



Report of the Chief Planning Officer -

SOUTH AND WEST PLANS PANEL

Date: 17th May

Subject: Application number 17/07502/FU– Total/BP, Riverside Garage, Kirkstall Road Leeds, LS4 2QD - Works to southern boundary and addition of new fencing

APPLICANT

Mr N Patel

DATE VALID

15TH November 2017

TARGET DATE

10th January 2018

**Electoral Wards Affected:
Kirkstall**

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: GRANT PERMISSION subject to conditions specified below

1. Standard time limit of 3 years to implement
2. Plans to be approved
3. The proposed gabion baskets must follow the profile of the bank and not further constrict the channel. The works must also not protrude any further than the upstream banking to avoid additional constriction of the channel.
4. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:
 - The gabion baskets shall be set into the bank of the channel and shall not encroach into the river.
 - The proposed fencing shall allow water to flow through it
 - The fence shall be kept clear of debris at all times.

The mitigation measures shall be fully implemented in accordance with the timing / phasing arrangements embodied within the scheme.

5. Prior to the commencement of development a Construction Environmental Management Plan (CEMP:Biodiversity) shall be submitted to and approved in writing by the LPA. The CEMP (Biodiversity) shall include the following:
 - a) Risk assessment of potentially damaging construction activities
 - b) Identification of biodiversity protection zones
 - c) Measures to avoid or reduce impacts during construction to include pollution avoidance measures and prevention of materials entering adjacent water courses
 - d) Location and timings of sensitive works to avoid harm to biodiversity features, including nesting birds
 - e) The times during construction when specialist ecologists need to be present on site to oversee works
 - f) The role of a responsible person (Ecological Clerk of Works) and lines of communication
 - g) Use of protective fences, exclusion barriers and warning signs

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

6. Prior to the commencement of development a Method Statement for the control of Himalayan Balsam and Giant Hogweed (hereafter referred to as the Target Species) shall be submitted to and approved in writing by the LPA. The agreed Method Statement shall thereafter be implemented in full.
7. Development shall not commence until details of access, storage, parking, loading and unloading of all contractors' plant, equipment, materials and vehicles (including workforce parking) have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided for the duration of construction works.
8. Prior to the commencement of engineering works to install the gabions, a landscaping scheme shall be submitted to and approved in writing by the LPA. The landscaping scheme shall include for the re-planting of trees, shrubs, climbers etc. as appropriate. A long term maintenance scheme shall also be submitted for approval.
9. Prior to commencement of engineering works details of methods to enhance bird and bat nesting in the development site shall be submitted for approval.

1.0 INTRODUCTION

- 1.1 The application is brought before Plans Panel at the request of Cllr Illingworth who raises concerns regarding the wider impacts of the proposals upon nature conservation and flood risk due to the location of the development on a river bank in an area of known flooding risk. The proposal is considered by Cllr Illingworth to result in higher risk of flooding and to harmful loss of biodiversity, both of which will have wider impacts than just the application site.

2.0 PROPOSAL:

- 2.1 The applicant seeks consent for works to the southern boundary and addition of new fencing, including works to insert structural gabions to the river bank. The Design and Access Statement advises that these works are required to contain and secure a

landslide that has occurred at the rear of the site. The statement also advises that similar works were carried out to the neighbouring property at 471 Kirkstall Road, under application 14/05224/FU.

