



Report of the Chief Planning Officer

South and West Plans Panel

Date: 8th June 2023

Subject: 21/09266/RM – Reserved Matters Application for layout, scale, appearance and landscaping for the erection of 67 dwellings pursuant to outline approval 18/01501/OT, Former Airedale Mills, Moss Bridge Works, Town Street, Rodley, Leeds, LS13 1HP

Applicant: Casa by Moda

Electoral Wards Affected:

**Bramley & Stanningley
Calverley & Farsley**

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 approval subject to the specified conditions identified below (and any others which he might consider appropriate) and also the completion of a S106 agreement.

The S106 agreement is to include the following : (and any other obligations considered necessary and appropriate):

- **Provision for 15% affordable housing (10 units)**
- **Off-site Greenspace enhancement of £50,000**

In the event the S106 agreement has not been completed within three months of the panel resolution the final determination of the application shall be delegated to the Chief Planning Officer.

Conditions:

- 1. Time Limit**
- 2. Development to be carried out in accordance with the approved plans**

3. **Materials to be agreed (walling, roofing, surfacing, boundary treatments, fencing)**
4. **Landscape submission and implementation including AMS and tree care plan including details of proposed exclusion zones to ensure ecological and biodiversity protection with appropriate evidence required**
5. **Ecology buffer tree impact assessment and otter mitigation method statement**
6. **Protection of nesting birds**
7. **Landscape management plan**
8. **Development in accordance with BEMP**
9. **Access provided in accordance with agreed details**
10. **Maximum access gradient**
11. **Maximum driveway gradient**
12. **Parking laid out in accordance with agreed details**
13. **Provision of EVC**
14. **Provision of cycle and motorcycle storage**
15. **Areas to be laid out, surfaced and drained prior to commencement**
16. **Construction Practice Management and provision for contractors parking**
17. **Hours of construction activity (including delivery)**
18. **Specified Off-Site Highways Works**
19. **Interim Drainage Measures**
20. **Provision of foul and surface water systems**
21. **Provision of lighting scheme**
22. **Contaminated land conditions**
23. **Energy and water efficiency**

INTRODUCTION:

- 1 The application relates to a proposed redevelopment of an allocated housing site (SAP Ref: HG2-58) located in the Outer West Housing Market Characteristic Area (HMCA). It is considered the principle of the development has been accepted via the previously approved outline consent (18/01501/OT) which established the principle of residential development for up to 69 dwellings plus vehicular access with all further matters reserved. The current reserved matters application seeks to consider layout, scale, appearance and landscaping for the erection of 67 units.
- 2 The application was initially brought before Members at the request of two ward members, Cllr Kevin Ritchie and Cllr Andrew Carter as they consider that the development would give rise to concerns affecting more than neighbouring properties, namely, upon highway safety, appearance and design, impact upon the community and ecology considerations. The application for determination is based on the latest amended proposals which seek to create a scheme which features 100% build-to-rent properties, 15% of which will be affordable and off-site greenspace contribution of £50,000, secured via a deed of variation to the previous s106.
- 3 The application was presented before Members on 16th February and deferred following discussions surrounding the following issues.

Measures to prevent pavement parking

Further discussions have been held with highways officers regarding potential measures to prevent pavement parking. It is considered that implementing physical measures, such as knee rail fencing, within the development would narrow footpaths and create issues for pedestrians using the footpaths particularly those with visual/physical impairments. A TRO is proposed along the access as outlined by para

95 which is considered sufficient to prevent parking at the sites access and allow two way traffic movement

Improved accessibility to greenspace

The applicants have undertaken a review of the area of greenspace to the rear of the apartment block. The proposed layout is considered the most effective use of the space available given the previous concerns raised by objectors and ward members regarding the positioning of the apartment block. Should the apartment block be re-positioned, or re-oriented additional impacts would be created upon the adjacent ecology buffer(s) and retained trees. It is considered the current position and layout represents the best option to retain these elements, as approved via the previous outline consent. The applicants have also increased the off-site greenspace contribution in lieu of members comments to £50,000. How Greenspace and ecology buffers are calculated is outlined in the below report, paras 75 to 79.

Design

The applicants have undertaken a detailed design review exploring various options to improve the appearance of a number of dwellings and their outlook along with reorientating properties and introducing further details to prevent blank gables at the request of Members. These measures are outlined within paras 66 to 69.

Environmental Considerations

The applicants have introduced further energy efficiency measures, including provision for air source heat pumps along with providing water butts at the request of Members.

SITE AND SURROUNDINGS:

- 4 Airedale Mills formerly occupied the application site, which extends to 2 hectares. The mill complex was constructed in the 1860s to accommodate a small textile businesses. These buildings have since been demolished, leaving a cleared and vacant brownfield site comprising a mix of shrubbery, large areas of hard-standing where the buildings once stood, along with associated car parking. The perimeter of the site features well established mature trees which extend down the eastern boundary river bank to the River Aire along with a number to the western boundary along the two path. These existing mature trees form an ecology buffer to the perimeter which will remain un-developed.
- 5 The site is triangular in form, positioned between the Leeds-Liverpool Canal (a Site of Special Scientific Interest SSSI) to the south/south-west and the River Aire to the east/south-east. The northern boundary is defined by the access road to the Rodley Nature Reserve, which lies to the east, lying at a lower level than both the access and two path.
- 6 Access to the site is secured from Town Street and Moss Bridge Road. via a newly installed swing bridge over the Leeds-Liverpool canal. The previous swing bridge has been removed to provide a replacement bridge as per the approved previous outline consent. The on-going works are subject to an approved discharge of condition application (21/10146/COND) which includes details of the new manually operated swing bridge, which is to be owned and maintained by a management company. An amended construction management plan was submitted after a period of delays and unexpected complexities regarding the bridge mechanism, operational timings and specification requirements from the Canal and Rivers Trust. At the time of drafting this

report, a number of operational issues are sought to be addressed by the parties including the bridge mechanism and kentledge (counter weight balance). However, Members can be assured that due to a condition imposed on the Outline Permission, the bridge is not required to be completed and operational until prior to first occupation of Phase 2 of the development. Therefore, the outstanding changes do not prejudice the determination of this application.

- 7 The surrounding area is relatively mixed in character; on the opposite side of the Leeds Liverpool Canal to the application site lies Mill Bridge Works, which is a large industrial site. To the west of Mill Bridge Works and to the south-east of the application site (on the opposite side of the Canal) lies Airedale Wharf, which is a residential cul-de-sac accessed from Town Street, featuring stone built townhouse type properties. As well as providing access to the site and nature reserve, the access over the bridge also serves Rodley Cricket Club.

PROPOSAL

- 8 The development proposes 67 dwellings with a mixture of house types as follows:

Apartments (Total 16 units)

8 x 1 bedroom units

8 x 2 bedroom units

Townhouses (Total 51 units)

19 x 2 bed units

1 x 2 bed unit (accessible bungalow)

24 x 3 bedroom units

6 x 4 bedroom units

- 9 The scheme creates a residential development across the site with an adopted internal highway arrangement with two turning heads. The layout includes a linear row of dwellings along the south west edge of the site, close to the existing retaining wall adjacent to the towpath and Leeds & Liverpool Canal, consisting of three and four-bedroom townhouses.
- 10 The proposed three-bedroom and four bedroom townhouses feature a split level due to the topography of the site, sloping down from the level of the towpath and canal, sitting approximately three meters lower thus reducing the overall height of the dwellings when viewed from the towpath.
- 11 The townhouses feature an integral garage to the ground floor and main entrance served by a hallway leading to WC and utility area at the rear, with a private rear garden separated from the towpath by the proposed 3.0m wide ecology buffer and outlined change in levels. The first floors consist of the main living area with an open plan kitchen diner including Juliet balconies to the front and rear. The second floor consists of three bedrooms with a family bathroom and store.
- 12 The larger four bedroom units replicate this layout however, sit over four storeys. They feature an integral garage to the ground floor with an entrance hallway, utility room and WC. The first floor consists of the main living area with open plan kitchen and dining space. The second floor features three bedrooms and a family bathroom with an additional floor above which accommodates the master bedroom and an en-suite.

