



Report of the Chief Planning Officer

Plans Panel North and East

Date: 25th June 2015

Subject: APPLICATION 14/03109/OT – Outline application for the demolition of the existing building and erection of a foodstore, petrol filling station, car parking, means of access and associated works at the former Miami building site, off Lotherton Way, Garforth

APPLICANT

KUC Properties Ltd

DATE VALID

27/05/14

TARGET DATE

31/07/15

Electoral Wards Affected:

Garforth & Swillington

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: DEFER and DELEGATE to the Chief Planning Officer for approval subject to the conditions outlined below, the expiry of the public notification period and new representations being received that raise significant new planning issues and the completion of a S106 agreement to cover the following:

- Improvements to local bus stops (x2) comprising of shelters, real time information, accessibility kerbing and associated lining.
- Travel Plan monitoring fee of £2,500
- Employment and training initiatives (applies to both the construction phase and once operational).

In the circumstances where the S106 has not been completed within 3 months of the resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer.

1. Standard time limit for submission of Reserved Matters and implementation thereafter
2. Outstanding Reserved Matters: Appearance, Landscaping, Layout, Scale
3. Plans as approved

4. Restriction on floorspace to the main foodstore to be no greater than: Net sales area of 2,787sqm (split into 2,090sqm of convenience & 697sqm of comparison)
5. Delivery of off-site highway junction improvements
6. Car Park and servicing management plan to be agreed
7. Construction Method Statement to be agreed
8. Detailed Travel Plan Required
9. Surface Water scheme (including being passed through appropriate interceptors) to be agreed
10. No construction over existing sewer unless first agreed
11. Bat roost/bird nest opportunities to be secured in detailed design
12. Implementation of agreed landscape scheme
13. Long term management of landscaping
14. Coal legacy site investigation required
15. Phase II site investigation report required
16. Amended remediation report if unexpected findings made
17. Verification report post remediation

Full wording of wording of the conditions to be delegated to the Chief Planning Officer including any revisions or additions as considered appropriate.

1.0 INTRODUCTION

- 1.1 This application is brought to Plans Panel as it represents a departure from the adopted development plan in that it proposes a new foodstore (retailing) in an out of centre location. The application also represents a significant proposal for the Garforth area and has attracted a considerable number of third party representations, including a request for a Panel decision by Ward Councillors Mark Dobson and Andrea McKenna.

2.0 PROPOSAL

- 2.1 This application is submitted in outline with only the means of access in addition to the principle having been applied for at this stage. Detailed matters relating to the appearance, landscaping, layout and scale of the development are therefore reserved albeit and application is accompanied by a design and access statement and indicative plans which shown how the site could potentially be set out.
- 2.2 For the purpose of assessing the application from both a retail policy and highway safety perspective, the supporting documents identify the development would comprise of a foodstore with a 4,939 sqm gross floor area (equating to a net sales floor area of 2,787 sqm). The sales area would then be broken down into 2,090 sqm of convenience floor space and 697sqm of comparison floor space. A separate Petrol Filling Station (PFS) is also proposed and a 333 space car park (including 15 x disabled bays and 15 x parent and child bays) is shown.
- 2.3 The supporting plans and design and access statement reflect the above quantum's and propose to form a new signal controlled access into the site direct from Aberford Road. The PFS is shown to be positioned just off the main access road towards the Lotherton Way/Aberford Road junction with the main car park located beyond to the east. The foodstore itself is positioned further east and towards the site's northern boundary. The customer entrance would therefore face the main car park and separate servicing via Fusion Point is identified to the rear.

- 2.4 The outline nature of the application and lack of a named operator at this stage is such that the basic size parameters are understood to meet the needs of a variety of different supermarket retailers.
- 2.5 Prior to the formal submission of this application, the applicant's statement of community consultation indicates the following measures were undertaken to obtain views from the local community.
- A meeting with the Garforth Traders Association
 - Public exhibition and accompanying website,
 - Separate meetings with local residents living near the site
 - Briefing for Ward Members
- 2.6 A total of 355 formal responses were received/registered of which it is reported 80% were in favour of the proposals.
- 2.7 During consideration of the application, the proposed access arrangements have been revised from those originally submitted due to highway safety concerns and how the junctions would impact on through traffic. The new access arrangements have been simplified and no longer propose signals to the Bar Lane junction (only provision of a right turn lane). Junction improvements are now also proposed at the top of Main Street.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site extends to 2.7ha and is situated within a mixed use area of Garforth. Positioned on the northern side of Aberford Road the site currently contains a substantial industrial building (known locally as the Miami building) and has a floor area of circa 17,000 sqm of which 1,600 sqm is ancillary office accommodation. The current building occupies most of the site although two modest staff/visitor car parks exist and are accessed via Lotherton Way and Aberford Road respectively. Separate servicing is also available to the rear via Fusion Point.
- 3.2 The main building was developed in the early 1980's and has a dated and somewhat rundown appearance now. Aberford Road is several metres higher than the floor slab of the building although the ground does fall away quickly when travelling north. Limited landscaping is available along the Aberford Road and Lotherton Way frontages but otherwise the entire site is built on or hard surfaced.
- 3.3 The part of the existing building has recently been occupied by Poundland on what is understood to be a short term/low rent contract.
- 3.4 The area surrounding the site is mixed in terms of the range of uses which can be found. The site forms the southern edge of an established industrial area which extends to the north and east but also includes a number of office buildings (primarily to the east). The Tesco supermarket is situated directly to the west on the opposite side of Lotherton Way beyond which residential properties can be found. Residential properties also face onto the site on the opposite side of Aberford Road. Garforth railway station is approximately 200m to the east

