



Report of the Chief Planning Officer

City Plans Panel

Date: 12th March 2020

Subject: 19/01666/FU – Demolition of existing buildings and structures and redevelopment of the site for a mixed-use development comprising up to 263 residential units (Use Class C3) and flexible commercial floorspace (Use Class A1, A2 or B1a); together with associated vehicular access, car and cycle parking spaces, bin stores, plant, landscaping, amenity space and associated infrastructure and engineering works on land at Kirkstall Hill, Kirkstall, Leeds LS5 3BH.

Applicant: Artisan Leeds Kirkstall Ltd

Electoral Wards Affected:

Kirkstall

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: DEFER AND DELEGATE to the Chief Planning Officer for approval subject to the specified conditions identified below (and any others which he might consider appropriate) and also the completion of a S106 agreement.

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

- Provision for 13.6% affordable housing
- Travel Plan Fund of £131,632 + Travel Plan Monitoring Fee £3978
- Car Club Space £7000
- Off-site Greenspace enhancement of £10,000
- Local employment and skills initiative
- Parking Control Zone

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

Conditions:

1. Time Limit
2. Development to be carried out in accordance with the approved plans
3. Materials to be agreed (walling, roofing, surfacing, boundary treatments)
4. Landscape submission and implementation
5. Landscape management plan
6. Landscape protection during construction
7. Ecological and biodiversity protection / enhancement
8. Access provided in accordance with agreed details
9. Provision of footpath widening/improvements
10. Parking laid out in accordance with agreed details
11. Retention of parking free from obstruction
12. Provision of EVC
13. Provision of cycle storage
14. Areas to be laid out, surfaced and drained prior to commencement
15. Requirement to enter into S38 agreement for adoption and street lighting
16. Construction practice management
17. Hours of construction activity (including delivery)
18. Wheel washing facilities, dust and mud management plan
19. Surface water management
20. Provision of foul and surface water systems
21. Provision of lighting scheme
22. Contaminated land conditions
23. Energy and water efficiency
24. Bird and Bat roosting provision
25. Eradication of invasive species (Japanese Knot Weed etc.)
26. Full details of mechanical extract ventilation
27. Full details of internal noise mitigation measures

1.0 INTRODUCTION:

- 1.1 The application relates to a proposed re-development of a strategic site currently occupied by a large retail unit, formerly a supermarket, along with a number of vacant buildings which are in a state of disrepair. The bulk of the site lies within the Kirkstall Town Centre including the former liberal club to the south and derelict public house to the North West corner, along with a small number of single story retail units to the north.
- 1.2 The application is brought before Members for determination after the presentation of the previous position statement to Members at City Plans Panel on 21 November 2019. The application for determination is based on the latest amended proposals which seek to provide 13.6% affordable housing provision and take into account viability issues with the scheme as outlined further in the body of this report.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site lies within and on the edge of the designated Kirkstall Town Centre close to the A65, a main arterial route to the city centre with Kirkstall Hill to the east of the site. The site measures 43 hectares (6 acres) and is broadly rectangular in shape. The current main access is taken from Beecroft Street to the south. The site is currently occupied by a number of low rise buildings including an industrial style building, housing a retail use (Harvard Mills), formerly a supermarket. A number of the buildings are derelict and considered to be of a poor form with no objection to their demolition.
- 2.2 The site lies in a predominately commercial area, given part of its current Town Centre designation, with two large retail parks in close proximity, including Kirkstall Bridge Retail Park to the west and a large Morrisons supermarket along with a sports and social club (Milford Marlins) to the south and Kirkstall Leisure Centre to the north.
- 2.3 The area to the south of the site falls outside the designated town centre and consists of brick built residential terrace properties with an open area of designated green space, including a park, to the east along with the stone built former Beecroft Primary School building which is now within residential use as apartments and is Grade II Listed.
- 2.4 To Commercial Lane the site accommodates a substantial green buffer, which is planted with largely self-seeded trees that have grown to some maturity, separated from the site by Leeds Postal Sports Association Club. Beyond are a number of smaller, stone built, properties occupied by commercial uses that front the main road and form the historic part of the Town Centre.
- 2.5 The site rises sharply from Commercial Road to Kirkstall Lane with a steep topography. There is a fall of around 10 meters from Kirkstall Lane to Beecroft Street with a fall of around 28 metres north to south across the site.

3.0 PROPOSAL

- 3.1 The development proposes 263 dwellings with a mixture of house types as follows:

Apartments (Total 183 units)
32 x 1 bed units
151 x 2 bed units

Townhouses (Total 80 units)
27 x 2 bed units
42 x 3 bed units
11 x 3/4 bed units

- 3.2 The scheme creates a stepped design in response to the level changes across the site with undercroft parking incorporated beneath the proposed blocks. The proposed residential blocks are 3 stores in height with proposals reduced in response to previous design comments relating to previous applications. This stepped design creates a horizontal street pattern which allows for new pedestrian links through the site. The scheme has been amended in terms of providing a greater number of town houses, increased to 80 units from 36, with apartment numbers reduced from 266 to 183 in response to Member comments.