- 13 The central area of the site features traditional dwelling types set over two storeys consisting of two and three bedroom properties, split between semi-detached and detached types. These properties feature an open plan ground floor, split between a kitchen/dining area and a lounge to the rear. The first floors provide two and three bedrooms with a central family bathroom.
- 14 19 of the proposed dwellings are compliant with accessibility requirements of M4(2) with a single detached, fully accessible, bungalow to the northern corner (plot 7) meeting the requirements of M4(3). This meets the requirement of policy H10.
- 15 The gross internal floor areas of the dwellings are as follows,
- Two-bedroom, two storey semi-detached dwellings – 75sqm
 - Three-bedroom, two storey semi-detached dwellings – 86sqm
 - Two-bedroom M4(3) bungalow – 82sqm
 - Three-bedroom, split-level townhouse – 108sqm
 - Four-bedroom, split-level townhouse – 137sqm
- 16 The development includes 19 apartments which are to be created to the southern portion of the site, housed within a detached four storey block. The apartment block features a central front entrance serving a communal lobby and staircase which provides access to the upper floors. Each apartment features an internal hallway with an open plan kitchen and lounge area along with a bathroom and store area. Each habitable room is served by a window with lounges and each master bedroom having a Juliet balcony allowing outlook to the front and rear of the block.
- The gross internal floor areas of the apartments are as follows,
- One-bedroom apartment – 53sqm
 - Two-bedroom apartment – 66sqm
- 17 Both the proposed dwellings and apartment block will be constructed in reconstituted stone with stone heads and cills to windows and door openings. The dwellings, along with the proposed apartment block, feature pitched roofs finished in dark interlocking tiles with UPVC windows and doors. Materials and finishes are controlled by way of a recommended condition which requires samples to be submitted and approved prior to installation.
- 18 Each dwelling features a driveway area serving as off-street parking provision with two spaces provided according with the LCC Parking SPD. All driveway/standard parking spaces are required to be fitted with EV charge points which are indicated and controlled by way of a recommended condition. 16 spaces are provided to the proposed apartment block, including a disabled space, plus an additional two visitor spaces, totalling 18 spaces.
- 19 A dedicated cycle store, including a bin storage area, is provided adjacent to the apartment block along with five motorcycle spaces. Secure cycle stores are also provided to a number of dwellings, as requested by highways officers, with storage provided within integral garages to remaining units.
- 20 Access into the development is to be taken from Town Street via Moss Bridge Road, served by a swing bridge, connecting to the proposed internal highway. Access to the site has been agreed via the previous outline consent with conditions attached to the permission now approved, including details forming a S278/S38 agreement

allowing subsequent adoption. The swing bridge is the subject of a S106 agreement which requires a management company to maintain the structure in perpetuity and thus the bridge itself will remain in the ownership of the relevant parties as outlined within the S106 agreement. Ongoing maintenance and operational requirements lie with the bridge management company.

- 21 Areas to the eastern, southern and western boundaries of the site form ecological buffers, which are subject to suggested conditions which identify the areas as development exclusion zones. A 3.0m wide landscape buffer to the south western boundary of the site, adjacent to the towpath, is to be provided consisting of retained mature trees, additional tree planting and shrubbery beyond the rear boundaries of plots 50-67. The buffer is to be separated from the towpath by a 2.4m high weld-mesh fence to prevent access from the towpath.
- 22 The southern portion of the site features a number of existing semi-mature and mature trees forming a u-shaped belt. These trees are to be retained, in accordance with the submitted arboricultural impact and tree protection plan. The tree belt and wider southern ecology buffer are also separated from the development and adjacent apartments by a 2.4m high non-climbable weld-mesh fence with an additional planting buffer provided to the rear of the proposed apartment block.
- 23 The eastern boundary features a number of mature trees which are to be retained in accordance with the submitted arboricultural impact assessment and tree protection measures which include willows, sycamore, birch and elder. This area forms the main ecological buffer between the development, River Aire and Rodley Nature Reserve beyond. It consists of a steep slope, forming the river embankment, with the development site at a higher level to that of the nature reserve to the east.
- 24 Additional general landscaping is to be provided consisting of tree planting and open space at the approach to the development from Moss Bridge Road. Front garden areas of the proposed dwellings are to remain open with lawns and hedges providing defensible space from the highway. Rear gardens feature 1.8m high close boarded timber fencing to provide separation and privacy from neighbouring plots.

HISTORY OF NEGOTIATIONS AND PLANNING HISTORY

- 25 The site is subject to an outline permission (18/01501/OT) which granted consent for the principle of residential development of up to 69 dwellings including means of access with all matters reserved (09.07.2019). The development site was considered to lie within a sustainable location along with its allocation being considered via the adoption of the Site Allocations Plan. A full assessment of the proposed access, including replacement swing bridge, associated modelling data and transport assessment was considered by highways officers and found to be satisfactory.
- 26 Previous engagement was made with the Canal and Rivers Trust given the complexities of the access. A response was issued on 15th August 2018 which summarised the Canal and Rivers Trust accepted additional details and advised of relevant conditions relating to protective fenders and abutment details. These measures have been implemented via the approved details contained within condition discharge 21/10146/COND. The applicant has also engaged separately with the Canal and Rivers Trust to provide details of the amended scheme with confirmation provided no objections are raised.

- 27 Works are now complete to the site's access with details including the S278 agreement, replacement bridge and abutments contained within approved condition discharge 21/10146/COND. These works were undertaken by Dynamic Capital and Investments Ltd to address conditions relating to phase 1 of the development. This separate application encompasses the agreed access arrangements of the previously approved outline consent and are not under consideration within this report. The access arrangements were approved as part of the outline consent 18/01501/OT with no objections raised by highways officers.
- 28 Condition discharge application 21/09388/COND has been submitted by the applicant seeking to address outstanding issues relating to phase 2, which includes addressing the reserved matters through the current application. These matters relate to landscaping, ecology protection, drainage and levels.
- 29 Commencement was made on works in conjunction with the submission of a condition discharge application (21/10146/COND) seeking to address condition 8 of the approved outline consent (Implementation Strategy). Details have been submitted and approved, including consulting engineers report, which outlined the former swing bridge had a low structural capacity, operational issues, instability of abutment foundations, corrosion of structural steelwork and structural movement.
- 30 Given the complexities identified after the removal of the existing bridge, along with additional complexities during the installation of the new bridge, an amended contractual programme and management plan was submitted and approved. Technical details have been agreed by the third party checker of the Approval in Principle (AIP), subject to the previously outlined amended details which have also been agreed between the landowners, contractor and third party checker. These amendments aim to improve ease of operation and allow improved timings for boaters, vehicles and pedestrians to access the development site, inline with the approved operational timing. At the time of drafting this report these measures are being implemented by the relevant parties which include the following,
- Improved gearing ratio to reduce the force needed and allow ease of operation
 - A professional video, accessible via a QR code, to allow boaters and bridge users access to a tutorial demonstration
 - Additional bracing and replacement of a damaged wedge base.
- 31 Further information has been received which confirms the Canal and River Trust are satisfied the bridge has been installed in accordance with the approved technical details, meeting their requirements for a swing bridge.
- 32 Following significant levels of objection the initial scheme was amended along with officer input into the design, layout and scale of development to further address concerns raised by Rodley Nature Reserve, Rodley Cricket Club, local residents and Ward Members. The amended plans re-located the proposed apartment block to the southern portion of the site, away from the swing bridge, access and northern boundary to the nature reserve to prevent over dominance and retain the openness of the nature reserve. Changes were also secured relating to the appearance of the apartment block which is now to be erected in reconstituted stone along with the removal of projecting balcony features which have been replaced with traditional Juliet balconies and increased glazing. These changes are supported by design officers.
- 33 Changes have also been made to address objections in relation to ecology raised by the Nature Conservation Officer, Natural England, Rodley Nature Reserve, Ward

