



SOUTH AND WEST PLANS PANEL

**Meeting to be held in Civic Hall, Leeds on
Thursday, 20th June, 2013
at 1.30 pm**

MEMBERSHIP

Councillors

J Akhtar
M Coulson
C Gruen
J McKenna
(Chair)
C Towler
P Truswell
J Walker

J Bentley

A Castle
R Wood

R Finnigan

**Agenda compiled by:
Andy Booth
Governance Services
Civic Hall
Tel: 0113 24 74325**

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	

Item No	Ward	Item Not Open		Page No
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p> <p>No exempt items or information have been identified on the agenda</p>	
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p>	

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5	Beeston and Holbeck		APOLOGIES FOR ABSENCE	3 - 16
6			MINUTES - 23 MAY 2013 To confirm as a correct record, the minutes of the meeting held on 23 May 2013	
7			PREAPP/12/00279 - 49 BARKLY ROAD, CROSS FLATTS, LEEDS, LS11 7EW To receive and consider the attached report of the Chief Planning Officer regarding an application for the re-development of a site to form a religious community centre, sports hall and catering business. <i>This is a pre-application presentation and no formal decision on the development will be taken, however it is an opportunity for Panel Members to ask questions, raise issues, seek clarification and comment on the proposals at this stage. A ward member or a nominated community representative has a maximum of 15 minutes to present their comments.</i>	
8	Horsforth		APPLICATIONS 11/02390/LI AND 11/02389/FU - CORN MILL FOLD, CORNMILL VIEW, HORSFORTH LEEDS, LS18 To receive and consider the attached report of the Chief Planning Officer regarding a listed building application to demolish a former con mill building and an application for a part two, part three storey office block with car parking.	17 - 42

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9	Beeston and Holbeck		<p>INTRODUCTORY REPORT - APPLICATION 11/04306/OT, SITE OF ASDA STORE, OLD LANE BEESTON AND APPLICATION 10/04404/FU, JUNCTION OF MOORHOUSE AVENUE AND OLD LANE, BEESTON</p> <p>To receive and consider the attached report of the Chief Planning Officer which gives an introduction to the subsequent two agenda items as follows:</p> <p>Application 11/04306/OT – Demolish existing buildings and erect a retail foodstore (Class A1) with car parking, landscaping and access at Old Lane, Beeston</p> <p>Application 10/04404/FU – Application for the erection of retail store with car parking and landscaping at junction of Moorhouse Avenue and Old Lane, Beeston</p>	43 - 46
10	Beeston and Holbeck		<p>APPLICATION 10/04404/FU - JUNCTION OF MOORHOUSE AVENUE AND OLD LANE</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the erection of a retail store with car parking and landscaping</p>	47 - 90
11	Beeston and Holbeck		<p>APPLICATION 11/04306/OT - ASDA FOODSTORES, OLD LANE, BEESTON, LEEDS, LS11 8AG</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application to demolish existing buildings and erect a retail foodstore (Class A1) with car parking, landscaping and access.</p>	91 - 124
12	Calverley and Farsley		<p>APPLICATION 13/00521/FU - RODLEY CRICKET CLUB, TOWN STREET, RODLEY, LEEDS, LS13 1HW</p> <p>To receive and consider the attached application of the Chief Planning Officer for a new cricket pavilion</p>	125 - 134

Item No	Ward	Item Not Open		Page No
13	Weetwood		APPLICATION 13/01100/RM - UNIVERSITY OF LEEDS, BODINGTON HALL To receive and consider the attached report of the Chief Planning Officer regarding an application for the demolition of existing buildings, laying out of access roads and erection of 106 houses.	135 - 146
14			DATE AND TIME OF NEXT MEETING Thursday, 18 July 2013 at 1.30 p.m.	

Chief Executive's Department

Democratic Services

4th Floor West

Civic Hall

Leeds LS1 1UR

Contact: Andy Booth

Tel: 0113 247 4325

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Your reference:

Our reference: ppw/sitevisit/
2013

To:

Members of Plans Panel (South and
West)Plus appropriate Ward Members and
Parish/Town Councils

Dear Councillor

SOUTH AND WEST PLANS PANEL – SITE VISITS – THURSDAY, 20 JUNE 2013

Prior to the next meeting of Plans Panel West there will be site visits in respect of the following;

- 1 **11.10 am** Application 13/00521/FU – New Cricket Pavilion – Rodley Cricket Club – Town Street, Rodley – **Leave 11.15 a.m.** (if travelling independently meet at entrance to ground of Moss Bridge Road)
- 2 **11.35 am** Pre Application – Preapp/12/00279 – Redevelopment of site to form a religious community centre, sports hall and catering business – 49 Barkly road, Crass Flatts, Beeston – **Leave 11.50 a.m.** (if travelling independently meet at entrance to site on Barkly Road)

Return to Civic Hall at 12.00 p.m. approximately

A minibus will leave the Civic Hall at 10.50 am prompt. Please contact Steve Butler Area Planning Manager (West) Tel: (0113) 2243421 if you are intending to come on the site visits and meet in the Civic Hall Ante Chamber at 10.45 am

Yours sincerely

Andy Booth
Governance Officer

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Originator: Jillian Rann

Tel: 0113 222 4409

Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 20th June 2013

Subject: PREAPP/12/00279 – Proposed redevelopment of former ice-packing factory to provide religious community centre, sports hall and catering business at 49 Barkly Road, Beeston, Leeds, LS11 7EW.

Electoral Wards Affected: Beeston and Holbeck

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

☐

Community Cohesion

☐

Narrowing the Gap

☐

RECOMMENDATION:

For Members to note the content of the report and presentation and to provide any comments on the proposals.

1.0 INTRODUCTION:

- 1.1 This presentation follows several months of pre-application discussions with the owners of the former Ice Pak factory site in Beeston, who propose to redevelop the site to provide a religious, community and education centre, a sports hall facility, and a catering business. The proposed development is a long-term project and intended to be brought forward in phases as funding allows. The discussions have covered various themes, including the proposed uses and operation of the building, its design, the parking and highway implications of the proposals, the phasing of the development, and its implications for the amenities of surrounding residents. Officers are advised that a public meeting has been arranged locally by the applicants, but further public engagement has been encouraged by officers and this presentation forms part of that process.

2.0 PROPOSAL:

- 2.1 According to details which have formed part of the pre-application discussions to date, the proposed development would provide around over 3080m² of floorspace,

including spaces for community use, a sports hall and changing areas, a learning centre and prayer facilities. In addition to this, a small self-contained unit, intended to house a small catering business, is also proposed.

2.2 The total floorspace includes the retention of parts of the existing buildings, together with a number of new-build extensions, although the full extent of demolition and extension required is understood to be subject to further survey work and has not yet been finalised. At this stage, it is most likely that the existing buildings in the north western part of the site would be retained and converted to provide the catering unit and the sports hall with community hall/youth training centre above, and that all other buildings would be demolished. The proposed learning centre and prayer hall would then be provided in a new build extension replacing the existing building in the south eastern part of the site, with the offices, sports centre changing facilities, ablutions areas and other ancillary functions, including the caretaker's accommodation, being housed in a new-build extension to the front (south west) of these buildings.

2.3 The various uses proposed are set out in the table below. This also includes proposed hours of operation and anticipated visitor numbers where known, however not all of these details have been received to date, and the applicants have been advised that these would need to be provided as part of an application:

Use	Area(s)	Uses and capacity and/or visitor/staff numbers	Frequency/hours of use
Sports Centre	<ul style="list-style-type: none"> • 619m² sports hall. • Male and female changing areas and admin office 	<ul style="list-style-type: none"> • Availability for sports such as badminton, cricket, basketball, football, 5-a-side etc. • Maximum number at peak times likely to be up to 20 playing and up to 50 spectators. • Maybe venue for local or regional tournaments – no further details provided of this. 	<ul style="list-style-type: none"> • 9am-9pm • 7 days a week • Peak period likely to be weekends.
Prayer facility	<ul style="list-style-type: none"> • 483m² ground floor prayer hall • Associated washing and ablutions facilities. • Use of part of this area for funerals. 	<ul style="list-style-type: none"> • Up to 20 people for morning and early afternoon prayers. • 20-40 on weekday evenings. • Up to 300 people on Friday lunchtimes. • 100-120 for morning prayers at Eid. • Up to 200 people for funerals. 	<ul style="list-style-type: none"> • Prayer times throughout the day. • Busiest periods likely to be evenings and Friday lunchtimes. • Larger functions and educational uses times so as not to coincide with 'peak' prayer times. • Funerals only anticipated once a week on average. 1-2pm.
Learning centre	<ul style="list-style-type: none"> • 437m² multi-functional hall, incorporating moveable partitions to enable flexibility in its use. • Use of ground floor prayer hall as part of learning centre use at certain times. 	<ul style="list-style-type: none"> • Supplementary education classes for children • Adult education • Likely to be 40-80 people at any one time – division of space using folding screens to divide up space. 	<ul style="list-style-type: none"> • 4 out of 5 weekday evenings. • Mainly 4.30-7.30pm. • Would be either children's or adults' classes – wouldn't have both taking place at the same time. Possibly alternate evenings.

Community use and youth skills centre	<ul style="list-style-type: none"> • 614m² multi-functional hall serving as a community hall and youth skills centre. 	<ul style="list-style-type: none"> • Young people aged between 15-24 – vocational education in subjects which may include business and trades such as architecture. • Up to 24 students per day on weekdays. • Availability of hall for 'general community use' at other times. No further details provided in this respect. 	<ul style="list-style-type: none"> • Youth skills training 9am-8pm, but with majority of classes taking place early evening – 5-6pm. • Available for community use 10am-10pm, although availability of hall for community uses would depend on whether it was being used for classes.
Functions	<ul style="list-style-type: none"> • To be held in community/youth skills hall. 	<ul style="list-style-type: none"> • To include weddings and other functions, parties etc. • Capacity of hall could accommodate several hundred people. 	<ul style="list-style-type: none"> • Weekends only. • 1-10pm • No other prayer/educational uses to take place at the building during these times. • Applicants have advised that these would be arranged so as not to coincide with match days at Elland Road, although details of how this would be managed have not been provided.
Larger events	<ul style="list-style-type: none"> • Once or possibly twice a year. • Would use ground floor and first floor of learning centre (483m² prayer hall and 437m² learning centre), and other spaces within the centre. 	<ul style="list-style-type: none"> • Annual event currently held at John Charles Centre. • Likely to be attended by between 1200-1500 people. • Applicants have advised that visitors from outside local area would be encouraged to use public transport, or transferred to the site by shuttle bus/coach. 	<ul style="list-style-type: none"> • Would take place on a weekend day. • Scheduled so don't coincide with a match day at Elland Road.
Offices and ancillary facilities	<ul style="list-style-type: none"> • Offices • Caretaker's accommodation • Toilets, washing areas etc. 	<ul style="list-style-type: none"> • Offices for charities that the applicant works with to use as a local base. • Ancillary offices for administration of sports hall, learning centre etc. • No details provided as to nature of caretaker's accommodation – i.e. whether a flat or just offices/storage. 	<ul style="list-style-type: none"> • Charity drop-in office open 9am-6pm Monday to Friday. • Staff in offices between 4-8 people.
Catering business	<ul style="list-style-type: none"> • 156m² floor area. • Separate access from Firth Road to rear. • 10 parking spaces 	<ul style="list-style-type: none"> • Catering for events at the centre and off the premises. • 4-6 people during the week. Maybe up to 10 people at weekends. 	<ul style="list-style-type: none"> • 9am-9pm.

2.4 Parking is proposed in the south western part of the site, where a number of the existing buildings are to be demolished. The most recent site plan indicates the provision of 74 spaces in this part of the site, including disabled parking bays, together with three coach parking bays, although some discussion regarding the layout and logistics of circulation within this area is still ongoing with highways and these numbers may change. These spaces would provide parking for all aspects of the proposed use with the exception of the catering unit. Two vehicular access points and one pedestrian access point are proposed to be retained/created onto Barkly Road, and landscaping is proposed along the site frontage and around the boundaries.

2.5 Access to the proposed catering unit would be taken from a separate existing vehicular entrance from Firth Road to the east. 10 parking spaces are proposed in this part of the site. The applicants have confirmed that deliveries to and from the unit would be carried out by smaller delivery vehicles such as transit vans, rather than involving larger lorries for example.

Design

2.6 The larger sports and community/prayer hall areas are to be provided within the area towards the rear of the site, where parts of the existing industrial buildings are to be retained and any new sections replaced in similar materials, including brickwork and metal cladding. Some alterations to introduce fenestration into blank elevations of these buildings and rooflights in the roof are proposed.

2.7 A new part two storey, part three storey extension is proposed to the front (south west) of these hall areas, housing the ancillary areas such as the offices, toilets, caretaker's flat etc. This is proposed to be constructed in brick, with sections of Ashlar or facing blockwork. A 16m high minaret is also proposed in the southern part of this extended section, which the applicant has confirmed is a decorative feature, and is not intended to be used for calls to prayer. A further extension to the community use part of the building is proposed to the rear (north east) of the proposed prayer and community hall areas, to provide a second staircase to the rear of the building. This is also to be constructed in brick with Ashlar or facing blockwork panels.

2.8 The proposed catering unit would occupy an existing building in the rear (north eastern) part of the site, attached to the rear of the proposed sports hall unit. Some alterations to the design and fenestration on this part of the building are proposed, in particular to remove the existing large warehouse delivery door in the south eastern elevation and replace this with smaller roller shutter doors of a scale more appropriate to the size of the smaller delivery vehicles now anticipated. Details of any flues and other extraction and ventilation equipment associated with this use have been requested from the applicant, but have not been received to date.

Phasing of the development

2.9 The applicants have confirmed that, in the event that permission is granted for the scheme, it is not intended to bring all aspects of the development forward straight away. Instead, the development is likely to be phased in some way, with parts of the existing buildings such as the existing office block at the front of the site being retained and used for a temporary period whilst other parts of the development are carried out and brought into use, and ultimately demolished and their functions being relocated as funding becomes available to allow the later stages of the development to progress. The details of this phasing have not yet been finalised,

although it is likely that the catering unit and sports hall – which would occupy retained buildings – are likely to commence at an earlier stage, with the extended sections following later. The applicants have been advised that as part of any application for the proposed development, they would need to provide a more detailed phasing schedule, setting out anticipated timescales for each phase of the works, details of the uses taking place at the site during each phase, and information as to how parking would be provided for those uses within the site – taking into account the possible need to accommodate construction access as well as access for visitors to the centre.

Submitted documents

- 2.10 In addition to plans and elevations showing the proposed development, the applicants have also provided a draft Transport Assessment and Travel Plan for the development, which have been reviewed by highways officers, and which are the subject of ongoing discussions in terms of their scope and level of detail.

3.0 SITE AND SURROUNDINGS:

- 3.1 The proposals relate to a former ice-packing factory on Barkly Road in Beeston, which is made up of a number of buildings of varying sizes and functions, including large two and three storey metal clad industrial buildings in the rear parts of the site and a two storey brick-built office building to the front. The buildings have been vacant for some time, and following safety concerns parts of the central section of buildings which connected the rear sections to the office building have now been demolished.
- 3.2 The site has 2 vehicular entrances from Barkley Road to the front (south west) and a third from the corner of Firth Road and Wooler Drive in the rear (eastern) part of the site. The buildings are surrounded by hardstanding, and the site is enclosed by a mix of brick walls to the front, with metal and wire mesh fencing to the sides and rear, although there are some areas of boundary planting including a row of high conifer trees alongside the public footpath which runs to the north west of the site.
- 3.3 The surrounding area is mixed in character and includes residential and commercial uses. There are other industrial premises either side of the site, similar in character to those on the site. These include a factory to the south west made up of a series of predominantly single storey brick and blockwork industrial buildings with a two storey office block to the front of the site, and a single storey commercial garage and other single and two storey workshop buildings to the north west. To the north west of the rear part of the site, on the opposite side of the public footpath, are the playing fields of St Anthony's primary school, whose entrance is around 70m further along Barkly Road from the application site.
- 3.4 The site is also surrounded to the front and rear by a mix of detached and semi-detached houses, and some terraced housing on Firth Road to the east. The nearest residential properties to the site are those on Wooler Avenue to the rear, the closest of which is around 4m from the proposed catering unit. The nearest properties to the front part of the site are on the opposite side of Barkly Road around 20m from the site boundary to the south west.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Prior approval was sought in late 2011 for the demolition of the buildings on the site, and a determination was issued in December 2011 confirming that such works could take place (application 11/04760/DEM). Whilst this grants approval for the

demolition of all buildings on the site, some are to be retained and converted as part of the proposals.

- 4.2 Outline permission for residential development on the site has previously been granted, in August 2006 (21/366/05/OT) and in March 2011 (10/03010/OT).
- 4.3 Application H21/57/84/, approved in May 1984, granted permission for extensions to form a cold store, plant room, dispatch and delivery bays in the rear part of the site. This permission was subject to a condition restricting hours of work (including the loading and unloading of vehicles) to between 8am and 6pm Monday to Friday and 8am – 12 midday on Saturdays, and preventing any works on a Sunday. A separate condition prevented refrigerated vehicles from operating their refrigeration motors whilst parked on the site outside these approved hours of work.
- 4.4 All other relevant history relates to smaller extensions and alterations to the factory premises but are not of specific relevance to the consideration of the current proposals.
- 4.5 During the operation of the former B2 factory use, there were records of complaints received by the local planning authority in relation to non-compliance with the relevant conditions regarding the hours of works on site, and the parking of delivery vehicles on surrounding streets while awaiting their allotted delivery times.

5.0 HISTORY OF NEGOTIATIONS AND PUBLIC CONSULTATION:

- 5.1 Since discussions regarding the proposals originally commenced in March 2012, numerous meetings have been held with the applicant and their agent, involving planning, highways and design officers, and detailed advice has been provided on various aspects of the proposals. The design and layout of the buildings has evolved considerably over this period to reflect the aspirations of the applicants and the advice provided by design officers, and further information has been sought at various points regarding the proposed use of the buildings, access arrangements, visitor numbers, hours of use, and travel planning measures. More recently a draft transport assessment and travel plan for the proposed centre have been submitted. These have been reviewed by highways officers, and it is likely that further information in these respects would be required as part of an application.
- 5.2 The applicants are understood to have held two meetings locally in January 2013 to display and discuss the proposals, one which they chaired themselves and one which was carried out with the Beeston Forum, however officers and Ward Members were not available to attend on the dates these were held. This presentation forms part of this pre-application consultation process. Members' advice as to whether they feel that further local consultation should be carried out, and the format that this might take, would be appreciated.
- 5.3 Several letters have been received from local residents living near the site raising concerns, including:
- Site should be used for residential development – previous permissions granted for this use. Affordable housing in particular would be supported, or at least some part of the site should be dedicated to providing affordable housing.
 - There should be no vehicular or pedestrian access onto the site from Wooler Avenue, Wooler Drive or Firth Road (to the rear).
 - Highway safety – traffic and parking.

- Air pollution resulting from increased traffic.
- Noise from proposed uses.
- Concern about impact of business or leisure uses on existing businesses – South Leeds Sports Centre closed on grounds that it was financially unviable, therefore question need for a new sports centre.
- Safety and security of the site at present, including in relation to removal of asbestos from buildings and whether site would be suitable for proposed use after carrying out of these works.
- Works have been taking place at the site – query as to whether these works have planning permission.

6.0 CONSULTATIONS RESPONSES:

- 6.1 Whilst detailed pre-application discussions with the applicants have primarily been with planning, highways and design officers, comments have also been sought from other consultees, and are summarised below.

Highways

- 6.2 Highways have noted that the factory which previously occupied the site was gradually extended over the years to such a degree that it eventually came to fill most of the site meaning that most of the staff parking associated with the use took place on surrounding streets. They also note that the previous use generated a large number of complaints from residents relating to large refrigerated vehicles arriving at the site early in the morning and parking on-street until their allotted delivery times. Whilst assessing the current proposals and their parking and access requirements on their own merits, it is also necessary to have some regard to the existing lawful use of the site when considering the implications of the proposed use for highway safety in the locality.
- 6.3 A draft Transport Assessment and Travel Plan have been provided by the applicants. These have been reviewed by highways officers, who have advised that additional details and clarification are still required on a number of matters before a comprehensive assessment and review of the proposals and their likely implications can be carried out and a view reached as to whether the multiple uses proposed can be accommodated without detriment to local highway safety. These include:
- Details of works to improve access along the public footpath alongside the site's north western boundary to make it more useable and inviting. These may include cutting back vegetation and improving lighting in this area.
 - Changes to the parking layout in the front part of the site to ensure that coaches can access the coach parking bays and travel through the site, and that appropriate access is provided for pedestrians.
 - Further assessment of the parking requirements for the proposed centre based on the floorspaces proposed and justification for the levels of parking proposed.
 - Queries regarding the comparability of the site to other uses cited by the applicants, some of the figures quoted in the submitted documents and the methodologies used in making predictions regarding the proposed use, and how survey data of existing similar uses was collected.
- 6.4 On the basis of the details submitted, highways have advised that for some of the larger events and functions which the applicants advise may take place on a weekly basis, around 125 vehicles would be expected, which would result in up to 50 vehicles parking on-street. For the even larger annual events, the numbers could

potentially be significantly higher at around 300 vehicles parking on-street. Further details have been requested as to how such events would be managed to minimise any impact on local residents. It is understood that initial investigations have been carried out into the possibility of using other nearby sites – including Elland Road – to provide additional parking for larger events, with shuttle buses bringing visitors to the site. The applicants have also indicated that larger events would not coincide with larger sporting events such as home games at Elland Road, however it is unclear how this would be managed in practice.

- 6.5 On the basis of the submitted details regarding the availability of on-site parking, it appears that the parking requirements associated with funerals and Friday lunchtime prayers could be accommodated within the parking area proposed on site.
- 6.6 Some off-site highway works may be necessary as part of the proposals, and further advice in this respect has been sought from the Traffic team.

Environmental Health

- 6.7 Although there are other industrial units adjacent to the site, the area is predominantly a relatively quiet residential area, with large areas of housing close by. On the basis of the mix of uses proposed, there is potential for the development to cause disturbance to nearby residents as a result of activities including vehicular and pedestrian movements late at night, particularly if the building is to be used as a place of worship and open late during periods such as Ramadan for example. Similarly, the proposed sports centre use, if open late into the evening, has the potential to generate noise and disturbance. The proposed catering unit may cause disturbance from early or late deliveries, or from activities taking place within the unit, as well as noise and odour from extraction equipment. Further details in respect of these matters would be required as part of an application.

Police Architectural Liaison Officer

- 6.8 Advice is provided regarding the detailed design of various aspects of the proposals from a security point of view. The footpath alongside the site's northern boundary is raised as a particular concern, and this would need to be landscaped to ensure that it is wide, open and well-lit and provided with as much overlooking and informal surveillance as possible to ensure that it is safe and attractive to use.

7.0 PLANNING POLICIES:

Development Plan

- 7.1 The development plan for Leeds is the Unitary Development Plan (Review) 2006 (UDP). The site is unallocated in the UDP, and the following policies would be relevant to the consideration of any application for the proposed use:

GP5 – General planning considerations, including amenity.

GP7 – Planning obligations

GP11 – Sustainable design principles

N13 – Design and new buildings

N25 – Development and site boundaries

E7 – Loss of employment land to other uses

T2 – Highway safety

T2B – Requirement for Transport Assessment

T2C – Requirement for a Travel Plan

T2D – Requirement for public transport contribution where necessary

T5 – Provision for pedestrians and cyclists
T6 – Provision for disabled people and those with mobility problems
T7A & T7B – Cycle and motorcycle parking guidelines.
T24 – Parking requirements
BD3 – Provision of suitable disabled access to public buildings
BD5 – New development and amenity
LD1 – Landscaping

Core Strategy

- 7.2 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013.
- 7.3 As the Council has submitted the Publication Draft Core Strategy for independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

Relevant supplementary guidance/documents

- 7.4 The following Supplementary Planning Documents (SPDs) are relevant to the consideration of the proposals:

Street Design Guide SPD
Public Transport and Developer Contributions SPD
Travel Plans SPD
'Building for Tomorrow Today': Sustainable Design and Construction SPD.

Government Planning Policy Guidance/Statements

- 7.5 The National Planning Policy Framework (NPPF) was published on 27th March 2012 and replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.
- 7.6 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

8.0 MAIN ISSUES

1. Principle of development
2. Visual amenity and landscaping
3. Highways
4. Residential amenity
5. Planning obligations

9.0 APPRAISAL

Principle of development

- 9.1 Whilst situated within a predominantly residential area, the site's immediate surroundings are characterised by a greater range of uses, including industrial and workshop units as well as other community buildings such as the nearby school. Within this context, close to large areas of housing and public transport routes, the principle of providing a sports, religious and educational facility is considered acceptable. With regard to the proposed food preparation/catering unit, the site has an established lawful use for industrial purposes, and is situated adjacent to other industrial and commercial units. Subject to detailed consideration of the proposed mix of uses and the design of the proposed development in terms of matters such as visual and residential amenity and highway safety therefore, the principle of the proposed development is considered to be acceptable.
- 9.2 Although the site has previously received outline permission for residential development, and it is noted that some local residents have expressed a preference for residential development rather than the mixed use development proposed, the fact that the site has permission for a particular use does not preclude the submission of applications for other uses, which must be considered on their own merits.
- 9.3 **What are Members' thoughts regarding the principle of developing a community, religious, sporting and educational facility and a catering/food preparation business on the site, and on the mix of uses proposed?**

Visual amenity

- 9.4 The area around the site is characterised primarily by two storey residential properties, with single storey and two storey commercial and workshop buildings on the neighbouring sites to either side. The majority of the existing buildings on the site, including the office building at the front and some of the partially-demolished industrial buildings behind, are of a similar single/two storey scale, although there are other buildings towards the rear of the site which are higher.
- 9.5 It is proposed to retain some sections of these higher buildings as part of this scheme, including the rear section where the catering unit is proposed, and the building in the north western part of the site which is intended to house the sports centre. Other parts of the buildings are to be demolished and rebuilt, including those to the south east of the proposed sports hall, where it is more likely that the existing building would be replaced to house the majority of the proposed community, religious and education use. Whilst this section would provide two levels of accommodation, the nature of the spaces in this part of the building, which would be large communal hall areas, is such that their internal heights and thus their external elevations would be higher across these two storeys than those associated with a two storey residential property for example. However, in discussion with design officers, the roof of this section has been designed in order to minimise its impact as far as possible, with a very shallow roof slope tying into the higher eaves of the adjoining sports centre building, providing a change of pitch and a break in the visual massing of the roof at this point.
- 9.6 The proposed extensions to the front of these buildings, which are intended to house various ancillary amenities including offices, changing rooms, toilets and washing facilities, would be predominantly two storey in design, stepping up to provide a higher three storey central section. A 2½ storey internal stair tower feature is also proposed to the rear to provide a second staircase to the upper floors.

- 9.6 As a result of the design and nature of the proposals as outlined above, the resultant building will have a relatively large footprint, and some sections that are higher than surrounding buildings. However, some of the highest sections are existing buildings which are to be retained as part of the proposals, and because of the level of demolition proposed, the overall footprint of buildings on the site would be reduced, and the building would be set back considerably further from the site frontage than is the case at present. These reductions and alterations to the layout of the buildings would serve to reduce their presence within the streetscene, and to provide a greater degree of space around them, together with the opportunity to incorporate enhanced landscaping as part of creating a wider setting for the development and softening and screening its appearance. On this basis, it is considered that the site is capable of accommodating a building of the size proposed, subject to detailed landscaping proposals and further details showing how the development would relate to neighbouring properties – including streetscene and section drawings – which the applicants have been asked to provide as part of an application.
- 9.7 The detailed design of the proposed buildings in terms of materials, fenestration etc has also been the subject of ongoing discussions with design officers, and various changes have been incorporated in this respect. Some further minor changes to have been suggested in terms of details such as window details for example, and it is understood that the applicants intend to incorporate these as part of a detailed application for the proposed development.
- 9.8 **What are Members' views on the scale and design of the proposed building, and do Members feel that any further information would be necessary as part of an application to allow its impact to be fully understood and assessed in this respect?**
- Highways
- 9.9 On the basis of the details submitted, highways officers have advised that the level of parking proposed within the site is likely to be sufficient to cater for 'peak' weekday periods such as Friday lunchtime prayers for example. However, they have raised significant concerns about the potential traffic generation of other larger events and activities proposed at the site such as weekend weddings and other functions, and the large annual events referred to, which have the potential to generate considerably higher visitor numbers, and associated implications for traffic and parking on local streets.
- 9.10 Some information regarding the mix of uses and how these larger events would operate has been provided in the applicants' draft transport assessment, however the highways officer has raised a number of queries regarding some of this information and concerns that this is still lacking in certain respects and still does not allow a comprehensive understanding or assessment to be made as to the likely impacts arising from these larger events in particular. Their comments in this respect have been provided to the applicants, who have been advised that these matters would need to be addressed as part of an application, and discussions on this matter are likely to be ongoing.
- 9.11 **What are Members' thoughts regarding the impacts of the proposed development on the local highway network, and the adequacy of the proposed on-site parking arrangements, and are there particular issues which Members would like additional information or clarification on in this respect as part of any forthcoming application?**

Residential amenity

- 9.12 In terms of the physical impact of the proposed building on neighbouring residents in terms of its potential for overlooking, overshadowing and overdominance, it is noted that the sections closest to neighbouring residential properties to the rear are predominantly existing buildings which are to be retained, and that the front sections of the building would be set back over 35m from the site frontage, some distance from the houses on the opposite side of Barkly Road to the south west. Further details in the form of streetscene drawings and site sections have been requested as part of an application to allow the impact in terms of the building's relationship to surrounding dwellings to be fully assessed.
- 9.13 Consultation has been carried out with environmental health officers regarding the potential impact of the proposed development on the amenities of neighbouring residents in terms of its potential to generate noise and disturbance. The proposed opening hours of the centre have not yet been confirmed, although times of 8am-10pm have been indicated. Further clarification has been sought by environmental health regarding the potential for parts of the centre such as the prayer facilities to be open later at certain periods such as Ramadan, when larger numbers of people could potentially be present at the site much later in the evening, and about how any such opening would be managed to prevent disturbance for neighbouring residents. The operation of the premises during larger weekend events and functions etc, including the potential for noise and disturbance as a result of the traffic volumes and on-street parking associated with such events, is also a matter which would need to be further understood as part of the consideration of an application. As has been requested by highways, further information will be needed in this respect to allow a comprehensive assessment of the potential implications of such events for the amenities of neighbouring residents. Further information has also been requested regarding the hours of operation and delivery associated with the proposed catering business, and details of any extraction equipment, including noise assessments and measures to reduce odour from the cooking process, which would need to be provided as part of an application.
- 9.14 **Do Members have any particular concerns regarding any aspect of the proposals in terms of the potential impact on neighbouring residents, and are there other aspects of the proposals not covered above on which Members feel further details are needed?**

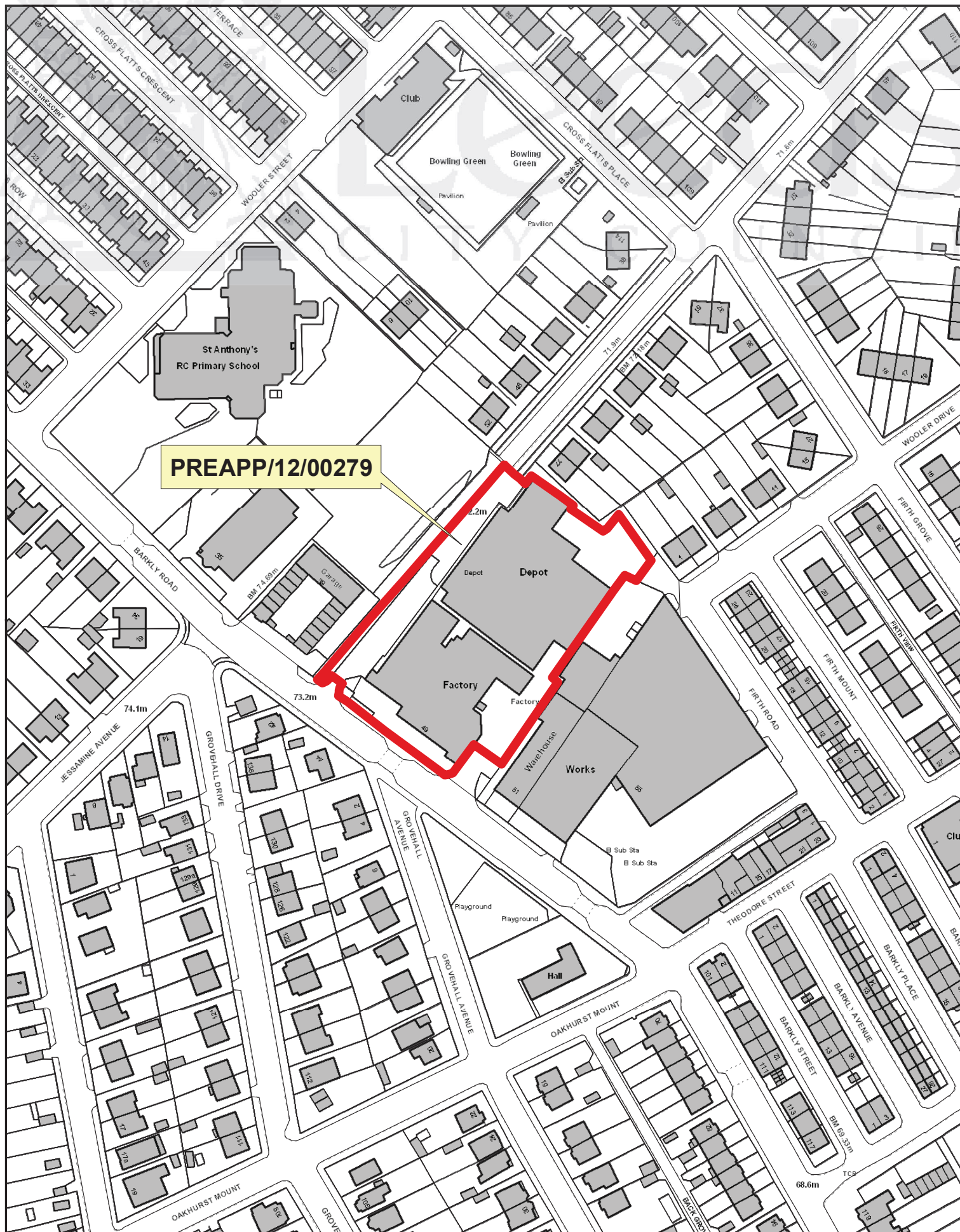
Planning obligations and other issues

- 9.15 Because of the size of the floorspace proposed, the development would exceed the thresholds above which a travel plan and public transport contribution may be necessary, in accordance with the relevant SPDs on these matters. A draft travel plan has been provided, and is being reviewed. This, together with the need for a public transport contribution, will need to be assessed as part of an application based on full details of the proposed uses – some details of which are still required – and taking into account the nature of visitor travel to the site.
- 9.16 In addition to the details referred to above, advice has been provided to the applicants regarding the nature and level of information which would be required in order to validate and consider any application for the proposed development, including contaminated land report for example.
- 9.17 **Do Members feel that any further information, other than those details referred to above, would be required as part of an application?**

10.0 CONCLUSION

10.1 Members are asked to note the contents of the report and the presentation, and are invited to provide feedback on the issues outlined below:

- 1. What are Members' thoughts regarding the principle of developing a community, religious, sporting and educational facility and a catering/food preparation business on the site, and on the mix of uses proposed?**
- 2. What are Members' views on the scale and design of the proposed building, do Members feel that any further information would be necessary as part of an application to allow its impact to be fully understood and assessed in this respect?**
- 3. What are Members' thoughts regarding the impacts of the proposed development on the local highway network and the adequacy of the proposed on-site parking arrangements, and are there particular issues which Members would like additional information or clarification on in this respect as part of any forthcoming application?**
- 4. Do Members have any particular concerns regarding any aspect of the proposals in terms of the potential impact on neighbouring residents, and are there other aspects of the proposals not covered above on which Members feel further details are needed?**
- 5. Do Members feel that any further information, other than those details referred to above, would be required as part of an application?**



SOUTH AND WEST PLANS PANEL





Originator: Bob Packham

Tel: 24 28204

Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 20.6.13

Subject:

APPLICATION 11/02390/LI – Listed building application to demolish former corn mill building

APPLICATION 11/02389/FU – Part two and part three storey office block

Corn Mill Fold, Corn Mill View, Horsforth, Leeds LS18

APPLICANT

Horsforth Office Park Limited

DATE VALID

3/6/11

TARGET DATE

2/9/11

Electoral Wards Affected:

Horsforth

☐ YES

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION: APPLICATION 11/02390/LI

REFUSE for the following reason:

The applicant has not put forward an acceptable scheme for the redevelopment of the site. The proposed demolition of this listed building cannot therefore be justified in the terms set down in paragraphs 131 to 133 of the National Planning Policy Framework, and the development is contrary to Policy N14 of the Leeds Unitary Development Plan (Review 2006) which states that demolition of a listed building will be permitted only in exceptional circumstances and with the strongest possible justification.

REFUSE for the following reasons:

- 1) The development would result in a demand for car parking which cannot be satisfactorily accommodated within the site. This would lead to an increase in on-street parking which would be detrimental to the safe and free flow of traffic and pedestrian convenience and safety and would be contrary to policies GP5 and T24 of the Leeds Unitary Development Plan (Review 2004).
- 2) The proposed development, as a result of its design and size, fails to reflect the scale and massing of the listed building. In particular the south elevation of the mill (whether rebuilt or retained in situ) will appear as though it has been transplanted onto the face of a larger and unrelated scheme and will lack integrity. The proposal is therefore contrary to policy N13, N14 and N16 of Leeds Unitary Development Plan Review and the requirements of the NPPF to secure high quality design.

