



Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 07 January 2021

SUBJECT: Planning application, 20/03494/OT - Full planning permission for demolition of existing buildings and structures and Outline planning permission with all matters reserved, except for access, for the redevelopment of the site for residential dwellings (use class C3), flexible commercial space (use classes A1, A2, A3, A4, D1 and D2) and associated refuse and plant infrastructure, landscaping, new public realm and open space at The Former Arla Foods site, 87 – 91 Kirkstall Road, Burley, Leeds, LS3 1HS

Applicant – Commercial Development Projects Ltd

Electoral Wards Affected:

Little London and Woodhouse

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 conditions set out in Appendix 1 (and any others which he might consider appropriate) and the completion of a Section 106 agreement to include the following obligations:

- Education Contribution – (indicative amount) £162,510.31
- Greenspace off site contribution - (indicative amount) £624,458.09
- Affordable Housing – 7% provision on site
- Employment & Skills co-operation / initiatives (construction)
- Provision of a bus shelter - £20,000
- Requirement for public access to and maintenance of all routes through the scheme and public spaces
- Off-site highways contribution - £197,000
- Travel Plan Monitoring Fee - £6,653
- Sustainable Travel Fund - £157,907.75
- Maintenance obligation for internal highway network in perpetuity

In the circumstances where the Section 106 Agreement has not been completed within 3 months of the resolution to grant planning permission, the final determination

1.1 INTRODUCTION:

- 1.1 This report is intended to inform Members of the application before them for consideration, being an application for part Full and part Outline permission to form a primarily residential scheme with some flexible commercial space proposed on the former Arla Foods site on the south side of Kirkstall Road. The land is currently in single ownership.
- 1.2 The scheme is brought to City Plans Panel, following an earlier presentation of the pre-application proposals on 12th March 2020. The proposals are presented to Panel as the development involves investment in a site which is in a prominent location and comprises a large-scale redevelopment scheme of a brown-field site.

2.0 SITE AND SURROUNDINGS:

- 2.1 The 'L' shaped site is 2.07 hectares of land located to the south of Kirkstall Road (A65) with a frontage onto the River Aire. There is one building on the site which were the offices of the former occupiers, Arla Foods. This is a 3 storey tiled building, dating from the 1960's, which is set immediately fronting Kirkstall Road. Adjacent to this is the main site vehicular access point.
- 2.2 To the south of the site is the River Aire and towpath of the Leeds-Liverpool Canal. To the west is Washington Street from which the site contains a second vehicular access. To the south-east is a Nissan car showroom / garage and its associated car park and to the north west fronting Kirkstall Road is the existing office building known as 'The Tannery' and the adjacent Kwik Fit depot.
- 2.3 On the northern side of Kirkstall Road are a number of commercial units including a brewery and a church as well as buildings associated with ITV television studios. Kirkstall Road itself was upgraded as part of a Quality Bus Initiative and now carries a dedicated bus lane on both outbound and inbound carriageways.
- 2.4 The site is referenced in the Leeds Site Allocations Plan as forming part of MX2-9, being identified for mixed-use development of primarily residential and office accommodation, but with other uses acceptable subject to adopted planning policy.

3.0 PROPOSAL

- 3.1 The scheme is for the redevelopment of the former Arla Foods site which is now a vacant and cleared brownfield site. The scheme is submitted as a hybrid application; in full for the demolition of existing buildings and structures and in outline (all matters reserved other than access) for the construction of residential dwellings and flexible commercial space ((former) use classes A1 (shops), A2 (financial and professional services), A3 (food and drink), A4 (drinking establishments), D1 (non-residential institutions) and D2 (assembly and leisure) and associated refuse and plant infrastructure, landscaping, new public realm and open space.
- 3.2 The Outline proposals would be a mainly residential-led development of six blocks totalling 631 units. The commercial space set at ground floor level, totals 965m². Three blocks would be located on the river frontage and three blocks in the smaller area adjacent to the road. The blocks are indicatively shown at a mix of heights ranging between 7 – 16 storeys to create visual interest.

- 3.3 The proposal is to demolish the existing former Arla office / depot building which fronts the site. The three new buildings (A, B and C) in the area fronting the road would be set in a U-shape plan as follows:
- Building 'A' fronting Kirkstall Road (stepped from 7 - 11 stories) would be set back by 5m from that of the existing building line and there would be an open aspect to a spine road immediately behind it to the south;
 - Building 'B' is set perpendicular to Building 'A' at its western end and is a 'landmark' building on the site set at 16 stories stepped down to 11 stories
 - Building 'C' is also set perpendicular to Building 'A' but at its eastern end and is set between 11-12 stories
- 3.4 The three buildings fronting the river (D, E and F) are all L-shaped in plan and would be set to create new open space areas fronting the river joined by a riverside walkway as follows:
- Building 'D' is set adjacent to Washington Street (to west) and the Tannery building car park (to north) and ranges from 7 – 10 stories
 - Building 'E' also fronts the river ranges from 7 – 11 stories
 - Building 'F' is set adjacent to the Nissan garage site and also ranges from 7 – 11 stories
- 3.5 The new open spaces would be proportionally of a significant size, the larger one approximately 70m x 70m with the smaller of the two being approximately 45m x 15m. This would contain landscaping along its northern side to screen an area of car parking set more to the front part of the site.
- 3.6 A centrally positioned new east/west spine road would run through the site. The buildings would be spaced apart to allow views through from south to north as well as to create pedestrian permeability.
- 3.7 Currently 631 residential units are proposed in total and these would be of a 'Build to Rent' (BTR) model. The applicant has stated that, given the Outline nature / size of the application, any subsequent (i.e. Reserved Matters) application would be supported by a Housing Needs Assessment in line with Core Strategy policy. However, indications at this stage are that the likely mix / provision would be:
- 1 bedroom units 321 (51%)
 - 2 bedroom units 264 (42%)
 - 3 bedroom units 46 (7%)
- 3.8 The site would be served by 242 surface level car parking spaces which is a ratio to the number of units proposed of approximately 38%, all with electric vehicle charging points. These would be provided within the U-shaped courtyard in the land adjacent to Kirkstall Road and beneath one of the buildings in the riverside area. It is the intention that spaces would be screened from view by the use of landscaping.
- 3.9 Supporting commercial uses are proposed on the ground floor to generate activity and interest and provide facilities for both the on-site and surrounding residential and commercial population. The 965m² of mixed use space proposed (café, food & beverage and creche) would be provided with a maximum of 450m² of retail space.

- 3.10 The single point of vehicular access/egress would be provided on Kirkstall Road with an 'exit only' on Washington Street.
- 3.11 The applicant has indicated that the residential provision would meet the full Core Strategy Policy H5 requirement for affordable housing at 7% of the unit numbers (44 units) and that their preference is to provide this on site, meeting the 60% social / 40% intermediate rental level split.
- 3.12 A wind study has been carried out in support of the Outline application based on the (indicative) massing models which have been submitted.
- 3.13 A Flood Risk Assessment has also been submitted with application.

4.0 RELEVANT PLANNING HISTORY

- 4.1 There is none directly relevant although the following history on adjoining sites is noted.
- 4.2 Following approval of the Leeds Flood Alleviation Scheme 2 under application 18/07367/FU and its subsequent variation application 19/06812/FU, the relevant discharge of condition application for this stretch of the river course is approved applications 19/06284/COND and 20/01633/COND. This relates to relevant zone 11 and specifically walls LB04A and LB04B. This is designed in accordance with the emerging proposals for the application site and includes a walkway beyond the low level defence wall (broadly 0.3m high here adjacent to the site) which itself is generally set at 8m back from the river edge. A further separate complimentary application for improvements to accessibility has been proposed under 19/00741/FU and is subject to separate funding arrangements to the main (defence) works scheme. However this has not reached a decision to date with the focus currently on the defence works.
- 4.3 Other applications are noted in reference to nearby large brownfield sites. This includes Reserved Matters (application 18/00604/RM, approved 02.08.18) to an original Outline permission (application 15/06844/OT, approved 14.07.2016 subject to a Section 106 agreement) for a mixed use development on the 'City Reach 1' site some 250m to the east. This is also a residential led scheme with ground floor commercial uses although, at time of writing, works have not commenced on the proposal.
- 4.4 Immediately to the west of City Reach 1 is the 'City Reach 2' development site. This is also a cleared brownfield site and was previously occupied by the former First Bus depot. This site is the subject of an Outline planning application (application 18/00622/OT) which was approved in principle by Members in May 2018 subject to resolution of flood risk measures and a Section 106 agreement. Since this time the flood risk issues have only recently been addressed by the applicant (consultations since received in June and July 2020 by Flood Risk Management and the Environment Agency retrospectively). This is a residential scheme and also forms the other half of the Site Allocation Plan MX2-9 site referenced above and in the policy section below.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 A pre-application presentation (PREAPP/20/00477) was made to members by the applicant team on 12th March 2020. Members were generally supportive of the scheme and offered the following comments:

- Members were generally supportive / welcoming of the proposed uses for the site
- Members were supportive of the emerging approach to public realm but further landscaping / greenspace provision was suggested and particularly along the Kirkstall Road frontage (to also mitigate against traffic pollution and act as a buffer to the residential blocks)
- Members wished to see significant greenspace and permeability throughout the site
- Consider use of photovoltaic cells and / or green infrastructure to screen surface parking the level of which itself should be further considered in light of this site's sustainable location
- Consider strong and innovative design and construction measures including for flood alleviation
- More internal space communally to be considered to encourage social community
- Riverside walkway to be widened at pinch points and greater connectivity to the riverside and east-west
- Aspiration for the provision of a river bus/water taxi point

6.0 PUBLIC / LOCAL RESPONSES

6.1 The application has been advertised by site notice on 10th July 2020 and newspaper advertisement (YEP) on 17th July 2020.

