to cover part of the side elevations. The rest of the two side elevations and the rear elevation will be red brick and glazing to match the other buildings on the development. Servicing for this store will be to the rear which will be shielded from any views by extensive landscaping just outside of the boundary of the development.
- 10.10 This new scheme is an improvement in terms of design over the previous appeal scheme. The development is one storey less than the existing permission so is in scale with the buildings that surround the site which are generally two storey. Members at the previous Panel raised concerns regarding views of the development from Kirkstall Abbey and views off Kirkstall Abbey from the development. The applicant is to provide images to show the views from both of these places. Having said that this development being a storey less than the existing approval so its impact on the surrounding area as well as from the Kirkstall Abbey is reduced. The abbey is at a higher level than this site so the new heights of the building should allow for views of the abbey from this site and beyond. There is landscaping between the two which will soften the development. The applicants are willing to locate a café proposed to the replacement BHS store to the rear to provide important views from the development back towards Kirkstall Abbey.

Overall the design of the building are considered acceptable by officers.

3. Highways

- 10.11 Planning permission has previously been granted for retail development on the site and this was renewed by Panel in August 2010 and is still a 'live' application. This application involves the same amount of floorspace as the approved application. However, this consent includes the ability to include some food retail (706 sqm) and this will exhibit higher trips rates than non retail floorspace does. The trip rates need to be recalculated including this food retail element. This has now been submitted and officers have assessed them. The Traffic Assessment shows that flow changes do not have a negative effect on the performance of the junctions and that in places the degrees of saturation are marginally reduced. The TA does not take into account the proposed development at the Kirkstall District Centre by Tesco as when this application in front of you today was submitted the level of development at the Kirkstall District Centre was not known. A planning application has just been submitted for the redevelopment of the Kirkstall District Centre and this application has taken into account the development of the application site and other commitments within the area. On the basis that this application site has an extant permission it is considered that there is no need to re-assess the TA for this scheme to take into account the proposed redevelopment of the Kirkstall District Centre.
- 10.12 There are less car parking spaces proposed than the previous scheme. The permitted scheme has 438 car parking spaces and this application originally only had 350 spaces. Revised plans have been submitted which have increased this level of car parking to 391 which is still less than the previous scheme. There are

still concerns regarding this level of car parking which should ideally be no less than 450 spaces. However, the layout of the site has a long access road within the site before the car parking spaces are reached. This should ensure that any queuing will be within the site itself and should not go back onto Bridge Road. In addition parking restrictions on Bridge Road are restrictive enough to prevent on street car parking here. The reason for this lower level of car parking is that the buildings have a greater footprint than the existing scheme but there is also additional benefits including better circulation through the site which allow for any congestion to be on the site itself rather than the existing highway network. The previous scheme also has a car park to the rear of the back unit proposed on the site. The building has moved to the back of the site with the public car park on the front of the building. The original rear car park was a security risk and would not have been used to its full capacity. With the car park to the front people will find this a safer place to park and will use the spaces. There are a small number of spaces to the rear of this building for staff only. The car park should also be available for other users of the town centre which will improve accessibility of the rest of the Town Centre for car users. A requirement in the section 106 agreement should state that the level of car parking of 391 spaces should not be reduced as there is often pressure for the car parking spaces to be lost to other uses once development commences. On this basis there is no objection raised to this level of car parking.