Members and local residents. The main ecological buffer between the development, River Aire and Rodley Nature Reserve has been amended to increase its overall width along with the omission of a pedestrian pathway/route to the southern corner of the site. The buffer now measures approximately 16 meters in width to the north eastern corner narrowing to 11 meters at the rear of plot 16. The buffer then again increases in width to 15 meters to the south eastern corner. The amended layout creates an inaccessible area, separated from the development by new 2.4m high weld-mesh, cat-proof fencing to prevent predation. A single access gate is to be installed for maintenance and monitoring, which will remain locked.

- 34 Further changes have been secured to the dwellings within the site. Initially the townhouse properties featured a large central oriel window which was considered alien to the existing residential context. The dwellings now feature traditional Juliet balconies along with increased window sizes to improve the solid to void ratio and blend with the surrounding context..
- 35 Approval of this application will require a variation to the original Section 106 agreement to encompass changes to the current proposals which include the following,
- Bridge ownership and management company (change of landowner)
 - Changes to previous build for sale arrangement which now creates a 100% build-to-rent development
 - Off-site Greenspace contribution £50,000
- 36 Negotiations have taken place with regard to the off-site greenspace contribution. As part of the previously approved outline consent the development was required to be carried out in accordance with the Proposed Development Constraints Plan 0661-EA-AP002 rev F. The constraints plan highlights greenspace and ecology buffer areas. Given the need for both on-site greenspace and ecology buffers a hybrid approach to Greenspace is taken. This consists of a combination of Greenspace provided towards the southern part of the site together with an improved off-site contribution of £50,000 which would be used in the Ward to enhance existing Greenspace facilities. How Greenspace and ecology buffers are calculated is outlined in the below report.
- 37 The application was presented at plans panel on 16.02.2023 seeking determination on the reserved matters scheme. Panel members voted to defer the item on the basis of exploring further amendments in order to address the following concerns,
- Design issues surrounding the proposed town houses
 - Orientation of a number of properties
 - Provision of water butts
 - Construction hours

PUBLIC/LOCAL RESPONSE:

- 38 A total of 216 objection comments have been received which highlight the following concerns,
- Impacts upon cricket club and nature reserve access due to engineering operations and replacement swing bridge
 - Adverse impact upon ecology created by the development including impacts upon trees and wildlife protection.
 - Access to ecology areas should be prevented to protect wildlife
 - Adverse impacts upon highway safety through overspill parking

- Adverse impacts created by the development meaning additional noise and pollution
- Disruption to the access of the nature reserve and Rodley Cricket Club
- Poor generic design of properties
- Breach of pre-commencing conditions relating to the bridge and access works
- Adverse impacts upon visual amenity created through the proposed height, size and scale of the proposed housing

39 An objection comment has been made by Cllr Kevin Ritchie which raises concerns with the following,

- The off-site greenspace contribution is welcomed from the developer, however this is not considered adequate to make significant improvements required to accommodate the increased numbers of families likely to move in to the development and use the park. A development of this size should be contributing more to meet our ambition in our Parks & greenspace strategy 2022-2032. I would propose 50K.
- To meet LCC climate change ambitions developers should be working towards biodiversity enhancements in the local area
- The most important factor is protecting the ecology buffer on the north, riverbank side. This is best achieved by having no path and no public access to the area whatsoever.
- Visitor parking should be provided inline with highways requirements.
- It is acknowledged the fabric first design and construction approach is to be adopted to ensure energy efficiency. However I do still believe solar panels should be fitted to all properties where practicable to minimise energy costs and make on occasions a net contribution to the National Grid, in light of the current energy crisis.

40 Objection comments have been made by Cllrs Andrew and Amanda Carter as follows,

- The development needs to protect existing residents of Rodley along with providing adequate protection for wildlife and ecology buffers to the site perimeter.
- The proposed 16-unit apartment block and car parking arrangements are considered over dominant in relation to the nature reserve and Rodley Cricket Club.
- Adverse impacts upon Rodley Cricket Club due to lack of access along with associated loss of revenue and impacts upon playing season.
- The integrity of the rural landscape should be protected

41 A general comment has been made by Cllr Peter Carlill which outlines the following

- General issues of parking within the area and the development needs to ensure parking is managed.
- Air quality considerations
- Agree with the position for an off-site contribution to enhance existing greenspace
- The Cricket Club and Nature Reserve are incredibly important to the area and should be protected at all costs, any submissions on behalf of these organisations should be treated with the upmost importance
- Ecological buffers should be of adequate width and size to provide wildlife protection be protected in perpetuity, and a comprehensive plan should be provided as to how local wildlife and habitats are to be protected
- Communication with stakeholders regarding issues such as the bridge has been poor. Reassurance is needed that in future the level of communication with neighbours to the site will be improved, and that management of the bridge as a shared asset will be done in true consultation.

- 42 Objection comments have been received from Rodley Nature Reserve on 5th January, 20th January, 11th July, 25th July, 9th August 2022 and 14th May along with further comments raising concerns with the 02 Feb 2023 which outline the following,
- Ecology protection and habitat preservation are of paramount importance
 - Concerns with the submitted AIA and tree protection details. RPAs should be preserved with no damage to trees along with existing trees needing to be retained for habitat preservation. These documents should be consistent with trees identified for removal clearly marked for retention as agreed
 - Predation of wildlife in the reserve by cats
 - Highway safety considerations including access arrangements during the bridge closure. A new “haul road” has been installed however this is a gravel surface and could be susceptible to damage during bad weather conditions
 - Presence of otters and mink which should not be disturbed by the development
 - Concerns surrounding the impact of proposed drainage measures and proposed outfall within the ecology buffer. The new location of the proposed outfall is noted however concerns are raised regarding the consistency of the plans along with a request that RNR has an input into its placement.
 - Concerns regarding the operation and maintenance of the swing bridge and the associated impacts this could have on access to the reserve
- 43 An objection comment has been received from Leeds Civic Trust 5th January 2022 raising the following concerns,
- Design concerns with layout and orientation
 - Suburban type design and appearance within a
 - Greenspace areas have no positive use
 - Concerns with structural details relating to proposed swing bridge
 - Excessive and expansive parking area to proposed apartment block

CONSULTATION RESPONSES:

44 Statutory

Coal Authority – No objections.

Natural England – No objection has been made however a request for further information was made. Additional information has been provided to address the general comments made including clarification on proposed perimeter fencing measures, ecology buffer widths and general layout considerations. Natural England have provided comments on the proposed boundary treatments between the SSSI and the Leeds Liverpool Canal with suggested provision for a mown ecology buffer or sheer retaining wall (2.5m) in order to prevent/mitigate the movement of invasive garden plants and invertebrates from the development to the SSSI.