- 2.2 The proposals seek to extend the existing forecourt area to the southern side of the site, adjacent to the river Aire. The hard standing will be extended and finished in tarmac with a new boundary fence. The additional area will amount to 101 sq metres in area with a 33m length of area of earth banking being stacked with 1 cubic metre gabions. The existing earth slope will therefore be replaced with gabions stacked 3 high, 4 deep at the bottom and 2 deep at the top forming a stepped embankment. New palisade fencing will be installed on top of this, 1.3m in height, running along the site boundary, this has been chosen to match existing boundary treatments in the area.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to a filling station and small supermarket sited on Commercial Road. The filling station is accessed from the main highway and features a number of petrol pumps and a forecourt area to the front of a convenience store. An existing hand car wash is in situ close to the boundary with a shipping container and car port area for valeting. The site lies directly adjacent to the river Aire with a goit running close to the southern boundary. The area to the south of the highway is wholly commercial with the filling station and a car sales lot to the neighboring site. The Grade II listed 'Dry House', a two-storey stone building with a hipped roof of natural slate lies to the west. It features stone mullioned windows and a number of cast iron tie bar end plates located to the side and front elevations. The structure was constructed in the early 1800s as part of the Burley Mills woolen mill complex and has been renovated housing a wedding dress outlet (A1) and an office (B1).
- 3.2 The site backs onto The Goit, a 1-2m wide water channel which connects two sections of the River Aire and would originally have served the water wheels associated with historic mills. The area to be converted is an area of shallow banking which is vegetated by tall, competitive vegetation with a small number of young, semi-mature trees. There were a number of typical species of plants that grow here such as nettle and willowherb, but also Himalayan Balsam and giant hogweed.
- 3.3 Today, whilst not used by mills anymore, The Goit serves as an important wildlife corridor serving the wider area. The site is close to the Leeds-Liverpool Canal SSSI but given the scale and nature of the development is not considered to impact on the SSRI. There are a number of Leeds Nature Areas also in the area, the nearest being Kirkstall Valley LNA which is 50m to the south.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 None for the site, although 14/05224/FU was approved on 29/10/14 and gave permission for raised gabions and parking area to the rear of number 471 Kirkstall Road.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 The application has been considered on its merits with no prior pre-application submitted. Nature Conservation, Flood Risk and the Flood Alleviation Team have all been consulted and raised no objections to the proposals subject to the attachment of pre-commencement conditions. The applicant is aware of the need for the

attachment of pre-commencement conditions in order to ensure the impact upon ecology is limited.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 Cllr Illingworth has raised an objection to the scheme raising concerns with the following,
- The application amounts to “land grab” for marginal land which increases the developable area at the expense of biodiversity. This is incompatible with the Councils strategy on biodiversity.
 - Flood Risk – this is an important location for the Leeds Flood Alleviation Scheme where the river burst its banks in 2015. The highly permeable gabions will allow water to penetrate into the sand and gravel aquifer that is now being mapped along the valley floor and increase the risk of flooded basements along Kirkstall Road.
 - The application is therefore premature and should be deferred until the FAS2 scheme is known in greater detail.
- 6.2 Site notices were posted around the application site on 08.02.2017 along with the publication of a newspaper advertisement on 13.12.2017 (Development affects the setting of a listed building). The publicity period for the application expired on 29.12.2017.
- 6.3 Other than Cllr Illingworth’s comment, no other responses have been received.

7.0 CONSULTATION RESPONSES:

- 7.1 Highways –No objections subject to conditions
- 7.3 Flood Risk –No objections subject to conditions
- 7.4 Nature Conservation – No objections subject to conditions.
- 7.5 Flood Alleviation Team – No objections subject to conditions

8.0 PLANNING POLICIES:

Development Plan

- 8.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Leeds Comprises the Adopted Core Strategy (November 2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013) and any made neighbourhood plan.

Adopted Core Strategy

- 8.2 The following core strategy policies are considered most relevant

P10 Seeks to ensure high quality design
P11 Conservation
G9 – Biodiversity Improvements.

Saved Policies - Leeds UDP (2006)

- 8.3 The following saved policies within the UDP are considered most relevant to the determination of this application:

Policy GP5 - Development Proposals should resolve detailed planning
Policy BD6 - All alterations and extensions should respect the scale, form, detailing and materials of the original building.

Supplementary Planning Documents

Leeds Street Design Guide (2009)
Biodiversity and Waterfront Development – December 2006.

Neighbourhood Plans

Kirkstall Neighborhood Plan: this is being prepared by the Kirkstall Neighbourhood Forum and is currently at the Engagement stage so carries no weight in decision making. Current intentions however include restricting development in highest flood risk areas (which includes The Goit), requiring high quality design, developing the public rights of way network and the creation of Kirkstall Valley Park.

9.0 MAIN ISSUES

- Principle
- Design, Appearance, Amenity
- Highways and Parking
- Flood Risk
- Nature Conservation
- Conclusion

10.0 APPRAISAL

Principle

- 10.1 The site lies within a highly sustainable location close to Commercial Road with good transport links. The site is not allocated within the emerging Site Allocations Plan (SAP).
- 10.2 The proposals seek to erect a new boundary fence, extend the area of hardstanding and carry out structural works to the river bank. The application does not seek a change of use, retaining the use of the area for a filling station. The site lies within a highly sustainable location close to Commercial Road with good transport links. It is considered the principle of the scheme is acceptable subject to all other material planning considerations.

