



Leeds
CITY COUNCIL

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Report of the Chief Planning Officer

City Plans Panel

Date: 11th August 2022

Subject: 19/04510/FU proposal for a multi-generation building comprising a primary school, nursery, 72-bed care home, 80 flats and cafe at Sayner Lane and Clarence Road, Hunslet, Leeds.

Applicant: CITU Group Developments

Electoral Wards Affected:

Hunslet and Riverside

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: DEFER and DELEGATE to the Chief Planning Officer for approval subject to the specified conditions set out in Appendix 1 (and any others which he might consider appropriate) and the completion of a Section 111 agreement under the Local Government Act 1972 and a Section 106 agreement to include the following obligations:

- Affordable Housing 7% - 4 x 1 bedroom apartments on the first floor and 2 x 2 bedroom apartments on the second floor. Four of these will be for social rent and 2 for intermediate affordable housing. In the interests of mix, at least one of the 2 bedroom units should be for social rent
- Traffic Regulation Order to manage any overspill parking issues in the surrounding area as a result of the development: £25,000
- City centre / fringe wayfinding scheme for improved signage: £20,000

- Travel Plan and Travel Plan Monitoring Fee of £3,377 for the Residential Travel Plan, and £3,377 for the School Travel Plan, both subject to an annual increase for inflation

- Residential Travel Plan Fund £20,460
- Cooperation with Local Jobs and Skills Initiatives
- Tree replacement. A financial contribution may be required based on CAVAT assessment of tree removal if the replacement of trees according to planning policy cannot be achieved on site
- Greenspace – 1,822sqm of green space to be laid out on-site according to an agreed drawing and £18,850.11 to be paid as an off-site commuted sum
- Biodiversity net gain contribution of £33,250 towards biodiversity improvements in Leeds

1. Introduction:

- 1.1. CITU Group Developments are midway through phased residential mixed use development of land on both sides of the River Aire east of the City Centre. Phase 1 on Low Fold / East Street has planning permission and is nearing completion. Phases 2-5 concern land on the city side of the River Aire, on land south of the Discovery Centre bounded by Clarence Road, Sayner Lane and Carlisle Road. This full planning application for a primary school, nursery, café, care home and residential apartments is Phase 3. The other phases are predominantly residential. The CITU ethos is to provide highly sustainable low carbon development.

2. Proposal

- 2.1. The proposal is for a four storey 'multi-generational building' around a central courtyard / playground. It comprises a ground floor nursery and primary school which wraps around the north, east and south sides of the courtyard, and a 72-bed care home, which would be on the ground to second floors on the west side of the courtyard. A café is proposed at the north-east corner of the building.
- 2.2. A total of 80 flats are proposed on floors 1-3 above the school and a third floor above the care home. CITU state that the development would encourage interaction between the generations, the wider community and the environment through its central courtyard and green space.
- 2.3. The residential apartment types comprise 57 one-bed and 23 two-bed flats. Numbers and sizes would be as follows, with all flats exceeding the minimum space standards in the Nationally Described Space Standard (NDSS):

Type A (M4(2)) – 18 x one-bed one-person flats (52sqm)
Type E (M4(1)) – 1 x one-bed two-person flat (60sqm)
Type K (M4(1)) – 1 x one-bed one-person flat (52sqm)
Type M (M4(1)) - 37 x one bed one person flats (52sqm)

Type B (M4(2)) – 8 x two-bed three-person flats (66sqm)
Type C (M4(3)) – 4 x two-bed three-person flat (66sqm)
Type F (M4(1)) – 1 x two-bed three person flats (72sqm)
Type N (M4(1)) – 8 x two-bed three person flats (66sqm)
Type P (M4(1)) – 2 x two-bed three person flats (66sqm)

- 2.4. The landscaping scheme would be in keeping with the applicant's other developments in the local area, forming an integrated landscape plan which prioritises walking and cycling, retains established trees where possible and mitigates the loss of any trees and shrubs.
- 2.5. Pedestrian access to the school would be from the centre of the CITU estate (the northern edge of this site) where pedestrian routes that run east/west, and north intersect at the open space next to the proposed café. The east-west route crosses Clarence Road through to the pedestrian river crossing; the north route will cross Carlisle Road to the side of the Discovery Centre with expectation that the link will be continued to Leeds Dock through the depot/warehouse site to the north pending development of that site.
- 2.6. Pedestrian access to the care home would be from Sayner Lane.
- 2.7. The main pedestrian access to the residential units would be from the north of the site to the rear of the adjacent Discovery Centre, with secondary entrances to the west and south-east corners of the site, keeping the access to the residential separate from the school access.
- 2.8. The cafe would be located on the northern corner of the site opening onto the central square of the CITU estate, with pedestrian access via the east-west and north pedestrian routes. Short stay cycle parking would also be provided here, convenient for the café and school drop-off.
- 2.9. The site would be car-free with the exception of disabled bays and visitor parking for the care home. A total of 8 spaces would be provided for the care home, including 2 disabled bays and spaces for use by visiting nurses, doctors or family members. There would be 2 further disabled parking spaces for the school and residential components of the development.
- 2.10. A Traffic Regulation Order has been agreed which will be funded by the developer. This will make the surrounding streets of Sayner Lane, Carlisle Road and Chadwick Street 20mph, with traffic calming and short stay parking controls. The TRO is necessary to deter long-stay car parking and avoid highway safety problems.

- 2.11. The development would be served by 272 cycle parking spaces. For the school this would include secure long stay spaces for 96 ordinary bikes, 12 electric bikes and 30 children's bikes / scooters. The school would also have a secure store for bike trailers and push chairs as well as six showers and two locker rooms. For the residential flats there would be a long stay secure cycle store for 84 bikes (including 12 electric bikes). In addition, 50 short stay spaces will be available around the site at locations with natural surveillance and convenience for accessing the buildings, including 32 near the entrance to the school and café, 14 at the north-western corner of the building close to the nursery and secondary residential entrance, and 4 next to the entrance of the Care Home.
- 2.12. The application is supported with the following documents:
- i. Scaled Drawings
 - ii. Design and Access Statement
 - iii. Air Quality Assessment
 - iv. Arboricultural Survey
 - v. Concept Design Report
 - vi. Flood Risk and Drainage Assessment
 - vii. Land Contamination Preliminary Appraisal
 - viii. Geoenvironmental Appraisal Report
 - ix. Gas Risk Assessment
 - x. Preliminary Ecological Appraisal
 - xi. Statement of Community Involvement
 - xii. Coal and Aggregate Recovery Statement
 - xiii. Transport Statement
 - xiv. Road Safety Audit
 - xv. Ecological Impact Assessment
 - xvi. Noise Report
 - xvii. Accommodation Schedule
 - xviii. Sustainability Statement
 - xix. Biodiversity Net Gain Report
 - xx. Travel Plan (Residential)
 - xxi. Travel Plan (School)
 - xxii. Policy H9 Document
 - xxiii. Policy H10 Document

3. Site and Surroundings:

- 3.1. The cleared brownfield site of 1.156ha in size is located just outside the southern edge of the designated City Centre, within the South Bank sub-area of the Aire Valley Leeds Area Action Plan (AVLAAP). The site represents approximately 55% of the allocation AV16 under the AVLAAP. The site lies in Flood Risk Zone 2 and the City Centre Fringe Parking Area. Part of the site is currently being used as an area for stockpiling road chippings. There is a belt of mature trees and landscaping around the edges of the site. To the east is the CITU Works site where CITU are manufacturing the homes for all their phases of development. The wider site is bounded by Clarence Road, Carlisle Road and Sayner Lane. To the north of the site is the Leeds Discovery Centre a museum archive store, with cleared land to the east and south-west. Beyond Carlisle Road to the north is a group of warehouses, the Leeds Assistive

Technology hub, Liberty Dock student flats, and Leeds Dock, which includes a convenience supermarket, offices, flats, cafes and the Royal Armouries Museum. To the south is the industrial premises of Allied Glass and indoor Go-Karting. To the west are car repair workshops and the Grade II Listed Braime's Pressings and University Technical College (UTC).

4. Relevant Planning History

- 4.1. The proposed development forms part of a wider scheme established by CITU as the 'Climate Innovation District' at the eastern end of the South Bank. This aims to showcase a new zero-carbon approach for people and families to live and work in the city centre. Works have largely completed on the first phase of housing and a pedestrian bridge over the river. The relevant planning permissions are:
- 4.2. CID1. Low Fold planning permission 15/00415/FU as amended by 17/05263/FU for 316 dwellings including new open space and associated works – works are on-site with some homes completed and occupied.
- 4.3. Bridge planning permission 17/04425/FU for a bridge across the River Aire from the Low Fold development site to the former Hydro Aluminium development site – the bridge is in place.
- 4.4. CID2. Clarence Road Planning permission 16/02420/FU for 204 dwellings and two commercial units, car parking, landscaping and public realm – phase one bridge enabling works are complete to connect a temporary pedestrian route from Clarence Road to the bridge and the first row of townhouses under this permission is complete. A revised application for Phase 2 for 246 dwellings and commercial units (21/01088/FU) is pending consideration and would supersede the earlier permission if approved.
- 4.5. CITU Works Office Planning permission 15/07175/FU as amended by 17/03044/FU and 21/04193/FU – Office extension to existing warehouse and associated works is now complete.
- 4.6. CID4. Planning permission 21/04193/FU for two rows of 14 townhouses approved 13th July 2022.

5. History of Negotiations

- 5.1. Pre-application meetings took place and a presentation to Plans Panel before the planning application was submitted in 2019. Considerable officer negotiation has taken place over the last 3 years to support this innovative and ground-breaking scheme ensuring that all the technical details have been addressed satisfactorily.
- 5.2. At Plans Panel 27th June 2019, Members raised the following issues:
 - There was general support for the concept of a multi-generational development, with opportunities for young and old people to mix

- The majority of Members were impressed with the design of the flats/houses
- Strong concern was expressed about the noise from the nearby glass factory. The new development could be insulated from noise but use of the outside space would remain a concern
- There was some concern raised about safeguarding issues
- The majority of Members were of the opinion that a school required car parking provision

5.3. In conclusion Members provided the following feedback:

- Members were supportive of the principle of a mixed use nursery, primary school, flats and a care home facility. Members suggested that the developer consider whether there could be any changing of locations or alteration of use topography / site arrangement, to ensure that the noise impact from the neighbouring glass factory was lessened and there could be actual use of the outdoor spaces without any adverse impact from noise – as would otherwise be the case if the submitted scheme is progressed.
- Members were supportive of the emerging appearance, design and scale of the proposed building. Members were supportive of the proposed arrangements for public access through the site.
- The proposed arrangements for greenspace on the site were acceptable.
- The proposed housing mix for this phase was acceptable but there was a shortfall in 3 bedroom units which will need to be reflected elsewhere on the other phases and acknowledgement that the Council's discretion vis-à-vis the policy requirement for provision of 3-bed units has been applied in this instance.
- The provision of car parking for school staff together with disabled parking facilities, the provision of a pick-up and drop off area and how to address the noise from the nearby glass factory were fundamental issues.

