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**Report of the Chief Planning Officer**

***CITY PLANS PANEL***

**Date: 31<sup>st</sup> May 2018**

**Subject: CITY REACH 2 - HYBRID APPLICATION FOR REDEVELOPMENT FOR RESIDENTIAL (C3 & C4), INCLUDING VEHICULAR, PEDESTRIAN/CYCLE ACCESS, SERVICING, PUBLIC OPEN SPACE, CAR PARKING, LANDSCAPING AND OFF-SITE HIGHWAY WORKS (FULL CONSENT SOUGHT FOR PART OF THE CAR PARK ONLY WITH THE REMAINDER IN OUTLINE WITH ALL MATTERS RESERVED OTHER THAN ACCESS)**

**APPLICANT: INHABIT**

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**Electoral Wards Affected:**

**Little London & Woodhouse**

Yes

Ward Members consulted

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**RECOMMENDATION:** Members are recommended to approve this application in principle and defer and delegate the final decision to the Chief Planning Officer subject to no objections raised by the Environment Agency to the revised flood-risk modelling and subject to the conditions outlined in the appendix at the end of this report (and such other conditions as he may consider appropriate) and following the completion of a Section 106 Agreement to secure the following:

- a) Requirement for public access to and maintenance of all routes through the scheme and public spaces
- b) The provision of on-site Affordable Housing in line with para 9.12 to 9.15 of the report
- c) Off-site highways contribution £73,000
- d) Travel Plan initiatives to include:
  - i) £4,650 Travel Plan Review fee
  - ii) Sustainable Travel Fund of £ 78,125.14
- e) Primary education contribution £135,756.54
- f) Maintenance obligation for roads within the site in-perpetuity
- g) Local Employment Initiatives

Together with such other and ancillary clauses as the Chief Legal Officer shall consider appropriate

## **1.0 INTRODUCTION:**

- 1.1 Members have previously seen this scheme at pre-application stage in December 2017, which is for a new major mixed tenure residential scheme proposed on the vacant former First Bus Depot site and the neighbouring mixed commercial buildings to the west. Members will be aware that the Bus Depot site has been vacant for some considerable time and all of the buildings have now been demolished. The commercial units are currently occupied with the tenants which, the applicant advises, are currently on short term leases.
- 1.2 This site is referred to as City Reach 2 (CR2). The current owner, Inhabit, also owns the adjacent former Yorkshire Chemical site to the east known as City Reach 1 (CR1), which already has outline planning permission for a residential led scheme granted in July 2016. Inhabit wish to pursue the redevelopment of both sites. This hybrid application is for an outline application on the majority of the site seeking consent for the details of access only, with full details relating to appearance, landscaping, layout and scale to be the subject of a subsequent application for reserved matters. The proposal is also for a full application for a surface level car park in the north-eastern corner of the CR2 site to provide 83 car parking spaces.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The CR2 site is 2.86ha and is located to the south of Kirkstall Rd with a frontage onto the River Aire, which runs along the southern side of the site. To the south of this is the now completed Holts Crest Way (Otter Island) residential scheme which is to be linked to CR1 by a pedestrian/cycle bridge in the location of the existing, former Yorkshire Chemical's, pipe-bridge. To the west is the Nissan car showroom and to the east of CR1 is the City Gate development which has a large area of landscaped open space in its south western corner, fronting the river.
- 2.2 On the northern side of Kirkstall Rd is a frontage of low rise commercial units including the Northern Snooker Centre, a restaurant and the 9 storey Holiday Inn. To the north of this are the student residential buildings of Opal 1 and 2, Concept Place and The Tannery which are all clearly visible from Kirkstall Rd. Kirkstall Rd itself was upgraded as part of a Quality Bus Initiative (QBI) and now carries a dedicated bus lane on both outbound and inbound carriageways.

## **3.0 PROPOSAL**

- 3.1 CR2 – Hybrid Application  
The CR2 site is seen as a continuation of CR1, and the design approach has addressed the two sites comprehensively as a result. A hybrid application is proposed to progress CR2 which consists of the following 2 elements:
- 3.2 Full (Detailed) Element  
This is for a surface level car park in the north-eastern corner of the CR2 site and provides for 83 car parking spaces. Initially these would be used for the CR1 scheme but, on completion of CR2, 41 of these spaces would be used for the CR2 scheme. Full planning permission is sought to enable this element to be delivered alongside the CR1 scheme. The area would be landscaped and would have quality surface treatments of bound gravel and block paving.
- 3.3 Outline Element

An outline planning permission is sought for the remainder of the CR2 site to comprise a residential-led development of four buildings. These would be located in the 4 quadrants of the site, two fronting Kirkstall Rd and 2 fronting the River Aire with the continuation of the east-west route from the CR1 running between the them. An area of open space would then run between the buildings from the river to the road intersecting the road at the mid-point. This would provide an almost continuous green pedestrian connection from Kirkstall Road through to the River Aire with the space widening out to have 2 park areas adjacent the river located to either side of the main central route in a similar manner to that proposed at CR1.

- 3.4 Parameter plans have been submitted to inform the likely scale and layout of the development at reserved matters stage. The general heights within CR2 range from 6 to 14 storeys with variations contained in the outline parameter plans to create visual interest in the sky line as well as create opportunities for roof terraces and balconies.
- 3.5 Three of the buildings would comprise approximately 400 Private Rented Sector (PRS) residential units. The fourth building, the south-eastern block fronting the river, would comprise approximately 130 Private For Sale (PFS) residential units. All blocks are largely rectangular in footprint with the exception of the building in the north-western corner fronting Kirkstall Rd, where a 45 degree crank in the building footprint has been introduced to address the city-bound view of the scheme from Kirkstall Road.
- 3.6 The applicant has indicated that, at reserved matters stage, the residential mix in the PRS units would be 9% studios, 41% 1 bed, 45% 2 bed and 5% 3 bed residential apartments. In the PFS building the mix would be 35% 1 bed, 56% 2 bed and 9% 3 bed.
- 3.7 The applicant has made allowance for the provision of Affordable Housing on site within both the PFS and PRS accommodation and this matter is discussed in greater length in the appraisal section below (para 9.12). In addition, the PRS accommodation will include a range of facilities for the sole use of the tenants e.g. cinema room, dining/entertainment room and touch-down spaces
- 3.8 Highways  
This outline application is for access only with all other matters to be reserved. A single point of vehicular access/egress would be provided on Kirkstall Road to CR2. This is a priority junction only which means that, alongside the current proposal for the CR1 junction, there would only be 2no. junctions on the Kirkstall Rd frontage to serve both developments and both of these would be priority junctions. This gives access to the surface car park element of the proposal which is screened from Kirkstall Rd by a significant strip of landscaping, between 5m and 15m in width, which incorporates a raised bank which elevates the parking area above the main Kirkstall Rd footway and carriageway levels.
- 3.9 The CR2 site would be served by 245 surface level car parking spaces. Electric vehicle charging points are proposed at a ratio of 1:30 equating to 10 spaces. This would include one disabled space electric charging point. The site is also 'futureproofed' through the installation of the infrastructure for these spaces, and could potentially accommodate further charging points if a future need arose. A significant amount of secure and covered cycle parking will be provided across CR2, including secure indoor cycle stores and cycle parking racks at a ratio of one space per dwelling.

3.10 The applicant has completed a Transport Assessment and Travel Plan. The primary requirements of these are identified as:

- The provision of a suitable layout for the access onto the Kirkstall Road QBI
- The mitigation of any impact on the physical QBI running lane
- The provision of acceptable parking levels within the site.
- Funding an appropriate level of off-site highway improvements to mitigate for the development traffic associated with the site. Figure agreed as £73,000
- The provision of a Travel Plan that will deliver the required modal split and reduce dependency on the private motor vehicle

3.11 The submitted Travel Plan includes the following measures:

- Appointment of a Travel Plan Coordinator
- Provision of Sustainable Travel Fund (STF) of £78,125.14 to initially cover: car club trial; month-long bus ticket trial; walking and map information; bus passenger information; Travel Plan information board and web site
- Provision of electric vehicle charging points.
- Secure cycle parking provision
- Mode share target to monitor and reduce the use of the private motor vehicle.
- Action plan to be agreed with LCC if targets not met (used to inform future spending of the STF)

### 312 Open Space

The development of this site has been seen as an opportunity to provide new green infrastructure as well as linking up the existing green space in the area. These spaces are to be of high quality and of varying characters, which will help to create a hierarchy of spaces, routes and connections to assist legibility and visual interest. Along the Kirkstall Rd frontage the landscape approach has been developed to address the primary arterial route, screening the parking areas from view from the highway through the use of dense tree planting and lower level hedges. It will also have a sculptured landform addressing the changes in level required in order to address flood issues.

313 The proposal locates the car parking on the surface which will be treated with block paving and bound gravel with interspersed landscaped areas in order to soften the visual impact from the primary routes. The car parks closer to the river create more space for planting and the style of planting will embody a more natural, riverine character including the use of permeable surface treatments to minimise the need for engineered drainage and reduce flood risk.

3.14 A large riverside open space is proposed containing the riverside walkway. This spans the entire width of the site (approximately 175m) and is between 10m and 15m in width. At its widest point it becomes part of the main riverfront open space which runs up through the centre of the scheme to form an inverted T-shaped space running for approximately 100m towards Kirkstall Rd. The riverside walkway would provide access to the bridge to be provided as part of CR1 to the east. The open space within the scheme is considerable and is over 1ha which is approximately 35% of the site area. In addition the flat roofs of the buildings will be used for private amenity spaces for the building's residents.

### 3.15 River frontage

In respect of the river frontage, the current riverside wall is in need of maintenance and up-grading. It is proposed to plant native species of trees and shrubs to provide

foraging and nesting habitats for birds and other wildlife. There will also be some opportunity to enhance the river corridor for species such as otter. A number of bird, bat and insect boxes are proposed to be installed. Lighting will be carefully considered in this area to avoid impacting the sensitive habitat areas through unnecessary light spillage.