Design, Appearance, Amenity

- 10.3 The area is wholly commercial in character and appearance with various commercial uses in the immediate locality, including a car sales lot, wedding dress outlet and B1 office use, along with a larger office park to the North West which houses The Home Office and Immigration facilities.
- 10.4 The scheme seeks to install 1.3m high palisade fencing to the boundary which is not considered to create harm in this instance. At present the site features a hand car-

wash close to the boundary with an existing wire fence supported by concrete posts, to be replaced as part of the scheme, with existing palisade fencing close to the eastern boundary with the car sales use. The works are to be carried out to the rear boundary, set away from the highway and thus create a limited impact upon visual amenity.

- 10.5 The proposed river bank works and gabion baskets will not be visible, installed to a sloping bank down to the Goit and river running at the rear of the site. The proposed fencing, measures 2.0m in height and lies set away from the Grade II Listed Dry House and thus is not considered to adversely affect the setting of a listed building. Furthermore existing gates have been installed to the Dry House, approximately 1.5m in height, providing additional separation from the listed building and application site.
- 10.6 In summary the design, character and appearance of the scheme is considered acceptable with the proposals providing structural support to the river bank.

Highways and Parking

- 10.7 The scheme extends the area of hardstanding and thus the space around the forecourt area for vehicles to manoeuvre. It is not anticipated highway safety will be affected by the scheme and thus the proposals are considered acceptable.
- 10.8 As the scheme seeks consent for specialist works to the riverbank it is likely that large plant and construction equipment will be required. As the site lies close to Commercial Road a condition is attached which requires, prior to commencement, details of access, storage, parking, loading and unloading of all contractors' plant, equipment, materials and vehicles (including workforce parking) to be submitted to and approved in writing by the Local Planning Authority in order to prevent an adverse impact upon highway safety during construction works.

Flood Risk

- 10.9 The proposals include specialist structural works to the riverbank area in order to support the extended hardstanding and boundary fence. Consultations have taken place with Flood Risk, The Environment Agency and The Flood Alleviation Team and the applicant has submitted a Flood Risk Assessment.
- 10.10 The Flood Alleviation Team advise that as part of the Flood Alleviation Scheme stage 2 project there will be a requirement to construct flood walls at this location in the future. Due to the scale and nature of the development scheme then no objections are raised provided that there is no encroachment into the Goit or the River Aire channel and that ground levels are not raised higher than existing. The Flood Alleviation Team will consult directly with the applicants with regards to the proposed flood wall.
- 10.11 The Environment Agency have also reviewed the documentation and comment that due to the proposal to use the Goit to maintain conveyance during high flows as part of FAS2 project then channel constriction cannot be recommended. Due to the measures detailed in the Flood Risk Assessment then permission can be recommended provided these measures are implemented. This should include:
- The gabion baskets being set into the bank of the channel and not encroaching into the river.
 - The proposed fencing allowing water to flow through it.
 - The fence shall be kept clear of debris at all times.

- As well as this, and separate to the planning process an Environmental Flood Risk Activity Permit will be required prior to any works commencing.
 - An 8m easement is generally required to the sides of the riverbank which should be kept clear of permanent structures such as buildings – this is to allow access to the riverbank for improvements or maintenance.
- 10.12 The NPPF advises that when determining planning applications then LPA's should ensure that flood risk is not increased elsewhere. This is followed up by the approach taken within the Council's Strategic Flood Risk Assessment and Local Flood Risk Management Strategy. The site lies within the Environment Agency's flood zone 3 where the chance of flooding in any given year is 1 in 100 (1%) or greater. The development itself is classified as being a "Less Vulnerable" development within the NPPG, which are generally acceptable within flood zone 3.
- 10.13 As the gabion baskets do not encroach into the river, they will be set into the bankside, then there will be no increase in flood risk. The fencing is also permeable so flows can travel through the fencing rather than being diverted elsewhere. A condition is recommended to ensure that this fencing is kept clear of debris and build up at all times.
- 10.14 The NPPF and NPPG therefore clearly accept that this type of development is acceptable in flood risk areas, and given the specialist conditions recommended by the above consultees it is considered the scheme is acceptable subject to the works being carried out in line with the above advice along with discharging the relevant conditions prior to commencement. Whilst the intention to install future flood defences of this area are noted it is not considered that this development would hinder those defences from being proceeded with.