4.0 RELEVANT PLANNING HISTORY:

4.1 There is no relevant planning history relative to the consideration of this planning application.

5.0 HISTORY OF NEGOTIATIONS:

5.1 The applicant entered into pre-application discussions March 2013 in relation to the potential for bringing the site forward for a foodstore development. Officers provided initial advice confirming a detailed impact and sequential assessment would be required to justify what is clearly an out of centre site and also that the traffic impact and access arrangements for the scheme would be a key issue to resolve.

5.2 Discussions regarding the above two main issues have continued and in particular the access arrangements have been the subject of considerable scrutiny. Negotiations regarding the proposed access arrangements have included an assessment as to why the existing Lotherton Way access and main junction with Aberford Road could not be utilised and upgraded and also how best to resolve what is already known to be a difficult situation in terms of how the Bar Lane junction operates and would be affected.

5.3 The outcome of the above is revised access arrangements for the main Aberford Road junction and also off site junction improvement works for both Bar Lane and the top of Main Street.

6.0 PUBLIC/LOCAL RESPONSE

6.1 The scheme has been advertised as both a major and departure application via sites notices. The application has also been advertised within the Yorkshire Evening Post.

6.2 The initial consultation period expired 11/07/14 and attracted the following representations:

6.3 Ward Councillors – Combined comments have been received from Councillors Mark Dobson and Andrea McKenna:

- Highlights traffic as a main issue to be resolved but if an acceptable solution can be found could offer certain advantages including the generation of many local jobs, an untended and dilapidated brownfield site being brought back into use (which is preferable to any encroachment onto greenbelt/greenfield land).
- An understanding of national policy in terms of preferring existing commercial locations first is given but consider the site is near enough to the centre to satisfy this requirement.
- Garforth only has one supermarket at present which results in many residents travelling further afield which has a knock on environmental impact.
- Consider Garforth Main Street would not be adversely impacted due to its unique and diverse offer and that Tesco moving out in 2005 didn't cause problems.
- A relaxation of parking arrangements is also suggested to help alleviate current issues of on-street parking.
- Plans Panel determination is requested to ensure the application is heard in an open forum.

- 6.4 Neutral comments (4) - neither for or against the proposal but state the following:
- Highway improvement works are necessary
 - Existing parking problems (associated with staff at Fusion Court) need looking at
 - Pedestrian crossing facilities needed over Aberford Road
- 6.5 Objection comments (21 individual and 17 standard format letters from local residents. 3 letters from commercial interests (representing local land interests and Thorpe Park) also received.
- Access arrangements are unacceptable and serious issues already exist
 - Concerned about a lack of end user being specified
 - Problems with litter and signage within the area already
 - Scheme proposes a lack of landscaping
 - Loss of value to own home due to congestion issues
 - Dangerous stretch of road due to speeding
 - No need for another foodstore or PFS – One next door and many further afield.
 - Existing building could be adapted for indoor sports use for local community
 - Adverse impact on the viability and vitality of Garforth centre (Kippax also referenced separately as already struggling)
 - Concerned about the appearance of the foodstore
 - Noise from delivery vehicles or bottle bank
 - Loss of the site from employment use as considered to be a good site (efforts to market it also not robust)
 - Foodstore use is a departure from planning policy which promotes centres first
 - Proposal would be the size of a super-store so would also sell non-food and affect the town centre
 - Viability of Tesco would be affected
 - Garforth area is set to expand over next 15 years as proposed in the Site Allocations Plan. Public consultation still being undertaken with many objections. No proposals for the site as part of this process so should stay as it is.
 - Local highway network is substandard in many places and cannot be improved so the development will add to existing congestion
 - Query if the proposals are based on an accurate plan and challenge various points made in the submitted Transport Assessment.
 - Ash Lane junction is sub-standard and is shown to be used affecting highway safety
 - Toll Bar Garage access restricted as part of the proposals
 - Number of signal controlled crossing will cause further congestion
 - Notification period and site notice not adequate
 - Better alternative site identified as part of the Site Allocation Plan at Town End (top of Main Street) and is sequentially more preferable
 - Need a cinema, swimming pool, sports centre or affordable housing, not a supermarket
 - Applicant only offering the existing building 'as is' but come easily upgrade it to make it more attractive
 - Existing building now let so claim it is not suitable for employment use should be given no weight