6. Public/Local Response

6.1. Planning application publicity consisted of:

- i. Leeds City Council Public Access Website posted 19/7/19
- ii. Site Notice posted 5/8/19
- iii. Press Notice posted 9/8/19
- iv. Ward Councillors consulted by email 6/8/19

6.2. Cllr Wray says he is broadly in favour of the development and the amenity it will add to the area via the school, care home and quality landscaping, subject to the final details.

- 6.3. The Leeds Civic Trust was very supportive of the proposal presented by CITU for a proposed primary school and care home. They support the ethos of the scheme including minimal parking, the playground layout and proposed access arrangements. Their one concern related to the layout of some of the apartments which appeared to be unduly constricted and convoluted. In particular, the design of 1 Bed and 2 Bed residential layouts in floors 2 and 3 were of concern. Shared entrance lobbies were very tight and would impede entry and exit with any additional load such as shopping baskets or child buggy. Entrance lobbies to the individual flats were so minimal that their primary purpose (e.g. hanging up a coat) would not be possible. Many of the flats were shown as split into two levels that include bedrooms at entrance level and living spaces above. The Trust stated that this creates unnecessary large amounts of stairs which, with an alternative arrangement, could be rationalised to free up more space.
- 6.4. In response to the concern about the constricted entrances CITU have redesigned the apartments. All the two-level maisonettes have been withdrawn and the flats redesigned to exceed the nationally described space standards (see appraisal below for further details).

7. Consultation Response

Statutory

Coal Authority

- 7.1. The site is in a development low risk area. A standard informative is recommended if the application is permitted.

Canal and River Trust

- 7.2. No comment

Yorkshire Water

- 7.3. No objection subject to conditions on water management being applied if the application is approved.

Environment Agency

- 7.4. No objection subject to conditioning the development be carried out in accordance with the submitted flood risk assessment and with minimum floor levels of 26.3m AOD.

Non-Statutory

LCC Conservation

- 7.5. The layout, scale, form and design of the proposed development - reflecting the industrial character of the area - will ensure that it will sit comfortably within the setting of the nearby Listed Building (Braime's).

LCC Design

- 7.6. The scheme was the subject of extensive pre-application discussions and meetings with the applicants and their designers plus presentations to Plans Panel who have commented. No further design comments at planning application stage.

LCC Landscape

- 7.7. The latest submitted detail of tree planting distances is satisfied

7.8. LCC Access Officer

- 7.9. The scheme needs to meet Policy P10 and Accessible Leeds and ensure that it is accessible for all users. The housing element needs to meet Policy H10 Accessible Housing. This will require 30% of dwellings to be M4(2) and 2% to meet M4(3). All other dwellings need to meet M4(1). The applicant will need to submit an Accessible Housing plan to show clearly that this is being delivered and that these homes offer choice of size, type and tenure

LCC Nature Conservation

- 7.10. The objective should be to achieve a net gain in biodiversity on this site. Negotiations have taken place reaching a conclusion to the satisfaction of the Nature Conservation officer.

LCC Environmental Health

- 7.11. No objection. Allied Glass is a major industrial manufacturing site with significant levels of noise, odour and emissions of air pollutants. All environmental emissions from the activities are controlled through an Environmental Permit which authorises the expected emissions in accordance with best available techniques. Therefore, it is accepted that a level of pollution is unavoidable even with good practice. It should be noted that redress by statutory nuisance legislation to any disturbance is not applicable to permitted sites. Concerns about the site layout not having a buffer between the glassworks and sensitive uses have been allayed by reports assessing the impact of the glassworks on air quality, odour and noise and by a reconfiguration of the original proposed layout to close off the southern end of the courtyard with a ground floor extension of the school building. Environmental Health have signalled their satisfaction with the levels of noise and air quality assessed, subject to mitigation.

LCC Environmental Studies (Transport Noise and Air Quality)

- 7.12. No objection. Noise from road traffic is unlikely to be of a level that would require specific measures over and above standard building elements.

LCC Highways

- 7.13. The virtually car free scheme can work in this fringe city centre location providing there is a Traffic Regulation Order for surrounding streets and good provision of active travel infrastructure and good travel planning.

LCC Influencing Travel Behaviour

- 7.14. The team is satisfied with the revised School and Residential travel plans including commitment to contribute to travel funds, which will be secured through a legal agreement. The contributions agreed are:
- i. Leeds City Council Travel Plan Review Fee of £3,377 for the Residential Travel Plan, subject to an annual increase in April each year in line with general income inflation
 - ii. Leeds City Council Travel Plan Review Fee of £3,377 for the School Travel Plan, subject to an annual increase in April each year in line with general income inflation
 - iii. Provision of a Residential Travel Plan Fund of £20,460

West Yorkshire Combined Authority

- 7.15. Recommends the developer contributes toward sustainable travel, including Leeds' sustainable travel fund. This has been covered by LCC's Influencing Travel Behaviour Team

LCC Local Plans

- 7.16. The principle of the development is supported by the Aire Valley Leeds Area Action Plan, particularly its allocation for residential mixed use under Policy AVL7. Non-provision of office space is accepted given that the allocation policy sets an indicative rather than a mandatory target and that the city currently has a comfortable supply of office provision. A sequential test to support the proposed café in an out-of-centre location is recommended.

LCC Waste Management

- 7.17. Sets numbers, dimensions, distances and related stipulations for bin storage to serve the residential apartments.

Contaminated Land Team

- 7.18. Supportive of the proposed development subject to conditions to secure appropriate remediation of the site.

West Yorkshire Police

- 7.19. No objection subject to the following recommendations:
- Each element – general housing, care home, school and nursery – should have separate secure entrances
 - Safeguarding in shared usage outside areas - both the play area and residents gardens require defensible space to safeguard each independent use
 - CCTV

- Access control video intercoms
- External mailboxes
- Doors and windows
- Intruder alarms
- Cycle storage and security
- External lighting
- Boundary treatments
- Natural surveillance from active ground floor frontages

7.20. An Environmental Impact Assessment Screening has been undertaken with the conclusion that an EIA will not be necessary under PART 2 of the TOWN & COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017.

8. Relevant Planning Policies

8.1. Statutory Context

8.1.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making at this site, the Development Plan for Leeds currently comprises the following documents:

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

8.1.2. These development plan policies are supplemented by supplementary planning guidance and documents.

Development Plan

8.2. Leeds Core Strategy (CS)

8.2.1. The adopted CS 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, prioritising urban regeneration and taking advantage of existing services and high levels of accessibility.

Spatial Policy 4 – Identifies the Aire Valley Leeds as a Regeneration Priority Programme Area. Priority will be given to developments that include housing quality, affordability and choice, improve access to employment and skills development, enhance green infrastructure and greenspace, upgrade the local business environment and improve local facilities and services.

Spatial Policy 5: Aire Valley Leeds Urban Eco-Settlement outlines the broad principles for development in the Aire Valley Regeneration Priority Programme Area including targets for housing (6,500 units), and employment land (250 ha) specific to the area, and new retail services of an appropriate scale.

Spatial Policy 6: The Housing Requirement and Allocation of Housing Land establishes a target of 51,952 (net) new dwellings to be delivered between 2017 and 2033. This provision should be guided by the settlement hierarchy, with a preference for sustainable, brownfield locations and areas having low flood risk.

Spatial Policy 7: Distribution of Housing Land and Allocations establishes that 15.5% of dwellings to be identified should be within the City Centre in the period 2017-33.

Spatial Policy 8: Economic Development Priorities supports a competitive local economy through promoting the development of a strong local economy through enterprise and innovation, job retention and creation, promoting the need for a skilled workforce, educational attainment and reducing barriers to employment opportunities, and by supporting training/skills and job creation initiatives via planning agreements.

Spatial Policy 11: Transport Infrastructure Investment Priorities sets out a series of spatial priorities for the delivery of an integrated transport strategy for Leeds. One priority is related to improved facilities for pedestrians to promote safety and accessibility, particularly connectivity between the edges of the City Centre and the City Centre.

Policy CC3: Improving Connectivity between the City Centre and Neighbouring Communities sets out the requirement to improve routes connecting the City Centre with adjoining neighbourhoods and improve connections within the City Centre through developer contributions.

Policy H4: Housing Mix requires residential developments to provide an appropriate mix of dwelling types and sizes to address long term needs taking into account the nature of the development and character of the location. This should include the need to make provision for Independent Living. Table H4 gives an indication of the preferred housing mix across Leeds, before the nature of the development and character of location are taken into account:

Table H4: Preferred Housing Mix (2012 – 2028)

Type*	Max %	Min %	Target %
Houses	90	50	75
Flats	50	10	25
Size*	Max %	Min %	Target %

1 bed	50	0	10
2 bed	80	30	50
3 bed	70	20	30
4 bed+	50	0	10

*Type is applicable outside of City Centre and town centres; Size is applicable in all parts of Leeds

Policy H5: Affordable Housing sets out a target affordable housing provision of 7% for residential developments.

Policy H9: Space Standards expects all new dwellings to meet the minimum internal nationally described space standards.

Policy H10: Accessible Housing expects developments to provide at least 30% of new dwellings to M4(2) standards of accessibility and 2% to M4(3) standards of accessibility (wheelchair user occupant).

Policy P9: sets out the policy position for new community facilities including a requirement that they should be accessible by foot, cycling, or by public transport.

Policy P10: Design requires new development to be based on a thorough contextual analysis to provide good design appropriate to its scale and function. New development is also required to deliver high quality inclusive design. Policy P10 sets out a series of key design principles (i to vi) for new development, in relation to size, design, layout, existing assets, amenity and accessibility.

