



## Report of the Chief Planning Officer

### NORTH AND EAST PLANS PANEL

Date: 7th January 2016

**Subject: PLANNING APPLICATION REFERENCE 14/03960/OT: Outline application for commercial A1/A3/A5 units, land off York Road, Killingbeck Bridge and Selby Road**

#### APPLICANT

Mr Kevin Durkin

#### DATE VALID

22.07.2014

#### TARGET DATE

01.11.2015

#### Electoral Wards Affected:

Killingbeck & Seacroft

Yes

Ward Members consulted  
(Referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### RECOMMENDATION:

**DEFER and DELEGATE APPROVAL to the Chief Planning Officer, the specified conditions below (and such other conditions as he may consider appropriate), and following the completion of a Section 106 Agreement to:**

- a) **Secure public transport contributions in accordance with the SPD.**

**In the circumstances where the Section 106 has not been completed within 3 months of the determination of the Secretary of State to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer.**

1. Standard time outline.
2. Submission of reserved matters.
3. Plans to be approved.
4. Restriction on maximum quantum of uses to reflect those applied for.
5. Restriction on maximum size of retail unit to reflect those applied for.
6. Scheme for the provision of EV charging points.
7. Feasibility study into the use of infiltration drainage.
8. Foul and surface water drainage scheme.
9. Contaminated land conditions.
10. Details of lighting scheme to footpath/cycle route.
11. Closure of existing Killingbeck Bridge alignment prior to commencement.
12. Service areas management plan.
13. Biodiversity enhancement measures.

## **1.0 INTRODUCTION**

- 1.1 This report is presented to North and East Plans Panel due to the fact that the retail element is a town centre use located out of centre, and following requests for Panel consideration received from Councillors Hyde and Selby, due to the highway impacts of the proposed development.
- 1.2 This site has been in a dilapidated condition for a number of years. It was previously occupied by a petrol station and restaurants. The regeneration of this site through the delivery of an appropriate form of development would have significant benefits for the locality.

## **2.0 PROPOSAL:**

- 2.1 The application is in outline and seeks planning permission for the principle of A1 (retail), A3 (café) and A5 (hot food takeaway) unit and the means of access to them, with appearance, landscaping, layout and scale all requested to be reserved for later consideration. Amended indicative plans describe four A1 retail units (two at 4000 sqft, one at 2250 sqft, and one at 1300 sqft), one A3 drive through at 1800 sqft, and one unit described with potential A1, A3 or A5 uses at 1300 sqft. The indicative layout positions the A3 drive through restaurant to the corner of the site at its road frontage with the A64 and Selby Road roundabout. A centrally located building includes three A1 retail units and one A1/A3/A5 unit. A further retail unit is shown to the west of the site. Accesses to the site are proposed from the Selby Road roundabout and the A64 westbound carriageway.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application site comprises the former Wild Wild West Restaurant, little Chef and petrol filling station site which is situated immediately east of Selby Road Roundabout and south of the A64. To the north across the A64 are Killingbeck Fields, to the east are the high rise Highways flats. To the south the site is bounded by mature woodland and the Leeds to York Railway.
- 3.2 The site is in a dilapidated condition. The former little Chef has suffered fire damage and the Wild Wild West building has suffered vandalism. At present the site is enclosed by timber hoardings to the north and west boundaries. The site is served by former accesses from the A64 and Selby Road Roundabout. The roadway which carries a footpath and cycle route (Killingbeck Bridge) passes through the site from Diadem Drive, though this route is closed off to vehicular traffic by bollards to the east.

## **4.0 RELEVANT PLANNING HISTORY:**

Application site:

- 4.1 PREAPP/13/00760 - Mixed use development - residential and commercial.
- 4.2 06/08933/DEM – Demolition of petrol station and garages for the purposes of site clearance.
- 4.3 Various historic applications have been considered, some approved some refused, for illuminated signage to, and alterations and extensions of, former restaurant, petrol filling station and jet wash.

Adjacent sites:

- 4.4 14/03959/OT - Outline application for residential development, Killingbeck Bridge - Withdrawn.
- 4.5 14/03958/OT - Outline application for residential development to former depot site – Resolution to defer and delegate approval to the Chief Planning officer subject to conditions and an S106 Agreement 29<sup>th</sup> October 2015.