- 10.13 A Green Travel Plan has been submitted with the application. Amendments to this are required and a revised Green Travel Plan has been requested from the applicants. If a plan has not been submitted before Panel the application will need to be deferred and delegated to cover this matter.
- 10.14 The access to the site is using an existing access and is considered acceptable for the level of development. Concerns were raised by officers regarding the proposed egress from the site and the safety of cyclists on Bridge Road. Amended plans have been submitted regarding this egress which subject to a couple of minor changes can now be supported by officers. The proposal do not make any enhancements to cater for additional cycling demand at the junction of Bridge Road/Leeds and Bradford Road/Broad Lane and suggest that the canal towpath for cyclists and pedestrians is confusing and would benefit from signage from the application site. There are also improvements to the pedestrian linkages from the site to the surrounding area. There will be a footpath from the site over the existing Abbey railway which will link into existing footpaths through the Abbey Mills complex and beyond. This footpath will also allow for pedestrian access through the site from other uses within the Town Centre and the residential development north of the Town Centre. There is also a new footpath proposed from the site to the Abbey Light Railway boarding area so residents can park on the car park and have a safe access to use the Light Railway.
- 10.15 Other off site highway works to form part of the section 106 agreement include:
- access splays and reinstatement of existing crossing points
 - egress signals including straight across pedestrian crossing
 - refurbishment of controller and signals at Leeds and Bradford Road/Wyther Lane
 - Contribution required improving signing to the towpath and addressing the cycling issues at the Leeds and Bradford Road/Bridge Road junction.

4. Public transport contribution

- 10.16 There is a request for a contribution to public transport required in line with Supplementary Planning Document 'Public Transport Improvements and Developer Contributions'. The contribution requested for this development is £223,298. There

is also a request to pay £3,750 towards monitoring of the Green Travel Plan. Metro have also requested the upgrade of two bus stops shelters. The existing approval on the site which was extended last year requested a payment of £170,000 to cover public transport improvements and monitoring of green travel plan. The developer is only willing to pay this £170,000 and the contribution to the Green Travel Plan. The requirements of 10.5 above and the upgrades to bus stop shelters are required on top of the £170,000 but the developer wishes to pay for these out of the £170,000 pot. Members requested at last Panel further information in relation to this matter in terms of what does the money get spent on so what would not receive a contribution if this additional money was not paid.

10.17 The developer since Panel has submitted a detailed justification as to why they consider that the higher figure is not appropriate.

- The renewal permission granted in February 2011 was assessed against the same criteria in the adopted SPD when the £170,000 was an accepted level of contribution. As there is no increase in floorspace and based on the same SPD then the contribution should be the same.
- The figure of £170,000 was an increase from the amount agreed at the appeal and the amount of contribution has already increased.
- The SPD makes it clear that standard charges for developer contributions should not be applied rigidly in all the circumstances without the regard to the context of the individual application and site. Final level will be negotiable subject to the unique aspects of the individual application and that a 5% reduction can be applied for each of the criteria which can be met.
- There are a number of unique aspects concerning this
 - i) Site is within an existing town centre and established retail destination in its own right.
 - ii) Existing public transport network is excellent and improvements to this are supported, however, the scheme seeks to integrate and link with its boundaries as much as physically possible to the overall benefit of Kirkstall. These improvements include:
 - New pedestrian linkages to Abbey Park and Abbey Light Rail crossing
 - General landscaping improvements to the LCC land around Abbey Mills
 - Public art and public realm improvements including the feature clock
 - Connections to Abbey Light Rail
 - iii) These are clearly to the wider community which would result in significant cost to the development and should be taken into account. (See para 4.5 iii)
 - iv) The SPD also refers to 'abnormal development costs'. The flood defence requirements as identified by the Environment Agency are significant and again the requirements and therefore costs are more onerous than the consented scheme.

In summary there will be substantial improvements delivered by the scheme in the form of benefits to the wider community and abnormal development costs which would qualify the proposal to a further 10% reduction in the calculation figures already provided. (10% in total.)

10.18 Officers reply is that appendix 1 of the Public Transport SPD lists the schemes that money secured under the Policy can be spent on. This list is not fixed and can be updated on an annual basis via the Annual Monitoring Review of the LDF. Such a review has just taken place with an updated Appendix 1 to be agreed by Executive Board in December. The A65 Quality Bus Initiative is the scheme closest to the site listed in the current Appendix 1. This scheme is being constructed at present having

been funded through a £21.2m grant from central government and £1.36m of Leeds Local Transport Plan monies. It is envisaged that any monies secured from this development would be used towards this scheme, freeing up the LTP funds for other transport schemes in Leeds. In this context it is important to note that the payment of developer contributions and timing of large public transport infrastructure schemes will often not coordinate due to different drivers. The matters listed by the developer to come out of the £170,000 are not covered by this updated Appendix as matters that the contribution can be used for.