Policy P11: Heritage states that the historic environment and its settings will be conserved, particularly those elements which help to give Leeds its distinct identity.

Policy P12: states that landscapes will be conserved and enhanced.

Policies T1: Transport Management and T2: Accessibility Requirements and New Development identify transport management measures and accessibility 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 Greenspace. Applies to development outside of the city centre boundary. Phase 3 is entirely outside of the city centre. The requirement for green space is based on a sqm figure for different sized dwellings. When it is not possible or appropriate to provide all of the required green space on-site, the remainder can be converted into a financial contribution in lieu.

Policy G9: states that development will need to demonstrate biodiversity improvements.

Policies EN1 and EN2: set 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 EN4 expects connection to be made to the district heat network where feasible.

Policy EN5 – flood risk. A flood risk assessment including an evacuation plan and sequential test/exceptions tests would be required as the site lies in Flood Zone 2.

8.3. Leeds Unitary Development Plan Review 2006 (UDPR) Saved Policies

8.3.1. Relevant Saved Policies include:

Policy GP5 all planning considerations
Policy BD2 design and siting of new buildings
Policy BD4 mechanical plant
Policy BD5 residential amenity
Policy LD1 landscaping

8.4. Leeds Natural Resources and Waste DPD 2013 Part / 2015 Part

8.4.1. The Natural Resources and Waste Local Plan was adopted by Leeds City Council on 16th January 2013. The Natural Resources and Waste Development Plan Document (Local Plan) is part of the Local Development Framework. The plan sets out where land is needed to enable the City to manage resources, like minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way.

8.4.2. Relevant policies include:

Air 1 management of air quality through new development
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
Minerals 3 coal safeguarding

8.5. Aire Valley Leeds Area Action Plan (AVLAAP)

8.5.1. The AVLAAP provides a spatial planning framework, plan wide policies, area plans and site specific allocations for Aire Valley Leeds. The focus is to deliver an innovative and integrated approach to the sustainable regeneration of the area, reflecting the scale of opportunities in the area and links to adjacent communities in east and south Leeds.

8.5.2. The site is located within the Leeds South Bank area of the Aire Valley Leeds Regeneration Programme Area. The objectives for the South Bank include creating "...a place which is home to people of all ages, including families..." (objective 3) and delivering "...at least 1,500 new homes including more

housing which is suitable and attractive for families supported by appropriate services and facilities.” (objective 5). Paragraph 3.4.25 recognises there may be a need to identify a site for a new primary school in the South Bank area and Paragraph 4.2.42 states that:

As demand for family city living and larger residential units grows, future developments can help to provide the social infrastructure required to sustain the expanding local population. For example, the potential need for primary school provision as family housing reaches a critical mass.

8.5.3. Under Policy AVL7 this site is allocated for mixed use residential development as site reference AV16, to provide an estimated 90 dwellings, and an estimated capacity for office use of 10,500 sqm, along with new pedestrian and cycle connections and greenspace. The site boundary currently being considered in this proposal covers around 55% of the area designated as site AV16. Other identified acceptable uses within the development include Offices (class B1a) and Leisure uses (class D2).

8.5.4. The following site specific requirements are identified:

- Provision of green space within the development in accordance with Core Strategy Policy G4 as shown indicatively on the area map.
- Provision of a shared cycle / pedestrian routes through the sites creating links between the Trans Pennine Trail and waterfront, Clarence Road, Carlisle Road and Leeds Dock as shown indicatively on the area map.
- Provision of a suitable buffer between housing and other sensitive uses and the glass manufacturing plant located to the south of Sayner Lane. This development should comprise of other less sensitive uses, such as office or leisure development, to provide a physical buffer and visual screening to the plant. Air quality, odour and noise reports will be required to assess the impact on the development. Additional mitigation measures may require incorporation within the proposed development.
- Housing development (or any other type of development classified as ‘more vulnerable’ according to the NPPG) should not be development in any part of the site lying within Flood Zone 3

8.5.5. The AVLAAP also has relevant policies regarding strategic transport infrastructure for the area, green infrastructure, pedestrian connectivity, and specific guidance for the Clarence Road sub-area of the South Bank.

8.6. Relevant Supplementary Planning Guidance:

SPD Building for Tomorrow Today: Sustainable Design and Construction
SPD Street Design Guide
SPD Parking
SPD Travel Plans
SPG Neighbourhoods for Living
SPD Accessible Leeds

8.7. National Planning Policy Framework (NPPF) 2021

8.7.1. The NPPF sets out the Government’s planning policies for England and how these should be applied (para 1), and is a material consideration in planning

decisions (para 2). It states that the purpose of the planning system is to contribute to the achievement of sustainable development (para 7). So that sustainable development is pursued in a positive way at the heart of the Framework is a presumption in favour of sustainable development (paras 10-11). It states that decision makers at every level should seek to approve applications for sustainable development where possible (para 38). The Framework sets policies on the following issues which are relevant to this planning application proposal (including section numbers):

- 2 Achieving sustainable development (paras 7, 8, 10, 11, 12)
- 4 Decision making (paras 38, 39, 40, 41, 43, 47, 48, 54, 55, 56, 57, 58)
- 5 Delivering a sufficient supply of homes (60, 62, 63, 65)
- 6 Building a strong competitive economy (81, 83)
- 7 Ensuring the vitality of town centres (86, 87)
- 8 Promoting healthy and safe communities (92, 93, 95, 97, 98)
- 9 Promoting sustainable transport (104-113)
- 11 Making effective use of land (119, 120, 121, 123)
- 12 Achieving well designed places (126-136)
- 14 Meeting the challenge of climate change and flooding (152-169)
- 15 Conserving and enhancing the natural environment (179-188)
- 16 Conserving and enhancing the historic environment (194)

- 8.7.2. In particular, Paragraph 93 of the NPPF supports the provision of community facilities and other local services in order to enhance the sustainability of communities: To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

plan positively for the provision and use of shared space, community

- i. facilities (such as local shops, meeting places, sports venues, cultural
- ii. buildings, public houses and places of worship) and other local services
- iii. to enhance the sustainability of communities and residential environments
- iv. ensure an integrated approach to considering the location of housing
- v. economic uses and community facilities and services.

- 8.7.3. Paragraph 95 attaches great weight to the need to create, expand or alter schools:

It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools; and
- work with school promoters to identify and resolve key planning issues before applications are submitted.

- 8.7.4. Paragraph 112 of the NPPF states that priority should be given to pedestrian and cycle movements; the needs of people with disabilities and reduced mobility addressed; creation of safe, secure and attractive spaces; allow for the efficient delivery of goods; and be designed to enable use by sustainable vehicles.

- 8.7.5. Paragraph 126 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process
- 8.7.6. Paragraph 130 states that 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.
- 8.7.7. Paragraph 131 says trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.

9. Main Issues

- 9.1. Principle of the development
- 9.2. Sustainability
- 9.3. Design, Landscape and Biodiversity
- 9.4. Highway and Parking Standards
- 9.5. Housing Standards
- 9.6. Green Space

10. APPRAISAL

10.1. Principle of the Development

School and Nursery

- 10.1.1. The AVLAAP allocation AV16 under Policy AVL10 of the AVLAAP does not identify the site for a new school, although para 3.4.25 notes that there may be a need to identify a site for a primary school in the South Bank and para 4.2.42 recognises that the objective to diversify the community with more families will generate a requirement for a primary school. Core Strategy policy P9 outlines that services for education provision are important to the wellbeing of a neighbourhood, which should be easily accessible. It adds that services should not adversely impact on residential amenity and should where possible, and appropriate, be located in centres with other community uses. The site is on the edge of the designed City Centre, in an area with a broad mix of emerging residential and existing commercial uses. In this context, it is considered that a school and nursery would not lead to adverse amenity impacts subject to appropriate car parking and pick up and drop off management, as discussed below.
- 10.1.2. Residential development, including significant family housing, forms part of the regeneration plans for the City Centre, South Bank and Aire Valley, and this will bring with it a need for new community facilities, such as schools, to serve the growing population. It is considered that the provision of a primary school and a nursery at this site would encourage family housing provision in the City Centre and Aire Valley, and support the housing that is already under construction close to the site by making it more attractive for families to stay living in or move to the City Centre. A new school is therefore considered to be an appropriate use of the site within a wider mixed use development providing housing.
- 10.1.3. Leeds City Council's education service (Sufficiency and Participation Team) do not see a need for a primary school at this location because of falling birth rates and surplus places at existing schools. This is an understandable opinion from the point of view of managing current demand and supply for school places. However, the planning role here is about shaping future growth of areas and communities, and the clear aspiration of the AVLAAP is for the community of the South Bank to diversify with more families and the provision of a primary school is a recognised supporting facility to help deliver this change. As such the vision of AVLAAP needs to be given greater weight in this planning decision than current demand and supply for school places. There is a strong requirement for this type of development to ensure that longer term need is met in the area.

Lack of Office Provision

- 10.1.4. AVL16 of the AVLAAP also allocates the site for mixed use with an indicative expectation for 10,500sqm of office uses under Policy AVL7. The scheme does not propose any office development. However, the office component of AV16 should be seen as the indicative potential of the site rather than a specific target. It is considered that loss of the potential of this site to provide office development would not prejudice delivery of city-wide employment targets over the Core Strategy period. A further consideration is that the proposed school,

nursery and care home are expected to provide c. 100 jobs. Also, the Phase 5 (CID5) part of the allocation site remains to be developed.

Café

10.1.5. The submission indicates provision of a community café (Class E of the use class order) of 98sqm within the scheme which is classified as a main town centre uses according to the NPPF. Under Policy P8 of the Core Strategy sequential and impact assessments are not required for retail proposals of less than 200sqm. Retail and café use are now part of Class E. It is considered that a café would be a complementary active use in the heart of the Climate Innovation District, and there would be no need to restrict any other uses within Class E by condition.

Residential

10.1.6. The Leeds Core Strategy and the AVLAAP would support the residential element of development of this site located at the edge of the City Centre location. The 80 dwellings proposed alongside the residential components of planning applications for adjacent sites would comfortably exceed the indicative target of 90 dwellings for site AVL16 in the AVLAAP. A care home is also considered a residential use which can contribute towards meeting the city's housing needs. In principle this type of residential use is considered acceptable as part of a broad mix of housing types in the area, and to help to achieve a more balanced and sustainable community in the area.