### 3.16 Sustainability

The outline application will establish the framework design strategy to ensure that a range of sustainable measures are incorporated into the development at reserved matters stage (which will include a construction waste management strategy, water saving measures and sustainable sources materials where appropriate). An energy strategy has been developed which shows how the scheme can make a positive contribution to reducing CO2 emissions. In addition it is proposed to locate Photovoltaic arrays on some of the flat roof areas proposed.

### 3.17 Flooding

CR2 lies within Flood Zone 3a(i) and has incorporated additional flood mitigation measures through the lowering of riverside landscaping levels. This has resulted in the river park area of CR2 being set at a lower level than the rest of the CR2 site, which will provide additional flood capacity to the River Aire.

### 3.18 The applicant has provided a full suite of supporting information:

- Design and Access Statement
- Planning and Regeneration Report (incl. Housing Needs Assessment and Sequential and Impact Assessment for Town Centre Uses)
- Contaminated Land/Site Investigation Report
- Air Quality Assessment
- Arboricultural Report
- Coal Mining Risk Assessment
- Study
- Sunlight/Daylight Assessment
- Statement of Community Involvement
- Drainage Strategy
- Flood Risk Assessment (Incl. Sequential and Exceptions Test)
- Transport Assessment
- Travel Plan
- Noise assessment
- Odour Assessment
- Preliminary Ecological Appraisal
- Sand and Gravel Minerals Safeguarding Assessment
- Sustainability Statement
- Energy Strategy

## 4.0 HISTORY OF NEGOTIATIONS

### 4.1 Officers had pre-application discussions with the applicant's team culminating in a pre-application presentation to Members at City Plans Panel in December 2017. The minutes for the pre-application presentation state that:

- Members were supportive of the proposed uses on the site but a further understanding of school provision in the area was required
- Members were supportive of the emerging scale and design of development for City Reach 1 and 2

- Members were supportive of the emerging approach to public space and landscaping provision on the site but further information about the surface car parking provision was required

(Councillor Nash required it to be recorded that the request to reconsider the re-siting of the development blocks to provide a 20m flood zone also applied to City Reach Phase 2).

In summing up the Chair said Members appeared to be generally supportive of the development but further consideration was required on a number of issues

## **5.0 RELEVANT PLANNING HISTORY**

5.1 Outline planning permission (15/06844/OT) was granted on 14 July 2016 for a mixed use development on the adjacent CR1 site, subject to a S106 agreement.

5.2 The residential development comprises 3 types of residential tenure, PFS approx. 202 units, PRS approx. 574 units and student residences approx. 234 bed spaces in both cluster flats and studios. The scheme provides 4 quadrants of development ranging in size between 2 and 15 storeys. Parking is provided in a basement which sits under the entire development. In addition a maximum of 2,000sqm of supporting uses is provided comprising retail (A1 - A5) (with A1 retail capped at 500sqm), business (B1), and non-residential uses (e.g. crèche D1) leisure uses (e.g. gymnasium D2). A basement car park of circa 17,500sqm (516 spaces) was to be provided. The associated S106 Agreement was completed and required the following obligations:

- a) Requirement for public access to and maintenance of all routes through the scheme and public spaces
- b) The provision of on-site Affordable Housing
- c) Junction improvement works and off-site highways contributions
- d) Travel Plan initiatives to include:
  - i) £7,050 Travel Plan Review fee
  - ii) Sustainable Travel Fund of £155,850
- e) Provision of river crossing
- f) Retention of student accommodation to be occupied by students only
- g) Relocation and up-grade of bus stop on Kirkstall Rd (£5,000)
- h) Local Employment Initiatives

5.3 An application for reserved matters has been submitted for the CR1 site to be considered at the same time as the proposals for CR2. This reduces the amount of development originally proposed (full description set out in parallel report to Members app ref 18/00604/RM – on this agenda). A brief description is set out below:

The proposal makes various amendments to the approved outline scheme which was originally approved as 4 blocks. The north-eastern block is now broken into two separate buildings and the two fronting the river are to be reduced in footprint which results in the increased size of the adjacent open space. Therefore the reserved matters proposal indicates 5 blocks not the original 4. It still comprises a mix of residential, student and supporting commercial uses with the residential development split between 420 Private Rented Sector (PRS) and 108 Private For Sale (PFS) units and 309 student units. 500 car spaces were originally proposed within a basement, however,

this is no longer part of the scheme with a total of 194 car parking spaces now all to be provided on surface or as part of the ground floors of the buildings.

- 5.4 An application has been submitted for Non Material Amendments to the original CR1 approval. This seeks to update the approved parameter plans as well as vary the conditions relating to site levels. App ref 18/9/00025/MOD

## **6.0 PUBLIC/LOCAL RESPONSE**

- 6.1 One representation has been received from Leeds Civic Trust (LCT). This supports the proposal and then goes on to replicate the comments made for the neighbouring CR1 site. It is noted that most of these comments relate to detailed aspects and student housing provision which are only being considered as part of the reserved matters application for CR1. The points raised are set out below but have been addressed as part of the report for the CR1 application ref. 18/00604/RM:

- Welcome the reduction in scale from the permitted outline
- Welcome the use of active uses on the principal routes
- Warn against the back of the buildings being too sterile
- Impact of the routes of students to the Little Woodhouse community needs to be considered.
- Routes from the site to the city need to be considered
- Surface treatment will be important on vehicular routes to ensure pedestrian safety
- Prefer the non-signalised entrance point
- Prefer to see a greater number of larger apartments
- Advocate district heating
- The surface parking should be well landscaped using sustainable drainage methods and include trees and shrubs.

- 6.2 A Statement of Community Involvement has been submitted with this application. The process involved dedicated presentations (Leeds Civic Trust, Little Woodhouse Community Association and Otter Island residents), discussions with neighbouring land owners and businesses, including the preparation and distribution of a consultation leaflet to all parties within an agreed catchment area. A dedicated website was set up to provide additional information over and above the consultation leaflet. Responses received to the consultation flyers were limited to 2, both of which were supportive of the proposals in principle.

- 6.3 The issues raised from the above exercise were listed as car parking, security/crime, education, flooding, wind, environmental issues, landscaping, refuse, highways, use of roof tops and design/heights.

## **7.0 CONSULTATION RESPONSES**

### **7.1 Statutory:**

Environment Agency (EA): Revised Flood Risk Assessment and flood modelling has been requested by the EA and provided by the Applicant. This is being considered and a full consultation response is still to be provided at the time of writing this report.

Yorkshire Water: No objection subject to conditions controlling details of discharging surface water from the site and drainage details.

Highways England: No objection. Student drop-off and pick-up should be managed (*this comment relates to the neighbouring CR1 site which will have managed student drop-offs and pick-ups – controlled by existing condition*).

Natural England: No comment to make as it is for the Local Planning Authority to determine whether or not this application is consistent with national and local policies on the natural environment.

Canals and Rivers Trust: Advise they have no comment to make

Coal Authority: No objections. The site is located in the Development Low Risk Area.

## 7.2 Non-statutory:

### Highways Services:

- The submitted Transport Assessment results demonstrate that the two developments, City Reach 1 and 2 directly add to queuing and congestion at the West Street gyratory. The most appropriate way to mitigate this impact is to contribute to a scheme that will address the overall congestion issues and support the proposals being developed for Armley Gyratory. The sum of £73,000 is considered appropriate to provide the necessary level of mitigation works on the public highway.
- The masterplan for Kirkstall Road is to provide a continuous route through all sites parallel to Kirkstall Road that could provide a quiet route for pedestrians and cyclists and join the sites up for servicing, the submitted plans identify this onward link in the future.
- The internal layout is unconventional, but the main spine road could be adopted as public highway, however, the applicant does not wish to pursue this option. The highway authority would require assurance that there would be no risk of obligations transferring to it in the future, this would be best done through a simple alteration to the existing S106 Agreement.
- Refuse collection areas are identified for each building, tracking of a refuse vehicle has been provided by the highway consultant to demonstrate the illustrative layout reasonably allows for this.
- The current restrictions in the bus lane allow loading outside peak hours, this was agreed at the time of the QBI scheme to allow loading for properties that only had a frontage to Kirkstall Road, the restrictions will need to be amended to ensure that if loading occurs that potentially disrupts bus movements, enforcement action can be taken, the amended TRO can form part of the highway works.
- A parking arrangement shows that 245 parking spaces will be provided for the 530 units proposed, i.e. a 46% ratio which is acceptable for the site's location, the plan illustrates that the spaces can be distributed in proximity to the blocks they serve and that the level of electric vehicle and disabled parking is adequate for each block.
- Cycle parking: Cycle parking should be provided in accordance with the Parking SPD, long stay parking for apartments should be 1:1 short stay visitor parking should be 1:40 for apartments with a cap of 40. Long stay spaces should be secure within buildings, short stay parking should be located in convenient secure locations within the landscaping.
- Motor cycle parking should be provided in accordance to the Parking Guidance.



- The off site works will need to be delivered through a S278 agreement. The works involve creation of a priority junction access from Kirkstall Road including alteration of bus lane markings, providing a minimum 3m wide footway on Kirkstall Road, closure of existing vehicle access points and reinstatement as footway and amendment to the loading restrictions on Kirkstall Road along the site frontage. This can be controlled by a condition related to a plan showing these works.
- The entrance to the site must be adopted and built to the appropriate standards.

Travelwise: The submitted Travel Plan is considered to be acceptable. The Plan includes a Sustainable Travel Fund (STF) of £78,125.14 for the provision of: month-long bus tickets for new residents; car club trials; bike club; material to promote walking and the use of public transport. If this site is developed before the CR1 site then 2 car club spaces will be provided on this site and the requirement to provide them on CR1 would fall away as it is considered 2 car club spaces is sufficient for the two sites together. The Travel Plan includes the need for a Travel Plan Coordinator, to carry out monitoring and the production of an annual report which introduces flexibility for the spending of the STF. The extension of the riverside route and link to the CR1 river bridge along with the incorporation of EV charging points, makes a significant contribution to the increased use of sustainable modes of transport. A Travel Plan Review fee of £4,650 is also included.

Environmental Protection: No objection subject to conditions controlling construction practice, lighting, extract ventilation, waste collection and refuse facilities

Flood Risk Management: No objection subject to conditions requiring drainage to be carried out in accordance with the submitted drainage strategy as well as any conditions/requirements outlined in the EA response above.

