



Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 4th 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

APPLICANT

Aldi Stores LTD and Quora
LTD

DATE VALID

29/07/2014

TARGET DATE

10/11/2014

Electoral Wards Affected:

City and Hunslet

Y

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 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 1108m². 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 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 23rd 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 17th 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 24th 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 11th 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 8th August 2015 and a press notice in the Yorkshire Evening Post published on 21st 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 10th 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 1st March and 31st 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 12th 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 m² of floorspace
EN2 – Achievement of Code Level 4, or BREEAM Excellent (in 2013) for developments of 10 houses or more or 1000 m² of floorspace.
EN5 – Managing flood risk.
ID2 – Planning obligations and developer contributions.

Supplementary Planning Guidance and Documents

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 27th 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 2nd 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 1st March and 31st 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 CO₂ 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 CO₂ 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 CO₂ 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

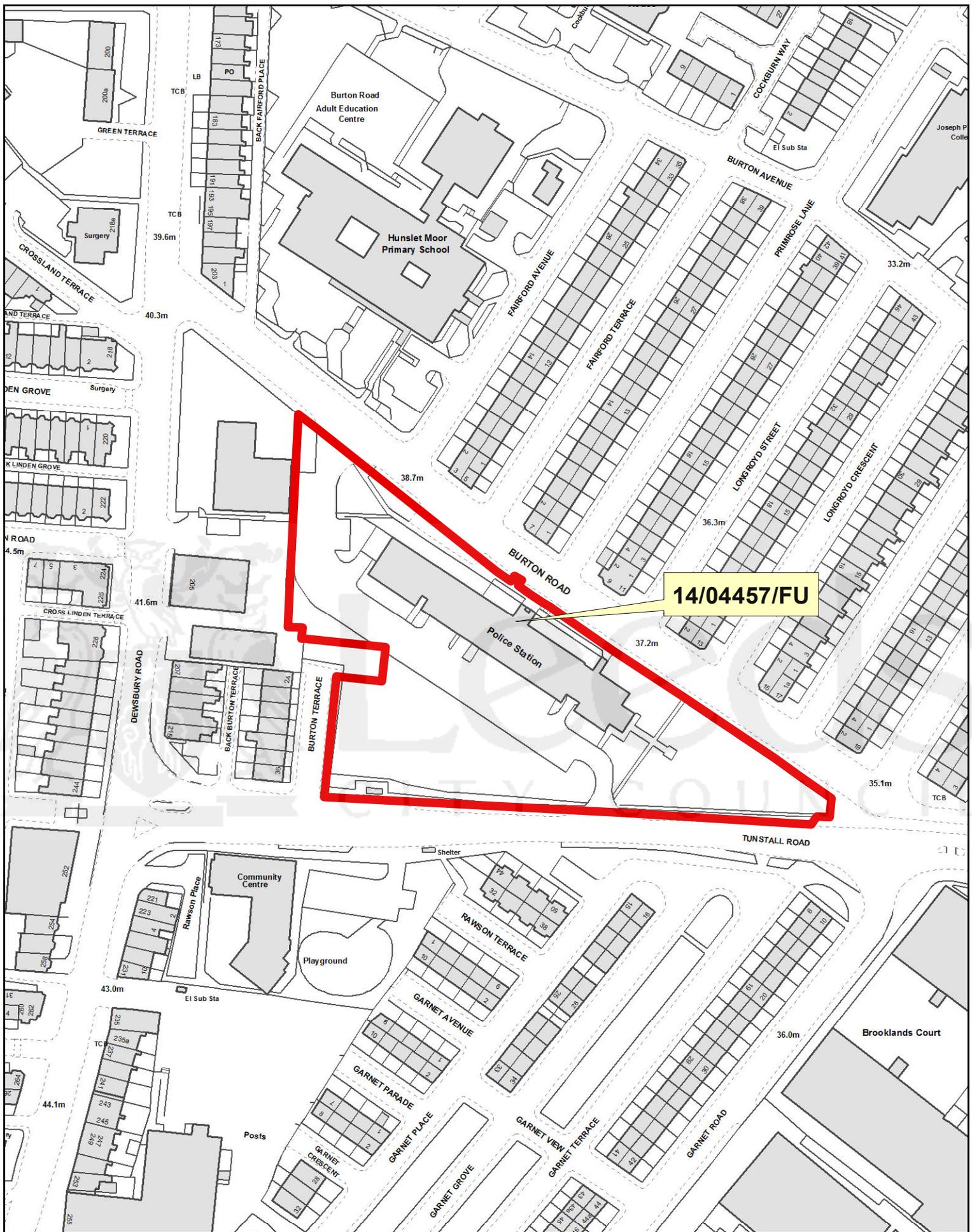
- 11.1 This is a full planning application for the demolition of the existing Police Station and the construction of a new 1108 square metres (net) retail unit within Use Class A1 (Shops) to be operated by Aldi Stores Limited and an additional 279 square metres speculative retail unit within Use Classes 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 CO₂ 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



14/04457/FU

SOUTH AND WEST PLANS PANEL

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