



## Report of the Chief Planning Officer

### NORTH AND EAST PLANS PANEL

Date: 4<sup>th</sup> February 2016

**Subject: Planning application 15/05849/FU for construction of a new local foodstore with associated car parking and servicing on the site of the former Working Mens Club, Lincoln Green Road, Burmantofts, Leeds, LS9 7SR.**

#### APPLICANT

Heron Foods Ltd

#### DATE VALID

13<sup>th</sup> November 2015

#### TARGET DATE

5<sup>th</sup> February 2016

#### Electoral Wards Affected:

Burmantofts and Richmond Hill

Yes Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

**RECOMMENDATION: DEFER AND DELEGATE approval to the Chief Planning Officer subject to the following conditions and further negotiations to achieve improvements to the design of the building.**

**In the circumstances where appropriate revisions to the appearance of the building has not been achieved within 3 months of the Panel resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer**

1. Time limit – 3 years
2. Plans to be approved
3. Materials
4. Opening hours (8am – 10pm)
5. Compliance with service delivery management plan (deliveries 7am – 8am only)
6. Details and implementation of landscaping and boundary treatments.

## **1.0 INTRODUCTION:**

- 1.1 This application is presented to Plans Panel at the request of Cllr Asghar Khan (Burmantofts and Richmond Hill).
- 1.2 The site is owned by the City Council and is now vacant. Heron Foods are seeking to enter into a long lease agreement with the Council in order to erect and operate the development, subject to obtaining planning permission.

## **2.0 PROPOSAL:**

- 2.1 The application proposes the construction of a new local foodstore with associated car parking and servicing on the site of the former Working Mens Club, Lincoln Green Road, Burmantofts.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site was formerly occupied by a two-storey brick built Working Mens Club, which has been demolished in the last couple of years. The site is now vacant and is surrounded by low level fencing and walls. The site is reasonably level, with a slight fall towards Lincoln Green Road.
- 3.2 The site is located on the edge of the Lincoln Green local centre (an emerging centre in the Site Allocations Plan). The centre is a small suburban centre containing a range of basic services. Residential properties are also located in close proximity to the centre and blocks of flats are located immediately to the north and west of the site.

## **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 Planning application 14/06718/FU - Construction of a new local foodstore – Withdrawn.

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 The applicants have been liaising with colleagues in the Council's Asset Management section and with Ward Members for the last couple of years or so. Planning application 14/06718/FU was withdrawn, following concerns about highway access and also potential encroachment into a corridor of land that may be required for future public transport improvements. Following further dialogue with the applicants, it is considered that these matters have now been addressed.

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

- 6.1 The application has been advertised by site notice, posted 23<sup>rd</sup> October 2015.
- 6.2 One letter of support has been received from Cllr Maureen Ingham stating that she is pleased to see that the highway solution may have been found and noting support for bringing a new food store to the area.
- 6.3 Two letters of representation have been received from local retailers, raising the following concerns:

- Existing traffic and car parking issues in the area will be exacerbated.
- Concern about proximity of access to signalised junction, often used by emergency services.
- Concern about the economic impact on other shops in the area.

## 7.0 CONSULTATION RESPONSES:

### Statutory:

- 7.1 Highways: - Revised plans confirm that the proposals are compatible with and do not impact upon the implementation of proposed future highway improvements at the Beckett Street/Lincoln Road junction. Whilst there are some reservations regarding access and servicing arrangements, it is considered that subject to the proposed access improvements and implementation of a service delivery management plan (to be conditioned), it would be difficult to demonstrate that the proposals would have a material detrimental impact on highway and pedestrian safety, or operation of the local highway network. To summarise, taking into consideration the scale of development proposed, the sites previous use, its sustainable and accessible location in a densely populated residential area. It is considered that it would be difficult to justify refusal of the proposals on the grounds of highway safety, or impact on the operation of the local highway network and as such Transport Development Services would not wish to resist the granting of planning permission.

### Non-statutory:

- 7.2 Coal Authority: - The Coal Authority considers that the content and conclusions of the Phase 1: Desk Top Study Report are sufficient for the purposes of the planning system and meets the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development subject to the imposition of an appropriate condition.
- 7.3 Contaminated Land: - No objection, subject to the imposition of appropriate remediation conditions and conditions dealing with the importing of soil.
- 7.4 Flood Risk Management: - No objections, subject to a condition to deal with surface water drainage matters

## 8.0 RELEVANT 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). The Site Allocations Plan is emerging and was subject to public consultation in Autumn 2015.

### Adopted Core Strategy:

8.2 The Core Strategy is the development plan for the whole of the Leeds district. The Core Strategy (CS) was Adopted in November 2014. The following CS policies are relevant:

Spatial policy 1	Location of development
Spatial policy 2	Hierarchy of centres
Spatial policy 8	Economic development priorities
Spatial policy 11	Transport infrastructure investment priorities
Policy P1	Town and local centre designations
Policy P3	Acceptable uses in and on the edge of local centres
Policy P4	Shopping parades and small scale stand alone food stores serving local neighbourhoods and communities
Policy P5	Approach to accommodating new food stores
Policy P8	Sequential and impact assessment for main town centre uses
Policy P10	Design
Policy P12	Landscape
Policy T1	Transport Management
Policy T2	Accessibility requirements and new development
Policy EN2	Sustainable design and construction
Policy EN5	Managing flood risk