- 3.3 Dwellings will be constructed of a red brick material, with stone accents present to some elevations to provide character. Roofing materials will be grey slate, and windows will be timber to pick up the heritage of the area. Exact materials and finishes would be controlled by way of a condition.
- 3.4 Allocated parking will serve the development internally and is accommodated through under-croft spaces and on-street, totalling 231 spaces, 77% provided under croft (including 16 disabled spaces). All townhouses and 2 bed apartments will be allocated a parking space. All resident parking spaces will be electric vehicle (EV) enabled with cabling installed and 10% EV charging points will be operational from occupation. Twenty four on-street visitor parking spaces are provided including 2 disabled spaces. The proposal also includes a dedicated car club space, the financing for which would be via a legal agreement. The proposals also include a potential parking control zone surrounding the development which would be enforced by way of TRO.
- 3.5 In terms of cycle parking, 310 spaces are included for residents (internal to all blocks) and 30 visitor cycle spaces are included on-street.
- 3.6 Access into the development is to be taken from Beecroft Street via three separate access roads. A fourth restricted access road is included to allow for emergency vehicles and delivery vehicles to access the houses that front Kirkstall Hill and access will be controlled. There is no internal link road due to the topography of the site.
- 3.7 The commercial unit has been positioned to front the junction with Kirkstall Hill/Lane, providing an active frontage. The initial proposals sought to accommodate either a shop (Class A1), professional and financial services (Class A2) and/or office (Class B1a) with a floorspace of 212 sq m. As part of the scheme the applicant has confirmed an agreement has been reached with the affordable housing provider to house their own offices within the entirety of the commercial area to the ground floor of Block E, allowing on-site management of two residential blocks (Blocks K and E).
- 3.8 Areas of landscaping include the northern boundary with green buffer planting including trees. Shrub planting then feeds out from this buffer along the streets providing green linkages. More substantial planting, including trees, are located in the circulation areas that split up the blocks of housing, and along the eastern boundary. Space is tighter on the southern boundary so only shrub planting is provided. Smaller street trees are to be planted internally within the site, along the street verges. The landscaping plan also proposes hedge planting, amenity grass, wildflower areas, allotment planters and "rain gardens" within the site.

4.0 HISTORY OF NEGOTIATIONS AND PLANNING HISTORY

- 4.1 The site has been the subject of various historical pre-applications and full planning applications with an extensive history. A previous application submitted was in October 2012 (Ref:12/04200/FU) which sought to demolish and re-develop the site with the erection of a large (Class A1) food store, further 5 retail units, community centre, sports and social club, dedicated parking and landscaping. A position statement was presented to panel members in December 2012 which outlined the above proposals and sought member comments. Concerns were subsequently raised in relation to highway safety, access and traffic management along with design and the over-development of the site. The application was then withdrawn.

- 4.2 A pre-application was submitted in June 2017 which sought advice on a mixed-use development incorporating residential use (434 units) and office, retail and leisure uses (2,750m²) Ref: PREAPP/17/00430. Advice was given to the applicants which supported the principle of the re-development subject to the following,
- Submission of a suitable sequential test to demonstrate main town centre uses cannot be located within the designated centre along with consideration of the impact upon the main town centre
 - An assessment of the impact upon education places
 - The proposals broadly sought to erect blocks between 4 and 6.5 stories high which was not considered to respond to or respect the current townscape context
 - The indicative proposals were considered an over-development of the site in relation to amount, scale and massing.
 - Highways safety impacts and traffic management. There is significant capacity constraints on the highway network, both on the Kirkstall Gyratory (Savins Mill Way / Bridge Rd / A65 Commercial Road) and Kirkstall Lane / Morris Lane junction and on the western side of the river at the Leeds/Bradford Road, Bridge Road, Wyther Lane junction. In order to address highways issues the applicant was reminded that the development would necessitate a contribution to a reconfiguring of the junctions that may be in the form of, or a mix of, land, physical improvements or a financial contribution to a wider scheme. The principle of providing access from Beecroft Street is the preferred option however full details would be required to accompany a planning application.
- 4.3 Additional discussions between the developers and the Council's Asset Management Department were held with a contractual agreement put in place relating to the sale of a proportion of the site within the ownership of the Council. This required the submission of a full planning application, which (if approved) would be linked to the sale of land. The current application is being progressed in accordance with this contractual agreement.
- 4.5 A pre-application (PREAPP/18/00666) presentation was made to members of City Plans Panel on 24 January 2019 . Members were broadly supportive of the scheme along with the principle of a predominately residential development. Councillor Illingworth addressed the panel and outlined additional affordable housing would be preferred with concerns raised regarding a significant traffic increase. In addition concerns were expressed regarding over-spill parking. Preference was expressed that any off-site greenspace contributions could be used for the Kirkstall Valley Nature Reserve and riverside. Members discussed the proposals and made the following points,
- Traffic became gridlocked at both ends of Beecroft Street and would need regulating with traffic signals and pedestrian facilities. Modifications at the Morris Lane junction would also help to ease congestion.
 - The site was well connected to sustainable facilities and transport with bus routes and cycle routes.
 - Space standards would be met.
 - The corner of the site at Kirkstall Hill and Kirkstall Lane had been identified for a retail/commercial unit. This was proposed to be the only four storey element of the proposals
 - There was not a great pressure on school places in the area.

- The overgrown area at the corner of the site was under the ownership of the Council. There had been discussions regarding clearing the overgrowth.
- Members requested the inclusion of electric vehicle charging points.
- Inclusion of chimneys on the dwellings.
- The proposals were more practical than previous schemes that had been put forward for this site.
- Design and materials to be used. It would be pleasing to see a variety of materials to reflect those of the area.

- 4.6 Kirkstall Ward Members were informed of the proposals via the pre-application process and offered initial comments of support based on the indicative plans and the initial public consultation with a full planning application then submitted by the applicants on 18 April 2019.
- 4.7 An initial assessment of the submitted planning application outlined a deficit in affordable housing provision and on-site greenspace. Subsequently, Kirkstall Ward Members withdrew their support to the application. This was in light of the amended scheme being proposed, along with the applicant's submission of a viability appraisal which outlines that a fully policy-compliant scheme is not viable. Ward Members now object on the grounds of insufficient affordable housing provision, insufficient on-site greenspace and highway safety concerns. After the submission of the applicant's viability appraisal, the LPA instructed the District Valuer to carry out an independent assessment of the figures. This has confirmed that a fully policy compliant scheme cannot be achieved and further details in this regard are outlined within the Viability section of this report.
- 4.8 A position statement was presented to members of City Plans Panel on 21 November 2019. Members were broadly supportive of the principle of a predominately residential proposal with a small, flexible, commercial use (212sqm). Members were asked to consider and provide guidance on the following issues,
- Q = Do members consider the amount of the proposed affordable housing provision acceptable given the findings of the independent viability report?
A = Members did not consider sufficient affordable housing was being provided despite the findings of the viability report.
 - Q = Do Members agree with the proposal to not provide on-site or in-lieu greenspace due to the viability of the proposal?
A = Members reiterated their preference was to see sufficient on-site greenspace provided.
 - Q = Do Members consider the proposed landscaping is sufficient to provide informal space, visual amenity, climate mitigation?
A = Members outlined this space was insufficient to provide adequate visual amenity and climate emergency mitigation.
 - Q = Do members consider the parking provision acceptable along with the proposed mitigation works?
A = Members considered the proposed parking provision acceptable along with the proposed parking controlled zone.
 - Q = Do Members have any further concerns regarding materials or design?

