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## SOUTH AND WEST PLANS PANEL

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Meeting to be held in the Civic Hall on  
Thursday, 4th December, 2014  
at 1.30 pm

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### MEMBERSHIP

#### Councillors

J Akhtar	J Bentley	A Castle	R Finnigan
M Coulson		R Wood	
M Rafique			
K Ritchie			
C Towler			
P Truswell			
F Venner			

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**Agenda compiled by:  
Andrew 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><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p>To consider any appeals in accordance with Procedure Rule 15.2 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 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	
2			<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></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 style="padding-left: 40px;"><b>RESOLVED</b> – 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 style="text-align: center;"><b>No exempt items or information have been identified on the agenda</b></p>	

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3			<p><b>LATE ITEMS</b></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><b>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</b></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>	
5			<p><b>APOLOGIES FOR ABSENCE</b></p>	
6			<p><b>MINUTES - 6 NOVEMBER 2014</b></p> <p>To confirm the minutes of the meeting held on 6 November 2014 as a correct record.</p>	3 - 12
7			<p><b>APPLICATION 14/04457/FU - BURTON ROAD, BEESTON, LEEDS</b></p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the demolition of the former police station, construction of a new single storey supermarket and separate retail unit with associated works, car parking and landscaping.</p>	13 - 40
8	Beeston and Holbeck		<p><b>APPLICATION 14/05329/FU - OLD LANE, BEESTON, LEEDS</b></p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the installation of a two pump fully automated petrol filling station with associated 4.5m high canopy, control room and underground storage tanks to existing car park</p>	41 - 58

Item No	Ward	Item Not Open		Page No
9	Horsforth		<p><b>APPLICATION 14/05508/FU - 207-209 NEW ROAD SIDE, HORSFORTH, LEEDS</b></p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the change of use of a restaurant (A3) with manager flat to first floor and external flue to rear</p>	59 - 66
10	Horsforth		<p><b>APPLICATION 14/03987/FU AND APPLICATION 14/03988/LI - CORN MILL VIEW, LOW LANE, HORSFORTH</b></p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the demolition of a former corn mill building, erection of two storey offices and a listed building application for the demolition of the former corn mill building</p>	67 - 88
11	Bramley and Stanningley		<p><b>APPLICATION 14/04720/FU - ALDI, STANNINGLEY ROAD, LEEDS</b></p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the variation of condition 3 (range of goods sold) of approval 12/03748/FU to allow sale of magazines and national newspapers.</p>	89 - 98
12			<p><b>DATE AND TIME OF NEXT MEETING</b></p> <p>Thursday, 15 January 2015</p>	

Item No	Ward	Item Not Open		Page No
			<p><b><u>Third Party Recording</u></b></p> <p>Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p>Use of Recordings by Third Parties– code of practice</p> <ul style="list-style-type: none"> <li>a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.</li> <li>b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.</li> </ul>	
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a)				
b)				

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**Legal & Democratic Services**

Governance Services

4<sup>th</sup> Floor West

Civic Hall

Leeds LS1 1UR

Contact: Andy Booth

Tel: 0113 247 4325

Fax: 0113 395 1599

andy.booth@leeds.gov.uk

Our reference: SV letter

26 November 2014

To:

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

Dear Councillor

**SOUTH AND WEST PLANS PANEL – SITE VISITS – THURSDAY, 4 DECEMBER 2014**

Prior to the next meeting of the South and West Plans Panel on Thursday 4 December 2014, there will be two site visits in respect of the following:

- 1 11.10am **Application 14/05329/FU: Installation of a two pump fully automated petrol filling station with associated 4.5m high canopy, control room and underground storage tanks to existing car park - Asda Stores, Old Lane, Beeston – Leave 11.20** (if travelling independently meet in Asda Car Park).
  
- 2 11.25am **Application 14/04457/FU - Demolition of the former Police Station and construction of a new single storey supermarket and separate retail with associated works, car parking and landscaping - Burton Road, Beeston Leeds – Leave 11.40** (if travelling independently meet on frontage of site facing onto Burton Road).

Return to Civic Hall at 12.00 noon 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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## SOUTH AND WEST PLANS PANEL

THURSDAY, 6TH NOVEMBER, 2014

**PRESENT:** Councillor M Rafique in the Chair

Councillors J Akhtar, J Bentley, A Castle,  
M Coulson, R Finnigan, K Ritchie,  
C Towler, P Truswell, F Venner and  
R Wood

**45 Declarations of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interests.

**46 Minutes - 2 October 2014**

**RESOLVED** – That the minutes of the meeting held on 2 October 2014 be confirmed as a correct record.

**47 Application 14/01004/FU - 23 Bradford Road, Gildersome, Morley**

The report of the Chief Planning Officer referred to an application for the change of use of a former industrial unit to form storage and maintenance of vehicles and plant, offices and associated parking and access at 23 Bradford Road, Gildersome, Morley. The application was previously considered at the October meeting of the Plans Panel where the officer recommendation to approve the application was overturned.

The report detailed the reasons for refusal and it was requested that further information relating to maintenance activity be included in the reasons.

**RESOLVED** – That the application be refused for the following reasons:

“The proposed use will generate vehicle movements associated with the comings and goings of Heavy Goods vehicles and maintenance activity associated with the operation in close proximity to existing residential dwellings. It is considered that such movements, maintenance activity and noise and general disturbance would be detrimental to the general amenity of nearby residential occupants. As such the proposal would be contrary to guidance contained within the National Planning Policy Framework (2012) and to Policy GP5 of the Development Plan (Review) 2006”

**48 Application 14/03674/FU - Land at Haigh Moor Road, West Ardsley, Wakefield**

The report of the Chief Planning Officer presented an application for the construction of 10 dwellings and associated car parking and landscaping on land at Haigh Moor Road, West Ardsley.

This item was withdrawn prior to the meeting.

**49 Application 14/04077/FU - Development Engineering Services, Ilkley Road, Otley**

The report of the Chief Planning Officer presented an application for the demolition of former single storey mill buildings and construction of nine houses and three flats at Development Engineering Services, Ilkley Road, Otley.

Members attended a site visit prior to the meeting and site plans and photographs were displayed and referred to throughout the discussion on this application.

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

- Since the report was produced there had been an alteration to the greenspace contribution.
- The 9 houses would be in two terraces, one group of four and one group of five.
- There would be a parking court to the rear with two spaces for each property and an additional two visitor spaces.
- There would be bicycle and bin storage.
- Reclaimed stone would be used to form part of the boundary wall.
- The gardens would be small and there would be restrictions to extensions and side buildings.
- The site was within flood zone one but there had been no objections from the Environment Agency.
- It was felt that the proposals offered a good re-use of a brownfield site and it was recommended to approve the application.

A local Ward Councillor spoke with concerns regarding the application. These included the following:

- The site had always been used for employment purposes.
- The development was felt to be of a poor design for the gateway to Otley.
- The gardens were sub-standard.
- It was felt the greenspace contribution should be higher.
- It was felt the flats building should be redesigned to reflect its position at the gateway to Otley.
- There was a lack of employment land throughout the North West area of the City.

Further to comments and questions, the following was discussed:

Draft minutes to be approved at the meeting  
to be held on Thursday, 4th December, 2014

- Planning policy allowed for the loss of some employment land and in this case it was not felt that it would be viable to re-use as an employment site due to the dilapidated condition of the existing buildings.
- The gardens were appropriate as they were in character with others within the area.
- Transport contribution for metrocards – detailed analysis of the success of this had not yet been done due to timescales involved and it may take 3 to 4 years to find out how successful the contributions to offer metrocards was.
- Concerns regarding access to and from the site – it was reported that all visibility splays would meet standard requirements.

**RESOLVED** – That the application be approved as per the officer recommendation and conditions outlined in the report. Also to include additional Greenspace payment before decision issued (approx. £5,000).

#### **50 Application 14/01785/FU - Overhouse, Over Lane, Rawdon, Leeds**

The report of the Chief Planning Officer presented an application for two storey extensions to front, side and rear with balcony to front at Overhouse, Over Lane, Rawdon, Leeds.

Members attended a site visit prior to the meeting and site plans and photographs were displayed and referred to throughout the discussion on this application.

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

- The application had been referred to Panel by a local Ward Councillor following concerns regarding loss of privacy to neighbours and the designs being out of character for the area. Main concerns relating to neighbouring properties at either side.
- It was reported that the distances between the proposed extensions and neighbouring properties were of a sufficient distance and that the application should be approved. It was further reported that although elevated views would be given from the balcony that the distances were also sufficient.

A neighbouring resident address the Panel and raised the following concerns:

- The proposals to extend would cause overlooking of neighbouring properties.
- There would be excessive removal of trees to accommodate the extension.
- The size of the extension would dominate the space of others and the surrounding area.
- There would be loss of privacy to large parts of neighbouring gardens.
- There had been no attempt to protect the privacy of others.

- One of the properties affected was a Grade II listed building and should be protected.
- The extension would be out of character with the immediate locality.

The applicant's representative addressed the Panel. Issues discussed included the following:

- The proposals met planning guidelines and policy.
- There had been further negotiation on the design following objections and neighbours objections had been considered.
- There was planning permission to build a large house on the site – the proposed extension offered an improved alternative and was more in keeping with the area.
- The applicant had not removed any trees, only bushes.

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

- The distances between the proposed extension and neighbouring properties were in excess of guidelines.
- The overlooking nature of the proposals was not enough to justify refusal of the application.
- One of the conditions of the application would be to include replacement tree planting.

**RESOLVED** – That the application be approved as per the officer recommendation and conditions outlined in the report.

## **51 Application 14/04740/FU - 28 Whack House Lane, Yeadon, Leeds**

The report of the Chief Planning Officer presented an application for part two storey part first floor front and side extension; single storey rear extension at 28 Whack House Lane, Yeadon, Leeds.

Members attended a site visit prior to the meeting and site plans and photographs were displayed and referred to throughout the discussion on this application.

It was reported that it had been recommended to refuse the application. There had been difficulties in identifying how to appropriately extend the property due to its position and current design. The property was on a prominent corner plot and it was felt that the proposed extension would be harmful to the street scene.

The applicant's representative addressed the Panel. Issues raised included the following:

- The applicants wanted to remain in the area but could not find a suitable larger property.

- There was a mix of architectural styles in the area and the current area was not of any architectural importance.
- There were no issues of breaching others privacy or overshadowing with the proposals.
- There would not be sufficient headroom in a dormer extension.

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

- Scope for extending at ground floor level.
- The lack of objections to the proposals and support from neighbours and local Ward Councillors.

Members were broadly supportive of the proposals and following further discussion a vote to overturn the officer recommendation was proposed and agreed. A recommendation was then proposed to approve the application and delegate and defer to the Chief Planning Officer.

**RESOLVED** – That the application be approved in principle and delegated to the Chief Planning Officer and be subject to usual conditions relating to time limit for implementation, submission of materials etc.

## **52 Application 14/04182/FU - 10 Hillcrest Rise, Leeds**

The report of the Chief Planning Officer presented an application for part two storey part first floor front and side extension; single storey rear extension at 10 Hillcrest Rise, Leeds.

Members attended a site visit prior to the meeting and site plans and photographs were displayed and referred to throughout the discussion on this application.

It was recommended that the application be refused due to concerns regarding the prominence of the extension and the threat it would cause to trees that were covered by a tree preservation order (TPO). There was also concern regarding the dominant appearance of the proposed extension should trees be lost which was expected if the extension was built.

The applicant's representative addressed the Panel. Issues highlighted included the following:

- Permission had been granted for a similar extension at a nearby property.
- There was not a uniform street scene and the extension would not be out of keeping with the area.
- A tree report had highlighted that some of the TPO trees were of a poor condition and the better quality trees would not be affected by the extension.

- The extension would be less than a quarter of the footprint of the building.
- The extension would not cause any shadowing to or overlook any other properties; there would be no highways implications and there had only been supportive representations and no objections.
- In response to questions, the following was discussed:
  - There would be minimal interference with the trees during erection of the extension and there would be minimal intrusion into the trees root structure. The trees would be maintained.
  - The occupants did not want to extend to the rear of the property as significant time and resources had been used landscaping and planting to the rear. An extension to the rear would also have an impact on existing trees and would be nearer to neighbouring properties.

In response to questions and comments, the following was discussed:

- Potential for liability if the proposals were to go ahead and the trees became a danger to the surrounding area
- Ownership of the strip of land that contained the trees was unknown.
- Depth of the foundations would damage the tree roots.

**RESOLVED** – That the application be refused as per the reason outlined in the report.

### **53 Application 14/04075/RM - Haworth Court, Chapel Lane, Yeadon**

The report of the Chief Planning Officer presented a reserved matters application for residential development at Haworth Court, Chapel Lane, Yeadon. The Panel had received a position statement on this application at the previous meeting.

Site plans and photographs were displayed and referred to throughout the discussion on this item.

Further issues highlighted included the following:

- The proposals would see the development of 45 self contained flats.
- The site was within the Yeadon Conservation area.
- Since the last meeting the following changes had been proposed:
  - A reduction in the scale and massing
  - It would now be a 3 storey development with accommodation in the roof space as opposed to 4 storeys.
  - The overall height would be reduced by 2.5 metres.
- There was still concern from Ward Members regarding the scale and massing of the proposed building.

A local Ward Councillor addressed the Panel. Issues raised included the following:

- The principle of the proposal was supported but there were concerns over the prominence and size of the building.
- There had not been any pre-application discussion with Ward Members.
- The quality of the drawings displayed did not give a good enough impression of what the actual proposals would look like.
- There had not been further consultation with the Airebrough Civic Society.
- It was felt there was pressure to make a decision due to the time limited funding available.
- It was felt that other options could have been explored other than amendments to what had initially being proposed as it was a considerably sized site.

A representative of the applicant addressed the Panel and reported that the scheme came under the Council Housing Growth Programme. Funding had been secured from the Department of Health and there had been a stipulation that work commenced on the site before the end of 2014. There had been further discussion with the Homes and Communities Agency regarding the possibility of extending this date but there were still very tight timescales for the procurement process. Further explanation was also given on Extra Care Housing and work with Adult Social Care. The Panel was informed of consultation with Ward Members and that comments regarding the external appearance of the building would be considered.

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

- It was felt that due to the size of the building, the proposed design looked bland. It was reported that vertical elements would be added to the design and there would also be bay windows.
- Using more of the land available at the site would reduce the facility for car parking and also mean less communal garden areas. The crescent shape proposed fitted in with the topography of the site.
- The site was located close to mixed residential developments and there had been no objections from near neighbours.
- There would be a mixture of one and two bedroom apartments within the development.

**RESOLVED** – That the application be approved in principle and deferred to the Chief Planning Office but to include re-advertisement for a minimum of two weeks and further discussion with applicants to secure:

- Bay windows – A better relationship between these elements and the dormers above is needed (alignments and widths), and the designs

themselves need refining in order to avoid comparison with outdated developments of the 1960s & 70s.

- Eaves details – ensure drawings are accurate (see relationship of eaves at gable ends to tops of bay windows)
  - Dormers – break up mass of dormers with a vertical recess.
  - Greater detail needed for curtain walling
  - Window details – heads and sills need to be re-considered
  - Window openings – more careful treatment of glazing arrangements needed (proportions & positions of transoms and glazing bars) to ensure a more consistent visual approach
  - Architectural detail – string courses which introduce a hierarchy to elevations to be considered
  - Entrance details needed
- 
- Ward Members to be fully consulted on any revisions

**54 Application 14/03387/FU - Airport West Business Park, Warren House Lane, Yeadon, Leeds**

The report of the Chief Planning Officer presented an application for the development of a detached restaurant with associated access and landscaping at Airport West Business Park, Warren House Lane, Yeadon.

Site plans and photographs were displayed and referred to throughout the discussion on this application.

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

- The site had consent for the development of office accommodation.
- Objections had been received from local Ward Members.
- Supporting representations had been made by nearby business premises.
- With relation to the use of the site for employment land it was reported that there was sufficient employment land nearby. The proposal for a restaurant would create more jobs than if it was to be office accommodation.
- Conditions relating to landscaping.
- It was recommended that the application be approved.

In response to comments and questions, the following was discussed:

- There would be a public transport contribution which would not be used specifically towards this site.
- Public transport links to the site.
- It was envisaged that the proposed restaurant would be used by local residents, the nearby office park and users of the airport.

**RESOLVED** – That the application be approved as per the officer recommendation and conditions outlined in the report.



**55 Date and Time of Next Meeting**

Thursday, 4 December 2014 at 1.30 p.m.

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Originator:	Kate Mansell
Tel:	0113 222 4409

**Report of the Chief Planning Officer**

**PLANS PANEL SOUTH AND WEST**

**Date: 4<sup>th</sup> December 2014**

**Subject: 14/04457/FU - Demolition of the former Police Station and construction of a new single storey supermarket and separate retail unit with associated works, car parking and landscaping.**

**Burton Road, Beeston Leeds, LS11 5EF**

<b>APPLICANT</b>	<b>DATE VALID</b>	<b>TARGET DATE</b>
Aldi Stores LTD and Quora LTD	29/07/2014	10/11/2014

<p><b>Electoral Wards Affected:</b></p> <p>City and Hunslet</p> <table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 20px; text-align: center;">Y</td> <td>Ward Members consulted (referred to in report)</td> </tr> </table>	Y	Ward Members consulted (referred to in report)	<p><b>Specific Implications For:</b></p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
Y	Ward Members consulted (referred to in report)		

**RECOMMENDATION:**

**DEFER and DELEGATE approval to the Chief Planning officer subject to the conditions specified ( and any others which he might consider appropriate ) and the completion of a Legal Agreement to include the following obligations:**

1. Travel Plan, Travel Plan Coordinator and monitoring fee of £2,500;
2. Local employment initiatives;
3. Offsite highways improvements including the future provision for a Traffic Regulation Order if required;
4. Public Transport Contribution of £42,492

In the circumstances where the Legal Agreement has not been completed within three months of the resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer.

## Conditions

1. Development to be begun within 3 years of the date of this permission.
2. Development in accordance with the approved plans;
3. Opening hours of the Aldi store to be restricted to 8am and 10pm Mondays to Saturdays (including Bank Holidays) and any six hours between 10am and 6pm on Sundays in line with current Sunday trading restrictions.
4. Opening hours of the stand-alone retail unit to be restricted to 8am and 10pm Mondays to Saturdays (including Bank Holidays) and any six hours between 10am and 6pm on Sundays in line with current Sunday trading restrictions except for a period of 12 months from the first commencement of use of the stand-alone unit when the opening hours of this unit shall be restricted to between the hours of 7am and 11pm Mondays to Saturdays (including Bank Holidays) and any six hours between 10am and 6pm on Sundays in line with current Sunday trading restrictions.
5. Delivery hours to the Aldi store by HGV vehicles and refuse vehicles shall be restricted to between the hours of 7am and 11am, 2pm – 4pm and 7pm to 10pm Mondays to Saturdays and between 10am and 4pm on Sundays with deliveries by any other non-HGV vehicles to be made between the hours of 7am and 10pm Mondays to Saturdays and between 9am and 6pm on Sundays.
6. Delivery hours to the stand-alone retail unit to be restricted to between the hours of 7am to 10pm Mondays to Saturdays and between 10am and 4pm on Sundays
7. Requirement for the submission of a delivery management plan.
8. Restriction on the use of the stand-alone unit to Classes A1 (retail), A2 (financial and professional) and A3 (café/restaurant) only.
9. Net retail floorspace shall be restricted to 1108m<sup>2</sup>. No further mezzanines or other internal floorspace to be created.
10. Car park to be completed prior to opening and retained thereafter.
11. The car park shall remain open and free of charge to the public for a minimum period of three hours.
12. Measures to secure and monitor the car park outside of opening hours
13. Motorcycle parking.
14. Cycle parking provision in accordance with approved plan.
15. Laying out of car park areas to manage surface water.
16. Provision of electric recharging points.
17. Vehicular access gradient.
18. Shower/changing facilities within the Aldi store.
19. Details of materials.
20. Landscape scheme.
21. Tree protection.
22. Tree replacement if damage within 5 years.
23. Bio-diversity enhancements.
24. Bio-diversity protection.
25. Lighting to be switched off at least between the hours of 2300 and 0600.
26. Litter management plan.
27. Details for the storage and disposal of litter.
28. No operation of a tannoy system.
29. Details of lighting within the car park.
30. Noise level restrictions.
31. Statement of construction practice.
32. In the event of the stand-alone unit operating within Use Class A3, details of a scheme for the installation of equipment to control the emission of fumes and odour to be submitted.
33. Details of Town Centre signage.
34. The building shall employ sustainable principles in accordance with the submitted report in order to achieve a BREEAM rating of “very good”.

35. Reduction in carbon dioxide emissions.
36. Phase II remediation required.
37. Remediation works to be carried out in accordance with remediation statement.
38. Strategy if variation from approved remediation strategy.
39. Surface water discharge.
40. Off-site highway improvement works in accordance with approved plan.

## **1.0 INTRODUCTION**

- 1.1 This application is brought to Plans Panel following objections raised by Ward Councillors Iqbal and Nash and also given the level of public response to the application. The Ward Members have raised concerns about the impact of the development on small corner shops and convenient stores at this difficult financial time as well as concerns about the traffic impact on local residents.

## **2.0 PROPOSAL**

- 2.1 This is a full planning application submitted jointly by Quora Limited (Landowner and developer) and Aldi Stores Limited for the demolition of the former Police Station at Holbeck and the construction of a new retail unit within Use Class A1 (Shops) to be operated by Aldi Stores Limited and an additional speculative retail unit within Use Classes A1 (Shops), A2 (Financial and Professional) and A3 (Café/restaurant). The proposed Aldi extends to a net sales area of 1108 square metres (1723 gross internal area and 1781 square metres gross external area) with the additional retail unit having a gross internal retail floorspace of 279 square metres. The submitted Design, Access, Waste Management and Sustainability Report state that Aldi is a food store with predominantly their own-labelled brands. It states that they do not have an in-store bakery, butcher, fishmonger or café nor do they sell national newspapers, magazines, cigarettes or lottery tickets although in this instance, the applicant has subsequently advised that Aldi do wish to sell national newspapers and magazines from this store in line with a national change in policy. The applicant advises that the core retail offer within an Aldi store is to provide for a family or individuals weekly 'bulk' food shopping trip of which 80% will consist of convenience goods with the remaining 20% for the sale of a varied range of non-food products with the majority of goods being Aldi branded.
- 2.2 The proposed Aldi is sited to the south-east of the Tesco store on Dewsbury Road; it presents a 55 metre frontage to Burton Road from which it is set back by circa 5 metres, and a 30 metre return frontage facing into the proposed car park. The store is contemporary in design with a mono-pitch roof that overhangs the front façade such that the height of the store adjacent to Burton Road is 4 metres; this is comparable to the eaves height of the terraced dwellings opposite. The main entrance to the store faces inwards towards the car park with a predominantly glazed façade with elements of terracotta cladding. The Burton Road elevation incorporates a return glazed shopfront on the corner with a row of high-level windows and the remainder comprising a mixture of terracotta cladding and grey aluminium cladding.
- 2.3 The delivery yard to the proposed Aldi store is located along the southern elevation of the building such that the store screens the loading area from the residential properties on Burton Road. The service yard incorporates a loading bay with a self-levelling dock, roller shutter doors and a sheltered canopy system. The Planning and Retail Statement advises that it is anticipated that the Aldi store will receive approximately 2 articulated lorry deliveries per day plus a single delivery from a local milk supplier. Aldi's stock is delivered on pallets, which are rolled into the

warehouse part of the store using an automated dock levelling system such that there is no need for external pallets or trolleys to move stock.