10.1.7. The AVLAAP sets a number of site specific requirements for site AV16, with the response of this proposal to the requirements in italics:

- Provision of green space within the development in accordance with Core Strategy Policy G4 as shown indicatively on the area map.
See section below – Policy G4 is satisfied.
- Provision of a shared cycle / pedestrian routes through the sites creating links between the Trans Pennine Trail and waterfront, Clarence Road, Carlisle Road and Leeds Dock as shown indicatively on the area map.
The emerging site layout makes provision for the continuation of an east –west pedestrian and cycle route.
- Housing development (or any other type of development classified as 'more vulnerable' according to the NPPG) should not be development in any part of the site lying within Flood Zone 3
This part of site AV16 falls in flood risk zone 2.

10.1.8. Of critical importance for the principle of development is the policy requirement for a buffer between housing and other sensitive uses and the glass manufacturing plant:

- Provision of a suitable buffer between housing and other sensitive uses and the glass manufacturing plant located to the south of Sayner Lane. This development should comprise of other less sensitive uses, such as office or leisure development, to provide a physical buffer and visual screening to the plant. Air quality, odour and noise reports will be required

to assess the impact on the development. Additional mitigation measures may require incorporation within the proposed development.

- 10.1.9. The proposed development does not provide a buffer of less sensitive uses nor a physical buffer. However, noise and air quality reports have been provided to provide comfort that the residents and users of the intergenerational building will have sufficient levels of amenity.

Noise

- 10.1.10. According to the Council's Environmental Health service the submitted noise assessments are considered to be robust. It is concluded that it will be possible to secure noise levels inside the buildings that meet the necessary residential and school standards subject to acoustic glazing, fixed windows and mechanical ventilation intakes located away from Allied Glass. With regard to the impact of noise to external areas including the courtyard / playground and communal residential balcony spaces the latest modelling anticipates daytime noise levels that would be acceptable to the Council's Environmental Health service (no higher than 50 dB LAeq, T).

Air Quality & Odour

- 10.1.11. The applicant has submitted an air quality assessment report which concludes that the predicted concentrations of all air pollutants are expected to be below the relevant standards at sensitive receptor locations around the site. The report has been considered by the Council's Environmental Health service who accept this conclusion.

- 10.1.12. In terms of odour the sealed nature of the internal spaces of the development, with mechanical ventilation drawing in fresh air from locations distant from the Allied Glass plant is considered to mitigate the potential for unacceptable odour problems to the satisfaction of the Council's Environmental Health service. Regarding outside spaces the air quality assessment report concludes that impact of odours will be "negligible" for all but 7 receptors that are closest to the Allied Glass plant out of a total of 82 receptors. Overall, the impact is concluded to be "not significant". Only seven exceed the EA odour exposure level of 3.0ouE/m³. It should be noted that the modelling recorded the worst case scenario concentrations which means that these odour levels are likely to be experienced occasionally rather than constantly. In any case, the size of the school playground and the communal nature of the residential outdoor space means that, during any incidences of high odour, when children and residents are outdoors, they would have the option to move to areas where odours have been predicted to be negligible.

Contaminated Land

- 10.1.13. The site is contaminated from former iron and steel and engineering works, amongst other things. Geotechnical reports setting out remediation works have been submitted to the satisfaction of the Council's Contaminated Land Team subject to conditions being applied to a grant of planning permission.

Flood Risk

10.1.14. The allocation AV16 of the AVLAAP for residential and other mixed use was subject to and passed strategic flood risk sequential and exception tests, so this application for equivalent “vulnerable” uses does not have to repeat these tests. Requirements of the AVLAAP are that no “vulnerable” uses should be located within Flood Zone 3 of allocation AVL16 and that flood risk mitigation measures set out in the AVL flood risk exception test and the site specific flood risk assessment should be applied.’ All of this site is within flood zone 2, so no vulnerable uses will be in Flood Zone 3. The flood zone has changed since the time of allocation as the Council has implemented a flood alleviation scheme along this stretch of the River Aire. However, measures are still needed to mitigate any residual risk. The Environment Agency and Leeds’ Flood Risk Management service have made a number of detailed recommendations concerning impact modelling, drainage, SUDS, water discharge, flood warnings and flood resilience, that have been addressed, subject to conditions being applied.

10.2. Sustainability and Climate Change

10.2.1. Core Strategy Policy EN1 requires all developments of >10 dwellings to reduce total predicted carbon dioxide emissions to 20% less than the Building Regulations Target Emission Rate and provide a minimum of 10% of the predicted energy needs of the development from low carbon energy.

10.2.2. The scheme proposes in the Sustainability Statement that a minimum of 10% of the energy will be provided by renewable energy as per the policy. It is also states that this development will achieve an overall energy demand 45% less than required by Building Regulations, as achieved on Phase I, Low Fold.

10.2.3. Core Strategy Policy EN2 requires non-residential developments of 1,000 or more square metres where feasible are required to meet the BREEAM standard of ‘excellent’. It also expects residential developments of >10 dwellings where feasible to meet a maximum water consumption standard of 110 litres per person per day.”

10.2.4. The Sustainability Statement explains that the school and nursery buildings will follow a fabric-first approach to building design to minimize energy requirements. With insulation and airtightness levels far in advance of present building regulations, coupled with Mechanical Ventilation Heat Recovery (MVHR), the operational carbon emissions will be very low. With timber frames for low embodied energy, the commitment to use of electricity (no gas) with at least 10% from on-site renewables, local manufacturing, SUDS and low car use, it is claimed that the buildings will produce a higher environmental standard than a BREEAM excellent assessment, which is the minimum required by policy. As at 14th July 2022 CITU had appointed a BREEAM assessor to demonstrate that the scheme will at least meet the BREEAM excellent standard.

10.2.5. In terms of water use the Sustainability Statement commits to SUDS, rainwater collection for use in landscaping, low flush toilets, aerated taps, water efficient shower heads, water saving washing machines and a programme of educating residents on water saving which are designed to achieve better than 110 litres per person per day.

10.2.6. Policy EN4 expects connection to heat network where technically viable and appropriate or otherwise designed for future connection. CITU state that connection to the District Heat network is not viable based the energy performance of CITU's buildings. The District Heat Team have confirmed that the buildings of Phase 2 do not need enough heating to make connection to the network viable, and the circumstances will be the same for this site.

10.3. Design, Landscape and Biodiversity

10.3.1. Policies P10, P11 and P12 of the Core Strategy expect schemes to be appropriately designed for the site context conserving the historic environment and conserving and enhancing landscapes. It is considered that the layout, scale, form and design of the proposed development will sit comfortably within the context of the site, including the setting of the nearby Listed Building (Braime's). Braime's is located 96m from the western corner of the site. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Listed Buildings Act 1990') provides:

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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."

10.3.2. Further, in accordance with paragraph 199 of the NPPF great weight should be given to the conservation of heritage assets. Any new development must also provide good design that is appropriate to its location, scale and function (CS Policy P10). Part (i) of the policy states that the size, scale, design and layout should be appropriate to its context and that (Part ii) the development should protect and enhance skylines and views. These policies accord with guidance in the NPPF which requires that development establishes a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; to respond to local character and history; and to reflect the identity of local surroundings.

10.3.3. The Conservation Officer considers that the layout, scale, form and design of the proposed development - reflecting the industrial character of the area - will ensure that it will sit comfortably within the setting of the nearby Braime's Listed Building.

10.3.4. In terms of trees Policy Land 1 of the Natural Resources and Waste Plan expects any trees lost as a result of development to be replaced on a 3:1 ratio. Following advice of the Council's landscape architect to ensure sufficient growing distances between trees and buildings, CITU's indicative plans illustrate the planting of 52 trees to replace 17 that will have to be removed,

exceeding the 3:1 ratio by 1 tree. There is a question mark over 6 proposed small trees close to the back wall of the Discovery Centre. Officers have agreed with the applicant that all the proposed trees can be controlled by condition which will allow for more detailed assessment of planting locations and growing distances and the applicant has further agreed that if on-site replacement cannot be achieved, they will pay a commuted sum based on the CAVAT assessment of removed trees.

- 10.3.5. Surface materials for the main cycle, pedestrian and vehicle routes are to be controlled by condition to ensure they are appropriate and durable enough for their purpose.
- 10.3.6. The proposed enclosure of the courtyard was a welcome revision to the original scheme.
- 10.3.7. Policy G9 expects there to be an overall net gain for biodiversity and that existing wildlife habitats are safeguarded and enhanced. The brownfield site as existing has an amount of natural vegetation and scrub that has self-seeded over the years and a number of planted trees. LCC's ecologist has agreed the BNG submission which finds the biodiversity value of the proposed scheme to be 0.96 of a unit below the biodiversity value of the existing site. To achieve a net gain of 10% the shortfall increases to 1.33 units. It is considered that the scheme optimises the biodiversity potential of the site including tree planting and green roofs to a BNG "Good" standard, so standard practice allows for the shortfall to be made up by a commuted sum payment that can be used toward biodiversity enhancements in the locality. CITU have agreed to the in-lieu payment requested that will be secured through legal agreement.

10.4. Sustainable Transport and Travel Planning.

Car Parking

- 10.4.1. The proposed scheme is virtually car free, with 8 parking spaces proposed for visitors to the care home (including 2 disabled spaces) and two other disabled spaces to serve the rest of the development. This approach aligns with the aims of the Connecting Leeds Transport Strategy. It is also recognised that the site is in a highly accessible location on the edge of the city centre. Therefore, no objection is raised to the car parking provision providing that a developer contribution is made to ensure that on-street parking controls are implemented in the vicinity to address wider parking issues as a result of the development. CITU have agreed to a contribution of £25,000 for this. CITU have also agreed to contribute £20,000 to the city centre / fringe wayfinding scheme for improved signage.
- 10.4.2. The 4 disabled parking spaces proposed exceeds the guideline of 5% of parking spaces expected in the Parking SPD (2016). This guideline is expected to be clarified as 5% of spaces or dwellings, whichever is the greater, in the emerging Transport SPD. The 4 disabled spaces proposed equates to 5% of total dwellings (80).