- 10.19 The PT contribution calculation for the renewal application in February 2011 was increased from the appeal sum, due to the adoption of the SPD in the intervening period, which included an increase in the cost multiplier and therefore an increase in contribution. Given the current application is a full one, the calculation has been started from scratch using the SPD formula with trip rates and modal splits from the submitted TA, whilst recognising the existing store on site. This resulted in the higher contribution figure of £223,298. The Policy Officer has considered the arguments made by the applicant and accepts that as per section 4.5 there is a case for a further 10% discount bringing the required contribution down to £199,793. The other off-site highway works, travel plan monitoring and bus stop improvements would be in addition to the £199,793 contribution outlined above.
- 10.20 The matter was raised about car parking by users of the rugby pitches across the River Aire and whether there is the possibility of a footbridge linking the sites.
- 10.21 The developer has provided further information in relation to this matter. Parking on the BHS site for users of the rugby pitches has been allowed by the previous owners on an ad hoc basis when the rugby clubs had events on and the BHS was either closed such as a Sunday morning or when the store has little demand. There is no legal agreement with BHS and the users of the rugby pitches. The new owner has stated that they would look to co-operative with the rugby clubs to allow the use of their car park for special events if it was at times when the shops are either closed or when there is low demand for the car parking.
- 10.22 In relation to a footbridge this was not a requirement of the previous approval which is still valid. The Inspector in his decision on the previous scheme stated:
- ‘Bearing in mind that there is no evidence that the Environment Agency would allow a bridge over the River Aire in this location, or that it is feasible to design a bridge, the constraints imposed by the height of the flood defence measures the degree of uncertainty is such that I cannot regard the absence of provision for these routes as a matter which justifies dismissal of the appeal’
- 10.23 The flood defence requirements for this site and proposed development impose Constraints on the potential for any crossing in this location. The existing flood defence wall, height of bunding and angle required to elevate a bridge above these two elements would mean that any bridge would have to be so significant in height to able to cross the river, it would be both visually intrusive and cost prohibitive given its impact on the design and layout of application proposals. It would cut across the service yard and would impact on the ecology and wildlife activity on the river bank. Furthermore the existing bund and wall and subsequent increase in height which the application proposals will necessitate, mean this area cannot be connected to the site and by any physical structure.

5. Landscaping and ecology

- 10.24 The proposal involves little additional landscaping within the development. There are a number of trees proposed scattered throughout the proposed car park. The aim is to provide high quality mature trees throughout the development rather than a larger number of smaller trees which take time to provide a presence. The applicant is looking to plant more trees outside of the application site on land not owned by the applicant. Discussions are continuing between the applicant and these landowners regarding supplementary planting and maintenance. As these sites are outside of the land ownership conditions cannot be attached to achieve this planting and maintenance and the scheme must be considered in the absence of this planting. Plans have now been submitted showing the level of the proposed off site works which are currently being assessed by Leeds City Councils Park and Gardens department who are representing LCC who own the adjacent site and our landscape officers. This provision can be included with a section 106 agreement to ensure that it is obtained.
- 10.25 There is an area of TPO trees to the rear of the site on the boundary with Mill Race. Within this area the loss of 3 trees is proposed which have been deemed to add little value to the group of TPO trees and are dead/dying and diseased.
- 10.26 On the boundary with Abbey Mills the intention is to retain most of the trees on this boundary. The land beyond is owned by Leeds City Council and the developer is having discussions with Estate officers to do more planting within this area which will help to soften the development.
- 10.27 On the boundary with the River Aire there is a proposal for significant tree removal on the side within the development to facilitate the development. There is concern regarding the removal on this elevation and officers have requested additional information regarding this matter before this tree removal can be supported by officers. The applicant has agreed to planting on the other side of the River Aire bank outside of the ownership of the applicant and this is considered acceptable subject to a clause in the section 106 agreement which has been discussed above.
- 10.28 The Councils ecologist is concerned regarding the proposed works along this River boundary and has requested an otter survey. This shows that there was no otter and water vole activity present along the River Aire boundary. This is being considered and officer's views on this will be reported at Panel.