- 2.4 The second (currently speculative) retail unit fronts onto Tunstall Road. The unit is rectangular in form with a 24-metre angled frontage to Tunstall Road and a 12.5 metre return frontage. It provides a gross internal area of 279 square metres. The unit is indicated as being divisible into two with a front entrance to both Tunstall Road and the car park. The Planning and Retail Statement advised that a flexible use is sought for this unit within Use Classes A1(retail)/A2 (financial and processional)/A3 (café and restaurant)/A4 (drinking establishment) and A5 (hot food take-away) albeit that the submitted plans indicates a retail unit. However, in order to protect the amenity of the nearest residential occupiers and to exert some control over the operation and nature of the final use, the proposal has subsequently been revised to seek permission for uses within Use Classes A1-A3 only. Deliveries to this unit will be achieved via a transit size vehicle via the entrance to the unit(s) within the car park.
- 2.5 The implementation of the scheme will require level changes within the site to take account of existing topographical changes. To Burton Road, the floor level of the Aldi store will sit at the existing level of the site boundary; whilst the existing Police Station incorporates the level change within the building, the Aldi store is a effectively a single storey unit such that there will be an element of cut and fill within this part of the site to circa 2 metres in depth.
- 2.6 The 100-space car park is positioned to the east of the retail units with a single access into and out of Tunstall Road. The car park includes 5 disabled spaces, 7 parent and child spaces, 2 motorcycle spaces and 10 cycle spaces. A small 8-space staff car park for the staff of Aldi is accessed from Burton Road, utilizing an existing access point.
- 2.7 The application site is the subject of a recent Tree Preservation Order. This application proposes the removal of a number trees within the site (which includes some groups of trees) with a landscape scheme indicating the provision of new tree planting within the car park and to the site boundary. A landscaped seating area is proposed at the eastern tip of the site and a further large area of planting is retained to the rear of the Aldi store and adjacent to the second smaller unit.
- 2.8 The submitted Planning and Retail Statement advises that the applicant is seeking to open the Aldi store between 8am and 10pm Mondays to Saturdays (including Bank Holidays) and any six hours between 10am and 6pm on Sundays in line with current Sunday trading restrictions. It proposes deliveries between 7am and 11pm Mondays to Saturdays and between 9am and 5pm on Sundays.
- 2.9 The submitted Planning and Retail Statement initially advised that the proposals would deliver approximately 65-70 new job opportunities with up to 200 jobs created through the construction process. They have subsequently advised that it is circa 40+ for the Aldi and circa 15 jobs for the stand-alone unit. The joint applicants confirm that they are prepared to enter into a Local Labour Agreement for construction and future employees of the store, which is incorporated within the Section 106 Planning Obligation.
- 2.10 The proposal has been revised in the course of the application. In summary, the position of the Aldi store has been slightly modified to align the elevation with the highway. Its design has also been amended to introduce greater levels of glazing and review the materials palette to remove white cladding. In addition, the position

and form of the second retail unit has been significantly revised to minimise tree loss within the site and to retain an important group of trees. As such, this unit has been reduced in size from 558 square metres (gross internal area) to 279 square metres and is now rectangular in form. It has also been repositioned to provide an improved relationship to Tunstall Road and to enable the provision of clearer pedestrian linkages to the main group of shops within Dewsbury Road Town Centre. The car parking has been realigned to ensure that there is a clear path from the car park to Tunstall Road to the western elevation of the stand-alone unit; adjacent to this car park will be a sign to advertise the units that are located within the Town Centre.

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application site is a triangular plot that extends to 0.9 hectares. It is bounded to the north-east by Burton Road to which it has a 205 metre frontage and to the south by Tunstall Road, to which it presents a 160 metre frontage. To the west, it is adjoined by Burton Terrace and the front of properties at Nos.24-36 Burton Terrace as well as the rear boundary of the Tesco Express at the corner of Burton Road and Dewsbury Road and the BP Service Station, car wash and Spar, which occupies the site at 205 Dewsbury Road.
- 3.2 The existing site is occupied by the now vacant Holbeck Police Station, which was constructed in the 1970s. It is a modern three storey red brick building, with some additional roof dormers, that is positioned centrally to the Burton Road façade with a frontage of circa 90 metres and a depth of circa 14 metres. The building has an eaves level that is between 3.4 metres and 4 metre in height in relation to Burton Road with the top of the roof dormers extending to up to 5.5 metres in height. Car parking is provided to the rear of the Police Station with circa 71 spaces, which access the site from Tunstall Road. A further 9 spaces are provided at the north-west corner of the site with access from Burton Road.
- 3.3 There are presently some changes in level across the site; to the rear of the existing police station building, the site presently dips slightly and then rises up a slight banking to the Tunstall Road boundary with a level difference of circa 2.5 metres. The site also rises slightly to the west by approximately 3 metres from the eastern tip of the site.
- 3.4 There is extensive tree planting on the site, which has recently been made the subject of a Tree Preservation Order. There are three main groups of mature trees; a small group in the north-east corner of the site adjacent to the boundary with the Tesco Express, a larger group within the eastern tip of this triangular site and a further linear group extending to the rear and parallel with the existing Police Station building. There is an additional group to the rear of the houses on Burton Terrace.
- 3.5 The surrounding area is mixed in character. To the north and north-east, on the northern side of Burton Road, the site is adjoined by dense residential development in the form of traditional back-to-back terraced housing and Hunslet Moor Primary School. Further to the east, beyond the housing, is the M621. To the south, on the opposite side of Tunstall Road, is further back-to-back terraced housing and the Tunstall Road Community Centre whilst to the south-east is the Brooklands Court Business Centre. To the west lie the residential properties at Burton Terrace and beyond that, the rear of properties at 207-215 Dewsbury Road, which comprise commercial units at the ground floor with residential above as well as the Tesco Express and BP Service Station; these units fronting Dewsbury Road form part of the Dewsbury Road Town Centre designation, which extends up to 163 (east side)

and 200 (west side) Dewsbury Road and southward to 287 (east side) and 264(a) (west side) Dewsbury Road. The Town Centre comprises a number of small local shops and services including small retail units, take-away and café/restaurant uses and facilities such as banks and estate agents as well as an Iceland at 225 Dewsbury Road and the Tesco Express and Spar noted above.

#### **4.0 RELEVANT PLANNING HISTORY:**

4.1 The planning history most relevant to the consideration of this application is summarised below:

4.2 H21/287/84: Outline planning permission for the construction of the Holbeck Police Station was granted on 23<sup>rd</sup> December 1974. There have been a number of subsequent applications relating to alterations to the Police Station but none are considered directly relevant to the determination of this application.

#### **5.0 HISTORY OF NEGOTIATIONS:**

5.1 The applicant submitted a pre-application enquiry in June 2014 in relation to the proposed development of an Aldi and an additional unit, which was shown as a drive-through restaurant. Officers provided initial advice focusing on the principle of the development to note that it is an edge of centre site and that it has been identified as suitable for further retail development to augment the offer of the centre within the Issues and Options draft of the Site Allocations Plan. This document proposes to extend the Town Centre boundary to reflect the suitability of the application site for food retailing, albeit that limited weight that can be given to it at this time. Further advice was also given in relation to the proposed Drive-Through Restaurant, which Officers felt would not sit as well to support the Town Centre; this was omitted from the scheme prior to submission. Finally, advice was given in relation to the scope for the Sequential Assessment submitted with the application.

5.2. Aldi undertook a pre-submission consultation exercise, the outcome of which is summarised within the Statement of Community Involvement document submitted with the application. This confirms that a community consultation event was undertaken on 17<sup>th</sup> July 2014 comprising a public exhibition at the United Reform Church on Dewsbury Road attended by 30 people. Aldi also sent out a newsletter and postage paid feedback response cards to 1467 addresses. 84 responses were received to the newsletter with 82 (98%) in support (albeit including 8% in support with reservations) and 2 (2%) objecting. Those in support with reservations raised comments in relation to traffic, loss of trees, litter and competition. Those expressing objections raised concerns relating to highways and house prices. Aldi also advise that a meeting with Ward Councillors was requested in June 2014 but this invitation was declined.

5.3 A further meeting between Aldi and Quora Limited (the Developer) and the Town Team was held on Wednesday 24<sup>th</sup> September. It was hosted by the Town Team and attended by a number of local businesses. Quora suggest that it was a positive meeting where Town Team members put forward a number of suggestions such as being able to advertise on the hoarding around the site during construction, providing signage within the site to advertise the centre, to encourage a local labour agreement, to contribute to public realm enhancements and to ensure that the car park is available to users of the town centre. A local retailer who is representative of the Town Team advised after that meeting that there were still concerns in relation to the development in terms of traffic, the fact that people will use the car park but not walk to the centre, that Aldi are not fair competition, the potential for



anti-social behaviour if they sell alcohol, that opening times are not late or 24 hour and concern about deliveries conflicting with school times. However, the applicant has subsequently met with the Town Team on a number of further occasions; it is now the case that the Town Team has confirmed by e-mail dated 11<sup>th</sup> November 2014 that they have had a couple of very positive meetings with Quora and Aldi and are in agreement with the proposed development. Indeed, it is the case that Quora and Aldi have made a number of separate commitments to the Town Team to include the potential for hoardings to be decorated with the names of local shops (subject to any advertisement regulation requirements) advanced discussions with the Town Team over the use of the stand-alone unit and the provision of £30,000 towards streetscape and multi-cultural improvements to Dewsbury Road. These agreements are beyond the scope of this planning application but have been agreed in the spirit of partnership between the applicants and the Town Team.

## **6.0 PUBLIC/LOCAL RESPONSE**

- 6.1 The application was advertised by means of direct neighbour notification, a site notice(s) posted on 8<sup>th</sup> August 2015 and a press notice in the Yorkshire Evening Post published on 21<sup>st</sup> August 2014.
- 6.2 A total of 53 letters of support have been received, which are all from residents within LS11. A total of 35 objections have been received; of these 35 objections, 30 are from businesses on Dewsbury Road within the Dewsbury Road Town Centre. Three of these properties have put in multiple objections of 2, 4 and 2 objections respectively such that the objections are actually submitted from 25 businesses. The remaining 5 objections comprise three from Burton Road residents, one from a resident on Tunstall Road and the last from The Old Barbers on Burton Road. A further letter of comment has been received in relation to the trees within the site expressing a desire to retain as many trees as possible as this site is one of the few sites within the locality with tree coverage.

### Ward Members

- 6.3 Ward Councillor Iqbal has submitted an objection to the scheme on the grounds that at this difficult financial time, he is of the view that the supermarket will have a serious impact on small corner shops and convenience stores and as a result, put them in hardship. Ward Councillor Nash has also advised that she is concerned about the traffic impact on local residents as there were problems when the Police Station was operational; she requests that adequate on-street car parking is essential. She supports Councillor Iqbal's concerns about the impact of a new supermarket in the area.
- 6.4 Councillor Congreve (Beeston and Holbeck) has advised that he does not have a problem with the application; he considers that it will not have much of an impact on Beeston and Holbeck Ward.

### Public Objections

- 6.5 The objections to the scheme are primarily submitted by the businesses on Dewsbury Road. They include an objection from the store managers of the Tesco Express and Iceland as well as many of the local retail, financial and professional and food and drink businesses on Dewsbury Road. The objectors raise the following concerns:

- Serious issue for the viability of local small businesses and reduce local trade;
- There are enough foodstores in the area and local business will diminish;
- Small businesses will close due to the Aldi store;
- Traffic impact and pollution;
- There are already enough local amenities on Dewsbury Road;
- Traders on Dewsbury Road will suffer causing more unemployment;
- It will put local people presently working on Dewsbury Road out of a job;
- It will result in a reduction in hours for staff/job losses.

In relation to the objections from local residents, these raise the additional points:

- In the view of the objector, there is no such thing as “Dewsbury Road Town Centre” and never has been and they find it surprising that the Council holds the view that a supermarket, rather than affordable family homes or a community centre would be the answer to this site;
- There is a contradiction between the Planning Document and the Travel Plan with the former advising that 70 jobs will be created with the latter stating 30-40 employees such that the number of jobs is overstated;
- The objector finds it highly unlikely that that a new store will not lead to any increase of traffic along Tunstall Road and that the majority of the 1046 daily trips referred to in the Trip Generation document would already be travelling along the road;
- Unclear as to why Aldi has placed the entrance/exit partway along Tunstall Road rather than nearer the junction (Note: this is an existing access point into the site): cars entering and exiting the car park have to cross across oncoming traffic, and be wary of pedestrians, whereas if the entrance/exit had been located at the signalised junction this could have been safely controlled;
- Concern about noise impact arising from deliveries;
- Concern about loss of trees and loss of greenery and a commitment to maintain the trees and landscaping for only 12 months;
- Risk of anti-social behavior within the car park outside of opening hours.

### Support comments

6.6 The letters of support use the same standard template to confirm support for the proposed supermarket and separate retail unit with the following additional comments provided:

- It is near a lot of houses and will be a big benefit as there will be parking, unlike on the main road.
- Accessibility is easy and it would be good to have a cheap supermarket in the area;
- Good for the area and will provide job opportunities;
- It will be a great help to lower income families;
- It will provide more choice;
- This will make the area more appealing and will be an asset to the people who live in the area;
- It will be beneficial to those who have no public transport;
- There are lots of elderly people in the area who are unable to walk to Hunslet and have to spend money on taxis so this local supermarket will be beneficial;

- The trees should be removed as the leaves block the streets in Autumn;
- It would be a much needed store as the resident notes they cannot get decent food locally;
- It will look better than the current Police Station;
- The Aldi will hopefully bring other shops to the area as it used to be instead of cafes, take-aways and hairdresser/beauty parlours.

## 7.0 CONSULTATIONS RESPONSES

### Statutory

Yorkshire Water – no objection subject to conditions.

### Non-statutory

- 7.1 Local Plans – In summary, Local Plans advise that this proposal is for an edge of centre Aldi on the site of a former police station, adjacent to Dewsbury Road Town Centre. The NPPF states that proposals such as this should be subject to a Sequential and (subject to a local size threshold) an Impact Assessment if the proposals are for town centre uses but outside of the designated centre and not in accordance with the Local Plan. In their view, this proposal is in accordance with both the Unitary Development Plan (Review 2006) and the Leeds Core Strategy (2014) and should therefore be supported.
- 7.2 Highways Development Control – Highways initially raised some concerns in relation to the submitted Transport Assessment and further traffic surveys and parking assessments were required. In addition, Highways requested that Aldi refer to traffic movements in relation to other similar stores in the locality such as Bramley or Middleton. Highways Development Control also requested a range of off-site works including build out crossings on Burton Road so that pedestrians do not have to cross between parked cars. Following submission of the revised Transport Assessment information, Highways DC have advised that subject to securing off-site highway works (secured by condition), public transport contributions and the funding of a Traffic Regulation Order on Burton Road should the scheme result in problematic on-street car parking, there is no highway objection to the development.
- 7.3 Landscape – The application site is characterised by a number of mature trees that front the site to both Tunstall Road and Burton Road. Due to their amenity value, the Council imposed a blanket Tree Preservation Order on 10<sup>th</sup> September 2014 to prevent any trees being removed, albeit that there was no indication that the applicant was intending to remove any trees unless agreed with the Local Planning Authority. The application does seek the removal of trees within the site; however, the original scheme has been revised in the course of the application, which is in part a consequence of the requirement from the Council's Landscape Officer to retain certain trees and allow the removal and replacement of others. As such, the stand-alone retail unit has been retained to ensure that a group of trees to the west of this unit can be kept as a group, which has visual value to the locality. In addition, the parking layout has been revised to retain two groups of trees to the eastern end of the car park as well as three trees retained on the western boundary adjacent to the Tesco store. In addition, to support the loss of trees, the applicant has submitted a full landscape scheme, which the Council's Landscape Officer has advised requires a greater density of new tree planting to the Burton Road frontage. However, it is agreed that the detailed landscape scheme can be conditioned given the level of information provided to date.

7.4 Environmental Protection Officer – Environmental Health acknowledge that although the site is surrounded by residential properties to the North, South and South-west the nearby surrounding area is also typically mixed use with light industrial units to the east. The M621 is 200 meters away. However, they note that deliveries to supermarkets have the potential for significant noise disturbance to nearby residents. This can include noise from revving engines of HGV delivery wagons, vehicle refrigeration units, reversing beepers, forklifts, powered lift tails and the banging and clattering from moving storage cages. There can be further noise disturbance from bad delivery practice; such as HGV's parking on the highway immediately outside if the delivery yard is full, shouting in the yard, use of vehicle radios, lack of care when moving cages. Poor yard maintenance can also result in access gates screeching when opening, gate bolts dragging along the ground during gate movement and the banging of metal against metal as gates are closed. Environmental Health note that the noise report submitted does not address all of the above issues but they also acknowledge that background noise levels are high due to the M621 and Dewsbury Road being in close proximity and noise disturbance could be mitigated by restricting opening and delivery hours. There is also the potential for nuisance and dust during both the demolition of the existing buildings and construction of the proposed buildings. There may also be some potential for nuisance from noise to nearby occupants from the proposed retail unit, mainly related to the coming and going of cars and deliveries and potentially from the siting of plant equipment.

As such, Environmental Health do not object to the proposal subject to the imposition of appropriate planning conditions relating to hours of opening – they recommend that the opening hours are limited to 08.00 to 22.00 hours on weekdays and Saturdays and 10.00 hours to 16.00 on Sundays and that deliveries are restricted to 08:00 hours to 20:00 Monday to Saturday and 10:00 – 16:00 (including waste delivery vehicles) on Sundays and Bank Holidays. The opening hours recommended by Environmental Health are the same as those proposed by Aldi but with regard to the delivery hours, Aldi are seeking to deliver one hour earlier (7am) until one hour later (11pm) than Environmental Health recommend.

Aldi have responded to the comments from Environmental Health to advise that their comments do not concur with the plans submitted as the majority of their comments are based upon activities that would happen in a service yard. However, the applicant advises that there is no service yard at the Aldi store. There are two deliveries a day that are made by Aldi and not an external supplier. The loading bay is level with the rear of the vehicle, which allows the driver to unload without mechanical aid. The delivery area is also equipped with a heavy curtain to each side of the trailer and the top to contain noise and light during unloading. They also advise that beepers and refrigeration units can be turned off. In response, Environmental Health has considered the submitted information and understands the rationale for the additional delivery hours, particularly in the morning. Given the delivery methods operated by Aldi and given the noise background of the site, with particular regard to existing traffic noise. Environmental Health considers that deliveries starting at 07.00 hours are acceptable but it is still the case that they should cease by 22.00 hours. This advice is reflected in the proposed conditions as well as other standard conditions requesting details of plant and equipment.

7.5 Contaminated Land – No objection subject to conditions.

7.6 Nature Conservation – Nature Conservation confirm that the bat survey has not identified any suitable features for roosting such that there is no objection to this

application subject to relevant conditions relating to the opportunity to enhance bat and bird nesting within the site and no removal of hedgerows, trees or shrubs between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests.

7.7 Air Quality – no objections although they note that the proposal will inevitably generate additional traffic in the vicinity and for this reason they would like to see the inclusion of some or all of the following – (i) 2 x 16A electric vehicle recharging points within the made available for staff, (ii) 2 x 32A electric vehicle recharging points made available for customers/ visitors or (iii) ensure that there is enough electrical capacity and suitable cabling installed to allow the cost effective installation of the above and expansion of the publically available charge points comprising 6 in total to be implemented within three years.

7.8 Public Transport and NGT Project Team - 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”. 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, 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. It has been calculated that a contribution of £44,518 is required. In calculating this sum, a deduction of 15% has been incorporated to take account of previous trip generation, out of peak hour trips and the fact that the site is within an identified regeneration area. The applicant has sought a review of this level of contribution on the grounds that a greater discount should be applied to take into account the previous use by the WY Police, which had a significant level of trip generation. The Council responded to advise that the existing use is noted and dealt with in the standard way as set out in the SPD by way of a fixed discount. However, it was acknowledged that the smaller retail unit was not initially included in the calculations, which will generate some trips in its own right and could thus be viewed as a further discount on the public transport contribution in relation to the Aldi store. An additional 5% discount is therefore permitted to reduce the contribution to £42,292. This sum will be secured by means of a Section 106 agreement.

7.9 TravelWise – No objection subject to securing covered cycle parking and a shower facility within the Aldi store for staff.

7.10 Drainage – No objection subject to the imposition or appropriate planning conditions relating to a 30% reduction in surface water discharge.

7.11 West Yorkshire Combined Authority – WYCA note that the site is located in a very accessible area with bus stops on both Dewsbury Road and Tunstall Road within 400 metres of the development. They consider bus use is likely to be a feasible alternative to the car for both staff and shoppers at the site. As the site is between two corridors, they recommend that a planning obligation to provide a Real Time Information Display within the store to allow bus departure times to be shown for both corridors in the site and therefore assist public transport users at the site. The package WYCA offers for this real time display service is a one off payment £5,000.

## 8.0 PLANNING POLICIES

- 8.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

### Development Plan

- 8.2 The development plan for Leeds is made up of the adopted Core Strategy (2014), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013.
- 8.3 The site is unallocated in the UDP. The following UDP policies are relevant to the consideration of the application:

- GP5 – General planning considerations
- N25 – Development and Site Boundaries
- BD5 – General amenity issues
- LD1 – Landscaping Schemes.

- 8.4 The following DPD policies are also relevant:

GENERAL POLICY 1 – Presumption in favour of sustainable development.

### Core Strategy

- 8.5 The Executive Board considered the Inspector's Reports into the Core Strategy and the CIL examinations reports on 17th September 2014 with a view to the Core Strategy being referred to full Council for formal adoption on the basis that the Inspector had considered the plan and subject to the inclusion of the agreed Modifications, found it to be legally compliant and sound. Full Council considered these reports on 12<sup>th</sup> November and confirmed the adoption of the Leeds Core Strategy. Accordingly, the policies in the Core Strategy can now be afforded full weight

Relevant Policies from the Core Strategy are as follows:

SP1 – Location of development in main urban areas on previously developed land.  
P1 – Town Centres  
P2 – Acceptable Uses in and on the edge of Town Centres  
P5 – Food stores  
P10 – High quality design.  
P12 – Good landscaping.  
T2 – Accessibility.  
G8 – Biodiversity improvements.  
EN1 – Carbon dioxide reduction in developments of 10 houses or more, or 1000 m<sup>2</sup> of floorspace  
EN2 – Achievement of Code Level 4, or BREEAM Excellent (in 2013) for developments of 10 houses or more or 1000 m<sup>2</sup> of floorspace.  
EN5 – Managing flood risk.  
ID2 – Planning obligations and developer contributions.

8.6 The following SPD documents are relevant to the consideration of this application:

Travel Plans – Supplementary Planning Document (2012)  
Public Transport Improvements and Developer Contributions (2008)  
Building for Tomorrow: Sustainable Design and Construction (2010)(SPD)  
Sustainable Urban Drainage (2004) (SPD)

National Planning Policy

- 8.7 The National Planning Policy Framework (NPPF), published on 27<sup>th</sup> March 2012, and the National Planning Practice Guidance (NPPG), published March 2014, 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.
- 8.8 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.
- 8.9 With regard to retail development, the NPPF advises at Paragraph 23 that planning policies should be positive and promote competitive town centre environments. In drawing up Local Plans, the NPPF advises that local planning authorities should provide customer choice and a diverse retail offer and which reflect the individuality of town centres. The Local Authority should also allocate a range of sites to meet the scale and type of retail and leisure that are needed in town centres and allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available. Only where development outside of town centres is proposed, which are not in accordance with an up-to-date Local Plan, should local planning authorities require an impact assessment if the development is over a proportionate, locally set floorspace threshold.
- 8.10 Section 7 of the NPPF relates to the requirement for good design and confirms that good design is a key aspect of sustainable development, is indivisible from good planning. It advises at Paragraph 58 that development should function well and add to the overall quality of the area, respond to local character, be visually attractive and create safe and accessible environments.
- 8.11 With regard to meeting the challenge of climate change, the NPPF confirms that planning plays a key role in securing radical reductions in greenhouse gas emissions and providing resilience to the impacts of climate change. Paragraph 94 of the NPPF advises that local planning authorities must adopt proactive strategies to mitigate and adapt to climate change whilst Paragraph 96 advises that in determining applications, local planning authorities should expect new development to comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable.