A = Members requested more information and specification in respect of materials and design.

- Q = Are Members satisfied with the outlined proposals for reducing carbon emissions on the site, are there other technologies they would like to see adopted?

A = Members requested further information/clarity on carbon emission mitigation.

- Q = Do Members have any other comments at this stage which would help to guide and inform the development?

A = Members expressed a preference for more houses and less apartments.

4.9 Subsequently amendments were made to the proposals, in January 2020, in order to take accommodate Members' comments. This resulted in an increased affordable housing provision to 9.2% (24 units in total) with 6 x 1 bedroom apartments and 18 x 2 bedroom apartments.

4.10 After further consultation with local Ward Members and acknowledgement of sustained objections, the applicant has increased the affordable housing provision further. The current scheme seeks to provide 13.6% which equates to 36 units.

6.0 PUBLIC/LOCAL RESPONSE:

4.11 A total of 48 objections have been received in relation to the scheme, including objections from Kirkstall Ward Members along with 5 general comments which raise concerns with the following,

- Lack of adequate affordable housing provision
- Lack of adequate on-site greenspace provision
- Highway safety impacts including increased congestion and overspill parking
- Additional traffic and congestion with a 20% increase anticipated from Kirkstall Forge
- Lack of adequate public consultation and transparency
- Increased emissions and adverse impact upon air quality
- Height, massing and design

8.0 CONSULTATION RESPONSES:

Statutory

Coal Authority – No objections

Historic England – No objections

Non-statutory

Design Team – No objections

Highways – no objections subject to conditions

Travelwise – No objections subject to conditions relating to cycle parking, motorcycle parking and electrical vehicle charging provision.

Environmental Studies (Noise) – No objections to submitted methodology subject to the attachment of conditions relating to mechanical ventilation.

West Yorkshire Police - recommendations to adhere to secured by design standards along with minimum requirements regarding external lighting and CCTV provision.

Nature Team – No objections subject to conditions for bat/bird roosting and invasive species eradication.

Environmental Studies (Air quality) – No objections subject to conditions regarding air quality mitigation measures.

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

Public Rights of Way – No objections

Yorkshire Water – objection, pre-commencement requirement for the developer to enter into agreement to divert sewer or agree building stand-offs.

WYAAS (West Yorkshire Archaeology Advisory Service) – no objections subject to conditions relating to archaeological observation and recording during development
Policy – Objection. Lack of adequate on-site green space provision and affordable housing.

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

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

Combined Authority (Metro) – No objections.

5.0 RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF)

- 5.1 The NPPF and the National Planning Practice Guidance (NPPG) set out the Government's planning policies for England and how these are expected to be applied. One of the key principles running through the Framework is a presumption in favour of Sustainable Development set out in three parts: Economic, Social and Environmental. The revised NPPF (2019) now seeks to tighten definitions on the presumption in favour of sustainable development, increases the emphasis on high-quality design and place-making.
- 5.2 Paragraph 59 of the revised NPPF directs Local Planning Authorities to apply a presumption in favour of sustainable development and that they should approve development proposals that accord with an up-to-date development plan without delay. Further, it supports the objectives of significantly boosting the supply of homes. It is important that a sufficient amount and variety of land can come forward where it is needed.
- 5.3 The below sections of the Revised NPPF are also considered to be relevant:

Section 9: Promoting Sustainable Transport

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

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

e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

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

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users; and

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

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

Section 11: Making effective use of land

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

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

Planning policies and decisions should ensure that developments:

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

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

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or

discouraging appropriate innovation or change (such as increased densities);

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

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

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

Section 14: Meeting the challenge of climate change and flooding

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

rising temperatures⁴⁸. Policies should support appropriate measures to ensure the

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

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

possible future relocation of vulnerable development and infrastructure.

New development should be planned for in ways that:

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

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

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

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

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

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

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

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

b) take account of landform, layout, building

Development Plan

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

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

Relevant Core Strategy Policies include:

- Spatial Policy 1 - To deliver the spatial development strategy based on the Leeds settlement hierarchy and to concentrate the majority of new development within and adjacent to urban areas, taking advantage of existing services, high levels of accessibility, priorities for urban regeneration and an appropriate balance of brownfield and greenfield land, in accordance with key principles.
- Spatial Policy 6 – Housing Requirement and allocation of Housing Land
- Spatial Policy 7 – Distribution of New Housing
- Policy H1 – Managed Release of Sites. To ensure sufficiency of supply, geographical distribution in accordance with Spatial Policy 7, and achievement of a previously developed land target of 65% for the first 5 years and 55% thereafter.
- Policy H3 – Density of development. A minimum density target of 65 dwellings per hectare is set for edge of centre locations.
- Policy H4 - Developments should include an appropriate mix of dwelling types and sizes to address needs measured over the long-term taking into account the nature of the development and character of the location.