Environmental Protection - Air Quality: No objections on grounds of air quality providing measures to control construction dust are implemented.

Environmental Studies Team: The use of enhanced glazing as specified, together with mechanical ventilation units in all dwellings, should mean that, despite the adjacent busy roads, internal noise levels in keeping with those specified in the appropriate British Standard, would be met throughout the proposed development.

Wind: peer review carried out by RWDI on behalf of the City Council: The submitted document is a wind tunnel test based study. RWDI consider the assessments for the site to be robust. These state that:

- Wind conditions at the existing site within existing surrounding configurations rate as suitable, in terms of pedestrian safety, for the general public throughout the year. In terms of pedestrian comfort, wind conditions are suitable for existing use throughout the year with a single exception, in terms of comfort only, at a bus stop to the northwest of the site, where wind conditions are only suitable for leisure thoroughfare/strolling.
- Upon the introduction of the proposed development and in the absence of any wind mitigation measures, wind conditions in and around the proposed development in existing surrounding conditions are generally suitable in terms of pedestrian safety and comfort. Exceptions occur at 10 locations in terms of exceedances of the safety criteria and 30 locations

that exceed the comfort criteria for planned use, out of a total of 126 locations.

- With the introduction of committed future surrounding developments (including CR2) and in the absence of any wind mitigation measures, wind conditions do not materially differ from existing surrounding conditions and thus the respective conclusions remain.
- In order to alleviate the unwelcome wind conditions in and around the proposed site upon the introduction of the proposed City Reach 1, City Reach 2 and Carpark, an interactive workshop was undertaken on 28<sup>th</sup> March 2018. The implementation of the mitigation measures to the proposed CR1, CR2 and Carpark in existing surrounds alleviates the windy conditions and results in the conditions in and around the proposed development becoming suitable, in terms of pedestrian safety and pedestrian comfort, for the general public.

In summary, with the implementation of mitigation measures, acceptable conditions prevail across the site and surrounding area.

Wind mitigation measures proposed include: landscaping (trees and hedges) some contained in planters; screens (solid and porous); canopies; parapets to roof terraces.

#### L.C.C. Children's Services

The following response has been provided:

- Sensitivity testing: The outcome of a sensitivity exercise, completed using empirical data to establish the estimated pupil yield from city centre flatted developments in Leeds, suggests that a pupil yield ratio of 4 primary pupils for every 100 family dwellings (2 bedroom and above) may be a more appropriate estimation of the primary school pupil yield from site CR2, rather than the higher pupil product ratio usually applied by in Leeds of 25 primary pupils per 100 family dwellings.
- Education Demand Assessment: CR1 and CR2 are located within the Inner Housing Market Characteristic Area (HMCA) but are better placed to meet housing generated demand from the city centre HMCA as well as some demand from the Burley/Hyde Park/Woodhouse areas. Based on an assessment of the estimated future housing generated demand to come forward within these areas, the outcome of the sensitivity testing exercise, and the estimated pupil yield from the proposed CR1 and CR2 housing mix, it is concluded that new school provision on CR2 will not be required for the current flatted format of development.
- The calculations indicate that the site could generate approximately 57 primary school pupils which, to ensure a viable solution is delivered, would be better managed by creating additional new capacity within the existing school estate, rather than through the opening of a new school on CR2. Therefore, based on the application housing mix indicated, instead of taking advantage of CR2's school site requirement a financial contribution is sought towards the cost of a scheme to expand an existing primary school to meet demand from the site.
- Site feasibility survey work would also need to be undertaken at an appropriate time in the future to establish which schools within the vicinity of

CR2 could be expanded. The Primary contribution calculation method produces a sum of £135,756.54

Contaminated Land: No objection. The Geo-Environmental and Geotechnical Preliminary Risk Assessment report submitted in support of the application identifies the need for a Phase 2 site investigation. Conditions and directions are recommended to control submission of phase 2 site investigation, verification and remediation reports.

Sustainability – Ecology:

Due to the presence of existing buildings on the site, a bat roost activity survey is required to take place during the survey season (May to Sept). The planned timescale for building demolition is not until 2020. The survey can be controlled by condition. Part of the site (within the River Aire) falls within the Updated 2014 Leeds Habitat Network and therefore Policy G9 points (i) to (iii) inclusive need consideration and details can be controlled by conditions to ensure a Construction Environmental Management Plan (CEMP: Biodiversity) and a Riverside Corridor & Riverside Wall Ecological Enhancement Scheme (EES) are submitted. The development will not cover, sever or reduce the width of the River Aire so will not adversely impact on the integrity or connectivity of the Leeds Habitat Network.

Police Architectural Liaison Officer: No objections at this time. Will be able to make further comments at reserved matters stage.

Public Rights of Way: no definitive or claimed rights of way cross or abut this site

Refuse Services: Further details of refuse disposal will be required. (This item will be controlled by condition given that this proposal is in outline).

## **8.0 RELEVANT PLANNING POLICIES**

### **8.1 National Planning Policy Framework (NPPF)**

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied, only to the extent that it is relevant, proportionate and necessary to do so. It identifies 12 core planning principles (para 17) which include that planning should:

- Proactively drive and support sustainable economic development to deliver homes
- Seek high quality design and a good standard of amenity for existing and future occupants.
- Support the transition to a low carbon future taking full account of flood risk
- Conserve and enhance the natural environment
- Encourage the effective use of land by reusing land that has been previously developed (brownfield land)
- Promote mixed use developments and encourage multiple benefits from the use of land in urban areas.
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are, or can be, made sustainable.

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 50 states that local authorities should deliver a wide choice of homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

The Government attaches great importance to the design of the built environment. Section 7 (paras 56-66) states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important that design is inclusive and of high quality. Key principles include:

- Establishing a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- Optimising the potential of the site to accommodate development;
- Respond to local character and history;
- Reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- Development to be visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 66 states that applicants will be expected to work closely with those directly affected by development to evolve designs that take account of the views of the community.

Paras 93-108 consider the issue of climate change and flood risk:

The NPPF seeks to steer development away from areas which are at risk of flooding. However, where development is necessary, development should be made safe without increasing the risk of flooding elsewhere. A sequential approach is advocated and if, following the application of the Sequential Test, it is not possible or consistent with wider sustainability objectives for the development to be located in lower flood risk zones, then the Exceptions Test can be applied. For this to be passed it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk (informed by the Strategic Flood Risk Assessment). In addition a site specific FRA must demonstrate that the development will be safe for its lifetime taking into account the vulnerability of its users, without increasing flood risk elsewhere and, where possible, would reduce the risk of overall flood.

## 8.2 National Planning Practice Guidance (NPPG)

This provides Central Government Guidance on a range of planning matters and provides the following advice:

### The private rented sector

Some privately rented homes can come from purpose built schemes held in single ownership which are intended for long term rental. The economics of such schemes differ from build to sale and should be determined on a case by case basis. To help ensure these schemes remain viable while improving the diversity of housing to meet local needs, local planning authorities should consider the appropriate level of planning obligations, including for affordable housing, and when these payments are required. So these homes remain available to rent only, Local Planning Authorities

may choose to explore using planning obligations to secure these schemes for a minimum period of time. Local Planning Authorities should enforce these planning obligations in the usual way.

### 8.3 Development Plan

#### 8.3.1 The Adopted Leeds Core Strategy 2014

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 currently comprises the following documents:

- The Leeds Core Strategy (adopted November 2014).
- Saved UDP Policies (2006), included as Appendix 1 of the Core Strategy.
- The Natural Resources & Waste Local Plan (NRWLP, adopted January 2013) including revised policies Minerals 13 and 14 (adopted September 2015).
- Aire Valley Area Action Plan (adopted November 2017).
- Any Neighbourhood Plan, once adopted.

Relevant Core Strategy policies include:

- Spatial Policy 1 sets out the broad spatial framework for the location and scale of development. This policy prioritizes the redevelopment of previously developed land within the Main Urban Area, in a way that respects and enhances the local character and identity of places and neighbourhoods.
- Spatial Policy 3 Role of Leeds City Centre. This seeks to maintain and enhance the role of the City Centre as an economic driver for the District and City Region by:
  - comprehensively planning the redevelopment and re-use of vacant and under-used sites for mixed use development and areas of public space,
  - enhancing streets and creating a network of open and green spaces to make the City Centre more attractive
  - improving connections between the City Centre and adjoining neighbourhoods
- Core Strategy Policy CC1 outlines the planned growth within the City Centre for 10,200 new dwellings, including office growth (although it is accepted that this site abuts the city centre boundary)
- Green Space Policy G4 requires that on site provision of green space of 80sqm per residential unit, will be sought for development sites of 10 or more dwellings that are outside the City Centre and in excess of 720m from a community park, and for those which are located in areas deficient of green space. In areas of adequate supply, contributions of an equivalent value towards the safeguarding and improvement of existing green space will take priority over the creation of new areas. The document accepts that not every development site is capable of accommodating the required green space within the site boundary. The majority of these cases arise in town centre or high rise locations. In these circumstances, and taking into account the characteristics of the site, it may be acceptable to deliver the green space off-site, within the same locality, or potentially a combination of off-site and on-site.

- Policy H2 refers to new housing development. The development will be acceptable in principle providing the development does not exceed the capacity of transport, educational and health infrastructure and the development should accord with accessibility standards.
- Policy H4 states that 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. The needs of the locality can be taken into account by the submission of a Housing Needs Assessment. The range of the mix of one, two, three and four bed units is set out.
- Policy H5 states that the Council will seek affordable housing from all new developments either on-site, off-site or by way of a financial contribution if it is not possible on site. (If on site then, in this location, the number of units shall be 5% of the total number of units, 40% of these to meet the needs of households on the lower quartile of earnings and 60% to meet the needs of households on the lower decile of earnings.
- Policy H8 encourages the provision of residential accommodation designed to independent living standards for major schemes.
- Policy EC2 Out of centre proposals would normally be resisted. Exceptions would apply where ... existing commitments for office development...can be carried forward to meet the identified floorspace requirement over the plan period, unless it would be more sustainable for the land to be re-allocated to meet identified needs for other uses.
- Policy EC3 Part A: For all sites across the District outside of areas of shortfall (CR2 is outside an area of shortfall) Proposals for a change of use on sites which were last used or allocated for employment to other economic development uses including town centre uses or to non-employment uses will only be permitted where:
  - The proposal would not result in the loss of a deliverable employment site necessary to meet the employment needs during the plan period
  - OR
  - Existing buildings and land are considered to be non-viable in terms of market attractiveness, business operations, age, condition and/or compatibility with adjacent uses,
  - OR
  - The proposal will deliver a mixed use development which continues to provide for a range of local employment opportunities and would not undermine the viability of the remaining employment site
- Policy P10 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 enhancing existing landscapes and spaces.
- Policy T1 incentivises more sustainable travel choices through travel planning and controlling the use of private motor vehicles
- Policy T2 identifies transport management and accessibility requirements for new development.