8.12 Finally, with regard to transport, Section 4 of the NPPF relates to promoting sustainable transport and confirms at Paragraph 32 that all developments that generate significant amounts of traffic should be supported by a Transport Assessment. Paragraph 34 confirms that Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

## **9.0 MAIN ISSUES**

- (i) Principle of the demolition of the Police Station;
- (ii) Principle of retail development on this site;
- (iii) Design
- (iv) Highways
- (v) Amenity
- (vi) Sustainability.
- (vii) Access and Equality
- (viii) Response to representations.

## **10.0 APPRAISAL**

### **Demolition of the Existing Police Station**

10.1 This application proposes the demolition of the existing Police Station. Since April 2011, the demolition of a building such as the application property constitutes development such that it forms part of the consideration of this application. The application property is a substantial modern three storey red brick building that was constructed in the 1970s and has now been vacant for some time. Its current form makes it unsuitable for conversion into a retail use such as that proposed and given that the building is of no particular architectural merit, nor does it lie within a Conservation Area, there is no objection in principle to its demolition.

10.2 It is acknowledged that the building is in close proximity to existing residential properties such that its demolition will have to be carefully managed to protect the amenity of adjoining residents, with particular regard to noise and dust. However, in this regard, it is noted that demolition also requires compliance with the Building Act 1984 and in issuing a Demolition Notice, it is the case that a number of conditions normally have to be complied with during the demolition works necessary to maintain public safety and public amenity such that this issue of amenity in relation to demolition is a matter dealt with under other legislation.

### **Principle of Retail Development on this site**

10.3 This application proposes the construction of a new Aldi store with a net sales area of 1108 square metres and a smaller separate unit seeking a flexible consent within Uses Classes A1 (shop), A2 (financial and professional) or A3 (restaurant/café) that extends to 279 square metres.

10.4 As set out above, Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. At the present time, the development plan in Leeds comprises the Adopted Unitary Development Plan and relevant Supplementary Planning Documents but in addition the Local Development Framework (LDF) must be taken into account. In this regard, policies within the Leeds Core Strategy can now be afforded full weight whilst policies within



the Site Allocations Plan, due to its stage of preparation, can only be afforded limited weight at the present time.

- 10.5 The site comprises previously development land such that it accords in principle with the objectives of Policy SP1 of the Core Strategy to encourage development in the main urban area. Within the UDP Proposals Map, however, the site is unallocated although it lies immediately adjacent to the Dewsbury Road Town Centre designation, which extends up to 163 (east side) and 200 (west side) Dewsbury Road and southward to 287 (east side) and 264(a) (west side) Dewsbury Road. It is therefore an edge-of-centre location. However, within the Issues and Options Draft of the LDF Site Allocations Plan, it is proposed to extend the Dewsbury Road Town Centre boundary to include the application site such that it would fall within the Dewsbury Road Town Centre. Planning Policy advises that this is a reflection of the suitability of the site for food retailing and also of the lack of suitable in-centre alternatives. Whilst very limited weight can presently be attached to the Issues and Options Draft of the LDF Site Allocations Plan, it does indicate the direction of travel in relation to retail development within the Dewsbury Road Town Centre. The Issues and Options Draft is also in compliance with the objectives of the NPPF to allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available and provide customer choice and a diverse retail offer.
- 10.6 With regard to relevant policies, the Core Strategy can now be afforded full weight and provides the most up-to-date retail policies. Policy P1 confirms Dewsbury Road as a Town Centre. Policy P2 of the Core Strategy advises (as relevant to this application) that acceptable uses within and (subject to a sequential assessment) on the edge of Town Centres include shops, supermarkets and superstores, non-retail services and restaurants and cafes. In addition, Policy P5 of the Core Strategy confirms that food stores will be directed towards such town centres but it also states that sites on the edge of town and local centres will be considered where there are no available, viable or suitable sites within centres as in this case. Policy P5 also acknowledges that a number of town centres could perform more successfully as major locations for weekly shopping needs if they included investment in new food store provision and/or redevelopment of existing facilities to expand their retail offer or expand their function. Appropriate provision within centre or on edge of centre is therefore encouraged, and will be supported where sites can be identified in a specified list of centres, including Dewsbury Road.
- 10.7 Taking account of the policies within Core Strategy, and also with some very limited regard to the Issues and Options Draft of the LDF Site Allocations Plan, which identifies the site as an extension to the Dewsbury Road Town Centre, it is evident that Dewsbury Road Town Centre does lack a major food store and current planning policy within Core Strategy as outlined above supports the provision of additional retailing facilities (and a food store in particular) within or at the edge of this Town Centre to support and enhance the future of the Town Centre. Whilst Dewsbury Road Town Centre presently comprises small local retailers, a Tesco Express and an Iceland, Aldi would provide a major food store to undertake a weekly shop that would enable the Town Centre to perform more successfully as a town centre. Moreover, the applicant has also submitted a Sequential Assessment, which confirms that there are no available, viable or suitable sites within the existing centre such that the edge of centre location is acceptable in accordance with Policy P5 of Core Strategy.
- 10.8 Furthermore, the proposed Aldi constitutes significant investment in the Town Centre and it will add to providing customer choice and a diverse retail offer as

required by the NPPF. In order to support the existing Town Centre and expand the retail offer, however, it is important that the site is appropriately connected to the existing Town Centre. In this regard, the scheme has been revised in the course of the application to improve the linkages to the existing Town Centre. It is relevant to acknowledge that the application will provide a 100-space car park, which will be available to users of the Town Centre and will not be restricted to Aldi customers only. It is considered that this will be of benefit to the Town Centre in providing a clear location for customers to shop, as it can be difficult to stop on Dewsbury Road. In addition, the pedestrian connections within the scheme have been revised in the course of the application with a more direct and wider footpath provided from the car park onto Tunstall Road, where there is an existing pedestrian crossing to the Town Centre. This will provide a safe and well-lit route from the car park and residential areas beyond to the Town Centre. At the request of the Town Team and local retailers, signage will also be included within the car park to advertise the existing Town Centre and its many facilities and shops.

- 10.9 For information, the applicant has provided further information in respect of linkages between other Aldi stores and the adjoining Town Centre. In particular, shopper surveys have recently been undertaken at the Aldi store in Middleton with 78% of customers advising that they would be visiting the local centre or another local store in addition to undertaking their shop at Aldi.
- 10.10 With regard to the additional 279 square metre unit(s), which presently has no named occupier, the applicants initially applied for a flexible use within Classes A1 (retail)/A2(financial and professional)/A3 (café/restaurant)/A4(public house)/A5 (hot food take-away) although this has been revised to Use Classes A1/A2 and A3 in the course of the application to omit a public house or hot food take-away such that should these latter uses be required, a separate planning application would be required in order to assess their impact upon the amenity of adjoining occupiers. This unit is located fronting Tunstall Road, which ensures that it is appropriately linked to the existing Town Centre and in this regard, also accords with the aspirations for Dewsbury Road as set out within the Development Plan, and in addition to the Aldi store, will provide additional service provision for the town centre.
- 10.11 On the basis of compliance with Core Strategy Policies, which must now be afforded full weight, there is not a clear requirement for the applicant to undertake a Sequential Test nor an Impact Assessment as these are only required by the NPPF for retail developments that are not in accordance with an up-to-date plan and outside of centres. It is noted, however, that the Planning and Retail Statement does incorporate some consideration of the impact on local retailers. The applicants have undertaken a 'health check' of the Town Centre; in doing so, they note that the role of Dewsbury Road as a Town Centre is to support the shopping needs of the surrounding residential areas through providing a range of facilities for both convenience and comparison-shopping. The Health Check notes that there are 69 units within the Town Centre of which 23.19% are for the sale of convenience goods including Tesco Express, Spar, Iceland, Nisa as well as a number of small independent greengrocers and specialist Eastern European and Middle Eastern/Asian retailers which serve the local multi-cultural population. However, the applicant observes that these provide a top-up shopping role to local residents as primarily basket shopping was taking place. A total of 15.9% of uses also comprise independent take-away and café uses; in this regard, it is noted that Aldi do not propose a café within their store. Overall, the visits undertaken by the applicant conclude that Dewsbury Road is not fully achieving its role as a Town Centre as it is mainly a location for top-up shopping with a high propensity for linked trips between numerous retailers and services. The provision of a food retail store to undertake a

weekly food shop would therefore enhance the role of the town centre and enable significant investment in terms of retail provision, streetscape and car parking facilities to the benefit of the wider centre.

- 10.12 Finally, it is relevant to note that the Aldi proposal represents a modest size store. The submitted Planning Statement advises that they do not have an in-store bakery, butcher, fishmonger or café nor do they sell national newspapers, magazines, cigarettes or lottery tickets. Following the submission of the application, Aldi have confirmed that they do wish to sell national newspapers and magazines and this forms part of their application. Given the location of this site, which is presently on the edge of centre but proposed for future incorporation within the Town Centre and given that the Core Strategy policies promote supermarkets and shops intended to meet weekly and day-to-day requirements within or at the edge of town centres such as Dewsbury Road Town Centre, there is no justification in terms of retail policy to restrict the sale of goods within the store. As such, the sale of newspapers (and the other goods above) is considered acceptable in principle in this location in retail policy terms although it is considered separately as a highway matter below.
- 10.13 Overall, it is concluded that the proposed Aldi store and additional unit will deliver investment in a new food store provision to expand the retail offer and function of the Dewsbury Road Town Centre. Whilst clearly acknowledging and understanding the concerns of local traders with regard to the viability and vitality of their own businesses, the emphasis of planning policy is to consider the health of the centre as a whole and indeed, the NPPF actively promotes customer choice and a diverse retail offer. In this regard, it is considered that Aldi will deliver an anchor to the town centre and will provide a well-lit car park that is well connected and accessible to the wider centre to promote linked trips between the store and the wider Centre. This should, on balance, have a positive impact on Dewsbury Road Town Centre. With regard also to the environmental improvements that will arise as a consequence of this development, taking forward a presently vacant site, it is considered that the proposed development is in accordance Policies P1, P2 and P5 of the Core Strategy such that it accords with the Development Plan. It is also in accordance with guidance within the NPPF.

### **Design**

- 10.14 Within the Core Strategy Policy P10 requires that new development is based on a thorough contextual analysis to provide good design that is appropriate to its scale and function; that respects the scale and quality of the external spaces and wider locality and protects the visual, residential and general amenity of the area. These policies reflect guidance within the NPPF.
- 10.15 The character and appearance of the site surroundings are relatively mixed. Opposite the site on Burton Road are traditional red brick terraced houses that are two storeys in scale whilst Dewsbury Road comprises further red brick two storey terraces with the ground floor in commercial use, interspersed by more recent building such as the Tesco and adjoining petrol filling station.
- 10.16 The proposed retail units are contemporary in appearance but they have regard to the character and appearance of the surrounding area in their scale and use of materials. The Aldi store presents a mono-pitch roof that overhangs the front façade such that the height of the store adjacent to Burton Road is 4 metres. This is comparable to the eaves height of the terraced dwellings opposite such that it is considered appropriate in scale. With regard to materials, the scheme has been revised in the course of the application to omit large areas of white cladding to be

replaced by a grey cladding. It is considered that the grey cladding will present a more subtle and contemporary appearance within the streetscene. In addition, the Burton Road elevation, the front elevation of the store fronting the car park and part of the side elevation to the car park incorporate large areas of terracotta cladding; this is considered acceptable as a modern interpretation of red brick, which is the predominant material within the locality. The extent of glazing to the Burton Road elevation of the Aldi store has also been extended in the course of the application to provide more visual interest to the street elevation.

- 10.17 The additional retail unit has been designed to reflect the appearance of the Aldi store; it is single storey in scale and constructed in grey cladding with glazing to the main front elevation. It is a dual frontage unit that presents an entrance to both the car park and Tunstall Road to create activity and a more attractive unit. Further glazing is introduced to the western elevation to provide a level of natural surveillance to the footpath from the car park towards the town centre.
- 10.18 Overall, it is considered that the design of the proposed development sufficiently addresses Burton Road and respects the character and scale of buildings. It has also been revised to ensure that it has regard to routes through the area and the provision of a strong pedestrian route to Dewsbury Road Town Centre. The design of the proposed retail units is contemporary in appearance but it is considered that they utilise a sufficient quality of materials that are appropriate to the function of the units and that will contribute to the quality of the wider locality. The application is therefore considered to accord with Policy P10 of the Core Strategy and guidance within the NPPF.

### **Highways**

- 10.19 Policy T2 of the Core Strategy advises that new development should be located in accessible locations and with safe and secure access for pedestrians, cyclists and people with impaired mobility with appropriate parking provision. The NPPF seeks to support sustainable transport solutions and but it advises at Paragraph 32 that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 10.20 This application was the subject of a full Transport Assessment, which was based on the size of the Aldi store as proposed and a slightly larger separate retail unit (588 square metres) than that now proposed. The TA notes that Aldi has a finite catchment and looks to attract local resident's that are currently leaving the area to carry out their food retail shop.
- 10.21 The TA concludes that the redevelopment of the site would include the delivery of a food retail destination within walking distance of a large neighbourhood catchment and within a 1-minute walk of Dewsbury Town Centre. It is highly accessible to all modes of travel with 19 bus services an hour serving the site from Tunstall Road and Dewsbury Road (No.2, 3/3A, 86/86A, 202,203, 220, 221, 222 and 481) and the propensity for walk-in trips is high.
- 10.22 With regard to car parking, the TA advises that the application proposes a car park with 102 spaces (now amended to 100) that will be available free of charge to users of the town centre for a limited period (2.5 hours) and thus, increase the number of parking spaces available within the area. The level of car parking is also in line with maximum car parking standards and the proposed accumulation of spaces provides the opportunity to accommodate linked trips with the Town Centre.

- 10.23 In respect of highway capacity, the TA advises that capacity assessments have been carried out and the proposed development impact is predicted to have a negligible impact on highway capacity with the effect on existing queues being minimal. Indeed, it is also noted that the store is likely to result in a redistribution of trips, as local residents no longer have to travel outside the area to undertake their weekly shop.
- 10.24 The Council's Highways Officer considered the initial Transport Assessment and requested some additional assessment in relation to the TA to include consideration of the actual parking accumulation experienced by similar stores in Leeds rather than more generic locations. This information was subsequently provided to the satisfaction of the local planning authority and in principle, subject to specific highway improvements to be secured, the impact is considered acceptable.
- 10.25 With regard to car parking provision, the scheme indicates 100 spaces, which will be generally available to the Town Centre and not restricted for use by Aldi customers only. This level of provision is considered sufficient given that the Council's parking standards as set out within the UDP are maximum standards and there are no road safety, traffic management or environmental implications in this instance that would warrant a greater number of spaces given that Aldi is likely to provide a local shopping amenity.
- 10.26 The Council's Highways Officer has also requested a range of off-site highway works to include the following:
- (i) Build-out crossings on Burton Road so that pedestrians do not have to cross between parked cars;
  - (ii) Amendments to the kerb radii to the staff car park from Burton Road;
  - (iii) A pedestrian crossing island within the hatching between the site access onto Tunstall Road and the bus stops to aid pedestrian movement across Tunstall Road;
  - (iv) Tactile paving/dropped crossings on the site access for the footway crossing
  - (v) Works to signal junctions to improve capacity if required following further assessments.
  - (vi) An agreement with the applicant that they will fund a Traffic Regulation Order to a maximum value of £30,000 in the event that overspill parking occurs on Burton Road as a result of the development within 5 years of full occupation of the site.

These works have been agreed with the applicant and will be secured by means of a planning condition or within the Section 106.

- 10.27 Following the completion of the additional Transport Assessments and following proposes to include the off-site highway works outlined above; it is considered that the development is in a suitably sustainable location and will provide a main shopping for local people such that they may now no longer need to travel outside the local area. The proposal will also not create or materially add to problems of safety, environment or efficiency on the highway network and provides sufficient cycle/motorcycle provision and pedestrian accessibility. It is therefore considered that it will not result in any severe residual cumulative transport impacts. In addition, given its sustainable location and on the basis that a comprehensive Transport Assessment has now been undertaken taking account of survey data from other similar stores, there is no highway justification in this case for restricting the sale of goods and parking numbers are sufficient in this regard. Thus, subject to the imposition of appropriate conditions and the terms of the Section 106, the proposed

development is in accordance with Policy T2 of the Core Strategy and guidance within the NPPF.

### **Travel Plans and Public Transport**

- 10.28 Policy T2 of the Core Strategy advises that new development should be located in accessible locations and with safe and secure access for pedestrians, cyclists and people with impaired mobility with appropriate parking provision. In addition, the Council has an adopted Travel Plans SPD and a Public Transport Improvements and Developer Contributions SPD.
- 10.29 The applicant has submitted a revised travel plan document (Rev A) to take into account the minor comments raised by the Council's Travel Plan Officer. The Travel Plan confirms measure to promote walking and cycling, such as covered cycling parking beneath the store canopy, a staff shower and storage area for clothes, a travel guide for buses to be located within the store, personalised journey plans for staff and a commitment that a maximum of 50% of staff trips and 70% of customer trips (currently predicated at 75.8%) will be made in cars/vans within 3 years of store opening. They will then be revised and the travel plan will be subject to monitoring and annual review. The revised Travel Plan is now considered acceptable and its implementation will be secured by means of a planning condition.
- 10.30 With regard to a developer contribution towards Public Transport Improvements, it is determined that 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". Under the terms of the SPD guidance, a financial contribution proportionate to the travel impact of the scheme is required towards the cost of providing the strategic transport enhancements (detailed in the SPD) which are needed to accommodate additional trips on the network. The NGT Project Team note that during the agreement of a public transport contribution for the recent Aldi store on Tong Road (14/00970/FU) there was some debate around the level of contribution and comparisons to previously agreed sums. This has been taken into account in this calculation, which is based upon a daily person trip rate of 140 trips per 100sqm GFA, a public transport mode split of 5% and the fact that the site is located immediately adjacent to the Dewsbury Road Town Centre. This amounted to a contribution of £44,518, which included a deduction of 15% to take account of the previous trip generation, out of peak hour trips and that it is within an identified regeneration area.
- 10.31 The applicant subsequently sought to revise this figure on the grounds that it did not take into account the additional unit and did not fully take into account the previous Police Station use, which the applicant considers would have generated significant more trips. It was subsequently acknowledged that the smaller retail unit was not initially included in the calculations, which will generate some trips in its own right and could thus be viewed as a further discount on the public transport contribution in relation to the Aldi store. An additional 5% discount is therefore permitted to reduce the contribution to £42,292. This sum will be secured by means of a Section 106 agreement.

### **Amenity**

- 10.32 Policy GP5 of the UDP advises that development proposals should resolve detailed planning considerations including seeking to avoid problems of loss of amenity.

UDP Policy BD5 advises that all new buildings should be designed with consideration to both their own amenity and that of their surroundings. These policies are reflective of guidance within the NPPF, which notes at Paragraph 123 that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as well as acknowledging the use of conditions to mitigate and reduce potential adverse impacts.

- 10.33 The nearest residential properties to the proposed Aldi store are those opposite within Fairford Avenue, Fairford Terrace, Longroyd Street and Longroyd Crescent, which comprise two storey back to back terraces. With regard to the scale of the development in relation to these dwellings, the Aldi store will lie opposite at a distance of circa 17 metres but it is the case that the proposed store has a significantly shorter frontage than the existing Police Station (56 metres compared to 90 metres as existing) and it is no greater in height. The store has a mono-pitch roof that extends to 4 metres to this elevation, which is comparable to the eaves height of the terraced dwellings opposite and similar to the existing Police Station, which actually extends up to 5.5 metres to the top of the roof dormers. It is therefore concluded that the scale and position of the Aldi store will not be detrimental to the amenity of adjoining residential occupiers.
- 10.34 However, the primary consideration in relation to residential amenity is the impact of the store as a result of noise and disturbance. In this regard, the applicant has undertaken a full Noise Assessment. This has been undertaken on the basis of proposed store opening hours of between 08:00 to 22.00 hours Monday to Saturday and 09:00 to 1700 hours on Sundays and Bank Holidays (or 6 hours between these hours in accordance Sunday Trading Laws) and the proposed delivery period between 0700 and 2300 on any day via Aldi's single delivery bay. The applicant undertook noise surveys between 0200 and 0900 on Wednesday 2<sup>nd</sup> July at three locations – on Burton Road, Burton Terrace and close to Tunstall Road opposite the site. The surveys revealed road traffic noise from Tunstall Road, Burton Road, Dewsbury Road and also further from the M621 to be the major generator of noise with local traffic making the M621 inaudible from about 0700.
- 10.35 Taking into account the way that Aldi service their store, with the loading bay being level with the rear of the vehicle, which allows the driver to unload without mechanical aid as well as equipping the delivery area with a heavy curtain to each side of the trailer and the top to contain noise and light during unloading, the Noise Assessment concludes that the development can meet the Council's requirement of 5 dB(A) below background noise level in all locations except for Burton Terrace, which is closest to the loading bay. However, even in this location, it is considered that the impact will be relatively minor given that there are no more than two deliveries a day and given the prevailing background noise level.
- 10.36 As noted above, Environmental Health have no objection to the proposed opening hours but initially raised concerns about the proposed delivery hours with Aldi seeking to deliver one hour earlier (from 7am) and one hour later (until 11pm) than Environmental Health initially recommended. Following the receipt of further information from Aldi regarding their delivery methods, which does not entail a typical service yard, Environmental Health has advised that they are willing to accept the earlier delivery time of 7am due to the levels of background noise within the locality at that time but they still consider 11pm to have the potential to impact upon the amenity of adjoining residential occupiers. As such, a restriction on delivery times to between 7am and 10pm Mondays to Saturdays and 10am to 4pm on Sundays is proposed as a condition of this application.

- 10.37 It is therefore concluded that subject to hours to control the hours of opening to between 8am and 10pm Mondays to Saturdays (including Bank Holidays) and any six hours between 10am and 6pm on Sundays in line with current Sunday trading restrictions and deliveries between 7am and 10pm Mondays to Saturdays and between 10am and 4pm on Sundays, the proposed Aldi can operate without being detrimental to the amenity of adjoining occupiers by virtue of noise disturbance.
- 10.38 With regard to the smaller retail unit, which is identified for use within Use Classes A1/A2 and A3, this is currently speculative such that the requirements of any future occupier are presently unknown. Given its small scale, servicing will be undertaken by small vehicles from the car park such that it is not considered to result in any undue harm to the amenity of the closest adjoining occupiers on Burton Terrace and delivery hours are restricted to 7am and 10pm during the week and between 9am and 6pm on a Sunday. With regard to hours of opening, given the uncertainty about the future occupier but also acknowledging the need for flexibility to attract an occupier, it is proposed that the stand-alone unit be subject to the same restrictions on hours of opening as the proposed Aldi with the exception that for a 12 month trial period from first opening it be permitted to open between the hours of 7am and 11pm to enable the impact of later opening hours to be assessed.
- 10.39 It is noted that the original submission sought a flexible use of this unit to also include A4 (pubs and bars) and A5 (hot-food take-away). Because of the potential for noise and disturbance arising from these uses, which have not been assessed as part of this application, these uses have subsequently been omitted from the application. Should an A4 or A5 use come forward in the future, it would be subject to a separate planning application and a further assessment to consider the impact on the amenity of adjoining residential occupiers.
- 10.40 Overall, subject to appropriate conditions to restrict the hours of opening of the units and delivery hours, it is concluded that the development will not result in loss of amenity to adjoining occupiers or any undue noise and disturbance. It is also appropriate in scale such that it accords with the objectives of Policies GP5 and BD5 of the UDP and guidance within the NPPF.