- Concerned about the impact on trade and therefore the deliverability of the foodstore at Thorpe Park which provides the capital receipt to deliver infrastructure including the Manston Lane Link Road
- Query the acceptability and robustness of the submitted retail impact assessment as various assumptions appear overstated

6.6 Support comments (7 individual and 83 standard support pledges from local residents:

- Regenerating the under-used brownfield site which is an eyesore
- Bringing new supermarket competition to rival Tesco
- Creating around 250 new jobs is welcomed

6.7 A second consultation was also undertaken more recently following the receipt of revised highway/access proposals and supporting information. This consultation expires on the day of the Panel meeting (25/06/15). At the time this report was prepared the following additional representations had been received:

4 Objections received stating:

- Highway concerns still remain as waiting lane widths are inadequate and no provision for cyclists or pedestrians
- Removal of signals will restrict movements and cause longer queues
- The Main Street junction alterations are inadequate
- Only highway issue resolved is access to Toll Bar Garage – all previous concerns remain
- No adequate HGV turning for Bar Lane
- No linked signal controls

6.8 Should any further representations be received, these will be reported verbally to the Panel as part of the officer presentation.

7.0 CONSULTATIONS RESPONSES

Statutory

7.1 **Environment Agency** – No objection subject to conditions dealing with pollution prevention. Advice offered in respect of surface water and foul drainage management and how to protect groundwater and deal with land contamination.

7.2 **Coal Authority** – Occur with the recommendations of the coal mining risk assessment report that coal mining legacy potentially poses a risk and that intrusive site investigation is required prior to development. No objection subject to a condition securing this.

Non-statutory

7.3 **Highway Officer** – (Original comments) The proposed signals for the Bar Lane junction risks conflict between traffic turning into and out of the Toll Bar garage site. The position of the pedestrian crossing between the site access and Bar Lane junction could also create conflict with users due to queuing traffic. Overall the number of signal controlled crossings and their spacing is a concern and has the potential to cause conflict between different user groups and driver confusion. In addition, further clarification is required regarding aspects of the submitted Traffic Assessment.

(Revised comments) The revisions undertaken to the access arrangements and off-site junctions are Bar Lane and Main Street are considered to satisfactorily mitigate the traffic impact of the development. The proposed development is regarded as acceptable in highway terms. The off-side highway works would be delivered via a S278 Agreement and would be subject to detailed design as part of that process. Condition recommended.

- 7.4 **West Yorkshire Combined Authority** – The site is well positioned relative to bus services and meets the Council’s accessibility criteria requiring access to a 15 minute service to Leeds, Wakefield or Bradford. In addition the site is within walking distance of Garforth train station. To encourage greater use of public transport upgraded bus stops to provide shelters and real time information displays are recommended at a cost of £40,000. Appropriate kerbing and clearways to these stops is also required.

Support improvements at the Bar Lane junction including the right turn lane as traffic often has to queue at peak periods. The Traffic Assessment modelling suggests there is capacity at the Aberford Road/Barroebly Lane/Main Main Street junction which is surprising given the queues that currently exist – particularly west bound approach to the junction at the evening peak. This is to some extent exacerbated when rail users are existing the station but the development may worsen this delay for all traffic using at this junction. Express some concern about the number of signal controlled junctions in a small stretch and pedestrian phases should be incorporated rather than separate.

- 7.5 **Travelwise Officer** – The submitted travel plan is a framework document rather than a full travel plan. Detailed comments made in respect of areas to be included and the requirement for a Travel Plan Co-ordinator to be in place prior to the opening of the store needs to be secured. A monitoring fee of £2,500 also needed.

- 7.6 **Contaminated Land** – A phase one report has been submitted and indicates a phase two study is required but the site and end use are low vulnerability. No objection subject to conditions.

- 7.7 **Flood Risk Management** – The submitted Flood Risk Assessment appropriately considers the issue of flooding and drainage. The proposals for surface water discharges and attendant attenuation storage are acceptable in principle and conditions recommended to secure the full scheme once the detailed layout is known.

- 7.8 **Yorkshire Water** – The submitted layout although potentially subject to change shows building over an existing sewer. This is not acceptable to Yorkshire Water as it could jeopardise its ability to maintain the sewer network. Detailed conditions recommended including no building over existing sewers unless arrangements to divert or formally close down the on-site sewer has been formally agreed.

- 7.9 **Nature Conservation** – The existing building provides no real opportunity for bat roosts so a detailed survey not required. Condition recommended to secure bat roosts/bird nest opportunities as part of the sites redevelopment and to avoid removal of landscape features during the nesting season.

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.
- 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.

Core Strategy

- 8.3 The Core Strategy is the development plan for the whole of the Leeds district. The following core strategy policies are relevant:
- SP1- Delivery of spatial development strategy.
 - SP2- Support for a centres first approach directing retail, offices, leisure... supported by sequential and impact assessments
 - P5 – Food stores
 - P10 – High quality design.
 - P12 – Good landscaping.
 - T2 – Accessibility.
 - G8 – Biodiversity improvements.
 - EN1 – Carbon dioxide reduction measures
 - EN2 – Sustainable construction.
 - EN5 – Managing flood risk.
 - EC3 – Safeguarding existing employment land and industrial areas
 - ID2 – Planning obligations and developer contributions.