- Policy H5 – Affordable Housing. The affordable housing requirement would be 15% of the total number of units, with 40% for households on lower quartile earnings and 60% for households on lower decile earnings.
- Policy H9 – Space Standards: Confirms that all new dwellings must comply with standards relating to size / space, headroom and storage requirements as set out within the policy.
- Policy H10 – Adaptable and Accessible Housing: Confirms that new build residential developments should include the following proportions of accessible dwellings:
 - 30% of dwellings meet the requirements of M4(2) ‘accessible and adaptable dwellings’ of Part M Volume 1 of the Building Regulations.
 - 2% of dwellings meet the requirement of M4(3) ‘wheelchair user dwellings’ of Part M volume 1 of the Building Regulations. Wheelchair user dwellings should meet the M4(3) wheelchair adaptable dwelling standard unless Leeds City Council is responsible for nominating a person to live in the dwelling.
- Policy P2 – Acceptable uses in and on the edge of Town Centres. Town centres offer shopping and services intended to meet weekly and day-to-day requirements. Specific uses will be directed towards the centers listed in Policy P1.
- Policy EC3 Safeguarding existing employment land and industrial areas.
- Policy G4 – Open space requirements. Outside the City Centre the normal requirement is 80 sqm per dwelling. The delivery of a proportionate amount of open space per dwelling, both private and shared communal, and the provision of public realm is important. Contribution to specific off-site greenspace enhancements to mitigate a shortfall on-site may be required.
- Policy G9 Biodiversity improvements
- Policies EN1 & EN2 Policy set targets for CO2 reduction and sustainable design & construction, including meeting the energy and carbon emissions reduction targets of the former Code for Sustainable Homes Level 4 and at least 10% low or zero carbon energy production on-site.
- EN8 Electric Vehicle Charging Points
- Policy P10: Good design appropriate to its scale and function. This requires new development to be based on a thorough contextual analysis to provide good design appropriate to its scale and function, delivering high quality innovative design and that development protects and enhances existing historic assets – in particular historically and locally important buildings, landscapes and spaces. New development will be expected to deliver high quality innovative design that has evolved, where appropriate, through community consultation and which respects and enhances the variety of existing landscapes, streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place, contributing positively towards place making and quality of life and be accessible to all.

- Policies T1 and T2 identify transport management and accessibility requirements for new development.

Unitary Development Plan Policies

- 5.5 Relevant policies from the UDP include:
- GP5 – all relevant planning considerations
 - BD2 – design and siting of new buildings
 - BD4 – all mechanical plant
 - BD5 – amenity for occupants and surroundings should be provided
 - LD1 – landscaping
 - N23 – Space around new buildings
 - N25 – Boundary treatments

Natural Resources & Waste Plan

- 5.6 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 trees, minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. Policies regarding flood risk, drainage, air quality, trees, and land contamination are relevant to this proposal. The site is within the Minerals Safeguarding Area for Coal (Minerals 3) and Sand and Gravel (Minerals 2).
- 5.7 Relevant Supplementary Planning Guidance includes:
- SPD Street Design Guide (2009)
 - SPD Travel Plans (2015)
 - SPD Building for Tomorrow Today: Sustainable Design and Construction (2011)
 - SPG Neighbourhoods for Living (2003, Updated 2015)
 - SPD Parking (2016)
 - SPD Accessible Leeds
 - SPG Affordable Housing

6.0 ISSUES

Site Allocation/Principle

- 6.1 The Site is identified in the Site Allocation Plan as MX2-4. The current allocation, highlights the site is allocated for 55 units with a 7000sqm office use provision. The proposals seek to develop the site for a predominately residential use with a small commercial, flexible use function.
- 6.2 The site requirements within the SAP note that the site is within Kirkstall Town Centre boundary and Kirkstall Primary Shopping Area and there is an expectation for retail and other town centre uses to be delivered at ground floor level. It is also a site that is suitable for older persons housing/independent living. Finally, it acknowledges that the site is within the setting of a Grade II Listed Building (Beecroft School).
- 6.3 The site has been the subject of various previous applications (details of which have been noted above) which have failed to be implemented, including 12/04200/FU

which sought to create a large A1 (retail) supermarket. This has led to the site being predominately vacant for a number of years and falling into a derelict state.

- 6.4 The current proposals were presented previously to City Plans Panel Members, with the principle of a predominately residential proposal agreed with a small provision of commercial use to the ground floor of Block E, being still within the spirit of the SAP allocation but out with its precise allocation and site requirements. This was after the formal adoption of the SAP, although a pre-application presentation to Panel took place prior to its adoption.
- 6.5 The proposal before Members is a departure from the SAP which aimed to create a more mixed use for the site with a capacity of 55 units and 7000 sq m of office space on the site (including the band of trees to Kirkstall Road itself). Part A of Core Strategy policy EC3 applies to all development allocated for employment use, including mixed use allocations which include a proportion of office development. There are three criteria set out under Part A. As the criteria under Part A are separated by 'or', only one of the three criteria needs to be satisfied for Policy EC3 to be satisfied – such that an existing allocation for employment (including office) use can be departed from. Part A section (ii) outlines “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”. In this instance it is considered, given the previously failed proposals to create new commercial uses to the site and its derelict state/condition, along with the submission of a viability case, that the use of the site for a predominately commercial proposal would not be considered viable. The allocated commercial mix was recommended on the grounds that the site is within the Kirkstall Town Centre boundary, although it sits outside of the primary shopping area. The site was also identified as being suitable for older persons housing or independent living.
- 6.6 In contrast, the scheme proposed is seen to deliver a number of regeneration benefits on what has proved to be a difficult site to deliver. These benefits must be weighed against the harm that could be caused by not delivering the site as required by the allocation. Having given this consideration officers would make the following points:
- There is currently an adequate supply of office space across the district. The loss of commercial space on this site is not considered to be detrimental to Leeds' ability to deliver high quality office and employment space.
 - The problems and delays experienced in trying to regenerate this site demonstrate that there are a number of factors such as cost, desirability etc. that currently weigh against commercial uses.
 - The proposal does provide for a range of housing options that would enable the elderly or disabled to be accommodated on site in an integrated and mixed community.
 - The proposal does provide for a small amount of commercial space which will allow for either local facilities, or could be used by small and medium sized enterprises, new start ups, or for local home working schemes in the area. A smaller commercial space may be more attractive to such uses that want to be located at the centre of communities. This solution is considered to be more flexible and adaptable than larger commercial floor spaces which could struggle to compete against the large office spaces being delivered at other sites in close proximity, such as Kirkstall Forge.
 - Regeneration of this larger area could stimulate regeneration of the strip along the main road side as well as other areas around this particular junction which will be good for the viability of the centre, but also for visual amenity issues,

and potentially leading to greater investment in access improvements at this junction.