Environment Agency – No objections, subject to advice and compliance.

45 Non-statutory

Design Team – No objections raised to the layout of the scheme, although some concerns have been raised over the design of the townhouses.

Highways – No objections subject to conditions

Landscape Team – No objections subject to conditions.

Nature Team – No objections subject to conditions.

Flood Risk Management – No objections subject to conditions requiring drainage details, sustainable drainage testing and feasibility.

Yorkshire Water – no objection.

Public Rights of Way – No objection.

Contamination – No objections subject to pre-commencement conditions regarding site investigation works and remediation measures.

Environmental Health – No objections subject to conditions relating to construction hours, dust/noise control, environmental practice and sound insulation.

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF)

- 46 The NPPF and the National Planning Practice Guidance (NPPG) set out the Government's planning policies for England and how these are expected to be applied. One of the key principles running through the Framework is a presumption in favour of Sustainable Development set out in three parts: Economic, Social and Environmental. The revised NPPF (2019) now seeks to tighten definitions on the presumption in favour of sustainable development, increases the emphasis on high-quality design and place-making.
- 47 Paragraph 38 of the revised NPPF outlined decision makers at every level should seek to approve applications for sustainable development where possible, using a full range of planning tools and approach decisions in a positive creative way.
- 48 The below sections of the Revised NPPF are also considered to be relevant:

Section 9: Promoting Sustainable Transport

Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- a) the potential impacts of development on transport networks can be addressed;
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users;
- and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Developments should give priority first to pedestrian and cycle movements and facilitate access to high quality public transport; address the needs of people with disabilities; create places that are safe, secure and attractive which minimise the scope for conflicts between pedestrians, cyclists and vehicles; avoid unnecessary street clutter; respond to local character and design standards; allow for the efficient delivery of goods, and access by service and emergency vehicles; be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Section 11: Making effective use of land

Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land

The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Section 14: Meeting the challenge of climate change and flooding

Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from

rising temperatures⁴⁸. Policies should support appropriate measures to ensure the

future resilience of communities and infrastructure to climate change impacts, such

as providing space for physical protection measures, or making provision for the

possible future relocation of vulnerable development and infrastructure.

New development should be planned for in ways that:

a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and

b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.

To help increase the use and supply of renewable and low carbon energy and heat, plans should:

a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);

b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and

c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

In determining planning applications, local planning authorities should expect new development to:

a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and

b) take account of landform, layout, building

49 Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, the Development Plan for Leeds is made up of the Site Allocations Plan (2019); the Core Strategy (as amended 2019); saved policies from the Unitary Development Plan (2006); the Natural Resources and Waste Local Plan (2013) and any made Neighbourhood Plan.

The site is allocated in the SAP for mixed use under reference MX2-4, The current allocation, highlights the site is allocated for 55 units with a 7000sqm office use provision.

50 Relevant Core Strategy Policies include:

- Spatial Policy 1 - To deliver the spatial development strategy based on the Leeds settlement hierarchy and to concentrate the majority of new development within and adjacent to urban areas, taking advantage of existing services, high levels of accessibility, priorities for urban regeneration and an appropriate balance of brownfield and greenfield land, in accordance with key principles.
- Spatial Policy 6 – Housing Requirement and allocation of Housing Land
- Spatial Policy 7 – Distribution of New Housing
- Policy H1 – Managed Release of Sites. To ensure sufficiency of supply, geographical distribution in accordance with Spatial Policy 7, and achievement of a previously developed land target of 65% for the first 5 years and 55% thereafter.
- Policy H3 – Density of development. A minimum density target of 65 dwellings per hectare is set for edge of centre locations.
- Policy H4 - Developments should include an appropriate mix of dwelling types and sizes to address needs measured over the long-term taking into account the nature of the development and character of the location.
- Policy H5 – Affordable Housing. The affordable housing requirement would be 15% of the total number of units, with 40% for households on lower quartile earnings and 60% for households on lower decile earnings.
- Policy H9 – Space Standards: Confirms that all new dwellings must comply with standards relating to size / space, headroom and storage requirements as set out within the policy.
- Policy H10 – Adaptable and Accessible Housing: Confirms that new build residential developments should include the following proportions of accessible dwellings:
 - 30% of dwellings meet the requirements of M4(2) 'accessible and adaptable dwellings' of Part M Volume 1 of the Building Regulations.

- 2% of dwellings meet the requirement of M4(3) 'wheelchair user dwellings' of Part M volume 1 of the Building Regulations. Wheelchair user dwellings should meet the M4(3) wheelchair adaptable dwelling standard unless Leeds City Council is responsible for nominating a person to live in the dwelling.
- Policy P2 – Acceptable uses in and on the edge of Town Centres. Town centres offer shopping and services intended to meet weekly and day-to-day requirements. Specific uses will be directed towards the centers listed in Policy P1.
- Policy EC3 Safeguarding existing employment land and industrial areas.
- Policy G4 – Open space requirements. Outside the City Centre the normal requirement is 80 sqm per dwelling. The delivery of a proportionate amount of open space per dwelling, both private and shared communal, and the provision of public realm is important. Contribution to specific off-site greenspace enhancements to mitigate a shortfall on-site may be required.
- Policy G8 Protection of Important Species and Habitats
- Policy G9 Biodiversity improvements
- Policies EN1 & EN2 Policy set targets for CO2 reduction and sustainable design & construction, including meeting the energy and carbon emissions reduction targets of the former Code for Sustainable Homes Level 4 and at least 10% low or zero carbon energy production on-site.
- EN8 Electric Vehicle Charging Points
- Policy P10: Good design appropriate to its scale and function. This requires new development to be based on a thorough contextual analysis to provide good design appropriate to its scale and function, delivering high quality innovative design and that development protects and enhances existing historic assets – in particular historically and locally important buildings, landscapes and spaces. New development will be expected to deliver high quality innovative design that has evolved, where appropriate, through community consultation and which respects and enhances the variety of existing landscapes, streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place, contributing positively towards place making and quality of life and be accessible to all.
- Policies T1 and T2 identify transport management and accessibility requirements for new development.

Relevant policies from the UDP include:

- GP5 – all relevant planning considerations
- BD2 – design and siting of new buildings
- BD4 – all mechanical plant
- BD5 – amenity for occupants and surroundings should be provided
- LD1 – landscaping

- N23 – Space around new buildings
- N25 – Boundary treatments

52 Natural Resources & Waste Plan

The Natural Resources and Waste Development Plan Document is part of the Local Plan. The plan sets out where land is needed to enable the City to manage resources, like trees, minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. Policies regarding flood risk, drainage, air quality, trees, and land contamination are relevant to this proposal. The site is within the Minerals Safeguarding Area for Coal (Minerals 3) and Sand and Gravel (Minerals 2). The following policies are relevant:

- AIR 1 – Management of Air Quality
- WATER 1 – Water Efficiency
- WATER 2 – Protection of Water Quality
- WATER 6 – Flood Risk Assessments
- WATER 7 – Surface Water Run Off
- LAND 1 – Land Contamination
- LAND2 – Development and Trees

53 Relevant Supplementary Planning Guidance includes:

- SPD Street Design Guide (2009)
- SPD Travel Plans (2015)
- SPD Building for Tomorrow Today: Sustainable Design and Construction (2011)
- SPG Neighbourhoods for Living (2003, Updated 2015)
- SPD Parking (2016)
- SPD Accessible Leeds
- SPG Affordable Housing

ISSUES

Site Allocation/Principle

54 The application relates to a proposed re-development of an allocated housing site SAP Ref: HG2-58 (1322) located in the Outer West HMCA. It is considered the principle of the development has been established via the previously approved outline consent (18/01501/OT) which established access with all further matters reserved.