6.2 One representation (objection) has been received from the Civic Trust, who make the following points:

- Support the principle of high density residential sited around generous open space and opening up of the new river walkway;
- However, application needs further work before it can be supported;
- Residential blocks on the northern part of the site are too tall, overbearing and crammed in to achieve a satisfactory residential environment with a good outlook and amenity space (which is accentuated by the space between blocks A, B, C and F being allocated as an open car park);
- Amount of car parking proposed is dictating a layout and residential environment that is compromised;
- Given location, consider that a parking provision of 37% is far too high;
- Parking should be replaced with amenity space;
- Frontage to Kirkstall Road over-scaled / monolithic given relationship to The Tannery (heritage asset); it should offer more of a boulevard linking up to the riverside open space (more akin to City Reach scheme)
- 11-12 storey wall on eastern boundary a concern that will make future re-development of this adjacent site difficult

7.0 CONSULTATIONS RESPONSES

7.1 Statutory

Canal & River Trust (06/07): No objection.

Environment Agency (26/10):

No objection subject to the scheme being carried out in accordance with the submitted FRA and outline drainage strategy.

Highways England (11/08):

No objection subject to condition (Construction Traffic Management Plan to ensure construction is managed relative to peak hour traffic).

Highways Services (27/07, 28/10 & 03/12): Conditions recommended.

Transport Assessment accepted for impact on highway network from the development in its own right, however cumulative impact upon key junctions alongside other neighbouring developments is noted. Council is developing a more sophisticated adaptive signal control system along this section of Kirkstall Road. Contribution of £197,000 (£1000 per trip) has been calculated consistent with the City Reach development.

Upgrade to existing bus stop pole to a real time shelter identified on Kirkstall Road outside of the site frontage.

Improvements and upgrading identified to cycling lanes and north / south crossings (on Kirkstall Road (including a 4m wide footway and also a toucan crossing with cycle link), Washington Street (including a 3.5m wide public highway) / Studio Road and Wellington Bridge / Bingley Street) identified to link better with the City Centre / neighbouring communities (policy CC3).

Level of parking acceptable and 2 car club spaces should be provided along with high quality enclosed and overlooked long and short stay cycle parking respectively.

Supplementary independent Stage 1 Road Safety Audit of access will also be required as a final check before works can be formally accepted.

Yorkshire Water (17/08): No objection (subject to conditions).

7.2 **Non-Statutory**

Children's Services (Education): Contribution to school place provision locally requested. An expected demand of 15 primary school pupil places would be created by the current development, 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 MX2-9. At this moment, given the number of units and their mix of sizes the figure calculated is £162,510.31.

Contaminated Land (17/12): No objection (subject to conditions).

Environmental Health (26/08): No objection (subject to conditions).

Environmental Studies (Air Quality) (16/07): No objection.

Environmental Studies (Transport Studies) (06/07): No objection.

Flood Risk Management (26/06): No objection (subject to condition).

Nature Conservation Officer (24/09): No objection (subject to conditions).

Travelwise (13/07): No objection.

In accordance with the SPD on Travel Plans the Travel Plan should be included in the Section 106 Agreement along with the following:

- a) Leeds City Council Travel Plan Review fee of £6,563,
- b) provision of 2 EV charging spaces for the Council's approved car club operator.
- c) provision of a Residential Travel Plan Fund of £157,907.75, Some of which is to be expended on Leeds City Council Car Club free trial membership and usage package. A 50% discount has been applied as the development is within the city centre fringe. The travel plan fund contribution must be paid prior to commencement of the development

West Yorkshire Police ALO (14/07): No objection but requests ongoing discussion of (emerging) plan detail.

West Yorkshire Archaeology (27/07): No objection subject to condition (archaeological recording).

Wind Consultant Peer Review (27/11): No objection (subject to condition) and further consideration upon exact designs at Reserved Matters stage.

8.0 RELEVANT PLANNING POLICIES

8.1 Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

Sections 72 and 66 of the Listed Buildings and Conservation Areas Act 1990 identifies the general duty with respect to any buildings or other land located within a Conservation Area. Parliament requires the decision-maker to give considerable importance and weight to the preservation or enhancement of the character or appearance of a Conservation Area. Moreover, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The Development Plan for Leeds currently comprises the following documents:

1. The Leeds Core Strategy (as amended by the Core Strategy Selective Review 2019)
2. Saved Unitary Development Plan (UDPR) Policies (2006), included as Appendix 1 of the Core Strategy
3. The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013) including revised policies Minerals 13 and 14 (Adopted September 2015).
4. Any Neighbourhood Plan, once Adopted
5. Aire Valley Area Action Plan (adopted 2017)
6. Site Allocations Plan (adopted 2019).

8.2 Leeds Core Strategy (amended by the Core Strategy Selective Review 2019)

The adopted Core Strategy (as amended) sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. The most relevant policies are set out in the paragraphs below:

Spatial Policy 1: Location of Development: prioritises the redevelopment of previously developed land within the Main Urban Area, taking advantage of existing services and high levels of accessibility.

Spatial Policy 8: Economic Development Priorities: supports a competitive local economy through promoting the development of enterprise and innovation.

Spatial Policy 9: Provision for offices, industry & warehouse employment land and Premises: potential job growth in the traditional employment land use sectors (offices, industry and warehousing) will be accommodated over the plan period by ensuring locations and sites provide:

- (i) A minimum of 706,250 sqm office (B1a class) floorspace in the District. 840,000 sqm already exist in planning permissions. To provide flexibility when determining renewals on existing out of centre permissions a minimum of an additional 160,000 sqm will be identified in or on the edge of the City Centre and Town Centres,
- (ii) A minimum of 493 ha of land of general employment land for uses such as research and development, industrial and distribution/warehousing uses in the District (B1b, B1c, B2 and B8 classes). The locations and sites will appear across the whole of the District.

Spatial Policy 11: Transport Strategy Investment Priorities: sets out a series of spatial priorities for the delivery of an integrated transport strategy for Leeds and improved facilities for pedestrians particularly connectivity between the edges of the City Centre and the City Centre.

Policy CC3: Improving Connectivity between the City Centre and Neighbouring Communities: within new development, seeks to provide and improve routes connecting the City Centre with adjoining neighbourhoods and improve connections within the City Centre in order to improve access to jobs and services, to encourage greater usage and make walking and cycling easier, safer and more attractive.

Policy H1: Managed Release of Sites: The LDF Allocation Documents will phase the release of allocations according to the following criteria in order 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 Residential Development: Housing development in Leeds should meet or exceed the following net densities unless there are overriding reasons concerning townscape, character, design or highway capacity:

- (i) City Centre and fringe - 65 dwellings per hectare

Policy H4: Housing Mix: residential developments to provide an appropriate mix of dwelling types and sizes to address long term needs.

Policy H5: Affordable Housing: the Council will seek affordable housing either on-site, off-site or financial contributions from all developments of new dwellings. Housing developments above a certain threshold should include a proportion of affordable housing to be normally provided on the development site.

This be based upon the following split:

- 40% affordable housing for Intermediate or equivalent affordable tenures
- 60% affordable housing for Social Rented or equivalent affordable tenures

The policy also refers to Affordable Housing within Build to Rent (BtR) schemes. This offers the following options:

- 20% of the units to be let at 20% below market rent;

- 7% of the units to be let on a 60/40 split lower decile/lower quartile rent;
- financial contribution for provision off site.

Policy H8: Housing for independent living: developments of 50 or more dwellings are expected to make a contribution to supporting needs for Independent Living.

Policy H9: Minimum Space Standards: to be adhered to for residential accommodation.