- The proposal introduces development that will help contribute to providing modern, energy efficient homes built to a good sustainability level enabling residents to reduce their level of expenditure on utilities.
- The proposal will also introduce new green areas and landscaping that will help to provide accessible access to nature for the wider community and to enhance the biodiversity across the site.
- Regeneration will provide a much more visually attractive site that is in a very prominent central location of this community.

6.7 It is considered by Development Management officers that the proposal would deliver a number of benefits which must be given significant weight and that this would outweigh the harm that would be caused by not delivering the amount of commercial space identified in the SAP. This is however also tied up with other factors such as viability, access issues, quality of accommodation etc. which are all addressed below.

Viability

6.8 A viability appraisal has been submitted with the application as the proposals fail to provide a fully policy compliant scheme in relation to greenspace or affordable housing provision. The site falls within an area with a 15% affordable housing requirement.

6.9 The District Valuer has undertaken a third party review of the applicant's viability case and confirmed that a fully policy compliant scheme is not viable. Initially the District Valuer outlined a part policy compliant scheme could be provided in line with the figures set out below, allowing the developer a profit margin of 19.59%, based on the applicants original proposals.

- Affordable housing - 8.36% affordable housing (Total 22 Units)
- Residential Travel Fund - £131,632.
- Car Club Parking Space and Cost of Space - £7,000.
- Travel Plan Review - £3,978.
- Off-site Highway works (Footpath Enhancement Works) - along Kirkstall Hill, Beecroft Street and Kirkstall Lane -£77,905.
- Controlled Parking Zone - £50,000
- Local Employment Initiatives – employment of local people during the construction phase
- Community Infrastructure Levy - £1,029,521

Financial contributions total £1,300,036.

6.10 The applicant agreed with the above initial findings and proposed providing 22 affordable units along with the additional travel requirements and compulsory CIL contribution, with no off-site greenspace contribution proposed given the viability case above.

6.11 Since the completion of the above appraisal the applicants have increased the affordable housing offer to 13.6% in response to additional objections from ward members and the public. The increased percentage creates a total of 36 units as outlined in the section below.

Affordable Housing

- 6.12 Policy H5 of the Core Strategy requires 15% affordable housing if a policy compliant scheme was proposed. This would equate to a total of 40 units.
- 6.13 The applicant proposes providing 13.6% which equates to a total of 36 units. The units are to be split with 66% (24 units) allocated for social rent and 33% (12 units) allocated for intermediate/shared ownership. These units are to be contained within Blocks E and K highlighted on the site layout.
- 6.14 The applicant has provided an intended delivery schedule which sets out the 66% provision of social rented units are to be delivered within Phase 1 of the development, subject to consent being granted, due to commence on site in 2020. The remaining units within intermediate/shared ownership would be delivered in 2022.
- 6.15 In addition the applicants have confirmed negotiation has taken place with registered Housing Associations and agreement in principle is in place for a provider to occupy the ground floor commercial unit to block E, thus providing a viable use and on-site management of the affordable units.
- 6.16 It is considered, while not precisely in line with the 15% policy requirement, the limited shortfall in units (4 in total), given the viability considerations and constraints of the site, is acceptable and represents a significant improvement of the affordable housing provision compared to that previously proposed by the applicant.

Housing Mix

- 6.17 Policy H4 relates to housing mix. The policy outlines *“Developments should include an appropriate mix of dwelling types and sizes to address needs measured over the long term taking into account the nature of the development and character of the location. For developments over 250 units, in or adjoining the Main Urban Area and Major Settlements or for developments over 50 units in or adjoining Smaller Settlements, developers should submit a Housing Needs Assessment addressing all tenures so that the needs of the locality can be taken into account at the time of development.”*
- 6.18 The initial proposals sought consent for a total of 302 units comprising of 36 houses and 266 apartments. Given the comments of Ward Members and local objections the scheme has been amended provide a mix of 263 residential units comprising of 80 houses and 183 apartments, reducing the overall number of units by 39.
- 6.19 In this instance the site forms part of Kirkstall Town Centre with the applicant proposing a predominance of flats rather than houses, as highlighted below.

Type	Max %	Min %	Target %	Scheme
Houses	90	50	75	80 (30%)
Flats	50	10	25	183 (70%)
Size	Max %	Min %	Target %	Scheme
1 bed	50	0	10	31 (12%)
2 bed	80	30	50	179 (68%)
3 bed	70	20	30	42 (16%)
4 bed+	50	0	10	11 (4%)

- 6.20 Compared against the above table the number of flats is above the maximum threshold by 20% and the number of 3 bed units falls below the minimum threshold by 4%.
- 6.21 However the proposals include both 3 and 4 bed units and the 3 bed units which comprise of 3 double bedrooms which also accommodate an additional single bedroom/study and thus the number of 3 bed units is considered to equate to the 20% requirement.
- 6.22 In addition policy H3 requires housing density requirements to be met outlining (i) City Centre and fringe developments should achieve 65 dwellings per hectare and Other urban areas 40 dwellings per hectare. The proposals create a development at 108 units per hectare which is considered high, however the scheme contributes towards the delivery of new build housing within the city and thus is considered acceptable.
- 6.23 The SAP site requirements highlights the site is suitable for older persons housing/independent living in accordance with Policy H10. The proposal includes a mixture of unit types and sizes that are designed to wheelchair adaptable standards as per building regulation requirements which is considered to meet the policy aims.
- 6.24 In this instance a proportion of the site falls within the Town Centre with Policy H4 worded to offer flexibility. It is acknowledged the proposals seek consent for predominately flats however due to the sustainable location close to the A65 which benefits from good public transport links along with Headingley Station in close proximity to the north of the site, it is considered the proposed housing mix is appropriate.
- 6.26 Policy H9 requires new development to improve the quality of housing provided in Leeds to create a healthy and sustainable living environment for current and future generations. The proposals create a mix of flats and townhouses comprising of 1,2, 3 and 4 bedroom units. The gross internal floor areas of these units are as follows,

1 bedroom apartments - gross internal floor area = 50m²

2 bedroom apartments - gross internal floor area = 67m²

2 bedroom townhouse – gross internal floor area = 70m²

3/4 bedroom townhouse – gross internal floor area = 109m²

The above internal sizes accord with the minimum standards set out within policy H9 of the Core Strategy and thus are acceptable.