INTRODUCTION:

- 1.1 The report relates to two applications, the first for listed building consent for the total demolition of a partially demolished Grade 2 listed corn mill, and the second for planning permission for the redevelopment of the site with offices.
- 1.2 The applications were previously reported to Panel by way of a Position Statement on 6th December 2012, when, following a Panel site visit, members' views were sought on the proposal to demolish the Grade II listed building, parking issues and design. The minutes recorded the Panel discussion as follows:
 - Proposed developments would be above the flooding levels.
 - The views of civic trusts and societies should be gathered in respect of the listed building.
 - Should the listed building be demolished, the use of existing materials should be used in the design of any new building.
 - The poor condition of the listed building – there was a feeling that the only practical solution was for demolition.
 - There would need to be a significant amount of parking for office accommodation.
- 1.3 Subsequent to that meeting there have been some discussions with the applicants regarding the submission of amended proposals, which will be described in this report. However the applicants have indicated that they wish the application to be determined as originally submitted. The background information in sections 2, 3 and 4 of this report is therefore a repeat of that provided to Panel in December 2012.

2.0 PROPOSAL:

- 2.1 This application is for full planning permission for the erection of a part two storey, part three storey office block with associated car parking. In order for the development to take place a listed building application has also been submitted to demolish the existing derelict corn mill building on the site.

- 2.2 The new building would provide 1008 square metres of floor space, all to be used for B1 Office use. Although a single building, the proposal comprises a number of distinct elements (described as zones A, B and C) which broadly reflect but extend the footprint of the existing building on the site. Reference to the existing and proposed floor plans shows:
1. Zone A, to the north east: Broadly on the footprint of existing building “a” (which has been largely demolished but retains some external walls), this will be a three storey development with lime render walls, pitched grey slate roof, a footprint of 16.1 metres x 11.32 metres, an eaves height of 9.5 metres and a ridge height of 12.5 metres.
 2. Zone B, to the south: This section of the new building would be on the footprint of existing buildings “b” and “c”. This will be a two storey section, with the south façade rebuilt to match the existing using original materials and the east facing elevation constructed of other reclaimed stone all under a reclaimed stone slate roof. The western elevation of existing building “c” and the wall between existing buildings “b” and “c” would be demolished to provide a single open plan floor area including Zone C. Zone B is irregular in shape with maximum dimensions of 12 metres x 9 metres, eaves height of 6.6 metres and maximum ridge height of 9.2 metres.
 3. Zone C, to the west, is outside the footprint of the existing buildings and effectively an extension to Zone B, filling in the open area between the site of the existing building and the retaining wall on the highway boundary to the west. Proposed materials are reclaimed stone and grey slate roof. It is also irregular in shape, with maximum dimensions of 9.5 metres x 12 metres, eaves height of 6.4 metres and ridge height of 8.9 metres.
- 2.3 Adjoining the west elevation of Zone A and the north elevation of Zone B, in what is currently an open part of the site, is a three storey link providing stairs and lift to access the upper floors. This building is proposed to be constructed of timber weather board cladding with a flat roof.
- 2.4 The main entrance to the building will be located to the north of Zone B as part of a mono pitched, single storey “extension”, constructed of new stone, to Zones C and B.
- 2.5 With regard to the remainder of the site, the area to the north of Zone A is to be the car park comprising 14 spaces, two of which are for disabled use. The north west part of the site in addition to the pedestrian access route to the lobby, will be partially block paved, with a pond created to the north of Zone C and cycle and bin stores on the north west boundary. To the south and east of the building the area between the building and the site boundary will be grass with some limited shrub planting.
- 2.6 In addition to the drawings this and the Listed Building application are supported by:
- Design and Access Statement, which identifies the key design issues, stating that the proposal identifies the historic water route on the site, reflects the historic development in terms of scale, creates a sustainable building, retains the south elevation, and takes account of flood levels.
 - Planning and Heritage Statement, which explains the background to the scheme and considers the planning policy context.

- Flood Risk Assessment, which concludes that the site can be re-developed safely and without increasing downstream flooding
- Land Quality Works relating to the remediation proposals for the contaminated site.
- Bat Survey which found no evidence of bat roosts but advises hand demolition of the remaining structure and presence of an ecologist on site to deal with any unexpected presence of bats.
- Structural Inspection report which concludes that it would be highly unlikely to be viable to re-use what remains of the existing structure due to the financial costs of implementing the structural requirements. The report highlights the difficulty of underpinning the existing walls, the condition of existing structural timber and the difficulties of addressing the necessary increase in finished floor levels in any conversion to take account of revised flood assessments.
- Viability report, which concludes that the proposal granted permission in 2006, for the conversion of the existing building, is not financially viable but that the current proposal produces a sufficient return to make it viable.
- Historic Buildings Investigation which essentially concentrates on the historic significance of the building and its development.
- Transport Statement, discussing parking proposals and sustainable travel measures.
- Statement of Community Involvement, describing the outcome of the Exhibition at St Margaret's Church on 8th December 2010.

3.0 SITE AND SURROUNDINGS:

- 3.1 The corn mill is located in the middle of the Corn Mill Fold development, a residential development comprising flats in 4 blocks to the north, west and south east of the building. To the east is a beck. This property is accessed off Cornmill View, which itself is the western arm of a roundabout only 100m south of the A6120 Ring Road and 1.5km from the centre of Horsforth.
- 3.2 The flats are in four three to five storey blocks which closely abut the site of the mill to the west and north. To the south is an open grassed area. The site of the corn mill is at a lower level than the estate road which runs to the west of the site. A public footpath runs from the estate road to the bridge over the beck to the north east of the site.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 The buildings and land at Corn Mill Fold were used as part of the adjacent Dickinson's Scrap Yard in the twentieth century, primarily for the storage of engines. Listed in 1988, the corn mill building had by the turn of the century fallen into disuse and disrepair. The area surrounding the site had been identified by developers as having potential for development, and a number of applications were submitted.

- In 1999 an application to demolish the mill was withdrawn before determination.
- In January 2003, approval was granted for conversion of the disused mill to offices and for the erection of three office blocks on the surrounding land (27/189/02/FU and 27/188/02/LI). The scheme was designed with the listed building as the central element, the office buildings stepping down towards the Corn Mill in order to provide a suitable setting.
- Subsequently, in July 2004, approval was granted for residential development comprising 123 flats in 4 blocks (27/224/03/FU). The building is now surrounded by this new residential development to the north-west, south-west and south-east with the beck and open land to the north-east. The permission included a condition that required the submission and approval of a programme to ensure the retention and refurbishment of the listed Corn Mill prior to the commencement of development but did not expressly state when the approved scheme had to be implemented. This, and the subsequent separation of ownership of the Corn Mill from the housing site meant that the construction of the residential development took place without the refurbishment of the mill building.
- In September 2006 a further listed building consent (reference 06/02204/LI) and planning permission (reference 06/02203 FU) were granted for alteration and change of use of the listed building to offices. The motivation for these new applications was that investigations had shown that the extent of hydrocarbon contamination was greater than originally anticipated and the fabric of the building was in worse state than expected. The applications included drawings showing details of the extent of demolition necessary to address contamination and health and safety issues prior to reconstruction works.

4.2 In December 2007 it became clear that more of the external walls of the building had been demolished than shown on the approved drawings and the matter was investigated by the Compliance Service. Following meetings with the applicant a further application was submitted (08/00365/LI), which did not seek to alter the end use but proposed to reconstruct the building on the remaining walls.

4.3 The drawings accompanying that application showed that additional demolition (over and above that previously permitted in 2006) had occurred on three elevations:

- On the east elevation the removal of all of the wall above first floor level, compared to the retention of approximately 40% of the wall above this level on the 2002 scheme.
- On the south elevation the removal of 60% of the upper part of the south facing gable, whereas the 2002 scheme proposed the removal of only the top three courses.
- On the north elevation the removal of nearly all of the walling above first floor level, compared with the retention of the majority in the 2002 application.
- Proposed work to the west elevation remained largely unchanged between the schemes, the building having been demolished above first floor level.

- 4.4 The applicant submitted a letter justifying the need to amend the scheme with the application, indicating that during the process of demolition necessary for the investigation and treatment of contamination it became apparent that certain areas of wall not scheduled for demolition on the proposed drawings “were in a very precarious and poor condition” and “needed to be removed immediately for health and safety reasons”.
- 4.5 The parts of the walls retained on site were those that were judged to be structurally sound. The stones that were removed had been individually surveyed, marked and identified on plans and stored at a builder’s yard in Malton, North Yorkshire. The applicant submitted a proposed programme of works indicating that it was intended to begin reconstruction on 1 June 2008 with completion targeted for 11 May 2009.
- 4.6 The listed building application 08/00365/LI was granted on 18 March 2008 and the alterations were accepted as a minor amendment to the planning permission granted in 2006 (reference 06/02203 FU) on 30 June 2008 (08/9/00260/MOD).

5.0 DISCUSSIONS FOLLOWING THE 2008 APPROVAL AND THE SUBMISSION OF THE PRESENT APPLICATIONS:

i) Prior to the submission of the current applications

- 5.1 Following the March 2008 approval, the owners made it clear at this time that it was intended to complete the identified de-contamination works and restore the building. The property was actively marketed for an end user. In view of this and the agreed programme of works, the Area Planning Manager wrote to the owners on 2 May 2008 indicating that he was prepared to recommend to the Compliance Service that action shouldn’t be taken to prosecute them for the unauthorised demolition of parts of the building providing that the programme of works was implemented and the building restored.
- 5.2 Remediation work on the site started in the summer of 2008. On 8 July a further letter was sent to the owners asking for an update to the timetable, since the owners had indicated in correspondence that more time would be needed to implement the scheme. The applicant indicated that the further contamination problems had arisen and there had been delays in agreeing the requirements of the West Yorkshire Archaeological Service. The latter approved the scope of works in July 2008 but a Final Report was still required before the refurbishment work could commence.
- 5.3 Agreeing the necessary remediation work took some time and the work itself did not commence on site until 13 October 2008. Following this a further meeting was sought with the owners to discuss the implications for the agreed programme of works. That meeting took place on 11 December 2008. At that meeting the Applicant indicated that the location of additional contamination would mean that further demolition would be needed. If the completed building was to be occupied for offices this work would have to be carried out in order for the potential purchasers to obtain insurance. Given this and the mounting costs and losses on the project, the only realistic options for the owners would either be to demolish the building or for the Company to go into liquidation. In view of this the applicant sought guidance on how to go about obtaining listed building consent to demolish the building.
- 5.4 The Contaminated Land Team, who had been working with the owners and the Planning Service to address contamination issues on the site subsequently considered the evidence relating to additional contamination. In February 2009 they

confirmed that the material should be removed from the site and agreed with the owner that this may require the removal of the northern wall of the building. These comments and requests for further information were communicated to the owners Environmental Consultant on 17 February 2009. Following further exchanges of information a meeting was arranged with the applicant on 1 April 2009. At that meeting the Contamination Officer supported the removal of the northern wall to deal with contamination by hydrocarbons. The owners asked whether, with further demolition, the better option would be the demolition and rebuilding of the whole listed building.

- 5.5 The implications of demolition were pointed out to the owners at the meeting on 1 April 2009. In addition to the need to justify the demolition of the listed building and support this with information relating to commercial viability of the various options, they were also advised that any such proposal would not only require the support of officers but more importantly that of English Heritage, Local Members and the Plans Panel. It was suggested that the owners should meet with and explain their position to Local Members and the Civic Society.
- 5.6 Following this meeting a letter dated 3 April 2009 was sent to the owners suggesting investigation of an alternative development of the site, retaining the largely intact two storey building but demolishing and rebuilding the already largely demolished three storey section. It was made clear that this was an officer suggestion and without prejudice to the decision of the Council. In any event the applicant replied indicating that the proposal was both impractical and non viable.
- 5.7 In view of this an email was sent to the Horsforth Councillors, transmitting the owner's requests for a meeting to discuss the future of the building. However Councillor Townsley indicated he would attend only if it was to discuss the retention of the building.
- 5.8 Following the response from Councillors the owners did not pursue their proposals for a revised scheme demolishing the building and continued to address contamination issues. In April 2010 the Head of Planning Services and the Owners' agent spoke again and agreed to arrange a review meeting, which was held on 20 May 2010.
- 5.9 It was clear at this meeting that the owners had resolved to pursue the redevelopment of the site on the basis that the retention of the building was, in their view, not feasible, practically or economically. Whilst the owner had shared costing and marketing information whilst pursuing the option to repair the buildings in accordance with the approved listed building and planning applications, it was the view of officers that if demolition was proposed much more information would need to be provided on the practicality and viability of the various options if the Council was to be in a position to make an informed decision.
- 5.10 Prior to the current applications, there has been correspondence with the applicant discussing the technical requirements if a new application is to be submitted. At this stage additional information was submitted on viability and Officers expressed the view that on the basis of the information provided to date new build was the only viable proposition.
- 5.11 The owner was further advised that they would have to apply for listed building consent to demolish the remaining fabric and that further justification for demolishing the listed building including marketing details would be required. It was stressed

that the views expressed constituted an officer opinion and that members may not agree with this assessment.

ii) Following the submission of the applications and prior to the Panel meeting of December 6th 2012

5.12 Following the submission of the present applications additional information was sought in respect of the viability appraisal and the parking issues and there have since been additional meetings with the agents for the applications and Local Councillors. At a meeting 18 January 2012 the agents agreed to submit additional information considering the viability of stabilizing the building and effectively leaving it safe as a “historic ruin”. In addition further information regarding the applicant’s proposals for off street parking in the adjacent flats, including a traffic survey to assess existing parking arrangements, confirmation of the number of units and bed spaces in the present scheme and details of a legal agreement with the management company were to be provided.

5.13 In relation to the parking issue the applicants have been seeking agreement with the management company of the adjacent flats with a view to utilising vacant parking spaces related to the flats during the day. However, despite commencing these discussions in September 2011 there had been no real progress by the end of October 2012 and in December 2012 the applicant indicated that the Management Company were not prepared to continue the discussions.

iii) Since the December 2012 Panel Meeting

5.14 Following the Panel meeting the agent wrote to Officers indicating that following the discussion at Panel there appeared to be two options:-

1. Retaining a ‘heritage’ scheme of the scale and nature currently proposed (with no ability to increase the 14 car parking spaces).
2. Simplify the scheme and thereby the cost, to enable it to be made smaller and thus deliver a few (not 17) more car parking spaces. That could result in a design which is less reflective of the past heritage.

5.15 In response the Head of Planning indicated that in his view members would not support the application as submitted and that they would prefer to see a proposal which retained more of the character of the building, was smaller and had adequate parking. Subsequently the agent indicated that a smaller scheme was being considered and that proposals would be put together for the end of January, but that they remained concerned that a smaller scheme would impact on viability.

5.16 At a subsequent meeting between officers and the developer on 29th January 2013 the applicant indicated that he considered that a proposal with restricted car parking would be attractive to potential occupiers. However the architect tabled a proposal which reduced the size of the building to 5000 square feet and produced three additional parking places (total 17), but which the applicant considered would not be viable. In addition the applicant proposed that the parking could be controlled by a 106 Agreement, which would be worded to ensure that the current owner was liable in perpetuity to ensure that no parking problem developed. In addition the agent reported that a local company was interested in occupying the proposed offices as submitted with 14 car parking spaces.

- 5.17 Subsequently the applicant's agent produced an update report on the proposals. The report included the agent's assessment of the views expressed by Panel members, stating that doubt was expressed as to the current proposals reflected in the HOPL application (11/02389/FU) particularly in relation to matters related to the level of car parking provision, the scale of the scheme (in terms of bulk), the lack of reflection of local heritage and the limited use of the on site materials. It noted that members requested consideration of an alternative, smaller scheme which better reflects the heritage aspects of the site and which can deliver enhanced parking provision, and that members sought some comfort that should any scheme be consented, that they be given some assurances of the likelihood that it could be implemented.
- 5.18 The report reviewed the amount spent on addressing issues of contamination on the site (circa £85-90000) and noted that a localized area of oil contamination was still to be removed and that this could only be achieved by demolishing the gable wall of the building. This would further reduce the viability of retaining the existing structure and add to the costs (possibly an additional £20-30k) of developing the site.
- 5.19 In addition to these contamination costs the report noted that because of changes to the EA flood maps to take account of Climate change
- 5.20 The 100 year flood levels had been raised by 600mmm and office developments were required to have finished floor levels 300mmm above this. The previously approved scheme for the conversion of the building showed a finished floor level of 72.60 AOD, whereas the current requirement would be 73.60 AOD. This would require window openings in the listed building to be relocated at a higher level to the existing to address the 1 metre rise in finished floor levels.
- 5.21 The reasons for the non viability of the conversion proposals approved under references 06/02203 FU and 08/00365/LI were then summarised by the agent as follows:
- Physical constraints
 - Costs of dealing with contamination from previous scrap yard use
 - Requirement to raise ground floor level to mitigate flood risk
 - Design Parameters
 - Floor space provided does not create sufficient value to overcome costs from physical constraints
 - Split floors which are unattractive in market place
 - Scheme has been continuously marketed with no interest converted into a letting
 - The net lettable floor space was insufficient for the scheme to be economically viable.
- 5.22 The report also highlighted the benefits the applicant considered that would result from the application proposal. The key issues highlighted were:
- A solution which is of a scale and massing generally reflective of the existing building and the historic context.
 - Where possible it will retain the use of the existing materials on site
 - It is of a design which is acceptable to officers and the Conservation Officer in particular
 - There has been no objection from English Heritage to the demolition

- It provides for improvements in layout and functionality that will make it more commercially attractive
- It responds to the issue of flood risk to the satisfaction of the EA.

5.23 In relation to the specific concerns relating to parking the applicant's report stated that:

- The site is in a very sustainable location close to bus stops and walking distance to station.
- There is no evidence that the proposed parking levels will cause problems of highway safety.
- UDP car parking standards are maximum figures.
- The owner had sought to agree the shared use of residents parking spaces during the day. However, there has been a poor response to resolving this from the Management Company but the applicant believes that with a permission in place it may be possible to reach some accord on this
- There is a parking management scheme in place on site and this could be extended to 'police' the local parking arrangements
- The owner is willing to sell with a long lease or freehold arrangement and to specify clearly to occupiers their parking provision/enforce this . A S106 could be signed to this effect
- Any potential occupier would come forward understanding the significant controls in place and would be unlikely to sign up in any case if they are not confident of their requirement for a certain number of parking spaces.

5.24 The report also considered whether it would be possible to come forward with alternative schemes to reflect the recent concerns raised by Members in relation to increasing the levels of car parking provision and enhancing the detail of the scheme to reflect more heritage considerations. A proposed alternative scheme was considered but it was concluded that it would be viable. Subsequently the Agent has submitted evidence to demonstrate the additional costs involved in the revised scheme to demonstrate it is not viable. The report concluded that the main reasons for this are that:

- The construction costs would increase
- The net lettable floorspace reduces thus making the viability gap larger
- Reinstatement would yield less attractive floorspace,

5.25 In relation to all the potential options for the site the applicant has concluded that:

- 1) A restored scheme with additional parking and a reduced scale/mass of building is not economic.
- 2) Demolition with no replacement building is not considered a satisfactory solution by the owners, as it is considered that the current proposals do more to reflect local history and heritage and that it can deliver a project that will bring jobs back to the locality.
- 3) The agent indicated that in her view potential to retain the site as a managed ruin has not been supported by any party as a way forward and considers it would lead to problems with health and safety on site and is not a robust long term strategy for the site. The relationship of a ruin and water could be a magnet for children.

4) Doing nothing is not considered to be an option by the applicant.

5.26 In discussing the proposals, concern had also been expressed that even if consent was granted that development may not be implemented and the site remain derelict. In response the agent has submitted information indicating that a Horsforth based company is interested in the site and considers the parking provision adequate.

5.27 The ultimate conclusion of the applicant's agent in relation to the proposals expressed in correspondence dated 8 May 2013 is that:

"In response to requests to review the opportunity to deliver a smaller scheme, our viability and market assessment has clearly demonstrated that our only option, if we are to retain any vestige of heritage in the building design, and deliver a building that would be acceptable to members in terms of its scale would be the current application submission (this being the building in which there is current interest)".

5.28 In response the agent has been informed that officers will recommend refusal on the grounds that the floorspace of the building is too great for the parking provided.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Community Involvement:

The applicants organised a five hour community engagement event on 8 December 2010 at St Margaret's Church, Horsforth. Ward members were invited, an advertisement was placed advertising the event in the Wharfedale Observer and posters were placed around the site and in four other locations in Horsforth.

The event involved the use of display boards and people were invited to make comments and ask questions. 22 individuals attended the event including 2 Ward councillors and representatives of the Civic Society, Town Council and Museum. The SCI notes that the key issues raised in the 6 responses were:

- Insufficient parking provided by the scheme.
- Renovation would be preferable to demolition
- A viable use should be provided for the site
- The proposal better than the ruin on the site.

6.2 Publicity:

The applications were both advertised by means of site notices (Listed building and PRow Major) posted on 24 June 2011, inviting comments by 15 July 2011. In addition a notice was published in the Wharfe Valley Times on 30 June 2011.

6.3 Comments received.

Ward Councillors were consulted on 17 June 2011. All three Ward Councillors have objected to the proposals on the basis that the existing listed building should be retained and renovated in accordance with the original intention when the Corn mill development was permitted.

Horsforth Town Council: No comment.
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Amenity bodies:

Horsforth Civic Society:

- would like to see more of the original building rebuilt, and certainly all of the on-site materials being used to form new structure, with the original materials exposed and forming feature walling.
- concerned with the look of the central service tower, should be faced with a more sympathetic material, or indeed formed of stone to match the façade.
- concerned about the safety implications of the inclusion of a pond within the curtilage of the building.
- Consider a maximum "recompense" for failure to restore the original building should be applied in respect of this new application, in the form of maximising Section 106 funding to the community. Some company, somewhere, will benefit very significantly from the situation.
- HCS believes that the community has lost a significant heritage building and that Leeds City Council should recognise this and act accordingly.

Leeds Civic Trust: objects most strongly to the proposed development, and considers that the developer should be made to reconstruct the building as in the original planning approval.

Victorian Society: Strong objections to this application, on matters of principle. We also wish to object to the making public of officers' advice in support of the applicant's scheme, which prejudices the views any outside parties may have about the case.

Ancient Monuments Society: Do not formally oppose the present application but the Committee was highly sceptical that it represents a legitimate conservation outcome.

Have "very real fears that this would prove to be a good example of the bad practice of facadism."

Council For British Archaeology: The CBA feels that Horsforth Corn Mill should not be subject to further deterioration or of demolition. Every effort should be made to stabilise, restore and incorporated the mill into a scheme which preserves and enhances this heritage asset for current and future generations. This is not an acceptable treatment of a heritage asset. We ask that your authority refuse the application in its present form.

One individual objection received noting that:

- The flats were allowed as enabling development.
- Unfortunately no Section 106 linkage was made.
- The mill buildings have deteriorated greatly since planning permission was granted over 5 years ago.
- The developer should rebuild the Corn Mill as it was - without further enabling development.
- If this application is allowed it will set a terrible precedent.

In addition one representation has been received **in support** of the applications on the grounds that the use of existing residential parking at the adjacent flats will remove the present eyesore and result in a redevelopment of use and value without inconvenience to local residents.

7.0 CONSULTATION RESPONSES:

Statutory Consultees:

ENVIRONMENT AGENCY: No objection subject to conditions

FLOOD RISK MANAGEMENT: No objection subject to conditions

YORKSHIRE WATER: No objection subject to conditions

ENGLISH HERITAGE: The application requires the demolition of the remaining structure and a partial reconstruction “in the spirit of the mill site”. We would advise that the materials proposed in the documentation for reuse are fully identified, securely stored and a contract for the reconstruction is in place before the building is further demolished and the site cleared to undertake the proposal.

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for English Heritage to be consulted again.

Non Statutory Consultees:

NEIGHBOURHOODS AND HOUSING: Recommend conditions.

CONTAMINATED LAND TEAM: No objection to planning permission being granted, subject to Conditions and Directions.

PUBLIC RIGHTS OF WAY: Public Footpath No.25 Horsforth subsists over the application site. A diversion order was applied for by Miller Homes in February 2011 concerning the above footpath but there are still some outstanding objections which have not been resolved. If the development is to go ahead a Traffic Regulation Order may be required for the duration of the works.

SUSTAINABILITY – CONSERVATION:

Initial comments:

The statement at paragraph 1.9 of Aspinall Verdi's report sums up the current predicament well:

“The overall amount of floorspace also limits the total value of the scheme, which means that fixed costs of development have to be carried out by a smaller scheme. An example of this is the cost of dealing with contamination of the site. The costs of this are relatively fixed and clearly the smaller the scheme, the greater the relative cost on a per square metre basis”.

In other words, refurbishment of the listed building was always unviable and could only be secured by linking it to the new build, which the City Council failed to do.

Procedure

The listed building application needs to be notified to English Heritage and the amenity societies. If the City Council is minded to grant consent, it will have to be referred to the Secretary of State.

Proposal

The applications are supported by specialist reports which help to make informed decisions on the applications. I find the Aspinall and Verdi's viability report, required by policy HE9.3 of PPS5, particularly useful and I am convinced by the marketing information that concludes that there is no viable office scheme. I assume that the building was marketed for offices because this was the consented scheme, but the question must be asked: what about other uses? I would like some commentary on the comparative values of office use versus residential, which is also a likely use.

On the costs of refurbishment, I would like to see the cost of removing contamination isolated and justified. Is it necessary to remove all contamination from site or can it be capped off?

The structural report is by and large descriptive rather than analytical. The condition of building A (using the notation of the archaeological study) is for everybody to see and I do not disagree that it has to be demolished. I would like more assessment of the condition of buildings B and C which are still standing and contain a large proportion of the first phase of building. Simply put: can these building be retained in situ rather than demolished?

My view on both applications cannot be definitive until I have this information. However, I have some suggestions about the design of the scheme which do not depend on the extent of building retention. The office scheme is a well considered response to the character of the existing buildings and the historical development of the site which is clearly express "new" and "old". My concern is that the South elevation of the mill (whether rebuilt or retained in situ) will appear as though it has been transplanted onto the face of a larger and unrelated scheme and will lack integrity. I suggest that gables of buildings B and C are returned into the new build (the apexes of the gables carried on steels over the open plan office space) and that the attached new build has flat roofs to expose the three dimensional form of the embedded historic element.

Comments on revised supplementary report:

I'm not sure that the revised report takes us much further. It concedes that it is technically feasible to retain the mill (in practice it is the two storey section that we are talking about) but it is difficult to justify this on cost grounds. The "extra" cost is not quantified. Where are we with the appraisal? It is fair to say that if the scheme is marginal, it may not be possible to absorb extra costs.

ENVIRONMENTAL POLICY: Depending on the timescale and the views of the developer, outstanding issues could be agreed through Planning Conditions.

ARCHITECTURAL LIAISON OFFICER: I do not wish to make any detrimental comment in respect of this proposal.

ACCESS OFFICER: Require some minor amendments to the layout to accommodate requirements.

HIGHWAYS: Objections. The proposals would result in a demand for car parking which cannot be satisfactorily accommodated within the site. This would lead to an increase in on-street parking which would be detrimental to the safe and free flow of traffic and pedestrian convenience/safety. Proposals to use the residential parking of the adjacent flats during the day are not considered to be acceptable as this has not been properly assessed (evidence of spare capacity) and it already appears that parking is displaced onto the access roads to the site. In addition the demand for parking from residents of the flats may change over time.

ARCHAEOLOGICAL ADVISORY SERVICE (WYAAS): The WYAAS recommend that the current proposals are REFUSED as demolition is an unacceptable and “exceptional” loss of a heritage asset and the significance of a regionally important industrial building.

ASSET MANAGEMENT: The appraisals each give, in my opinion, a fair and reasonable view of the key variables, particularly likely revenues and costs involved in such a project which effect viability.

In the current market to attempt to bring back the historic buildings either in part or in whole for either uses is not considered viable and by a long way.

A combination of the high costs associated with the proposals matched by a poor market has made conversion for residential use or office use at the present time unviable.

In reaching these conclusions I have made my own enquiries and undertaken my own assessment and tested over several scenarios to examine how marginal or otherwise the developer’s case is and this suggests that sales /revenues would have to rise significantly relative to costs to bring about a marginally viable scheme.

8.0 PLANNING POLICIES:

8.1 Government Policies

The National Planning Policy Framework sets out the Government’s planning policies for England and how these are expected to be applied. It sets out the Government’s requirements for the planning system.

It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate

otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraphs 132 and 133 of the NPPF are particularly relevant. Para 132 states that great weight should be given to a heritage asset's conservation – the more important the asset, the greater the weight should be. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Para 133 sets out criteria to be used in assessing applications such as this and is referred to in the appraisal.

8.2 Development Plan Policies

The Leeds UDP Review identifies the site within the main urban area with no specific allocations or designations. Relevant policies include:

- N12 - New development should respect character and scale of adjoining buildings.
- N14 – There is a presumption in favour of retention of listed buildings. Proposals for demolition will be permitted only in exceptional circumstances and with the strongest justification
- N16 - Extensions to listed buildings will only be accepted where they relate sensitively to the original buildings. In terms of design, location, mass and materials. They should be subservient to the original building.
- N17 - Proposals should keep original plan form intact and preserve and repair original features.

8.3 Draft Core Strategy

The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012. The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 14th November 2012 Full Council resolved to approve the Publication Draft Core Strategy and the sustainability report for the purpose of submission to the Secretary of State for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004. Full Council also resolved on 14th November 2012 that a further period for representation be provided on pre-submission changes and any further representations received be submitted to the Secretary of State at the time the Publication Draft Core Strategy is submitted for independent examination.

As the Council have resolved to move the Publication Draft Core Strategy to the next stage of independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination. "

The following policies are relevant:

Policy EC2 – Office development
Policy P10 – Design
Policy P11 – Conservation
Policy T1 – Transport Management
Policy T2 – Accessibility requirements and new development
Policy EN2 – Sustainable design and construction
Policy EN5 – Managing flood risk

9.0 MAIN ISSUES

- 1 Principal of development**
- 2 Listed building issues**
- 3 Highway Issues**
- 4 Design**
- 5 Other issues**

10.0 APPRAISAL

Principle of development

- 10.1 Previous planning permission 27/189/902/FU and 06/02203/FU established the principle of B1 (Office) development on the site. The principle of demolishing and reconstructing parts of the building was established by applications 06/02204/LI, with minor variations to the rebuilt structure being approved under applications 08/00365/LI (granted on 18 March 2008) and the minor amendment to the planning permission granted in 2006 (reference 06/02203 FU) on 30 June 2008 (08/9/00260/MOD).

Listed building issues

- 10.2 The mill was listed in 1988 for its historical significance as a corn mill. Initially constructed in the 18th century and expanded in the 19th century it is built of sandstone with quoins, stone mullion windows and a stone slate roof. It incorporates a small element of re-used medieval material. It is Grade 2 listed and is considered by WYAAS as of regional significance as it has evidence of both water and steam powered milling technology. It is the last of two corn mills in the area – Troy Mill was demolished in the 1970s.
- 10.3 Whilst the principle of rebuilding the derelict listed building has been accepted, on essentially the same footprint and utilising the remaining structure and the materials that had previously been carefully removed and labeled, the present proposal is essentially for the construction of a new building on the site utilising some of the existing materials but on a larger footprint and with an altered external appearance. Whilst the Design and Access Statement seeks to stress the retention and rebuilding, the fact is that the proposal will result in a new building on the site, not the current listed building. The principal issue to be considered, therefore, is whether the demolition of the building can be justified in Policy terms and on the basis of the evidence submitted by the applicants.
- 10.4 Leeds UDP (2006 Review) Policy N14 sets out the criteria against which proposals to demolish listed buildings should be considered. This states that there is a presumption in favour of retention of listed buildings and that demolition will be permitted “only in exceptional circumstances and with the strongest justification”.

10.5 Subsequent National Guidance is included in National Planning Policy Framework (NPPF). Paragraph 133 is particularly relevant, stating that:

Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

10.5. It is clear from paragraph 132 of the NPPF and the above that the total loss of this grade II listed building should only occur in exceptional circumstances either because the loss will achieve substantial public benefits or all four criteria in paragraph 133 are met.

10.6 It is not the view of officers at present that the proposal will deliver substantial public benefits. In this respect the applicant claims that: the quality of design and the viable use of the building; the improvements to the immediate environment; addressing flood risk and on site contamination; and the contribution to the economic growth of the Leeds City Region will all contribute to a substantial public benefit. Whilst the building is clearly something of an eyesore in its present state, the mitigation of that problem is not considered to be such a priority to justify the loss of the heritage asset and the other benefits alluded to could potentially be achieved by a scheme along the lines previously permitted by the City Council for conversion and rebuild.

10.7 It is therefore considered that if consent is to be granted for demolition all four criteria in paragraph 133 must be met, specifically, that the nature of the asset prevents all reasonable use of the site, no reasonable, viable use can be found; preservation through funding is not possible; and the loss of the asset is outweighed by bringing the site back into use.

10.8 The applicant's view in respect of these issues, expressed in the application is in summary:

- A redevelopment scheme is the only realistically viable option. Retention and alternative use is exacerbated by a number of technical issues relating to contamination and flood risk management.
- Investigation of alternate funding sources or charitable or public ownership options has not been successful.
- The loss of the asset will protect and enhance the character and historical feature through rebuild, reusing existing materials and reconstructing one of the elevations.

10.9 Support for this view is submitted in the form of a viability study by Aspinall Verdi that considers both the approved 2006 conversion proposal and the current scheme and provides detailed financial appraisals of the two schemes.

The main conclusions are that:

The earlier scheme is non viable primarily due to the abnormal costs of development which drive up costs, and with a small footprint the end value is limited.

Marketing of the 2006 scheme for a number of years has failed to produce any result in a competitive market with significant second hand accommodation available.

The present scheme produces sufficient return to justify proceeding with the development.

- 10.10 In addition a structural report submitted by WSP with the application stated that the 2006 proposal was unlikely to be viable and cited the following problems: the cost of underpinning existing foundations at a depth of 2 to 3m in wet and contaminated ground; impractical use of existing walls due to their lack of verticality and condition; problems with existing timber elements; and the impact of revised flood assessments which would leave 20% of existing walls below finished floor levels. Additional information in relation to these issues has been submitted in the form of the report dated February 2013 and referred to in Section 5 above.
- 10.11 In response to a request by Officers to consider a residential conversion of the building Aspinall Verdi responded that: the sales risk in terms of time taken and price achieved would make any developer or investor unlikely to consider residential use; it is unlikely that funding could be secured; and the building costs would be unviable.
- 10.12 The reports relating to viability have been considered by the Council's Asset Management Section and are reported in consultation responses. In summary Asset Management's assessment is that:
- In the current market to attempt to bring back the historic buildings either in part or in whole for either uses (residential or office use) is not considered viable and by a long way.
 - A combination of the high costs associated with the proposals matched by a poor market has made conversion for residential use or office use at the present time unviable.
- 10.13 It is clear from the above that within the terms of the Viability Appraisal submitted by the applicants the proposals to convert the building to offices or residential use are not viable whilst the current application is. It should be noted that the key assumptions made in reaching that conclusions offset the assessed value of the two schemes against the costs of the development including build costs, professional fees, marketing and finance costs. Acquisition costs are not included in the assessment.
- 10.14 In other words the Appraisal only looks at the cost of building the two alternative proposed developments (conversion or redevelopment) against the value of the development once completed. It should be added that the initial Appraisal assesses the position specifically in relation to the current market conditions and looks only at two detailed alternatives for office development and a theoretical assessment of potential for residential conversion. It is for this reason that Officers have sought an assessment of the costs of the "managed ruin" option, since the acquisition costs

have, in essence, already been written off. In response to comments at the December 2012 South and West panel the developers have also assessed a smaller scheme providing three additional parking spaces but it is clear that this is not viable when compared to the application proposals.

- 10.15 It is a matter of debate whether the Appraisal and other information submitted with the application is adequate to address the requirements of Policy. Within the context of the assumptions made the results are reasonable. In addition it is likely that in any conversion to offices the removal of contamination and measures to address the flood risk issue would be likely to lead to the demolition of more of the remaining structure and a redesign of the approved conversion scheme in any event.
- 10.16 In considering this issue it is also relevant to note that English Heritage advises that the application should be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice. A number of other consultees oppose the demolition and re-development as reported above including:
- WYAAS: objects to the proposal as demolition is an unacceptable and the “exceptional” loss of a heritage asset and the significance of a regionally important industrial building has not been justified.
 - Leeds Civic Trust: wishes to object most strongly to the proposed development and considers that notwithstanding the issues raised by the applicant, consent for this scheme should not be granted, with the developer made to reconstruct the building as in the original planning approval.
 - Victorian Society: Wish to make strong objections to this application, on matters of principle.
 - Council for British Archaeology: considers Horsforth Corn Mill should not be subject to further deterioration or of demolition. The proposal to demolish and rebuild the façade from building ‘B’ is not an acceptable compromise. This is not an acceptable treatment of a heritage asset. In conclusion, ask that the authority refuse the application in its present form.
- 10.17 On the basis of all the information the issue remains as to whether there is any alternative viable use for the building. Officers accept that within parameters considered by the applicant the present proposal is viable and the other options discussed are not.
- 10.18 There remains the issue of the present condition of the building. It is clear that unauthorised demolition took place between the approval of the 2006 application (September 2006) and December 2007, although the approval of application 08/00365/LI on 18 March 2008 effectively authorised the demolition to that point and approved the rebuilding and conversion of what remained of the building.
- 10.19 Given its present condition the building will continue to deteriorate until it is demolished or refurbished. Paragraph 130 of the NPPF states that where there is evidence of deliberate neglect or damage to a heritage asset the resultant deteriorated state of the asset should not be a factor taken in to account in any decision. The applicant can point out, however, that in seeking to retain the building he has obtained a number of permissions for refurbishment and conversion and the Council has considered these applications on the basis that they would result in the

retention of the building and in the belief that the proposals put forward by the applicant were feasible and viable.