Saved UDP Review

- 8.4 The following saved policies within the UDP Review 2006 are also considered to be of relevance:
- GP5: Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
 - LD1: Seeks for landscape schemes to complement and where possible enhance the quality of the existing environment.
 - N23: Incidental space around built development should provide a visually attractive setting.
 - N25: Development and Site Boundaries.
 - T7A: Cycle parking requirements.
 - T7B: Motorcycle parking requirements
 - T24: Refers to car parking guidelines.
 - BD5: Requires new buildings to give consideration to both their amenity and that of their surroundings.

Natural Resources and Waste Development Plan

- 8.5 The following DPD policies are considered to be relevant:
- WATER 7: All developments are required to ensure no increase in the rate of surface water run-off to the existing formal drainage system and development expected to incorporate sustainable drainage techniques.

LAND1: Supports principle of development on previously developed land and requires submission of information regarding the status of the site.

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)
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 24 that a sequential assessment is required for applications proposed town centre uses in out of centre locations. Paragraph 26 sets the threshold for the requirement for an impact assessment (which for Leeds is 1,500sqm). The impact assessment should include an assessment on existing, committed or planned public or private investment within a centre or centres falling within the catchment and also the impact on the vitality and viability of those centres. Paragraph 27 confirms that applications which fail the sequential test or would have a significant adverse impact on vitality or viability should be refused.
- 8.10 In terms of transport considerations, 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. The use of Travel Plans is also encouraged (Paragraph 36).
- 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 including flood risk. 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. Paragraph 103 also requires developments not to increase flood risk elsewhere.

- 8.12 Paragraphs 213 to 216 are also considered relevant in view of the comments made in some third party representations. The paragraphs relate to plan making and decision-taking and highlight that decisions should be taken in accordance with the NPPF and adopted policies which accord with it but also confirms policies in emerging plans can also be given weight. The amount of weight will however depend on the level it has reached in terms of preparation, if there are unresolved objections and also its overall conformity with the NPPF itself.

9.0 MAIN ISSUES

1. Principle of retail development on this site
2. Highway issues
3. Amenity considerations (Design and Residential)
4. S106 matters
5. Other matters
6. Response to representations

10.0 APPRAISAL

Principle of Retail Development on this site

- 10.1 Consideration of this issue falls into two main parts. The first relates to the loss of the building as an existing employment site and how this then relates to the Council's overall strategy in terms of maintaining an adequate supply of employment land across the city in accordance with Core Strategy policy EC3. On the basis this first issue can be satisfied, it is then necessary to consider the impact the retail development would have on centres within an identified catchment in recognition the site occupies an out of centre location so is a departure from the statutory development plan. As part of this, a sequential test also needs to be undertaken.

Loss of Employment Land:

- 10.2 In considering the first issue relating to the safeguarding of employment/industrial land, whilst the site has recently been brought back into use, the current occupier (Poundworld) is on a 12 month short term lease expiring at the end of March 2016. The lease is also understood to include break clauses thereafter (applicable to both tenant and landlord) providing 3 months notice is given. The rent relative to the market average is low (and has been applied to the warehouse floorspace only) and the deal is understood to have been reached as it is conducive to both parties – in that it provides the landowner with an on-site presence therefore reducing the potential for antisocial activity and it also fills a short term warehousing capacity issue for Poundworld whilst a new building is constructed at its existing facility at Normanton – scheduled to be completed in March 2016. In this respect the current use can best be described as a temporary use offered at favourable rates which the applicant suggests is unsustainable in the long term.

- 10.3 Prior to the recent occupation, the building had been marketed for over 12 months but remained vacant and previous occupiers were also only secured on relatively short leases. Factors advanced by the applicant which contribute to the site being considered unattractive to potential occupiers are reported to boil down to the building's age and that it no longer provides the optimum type of accommodation now sought. These issues include the building having a relatively low eaves height

of 8m (when 10m to 12m is usually preferred for vertical stacking systems), the lack of loading bays (including docking stations) meaning little flexibility for the internal layout and slower loading/unloading, the disproportionate size of the building relative to the small amount of parking/ and size of the service yard, not being directly off the M62 and also the large space given over to office space (which is proportional quite high and impacts on the business rates payable). Even the absence of translucent panelling within the roof is advanced as an issue since it means running costs are higher relative to other more modern buildings as lighting is always required. These factors, combined with the availability of other sites within the area for employment uses (and supported by the most recent Employment Land Review – updated 2010 which indicates the area will have a surplus over the plan period) all contribute to a position whereby the likely take up of the site for employment purposes appears low.

10.4 In challenging the above position, some third party representations suggest the marketing for the site has not been robust and also that the applicant could make improvements to the existing building to make it more attractive and also that it could be redeveloped completely but for an employment end use. It is clearly difficult for officers to comment on the robustness of the marketing undertaken but the fact the building is now let demonstrates it is still preferable to the applicant for the building to be occupied and bringing in some income even if only on a short term basis. The points about the building being improved or the entire site redeveloped are noted but the availability of other sites is such that it would be unreasonable for officers to insist on this when considering this issue.