6. Boundary Treatments and Flood Walls

- 10.29 The site has the River Aire on the western side of the site and a subsidiary known as Mill Race/Kirkstall Goit on the eastern side of the site.
- 10.30 On the boundary with the River Aire there is an existing embankment which prevents flooding of the site from the River Aire. This development will involve digging out of the embankment on the side of the development. A new retaining wall will be constructed along this boundary which the Environment Agency support. There is concern regarding of the impact of this embankment removal on the existing trees and wildlife and further information has been requested for assessment.
- 10.31 On the opposite side of the site along the Mill Race there is a small wall required approx. 300mm in height which is acceptable to the Environment Agency and will not have an impact on the boundary visually.

- 10.32 The boundary treatment for the eastern side along the Mill Race will be a 1.5m high in total fence above the proposed flood wall. This will extend along this boundary to the proposed access to the Abbey Mills over the existing railway line. This fence will allow views out of the site to the trees and landscaping within the Abbey Mills complex but provide security.
- 10.33 The rest of this eastern boundary will be a 2.2 m (in total) weldmesh fence on top of the flood wall. This boundary treatment will be shielded from views as it is alongside the new BHS building and its servicing access and servicing car park. As the fence is weldmesh it will also allow views out of the site.
- 10.34 On the northern part of the site there is a 2.5 metres acoustics fence with climbing plants. This will not be seen from general views but is required as there is a residential property beyond this boundary.
- 10.35 Along the western side along the River Aire will be a 2 metre high weldmesh fence. This will be open and allow views into and out of the site and will offer security for the development.
- 10.36 Overall the proposed boundary treatments are acceptable but more information is required regarding the works along the embankment of the River Aire before officers can comment on the flood walls.

6. Job creation

- 10.37 The proposal will create jobs both for the construction period of the development and then jobs within the businesses themselves. Metric are committed to providing employment for people within the local area where possible and are happy for a clause in the section 106 agreement relating to local jobs and training. It is anticipated that the full job package that will be offered will be available for Panel before a decision is made on the application.