Policy H10: Accessible Housing Standards: accessible and adaptable housing to be provided. 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 EC3: Safeguarding Existing Employment Land and Industrial Areas:

Part A: For all sites across the District (outside of areas 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

Part B: Where a proposal located (also) in an area of shortfall as identified in the most recent Employment Land Review would result in the loss of a general employment allocation or an existing use within the Use Classes B1b, B1c, B2 and B8, non-employment uses will only be permitted where:

The loss of the general employment site or premises can be offset sufficiently by The availability of existing general employment land and premises in the surrounding area (including outside the areas of shortfall) which are suitable to meeting the employment needs of the area.

Policy P8: Sequential and Impact Assessments for Main Town Centre Uses: Leeds City Council has adopted a centres first approach to main town centre uses as set out in Policy SP2. Proposals must accord with the following sequential and impact assessment requirements. Impact assessments should be proportionate to the level of development proposed.

Policy P10: Design: New development for buildings and spaces to be based on a thorough contextual analysis, deliver high quality innovative design that contributes positively towards place making and is accessible to all. Car parking, cycle, waste and recycling storage should be designed in a positive manner and be integral to the development.

Policy P11: Conservation: outlines that the historic environment, consisting of archaeological remains, historic buildings, townscapes and landscapes, including locally significant undesignated assets and their settings, will be conserved and their settings will be conserved, particularly those elements which help to give Leeds its distinct identity. Development proposals will be expected to demonstrate a full understanding of historic assets affected

Policy P12: Landscape: The character, quality and biodiversity of Leeds' townscapes and landscapes, including their historical and cultural significance, will be conserved and enhanced to protect their distinctiveness through stewardship and the planning process.

Policies T1: Transport Management and T2: Accessibility Requirements and New Development: identify measures to ensure new development is adequately served by highways and public transport, and provides safe and secure access for pedestrians, cyclists and people with impaired mobility.

Policy G4: New Greenspace Provision: requires on-site green space on a 'per residential unit' basis. Where this quantity of green space is unachievable on-site a financial contribution, or a combination thereof, should be sought.

Policy G8: Protection of important species and habitats: Development will not be permitted which would seriously harm, either directly or indirectly, any sites designated of national, regional or local importance for biodiversity or geological importance or which would cause any harm to internationally designated sites, or would cause harm to the population or conservation status of UK or West Yorkshire Biodiversity Action Plan (UK BAP and WY BAP) Priority species and habitats.

Policy G9: requires an overall net gain for biodiversity commensurate with the scale of new development including new areas and opportunities for wildlife in the Leeds Habitat Network. There should be no significant adverse impact on the integrity and connectivity of the Network.

Policy EN1: Climate Change – Carbon Dioxide Reduction: sets out the sustainable construction and on-going sustainability measures for new development. It establishes targets for CO₂ reduction and requires at least 10% low or zero carbon energy production on site.

Policy EN2: Sustainable Design and Construction: requires developments of 1,000 sqm of non-residential development to be BREEAM 'excellent' and of more than 10 dwellings to meet a water use standard of 110 litres per person per day.

Policy EN4: District Heating: Hierarchical approach to connection to a district heating system.

Policy EN5: Managing Flood Risk: identifies requirements to manage flood risk.

Policy EN8: Electric Vehicle Charging Infrastructure: outlines the ratio of Electric Vehicle Charge Points (EVCP) required across different development uses / proposals.

Policy ID2: Planning Obligations and Developer Contributions: Section 106 planning obligations will be required as part of a planning permission where this is necessary, directly related to the development, and reasonably related in scale and kind in order to make a specific development acceptable.

8.3 Saved Unitary Development Plan Policies

- GP5 Requirement of Development Proposals
- N25 Development and Site Boundaries
- N39B Watercourses and new Development
- BD2 Design and Siting of New Buildings
- BD3 Disabled Access - New Buildings
- BD4 Mechanical Plant and Service Areas
- BD5 Amenity and New Buildings
- LD1 Landscaping schemes
- ARC6 Preservation by Record

8.4 Leeds Natural Resources and Waste DPD 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 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. Relevant policies include:

- Minerals 2 and 3 requires that within development sites, removal of sand and gravel (sites over 1 Ha) and coal extraction (all non-householder) respectively are considered in proposals
- Air 1 All major applications required to incorporate low emission measures
- Water 1 requires water efficiency, including incorporation of sustainable drainage
- Water 2 requires development to demonstrate surface water runoff controls for the lifetime of development including construction
- 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

8.5 Site Allocations Plan (SAP):

Following a statutory challenge, Policy HG2, so far as it relates to sites which immediately before the adoption of the SAP were within the green belt, has been remitted to the Secretary of State and is to be treated as not adopted. All other policies within the SAP remain adopted and should be afforded full weight.

The site for consideration by Members as part of this proposal is not a site so affected by the statutory challenge, such that it remains adopted within the SAP and its allocation for housing carries full weight).

Both this site and the site to the east of the Nissan Garage have been identified as site MX2-9 which is allocated for mixed-use development. This allocation sets out the following:

- This site is suitable for a mixed use development, 41,000sqm of offices and 520 residential units, but other uses would be acceptable subject to adopted planning policy.
- 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 congested Willow Road junction and A65/A58/Wellington Street gyratory. A contribution towards mitigation measures at these locations will be required. There will also be a cumulative impact at Armley Gyratory and at M621 junction 2. A contribution towards the Leeds City Centre Package scheme and the Highways England Road Investment Strategy will also be required. There is also likely to be a cumulative impact at the junction of Willow Road/Burley Road, 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) needed alongside the River Aire.
- Education Provision: Part of the site should be retained for the provision of a school (see response from Children's Services above and commentary below).

It is noted that the existing Tannery office building is included within the SAP area.

8.6 Supplementary Planning Guidance / Documents

Accessible Leeds SPD (2016): Guidance document is intended for use by developers, architects, design teams, and those applying for planning permission, to ensure an inclusive design approach is adopted

Biodiversity and Waterfront Development (2006): 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.

Designing for Community Safety: A Residential Design Guide (2007): This guide demonstrates how good design and good physical security can complement the environment and create safe, sustainable communities

Neighbourhoods for Living: A Guide for Residential Design in Leeds (December 2003, updated 2015) 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.

Parking SPD (2016): sets out parking guidelines across the City

Public Transport Improvements and Developer Contributions (2008): Sets out when an applicant for new development in Leeds will be required to make a contribution toward public transport improvements or enhancements.

Street Design Guide (2009): This is a key element to delivering high quality residential and mixed development environments in the City, and should be used in the context of other national and local planning or design guidance.

Sustainable Design and Construction SPD (Building for Tomorrow Today) (2011, updated 2020): Advocates the use of a range of measures to ensure that the best possible practices are used to ensure a sustainable environment is created.

Tall Buildings Design Guide (2010): The aim of this document is to provide clear design guidance on the location, form and appearance of tall buildings so that they can be successfully integrated into the environment and contribute to the changing skyline of the city.

Draft Transport SPD (2020): Amalgamating the Street Design Guide SPD, Parking SPD, Travel Plans SPD and Public Transport and Developer Contributions SPD, The Transport SPD is intended for use by developers, design teams and others, and seeks to stimulate innovative designs that are appropriate for the context, character and location of a site and can be used safely by the travelling public.

Travel Plans SPD (2015): This Supplementary Planning Document (SPD) sets out the Leeds City Council (LCC) requirements for travel plans and identifies when they are required in support of a planning application. It is also intended for use by existing firms or organisations who wish to draw up a travel plan to facilitate more efficient and sustainable working practices.

Waterfront Strategy (2002): 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. This document should be read in conjunction with the Biodiversity and Waterfront Development (2006) SPD.

8.7 National Planning Policy Framework (NPPF)

The NPPF and the National Planning Practice Guidance (NPPG) set out the national policies for England and how these are expected to be applied. One of the key principles running through the NPPF 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.

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.

The below sections of the Revised NPPF are also considered to be relevant:

Section 5: Delivering a sufficient supply of homes – to support the Government’s objectives of significantly boosting the supply of homes.

Section 7: Ensuring the vitality of town centres - Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre.

Section 9: Promoting Sustainable Transport – 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

Section 12: Achieving well-designed places

Para 127: 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 users 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, flooding and coastal change -

The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Section 15: Conserving and enhancing the natural environment - Planning policies and decisions should contribute to and enhance the natural and local environment.

Section 16: Conserving and enhancing the historic environment –

Para 192: In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness

8.8 Other Material Considerations

Kirkstall Road Renaissance Area Planning Framework (KRRAPF) (2007):

This is adopted as Informal Guidance for planning purposes. It aims to promote the regeneration of the area in a manner which will establish a real 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 Road 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:

- Appropriate height, scale and massing
- Suitable 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 Road corridor, to be achieved in conjunction with works already undertaken as part of the Quality Bus Initiative (QBI).

A vehicular access road running parallel with Kirkstall Road is advocated exiting on to Washington Street.

Building heights are set out on a plan and are between 4 and 6 storeys fronting Kirkstall Road with 3 to 4 storeys in the main body of the site. A pedestrian and cycle link across the river to the canal towpath is also advocated on Washington Street.