Greenspace

- 6.27 The proposals create a high density scheme and thus are required to provide 20% provision of Green Space in line with Policy. The proposals include dedicated external amenity spaces for the use of residents including allotment gardens, a pocket park and communal green areas for access through the site. These elements are not considered to constitute formal greenspace given their limited size and fragmentation throughout the site, however are considered of good quality and to provide a good level of amenity for occupants of the proposed dwellings along with the wider community due to the connected access ways provided throughout the site.

- 6.28 Policy G4 relates to open space requirements and states, *“Areas Outside the City Centre the normal requirement is 80 sqm per dwelling. The delivery of a proportionate amount of open space per dwelling, both private and shared communal, and the provision of public realm is considered important. Contribution to specific off-site greenspace enhancements to mitigate a shortfall on-site may be required.”*

Based on a calculation of the landscaped areas shown on plan, those proposed to be provided equate to approximately 1812sqm.

Given the level of development and proposed number of dwellings the Net Green Space Requirement equates to 7250 sqm which would require the following,

On Site Contribution in Lieu (ONCL)	£351,177.97
On Site Contribution in Lieu (with LCC maintenance)	£378,668.11

- 6.29 The Viability Report concludes that it is not viable to make a payment in lieu of on-site green space.
- 6.30 Since the initial appraisal and further objections the applicants have agreed to pay an off-site contribution of £10,000 towards the improvement/maintenance of an identified area directly related to the site, suggested as the Urban Green Corridor to the south/west adjacent to commercial road, allowing existing mature trees to benefit. Whilst this does not provide full policy compliance it is considered an improved position compared to that of the original submission and provides some environmental enhancements as part of the scheme.
- 6.31 It is considered the open space provided internally within the site is of high quality and although not identified as formal Green Space contributes towards the regeneration of the site, providing an enhancement for use by the general public in conjunction with the off-site contribution. Given these factors is deemed the current proposals are, on balance, acceptable.

Highways

- 6.32 The Site is identified in the Site Allocation Plan as MX2-4, the assumed capacity is 55units and 7000sqm office. Site requirements relating to Highways and Transport are:
- Highway Access to Site: To achieve a suitable access, mitigation works will be required on the A65 Commercial Road at Beecroft Street, Savins Mill Way and Kirkstall Lane.
 - Local Highway Network: This site will have a direct impact upon the congested A65/Kirkstall La and Savins Mill Way junctions. The development will be required to contribute to measures to mitigate the impact of this.

As the proposals do not seek to develop the proposals inline with the Site Allocation the above requirements are not proposed as part of this scheme.

- 6.33 The application has progressed with various amendments to highways elements and parking. The current parking provision is as follows:

Total car parking provision 256 spaces

- Undercroft allocated parking spaces no (14 no. disabled, 26 no. EV)	210
- On street allocated parking no	21 (2 no. disabled)
- Units with allocated parking TOTAL (1:1 for all houses and 2 bed apartments)	231
- On street visitor parking TOTAL (2 no. disabled, 2 no. EV, 1 no. car club)	25

Total cycle parking provision comprises:

- Resident Cycle Parking: 310 (internal to all blocks)
- Visitor Cycle parking: 30

- 6.34 The proposals have been amended to make all parking spaces Electrical Vehicle enabled (with cabling installed but not the actual charging point) whilst 10% will have full Electrical Vehicle charging points installed and operational. Notwithstanding the spaces provided with charging points since the adoption of policy EN8 the council looks to ensure all spaces are Electrical Vehicle compatible. This position is considered acceptable given the identified viability issues in that full compliance with Policy EN8 would contribute towards the scheme being un-viable, thus reducing the proposed levels of affordable housing and greenspace contributions which have been identified as a priority.
- 6.35 The proposals create a continuous footway on one side of each of the streets between Beecroft Street and Kirkstall Lane and on both sides of the 'traditional street' sections highway. Due the relatively low number of units served off each street and the alternative pedestrian routes between blocks this arrangement is acceptable.
- 6.36 The applicant is also to contribute £77,905 (to be secured by way of a s106 Agreement) for improvement works to provide wider footpaths to the site perimeter to Kirkstall Hill and Beecroft Street with an area of land gifted by the applicant at the junction of Kirkstall Hill and Kirkstall Lane, to be made available for potential junction improvement works by the Council in the future and which will become adopted highway. Various options were explored including providing an off-site sum towards highway safety works within the Kirkstall Ward however the applicant elected to provide an increased level of affordable housing, above that suggested within the initial viability assessment.
- 6.37 In addition concerns were initially raised in relation to overspill parking by highways officers in their consultation responses and Ward Members. The scheme now creates a controlled parking zone covering an 800m wide area surrounding the site which will be funded by obligations through a legal agreement, considered to mitigate highway safety concerns. The proposal, subject to these factors, would be compliant with policy T2.
- 6.38 The principle of a predominately residential proposal was supported by Members at the last position statement presentation in November 2019, given that a residential use would be considered to create a less intensive highways and transportation impact compared to that of a large retail or office-led development upon peak hour vehicle trips, as suggested by the site allocation, it is considered the proposals are, on balance, acceptable.