- 10.20 With regard to future actions, the Council would have a number of options if permission is refused and the applicant makes no attempt to repair the listed building. These include:
- A notice under Section 215 of the Planning Act 1990 could be served if it was considered that the current condition of the site is affecting the amenity of the area. Such a notice is subject to appeal. If the works are not carried out the local authority may enter the land and carry out the work, recovering “expenses reasonably incurred” from the owner.
 - Section 54 of the Listed Buildings and Conservation Areas Act allows an authority may give 7 days’ notice that they intend to execute works they consider urgently necessary for the preservation of a listed building in their area. Again the owner can be served a notice requiring him to pay the costs of the work and the owner may appeal to the Secretary of State within 28 days that the works are unnecessary or the costs unreasonable.
 - Section 48 of the same Act allows the service of a Repairs Notice, specifying what works are considered necessary for the proper preservation of a listed building. If the works are not carried out within two months the local authority can start compulsory purchase proceedings. Other powers exist under the Building Act.
- 10.21 None of these options are likely to provide a quick fix and all are likely to have budgetary and potentially future asset management implications.
- 10.22 When these issues were discussed at the December 2013 Panel the view of members was that the demolition of the Heritage asset may be justified if a suitable redevelopment proposal was advanced by the applicant, but that the proposal before the Panel was not acceptable. The reasons for this related to the insufficient parking proposed and the design of the proposal before them. These issues are now considered.

Highway Issues

- 10.23 The Highway Authority has advised that the application as submitted is unacceptable in that the amount of parking provided on the site is inadequate for the development proposed.
- 10.24 The basis for this objection is that the floor area indicated on the application forms for the proposed building is 1008sqm, which would generate a maximum car parking requirement of 31 spaces. The proposed level of parking (14 spaces) is considered to be totally inadequate.
- 10.25 The applicant suggested in July 2011 that ten car parking spaces could be made available during the day, for parking for office staff, in the car park of the adjacent flats. It was later proposed that these additional spaces would be provided in perpetuity in accordance with an agreement with the Management Company, not with individual residents. The applicant’s advisors consider that because the majority of the residential bays are apparently vacant during the day, this would be a workable joint arrangement which neither party (applicants and management company) consider would lead to problems.

- 10.26 However in December 2012 the agent informed officers that the Management Company were not able to agree this as a number of residents had not responded. The agent's letter of 4 December 2012 argued that the provision of 31 spaces represented the maximum UDP requirement and that provision of a lesser number of spaces was acceptable in this location for the following reasons:
- UDP maxima are not a requirement of policy.
 - The site is in a highly sustainable location close to bus stops with a ten minute service to Leeds.
 - The site is close to Horsforth train station
 - There is no evidence that the level of parking proposed will cause safety issues on adjacent roads which are well protected by waiting restrictions.
- 10.27 Recent correspondence with the agent suggests that the owner is still seeking to negotiate with the residents of the adjacent flats and to establish whether other premises in the area have spare parking capacity that could be used by the occupiers of the proposed office building. In addition the agent suggests that a condition could be attached to any consent for the offices which requires 24 parking spaces as part of the development.
- 10.28 This proposal has been discussed in greater detail with the Highway Authority and there is concern that the proposed allocation of car parking in the flats development for the office has been not been adequately assessed i.e. no evidence has been submitted to suggest that there is spare capacity at the times when office workers would require parking spaces.
- 10.29 In addition, as a total of 31 (max) spaces would be required there would still be a maximum shortfall in car parking of 7 spaces. It is also likely that as a result of the office parking, residents and their visitors could be displaced onto the roadways within the site. This already appears to happen to some extent because some residents are reluctant to park in the car parking bays.
- 10.30 The Highway Authority consider that proper management of the site would ensure that residents park in the marked bays not on the access roads and this should be the main aim of the management company, not the leasing off of space to a third party. Only then could it be proved that there was spare capacity.
- 10.31 It is also possible that the personal circumstances of existing residents could change meaning that they could be at home during the day or they may move on and other residents with different demand for parking could take their places.
- 10.32 In essence the applicant's consultants have sought to address the fact that there is inadequate space for parking on the site for the size of building they are proposing by using private domestic parking associated with the adjacent apartment blocks during the working day. Officers are not convinced that this is either appropriate or practical and do not accept that the site is in a highly sustainable location such that the limited level of parking possible within the site would be sufficient. In addition there are known parking issues already in this area which could be exacerbated by a development on this site which incorporated insufficient car parking.
- 10.33 It is therefore considered that unless the applicant can clearly address the parking shortfall, either by reducing the size of the development and providing adequate on site parking or by demonstrating that some alternative arrangement is practical, the proposal is unacceptable in its present form.

Design

- 10.34 In considering design issues at the December meeting, members clearly wished to see existing materials reused in any proposed building.
- 10.35 They also expressed concerns about the design and massing of the proposed development when compared to those of the derelict building. In view of this members are asked to endorse a reason for refusal which relates to the negative impact of design of the development in terms of its scale and massing.

Other issues

- 10.36 There are a number of other concerns relating to the proposal which have been raised with the applicant which could be addressed by amendments to the proposal if it was otherwise considered acceptable. These include that the footways leading to the site (which were constructed as part of the flats development) are extremely narrow, particularly on the development side, and that as a result of this, pedestrians, especially those with mobility needs, may have to walk in the roadway. To overcome this, the nearside footway around the perimeter of the development should be increased to 2 metres. This would aid pedestrians but will also assist forward visibility around the bend in the roadway.
- 10.37 The Public Rights Of Way Section has indicated that Public Footpath 25 Horsforth crosses the application site and that this will have to be diverted to accommodate the development. They indicate that the developers of the flat development (Miller Homes) have applied for a Diversion Order but that there are outstanding matters which remain to be resolved. Whilst this needs to be progressed in order to accommodate the development, this is unlikely to be a problem for the current proposal and previous planning permissions have been granted for the same site area.
- 10.38 The access officer has also indicated that the disabled user parking spaces shown on the submitted plan needs to be revised in accordance with British Standard guidelines i.e. they are not of sufficient size to accommodate the needs of disabled drivers. Amendments could be made to these to meet the guidelines.
- 10.39 All of these “other issues” are essentially minor matters in comparison to the issues of principle relating to the listed building demolition and parking provision raised in this report and they can be addressed if the development is considered acceptable in principle.
- 10.40 In relation to the listed building application, the advice in the NPPF is that where total loss of a heritage asset is proposed (in this case the total demolition of the listed building) local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- the nature of the heritage asset prevents all reasonable uses of the site; and
 - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and

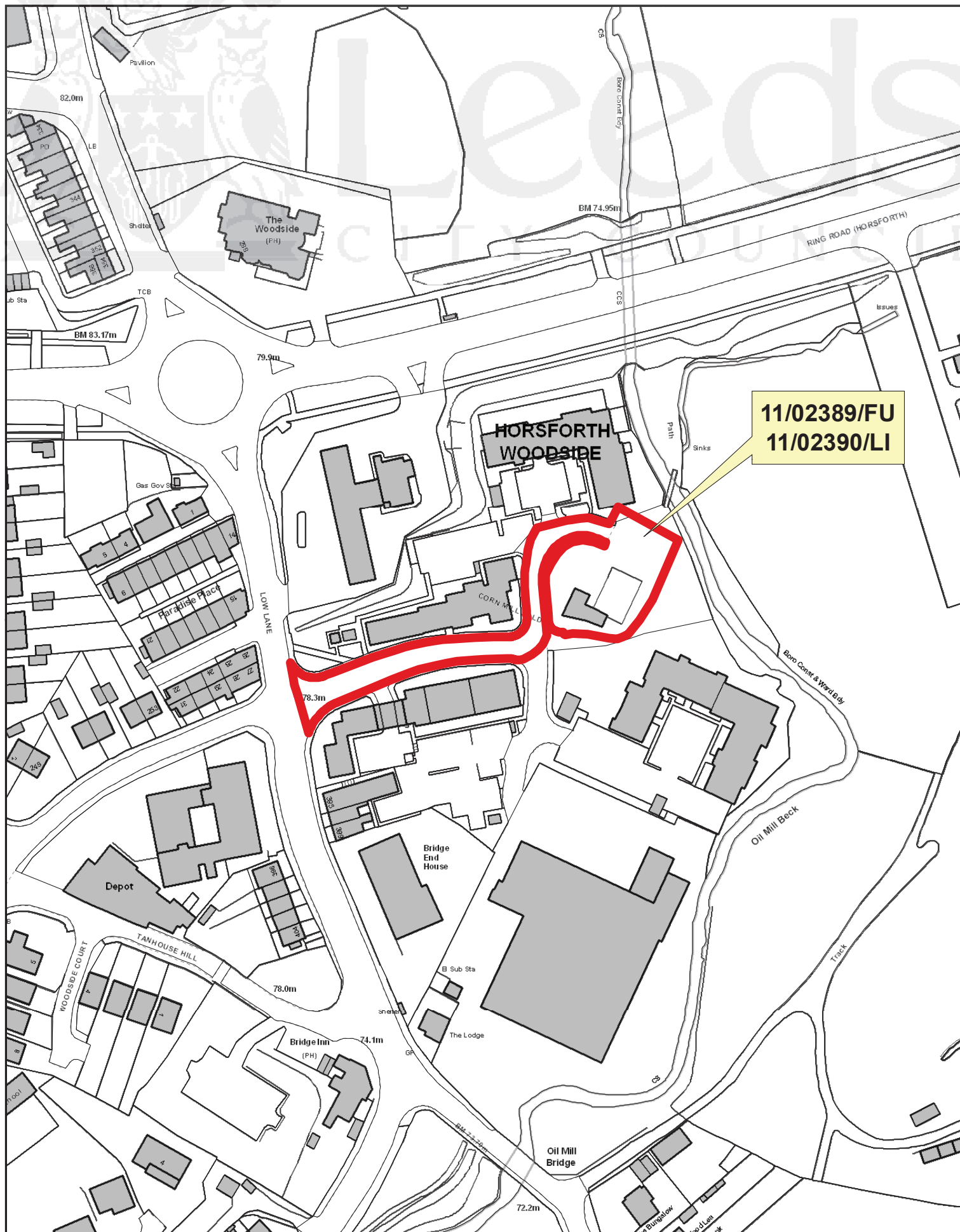
- the harm or loss is outweighed by the benefit of bringing the site back into use.

- 10.41 In this case the simple demolition of the building without replacement cannot be considered to provide any substantial public benefit, and in relation to the four tests, the loss of the listed building would not be outweighed by the benefit of bringing the site back into use since with the refusal of the planning application this reuse would not occur. In terms of both paragraph 132 of the NPPF and UDP Policy N14, in the absence of an acceptable redevelopment proposal there are clearly neither exceptional circumstances nor any strong justification to simply clear the listed building from the site.
- 10.42 The implication of this is that if members do agree to refuse the planning application, then the listed building application should also be refused for the reason given in the recommendation.

11.0 CONCLUSION

- 11.1 The proposal to redevelop the site is considered unacceptable in that the level of parking proposed (14 spaces) is considered inadequate for a building of the size proposed and in this location.
- 11.2 In view of this it is not considered that any justification exists for the demolition of the Grade 2 listed building on the site.
- 11.3 Both the planning application and the application for listed building consent are therefore recommended for refusal.

Background Papers Application files: 11/02390/LI
11/02389/FU



SOUTH AND WEST PLANS PANEL



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Originator: Victoria Hinchliff Walker

Tel: 0113 222 4409

Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 20/06/13

Subject: INTRODUCTORY REPORT

APPLICATION 11/04306/OT. Demolish existing buildings and erect a retail foodstore (Class A1), with car parking, landscaping and access. Site of Asda store, Old Lane, Beeston, LS11 8AG.

APPLICATION 10/04404/FU. Application for the erection of retail store with car parking and landscaping at junction of Moorhouse Avenue and Old Lane, Beeston, LS11.

APPLICANT

Asda Stores Ltd
Tesco Stores Ltd

DATE VALID

18/10/11
01/10/11

TARGET DATE

17/01/12
31/12/10

Electoral Wards Affected:

Beeston & Holbeck

☐ Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION:

ASDA:

Defer and delegate to the Chief Planning Officer for approval, subject to the specified conditions and following completing of a Section 106 Agreement.

TESCO:

Refuse permission due to significant adverse impact on vitality and viability of Beeston local centre.

1 INTRODUCTION:

- 1.1 This report to Members should be viewed as an introduction to the two separate reports that deal with schemes by Asda and Tesco for supermarkets on adjacent sites. Both schemes have previously been reported to Plans Panels on 8th November 2012 and the relevant minutes are noted in the respective reports.

- 1.2 The Asda proposal was submitted in October 2011 and is for a new supermarket to replace an existing Asda (formerly a Netto) store on the site. The existing store is 520m² gross whilst the proposed store would be 3000m² gross. As part of the proposal a block of small industrial units would be demolished, and the site of a former industrial use will also be used. The Asda proposal is in outline to consider the principle and access only. The existing Asda store has permission to extend to 777m² which expires early July 2013.
- 1.3 The Tesco proposal was submitted in October 2010 and is for a new supermarket on the site of a former jam factory. The proposed store would be 2737m² gross. The Tesco proposal is a full application.
- 1.4 Both stores provide parking, landscaping and access. Both proposals if approved would require various highway works such as pedestrian crossings, right turn lanes and alterations to the roundabout at Old Lane/Beeston Road.
- 1.5 When originally taken to Plans Panel in November the reports carried recommendations of refusal, largely due to concerns about impact on Dewsbury Road town centre. Members did not accept this and favoured some form of retail offering going ahead. Officers were asked to address issues of impact if both stores were to be approved both in terms of the highway impact and the impact on Beeston local centre.

2 NEGOTIATIONS AFTER PLANS PANEL:

- 2.1 Following the last report to Plans Panel both applicants were asked to provide additional evidence on the cumulative impact of the two stores going ahead on both Beeston local centre and the highway network.
- 2.2 Tesco provided a cumulative report derived from the supporting material submitted in response to their application, that of Asda on the adjoining site and Asda Middleton.
- 2.3 Asda carried out an in centre survey in Beeston local centre along with an exit survey at the current Asda store and used this as the basis of their cumulative impact studies.

3 CONCLUSIONS:

- 3.1 Following submission by both applicants the evidence has been reviewed both in house and by Colliers International who are acting as retail experts. An explanation of the evidence and appraisals are given in the relevant reports, however the conclusions reached are as follows.
- 3.2 Two retail stores in this one, out of centre, location were considered to result in a significant adverse impact on the local centre at Beeston. Estimates of impact on the Co-op as the anchor store of the local centre have been suggested by Tesco's advisors as 21% impact on turnover. Subsequently they have suggested lower figures, even for cumulative impact, but their original estimate seems appropriate. They argued initially that the Co-op is trading so well it could withstand this level of impact.
- 3.3 Even if it is accepted that cumulative impact is not a simple doubling of that of each store, on the 4 of this analysis the cumulative impact would approach 30%. In view of the size and offering of the Co-op store and particularly noting its importance for Beeston centre it is considered that this is an unacceptable level of impact.
- 3.4 One store however was considered to have a lesser impact and the adverse impacts would not be as significant. A new store in this location would also offer local residents a greater choice in retail provision and introduce an element of competition

that does not currently exist. It is clear from the evidence submitted that a significant amount of money leaves the local area due to the lack of provision of a main food destination in the area (the Co-op serves a predominantly top-up shopping function).

- 3.5 Having concluded that one store would be acceptable it then fell to try and decide which of the stores should go forward. Both stores could bring about similar benefits, they will provide main food shopping provision, result in regeneration of an area in need, and will provide similar amounts of employment. Choosing between them for these reasons would therefore be unreasonable.
- 3.6 The difference between them is that if the Tesco scheme goes ahead then you would have the 2,700m² of Tesco store, plus the 777m² of existing Asda store (size of existing store with approved extensions), totalling retail floorspace of 3,477m². Allowing just the Asda proposal to proceed would result in total retail floorspace of 3,000m².
- 3.7 The Tesco store would also introduce a new element of top-up shopping that does not exist at the moment and therefore the impact of this store is likely to be greater on the Co-op store than the Asda store, which already has a top-up shopping customer base in the area. This is important due to the fact that the Co-op store predominantly provides a top-up shopping facility rather than acting as a main food destination.
- 3.8 It is considered therefore that the Asda proposal would have a less significant adverse impact on Beeston centre than the Tesco proposal and consequently the Tesco scheme is recommended for refusal, whilst the Asda is recommended for approval.
- 3.9 Members should be advised that whilst each scheme should be taken on its merits it is important that the cumulative impact is assessed and the reports to Panel should not be viewed in isolation.

4.0 **RECOMMENDATION**

- 4.1 Members are asked to note the contents of this report.

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Originator: Victoria Hinchliff
Walker
Tel: 0113 2224409

Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 20/06/13

Subject: APPLICATION 10/04404/FU – Application for the erection of retail store with car parking and landscaping at junction of Moorhouse Avenue and Old Lane, Beeston, LS11

APPLICANT

Tesco Stores Ltd

DATE VALID

1 October 2010

TARGET DATE

31 December 2010

Electoral Wards Affected:

Beeston & Holbeck

☐ Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION:

REFUSE for the following reason:

The Local Planning Authority considers that the proposed retail store, when considered with other commitments, would be likely to have a significant adverse impact on the vitality and viability of Beeston Local Centre. The proposal is considered to be contrary to Policy S5 of the Unitary Development Plan Review (2006), the guidance contained within the National Planning Policy Framework and emerging Policies P5 and P8 of the Draft Core Strategy.

1. INTRODUCTION:

- 1.1 This application has previously been reported to South & West Plans Panel on 8th November 2013 at Item 24, the minutes of this meeting as well as the previous report to Panel are replicated at the end of this report as appendices.
- 1.2 The recommendation previously made was to refuse the scheme due to the impact on local centres, but especially on Dewsbury Road Town Centre, particularly due to a lack of evidence to suggest that the impact was not harmful. In discussions

Members did not agree that the protection of Dewsbury Road should outweigh the potential benefits of either this proposal by Tesco or the proposal by Asda on the adjacent site.

- 1.3 Members determined that the officer recommendation to refuse be not accepted and that the application be deferred for further negotiation to cover the cumulative impact of both this proposal and the adjacent Asda proposal on Beeston local centre and the highway network.
- 1.4 Further negotiations have taken place and this report updates Members on these and the recommendations that officers now make.
- 1.5 A separate report detailing the Asda proposal will be dealt with separately.

2 NEGOTIATIONS:

- 2.1 Following Plans Panel the applicants were asked to conduct further survey work and to submit studies that showed the cumulative impact of two stores going ahead in this location in terms of both retail and highway impact. Officers requested further survey work because there were concerns that the studies that the applicant had done were not fully fit for purpose in terms of their scope.

- 2.2 The applicants elected not to carry out further survey work with the following justification:

A household survey was undertaken for Beeston, not just Middleton, and this survey provides data on existing shopping patterns across a number of postcode sectors. This was carried out by an independent market research company and the name of the applicant is not disclosed. A statement of statistical reliability accompanies the survey.

The applicants therefore carried out a cumulative impact assessment based on the survey work already submitted. This approach and the conclusions drawn are discussed subsequently.

- 2.3 However, agents for the alternative scheme surveyed visitors to Beeston local centre, and to the existing Asda store, to gather information about shopping patterns and preferences relating to top-up shopping. This information and the re-worked analyses in support of Tesco have both been taken into account in assessing each of the two applications.
- 2.4 The applicants were also asked to consider how the s106 would need to be worded should Members grant planning permission for both this scheme and the adjacent Asda scheme. Tesco have provided an example of how this could work ready for such discussions if necessary.

3 PUBLIC/LOCAL RESPONSE SINCE PANEL MEETING:

- 3.1 Following the recent Plans Panel there has been no further public consultation, however a small number of letters of support for either this scheme or the Asda scheme have been received.

4 CONSULTATION RESPONSES ON NEW INFORMATION:

Highways

- 4.1 The basis on which the assessment has been carried out is sound and has previously been the adopted methodology for the Middleton schemes.
- 4.2 Old Lane mini roundabout – the addition of one store effectively worsens the situation but it is mitigated in the most part by the proposed improvements. The addition of a second store does lead to a further worsening. This impact is significant in percentage terms but slight in absolute terms and equates to an increase in queuing cars on the roundabout arms of approximately 3 extra cars in

the Friday peak time. The roundabout would however, still operate below its absolute capacity.

- 4.3 Tommy Wass junction – several arms of the junction will operate marginally above capacity as a result of two stores going ahead. In particular the Old Lane approach to the junction will increase from 15 cars queuing at present to 26 cars with 1 store, and 35 with both stores operating (this is a queue of some 210m length). There will therefore be some minor increase in delays at the signals.
- 4.4 The cumulative impact of the two supermarkets would result in a worsening of highway conditions on the highway network in the Friday afternoon peak periods. However it should be remembered that trips to retail stores are discretionary in terms of the time of visit and therefore the modelling can be considered to represent a worst case scenario. If queues do form at a particular time this is likely to have the effect of altering visit times to avoid this problem. The impact will therefore be limited and mitigated further by the s106 contributions which will provide enhancements to the Old Lane roundabout. (Note that currently both stores are offering similar s106 contributions to highway works, if both go ahead then a decision would need to be made as to how the contributions should then be calculated).

5 MAIN ISSUES

- 5.1 For the sake of clarity only those issues which were outstanding from the previous presentation to Plans Panel are reported here. All of the other matters were addressed in the previous report and the views of Members were noted. The outstanding matters in relation to this (and the adjoining application) are:

- Cumulative Retail Impact, particularly on Beeston centre.
- Cumulative Highway Impact

6 APPRAISAL

Cumulative Retail Impact – Tesco Evidence

- 6.1 The Tesco evidence is based on their original household survey for the one store which was carried out in 2008 and is derived from 254 responses from people within the postcode areas of Beeston, Beeston Hill, Tommy Wass area and Dewsbury Road areas.
- 6.2 The original assessment submitted by the applicant (September 2010) confirmed the importance to Beeston Co-op of top-up shopping with a more shoppers from within the Primary Catchment Area choosing the Beeston Co-op for top up shopping than any other shop. It also confirmed that the new store would act as “a top-up destination” for the residents living in very close proximity to the store.” (para 6.33)
- 6.3 It is not clear whether the assessment of trade diversion from the Co-op to Tesco included both top-up and main food shopping but the impact is presented as 21% on turnover. No assessment of the implications of this (through reduced potential for linked trips) for Beeston centre were presented, but rather it was stated that other stores and facilities would not suffer direct impact from the Tesco which would not offer competing facilities..
- 6.4 The December 2012 assessment submitted by the applicant in response to officer requests and repeats the view that if both Asda and Tesco stores were to be built, they would primarily compete with one another and other similar sized key food destinations such as Morrisons in Morley and Hunslet, and the Sainsbury’s at White Rose due to the size and the range of goods on offer and the fact that they would be main food shopping destinations opposed to top up shopping destinations.

- 6.5 Their assessment of the cumulative impact of having two large supermarkets at Beeston, as well as the Asda at Middleton, is calculated using their earlier assessments and those made by others in relation to relevant proposals (Asda Beeston and Middleton). They reduce the turnover of the competing stores in this process. Their assessment suggests
- 18.3% decrease in trade at Beeston town centre (Co-op).
 - 3.4% decrease in trade at Dewsbury Road (mainly on the Tesco Express).
 - 17.4% decrease in trade at Hunslet (18.6% on Morrisons, and 11.1% on Lidl).
 - 3.3% decrease in trade at Middleton Park Circus (impact is from Asda Middleton).
 - 6.1% decrease in trade at Middleton District Centre (impact is predominantly from the Asda Middleton).
- 6.6 The applicants acknowledge that an 18% decrease in trade at Beeston centre appears large. However, they argue that as this equates to £0.79m in monetary terms and they assess that the Co-op currently trades at £1.5m in excess of the company average, it would continue to trade at above average levels even after this trade diversion. Other shop units in Beeston would be unlikely to be affected due to the difference in the goods sold and services offered.
- 6.7 The Morrisons at Hunslet is the second worst affected, however the applicant suggests that this store draws on a very large catchment area across South Leeds and is currently performing strongly. The impact would still see Morrisons operating at £26m above the company average.
- 6.8 The conclusion drawn therefore is that no centre would experience any significant adverse impact and that therefore the proposal accords with the NPPF.
- Cumulative Retail Impact – Comment
- 6.9 Colliers have been asked to review the Tesco submission on behalf of the Council. They raise concerns over the basis of the evidence. The applicants were asked to undertake additional survey work to investigate specific concerns not addressed in submissions. These include:
- The initial survey work relied on a small sample size. While this was appropriate for wider analysis, it is questionable for this proposal.
 - The assessment did not make any monetary assessment of top-up shopping and so the impact 'judgements' are questionable.
 - National and local policy both aim to protect centres such as Beeston. The survey data does not provide an adequate insight into local shopping habits.
- 6.10 The applicants response to this was that the application was accompanied by a full Household Survey dated 2008, since when there have been no changes in retail provision in the area except for the conversion of the Netto store to Asda. The survey covers the primary catchment area and therefore is a comprehensive review of existing shopping patterns. The results from this survey mirror those that came out of the Leeds Retail study which has formed the basis of Asda's submissions. It should also be noted that the survey was up to date when the application was originally submitted in October 2010. Tesco further comment that the methodology was found to be acceptable for the Middleton submission.
- 6.11 Colliers advise that the retail impact assessment is not a strict science and that it is necessary to focus on the particular function of any existing centre which may be at risk and assess how this might be affected by a proposal. In the absence of appropriate evidence to support assessment of solus and cumulative impact on Beeston centre, the applicants' conclusions are not considered reliable. The

difficulty is compounded here when convenience shopping provision in this part of the City is undergoing significant change. Colliers' view is that the general uncertainties related to consumer habits and expenditure in current economic circumstances suggests a need for caution in order to comply with broad City Council and National objectives to protect centres.

- 6.12 Tesco in assessing the cumulative impact reduce the benchmark turnover of both stores by 25% stating this is “commonly adopted methodology” and accounts for the impact on one another, however evidence of two such stores operating in such proximity is limited. Moreover, no post development evidence has been presented to support this assertion. It is also significant that in this case, with the issue relating to top-up or local shopping, the reduction of overall turnover would not necessarily also indicate a reduction in local trade draw. (It is noted though that in terms of highway evidence this 25% reduction has been accepted.)
- 6.13 The main outstanding concern is the potential effect of the new Tesco on the top-up shopping patterns of people who currently do this at the Coop store. This top-up shopping is the mainstay of the local centre, and any loss will have a negative impact on the store. Whilst the greater part of Tesco turnover is likely to be generated by its role as a destination for main shopping, this does not mean that it will not have a significant impact on local shopping patterns (and the evidence submitted by Tesco concentrates on the impact on main food shopping). The proposed Tesco will undoubtedly provide for top-up shopping and will have a very similar catchment to Beeston centre and its Co-op store. In this local context the two are “like for like”, particularly for anyone living to the south of the Tesco store for whom the new store would be closer. .
- 6.14 Moreover, the issue of linked trips is relevant as impact should not be considered simply as impact on a direct competitor but also on other shops and services in the defined centre which are likely to suffer if there are fewer shoppers visiting the main store in the centre. The Asda survey of shoppers suggests that about 25% of visitors to Asda then go onto Beeston centre, and the reasons given for this are the limited range of services that the small Asda provides. It is likely that if a larger store were provided then additional services would be provided (ATMs, small post office, bureau de change etc) and this would again distort linked trip patterns. This could be particularly significant assessing cumulative impacts.
- 6.15 Even more importantly, the Beeston survey shows that 38% use other facilities. It is the impact on linked trips and so on the centre as a whole, rather than on direct impact on all retailers and services, that is the concern in this regard, consistent with the approach in both development plan and NPPF policies.
- 6.16 The new Asda store would also have an impact on top-up shopping. However this is a brand that already exists and it would seem that the existing store already operates as more of a top-up shopping destination given its limited size and range of goods (and reference should be made to the additional evidence submitted by Asda) and so a significant element of its impact on Beeston will already be in evidence. The impact therefore of expanding Asda may well be less as those who currently use the Coop for top up shopping would be more likely to continue to do so. This proposition is supported by evidence from the Asda surveys that show that people living in the north of the area (around Beeston centre and along Beeston Road) are more likely to go to the Coop, whilst to the south (Tommy Wass and Dewsbury Road) people are more likely to use the Asda store. This seems to correlate with geographical convenience and bus routes.
- 6.17 By introducing a third choice, that of Tesco in addition to the Asda expansion, the changes to patterns of top up shopping, and the links with other reasons for visiting the centre, are likely to be more pronounced.

- 6.18 However, the recent Asda survey does highlight the importance of top-up shopping not only to the Co-op but also to Beeston centre to which existing and emerging development plan policies afford protection. The submitted analysis does not quantify impact on top-up shopping: the initial analysis, with shortcomings indicated previously, suggested about 4% impact on the centre as a whole, significantly less than the figures indicated for the proposed Tesco on the Co-op by their own consultants. It is considered that the Tesco assessment of 21% (in their original submission dated September 2010) is more reasonable. The Tesco December 2012 figure of 18% cumulative impact seems surprising in this context.
- 6.19 It is suggested that those Tesco assessments (commented upon further in the relevant report) relate only to main food shopping and so are likely to underestimate total impact. The Asda 'new' floorspace is about 83% of that of Tesco and so its impact, based on floorspace, might be expected to be around 15%. The cumulative impact is reasonably assumed to be likely to be approaching 30%.
- 6.20 Even if the Co-op is accepted to be overtrading an impact of that level would amount to significant adverse impact, particularly through the reduction in linked trips and so result in harm to the centre as a whole.
- 6.21 In the context of Panel's previous conclusions, notably that the benefits offered by each application outweigh the conflict with policy for Dewsbury Town Centre, the key retail consideration is whether it is possible to differentiate between the two schemes on the issue of impact on the Beeston centre. In this regard it is important that Members appreciate that retail analysis is not a statistical exercise but depends on a series of judgements. It is the view of both officers and Colliers International, based on the information that is available (see 10.9 and 10.10 above), that it is reasonable to draw the conclusion that the proposal which introduces the least change is likely to have the least impact.
- 6.22 Consequently, given the existing presence of Asda in the area then it is considered that this expansion scheme would have less impact than allowing the Tesco to go ahead on its own. This would protect existing investment in Beeston centre and have least harmful impact on its continuing vitality and viability, key elements of City Council policy and generally highlighted as a particularly important and sensitive issue for all communities.

Cumulative Highway Impact – Tesco Evidence

- 6.23 Tesco have provided a Technical Note produced by Mouchel who have proceeded on the basis that if both schemes went ahead then each store would impact on the sales turnover of the other. Each store would in this case trade at 75% of the level they would if they were a stand alone store (similar to the assessment carried out for the cumulative impact in Middleton). The two junctions most impacted on will be the Beeston Road/Old Lane mini roundabout, and the Tommy Wass signalled junction.
- 6.24 Capacity assessments show that the Old Lane mini roundabout can be expected to operate within absolute capacity with both stores trading, and the Practical Reserve Capacity of the Tommy Wass signals would not be reduced.

Cumulative Highway Impact – Comment

- 6.25 The basis on which the assessment has been carried out is sound and has previously been the adopted methodology for the Middleton schemes.
- 6.26 Old Lane mini roundabout – the addition of one store makes the situation worse but it is mitigated in the most part by the proposed improvements. The addition of a second store does lead to a further worsening. This impact is significant in percentage terms but slight in absolute terms and equates to an increase in queuing

cars on the roundabout arms of approximately 3 extra cars in the Friday peak time. The roundabout would however still operate below its absolute capacity.

- 6.27 Tommy Wass junction – several arms of the junction will operate marginally above capacity as a result of two stores going ahead. In particular the Old Lane approach to the junction will increase from 15 cars queuing at present to 26 cars with 1 store, and 35 with both stores operating (this is a queue of some 210m length). There will therefore be some minor increase in delays at the signals.
- 6.28 The cumulative impact of the two supermarkets would result in a worsening of highway conditions on the highway network in the Friday afternoon peak periods. However it should be remembered that trips to retail stores are discretionary in terms of the time of visit and therefore the modelling can be considered to represent a worst case scenario. If queues do form at a particular time this is likely to have the effect of altering visit times to avoid this problem. The impact will therefore be limited and mitigated further by the s106 contributions which will provide enhancements to the Old Lane roundabout. (Note that currently both stores are offering similar s106 contributions to highway works, if both go ahead then a decision would need to be made as to how the contributions should then be calculated).

7 CONCLUSION

- 7.1 The argument put forward regarding the cumulative highway impact is accepted, it is acknowledged that there will be some impact but this will not result in undue harm to highway safety. With regard to the cumulative retail impact evidence used, neither applicant has addressed the issue using an approach suggested by officers but some additional information has been provided. Asda has introduced new material which has been illuminative as it confirms the importance of top-up shopping to Beeston centre. The Tesco supplement generally reworks earlier information but the 2012 analysis suggests lower cumulative impact than did the 2010 analysis relating to Tesco alone. Consequently there are concerns relating to its robustness in relation to Beeston. Questions also remain over the predicted impact on Hunslet. It is clear that one store on its own would cause an impact but this would be less than if both stores were to go ahead. If both were to proceed then, based on a consideration of the statistical analysis provided and survey findings on the importance of top up shopping and linked trips, the view is that the harm caused would amount to significant adverse impact, the NPPF test to merit a refusal. On balance one store would be acceptable and the question therefore is which of the schemes should go ahead for approval.
- 7.2 In determining which of the stores should go forward it is considered that the stores of a similar size and offering, both offer regeneration opportunities, and both will offer local employment and community benefits. The increase in employment at Asda will probably be less as they provide existing jobs. The potential of loss of jobs in Beeston centre or elsewhere has not been addressed by either applicant and new retail development will, to varying extents, redistribute existing jobs. Community benefits also need to be set against the potential harm to Beeston centre, noting particularly that Leeds and national policies see centres as “the heart of communities”.
- 7.3 The NPPF stresses that applications must be considered against all relevant policies as only then can the issues of sustainable development properly be assessed. The following conclusions were reached in the previous report and remain relevant.
- 7.4 The site is located in a sustainable location, it is close to public transport facilities that link to Beeston local centre, Tommy Wass local centre, and to the City Centre and White Rose, as well as other areas that can be reached via the motorway network. The site is also located within an area of dense residential population,

where car ownership is acknowledged to be low and where issues of unemployment etc. are slightly higher than average. It is noted that the two existing/proposed local centres are within walking distances of the sites location and so could serve the local residents with daily needs, however it is also accepted that the constraints of these local centres would not allow for a larger scale food store. Many local residents are in support of the proposals citing the benefits of having a larger scale food store in the vicinity.

- 7.5 The proposed store would result in new jobs, both in construction and built phases and these could be secured, as much as possible, for the local area through a s106 agreement as has been done elsewhere. The provision of jobs would undoubtedly have wider benefits for the local area, increasing employment rates, helping to tackle deprivation and providing additional income that could be spent in the local area. However the proposal could also result in the decline of existing stores at Beeston local centre and at Tommy Wass, as well as small scale local convenience stores. It is noted that the Post Office have raised concerns that if services are duplicated it will potentially reduce their business. There are therefore negative economic impacts as well as positive ones.
- 7.6 The redevelopment of the site will have significant benefits for the street scene of the area given the very poor visual amenity that currently exists. There could be potential uplift in the overall appearance of the area that could again stimulate economic growth and regeneration.
- 7.7 Trees around the site are to be preserved and landscaping overall enhanced which will have obvious biodiversity benefits.
- 7.8 In weighing up the issues it is accepted that there would be potential economic benefits and that there is support from the local communities. However as outlined above there is concern that the evidence base used by Tesco is not sufficient to support their claims on impact, and this relates to both the cumulative impact and the stand-alone impact. Should Tesco be approved it would operate next door to the existing Asda store (which also has permission to expand), it can therefore be argued that assessment presented on the impact of these two stores together has not been adequately evidenced either. It is of particular concern that the impact that the new store would have on top up shopping patterns, especially as this is what the Coop store relies upon. The Beeston centre clearly relies on the presence of this store and the loss of linked trips is considered to amount to serious adverse impact on the defined centre.
- 7.9 The initial Tesco submission indicated 21% impact and given the more recent information confirming presumed importance of linked trips, this alone may have warranted a recommendation of refusal on the basis of impact on Beeston. However, and noting Member views on the benefits, it is the cumulative impact that has been addressed and it is concluded that this would amount to significant adverse impact. The preceding analysis sets out that given the existing presence of Asda in the area then it is considered that this expansion scheme would have less impact than allowing the Tesco to go ahead on its own. The Tesco would be more likely to prejudice existing investment in Beeston centre and have the greater impact on its continuing vitality and viability, key elements of City Council policy and generally highlighted as a particularly important and sensitive issue for all communities.
- 7.10 Both applications run counter to existing and emerging policy but Members have indicated that they consider that there are benefits in significant new out of centre retail development in the local area. Assessment has led to the conclusion that it would be harmful to grant planning permission to both due to the potential for significant adverse impact on Beeston local centre. On the information submitted

before us presently and set out in this report, this proposal is therefore recommended to Members for refusal.

Background Papers:

Planning application file

Certificate of Ownership: signed by applicant

Glossary

- Brand Loyalty – loyalty to a particular chain of shops or to a particular manufacturer.
- Comparison Shopping – shopping for goods that you may shop around in a number of stores for such as health and beauty products, clothes, consumer goods etc.
- Convenience Shopping – shopping for goods that are everyday needs such as food.
- Main Food Shop – e.g. the weekly household shop where the majority of goods for the household are bought. May be done by car and will travel further a-field. Brand loyalty may be stronger for such a shop.
- Top Up Shopping – more daily types of shopping for, in particular, fresh stuff such as bread and milk. May be done more on foot and on the way home from work and the issue of brand loyalty is reduced.