Flood Alleviation Scheme 2 (FAS2):

The Council, with advice from the Environment Agency, are currently constructing a package of measures which are to contribute to flood resilience in the Kirkstall Road corridor and upstream within the River Aire catchment. Given the immediate nature of the timing of these works, they will already be in place along this stretch of the river bank at the time of construction of the proposed development. The proposal will therefore have to be constructed in line with the requirements and limitations of the FAS2 scheme and this position is fully accepted by the applicant.

9.0 KEY ISSUES

9.1 Principle of Proposed Uses

- 9.2 The site is located in a mixed use area which in recent years has seen a gradual replacement of traditional industrial uses with a wider mix of uses, including residential development. The existing consent on City Reach 1 is for mixed use, predominantly residential, across a mix of tenures (BTR, PFS and students) with supporting commercial uses. This scheme is proposing a similarly residential led scheme with BTR as the main sector and a mix of ground floor supporting uses.
- 9.3 The SAP identifies this site, along with the site to the east, for major mixed use redevelopment (SAP ref. MX2-9), comprising housing and office uses. 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 the word 'or', only one of the three criteria needs to be satisfied for Policy EC3 to be satisfied.
- 9.4 Part A (i) relates to the loss of employment sites necessary to meet employment needs during the plan period. The site is proposed as a mixed use allocation for employment in the SAP with an indicative capacity of 41,000m² for new office floorspace across the whole MX2-9 site. The employment needs for the district for office uses are set out under Part (i) of Core Strategy Spatial Policy 9.
- 9.5 As of April 2020, 197,000m² of office floorspace has been developed across the district since 2012 and 989,000m² is currently available on allocated and windfall sites. This represents a total supply of 1,186,000m² for office floorspace for the 2012-28 plan period. Allowing for the 'loss' here of 41,000m² at the application site, this supply remains well above the Core Strategy policy SP9 requirement of 1 million square metres.

- 9.6 Therefore, it is considered that the proposal would satisfy the criterion under Part A (i) of Policy EC3 and on balance, bearing in mind the other benefits of the overall proposal, including some other employment generating uses, the SAP allocation for office use could be set aside in this case, subject to the satisfactory resolution of all other planning considerations.
- 9.7 It is also noted that the MX2-9 site includes the existing 'Tannery' office building which means that the site does already have an office element as part of the wider use mix. In addition, given there is planning policy support for residential use on this site, the proposal is meeting other policy objectives.
- 9.8 The site is well placed for sustainable residential development and in being located only just over 300m from the City Centre boundary it can almost be classed as an 'edge of Centre' site (NPPF). It is located in relation to existing public transport provision, with both frequent bus services along A65 Kirkstall Road and being only a 20 minute walk to the City's Railway Station. The residential nature of the development ties in with other committed residential developments (built out and emerging) either side (inbound and outbound) of Kirkstall Road (e.g. City Reach 1 & 2) and also in the surrounding area including Otter Island. Other applications previously submitted for residential developments are also noted at sites such as Canal Mills, south of the canal / river and at 84 Kirkstall Road.
- 9.9 As a previously developed (brownfield) site with a high density of residential development, the application would be appropriate to the requirements of policies H1 and H3 of the Core Strategy.
- 9.10 The SAP also indicates that school provision should be considered as part of the combined allocated site area. However it has been established that the pupil yield from flat development is not as great as that from traditional housing. As a result it has been concluded that, based on the likely housing mix, new school provision on MX2-9 would not be required. An expected demand of 15 primary school pupil places which has been suggested by Children's Services would be better managed by creating additional new capacity within the existing (surrounding) school estate, rather than through the opening of a new school on MX2-9. However, this position should be reassessed if the proposed housing capacity or mix changes and this results in an increase in projected pupil yield to the point that new school provision becomes the preferred option.
- 9.11 Therefore at this stage as detailed in the Education Assessment document (Jan 2018), an offsite education contribution in lieu of new on-site school provision is considered to be an acceptable approach to ensure school place demand generated by this site is managed through expansion of existing school capacity within the vicinity of the development. A contribution is expected instead based on the number and size of units proposed, being £162,510.31. As this is an Outline application this figure is indicative at this point.
- 9.12 The scheme also proposes mixed use ground floor space to provide support for the residential uses on the site as well as to provide livelier and active frontages. The applicants recognise that *technically* a Sequential Assessment can be requested / generated under policy P8. However, a number of specific considerations arise in this regard in respect of this application – i.e. the location of development (approximately 310m from the City Centre boundary); the nature of these uses which are complimentary to the sustainable place making objectives of this future residential development; and other future nearby major residential developments which it is

anticipated will be served by this mixed use ground floor space. Some degree of flexibility should therefore be accredited to the (restricted) level floorspace proposed for such 'main town centre' uses. The use of floorspace in this way would therefore be ultimately be controlled by condition to a maximum level in the Outline nature of the application and it is considered this is appropriate in relation to policy P8.

9.13 Layout, Design and Massing

9.14 This site occupies a prominent position on the southern side of Kirkstall Road, which is the city's main western arterial route. The existing context of development is one which rises in scale towards the city centre on the northern side of Kirkstall Road. On the southern side of the road spreading out from the City Centre a number of sites are being or have been cleared for re-development purposes. This includes the consented and proposed schemes on City Reach to the east.

9.15 It is clear that the scale of the current proposal is greater than that envisaged by the KRRAPF. However, it is considered that the increase in scale is appropriate on this main arterial route if handled well from a massing and design perspective. Information on this will be displayed as part of the panel presentation. As the wider area is currently generally in commercial/office use, or vacant, there are no existing uses which would suffer a loss of amenity through the increase in scale of the proposals.

9.16 Indeed, it is considered that some variation to the heights of the buildings provides visual interest, and in the case of the tallest element, would create a focal point for the scheme, to the benefit of urban design and place-making objectives. The ability to build higher also places less pressure on the footprints of the buildings which enables a greater proportion of the site to be laid out as communal open space, which is another advantage. It is considered that the emerging scheme is compatible with the objectives of the Tall Buildings Design Guide SPD and the emerging and consented plans for the City Reach site in the same skyline.

9.17 This layout also makes very efficient use of the land as a very sustainable development opportunity when set against a more traditional residential estate type scheme (i.e. such as at Otter Island). The proposals represent the regeneration of a large brownfield site in a location with good quality existing public transport infrastructure and would make a significant contribution to the council's housing need. Therefore this type and density of proposal is considered appropriate in this location and officers consider that the emerging approach to scale and massing is likely to be acceptable within the immediate context of Kirkstall Road and the riverside setting.

9.18 The main publicly accessible open space areas are proposed to be located adjacent the river. This follows the pattern set by the City Reach proposals to the east. This is considered to form the most appropriate layout based upon a number of key objectives:

- nature conservation in providing a buffer of the development to the river watercourse and canal as key habitat corridors

- provides attractive and more desirable accessibility routes alongside the watercourse dovetailing with planned and future improvements of the Flood Alleviation Scheme (FAS2)

- provides the best area within the site to provide an open space setting away from the busier north-east side of the site adjacent to Kirkstall Road and other commercial uses

- allows for appropriate on site flood risk mitigation to be installed into the site layout alongside the FAS2 scheme

- the open space will also face south-west, which is beneficial for sunlight penetration. Eventually the site would be joined to the City Reach sites by the riverside walkway and its associated bridge planned across the river to the Leeds/Liverpool Canal towpath (Trans-Pennine cycle Route 66).

9.19 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 (a key objective of policy CC3 as well as the KRRAPF). The alignment of the east-west spine route provides a clear order to the development and offers the ability to link to the neighbouring sites whilst also allowing views through to the neighbouring scheme. This is fully supported as part of the KRRAPF requirements. It would also ensure that a hierarchy of routes would exist from the pedestrianised riverside walkway, through the spine road and then onto the main thoroughfare along Kirkstall Road with its Quality Bus Initiative. The building fronting Kirkstall Road is set back by 5m to enable an improved frontage to the scheme in line with the objectives set out in the KRRAPF and to improve the existing bus stop provision (allowing for a shelter to be provided), pedestrian and cycling opportunities.

9.20 It is reiterated that the application is Outline in nature with only the matter of Access under formal consideration. Any images and plans of detailed design can only be considered indicative at this stage. However any designs produced as part of future Reserved Matters application(s) would be expected to meet key adopted design and policy requirements in respect of space standards (Core Strategy policy H9), accessible housing (Core Strategy policy H10) and residential amenity considerations.

9.21 Highway Considerations

9.22 The Transport Assessment is accepted for its conclusions on the impact on the highway network from the development in its own right. However in respect of the cumulative impact upon key junctions alongside other neighbouring developments, a contribution is sought in line with the guidance of the draft Transport DPD. The Council is developing a more sophisticated adaptive signal control system along this section of Kirkstall Road. The contribution of £197,000 (£1000 per trip) has been calculated consistent with that of the City Reach development.