Cycle Parking

10.4.3. As expected for a scheme that eschews car parking cycle parking provision is very good. The development would be served by 272 cycle parking spaces, considerably higher than the 154 required by the Parking Supplementary Planning Document (2016). For the school this would include secure long stay spaces for 96 ordinary bikes, 12 electric bikes and 30 children's bikes / scooters. The school would also have a secure store for bike trailers and push chairs making it easier for parents/carers to drop children off and continue their journeys unencumbered with bulky equipment as well as six showers and two locker rooms. For the residential flats there would be a long stay secure cycle store for 78 bikes (including 12 electric bikes). In addition, 50 short stay spaces will be available around the site at locations with natural surveillance and convenience for accessing the buildings, including 32 near the entrance to the school and café, 14 at the north-western corner of the building close to the nursery and secondary residential entrance, and 4 next to the entrance of the Care Home.

Layout and servicing

10.4.4. The circulation routes are considered adequate. The footpath to the Nursery from Sayner Lane that runs alongside the private road to the Discovery Centre was measured by the applicant to have a minimum width of 2m including obstructions such as the gate post to the private road. This is considered the absolute minimum by the Sustainable Transport service. However, the applicant has given written comfort that they intend to work with the Discovery Centre to improve this footpath and the aesthetics and location of the gate and post. Swept path analysis had previously been undertaken, showing large refuse vehicle entering and exiting the site from Carlisle Road. Details of bin storage location and enclosure will need to be confirmed post-app via planning condition.

Offsite Highway Works

10.4.5. CITU are committed to delivering highway works in connection with the planning permission 16/02420/FU for 204 dwellings on their phase 2 site on Clarence Road. The highway works for that scheme overlap with those agreed for this scheme. For this scheme, highway works through a Traffic Regulation Order will control any overspill car parking issues as a result of the development. Consequently, conditions and S106 agreement obligations will ensure delivery of these works.

10.4.6. Travel Planning

10.4.7. The developer submitted travel plans for the school and residential elements of the scheme, and these were updated to meet the advice of the "Influencing Travel Behaviour" team, who are satisfied with the revised travel plans and commitments to contribute to the Residential Travel Plan Fund. The proposal for the 72 bed Care home falls below the threshold of 75 beds for care homes to prepare travel plans in the Travel Planning SPD.

10.5. Housing Standards

Housing Mix

10.5.1. Core Strategy Policy H4 expects residential developments to provide an appropriate mix of dwelling sizes and types having regard to the city-wide strategic mix of dwellings needed according to Table H4 and regard to the nature of the development and character of the location. This scheme proposes 55 x 1 bed dwellings (69% of total dwellings) and 25 x 2 bed dwellings (31% of total dwellings). The mix has an excess of 1 bed apartments when compared with Table 4, which sets a maximum of 50%. The proportion of 2 bed dwellings just meets the Table 4 minimum of 30%.

10.5.2. However, a policy compliant mix of dwellings is proposed on the Climate Innovation District as a whole. Overall, 29% of dwellings are 3 bed or larger, which is one of the best proportions of family sized dwellings in the city centre fringe. As such, it is considered that Policy H4 is satisfied.

	1 bed	2 bed	3 bed	4 bed
Table 4 %minima	0%	30%	20%	0%
Table 4 %maxima	50%	80%	70%	50%
Phase 3 (this scheme) N°	55	25	0	0
Phase 3 (this scheme) %	69%	31%	0%	0%
Climate Innovation District N°	319	250	157	71
Climate Innovation District %	40%	31%	20%	9%

Affordable Housing

10.5.3. Core Strategy Policy H5 requires 7% of dwellings to be affordable in this location. Of 80 dwellings proposed this would equate to 5.6 affordable dwellings. Our standard practice is to round percentages to whole numbers making the requirement 6 affordable dwellings. The expected mix of affordable dwellings of Policy H5 is 60% social rent and 40% intermediate, which can include affordable home ownership options. This would equate to 3.6 (rounded up to 4) social rented affordable dwellings and 2.4 (rounded down to 2) intermediate affordable dwellings. Policy H5 also expects the sizes and types of the affordable dwellings to reflect a pro-rata mix of the overall scheme.

10.5.4. This scheme will provide 6 affordable dwellings, 4 x 1-bedroom apartments on the first floor and 2 x 2-bedroom apartments on the second floor. A 60% requirement for social rented dwellings translates into 3.6 dwellings, which would round-up to 4 social rented dwellings. At least one of the 2-bedroom apartments would be made available for social rent.

Internal Space Standards

- 10.5.5. All the proposed dwellings exceed the minimum size requirements of the Nationally Described Space Standards (NDSS) in Core Strategy Policy H9.
- 10.5.6. Of the 1-bedroom apartments the Types A and M apartments (of which 53 are proposed) and the Type K apartment (of which 1 is proposed) are designed for occupation by 1 person. As such their 52sqm overall size is 15sqm larger than the minimum. As an apartment for 1 person the bedroom size of 10sqm exceeds the minimum size for a single bedroom by 2.5sqm. The Type E 1 bedroom apartment is designed for 2 occupants so has an overall floor area of 60sqm and bedroom size of 12sqm, which meets the size standards of 50sqm and 11.5sqm respectively.
- 10.5.7. Of the 2-bedroom apartments the Types B and N apartments (16 proposed) and Types C and P apartments (8 proposed) both have one ensuite bedroom labelled as a double bedroom and one as a single bedroom which makes them 3 person apartments. As such, at 66sqm they are 5sqm larger than the minimum for a 2 bed 3-person apartment. Their bedrooms exceed the minimum sizes. The type F apartment (1 proposed) also has one double and one single bedroom making it a 3-person dwelling. As such its 72sqm total size exceeds the minimum requirement by 11 sqm. Its bedrooms also exceed the minimum standards.
- 10.5.8. All apartments proposed would have 2sqm of built-in storage space as required by the standards.

Accessible dwellings

- 10.5.9. Core Strategy Policy H10 expects 30% of new dwellings to meet the M4(2) standard for accessibility and 2% to meet the M4(3) standard. The standards are defined in the Building Regulations: M4(2) dwelling standards are designed for extra mobility and M4(3) dwellings are designed for wheelchair users to live in. M4(3) dwellings come in two forms: wheelchair accessible and wheelchair adaptable. The wheelchair adaptable form is appropriate in this case because the dwellings only have to be fully kitted out to be accessible when the local authority is responsible for allocating a household with a wheelchair user to that dwelling.
- 10.5.10. This phase includes 4 x M4(3) dwellings, or 5% of the 80 total on site. This is more than double the policy requirement of 2%. This phase also includes 26 x M4 (2) dwellings or 32.5% which is slightly more than the policy requirement of 30%. It should be noted that the overprovision here will offer opportunity for other phases of the Climate Innovation District to underprovide, as long as the requirements are met overall. It is considered appropriate that this phase overprovides, particularly for the M4(3) standard because of the presence of the care home. It is anticipated that the dwellings in this phase will have an attraction to later life occupants who see the presence of the care home as a convenient next step. Of the 30 total accessible dwellings 18 (60%) will be one bed and 12 (40%) will be 2 bed. This mirrors quite well the proportion of 1 bed (71%) and 2 bed units (29%) on the scheme as a whole. Also, the accessible dwellings are distributed on all 3 floors. As such, the expectation for a pro-rata mix of accessible dwellings of Policy H10 is satisfied.

10.6. Green Space Provision

10.6.1. The site is outside of the City Centre boundary, so Policy G4 of the Core Strategy applies. This requires a quantum of green space to be provided per dwelling: 23sqm for 1 bed dwellings and 33sqm for 2 bed dwellings. On this basis the total requirement for this scheme is 2,090sqm. Officers have accepted 1,822sqm of space meets the definition of green space on the site. This includes the space north of the café and school entrance and the east-west pedestrian route which is much broader than just the footpath. The shortfall of 268sqm has been translated into a commuted sum using the standard policy based formula that CITU have agreed to pay. This will be secured through legal agreement.

10.7. Planning Obligations

10.7.1. The Council's adopted policies would result in the following Section 106 matters, which are considered to be necessary, directly related to the development and fairly and reasonably related in scale and kind to the development:

- i. Affordable Housing 7% - 4 x 1 bedroom apartments on the first floor and 2 x 2 bedroom apartments on the second floor. Four of these will be for social rent and 2 for intermediate affordable housing. In the interests of mix, at least one of the 2 bedroom units should be for social rent.
- ii. Traffic Regulation Order to manage any overspill parking issues in the surrounding area as a result of the development: £25,000
- iii. City centre / fringe wayfinding scheme for improved signage: £20,000
- iv. Travel Plan and Travel Plan Monitoring Fee of £3,377 for the Residential Travel Plan, and £3,377 for the School Travel Plan, both subject to an annual increase for inflation
- v. Residential Travel Plan Fund £20,460
- vi. Cooperation with Local Jobs and Skills Initiatives
- vii. Tree replacement. A financial contribution may be required based on CAVAT assessment of tree removal if the replacement of trees according to planning policy cannot be achieved on site
- viii. Greenspace – 1,822sqm of green space to be laid out on-site according to an agreed drawing and £18,850.11 to be paid as an off-site commuted sum
- ix. Biodiversity net gain contribution of £33,250 towards biodiversity improvements in Leeds

10.7.2. Enacting the S106 Agreement will require a S111 Agreement because the Council owns the land. This binds the developer to take on the obligations of the S106 when the land is acquired.