10.5 For the above reasons, officers are of the opinion it is not considered appropriate to resist the loss of the site from the pool of employment land and find no conflict with Core Strategy EC3 as other sites are available. The fact the proposed end use could comfortably sit alongside the existing employment activities so would not compromise their operation going forward and that relatively speaking foodstores are good employers in their own right (both full and part time) adds weight to this view.

Impact Assessment:

10.6 With respect to the second strand of accepting the principle of retail development on the site, it's out of centre location requires a detailed sequential and impact assessment of centres falling within a catchment area which is determined by a 10 minute drive time as specified by Core Strategy policy P8. This covers the centres (and edge of centres) of Garforth, Kippax, and Cross Gates (although the applicant has also considered the impact of the scheme on Rothwell and Seacroft District Centre as well). In considering the applicant's impact assessment, both the *solus* (individual) impact of the new Garforth foodstore has been considered as well as the cumulative impact of the scheme, incorporating the projected impacts from the Thorpe Park consent.

10.7 The two most significant impacts of the *solus* scheme are on the Tesco store at Aberford Road (34.6%) and the Sainsbury's at Colton (10.4%). Both of these schemes are out of centre and therefore do not benefit from NPPF protection. The NPPF only requires that the Impact Assessment shows that the proposal does not have a significant adverse impact upon centres, and investment within centres. The impact upon these two stores can therefore be discounted, as they are both significantly removed from their nearest centres.

10.8 With respect to Garforth and Kippax centres, at 3.8% and 2.9% respectively, the impacts are on balance, considered to fall within acceptable limits. In coming to this

view it is noted that enshrined within the NPPF is a presumption that 'like-affects-like'. This therefore suggests supermarkets affect supermarkets, far more than they do town centres in general (if those centres are not anchored by a supermarket).

- 10.9 In assessing the development's impact further afield, the projected impact upon Morrison's in Rothwell is high (5.4% solus, 14.7% cumulative). It must however be considered that a) the Morrison's is known to be significantly overtrading, and b) the proposed new scheme at Thorpe Park is likely to have a reduced cumulative convenience impact since a smaller foodstore offer appears more likely to come forward. Similarly at Seacroft (2% solus, 16.8% cumulative), the store is known to be overtrading and the same issue with Thorpe Park applies. The projected impacts at Marks & Spencer, Cross Gates (1.2% solus, 5.6% cumulative) are considered to be within acceptable limits.
- 10.10 As can be seen from the figures above, the cumulative impacts of the 2 schemes are a cause for some concern. However, the vast majority of this impact derives from the Thorpe Park scheme itself rather than the proposed foodstore at Garforth, whose impact is relatively modest on nearby centres. Question marks clearly exist against the delivery of the convenience elements of the consented Thorpe Park scheme, particularly in light of the recent variation of condition application for the Thorpe Park site which proposes to significantly reduce the convenience floorspace of the scheme which in turn reduces its potential impact.
- 10.11 The comparison impacts of the scheme are much smaller than those already stated, given the essentially convenience-led nature of the proposed supermarket. In solus terms the comparison impact is not considered to be material, never resulting in more than an 0.8% impact on a designated centre. Accordingly it would be unreasonable to suggest the development would have a harmful impact on the vitality and viability of these centres that warrants refusal, despite the concerns raised by some third parties on this issue.
- 10.12 Another consideration in terms of impact is the possible effect the proposal would have on the food offer at Thorpe Park itself as although it is not an identified centre, the introduction of retail was permitted as enabling development to help contribute towards the cost and also to bring forward the delivery of essential infrastructure in the form of the Manston Lane Link Road (MLLR). Accordingly the need to ensure any potential impact falls within acceptable tolerances is very important. The agent for Thorpe Park also draws the Council's attention to this same issue and has objected due to concerns about impact upon the deliverability of the foodstore as it offers the possibility of an early capital receipt but critically triggers the requirement for the MLLR and other public infrastructure including Green Park.
- 10.13 In considering the situation at Thorpe Park and potential impact the current proposal could have, the site is noted to fall outside of the Primary Catchment Area (which focuses on Garforth and Kippax) for the site which will limit its overall impact. The assessment also highlights a lack of operator interest at Thorpe Park and the high amount of convenience floor space proposed relative to current market requirements which is seeing a move back towards smaller scale formats. Both of these factors indicate difficulties for Thorpe Park in attracting a foodstore operator already. Indeed, these comments appear to be well founded as it was over a year ago when the Thorpe Park application was granted permission and the current condition variation application favours more comparison floorspace over convenience in order to provide greater flexibility. As already stated, a move towards more comparison shopping at Thorpe Park only lessens the potential impact the

current proposal could have albeit the impact based on the approved scheme is in any event considered to be acceptable.