The SAP outlines site requirements as follows,

Local Highway Network: The site should contribute to local towpath improvements.

Ecology: Significant ecological impact identified on parts or all of the site. An ecological assessment of the site is required and where appropriate, mitigation measures will need to be provided, including provision of a biodiversity buffer (not private garden space) to the eastern boundary with the River Aire and western boundary with the canal. This should be of an open aspect to prevent shading and

seek to minimise the risk of the introduction of freshwater invasive non-native species to the canal.

- 55 As part of the development the existing access into the site has been upgraded with major engineering works being implemented in the form of a replacement swing bridge along with off-site highways works to upgrade Moss Bridge Road to current adoptable standards. These access improvements, along with the provision of a new bridge, are considered to benefit both the development site itself and the wider network given existing access will be improved to Rodley Nature Reserve and Rodley Cricket Club. These improvements include a widening of the existing access to the development site, improve visibility splays along the tow path and thus pedestrian safety along with incorporating a new, continuous, adoptable footway.
- 56 It is considered these improvements meet with the requirements outlined above and thus contribute towards local towpath improvements.
- 57 A detailed ecological assessment of the site has been submitted by the applicant which proposes a raft of safeguarding and mitigation measures which include providing the identified ecological buffers to the eastern and western boundaries. Initially concerns were raised in relation to the omission of the eastern buffer. Amendments have been made to the scheme to include a 3.0m wide buffer to the towpath boundary along with improved 2.4m high weld mesh fencing to prevent access, provide additional planting and ensure existing tree retention to retain the area as habitat. The area to western boundary of the site, forming the riverbank, is also to be retained as an ecological buffer, including 2.4m high weldmesh fencing to prevent access whilst providing views through to the buffer and thus an element of visual amenity. Natural England have been consulted and provided comments on potential transference of invasive species between the development site and SSSI in these areas. A suggestion of either mowing the proposed ecology buffer or providing a 2.5m high retaining wall was made. It is considered through internal consultations with Nature Officers mowing the ecology buffer would reduce biodiversity and ecology potential and thus this was discounted along with the potential for debris from mowing to be transferred to the SSSI. Similarly, providing a 2.5m high retaining wall along the extent of the towpath boundary would create a significant structure which would detract from the character and appearance of the area whilst also requiring a significant engineering operation in an area of existing trees which are sought to be retained and thus conflicting the trees root protection areas.
- 58 Detailed considerations have been made regarding the eastern buffer which initially was subject to proposals to include pedestrian access, alongside the buffer, to allow connectivity to the southern portion of the site. Consultations with Ward Members, Rodley Nature Reserve and Nature Officers were made and it was considered that omitting access to the area would allow an improved area of ecological buffer to be provided which is also inaccessible and thus retained as habitat. These changes are considered to improve the ecology provision and ensure that suitable mitigation is provided to retain and enhance the ecology buffers.
- 59 Given the site is allocated within the SAP and considered to lie within a sustainable location, linked to the existing highway network along with highways improvement works to be implemented in addition to the above towpath and ecology considerations it is considered the proposed reserved matters application accords with the aims of the development plan and the outlined requirements.

Density

- 60 Policy H3 of the Core Strategy requires a minimum density of 40 units per hectare. The agreed development area, as confirmed in the Proposed Development Constraints Plan, shows an area of 3.78 acres (1.53 hectares in total), which gives rise to a density of 43 dwellings per hectare. It is considered the proposed development satisfies the requirements of Policy H3.

Affordable Housing

- 61 Policy H5 of the Core Strategy requires 15% affordable housing provision if a policy compliant scheme was proposed. This would equate to a total of 10 units. The applicant proposes providing a total of 10 units (15%) on site, to be secured by way of a S106 agreement and in accordance with the findings of the independent assessment of the viability report by the District Valuer at outline stage. The proposed layout plan indicates that the units will be secured across the site and offer a split between dwelling types, including semi-detached properties and three flats. This remains in accordance with the provisions of the outline approval and S106 agreement completed at outline stage.

Housing Mix

- 62 Policy H4 relates to housing mix. The policy outlines *“Developments should include an appropriate mix of dwelling types and sizes to address needs measured over the long term taking into account the nature of the development and character of the location. For developments over 250 units, in or adjoining the Main Urban Area and Major Settlements or for developments over 50 units in or adjoining Smaller Settlements, developers should submit a Housing Needs Assessment addressing all tenures so that the needs of the locality can be taken into account at the time of development.”*

Table 4, below, sets out the preferred housing mix by dwelling type and size.

The development proposes the following mix between a split of dwelling types and housing sizes:

Type	Max %	Min %	Target %	No' of Units	Actual %
Flats	50	10	25	16	24.2
Total				66	100
1 bed	50	0	10	8	12.1
2 bed	80	30	50	28	40.9
3 bed	70	20	30	24	36.4
4 bed +	50	0	10	6	9.1
Total				66	100

- 63 It is considered the proposals broadly fall in line with the desired housing mix targets which results in a development containing an appropriate mix of house types. It is acknowledged the above table indicates a shortfall in two bedroom properties at 40.9% however this is not significantly below the target, with a higher provision of 1 and 3 bedroom units, exceeding the targets. In addition, the development sees 9.1% four bedroom units which is considered acceptable. The indicated mix of properties, including a split between flats and houses is considered acceptable and thus addresses the requirements of Policy H4.

Design

- 64 Policy P10 of the Core Strategy outlines,

New development for buildings and spaces, and alterations to existing, should be based on a thorough contextual analysis and provide good design that is appropriate to its location, scale and function. New development will be expected to deliver high quality inclusive design that has evolved, where appropriate, through community consultation and thorough analysis and understanding of an area. Developments should respect and enhance existing landscapes, waterscapes, streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place with the intention of contributing positively to place making, quality of life and wellbeing.

- 65 The design and layout of the site has taken inspiration from the local context whilst attempting to create dwellings which are visually attractive and functional. Negotiations have taken place on the advice of officers to amend the site layout in order to address concerns raised by Ward Members and the general public regarding design considerations.
- 66 The proposals include the four-storey apartment block which provides one and two bedroom units. The apartment block has been repositioned to the southern portion of the site in order to address concerns regarding its overall massing, height and visual

impact upon the setting of the Rodley Nature Reserve and Rodley Cricket Club. Design officers initially raised concerns regarding the overall height of the proposed block along with projecting balcony elements and solid to void ratio's of the external walls. The scheme has been amended to reposition the block away from the northern area of the site and boundary with Rodley Nature Reserve as it is considered this area is absent of large built form and retains an element of openness. In repositioning the block the openness to the northern side of the site is retained with the proposed apartment block now sited closer to existing built form to the south of the canal, screened by the existing tree belt. Further design amendments have been made to the window and balconies to incorporate stone heads and cills to provide consistency with the surrounding properties. It is considered this amended design creates an improved appearance, allowing the entrance to the site from Moss Bridge Road to remain open with landscaping and greenery providing a pleasant approach to the development.