11. Conclusion

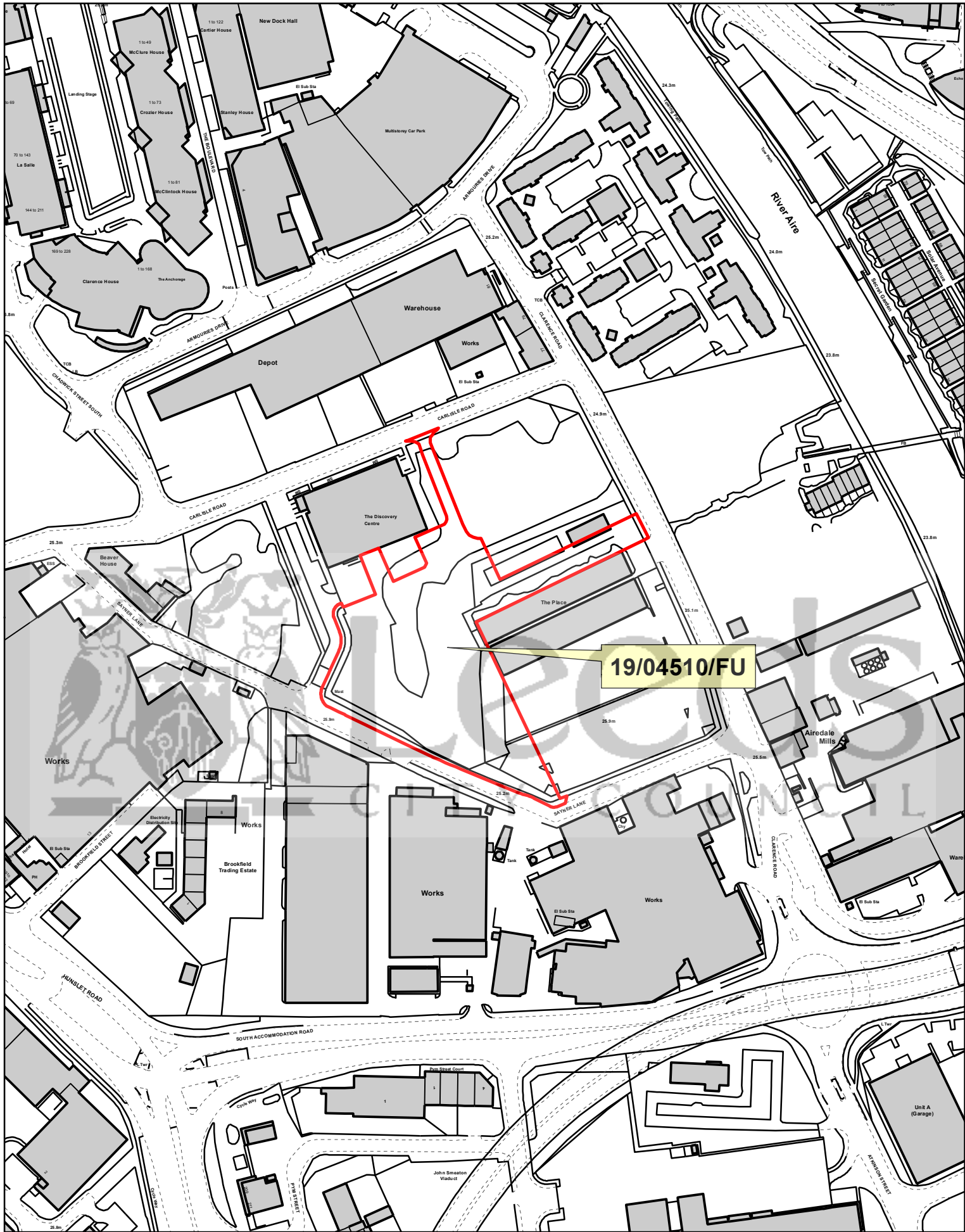
- 11.1. This proposal will contribute to the ambitions of the Aire Valley Leeds Area Action Plan to bring diversity and supporting facilities to the growing residential community of the South Bank. The primary school will make the area more attractive for families and couples wanting to stay local, and the care home adds a residential facility which may attract older people to nearby dwellings.
- 11.2. Proximity to the glass works is a concern, but the impacts have been properly assessed and concerns allayed by professional reports on noise and air quality, which have satisfied the Council's environmental health services.
- 11.3. CITU maintain that the buildings will be highly sustainable in terms of materials and insulation. At the time of writing, BREEAM pre-assessment confirmation was awaited. All the other Council's policy standards and requirements have been met.
- 11.4. On balance it is concluded that the compliance with the adopted local and national policy and delivery of sustainable development means that approval is recommended subject to conditions and completion of the s106 agreement.

Background Papers

Application file 19/04510/FU

Appendices

Appendix 1: Draft Conditions



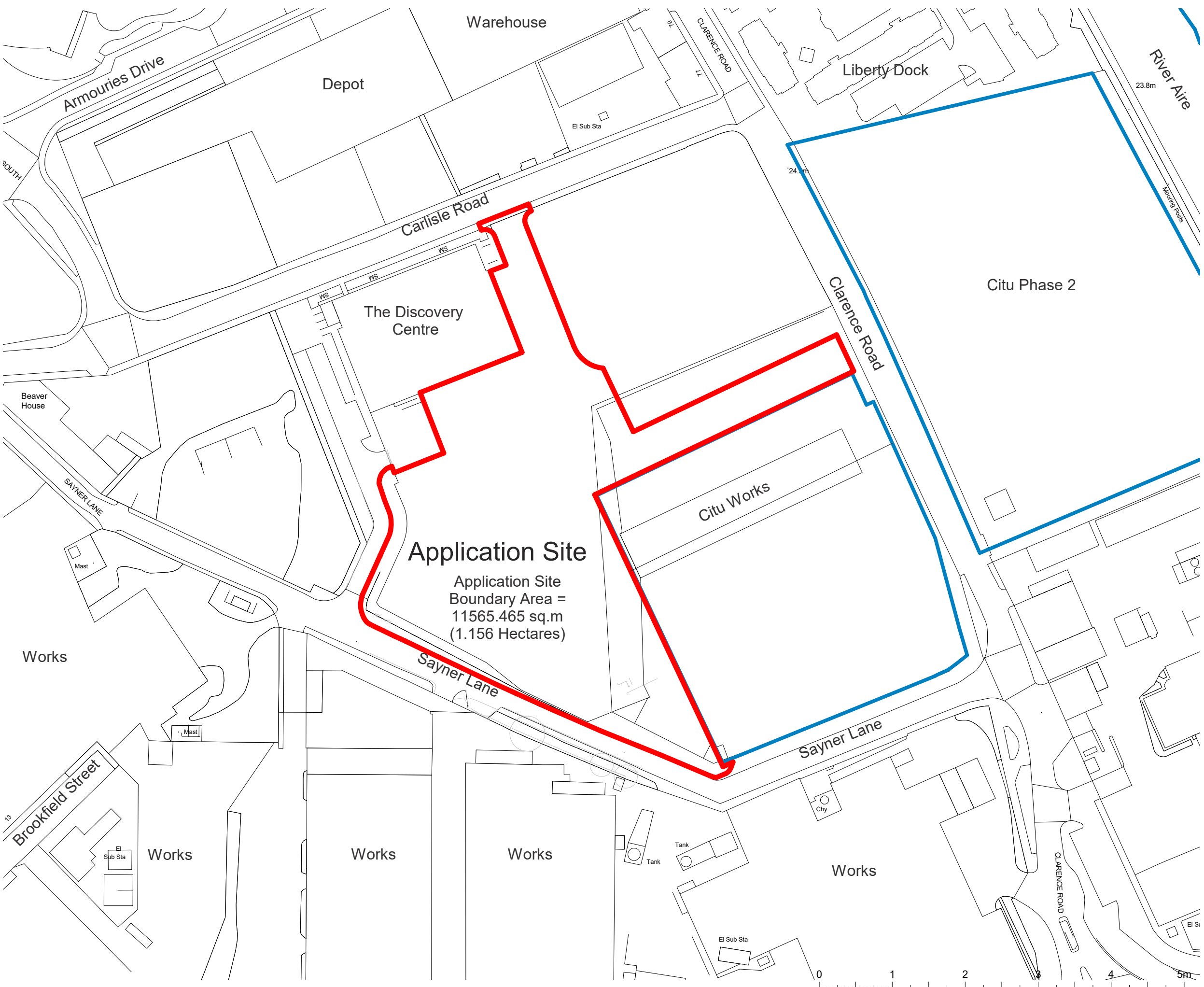
CITY PLANS PANEL

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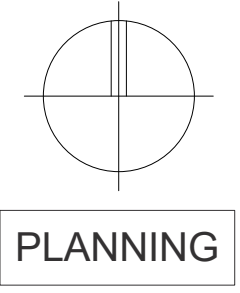
SCALE : 1/2500





Application Site
 Application Site
 Boundary Area =
 11565.465 sq.m
 (1.156 Hectares)

REVISIONS		
A	Issued for Planning (not issued)	01/07/19
B	Issued for Planning	10/07/19
C	Red line boundary amended, site area updated accordingly. Issued for planning.	05/12/19
D	Issued to LCC - CID3 supplementary info	10.06.22



Drawing Number
 Proj - Originator- Zone - Level - Type - Role- Series- Number
 CID3-CITUD- XX DR-A-00-001
Revision **Status**
 D S2

Project
 CITU STANDARDS
 Part M4 Layouts
Title
 Site Location Plan

Scale **Date**
 1 : 1250 @ A3 02/04/19
DRAWN **REVIEWED**
 SM SN



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Appendix 1 - Draft Conditions

CITY PLANS PANEL

Subject: Planning Application 19/04510/FU for a multi-generation building comprising a primary school, nursery, 70-bed care home, 80 flats and cafe at Sayner Lane and Clarence Road, Hunslet, Leeds.

CTFUZ TIME LIMIT ON FULL PERMISSION 3 YEARS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

CPLAN APPROVED PLANS

2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.

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

Drainage Scheme

3. Development shall not commence until a drainage scheme (i.e. drainage drawings, construction details, summary calculations including sewer network reference plan and copies of all relevant investigations) detailing the surface water drainage works as well as arrangements for its future maintenance (e.g. adoption by the Water Company) have been submitted to and approved in writing by the Local Planning Authority. The maximum rate of discharge, off-site, shall not exceed 4 litres per second, unless otherwise agreed with the LPA. 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 site shall be developed with separate systems of drainage for foul and surface water on and off site.

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

Flood Resilience

4. Development shall not commence until details of any flood resilience measures required to protect the buildings within the development have been submitted and approved by the Local Planning Authority.

To protect the development against flooding

Flood Warning

5. Prior to the occupation of any phase of the development the owners or operators of that phase shall sign up to the Environment Agency's Flood Warning Service, ensuring that the occupants receive all notifications. In addition, the Flood Response Plan, as contained within Appendix F of the Weetwood FRA V2.1 dated July 2020, shall be executed before any part of the development is occupied.

To protect the development against flooding.

Interim Drainage Measures

6. Development shall not commence until details and a method statement for interim 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 to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement.