- 10.14 In conclusion, on a solus basis, the convenience impacts of this individual scheme are modest on the designated centres of Cross Gates, Garforth, Kippax and Seacroft. The cumulative impact of the scheme when combined with commitments is a cause for some concern. However, this is as a direct result of the Thorpe Park scheme for which a condition variation application has been made which would reduce this predicted impact if granted permission and implemented. Where those impacts are highest, Rothwell and Seacroft, the impacts are focused on superstores which anchor those centres. These stores are nevertheless shown to be trading well and are overtrading relative to company averages so it seems unlikely a store at Garforth would result in these superstores closing. Based on the available evidence, the application is not therefore considered to result in significant adverse impact on centres or in-centre investment.

Sequential Test:

- 10.15 The applicant has completed a sequential test which considers sites within and on the edge of the identified centres. This assessment demonstrates the limited availability of sites within existing centres (as only small shop units are generally vacant) and none are considered suitable for the size of development proposed. This is also the reason why the Garforth Tesco was approved in an out of centre location originally.
- 10.16 One site which is available and is also advocated in a third party representation as being suitable is the former PFS site at the top end of Main Street and known locally as the Town End site. This site does not fall within the Town Centre boundary but is clearly an edge of centre site so is sequentially more preferable than the Miami site. However, its size is limited and would also not accommodate the proposed development. The representations suggest this site can be extended to include neighbouring land (which is currently within the Green Belt) as it is identified within the Site Allocation Plan as a potential mixed use development site (so could potentially include retail). Whilst the basic reasoning behind these comments are understood, it would be premature to attach any real weight to these proposals. Furthermore, the initial proposals have now been deleted as confirmed by the Executive Board decision in February so the development potential of this wider site is no longer being advanced as part of the next phase of public consultation into the Site Allocation Plan. Accordingly the redevelopment of an existing brownfield site is preferred from a policy position over development within the Green Belt.

Highway issues

- 10.17 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 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.
- 10.18 In considering the above, it is recognised congestion issues on the local highway network already exist as Aberford Road is a main distributor road for Garforth and also provides direct access to the M1 motorway to the east. For this reason the impact of the proposed development needs to be carefully considered as its scale is such that it will generate a significant amount of traffic in its own right. The existing

congestion issues are primarily down to poorly functioning junctions in the locality. The most obvious junction (and that referenced in many of the third party representations) is that between Aberford Road and Bar Lane where right turning traffic regularly restricts through traffic whilst it waits to turn off the main road.

- 10.19 In seeking to respond to this issue, the original proposals sought to introduce signal controls to the Bar Lane junction to help facilitate right turning into Bar Lane from Aberford Road. A separate signal controlled pedestrian crossing was also proposed between the Bar Lane junction and the new access point (also signal controlled) onto Aberford Road to serve the proposed foodstore.
- 10.20 In considering the acceptability of these access arrangements, the need to retain access to the Toll Bar Garage site as well as the proposal to provide 3 sets of signal controlled junctions within such a short stretch of road were identified as being problematic and a simpler solution was considered necessary to assist with through traffic, access arrangements to the garage site and also to aid highway safety by reducing the likelihood of drivers becoming confused.
- 10.21 Following a review of different option arrangements possible to the applicant without requiring third party land and which also included demonstration that the existing Lotherton Way junction could not be utilised and improved, the access arrangements were amended and removed the signal controlled component of the Bar Lane junction and also the separate pedestrian crossing facility. A right turn lane along Aberford Road with associated widening is still proposed at the Bar Lane junction and a pedestrian crossing facility/phase is to be added to the main junction into the site. These arrangements combined with junction improvements at the top of Main Street (again to better accommodate right turning in both directions so as improve through traffic) are therefore considered to strike the right balance between improving existing congestion issues and accommodating the additional traffic associated with the proposed development.
- 10.22 In terms of accessibility issues in the wider sense, the outline nature of the application means the detailed pedestrian and cycle facilities within the site are not fully worked up but the site is positioned on a main bus route which offers regular services to nearby towns and linking into the City Centre. Furthermore, Garforth Train Station is a short walk to the west and also provides a direct and quick route into the City Centre. The accessibility of the site is therefore considered to be acceptable and a detailed Travel Plan is proposed to be secured by condition since not only is the application submitted in outline but an end operator is also not known at this stage. The monitoring fee is nevertheless to be included within the site specific S106 contributions and improvements to local bus stop facilities are also to be secured to ensure this form of public transport is as attractive as possible.

Amenity considerations (Design and Residential)

- 10.23 As an outline application with all matters reserved except for the means of access the ability to consider these issues in full is clearly not possible. Accordingly a general assessment is therefore undertaken in terms of the likely impacts and includes consideration of the indicative proposals set out in the design and access statement and also the conclusions reached in supporting documents.

Design considerations:

- 10.24 The site is located within a mixed use area but forms part of a wider industrial estate with such buildings forming the main backdrop when viewing the site from Aberford Road. The existence of a large, aging industrial building on the site and occupying

most of its footprint is also very pertinent in terms of the scope which exists to bring forward substantial design improvements as part of the site's redevelopment.