- 67 The proposals feature a range of dwelling types and sizes to provide an appropriate mix. The design, character and appearance of the properties is considered sympathetic to the surrounding vernacular and to blend with the existing developments to the southern side of the canal, including Narrowboat Wharfe. Initially concerns were raised by design officers in relation to the appearance of the proposed split-level, townhouse type, dwellings (Types SP1 and SP2) in that they featured a central oriel window to the first floor living areas. This was considered at odds with the surrounding context and an alien feature. Amendments have been made to the properties to incorporate larger front windows along with Juliet balconies which replicate the surrounding properties. The provision of Juliet balconies also allows an improved outlook to the front of these properties in light of their ground floor integral garage arrangement thus providing surveillance to the street scene and avoiding a dead frontage. Amendments have been made to the scheme to address concerns raised by members of Plans Panel at its meeting in April 2023 which include the provision of further stone heads and cills along with the insertion of inset window detailing to side gables to provide a feature reducing the mass of blank stonework. Furthermore, the site layout has been amended, at the request of members, to re-orientate plots 7-16 in order to provide frontages facing the River Aire along with changes to plot 33 to create a dual aspect, again facing the River Aire.
- 68 As part of further design negotiations members request to change the proposed townhouse type properties, plots 50-67, were explored. Options including providing two storey properties and a reorientation of these plots were also explored. Given the change in levels, as a consequence of these proposed changes, it was considered the current layout represents an appropriate design insofar as the ecology buffer to the west is preserved along with no requirement for an additional section of highway adjacent to the buffer and retained trees which would conflict with current aims of tree retention and ecology preservation, thus creating concerns from landscape and nature officers. Furthermore, changes to these properties, as outlined, would leave insufficient space to the rear, due to the need for an additional access road, and thus rear garden areas would fall short of the minimum distances required and provide substandard amenity. It is considered the general changes to the previous layout and reorientation meets the requirements of Policy P10, addresses member comments and thus is acceptable.
- 69 The remaining dwellings across the site are predominately two storey in height and of a traditional appearance with open front garden areas, allowing landscaping and driveways to the side. The two storey properties feature a front canopy roof for visual

interest along with stone heads and cills to window openings, replicated by the larger townhouse dwellings and the apartment block.

- 70 All dwellings are to be erected in reconstituted stone with dark concrete roof tiles to the pitched roof forms. A condition is recommended to be attached which requires samples of materials to be submitted and approved prior to placement on site. The design of these properties is considered appropriate and thus accords with requirements of Policy P10.

Accessibility

- 71 Policy H8 outlines requirements for developments of 50 or more dwellings are expected to make a contribution to supporting needs for Independent Living along with Policy H10 which requires the following,
- 30% of dwellings meet the requirements of M4(2) 'accessible and adaptable dwellings' of Part M Volume 1 of the Building Regulations.
 - 2% of dwellings meet the requirement of M4(3) 'wheelchair user dwellings' of Part M volume 1 of the Building Regulations. Wheelchair user dwellings should meet the M4(3) wheelchair adaptable dwelling standard unless Leeds City Council is responsible for nominating a person to live in the dwelling
- 72 22 units are proposed as being built to accessible standards. 21 (31.8%) will be M4(2) accessible and adaptable dwellings, whilst the remaining one, the proposed bungalow, (1.5%) will be M4(3) wheelchair user dwellings. It is considered the requirements of Policies H8 and H10 are met.

Minimum Space Standards

- 73 Policy H9 relates to minimum internal space standards and requires new build residential properties provide a minimum gross internal floor area to ensure the amenity of future occupiers. The proposed schedule of accommodation and internal sizes are as follows,
- 1 bedroom apartment – 51sqm
 - 2 bedroom apartment – 60sqm
 - 2 bedroom, split level, townhouse – 74sqm
 - accessible bungalow – 83sqm
 - 3 bedroom dwellings – 84sqm and 88sqm
 - 3 bedroom, split level, townhouse – 107sqm
 - 4 bedroom, split level, townhouse – 140sqm

- 74 The above internal sizes meet the requirements of policy H9 and are considered acceptable.

Greenspace

- 75 Policy G4 relates to open space requirements and states, *“Areas Outside the City Centre the normal requirement is 80 sqm per dwelling. The delivery of a proportionate amount of open space per dwelling, both private and shared communal, and the provision of public realm is considered important. Contribution to specific off-site greenspace enhancements to mitigate a shortfall on-site may be required.”*
- 76 The proposed site layout includes areas of greenspace to the eastern and southern portions of the site measuring an area of circa 4,774sqm. As part of the approved

outline consent the development was required to be carried out in accordance with the Proposed Development Constraints Plan 0661-EA-AP002 rev F. The plan indicates a developable area of 3.76 acres (1.52ha) and an 'Ecological Buffer' of 1.18 acres (0.477ha). In addition, the completed S106 agreement includes details of the greenspace provision at 0.67 acres (0.27ha). It shows the area to the east of the site to also be green and labelled River Bank, and this has an area of 0.21ha (0.51 acres).

- 77 The planning permission and the associated S106 therefore allows for an ecological buffer of 0.21ha (0.51 acres) and an area of on-site Green Space of 0.27 (0.67 acres). A total area of 0.48 ha or 1.18 acres. All of the areas of calculated Green Space referred to above are incorporated in the proposed layout plan.
- 78 Since the initial appraisal and further detailed assessment of the reserved matters scheme large number of objections were received including representations from Ward Members raising concerns with greenspace provision. Given the need to keep the eastern side of the site available exclusively as an ecological buffer, and given the tree spread and canopies towards the southern end of the site, this overall reduced the amount of usable Greenspace on site. Therefore, as a hybrid approach, which is acceptable under Policy G4, further negotiations have taken place and the applicants have agreed to pay £50,000 as an off-site greenspace contribution. Discussions have taken place with Ward Members and these funds are to be allocated towards the improvement/maintenance of an identified area directly related to the site, suggested as Rodley Park. It is considered this represents an improved position compared to that of the original submission and provides further environmental enhancements as part of the scheme.
- 79 It is considered the open space provided internally within the site and its location in close proximity to the Rodley Nature Reserve contributes towards the regeneration of the site, providing a combination of on-site and off-site enhancements for use by the general public. Given these factors is deemed the current proposals and associated amended S106 agreement satisfy the requirements of policy G4.

Ecology, Trees & Landscaping

- 80 As part of the Outline consent, the applicant submitted in support of their application a number of documents and surveys to address ecology issues, particularly given the presence of the SSSI. A number of flora, fauna and habitat surveys were carried out, include surveys for bats, otters, and reptiles. Following these surveys, an Ecological Design Strategy and Construction Environmental Management Plan (CEMP) was produced and deemed to be acceptable. A condition was imposed on the Outline consent, requiring the submission of a Biodiversity Enhancement Management Plan as part of any detailed scheme.
- 81 The current submission includes a Biodiversity Enhancement Management Plan and propose to incorporate bird boxes, bat boxes, and Hedgehog holes in fencing. As part of the assessment of the reserved matters application Natural England have been consulted given the area close to the site access, encompassing the Leeds & Liverpool Canal, forms a Site of Special Scientific Interest (SSI).
- 82 Natural England initially queried details relating to the ecology buffer to the eastern boundary with the towpath and canal given the SSI designation, outlining they required confirmation the buffer was 3.0m in width and to be retained in perpetuity.

The amended details were confirmed with Natural England, including clarification on proposed perimeter fencing details, site layout and thus no objection has been raised.