### **Landscape**

- 10.41 Policy P12 of the Leeds Core Strategy advises that the character, quality and bio-diversity of Leeds' townscapes and landscapes will be conserved and enhanced. Policy G8 of the Core Strategy also advises that enhancements and improvements to bio-diversity will be sought as part of new developments.
- 10.42 With regard to bio-diversity, it is confirmed that the site has no bat roost potential and in terms of nesting birds, the Nesting Bird Survey notes that only one nest was found in the canopy of a tree that is retained as part of this development such that the nest will be unaffected. A condition is proposed, however, as recommended by the Council's Nature Conservation Officer, to require details of a plan of bat roosting and bird nesting opportunities to enhance the bio-diversity on site and also to ensure that no trees or shrubs are removed between 1<sup>st</sup> March and 31<sup>st</sup> August without being checked by a competent ecologist. These conditions ensure compliance with Core Strategy Policy G8.
- 10.43 With regard to landscaping, the application site is one of the few areas within the locality with mature tree planting. The existing trees are considered collectively to have value to the visual amenity of the locality and it is for this reason that a Tree Preservation Order was placed on the trees. Accordingly, in determining this



application, considerable thought has been given to the impact on the existing tree planting. As noted above, it is also for this reason that the layout of the scheme has been amended to ensure that four main groups of trees are retained – a large group to the south of the Aldi store and to the west of the stand-alone unit, which are visible from Tunstall Road, a small group adjacent to the boundary with the Tesco store, a group of trees to the eastern end of the car park fronting Burton Road and a smaller group to the eastern end of the car park fronting Tunstall Road. In addition, the applicant has submitted a detailed landscape scheme; this indicates the provision of new tree planting to both Burton Road and Tunstall Road to provide new greenery to the site, with the addition of a small landscaped area at the eastern tip of the site, which will form a small seating area for use by the wider community. The Council's Landscape Officer has considered the proposed landscape scheme and has requested that a greater density of tree planting be provided to the Burton Road frontage to deliver a high quality scheme that will add character to the townscape. Opportunities for wildlife in terms of bat and bird nesting boxes are also required by condition to enhance bio-diversity opportunities within the site. On the basis of the above, and subject to conditions to secure the landscape scheme and bio-diversity enhancements, the application is considered to comply with the objectives of Policies P12 and G8 of the Core Strategy.

### **Sustainability.**

- 10.44 Within the Core Strategy, Policy EN1 advises that all developments over 1000 square metres of floorspace will be required to reduce total predicted CO<sub>2</sub> emissions to achieve 20% less than the Building Regulations Target Emission Rate until 2016 and provide a minimum of 10% of predicted energy needs for the development from low carbon energy subject to feasibility. Policy EN2 requires the achievement of BREEAM Excellent for buildings over 1000 square metres. Accordingly, these policies relate to the Aldi store rather than the small separate retail unit.
- 10.45 This application was originally submitted in July 2014 at a time when the Core Strategy was at an advanced stage but not to the extent that it is now. The applicant was advised at an early stage that Policies EN1 and EN2 would be relevant to the consideration of the application but clearly, these policies have significantly greater weight at the time of the determination of this application than its submission.
- 10.46 Nevertheless, in response to Policy EN1, the applicant has advised that the Aldi store will utilize air source heat pump technology as well as other energy/carbon saving technologies such as LED car park lights. They also propose to install photovoltaic panels to further increase the energy used on site from low carbon sources, which is welcomed. As a result, the applicant advises that these measures should yield in excess of a 20% reduction in CO<sub>2</sub> emissions such that compliance with Policy EN1 is achievable and will be subject to a planning condition.
- 10.47 With regard to the requirement of Policy EN2 to achieve a BREEAM rating of excellent, the applicant has advice that whilst they can achieve 'excellent' in terms of the sustainability of the building itself, BREEAM is a points based system that requires evidence that sustainability has been fully considered since the concept stage, including evidence such as written notes. Due to a lack of written notes in this instance, the applicant is unable to provide this evidence such that they cannot achieve the formal certificate to confirm a BREEAM excellent building because they are unable to score sufficient points due to the lack of documentation. As such, the development will not comply with Policy EN2. However, this must be considered in the context of the overall balance of the scheme; the Aldi is sited in a sustainable

location within walking distance to many local residents. It is also likely to reduce the need for travel by car to other foodstores beyond the local area. In addition, the building will achieve the 20% reduction in CO<sub>2</sub> emissions and will also incorporate solar panels to utilize low carbon energy such that it would meet the sustainable requirements of BREEAM excellent in terms of energy demands. Aldi have also acknowledged that they have reviewed their procedures in light of the forthcoming adoption of the Core Strategy and future stores will aim for BREEAM excellent with the appropriate documentation. Taking into account the wider benefits of this scheme, both in terms of its sustainability and its wider contribution to Dewsbury Road Town Centre, it is therefore considered unreasonable to refuse the application for failing to achieve certification for a BREEAM excellent building and the measures outlined above are, in this instance, considered sufficient.

### **Access and Equality**

- 10.48 The Equality Act 2010 requires public bodies to have due regard to eliminate discrimination and to advance equality of opportunity. Within this application, the primary issue is one of accessibility and ensuring equality in this regard. The Design and Access Statement confirms that the retail units will be provided with a level access threshold with gently graded levels throughout the site to create free flowing movement with the use of tactile paving to ensure legibility. There will also be high levels of transparency and visibility with suitable directional signs and appropriate levels of illumination throughout the site. It is also accessible by a range of means of transport. It is therefore considered to advance equality of opportunity and eliminate discrimination within the scope of the application.

### **Drainage**

- 10.49 Within the Core Strategy, Policy EN5 advises that the Council will seek to mitigate and manage flood risk by (as relevant in this case), reducing the speed and volume of surface water run-off as part of new-build developments.
- 10.50 The application site lies within Flood Zone 1 such that it is not at risk of flooding. However, a condition is proposed to reduce surface water distance by a minimum of 30%, which will ensure compliance with Policy EN5 of the Core Strategy.

### **Economic Development**

- 10.51 The application states that the proposals will deliver approximately 40-55 new job opportunities with up to 200 jobs created through the construction process. This is in an area that suffers higher than average (national and local) unemployment and deprivation. Moreover, the applicant has confirmed that they will enter into a Local Labour Agreement within the Section 106 to work towards local employment targets. It is also the case that Aldi's intentions for this site are immediate with the store to be open in 2015 if planning consent is granted. This is a positive consideration and job creation and economic related development should be given appropriate weight in reaching a balanced assessment of the application in accordance with guidance within the NPPF.

### **Response to representations.**

- 10.52 This application has clearly generated a mixed response with 48 local residents expressing support for the proposed development on the grounds that it will provide a local shopping facility, particularly for those without a car, more choice, job opportunities and parking, unlike the main road. However, there are also 34

objections that are mainly, but not exclusively, from existing business within the Town Centre who are particularly concerned about the impact on the viability of local small businesses.

- 10.53 It is acknowledged that the proposed development will bring additional competition to the Town Centre but as noted in the report above, the Council's retail planning policies support the provision of additional retailing facilities to bolster Dewsbury Road Town Centre and a food store in particular. The NPPF also promotes customer choice and a diverse retail offer such that it is considered that there would be insufficient retail impact grounds to refuse the application. As outlined in the report above, it is also considered that the proposal will bring positive benefits to the Town Centre by providing the opportunity for the weekly shop to be undertaken locally as well as clear pedestrian connections to the Town Centre. The appearance of the application site will also be enhanced through the retention of the most significant mature trees and new landscaping, which will visually improve the site and the car park will become a public facility to serve both the store and Town Centre shops. The concerns regarding access to the site and noise and disturbance are fully assessed in the report above.
- 10.54 With regard to concern about noise impact arising from deliveries, this is considered fully in the report above. The issue of loss of trees and greenery is also addressed in the report above and a condition is proposed requiring maintenance of the trees and landscaping within the site for a minimum period of 5 years with a replacement to be agreed for any trees that are damaged or die within that period. Finally, with regard to concerns about the risk of anti-social behavior within the car park outside of opening hours, this is addressed by means of a planning condition, which requires the submission of a scheme detailing how the car park is to be secured and monitored outside the opening hours of the site to be agreed in writing by the Local Planning Authority prior to the opening of the store(s).

### **Section 106**

- 10.55 Policy ID2 of the Core Strategy advises that where development would not otherwise be acceptable and a condition would not be effective, a Planning Obligation will be necessary before planning permission is granted. The relevant tests for the imposition of a Planning Obligation are reflected and accord with guidance within the NPPF as set out at Paragraph 204, that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development; and fairly and reasonably related in scale and kind to the development.
- 10.56 In this case, the following measures will be secured by means of a Section 106 Planning Obligation:
1. Travel Plan, Travel Plan Coordinator and monitoring fee of £2,500;
  2. Local employment initiatives;
  3. Offsite highways improvements including the future provision for a Traffic Regulation Order if required;
  4. Public Transport Contribution of £42,492

It is considered that these contributions are necessary in order to make the development acceptable, directly related to the provision of the Aldi store and stand-alone unit and reasonable in scale and kind in accordance with Core Strategy Policy ID2.

## 11.0 CONCLUSION

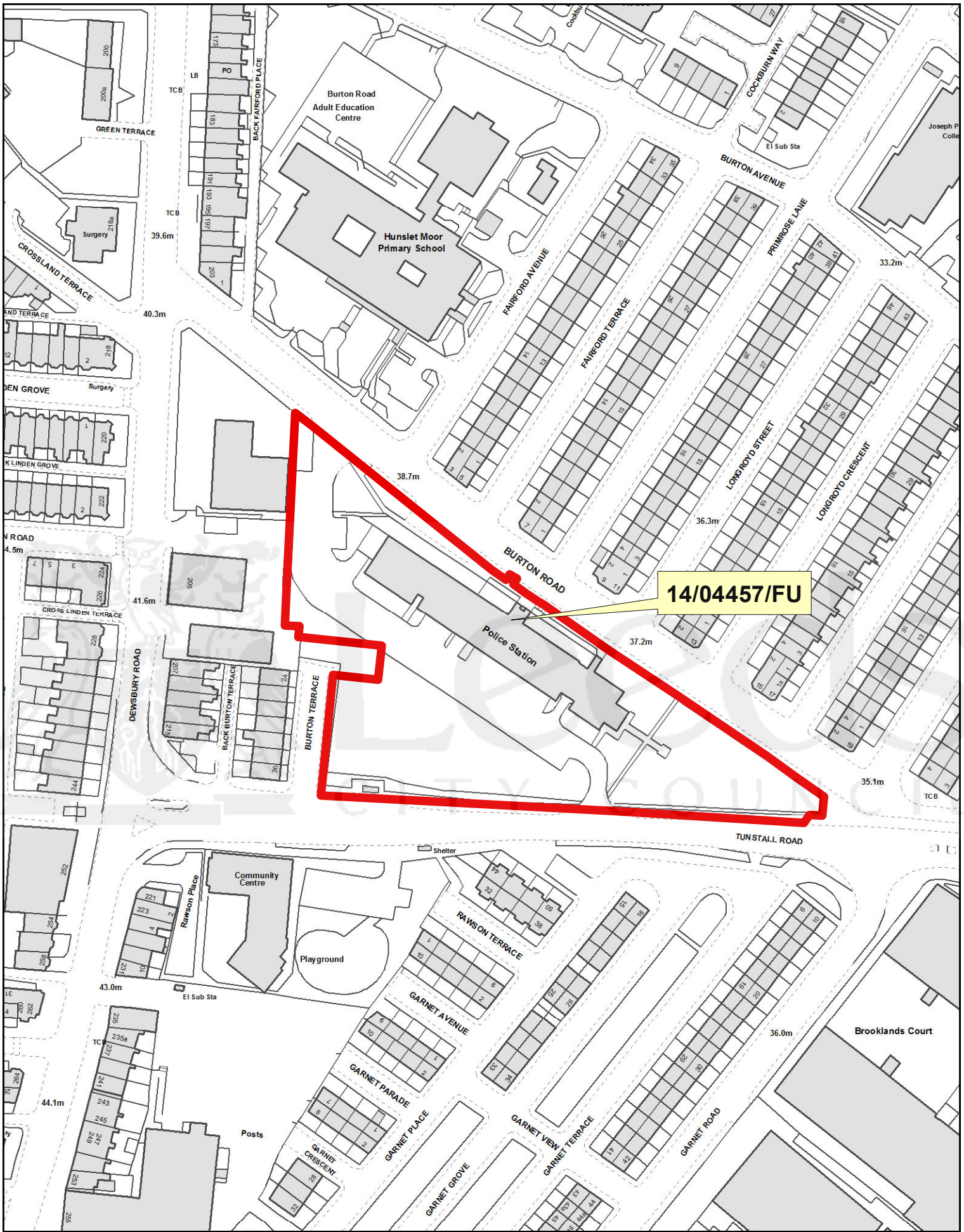
- 11.1 This is a full planning application for the demolition of the existing Police Station and the construction of a new 1108 square metres (net) retail unit within Use Class A1 (Shops) to be operated by Aldi Stores Limited and an additional 279 square metres speculative retail unit within Use Classes A1 (Shops), A2 (Financial and Professional) and A3 (Café/restaurant).
- 11.2 The application site is unallocated within the UDP although it lies immediately adjacent to the Dewsbury Road Town Centre designation and it is therefore an edge-of-centre location. Within the Issues and Options Draft of the LDF Site Allocations Plan, it is proposed to extend the Dewsbury Road Town Centre boundary to include the application site such that it would fall within the Dewsbury Road Town Centre, which is identified as a reflection of the suitability of the site for food retailing and also of the lack of suitable in-centre alternatives. Due to its stage of preparation, very limited weight can presently be attached to the Issues and Options Draft of the LDF Site Allocations Plan but it does indicate the direction of travel in relation to retail development within the Dewsbury Road Town Centre. With regard to current planning policy within Core Strategy, which can now be afforded full weight, it is considered that the proposed Aldi store and additional unit will deliver investment in a new food store provision to expand the retail offer and function of the Dewsbury Road Town Centre. It will deliver an anchor to the town centre and will provide a well-lit car park that is well connected and accessible to promote linked trips between the store and the wider Centre. This should, on balance, have a positive impact on Dewsbury Road Town Centre. With regard also to the environmental improvements that will arise as a consequence of this development, taking forward a presently vacant site, it is considered that the proposed development is in accordance with Policies P1 and P5 of the Core Strategy such that it accords with the Development Plan and guidance within the NPPF.
- 11.3 The design of the development sufficiently addresses Burton Road and respects the character and scale of buildings. The design of the proposed retail units is contemporary in appearance but they utilise an appropriate quality of materials that are appropriate to the function of the units and that will contribute to the quality of the wider locality. It is therefore considered to accord with Policy P10 of the Core Strategy and guidance within the NPPF.
- 11.4 Careful consideration has been given to the impact of the store on the amenity of adjoining residential occupiers. However, subject to the imposition of appropriate planning conditions it is concluded that the development will not result in loss of amenity to adjoining occupiers or any undue noise and disturbance. It therefore accords with the objectives of Policies GP5 and BD5 of the UDP and guidance within the NPPF.
- 11.5 It has been demonstrated that the proposal will also not create or materially add to problems of safety, environment or efficiency on the highway network and provides sufficient cycle/motorcycle provision and pedestrian accessibility. It is therefore considered that it will not result in any severe residual cumulative transport impacts and subject to the imposition of appropriate conditions; the proposed development is in accordance with Policy T2 of the Core Strategy and guidance within the NPPF. A sufficient Travel Plan has also been produced and a Section 106 contribution towards Public Transport Improvements secured to ensure compliance with the Council's Public Transport Improvements and Developer Contributions SPD.

- 11.6 With regard to landscaping, the existing trees, which are the subject to a Tree Preservation Order have been carefully assessed and the removal of a number of trees that are in a poor condition agreed with the Council's Landscape Officer such that the current layout now sufficient respects the need to retain existing trees. A number of new trees and planting is also proposed and a detailed landscape scheme will be secured by condition. Bio-diversity enhancements will also be secured by condition such that overall, the proposal accords with Core Strategy Policies P12 and G8.
- 11.7 The development will also accord with the requirements of Policy EN1 of the Core Strategy, to reduce total predicted CO<sub>2</sub> emissions to achieve 20% less than the Building Regulations Target Emission Rate until 2016 and provide a minimum of 10% of predicted energy needs for the development from low carbon energy. It will not, however, comply with the requirements of Policy EN2, to achieve a BREEAM rating of 'Excellent'. It can achieve 'Very Good' and the sustainable features of the building are, in fact, sufficient to meet the standard of 'Excellent' but the applicant will be unable to achieve the certification due to a failure to retain written notes of the scheme at concept state, which are required by BREEAM as an evidence based points system. Taking into account the wider benefits of this scheme, both in terms of its sustainability and its wider contribution to Dewsbury Road Town Centre, it is, however, considered unreasonable to refuse the application for failing to achieve certification for a BREEAM excellent building in this instance.
- 11.8 Finally, it is a positive benefit of the scheme that it will deliver new job opportunities, reinforced by the applicant's intention to enter into a Local Labour Agreement within the Section 106 to work towards local employment targets. The scheme also represents a significant economic investment within Dewsbury Road Town Centre with the owner of the site engaging with the Council's Town Team to move forward environmental improvements beyond the scope of the planning process.
- 11.9 Overall, the report above demonstrates that the scheme is sufficiently compliant with current local and national planning policy. Taking into account the positive economic benefits of the scheme and having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 and Paragraph 12 of the NPPF, the application is therefore recommended for approval subject to conditions and a Section 106 Planning Obligation.

**Background Papers:**

Application and history files.

Certificate of Ownership



# SOUTH AND WEST PLANS PANEL





Originator:	Kate Mansell
Tel:	0113 247 8360

## Report of the Chief Planning Officer

### *PLANS PANEL SOUTH AND WEST*

Date: 4<sup>th</sup> December 2014

**Subject: 14/05329/FU: Installation of a two pump fully automated petrol filling station with associated 4.5m high canopy, control room and underground storage tanks to existing car park.**

**Asda Stores, Old Lane, Beeston, LS11 8AG**

**APPLICANT**  
ASDA Stores Ltd.

**DATE VALID**  
25<sup>th</sup> September 2014

**TARGET DATE**  
11<sup>th</sup> December 2014

#### **Electoral Wards Affected:**

Beeston and Holbeck

Y

Ward Members consulted  
(Referred to in report)

#### **Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### **RECOMMENDATION:**

**GRANT PERMISSION subject to the following conditions:**

- 1 Development to commence within three years of the date of decision.
- 2 Development in accordance with the approved plans.
- 3 Trading of the Petrol Filling Station to be limited to between 0600 to 2400 hours Monday to Saturday and between 1000 to 2200 on Sundays and Bank Holidays for a 12 month period after which time (unless a further application is received) it would be limited to between 0800 - 2300 Mondays to Saturdays and 1000 - 2200 on Sundays and Bank Holidays.
- 4 Deliveries to the Petrol Filling Station only between the hours of 0600 and 2300 Mondays to Saturdays and between 0700 and 2200 on Sundays and Bank Holidays.
- 5 Submission of a delivery management plan.
- 6 Submission of a remediation strategy.
- 7 Proposal for unexpected contamination if encountered.

- 8 Remediation in accordance with the approved strategy.
- 9 Details of surface water drainage works.
- 10 Details of an oil interceptor.
- 11 30% reduction in surface water flows to be achieved.
- 12 Details of lighting.
- 13 Lighting to be switched off at least between the hours of 0030 and 0530 on any day.

## **1.0 INTRODUCTION:**

- 1.1 This application seeks to construct a new Petrol Filling Station to be sited adjacent to the proposed new Asda store on Old Lane in Beeston. The whole site was originally built for Netto but the store was subsequently taken over by Asda, who currently operate the premises. In December 2013 Asda secured outline planning permission to re-develop the site for a new Asda store in accordance with 11/04306/OT with the Reserved Matters relating to appearance, landscaping, layout and scale approved under Delegated Authority in October 2014 in accordance with 14/02462/RM.

## **2.0 PROPOSAL:**

- 2.1 This application seeks full planning permission to construct a 2-pump self-service petrol filling station (PFS) on part of a site that is to be re-developed to provide a new Asda store in place of the existing Asda store. The PFS is located on an area of land identified for future development within the Reserved Matters application noted above. It is positioned along the northern boundary of the site with the edge of the PFS set back circa 21 metres from the boundary of the site with Old Lane.
- 2.2 The PFS will provide two fuel pumps (4 vehicles) and an air and water pump. The two fuel pumps are positioned beneath a canopy that is 4.52 metres to its maximum height, 12.34 metres in length and 5.39 metres in depth. The edge of the canopy is circa 29 metres to the north-east of the proposed new store, which is set back towards the rear of the site. A 1 x 55,000 Litre Diesel and 1 x 55,000 Litre unleaded double skinned steel tanks will be sited beneath the PFS. Vehicular access to the PFS will be achieved from the existing access onto Old Lane.
- 2.3 As part of the original submission, Asda confirmed that they were proposing to operate the petrol filling station 24 hours a day, 7 days a week with tanker deliveries taking place between 0500 and midnight seven days a week. However, in response to concerns raised by local residents and following further discussions with Asda, the opening hours and delivery have been revised. It is now proposed that the opening hours of the PFS reflect the opening hours of the store, which were agreed by the South and West Plans Panel on 4<sup>th</sup> September 2014. As such, it is proposed that for an initial 12 month period from the date of opening, the PFS will operate for a trial period between the hours of 0600 to 2400 hours Monday to Saturday and between 1000 to 2200 on Sundays and Bank Holidays. After that time, unless a further application is received, the opening hours would revert to 0800 - 2300 Mondays to Saturdays and 1000 - 2200 on Sundays and Bank Holidays. The temporary period allows the impact of the opening hours to be assessed in situ.
- 2.4 With regard to deliveries, the applicant advises that a petrol filling station of the size proposed generally receives one tanker delivery a day. In terms of hours, it is proposed that deliveries take place between 0600 and 2300 Mondays to Saturdays and between 0700 and 2200 on Sundays and Bank Holidays.