- 10.25 The requirement for parking at foodstores is significant and accordingly the size of the resulting building will be considerably smaller, certainly in footprint but also potentially in height than the existing building. In this respect and noting the difference in levels between the site and Aberford Road the most likely layout proposal is that reflected in the submitted design and access statement. Accordingly the building would be taken away from the Aberford Road frontage providing the opportunity for the built form to recede further into the background and for views to be filtered through the introduction of additional landscaping at the site's boundary. In this respect improvements to the site's visual impact can clearly be achieved and will be fully assessed as part of any subsequent reserved matters application.

Residential amenity:

- 10.26 The site's existing industrial use and the other commercial activities which take place around it, including the existence of Aberford Road as a main local distributor road are such that the introduction of a foodstore on the site is not considered to give rise to residential amenity issues which cannot be resolved. In fact, a foodstore scheme has the potential to offer improvements for local residents through a reduction in HGV movements and overall noise levels relative to that which could take place as part of the site's authorised employment use.
- 10.27 The detailed design of the building and layout is not known but the strong desire by foodstore operators (and endorsed by Highway Officers for safety reasons) to separate customer parking with back of house activities such as deliveries does show the servicing arrangements for the site will not alter from the existing situation. These arrangements are favourable for local residents and limit the potential for noise disturbance since a number of commercial buildings act as a buffer between this part of the site and the houses on the opposite side of Aberford Road. The proposed opening and delivery hours for the development are also unknown at this stage and will be assessed in detail as part of any reserved matters submission.

Section 106

- 10.28 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.
- 10.29 In this case, the following measures will be secured by means of a Section 106 Planning Obligation:
1. Travel Plan monitoring fee of £2,500;
 2. Local employment initiatives;
 3. Offsite bus stop improvement works

Other Matters

Drainage:

- 10.30 The Garforth area is known to suffer from drainage problems as, although not identified within a flood risk area, the existing infrastructure fails on occasion causing serious problems. The topography of the surrounding area is such that the land will generally drain to the north which is away from where the main problems have been experienced previously. In this respect officers are confident an acceptable drainage solution can be achieved for the redevelopment of the site via the use of planning conditions. The condition will also pick up on Yorkshire Water's concern about only building over the existing sewer if it is diverted or closed and replaced with a new one - matters which cannot be fully resolved until a detailed layout for the site has been finalised.

Land Contamination/Stability:

- 10.31 The site is not known to be been previously contaminated and a foodstore is not considered to be a sensitive end use. As such, the issue of land contamination can be adequately addressed by the use of conditions. Similarly the potential for previous coal mining activity to cause stability issues has been correctly identified within the relevant report and the Coal Authority is content for this issue to be addressed through the use of a condition.

Sustainability:

- 10.32 The need for major applications to address sustainability issues as outlined in Core Strategy policies EN1 and EN2 are understood but can only realistically be assessed when the detailed design of the development is finalised. As such the requirements of these policies are effectively deferred to the reserved matters stage.

Economic Development:

- 10.33 The application has to potential to generate a significant number of permanent full and part time job opportunities in addition to those which could come forward at the construction phase. Training and employment clauses are therefore to be incorporated within the Section 106 to work towards local employment targets and will be a requirement on the foodstore operator whoever that might be. 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

- 10.34 As can be seen from the third party representations received, this application very much divides opinion.
- 10.35 Many of those who have objected to the development are concerned about the impact on the local highway network in view of the problems with congestion already experienced. A number also raise concern about the foodstore's impact on Garforth centre and that a further out of centre store will lead to its decline. The loss of the site from local employment land stock features as a negative with suggestions the applicant could do more to make it attractive. Interested parties also object due to the potential impact on Thorpe Park in terms of being able to attract a foodstore operator and that a sequentially more preferable site exists at Town End and has been identified within the Site Allocation Plan as a possible mixed use site where a foodstore would be better suited.
- 10.36 Those who are supportive of the application cite the lack of competition with the existing Tesco store, the positive impact redeveloping the site will have in terms of

removing an eyesore and also the employment opportunities a foodstore proposal brings.

- 10.37 All of the above main issues have been addressed in the appraisal section of the report. Other matters such as the detailed design of the building can only be fully considered at the reserved matters stage and it is not a requirement to specify an end operator as any permission granted would go with the land.