7. Ward Members

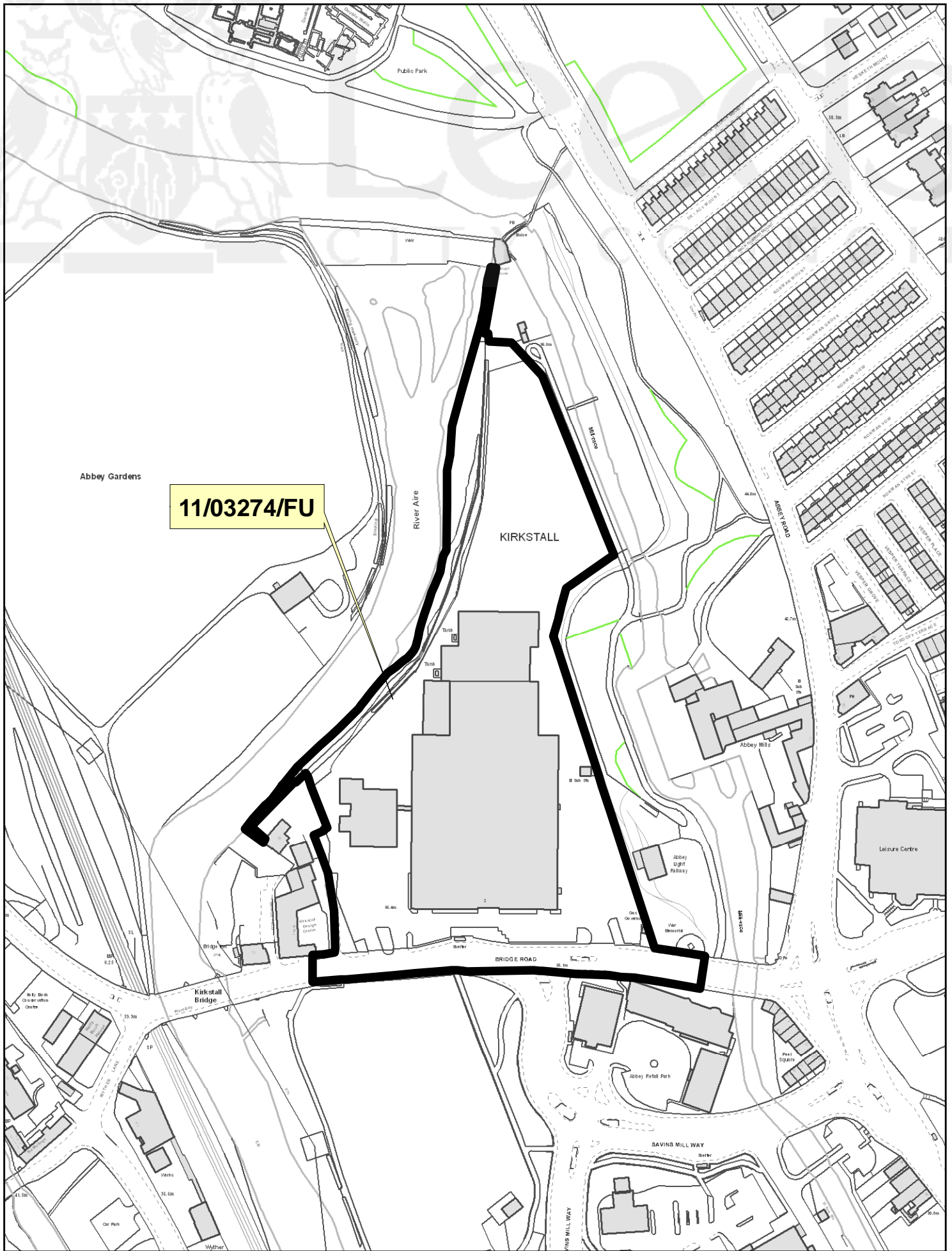
- 10.38 Ward Members have raised additional information that they would wish to be addressed as part of this application. These include the following:
- wind modeling
 - active travel
 - impact on the listed building
 - climate change

It is hoped to obtain additional information on these matters before Panel. If not the request for defer and delegate could also cover these.

11. CONCLUSION

- 11.1 The proposed application involves the redevelopment and regeneration of a town centre site. There is already an existing permission for redevelopment of the site to provide a range of retail units for the area. This scheme involves no more floorspace than the existing permission but there are more benefits for the local area over and above what the previous scheme provided. The design is vastly improved and will provide an important setting within the Town Centre. There will be additional funding for public transport improvements, upgrade of new bus stops, better pedestrian links

with the surrounding area. There will also be off site planting to both side boundaries which will soften the development and provide an appropriate setting for the buildings. The current scheme is the same floorspace as the existing permission and will have no additional impact on the highway network over and above the impact of the existing permission. As this site has an existing permission and there are no additional impact on the highway network then there is no reason for the application cannot be considered prior to consideration of the Tesco scheme at Kirkstall District Centre. The Tesco proposal will need to be developed in the knowledge of this proposal and indeed the extant approval for retail development on this site. The proposal will provide important regeneration and will provide employment opportunities. Overall officers support the application subject to a section 106 agreement and conditions.



WEST PLANS PANEL