9.23 Other public transport and footway improvements are necessary to further enhance this site given its bus, foot and cycle opportunities for encouraging sustainable travel patterns. This includes the upgrade of the existing bus stop pole to a real time shelter identified on Kirkstall Road outside of the site frontage.

9.24 Improvements and upgrading to cycling lanes and north / south crossings (on Kirkstall Road (including a 4m wide footway and also a toucan crossing with cycle link), Washington Street (including a 3.5m wide public highway) / Studio Road and Wellington Bridge / Bingley Street) has also been identified to link better with the City Centre / neighbouring communities (reference to Core Strategy policy CC3).

9.25 The proposal seeks to locate the car parking beneath the buildings and across an area of surface parking principally set between blocks A, B and C towards the front (northern) half of the site although another smaller area is set between blocks E and F also. The intention is to locate the parking in areas that reduce its wider visual impact

from the primary routes and to screen views with landscaping. The applicants view is that this means each resident parks close to their respective building.

- 9.26 The scheme proposes 242 spaces (all electric charge point spaces), which at 38% the Highways consultee has accepted is an appropriate level balancing a level of demand against the highly accessible location and existing public transport provision. It is considered that any higher level of parking ratio would reduce the sustainable travel credentials of the scheme including the Travel Plan and have additional impact upon the level of public realm. Landscaping in the form of both the open space and street trees are intended to assist in screening the views of this where the building block do not already. 2 car club spaces would be provided along with high quality enclosed and overlooked long and short stay cycle parking respectively.
- 9.27 The KRRAPF makes reference to the provision of a potential crossing over the river at the end of Washington Street. However, the route is by no means a simple one as there is an estimated 8m vertical level change from Washington Street up to the canal towpath. In addition the space on the southern side of the river is part of the Leeds Habitat Network which forms a continuous belt of uninterrupted riverside land from Viaduct Road to Holts Crest Way. The City Reach development is also noted to provide such a crossing link across the Aire utilising the existing bridge landing points (either retaining the existing bridge or constructing a replacement) between the site (City Reach 1) and the Otter Island development. Therefore in this context it is not considered necessary or practical for the redevelopment to provide a footbridge crossing over the River Aire.
- 9.28 Wind
- 9.29 The application has been supported by a Wind Assessment (Pedestrian Comfort Wind Analysis) by Wirth Research (WR) which has been reviewed by Tobermory Consultants on behalf of the Council. The Review has concluded as follows:
- 9.30 WR have applied a highly detailed CFD (Computer Fluid Dynamics) analysis approach to the modelling, using appropriate tools and significant computing resources; there are no concerns over any aspect of the modelling approach.
- 9.31 WR did not use the wind data in the LCC Guidance (Draft Wind and Micro-climate Toolkit 2019), but instead generated wind profiles from a suitable source and applied a standard method for calculating the profiles. This is an acceptable alternative approach.
- 9.32 The detailed wind study has demonstrated that whilst the existing, baseline conditions for the site are rather windy, the proposed development layout appears to provide largely suitable wind conditions, onsite and offsite.
- 9.33 There was one onsite area where the 15m/s wind safety criterion was exceeded in the new development, in the existing surrounds, but this was removed by modelling the provision of some on site wind baffles. These have been shown indicatively only at this stage given the Outline nature of the application and their full details and delivery will be controlled by condition.
- 9.34 Offsite wind conditions are generally unchanged or improved with the construction of the new Development, plus the proposed mitigation measures. There were two exceptions to this identified in the original modelling submission: at the south-eastern corner of the site in the riverside walkway, and at the end of Holt's Crest Way (Otter Island), where conditions become a little windier due to the presence of block F in the

new Development. However revised modelling work and the final proposed mitigation scheme rendered conditions acceptable for walking on the riverside walkway, and the Holt's Crest Way comfort exceedance was found to be the result of overly conservative modelling, and disappears if a more realistic modelling approach is taken.

- 9.35 The wind study has demonstrated that there is a potential for blocks F and C to generate some uncomfortable onsite and offsite wind conditions, in the existing surrounds scenario. A set of mitigation measures have been proposed, and these have been shown to be effective in mitigating these wind issues. However, since the design is only at Outline stage, then it is recommended that these mitigation measures should be reviewed again by the Developer and its wind consultant at detailed design stage. The recommendation for a review of the wind assessment at detailed design stage will be controlled by condition.
- 9.36 Affordable Housing
- 9.37 In respect of affordable housing, the applicant has indicated their willingness to meet the CSSR Policy H5 requirements and to do so on site (7% of the total units meeting the 60% social: 40% intermediate rent split). It is anticipated that the affordable housing provision will be apportioned within each building on a pro-rata basis reflecting the overall mix and size of accommodation within each building to be agreed at detailed design stage. This matter will be controlled in the Section 106 legal agreement.
- 9.38 Greenspace, Open Space
- 9.39 In respect of the requirements of Core Strategy Policy G4, para 5.5.18 of the Core Strategy is considered relevant:
- “5.5.18 As the green space requirement is expressed as an amount of green space per dwelling, high density developments (65dph (net)) usually found in or on the edge of town centres may generate requirements for green space that cannot be delivered on-site. For such schemes an expected level of 20% of green space should be provided on-site with the residual being provided off-site or in the form of a commuted sum. However, it is accepted that there may be particular site circumstances to justify a higher or lower quantity than 20% on-site.”*
- 9.40 The applicant has recognised this through their layout plans which have broadly shown around 30% of the whole site area is provided as open space and the layout / designs here are also aligned with the FAS2 strip of land set back from the river edge with its defence wall and landscaping / public realm improvements. The applicant also suggests that 50% of the site is either dedicated open space or public realm and devoid of built development.
- 9.41 The arrangements as designed contribute to policy G4's provision on site with the remaining demands from the new development to be provided as a commuted sum. Given the emerging indicative levels of development this would equate to £624,458.09, which would be sought through the Section 106 agreement and to be used for local Greenspace purposes as identified through Parks & Countryside at the appropriate point of delivery.
- 9.42 Sustainable Development Credentials
- 9.43 The applicant is keen to deliver a highly sustainable development and has provided a Sustainability Statement to this effect. Given the sustainable location of the site,

the ability to provide a large area of landscaped open space and the commitment to sustainability principles, it is expected that the scheme as an Outline application with detailed design matters reserved will meet all local and national policy objectives on sustainable construction and practice.

9.44 However the following measures have been outlined in the Sustainability Statement and are of note in meeting the requirements of policies EN1 and EN2 in particular:

- Low energy LED lighting and control system
- Use of air source heat pumps alongside heat recovery ventilation
- Dedicated cycle storage systems
- Segregated waste systems
- Sustainable building and area user guide for residents
- High quality open space provision
- Considerate Constructors Scheme including signing up to sustainable sourcing of low carbon impact materials

9.45 This matter is also conditioned for fuller consideration as part of future Reserved Matters design.

9.46 Design and Future Amenity of Occupiers

9.47 The applicant has also provided a Noise Impact Assessment. The conclusions of the Environmental Health Officer (Pollution Control) note that whilst some noise and odour exists in the wider locality which can have potential effects upon the development, these impacts can be mitigated through the detailed design recommendations and conclusions reached within this assessment and subsequent correspondence between this consultee and the applicant team.

9.48 Further Environmental Health consultee input has also been received from Air Quality and Transportation colleagues, who have overseen the detailed report and conclusions of Air Quality and Odour Assessment and Noise Impact Assessment and are satisfied that the accommodation to be provided would give a suitable environment for residential amenity to be safeguarded for future occupiers from surrounding land uses and transport.

9.49 Accessibility and inclusivity

9.50 Even though this is an Outline application with detailed design matters reserved it is possible to establish from the information provided that the proposal has the potential to create a fully accessible environment. The site is generally flat and there is a large amount of open space to be provided which would allow all accessibility standards and requirements to be achieved as also controlled through condition. In addition the applicant has indicated their desire to meet accessibility standards.

9.51 Flood Risk / Drainage

9.52 A full Flood Risk Assessment and Outline Drainage Statement has been provided and the conclusions accepted (subject to conditions) by Environment Agency and Flood Risk Management consultees. An Exception Test was also carried out by the Council in the original allocation of this mixed use site. This provided the basis which satisfactorily addressed the social, economic and environmental benefits of

this site for sustainable development purposes outweighing flood risk, subject to resolution of an acceptable Flood Risk Assessment on development proposals.