- 83 Nature officers have been consulted on the proposals given the sensitivities of the sites location, adjacent to the Rodley Nature Reserve, along with previous requirements outlined as part of the outline consent approval. Officers requested that mitigation measures were implemented as part of the proposals to prevent cat access and predation from the residential development. The applicants have now included 2.4m “cat-proof” fencing to the northern boundary. Initially an over-hang type product was proposed to be fitted to the top of timber fencing however this was not considered sufficient nor robust. Amendments have been made to incorporate a dual approach which includes a 1.8m high close boarded timber fence for privacy along with the 2.4m high weld mesh type fencing beyond. This approach satisfies nature officers concerns and is to be controlled by way of an appropriately worded condition requiring implementation prior to first occupation of the properties.
- 84 Amendments have been made to the layout which incorporate the installation of 2.4m high weld-mesh fencing to the perimeter of the ecology buffers surrounding the site, replacing previous chain-link fencing, to both the eastern (canal side) and western (river side) boundaries to ensure these areas remain inaccessible to residents and visitors. The amendments include the omission of two access gates for maintenance replaced with only a single lockable gate on the advice of the LPA Nature Officer. The scheme now sees 2.4m fencing to its perimeter preventing access to the areas identified as ecology buffers and thus retaining these areas for nature conservation. A further compliance condition is proposed which prevents garden encroachment including any structures, fencing, fishing areas and steps into the ecology buffer. The proposed fencing will be maintained by the applicant given the scheme creates build to rent properties. The build to rent nature of the development retains ownership of the dwellings and thus garden areas which provides further security insofar as preventing residents extending their gardens and potentially encroaching into the ecology buffer(s).
- 85 Further information was sought from the applicants regarding tree retention within the ecology buffers, given the concerns raised by Ward Members, residents and Rodley Nature Reserve. The applicants have confirmed that the existing trees within the ecology buffers will be retained and have also agreed to a suggested compliance condition which, prior to commencement, identifies and creates exclusion zones within these areas to prevent any damage to habitat, trees or their root protection areas.
- 86 Whilst some tree removal is proposed, primarily towards the centre of the site, this was envisaged at the Outline stage in order to accommodate up to 69 dwellings. The layout has evolved to ensure that important trees are retained around the periphery of the site, including the boundaries to the River Aire and canal, resulting in a reduction of dwellings to 67. An amended arboricultural survey and tree retention plan has been submitted after concerns were raised by residents regarding the removal of mature trees. The amended details secure retention of the highlighted trees. There is also adequate space within the site to accommodate new tree planting and soft landscaping, particularly towards the entrance to the site.
- 87 It is considered the proposals, as amended, address previous concerns regarding nature conservation, ecology preservation, tree retention and landscaping.

Highways

- 88 Highways officers have considered the details of the current reserved matters application and raise no objections.
- 89 Phase 1 of the proposed development relating to the access works has now commenced, undertaken by a separate applicant and thus does not form part of the current reserved matters considerations. Details of the proposed swing bridge and access have been addressed via a separate condition discharge applications 21/10146/COND and 21/09388/COND.
- 90 Highways officers have assessed the information submitted, relating to the bridge operation and advise as follows,
- The additional Technical Note sets out a detailed assessment of anticipated timings to operate the proposed bridge, which results in an operational time of approximately 464 seconds from the time it takes to stop traffic on Moss Bridge Road, to re-opening.*
- The assessment presents a worst-case scenario based on the PM peak period associated with the proposed residential development, where 36 cars are likely to be returning to the development, which equates to one vehicle every 100 seconds. The previous survey of the existing bridge showed that over a four day period, there was no peak period opening of the bridge.*
- Therefore, based on the PM peak period flows associated with the proposed residential development, a rate of one vehicle every 100 seconds would result in a potential queue of 4.6 vehicles, should the bridge be closed to vehicular traffic during the PM peak period.*
- Correspondence from the Canals and Rivers Trust, dated 1st April 2002 states: "A boater will not operate the bridge if there is a queue of cars, they will wait until it is safe to open the bridge".*
- 91 On this basis, and given that the anticipated queue of 4.6 vehicles can be accommodated in the available space on Moss Bridge Road, the results of the revised queue length assessment are considered to be acceptable.
- 92 Moss Bridge Road has been adopted under S228 of the Highways Act and a bond has been received to ensure the road will be made up to adoptable standard. Moss Bridge Road will be subject to a 20mph limit and waiting restrictions.
- 93 The internal roads within the development site will need to be built to adoptable standards and offered for adoption under Section 38 of the Highways Act. The speed limit for the proposed development is required to be 20mph in accordance with the Street Design Guide. For the avoidance of doubt the cost of road markings, signage and appropriate speed limit Orders will be fully funded by the developer (inclusive of staff fees and legal costs).
- 94 Given the considerations outlined above conditions are recommended to ensure a right of access for all users and affected business/land/commercial/residential properties are provided for. In addition, the S106 agreement is required to demonstrate evidence of the maintenance agreement for the bridge, prior to the commencement of Phase 2.

- 95 Vehicular access into the site will be taken from Moss Bridge Road across the proposed swing bridge and canal towpath. The works on Town Street and Moss Bridge Road are the subject of a Travel Plan and S278/S38 agreement which will adjoin the internal layout. The swing bridge will not be owned or maintained by LCC highways, remaining within the ownership of the landowners.
- 96 A Traffic Regulation Order (TRO) is proposed to prevent parking for 36 metres on the approach to the swing bridge which will allow 6 cars to queue to exit. As part of the TRO details have been provided to show road markings and signage to the towpath and swing bridge.
- 97 Amendments have been made to the operational parameters of the bridge which provide changed gearing to ease its operation. The applicant has provide evidence, also contained within the video tutorial accessible via QR code, the bridge can operate within the agreed timings and thus the changes are not considered to adversely effect highway safety.

Parking

- 98 One car parking space for each of the 16 apartments is proposed, along with 2 visitor spaces and one disabled space. In order to comply with the LCC Parking SPD, three visitor spaces will be required (one per five dwellings), however, given the constraints of the site and the importance attached to the ecology buffer surrounding the apartment block its is considered, on balance, the proposed parking provision is acceptable given two spaces is not considered a significant shortfall. Furthermore, all allocated spaces for the apartments will be required to be fitted with Electric Vehicle Charge Points (EVCP) in line with policy EN8 of the Core Strategy (2019 Selective Review) and thus a condition is recommended.
- 99 The proposed dwellings are provided with two parking spaces with accords with the LCC Parking SPD and thus adequate off-street parking provision is provided throughout the site. All driveways/standard parking spaces will be required to be fitted with Electric Vehicle Charge Points (EVCP) in line with policy EN8 of the Core Strategy (2019 as amended).
- 100 Secure, enclosed, cycle parking is to be provided to each dwelling along with a communal cycle store which can accommodate up to 16 cycles within the apartment block to encourage sustainable travel initiatives.

Transport Assessment and Travel Plan

- 101 A Transport Assessment and Travel Plan for this development were submitted with the Outline application 18/01501/OT. Comments on the Travel Plan were provided from the Travelwise Team and are relevant to this Reserved Matters application.
- 102 The Transport Assessment submitted with 18/01501/OT, considered the traffic impact of 71 residential units and concluded that the proposed residential development would have no significant impact on the adjacent highway network. The Reserved Matters application now proposes 67 residential units on the site, and thus the results/conclusions of the Transport Assessment are still valid.

Contamination and Drainage

- 103 Contamination officers have been consulted on the proposals and outlined the applicable conditions were applied at outline stage. A separate condition discharge application has been submitted and is being considered (21/09388/COND) which requires details relating to site investigations, remediation statements, gas mitigation measures and verification reports. These details are required to be addressed prior to commencement of phase 2.
- 104 In respect to the surface water drainage proposals, these are in line with those set out within the original outline planning application and the agreed discharge rate of 85 l/s is still valid. It should be noted that the allowance for climate change has now increased to 45% and the applicant shall satisfy themselves that adequate on site attenuation can still be provided to address the increased allowance for climate change.
- 105 In respect to the proposed site layout Condition 18 of 18/01501/OT required a 8 metre clear zone (8 meter easement) from the edge of the channel , in conjunction with requirements from the Environment Agency. Additional information has been provided by the applicant which identifies an 8 meter zone along the River Aire and is thus considered to satisfy the requirements.