- Policies EN1 and EN2 set out the sustainable construction and on-going sustainability measures for new development.
- Policy G9 Biodiversity improvements, 3 sections require (i) a net gain to biodiversity commensurate with the scale of development, (ii) landscape enhancements to existing wildlife habitats and (iii) no significant impact on the integrity and connectivity of the Leeds Habitat Network.

Other relevant Core Strategy policies include:

EN4 district heating

EN5 Managing flood risk

EN6 Waste Management

ID2 Planning obligations and developer contributions

### 8.3.2 Leeds Unitary Development Plan Review 2006 (UDPR) – Saved Policies

Relevant saved policies are:

- GP5 all relevant planning considerations
- BD2 design and siting of new buildings
- BD5 Residential amenity. The Council is keen to promote good standards of daylight and sunlight in the interests of both mental and physical wellbeing, and in order to avoid a wasteful use of energy in providing unnecessary artificial light.

### 8.3.3 Leeds Natural Resources and Waste Development Plan Document 2013

The Natural Resources and Waste Development Plan Document (Local Plan) is part of the Local Development Framework. The plan sets out where land is needed to enable the City to manage resources, like 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. Relevant policies include:

- Water 4 development in flood risk areas
- Water 6 flood risk assessments
- Water 7 surface water run-off
- Land 1 contaminated land
- Land 2 development and trees
- Air 1 all major applications required to incorporate low emission measures

## 8.4 Supplementary Planning Documents

8.4.1 Neighbourhoods for Living: A Guide for Residential Design in Leeds (December 2003) aims to provide further guidance on good design in residential schemes in Leeds. Neighbourhoods for Living is relevant to all residential development in Leeds and provides advice and principles for good residential design across the themes of use, movement, space and form. It promotes local character, analysis of landmarks, views and focal points, and quality buildings. It also states that the scale, massing and height of the proposed development should be considered in relation to its surroundings. It needs to respond well to that of adjoining buildings, the topography, the general pattern of heights in the area and views, vistas and landmarks. Buildings also need to be carefully positioned to relate to the spaces around them. The enclosure of the street, and the ratio of building height to the space, needs to be carefully considered in order to create the correct feel for that space and the people who will use it.'

8.4.2 Biodiversity and Waterfront Development: Objectives are to: identify and safeguard existing habitats; provide ecological design guidance on waterfront developments; provide guidance on the conservation of protected and important species; identify

opportunities for habitat enhancement, creation and restoration; encourage appropriate long term habitat management. It requires development to be set back from river banks.

8.4.3 Sustainable Design and Construction: Advocates the use of a range of measures to ensure that the best possible practices are used to ensure a sustainable environment is created.

8.4.4 Waterfront Strategy: This advocates public access to the waterfront as well as its laying out with landscape treatment, which seeks to soften the bank edge. In addition, open space oriented towards the river, uses which take advantage of the amenity offered by the river and the protection of any wildlife habitats, are also advocated.

8.4.5 Travel Plan SPD: Sets out the methodology for incentivizing the use of sustainable travel modes and advocates the use of travel plan coordinators especially across larger sites. States that 'an effective travel plan coordinator will have a budget available for offering incentives for travel by sustainable modes of travel'. A subsequent expansion of requirements to include the provision of a Sustainable Transport Fund by developers to be used on a site specific basis was approved by Joint Plans Panel in January 2016.

## 8.5 Other Material Considerations

### 8.5.1 Draft Site Allocations Plan (SAP):

Both this site and the site to the west (former Arla Foods site to the west of the Nissan Showroom) have been identified as site MX2-9 which is allocated for mixed use development which has been submitted for Examination. This allocation sets out the following:

- This site is suitable for a mixed use development, mainly housing and office, but other uses would be acceptable subject to adopted planning policy. The allocation is for a mixed-use development to include indicatively 553 homes and 41,000sqm of office development. (This allocation replicates the contents of a previous planning approval which has now expired)
- Highway Access to the Site: Suitable primary access should be provided onto the A65 that minimizes delay to public transport.
- Local Highway Network: The development will have a direct impact on the local and wider highway networks and a contribution will be required towards mitigation works.
- Flood Risk: The site, or part of the site is located within Flood Zone 3. Flood risk mitigation measures set out in the SAP Flood Risk Exception Test and site specific Flood Risk Assessment should be applied.
- Ecology: An ecological assessment of the site is required. Biodiversity Buffer (not private garden space) alongside the River Aire
- Education Provision: Part of the site should be retained for the provision of a school.

### 8.5.2 Kirkstall Road Renaissance Area Planning Framework: (KRRAPF):

This document is adopted as Informal Guidance for planning purposes. It aims to promote the regeneration of the area in a manner which will establish a sense of place and guide developers in formulating proposals for the re-development of land using positive urban design principles. This is underpinned by a need to ensure that a consistent approach is taken to all development in the area.



The framework area is split into a series of character areas. The area between the River and the Kirkstall Rd is allocated as the 'Kirkstall Road Riverside'. Within this area the framework advocates that the buildings are laid out in a 'flexible configuration on a grid based block pattern. Development sites/blocks and building envelopes will be determined by the requirement for public realm and safe and attractive pedestrian movement'. New buildings must contribute to the formation of these objectives by resolving:

- Appropriate height, scale and massing
- Siting and orientation
- Landscape settings
- Emphasis of corners
- Locating entrances on public access streets/paths
- Facilitating pedestrian access through the area and avoid potential conflict with traffic.

There is a requirement to create a boulevard along the A65 Kirkstall Rd corridor, to be achieved in conjunction with works already undertaken as part of the Quality Bus Initiative (QBI) and is considered to be a fundamental part of the future growth of this area.

#### 8.5.3 Residential Amenity Standards:

The Council's aspirations for good standards of amenity and living conditions responds to guidance within the National Planning Policy Framework which states that a good standard of amenity for future occupants is one of the core planning principles. More recently the Council's Executive Board (September 2014) agreed to bring forward the Leeds Standard for Council schemes which sets out the importance of excellent quality housing in supporting the economic growth ambitions of the Council. This standard closely reflects the Government's Technical Housing Standards – Nationally Described Space Standard which seek to promote a good standard of internal amenity for all housing types and tenures. Whilst neither of these documents has yet been adopted as formal planning policy in Leeds, given their evidence base in determining the minimum space requirements, they are a material consideration in the determination of development proposals.

#### 8.5.4 Core Strategy Selective Review (Publication Draft)

A selective review of the Leeds Core Strategy is presently being undertaken (CSSR). The CSSR includes a review of the housing requirement 2017-2033; the distribution of housing; affordable housing; housing standards; city centre green space; and climate change reduction. As the CSSR publication draft has been subject to the statutory consultation period which ended on 23 March 2018 the draft policies can be afforded some weight. In respect of housing standards this includes the introduction of new policy H9 which adopts the standards for housing unit sizes set out in the Nationally Described Space Standards.

#### 8.5.5 Flood Alleviation Scheme 2 (FAS2):

The Council, with advice from the Environment Agency, are currently assembling a package of measures which are to contribute to flood resilience in the Kirkstall Rd corridor. This proposal is at consultation stage.

## 9.0 MAIN ISSUES

1. Principle of Use – loss of existing commercial uses

2. Housing Mix
3. Unit Sizes
4. Affordable Housing
5. Scale and Layout
6. Public Realm, Landscaping and Connectivity
7. Green Space
8. 24 Hour Access
9. Highways
10. Flood Risk
11. Wind
12. Habitat Protection and Protected Species
13. Required Obligations
14. CIL

This outline application is for the point of access only, with all other matters being reserved. The point of access is considered in the Highway's section at para 9.30 below. However, parameter plans and other details have been submitted to inform the likely scale, layout and nature of the development at reserved matters stage.

9.1 Principle of Use – loss of existing commercial uses

The site is located in a mixed use area which, in recent years, has seen the gradual replacement of traditional industrial sites by a wider mix of city centre type uses. On the southern side of Kirkstall Rd many of the original industrial buildings have now been demolished and the sites left vacant. This does not provide a positive image for the city on arrival along this primary western arterial route. A part of the CR2 site also contains existing commercial premises. The applicant has advised that the current occupiers are currently operating under short term leases and will then relocate once the development commences.

9.2 The application site was last used for employment purposes and therefore the application needs to be considered against the criteria set out in Core Strategy Policy EC3. The sites does not lie within a defined employment shortfall area and therefore Part A of Policy EC3 applies. Criterion (i) under Part A permits non-employment development where the proposal would not result in the loss of a deliverable employment site necessary to meet employment needs during the plan period.

9.3 The site is proposed as an allocation with the advanced revised submission draft Site Allocations Plan. The allocation is for a mixed-use development to include indicatively 553 homes and 41,000sqm of office development (despite the site being in an out of centre location). The office development is justified on the basis of the original commitment and the landowners did not make formal representations on the site for the office element to be removed.

9.4 The applicants are now seeking a residential development on the application site as part of a wider comprehensive development of residential-based PRS/PFS development, to include a much reduced element of office development in due course on the site to the east. To that end, at this stage, it is important to flag up that the level of office development proposed in the SAP will unlikely be delivered.