Nature Conservation

- 10.15 As the site lies in close proximity to the river along with an area of agricultural land and the Goit nature conservation have been consulted on the scheme. The applicants have also provided an Ecological Survey with a Habitat Survey being carried out in November 2017. This survey notes that the proposal would lead to the loss of a very small area of typical bankside vegetation but that this is unlikely to result in any significant adverse impacts on local wildlife or the function of local habitat networks.
- 10.16 The survey found no evidence of otters, voles or badgers. Due to the size of the site, and scale and nature of works then the impact on birds and bats was considered to be minimal. Compensatory planting would be required in the form of new tree planting along the Goit or along the banks of the River Aire (to the east), and would provide an opportunity for clearance of non-native species. The use of native climbers should also be considered to cover the gabion baskets to provide both cover and food.
- 10.17 The submitted Report is considered to be comprehensive and identifies areas of improvement or restriction which can be adequately conditioned for. These conditions include the need for a Construction Environment Management Plan which will demonstrate how the construction works will be carried out without adversely impacting on the Goit or River Aire. Biosecurity measures are also needed to prevent further spread of Himalayan Balsam and other invasive species. With regards to improvements to the flora and fauna conditions could require the use of bird and bat boxes to be fixed to the gabions, and new planting.

10.18 It is considered that subject to the above conditions the scheme does adequately address the impact of the proposal on biodiversity in and around the site, and consequently it is considered that no harmful impact will arise as a result.

11.0 CONCLUSION

11.1 In light of the above, the application is considered to be acceptable. The development would deliver structural works to the river bank supporting the land and avoiding landslip in the event of flooding, and is not considered to be harmful to the character and appearance of the area, highway safety or nature conservation subject to appropriate planning conditions.

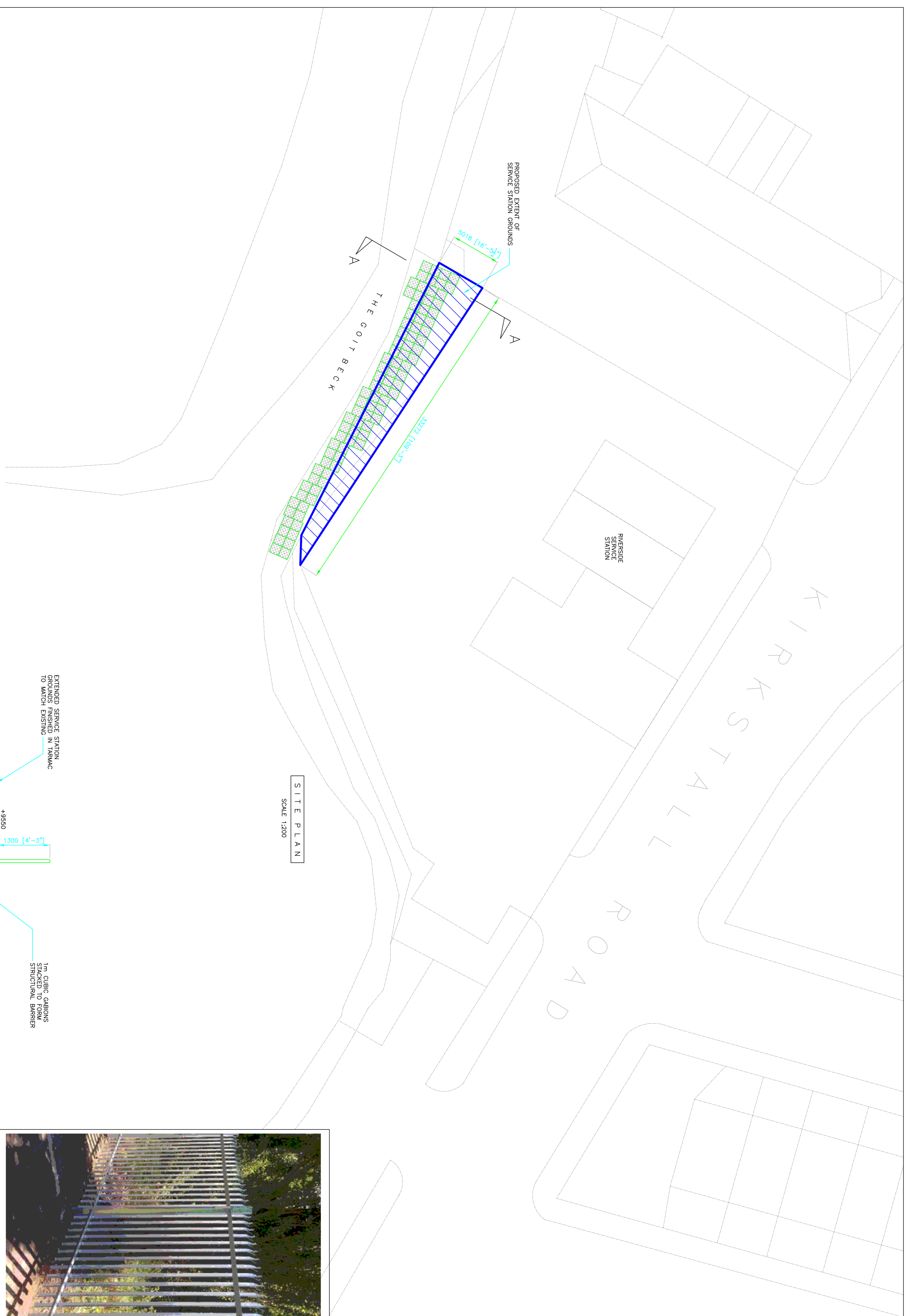
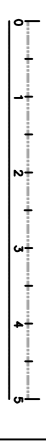
Background Papers:

Certificate of ownership: signed by applicant.

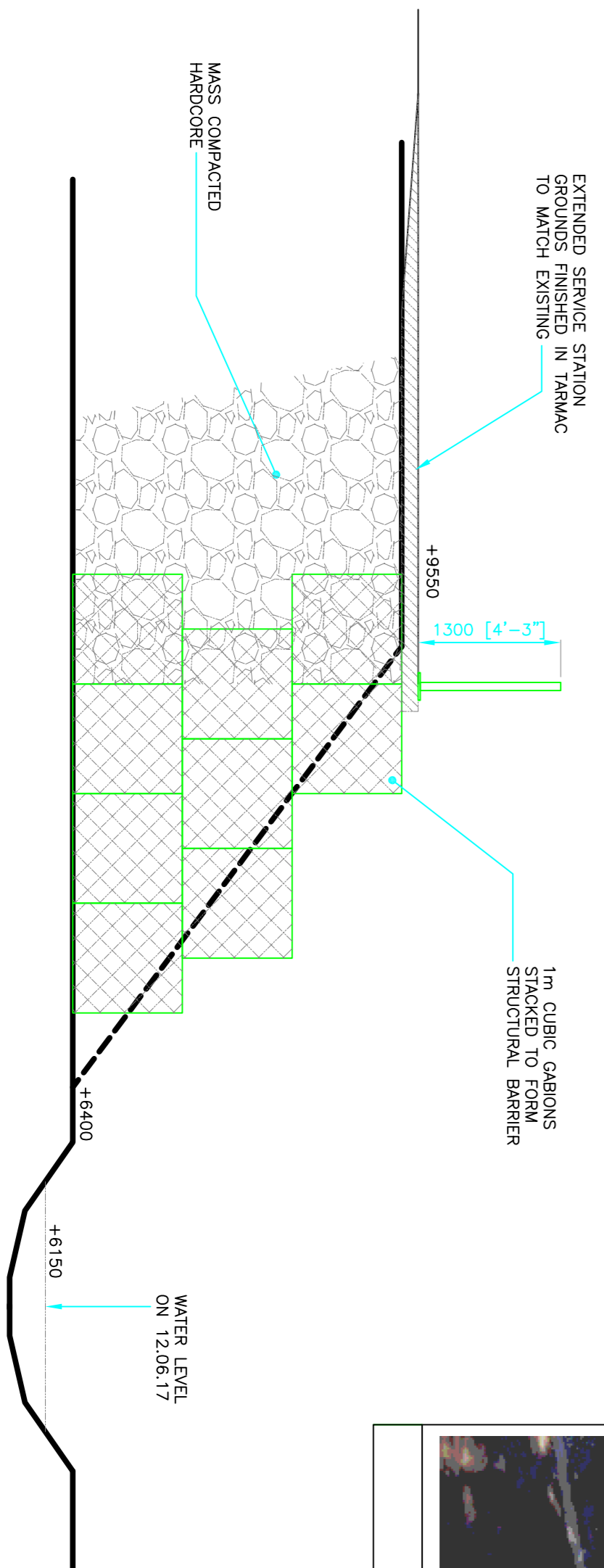
Planning application file. 17/07502/FU

Note:

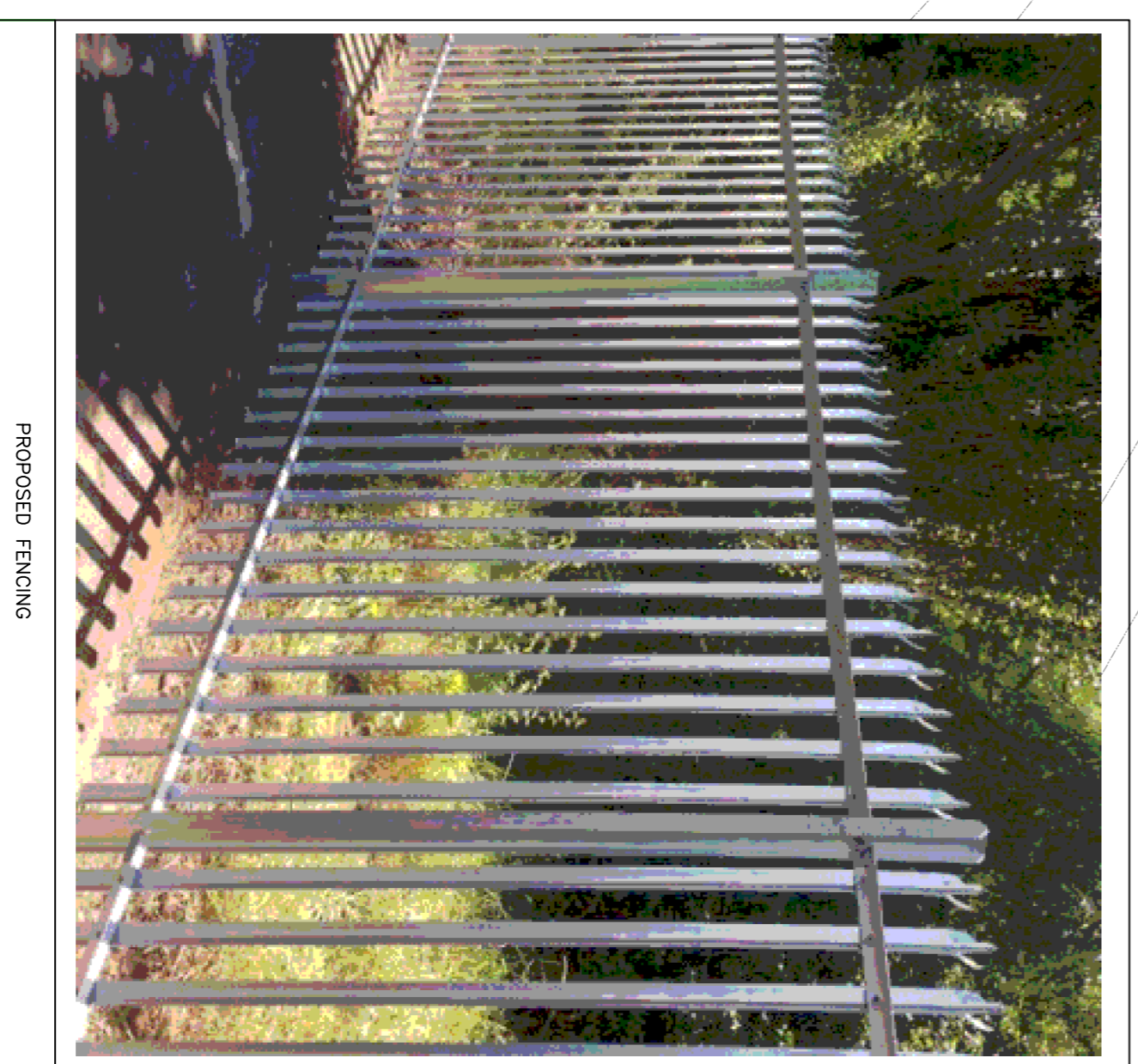
ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS & CODES OF PRACTICE
ALL DIMENSIONS TO BE CHECKED ON SITE.
DO NOT SCALE FROM THIS DRAWING.