Design

- 6.39 The proposals create a similar scheme to that initially presented to members in January 2019 with no changes to the layout. The applicant has responded to comments made regarding the proposed materials and the development has changed from a predominately grey brick type to a red brick which is considered more appropriate within the locality, reflecting the character and appearance of the brick built dwellings to Kirkstall Lane.
- 6.40 Following concerns raised at the meeting in November 2019, when Members expressed concerns regarding the perceived blandness of the proposed blocks, the applicant has provided additional information regarding the proposed materials and detailing of the scheme. The proposed blocks incorporate contrasting red brick colours, tones and textures with areas of relief around windows creating shadow lines to break up massing along with string coursing. Materials would be controlled through condition on any approval granted.
- 6.41 The design of the proposals takes inspiration from the history of the site, creating 8 blocks in a linear form, stepping up from Commercial Road to Kirkstall Hill, following the topography of the site and appearing as a mill type form, similar to that of the former tannery and print works. The proposals also include chimney details on the buildings' to the northern corner of the site (close to the junction of Kirkstall Hill and Morris Lane) in response to Members' comments.
- 6.42 In addition the proposals provide approximately 3,520m² of quality public space between the proposed blocks allowing shared and private terraced garden areas along with private courtyards and allotment/planter areas. The site incorporates a number of public footpaths allowing level access from Beecroft Street through to Kirkstall Lane. Conditions are recommended which require the submission of a full landscape management plan and planting schedule relating to the areas of open space.
- 6.43 The applicant has carried out a presentation to Leeds Civic Trust on 22 January 2020 with the Trust supporting the application and outlining as follows: "the scheme has made the best use possible of the challenging landform and relates well to the surrounding properties in terms of scale, materials and detailed design touches".
- 6.44 The proposed blocks feature a mix of 1 and 2 bedroom apartments along with 2, 3 and 4 bedroom Townhouses. The design and layout of the proposed dwellings provides internal gross floor areas which achieve the minimum internal space standards set out within policy H9 of the Core Strategy (as reviewed and amended).
- 6.45 Design officers have been consulted on the proposals and support the overall design and appearance of the scheme within the context of the site. For these reasons the proposed design is considered acceptable, compliant with policy P10.

Climate Change and Sustainability

- 6.46 The applicant has submitted an Energy and Sustainability Statement as part of the application package. Members were supportive of a fabric-first design approach to the buildings which is proposed to minimise energy demand and carbon emissions, given their high density. The roof areas could also provide for photovoltaic panels where they are south facing. The applicant's sustainability credentials outline that heat recovery systems will be utilised including recovering heat from domestic hot water along with communal heating systems.

6.47 The proposal also incorporates electric vehicle charging points and cabling provision for all spaces along with measures to reduce water consumption meaning that the development complies with policy EN1 and EN2, and all sustainability measures will be secured by condition.

7.0 Conclusion

7.1 This scheme is considered a significant regeneration opportunity that would contribute positively to the regeneration of a vacant brownfield site. It is acknowledged the proposals create a predominately residential use of the site which is allocated for a larger commercial/office use. However, the application proposal will create a lower impact in relation to vehicle trips and thus highways movements and this should be given material weight. In addition, Members were previously supportive of such a use with Policy EC3, Part A section (ii) ("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") given further material weight. For these reasons and thus, on balance, the departure from the SAP is considered acceptable.

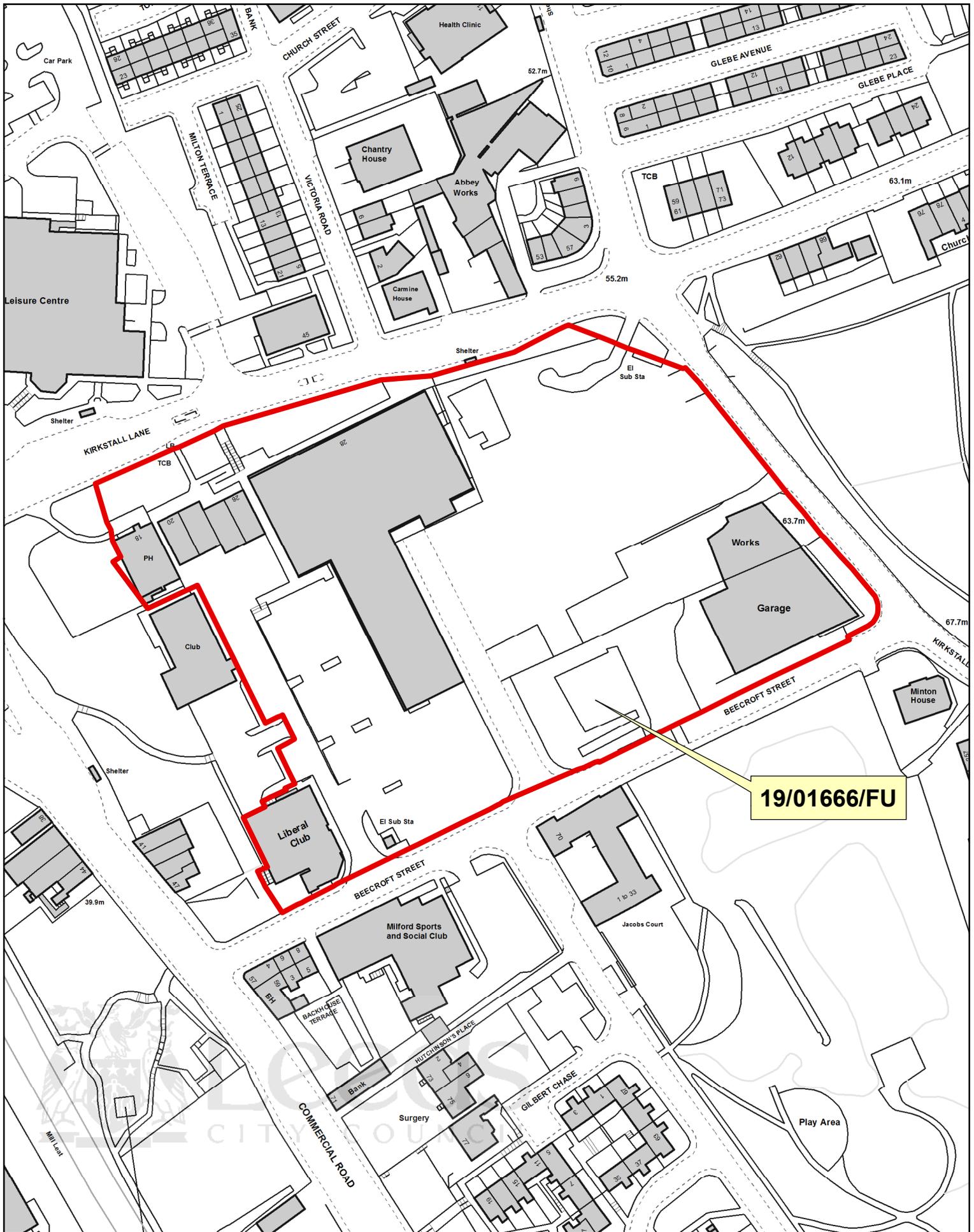
7.2 The development provides an acceptable layout given the steep and challenging topography of the site with a positive design and internal landscaping arrangement, allowing public access throughout which is considered to deliver an acceptable standard of residential amenity, including adequate internal space, for future occupants.