9.5 Notwithstanding the proposed allocation in the SAP, approval of a residential-led scheme would align with Core Strategy Policy EC2. This states that "out of centre proposals would normally be resisted. Exceptions would apply where ... existing commitments for office development....can be carried forward to meet the identified floorspace requirement over the plan period, unless it would be more sustainable for

the land to be re-allocated to meet identified needs for other uses". Current proposals for the allocation as a whole suggest a more sustainable residential-led use of land.

- 9.6 In this context it is noted that the Council's most recently published Authority Monitoring Report (AMR) identified that there were over 17 years supply of office floorspace, against the targets set out in Core Strategy Spatial Policy 9, available on current sites (allocations and extant planning permissions) as of April 2017. This has subsequently been supplemented by additional adopted allocations in the Aire Valley Area Action Plan (adopted November 2017) and would be further supplemented by proposed allocations of mixed use site in the Site Allocation Plans subject to adoption. These additional sites would take the supply to over 27 years.
- 9.7 This supply is considered sufficient to meet the Core Strategy requirement to the end of the plan period in 2028 whilst providing a suitable margin of choice of sites. Given the site is unlikely to be developed for the quantity of office development proposed in the SAP and there is considered to be a sufficient range of alternative sites, particularly in the City Centre, to meet office employment needs over the plan period, Policy EC3 A (i) is considered to have been satisfied.
- 9.8 In respect of school provision, it is noted that the site is allocated for possible school provision in the SAP. Education Services have made their position clear as set out above, that a school is not required on this site if the scheme is of the flatted format indicated. A contribution to improvements to a school in the vicinity of the site has been calculated as set out above. This is considered to be an appropriate method of providing the educational requirement generated by this site and is acceptable.
- 9.9 Housing Mix  
This scheme proposes that 6% of the units contain 3 bedrooms. The relevant Core Strategy policy H4 on Housing Mix requires a minimum provision of 20% of units be provided containing 3 bedrooms across the Local Authority area. However, the policy does allow the Local Planning Authority to take into account the nature of the scheme as well as its location, and requires a Housing Needs Assessment (HNA) to be submitted to justify any exceptions. The applicant has chosen to take this course of action.
- 9.10 The submitted HNA acknowledges that the development is a high density City Centre type scheme which is largely directed towards the rental market and at young professionals. It also makes it clear that demand is likely to be for 1 and 2 bedroom units and less for 3 bedroom units. It also states that, across the whole city centre, presently the provision of 3 bed units is 1% of the total stock of 11,000 units (i.e. approximately 110 apartments are currently 3 bedroom units). This scheme, although in outline, is likely to be providing 33 no. 3 bed units alone and would provide the equivalent of approximately 30% of the number of 3 bedroom units which currently exists across the whole city centre. The scheme also proposes that a majority of the remaining units (47%) would be 2 bedroom units with 38% having 1 bedroom and the remainder (8%) as studios. The 1 and 2 bed provision indicated is broadly in line with the targets set out in the Core Strategy. However, the matter can be fully considered and addressed at Reserved Matters stage when the details of the proposal will be submitted.
- 9.11 Unit sizes  
Whilst this application is in outline, the applicant has indicated that the size of the units would be broadly in line with those set out in the Nationally Described Space Standards for studios, one, two and three bedroom units. This will be considered in

greater detail at reserved matters stage and assessed against the relevant policy at the time, given that this aspect is part of the Core Strategy Selective Review.

#### 9.12 Affordable Housing

The applicant is proposing to provide the Affordable Housing (AH) provision on site. This continues their commitment to provide the units on site as part of the CR1 approval. In respect of the units for sale, this is a fully policy compliant 5% of the units with 60% of these set at lower decile earnings levels and 40% at lower quartile levels. For the PRS units the applicant has sought to draw on the methodology applied in the CR1 application. This is that the lower decile units should be let at 25% of the market rent and the lower quartile be let at 80% of market rents. However, since the time of that approval the Affordable Housing SPD and Annex has been updated to reflect the particular requirements of the PRS sector and this has set benchmark figures for the calculation of affordable rental levels. The applicant has used these benchmark figures to derive a percentage figure against open market values and this has resulted in the following

- The lower decile rate is 40% of the market rent (compared to 25% in the current S106 for CR1)
- The lower quartile rate is 52% of the market rent (compared to 80% in the CR1 S106)

9.13 These revised percentages can then be used within the same format of obligation as those in the CR1 S106 Agreement. The applicant is proposing to make 5% of the units affordable which would be subject to the same additional obligations as CR1 comprising a Local Lettings Policy, and the provision of an annual rental level report showing how the AH units rental levels relate to comparable non-AH units.

9.14 Officers consider the following

- This would result in the affordable units being provided on site at a policy compliant 5% of the total.
- When seen across the whole CR1 and CR2 site, some 53no. units would be available at 25%, 40%, 52% and 80% of market rates, which provides a range of opportunities for tenants to be accommodated.
- The same operator will be selling/letting the affordable units and will be able to operate a consistent approach across the whole site.
- The same format of annual report can be submitted for both sites which gives consistency.
- There is no need to provide an artificial mechanism to control the annual increase in rents as it will be related to the market rental level.

9.15 The NPPF advocates that a flexible approach should be taken to the provision of AH as part of PRS developments and this is set out in the NPPG as referenced in the policy section above. Officers consider that, given the applicant also controls the neighbouring site which has a mechanism in place for the provision of AH as part of the PRS element, that the use of the L.C.C. benchmark figures to inform the AH rental levels, is an appropriate approach to the provision of AH in this case.

#### 9.16 Scale and Layout

CR2 will occupy a prominent position on the southern side of Kirkstall Rd, which is the city's main western arterial route. The scheme relates well to the scale of buildings proposed as part of the CR1 reserved matters application, which is a reduction in scale from that approved as part of the outline. The indicative proposal

for CR2 is also of a city centre type high-rise development with a comparable percentage of open space provision to the CR1. This is considered to be appropriate and will lead to a consistency of treatment across both sites.

- 9.17 At pre-application stage Members considered that the city centre high rise approach to residential development was acceptable on this site. Officers also consider that the proposal makes the most efficient use of the available land, as opposed to a more traditional residential estate type scheme, and this is in line with the objectives for the use of urban, brownfield land, set out in the NPPF.
- 9.18 The alignment of the buildings within the site has been considered in order to create views through the scheme to assist in legibility and pedestrian permeability. The alignment of the east-west spine route allows views through to the neighbouring scheme and even on to the western edge of the city centre
- 9.19 The Kirkstall Road Renaissance Area Planning Framework sets out a number of principles which have been used to inform the design development. The proposal would provide a built frontage to Kirkstall Road which relates in height to the neighbouring CR1 scheme and sets up both, north-south and east-west, routes across the site. In addition, the proposal sculpts the form of the buildings to create interest in the roof lines. The provision of a landscaped frontage supports the objective of a boulevard along Kirkstall Road.
- 9.20 On entering the scheme the views along the linear park would lead through to the riverside open space area and the buildings beyond. This provides visual interest and a sense of arrival to the scheme. The heights of the buildings are considered to be appropriate to provide a sense of place commensurate with being located close to large areas of open space.
- 9.21 The applicant has submitted a daylight and sunlight assessment which demonstrates that the residential units would receive an acceptable amount of natural light throughout the day, given the reasonable expectations of a scheme which is of a high rise nature. Due to the orientation of the buildings few units will face due north which assists in this regard. In the context of this overall development the proposal is considered to strike the correct balance between the creation of a positive townscape and the provision of acceptable amounts of daylight and sunlight penetration to residential accommodation and open spaces.
- 9.22 As the scheme is to the north of the residential units on Holts Crest Way it would have no impact on the direct light which these units benefit from. The outlook from the units on Holts Crest Way is currently across a cleared and vacant former industrial site. This brings with it a degree of openness which is clearly temporary in nature. The proposal is approximately 60m away from the residential units on Holts Crest Way at its nearest point and this is considered to be a sufficient distance to preserve the amenity of the occupiers of these properties.
- 9.23 Public Realm, Landscaping and Connectivity  
The main publicly accessible open space is proposed to be located adjacent the River Aire. This follows the pattern set by the proposed open space provision on CR1 and the existing provision on the site to the east of that. This is the most logical place to put the green-spaces as they relate to waterfront accessibility objectives and also face south-west, which is beneficial for sunlight penetration. The submitted information indicates that these are to be of high quality but would have different characteristics depending on location which would help to give each space a separate identity, being harder towards the road and softer and towards the river.

These details will be considered at reserved matters stage but the principle of varying the treatment across such a large space is supported by officers.

- 9.24 The use of high quality surface treatments to all parking areas is also supported as these will be visible from units higher up the buildings looking down on them and to visitors who will pass through them on an incidental basis. The strategy is well considered and shows that the applicant is concerned to maintain a high quality environment. All details will be controlled by condition and this aspect of the proposal is considered to be acceptable at this outline application stage.
- 9.25 The connections proposed between the neighbouring sites also means that CR2 would have easy access to the pedestrian bridge in CR1 which provides a link across to Holts Crest Way and the Leeds/Liverpool Canal towpath (Trans-Pennine cycle Route 66) beyond. To the north the spaces and connections would allow easy access to Kirkstall Rd with its Quality Bus Initiative routes both into and out of the city along the A66. To the north, routes to the remainder of the city and universities are well established.
- 9.26 As well as the connection to the neighbouring CR1 site the applicants have indicated their willingness to connect to the currently occupied car showroom site to the west both along the river frontage and mid-way into the site coincident with the east-west route. This obligation will be contained within the S106 agreement.
- 9.27 Green Space  
This site just outside the city centre boundary where Core Strategy Policy G4 is relevant which advocates on site provision. The Core Strategy accepts that not every development site is capable of accommodating the required green space within the site boundary and that the majority of these cases arise in the town centre or high rise locations. However, the Core Strategy also states that, in areas of deficiency, the priority is the provision of new green space and improved green links to existing green space. It also makes clear that open space and green space include both public and private provision.
- 9.28 This proposal provides a riverside open space which is fully integrated with the development and links to further areas which are either pedestrian dominated or will be pedestrian spaces in the future. In addition, the site is to provide part of the new pedestrian and cycle riverside route which would give access to the open space on Holts Crest Way. It has been accepted that this is a city centre type of development which is providing a considerable area of publicly accessible open space. In addition the increase in open space provision as set out in the CR1 reserved matters application of 1,540 sqm means that the overall provision across both sites has been increased to approximately 35% of the total site area. It is considered that the amount and quality of the space provided fulfils the policy objectives of G4 and is acceptable.
- 9.29 24 hour access  
The retention of much of the open space and routes as available for 24 hour access is clearly to be supported, as is the fact that these areas will be maintained by the developer. The extent of the 24 hour access areas, and the regime under which they are maintained, is to be included in the S106 agreement in the same manner as the CR1 site.
- 9.30 Highways

The outline part of the application is for the access only with all other matters reserved. Highways Services advise that the point of access, its design and the way that this is shown to relate to the existing highway network is acceptable.