Climate Change and Sustainability

- 106 The Council declared a climate emergency on the 27th March 2019 in response to the UN's report on Climate Change.
- 107 The Planning Act 2008, alongside the Climate Change Act 2008, sets out that climate mitigation and adaptation are central principles of plan-making. The NPPF makes clear that the planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions in line with the objectives of the Climate Change Act 2008.
- 108 The Council's Development Plan includes a number of planning policies which seek to meet this aim, as does the NPPF. These are material planning considerations in determining planning applications.
- 109 Local Policies EN1 and EN2 consider ways to reduce carbon and energy use. Whilst EN1 relates to the reduction of carbon and emissions, EN2 seeks to ensure that development is of a sustainable design and construction.
- 110 The applicant has adopted a fabric first approach with regard to energy use and efficiency. The applicant intends to incorporate sustainable sourced materials that are highly energy efficient with the intention to minimise carbon emissions over the extent of the buildings life. The applicant has now included provision for water butts at the request of members along with the inclusion of air source heat pumps to properties. A condition is also recommended which requires details of water and energy efficiency measures to be approved and agreed prior to occupation of the proposed dwellings.
- 111 The applicant has recognised the Council's position in relation to reducing the carbon emissions and any proposal will be subject to conditions, ensuring that the proposal is compliant with Core Strategy policies EN1, EN2 and EN8. Furthermore, the siting is considered to be a sustainable location for residential use with good

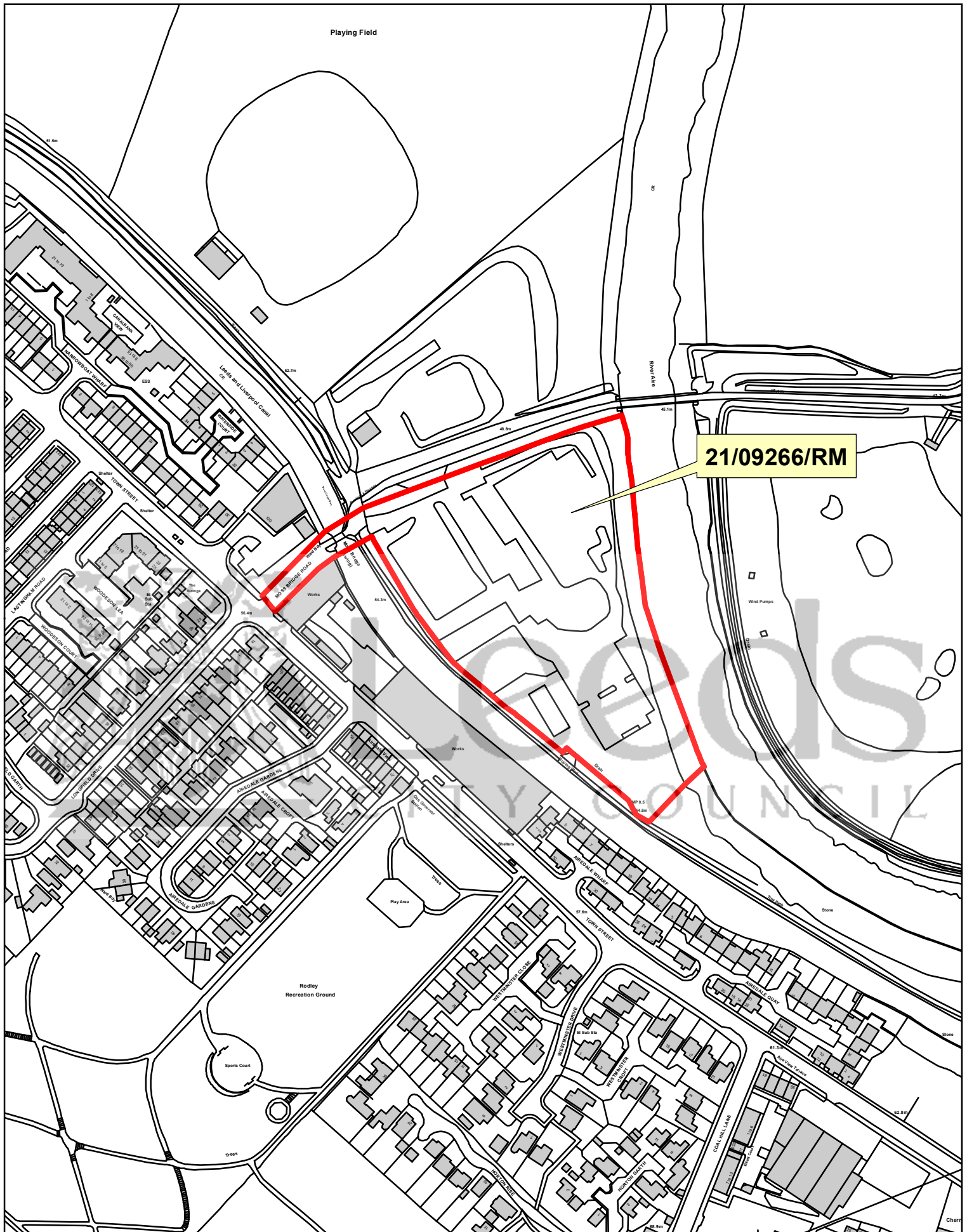
accessibility to public transport facilities as well as good connections for cycling and walking. The above commitments will result in measurable benefits in respect of climate change matters.

CONCLUSION

- 112 The application site is previously developed land within the main urban area and is allocated for residential use under SAP Policy HG2-58. Furthermore, there is an outline permission which has established the principle of residential development for up to 69 dwellings, together with the means of access across a replacement swing bridge..
- 113 This application relates to Reserved Matters for the layout, scale, appearance and landscaping of the site. Following negotiations with the agent, the scheme is considered to be policy compliant and will result in the redevelopment of a brownfield site within a sustainable location, contributing a much-needed mix of new housing to the city, including 10 affordable units. The design, scale, appearance, and landscaping of the development is considered to represent a complementary addition to the local environment.
- 114 The environmental impacts of the proposal, including the impact upon and those relating to residential amenity, visual impact and impact upon climate change have been assessed. The proposal is considered to have some visual impact upon the character of the area when compared to the existing characteristics of the site. However, the site previously comprised substantial mill buildings used in the textile industry, and therefore the proposed development represents an appropriate form of development for this site.
- 115 The proposed development is considered to meet the aims and objectives of both national guidance and the Leeds development plan and is a sustainable development seeking to regenerate a former industrial site.
- 116 With consideration being given to all other matters, it is considered that this proposal is compliant with the policies of the Local Plan including, the Core Strategy, SAP Unitary Development Plan and the National Planning Policy Framework. As such, the application is considered acceptable and is recommended for approval subject to conditions and a Section 106 Agreement outlined at the top of this report.

Background Papers:

Application files 18/01501/OT and 21/09266/RM
Certificate of ownership: Certificate B signed by the agent



21/09266/RM

SOUTH AND WEST PLANS PANEL

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PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1 / 2500





PLANS PANEL PRESENTATION

SCALE 1:2500





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PLANS PANEL PRESENTATION

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