To prevent flooding offsite in accordance with the NPPF

Surface Water Drainage

7. No development shall be brought into use or occupied and there shall be no piped discharge of surface water from the development until a surface water drainage and SUDS management and maintenance plan for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. This plan shall also include arrangements for adoption of any part of the drainage system by any public authority or statutory undertaker, or any other arrangements necessary to secure the operation of the scheme.

If discharge to public sewer is proposed, the information shall include, but not be exclusive to:

- a) evidence to demonstrate that surface water disposal via watercourse are not reasonably practical;
- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum (30)% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

To ensure the continued operation and maintenance of drainage features serving the site and reduce the risk of flooding

To protect the development against flooding

Flood Risk Finished Floor Levels

8. The development shall be carried out in accordance with the submitted flood risk assessment 'Weetwood FRA V2.1 dated July 2020 and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 26.3 metres above Ordnance Datum (AOD)

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.

To reduce the risk of flooding to the proposed development and future occupants

C_SIRS Submission Report + Remediation Strategy

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

Where remediation measures are shown to be necessary in the Phase II Report and/or where soil or soil forming material is being imported to site, development (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.

C_AMEN Amendment of Remediation Strategy

10. 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.

C_VERI Submission of Verification Report(s)

11. 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.

C_SOIL Importing Soil

12. 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 the site or phase of the site being brought into use.

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 in accordance with national and Leeds City Councils planning guidance.

Surfacing:

13. Surfacing for pedestrian, cycle and vehicle circulation areas to be of appropriate bound construction.

To ensure accessible and safe routes

Disabled Parking:

14. The disabled parking shown on the approved plans shall be laid out prior to occupation of the development and retained for the life of the development.

In accordance with Core Strategy policy T2 and the Leeds Parking Policy

Maximum Access Gradient:

15. The vehicular access gradient shall not exceed 1 in 40 (2.5%) for the first 15m and 1 in 20 (5%) thereafter, unless otherwise agreed in writing by the Local Planning Authority. The gradient of the pedestrian access shall not exceed 1 in 20 (5%).

To ensure the free and safe use of the highway, and in the interests of disabled access.

Maximum Driveway Gradient:

16. The gradient of all drives shall not exceed 1 in 12.5 (8%).

To ensure the free and safe use of the highway.

Gates to be set back from Highway:

17. Any gates across the access road to the development site shall be set back 5.0m from the back edge of the highway/footway, and only open inwards into the development site.

To ensure the free and safe use of the highway.

Approved Sightlines / Visibility Splays:

18. The accesses hereby approved shall not be brought into use until works have been undertaken to provide the sightlines / visibility splays shown on the approved plan ref **731-06-CE-YY-XX-DR-C-TR-2001 P02**; to an adoptable standard. These sightlines / visibility splays shall be retained clear of all obstruction to visibility greater than 0.6m in height above the adjoining carriageway for the lifetime of the development.

To ensure the free and safe use of the highway.

Cycle Facilities - excl plans:

19. Notwithstanding the approved details, works above the ground floor slab level shall not commence until full details of cycle parking and facilities have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking and facilities shall be provided prior to first occupation of the development and retained thereafter for the lifetime of the development.

In the interests of highway safety and promoting sustainable travel opportunities.

Vehicle Space to be Laid Out:

20. Development shall not be occupied until all areas shown on the approved plans to be used by vehicles, including roads, footpaths, cycletracks, loading and servicing areas and vehicle parking space have been fully laid out, surfaced and drained such that loose materials and 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.

Car Park and Servicing Management Plan: Development shall not be occupied until a 21. Car Park and Servicing Management Plan (including timescales) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following information:

- Details of dedicated spaces for loading, unloading and parking of service/delivery vehicles;
- Details of all vehicle parking and turning areas; and
- Refuse collection strategy, including kerbside collection and location of refuse collection points.

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.

Provision for Contractors:

22. Development shall not commence until a statement of construction practice 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 construction vehicle routing, means of access, location of site compound, storage and parking (including workforce parking), means of loading and unloading of all contractors' plant, equipment, materials and vehicles and associated traffic management measures.
- b) Methods to prevent mud, grit and dirt being carried on to the public highway from the development hereby approved.
- c) Measures to control the emissions of dust and dirt during construction.
- d) How the statement of construction practice will be made publicly available by the developer.

The approved details shall be implemented at the commencement of works on site and shall thereafter be retained and employed until completion of the works on site. The Statement on 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.

The carrying out of the development could result in significant harm to the amenities of local residents and highway safety, and accordingly details of construction practice is required to be agreed prior to commencement of works in order to protect such interests.

Specified Off-site Highway Works 1:

23. Prior to occupation of the development, the off-site highway works as indicatively shown on plan 731-06-CE-YY-XX-DR-C-TR-2006 P05 shall be fully delivered.
To ensure the free and safe use of the highway.

Specified Off-site Highway Works 2:

24. Prior to occupation of the development, the off-site highway works approved under **16/02420/FU** as shown on plan **15124/GA/02 Rev. B** at Clarence Road shall be fully delivered.
To ensure the free and safe use of the highway.

Electric Vehicle Charging Points:

25. Development shall not be occupied until Electric Vehicle Charging Points have been provided in accordance with a scheme that shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall thereafter be retained for the lifetime of the development.
In the interest of promoting low carbon transport.

Details of Waste Collection Provision:

26. The development hereby permitted shall not be occupied until 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 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 adequate measures for the storage and collection of wastes are put in place. In the absence of appropriate measures residential amenity could be adversely affected.

CMSWRZ Samples Wall/Roof Materials to be Submitted

27. Construction of external walls and roofs to any building subject of this permission shall not take place until details and samples of all external walling and roofing materials have been 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.

CFFWZ FENCING AND/OR WALLS TO BE PROVIDED

28. No development shall take place until details of the position, design, materials and type of all walls and/or fences or permanent boundary/screening treatment, whether or not shown to be erected on the approved plans, have been 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 residential and visual amenity

CELSZ LIGHTING SCHEME

29. No external lighting shall be installed unless a scheme has previously been approved in writing by the Local Planning Authority. The scheme shall be installed and retained thereafter in accordance with the approved details.

In the interests of residential amenity and highway safety

Public Safety

30. Prior to occupation of each relevant 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 public safety.

Accessible Housing

31. Following completion of at least 50% of the dwellings and secondly at the stage of the final completion of the remaining 50% of the dwellings, a post construction Accessible Housing Certification Table containing the full details of the following matters shall be submitted to and approved in writing by the Local Planning Authority:

- Which and how many dwellings within the development have satisfied M4 (2)* accessible and adaptable dwellings standards
- Which and how many dwellings within the development have satisfied M4 (3)* wheelchair adaptable dwellings standards

*contained within Part M Volume 1 (Approved Document) of The Building Regulations 2010, or any such Approved Document or Regulations for the time being in force,

including any modification, extension or re-enactment of the same and including all instruments, orders, regulations and directions for the time being made, issued or given under the Approved Document or Regulations (or deriving validity from the same). The accessible dwellings shall be provided in accordance with the agreed details and shall be retained as provided for thereafter.

In the interests of disabled people and access for all.

Waste Planning

32. Prior to the commencement of above ground works a Site Waste Management Plan, including a Recycled Material Content Plan (using the Waste and Resources Programme's (WRAP) recycled content toolkit) shall be submitted to, and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and retained as such thereafter.

In the interests of ensuring the development meets the requirements of the waste reduction targets within the Natural Resources and Waste Local Plan

Reduction of Carbon Emissions

33. Within 6 months of final occupation of the development a post-construction review statement shall be submitted to the Local Planning Authority demonstrating that the buildings have achieved the reduction in total predicted carbon dioxide emissions and on-site energy provision using Low and Zero Carbon technologies. The review shall also include details to demonstrate the implementation of the low-water usage target 110 litres/person/day.

In the interests of ensuring the development meets the requirements of the adopted energy policies within the Core Strategy

CLSIZ Submission / Implementation of Landscape Details

34. The development hereby permitted shall not be occupied until full details of both hard and soft landscape works, including an implementation programme, have been submitted to and approved in writing by the Local Planning Authority. Hard landscape works shall include

- (a) proposed finished levels and/or contours,
- (b) boundary details, means of enclosure and retaining structures,
- (c) car parking layouts,
- (d) other vehicle and pedestrian access and circulation areas,
- (e) hard surfacing areas,
- (f) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.),

Soft landscape works shall include

(h) planting plans

(i) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and

j) schedules of plants noting species, planting sizes and proposed numbers/densities.

All hard and soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.

To ensure the provision and establishment of acceptable landscaping.

CLPRAZ Protect Existing Trees/Hedges/Bushes

35. a) No works shall commence (including any demolition, site clearance, ground works or drainage etc.) until all existing trees, hedges and vegetation shown to be retained on the approved plans are fully safeguarded by protective fencing and ground protection in accordance with approved plans and specifications and the provisions of British Standard 5837 (2012) Trees in relation to design, demolition and construction, unless otherwise agreed in writing by the Local Planning Authority. NOTE: Only the BS5837 default barrier with the scaffold framework shall be employed. Such measures shall be retained for the full duration of any demolition and/or approved works.

b) No works or development shall commence until a written Arboricultural Method Statement (AMS) in accordance with BS5837 for a tree care plan has been submitted to and approved in writing by the Local Planning Authority. Works shall then be carried out in accordance with the approved method statement. The AMS shall include a Site Supervision Schedule i.e. a list of site visits and the operational specifics related to trees for the full construction duration. The AMS shall include for reporting back to the Local Planning Authority immediately after each site supervision intervention (written & photographic).

NOTE - this item cannot be discharged until the last supervision visit report is submitted.

c) Evidence shall be submitted, such as a written appointment (including site specifics), that confirms that a qualified Arboriculturist/competent person has been appointed to carry out this Arboricultural monitoring/supervision.

d) Seven days written notice shall be given to the Local Planning Authority that the protection measures are in place prior to demolition/ approved works commencing, to allow inspection and approval of the protection measures as implemented on site.

NOTE - this item cannot be discharged until post inspection approval is confirmed.

e) No equipment, machinery or materials shall be used, stored or burnt within any protected area. Ground levels within these areas shall not be altered, nor any excavations undertaken including the provision of any underground services/drainage, without the prior written approval of the Local Planning Authority.