- 9.31 The road layout, internal arrangement in respect of car parking, servicing, refuse collections and footways are all considered to be acceptable. These will be maintained by the applicant and will be included as an obligation in the S106 agreement. The off-site highways works and contribution towards mitigation measures of £73,000 have also been agreed. Car parking numbers are considered to strike the correct balance between the provision of spaces and the move towards sustainable modes of travel. Cycle parking, disabled parking spaces and EV charge points are also to be provided across the site and this is considered to be acceptable.
- 9.32 The Travel Plan includes a range of measures to promote the use of sustainable travel modes. This includes a Sustainable Travel Fund of £78,125.14 which is to be spent on a range of measures including a bike club, month-long bus tickets for new residents and car club trial. The Travel Plan includes monitoring the success of the plan and the potential to use this fund to provide alternate measures, if identified in the annual report and agreed with L.C.C. This introduces flexibility and enables a response to be made should new types of sustainable travel methods come forward. EV charging points are also included across the site. It is considered that this package of measures, will make a significant contribution to the increased use of sustainable modes of transport which adequately meets the City Council's approach to providing sustainable means of travel.
- 9.33 The part of the site which is being considered in full is functionally linked to the neighbouring CR1 site. Given the applicant is also in control of this land the functional association between the two is considered to be acceptable and ultimately ensures that both sites will have enough car parking whilst still being able to provide the high levels of public open space which the layouts indicate. In this case all highways matters are considered to have been addressed and are acceptable.
- 9.34 Flood Risk  
This site is within Flood Zone 3 and therefore a Sequential and Exceptions Test have been submitted alongside the site specific Flood Risk Assessment. The site is to be developed with a very high proportion of residential floor space. It is not possible to move residential use away from the area indicated on the Strategic Flood Risk Assessment risk zone plan as most of the site is at risk of flooding (along the Kirkstall Rd frontage). However, the ground floor levels are being built up and the Flood Risk Assessment has been modelled and submitted to the EA to be considered. Subject to acceptance by the EA the site is considered to pass the Sequential and Exceptions Tests. The EA response had not been received at the time of writing this report and a verbal update will be provided at the Panel meeting.
- 9.35 In response to the FAS2 point raised by Cllr Nash at the pre-application Panel presentation and referred to in the minutes above, at that time a proposal to create a flood shelf along the northern side of the River Aire was being considered as part of the FAS 2 proposal in order to widen the river channel during times of high water. After further work by the EA and LCC this proposal has now been removed from FAS2 and therefore the potential requirement to relocate the buildings further away from the river has been removed.
- 9.36 Wind

The City Council's wind consultant, RWDI, considers the assessment for the site to be robust as set out above. At the reserved matters stage, further analysis of the wind environment within and around the site will be necessary as it will then be clear where entrances and sitting out areas are to be located in association with the ground floor mixed uses. This should include wind tunnel testing and will be used to inform the location of evergreen vegetation barriers, canopies and other architectural devices to aid pedestrian comfort. A condition will be used to ensure that this takes place at the appropriate time.

9.37 Habitat Protection and Protected species

The applicant's mitigation strategy seeks to improve the existing environment, which is a featureless hard-standing surface, and provide habitat features for various species along the river corridor as well as within the scheme itself through the provision of green roofs and landscaped areas. Conditions will be used to ensure that the measures to protect the riverside environment will be established and employed as well as introducing otter habitat features and the carrying out of bat surveys for the existing buildings on the site. This is considered to be an acceptable solution to the creation of positive habitat features and the provision of suitable landscaping along the river frontage at this outline stage.

9.38 Required Obligations

- a) Requirement for public access to and maintenance of all routes through the scheme and public spaces
  - b) The provision of on-site Affordable Housing in line with para 9.12-9.15 of the report
  - c) Off-site highways contributions £73,000
  - d) Travel Plan initiatives to include:
    - i) £4,650 Travel Plan Review fee
    - ii) Sustainable Travel Fund of £ 78,125.14
  - e) Primary education contribution £135,756.54
  - f) Maintenance obligation for internal highway network in perpetuity
  - g) Local Employment Initiatives
- Together with such other and ancillary clauses as the Chief Legal Officer shall consider appropriate

9.39 CIL

As part of Central Government's move to streamlining the planning obligation process it has introduced the Community Infrastructure Levy Regulations 2010. This requires that all matters to be resolved by a Section 106 planning obligation have to pass 3 statutory tests. The relevant tests are set out in regulation 122 of the Regulations and are as follows:

- '122(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is-
- necessary to make the development acceptable in planning terms;
  - directly related to the development; and
  - fairly and reasonably related in scale and kind to the development.'

Given that this is an outline scheme, and so the final floor space and uses are, as yet, not fully established, the CIL figure, generated by the land uses and floor spaces identified in the body of this report, is circa. £300,000.



## **10.0 CONCLUSION**

- 10.1 This site will provide some 528no. new residential units on a single brownfield site in a highly accessible location on the edge of the city centre, which is an area of former industrial uses which have largely been demolished. This creates a poor arrival experience to the city centre along one of its primary arterial routes. Therefore it is likely that this proposal, along with the neighbouring CR1, will act as a catalyst for further development in this part of the city and result in a greater focus of activity and investment in the area, to the benefit of local residents, occupiers and the city in general.
- 10.2 In respect of the availability of employment land, given there is considered to be a sufficient range and number of alternative employment sites, located across the city but particularly in the City Centre, the use of this site for residential use would not undermine the requirement to meet office employment needs over the plan period.
- 10.3 The scheme offers the opportunity to provide linkages to neighbouring sites. It also provides large areas of open space which relate well to each other as well as those which would be laid out as part of the site to the east and across the river. These routes and spaces will be animated by high quality landscaping and pedestrian routes in an environment which is largely free of motor vehicles. It provides links to the surrounding network of streets and allows 24 hour access through all of the public areas. The site is clearly in a sustainable location with both public transport and river corridors running past it. The proposal accords with a range of policies at both national and local levels and is, therefore, considered to be acceptable.

### **BACKGROUND PAPERS:**

Pre-application file: PREAPP/17/00602

Application file: CR1 approval 15/06844/OT (14 July 2016)

Application file: Otter Island (Holts Crest Way) approval - 13/05566/FU

Application file: Non Material Amendments to the original CR1 approval - 18/9/00025/MOD

**DRAFT CONDITIONS FOR PROPOSED  
DEVELOPMENT AT CITY REACH, KIRKSTALL ROAD**

**APPLICATION REF: 18/00622/OT**

**Proposal:** Hybrid application for redevelopment of the site for residential (C3 and C4), including vehicular, pedestrian/cycle access, servicing, public open space, car parking, landscaping and off-site highway works (full consent sought for part of the car park element only with the remainder in outline with all matters reserved other than access)

- 1) The full application part the development, as defined by drawing ref. P22101 Rev A, hereby permitted shall be begun before the expiration of three years from the date of this permission.

Imposed pursuant to the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) A plan showing the anticipated phases of the outline part of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the submission of any application for the approval of reserved matters or any application for the approval of details required by conditions on this permission in respect of the outline part of the development. Phases of the development shall thereafter be carried out in accordance with the submitted plan, unless otherwise approved in writing by the Local Planning Authority, and any reference to `phase` or `phases` in the conditions below shall refer to the phases detailed in the plan thereby approved.

In order to accord with the provisions of the Leeds Core Strategy, Saved Policies of the Leeds Unitary Development Plan Review and the Leeds Natural Resources and Waste DPD, in the interests of amenity, visual amenity, the provision of affordable housing, pedestrian connectivity, highways safety, sustainable development, and in order that the Local Planning Authority is informed of the phasing in order that the relevant sections of the conditions may be discharged.

- 3) Development shall not commence on any phase of the outline part of the development until approval of the following details (hereinafter referred to as the reserved matters) in relation to that phase have been obtained from the Local Planning Authority,
  - a. Appearance
  - b. Landscaping (including the temporary treatment of future phases of the development)
  - c. Layout
  - d. Scale

Plans and particulars of the reserved matters shall be submitted utilising a planning application form and shall be carried out as approved.

Because the application is in outline only and as no details have been submitted of the reserved matters, they are reserved for subsequent approval by the Local Planning Authority

- 4) Application for approval of reserved matters for the first phase of development shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. Application for the approval of reserved matters for each subsequent phase of development shall be made within two years of the approval of reserved matters for the previous phase.

Imposed pursuant to the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

- 5) The first phase of the outline part of the development hereby permitted shall be implemented either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the reserved matters to be agreed for that phase whichever is the later. Subsequent phases of the outline part of the development shall be implemented before the expiration of two years from the date of approval of the reserved matters to be agreed for that phase.

Imposed pursuant to the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

- 6) The reserved matters shall be submitted in accordance with the approved parameter plans listed in the Plans Schedule.

For the avoidance of doubt and in the interests of proper planning

- 7) Prior to the commencement of building works in each phase of development, details and samples of all external walling and roofing materials for that phase shall be submitted to and approved in writing by the Local Planning Authority. Samples shall be made available on site prior to the commencement of building works, for inspection by the Local Planning Authority which shall be notified in writing of their availability. The building works shall be constructed from the materials thereby approved.

In the interests of visual amenity in order to accord with Leeds UDP Review Policies GP5 and BD2, Leeds Core Strategy Policy P10 and the NPPF.