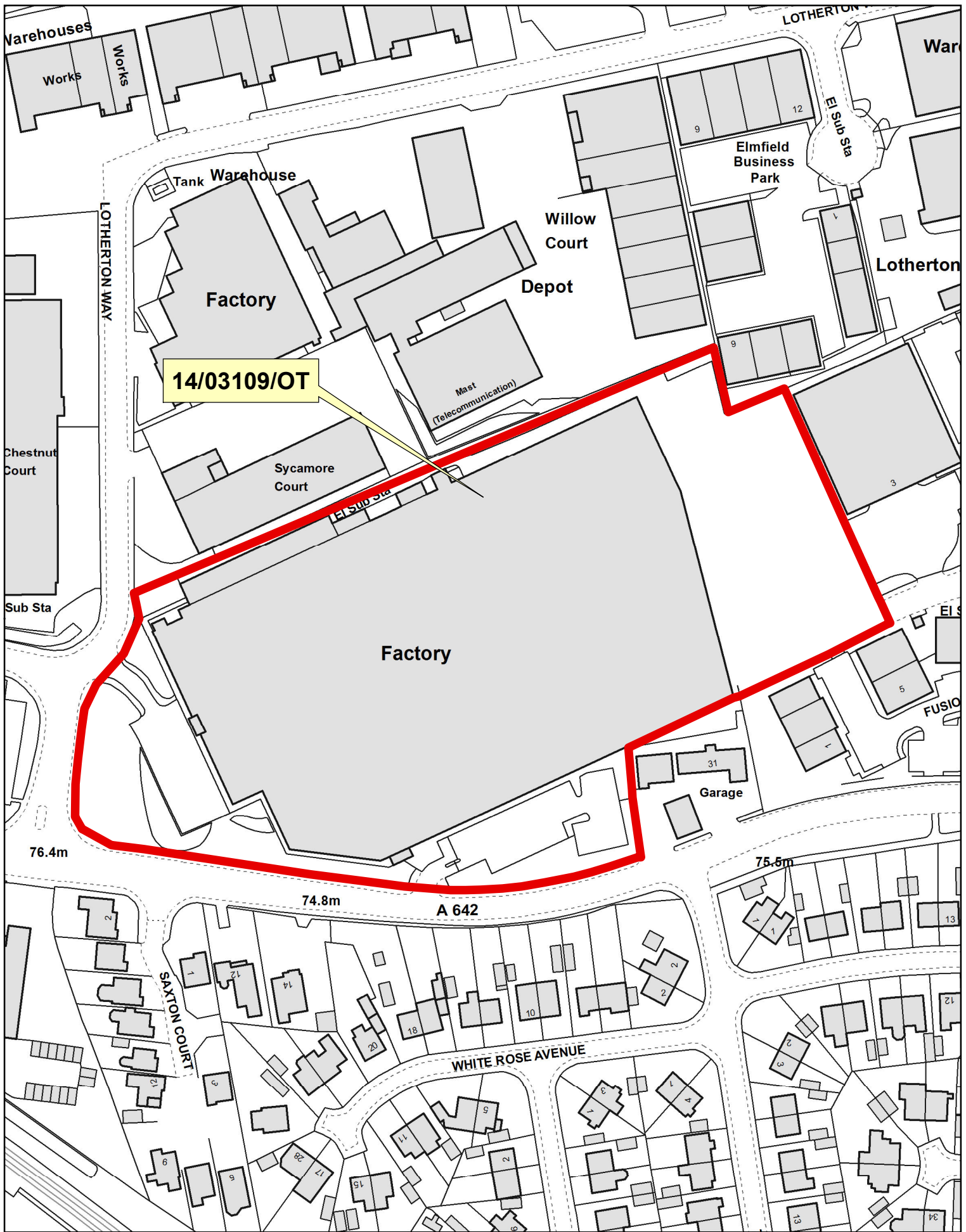
11.0 CONCLUSION

- 11.1 This application proposes a significant amount of retail development in an out of centre location and so is a departure from the adopted development plan. In recognition of this fact, the applicant has undertaken an Impact Assessment and Sequential Test in line with both local and central government planning policy. The loss of the site from its existing use also has to be considered.
- 11.2 In considering the loss of the site from its existing employment use first, its previous history of short term leases is telling and its limitations as raised by the applicant in terms of it being attractive to the market relative to other sites have been given some weight. The availability of other site's within this part of the city is also of relevance and combined these factors are considered to be sufficient not to object to the loss of the site from the City's pool of employment land.
- 11.3 The Impact of the proposed use on existing centres, most notably Garforth, Kippax and Crossgates is considered to fall within acceptable tolerances and the impact further afield (at Seacroft and Rothwell) is focused on the main supermarkets in these centres which are both overtrading so can more readily absorb the impact. No serious impact on Thorpe Park is also predicted and no sequentially preferable sites exist.
- 11.4 The proposed development is recognised as a significant generator of traffic and the area is already known to experience congestion problems particularly during peak periods. To ensure the development's traffic impact can be safely accommodated within the local highway network without severely impacting on capacity the original access arrangements and junction improvement works have therefore been revisited and simplified. Further improvements works to the junction of Main Street have also been added to help address these concerns.
- 11.5 The application gives rise to a number of other matters but its outline nature is such that these cannot be fully or reasonably considered until receipt of a reserved matters application. This application therefore focuses on the principle of the development and also the proposed access arrangements since this is the only detailed matter applied for at this stage. Both the principle and revised access arrangements are considered to be acceptable and accordingly the application is recommended for approval, subject to the completion of a S106 and the conditions specified.

Background papers:

Application file: 14/03109/OT

Certificate of Ownership: Signed on behalf of applicant



NORTH AND EAST PLANS PANEL

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