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 The applicant engaged in pre-application discussions with officers in 2013, followed by the current submission in 2014. On application the proposal included A1, A3 and A5 uses, and 20 flatted C3 dwellings above.
- 5.2 Given the mix of uses proposed, and the land take required for access, service, parking and manoeuvring areas, the initial proposals left no space to provide an adequate level of outdoor amenity space for future residents, or for any landscaping, and the mix of uses gave rise to highway safety concerns due to proposed overdevelopment of the site.
- 5.3 Following officer advice that the application could not receive a positive recommendation to Panel, the applicant subsequently withdrew the residential element. The applicant also withdrew an adjacent related application, referred to above under application reference 14/03959/OT for 10 dwellings on the north side of Killingbeck Bridge, south of the Highways Flats.
- 5.4 In response to concerns expressed by officers the applicant has responded positively with amended plans. Officers have continued to give advice in relation to access and parking policy requirements and contaminated land issues.

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

- 6.1 Public consultation on the application has taken the form of formal statutory consultations. Site notices were displayed in multiple locations around the site, first on 01<sup>st</sup> August 2014, and then to publicise the amended plans on 08<sup>th</sup> May 2015. A press advert was published on 31<sup>st</sup> July 2014. In response to publicity no third party objection or comment has been received.
- 6.2 Ward Councillors have been briefed on the proposals and the application has been presented to a meeting of the Inner East Community Committee. At that meeting it was considered that the applicants should be asked to consider family housing as opposed to [the now withdrawn] flats. It was also commented that there would be concern over the impact on existing small retailers locally, and that there would be concern over a proliferation of takeaway uses.

## **7.0 CONSULTATION RESPONSES:**

### **Statutory:**

- 7.1 LCC Transport Development Services: No objections subject to the receipt of a revised Travel Plan to reflect the new cinema use.

### **Non-statutory:**

- 7.2 LCC – Travelwise: A travel plan is not required for this application.
- 7.3 LCC – Childrens Services: The [now withdrawn] housing element would generate a requirement for education contributions.
- 7.4 LCC – Public Rights of Way: The roadway known as Killingbeck Bridge has a footpath and cycle route along it which should remain.
- 7.5 LCC Air Quality Management Team: Approximately 5% of the public parking areas should be equipped with EV recharging points.
- 7.6 LCC Contaminated Land: No objections subject to an updated contaminated land report.
- 7.7 LCC Flood Risk Management: Sustainable infiltration drainage methods should be explored and conditions imposed to require the prior approval of foul and surface water drainage.
- 7.8 Police Architectural Liaison Officer: Advice received in relation to the perceived threat of crime and designing out crime.

**8.0 PLANNING POLICIES:**

- 8.1 Section 38(6) 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. The Development Plan for Leeds currently comprises the Core Strategy (2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).

Local Planning Policy

- 8.2 The Core Strategy is the development plan for the whole of the Leeds District. Some saved policies of the UDP Review also apply. The following policies within them are relevant:

Spatial Policy 1	Location of Development
Spatial Policy 2	Hierarchy of centres and spatial approach to retailing, offices, intensive leisure and culture
Spatial Policy 8	Economic development priorities
Policy EN2	Sustainable design and construction
Policy EN1	Climate change
Policy EN5	Managing flood risk
Policy G8	Protection of important species and habitats
Policy G9	Biodiversity improvements
Policy T1	Transport management
Policy T2	Accessibility requirements and new development
Policy P8	Sequential and impact assessments for town centre uses
Policy P10	Design
Policy P12	Landscape
Policy ID2	Planning obligations and developer contributions

- 8.3 Saved Policies of Leeds Unitary Development Plan Review (UDPR):

GP1	Land use and the proposals map
GP5	General planning considerations
BD5	Design considerations for new build
E4(6)	Austhorpe business park allocation
N23/N25	Landscape design and boundary treatment
T7A	Cycle parking guidelines
T24	Parking guidelines
LD1	Landscape schemes

#### 8.4 Relevant Supplementary Planning Guidance:

SPG10 Sustainable Development Design Guide (adopted)  
 SPG22 Sustainable Urban Drainage (adopted)  
 SPD Street Design Guide (adopted)  
 SPD Travel Plans (draft)  
 SPD Public Transport Improvements and Developer Contributions (adopted).  
 SPD Designing for Community Safety (adopted)

Natural Resources and Waste Local Plan (adopted).