## **3.0 SITE AND SURROUNDINGS:**



- 3.1 This application relates to 0.086 hectares of land that sits in the north-east corner of the Asda site on Old Lane. The site in its entirety is currently occupied by a small food store located centrally on the plot surrounded by area of hard surfacing and parking, which formerly traded as a Netto but it is now an Asda store. The site is accessed from Old Lane
- 3.2 The application site adjoins the northern boundary of the wider store site. To the north it is adjoined by under utilised industrial units within the Enterprise Park Industrial Estate beyond which is an area of cleared land and hard standing. To the west of the Asda store site is a further area of vacant land that has been cleared of buildings and is hard surfaced. This area is bounded by high fencing beyond which are further industrial units and then residential dwellings on Waincliffe Square.
- 3.3 To the Old Lane frontage to the east there is presently a wide grassed verge with tree planting. The southern boundary is also lined with trees and hedges and is adjoined by the route of a pedestrian footpath. These trees are protected under TPO 1974/28 but they are unaffected by the application proposal and outside of the red line boundary.
- 3.4 The site is set within a predominantly residential area with properties of varying ages and character. The closest dwellings are opposite adjoining the site on Old Lane to the east, and to the south of the footpath. The character is of medium density two-storey residential streets, with large areas of industrial and commercial uses spread throughout.
- 3.5 As noted above, Asda have secured planning permission for the construction of a new larger Asda store on this site in accordance with outline approval 11/04306/OT and reserved matters approval 14/02462/RM. The outline approval granted consent for the construction of a new 3000 square metre store with a gross internal floorspace of 2895 square metres (compared to the 777 square metre existing store). The subsequent Reserved Matters application resolved matters of layout, landscaping, scale and appearance and confirmed the siting of the store in the south-west corner of the site. This reserved matters application also resolved on-site parking levels, taking account of the proposed PFS, which was identified as an area of future development within the Reserved Matters application, to deliver 167 parking spaces; this was deemed acceptable following the submission and consideration of a Transport Assessment.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 There is an extensive planning history to this property, the most relevant of which is summarised below:
- 4.2 14/02462/RM: Reserved matters application to determine matters of layout, scale, landscaping and appearance.  
Approved: 22<sup>nd</sup> October 2014

This application approved details of siting, layout, appearance and scale. The approved application takes into account the proposed siting of the PFS and the reconfiguration of the car park to provide 167 spaces from the 195 spaces approved at outline stage. The applicant submitted a further Transport Assessment to consider the loss of parking; in considering this application, the Council's Highways Officer concluded that it was not likely to lead to issues of highway safety and that coupled with the off-site highway works being provided as part of the outline

approval, the scheme was acceptable in highways terms.

- 4.3 14/02461/FU: Section 73 Application to vary conditions relating to outline approval in accordance with 11/04306/OT to include a variation to the hours of opening and delivery.

Approved by South and West Plans Panel: 9<sup>th</sup> September 2014

This application sought to vary a number of conditions relating to 11/04306/OT below, including Condition 5 (opening hours) and Condition 6 (delivery hours). It was agreed at Plans Panel that the opening hours of the store be amended to allow a 12 month trial of opening hours between 0600 hours to 2400 hours Monday to Saturdays and 1000 hours to 2200 hours on Sundays and Bank Holidays after which time (unless a further application is received) it would revert back to the approved outline hours of 0800 hours to 2300 hours Mondays to Saturdays and 1000 hours to 2200 hours on Sundays and Bank Holidays. With regard to delivery hours, a 12 month trial of deliveries between 0600 and 2300 on any day from Monday to Saturdays and between 0700 and 2200 on Sundays or Bank Holidays is approved after which time (unless a further application is received) it will revert back to 0700 hours to 2300 hours Mondays to Saturdays and between 0800 hours and 2200 hours on Sundays and Bank Holidays.

- 4.4 11/04306/OT: Retail food store.  
Approved 20<sup>th</sup> December 2013

This application granted outline consent to consider access only with matters of siting, layout, appearance and scale all reserved to permit the construction of a new 3000 square metre store. This application was supported by a full Transport Assessment, which considered the cumulative highway impact of the development, which, at the time, was primarily an assessment of the impact on the highway if both this and the adjacent Tesco proposal should go ahead. It is also noted that this application was approved subject to a detailed Section 106 agreement which included securing £50,000 as a traffic monitoring fee for the monitoring of traffic during development and the implementation of Traffic Regulation Orders should they prove necessary as well as alterations to the Beeston Road approach to the Old Lane/Town Street roundabout to improve traffic flow and the provision of pedestrian refuges on Old Lane.

As part of this application, the approved opening hours were 0800 – 2300 Monday to Saturday, 1000 – 2200 on Sundays and Bank Holidays and delivery hours to be between 0700 – 2300 Mondays to Saturdays, 0800 – 2200 on Sundays and Bank Holidays.

- 4.5 The remaining history on site reflects its long use as an A1 food store. Prior to this, the unit was a car showroom and the remainder of the site history demonstrates its industrial past.

## 5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The applicant did not engage in any formal pre-application discussion with Officers prior to the submission of this application.

- 5.2 It is noted that the applicant did undertake a public consultation event for local residents soon after the submission of this application held on Wednesday 15<sup>th</sup> Oct at Beeston Library. Asda advise that 247 invitation letters were sent out, including to Ward Members. Asda report that 5 residents attended the meeting and raised

questions about the size and opening times of the PFS. It is reported that the proposed PFS at Beeston is smaller than the residents had originally thought and they were reassured about its size.

- 5.3 Nevertheless, in light of the concerns raised by residents as part of the public consultation exercise and also following consultation with the Council's Environmental Health Officer, considered in the report below, it is noted that Asda proposed a reduction in the opening hours of the PFS and in delivery hours from 24 hour opening and deliveries between 0500 and midnight seven days a week to those now proposed above, which align with the approved opening hours of the new store.

## **6.0 PUBLIC/LOCAL RESPONSE:**

- 6.1 The application itself was advertised by means of site notices and direct neighbour notification.

- 6.2 A total of eight representations have been received from neighbouring residential occupiers objecting to the proposed development on the following grounds (note: the objections are in response to the original proposal for 24-hour opening):

- i. Traffic on Old Road is already heavy and, at times, congested and this proposal will make it worse;
- ii. There are already 4 petrol stations within a one mile radius so there is no need for this proposal;
- iii. Concern about fumes from the vehicles using the pumps;
- iv. Increased noise levels due to car doors being open and shut;
- v. Old Road already has too much traffic;
- vi. The present Asda store is sufficient and a bigger store is not needed;
- vii. Noise and disturbance from 24-hour opening is unacceptable;
- viii. The last thing that is needed on Old Road is anything that will result in an increase in traffic.

- 6.3 In addition to these letters, a further 1351 letters have been received on behalf of the 'Save our Beeston' campaign. These letters make reference to this application by application number as well as to application 14/06007/FU, which is the pending proposal at the former IcePak factory building for a mixed use development including a sports hall, teaching and community facility. The letters are in the form of two templates; they do not raise site-specific objections to these two applications but rather make the following general points in relation to any development within Beeston.

The first template makes the following points:

- i. Residents of Beeston Village are becoming 'incensed' at the massive over-development of the area without any thought to the cumulative impact on the health and well-being of the residents of Beeston village;
- ii. They demand that Leeds City Council stop any major development plans and specific planning applications in the Beeston Village area until the Council has fully engaged with the residents to develop a comprehensive local plan for the area;
- iii. They demand it on the basis that a number of developments have been allowed to go ahead – the Park and Ride scheme at Elland Road, the Asda supermarket at Old Lane, the expansion of the White Rose Centre, the Police Station at Elland Road and a major hotel at Elland Road.

- iv. Their letter also makes reference to the change of use at the DePuy factory to a research centre with up to 450 employees, a 50% increase in Beeston Primary School and Hugh Gaitskell Primary School, a 30% increase in the size of Cockburn High School and the creation of the Elliot Hudson College adjacent to the White Rose Centre (a free school proposal);
- v. They request these letters be taken into account on any other major planning applications in the Beeston Village area;

The second template makes the following points:

- i. No more major developments in the Beeston Village area to be granted planning permission until a health and well-being impact assessment has been carried out on the cumulative impacts created so far by the planning permissions that have been recently implemented or are still awaiting implementation;
- ii. No more major developments in the Beeston Village area to be granted until Leeds City Council has engaged with local residents to develop a comprehensive local plan for the area;
- iii. No more major developments the Beeston Village area to be granted before a comprehensive plan for the area has been agreed and implemented.

6.4 Ward Councillor Gabriel originally wrote to advise that she would not support 24 /7 for these pumps and certainly not deliveries for 5 until midnight. She was subsequently consulted on the revised hours but no formal response has yet been received.

## 7.0 CONSULTATIONS RESPONSES:

### Statutory

7.1 Environment Agency – no objection.

### Non-Statutory

7.2 Environmental Health: In response to the original 24/7 proposal with deliveries from 5am, Environmental Health noted that the application site is in a mixed use area with the nearest residential housing being on Old Lane and Waincliffe Square. It is acknowledged that Old lane is a busy road and a main thoroughfare to the local area but background noise levels will decrease at night. Environmental Health consider that the addition of a petrol filling station, even though it has only two pumps, will increase traffic to the area as the transport assessment states. They consider that the increase of vehicles to the area will cause noise from banging car doors and noise from car stereos. There is also the potential of noise from air compressors and jet washers (Note: this is because they are not proposed as part of this application). These noise sources do not appear to have been included in the noise assessment (note: because they are not proposed in this case). Environmental Health also comment that petrol tankers tend to have diesel engines, which can be noisy, and this vehicular movement along Old Road may cause disturbance at 05:00 hours although they acknowledge that the noise assessment states there will be a slight increase to the background noise from 05:00 to 07:00 hours but it will have negligible effect. Indeed, the noise report concludes that there will be no adverse effect on nearby residents. Environmental Health therefore originally recommended that should the application be approved, tanker deliveries should be restricted to 07:00 hours to 22:00 hours Monday to Saturday and 09:00 to 16:00 hours on Sundays and Bank Holidays and the opening hours be restricted to

07:00 to 23:00 hours Monday to Saturday and 08:00 to 22:00 hours on Sundays and Bank Holidays. The scheme was subsequently revised in light of comments from Environmental Health and concerns from local residents and Environmental Health are satisfied that the revised hours will overcome the potential for noise disturbance, as the opening hours now relate to those approved for the store itself.

7.3 Highways: Following the submission of further vehicle tracking information, Highways consider the applicant has demonstrated the safe tracking of a petrol tanker within the site. With regard to highway generation, this application has been considered in light of the proposals to re-develop the store itself and in this regard, it is concluded that taking into account that an increase in vehicular trips is likely not to cause a significantly detrimental increase in junction queuing at peak times over the existing approved outline consent assessment, there is a wider highway network where some traffic can distribute to avoid peak time queuing at junctions. Furthermore, the applicant is providing a £50,000 traffic monitoring and highway works contributions to improve the highway where necessary (as part of the outline approval for a new store) following monitoring of the sites impact on the local network such that the proposed petrol station is, on-balance, acceptable in relation to traffic impact.

7.4 Flood Risk Management: This site is in the EASEL (East and South-East Leeds) catchment and severe restrictions have been placed on development in the area because of known flooding problems in the catchment in general. However, this site is relatively small so that the council will allow the surface water drainage to be in keeping with our Minimum Development Control Standards for Flood Risk, which requires only a 30% reduction of the existing runoff from the site, post development, to the public sewer if infiltration drainage methods/ soakaway is proven not to be feasible at the site.

7.5 Drainage: No objection subject to conditions relating to surface water drainage and oil interceptors.

7.6 Contaminated Land: No objection subject to conditions.

7.7 Forward Planning: No objection as there is no retail element to the petrol filling station.

## 8.0 **PLANNING POLICIES:**

8.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

### Development Plan

8.2 The Development Plan for Leeds currently comprises the following documents:

1. The Leeds Core Strategy (Adopted November 2014).
2. Saved UDP Policies (2006), included as Appendix 1 of the Core Strategy.
3. The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013) – with the exception of remitted Policy Minerals Policies 13 and, which are subject to further consultation, prior to submission and examination
4. Any Neighbourhood Plan, once Adopted.

- 8.3 In relation to point (4) above it is noted that there is presently no adopted Neighbourhood Plan for the Beeston Area. The Beeston Community Forum is in the early process of developing a neighbourhood plan. A period of consultation concluded on 14<sup>th</sup> November 2014 to legally establish the Beeston Plan Forum, who will draft the plan. Their stated ambition is to develop a neighbourhood plan that will give Beeston residents a greater say on how the community develops in the next 10 to 15 years. Leeds City Council approved the Beeston designated area on 24<sup>th</sup> February 2014. The designated area includes the area bounded by the northern edge of Cross Flatts Park, the M621, the Leeds Outer Ring Road and the western edge of Middleton Woods. The Beeston Plan website notes that the land around Elland Road associated with Leeds United football club is within the scope of Leeds City Council development plans and is not included within the Beeston Plan.

#### Saved UDP Policies

- 8.4 The site is unallocated within the UDP. The following UDP policies are relevant to the consideration of the application:

GP5 – General Planning Considerations  
BD5 – General Amenity Issues

#### Leeds Core Strategy

- 8.5 The Leeds Core Strategy was adopted by Full Council on 13<sup>th</sup> November 2014 such that the policies within it can now be afforded full weight. The most relevant Policies from the Core Strategy are as follows:

P10 – High quality design.  
T2 – Accessibility.

#### National Planning Policy

- 8.6 The National Planning Policy Framework (NPPF) was published on 27<sup>th</sup> 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.
- 8.7 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.
- 8.8 Of most relevance to this application is Paragraph 32 of the NPPF, in relation to transport, which advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Additionally, Paragraph 123 of the NPPF advises that planning decisions should aim to avoid noise from giving rise to adverse impacts on health and quality of life as a result of new development.

## **9.0 MAIN ISSUES**

9.1 The main issues in the determination of this application include the following:

- (i) Principle of the development – Policy and Land Use
- (ii) Impact on the amenity of adjoining occupiers and;
- (iii) Highway considerations;
- (iv) Design;
- (v) Landscape.

The Council must also consider relevant material representations received as a result of the public consultation exercise.

## 10.0 APPRAISAL

### Principle of development - Policy and Land Use

10.1 The application site is unallocated within the UDP such that any application must be considered on its merits. In this case, a petrol filling station is a sui-generic use such that it falls outside of any specific use class. There is no retail use associated with the proposal and therefore no requirement to consider the impact of the PFS on other such facilities. Indeed, there is also no policy requirement to consider the need for a PFS, particularly given that the requirement to demonstrate need has been omitted even for retail proposals.

10.2 The previous outline planning permission (11/0406/OT) has clearly established the acceptability of the wider site, of which the PFS is a part, for retail purposes both in terms of its current use and its proposed re-development for a new Asda store. It is considered that a PFS is a function that is consistent with and complementary to the site's use as a retail store such that the primary issues to consider in the determination of this application relate to matters of highway safety and the amenity of adjoining residential occupiers as considered in the report below and there is no objection in principle to its location on this site.

### Impact on the amenity of adjoining occupiers

10.3 Saved Policy GP5 of the UDP advises that development proposals should resolve detailed planning considerations. They should also seek to avoid problems of (as relevant to this application) loss of amenity. Policy BD5 of the UDP states that:

*'All new buildings should be designed with consideration given to both their own amenity and that of their surroundings.'*

This is consistent with guidance within the NPPF, which advises that planning decisions should aim to avoid noise from giving rise to adverse impacts on health and quality of life as a result of new development. The NPPF also advises at Paragraph 120 that planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Paragraph 123 advises that planning decisions should aim to mitigate and reduce to a minimum adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

10.4 In this case, the primary consideration in relation to residential amenity (in addition to highway impacts considered below) is noise impact arising from the use of the

petrol filling station. It must be acknowledged that the wider site already benefits from planning permission for the construction of a new Asda store and this proposal sits within the context of that permission. However, to support the application, a full Noise Assessment has been submitted

- 10.5 The Noise Assessment includes noise monitoring, which was undertaken between the hours of 22.00 hours on Tuesday 11th March 2014 to 09.00 hours on Wednesday 12th March 2014 and 05.00 to 08.00 hours on Sunday 9th March 2014. The Assessment makes reference to a number of assessment tools including a change in LAeq,T assessment; the World Health Organisation (WHO) recommended LAFmax internal noise criteria as well as the requirements of the National Planning Policy Framework 2012 (NPPF), Noise Policy Statement for England 2010 (NPSE) and Planning Practice Guidance – Noise 2014 (PPG).
- 10.6 As noted above, the NPPF confirms at Paragraph 123 that planning decisions should aim to avoid noise giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions. Within the Noise Policy Statement, it is the Government's intention to avoid significant adverse impacts on health and quality of life from environmental and neighbourhood noise (as relevant to this proposal), mitigate and minimise adverse impacts and effectively manage and control such noise to improve health and quality of life. The NPS clarifies the definition of 'significant adverse' and 'adverse' impact with reference to World Health Organisation definitions – No Observed Effect Level (NOEL) (no detectable effect on health and quality of life due to noise) and Lowest Observed Adverse Effect Level (LOAEL) (the level above which adverse effects on health and quality of life can be detected). It also introduces SOAEL (Significant Observed Adverse Effect Level), which is the level above which significant adverse effects on health and quality of life occur.
- 10.7 Notably, however, the guidance states that it is not possible to have a single objective noise-based measure that defines SOAEL that is applicable to all sources of noise in all situations. Consequently, the SOAEL is likely to be different for different noise sources, for different receptors and at different times. It acknowledges that further research is required to increase our understanding of what may constitute a significant adverse impact on health and quality of life from noise and not having specific SOAEL values in the NPSE provides the necessary policy flexibility until further evidence and suitable guidance is available.
- 10.8 The National Planning Policy Guidance advises that when noise is not noticeable, there is by definition no effect. It determines that noise has no adverse effect so long as the exposure is such that it does not cause any change in behaviour or attitude. As the exposure increases further, it crosses the lowest observed adverse effect level boundary above which the noise starts to cause small changes in behaviour and attitude. The noise therefore starts to have an adverse effect and consideration needs to be given to mitigating and minimising those effects (taking account of the economic and social benefits being derived from the activity causing the noise). When the noise causes a material change in behaviour, such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present, this is considered to represent a significant observed adverse effect. This can include the potential for sleep disturbance.
- 10.9 Significantly, the NPPG notes that the subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected.



Similarly, the Noise Policy Statement confirms that it is not possible to have a single objective noise-based measure that defines the particular levels of effect noted above such that it is clearly not an exact science, having to take account of factors such as the source of noise and the time of day that it occurs, the frequency and pattern of noise and its spectral content.

- 10.10 The Noise Assessment effectively concludes that PFS trading 24 hours a day, 7 days a week and PFS tanker deliveries between 05.00 hours to midnight, 7 days a week (as originally proposed by Asda) would be acceptable in accordance with guidance contained in the latest noise policy documents noted above. In each case, however, it also states that existing traffic noise on Old Lane is a strong influence on the findings and an important consideration that has a direct influence on the outcome of the Noise Assessment. Old Lane separates the proposed PFS from the nearest dwellings and is identified as a busy through route with regular traffic movements during the proposed PFS trading hour.
- 10.11 The Council's Environmental Health Officer has considered the Noise Assessment and notes its conclusions. However, they are of the view that even though it has only two pumps, it will increase traffic to the area, which will cause noise from banging car doors and also noise from car stereos. It is for this reason that they originally recommended that should the application be approved, tanker deliveries should be restricted to 07:00 hours to 22:00 hours Monday to Saturday and 09:00 to 16:00 hours on Sundays and Bank Holidays and the opening hours be restricted to 07:00 to 23:00 hours Monday to Saturday and 08:00 to 22:00 hours on Sundays and Bank Holidays.
- 10.12 However, it must be acknowledged that the Council has granted the following in relation to the opening hours and delivery period of the new Asda store:
- 'The opening hours of the store shall be restricted to 0800 - 2300 Mondays to Saturdays and 1000 - 2200 on Sundays and Bank Holidays, with the exception of a period of 12 months, commencing from the date of first occupation of the store, when the opening hours of the store shall be restricted to 0600 to 2400 hours Monday to Saturday and 1000 to 2200 on Sundays and Bank Holidays.'*
- 'There shall be no deliveries to the premises before 0700 or after 2300 on any day Monday to Saturdays, or before 0800 or after 2200 on Sundays or Bank Holidays, with the exception of a period of 12 months commencing from the date of first occupation of the store, during which there shall be no deliveries to the premises before 0600 or after 2300 on any day from Monday to Saturday, or before 0700 or after 2200 on Sundays and Bank Holidays.'*
- 10.13 Taking into account the approved opening hours of the store, the findings of the submitted Noise Assessment, which acknowledges that there will be a slight increase to the background noise from 05:00 to 07:00 hours but this will have negligible effect due to the level of existing background noise, and the element of judgment within an assessment of adverse impacts with no definitive noise standard within planning policy documents, it is considered that it would be unreasonable to restrict the opening hours of a two-pump PFS to hours that are shorter than the approved store, which is likely to generate more traffic. There is therefore merit in aligning the opening hours of the PFS with the store. As noted above, the opening hours of the store are subject to a 12-month trial period on first opening to enable the LPA to assess the impact of extending opening particularly in the early morning between 0600 and 0800 and at night between 2200 and midnight. It is recommended that this approach is also reflected within the proposed opening

hours of the petrol filling station; this is consistent with advice within the NPPF that recommends a trial run in order to assess the effect of the development.

Accordingly, the following condition is proposed as part of this application:

*The two-pump petrol filling station hereby approved shall only operate between the hours of 0800 - 2300 Mondays to Saturdays and 1000 - 2200 on Sundays and Bank Holidays except for a period of 12 months from the first day of opening of the petrol filling station when it shall operate only between the hours of 0600 to 2400 hours Monday to Saturday and between 1000 to 2200 on Sundays and Bank Holidays.*

- 10.14 With regard to deliveries, as part of the approved delivery strategy for the new Asda store, deliveries are generally permitted between the hours of 0700 and 2300 on any day Monday to Saturdays and between 0800 and 2200 on Sundays or Bank Holidays, with the exception of a period of 12 months commencing from the date of first occupation of the store, during which deliveries to the premises are permitted between 0600 and 2300 on any day from Monday to Saturday and between 0700 and 2200 on Sundays and Bank Holidays. This application for the PFS originally proposed deliveries between 0500 and midnight seven days a week, which has been revised in the course of the application to between 0600 and 2300 Mondays to Saturdays and between 0700 and 2200 on Sundays and Bank Holidays. This is consistent with the delivery hours approved on a temporary period for the Asda store. However, a trial temporary period is not considered necessary in relation to the PFS delivery on the basis that a two-pump petrol filling station will generate the requirement for only one tanker delivery and taking into account the submitted Noise Assessment and particularly background noise levels on Old Lane, it is considered that one tanker would not result in undue noise disturbance to local residents. As such, the following condition is proposed in relation to deliveries to the PFS:

*Deliveries to the petrol filling station shall be restricted to between the hours of 0600 and 2300 Mondays to Saturdays and between 0700 and 2200 on Sundays and Bank Holidays.*

A condition is also proposed requiring the submission of a Delivery Management Plan for tanker delivery drivers to minimize any potential noise impact and to address issues such as leaving the engine running, turning the cab radio off before exiting the vehicle and minimizing the use of reversing beepers etc.

- 10.15 On the basis of the above conditions it is considered that sufficient regard has been had to the residential amenity of adjoining occupiers, taking into account the cumulative context of the PFS site adjacent to the proposed new Asda store and that the conditions will avoid problems of loss of amenity and will mitigate and reduce to a minimum adverse impacts on health and quality of life arising from noise from the new development. On this basis, the proposal is considered to accord with Saved Policies BD5 and GP5 of the UDP and guidance within the NPPF.