APPENDICES

1. PREVIOUS PANEL REPORT
2. APPROVED MINUTES

Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 8th November 2012

Subject: APPLICATION 10/04404/FU – Application for the erection of retail store with car parking and landscaping at junction of Moorhouse Avenue and Old Lane, Beeston, LS11

APPLICANT

Tesco Stores Ltd

DATE VALID

1 October 2010

TARGET DATE

31 December 2010

Electoral Wards Affected:

Beeston & Holbeck

☐ Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

☐

Community Cohesion

☐

Narrowing the Gap

☐

RECOMMENDATION:

Refuse permission for the following reason:

1. The proposed development comprises of a main town centre use that is located in an out of centre site. The applicant has failed to demonstrate that there are not sequentially preferable sites available to accommodate a retail store of this general scale and form. The proposal is contrary to Unitary Development Plan Review policies SP7, S2, S3, S3a and S5 and to the guidance set out in paragraph 24 of the National Planning Policy Framework 2012, as well as to policies contained within the draft Core Strategy (policy P5).
2. The proposed development is located outside of, but close to, the Dewsbury Road town centre. This is a centre that the UDPR places a priority on its refurbishment and enhancement and development in such proximity to it is likely to make it less attractive to future investment by similar retail provision. The failure to invest in the Dewsbury Road centre will serve to undermine its long term viability and vitality of the centre to the detriment of its retail function. As such the proposal constitutes an unsustainable form of development contrary to

policies S3A and S5 of the UDPR and paragraph 26 of the NPPF as well as to guidance contained in the draft Core Strategy.

1.0 INTRODUCTION:

- 1.1 This application for an out of centre convenience retail store is brought to Members for consideration due to the local significance of the proposal and the number of representations received in relation to the application. The application is considerably over time now and an appeal against non-determination could be lodged.
- 1.2 A report was published for the 8 September 2011 Plans Panel East meeting. However at the 8 September meeting, Members were advised that a late objection had been received on behalf of Asda and the report was then withdrawn from the agenda to allow full consideration of the issues raised. Following the objection an application was then received to construct a new Asda store on the adjoining site. This application raises very similar issues and the decision was taken to consider the two applications together. Retail advice has been sought on both proposals from Colliers International who carried out the Leeds City Centre, Town and Local Centre's Study on behalf of the Council.
- 1.3 Whilst the two applications are presented to Panel as two separate reports Members should ensure that they read both reports in conjunction with each other. Essentially for each application the issues to be considered are the same, no objections are raised with regard to design or highway matters, the refusal stems from the impact of either proposal on the ability to promote and protect other town centres.
- 1.4 Members should also be aware that the two schemes have, so far, been assessed individually in terms of their impact. Should Members be minded to not accept the reasons for refusal then both applications should be deferred to allow consideration of the cumulative impact on the highway network.

2.0 PROPOSAL:

- 2.1 The application proposes to erect a new convenience retail store of 2,737m² gross floorspace. The proposed store will have a net floorspace of 1,487m² of which 1,333m² will be for the sale of convenience goods and some 154m² would be for the sale of comparison goods such as newspapers, magazines, health and beauty products etc. An ATM is also proposed at the front of the store facing the car park.
- 2.2 The store was originally proposed to open 24 hours a day Monday to Saturday and 10.00 to 17.00 on Sundays and Bank Holidays. However the proposed hours of opening have been amended and the revised opening hours are proposed to be 07.30 to 22.00 hours Monday to Saturday and to open for a 6 hour period between 10.00 to 18.00 on Sundays.
- 2.3 The application details estimate that the store will employ 36 full time staff and 84 part time staff once the store is operating.
- 2.4 The store is proposed to be sited on the southern part of the site adjoining the boundary with the Royal London Industrial Estate. The main vehicular entrance to the new store is proposed to be taken from Moorhouse Avenue to the north of the site and whilst this will also include a pedestrian footway which links into a central

pedestrian route through the car park, the main pedestrian entrance to the site is proposed to be taken from Old Lane close to the junction with Oakhurst Mount.

- 2.5 A separate vehicular access from Moorhouse Avenue is provided for delivery vehicles; this avoids the main car park and is a direct route to the service yard which is proposed in the south west corner of the site.
- 2.6 The main pedestrian entrance into the site from Old Lane is designed with a ramped and stepped access to accommodate the levels difference between the main part of the site and street level. This pedestrian entrance is designed with a brick clock tower focal point to mark the entrance.
- 2.7 The scheme proposes 163 car parking spaces as well as motor cycle parking and cycle parking which comprise of;
- 139 standard car parking space
 - 10 disabled car parking spaces
 - 6 parent and child car parking spaces
 - 8 staff car parking spaces
 - 2 motorcycle parking bays
 - cycle racks for 30 cycles close to the main entrance to the store
 - secure cycle lockers for staff close to the staff area
- 2.8 The design of the proposed store is a single storey building some 7m in height when measured on the eastern elevation facing Old Lane. The store is designed with almost a flat roof (there is a very slight pitch). The store increases in height on the western side of the building, adjacent to the service yard, to include a staff area at first floor. The main elevation of the store is the northern elevation facing onto the car parking area; this elevation is largely glazed, with brickwork around the entrance and projecting entrance lobby.
- 2.9 The eastern elevation facing Old Lane is proposed to have a brick plinth base with larch cladding above and then a final section of glazing to the top of this elevation.
- 2.10 The elevation facing the service area comprises mainly of larch cladding and the rear elevation of the store (southern elevation) which backs onto the existing industrial units to the south is proposed to be grey composite panels with a section of larch cladding to the top of this elevation.
- 2.11 The proposed layout of the store retains the 10m belt of protected trees along the boundary with Old Lane. One tree is proposed for removal along the Moorhouse Avenue boundary to facilitate the new vehicular access however additional planting is proposed.
- 2.12 BREAAAM Assessment has been provided with the application which assesses the rating that the proposed store can achieve. The assessment concludes that the store can achieve the BREAAAM very good rating (requirement of 55%) by achieving a score of 56%.
- 2.13 This rating is achieved through measures such as design of the store to incorporate features which minimise heat loss, energy efficiency measures to reduce CO2 emissions by 25%, water consumption efficiency measures in WC's, installation of water meter with pulsed output, rainwater harvesting capable of supplying 50% of the toilet flushing needs. Use of Green materials for the majority of the elevations of

the proposed store through larch cladding and a standing seam metal roof, recycling facilities for the stores waste, external lighting to comply with the Institute of Lighting Engineers Guidance for the reduction of obtrusive light.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is a 1.2 hectare vacant site of a former factory building known as Jubilee House which covered the majority of the site with car parking to the north. The buildings were cleared between 2006 and 2009. The site is situated on Old Lane between Beeston local centre which is some 430m to the north and the emerging Tommy Wass centre which lies approximately 460m to the south.
- 3.2 The site adjoins Enterprise Industrial Park to the west, also accessed off Moorhouse Avenue which contains some 26 industrial units. There are another 4 industrial units to the south of the site on the Royal London Industrial Estate accessed off Old Lane, which also share access with the Asda store (former Netto Store). The Asda store is some circa 600m² in size and has permission to extend up to 750m². This site is also the subject of the application for a larger Asda store.
- 3.3 Despite the commercial uses to the south and west of the site, the site lies within a predominantly residential area. Old Lane is predominantly residential with a large residential population to the east. Residential properties of 71 – 103 Old Lane face onto the site, these are two storey semi detached and detached properties. However, No's 87 and 89 Old Lane facing the proposed pedestrian access into the site are in use as a dental surgery and Post Office.
- 3.4 Playing fields and allotment gardens are to the north of the site on the other side of Moorhouse Avenue with a public right of way which runs along this land parallel to Moorhouse Avenue.
- 3.5 The site is not designated for any particular use within the UDP Review 2006. Trees along the eastern boundary of the site are protected by TPO 1978/24.

4.0 RELEVANT PLANNING HISTORY:

Adjacent site

- 4.1 11/04306/OT Asda Foodstore, Old Lane, Beeston
Demolition of existing buildings and erect a retail foodstore (Class A1, 2,895m² gross), with car parking, landscaping and access.
Received 11.10.11. Pending consideration.

Application site

- 4.2 The site was open fields until the early 1900's when a large factory was built by Moorhouse Preserves and it operated as a jam factory until approximately the 1970/80s. Since that time the site has been used as a works, and a Wickes DIY showroom/retail store. It is not clear from the history whether this operated as a sole A1 retail unit or whether the retail element was ancillary. However it is noted that when an application to set up an office and leisure complex came in then it was refused on the grounds that it was out of town and contrary to town centre policy at the time.
- 4.3 21/213/03 – Change of use of works to offices and leisure complex (Jubilee House)
Refused 03/10/2003. Application considered to be contrary to PPG6 and failure to carry out sequential test and lack of parking provision.

- 4.4 21/159/98/FU - Alterations to elevations and service yard and wall to Moorhouse Avenue frontage.
Approved 16.09.1998.
- 4.5 21/23/97FU - Alterations to frontage and single storey front extension to offices.
Approved 12.03.1997
- 4.6 H21/286/89 - Change of use of DIY retail, involving alterations, including new frontage and extension, to form entrance canopy.
Approved 05.12.1989
- 4.7 H21/195/88 - Change of use of retail store to show room, training facilities and offices.
Approved 20.10.1988
- 4.8 H21/326/81 – Signage to DIY Shop (Wickes Building Supplies).
Approved 26.01.1982
- 4.9 H21/103/80 - Laying out of accesses and alterations and extension, to form retail sales area, with offices, toilets and staff room. (Wickes Building Supplies Ltd).
Approved 04.06.1980
- 4.10 H21/444/78 - 10 warehouse units, each with ancillary offices and toilets with car parking areas, servicing areas, access road. Approved 09.07.1979

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Pre application advice was given concerning the principle of a new retail store in this location which raised concern regarding impact.
- 5.2 Significant negotiations have taken place following the submission of the application with regards to highway issues as well as the siting of the store and relationship to existing trees on the site. These have led to revisions to the proposal which were re-advertised on 15 July 2011. Details of these revisions are set out in the appraisal section of this report.
- 5.3 The applicants have also been asked to further address sequential sites identified by the Council, including the police site at Dewsbury Road, Crescent Works on Dewsbury Road and the Runswicks at Holbeck. Comments relating to this are addressed in the appraisal below.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The applicant has submitted a Statement of Community Involvement (SCI) which details consultation carried out prior to submission of the application on 27th September 2010 and which is also updated with an addendum concerning further consultation carried out through the course of the application process.
- 6.2 Public consultation prior to submission of the application was carried out by Tesco's appointed consultants IPB communications in the following ways;
- Meeting with Ward Members 2nd August 2010 and 24 September 2010
 - Presentation to Beeston Community Forum on 1st September 2010 (attended by Ward Members as well as Hilary Benn MP)
 - 5,000 leaflets were distributed to the local community informing them of public exhibition events

- 892 personal invitations to the exhibitions were sent to local residents
- The public exhibitions were also advertised by way of a press release
- A Stakeholder Preview of the Public Exhibition took place on 9th September 2010
- Public Exhibitions took place between 11am – 2pm at Beeston Hill United Free Church and between 4pm – 8pm at Beeston Village Community Centre on 9th September 2010.

- 6.3 The SCI advises 135 responses were received to the comments forms provided at the public exhibition. The SCI states that in response to the question asked at the public exhibition – Are you supportive of the proposals? 83% of the responses were supportive. Other comments that came out of Tesco's own public consultation focussed on the importance of a good pedestrian access and this has resulted in the proposal for a toucan crossing as well as the proposed gateway focal point of the brick clock tower at the pedestrian access. The SCI also comments that traffic was raised as a concern and that the Transport Assessment addresses this concern.
- 6.4 Following the submission of the application and representations received regarding the application, Tesco carried out further consultation which has included attendance at 3 Beeston Community Forum meetings which lead to the community forum removing their objection letter. Meetings have also taken place with Oasis Dental Practice and the Post Office on Old Lane and other community groups including the local community centre, church groups, school, health centre and local football club. Tesco advise that as a direct result of this consultation a number of commitments and changes to the application have been made. These include;
- To enter into a routing agreement with the council restricting delivery vehicles to use the Tommy Wass junction
 - Resurfacing the footpath along Moorhouse Avenue
 - To make money available to be use for traffic calming measures if the new store causes a significant increase in rat running through the residential area east of Old Lane
 - Retain the existing parking bays on Old Lane outside of the Post Office
 - Opening hours have been revised and the store will not open 24 hours
 - No night time deliveries and hours of deliveries to be agreed by condition
 - Focus on local recruitment to residents within the LS10 and LS11 districts first.
 - Acceptance of conditions regarding noise levels in accordance with the noise report
 - Commitment to considerate working practices during construction
- 6.5 It should be noted that an initial offer from Tesco to provide benches along Old Lane as well as for St Anthony's FC members to use Tesco car park have since been removed as it was considered that the benches were not able to be delivered on the highway and the offer of use of the car park for the local football club members had not been accounted for in the transport assessment.
- 6.6 The planning application has been advertised by way of site notices around the site on 15 October 2010 and 15 July 2011. An advert was placed in Leeds Weekly News on 14 October 2010.
- 6.7 Since the application was first advertised in October 2010, 75 individual letters of support were received and 437 standard letters of support. The comments on the letters of support can be summarised as follows;
- A Tesco is needed in South Leeds to offer more choice

- Development of derelict site welcomed as it is an eyesore and has been used as a travellers camp
- Job creation is welcomed both in construction and operation
- Regeneration benefits to South Leeds
- The proposal is good for the area
- The proposal will reduce the need for people to use a car and benefits people without a car
- Local people have to travel to Batley to shop at Tesco
- Pedestrian entrance on Old Lane is supported
- The building will be environmentally sustainable
- Toilet and baby change facilities are supported
- A more affordable shop is welcomed
- Café would be beneficial
- Positives outweigh the negatives
- A crossing outside the post office is welcomed
- Design of proposed store is aesthetically pleasing

6.8 Since the application was first advertised 37 letters of objection have been received as well as objection letters from the Post Office, Oasis Dental Practice, Leeds Civic Trust and letters on behalf of Co Op supermarket and Morrisons Supermarket.

6.9 The individual letters of objection are on the following grounds;

- Overestimation of job creation as other stores will close
- Congestion along Old Lane, particularly on match days and school collection times.
- Drivers at present don't stick to 30mph speed limit
- Old Lane is not wide enough for additional traffic and is in a poor state of repair
- It would be a shame if the post office, dentist and Co Op suffered
- Increase in noise levels and pollution from traffic
- Increased noise levels in the evening
- Netto will soon be an Asda and will serve this area
- Residents can't park outside their own houses
- The store car park will be used for match day parking
- The store will introduce additional traffic on Sundays
- There will be an impact on smaller traders
- There are already 3 supermarkets along Old Lane – Spar, Netto, Co Op
- Loss of light coming through due to height of building on Old Lane
- Increased carbon footprint as produce not local
- Too many supermarkets
- Increases in traffic and HGV's, giving potential for additional fumes and concerns for school children and pedestrians using Old Lane
- The suggestion for benches along Old Lane is not a good idea as could lead to anti social behaviour problems
- The increases in traffic will be 7 days a week, 52 weeks a year
- Existing stores will suffer and the site would be better used for low cost, high quality housing or recreational use
- House prices would devalue
- Increases in pollution, litter and noise
- There would be noise and disruption to the local allotment site
- The application will have an overbearing affect on residential housing and privacy of neighbours

- Proposal will affect the character of the area and will destroy the area and local community
- Opening times are for the greater part of the day meaning no time for peace and quiet in a relatively nice area

- 6.10 **Leeds Civic Trust** objects to the application due to the impact to Beeston Centre where there has been significant investment and viability will be affected. The area is well provided for with a Netto, several smaller shop units, White Rose Centre and Asda Middleton development. A large car park is proposed therefore Tesco expect a large number of customers to travel to the store and this is unsustainable and there is already congestion and the bus service is infrequent.
- 6.11 **The Post Office** opposite the site on Old Lane have objected due to the loss of parking to the front of the Post Office and Dentist and raise concerns that access for customers to the post office and ATM will be affected as well as Royal Mail collections, deliveries and the cash van. The Post Office wish the existing crossing to remain as it is and a new crossing should be created further down Old Lane serving Tesco and Netto. The Post Office are also concerned that Tesco will sell competing products that are sold at the Post Office and will therefore affect the Post Office's viability and may lead to its closure.
- 6.12 Following revisions to the scheme the Post Office had written to advise that they appreciate the revisions to the proposed crossing which allow for loading and unloading on the approach to the crossing and that some parking is still available on the exit. However concerns are raised that when the original crossing was installed on Old Lane assurances were given that parking would not be restricted and since then parking has been restricted with keep clear markings. The Post Office are therefore seeking a guarantee that no further restrictions beyond those on the revised drawings will be implemented in the future.
- 6.13 **Oasis Dental Practice** at 87 Old Lane also object to the application due to the position of the crossing and loss of parking which is needed for disabled patients to provide direct access.
- 6.14 **Beeston Community Forum** initially raised concerns regarding the proposal but have since withdrawn their objection and state that this is because they have now seen traffic surveys and are persuaded that people are unlikely to travel to the supermarket at times when the road network is congested. They also note that the noise survey indicates that impact would be proportionally lower at times when existing noise levels are high. The objection from the community forum is withdrawn on the following basis;
- traffic levels are not expected to rise significantly as a result of the development,
 - all landscaped areas are to be properly maintained,
 - delivery vehicles to travel to and from the store via Dewsbury Road, Tommy Wass junction and Old Lane,
 - footpath along Moorhouse Avenue to be resurfaced by Tesco,
 - benches to be provided on Old Lane,
 - Tesco to make money available for traffic calming measures if as a result of the store there is a significant increase in rat running,
 - the store does not open 24 hours and there are to be no deliveries between 11pm and 7am,
 - paragraphs 4.8 and 8.3 of the noise survey requirements should be formal planning conditions (relating to fixed plant and machinery),
 - job creation should be marketed towards residents of LS10 and LS11,

- Tesco finance noise mitigation measures if noise levels in the vicinity of the store rise to unacceptable levels,
- the community forum also request that they are consulted regarding the draft s106 agreement.

6.15 Co Op

Letters of objection have been received from consultants acting on behalf of the existing Co Operative Supermarket at Beeston Local Centre on the following grounds;

- The household survey results from Colliers to support the City, Town and Local Centres Study have not been made fully available to Council Officers or members of the public, there is therefore a lack of information for Officers or respondents to fully assess the application.
- Perplexed as to why the Council awaited further findings of the Town Centres Study but then discount the validity of the sub catchments. The site is within the Inner South Zone in which the Study identifies a negative floorspace requirement.
- The proposal is not compliant with policy S5 of the UDP which suggests a strict approach to out of centre retail development
- Applicant's account of leakage of expenditure from the Primary Catchment Area (PCA) is disputed, and it does not acknowledge overlaps with other catchment areas/ centres and therefore overestimates the amount of expenditure derived from the PCA.
- In fact, retention of expenditure within the PCA can be considered high
- The catchment area contains 4 centres and 4 foodstores, illustrating that it is well catered for.
- Lack of evidence to support the scale of store necessary to draw back trade
- Lack of evidence regarding lack of choice in the PCA or overcrowding and congestion at existing stores
- The proposal will not rectify any quantitative or qualitative deficiencies as it is not considered that there are any immediate or short term deficiencies in food store provision within the locality.
- Applicant has shown limited flexibility with regard to the sequential assessment and the Kwik Save site at Dewsbury Road
- It is erroneous to use capacity as grounds for discounting sequential test site
- It cannot be concluded that there is a need for the scale and form of development proposed
- The Council should rigorously consider implications for future use of the Kwik Save, Dewsbury Rd site as the increased competition will make it more difficult to let the existing vacant unit as there is not considered to be sufficient capacity for the proposed store and a new store at the former Kwik Save.
- The applicant has underestimated impact of the proposal on Co Op Beeston
- Co Op Beeston is overtrading to (£4.8m) but should be protected as it is utilised beyond merely a top up function and is also a destination for main food shopping
- The trade draw from Co Op will be deeply damaging in impact terms and the proposal will divert both top up shopping and main food expenditure
- Diversion of top up shopping will be significant in its own right and the proposed store will compete for top up trade
- The applicants estimate of Co op turnover is severely misjudged
- The applicant's assessment of impact is not sufficiently robust
- Lack of evidence that proposal would be likely to reduce car usage

- Proposal will negatively impact upon the vitality and viability of Beeston Local Centre and Dewsbury Road and reduce footfall and will undermine the retail hierarchy of Leeds centres
- Dewsbury Road also has the ability to serve the catchment area to the degree which Beeston Co Op does and to address any deficiencies the Council consider exist which is an in centre site and would not result in the negative impacts of this proposal, and this is supported by the Council's City, Town and Local Centres Study.
- The proposal is of an inappropriate scale compared to existing provision and will divert unacceptable amount of trade from Co Op, rendering future investment in the store marginal therefore resulting in an impact on the long term role and function of the centre
- Should the Council consider that the application does not fail either the sequential test or that it would not lead to any significant adverse impacts – the balance of negative impacts of the proposal would outweigh any perceived benefits.

Morrisons

- 6.16 An objection letter has been received from consultants on behalf of Morrisons at Penny Hill Centre, Hunslet on the following grounds;
- Applicant's lack of flexibility in terms of scale and format and reasons for discounting Kwik Save, Dewsbury Road
 - Applicant has grossly underestimated potential trade diversion from Morrisons, Hunslet and the proposal will divert significant trade from this store which will impact on linked trips within Hunslet town centre.
 - Revised impact assessment should be submitted to take account of Tesco proposal at Middleton (that application has now been refused)
 - The proposal alongside Asda Middleton will have far reaching effects on current shopping patterns in south Leeds, to the detriment of designated centres
 - The proposal does not accord with the key tests of PPS4 and should be refused.

Asda

- 6.17 An objection has been received on behalf of Asda Supermarkets on the grounds that Middleton District Centre is considered to be some 5 minutes drive away on the basis of their analysis however no evidence is provided by the applicant in respect of trade diversion from committed development of Asda, Middleton. Asda state that the provision of a new Tesco store would be to the detriment of planned Investment at Middleton. And if it is not the case that Asda Middleton's proposal would be undermined then the local impacts on trade diversion must be greater than predicted by the applicant and in which case the proposal would undermine the provision of daily needs shopping.
- 6.18 The objection on behalf of Asda also points out that this site was one which was included in the Strategic Housing Land Availability Assessment with an estimated capacity of 44 dwellings and the site therefore has the potential to contribute towards housing land supply in the next ten years. It is also highlighted that there are few sites identified in the SHLAA that are in this locality.
- 6.19 The conclusion's reached on behalf of Asda are that the application is contrary to PPS4 policy E13.1b due to failure to protect existing facilities which provide for people's day to day shopping. The proposal is also contrary to policy EC17.2 as it is likely to lead to significant adverse impacts in relation to committed and planning

Investment in centre. Finally the objection considers the proposal to be contrary to policy S5ii as it is of a scale and type that would undermine the vitality and viability of designated centres, namely Middleton.

7.0 CONSULTATIONS RESPONSES:

Statutory:

Highways

- 7.1 When the application was first submitted Highways agreed the trip rates estimated in the Transport Assessment with regards to likely traffic generation from the proposed store, however there were concerns regarding the assessment of the traffic impact on the surrounding road network. These concerns specifically related to the roundabout junction of Town Street/Beeston Road/Old Lane and potential unacceptable queue lengths on Old Lane as a result of traffic from the store. It was therefore advised that measures to increase the capacity of this junction would be required to demonstrate that the additional traffic generated by the proposed supermarket could be accommodated and this also needed to take into account the pedestrian movements at this junction.
- 7.2 Furthermore, the junction of Town Street/Wesley Street was not included in the initial Transport Assessment and the junction of Old Lane/Dewsbury Road (Tommy Wass junction) required further assessment and did not include the impact of the quality bus scheme at the Tommy Wass junction.
- 7.3 In terms of the proposed layout of the store there were concerns that the proposed site access depended on visibility splays which crossed third party land. The level of car parking proposed at the site was considered acceptable.
- 7.4 A new 4m wide raised toucan pedestrian crossing is proposed adjacent to the site on Old Lane, this is required as the existing crossing facilities would be insufficient to support the level of footfall expected to be generated by the store. The upgraded crossing would result in the loss of 1 on street parking bay in front of the Post Office as part of this area is already marked keep clear. Should the crossing be relocated elsewhere on Old Lane it would result in the loss of up to 4 parking spaces from existing on street parking lay bys?
- 7.5 A revised Transport Assessment was formally submitted on 4 July 2011 together with revised drawings showing an amended layout. The revised layout shows that the vehicle access can be accommodated within the red line boundary. The existing access has been retained for service vehicles, whilst a new access is proposed for customers to the store. The internal layout separates the customer and service area and provides designated pedestrian routes through the site and is acceptable.
- 7.6 The parking provided for the store is considered to be acceptable. 163 car parking spaces are proposed and a car parking accumulation calculation undertaken by the Applicant estimates a maximum requirement of 149 spaces on Friday and 156 spaces on Saturday, the peak times for Supermarket shopping. Whilst this is within the number of spaces proposed, at peak times this equates to 91% and 95% of the maximum capacity.
- 7.7 At over 90% of capacity, the operation of a car park can deteriorate with cars queuing in the aisles, waiting for a space to become free. At high occupancy levels, there is more unnecessary circulation which conflicts with people pushing shopping trolleys to get to their cars. As a result, the number of car parking spaces should not be reduced any further.

- 7.8 In relation to the traffic generated by the proposed store and the impact on surrounding junctions, off site highway works are proposed by way of amendments to the junction layout at Old Lane/Town Street and the provision of a signalised pedestrian crossing on Old Lane and these have been agreed. The Applicant has also agreed to contribute the sum of £50,000 to the Council to monitor the traffic and for any traffic calming measures that may be required to control traffic relating to the proposed development.

Environment Agency

- 7.9 No objection subject to a condition that the development shall be carried out in accordance with the approved Flood Risk Assessment dated September 2010 and mitigation measures within the FRA shall be carried out.

Non-statutory:

Architectural Liaison Officer

- 7.10 Raised queries regarding measures to prevent abuse of car park area outside of opening hours, as well as general queries regarding materials to be used in construction and provision of CCTV. Careful consideration should be given to location of ATM.

Travelwise

- 7.11 The initial travel plan was not considered acceptable and a revised Travel Plan has been received and is considered acceptable. A travel plan monitoring evaluation fee of £2,600 is required.

- 7.12 There is a deficiency in dropped kerb provision for the two kerbs at the junction of Jessamine Avenue with Grovehall Parade and this development should rectify this to allow disabled persons to get to the store. Electric charging points are encouraged and a shower should be provided within the store for staff that may run/cycle to work.

Public Transport Contribution

- 7.13 The proposed development will generate a large number of trips, a proportion of which will have to be accommodated on the public transport network. The scheme has, therefore, been assessed in accordance with the City Councils adopted Supplementary Planning Document (SPD) "Public Transport Improvements and Developer Contributions".

- 7.14 As a result of this assessment, it is clear that the proposed use will have a significant travel impact, which will need to be addressed. Under the terms of the SPD guidance, therefore, a financial contribution proportionate to the travel impact of the scheme will be required towards the cost of providing the strategic transport enhancements (detailed in the SPD) which are needed to accommodate additional trips on the network.

- 7.15 In this case a contribution in the order of **£216,301** should be sought.

METRO

- 7.16 In terms of accessibility the site is well served by public transport with bus services operating directly past the site and more frequent services operating on Dewsbury Road to the south and Town Street to the north.
- 7.17 Public transport infrastructure in the close vicinity of the site is relatively modern and already has DDA compliant kerbings and bus clearways. Shelter 10075 located on

the northbound side of Old Lane should be improved to have a real time information display installed at a cost of £10,000.

7.18 METRO also comments that they expect a greater percentage of shoppers to use public transport than is projected in the applicant's Transport Assessment. The proposal will generate approximately 120 full or part time employment opportunities. It is likely that staff working at the supermarket will not be car users and targets need to be included in a travel plan with measures to encourage the use of sustainable modes.

7.19 Metro supports the council in the application of the public transport SPD contribution for this site

Yorkshire Water

7.20 A water supply can be provided under the terms of the Water Act 1991. The Flood Risk Assessment and Surface and Foul drainage design reports submitted are satisfactory to Yorkshire Water. The reports confirm that foul water from the site will discharge to a public combined sewer to the East of the site with surface water to a public combined sewer to the East of the site via storage, with restricted discharge rate. No objections, conditions recommended.

Land Contamination

7.21 No objections subject to conditions regarding submission of remediation method statement.

Access Officer

7.22 A 1200mm rear transference area to disabled parking bays should be provided. It is unfortunate that disabled bays have been reduced from 12 spaces to 10. Barriers to the pedestrian entrance on Old Lane should be restricted to back of pavement away from the landing area. Details of gradients, up-stands, tactile paving, level landing and handrails to the main pedestrian entrance should be provided by way of a condition. Clarification is required regarding location of cycle stands and proximity to pedestrian steps and ramp.

Environmental Health

7.23 A noise report has been provided which identifies the principal noise sources will be noise from fixed mechanical services plant, bulk deliveries, car parking activity and road traffic noise. In addition to this, if recycling facilities are proposed then this is a further potential noise source and would require careful positioning and possible attenuation. There may also be potential for noise disturbance during construction of the proposed development. Lighting should be positioned so as not to cause nuisance to nearby residents. No objections are raised by Environmental Health and if planning permission is to be granted, conditions are recommended to protect the amenity of nearby residents.

7.24 Conditions relate to hours of construction (between 0730 – 1830 weekdays and 0900 – 1300 on Saturdays) / hours of delivery and refuse collection (between 0530 – 2300 Mondays to Sunday)/ details of storage and disposal of litter/ details of all fixed plant to be submitted/ LAeq from all mechanical services plant not to exceed a level at the nearest noise sensitive premises higher than 5dB below the lowest prevailing background noise level in the absence of noise from the plant/ noise level of any air condition to accord with previous condition/ hours of use of mounted refrigeration restricted between 2300 and 0530/ lighting restrictions/ no operation of tannoy/ details of extract ventilation system/ provision of grease trap/ submission of details of recycling area and any attenuation measures.

Flood Risk Management

- 7.25 The drainage proposals should be in accordance with that set out in the Flood Risk Assessment dated September 2010. Peak discharges at the site should be restricted to 106 l/s. Drainage conditions recommended – submission of details of works for dealing with surface water discharges/ completion of approved surface water drainage works/ provision of oil interceptor to intercept all surface water from areas to be used by vehicles/ surface water will be subject to balancing flows to achieve a minimum 30% reduction of existing peak flow rates/ details for on site storage provided for additional run off from storm events up to the 1 in 100 yr + climate change to be submitted.

Climate Change Officer, Sustainable Development Unit

- 7.26 The details provided in the BREEAM statement indicate the attainment of a BREEAM 'Very Good' rating which is the Council's current minimum requirement for new development. However, given the budgetary and other pressures normally encountered in the design development and tendering processes of projects generally it is of some concern that the predicted total score is only just above the minimum score required at this relatively early stage of the development (56.31% scored, 55% required for a 'Very Good' rating).
- 7.27 Further scrutiny of the BREEAM sustainability statement provided for this development reveals relatively low scores for six out of the ten different sections of the assessment. Particularly disappointing are the very low scores for 'Health and Wellbeing' (33.33%), 'Energy' (32%) and 'Materials' (38%).
- 7.28 There are a number of categories where the number of credits achieved could be readily increased. It is considered essential that the proposal's BREEAM sustainability statement is made more robust and the attainment of the 'Very Good' rating more likely by increasing the overall score by at least four or five points.
- 7.29 Suggestions are made with regard to specific sections of the submitted BREEAM statement in order to enable the developer and the design team to achieve an improved score as mentioned above. In particular these include the following areas;
- Reduction of CO₂ emissions and Low/zero carbon technologies - This is a particularly disappointingly low score for such a key section. The developer is urged to reconsider the proposals for this section and make a significant improvement to the number of credits achieved. (Ene 5 Low/zero carbon technologies).
 - Cyclist facilities - No indication of commitment of any shower/changing facilities although this is committed to as part of the travel plan
 - Construction site waste management - This a low score and there is significant scope for improvement.
 - Compacter/baler - The developer is urged to also provide on-site glass collection/recycling facilities for the general public, in addition to that provided at the nearby Co-op store, thereby avoiding the necessity of additional journeys.
- 7.30 It is recommend that the achievement of a BREEAM very good rating is made a condition of any planning permission which may be granted.

- 7.31 In response to the comments from the Sustainability Officer Tesco comment that the SPD encourages developments to meet BREEAM Very Good. The development meets BREEAM very good as is outlined in the pre-assessment. Therefore the application is compliant with the policy and there is no policy basis to require any further work at this stage in relation to this matter. Conditions as set out at the start of the report are recommended to deal with further assessment.

8.0 PLANNING POLICIES:

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

Development Plan

- 8.2 The development plan comprises the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006). The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development.

- 8.3 Relevant RSS policies are considered to be;
E2: States that town centres should be the focus for offices, retail, leisure and entertainment.
ENV5: New development of more than 1,000m² of non residential floorspace should secure at least 10% of their energy from decentralised and renewable or low-carbon sources, unless having regard to the type development involved and its design, this is not feasible or viable.

- 8.4 The site is not covered by a particular designation within the Unitary Development Plan, the following UDP policies are relevant to the consideration of the application:

SP6 – Distribution of land for employment uses
SP7 - Priority to be given to enhancement of the City Centre and town centres
GP5 – General planning considerations;
GP11 – Sustainable Design Principles
E7 – Loss of Employment Land to other uses
N12 – Urban design principles;
N13 – Design of new buildings;
N24 – Development abutting green belt, green corridors or other open land
N25 – Boundaries of sites to be designed in a positive manner
T2 – New development and highway safety;
T5 – Access for pedestrians and cyclists;
T6 – Provision for disabled people;
S5 - Criteria for out-of-centre major retail development (above 2,500 sq.m gross)
BD5 – New buildings, design and amenity;

- 8.5 The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 with the consultation period closing on 12th April 2012. Following consideration of any representations received, the Council intends to submit the draft Core Strategy for examination. The Core Strategy set sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. It recognises Wetherby as a Major Settlement. Relevant policies are:

P2 – Sets out acceptable uses within and on the edge of town centres, and includes supermarkets and is subject to a sequential assessment.

P5 – Sets out the approach to accommodating new food stores across Leeds and directs such stores towards town and local centres.
P8 – Sets out the approach for sequential and impact assessments for town centre uses. It requires proposals which have a total gross floor area of 1,500m² to be accompanied by sequential and impact assessments.
P10 – Relates to good design.
T2 – Requires new development to be located in accessible locations.
EN1 – Relates to climate change.

8.6 Supplementary Planning Guidance/Documents

Public Transport Improvements and Developer Contributions SPD.

Travel Plans SPD

Sustainable Design & Construction SPD “Building for Tomorrow Today”

National Planning Policy and Guidance

8.7 From 27 March 2012 The National Planning Policy Framework (NPPF) took the place of the PPS’s and PPG’s and is now a material consideration when making planning decisions. The NPPF sets out the range of the Government’s planning policies and sets out the requirements for the planning system but only to the extent that it is relevant, proportionate and necessary to do so. In particular there is an emphasis on decision making at a local level where communities and their accountable Council’s can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of communities through up to date development plans to achieve the economic, environmental and social aspects of sustainable development. These dimensions give rise to the need for planning system to perform a number of roles:

- The economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.

- The social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being;

- The environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

8.8 Paragraph 14 sets out the presumption in favour of sustainable development, which means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this (NPPF) framework taken as a whole; or*

- specific policies in this framework indicate development should be restricted.”

- 8.9 Section 2 sets out the approach towards ensuring the vitality of town centres. It stipulates that Local planning authorities should apply a sequential test to planning applications for town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.
- 8.10 Paragraph 26 requires that *“when assessing applications for retail development outside of town centres, which are not in accordance with an up-to-date Local Plan, LPA’s should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:*
- *The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
 - *The impact of the proposal on town centre vitality and viability, including local customer choice and trade in the town centre and wider area”*
- 8.11 At paragraph 27 the NPPF advises that:
- “Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.”*
- 8.12 The NPPF acknowledges that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It advises that planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. At paragraph 64 it states:
- Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.*
- 8.13 Ministerial Statement – Planning for Growth, March 2011.

9.0 MAIN ISSUES

1. Loss of employment Land
2. Retail policy
3. Highway matters
4. Design and Layout of proposed store
5. Landscaping
6. Relationship to surrounding residential properties
7. Planning Obligations

10.0 APPRAISAL

1. Loss of employment land/ alternative uses for the site

- 10.1 Policy E7 in the UDPR concerns the use of land currently or last in use as employment land, and provides that uses outside of the B Use Classes will not be permitted unless; the site is not reserved for specific types of employment use/ sufficient alternative employment sites exist both district wide and within the locality/ the proposal would not result in environmental, amenity or traffic problems.
- 10.2 The site is 1.24 ha and considered to be a moderately-sized site in terms of employment land within the immediate locality of South Leeds. The site, together with neighbouring employment and commercial premises comprise an “island” of industrial, warehouse and commercial uses within a built-up area predominantly residential area.
- 10.3 The applicant has submitted a report on employment land issues and it is understood that the building which formerly occupied the site (Jubilee House) had been vacant for at least 4 years prior to its demolition at the end of 2007.
- 10.4 Although there are residential properties opposite the site on Old Lane, which acts as a local distributor road, there is little evidence that the site is inherently unsuitable for employment or commercial use. However, given that the site is cleared and in light of the current market situation it considered unlikely that speculative employment use would come forward on the site.
- 10.5 In relation to employment land available in the locality of the site, the applicant has assessed an area within 15 minutes peak drive time of the site which is considered to be an extensive search area. The applicant’s assessment identified between 22 and 26 years of supply for B1c/B2/B8 and this is considered to be a generous supply.
- 10.6 However in terms of the immediate locality the applicant’s assessment references a 20-min peak time bus travel contour which is a much smaller area and covers areas that are mainly residential but with notable enclaves of employment space along the Dewsbury Road and Elland Road corridors. The supply here is far less generous and in the worst case scenario amounts to little more than 5 years supply. In contrast, however, a mid-range scenario indicates a supply of between 11 and 13 years. The best-case scenario suggests that the existing supply, supplemented by windfalls, would last almost indefinitely. In terms of the most reduced time period of potential supply, it is noted that there are important areas of employment potential which lie just outside the bus contour and given the residential character of the area immediately surrounding the site this is important. To remove the site from employment use would be unlikely to have a measurable effect on ease of access in this part of the city to employment sites.
- 10.7 From the above, it is clear that the loss of this site to an alternative commercial use would not pose any harm to the Council’s interests in providing opportunities for local employment uses and there is no objection raised under Policy E7 of the UDP Review. Furthermore, the proposed development would also generate employment.
- 10.8 The objection letter received on behalf of Asda raises the issue of the identification of this site in the Council’s Strategic Housing Land Availability Assessment (SHLAA). The site is identified as site No. 341 in the assessment – former Jubilee House. The site conclusions in respect of the SHLAA recognise that the commercial nature of the surroundings may be a constraint of this site coming forward for housing development. The SHLAA will inform the housing allocation Development Plan Document, however as the Council has not advanced to this stage, the

inclusion of the site within the SHLAA is not considered to be a reason to refuse alternative uses on the site if they are considered acceptable based on other considerations. In any case, the surrounding industrial uses of the site could potentially restrict housing development from coming forward on this site.