#### **National planning policy guidance:**

8.5 The National Planning Policy Framework was published on 27<sup>th</sup> March 2012 and sets out the Government's planning policies for England and how these are expected to be applied, alongside other national planning policies. In this case the following sections are relevant:

Achieving sustainable development  
 Section 1 Building a strong, competitive economy  
 Section 2 Ensuring the vitality of town centres  
 Section 4 Promoting sustainable transport  
 Section 7 Requiring good design  
 Section 8 Promoting healthy communities  
 Section 10 Meeting the challenge of climate change, flooding and coastal change  
 Section 11 Conserving and enhancing the natural environment  
 Section 12 Conserving and enhancing the historic environment  
 Decision-taking

Annex 1 Implementation

#### **9.0 MAIN ISSUES:**

- Principle of the development
- Retail Impact
- Highways
- CIL

#### **10.0 APPRAISAL:**

##### Principle of the development:

10.1 This outline application simply seeks to establish the principle of development and the means of vehicular access to the site. All other matters of detail are reserved for subsequent consideration and approval. An illustrative layout has been submitted and

some concerns do exist in respect of the overall intensity of development (including hardstanding) shown.

- 10.2 In relation to Core Strategy Policy P1 (Location of Development), the application site is a brownfield site and is located in a sustainable location, close to existing public transport and cycleway links. The site sits on the Council's derelict and nuisance property programme as a priority site for regeneration, and has attracted public complaint. The site has suffered fire and antisocial behaviour, and is attractive in its present condition to fly-tipping and unauthorised encampment. The site in its present condition does nothing for the amenity of the wider area, as it sits on a key arterial route into and out of the city. As such the principle of a redevelopment of the site would deliver significant benefits and is therefore highly desirable, and in locational terms is acceptable in principle, subject to consideration of retail impact. When considering the principle of development regard should also be had to the historic use of the site for a petrol station and restaurants.

#### Retail Impact

- 10.3 Under Core Strategy Policy P8 the proposal is below the 1,500 square metres floorspace threshold whereby retail impact assessment would be required. However, as it contains retail uses which are a town centre use, and as the site is not located within a town centre, a sequential assessment is required. The submitted assessment does not include a city centre assessment, though the site is within a 3 minute drive time. It is not however anticipated that the proposed development, given its relatively limited scale, would have any significant adverse impact on the City Centre or other local centres. Whilst the concerns raised in relation to the impact of the retail elements on existing local traders is acknowledged as a valid concern, the significant benefits that the regeneration of this derelict and problematic site would bring would, in the overall balance of the planning considerations, significantly outweigh any local impact in this regard. In reaching this conclusion regard is had to the historic use of the site. A condition should however be attached to any planning permission, in order to set the quantum of retail floorspace to be provided, and the maximum size of unit applied for.

#### Highways

- 10.4 Subject to minor revisions to the indicative plans, which would be a matter to be more fully considered at reserved matters stage when layout and design are considered, and a robust service management plan by condition, the proposals would not be prejudicial to highway safety. A travel plan is not required for this scale of development, though public transport contributions should be required in accordance with the SPD. The amount payable would of course be determined at reserved matters stage, when the precise level of development is known.
- 10.5 The revised indicative plans reposition the proposed pedestrian/cycle route from Killingbeck Bridge through the site so as to address earlier concerns regarding gradient and forward visibility; bearing in mind that the application is in outline only, with the precise layout to be set at reserved matter stage, subject to further minor revision the indicative plan demonstrates that it is capable of meeting recommended guidance. Conditions should be used however to require the provision of lighting to the footpath and cycle route through the site, and to set the maximum size of unit applied for, in order to avoid any unforeseen highway impacts that might otherwise arrive if a single retailer sought to benefit from an unrestricted retail permission.

## CIL

- 10.6 This development is CIL liable. The payment of CIL is non-negotiable, except in exceptional circumstances, and consequentially is not material to the determination of the planning application. Accordingly this information is presented simply for Members information. As the application is in outline only however, the precise CIL contribution cannot be calculated, and will be calculated at reserved matters stage, when the precise final mix and amount of uses are known.