- 9.53 The site is set within Flood Zone 3a (high probability). This is recognised with the Leeds Strategic Flood Risk Assessment (2007). Since then the Boxing Day floods provide further background context as to the credentials of the site in respect of flood risk. The application site was not recorded to have flooded in the year 2000 event. The flood extents in the vicinity of the site were shown to be contained to the river channel at that time. However the more dramatic 2015 event outlines of the plotted / recorded flood map extend from the river channel to Kirkstall Road, with Kirkstall Road reported as acting a secondary river channel after a breach occurred further upstream. As of March 2020, no flooding is known to have occurred in this area since 2015 (including February 2020 Storm Ciara). Extracts of the Environment Agency's 'flood risk from surface water' map have also been reviewed which conclude the risk to the site is 'low' from a variety of flood event scenarios.
- 9.54 The applicants have also had access under agreement to the Council's detailed flood modelling analysis used for the Flood Alleviation Scheme Phase 2 (FAS2) developed by flood modelling company Thomas Mackay. This provides an up to date baseline for assessment. This analysis is also provided within their submitted report (Appendix F). The modelling carried out by Thomas Mackay has generated flood mapping to demonstrate that the development proposals are flood safe and do not increase risk off site. The information is presented in the following set of mapping all of which are provided for the 1 in 100 year, 1 in 100 year + 30% climate change and 1 in 100 year + 50% climate change events.
- 9.55 The general design approach of the site layout is to provide any commercial uses at ground floor level with residential units set at first floor and above. Notwithstanding this approach, minimal finished floor levels have been provided (as also controlled under condition) at a flood safe level of 31.6m AOD (Above Ordnance Datum). The area of open space is also strategically positioned adjacent to the river further allowing for good sustainable infiltration and further reducing controlled surface water run off levels. Also conditioned will be a Flood Evacuation Plan and the detailed drainage design.
- 9.56 Notwithstanding all of the above, additional defence measures in the form of the FAS2 scheme are well underway in construction along this stretch of the river (zone 11 of the scheme) with the initial (Step 1) 1:100 year defence scheme expected to be completed by late 2022. This would give protection to the site itself from flooding events based upon a 1:100 year (+ climate change) frequency. An additional (Step 2) proposal is expected shortly to be proposed which would, subject to being granted, raise this to a higher level of protection up to 1:200 year (+ climate change) frequency.

10.0 CONCLUSION:

- 10.1 This scheme represents an opportunity to continue the introduction of residential led development on the southern side of Kirkstall Rd following on from approval of the same at City Reach. It would, provide large areas of open space as well as connectivity to the waterfront and a new section of riverside walkway. The proposed residential use on this site is in line with national policy, as is the provision of affordable housing and this is clearly to be welcomed. In conclusion the emerging scheme is supported by both local and national policy.

- 10.2 This proposal would provide a mixed-use development incorporating residential units that will be conditioned to meet adopted space standards and have a high level of amenity in an accessible and prominent location, whilst providing policy compliant on-site affordable housing. The commercial units would provide employment opportunities and service occupiers in the local area. The form and scale of the proposal would enhance the character of this part of Kirkstall Road and the landscaped open spaces and new routes through the proposal would improve environmental quality and pedestrian permeability.
- 10.3 Importantly, it indicates that mixed-use (incorporating residential) development can be made to work in an area of high flood risk if the scheme is designed to take account of it at an early stage. In this case, through the location of the parking at ground level with residential units raised above the flood levels, the scheme and its occupiers can be physically protected. In addition, it is a development which can be mitigated from the impact of the wind both within the footprint of the buildings and surrounding public realm / site estate.
- 10.4 It is considered that this proposal would act as a catalyst for the regeneration of the area and, for the reasons set out above, the application is considered acceptable subject to the attached conditions and the obligations to be included in the Section 106 Agreement.

BACKGROUND PAPERS:

Application file: 20/03494/OT

Pre-application file: PREAPP/19/00477

Application files: City Reach 1 approval ref. 15/06844/OT and 18/00604/RM

Application file: City Reach 2 app. ref. 18/00622/OT

Application file: Holts Crest Way approval ref. 13/05566/FU

Application files: FAS2: 18/07367/FU, 19/06812/FU and 19/00741/FU

APPENDIX 1: Draft List of Conditions

1) 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.

2) 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

3) Application for approval of reserved matters for all phases of development shall be made to the Local Planning Authority before the expiration of five 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

4) The first phase of development hereby permitted shall be implemented either before the expiration of seven 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 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

5) 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

6) The commercial uses other than (former use class) A1 hereby permitted shall be limited to the maximum Gross Internal Area of 1,499 sqm and no single use class shall account for more than half of this total floor space.

In order to ensure that the developed scheme does not exceed the floor spaces which

have been used to assess the impact which this proposal will have on surrounding centres, including the neighbouring buildings and the local highway network and to ensure a mix of uses is provided. In the interests of proper planning in accordance with policy P8 of the adopted Leeds Core Strategy 2019.

7) The (former use class) A1 retail floorspace shall be for convenience retail use only and shall not exceed a total of 450sqm on the entirety of the site.

In the interests of the vitality and viability of existing retail centres, in accordance with Leeds UDPR Policy GP5, Leeds Core Strategy policies SP2, SP3, P8 and CC1 and the NPPF.

8) Prior to the use on site of the external materials to be used for 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.

9) Prior to the commencement of building works in each phase 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

10) Prior to the commencement of landscaping works in each phase of development full details of both hard and soft landscape works, including an implementation and maintenance 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, British Standard BS 4428:1989 Code of Practice for General Landscape Operations and maintained in accordance with the

maintenance programme.

The developer shall complete the approved landscaping works for each phase 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.

11) If within a period of five years from the date of the planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the Local Planning Authority.

To ensure maintenance of a healthy landscape scheme.

12) Remediation measures are shown to be necessary following the approved Site Investigation Reporting and soil or soil forming material is being imported to site. Development (excluding demolition) shall not commence until a Remediation Strategy 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 Strategy shall include a programme for all works and for the provision of Verification Reports.

It is strongly recommended that all reports are prepared and approved by a suitably qualified and competent person.

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' with respect to land contamination.

13) If remediation is unable to proceed in accordance with the approved Remediation Strategy, or where significant unexpected contamination is encountered, or where soil or soil forming material is being imported to site, the Local Planning Authority shall be notified in writing immediately and operations on the affected part of the site shall cease. The affected part of the site shall be agreed with the Local Planning Authority in writing. An amended or new Remediation Strategy and/or Soil Importation Strategy 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 Strategy. Prior to the site being brought into use, where significant unexpected contamination is not encountered, the Local Planning Authority shall be notified in writing of such.

It is strongly recommended that all reports are prepared and approved by a suitably qualified and competent person.

To ensure that any necessary remediation works are identified to make the site 'suitable for use' with respect to land contamination.

14) Remediation works shall be carried out in accordance with the approved Remediation Strategy. 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.

It is strongly recommended that all reports are prepared and approved by a suitably qualified and competent person.

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

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, assessment and verification information shall be submitted to and approved in writing by the Local Planning Authority prior to these materials being imported onto the site.

In the event that no soil or soil forming materials have been brought to site, written confirmation shall be submitted to the Local Planning Authority.

It is strongly recommended that all reports are prepared and approved by a suitably qualified and competent person.

To ensure that contaminated soils are not imported to the site and that the development shall be 'suitable for use' with respect to land contamination.

16) There shall be no discharges of foul water from the development until a foul drainage scheme including details of provision for its future maintenance (e.g. adoption by the Water Company) has been implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority. In addition, written confirmation shall be provided from Yorkshire Water or any other third party involved to allow the laying of any sewer across third party land and discharge of the design foul flows to the sewer.

To ensure satisfactory drainage and pollution prevention in accordance with adopted Leeds UDP Review (2006) policy GP5

17) Before development commences or if a reserved matters application relating to the proposed site layout is submitted, a detailed SuDS based Drainage Scheme based on the principles of The SuDS Manual (C753) and the design criteria as set out within the Councils Minimum Development Control Standards for Flood Risk, shall be submitted and approved in writing by the Local Planning Authority. The application should provide suitable drainage drawings, summary calculations and results of all investigations detailing the surface water drainage works as set out below.

The maximum rate of discharge, off-site, shall not exceed 90.68 l/s and be in line with the drainage strategy as set out within the Curtins Flood Risk Assessment and Outline Drainage Strategy (Ref 066263-CUR-00-XX-RP-C-001 Rev 1 dated 09/06/2020) or shall be consistent with the Councils Minimum Development Control Standards for Flood Risk and the LLFAs requirements for Major Development unless otherwise agreed with the Local Planning Authority. 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.