2. Retail policy

- 10.9 The underlying theme from the NPPF is the presumption of favour of sustainable development. Section 2 is specifically entitled 'Ensuring vitality of town centres' and sets out the approach towards ensuring the vitality of town centres. It stipulates that Local planning authorities should apply a sequential test to planning applications for town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. Proposals for retail development should specifically include an assessment of the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal, and the impact of the proposal on town centre vitality and viability, including local customer choice and trade in the town centre and wider area. The NPPF provides that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.
- 10.10 In terms of local policy within the development plan, the application should be assessed against Policy S5 of the UDP Review 2006 which advises that major retail developments (above 2, 500m² gross as set out at para 9.2.7) outside defined S1 and S2 centre's will not normally be permitted unless;
- i. the type of development cannot satisfactorily be accommodated within or adjacent to an existing S1 or S2 centre;
 - ii. it can be demonstrated that it will not undermine the vitality and viability of the city centre or any S2 or local centre or prejudice the local provision of essential daily needs shopping. The policy goes on to advise that it will normally be necessary for the applicant to carry out a formal study of impact on nearby centre's and an assessment of changes in travel patterns.
 - iii. It addresses qualitative and/ or quantitative deficiencies in shopping facilities
 - iv. It is readily accessibly to those without private transport
 - v. It does not entail the use of land designated for housing, key employment sites or land located in the green belt or open countryside.
- 10.11 Policy S5 is considered to be broadly consistent with national guidance set out within the NPPF, with particular reference to the sequential test and impact assessment.
- 10.12 The site at Old Lane is located more than 300m from the boundary of the nearest identified centre at Town Street, Beeston. According to the NPPF definition the site is classified as out of centre and must accord with the sequential assessment criteria set out at para. 24 of the NPPF. Additionally, because the gross area proposed is more than 2,500 sq m it should also be assessed against the impact criteria set out at para. 26 of the NPPF. A Retail Assessment has been submitted with the application (RA).
- 10.13 Relevant case law on retail policy, specifically on the matter of sequential sites, comes from a Supreme Court judgement in a matter between Tesco Stores Ltd and Dundee City Council (21/03/12). Whilst the crux of Tesco's case was the

misinterpretation of policy applied by Dundee CC in approving an Asda superstore the judgement also raised important matters on sequential assessment.

- 10.14 The judgement provides authority for the proposition that the suitability of a site in sequential terms is being directed to the developers' proposals, not some alternative scheme which might be suggested by the planning authority. However the case also underlines the principle that the application of the sequential approach requires flexibility and realism from developers and retailers as well as planning authorities. The applicants are expected to have prepared proposals in accordance with the recommended approach, by, for example having had regard to the circumstances of the particular town centre, to have given consideration to the scope for accommodating the development in a different form, and to have thoroughly assessed sequentially preferable locations.

Sequential Assessment

- 10.15 As the site occupies an out-of-centre location it is necessary for the applicant to carry out a sequential assessment of possible alternative sites in accordance with policy requirements. In order to assess impact and to undertake a sequential assessment the applicant's Retail Assessment (RA) defines a Primary Catchment Area (PCA) where it is considered that a store of this size would draw the majority (90%) of its trade. The catchment area proposed is that of a 5 minute drive time from the site which the applicants consider to be a reasonable catchment for the store which is primarily selling convenience goods. The catchment area includes the UDP S2 town centre at Dewsbury Road and S4 local centre at Town Street, Beeston. It also includes local centres at Beeston Hill and Tommy Wass (Dewsbury Road) which have been identified in the emerging Core Strategy. It should be noted however the Council policy is to apply a 10 minute drive time catchment area; this is included in the Core Strategy (draft 2012).
- 10.16 The applicant's RA assesses the availability, suitability and viability of sites in centres within the Primary Catchment Area of 5 minute drive time from the site. Specifically the RA considers the following sites;
- Tommy Wass Public House
 - Former Kwik Save Store, Dewsbury Road
 - Police Station, Dewsbury Road
 - Former Kwik Save, Holbeck.
- 10.17 Following negotiations the applicants also reviewed other sites which the Council considered to be sequentially preferable including Crescent Works on Dewsbury Road and an area of demolished housing in Holbeck (The Runswicks).
- 10.18 All sites are dismissed by the applicant, largely for being too small and unable to meet the requirements of a retail store designed for weekly food shopping. The following conclusions are drawn:
- Former Kwik Save, Dewsbury Road – this is considered to be smaller than the proposed store and therefore not sufficient to provide a supermarket with the floorspace required in the PCA in order to draw trade back from larger stores within the wider Household Survey Area and beyond. *This site has recently received permission for alterations and will sub-divide, half of the site is now to be used by Iceland.*

- Police Station site, Dewsbury Road – this site is not available and is not in a suitable location to meet the needs of Beeston residents, being some 2.2Km to the east of the centre of Beeston. Car ownership in the area is low (40%) and therefore many residents would be unable to get there on foot or by a direct bus service. The size of the site is also not suitable for accommodating the scale of food store proposed, furthermore development of this site would likely require removal of important trees, poor access and poor store layout. For these reasons the site is not a genuine alternative to the application site and is not suitable for the development proposed. *NB The Council maintains that the police station site is available in the near future, works on the replacement police headquarters are under way and this will result in the site becoming available within the next year. This is considered to be a reasonable time for delivery for in centre and edge of centre sites. The site also has a Dewsbury Road frontage if the current Tesco Express on Dewsbury Road were to be included within the site.*
- The Runswicks, Holbeck – Holbeck is an identified local centre in the draft core strategy, which given the status must be given little weight. This location is therefore considered to be out of centre and no more sequentially preferable than the application site. Again however the site would not be suitable to accommodate the scale of food store proposed and would not serve the Beeston population. *NB the site is now acknowledged to be earmarked for housing redevelopment, however there are other small sites within Holbeck that could come forward within the next few years.*
- Tommy Wass Public House – The floorspace here is less than 1/8 of the size of the proposed store and therefore not suitable or viable for conversion to a store. In addition the number of parking spaces and service provision would not be sufficient. Given the sites location at the junction of Dewsbury Road and Old Lane then access and servicing of the site would be difficult.
- Former Kwik Save, Holbeck – This site is considered to be outside of the PCA but is considered anyway, it is outside of the proposed Hunslet local centre and isolated from other retail units. It is less than 1/3 of the size of the proposed store and contains only a fraction of parking spaces. It is therefore not suitable or viable to provide for a weekly food shop. *NB the site is now being planned to be redeveloped as a specialist Turkish food store.*

10.19 The conclusion is therefore reached by the applicants that there are no suitable, available or viable alternative locations within or on the edge of town or local centres within the PCA or HAS. The proposal therefore satisfies the sequential test.

10.20 The Council acknowledges that the sites identified above are not going to allow the delivery of the size of store proposed however it is not considered that the evidence on which the assertions are based is complete and full. For example it is not accepted that the applicants have demonstrated flexibility in the scale and layout of store propositions when considering the sites, both practice guidance and the Dundee judgement require that both applicants and LPA's are flexible. It is not considered in this case that the applicants have adequately demonstrated flexibility in their business model, or put forward enough justification to fully discount other sequentially preferable sites, particularly in the Dewsbury Road area given the primacy of this area in the retail hierarchy. For example there are large areas of industrial development very close to the Dewsbury Road town centre but there is no assessment of whether any of these areas are available, viable or suitable.

- 10.21 Dewsbury Road is acknowledged to be a town centre that is poorly performing in terms of its provision and that it lacks the large anchor store that could stimulate further commercial and retail provision. Both the UDPR and the draft Core Strategy identify it as a town centre that requires promotion and redevelopment and it is seen as being beneficial to encourage regeneration here. It is sustainably located with a main public transport route running through it, and located within walking distance of a large residential district which has large car ownership. It is considered that should Tesco open a store of the size being proposed here, this will detrimentally impact on the likelihood of any food store provider looking to open up in or around Dewsbury Road. The potential future impact therefore could be negative and for this reason it is considered that the sequential site search should have been more thorough and considered.

Retail capacity

- 10.22 The applicant has looked at the issue of retail capacity as this can be relevant to the consideration of impact.
- 10.23 The applicant's assessment of available capacity focuses on the defined PCA which is derived from a 5 minute drive time catchment area. For the purposes of assessing impact, as well as the existing centres which are within the PCA it is also noted that Sainsbury's at White Rose is within the catchment area. Hunslet S2 centre and Holbeck local centre lie just outside the identified catchment area.
- 10.24 In relation to the assessment of impact, the RA uses the Household survey results from the survey commissioned (October 2008) used to support the Tesco proposal at Benyon House, Middleton (application ref 09/01727/FU). It is considered unlikely that expenditure patterns have changed significantly since 2008 and therefore it is considered reasonable to use these survey results in the RA. The opening of the Tesco Express on Dewsbury Road (previously an international food store) is the only notable change.
- 10.25 Based on data provided in the applicant's RA it is possible to estimate existing convenience expenditure by store / location. It is considered that approximately 46% of main food shop expenditure from the catchment area is spent at Morrisons, Hunslet. The next largest expenditure after this can be attributed to Sainsbury's White Rose and Morrisons, Morley with approximately 13% and 11% of main food expenditure estimated to be spent at these locations.
- 10.26 The RA looks ahead 5 years to 2015 and estimates available expenditure based on population projections and expenditure per head in the PCA from data provided by MapInfo. It concludes that £44.49m of expenditure will be available for convenience goods in 2015 from the PCA.
- 10.27 Based on information provided within the RA and including Sainsbury's at the White Rose Centre within the catchment area and also accounting for additional turnover which could be generated by the extant permission for a small extension at Netto store, Old Lane adjacent to the site, it is considered that there is a residual capacity of some £31.72m of expenditure within the PCA.
- 10.28 It is also evident that the main S2 centre within the catchment area is not functioning as a town centre and lacks the offer of a main food store. Therefore it is accepted that although the catchment area is derived from an out of centre location in terms of the Old Lane site, there is a deficiency in qualitative retail provision to serve local residents.

- 10.29 The applicants RA considers that the proposal will claim back expenditure leaking from the catchment area. However, it is considered that no allowance has been made for existing centres to increase or decrease market shares within this catchment. In particular Dewsbury Road and emerging centres will be affected by the proposed store and future development/ enhancement/ maintenance will depend on market share increasing.
- 10.30 Furthermore, since the catchment area is drawn up from an out of centre location, it is considered that shopping patterns should be looked at in more detail and appropriate expenditure within the catchment that is spent within existing centres should be looked at. For instance, it is not inappropriate for some expenditure to go to Hunslet town centre as part of the catchment area is closer to Hunslet town centre than the proposed store location. Indeed, there must be some overlapping of catchment areas. It is not considered justified that an out-of-centre store should claw back trade from town centre stores just outside its PCA as it is considered that this expenditure should be allocated to these centres.
- 10.31 It is considered that Morrisons at Hunslet relies on trade from the PCA accounting for nearly 40% of all expenditure in the PCA and the impact to this store needs to be robustly assessed. Careful consideration also needs to be given to the city wide strategy for new retail provision and strengthening the vitality and viability of existing and emerging centres. Furthermore, there are planned strategies that have not yet been delivered which could again reduce expenditure leakage.

Impact

- 10.32 The NPPF advises that evidence regarding the impact of the proposal should be considered. The applicant's RA has considered the impact of the proposal on existing centres as well as the cumulative impact of the proposed store and recent permissions.
- 10.33 Table 7 of the applicant's RA shows the trade diversion effect of the proposed store on identified town and local centres in terms of convenience goods as follows;
- 22% trade diversion from Beeston Local Centre
 - 0% Beeston Hill;
 - 8% Dewsbury Road;
 - 10% Tommy Wass,
 - 11% for Hunslet
 - 10% for Morrisons at Morley.
- 10.34 The RA concludes that none of the impacts are significantly adverse and will not impact on the vitality and viable of the centres.
- 10.35 Other larger impacts are 16% on Netto, Beeston and 10% on Sainsbury's, White Rose but as these are out of centre stores the impact in these cases is not a planning consideration.
- 10.36 The trade diversion from Co-op Beeston is estimated to equate to £0.71m and the trade diversion from Morrisons, Hunslet is estimated to be £6.52m and the impact on these stores is considered in further detail below.

Impact on existing centres

Hunslet

- 10.37 The applicant argues that Morrisons Hunslet is significantly overtrading. The objection letter on behalf of Morrisons suggests that trade diversion away from the Morrisons store at Hunslet is underplayed in the applicants study. Officers have tried to take a more cautious approach to assessing the impact of the proposed store on the Hunslet centre, putting forward an alternative assessment of the figures to increase the level of trade diversion. Whilst Morrisons may remain in a position of overtrading against the company average it is considered that Morrisons has a fundamental role to the centre. Impact does not solely relate to trade diversion from the store but also implications for small retailers and other town centre uses if visitors to Morrisons, the town centre anchor, decline.

Beeston local centre

- 10.38 An objection letter has been received on behalf of the Co-operative Group, on the grounds that the proposal would result in a significant impact on the viability and vitality of the Beeston centre and in particular, the Co-operative store. The Council's assessment of trade diversion shows a pro rata trade diversion of £0.71m which represents a 24% trade diversion of in centre convenience expenditure within the PCA away from Beeston local centre. The applicant's RA also concludes that the greatest quantitative impact of the proposed store on existing convenience turnover would be the 22% trade diversion from Beeston Local Centre – a slightly lower figure than the Council's estimation.
- 10.39 The Co Op foodstore is the anchor at Beeston Local Centre and the only store selling convenience goods. Although the level of trade diversion away from the centre is a concern, it is considered that the store could continue to trade successfully, above the company's national average, and focusing mainly on catering for top up shopping trips.
- 10.40 The trade diversion from Beeston centre to the proposed store is of concern, it is considered that the proposed store would conflict with the existing role of the Co Op in that although the proposed Tesco store will provide for weekly shopping provision, it is inevitable that Tesco will also cater for top up shopping which Co Op primarily relies upon and there are therefore potentially significant impact on this store and in turn Beeston Local Centre. Whilst the Co Op store is the only store in this local centre selling convenience goods, the rest of the centre relies on the trips generated by the anchor store. Again, it is considered that the applicant has not assessed the impact to Beeston local centre as a result in a decline in visitors.

Dewsbury Road S2 centre

- 10.41 There is a lack of a food store at Dewsbury Road and therefore the applicant's retail assessment considered there will be limited trade diversion from this centre (8%). It is however considered important that in order to maintain this centre's status of town/ district centre it should be able to support a larger food store.
- 10.42 The Leeds city centre, town and local centres study recommends urgent investigation to identify edge of centre sites to bring forward appropriately sized store at Dewsbury Road to support its function as a town centre and as a major regeneration initiative for the centre. This is now being progressed in terms of the police station site which will be vacated in the next 2 years, along with potential other sites. Tesco proposals at Old Lane would undermine potential for such development and Dewsbury Road would therefore be likely to become a lower order centre. It is considered that the development of a store at Dewsbury Road depends on trade from its catchment area which would have significant overlap with that of the proposed Tesco and would prejudice the UDPR strategy for town centres (policy S2) and would pre-judge the decision in the LDF as to the role of Dewsbury Road.

Holbeck emerging local centre

- 10.43 There is an identified lack of existing retail provision to serve the LS11 5 post code sector (the Holbeck area) and the Leeds City, town and local centres study identifies a boundary for a local center at Holbeck. There is an existing vacant Kwik Save site within the identified centre and furthermore, a site at Charles Street site close to new housing development on Holbeck Moor is identified in the Beeston and Holbeck Regeneration Plan to help address the deficiency of provision in this area. The larger site however, the Runswicks, is now unlikely to be considered for retail and town centre uses. It is considered that in addition to directing new retail development to Dewsbury Road S2 centre, new retail development should also not hinder the delivery of a retail opportunity in Holbeck.
- 10.44 There are concerns that the Tesco proposal at Old Lane will have a detrimental impact on retail proposals for Holbeck in light of negative capacity for convenience shopping to 2016 identified in the Leeds City centre, town and local centres study as well as issues regarding commercial confidence. The prospects of delivery of even modest local centre retail development at Holbeck could be damaged by the proposed development which could draw significant trade from its catchment area.

Other centres

- 10.45 The Tommy Wass and Beeston Hill emerging centres (identified as future centres in the Core Strategy) mainly cater for top up food shopping trips. The Leeds City, town and local centres study recommends that local centres are appropriate for small to medium sized convenience shopping and therefore it is not considered that there will be a significantly adverse impact to the way that these centres will function.

Cumulative Impact

- 10.46 Paragraph 26 of the NPPF requires that the likely cumulative effect of recent permissions, developments under construction and completed developments be fully assessed for any application in an out of centre location that is not in accordance with the development plan.
- 10.47 The planning permission granted to Asda for a retail store at Middleton (App Ref: 09/02589/FU - 2,020 sq m net floor area of convenience goods) in March 2010 is relevant to the consideration of cumulative impact. Notwithstanding the comments made on behalf of Asda and the alternative drivetime plan, Middleton District centre is considered to be outside the PCA of the proposed store at Old Lane. The applicant's RA asserts that the proposed Old Lane store would not adversely impact upon the implementation of the Asda store and it is considered that this is a reasonable conclusion. However, the two proposals taken together could have a cumulative impact on other centres.
- 10.48 There are already concerns regarding impact to Hunslet centre as a result of trade diversion from Morrisons and reduced visitors to the centre, it is considered that a more robust assessment is required regarding the impact to Hunslet centre if the proposed store and the consented Middleton Asda store begin operating.
- 10.49 The applicant's RA indicates that the two new stores could result in some 11.9% impact in terms of trade diversion against company average turnover level for the existing Morrisons store at Morley. In relation to Morley town centre, it is considered that there is insufficient evidence to suggest that this trade diversion would significantly harm the vitality and viability of Morley town centre.

- 10.50 Following the objections to the proposal received on behalf of Morrisons in relation to their Hunslet store and on behalf of the Co-operative Group in relation to their store at Beeston local centre, it was considered that it would be useful in the assessment of the Tesco Old Lane application to take into account the results of the quantitative need analysis of the Leeds City, Town and Local Centre Study (a city-wide retail assessment being prepared by Colliers International for the City Council). It was initially expected that this report would have been available in early 2011 however this was delayed until July 2011. The Study itself will be used to contribute towards the evidence base of the Local Development Framework including the Core Strategy and Site Allocations Development Plan Document. The report itself has limited status in planning terms, but is capable of being a material planning consideration. The study was commissioned to contribute to the LDF and therefore its findings are of relevance.
- 10.51 The Town Centre Study includes the results of a household survey undertaken in Summer 2010 to help to establish a baseline position on broad expenditure patterns across retail locations and stores in Leeds district. The household survey results have now been made fully available however and table 3 within Appendix 8d of the Study does include a breakdown of the household survey results in respect of convenience shopping destinations in each of the survey zones. The Town Centre Study separately considered expenditure on convenience and comparison goods to establish the quantitative need for each of the sectors. The study split Leeds district into 10 zones based on the Council's area committee structure. The application site and the vast majority of the Primary Catchment Area (PCA) lies within the Inner South Zone of the study (which covers the Council wards of City & Hunslet, Middleton Park and Beeston & Holbeck). The study identifies quantitative need in each of the sub area over three time periods: 2010 to 2016, 2021 and 2026. For consideration of a planning application only the first of the time periods is relevant as the practice guidance advises that assessments of impacts should focus in particular on the first 5 years after the implementation of a proposal, in this case approximately 2017.
- 10.52 The retail floorspace needs assessment for convenience goods (scenario 1: low population projection) from the draft Town Centres Study shows that there is a negative retail floorspace need of 12,091m² net in the Inner South area for the period to 2016. This would mean that there is over capacity of convenience floorspace in the Zone which would not support the case for the new additional floorspace in the area, such as that proposed in this application, outside existing centres.

3.Highway matters

- 10.53 The applicant's transport assessment estimates that a store of the size proposed may result in trip rates of 184 arrivals and 187 departures for Friday peak hour (17.00 to 18.00) and 190 arrivals and 196 departures for Saturday peak hour (12.00 to 13.00). It is considered that this estimate of the likely trip generation from the proposed development is reasonable. The applicant's transport assessment has assessed the operation of the junctions in the vicinity of the site on the surrounding road network. Concerns relating to the roundabout junction of Town Street/Beeston Road/Old Lane and potential queue lengths on Old Lane as a result of traffic from the store have been resolved by way of proposed highway works to this mini roundabout to Old Lane/ Town Street/ Beeston Road. The proposed highway works will increase the capacity of this junction to allow 2 cars to queue at the Beeston Road western approach to the mini roundabout. The Applicant has also agreed to contribute the sum of £50,000 to the Council to monitor the traffic on Old Lane and

surrounding roads and to pay for any traffic calming measures that may be required to control traffic relating to the proposed development.

- 10.54 Objections have been received regarding potential traffic congestion as a result of the proposed development. The applicant's transport assessment has been considered by the traffic management section and it is considered that subject to the proposed highway works at the junction of Old Lane/ Town Street, the surrounding highway network can accommodate the proposed development. It also needs to be borne in mind that the site could be redeveloped for alternative employment uses which would also generate a certain amount of traffic on the highway network.
- 10.55 In terms of the proposed layout of the store, this has been revised during the course of the application to alter the proposed vehicular access arrangements. The proposal to use the existing vehicular access for servicing only is acceptable and the proposed separate vehicular access from Moorhouse Avenue is wholly within the applicant's ownership and is acceptable and this also includes a pedestrian route through the car park although a separate pedestrian entrance from Old Lane is also proposed.
- 10.56 A new 4m wide raised toucan pedestrian crossing is proposed adjacent to the site on Old Lane to improve the crossing facilities in relation to the main pedestrian entrance to the store. Objections have been received from the Post Office as the upgraded crossing would result in the loss of 1 on street parking bay in front of the Post Office. Part of this area is already marked keep clear and the proposal has been amended from the original scheme so that the loss of parking bays is reduced to 1 bay only. If the crossing were relocated elsewhere on Old Lane it would result in the loss of up to 4 parking spaces from existing on street parking lay bys. On balance this loss of a parking space is considered acceptable and on street parking lay-by facilities remain close by. The Post Office have requested a guarantee that further restrictions will not be implemented in the future, however such a guarantee cannot be provided although it is not anticipated that any will be required.
- 10.57 163 car parking spaces are proposed within the site and the applicant has provided a car parking accumulation calculation undertaken which estimates a maximum requirement of 149 spaces on Friday and 156 spaces on Saturday, the peak times for Supermarket shopping. At peak times this equates to 91% and 95% of the maximum capacity of the proposed 163 space car park.
- 10.58 Highways advice is that at over 90% of capacity, the operation of a car park can be affected and therefore the number of parking spaces proposed is considered to be the minimum acceptable to support the development and could not be reduced any further. Nevertheless, the store is considered to be in a sustainable location and a travel plan is provided as part of the application and the applicant will contribute to upgrading the existing bus stop in front of the site on Old Lane. The level of parking provision for the development together with these other measures to encourage visits by alternative modes of transport is considered acceptable.

4. Design and Layout of proposed store

- 10.59 The proposed store building will be sited along the southern boundary of the site which adjoins industrial units. The customer car park is proposed to the north of the store itself. Setting the store back within the site is considered to be a reasonable siting given that the site is not within a centre and there are residential properties immediately facing the site. This is also a response to the landscaped boundaries

of the site which restrict views of the proposed building and any frontage opportunities.

- 10.60 The landscape setting of the site is considered important and is discussed below. The layout retains the protected tree belt along the eastern boundary and although planting is removed from the boundary with Moorhouse Avenue, new planting is proposed. There is a level difference of some 1 – 1.5m from street level at Old Lane to the main platform of the development site. The proposed store maintains a significant landscape setting around the built development and this accounts for the level difference within the site. The landscape proposals are discussed in more detail below.
- 10.61 The site's wider context is a combination of both housing to the east and industrial units to the south and west. Notable features of the site's context are that the area is generally low rise and brickwork is the predominant material. The size of the store proposed and the scale of development is considered to be compatible with the surroundings.
- 10.62 In terms of the store's design, whilst the predominant material is the larch cladding proposed on the main elevations, brickwork has been introduced to the store design to reflect the context of the surroundings. The materials are considered appropriate to the area and will result in a contemporary building which will sit comfortably within its surroundings. Objection letters raise concerns regarding impact the character of the area; however it is considered that the proposed store is respectful to the character of the area and in making use of a vacant site will improve the appearance of the area. The applicant's initial assessment shows that BREEAM standard of very good will be achieved and conditions are recommended to secure this.
- 10.63 A canopy is proposed to the front of the store, the drawings submitted indicate a canopy projecting significantly forward of the store towards the pedestrian entrance to the site. This projection is considered to be too prominent and details of a reduced canopy are suggested to be dealt with by condition.
- 10.64 A clock tower is proposed at the pedestrian entrance to the site, opposite the post office on Old Lane and this is considered to be a good focal point of the scheme to help identify the store. The pedestrian approach to the store has been improved through the course of the application with some car parking to the east of the building removed which allows for a direct pedestrian access to the store entrance to be created from Old Lane via steps/ ramp approach and a new crossing to be provided within the highway.

5. Landscaping

- 10.65 Landscaping is considered to be a key characteristic of the site and the trees along the eastern boundary are protected by a Tree Preservation Order and are important to the streetscene of Old Lane. Mature landscaping is also present along the boundary to Moorhouse Avenue and is important in the assimilation of the site with the allotments and playing fields to the north.
- 10.66 The initial proposals for the development raised concerns regarding the relationship of the proposed parking and retaining wall to protected trees along the Old Lane boundary. The proposal has been revised and the additional parking to the east of the store building has been removed which allows further space around the protected trees.

- 10.67 All existing trees along Old Lane adjacent to the car park are retained as part of the proposal and this is considered to provide a good landscape buffer to the site. These protected trees consist of a mixture of species comprising Norway maple, beech and horse chestnut as well as London Planes and common lime trees. A retaining wall is proposed along the Old Lane boundary and it is considered that subject to details regarding the construction, this can be achieved without harming the existing trees. A detailed method statement should be provided prior to construction to show how the works will be carried out without disturbance to the protected trees.
- 10.68 In relation to the Moorhouse Avenue boundary, one of the two mature London Plane trees along this boundary is to be retained however one tree will be removed in order to create the new access into the site. This is compensated for by way of new planting and it is considered that sufficient space is provided along this boundary of the site to achieve a robust planting scheme.
- 10.69 Limited planting is proposed within the car park itself and this is along the main pedestrian route through the store car park. On balance this is considered acceptable given the landscaped belt around the north and east of the site. Use of careful construction techniques will be required to increase the potential root zone for these trees. A hedge is proposed between the car park and the service road into the site. The long-term management of the landscaping could be secured by way of a condition.

6. Relationship to surrounding residential properties

- 10.70 The site is surrounded by commercial uses to the west and south of the site and the proposal is compatible with these surrounding uses. Residential properties are to the east of the site facing the eastern elevation of the proposed store and the boundary with the car park and therefore the relationship to these properties needs to be considered. The proposed store and car park is to be set within a landscaped buffer of some 10m minimum depth along the entire Old Lane boundary of the site. There is a separation distance of over 30m between the residential properties and the built development area of the site (car park and store building); this distance includes the landscaped boundary of the site which is largely unaltered.
- 10.71 A brick boundary wall is proposed along the car park boundary of the site set behind the retained trees along Old Lane. This brick boundary wall continues around the corner of the site into Moorhouse Avenue, again set behind the landscaping. This boundary wall and the landscaped boundary will screen the car park from the residential properties and the streetscene. It is considered this is a good quality boundary to the site and retains the landscaped character whilst screening the car park and protecting visual amenity.
- 10.72 Residential properties facing the site currently look over a cleared site with 2m paladin fencing along the boundary together with the existing protected trees. It is considered that the proposed development is respectful to the scale of development in the area and retains the positive feature of the site which is the landscaped boundary. It is considered that the proposal will not result in loss of residential amenity from poor outlook or overdominance.
- 10.73 The proposed store building is sited to the west of No's 95 to 101 Old Lane and is at a height of some 7.6m above street level. Objections have been received that the proposed development could result in loss of light as well as privacy. The

applicant's section drawings indicate that the store itself will be approximately 1.5m higher than the ridgeline to the roof of 97 Old Lane. The store building is however lower than the canopy of the existing trees which will screen the building itself. It is considered that the development will not result in any unacceptable loss of light to residential properties on Old Lane. In relation to privacy the store is contained within the site and would not result in any overlooking from staff or customers of the store. It is recognised that there will be increased footfall in the vicinity of the pedestrian entrance on Old Lane, however this street is currently a primary route through Beeston and is not considered that the proposal will compromise privacy of nearby residents.

- 10.74 Objections have been received in relation to increased noise associated with the development. Again, this needs to be considered against the previous employment uses of the site which could in themselves have generated noise in association with their potential uses. The applicant has submitted a noise report which identifies the principal noise sources relating to the development will be noise from fixed mechanical services plant, bulk deliveries, car parking activity and road traffic noise. The noise report concludes that the store could operate without servicing and operating hours restrictions without harming the amenity of the local residents subject to a condition to ensure that any plant and machinery achieve an appropriate noise rating level.
- 10.75 Notwithstanding the noise report's justification of unrestricted hours of operation and delivery, the proposal is for the store to operate until 10pm and it is also considered that deliveries should be restricted to 11pm. A condition is recommended to ensure that noise levels from all plant and machinery are 5dB below background noise levels when measured from the nearest noise sensitive property. This is similar to the condition recommended in the applicant's noise report which instead specifies what that level should achieve. The Environmental Health Officer has advised however that this condition should relate to the background noise level at the time the measurements are taken.
- 10.76 Recycling facilities would be a further potential source of noise and a condition is proposed for submission of details should they be proposed at the store and attenuation measures may be required.
- 10.77 The service yard for the store is proposed to be located in the north western corner of the site which is surrounded by commercial/ industrial uses. It is considered that the location of the service yard is acceptable and is away from residential properties and should therefore reduce any potential disturbance from delivery vehicles and from unloading activities. The applicant's noise report also notes that that delivery activity will be screened by the store building itself. The report assesses the potential impact from delivery activity to 99 Old Lane and considers that even deliveries at night could be carried out without adversely affecting residential amenity. Nevertheless, a condition is proposed to restrict deliveries to no later than 11pm as advised by the Environmental Health Officer.
- 10.78 In relation to potential noise from traffic generated from the proposed development, this is also assessed in the applicant's noise report against DEFRA guidance (March 2010) to avoid significant adverse impacts on health and quality of life, together with guidance from the World Health Organisation and guidance in PPG24. Clearly there will be a noticeable increase in comings and goings at the site as a result of the development, however the site is on an existing well used road and it is considered that the additional activity will not result in undue loss of amenity to the surrounding residential properties.

- 10.79 Predicted noise levels from within the store car park are concluded in the applicant's noise assessment to be within the WHO guideline noise levels and are also predicted to be below the existing noise climate.

11.0 CONCLUSION

- 11.1 The NPPF stresses that applications must be considered against all relevant policies as only then can the issues of sustainable development properly be assessed. The issues around this proposal are complex and numerous and should be considered in conjunction with the neighbouring retail proposal. The following conclusions can be drawn.
- 11.2 The site is located in a sustainable location, it is close to public transport facilities that link to Beeston local centre, Tommy Wass local centre, and to the City Centre and White Rose, as well as other areas that can be reached via the motorway network. The site does not however have a train line. The site is also located within an area of dense residential population, where car ownership is acknowledged to be low and where issues of unemployment etc. are slightly higher than average. It is noted that the two existing/proposed local centres are within walking distances of the sites location and so could serve the local residents with daily needs, however it is also accepted that the constraints of these local centres would not allow for a larger scale food store. Many local residents are in support of the proposals citing the benefits of having a larger scale food store in the vicinity.
- 11.3 The proposed store would result in new jobs, both in construction and built phases and these could be secured, as much as possible, for the local area through a s106 agreement as has been done elsewhere. The provision of jobs would undoubtedly have wider benefits for the local area, increasing employment rates, helping to tackle deprivation and providing additional income that could be spent in the local area. However the proposal could also result in the decline of existing stores at Beeston local centre and at Tommy Wass, as well as small scale local convenience stores. It is noted that the Post Office has raised concerns that if services are duplicated it will potentially reduce their business. There are therefore negative economic impacts as well as positive ones.
- 11.4 The redevelopment of the site will have large benefits for the street scene of the area given the very poor visual amenity that currently exists. There could be potential uplift in the overall appearance of the area that could again stimulate economic growth and regeneration.
- 11.5 Trees around the site are to be saved and preserved and landscaping overall enhanced which will have obvious biodiversity benefits.
- 11.6 The proposal if allowed is considered to impact negatively on the attractiveness of Dewsbury Road town centre to potential food store operators in this area. There is a need for such development in this town centre in order for this centre to provide the services and facilities that should be provided at that level of the hierarchy. A new food store operator in or close to that centre could stimulate jobs, income and visual enhancements that could kick start regeneration of the wider area. Without this it is likely that Dewsbury Road will continue in its downward spiral with potential for further economic loss.
- 11.7 In weighing up the issues it is accepted that there would be potential economic benefits and that there is support from local communities, however it is still the case that this is a town centre use being proposed in an out of centre location and it is likely to detrimentally impact on the ability of Dewsbury Road, and potentially also Holbeck, to provide retail and economic vitality for their respective areas. This

would effectively go against policy in both the UDPR and the draft Core Strategy which seeks to promote Dewsbury Road as a town centre and to bring about opportunities for growth to take place here. Given this conflict with policy and the potential disbenefits, it is not considered that the proposal can be considered to represent sustainable development and is therefore recommended for refusal.

Background Papers:

Planning application file

Certificate of Ownership: signed by applicant

APPENDIX 2

Minutes of Plans Panel 08/11/12 as approved

The report of the Chief Planning Officer introduced an application for the erection of a retail store with car parking and landscaping at the junction of Moorhouse Avenue and Old Lane, Beeston.

Prior to the consideration of this item, Members were reminded of the subsequent application on the agenda which was also for a retail store at an adjacent location. An emphasis was made on the need to consider each application individually and it was reported that both applications had been recommended for refusal on retail policy grounds.

Members had attended a site visit prior to the meeting and site plans and photographs were displayed.

Further issues highlighted in relation to the application included the following:

The application had been submitted to Plans Panel (East) in September 2012 with a recommendation for approval. Prior to that meeting, the application was withdrawn following objections for the applicant of the adjacent site.

Further letters of support and objection that had been received.

The applicant had stated that there were no alternative preferable sites in the locality.

The proposed development would be a single storey building that was commensurate with the height of nearby residential properties.

Existing access to the site would be used with pedestrian access off Old Lane.

TPO trees would be retained.

All other matters, including design were considered to be acceptable.

It was acknowledged that there were concerns regarding Dewsbury Road Town Centre and the applicant had been asked to consider alternative locations.

The applicant's representative addressed the meeting. The following issues were highlighted:

The application had been well supported locally as a result of public consultation.

There would be highway improvements.

The proposal would increase local employment opportunities and increase shopping choice in South Leeds.

The proposals would see the redevelopment of a derelict site.

In response to a Members question, it was reported that approximately 75% of staff employed would come from the immediate local area.

There had been a full retail impact assessment and it was not felt that the proposals would have a significant impact on any other areas.

Further to the applicants' representations, it was reported that there was a difference of opinion between officers and the applicant with regards to the sequential test issue and the Council's retail consultant was asked to address the meeting. He raised the following issues:

Dewsbury Road Town Centre had not delivered full shopping facilities as expected and appropriate sites for development should be considered.

This proposal would reduce the commercial prospect of other operations on Dewsbury Road.

Reference to policy and strategy and the use of town centres.