7.3 The NPPF directs that where an application accords with the Development Plan it should be approved without delay. In this instance, conflicts have been identified with policies relating to the provision of on-site greenspace and affordable housing which do carry weight. However, the benefits of ensuring redevelopment of a largely-derelict, vacant brownfield site and providing housing to contribute to the Council's ongoing housing supply also attract weight. Given the identified viability issues and specific site constraints it is considered, on balance, the benefits of the proposal weigh against identified conflicts and as such the application is recommended for approval.

Background Papers:

Application files 19/01666/FU

Certificate of ownership: Certificate B signed by the agent



19/01666/FU

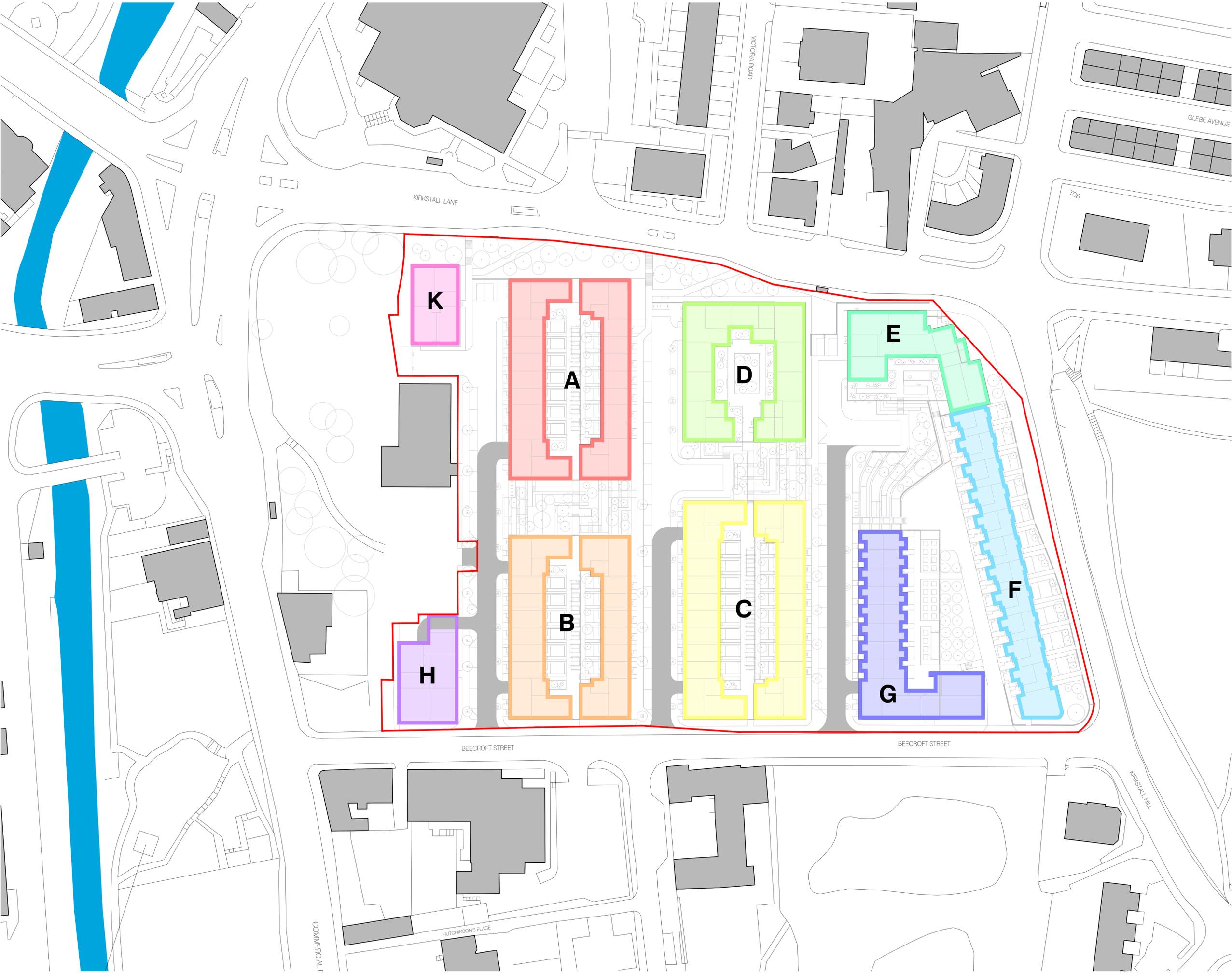
CITY PLANS PANEL

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SCALE : 1/1500





RESIDUAL RISK
 Wherever possible unnecessary risk is designed out of these proposals. Where residual risk remains this is assessed and identified on the relevant drawings with this symbol. Refer to the notes and the relevant measures in the Health + Safety documentation



SITE BOUNDARY

- BLOCK A**
- BLOCK B**
- BLOCK C**
- BLOCK D**
- BLOCK E**
- BLOCK F**
- BLOCK G**
- BLOCK H**
- BLOCK K**

A BLOCK PLAN AMENDED TO SUIT REVISED LAYOUTS | 04.11.2019
 by KJO
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KIRKSTALL PLCE
 KIRKSTALL
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BLOCK PLAN

A1 Scale	A3 Scale	Date	Drawn By	RIBA
1:500	1:1000	08.03.2019	CH	27158
Project Number	Drawing Number	Revision		
27158	(01)03	A		

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