The detailed design drawings, calculations and supporting information shall include the following:

- a) Model Information (Micro Drainage or similar approved) to include a plan showing pipework model numbering and network details.
- b) Survey and details of any existing surface water outfalls from the site into the River Aire, identifying which outfalls are to be retained and which can be abandoned.
- c) Results: Summary of Results showing all the modelling criteria and summary network results for critical 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% CC storm events showing maximum water level, flow and velocity and details of any surface flooding anticipated.
- d) A drawing showing the proposed impermeable areas, suitably annotated.
- e) Calculations and any supporting survey and investigations to justify and demonstrate the existing and proposed discharge rate.
- f) Drainage Plan showing drainage layout, manholes including cover and invert levels, proposed levels, pipe sizes and gradients, all on-line controls, on and off line storage structures and outfall details.
- g) Plan showing overland exceedance routes in the event of a failure of the drainage system or storm event in excess of the 1 in 100 + 40% CC storm event.
- h) Summary Drainage Report setting out the Drainage Strategy and results of the calculations demonstrating compliance with the above.
- i) Where third party agreements to construct sewers and to discharge flows are required, then written evidence of these two agreements shall be provided.
- j) A timetable for implementation of the drainage works including an assessment of any phasing of the development.
- k) Demonstrating that adequate water quality of the off- site surface water flows in accordance with the Simplified Index Approach as set out within Section 26 of the SUDS Manual (C753) can be achieved during all phases of the development.
- l) Where SUDs are only proposed in part or not at all, then a full justification statement shall be provided to demonstrate why it is not considered appropriate or reasonable.

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

To ensure sustainable drainage and flood prevention in accordance with NRWLP policy Water 7 and GP5 of the UDP.

18) Development shall not commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. Where temporary discharges to a sewer are proposed, written confirmation from the sewer owner that these have been accepted shall be provided. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Local Planning Authority

To prevent flooding offsite in accordance with the NPPF

19) Prior to the occupation of the first unit, details shall be provided in respect to the

management, inspection and maintenance of any non-adopted drainage features. The details shall identify the responsible parties and set out how these will be funded and managed and provide a schedule of the proposed inspections and annual maintenance for the lifetime of the development. The plan shall be submitted to and approved in writing with the Local Planning Authority prior to first occupation and the development shall thereafter be maintained at all times in accordance with the approved details.

To ensure the development is adequately maintained for the lifetime of the development.

20) The development shall not be brought into use until a suitable Flood Evacuation Plan (FEP) has been submitted and approved by the Local Planning Authority. The Flood Evacuation Plan shall be based on the latest Environment Agency guidance and the ADEPT/EA document titled Flood Risk Emergency Plans for New Development dated Sept 2019 and include the following:

- a) Details of advanced flood warning measures;
- b) Advanced site preparation measures to be undertaken in the event of a flood warning
- c) Site evacuation measures;
- e) Details of how the FEP will be monitored during all operational hours of the development, the responsibility for flood safety measures in accordance with emergency flood management plan.
- f) Confirmation that details of the FEP will be relayed to all site users and shall be implemented for the life of the development and to any future owners.

In the interests of flood risk.

21) The development shall be carried out in accordance with the submitted flood risk assessment (ref 87-89 Kirkstall Road, Leeds, NPPF flood risk assessment and outline drainage strategy Curtins Ref: 066263-CUR-00-XX-RP-C-001 dated 9th June 2020) and the following mitigation measures it details:

- o There is to be no residential development on the ground floor.
- o Finished floor levels shall be set no lower than 31.600 metres above Ordnance Datum (AOD).
- o The undercroft car parks are to remain at grade so as to not displace floodwaters.
- o There shall be a minimum of an 8 meter undeveloped easement strip from the Leeds Flood Alleviation Scheme Phase 2 Walls to the proposed buildings as shown on design drawing number: 20(151) Rev P10 'Parameter Plan, indicative block location and height'.
- o There is to be no land raising as a result of the proposed development.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

The reason for this condition is as follows:

- o To reduce the risk of flooding to the proposed development and future occupants
- o To not displace, or transfer any flood waters to others as a result of the proposed development.
- o To ensure safe and timely access egress arrangements in the event of a flood.

22) No development shall take place until a landscape and ecological management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), has been submitted to, and approved in writing by, the local planning authority. The landscape and ecological management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The scheme shall include the following elements:

- o details of maintenance regimes
- o details of any new habitat created on-site
- o details of treatment of site boundaries and/or buffers around water bodies
- o details of management responsibilities
- o details of a suitable lighting plan which minimises light spill onto the river

To ensure the protection of wildlife and supporting habitat and to preserve the functionality of the Leeds Habitat Network. Also, to secure opportunities for enhancing the site's nature conservation value in line with national planning policy and adopted policy G9 of the Leeds Core Strategy.

23) No development shall take place until a Construction Environmental Management Plan (CEMP), including an Invasive Non-Native Species (INNS) management plan, has been submitted to, and approved in writing by, the local planning authority. The construction environmental management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The scheme shall include, but not be limited to, the following elements:

- details of how the site will be remediated and built without affecting surrounding habitats / risk assessment of potentially damaging construction activities including any measures to avoid or reduce impacts during construction
- details of invasive non-native species management
- Identification of "biodiversity protection zones"
- location and timings of sensitive works to avoid harm to biodiversity features, including nesting birds
- the times during construction when specialist ecologists need to be present on site to oversee works
- the role of a responsible person (Ecological Clerk of Works) and lines of communication
- use of protective fences, exclusion barriers and warning signs

To prevent the spread of invasive non-native species and to ensure the protection of existing biodiversity features in accordance with Core Strategy Policy G8, the NPPF, and BS 42020:2013.

24) 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

25) 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, dirt and noise 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.

26) Details of a sound insulation scheme designed to protect the future occupants of the proposed accommodation from noise emitted by nearby sources and to protect sensitive receptors from noise emitted from the development shall be submitted to the Local Planning Authority and approved in writing prior to the commencement of the development. The approved works shall be completed prior to first occupation of the development and shall thereafter be retained. The scheme shall also include a ventilation strategy, which provides for the adequate control of room comfort, where windows will need to remain closed to meet the internal noise level targets.

Prior to occupation, a post completion sound test to confirm compliance with specified criterion shall be submitted for approval. In the event that sound levels exceed the specified limits, the applicant shall undertake corrective action and re-test. Once compliance can be demonstrated the results shall be re-submitted for approval.

27) 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.

28) Development shall not be occupied until a Car Park and Servicing Management Plan (including timescales) has been submitted to and approved in writing by the Local Planning Authority. The plan shall be fully implemented and the development thereafter operated in accordance with the approved timescales.

To ensure the free and safe use of the highway.

29) Prior to commencement of development a Lighting Design Strategy for both consideration of protection of residential amenity, highway safety and consideration of bat activity shall be produced and approved in writing by the Local Planning Authority. This shall include commentary by an appropriately qualified ecological consultant. The Strategy shall show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb commuting and foraging bats adjacent to the River Aire. All external lighting shall be installed in accordance with the specifications and locations set out in the Strategy and shall be maintained thereafter in accordance with it. Under no circumstances should any additional external lighting be installed without prior consent from the LPA in the areas identified in the Strategy as "particularly sensitive for commuting and foraging bats".

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 and to safeguard a protected species (bats) in accordance with protection and enhancement of biodiversity in accordance with Core Strategy Policy G8 and G9, NPPF and BS 42020:2013.

30) 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.

31) No phase of the development hereby approved shall be occupied until a plan, setting out the location of electric vehicle charging points 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

32) 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

33) 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.

34) 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).

35) Means of vehicular access to and from the site shall be only as shown on the approved Parameter plan ref. (20) 152 P11.

To ensure the free and safe use of the highway.

36) 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.

37) Prior to occupation of the development details of works comprising:

1. Upgrade the pedestrian crossing across Kirkstall Road on the site frontage to a Toucan crossing to provide a cycle link
2. Widen the existing footway to 4.0m wide footway along the whole of the site frontage, dedicating land within the site as highway.
3. Provide a cycle link on the east side of Kirkstall Road through the existing car park north to Studio Road
4. 3.5m wide footway along the site frontage of Washington Street dedicated as public highway.
5. the vehicle access points on Kirkstall Road and Washington Street shall be submitted to and approved in writing by the Local Planning Authority and shall have been fully implemented.

To ensure the free and safe use of the highway during all development works and throughout the lifetime of the development.

38) The submission of Reserved Matters for each phase of development shall include a statement for that phase which demonstrates the feasibility of achieving the sustainable design and construction standards and investigation into any feasibility of connecting to the District Heating Network as set out in policies EN1, EN2 and EN4 of the City Council's adopted Leeds Core Strategy 2019. The development shall be implemented in accordance with the agreed statement.

To ensure the adoption of appropriate sustainable design principles in accordance with Leeds Core Strategy Policies EN1, EN2 and EN4, Leeds SPD Sustainable Design and Construction and the NPPF.

39) Notwithstanding the plans hereby approved, each reserved matters application for the permanent and any temporary treatment of each phase of development shall include a wind study, which shall include either wind tunnel or CFD 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

40) No development to take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological and architectural recording. This recording must be carried out by an appropriately qualified and experienced archaeological consultant or organisation, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

In order to ensure that any items of archaeological importance are recorded

41) No more than 631 residential units shall be constructed on the site unless otherwise agreed in writing.