- 8) Construction of external walling shall not be commenced for each phase of development until a sample panel of all the materials to be used in the external walling for that phase has been approved in writing by the Local Planning Authority. The sample panel shall be erected on site to establish its detail including junctions between materials and jointing and pointing. The external walling for that phase shall be constructed in strict accordance with the sample panel(s) which shall not be demolished prior to the completion of that phase of the development.

In the interests of visual amenity and to ensure that the external walling harmonises with the character of the area.

- 9) Prior to works commencing on site the following shall be submitted to and approved in writing by the Local Planning Authority:
- (i) 1:20 details of the junction between the cladding and the brick
  - (ii) 1:20 details of the balconys including soffits and materials to be used to the underside of the balconies
  - (iii) 1:20 details of the parapet wall and its capping
  - (iv) 1:20 details of the typical window reveals

All works shall then be carried out in accordance with the details thereby approved and thereafter retained on site

In the interests of visual amenity in accordance with Policy P10 of the adopted Leeds Core Strategy retained policy BD6 of the Leeds UDP (Review) 2006

- 10) Prior to the commencement of building works in each phase of development, details of the position, design, materials and type of all walls and/or fences or permanent boundary/screening treatment for that phase shall be submitted to and approved in writing by the Local Planning Authority. Such walls and fences shall be erected in accordance with the approved details, before the land/buildings to which they relate are occupied, and shall thereafter be retained.

In the interests of visual amenity, in accordance with Leeds UDPR Policies GP5 and LD1, Leeds Core Strategy Policy P10 and the NPPF

- 11) Prior to the commencement of building works in each phase of development full details of both hard and soft landscape works, including an implementation programme, shall be submitted to and approved in writing by the Local Planning Authority for that phase. Hard landscape works shall include

- (a) proposed finished levels and/or contours
- (b) vehicle and pedestrian access and circulation areas,
- (c) hard surfacing areas,
- (d) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.),
- (e) proposed and existing functional services above and below ground (e.g. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.). Soft landscape works shall include
- (f) planting plans
- (g) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and
- (h) schedules of plants noting species, planting sizes and proposed numbers/densities. All hard and soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations.

The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.

To ensure the provision and establishment of acceptable landscape in accordance with adopted Leeds Core Strategy Policy P12, Saved Leeds UDP Review (2006) policies GP5 and LD1, Leeds Natural Resources and Waste DPD, and the NPPF.

- 12) The approved Phase I Desk Study report indicates that a Phase II Site Investigation is necessary, and therefore development shall not commence until a Phase II Site Investigation Report has been submitted to, and approved in writing by, the Local Planning Authority.

Where remediation measures are shown to be necessary in the Phase II Report and/or where soil or soil forming material is being imported to site, development shall not commence until a Remediation Statement demonstrating how the site will be made suitable for the intended use has been submitted to, and approved in writing by, the Local Planning Authority. The Remediation Statement shall include a programme for all works and for the provision of Verification Reports.

To ensure that the presence of contamination is identified, risks assessed and proposed remediation works are agreed in order to make the site 'suitable for use'.

- 13) If remediation is unable to proceed in accordance with the approved Remediation Statement, or where significant unexpected contamination is encountered, the Local Planning Authority shall be notified in writing immediately and operations on the affected part of the site shall cease. An amended or new Remediation Statement shall be submitted to, and approved in writing by, the Local Planning Authority prior to any further remediation works which shall thereafter be carried out in accordance with the revised approved Statement.

To ensure that any necessary remediation works are identified to make the site suitable for use.

- 14) Remediation works shall be carried out in accordance with the approved Remediation Statement. On completion of those works, the Verification Report(s) shall be submitted to the Local Planning Authority in accordance with the approved programme. The site or phase of a site shall not be brought into use until such time as all verification information has been approved in writing by the Local Planning Authority.

To ensure that the remediation works are fully implemented as agreed and the site has been demonstrated to be suitable for use.

- 15) Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, public open space or for filling and level raising shall be tested for contamination and suitability for use. A methodology for testing these soils shall be submitted to, and approved in writing by, the Local Planning Authority prior to these materials being imported onto site. The methodology shall include information on the source of the materials, sampling frequency, testing schedules and criteria against which the analytical results will be assessed (as determined by risk assessment). Testing shall then be carried out in accordance with the approved methodology.

Relevant evidence and verification information (for example, laboratory certificates) shall be submitted to, and approved in writing by, the Local Planning Authority prior to these materials being imported onto the site.

To ensure that contaminated soils are not imported to the site and that the development shall be suitable for use.

- 16) Development shall not commence until a drainage scheme (ie drainage drawings, summary calculations and investigations) detailing the surface water drainage works, as well as arrangements for its future maintenance (e.g. adoption by the Water Company), have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be designed in accordance with the Drainage Strategy, Issue 1, Doc. Ref. 110426 201, dated 04/01/2018. The works shall be implemented in accordance with the approved scheme before the development is brought into use, or as set out in the approved phasing details.

To ensure sustainable drainage and flood prevention in accordance with NRWLP policy Water 7 and GP5 of the UDP The site shall be developed with separate systems of drainage for foul and surface water on and off site.

To ensure sustainable drainage and flood prevention in accordance with Leeds UDP Review (2006) Policy GP5, Leeds Core Strategy Policy EN5, the Leeds Natural Resources and Waste DPD and the NPPF.

- 17) No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water, other than the existing local public sewer, for surface water have been completed in accordance with details to be submitted to and approved by the Local Planning Authority.

To ensure that the site is properly drained and, in order to prevent overloading, surface water is not discharged to the foul sewer network in accordance with saved policy GP5 of the Leeds UDP Review (2006)

- 18) Construction activities shall be restricted to 08.00 to 18.00 hours Monday to Friday and 08.00 to 13.00 hours on Saturdays with no works on Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

In the interests of residential amenity, in accordance with Leeds Core Strategy, Leeds UDPR Saved Policy GP5 and the NPPF

- 19) No construction works shall begin on any phase of development until a Statement of Construction Practice for that phase has been submitted to and approved in writing by the Local Planning Authority. The Statement of Construction Practice shall include full details of:

- a) the methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development hereby approved;
- b) measures to control the emissions of dust and dirt during construction;
- c) location of site compound and plant equipment/storage;

- d) how this Statement of Construction Practice will be made publicly available by the developer.
- e) location of access and egress from the site and management of vehicle movements entering and exiting the site
- f) car parking for contractors staff and operatives

The approved details shall be implemented at the commencement of construction work on site, and shall thereafter be retained and employed until completion of works on site. The Statement of Construction Practice shall be made publicly available for the lifetime of the construction phase of the development in accordance with the approved method of publicity.

In the interests of residential amenity of occupants of nearby property in accordance with adopted Leeds UDP Review (2006) policy GP5 and the National Planning Policy Framework.

- 20) The site shall be developed with separate systems of drainage for foul and surface water on and off site.

To ensure sustainable drainage and flood prevention in accordance with Leeds UDP Review (2006) Policy GP5, Leeds Core Strategy Policy EN5, the Leeds Natural Resources and Waste DPD and the NPPF.

- 21) Prior to the commencement of building works in each phase of the development details of a sound insulation scheme designed to protect the amenity of the residential elements of that phase of the development from proposed and existing noise sources, shall be submitted to and approved in writing by the Local Planning Authority. The uses approved in that phase shall not commence until the approved sound insulation works have been completed, and any such noise insulation as may be approved shall be retained thereafter.

In the interests of residential amenity, in accordance with Leeds Core Strategy, Leeds Saved UDPR Policy GP5 and the NPPF

- 22) Prior to occupation of each phase, details for the provision of bin stores (including siting, materials and means of enclosure) and (where applicable) storage of wastes and access for their collection for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full before the use commences and shall be retained thereafter for the lifetime of the development.

To ensure that adequate provision for bin storage is made and in the interests of visual and residential amenity, in accordance with Leeds UDPR Policy GP5, Leeds Core Strategy Policies T2 and P10 and the NPPF.

- 23) No external lighting shall be installed to each phase of development unless a scheme has previously been approved in writing by the Local Planning Authority for that phase, such scheme to indicate how the placement and type of fitting used has been designed to ensure the protection of the amenity of residents of the scheme, and residential occupiers outside the application site, and how each fitting will avoid

causing a hazard to users of the adjoining highway. The scheme shall be installed and retained thereafter in accordance with the approved details.

In the interests of residential amenity and highway safety and in accordance with adopted Leeds UDP Review (2006) policy GP5 and the National Planning Policy Framework.

- 24) No phase of development hereby approved shall be occupied until a management plan for the control of vehicular movements through the site at surface level, which relates to that phase, as well as the parking spaces to be constructed with that phase, has been submitted to and agreed in writing with the Local Planning Authority.

In the interests of sustainable development, and vehicular and pedestrian safety, in accordance with Leeds Core Strategy Policies T1 and T2, and the NPPF.

- 25) No phase of the development hereby approved shall be occupied until a plan, setting out the location of electric vehicle charging points, car share spaces and any car club parking spaces to be provided in that phase, has been submitted to and approved in writing by the Local Planning Authority. The charging points for that phase shall be provided in accordance with the approved details prior to first use of the car park for each phase, and retained as such thereafter.

In the interests of encouraging more sustainable forms of travel, in accordance with the NPPF, Leeds Natural Resources and Waste DPD, Leeds Travel Plans SPD, Leeds UDPR Policies GP5 and Leeds Core Strategy Policy T2

- 26) There must be no gates or barriers on any part of the access road. The location of any barriers at the entrance to car parking areas must be submitted to and approved in writing by the Local Planning Authority.

To ensure the free and safe use of the highway in accordance with adopted Leeds Core Strategy policy T2

- 27) Prior to the commencement of building works in each phase, details of cycle and motorcycle parking, and associated facilities to include showers and lockers where required, for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle/motorcycle parking and associated facilities shall be provided prior to occupation of that phase of development and retained as such thereafter.

In the interests of promoting walking, running and cycling as more sustainable means of travel to work, in accordance with the NPPF, Leeds UDPR Policy GP5, Leeds Core Strategy Policy T1 and the Travel Plans SPD.