#### Highway Impact

- 10.16 Policy T2 of the Core Strategy advises that new development should be located in accessible locations and with safe and secure access for pedestrians, cyclists and people with impaired mobility with appropriate parking provision. With regard to traffic impact within the NPPF, it advises at Paragraph 32 that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

- 10.17 In this case it is relevant to note that the planning application for the Reserved Matters in relation to the new Asda store in accordance with 14/02461/FU was approved on the basis of a detailed Transport Assessment undertaken on the basis of the 167 proposed car parking spaces and on the basis of the off-site highway works approved as part of the outline application (11/04306/OT). Indeed, the original outline planning approval was also the subject of a detailed Transport Assessment that considered the cumulative traffic impact of this development and others in the locality. These permissions establish the principle that an Asda supermarket of the size approved with parking for 167 vehicles can operate without creating or materially adding to problems of safety, environment or efficiency on the highway network and ensuring a safe access.
- 10.18 Accordingly, this application has been assessed on the basis of the additional traffic generated by the provision of a two-pump petrol filling station compared to a similar sized store where there is no petrol filling station. As a result of the small scale of the PFS, the Transport Assessment as part of this application is in the form of a Technical Note as an addition to the Transport Assessment (TA) produced by AECOM in October 2011 in support of the outline planning application for the store.
- 10.19 Using the standard database for Transport Assessments the Technical Note advises that average vehicle trip generation for a food superstore (without a PFS) would be typically 486 two-way movements at Friday peak hours (1700-1800 during the week) and 396 two-way movements at peak hours (1200-1300) on a Saturday. For a food superstore with a PFS, these two-way movements are averaged at 489 and 501 respectively such that the addition of a petrol filling station would generate an estimated 3 and 106 gross two-way vehicle trips in the Friday and Saturday peak hours respectively. A stand-alone 2 pump PFS is estimated to generate 44 two-way movements in the Friday peak (1700-1800) and 52 on a Saturday peak (1400-1500).
- 10.20 In this particular situation however, the Transport Note advises that research undertaken for other ASDA/PSF applications helps to understand how many of the trips to the PFS are trips to the petrol filling station only and how many are trips that are linked to the store. This research indicates that on average, 50% of visits to the PFS are linked trips, 40% are pass-by trips and 10% are new trips specifically to use the PFS. If these are applied to the data at Beeston the Transport Note states that there will be no more than a maximum of 10 two-way new trips associated with the PFS across both peak hour periods. This would not generate a material impact on the local highway network.
- 10.21 On the basis that the Council have already considered the traffic impact on the network generated by the Asda store to be acceptable subject to specific highway improvements and given the small number of new trips that would be generated by the PFS in itself, it is concluded that the increase in vehicular trips is not likely to cause a significantly detrimental increase in junction queuing at peak times over the existing approved outline consent assessment. Furthermore, the applicant is providing a £50,000 traffic monitoring and highway works contributions to improve the highway where necessary (as part of the outline approval for a new store) following monitoring of the sites impact on the local network such that the proposed petrol station is, on-balance, considered acceptable in relation to traffic impact.
- 10.22 It is therefore concluded that the traffic impact of the proposed PFS, even when considered in the context of the Asda store, for which the cumulative traffic impact has been assessed as part of the previous outline and reserved matters approvals, will not result in severe cumulative impacts such that it could not be refused in

accordance with guidance within the NPPF. It is also concluded that it will not create or materially add to problems of safety, environment or efficiency on the highway network and is sufficiently accessible and will provide a safe and secure access in accordance Policy T2 of the Leeds Core Strategy.

### Design

- 10.23 Within the Leeds Core Strategy, Policy P10 reinforces the requirement for new development that is based on a thorough contextual analysis to provide good design that is appropriate to its scale and function; that respects the scale and quality of the external spaces and wider locality and protects the visual, residential and general amenity of the area.
- 10.24 In this case, in addition to the two pumps, the application incorporates a typical petrol station canopy that extends to a maximum height of 4.5 metres above ground level. To Old Lane, however, it presents a narrow canopy width of only 5.3 metres such that it will not be a dominant feature within the streetscene, particularly given the substantial set back from the highway. It is therefore considered to be of sufficiently good design that is appropriate to its scale and function in accordance with Core Strategy Policy P10.

### Landscape

- 10.25 The red line boundary of this application extends only to the area associated with the PFS and including the access onto Old Lane. As such, the existing grassed frontage falls outside the red line boundary of this application. However, landscaping around the boundary of the site and within the site was considered in full as part of the Reserved Matters application 14/02462/RM. This application approved a range of landscape measures including a grassland and wild flower area to the site frontage on the existing embankment, retention of the existing trees along with supplementary planting, native hedge planting to the front and along the northern boundary, small areas of tall and medium height shrubs and two new trees to the northern boundary as well as further hedge, shrubs and grass/wildflower to the southern boundary. This scheme did permit a number of existing trees to be removed albeit with some replacement planting to take place. It also included for the provision of bird and bat boxes amongst the trees with an invertebrate box within the tall shrubs. It is therefore concluded that landscaping has been adequately addressed within the Reserved Matters approval, which requires the scheme to be implemented in accordance with a programme to be agreed. It is proposed, however, to request details of lighting as part of this application and to require that the lighting be switched off at least between the hours of 0030 and 0530 to protect the amenity of adjoining occupiers and to support the bio-diversity enhancements noted above.

### Equality

- 10.26 The Equality Act 2010 requires public bodies to have due regard to eliminate discrimination and to advance equality of opportunity. In this instance the petrol filling station will be accessible and sufficiently well-lit such that in relation to its function and purpose, it is not considered to conflict with the objectives of the Equality Act.

### Response to Representations

- 10.27 The letters received from immediately adjoining residents primarily related to concerns about traffic congestion, fumes associated with vehicles and increased noise and disturbance. This was on the basis of 24 hour opening and both traffic congestion and noise disturbance are considered fully in the report above. With regard to fumes associated with vehicles using the pumps, it is advised that vehicles must switch off their engines during re-fuelling such that it should not give rise to undue fumes. In any event, Petrol Filling Stations are subject to a separate environmental permit licencing procedure.
- 10.28 In response to the template letters submitted by the Save our Beeston campaign, the following is advised:
- a. In response to a request for an assessment of the cumulative impact on the health and well being of residents, it is assumed that the residents are requesting that a Health Impact Assessment be undertaken. In response, it is advised that this application seeks the provision of two petrol pumps; consequently, the site area is only 0.086 hectares such that it does not constitute a major planning application (1+ hectares). Furthermore, there is no statutory requirement in planning legislation to undertake a Health Impact Assessment. This application is also significantly below the thresholds for consideration of an Environmental Impact Assessment. The closest description to a PFS within the EIA Regulations might be an industrial estate project or an urban development project where the threshold is identified as development exceeding 0.5 hectares. In relation to the storage of petroleum, the threshold for an EIA is storage of more than 200 tonnes of petroleum or chemical products. In this case, there are two storage tanks of 55,000 litres each of diesel and unleaded. These tanks have an approximate weight of 10 tonnes equates such that they will be significantly below the 200 tonnes threshold. Accordingly, the scale of development is such that an EIA would not be warranted in this instance and the application could not be deferred or refused on the grounds of seeking a Health Impact Assessment for which there is no statutory requirement. The traffic impact associated with the Asda store, which is the primary traffic generator in this case, was considered with regard to its cumulative impact as part of the original outline approval.
  - b. In response to the demand that Leeds City Council stop any major development plans and specific planning applications in the Beeston Village area until the Council has fully engaged with the residents to develop a comprehensive local plan for the area, it is advised that the Council have a duty to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. The Development Plan would include an Adopted Neighbourhood Plan but there is presently no neighbourhood plan in place for Beeston Village. The Council must therefore determine the application in accordance with the Development Plan at the present time, which constitutes (as relevant to this application) relevant Saved policies within the UDP and the Leeds Core Strategy as well as any other material considerations. This assessment is set out in the report above. The Beeston Plan is in the early stages of preparation and clearly, the Save Beeston Village group can fully engage in that process.
  - c. It is noted that the Save our Beeston make their demands on the basis that a number of developments have been allowed to go ahead – the Park and Ride scheme at Elland Road, the Asda supermarket at Old Lane, the expansion of the White Rose Centre, the Police Station at Elland Road and a major hotel at Elland Road. Even if the Beeston Plan were to be in place, with the exception

of the Asda store, these applications lie outside the boundary of the proposed Plan, which excludes Elland Road and the White Rose Centre such that the Neighbourhood Plan would not have been a material consideration in the determination of these applications in any event. In reviewing the representations to the outline application for the Asda store, it is noted that this application generated only 6 objections with 11 representations in support including a petition with 1000 signatures, which would suggest some level of local support for the store.

- d. In response to the reference to the DePuy factory, the 50% increase in Beeston Primary School and Hugh Gaitskell Primary School, the 30% increase in the size of Cockburn High School and the creation of the Elliot Hudson College adjacent to the White Rose Centre (a free school proposal) it is unclear how these percentage increases have been calculated. For example, in October 2009 the Council's Executive Board considered a report requesting permission to consult on the proposal to expand Beeston Primary School from 420 to 630 places Beeston Primary School. An application for a two-storey extension was subsequently submitted and approved (13/01546/FU) in August 2013, which would enable an increase from 420 places to 630 places to serve the local catchment by September 2016; an increase of 33% rather than 50%.
- e. In response to the suggestion within the second template letter that no more major developments in the Beeston Village area be granted planning permission until a health and well-being impact assessment has been carried out – this is addressed above.
- f. With regard to the reference to no more major developments in the Beeston Village area to be granted until Leeds City Council has engaged with local residents to develop a comprehensive local plan for the area, this is also addressed above and it is noted that this proposal does not constitute a major application.

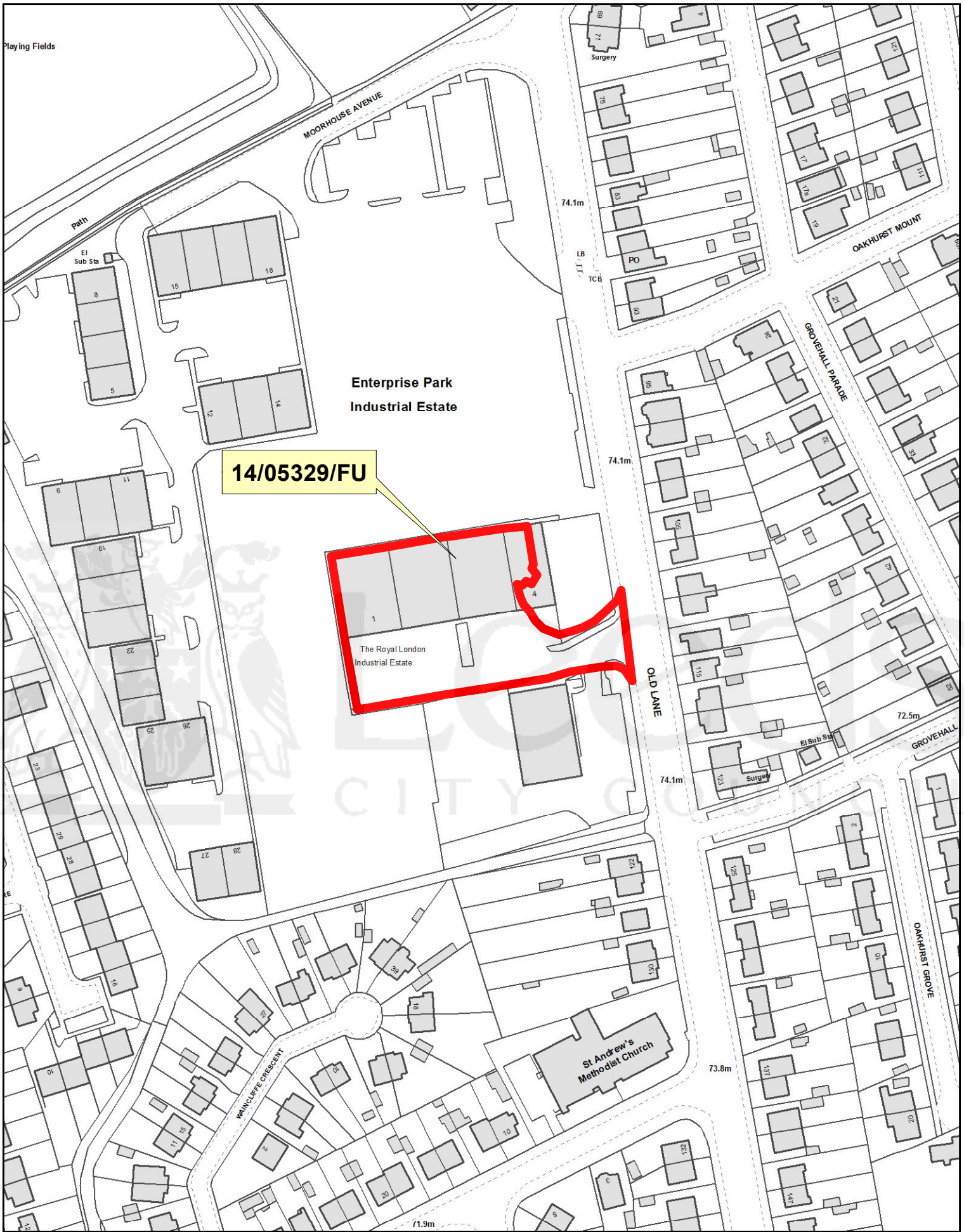
## **11.0 CONCLUSION**

- 11.1 This application seeks full planning permission to construct a 2-pump self-service petrol filling station (PFS) with associated canopy and air and water pump on part of a site that is to be re-developed to provide a new Asda store. For an initial 12 month period from the date of opening, the PFS will operate for a trial period between the hours of 0600 to 2400 hours Monday to Saturday and between 1000 to 2200 on Sundays and Bank Holidays. After that time, unless a further application is received, the opening hours would revert to 0800 - 2300 Mondays to Saturdays and 1000 - 2200 on Sundays and Bank Holidays. The temporary period allows the impact of the opening hours to be assessed in situ. It is proposed that deliveries take place between 0600 and 2300 Mondays to Saturdays and between 0700 and 2200 on Sundays and Bank Holidays.
- 11.2 A petrol filling station constitutes a sui-generic use and the application site is unallocated such that the application must be considered on its merits. With regard to the principle of development it is concluded that planning permission for the use of the wider site for retail purposes has been clearly established and this small PFS is a function that is consistent with the site's use as a retail store such that the primary issues to consider in the determination of this application relate to matters of highway safety and the amenity.

- 11.3 Following the submission of a Noise Assessment and an amendment to the originally proposed 24/7 operation, subject to conditions to restrict opening hours and delivery times noted above, it is concluded that these conditions will mitigate, and reduce to a minimum adverse impacts on health and quality of life arising from noise from new development such that the proposal is considered to accord with Saved Policies BD5 and GP5 of the UDP and guidance within the NPPF.
- 11.4 The traffic impact arising from the PFS, given its small scale, even when considered in the context of the Asda store, will not result in severe cumulative impacts such that it could not be refused in accordance with guidance within the NPPF. It is also concluded that it will not create or materially add to problems of safety, environment or efficiency on the highway network and is sufficiently accessible and will provide a safe and secure access in accordance with Saved Policy T2 of the UDP and Policy T2 of the Leeds Core Strategy.
- 11.5 Finally, the design and scale of the PFS canopy is appropriate to its scale and function in accordance with Policy P10 of the Core Strategy whilst the landscaping of the site has been adequately addressed within the previous Reserved Matters approval for the Asda store.
- 11.6 In conclusion, it is determined that the proposed development is in accordance with the development plan such that the application is recommended for approval subject to conditions.

**Background Papers:**

Application and history files.  
Certificate of Ownership



# SOUTH AND WEST PLANS PANEL







Originator: Carol  
Cunningham  
Tel: 0113 24 77998

**Report of the Chief Planning Officer**

***CITY PLANS PANEL***

**Date: 4<sup>th</sup> December 2014**

**Subject: Application number 14/05508/FU – Full application for change of use of a private members club to restaurant (A3) with manager flat to first floor and external flue to rear at 207 to 209 New Road Side Horsforth**

<b>APPLICANT</b>	<b>DATE VALID</b>	<b>TARGET DATE</b>
Agora restaurant	19 <sup>th</sup> September 2014	14 November 2014

<p><b>Electoral Wards Affected:</b></p> <p>Horsforth</p>  <div style="border: 1px solid black; display: inline-block; padding: 2px;">Yes</div> Ward Members consulted (referred to in report)	<p><b>Specific Implications For:</b></p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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**RECOMMENDATION: Approve subject to the following conditions**

1. Time limit on full permission
2. Development in line with approved plans
3. The restaurant shall be ground floor only and limited to 60 covers
4. Car park to the rear to be laid out prior to occupation
5. Opening hours limited to 1200 to 2200 each day
6. Details of proposed bin store to be submitted
7. Details of odour and fumes from food uses to be submitted
8. Conifer hedge on boundary shall remain at no less than 2m in height

**1.0 INTRODUCTION**

1.1 A full planning application for a change of use from a private club to a restaurant with a flat on the first floor and external flue to the rear was submitted to the Council on 19<sup>th</sup> September 2014. The 8 week expiry date was 14 November 2014 but an extension of time has been agreed to the 5<sup>th</sup> December 2014.

- 1.2 Members are asked to note the content of this report and accept the officer's recommendation of approval with the conditions listed above.
- 1.3 The application relates to a building which is unallocated within the Unitary Development Plan and the Core Strategy and is just outside the Town Centre.
- 1.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the need to determine applications in accordance with the development plan unless material considerations indicate otherwise.
- 1.5 The proposal is considered to accord with the current development plan and to be acceptable in regard to highways, residential amenity and other material considerations.
- 1.6 The National Planning Policy Framework is a material consideration and Annex 1 sets out that whilst relevant policies adopted since 2004 may be given full weight depending on their degree of consistency with the NPPF, decision takers may also give weight to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF.

## **2.0 PROPOSAL:**

- 2.1 The application is a change of use of an existing club to a restaurant with managers flat. The initial application was for both floors with a maximum number of covers of 88. It was considered that there was not enough parking for this number so the application has been changed to ground floor only and a maximum number of covers for 60.
- 2.2 The upper floor will now be used for a managers flat with storage. There will be a new external staircase to the rear to give emergency access to the flat. There will also be a flue on the rear elevation which will be 1 metre higher than the existing eaves and is located on the property closest to number 211 and 213. There is a car park to the rear which will accommodate 16 car parking spaces.
- 2.3 The original opening hours were from 1200 to 2330 but this has now changed to 1200 to 2200 hours each day

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site is an existing club which is now empty. This was a private members club which was not open to the general public but had no restriction in opening hours and had private functions. It is a two storey stone building which is onto the pavement at the front. To the rear is an existing car park with the access off New Road Side. This is a shared access with 5 other properties on New Road Side and 4 residential properties to the rear on Victoria Mews.
- 3.2 The club is surrounded by residential properties with the only a small gap between the premises and the houses either side of New Road Side. There is a line of high conifer trees on the boundary of the car park and the houses on Victoria Mews. The site is just outside of the Town Centre.

## **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 14/05806/FU – change of use to health centre awaiting determination.  
13/05747/FU – change of use to four flats with two storey rear extensions approved 14/2/2014  
13/03563/FU – change of use to form four houses withdrawn 23/9/2013

## 5.0 HISTORY OF NEGOTIATIONS

- 5.1 Discussions have been ongoing with the applicant's agent and officers since submission of the planning application.

## 6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised by site notice posted on site on the 4<sup>th</sup> April 2014 and an advert was placed in the Yorkshire Evening Post 8 May 2014. Publicity expiry date was the 25 April 2014. The revised scheme was advertised via a site notice on 18<sup>th</sup> July 2014 and expired 5 September 2014.

- 6.2 Councillor Cleasby and Councillor Townsley have requested that the application be brought to Plans Panel for determination and both have objected to the application concerned with the following matters:

- 16 parking spaces are totally inadequate for 60 covers plus staff and deliveries.
- There are sufficient "eateries" in this neighbourhood all making demands on, on-street parking.
- As it is a residential area I have concerns over the smells and odours that may make life for residents unacceptable.
- entrance to the car park is hidden and a little way down the street that diners will probably not use it anyway.

- 6.3 Horsforth Civic Society – concerned about the provision of parking on site when the restaurant is busy and could result with overflowing out onto New Road Side.

- 6.4 Four objection letters concerned with the following:

- Lack of parking for the number of covers and no provision for staff
- Residential amenity adversely affected by increase in vehicle movements and increase in noise
- Concern regarding adequacy of kitchen ventilation
- Concerned regarding location of food waste bins on boundary with houses
- Can refuse lorries access the car park
- Existing parking can restrict road to single access road and significant issues when entering and exiting Victoria Mews
- No mention on conifer trees on boundary
- Previously conifers where to remain to protect privacy
- Flue located close to residential properties
- Clarification that new car park surfacing will not increase run off

- 6.5 One letter of objection from 8 properties on New Road Side concerned with

- Market already saturated and a further restaurant would only serve to dilute an already saturated market

- Current preference by council is to reduce number of licenced premises and consider a residential use or health centre would serve this purpose and better serve the local community
- Parking provision insufficient for restaurant use
- New flue will impact on number 211
- New bathroom window will overlook 211
- New external stair and landing will overlook 211
- Impact on residential amenity in terms of noise and disturbance
- Large concentration of restaurants in the area

6.6 One letter of support stating it will complement the area providing limited opening hours and ensure enough parking. An eating establishment is better than a pub or purely drinking establishment.

## 7.0 CONSULTATION RESPONSES

### Highways

Objected to the original proposal due to lack of car parking. If proposal is reduced to one floor and 60 covers then it would be difficult to justify a refusal due to previous use and car parking requirements for that level of development.

## 8.0 PLANNING POLICIES:

### The Development Plan

8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan currently comprises the adopted Local Development Framework Core Strategy (2014), those policies saved from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Local Plan. Relevant supplementary planning guidance and documents and any guidance contained in the emerging Local Development Framework (LDF) represent material considerations.

8.2 The Local Development Framework **Core Strategy** was adopted by the Council on 12<sup>th</sup> November 2014. The following policies contained within the Core Strategy are considered to be of relevance to this development proposal:

**P2** – Acceptable uses on the edge of town centres

**P10** – Design

**T2** – Accessibility Requirements and New Development

The most relevant saved policies from the **Leeds Unitary Development Plan** are outlined below.

**GP5** - Development control considerations including impact on amenity

**T24** - Parking provision in development proposals

### Supplementary Planning Guidance / Documents:

8.3 Supplementary Planning Document: “Street Design Guide”.  
Supplementary Planning Document: Public Transport Improvements and Developer Contributions.

## **National Guidance - National Planning Policy Framework**

- 8.4 The National Planning Policy Framework (NPPF) came into force on 27th March 2012. 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.

## **9.0 MAIN ISSUES**

- Compliance with the Development Plan
- Highway safety
- Residential amenity
- Representations

## **10.0 APPRAISAL**

- 10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 state that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the National Planning Policy framework indicates that development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The starting point for any consideration of the development must therefore be the provisions of the core strategy, the saved policies within the LUDPR (2004), in order to assess whether the development is in accordance with the development plan. Other material considerations include the NPPF, highways, amenity, and other matters.

### **Compliance with the Development Plan**

- 10.2 The site is not allocated for any use within the Core Strategy or UDP. It is located just outside of the Town Centre so policy P2 of the Core Strategy is relevant. This encourages uses that assist the town centre and restaurants is one of those uses that is considered acceptable on the edge of Town Centres so in principle the change of use is considered acceptable.

### **Highways**

- 10.3 There is a car park to the rear of the premises which on amended plans that have been submitted can accommodate 16 car parking spaces. The original plans were for accommodation on both floors and covers of 88. The number of car parking spaces is calculated on the floorspace and this original scheme would have required 25 car parking spaces so there was a shortfall of 9 spaces and this would have led to parking on the highway. The scheme could therefore not be supported on highway grounds. The proposal has now been reduced to ground floor only and covers of 60. The parking spaces required for this are 16 which are provided on the car park to the rear. There is also an area to the front of the property which would allow for 3 cars to be parked on the highway. For all these reasons it is considered that the parking

provided is adequate for the size of the restaurant especially as the previous use was a club.