In order to ensure the site can accommodate the range of facilities and car parking necessary to support this number of units.

42) Details of any external extract ventilation system shall be submitted to and approved in writing by the Local Planning Authority prior to its installation and the system shall be installed and maintained in accordance with the approved details.

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

Hot food uses will often require an extract ventilation system to deal with odour and fumes. Guidance on suitable design is provided in DEFRA guidance at:

<http://www.defra.gov.uk/publications/files/pb10527-kitchen-exhaust-0105.pdf>

43) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification) planning permission shall be obtained before any change of use of (former) A3, A4 and D1 uses referred to in this consent, to any use within use Class A1 as defined in the Town & Country Planning Use Classes (Amendment) Order 2005 (or any order revoking or re-enacting that order with or without modification).

In order that the Local Planning Authority can retain control over uses which it considers could be harmful to the character of the area and the viability of the City Centre in accordance with policy CC1 of the adopted Leeds Core Strategy 2019

44) Prior to building works commencing for each phase, detailed 1:20 scale working drawings of the following features shall be submitted to and approved in writing by the Local Planning Authority for that phase:

- (a) Sections of windows, doors and balconies;
- (b) Junctions of materials and recesses, rooflines and eaves;
- (c) Commercial frontage design guide to ground floor uses.

Works shall be carried out in accordance with the approved drawings and maintained as such thereafter.

In the interests of visual amenity in accordance with saved policy BD5 of the Leeds UDP Review (2006)

45) 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)

46) 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 and in accordance with adopted Leeds UDP Review (2006) policy GP5 and the National Planning Policy Framework.

47) The proposed mix of residential accommodation across all phases of development should be set proportionally in accordance with the guidance of Core Strategy policy H4 and further to information set out in a submitted Housing Needs Assessment. Details of this should be set out clearly in the Reserved Matters phases for submission and thereafter implemented as approved.

In the interests of providing a sustainable development and housing mix in accordance with policy H4 of the Core Strategy.

48) The proposed residential accommodation across all phases of development should be designed in accordance with the space standards guidance of Core Strategy policy H9. Details of this should be set out clearly in the Reserved Matters phases for submission and thereafter implemented as approved.

In the interests of providing a sustainable development in accordance with policy H9 of the Core Strategy.

49) The proposed mix of residential accommodation across all phases of development should be designed in accordance with the accessible housing guidance of Core Strategy policy H10. Details of this should be set out clearly in the Reserved Matters phases for submission and thereafter implemented as approved.

In the interests of providing a sustainable accessible development in accordance with policy H10 of the Core Strategy.

50) Prior to the commencement of development, a report shall be submitted for approval which considers and demonstrates the potential or otherwise for extraction of sand and gravel and surface coal recovery within the site in accordance with Natural Waste & Resources DPD policies Minerals 2 and 3. Any removal of sand and gravel and surface coal shall be undertaken in accordance with the report as submitted and approved.

In the interests of sustainable site development and re-use of mineral aggregates where feasible in accordance with policies Minerals 2 and 3 of the Natural Waste and Resources Development Plan Document.

Let: Solved: 12.06.20. Location Plan
Laurence.vassie@ctct.com SA\2019\19018 - KIRKSTALL ROAD MARSHALL CDP.V2 - DRAWINGS\DESIGN\1 - CAD\XREF - GA PLANS SECT ELEV\A\2020-06-12 AP116 - FDR DAS MASTERPLAN.dwg

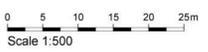


20 Illustrative Masterplan

Scale - 1:500



P10	Planning Issue	LXV	12.06.20	IJE
P05	Amendments to general arrangement following plans panel and subsequent discussion	IJE	28.04.20	IJE
P04	Amendments to general arrangement	MZS	03.04.20	IJE
P03	AMENDMENTS TO POSITIONING OF BUILDINGS	MZS	27.03.20	IJE
P02	BUILDING HEIGHTS UPDATED	TXE	27.02.20	IJE
P01	DRAFT ISSUE	TXE	07.02.20	IJE
Rev.	Des.	By	Date	Ch.



Contractor must verify all dimensions on site before commencing any work or shop drawings. If this drawing exceeds the quantities taken in any way the Architects are to be informed before the work is initiated. Only figured dimensions to be taken from this drawing. Do not scale off this drawing. Drawings based on Ordnance Survey and / or existing record drawings - design and drawing content subject to Site Survey, Structural Survey, Site Investigations, Planning and Statutory Requirements and Approvals. Authorised reproduction from Ordnance Survey Map with permission of the Controller of Her Majesty's Stationery Office. Crown Copyright reserved. © CJCT (Studio North) Ltd. All Rights Reserved

A1

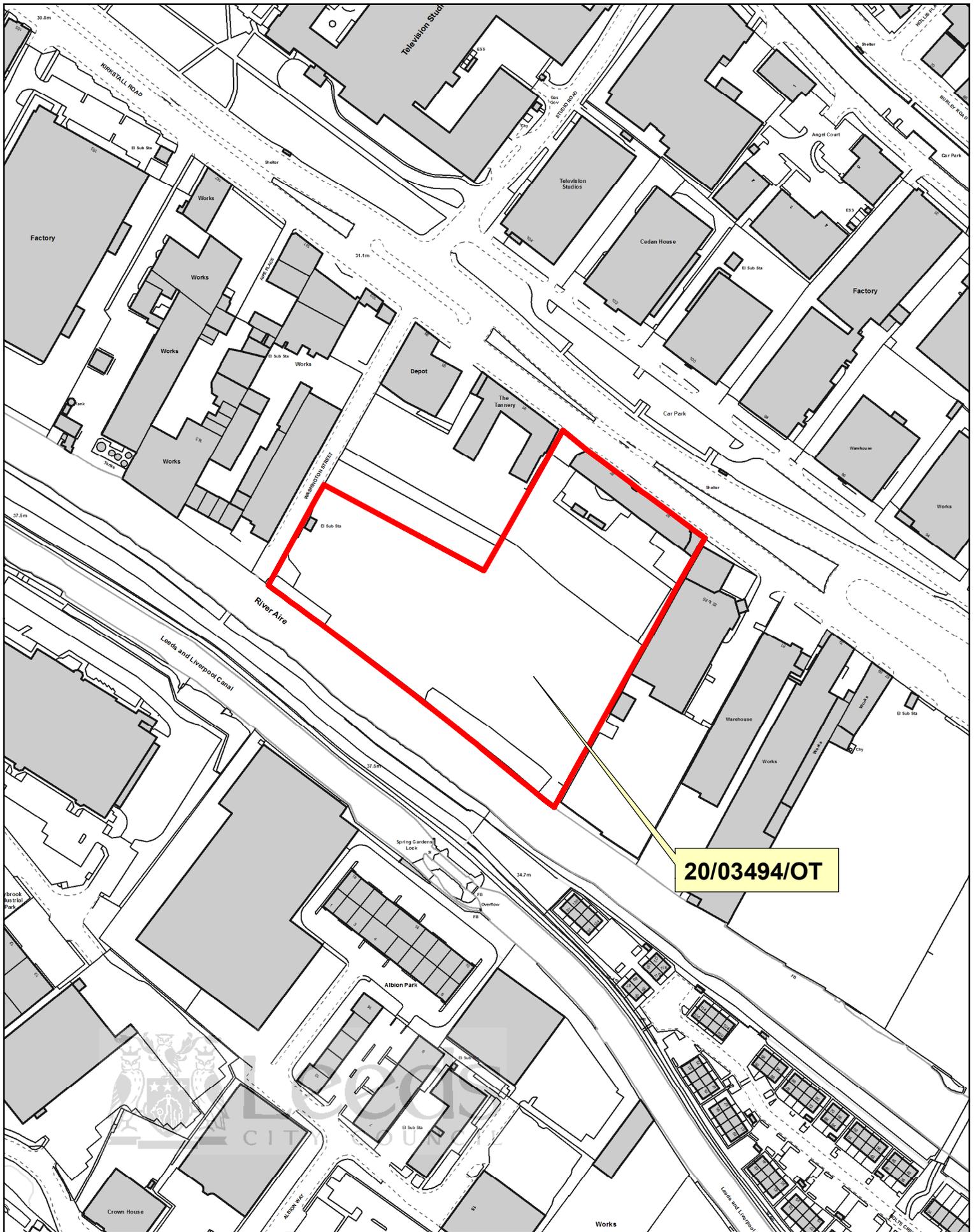
Client:

Project:	'87-89 Kirkstall Road, Leeds	Job No:	19018
Title:	Illustrative Masterplan	Status:	Drawn By: TXE
Scale:	1:500 @A1	Checked By:	IJE
Date:	12.06.20	Revision:	P10
Drawing No:	(20)116		

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FOR INFORMATION



CITY PLANS PANEL

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SCALE : 1/2500