S I T E P L A N
SCALE 1:200



TYPICAL SECTION A-A
SCALE 1:100



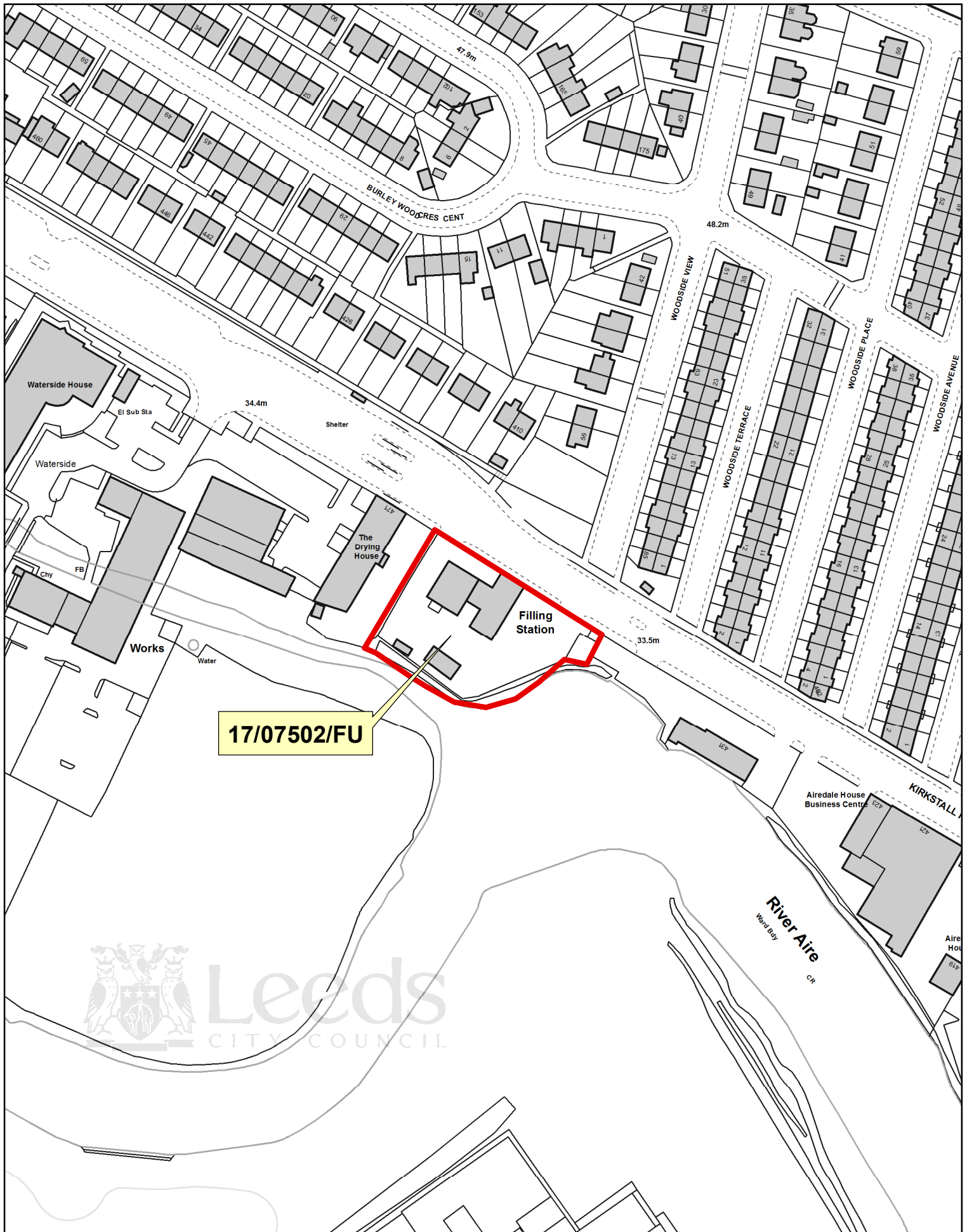
PROPOSED FENCING

Ref:	Revision No.:	Date:
Client:	M/R N. PATEL	
Project:	RIVERSIDE SERVICE STATION, LEEDS, LS4 2DD.	
Title:	PROPOSED BOUNDARY TREATMENT	
Scale:	Date:	Drawing No.:
1:200@A1	JUNE 17	17140-1
		Revised:

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P R O P O S E D



SOUTH AND WEST PLANS PANEL

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

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