- 10.4 There have been objections to the fact that the car park entrance is not clear and other vehicles block the entrance to the car park making it single track for most of the way so patrons will not know about or use the car park. This same situation existed for users of the existing club and there were no issues with parking on the highway when the club was in operation. The applicant will be encouraged to advertise the car park on any leaflets or websites that they produce.
- 10.5 There have also been concerns about the refuse lorry and whether this will be able to access the site down this existing access. The refuse lorry currently gains access down this road to collect the bins from the residential properties that gain access of this road plus the refuse lorry has previously collected bins from the existing club.
- 10.6 For all these reasons it is considered that subject to conditions to limit the use to the ground floor only and no more than 60 covers there should not be a detrimental impact on the safe and free flow of traffic.

### **Residential amenity**

- 10.7 There are three issues that need to be considered in relation to the proposal and any impact on residential amenity. The existing building does have residential properties on either side at close proximity and there are 4 detached houses to the rear.
- 10.8 These three issues are the noise and disturbance from the use and the comings and goings from the use, the impact of the proposed flue and the impact of the proposed bin store in terms of odour.

#### **i) Noise and disturbance**

- 10.9 There could be two sources of noise and disturbance being the restaurant itself and the comings and goings of customers. As the scheme is a restaurant and the previous use was a club which did have functions with music the level of noise created from the restaurant use itself will be less than the club use and will not have a detrimental impact on residential amenity. In terms of the comings and goings and use of the car park to the rear the original application opening hours were 12pm to 1130pm 7 days a week. The disturbance could become an issue later on in the evening when background levels are lower. It is considered that the quiet times for residents should be between 11pm and 7am and at the moment these opening hours would be within this quiet zone in the evening. The applicant has stated that in evening opening hours till 10pm would be acceptable. This would ensure that between the hours of 11pm and 7am there should not be any noise that will impact on the residential amenity of adjacent residents. Another consideration is that the existing building is a club which could reopen tomorrow without requiring planning permission and there is no restriction on its opening hours. It is appreciated that the comings and goings to the restaurant will be more than the comings and goings from the previous club use but the restaurant opening hours can be restricted to 10pm whilst the club use has no restriction on opening hours so on balance the restaurant use if considered acceptable.

#### **ii) Location of Flue**

- 10.10 The flue is located on the rear elevation which in terms of visual amenity on the street scene this location is acceptable. However, the flue is located at one end of

the property and it close to the boundary with an existing residential property. The applicant has been asked to look at moving the position of kitchen and flue but this presents a number of other issues. Firstly my moving the flue to the other end of the building it moves the flue next to another residential property. Secondly, by moving the kitchen to the front would result in the flue on the front elevation which would be unacceptable in visual amenity terms. Finally moving the kitchen to the centre of the building would result in a restaurant layout which would be disjointed. For all these reasons the location of the kitchen and the flue is not altered and its location close to the boundary of a residential property needs to be considered. Whilst the flue has the potential for smells and odour the flue is now 1.6 metre above the height of the eaves in line with guidance from Defra and should not have a detrimental impact on residential amenity in terms of odour.

### iii) Location of the Bin Store

- 10.11 The bin store is located to the rear of the property and will be screened by a wooden fence. Residents have concerns regarding the potential for smells from the bin store. It has been suggested to the applicant that a structure is erected which has walls and a roof which will not only shield the bins from views but prevent smells impacting on neighbours Amended plans have been submitted which show timber walls and timber roof which will help to reduce the impact on smells from the bins.
- 10.12 Overall it is considered that on balance the change of use to a restaurant is considered acceptable and will not have a detrimental impact on residential amenity being in mind the previous use and the fact that this has unrestricted hours and the proposed use opening hours can be controlled by conditions.

### Letters of representations

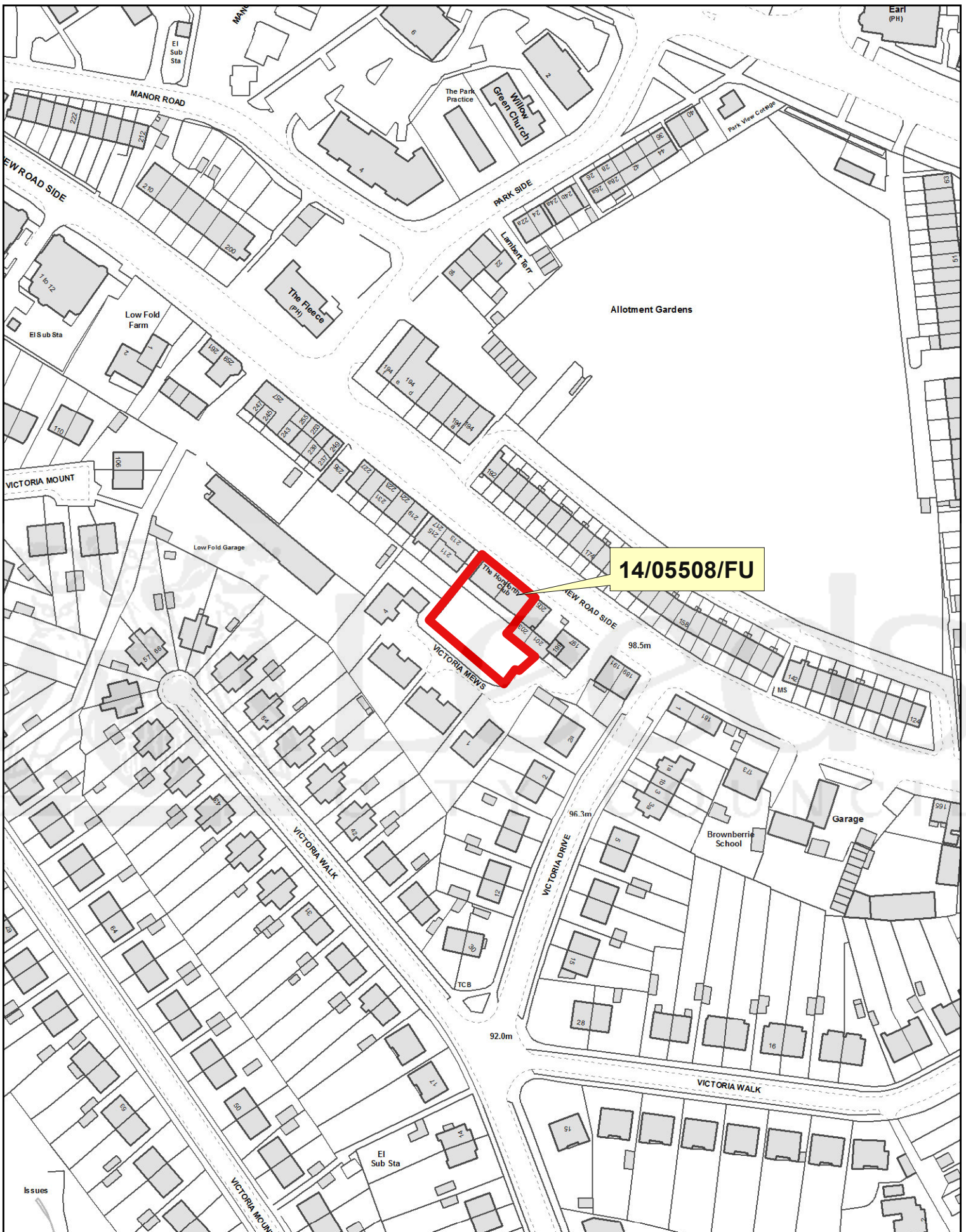
- 10.13 The majority of the issues raised in the letters of representation have been considered above with those issues not addressed referenced below.
- 10.14 Residents are concerned that an existing conifer hedge on the boundary with the car park will be removed so that their privacy will be affected. A previous consent for conversion to residential properties had a condition for this conifer hedge to be retained at a min height of 2 metres and the applicant has no objection to a similar condition.

## 11.0 CONCLUSION

- 11.1 The application is for a change of use from a club to a restaurant. As the building is not allocated for any use and is close to the Town Centre the proposed use is considered acceptable. There is adequate car parking for the level of development and conditions need to be attached limiting the floorspace and number of covers. It is also considered that the noise generated from the use will have less impact on residential amenity than the existing use subject to opening hours condition. With adequate mitigation the proposed flue and bin store should also not have a detrimental impact on residential amenity. Matters raised within the representations have been considered but on balance officers are looking to support the use.

### Background Papers:

Certificate of ownership: signed by applicant.  
Planning application file



# SOUTH AND WEST PLANS PANEL







Originator: Alison Stockdale

Tel: 0113 24 77071

**Report of the Chief Planning Officer -**

***SOUTH AND WEST PLANS PANEL***

**Date: 4<sup>th</sup> December 2014**

**Subject: Application number 14/03987/FU – Demolition of former corn mill building and erection of two storey offices at Corn Mill View, Low Lane, Horsforth LS18 5NJ**

**And Application number 14/03988/LI – Listed building application to demolish former corn mill building at Corn Mill View, Low Lane, Horsforth LS18 5NJ**

<b>APPLICANT</b>	<b>DATE VALID</b>	<b>TARGET DATE</b>
Horsforth Office Park Ltd	8 <sup>th</sup> July 2014	8 <sup>th</sup> October 2014

<p><b>Electoral Wards Affected:</b></p> <p>Horsforth</p> <p><input type="checkbox"/> Yes    Ward Members consulted (referred to in report)</p>	<p><b>Specific Implications For:</b></p> <p>Equality and Diversity    <input type="checkbox"/></p> <p>Community Cohesion    <input type="checkbox"/></p> <p>Narrowing the Gap    <input type="checkbox"/></p>
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**INTRODUCTION:**

- 1.1 This application was presented to Plans Panel on the 2<sup>nd</sup> October 2014. In the light of comments which were received from English Heritage on the day of the Panel, officers were asked to speak to English Heritage with a view to understanding their concerns about the scheme and considering whether those concerns could be addressed.
  
- 1.2 Officers met with English Heritage, ward councillors and the applicant's representative on the 14<sup>th</sup> November. English Heritage indicated that they felt the new building did not sufficiently reflect the layers of history of the listed building. The heritage value of the listed building was considered to be in the story of its development which was highlighted in the extensions and changes to the building over time. A new building which reflected this was suggested.

- 1.3 Officers believe that this approach reflects a highly principled but less than pragmatic response to the replacement scheme which would not be apparent to viewer of the building. In addition, space on site is constrained and changes to the footprint of the building will compromise the availability of parking provision.
- 1.4 Consequently, officers believe that it is not expedient to seek revisions to the current scheme which is considered an acceptable response to the site and its constraints. If the applications are considered acceptable, the listed building application will be referred to the Secretary of State which will give English Heritage opportunity to make further representations if they wish. The schemes are therefore brought back to Plans Panel without further revisions and retaining the previous recommendations of approval subject to notification to the Secretary of State.



**Report of the Chief Planning Officer -**

***SOUTH AND WEST PLANS PANEL***

**Date: 2<sup>nd</sup> October 2014**

**Subject: Application number 14/03987/FU – Demolition of former corn mill building and erection of two storey offices at Corn Mill View, Low Lane, Horsforth LS18 5NJ**

**And Application number 14/03988/LI – Listed building application to demolish former corn mill building at Corn Mill View, Low Lane, Horsforth LS18 5NJ**

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**RECOMMENDATIONS**

**14/03987/FU  
GRANT PERMISSION subject to the following conditions**

1. Time limit on full permission
2. Notwithstanding the approved plans, details of cycle storage to be provided.
3. Vehicular areas to be laid out, surfaced and drained.
4. Details of contractors' storage area to be submitted and approved.
5. Submission and approval of a Phase 1 Desk Top Study.
6. Need for submission and approval of a new Remediation Statement.
7. Submission and approval of Verification Reports.
8. Submission and approval of a surface water drainage scheme.
9. Identification of safe routes out of building.
10. Finished floor levels to be 73.6m AOD.
11. Separate systems of surface and foul water to be supplied.

12. Sample stonework panel to be approved.
13. Roofing materials to be approved.
14. Samples of surfacing materials to be approved.
15. Landscaping scheme to be submitted and approved.
16. Landscape management plan to be submitted and approved.
17. Submission of details and location for information board.
18. Submission and approval of a plan for bat roosting and bird nesting opportunities.

**14/03988/LI**

**DEFER FOR NOTIFICATION TO THE SECRETARY OF STATE: Listed building consent to be granted subject to the Secretary of State not calling in the application and subject to the following conditions**

1. Time limit on listed building consent.
2. No demolition to take place other than in accordance with a timetable for demolition and rebuilding of the approved scheme of redevelopment
3. Archaeological recording.
4. Submission and approval of a plan of demolition.
5. Submission and approval of window/ glazing details.
6. Submission and approval of guttering details.
7. Detailed plans of use of re-claimed materials in service core.
8. Method statement for construction of service core to include coursing, bedding and pointing details.

#### **INTRODUCTION:**

- 1.1 The report relates to two applications, the first for planning permission for the redevelopment of the site with offices, and the second for listed building consent for the total demolition of a partially demolished Grade 2 listed corn mill.
- 1.2 A scheme for a part two part three storey office building to replace the listed building was considered by Plans Panel in June 2013. The scheme was refused because of the lack of parking and because the replacement building failed to show sufficient regard for the scale and massing of the listed building.

#### **2.0 PROPOSAL:**

- 2.1 Application 14/03987/FU is for full planning permission for the erection of a two storey office block with associated car parking. In order for the development to take place a listed building application (14/03988/LI) has also been submitted to demolish the existing derelict corn mill building on the site.
- 2.2 The proposed replacement building is of a simple two storey pitched roof construction. There are small pairs of vertically aligned windows along the West and East elevations while the other elevations contain larger windows reminiscent of doorways in historical industrial buildings. This building will be constructed from new natural stone with a slate roof.
- 2.3 The service core of the building will be housed within a rectangular block on the western side of the building. This will be constructed from reclaimed stone from the listed building and contain window and door openings from the corn mill rebuilt into the new building. The main building and service core will be linked by a zinc clad element.

- 2.4 A car park is provided to the east of the building with 17 parking spaces including 2 disabled bays and motorbike and cycle parking.
- 2.5 Members are reminded that as this reports refers to 2 applications, Panel will be required to make a decision on both.

### **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 3 to 5 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 APPLICATIONS 11/02390/LI and 11/02389/FU:**
- i) Prior to the submission of the 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 2011 applications, there was correspondence with the applicant discussing the technical requirements if a new application was 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 2011 applications and prior to the Panel meeting of December 6<sup>th</sup> 2012

- 5.12 Following the submission of the 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 on 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.

iii) Since the December 2012 Panel Meeting

- 5.13 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.



- 5.14 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.
- 5.15 At a subsequent meeting between officers and the developer on 29<sup>th</sup> 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.
- 5.16 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 proposals reflected in the 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.
- 5.17 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.
- 5.18 In addition to these contamination costs the report noted that because of changes to the EA flood maps to take account of Climate change 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.
- 5.19 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.

5.20 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.

5.21 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.

5.22 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,

- 5.23 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.

5.24 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.

5.25 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)”.

5.26 In response the agent was informed that officers would recommend refusal on the grounds that the floorspace of the building is too great for the parking provided.

5.27 The applications were taken to Plans Panel on 20<sup>th</sup> June 2013 with reasons for refusal relating to the lack of parking, massing of the building and failure to provide a satisfactory replacement scheme. The application was determined in line with officers' recommendations and refused.

5.28 Since June 2013 officers have been in discussion with the applicant, Conservation officers and ward councillors with the current application being the result of those deliberations.

## **6.0 PUBLIC/LOCAL RESPONSE:**

6.1 Comments received:

**Ward Councillors** were consulted on 14<sup>th</sup> July 2014.

Ward councillors are broadly in support of the principal of the demolition of the listed building and redevelopment of the site with the current scheme. They have however still some concerns over a number of detailed matters. Councillor Townsley has raised objection that insufficient of the existing fabric of the building is

being retained and that the walling being retained should be left at 1.0m in height. He had requested that, where the new parking area passes over the footprint of the listed building, this was shown in the car park surfacing. The agent has expressed concern that this would result in an impact on durability of the surfacing. He requested that the new building was named after the Corn Mill; the agent has confirmed that this can be considered.

Amenity bodies:

**Leeds Civic Trust:** Objects to the proposed development, and considers that the proposed building is a very poor substitute for the historic corn mill building and does not bear any resemblance to the former mill. Two possible outcomes were suggested. Firstly, to press for the reconstruction of the mill building in a form which would be far closer to its original design - this would at least have the benefit of harking back to the past use and appearance, so maintaining the historic links on the site. An alternative would be to remove the requirement for an office building altogether and require the development of affordable housing or a community facility on the site which would fit better with the surrounding uses although it was appreciated that flooding may be an issue.

**The Association for Industrial Archaeology:** The Association for Industrial Archaeology objects to the demolition of the mill. Every effort should be made to either incorporate the existing structure into a well-designed building of appropriate use, or that it is correctly rebuilt. It is noted that some of the materials from the mill are stored and therefore are available to be used in its rebuilding/repair. Should the application be allowed then there must be appropriate further recording in accordance with paragraph 141 of the NPPF.

**Council For British Archaeology:** The CBA objects to the proposal and comments that mishandling of a previous application has led to a very disappointing situation. It believes that the scheme is substandard and does not represent the best available outcome which must be sought in order to avoid setting a dangerous precedent. The fabric of the building should be reused in a way that best enhances the connection between the area now and the historic use. The proposed scheme reuses the fabric of the listed building in a random fashion as a token gesture towards the previous building.

**One individual objection** received noting that: as a listed building the corn mill should have been protected and to allow its demolition sets a dangerous precedent. The history of the site was noted and mention was made that if planning permission was granted remediation works would be required and archaeological recording should take place before this to ascertain if the site contained a Medieval mill.

## **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:** No response received to date; a verbal update will be given at Plans Panel. However in relation to applications 11/02389/FU and 11/02390/LI, the following response was received:

*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:**

**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 along the site road as well as the corn mill building. As long as the footpath is not affected by the demolition and erection of two storey offices this office has no objection to the proposed.

**SUSTAINABILITY – CONSERVATION:** No objection subject to conditions.

**SDU NATURE CONSERVATION:** No objection subject to a condition.

**ENVIRONMENTAL HEALTH:** No specific comments; officer referred to standing advice.

**HIGHWAYS:** No objections, conditions recommended.

As outlined in the Transport Statement the UDP recommends a maximum 1 space per 20sqm for the first 300sqm and 1 space per 33sqm thereafter for B1 office developments. The application form states that the proposed office building would have 536sqm gross floor area, this would have a maximum requirement of 17 spaces which have been accommodated on the site. In addition, some space is provided for motorcycle parking as well. Space for secure cycle parking is identified on the site plan, 3 staff spaces should be provided in a lockable enclosure and this should be secured by condition of any approval.

**ARCHAEOLOGICAL ADVISORY SERVICE (WYASS):** The WYAAS defer decision on the demolition of the listed building to the Council’s Conservation department but recommend that an appropriate level of archaeological recording is carried out during any works to the building and its footprint.

**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:

- GP5 – General planning considerations
- 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 Inspector's Reports into the Core Strategy and the CIL examinations have now been received and reports on these were considered by Executive Board on 17 September 2014 with a view to the core strategy being referred to full Council for formal adoption. As the Inspector has considered the plan, subject to the inclusion of the agreed modifications, to be legally compliant and sound, the policies in the modified core strategy can now be afforded substantial weight. Once the core strategy has been adopted it will form part of the Development Plan.

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 18<sup>th</sup> century and expanded in the 19<sup>th</sup> 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 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:

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

- 10.6 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.
- 10.7 The applicant claims that the scheme will result in substantial public benefits as a result of 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 local and wider Leeds area 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.
- 10.8 The Local Planning Authority do not consider that the substantial harm or loss of the listed corn mill building is outweighed by the public benefits listed above. The importance of the corn mill has been detailed in 10.2 above and it is not considered that the proposed replacement building can replace the significant history displayed by the building.
- 10.9 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.
- 10.10 Consideration of the four policy criteria of the NPPF:
- 1. The nature of the heritage asset prevents all reasonable uses of the site**  
The applicant ascertains that the previous planning applications for the site indicate their attempts to find a re-use for the building. They further state that the technical issues of the site have resulted in it proving difficult to re-use. The level of contamination on the site and the remediation works required to make the site fit for use would almost certainly result in the collapses of the remainder of the building. The Structural Report supplied with the application shows that the building would require significant structural works including underpinning the existing foundation, replacing timber elements of the building and potentially rebuilding the existing walls which are no longer vertical. Combined with this, the current ground floor level is well below predicted flood levels such that if the existing building were to be retained and repaired then approximately 20% of the



wall would be below the required ground floor level. This would result in the need to increase the height of the wall by between 1.5m and 2.0m in height to allow for headroom, services etc.

As a result of the state of the listed building, the level of contamination on site and the siting within the flood plain, it is agreed that the re-use of the building would be highly limited and significant rebuilding, if not complete reconstruction, would be required.

## **2. No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation**

The applicant indicates in the Viability Report that the site has been actively marketed since 2006 when particulars were prepared for the site reflecting the 2006 permission which allowed alteration and conversion to offices. Information has been provided to show that there has been occasional interest in the site but nothing that has progressed. The reasons for this have been identified as the time taken to complete the redevelopment of the site; the nature of the accommodation and its small floors; the current poor impression of the site; and comparisons with other locally available office space.

The financial viability of the 2006 scheme (rebuilding and conversion) has been assessed within the Viability Report and indicates that the scheme would not be viable because of the small conversion footprint and limited returns.

The contamination and flooding issues and state of the building, as well as the small size of the structure have been highlighted as issues affected the viability of the re-use of the site.

## **3. Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible**

The Viability Report confirms that during the time the property has been marketed, no community or charitable organisations have come forward which have offered to take the property at a nominal value and to then secure grant funding for an appropriate future project at the site.

The applicant has demonstrated that, despite marketing, no charitable or public ownership scheme has been brought forward to conserve the building.

## **4. The harm or loss is outweighed by the benefit of bringing the site back into use.**

The state of deterioration and disrepair of the site is such that it is a significant eyesore in the locality. It has been discussed that the contamination level on site would mean that much of the building still standing would need to be demolished prior to the removal of the contaminated material. While it is true that the building could then be re-built, significant works would still be required to make the building structurally sound. As has also been stated above, issues relating to flood levels would mean that much of the ground floor was below the flood level and further lead to the conclusion that re-use of the existing building is not feasible.

Without the remediation works, an acceptable re-use for the building is unlikely to be found. It has been demonstrated that it is highly unlikely that the building can be restored without complete demolition and rebuilding. Even then, it is unlikely that it would provide viable accommodation as a result of its restricted floorspace and issues surrounding flood risk. The current scheme however

results in a building which will reflect the previous industrial use of the site in its design while providing office space suitable for modern use. The modest design of the scheme and re-use of materials from the listed building refer back to the previous use of the site and provide an appropriate and viable future use for the site.

- 10.11 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.
- 10.12 None of these options are likely to provide a quick fix and all are likely to have budgetary and potentially future asset management implications.
- 10.13 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. This resulted in the refusal of applications 11/02389/FU and 11/02390/LI.
- 10.14 The current application seeks to resolve the issues raised in relation to the previous scheme in terms of parking provision and design of the replacement building thereby providing a new building which justifies the demolition of a listed building.