In response to Members comments and questions, the following issues were discussed:

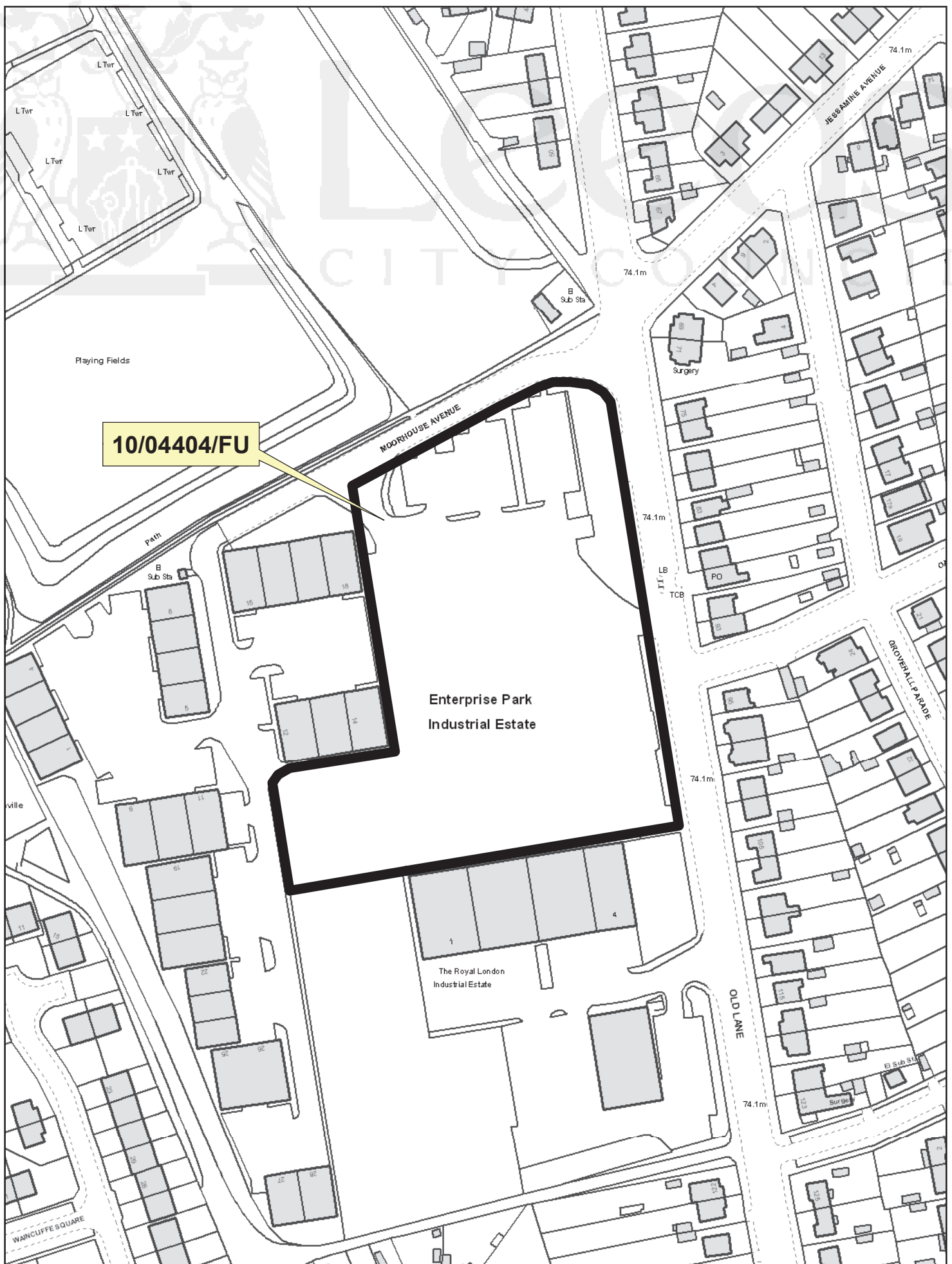
Dewsbury Road Town Centre was identified in the UDP over 6 years ago and had still not been developed – it was felt that this policy may influence too heavily and could other ways of developing Dewsbury Road Town Centre be found.

The proposal would improve the area and create jobs.

If members were minded to vote against the recommendation it was reported that further work would need to be carried out for the cumulative impact on Beeston and Dewsbury Road Town Centre.

There were other examples of similar stores adjacent to each other elsewhere, should there be approval given to both applications then there would need to be a consideration of the Impact on traffic and other retail operations.

It was resolved that the officer recommendation for refusal be not accepted and the application be deferred for further negotiation.



EAST PLANS PANEL



Originator: Victoria Hinchliff Walker

Tel: 0113 222 4409

Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 20/06/13

Subject: APPLICATION 11/04306/OT. Demolish existing buildings and erect a retail foodstore (Class A1), with car parking, landscaping and access. Site of Asda store, Old Lane, Beeston, LS11 8AG.

APPLICANT

Asda Stores Ltd

DATE VALID

18/10/11

TARGET DATE

17/01/12

Electoral Wards Affected:

Beeston & Holbeck

☐ Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION:

Defer and delegate to the Chief Planning Officer for approval, subject to the specified conditions and following completing of a Section 106 Agreement to cover the following matters:

- 1 £2500 Travel Plan Review fee.
- 2 £1500 for provision of dropped kerbs at the junction of Jessamine Avenue with Grovehall Parade.
- 3 £10,000 for provision of live bus information display at stop number 10074 (on Old Lane).
- 4 £175,680 as a Public Transport Contribution.
- 5 £50,000 as a Traffic Monitoring Fee for monitoring of traffic during development and implementation of any required TRO's.
- 6 Provision of pedestrian refuge islands on Old Lane (s278 required).
- 7 Provision of alterations to the Beeston Road approach to the Old Lane/Town Street roundabout (s278 required).
- 8 Provision of an access from the southern boundary of the site to Back Lane (s278 required).
- 9 Job and training provision for local residents.

In the circumstances where the Sec.106 has not been completed within 3 months of the resolution to grant planning permission the final determination of the application shall be delegated to the Chief Planning Officer.

Conditions

1. Reserved Matters are: landscaping, layout, scale and appearance.
2. Reserved Matters submission to be within 1 year, with development commencing within 1 year of submission of last reserved matter.
3. Approved plans.
4. Restriction on comparison goods sales area to 340 sq m gross.
5. Opening hours to be 0800 – 2300 Monday to Saturday, 1000 – 2200 on Sundays and Bank Holidays.
6. Delivery hours to be 0700 – 2300 Mondays to Saturdays, 0800 – 2200 on Sundays and Bank Holidays.
7. Statement of Construction Practice (including hours of construction, control of dust etc. location of plant etc. advertisement to local residents).
8. Flood mitigation measures to be implemented as in approved Flood Risk Assessment.
9. Submission of noise survey and implementation of mitigation measures.
10. Details of surface water drainage and implementation.
11. Use of porous surfaces.
12. Submission of sustainability statement and energy report to achieve BREEAM Very Good level.
13. Submission of site investigation and remediation for contamination.
14. Submission of amendments to remediation report if required.
15. Submission of verification report on contamination clean up.

Justification

In reaching a decision the case officer dealing with the application has worked with the applicant/agent in a positive way both at pre-application stage and during the application process to produce an acceptable scheme in accordance with paragraphs 186 and 187 of the National Planning Policy framework.

In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the National Planning Policy Framework and (as specified below) the content and policies within Supplementary Planning Guidance (SPG) and The Development Plan consisting of the Leeds Unitary Development Plan Review 2006 (UDPR), the Natural Resources and Waste Local Plan 2013 (NRWLP) and the emerging Publication Draft Core Strategy Nov 2012 (DCS).

GP5, T2, S5, LD1, BD5 - UDP Review 2006

P5, P8 - Draft Core Strategy

The proposal for a supermarket is acknowledged to be contrary to adopted policy however the impact of a single store in this location, is not considered to result in significant adverse impact on any identified centre. The proposal is considered to bring about particular

economic and social benefits for the local community including providing greater choice and competitiveness and providing jobs, which are considered to outweigh the harm caused by the extent of the impact on local centres.

On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.

Note

As the application is made in outline only a number of details such as materials, landscaping etc would be dealt with at reserved matters stage, or as conditions on any reserved matter approval rather than at outline stage.

1 INTRODUCTION:

- 1.1 Members are advised that this application is brought to Plans Panel due to the impact on local centres in the area; there is also an application by another retailer (Tesco) on the adjacent site which also seeks permission for a foodstore. Members are advised that the applications should be determined independently of each other; however there are issues around cumulative impact which this report covers in the event that Members are minded to approve both schemes. Members are advised however that the officer recommendation is to refuse the Tesco scheme for reasons which are outlined in the relevant report.
- 1.2 This application has previously been reported to South & West Plans Panel on 8th November 2013 at Item 25, the minutes of this meeting and the previous report to Panel are included below as appendices.
- 1.3 The proposal was previously recommended to Members for refusal on the grounds of impact on local town centres, particularly Dewsbury Road town centre. Members attended a site visit and then resolved that the application for refusal be not accepted and the application be deferred for further negotiations. These negotiations were to focus on the cumulative impact of both the Asda and Tesco schemes both going ahead, particularly in relation to Beeston local centre and the highway network.

2 HISTORY OF NEGOTIATIONS:

- 2.1 Following the last report to Plans Panel the applicants undertook to carry out additional survey work. They surveyed visitors to Beeston local centre, and to the existing Asda store, to gather information about shopping patterns and preferences. A summary of the findings are given below in the appraisal. The applicants have also provided additional plans regarding the design of the proposal as the application is in outline only, and they are willing to accept conditions regarding such matters.
- 2.2 The applicants have also been asked to consider possible s106 issues should Members approve both applications and they have provided a draft that would enable negotiations on this matter to be undertaken.

3 PUBLIC/LOCAL RESPONSE:

- 3.1 Since the last Panel meeting there has been no formal public notification, however a few letters of support for both schemes have continued to come in.

4 CONSULTATIONS RESPONSES:

Highways

- 4.1 The application taken on its own merits is acceptable in highways terms, however if both sites come forward for approval there will be a need to undertake cumulative impact assessments.

- 4.2 No concerns are raised regarding the cumulative highway impact, although the proposal would result in an increase in vehicles on the road, and some additional delay at junctions this is not beyond the capacity of the road as enhanced by the agreed highway works.

5 MAIN ISSUES

- 5.1 Following the resolution of Plans Panel on 8th November the matters to consider are:
- Cumulative Retail Impact.
 - Cumulative Highways Impact.

6 APPRAISAL

Cumulative Retail Impact – Asda Survey Findings

- 6.1 Asda have undertaken additional survey work which they use to add to the evidence they have previously submitted which was taken from the Leeds Centres Study surveys. The additional survey work involved visitor surveys carried out over several days within Beeston town centre, and a shopper survey of shoppers leaving the existing Asda store. Questions that were asked concerned the reasons for the visit, method of travel, and location of residence.
- 6.2 In summary the two surveys showed that around 90% of visitors to both Beeston local centre and Asda visit the areas for top up shopping, not as a main food destination. 60% of visitors arrived on foot. Beeston local centre attracted visitors from postcodes of LS11 8 (to west of Old Lane), LS11 7 (to east of Old Lane) and LS11 6 (Beeston Hill up to M621/Dewsbury Road/Town Street boundaries). Asda drew visitors from LS11 8, LS11 7 and LS11 5 (opposite side of Dewsbury Road). The survey also asked about linked trips, visitors to the Asda were more likely to be making a linked trip to Beeston centre, although this was still only 25%, than vice versa (8%). The reasons for linked visits were predominantly down to the need for financial services, post office facilities, specialist types of shopping and use of the library.
- 6.3 Asda surmise from this additional data that main food shopping by local residents is done outside of the area e.g. at Hunslet, White Rose or Morley, and that therefore the introduction of the larger Asda store would not detract from the existing top-up competition that exists at present. They do however consider that if the Tesco proposal were to go ahead this would introduce a further top-up competitor as well as a main food destination and therefore this would impact detrimentally on Beeston centre.
- 6.4 Asda also surmise that the existing propensity for visitors to link trips from Asda to Beeston centre would also be retained if the new Asda was provided, and could create new linked trips. They conclude that the provision of a main food shopping destination on the existing Asda site would be sustainable and address the current lack of provision for residents of Beeston.

Cumulative Retail Impact – Comment

- 6.5 Colliers have been asked to review the Asda submission on behalf of the Council. The survey work submitted does demonstrate the importance of top-up shopping for the Beeston local centre and evidences the relatively low level of spending. An issue with the additional surveys is that the focus is very much on existing shopping patterns and the impact on Beeston local centre, they do not take account of the additional impact that the new Asda at Middleton may have nor the impact on Hunslet. With regard to the postcode residential locations of visitors, looking at the spread of postcodes around the current Asda site and town centre there is a

correlation between the split of visitors and the closest facility. For example Beeston draws more visitors from LS11 6, these are likely to be from the terraces that run off Town Street which is about 1Km away at closest, and on a bus route. The Asda however draws more visitors from LS11 5, again a similar distance to the south, and on bus routes. Given that the majority of visitors to either shop walk to the destination this spread is not surprising. What needs to be considered is whether the provision of a larger range of choice would alter such travel patterns, particularly if there is a shift towards car borne shopping trips.

- 6.6 The issue of linked trips is relevant as impact should not be considered simply as impact on a direct competitor but also on other shops and services in the defined centre which are likely to suffer if there are fewer shoppers visiting the main store in the centre. About 25% of visitors to Asda then go on to Beeston centre and the reasons given for this are the limited range of services that the small Asda provides. It is likely that if a larger store were provided then additional services would be provided (ATMs, small post office, bureau de change etc) and this would again distort linked trip patterns. This could be particularly significant when it comes to assessing cumulative impacts. To some extent this could be controlled by conditions which restrict the range of services and goods on offer. In order to minimise harm to Beeston centre it is important that this enhanced range of services is maintained there.
- 6.7 The importance of top-up shopping to Beeston is perhaps the most important factor in assessing potential impact. The applicant's original assessment argued that there would not be a significant adverse impact on the Coop as the main anchor of the local centre. Whilst the new expanded Asda store would be a main food shop destination, and its enhancement as a facility meeting these needs of local residents was identified as a clear benefit by Panel, it is clear that any store will act as a top-up option for the immediate community. Consequently there is a need to ensure that any impact on top-up shopping is minimised. The existing Asda store already provides a top-up shopping facility and - as has been demonstrated by the in centre and store exit surveys - people living to the south of the retail catchment area tend to visit the Asda more than the Coop, (arguably this is down to simple geographical distances rather than brand loyalty). However, the position could be expected to change as a consequence of the Asda development as its enhanced offer and role would draw in more customers from the immediate catchment. The impact on top-up shopping and therefore on Beeston Co-op and then Beeston centre as a whole is likely to be greater than is currently the case. However this would relate to the increase in size rather than to the introduction of a wholly new store.
- 6.8 The recent Asda survey does highlight the importance of top-up shopping not only to the Co-op but also to Beeston centre to which existing and emerging development plan policies afford protection. The submitted analysis does not quantify impact on top-up shopping: the initial analysis, with shortcomings indicated previously, suggested only about 4% impact on the Co-op, significantly less than the figures indicated for the proposed Tesco by their own consultants. It is considered that the Tesco assessments of 21% (in their original submission dated September 2010) is more reasonable, particularly given that concerns relate to loss of trade from the Co-op and consequent reduction in linked trips. The Tesco December 2012 figure of 18% cumulative impact seems surprising in this context.
- 6.9 Those Tesco assessments (commented further upon in the relevant report) are suggested as relating only to main food shopping and so are likely to underestimate total impact. The Asda 'new' floorspace is about 83% that of Tesco and so its

impact, based on floorspace, might be expected to be around 15%. The cumulative impact is reasonably assumed to be likely to be approaching 30%.

- 6.10 Even if the Co-op is accepted to be overtrading an impact of that level would amount to significant adverse impact particularly through the reduction in linked trips and so harm to the centre as a whole.
- 6.11 In the context of Panel's previous conclusions, notably that the benefits offered by each application outweigh the conflict with policy for Dewsbury Town Centre, the key retail consideration is whether it is possible to differentiate between the two schemes on the issue of impact on the Beeston centre. In this regard it is important that Members appreciate that retail analysis is not a statistical exercise but depends on a series of judgements. It is the view of both officers and Colliers International, based on the information that is available (see 10.9 and 10.10 above), that it is reasonable to draw the conclusion that the proposal which introduces the least change is likely to have the least impact.
- 6.12 Consequently, given the existing presence of Asda in the area, it is considered that this expansion scheme would have less impact than allowing the Tesco to go ahead on its own. This would protect existing investment in Beeston centre and have least harmful impact on the centre's continuing vitality and viability, a key element of City Council policy and generally highlighted as a particularly important and sensitive issue for all communities.

Cumulative Highway Impact

- 6.13 Asda have provided a Technical Note by Aecom of the impact on local highways should both this scheme and the Tesco proposal go ahead. Aecom carried out their survey slightly differently providing modelling based on scenario 1 - 100% traffic levels by Asda and Tesco, scenario 2 - 100% by Asda and 75% by Tesco, and scenario 3 based on 75% traffic levels of both stores.
- 6.14 In summary the results show that:
- The proposed Asda priority junction would still operate satisfactorily with the addition of the adjacent Tesco traffic.
 - The Old Lane/Moorhouse Avenue/Jessamine Avenue junction is still predicted to operate within capacity, assuming that only 75% of the additional Tesco traffic is included.
 - At the Town Street/Beeston Road/Old Lane roundabout then there will be some capacity problems.
 - The Town Lane/Wesley Street traffic signals will have some reduced capacity but no significant increases in queue length.
 - At the Tommy Wass signals the addition of both the Tesco and Asda development trips to the junction result in similar levels of capacity to the single store impact.

Cumulative Highway Impact – Comment

- 6.15 The assessment carried out is acceptable and similar to the conclusions drawn out in the Tesco cumulative highway assessment. The junctions most affected are the Town Street/Old Lane roundabout and the Tommy Wass signals, and will lead to some additional queuing at peak times, however shoppers have discretion in when they visit and can choose to make their trips to the times that cause least congestion. The modelling carried out is therefore a worst case scenario. The proposed enhancements to the roundabout will help, but it should be noted that if

Members did opt to approve both this and the Tesco scheme then discussions would need to take place on how the contributions should be calculated.

Delivery

- 6.16 Given the complexities of determining which scheme should go ahead, or if both were acceptable, it is considered that there needs to be some method of encouraging swift development and to secure the benefits for local residents. It is therefore recommended that the usual time limit condition be amended to give a shorter period for submission of reserved matters and implementation.
- 6.17 Generally government advice would be to make time limits more flexible, however this situation is quite unique and development should be encouraged to bring about the community benefits that will arise.

Draft S106 Agreement

- 6.18 The Community Infrastructure Levy Regulations 2010 set out legal tests for the imposition of planning obligations. These provide that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is -
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development. .
- 6.19 The applicant has submitted a draft Heads of Terms for a Sec.106 Agreement and this will undergo the legal procedure following a determination by Plans Panel. The submitted draft Heads of Terms consists of the following:-
- £2500 Travel Plan Review fee.
 - £1500 for provision of dropped kerbs at the junction of Jessamine Avenue with Grovehall Parade.
 - £10,000 for provision of live bus information display at stop number 10074 (on Old Lane).
 - £175,680 as a Public Transport Contribution.
 - £50,000 as a Traffic Monitoring Fee for monitoring of traffic during development and implementation of any required TRO's.
 - Provision of pedestrian refuge islands on Old Lane (s278 required).
 - Provision of alterations to the Beeston Road approach to the Old Lane/Town Street roundabout (s278 required).
 - Provision of an access from the southern boundary of the site to Back Lane (s278 required).
- 6.20 The financial contributions set out above are all index linked and meet the council's full planning policy requirements. The draft Heads of Terms does not include mention of employment and training initiatives as when originally submitted this was not then part of the suite of clauses to which such development would be subject. However the importance of this store in providing local training and employment both during construction and beyond is a material consideration of significant weight and as such negotiations should achieve inclusion of a clause that reflects the summary below. A summary of the terms of the draft Sec.106 Agreement as submitted are set out below:

Training & Employment Initiatives

- 6.21 That reasonable endeavours be used to co-operate and work closely with Employment Leeds to develop an Employment and Training Scheme to promote employment opportunities for local people during the construction works. Such a plan would include:
- The employment of local contractors and sub-contractors and local people in construction works;
 - Consult with Employment Leeds with a view to identifying procedures to facilitate the appointment of such persons.
 - Prior to the commencement of construction works to agree a method statement with Employment Leeds to facilitate the appointment of such persons.
 - To work with Employment Leeds and agree a method statement identifying the number and types of employment and training opportunities that can be accessed by local people.
 - To provide Employment Leeds on a 6 monthly basis details of the recruitment and retention of local people as employees.
 - To provide Employment Leeds with details of any vacancies that arises during construction.
- 6.22 For the purposes of the Agreement local people means someone whose principal place of residence is within the electoral ward or adjoining wards in which the development site is located. Or if no such persons can be found persons whose principal place of residence is within the Leeds administrative boundary.

Highway and Accessibility Initiatives

- 6.23 A public transport infrastructure contribution of £175,680 is required due to the significant impact on the local infrastructure that would be brought about as a result of the development. The amount has been calculated as per the adopted Supplementary Planning Document.
- 6.24 A Traffic Monitoring Fee of £50,000 is requested to enable monitoring to be undertaken during the lifetime of the development so that if any local highway issues arise then the use of Traffic Regulation Orders can be explored and implemented.
- 6.25 The Drop Kerb Implementation Fee of £1,500 will provide dropped kerbs at the junction of Jessamine Avenue and Grovehall Parade to improve accessibility to the site for pedestrians.
- 6.26 Pedestrian refuge islands on Old Lane are required in the vicinity of the site frontage to enable safer crossing of Old Lane. The developer has agreed to pay for works which would be provided under a s278 agreement.
- 6.27 Alterations to the roundabout at the top of Old Lane and Beeston Road are also agreed and again the developer would finance this through a s278 agreement. These alterations are required to improve flow and traffic movement to reduce waiting times associated with increased traffic.
- 6.28 Footway access to the southern boundary of the site through to Back Lane are to be provided, again through a s278 agreement. This will enable people to access the store from the public right of way that provides access to the residences around the Cardinals and Waincliffes.

- 6.29 A travel plan has been submitted and agreed by the Council. The Heads of Terms includes provision for monitoring fee to be paid to the Council of £2,500 in accordance with adopted SPD on Travel Plans.
- 6.30 Metro have requested that the bus stop outside the site on Old Lane be upgraded to provide real time information and again the developer agrees to fund this in the region of £10,000. This accord with guidance in adopted SPD on public transport infrastructure.

7 CONCLUSION

- 7.1 The argument put forward regarding the cumulative highway impact is accepted, it is acknowledged that there will be some impact but this will not result in undue harm to highway safety. With regard to the cumulative retail impact evidence used, neither applicant has addressed the issue using an approach suggested by officers but some additional information has been provided. Asda has introduced new material which has been illuminative as it confirms the importance of top up shopping to Beeston centre. The Tesco supplement generally reworks earlier information but the 2012 analysis suggests lower cumulative impact than did the 2010 analysis relating to Tesco alone. Consequently there are concerns relating to its robustness in relation to Beeston. Questions also remain over the predicted impact on Hunslet. It is clear that one store on its own would cause an impact but this would be less than if both stores were to go ahead. If both were to proceed then based on a consideration of the statistical analysis provided and survey findings on the importance of top up shopping and linked trips, the view is that the harm caused would amount to significant adverse impact, the NPPF test to merit a refusal. On balance one store would be acceptable and the question therefore is which of the schemes should go ahead for approval.
- 7.2 The two stores both provide a similar offering, they are similar in size, both offer regeneration benefits, and both offer new jobs for the area.
- 7.3 The NPPF stresses that applications must be considered against all relevant policies as only then can the issues of sustainable development properly be assessed. The following conclusions were made in the previous report and remain valid.
- 7.4 The application site is located in a sustainable location, it is close to public transport facilities that link to Beeston local centre, Tommy Wass local centre, and to the City Centre and White Rose, as well as other areas that can be reached via the motorway network. The site is also located within an area of dense residential population, where car ownership is acknowledged to be low and where issues of unemployment etc. are slightly higher than average. It is noted that the two existing/proposed local centres are within walking distances of the sites location and so could serve the local residents with daily needs, however it is also accepted that the constraints of these local centres would not allow for a larger scale food store. Many local residents are in support of the proposals citing the benefits of having a larger scale food store in the vicinity.
- 7.5 The proposed store would result in new jobs, both in construction and built phases and these could be secured, as much as possible, for the local area through a s106 agreement as has been done elsewhere. The provision of jobs would undoubtedly have wider benefits for the local area, increasing employment rates, helping to tackle deprivation and providing additional income that could be spent in the local area. However the proposal could exacerbate the decline of existing stores at Beeston local centre and at Tommy Wass, as well as small scale local convenience stores. It is noted that the Post Office has raised concerns that if services are duplicated it will potentially reduce their business. There are also unemployment uses that will be

lost resulting in job losses for these businesses if they are not relocated. There are therefore negative economic impacts as well as positive ones.

- 7.6 The redevelopment of the site will have significant benefits in terms of the street scene of the area given the very poor visual amenity that currently exists. There could be potential uplift in the overall appearance of the area that could again stimulate economic growth and regeneration.
- 7.7 Trees around the site are to be saved and preserved and landscaping overall enhanced which will have obvious biodiversity benefits.
- 7.8 In weighing up the issues it is considered that given the existing store on the site and the existing shopping patterns that already exist, then approval of this expansion scheme would have a more limited impact than approval of the adjacent Tesco proposal. It is therefore recommended to Members that approval be granted to the Asda proposal subject to conditions which should include limitations on the amount of comparison goods floorspace in order to further protect the specialist offers of the local centre stores.

Background Papers:

Planning application file

Certificate of Ownership: signed by applicant

Glossary

- Brand Loyalty – loyalty to a particular chain of shops or to a particular manufacturer.
- Comparison Shopping – shopping for goods that you may shop around in a number of stores for such as health and beauty products, clothes, consumer goods etc.
- Convenience Shopping – shopping for goods that are everyday needs such as food.
- Main Food Shop – e.g. the weekly household shop where the majority of goods for the household are bought. May be done by car and will travel further a-field. Brand loyalty may be stronger for such a shop.
- Top Up Shopping – more daily types of shopping for, in particular, fresh stuff such as bread and milk. May be done more on foot and on the way home from work and the issue of brand loyalty is reduced.

APPENDICES

1. PREVIOUS PANEL REPORT 8 NOVEMBER 2012
2. APPROVED MINUTES 8 NOVEMBER 2012

Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 08/11/12

Subject: APPLICATION 11/04306/OT. Demolish existing buildings and erect a retail foodstore (Class A1), with car parking, landscaping and access. Site of Asda store, Old Lane, Beeston, LS11 8AG.

APPLICANT

Asda Stores Ltd

DATE VALID

18/10/11

TARGET DATE

17/01/12

Electoral Wards Affected:

Beeston & Holbeck

☐ Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION:

Refuse permission for the following reason:

1. The proposed development comprises of a main town centre use that is located in an out of centre site. The applicant has failed to demonstrate that there are not sequentially preferable sites available to accommodate a retail store of this general scale and form. The proposal is contrary to Unitary Development Plan Review policies SP7, S2, S3, S3a and S5 and to the guidance set out in paragraph 24 of the National Planning Policy Framework 2012, as well as to policies contained within the draft Core Strategy (policy P5).
2. The proposed development is located outside of, but close to, the Dewsbury Road town centre. This is a centre that the UDPR places a priority on its refurbishment and enhancement and development in such proximity to it is likely to make it less attractive to future investment by similar retail provision. The failure to invest in the Dewsbury Road centre will serve to undermine its long term viability and vitality of the centre to the detriment of its retail function. As

such the proposal constitutes an unsustainable form of development contrary to policies S3A and S5 of the UDPR and paragraph 26 of the NPPF as well as to guidance contained in the draft Core Strategy.

1.0 INTRODUCTION:

- 1.1 This application for an out of centre convenience retail store is brought to Members for consideration due to the local significance of the proposal and the number of representations received in relation to the application.
- 1.2 The application is considered on its own merits; however Members are advised of the adjacent site proposal for an out of centre convenience retail store, application reference 10/04404/FU. This raises very similar issues in terms of retail policy and there is a need to consider cumulative impact should both proposals go ahead.
- 1.3 Retail advice has been sought on the proposal from Colliers International who carried out the Leeds City Centre, Town and Local Centre's Study on behalf of the Council.

2.0 PROPOSAL:

- 2.1 The application is submitted in outline to consider the principle of development and the means of access only. All other matters are reserved.
- 2.2 There is an existing Asda store (formerly Netto) on site which is 520m² gross floorspace and has extant permission to expand to 777m² gross floorspace. This application would see this current building demolished and a new, larger store built instead. The new store proposes a gross external floorspace of 3000m², with a gross internal floorspace of 2895m². The net sales area would equal 1903m², of which 1563m² would be for convenience (i.e. food and drink) sales and 340m² for comparison sales (i.e. clothing, shoes, furniture, pharmacy, pet products, gardening etc).
- 2.3 The store is proposed to be open 24 hours and aims to employ approximately 100 full time equivalents.
- 2.4 The proposal would result in the removal of 1720m² of B1 industrial space.
- 2.5 Although the application is outline only an indicative site plan has been submitted which shows an upgraded access to the site in the same location as the existing access point. The new store is shown to the rear in the south western corner of the site and would have maximum dimensions of 56m wide x 58 m long x 8.5m high. The store would be single storey, with a single feature lobby entrance. Proposed elevational treatments include use of brick, grey and green cladding and curtain walling. The roof would be asymmetrical.
- 2.6 Service areas for the store are located within the north western corner, with plant located on the western boundary at the rear of the store. A car park with approximately 195 spaces is shown to the front and side; this features disabled spaces, parent and child spaces, motorbike parking and electric car charging points. Cycle parking for visitors and staff is also included.
- 2.7 Soft landscaping to the front and the southern boundary is retained..

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is currently occupied by a small store located centrally within an area of hard-surfacing and parking which formerly traded as a Netto, now an Asda. To one side of the site is a group of small industrial units which are under used, with parking areas between the Asda site and the units. There is a wide grassed verge with tree planting in along the Old Lane road frontage, whilst the southern boundary is also tree and hedge lined and formed by the route of a pedestrian footpath. Trees to the eastern boundary are protected under TPO 1974/28.
- 3.2 To the rear of the Asda and industrial units is an area of vacant land which has been cleared of buildings and is hard surfaced. This area is bounded by high fencing, beyond which are further industrial units.
- 3.3 The site is set within a predominantly residential area of varying ages and character. The closest dwellings are across Old Lane to the east, and to the south of the footpath. The character is of medium density residential streets, with large areas of industrial and commercial uses spread throughout.
- 3.4 Old Lane is an important through route providing cross link access between Dewsbury Road and Town Street, Beeston. To the north at the junction of Old Lane and Town Street is Beeston local centre which houses a Co-operative store and several smaller uses, whilst along Town Street itself there are a number of small A1 and A2 uses. To the south at the junction of Old Lane and Dewsbury Road there is an emerging centre of Tommy Wass based around the crossroads here which has a number of small A class uses. Further south down Dewsbury Road is the White Rose Centre providing a broad range of shopping services.

4.0 RELEVANT PLANNING HISTORY:

Adjacent site

10/04404/FU – Erection of retail store with car parking and landscaping. Pending consideration.

Application site

- 4.1 11/03310/FU, Installation of refrigeration plant with enclosure and single storey staff extension to retail store. Approved. 29.09.2011.
- 4.2 11/02626/FU, Detached ATM machine and protection bollards to front; detached plant and enclosure to rear of retail store. Refused 26.08.2011.
- 4.3 10/02134/FU, Single storey side and rear extension to retail unit. Approved 05.07.2010.
- 4.4 09/05152/EXT, Extension of time for Planning Application 21/307/04/FU for resubmission of application for rear extension and new roof to retail unit. Approved 18.01.2010.
- 4.5 21/307/04/FU, Resubmission of application for rear extension and new roof to retail unit. Approved 01.12.2004.

- 4.6 07/06716/FU, Installation of an ATM with two anti-raid bollards to shop front. Approved 20.12.2007.
- 4.7 21/58/97/FU, 20m high telecommunications tower with 3 microwave dishes equipment cabin and 3m high boundary fence. Approved 11.04.1997.
- 4.8 H21/72/92/, Change of use of showroom to supermarket. Approved on appeal 09.09.1992.
- 4.9 H21/119/83/, Change of use of 3 wholesale warehouses to 3 light industrial and wholesale warehouses. Approved 25.07.1983.
- 4.10 H21/6/83/, Change of use of warehouse unit to warehouse and light industrial unit. Approved 24.01.1983.
- 4.11 H21/200/82/, Change of use of motor car showroom to retail and whole sale frozen food centre. Refused 15.11.1982.
- 4.12 H21/283/81/, Detached single storey showroom with preparation area, offices and toilets, and with 14 car parking spaces, and landscaping. Approved 07.12.1981.
- 4.13 H21/427/79/, Three single storey warehouse units, with 2 storey office and with 24 car parking spaces and landscaping, to vacant site. Approved 17.09.1979.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The applicants undertook pre-application discussions prior to submitting the formal application. These discussions focussed on highway matters, principals of site layout and appearance of the store, and were used to inform the application submission. Concerns regarding the principle of the use were raised at this stage but were to be dealt with in more detail during the application.
- 5.2 Since submission of the formal application further negotiations have been undertaken on issues such as the access, highway works, Travel Plan, sustainability etc. which the applicants have responded to in a timely manner. Discussions regarding planning policy and the principle of development have also been undertaken throughout with the applicants undertaking work to justify their proposal and to respond to policy comments.
- 5.3 The application has not undergone substantial change or alteration since submission; rather the applicants have sought to provide further justification for a store of this size in response to concerns raised. This work has included providing further sequential assessment information and responding to specific sites put forward by the Council (see Appraisal section below).
- 5.4 The applicants have undertaken community consultation, pre-submission work is outlined in their Statement of Community Involvement, since submission they have also carried out further advertising of the scheme through the existing store and by attending Beeston Community Forum meetings.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been advertised by way of site notices for a Departure, which were posted on 28/10/11. Publicity expired on 10/02/12. An advert was also placed in the Leeds Weekly News and details of the scheme were placed in Beeston Library. 18 responses have been received, 6 objecting to the scheme, 11 in support (which includes 1 petition with @ 1000 signatures).
- 6.2 Supporters of the scheme raise the following points:
- Proposal will improve the streetscene and visual appearance of local area.
 - Proposal will result in better access to the site for visitors.
 - Location of proposed store will result in better amenity for neighbouring residents.
 - Location is highly sustainable, easy to get to without a car and will reduce car borne trips to other supermarkets (e.g. Hunslet, White Rose).
 - Proposal has a number of sustainable features such as electric car points.
 - Provision of local jobs.
 - There are no large supermarkets in the area so this will fulfil a need.
 - Will help regeneration of the area.
 - There are good public transport connections to the site for residents of Beeston and Holbeck.
 - There will be greater choice of goods and facilities than currently offered.
- 6.3 **Beeston Community Forum** – following discussion of the application along with the Tesco scheme at a number of Forum meetings the BCF make the following points:
- They support the principle of a supermarket in Beeston but have not taken a stance as to which operator should be preferred.
 - The Forum raise concerns about the length of time taken to determine both applications and the use of external consultants.
 - Local residents are strongly in favour of a supermarket and this should be given considerable weight.
 - Approval of a supermarket will give local residents easier access to the cheap prices which supermarkets can provide.
- 6.4 The following general objections to the proposal were made:
- There will be an increase in traffic, congestion, HGV movements etc. which will result in more pollution, noise, disruption, dirt etc.
 - Increase in litter.
 - Area will become less safe for children.
 - Loss of business to existing local shops.
 - Already have 2 supermarkets at either end of Old Lane as well as small Asda in middle.
 - New building will have an overbearing effect on neighbours and result in loss of privacy.
 - The scheme will have a detrimental impact on character and local community.
 - Asda themselves objected to the Tesco scheme next door.
 - Other areas beyond Beeston need these types of facility more.
- 6.5 As well as these objections raised by residents a number of local businesses have also objected and their issues are set out below.
- 6.6 **NJL on behalf of the Co Operative Group**
The Co-operative Group is a key investor and employer within Beeston and operate a food store within the Primary Shopping Frontage of Beeston centre. The proposal

represents a large retail development in an out of centre location and should be refused on the following grounds;

- i. The proposal fails to provide an adequate retail impact assessment.
 - Drivers Jonas Deloitte (agents for Asda) have not carried out an adequate retail impact assessment as they consider that as the proposal represents only an “uplift” in floorspace (over extant permission) then an assessment is not required. Furthermore in a commentary of impact they utilise a 5 minute drive time catchment area and consider the methodology to be “robust”.
 - It is clear in PPS4 that assessments of impact are needed on any proposals that are below 2,500 m² which are not in an existing centre and not in accordance with an up to date development plan and which would be likely to have a significant impact on other centres. It is clear therefore that the proposal should be required to undertake a full and proper retail impact assessment. In the absence of such information the application should be treated as insufficient and the application refused.
- ii. The proposal fails to comply with sequential sites assessment.
 - Both PPS4 and the UDP requires evidence to be provided with a planning application to demonstrate the use of the sequential approach to site selection. DJD’s report briefly considers an alternative site at Kwik Save on Dewsbury Road but this is not a thorough assessment and does not properly demonstrate a flexible approach to food store provision.
 - Further policy S3A of the UDP identifies that priority should be given to the refurbishment and enhancement of the Dewsbury Road District Centre.
- iii. The proposal fails to consider impact of loss of employment land.
 - Policy E7 of the UDP and EC6 of the draft Core Strategy seeks to protect loss of employment land subject to a number of criteria. The proposal involves the loss of four industrial units including two of which are still occupied. The applicant provides no detailed information on the loss of employment land and supply in the area.

Peacock and Smith on behalf of Morrisons at Hunslet

6.7 Morrisons operate the main retail food stores in the nearby town centres of Hunslet, Morley and Rothwell, and also own and operate The Penny Hill Centre at Hunslet, they object to this Asda scheme for the following reasons:

- The application site is located 500m from Beeston local centre and is considered as out of centre in PPS4 terms. The application must therefore be considered against the tests of sequential approach and impact and all the criteria in PPS4 policy EC17.1 should be met.
- The application site is physically separated by residential development from the nearest local centre.
- In considering in centre options the applicants have reviewed and dismissed the Kwik Save site on Dewsbury Road. Whilst this unit is smaller than the proposed replacement Asda store we do not consider that the applicant has demonstrated any flexibility in terms of the proposed scale or format of their store. Policy S3A states that priority will be given to the refurbishment of insecure centres like Dewsbury Road. It may be the case that there is a localised need for improved convenience shopping facilities in the Beeston area however we see no reason why this cannot be met from an existing vacant unit within the heart of the Dewsbury Road District Centre. A sequentially preferable site exists.
- In assessing impact the applicants refer to their Primary Catchment Area (PCA) being based on a 5 minute drive time; however a plan detailing this is not provided so it is difficult to provide any commentary on this.