- 28) No part of any phase of development shall be occupied until all areas shown on the approved plans to be used by vehicles in that phase have been fully laid out, surfaced and drained such that surface water does not discharge or transfer onto the highway. These areas shall not be used for any other purpose thereafter.



To ensure the free and safe use of the highway in accordance with adopted Leeds Core Strategy Policy T2 and Street Design Guide SPD (2009).

- 29) The development shall be constructed in accordance with the sustainable design and construction principles set out in the submitted Sustainability Strategy by Cundall ref. 1014580-RPT-SY-005 Rev A dated 15th January 2018 hereby approved.

To ensure the adoption of appropriate sustainable design principles in accordance with Leeds Core Strategy Policies EN1 and EN2, Leeds SPD Sustainable Design and Construction and the NPPF.

- 30) Notwithstanding the plans hereby approved, the reserved matters application for the permanent and any temporary treatment of each phase of development shall include a wind study, which shall include wind tunnel testing and shall demonstrate a safe wind environment for the intended activities. The works shall then be implemented as approved prior to occupation of that phase of development.

In the interests of safety and amenity, in accordance with Leeds UDPR Policy GP5 and the NPPF

- 31) Prior to occupation of each phase of development details of a strategy for a CCTV system to be provided within that phase shall be submitted to the Local Planning Authority. This strategy shall then be implemented prior to occupation of each phase of development.

In the interests of safety of the users of the site in accordance with saved policy GP5 of the Leeds UDP Review (2006)

- 32) Prior to the commencement of development of each phase a Construction Environmental Management Plan (CEMP:Biodiversity) for that phase shall be submitted to and approved in writing by the Local Planning Authority. 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 a programme for up to date surveys of the riverside wall and buildings with bat roosting potential prior to remediation or demolition
  - 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) Responsible persons 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.

In order to ensure the protection of existing biodiversity features in accordance with Core Strategy Policy G9 and the NPPF.

- 33) Prior to commencement of development of each phase a Riverside Corridor & Riverside Wall Ecological Enhancement Scheme (EES) for that phase shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include the following:
- a) Purpose and conservation objectives for the proposed works - to be based on Section 7 of the Preliminary Ecological Appraisal by Thomson Ecology dated January 2018, and include native shrub and tree planting at locations where there is no conflict with the rebuilt riverside wall structure
  - b) Review of the site potential and constraints
  - c) Detailed design and working methods to achieve the stated objectives to include a scheme for the provision of otter access to the site including an otter holt
  - d) Extent and location of proposed works on appropriate scale maps and plans
  - e) Type and source of materials to be used e.g. native species of local provenance
  - f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development
  - g) Persons responsible for implementing the works
  - h) Details of initial aftercare and maintenance
  - i) Details for monitoring and remedial measures

The EES shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

In order to maintain and enhance biodiversity in accordance with Core Strategy Policy G9 and the NPPF

- 34) Prior to the commencement of development within the relevant phase, a Plan shall be submitted to and approved in writing by the Local Planning Authority of summer and hibernation bat roosting features to be provided within the riverside wall. The agreed Plan shall show the number, specification of the bat roosting features and where they will be located, together with a commitment to being installed under the supervision of an appropriately qualified bat consultant. All approved features shall be installed prior to first occupation of the phase of development within which they are located and retained thereafter.

In order to maintain and enhance biodiversity in accordance with Core Strategy Policy G9 and the NPPF

- 35) Prior to the commencement of development a method statement for the control and eradication of Japanese knotweed, Giant hogweed, and Himalayan balsam shall be submitted to and approved in writing by the Local Planning Authority. The agreed method statement shall thereafter be fully implemented.

In order to control the spread of invasive plant species.

- 36) Prior to the commencement of development of each phase, a scheme setting out the measures to be put in place in the event of an emergency flood event, including the designation of a Flood Plan Coordinator and the identification of safe route(s) to be provided into and out of the site to an appropriate safe haven during the event of flood, shall be submitted to, and approved in writing by, the Local Planning Authority. The route(s) shall thereafter be incorporated into the design and layout of the

development along with any associated infrastructure such as signage. The route(s) shall be retained as such throughout the lifetime of the development.

To ensure safe access and egress to and from the site in the event of a nearby flood in accordance with saved policy GP5 of the Leeds UDP Review (2006).

- 37) Plant and machinery operated from the site shall limit noise to a level at least 5dBA below the existing background noise level (L90) when measured at the nearest noise sensitive premises with the measurements and assessment made in accordance with BS4142:1997.

In the interests of residential amenity.

- 38) Means of vehicular access to and from the site shall be as shown on the approved plan ref. 3304-SK001 06 rev.B unless otherwise agreed in writing by the Local Planning Authority

To ensure the free and safe use of the highway in accordance with adopted Leeds UDP Review (2006) policy T2, T5 and T6.

- 39) Development shall not commence until details of the proposed method of closing off and making good all existing redundant accesses to the development site have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be completed before the development is occupied.

To ensure the free and safe use of the highway in accordance with the adopted Leeds UDP Review (2006) policy T2.

- 40) The vehicular access gradient shall not exceed 1 in 25 for the first 10m and 1 in 20 (5%) thereafter, unless otherwise agreed in writing by the Local Planning Authority.

To ensure the free and safe use of the highway, and in the interests of disabled access in accordance with the adopted Leeds Core Strategy and the adopted Street Design Guide SPD (2009).

- 41) Development shall not commence until details of the off site highways works on Kirkstall Rd have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be fully implemented prior to occupation of the scheme hereby approved.

To ensure the free and safe use of the highway in accordance with adopted Leeds UDP Review (2006) policy T2.

- 42) Documentation demonstrating the absence or total removal of asbestos from any building(s) to be demolished shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Should documentation be unavailable or insufficient, post-demolition surface soil sampling of future landscaped or garden areas shall be carried out and the results shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any post-demolition development.

Where surface soil sampling indicates remediation to be necessary, a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction. The Remediation Statement shall include a programme for all remediation works and for the provision of verification information.

Remediation works shall be carried out in accordance with the approved Remediation Statement. On completion of those works, the Verification Report(s) shall be submitted to the Local Planning Authority in accordance with the approved programme. The site or phase of a site shall not be brought into use until such time as all necessary verification information has been approved in writing by the Local Planning Authority.

To ensure that the site is safe and suitable for use.



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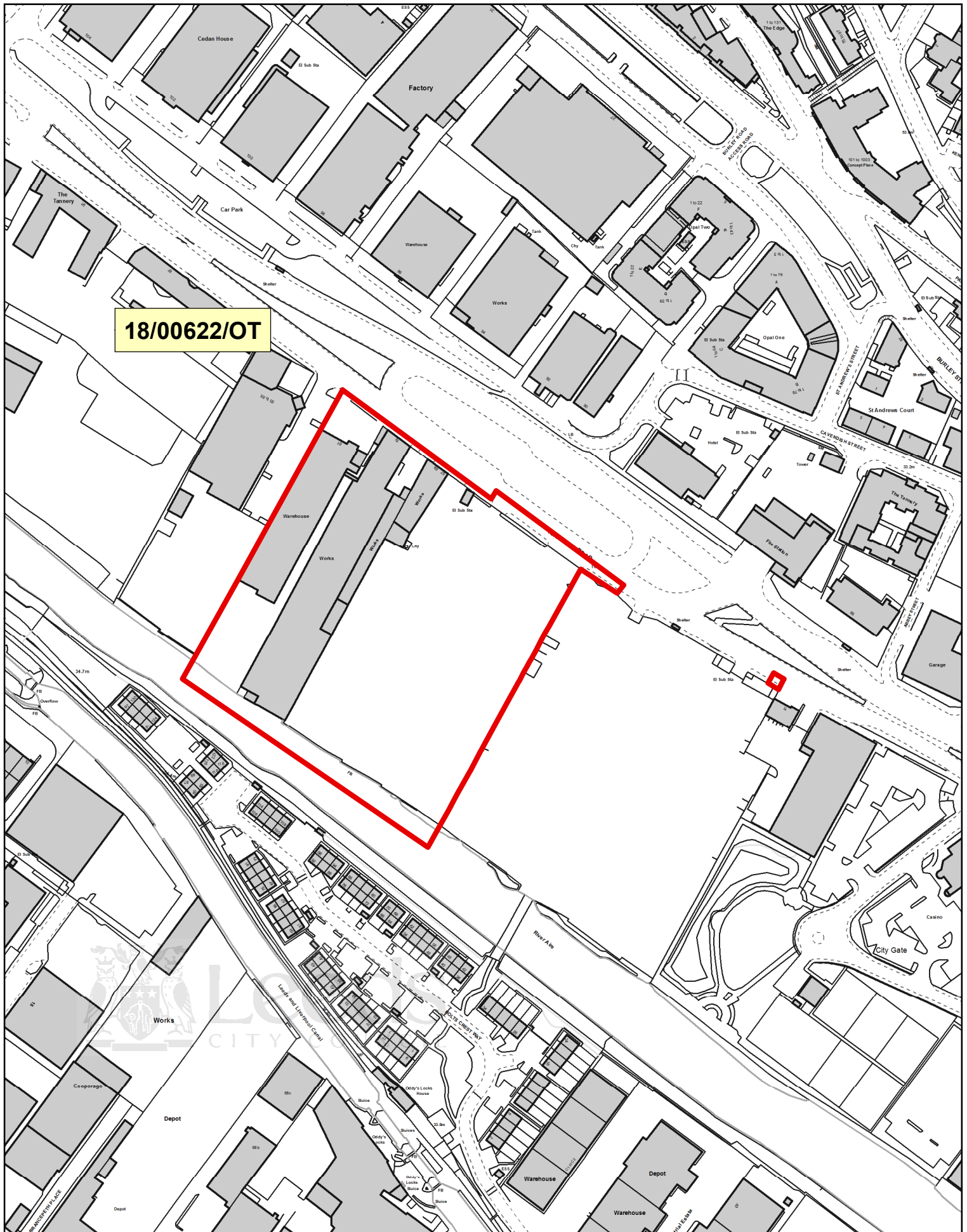
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18/00622/OT

# CITY PLANS PANEL

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

SCALE : 1/2500