### **Highway Issues**

- 10.15 17 parking spaces have been accommodated on site including 2 disabled parking bays. The UDP recommends a maximum 1space per 20sqm for the first 300sqm and 1 space per 33sqm thereafter for B1 office developments. The application form states that the proposed office building would have 536sqm gross floor area; this would have a maximum requirement of 17 spaces which have been accommodated on the site. In addition, some space is provided for motorcycle parking as well.
- 10.16 Vehicle access arrangements are adequate and the Transport Statement with the application estimates 12 vehicles trips in peak hours. Highways officers have not disputed this figure and it is not anticipated that the projected number of vehicle movements will cause any highway concerns.

## **Design**

- 10.17 The proposed office building is of a simple two-storey pitched roof construction with an adjoining service core housed in a flat roofed block fronted with stone and door and window detailing taken from the listed building. The new building does not pretend to be a reconstruction of the corn mill but harks back to the past industrial use of the site with a simple vernacular building of modest proportions similar to those of the corn mill.
- 10.18 The footprint and scale of the building is similar to that of the corn mill. The proposed pitched roof and large arched windows further reference the previous building without resulting in a pastiche of the demolished corn mill. This similarity in scale and siting allows some impression of the corn mill setting as it once was.
- 10.19 The main building will be constructed from new stone with a slate roof. Down the long side elevations windows are smaller and in pairs separated by stone mullions. The gable ends have larger windows reminiscent the openings in historical industrial buildings.
- 10.20 The service core is housed within a block to the side of the main building and linked to it by a zinc clad section. The outer elevation of the service core is a 'wall of memory' using stonework and openings from the listed building and providing a link with the past without resulting to a pastiche of the demolished building.
- 10.21 It is intended to retain an area of the existing stonework within the landscaped area outside of the office building. The proposal was to retain this at a low level to give an indication of the footprint of the former building although the applicant has indicated that he is willing to retain a higher section of the wall if required. He has further indicated that he considers it would be difficult to retain any further sections of the existing stonework because of the remediation works required and their proximity to the foundations of the new building but is willing to retain as much of the external stonework as possible. He has further expressed concern about retaining areas of stonework within the car park surfacing because of worries about the durability of a mix of surfacing in this area.

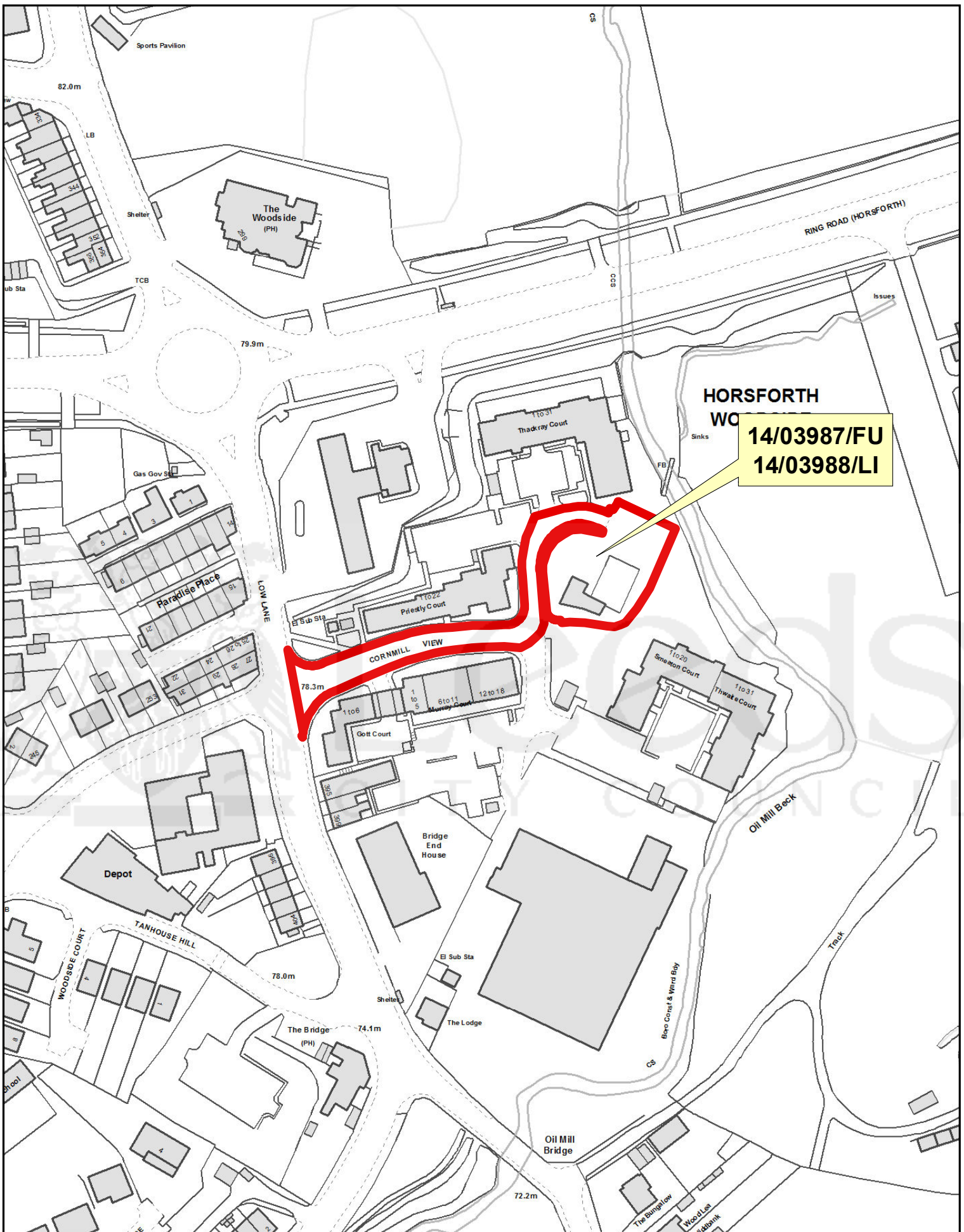
## **Other issues**

- 10.22 The office building is some distance from the neighbouring flats and it is not considered that it is likely to result in any significant overlooking and loss of amenity to existing residents. The siting of the building is such that it will cause little overshadowing of the neighbouring sites.
- 10.23 The adjoining public right of way is unaffected by the proposal.
- 10.24 Conditions are recommended to cover matters relating to the demolition and archaeological recording of the listed building, materials and detailing of the new building, contamination issues, drainage, landscaping and nature conservation.

## **11.0 CONCLUSION**

- 11.1 The total demolition of a listed building should only occur in exceptional circumstances. This report sets out in detail how that test and the detailed tests set out in paragraph 133 of the NPPF are considered to be met in this particular case. When the Panel last considered a previous application to demolish the building in



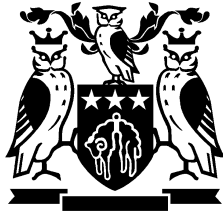


**HORSFORTH  
WC**  
**14/03987/FU**  
**14/03988/LI**

# SOUTH AND WEST PLANS PANEL



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# Leeds

CITY COUNCIL

Originator: Ian Cyhanko

Tel: (0113) 24 74461

**Report of the Chief Planning Officer**

**SOUTH AND WEST PLANS PANEL**

**Date: 4<sup>TH</sup> December 2014**

**Subject: PLANNING APPLICATION 14/04720/FU– Variation of condition 3 (range of goods sold) of approval 12/03748/FU, to allow the sale of magazines and national newspapers.**

**At Aldi Store, Stanningley Road, Bramley, Leeds, LS13 3LY**

**APPLICANT**  
Aldi UK

**DATE VALID**  
8<sup>th</sup> August 2014

**TARGET DATE**  
5<sup>th</sup> December 2014

**Electoral Wards Affected:**

**Bramley and Stanningley**

Yes Ward Members consulted (referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION:**

**DEFER AND DELEGATE approval to the Chief Planning Officer, subject to the signing of a revised Section 106 agreement within three months from the date of the resolution to ensure the following: -**

- **Travel Plan, Travel Plan Coordinator and monitoring fee of £2,500;**
- **Store to be a discount supermarket only; and**

**and subject to the following conditions:**

- 1. 3 year time limit;**
- 2. In accordance with the approved plans;**
- 3. Restriction on good which can be sold, no tobacco, lottery, dry Cleaning, in store counters etc**

4. **Visibility splays of 2.4m x 90m in each direction onto Stanningley Road to be retained**
5. **Travel Plan Measures;**
6. **Store Opening Hours;**
7. **Store Delivery Hours only between hours of 07:00 and 21:00;**
8. **Duty to comply with approved Delivery Scheme;**
9. **Delivery by HGV's over 7m in length to be made outside opening hours but not between 21:00 and 07:00;**
10. **Retention of acoustic barrier along boundary opposite service yard**
11. **Provision of facilities for storage and disposal of litter;**
12. **Landscape maintenance and implementation;**
13. **Replacement planting within 5 years;**
14. **Root Protection of existing TPO trees (on adjacent land);**
15. **Secure the car park outside opening hours;**

## **1.0 INTRODUCTION:**

- 1.1 This application is brought before Plans Panel, in the interests of democracy and transparency due to the high level of local representation received to the application

## **2.0 PROPOSAL:**

- 2.1 The proposal seeks to vary Condition no 3 of Planning Application 12/03748/FU. This condition is worded in full below.

*Notwithstanding the provisions of the Town and Country (Use Classes) Order 1987, as amended by the Town and Country (Use Class) (Amendment) Order 2005 (or any order revoking and re-enacting that Order with or without modification) the 'discount food retail' unit hereby permitted shall not be used for the retail sale of any of the following goods and services:*

- \* Tobacco and smoking products*
- \* Loose confectionary*
- \* Lottery tickets or scratch cards.*
- \* Fresh meat and fresh fish counter (excluding pre-packed meat and fish)*
- \* Delicatessen counter*
- \* Pharmacy (dispensary)*
- \* Dry cleaning service*
- \* Photo-shop*
- \* Post office services*
- \* Cash machine*
- \* In store bakery (other than the use of a single oven for the reheating of part baked rolls and similar products)*
- \* In store café*
- \* Magazines or national newspapers*



\* *Greeting cards*

*In the interests of the highway and pedestrian safety and the vitality and viability of the nearby Town Centres of Armley and Bramley, in accordance with adopted Leeds UDP Review (2006) policies S2, S5, T2 and T24.*

- 2.4 This condition seeks to remove the reference to Magazines or National newspapers, to enable Aldi to sell these products.

### **3.0 SITE AND SURROUNDINGS**

3.1 The application site consists of a modern Aldi store which was opened in 2013. The building is predominately brick built, with some element of cladding, with a pitched roof. A car park is located to the west of the building and is enclosed by a stone wall and elements of landscaping. The site is located on the northern side of Stanningley Road, to the west of the roundabout at Bramley Town End. Until 2007 there was a substantial complex of traditional industrial buildings on the site.

3.2 The surrounding area is predominantly residential in nature. To the north exists a modern residential development comprising 3 storey flats and 2 storey town houses at Windsor Court. There are substantial trees adjacent to the application site boundary within the rear gardens of the flats; these trees are protected by a TPO. To the east lies Osbourne Court, a modern 2 storey flat development. There is a terrace of houses on the opposite side of Stanningley Road to the south with open space on either side. To the south west on the other side of Ashby Avenue is the rear of a 2 storey café at the Stanningley Road junction with 2 storey brick terrace houses behind.

### **4.0 Relevant Planning History:**

4.1 12/03748/FU: Revised siting of detached retail unit (Aldi store) with car parking. Approved 6<sup>th</sup> November 2012

4.2 11/03417/FU: Detached retail unit (Aldi store) with Car Parking. Approved 4th May 2012

4.3 08/03221/FU: Change of use of mill to offices and erection of 3 storey office block and part 3 and part 4 storey office block, with car parking. Refused on 'out of centre' and parking grounds. Dismissed at appeal in February 2009.

4.2 07/01516/FU: Change of use including part demolition of mill and 2 storey roof extension to 39 flats and erection of part 3 part 4 storey block of 21 flats and 3 storey block of 6 three bedroom terrace houses and 6 one bedroom flats on the combined Springfield and Craven Mills site. Approved March 2010.

- 4.3 06/04274/OT: Outline application to erect residential development on the Springfield Mills site only Approved 30 January 2007. All matters are reserved for future approval.
- 4.4 06/00579/FU: Demolition of mills, laying out of access road and erection of 58 flats in 3 blocks with car parking on the combined Springfield and Craven Mills site refused on 18 May 2006. The reasons for refusal concerned the proposed massing, the lack of an adequate building presence along the Stanningley Road frontage, the positioning of the development in close proximity to 19-37 Osbourne Court and the lack of useable amenity open space. An appeal lodged against this refusal was dismissed on 23 February 2007.
- 4.5 24/552/03/OT: Outline application to erect residential development on the Craven Mills site only approved 24th March 2004. This permission has since expired.

## **5.0 HISTORY OF NEGOTIATIONS / PRE-APPLICATION COMMUNITY INVOLVEMENT**

- 5.1 Officers are not aware of any engagement by the applicants with local residents prior to the submission of the application. Similarly there was no pre-application discussion with Officers.

## **6.0 PUBLIC/LOCAL RESPONSE**

- 7.1 The application was publicised by 6 site notices which were posted adjacent to the site on 22nd August 2014. An advert was also placed in the local press on 21<sup>st</sup> August 2014. Ward Members were personally informed of the application by e-mail.

- 7.2 In total the responses received to the application are highlighted below.

- Three individual letters of objection
- A petition containing approximately 394 signatures
- Objections from two Bramley Ward Members
- An objection from a Ward Member from the adjacent Armley ward.

- 7.3 The points raised in the individual objections are highlighted below:-

- Aldi have misled local residents on their true intentions with regard to selling newspaper and magazines. They 'sold' their concept on not competing with existing local shops when the original application was submitted.
- The proposal would impact upon trade of an existing local newsagent.
- If the data submitted by Aldi is correct with regard to the projecting sales of newspapers (which is minor) it does not seem value for money submitting this application.

- This could be the first of many applications to vary their existing permission and conditions.
- The proposal will have a detrimental effect on the locality.
- We should be supporting local small businesses and not assisting in their demise.
- The data submitted by Aldi on projecting magazine/ newspaper sales compares with other stores, which are not comparable with this site. It is unlikely these stores are located so close to an existing newsagents.
- The list of magazines they wish to sell is vast, and cannot be described as 'restricted'.

7.4 The petition received is based on the following objections:-

- Aldi mislead people who supported the original application by stating they would not sell newspapers and magazines.
- Aldi 'sold' their scheme stating their presence would compliment the retail offer, offered by existing small local stores.
- Aldi have already breached Condition no 3, by selling magazines and newspapers – although this has now ceased.
- There no need for them to sell selling magazines and newspapers.
- The proposal will have an significant adverse impact on nearby local shops.

7.5 Bramley Ward Members, Councillors Hanley and Ritchie have objected to the application. The specific points raised by Councillor Ritchie are highlighted below:-

- The proposal has been a great asset to the locality, despite delivery hours being breached.
- The proposal would impact upon local a newsagent which is sited very near to the site.
- It is disingenuous to attempt to alter the existing consent when there has been no change in local provision.

7.6 Councillor McKenna, whose Armley Ward boundary lies directly opposite the site has objected to the application. He has raised concerned regarding assurances Aldi previously gave the local community with regard to the range of goods they stated they would sell.

7.7 Following the initial draft of this report, Councillor McKenna has suggested that the application is approved for a temporary 12 month period only, to allow a monitoring period on the impact on existing newsagents. This suggestion has been supported by fellow Ward Member Councillor Lowe, and Bramley Ward Member Councillor Gruen. It is not considered this approach could be practically adopted, as there is no mechanism to monitor the impact on existing stores. Such a condition would not meet the 5 key tests on the use of Conditions, contained in Circular 11/95 in respect of conditions being necessary, relevant, enforceable, precise, reasonable.

## 8 CONSULTATION RESPONSES

### 8.1 Highways

No objection subject to standard conditions. The additional traffic and subsequent parking demand at the site due to the proposal is unlikely to be significant.

### 8.2 Local Plans

No objection. The submitted Impact Assessment shows the impact on the existing store to be marginal.

## 9 PLANNING POLICIES

### 9.1 NPPF

Para 19 Supporting sustainable economic growth  
Para 20 Meeting the needs of a business and supporting an economy  
Para 24 Sequential test for out of center retail development

### 9.2 Leeds Core Strategy 2014

GP5 General Planning Considerations  
SP2 Spatial Approach to Retailing  
P8 Sequential and Impact Assessments

## MAIN ISSUES

- Principle of Development / Impact
- Highway Safety
- Other Issues

## 10.0 APPRAISAL

- 10.1 The principle of this application is concerned with allowing an increased range of goods namely newspapers and magazines, to be sold from an Aldi supermarket, which lies in an 'out of centre' location. The decision to grant the previous consent for the Aldi supermarket was not dependent on the fact newspapers and magazines were not sold by Aldi. However based on the objections now received, it does appear local residents supported the original application on the basis Aldi publicised that they sold a restricted range of goods (not including newspapers and magazines) and would therefore complement rather than compete with the existing local retail offer.

- 10.2 Aldi have supported this application with an 'Impact Assessment', which was requested by Officers, in-line with the policy guidance of policy P8 of the adopted Leeds Core Strategy, which requests such assessments on new proposals for out on center retail developments. Agents acting for Aldi have stated that newspapers are sold daily but people don't shop at Aldi daily, and therefore customers who buy newspapers locally elsewhere would only not buy a newspaper from their other regular local store, only on the day they visited Aldi to food shop. They have supported the application with a survey of shoppers who were buying newspapers and magazines from their store in 'Wath upon Dearne'. The Impact Assessment is based on this survey and assumes the people at the Bramley store will have the same previous shopping habits of people at the Wath upon Dearne store.
- 10.3 This Impact Assessment, based on the cost of the newspaper and magazine sold, over the different 7 days of the week, and based equally on the lost trade from the 21 newsagents which exist in the LS13 postcode, states that each of the 21 newsagents will lose £1.12 a day on newspaper sales and 66p on magazine sales. In reality however it is unlikely each of the 21 newsagents in LS13 would lose an equal amount of trade, however it would be difficult to quantify this by numerical values. The Impact Assessment assumes an average, which equates to a total of £23.52 a day on newspapers sales and £13.86 on magazines sales.
- 10.4 It is clear from the information provided that Aldi's decision to sell newspapers and magazines from their stores will have a marginal negative impact upon local newsagents, by diverting sales from these existing local stores. However, the level of diversion, whilst material, is considered to be below the level at which a refusal of this variation of condition would be justified. Whilst the impact on other local shops is a cause for concern, this is not considered to be a significant enough level of trade diversion to justify refusal on the grounds of a detrimental impact upon designated centres.
- 10.5 Highways  
Parking demand at this store, during peak times has previously been observed to be almost full to capacity. The applicant has stated that the majority of customers will only pick up magazines/ papers on their usual shop in the store. If there are additional visits to the store to pick up papers then these are likely to be in the morning when it has been observed that the car park has ample available parking for an increase in parking demand. Taking this into account and that the Aldi store is anticipated to sell a relatively small number of magazines/ papers, Highways Officers have confirmed it would be difficult to sustain a reason for refusal, and therefore the proposals are on-balance acceptable.
- Other Issues
- 10.6 The fact Aldi seek to vary a previously imposed condition, has no bearing on the outcome of this application which has to be judged on its own planning merits. This approach would be taken to any further applications upon this site, should any future applications be submitted to amend the current

planning restrictions upon this store. Similarly the lack of perceived 'need' for the increased retail offer does not warrant grounds to refuse the application.

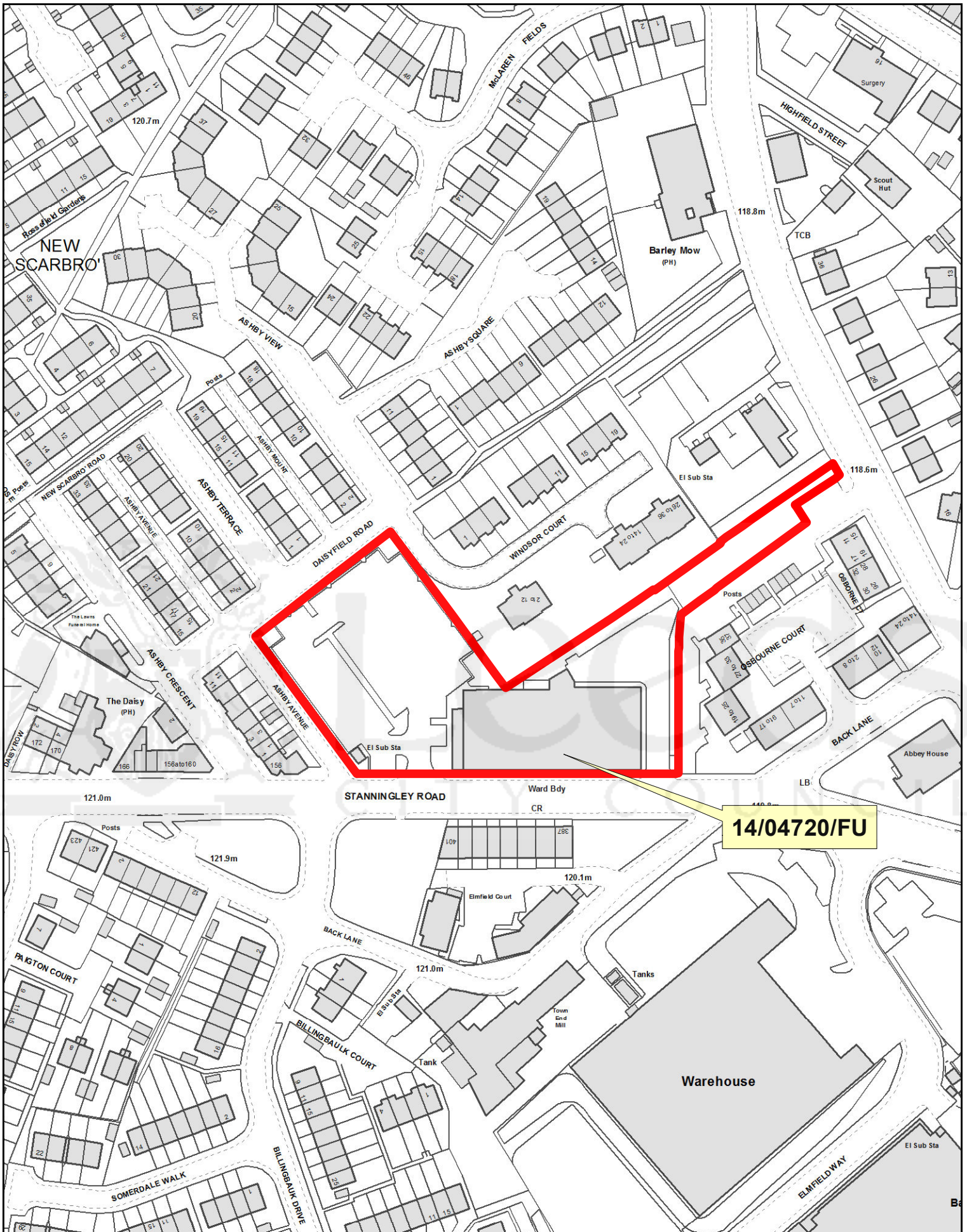
- 10.7 The fact that the Aldi store has previously breached conditions relating to the sale of goods, and delivery hours is not relevant to the outcome of this application. Competition between businesses is also not a material planning consideration.

## **CONCLUSION**

- 11.1 Although the proposal would have a marginal negative impact upon local newsagents, the level of diversion, whilst material, is considered to be below the level at which a refusal of the variation of condition would be justified.

### **Background Papers:**

File Planning Application 12/03748/FU



# SOUTH AND WEST PLANS PANEL



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