To ensure the protection and preservation of trees and vegetation during construction works, in accordance with Leeds City Council policies.

CLPRRZ Preservation of Retained Tree/Hedge/Bush

36. Within 5 years of occupation, no approved retained tree/hedge/bushes shall be cut down, uprooted or destroyed nor any tree be pruned, topped or lopped or suffer root severance (other than in accordance with the approved plans and particulars) without the prior written approval of the Local Planning Authority (LPA). In the event of any such works being carried out without having first sought and received written approval from the LPA the following actions shall be undertaken:

a) Within one month of the removal, uprooting, damage or loss of any retained tree a replacement planting scheme shall be submitted to and approved in writing by the LPA. That replacement planting scheme shall include the replacement of trees in accordance with current policies (e.g. LAND 2 'Development and Trees') by semi-mature size trees (circumference 25/30cm) or an equivalent offsite mitigation planting scheme, where on site provision is not possible. The mitigation planting scheme shall be implemented in the first planting season following the receipt of the written approval of those details by the LPA.

b) Within one month of a pruning, topping, lopping or root severance of a retained tree, a Professional Arboricultural Report shall be submitted to and approved in writing by the LPA. The report shall include a full assessment of the unauthorised work, remediation proposals and implementation programme.

c) Within one month of removal, uprooting, damage or loss of any retained bush/bushes details of replacement planting and implementation scheme shall be submitted to and approved in writing by the LPA.

d) Within one month of removal, uprooting, damage or loss of any retained hedges details of replacement planting and implementation scheme, that shall comprise or include "instant hedging" of at least 1m in height, shall be submitted to and approved in writing by the LPA.

Within one week following the implementation of the planting scheme agreed pursuant to a), b), c) or d) above documentation shall be submitted to the LPA that evidences the works have been carried out in accordance with the agreed details. This shall include photographic evidence.

Please note that retained tree/hedge/bush refers to vegetation which is to be retained, as shown on the approved plans and particulars and the condition shall have effect until the expiration of five years from the date of occupation.

In the interests of the character and amenities of the area, the best interests of nature conservation and bio-diversity.

Biodiversity Management

37. Prior to the commencement of development a Biodiversity Enhancement & Management Plan (BEMP) shall be submitted to and approved in writing by the LPA. The Plan shall deliver a minimum of 2.79 Habitat Biodiversity Units and 0.21 Linear Biodiversity Units on land identified in the Biodiversity Net Gain Report ref. ER-4700-01B dated 26/04/22 by Brooks Ecological Ltd. and include details of the following:

- a) Description and evaluation of features to be managed and enhanced
- b) Extent and location/area of proposed habitats and Biodiversity Units on scaled maps and plans
- c) Ecological trends and constraints on site that might influence management
- d) Aims and Objectives of management to include Target Biodiversity Units and Condition Criteria
- e) Appropriate management Actions for achieving Aims and Objectives
- f) An annual work programme (to cover an initial 5 year period)
- g) Details of the specialist ecological management body or organisation responsible for implementation of the Plan
- h) How the Plan is to be funded
- i) For each of the first 5 years of the Plan, a progress report sent to the LPA reporting on progress of the annual work programme and confirmation of required Actions for the next 12 month period
- j) The Plan will be reviewed and updated every 5 years and implemented for perpetuity

The Plan shall also set out how contingencies and/or remedial action will be identified, agreed and implemented when necessary. The approved Plan will be implemented in accordance with the approved details.

Reason: to ensure the long-term protection and enhancement of biodiversity in accordance with Core Strategy Policy G8 and G9, NPPF and BS 42020:2013.

Biodiversity Monitoring

38. Prior to occupation of the first dwelling a Biodiversity Monitoring Programme & Monitoring Report carried out by an appropriately qualified ecological consultant shall be submitted to and agreed by the LPA. It shall include the first Monitoring Report and specify the frequency and timing of subsequent Monitoring Reports to cover a minimum 30 year period to be submitted to the LPA. The Monitoring Report will include the following:

- a) Confirmation of the number of Biodiversity Units present based on a survey at an appropriate time of year and how this compares to the 2.79 Habitat Biodiversity Units and 0.21 Linear Biodiversity Units identified for creation in the Biodiversity Net Gain Report ref. ER-4700-01B dated 26/04/22 by Brooks Ecological Ltd.
- b) Where the Target Condition is not yet met provide an assessment of time to Target Condition for each habitat and any changes to management that are required
- c) How the monitoring is funded and the specialist ecological body responsible
- d) Confirmation by photographs that all integral bird nesting and bat roosting features are in place as approved

Subsequent Monitoring Reports will be submitted to the LPA at time-scales stated in the Monitoring Programme and where remedial measures or changes in management are required these will be addressed in the subsequent Biodiversity Enhancement & Management Plan (BEMP) annual work programmes.

Reason: to ensure Biodiversity Units are delivered as agreed in the approved BEMP for perpetuity.

Biodiversity Protection

39. No works to or removal of vegetation shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before (within 24 hours) the works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the LPA within 3 days of such works commencing.

Reason: to protect nesting birds in vegetation in accordance with the Wildlife & Countryside Act 1981 (as amended) and BS 42020:2013.

Directives / Informatives

1. Statement of approval with amendment

The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website and further discussion where appropriate to produce an acceptable development. For this particular application, positive discussions took place which resulted in further information being submitted to allow the application to be approved.

2. DBRC COAL AUTHORITY COMMENTS

The Coal Authority advise that: "the published ordnance survey geological map indicates the calculated line of outcrop of a coal seam nearby the site. There is a possibility that very old shallow workings may have taken place although there is no record of any such workings. It would therefore be prudent to test the site for voids which may exist near the surface. Should the seam be encountered during site excavations, then any coal which is not of necessity removed should be sealed from the atmosphere with some inert material in order to minimise any danger of spontaneous combustion."

3. D_BLF Prep of Reports Land Contamination

All reports addressing land contamination should be compiled in accordance with best practice and with the National Planning Policy Framework and policies Land 1 of the Natural Resources and Waste Local Plan 2013 and GP5 of the Unitary Development Plan Review 2006.

Prior to preparing any reports in compliance with conditions related to land contamination the applicant is also advised to refer to the latest version of the Yorkshire and Lincolnshire Pollution Advisory Group technical guidance for developers, landowners and consultants, as noted below:

- Development on Land Affected by Contamination
- Verification Requirements for Cover Systems
- Verification Requirements for Gas Protection Systems

Where C_SOIL has been placed on the planning permission, guidance on the required information to submit is available in the Verification Requirements for Cover Systems guidance.

The latest version of this guidance and additional information is available at www.leeds.gov.uk/contaminatedland

4. DSFU Suitable for Use

The applicant is advised that remediation of any contaminated site is required to a standard such that the site is 'suitable for its proposed use' in accordance with the National Planning Policy Framework (NPPF) and policies Land 1 of the Natural Resources and Waste Local Plan 2013 and GP5 of the Unitary Development Plan Review 2006.

Remediation may include the requirement for the importation of suitable soils and/or soil forming materials, an appropriately designed capping layer and satisfactory gas protection measures.

In order that the council can confirm that the site has been demonstrated as suitable for use, verification information in line with the approved Remediation Strategy must be submitted to the Local Planning Authority for approval in writing. Without submission of evidence to support the discharge of conditions relating to verification eg C_VERI, C_SOIL, C_LUNX, there may arise delays to condition discharge, failure of property sale, liability issues and enforcement action including action under Part 2A of the Environmental Protection Act 1990.

As noted in the NPPF, where a site is affected by contamination issues, responsibility for securing a safe development rests with the developer and/or landowner.

5. Sewer adoption agreement

If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he should contact our Developer Services Team (telephone 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition as supplemented by Yorkshire Water's requirements.

6. Discharge of trade effluent

The developer is required to consult with Yorkshire Water's Trade Effluent team (telephone 03451 242424) on any proposal to discharge a trade effluent to the public sewer network. Under the provisions of section 111 of the Water Industry Act 1991 it is unlawful to pass into any public sewer (or into any drain or private sewer communicating with the public sewer network) any items likely to cause damage to the public sewer network interfere with the free flow of its contents or affect the treatment and disposal of its contents. Amongst other things this includes fat, oil, nappies, bandages, syringes, medicines, sanitary towels and incontinence pants. Contravention of the provisions of section 111 is a criminal offence;

7. Fat and Grease Trap

Foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewer network.

Flood resistance and resilience - advice to LPA/applicant

We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. The following documents may also be useful:

Ministry of Housing, Communities and Local Government: Preparing for floods
<http://www.planningportal.gov.uk/uploads/odpm/400000009282.pdf>

Ministry of Housing, Communities and Local Government: Improving the flood performance of new buildings: <https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

Flood warning and emergency response - advice to LPA

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The planning practice guidance (PPG) to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you consult with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with the guiding principles of the PPG.

Signing up to flood warnings

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities. For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>.

To get help during a flood, visit <https://www.gov.uk/help-during-flood>.

For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.

Groundwater and Contaminated Land Informatives

General advice to LPA

This development site appears to have been the subject of past industrial activity which poses a risk of pollution to controlled waters.

However, we are unable to provide site-specific advice relating to land contamination as we have recently revised our priorities so that we can focus on:

- Protecting and improving the groundwater that supports existing drinking water supplies
- Groundwater within important aquifers for future supply of drinking water or other environmental use

We recommend that you refer to our published 'Guiding Principles for Land Contamination' which outlines the approach which should be adopted when managing this site's risks to the water environment.

We also advise that you consult with your Environmental Health/Environmental Protection Department for advice on generic aspects of land contamination management. Where planning controls are considered necessary, we recommend that the environmental protection of controlled waters is considered alongside any human health protection requirements. This approach is supported by paragraph 170 of the National Planning Policy Framework.

Model procedures and good practice

We recommend that developers should:

1. Follow the risk management framework provided in 'Land contamination: risk management' when dealing with land affected by contamination
2. Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site – the local authority can advise on risk to other receptors, such as human health
3. Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed
4. Refer to the contaminated land pages on gov.uk for more information

Waste on site

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/ or land development works is waste or has ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project

- some naturally occurring clean material can be transferred directly between sites

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to:

- the position statement on the Definition of Waste: Development Industry Code of Practice
- The waste management page on gov.uk

Waste to be taken off site

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on gov.uk for more information