- The cumulative impact of the development is estimated to be a drop of 11.61% on Morrisons at Hunslet. This is a significant level of impact and would reduce the number of shoppers visiting Hunslet and having a knock on impact on all of the shops and services that rely on linked trips to the Morrisons store.
- The applicants base some of their assertions on the impact on Morrisons on a sensitivity test which is not provided with the documentation.
- The impact assessment is based on the uplift in floorspace over and above the extant planning permission for Netto. This has a much lower sales density than Asda and therefore we consider that the impact of the proposed store on existing retail facilities has been significantly underestimated.

DPP on behalf of proposed Tesco at Old Lane

6.8 Tesco Stores Ltd strongly objects to the proposal for the following reasons:

- We believe that this application is no more than a blocking tactic to protect Asda's own commercial interests on an out of centre site in Beeston, as their store is afforded no policy protection in terms of PPS4.
- There is already an identified operator for the site (Asda own the site).
- The application is not accompanied by required reports e.g. Retail Impact Assessment or Employment Land Supply Assessment, and the Transport Assessment merely reproduces figures already submitted by Tesco.
- The application was submitted just over a month after Asda objected to the Tesco application on the adjacent site.
- Why would Asda invest in refurbishing the existing store if there was a serious intention to invest more heavily in Beeston in the immediate future?
- Based on the objection to Tesco it is claimed that a main foodstore development in Beeston would harm their investment in Middleton, we would suggest that Asda's strategy is not in fact to invest in both locations but to prevent any other food retail development from taking place in order to protect their own interests in an out of centre site.
- Asda's planning submission contradicts their objections raised to the Tesco development.
- Asda's assertion that a RIA is not required due to the existing footprint on site is incorrect, the impact needs to be tested for a number of reasons.
- The new store will be operated by Asda, one of the big 4 retailers, not a discounter and will therefore trade very differently to the existing set up.
- The new store will be significantly larger than the existing (396% larger).
- It is larger than the proposed Tesco, and has a larger non food offer.
- The retail catchment area is based on a 5 minute drive time, in the objection to Tesco they complain that Middleton is excluded incorrectly from this catchment area, however in the current submission they argue that Middleton is on the edge of the catchment area and therefore should be excluded.
- In their objection to Tesco they state that it is not appropriate for Beeston to operate as an established major food shopping destination, however in the application submission they state that the proposal provides an enhanced food offer that will effectively compete with the larger food store destinations including Hunslet and White Rose.
- The Tesco objection claims that a new Tesco will result in significant adverse impacts to other centres such as Middleton and would prejudice local shopping needs, however the current submission provides no economic assessment of the proposed scheme.

7.0 CONSULTATIONS RESPONSES:

Statutory:Environment Agency

- 7.1 The proposed development will only be acceptable if the following measures as detailed in the Flood Risk Assessment dated September 2011 are implemented and secured by way of a condition.

Non-statutory:Policy (Colliers)

- 7.2 The household surveys on which the applicant has based their analyses do not provide adequate and appropriate basis for the assessment. The Asda analysis is derived from the Colliers International Centres Study report. This survey was undertaken to assist policy formulation and was not at the level of detail to consider appropriately issues of impact relating to individual store proposals. This has been stressed repeatedly but additional survey work by Asda has not been forthcoming. If additional survey and analysis work had been carried out it may have supported the assertions that Asda makes however as it stands the evidence for both retail impact and cumulative impact contains uncertainties.
- 7.3 One of the main issues of concern with regard to impact is that on Dewsbury Road town centre. Whilst this is currently limited in its range and choice it is the decision of the City Council not to depart from the identification of Dewsbury Road as a town centre. The proposed store would have an impact on this area as a town centre going forward and would and it is considered that a main retailer foodstore would not be interested in locating in or on the edge of Dewsbury Road town centre if the Asda proposal goes ahead.
- 7.4 Further impacts arise on local centres (Beeston) and local convenience store provision. Whilst it is recognised that there will be a diversion away from Beeston centre the evidence used to assess this impact is inadequate and therefore the real trading impact may be much higher. It is considered that significant impact on the local Co-Op store would be a material consideration. Asda will provide much the same local function for the immediate catchment area and will therefore divert trade from the Co-Op; this has not been assessed properly by the applicant.
- 7.5 The Council are also promoting Holbeck at the local centre scale to support a more sustainable community here and the same impacts on commercial and investor confidence arise as with Dewsbury Road.

Local Plans

- 7.6 The drive time for the catchment areas should be 10 minutes not 5, this is the measure used in the Core Strategy. There are concerns about the impact on other centres such as Dewsbury Road and Holbeck which are identified within the draft Core Strategy. Other sequentially preferable sites should be considered further before discounting.
- 7.7 Having reviewed the applicants Employment Land Assessment their conclusions would concur with the Councils in that there is currently a plentiful supply of vacant property for employment uses and therefore it would be unreasonable to object in terms of policy E7.

Highways

- 7.8 The application taken on its own merits is acceptable in highways terms, however if both sites come forward for approval there will be a need to undertake cumulative impact assessments.
- 7.9 The amount of parking provided is adequate.
- 7.10 S278 agreement will cover highway works including provision of pedestrian islands on Old Lane and a right turn lane.
- 7.11 Off site highway works will include improvements to the Old Lane roundabout which will in particular benefit cyclists.
- 7.12 50k funding towards TRO's is offered.

Travelwise

- 7.13 The submitted Travel Plan is acceptable subject to conditions for details such as staff shower facilities, cycle parking etc. A review fee of £2,500 would be required along with £1,500 for dropped kerbs as well as upgrades to bus stops requested by Metro.

METRO

- 7.14 Live information displays should be provided at bus stop number 10074 (outside the site) at cost of £10,000. Good pedestrian access to and from the site should be provided.

Land Contamination

- 7.15 No objections subject to conditions.

Access Officer

- 7.16 A claimed footpath abuts the site (southern boundary) but will not be encroached upon in any way. No objections.

Environmental Health (including noise officer)

- 7.17 No objections subject to conditions to include Construction Management Plan, noise assessment, noise mitigation and plant locations.

Flood Risk Management

- 7.18 No objections subject to condition for drainage details and use of permeable surfacing.

Climate Change Officer, Sustainable Development Unit

- 7.19 Whilst the information submitted suggests a welcome commitment to sustainability there is a lack of detailing within the submission. A condition for a revised Sustainability Statement should be applied to ensure achievement of a minimum "Very Good" BREEAM rating, along with an energy demand report.

8.0 PLANNING POLICIES:

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

Development Plan

8.2 The development plan comprises the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006). The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development.

8.3 Relevant RSS policies are considered to be;
E2 States that town centres should be the focus for offices, retail, leisure and entertainment.

8.4 The site is not covered by a particular designation within the Unitary Development Plan, the following UDP policies are relevant to the consideration of the application:

SP6 – Distribution of land for employment uses
SP7 - Priority to be given to enhancement of the City Centre and town centres
GP5 – General planning considerations;
GP11 – Sustainable Design Principles
E7 – Loss of Employment Land to other uses
N12 – Urban design principles;
N13 – Design of new buildings;
N24 – Development abutting green belt, green corridors or other open land
N25 – Boundaries of sites to be designed in a positive manner
T2 – New development and highway safety;
T5 – Access for pedestrians and cyclists;
T6 – Provision for disabled people;
S5 - Criteria for out-of-centre major retail development (above 2,500 sq.m gross)
BD5 – New buildings, design and amenity;

8.5 Supplementary Planning Guidance/Documents
Public Transport Improvements and Developer Contributions SPD.
Travel Plans SPD
Sustainable Design & Construction SPD “Building for Tomorrow Today”
Street Design Guide.

8.6 Core Strategy Publication Draft 2012

This document was issued for public consultation on 28th February 2012 with the consultation period closing on 12th April 2012. Following consideration of representations the Council intends to submit the draft for examination. The CS sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. Relevant policies are;

Spatial Vision Objectives include the promotion of town and local centres as the heart of communities, and promotion of the regeneration of areas taking into account the needs and aspirations of local communities.

The CS seeks to achieve growth within centres with a “centre first” approach, protecting the vitality and viability of centres. Beneath the city centre, town and local centres perform an important role in providing for weekly and day to day shopping requirements, employment, leisure etc. in easily accessible locations to minimise the need to travel by providing “linked trips”; and by performing a role in place making.

Spatial Policy 2 sets out the hierarchy of town centres, whilst Spatial Policy 8 identifies the city centre and town and local centres as the core locations for new retail and office development.

Policy P1 – Identifies Dewsbury Road and Hunslet as town centres, Beeston and Middleton Park Circus as higher order local centres, and Beeston Hill, Holbeck and Tommy Wass as lower order local centres (Holbeck and Tommy Wass are newly identified centres).

Policy P2 – Acceptable uses within and on the edge of town centres are shops, supermarkets and superstores.

Policy P3 – For higher order local centres small supermarkets of up to 1,858 m² would be acceptable in principle. In lower order local centres small food stores compatible with the size of the centre would be acceptable.

Policy P4 – Proposals for stand alone small scale food stores of up to 372m² gross within residential areas will be acceptable where there is no local centre or shopping parade within a 500m radius.

Policy P5 – New food stores will be directed towards town and local centres. Sites on the edge of town and local centres will be considered where there are no available, viable or suitable sites within a centre. Some town centres such as Dewsbury Road could perform more successfully as major locations for weekly shopping needs if they included a major food store. Appropriate provision will be encouraged and supported where sites can be identified. A site for convenience retailing will be sought in Holbeck to meet an existing deficiency and complement wider regeneration issues.

Policy P8 – Proposals for out of centre A1 uses within residential areas of 1,500m² plus will require both sequential assessment and retail impact assessment with a drive time catchment area of 10 minutes.

8.7 National Planning Policy and Guidance

From 27 March 2012 The National Planning Policy Framework (NPPF) took the place of the PPS's and PPG's and is now a material consideration when making planning decisions. The NPPF sets out the range of the Government's planning policies and sets out the requirements for the planning system but only to the extent that it is relevant, proportionate and necessary to do so. In particular there is an emphasis on decision making at a local level where communities and their accountable Council's can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of communities through up to date development plans to achieve the economic, environmental and social aspects of sustainable development. These dimensions give rise to the need for planning system to perform a number of roles:

- The economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.
- The social role – supporting strong, vibrant and healthy communities, by

providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being;

- The environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

Paragraph 14 sets out the presumption in favour of sustainable development, which means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this (NPPF) framework taken as a whole; or

- specific policies in this framework indicate development should be restricted.”

Section 2 sets out the approach towards ensuring the vitality of town centres. It stipulates that Local planning authorities should apply a sequential test to planning applications for town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

Paragraph 26 requires that *“when assessing applications for retail development outside of town centres, which are not in accordance with an up-to-date Local Plan, LPA’s should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:*

- The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- The impact of the proposal on town centre vitality and viability, including local customer choice and trade in the town centre and wider area....”*

At paragraph 27 the NPPF advises that:

“Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.”

The NPPF acknowledges that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It advises that planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. At paragraph 64 it states:

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

Other Relevant Guidance

- 8.8 Ministerial Statement – Planning for Growth, March 2011.
- 8.9 Planning for Town Centres – Practice Guidance on Need, Impact and the Sequential Approach, CLG 2009.
- 8.10 PPS4 Impact Assessment, CLG, 2009.

9.0 MAIN ISSUES

- 1. Loss of employment Land
- 2. Retail policy
- 3. Highway matters
- 4. Design and Layout of proposed store
- 5. Landscaping
- 6. Relationship to surrounding residential properties
- 7. Planning Obligations

10.0 APPRAISAL

1. Loss of employment land/ alternative uses for the site

- 10.1 Policy E7 relates to the consideration of the use of land currently or last in use as employment land, and advises that uses outside of the B Use Classes will not be permitted unless; the site is not reserved for specific types of employment use/ sufficient alternative employment sites exist both district wide and within the locality/ the proposal would not result in environmental, amenity or traffic problems.
- 10.2 The site is 1.27 ha and considered to be a moderately-sized site in terms of employment land within the immediate locality of South Leeds. The site, together with neighbouring employment and commercial premises comprise an “island” of industrial, warehouse and commercial uses within a built-up area predominantly residential area.
- 10.3 The applicant has submitted a report on employment land issues which states that the eastern portion of the site is occupied by the former Netto (now trading as Asda). The northern edge is occupied by four industrial units, two of which were vacant. These units provide in the region of 1,720 m² of gross employment floorspace. Land to the west was previously in employment use; however buildings have been demolished (between 2006 and 2009).
- 10.4 Although there are residential properties opposite the site on Old Lane, which acts as a local distributor road, there is little evidence that the site is inherently unsuitable for employment or commercial use. However, given that the site is unallocated and in light of the current market situation it is considered unlikely that speculative employment use would come forward on the site.
- 10.5 Whilst the applicants Employment Land Assessment is comprehensive it fails to give a “years of supply” position. Using therefore the most recent ELA carried out on

behalf of the Tesco site in 2010 it is assessed that there is between 22 and 26 years of employment land availability within the locality. The plan horizon for the Core Strategy is 2028 and therefore 22 years of supply does not indicate that an E7 objection would be reasonable.

- 10.6 From the above, it is clear that the loss of this site to an alternative commercial use would not pose any harm to the Council's interests in providing opportunities for local employment uses and there is no objection raised under Policy E7 of the UDP Review. Furthermore, the proposed development would also generate employment, in the region of 100 full time equivalents.

2. Retail policy

- 10.7 The underlying theme from the NPPF is the presumption of favour of sustainable development. Section 2 is specifically entitled 'Ensuring vitality of town centres' and sets out the approach towards ensuring the vitality of town centres. It stipulates that local planning authorities should apply a sequential test to planning applications for town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. Proposals for retail development should specifically include an assessment of the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal, and the impact of the proposal on town centre vitality and viability, including local customer choice and trade in the town centre and wider area. The NPPF advises that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.
- 10.8 In terms of local policy within the development plan, the application should be assessed against Policy S5 of the UDP Review 2006 which advises that major retail developments (above 2, 500 m² gross as set out at para 9.2.7) outside defined S1 and S2 centre's will not normally be permitted unless;
- i. the type of development cannot satisfactorily be accommodated within or adjacent to an existing S1 or S2 centre;
 - ii. it can be demonstrated that it will not undermine the vitality and viability of the city centre or any S2 or local centre or prejudice the local provision of essential daily needs shopping. The policy goes on to advise that it will normally be necessary for the applicant to carry out a formal study of impact on nearby centre's and an assessment of changes in travel patterns.
 - iii. It addresses qualitative and/ or quantitative deficiencies in shopping facilities
 - iv. It is readily accessibly to those without private transport
 - v. It does not entail the use of land designated for housing, key employment sites or land located in the green belt or open countryside.
- 10.9 Policy S5 is considered to be consistent with national guidance set out within the NPPF, with particular reference to the sequential test and impact assessment.
- 10.10 The site at Old Lane is located 470m from the boundary of the nearest identified centre at Beeston and 380m from the emerging centre at Tommy Wass (as identified in the Draft Core Strategy). According to the NPPF definition the site is classified as out of centre and must accord with the sequential assessment criteria

set out at paragraph 24 of the NPPF. Additionally, because the gross area proposed is more than 2,500m² it should also be assessed against the impact criteria set out at paragraph 26 of the NPPF. A Retail Assessment has been submitted with the application (RA).

- 10.11 Relevant case law on retail policy, specifically on the matter of sequential sites, comes from a Supreme Court judgement in a matter between Tesco Stores Ltd and Dundee City Council (21/03/12). Whilst the crux of Tesco's case was the misinterpretation of policy applied by Dundee CC in approving an Asda superstore the judgement also raised important matters on sequential assessment.
- 10.12 The judgement provides authority for the proposition that the suitability of a site in sequential terms is being directed to the developers' proposals, not some alternative scheme which might be suggested by the planning authority. However the case also underlines the principle that the application of the sequential approach requires flexibility and realism from developers and retailers as well as planning authorities. The applicants are expected to have prepared proposals in accordance with the recommended approach, by, for example having had regard to the circumstances of the particular town centre, to have given consideration to the scope for accommodating the development in a different form, and to have thoroughly assessed sequentially preferable locations.

Sequential Assessment

- 10.13 As the site occupies an out-of-centre location it is necessary for the applicant to carry out a sequential assessment of possible alternative sites in accordance with policy requirements. The applicants' retail statement assesses alternative sites within the "natural catchment area" and identifies the only sequentially preferable site as being the former Kwik Save site on Dewsbury Road. They consider it to be unreasonable and inappropriate for the existing Asda store to relocate to the Kwik Save which offers a smaller footprint than that being proposed for Old Lane. This would not offer the opportunity for improvements to the existing Old Lane store to be carried out or to improve the role that the store plays. The Kwik Save site is now undergoing alteration and subdivision into two smaller units, one of which is proposed to be occupied by Iceland.
- 10.14 Following further discussions the applicants reviewed other sites which the Council considered to be sequentially preferable, these included the Police Station site on Dewsbury Road, Crescent Works on Dewsbury Road, and an area of demolished housing in Holbeck (the Runswicks).
- 10.15 All of the sites are dismissed by the applicant with the following conclusions drawn:
- Crescent Works – It is understood that this site is currently unavailable for development and provides a number of well established employment premises that are currently being marketed. There are no adopted or emerging local planning policies to support the principle of redevelopment this site for retail use. There is no evidence to suggest that retail development in this location would be a suitable alternative use or that the site can be viably developed for retail use.
 - Dewsbury Road Police Station Site – The site has an area of just 0.8Ha and therefore not suitable to accommodate a food store of the format required and proposed by Asda at Old Lane. The site would not be suitable to meet the

identified need for a food store to improve local shopping facilities in Beeston; there is no evidence that this site provides a potential alternative sequentially preferable site.

- Runswicks, Holbeck – This site comprises a number of former rows of back to back dwellings and occupies an out of centre location some 1.2km from the nearest centre. *(NB it should be noted that the site is actually 170m from Holbeck local centre).* The site is earmarked for regeneration as part of the PFI schemes and the site is understood to be proposed for residential use. There is no evidence to suggest that the development is available or viable for redevelopment for retail use. There would also be potential impacts on nearby residential uses and the Local Nature Area to the east of the site. The site is therefore less sequentially preferable to that of Old Lane. *NB the site is now acknowledged to be earmarked for housing redevelopment, however there are other, smaller sites that may come forward within Holbeck in the next few years.*

- 10.16 The conclusion is therefore reached by the applicants that there are no suitable, available or viable alternative locations within or on the edge of town or local centres within the PCA or HAS. The proposal therefore satisfies the sequential test.
- 10.17 The Council acknowledges that the sites identified above are not going to allow the delivery of the size of store proposed however it is not considered that the evidence on which the assertions are based is complete and full. For example it is not accepted that the applicants have demonstrated flexibility in the scale and layout of store propositions when considering the sites, both practice guidance and the Dundee judgement require that both applicants and LPA's are flexible. It is not considered in this case that the applicants have adequately demonstrated flexibility in their business model, or put forward enough justification to fully discount other sequentially preferable sites, particularly in the Dewsbury Road area given the primacy of this area in the retail hierarchy. For example there are large areas of industrial development very close to the Dewsbury Road town centre but there is no assessment of whether any of these areas are available, viable or suitable.
- 10.18 Dewsbury Road is acknowledged to be a town centre that is poorly performing in terms of its provision and that it lacks the large anchor store that could stimulate further commercial and retail provision. Both the UDPR and the draft Core Strategy identify it as a town centre that requires promotion and redevelopment and it is seen as being beneficial to encourage regeneration here. It is sustainably located with a main public transport route running through it, and located within walking distance of a large residential district which has large car ownership. It is considered that should Asda open a store of the size being proposed here, this will detrimentally impact on the likelihood of any food store provider looking to open up in or around Dewsbury Road. The potential future impact therefore could be negative and for this reason it is considered that the sequential site search should have been more thorough and considered.

Retail capacity

- 10.19 The applicant has looked at the issue of retail capacity as this can be relevant to the consideration of impact.
- 10.20 The assessment recognises the existing situation with a store that has permission to increase its gross floorspace to 777m². Using the Leeds City Centre, Town and

Local Centres study produced by Colliers International (for the Council) the applicants draw the conclusions that Netto has a limited role as a main food shopping destination but that this will be enhanced by the conversion to Asda branding, the Inner South zone of which the site is a part of is dominated by the Morrisons store at Hunslet (66% of expenditure) and that there is further requirement for main food shopping provision within the zone.

- 10.21 Asda considers that none of the surrounding centres within a 5 minute drive time catchment area (Beeston, Beeston Hill, Dewsbury Road, Tommy Wass) fulfil the role of a main food shopping destination and cater only for specialist food provision, or top-up provision. The enlargement of the former Netto store will improve the offer made by the store and provide the opportunity for consumers to carry out a weekly food shop within the catchment area, this will effectively claw back trade that currently goes outside of the catchment.
- 10.22 Asda also state that they are committed to bringing forward the proposals for a new store in the Middleton District Centre and that this proposal would not undermine that scheme. They state that as the Old Lane scheme represents an uplift in existing retail floorspace then it will not fundamentally alter the wider retail hierarchy. The enhanced offer will compete with larger food store destinations outside the catchment such as Morrisons, Hunslet and Sainsbury, White Rose. Therefore there is a requirement to provide greater consumer choice within the area which the new proposal will deliver.
- 10.23 It is considered by the Council that no allowance has been made for existing centres to increase or decrease market shares within this zone. In particular Dewsbury Road and emerging centres will be affected by the proposed store and future development/ enhancement/ maintenance will depend on market share increasing.
- 10.24 Furthermore, since the catchment area is drawn up from an out of centre location, it is considered that shopping patterns should be looked at in more detail and appropriate expenditure within the catchment that is spent within existing centres should be looked at. For instance, it is not inappropriate for some expenditure to go to Hunslet town centre as part of the catchment area is closer to Hunslet town centre than the proposed store location. Indeed, there must be some overlapping of catchment areas. It is not considered justified that an out-of-centre store should claw back trade from town centre stores just outside its primary catchment area (PCA) as it is considered that this expenditure should be allocated to these centres.
- 10.25 It is considered that Morrisons at Hunslet relies on trade from the PCA accounting for nearly 40% of all expenditure in the PCA and the impact to this store needs to be robustly assessed. Careful consideration also needs to be given to the city wide strategy for new retail provision and strengthening the vitality and viability of existing and emerging centres. Furthermore, there are planned strategies that have not yet been delivered which could again reduce expenditure leakage.
- Impact
- 10.26 The NPPF advises that evidence regarding the impact of the proposal should be considered. The applicant's RA has considered the impact of the proposal on existing centres as well as the cumulative impact of the proposed store and recent permissions.

- 10.27 Table 3.2 of the applicant's addendum RA shows the trade diversion effect of the proposed store on identified town and local centres in terms of convenience goods as follows;
- 3.97% trade diversion from Beeston Local Centre
 - 1.26% Dewsbury Road;
 - 11% for Hunslet

- 10.28 The RA concludes that impacts are minimal and will not threaten vitality and viability of the centres.

Impact on existing centres

Hunslet

- 10.29 The applicants consider Hunslet to be outside of their catchment area, however they have assessed that there will be a 11% drop in trade and turnover on Hunslet due to trade diversion from the Morrisons store, however analysis shows that in 2010 the store was trading at 149% of its benchmark level, which reduces the impact of the Beeston Asda to 7%. The existing health and strength of the Hunslet Morrisons means that even with this level of impact Morrisons will still trade at a predicted 158% of benchmark in 2016 which cannot be viewed as harmful.

- 10.30 The cumulative impact of the Asda Beeston alongside Asda Middleton and Aldi Middleton on Hunslet Morrisons would indicate that the store will still continue to trade at 113% of benchmark by 2016 so this cumulative impact is also not viewed as harmful.

Beeston local centre

- 10.31 It is estimated that the impact on Beeston local centre (which houses the Co-op) will be in the region of 4%, this is considered to be a minimal amount and will not pose any threat to the vitality and viability of these centres.

Dewsbury Road S2 centre

- 10.32 The impact on Dewsbury Road is estimated to be 1% which again as above is not considered to be significant. The applicant further considers that there are no known investments in this area which would be affected by the Asda proposal.

Holbeck emerging local centre

- 10.33 No assessment of the impact on Holbeck has been undertaken by the applicant.

Other centres

- 10.34 The applicant considers that the impact on Beeston Hill centre will be negligible, the occupiers of this area are generally local in nature and there are few vacant units indicating that the centre is healthy. There are no comparable stores to the proposed Asda that will be competed with. The same conclusions were drawn about the Tommy Wass emerging local centre.
- 10.35 With regard to the proposed Asda at Middleton which has permission the applicant states that the Beeston store will not undermine their commitment here. The Beeston store represents an uplift in existing retail floorspace and is able to be accommodated without fundamentally changing the wider retail hierarchy. Furthermore the Middleton centre falls outside of the Beeston primary catchment area.

Leeds City , Town and Local centres study

- 10.36 Following the objections to the proposal received on behalf of Morrisons in relation to their Hunslet store and on behalf of the Co-operative Group in relation to their store at Beeston local centre, it was considered that it would be useful in the assessment of the Tesco Old Lane application to take into account the results of the quantitative need analysis of the Leeds City, Town and Local Centre Study (a city-wide retail assessment being prepared by Colliers International for the City Council). It was initially expected that this report would have been available in early 2011 however this was delayed until July 2011. The Study itself will be used to contribute towards the evidence base of the Local Development Framework including the Core Strategy and Site Allocations Development Plan Document. The report itself has limited status in planning terms, but is capable of being a material planning consideration. The study was commissioned to contribute to the LDF and therefore its findings are of relevance.
- 10.37 The Town Centre Study includes the results of a household survey undertaken in Summer 2010 to help to establish a baseline position on broad expenditure patterns across retail locations and stores in Leeds district. The household survey results have now been made fully available however and table 3 within Appendix 8d of the Study does include a breakdown of the household survey results in respect of convenience shopping destinations in each of the survey zones. The Town Centre Study separately considered expenditure on convenience and comparison goods to establish the quantitative need for each of the sectors. The study split Leeds district into 10 zones based on the Council's area committee structure. The application site and the vast majority of the Primary Catchment Area (PCA) lies within the Inner South Zone of the study (which covers the Council wards of City & Hunslet, Middleton Park and Beeston & Holbeck). The study identifies quantitative need in each of the sub area over three time periods: 2010 to 2016, 2021 and 2026. For consideration of a planning application only the first of the time periods is relevant as the practice guidance advises that assessments of impacts should focus in particular on the first 5 years after the implementation of a proposal, in this case approximately 2017.
- 10.38 The retail floorspace needs assessment for convenience goods (scenario 1: low population projection) from the draft Town Centres Study shows that there is a negative retail floorspace need of 12,091m² net in the Inner South area for the period to 2016. This would mean that there is over capacity of convenience floorspace in the Zone which would not support the case for the new additional floorspace in the area, such as that proposed in this application, outside existing centres.

3.Highway matters

- 10.39 The site has been reviewed in terms of the impact it will have on highway capacity along Old Lane and in the local area. It is considered that on its own the proposed store would not create unacceptable harm to highway safety subject to some highway works being undertaken which would include upgrades to the Old Lane roundabout and traffic regulation orders to prevent parking in local streets.
- 10.40 The access into the site is to be upgraded with relevant highway works including pedestrian islands on Old Lane and right hand turn lanes to ease traffic flows.

- 10.41 The site is readily accessible with a bus stop immediately outside and being within walking distance of a sizeable residential population. A Travel Plan has been accepted which would aim to reduce car borne travel to the site, and promote alternative forms of transportation.
- 10.42 Overall then the proposal is considered to comply with highway policies and guidance.

4. Design and Layout of proposed store

- 10.43 The proposal is made in outline so all layout, scale and appearance matters are reserved. However the indicative proposal shows a store located in the south west corner, which is further back than the existing store. Parking will be to the front of this. This arrangement allows some additional set back and landscaping to be achieved for residents across Old Lane. The set back does bring the store closer to residents to the west and south, however there were previously industrial units on this site which would have resulted in more detriment to residential amenity than this current proposal.
- 10.44 The overall appearance will be quite typical of such stores, but will represent a big improvement on the existing store. Overall subject to consideration of detailed matters then no objection to the design and layout is raised in principle.

5. Landscaping

- 10.45 Again landscaping is a reserved matter however the indicative plan shows retention of the landscaping buffer to the eastern and southern boundaries and there will be opportunities to enhance this further. Subject to detailed consideration there are no objections to the proposal in landscaping terms.

6. Relationship to surrounding residential properties

- 10.46 As stated above the new store would be further away from Old Lane properties, but closer to properties on the south and west. However given the ability to control to a much greater extent issues of noise and odours etc. then it is not considered that the proposal would result in loss of residential amenity, especially given the allowed industrial uses on the site.

11.0 CONCLUSION

- 11.1 The NPPF stresses that applications must be considered against all relevant policies as only then can the issues of sustainable development properly be assessed. The issues around this proposal are complex and numerous and should be considered in conjunction with the neighbouring retail proposal. The following conclusions can be drawn.
- 11.2 The site is located in a sustainable location, it is close to public transport facilities that link to Beeston local centre, Tommy Wass local centre, and to the City Centre and White Rose, as well as other areas that can be reached via the motorway network. The site does not however have a train line. The site is also located within

an area of dense residential population, where car ownership is acknowledged to be low and where issues of unemployment etc. are slightly higher than average. It is noted that the two existing/proposed local centres are within walking distances of the sites location and so could serve the local residents with daily needs, however it is also accepted that the constraints of these local centres would not allow for a larger scale food store. Many local residents are in support of the proposals citing the benefits of having a larger scale food store in the vicinity.

- 11.3 The proposed store would result in new jobs, both in construction and built phases and these could be secured, as much as possible, for the local area through a s106 agreement as has been done elsewhere. The provision of jobs would undoubtedly have wider benefits for the local area, increasing employment rates, helping to tackle deprivation and providing additional income that could be spent in the local area. However the proposal could also result in the decline of existing stores at Beeston local centre and at Tommy Wass, as well as small scale local convenience stores. It is noted that the Post Office has raised concerns that if services are duplicated it will potentially reduce their business. There are therefore negative economic impacts as well as positive ones.
- 11.4 The redevelopment of the site will have large benefits for the street scene of the area given the very poor visual amenity that currently exists. There could be potential uplift in the overall appearance of the area that could again stimulate economic growth and regeneration.
- 11.5 Trees around the site are to be saved and preserved and landscaping overall enhanced which will have obvious biodiversity benefits.
- 11.6 The proposal if allowed is considered to impact negatively on the attractiveness of Dewsbury Road town centre to potential food store operators in this area. There is a need for such development in this town centre in order for this centre to provide the services and facilities that should be provided at that level of the hierarchy. A new food store operator in or close to that centre could stimulate jobs, income and visual enhancements that could kick start regeneration of the wider area. Without this it is likely that Dewsbury Road will continue in its downward spiral with potential for further economic loss.
- 11.7 In weighing up the issues it is accepted that there would be potential economic benefits and that there is support from local communities, however it is still the case that this is a town centre use being proposed in an out of centre location and it is likely to detrimentally impact on the ability of Dewsbury Road, and potentially also Holbeck, to provide retail and economic vitality for their respective areas. This would effectively go against policy in both the UDPR and the draft Core Strategy which seeks to promote Dewsbury Road as a town centre and to bring about opportunities for growth to take place here. Given this conflict with policy and the potential disbenefits, it is not considered that the proposal can be considered to represent sustainable development and is therefore recommended for refusal.

Background Papers:

Planning application file

Certificate of Ownership: signed by applicant

Appendix 2.

Minutes of Plans Panel Meeting 08/11/12 as approved.

The report of the Chief Planning Officer introduced an outline application for the demolition of existing buildings and erection of a retail foodstore (Class A1), with car parking, landscaping and access at the site of the existing Asda store, Old Lane, Beeston.

Members had attended a site visit prior to the meeting and site plans and photographs were displayed.

Further issues highlighted in relation to the application included the following:

Further information from the applicant and letters of support had been received.

An alternative site on the Dewsbury Road Town Centre had not been identified.

There was an extant permission to expand the current premises.

Existing access to the site would be used and improved.

TPO trees would be retained.

There were no concerns in relation to siting, layout, highways or design.

The applicants' representative addressed the meeting. The following issues were highlighted:

The proposals represented a significant investment in Leeds and would provide up to 140 jobs in a deprived area.

The current store did not meet the needs of customers.

A 1,000 signature petition had been received in favour of the proposals.

Work carried out by Asda in the local community.

A representative of a local primary school also spoke in support of the application and referred to the community life programme carried out with Asda and how they would benefit further from the proposed scheme.

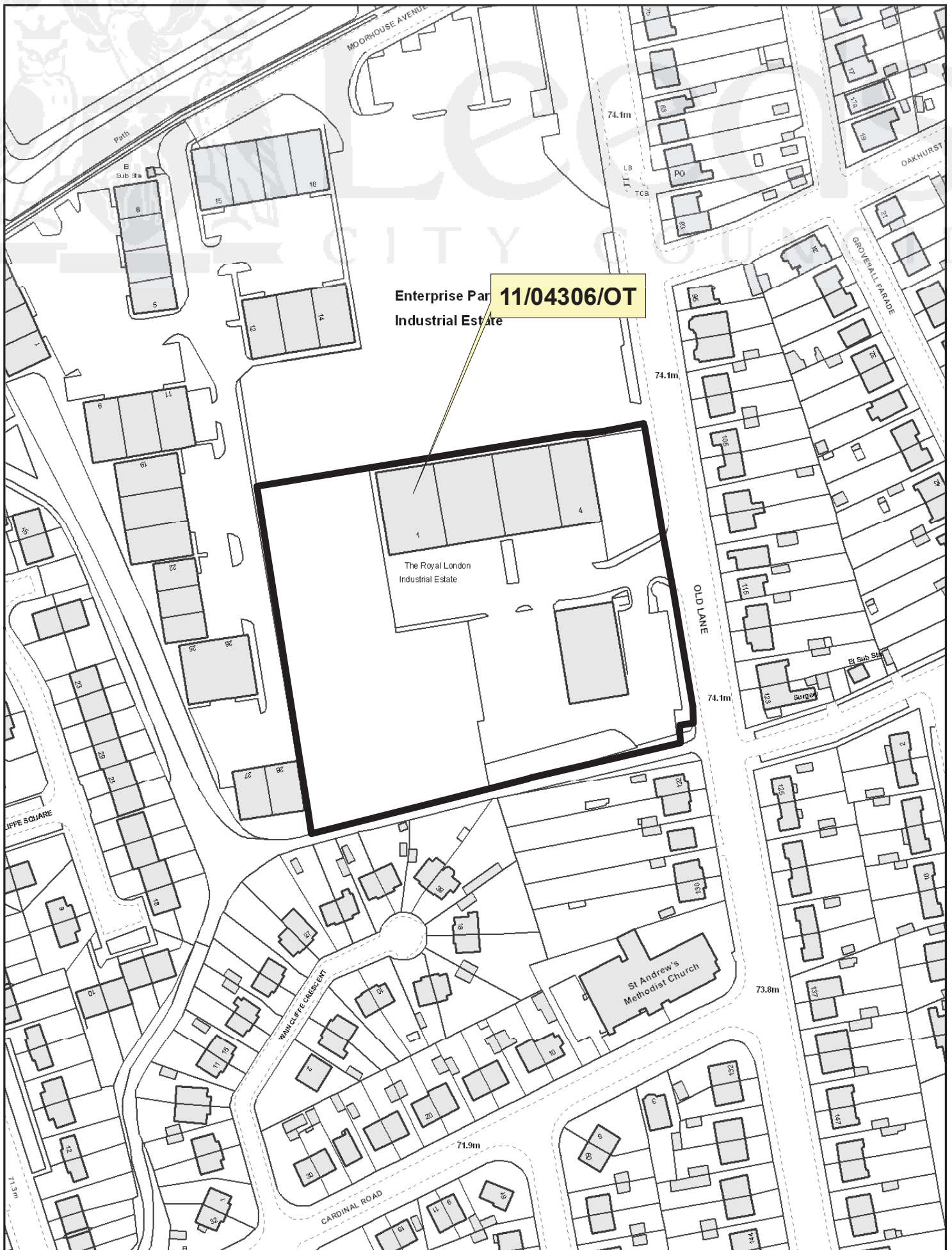
In response to Members comments and questions, the following issues were discussed:

Asda employed over 5,000 staff across Leeds and approximately 80% were from within a 2 mile radius of where they were based.

The unused buildings to the rear of the current store would be demolished.

Comments regarding Dewsbury Road Town Centre as discussed on the previous application were reiterated and Members were asked to consider the impact should this and the previous application be approved.

RESOLVED – *That the officer recommendation for refusal be not accepted and the application be deferred for further negotiation.*



SOUTH AND WEST PLANS PANEL

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Originator: Ian Cyhanko

Tel: 247 4461

Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 20th June 2013

Subject: PLANNING APPLICATION 13/00521/FU

New Cricket Pavilion, at Rodley Cricket Club, Town Street, Rodley, LS12 1HW

APPLICANT

Mr Gary Walton
Rodley Cricket Club

DATE VALID

2nd April 2013

TARGET DATE

28th May 2013

Electoral Wards Affected:

Calverley and Farsley

☐ Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION: Grant Planning Permission subject to the following Conditions:

- 1 3 year time limit
- 2 Accordance with approved plans
- 3 Walling and roofing materials to be approved
- 4 Use only allowed in conjunction with a cricket match/ training
- 5 No use of building after 21:30 hours
- 6 Details of enclosed bin store to be submitted to, and approved by the LPA

In reaching a decision the case officer dealing with the application has worked with the applicant/agent in a positive way to produce an acceptable scheme in accordance with paragraphs 186 and 187 of the National Planning Policy framework.