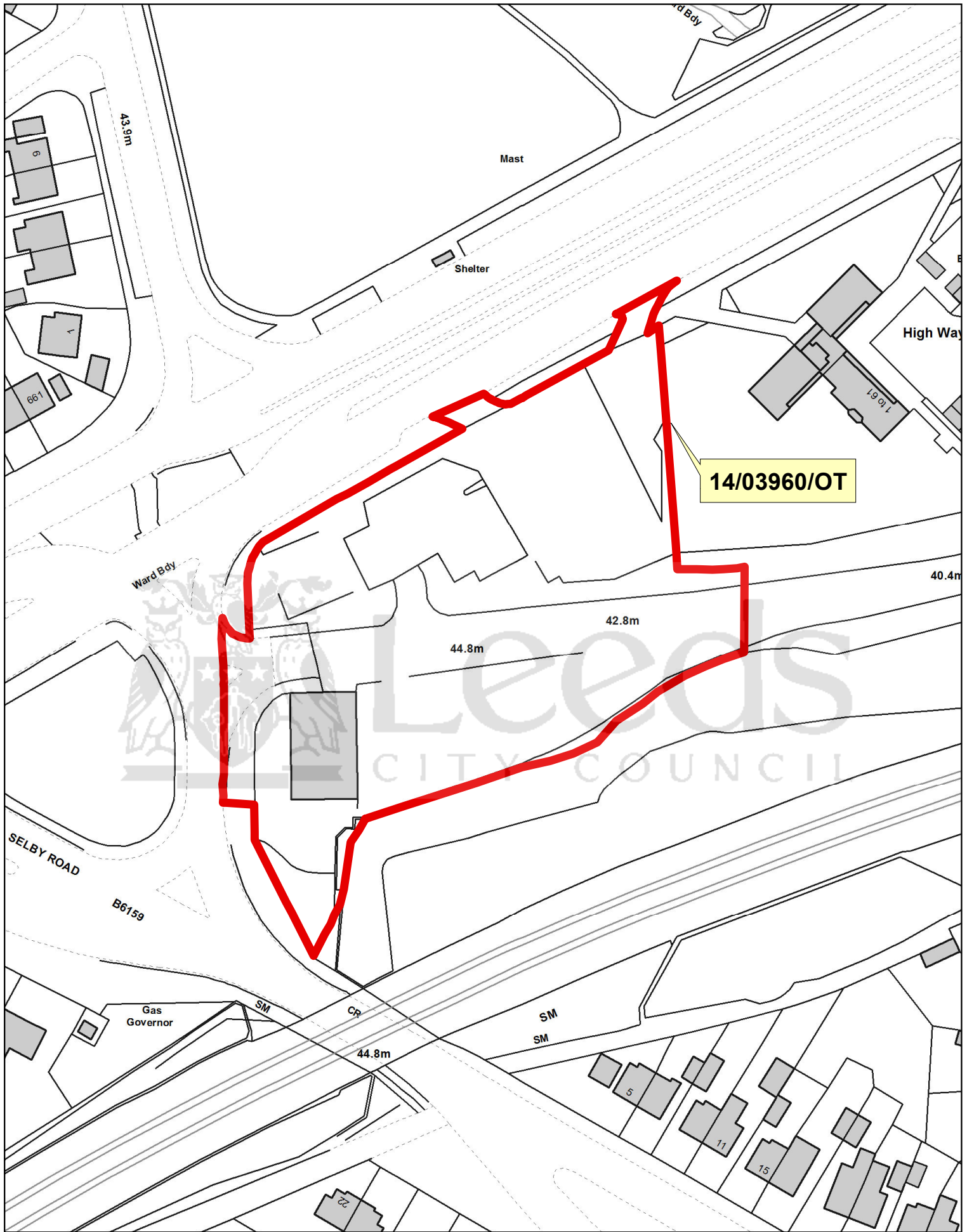
### **11.0 CONCLUSION**

- 11.1 The application site is located in a sustainable location and is a regeneration priority site for the Council. Its current condition is attractive to antisocial behaviour, fly-tipping, and unauthorised encampment. A re-development of the site for a mixed retail, drive-through restaurant and hot food takeaway development, subject to consideration of detailed design and appearance, scale, layout and landscaping (all of which are reserved matters), would deliver significant environmental improvements, and would address the long standing concerns the site in its current condition raises.
- 11.2 Redevelopment of the site would deliver employment opportunities and is considered to be a sustainable form of development. Whilst there are some shortcomings in the submitted sequential assessment, it is not considered that the development would have any significant adverse impact on any existing centres. Any limited impacts are considered to be outweighed by the significant environmental benefits of regenerating this key gateway site.
- 11.3 It is therefore recommended that Members defer and delegate approval of the application to the Chief Planning Officer, subject to a Section 106 and conditions as set out in the recommendation above.

### **Background files:**

Application case files 14/03960/OT

Certificate of Ownership – Certificate B completed – Chief Officer Highways and Transportation



# NORTH AND EAST PLANS PANEL

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SCALE : 1/1000