In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public

representations about the application and Government guidance and policy as detailed in the National Planning Policy Framework, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), the Regional Spatial Strategy 2008 (RSS) and The Development Plan, the Leeds Unitary Development Plan Review 2006 (UDPR).

GP5, N1, N6, N12, N33, T2, SA6 and GB20

On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.

1.0 INTRODUCTION:

- 1.1 This application is brought to Panel due to the number of objections which have been received to the application in the interests of democracy and transparency.

2.0 PROPOSAL:

- 2.1 The applicant seeks planning permission for a single storey building which will function as a cricket pavilion. The proposed building has a footprint of 11.6m x 17m, and is 2.5m in height to eaves level and is 5.3m to ridge level. The building has a footprint of 197 sq m, and a roof pitch of 25 degrees.
- 2.2 Internally the accommodation offers two separate changing rooms with showers and toilets. Other public toilets, a bar and seating area, kitchen and store. The building is to be constructed in brick with an artificial slate roof. The front elevation of the building has been designed as a traditional cricket pavilion with a canopied deck area at ground floor level. This is raised external viewing / seating area approximately 0.9m above ground level due to the slope of the site.
- 2.3 The proposal has been submitted, as at present the Cricket Club shares changing facilities with both local rugby and football clubs, which does result in some clashes. The proposal will allow the cricket club to operate without the constraints of agreeing a mutual timetable with these other sport users.
- 2.4 The applicant has confirmed that the proposal would be used by a junior team for training purposes on a Tuesday evening and matches on Friday evening, and the senior team on Saturday afternoons and occasional Sundays. As such, the changing facilities would be required to be operational at these times, along with kitchen facilities to allow relevant parties to change and also to allow supporters of games to have the option of a snack or hot drink.
- 2.5 The applicants have stated they intend to apply for a match day alcohol licence only, which in essence means Saturday's and very occasional Sundays, to enable both the home and away team players and supporters to have a drink together after the games. The bar area will not be used independently or hired out for separate social functions.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site consists of an open area of land which lies on the opposite side of the canal to the built settlement of Rodley, which lies to the west. The land is used as a cricket pitch and an existing red brick built single storey building which acts as the club house and offers changing facilities lies to the south of this site, approximately 100m away. This at present this building is shared with other sport users including local Rugby and Football clubs. The site is designated as a protected playing pitch within the Green Belt and Urban Green Corridor. The site is surrounding by Green Belt land to three sides.
- 3.2 Rodley is an attractive popular residential area which lies on the western edge of the Leeds settlement. Rodley is characterised by stone built terraced properties and more recent in-fill modern housing developments. A relatively new modern housing development of town houses and apartments lie opposite this site, across the canal. This development is 3 storeys in height and is situated at a higher land level when compared to this application site. The locality is popular with walkers who use the canal, and the nearby Rodley Nature Reserve, which lies to the south-east of this site.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Replacement single storey detached cricket scoreboard and store. Approved 19th January 2011.
- 4.2 Planning consent has also previously been granted for a detached cricket pavilion in March 1983 (H24/41/83). However it appears this building has since been demolished. The applicants states this occurred in 1992.
- 4.3 Planning consent for the existing club house and changing room building was granted planning consent in June 1978 (H24/362/78).

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 No negotiations took place with the Local Planning Authority prior to the submission of this application.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 Three site notices were also posted adjacent to the site on 12th April 2013. To date 19 objections have been received to the application, and two letters of support.
- 6.2 The points raised in these objections are highlighted below.
- The building is too small to accommodate other sports, the building should be larger and adaptable for other sports
 - The size and design of the structure is out of keeping with the character of this locality
 - The outlook from properties opposite will be harmed
 - A large illuminated structure would effectively urbanise a wild area, and destroy what is currently a semi rural site.
 - There has been no provision for youth teams of any sport.

- The proposal will have an adverse impact on property prices
- Noise / anti-social behaviour from the bar in the late evening
- The existing changing facilities should be developed rather than a new building being constructed
- Emergency Services would not be able to access the site
- The site has no services and no access
- The proposal will attract vandals due to its remote location
- The proposal will generate cooking odours
- The proposal could be located elsewhere which would have a lessen impact on residential properties
- There is insufficient parking for this proposed use
- The proposal would be devised in conjunction with the adjacent Rugby Club

6.3 The points raised in the two letters of support are highlighted below

- The development is in keeping with other public park sited cricket clubs
- The existing facilities are shared with football and rugby clubs as there are regular clashes in games times in the summer season which restricts when games can be played
- The proposal replaces a previous cricket club which was burnt down in the early 1980's
- The proposal will encourage sport, activity and team building

7.0 CONSULTATIONS RESPONSES:

Statutory

- | | | |
|-----|------------------------|--|
| 7.1 | Sport England | No objection now revisions have been made to the scheme which mean the changing rooms now meet the standard minimum criteria |
| 7.2 | Environment Agency | Confirmed no comment to make |
| 7.3 | Canal and Rivers Trust | No objections |

Non-Statutory Consultations:

- | | | |
|-----|-------------------|--|
| 7.4 | Contaminated Land | No objection |
| 7.5 | Highways | No objection, the site benefits from a large car park and there are no records of complaints regarding overspill parking when the use is in use. |

8.0 PLANNING POLICIES:

- 8.1 The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006). The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development. Accordingly, it is not considered that there are any particular policies which are relevant to the assessment of this application, furthermore the RSS is due to be revoked shortly and its policies should be afforded little weight.

8.2 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013.

8.3 As the Council has submitted the Publication Draft Core Strategy for independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

8.4 UDP Policies:

GP5 Refers to proposals resolving detailed planning considerations (access, landscaping, design etc), seeking to avoid problems of environmental intrusion, loss of amenity, danger to health or life, pollution and highway congestion and to maximise highway safety.

SA6 Encourage Provision of facilities for Leisure Activities

N1 Development of area identified as protected greenspace will not normally be permitted other than for outdoor recreation.

N6 Development of playing pitches will not normally be permitted.

N12 Design of New Buildings

N33 Development in the Green Belt

T2 Impact on Highway Safety

GB20 Buildings essential for outdoor sport and recreation in the Green Belt.

8.6 National Planning Policy Framework

This document sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system and strongly promotes good design.

9.0 MAIN ISSUES

- Principle of Development
- Design/ Visual Impact
- Impact on Residential Amenity
- Highways/ Parking
- Other Issues

10.0 APPRAISAL

Principle

10.1 The main issue of principle is whether the submitted proposal is acceptable in the Green Belt. The starting point for this is to consider whether the form of development

is one that is considered appropriate for the Green Belt. Paragraph 89 of National Planning Policy Framework and Policies N33 and GB20 of the UDP consider this issue.

- 10.2 Paragraph 89 of the NPPF indicates that the construction of new buildings in the Green Belt is inappropriate other for, inter alia, appropriate facilities for outdoor sport. Policy N33 effectively reiterates this.
- 10.3 Policy GB 20 of the LUDPR expands on this, stating that new buildings for outdoor sport will be permitted provided:
- The development is required for a use which preserves the openness of the Green Belt; and
 - Does not exceed in size the needs of those taking part in or viewing the sport or recreation;
 - The visual impact on the countryside is minimised.
- 10.4 In assessing the proposal against policy GB20, the proposal is required for a use (playing of a sport) which does preserve the openness of the Green Belt. The floor area of the proposed development is 197 m² which is considered to be relatively small and typical of a building of this function, which is not considered to exceed the size and needs of those taking part. The response from Sport England confirms that the changing facilities meet the minimum criteria. The social space within the building is also considered to be small, approximately half the size of the building and it is not considered the proposed social facilities are disproportionate to the size of the membership and the changing facilities. The impact on the countryside is minimised by its small size and height. It is considered the proposal follows the policy guidance of paragraph 89 of the NPPF and policy GB20 of the adopted Leeds Unitary Development Plan, and as such is considered to be acceptable in principle.
- 10.5 The proposed development does not erode the size of the actual cricket pitch, and therefore the development will maintain all of the existing sporting pitches, whilst the function of the building is to provide improved and additional facilities to enhance the use of the identified greenspace for recreational purposes. It is considered therefore that the proposal complies with Policies N1 and N6 of the UDP.
- 10.6 Sport England have confirmed they support the application as it will enhance recreational facilities for playing sports. It is also important to note the benefit of playing sports in terms of exercise and physical wellbeing, community involvement and social cohesion, which this proposal will contribute towards. Paragraph 17 of the NPPF supports improvements to local health, social and cultural wellbeing for all, and Paragraph 74 which Promotes Healthy Communities, also supports development for alternative sports and recreational provision. The application is therefore considered to be acceptable in principle, subject to an assessment against all other normal development control considerations.

Design/ Visual Impact

- 10.7 The proposal is single storey in height, of brick construction with a tiled pitched roof. The proposal includes a front facing veranda/ decked area which will be used as a viewing platform for games. The design is considered to be typical of a building of this function and setting within playing pitches and open green land. The proposal has a simple design which is considered to follow the policy guidance of N12.
- 10.8 A number of objections have been received to the visual impact of the proposal in its setting which is upon open green land. The rear elevation of the pavilion, which

faces towards the canal is located approximately 50m away from nearest residential properties. The site is also situated at a lower level when compared to these properties, which further minimises its visual impact. These opposite properties are 3 storeys in height and sited in raised position, in relation to the canal and this site. Given the distance to the proposal, and the relatively low height of the proposed pavilion it is not considered the proposal would appear unduly dominant or significantly affect the views from these properties. The canal towpath is also bound by a row of trees and shrubs which partially screens the site. For all of these reasons it is not considered the proposal would appear unduly dominant or have an detrimental impact on the overall character of the locality. As stated above, its appearance and design does relate to the function of the site as a cricket pitch.

Amenity Considerations

- 10.9 The rear south-eastern elevation of the building which faces onto the canal and residential properties beyond, only contains doors which serve a plant room. There are no other openings contained in this elevation. The veranda is orientated away from these properties. The nearest residential properties lie approximately 60m away from this external viewing/ seating area, and the proposed building would act as a buffer between this area and properties located on the opposite side of the canal. For all of these reasons it is not considered the proposal would have an adverse impact on these residential occupiers.
- 10.10 A number of objections have been received to the potential for noise, anti-social behaviour and the fact the proposal could be used as an independent social club/ venue in the late evening. As stated in section 2.4 of this report, the social facilities will only be in use after matches, to allow opposing teams the opportunity to socialise. It is not considered, given the fact the wider site is already used for playing cricket that the proposal will introduce a new element of activity or noise on days when sport is being played.
- 10.11 The use of the building will be conditioned on approval to ensure the social facilities are only used in conjunction with a game, and not hired out separately by third parties for separate functions as it is considered the use in late evening hours could have an adverse impact on nearby residents. The use of the building will be conditioned until 21:30 hours which will allow ample time after matches for the teams to use the social facilities.
- 10.12 No details of bin storage have been included into the application. It is considered an enclosed bin store is required both to protect the amenity of residents opposite and in the interests of visual amenity. A duty to submit full details of a covered bin store will be conditioned on approval.

Highways/ Parking

- 10.13 The applicants have confirmed that for senior matches there is usually a maximum of 40 people present and between 20-25 cars. Junior matches have a smaller attendance and fewer cars present. The existing car park comfortably holds 50+ cars and it is shared between the rugby and cricket club. There is no guideline for parking for sports pitches within the UDP so we would look at each site on its own merits.
- 10.14 Should both clubs be in use at the same time, it is not considered that there would be overspill car parking on Town Street. If however, it should occur it is not considered it would be significant. This highway is covered by waiting restrictions which prevent parking during 8am and 6pm Mon-Sat. The Council's Traffic Management team have confirmed they are not aware of any parking problems emanating from this site. It is therefore considered the proposal follows the policy guidance of policy T2.

Other Issues

- 10.15 There are no grounds to refuse the application due to the fact the proposed sports pavilion is for the use by the cricket club only. The applicant has stated at present that sharing the existing club house does result in clashes with other sports users which prohibits cricket games from the been played.
- 10.16 The fact the site does not benefit from services at present, does not warrant grounds to refuse the application. The impact on nearby property prices is also not a material planning consideration. It is not considered the proposal would have any impact on nearby wildlife.

11.0 CONCLUSION

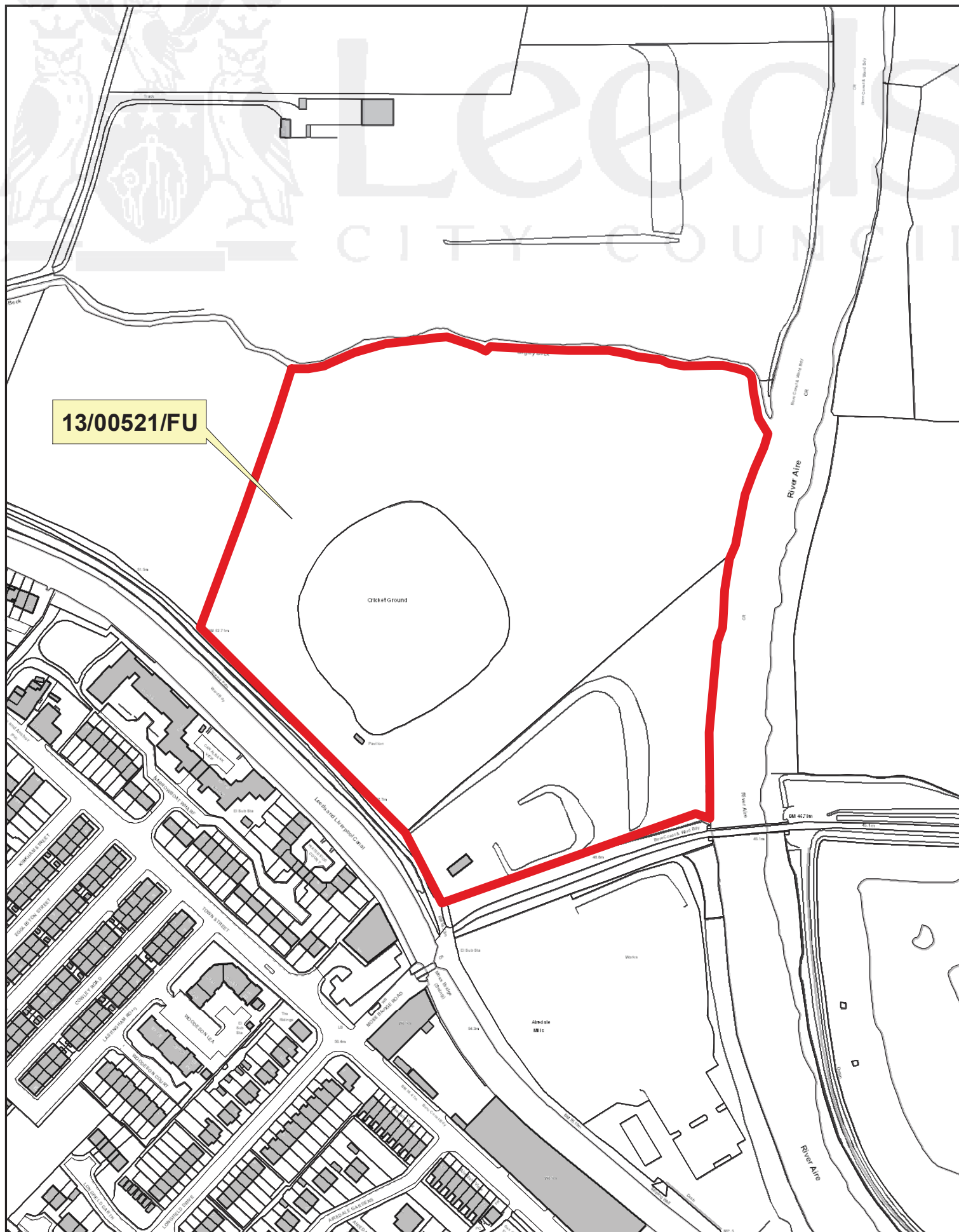
- 11.1 It is considered that the proposal is by definition appropriate development within the Green Belt, and on balance, the benefits of the scheme in providing modern facilities to allow the continued use and popularity of this sport, outweigh any harm caused in terms of activity and visual impact. For these reasons the proposal is recommended for approval subject to conditions.

Background Papers:

File 13/00521/FU

Ownership Certificate:

Certificate A signed by applicant



SOUTH AND WEST PLANS PANEL



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Originator: Laurence Hill

Tel: 0113 3952108

Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 20th June 2013

Subject: Application 13/01100/RM – Demolition of existing buildings, laying out of access roads and erection 106 houses. University of Leeds, Bodington Hall. Otley Road, Adel LS16 5PT

APPLICANT

David Wilson Homes Ltd

DATE VALID

25th March 2013

TARGET DATE

24th June 2013

Electoral Wards Affected:

Weetwood & Adel and Wharfedale

☐ Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION:

GRANT PLANNING PERMISSION subject to the following condition

1. Development to be carried out in accordance with the approved plans.
2. Notwithstanding the approved plan and prior to first occupation, all windows on each elevation shall have artificial stone heads and cills and all doors on each elevation shall have artificial stone heads.
3. In reaching a decision the case officer dealing with the application has worked with the applicant/agent in a positive way to produce an acceptable scheme in accordance with paragraphs 186 and 187 of the National Planning Policy framework.

In approving these reserved matters the City Council has taken into account all material planning considerations including those arising from the comments of any

statutory and other consultees, public representations about the application and Government guidance and policy as detailed in the National Planning Policy Framework and (as specified below) the content and policies within Supplementary Planning Guidance (SPG) and The Development Plan consisting of the Leeds Unitary Development Plan Review 2006 (UDPR), the Natural Resources and Waste Local Plan 2013 (NRWLP) and the emerging Publication Draft Core Strategy Nov 2012 (DCS).

GP5, N2, N4, N12, H4, H11, H12, H13, T2 and T24.
Neighbourhoods for Living

On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.

1.0 INTRODUCTION

- 1.1 This application is brought to South and West Plans Panel due to the local interest in the scheme and the scale of the proposed development. The site is located within the Weetwood Ward but is also adjacent to the Adel and Wharfedale ward. Accordingly, members of both wards have been consulted to keep them informed of the development proposals.
- 1.2 Members will recall that the application 12/02071/OT for outline consent for residential development, with an indicative master plan for 160 dwellings, was brought to Plans Panel on 13th June 2012. Members resolved to defer and delegate approval of planning permission subject to the completion of a Section 106 agreement securing affordable housing provision at 15 percent of the total number of dwellings, on site provision of greenspace and an off site contribution, off site highway works, education contribution and travel planning measures and monitoring fee and public transport infrastructure contribution. Planning permission was subsequently granted with a Section 106 agreement securing these contributions and all relevant conditions.
- 1.3 This application seeks permission for all reserved matters; access (within the site); appearance; landscaping; layout and scale. Members are advised that the consideration of this application is limited to these issues. The principle of developing the site and the vehicular access arrangements on Otley Road and Adel Lane were agreed through the outline application.

2.0 PROPOSAL:

- 2.1 The proposed development comprises the laying out an access road and construction of 106 dwellings.
- 2.2 The highway layout provides vehicular access from Otley Road and Adel Lane. The internal arrangements involves a central loop road with a series of cul-de-sacs providing vehicular access to each dwelling.
- 2.3 The proposed dwellings are predominately large detached properties with 66 five bedroom and 24 four bedroom proposed. 16 two and three bedroom terrace properties are proposed and these form the affordable housing units for the development.

2.4 A range of 10 different house designs are proposed across the site all with a traditional design, form and use of architectural detailing. A mixture of brick and artificial stone is proposed, with three pockets of brick properties and two pockets of artificial stone located across the site. The houses are predominantly 2 storey in height.

2.5 An area of public open space is located within the centre of the site.

3.0 SITE AND SURROUNDINGS:

3.1 The site is a recently closed purpose built halls of residence with accommodation for approximately 1000 students. There are several blocks on site of various heights but generally the blocks are 4-5 storeys high. The site is bordered by N6 protected playing pitches to the south and government office buildings to the north.

3.2 The site is covered by a group Tree Preservation Order. This includes the trees belts located to the west, north and east which form a buffer around the developable areas of the site and the individual trees located throughout the site.

3.3 The wider area is largely characterised by two storey residential properties though there are some commercial and non residential premises to the north of the site.

4.0 RELEVANT PLANNING HISTORY:

4.1 11/05065/OT- Outline Application for residential development, including means of access and demolition of existing buildings. Refused March 2012: for lack of information being submitted to demonstrate Adel Lane could be used safely for access, concerns over the indicative masterplan not responding to local character, lack of information for sustainable design and construction and non-compliance with S106 requirements.

12/02071/OT: Outline Application for residential development including means of access and demolition of existing buildings – Approved subject to conditions and Section 106 agreement

5.0 HISTORY OF NEGOTIATIONS:

5.1 Prior to the submission of the reserved matters application, discussion took place regarding the layout of the proposal. The applicant was advised that the scheme, with the reduced number of dwellings and resulting lower density development would likely be acceptable subject to the retention of the important protected trees on the site, appropriate design and use of materials for the dwellings and an acceptable highway and parking layout.

5.2 The applicant has undertaken a Community Involvement event. Feedback from the local residents attending the event primarily related to concerns with the use of the Adel Lane access, the mix of housing and the appearance of the new dwellings.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 17 letters of representation have been received to the publicity of this planning application to date. The following issues have been raised:

- Concerns over use of Adel Lane with the impact this will have on highway safety and congestion locally. Consideration should be given to closing off the access or making it one way.
- A no parking zone should be considered for Adel Lane.
- Traffic calming measures should be implemented on Adel Lane
- The new houses located on the site of the former changing rooms will be overly prominent.
- The proposal represents an overdevelopment of the site. Consideration should be given to a lower density housing scheme.
- The proposal will result in a significant increase in demand for local school places.
- The site is located away from local amenities.
- Affordable housing should be provided as an off site commuted sum to be used to bring surplus student houses into use as affordable family homes.

7.0 CONSULTATIONS RESPONSES:

Contaminated Land: No objections subject to conditions

Highway Development Control: No objections

Environment Agency: No objections subject to conditions

Housing: No objections

Yorkshire Water: No objections

Affordable Housing Team: No objections

Environmental Protection: No objections subject to conditions

8.0 PLANNING POLICIES:

As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Leeds Unitary Development Plan (Review 2006) unless material considerations indicate otherwise.

Development Plan:

The relevant Policies in the adopted Leeds Unitary Development Plan are listed below.

Policy SG4: Sustainable development principles

Policy GP7: Planning obligations

Policy GP5: Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

Policy N2: Greenspace

Policy N4: Greenspace

Policy N12: Urban design priorities

Policy N13: Design quality for new housing

Policy H4: Windfall housing sites

Policy H11: Affordable housing

Policy H12: Affordable housing

Policy H13: Affordable housing

Policy T2: Highways issues

Policy T24: Parking provision for new development

Relevant supplementary guidance:

Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Unitary Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.

Street Design Guide SPD
Neighbourhoods for Living SPG
Adel Neighbourhood Design Statement

DRAFT CORE STRATEGY

The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012.

The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013.

As the Council has submitted the Publication Draft Core Strategy for independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

POLICY P10: DESIGN

New development for buildings and spaces, and alterations to existing, should be based on a thorough contextual analysis to provide good design appropriate to its scale and function.

New development will be expected to deliver high quality innovative design that has evolved, where appropriate, through community consultation and which respects and

enhances the variety of existing landscapes, streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place, contributing positively towards place making and quality of life and be accessible to all.

Proposals will be supported where they accord with the following key principles;

- (i) The size, scale and layout of the development is appropriate to its location and respects the character and quality of the external spaces and the wider locality,
- (ii) The development protects the visual, residential and general amenity of the area including useable space, privacy, noise, air quality and satisfactory penetration of daylight and sunlight,
- (iii) The development protects and enhance the district's historic assets in particular existing natural site features, historically and locally important buildings, skylines and views,
- (iv) Car parking, cycle, waste and recycling storage are integral to the development,
- (v) The development creates a safe and secure environment that reduce the opportunities for crime without compromising community cohesion.
- (vi) The development is accessible to all users.

NATIONAL PLANNING POLICY:

The National Planning Policy Framework was issued at the end of March 2012 and is now a material planning consideration. The NPPF provides up to date national policy guidance which is focused on helping achieve sustainable development. There is a presumption in favour of sustainable development. The basis for decision making remains that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Planning System should have a role in " supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being" (NPPF paragraph 7).

9.0 MAIN ISSUES:

- 1) Design and Layout
- 2) Residential Amenity
- 3) Trees and Landscaping
- 4) Highway Safety and Parking
- 5) Other issues
- 6) Local Representations
- 7) Conclusions

10.0 APPRAISAL:

Design and Layout

- 10.1 Consideration has been given to the quality of the design and layout of the proposed development.

- 10.2 The layout of the development includes a central loop road with access through the site from Otley Road and Adel Lane with a series of cul-de-sacs providing access to dwellings from the main loop through road. The cul-de-sacs are of minimal length preventing a significant number of dwellings relying on a single cul-de-sac for access. Overall, it is considered the layout ensures an appropriate degree of permeability through the site.
- 10.3 The layout of the dwellings is designed to ensure that active elevations are proposed where dwellings front the highway. Where properties occupy corner plots dual elevations are used, preventing blank elevations being prominent within the street and ensuring natural surveillance is secured across the site. The front gardens of the properties will remain largely open. Where some enclosure is required in prominent locations this will be low level railing to front gardens and public open space and 1.8 metre wall and fencing where rear gardens are enclosed.
- 10.4 Ten different property types are proposed for the development with varying design, scale and form. A range of architectural detailing is used including front gables, dormer windows, headers and cills and varying roof pitches and roof heights. With regards to materials, a combination of brick and artificial stone is proposed, to be used in distinct pockets through the site. The result of this is a mixed and varied street with properties with well articulated elevations, creating visual interest throughout the site.
- 10.5 The overall density of the development is considered to be acceptable. It is noted that the density of development has been substantially reduced from the indicative layout plan of the approved Outline application plan. The indicative plan showed 160 dwelling which has been reduced to 106 dwellings. This enables a lower density development. The result of this is a generous degree of separation provided between the majority of dwellings across the development with particular emphasis on space between properties fronting the main through road of the development.
- 10.6 An area of public open space is located within the centre of the development with other small open areas are located around the retained trees throughout the site. The result of this is a spacious and relatively low density development which will afford future occupants an attractive living environment.
- 10.7 Consideration has been given to the impact the development will have on the established character of the surrounding area. The surrounding area is largely characterised by large detached residential properties set within generous plots. The proposed development reflects this established character. To the north, east and south of the site is a belt of mature and protected trees. This belt of trees provides generous screening of the site such that views of the development from surrounding streets will be limited. The dwellings replacing the changing room facilities to the south of the site will be clearly visible from the playing fields and ring road. However, these dwellings will be read against the tree belt and views will be from vantage points away from the site. These properties will therefore have only limited impact on the visual amenity of the site and surroundings.
- 10.8 It is considered the overall design and layout of the development represents a high quality scheme.

Residential Amenity

- 10.9 Consideration has been given to the residential amenity the development affords future occupants and any potential impact on the amenity of occupants of nearby properties.
- 10.10 The layout of the development ensures that each property is not significantly overlooked by surrounding properties, with private amenity space provided for each property. Moreover, the orientation of properties will ensure that properties are not unduly overshadowed or dominated. The large majority of properties have at least two thirds of the total floor area as usable private garden space. A limited number of properties have smaller gardens but they are still considered usable private amenity areas for future occupiers. Overall the garden sizes and garden layout afforded to the proposed dwellings is considered acceptable.
- 10.11 The development is located away from neighbouring properties with the surrounding tree belt providing screening to the development. As such, no direct adverse impact is anticipated to the residential amenity of the occupants of nearby properties.
- 10.12 The proposed access arrangements are not envisaged to impact on the existing neighbouring dwellings to any significant extent. The comings and goings from the use of the existing Adel Lane access should not result in any serious impacts on the neighbouring residents. This issue was addressed during the Outline planning application and does not form part of the consideration of this Reserved Matters application. It is noted however that the internal access road is designed to be an unattractive route to discourage people from considering 'rat running' from the A660 through to Adel Lane. The internal road layout will be designed in accordance with the Street Design Guide SPD to help achieve this through a series of traffic calming features and a speed control bend and carriage way narrowing close to the access on to Adel Lane.
- 10.13 Overall, it is considered the proposed development will afford future occupiers with a good level of amenity with no serious detrimental impact on the amenity of surrounding properties.

Trees and Landscaping

- 10.14 The site is covered by a Group Tree Preservation Order, therefore careful consideration has been given to the impact the development will have on retained trees and the appropriateness of removing a number of trees from the site.
- 10.15 With regards to the individual trees within the site, the originally submitted layout including the removal of a number of trees which have been identified as 'B' category trees. As these trees are considered to be very good specimens which contribute significantly to the landscape character and amenity of the site and would, if retained, be a positive asset to the development, this position was considered unacceptable. The layout of the development has therefore been amended to enable the retention of all individual 'B' category trees within the site. Where trees have been retained, a small area of open space has been included in the layout to provide an adequate buffer for the tree. These pockets of retained trees and associated open space contribute to the spacious, landscaped character of the development. The result is an improvement to the overall design and layout of the scheme.
- 10.16 1 'B' category tree is to be removed within the tree belt to the north of site and a number of 'C' category trees are to be removed both from within the site and within the surrounding tree belts. As part of the application process, the number of 'C' category trees to be removed has been substantially reduced. As a result of the reduction in tree removal, it is considered that the modest loss of these trees will not

result in significant harm to the landscape character of the site and is reasonable to allow the removal to facilitate the redevelopment of this site. A landscape scheme will be submitted through the condition discharge process, this will include a scheme for new tree planting to compensate for any tree loss.

- 10.17 An adequate degree of separation is provided between the development and the protected tree belt to the north of the site. This ensures that only minimal removal of trees is required in this area, preserving both the landscaped character and wildlife value of this area.
- 10.18 Careful consideration has been given to the impact the drainage scheme will have on the protected band of trees to the south of the site. It is proposed that the drainage from the site will run through this area of trees. The applicant has demonstrated the route proposed will have a limited impact on nearby trees and that a sensitive, unintrusive hand dig approach can be undertaken to ensure any damage and disturbance to the trees can be minimised. A condition was imposed on the outline permission requiring the full agreement of the drainage details. These details can be approved through this condition.

Highway Safety and Parking

- 10.19 The details of the vehicular access into the site from Otley Road and Adel Lane was agreed as part of the outline planning application. The internal highway layout and parking was reserved and forms part of the consideration of this application.
- 10.20 The highway layout of the development enables access to the entire site from Otley Road and Adel Lane allowing vehicles to travel through the site. However, the layout is designed such that there is no convenient direct route through the site and traffic calming measures are provided at the Adel Lane access road, this will ensure the development will not result in a convenient short cut between Otley Road and Adel Lane. Highway calming measures are provided at regular intervals through the site to ensure the 20 mph speed limit will be adhered to.
- 10.21 The cul-de-sacs are designed with adequate turning heads, ensuring vehicles can easily and safely manoeuvre in an around the development. Pedestrian access is provided with pavements enabling access across the site and shared surface areas used in the cul-de-sacs.
- 10.22 All driveways across the development are an acceptable size providing off street car parking for at least 2 cars. Where properties do not have off street parking, namely properties 96 to 101, two parking spaces in close and convenient proximity are provided. Overall, it is considered that adequate off street parking is provided throughout the development to ensure on street parking will not be an issue in future.
- 10.23 With regards to the main loop road, this has been designed to specifications which enables this to be used as a designated bus route. The developer is currently preparing additional information to show that this route can accommodate the bus. This information will be brought to Panel. This will allow buses to enter and leave the site from the Otley Road entrance. Metro have not confirmed whether a bus service will still enter the site or not but having a layout which provides for the bus adds to the development's sustainability credentials.
- 10.24 As part of the development the developer is required to undertake a range of off site highway improvements. These are:

- (i) Amendments to the right turn lane into the site from Otley Road,

- (ii) An informal pedestrian crossing point on Otley Road including linking footways, dropped kerbs and tactile paving
- (iii) A traffic calming scheme on Adel Lane between St Helens Lane and Long Causeway.

These measures are required to be implemented prior to the occupation of the first property.

Other issues

- 10.25 With regards to affordable housing provision, 16 units are provided. 8 of these are for social rent and 8 for submarket housing. 10 of the units are 3 bed dwellings and the remaining 6 units two bed dwellings. This range of tenure and property size are considered appropriate to meet the need for affordable housing in this locality. This complies with the requirement of the Interim Affordable Housing policy of providing 15% of the total number of units as affordable with a 50-50 split between submarket and social rented accommodation.
- 10.26 Issues relating to drainage, demolition and construction have been dealt with at the outline application stage. Conditions were imposed requiring details of drainage to be submitted together with a methodology for demolition and construction to be submitted to and approved by the Local Planning Authority. There is therefore no requirement for conditions to be imposed duplicating these requirements.

Letters of representation

- 10.27 It is noted that local residents have raised a number of concerns relating to the proposed development. The issues raised relating to the impact on local highway safety and congestion were fully considered and resolved as part of the outline application and are not relevant to the Reserved Matters application. As such, no weight can be given to these concerns in determining this application. It should however be noted, the developer is required to implement a number of highway improvements and calming together with a pedestrian crossing and footway as part of developing the site. These improvements are to be implemented prior to the occupation of the first dwelling.
- 10.28 Issues relating to development density, affordable housing, school provision and proximity to local amenities were also considered and resolved through the outline application and therefore are not material planning considerations in the determination of this application. The Section 106 agreement from the Outline application will ensure the development provides the required contributions towards education provision, greenspace, public transport infrastructure and affordable housing.

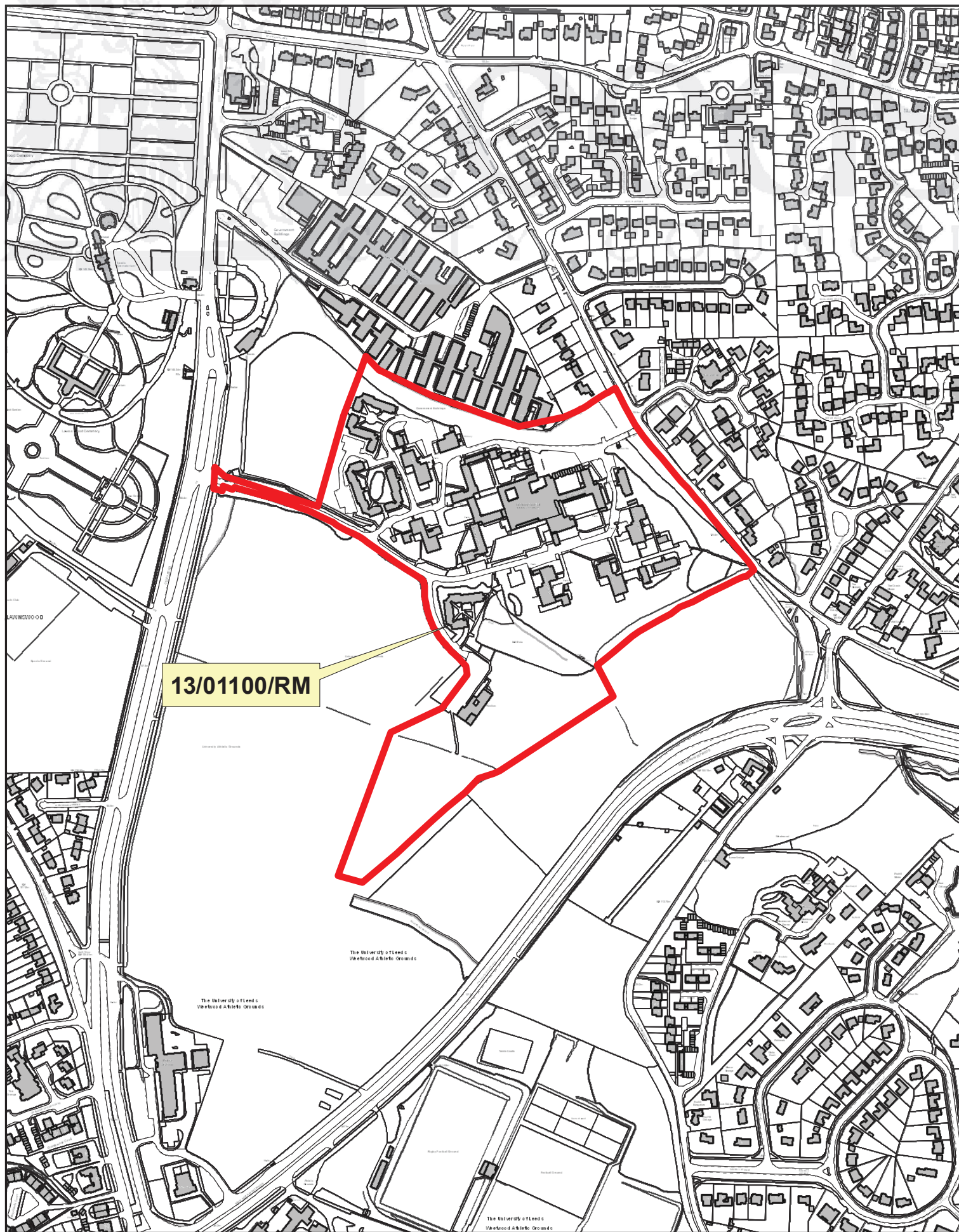
Conclusions

- 10.29 In conclusion, it is considered that the proposed development represents a well designed redevelopment of this vacant 'brownfield' site providing future occupants with an attractive living environment and a high level of amenity. The development will not result in any significant adverse impact on the amenity of the occupants of nearby properties and appropriate highway improvements and traffic calming measures to be provided by planning conditions will mitigate any impact on the local highway network. In light of this, it is considered that the development complies with all relevant planning policy and guidance. It is therefore recommended that planning permission is granted.

Background Papers:

Application and history files.

Certificate of Ownership.



SOUTH AND WEST PLANS PANEL