Leeds Unitary Development Plan (UDP) Review:

8.3 The site is unallocated in the UDP.

Other policies of relevance are:

Policy GP5	General planning considerations
Policy BD5	Design considerations for new build
Policy LD1	Landscaping schemes

Natural Resources and Waste DPD:

8.4 Policies of relevance are:

Water 7	Surface water run-off
Land 1	Contaminated land

Supplementary Planning Guidance / Documents:

8.5 SPG10 Sustainable Development Design Guide (adopted).  
SPG13 Neighbourhoods for Living (adopted).  
SPG22 Sustainable Urban Drainage (adopted).  
SPD Street Design Guide (adopted).  
SPD Designing for Community Safety (adopted).  
SPD Travel Plans (draft).  
SPD Sustainable Design and Construction (adopted).  
SPD Leeds car parking standards (adopted)

National Planning Guidance:

8.6 National Planning Policy Framework: Paragraphs 23 – 27 seek to ensure the vitality of town centres.

## 9.0 MAIN ISSUES

1. Principle of development
2. Planning policy issues

3. Urban design issues
4. Residential amenity
5. Highway issues

## **10.0 APPRAISAL**

### Principle of development

- 10.1 The application site is unallocated in the UDP. The site relates to vacant brownfield land and so the general principle of re-development is acceptable and supported. Issues around the nature of this particular development, which do in turn go to the principle of development, are discussed in the remainder of this report.

### Planning Policy issues

- 10.2 The planning application proposes the creation of 369sqm of new A1 floorspace (285 sqm sales) for a food store on a vacant site. The adopted Core Strategy (CS) at policy P1 identifies part of Lincoln Green as a Lower Order Local Centre. The boundary of that centre is contained within the draft Site Allocations Plan (SAP). The application site is located opposite the local centre and could therefore be defined as edge of an emerging centre.

- 10.3 In this circumstance, policy P8(b) of the CS requires the submission of a sequential assessment based upon a catchment of a 500 metre walking distance. The catchment includes the emerging Lincoln Green Local Centre, where only one sequentially preferable site at Cromwell Mount (previously occupied by the Burmantofts Liberal Club) has been identified. The applicant has discounted the availability and viability of the site given the reported high selling price of £1.2M.

- 10.4 The following 3 CS policies are therefore of relevance to this proposal:

- Policy P3 enables the provision of new food stores in and on the edge of lower order local centres where they are compatible with the size of the centre.
- Policy P4 states that proposals for stand-alone or for small scale food stores up to 372sqm gross within residential areas will be acceptable in principle where there is no local centre or shopping parade within a 500m radius that is capable of accommodating the proposal within or adjacent to it. Consideration will also be taken of the number of existing small stores in the vicinity to avoid cumulative impact on parades and centres.
- Policy P5(ii) 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.

- 10.5 In consideration of these policies, the size of the proposed food store is generally compatible with the size of Lincoln Green Local Centre. The applicant has demonstrated via the sequential assessment that no sequentially preferable site is available, suitable or viable for the application proposal. Within the emerging local centre there is a Costcutter food store and opposite the centre is a Freshways food store. It is considered that the addition of the proposed food store, because of its small size, would not result in any significant adverse cumulative impact on the centre.

- 10.6 Taking the above factors into account, it is considered that the application site is acceptable given that there is no sequentially preferable site available, suitable or viable for the application proposal. The proposal does not undermine the above policies and is within the edge of the emerging Lincoln Green Local Centre.

### Urban Design issues

- 10.7 The proposed development involves the erection of a foodstore building in the north east corner of the site, measuring 27m x 16m in footprint. The areas to the front of the site, facing Lincoln Green Road, and the western side of the site are to be used for car parking and servicing.
- 10.8 The building is intended to have active frontages to both Lincoln Green Road and Beckett Street, whilst the western (car park) and northern elevations have a more utilitarian appearance. The active frontages incorporate large areas of glazing around the entrance doors and provide three bays of shop windows to the Beckett Street elevation. Additional areas of 'blank window panels' that are designed to look like glass have been incorporated into the Beckett Street frontage. During the course of negotiations on the application, the applicants have agreed to a number of amendments to improve the appearance of the building. These include providing a further bay of brickwork to the southern end of the western (car park) elevation, rather than insulated wall panels. The signage panel to the Beckett Street elevation has also been reduced in width to be positioned above two bays only, rather than three, with that area now also being faced with brick. The boundary treatment at the northern end of the site has also been revised to provide a more open aspect and so 1.75m high galvanised bow top railings are now proposed on top of the brick retaining wall. However, it is still considered that further articulation of the Beckett Street frontage would significantly improve the appearance of the building.
- 10.9 The materials proposed for the exterior faces of the building include red clay facing bricks and insulated wall panels and columns formed with Europanel Lite with micro-rib finish coloured grey (as opposed to metallic in the original design). The door and window frames are to be aluminium, powder coated grey. The fascia and eaves detail to the roof is to be finished in Europanel in a dark 'Merlin Grey' colour. Rainwater gutters and downpipes are to be in aluminium, coloured black. Whilst not visible from ground level, the roof is to be finished with Kingspan panels, coloured 'Goosewing Grey'. The signage panels are to be internally illuminated and of the company's branding.
- 10.10 The building is intentionally close to the Beckett Street side of the application site in order to provide an active frontage. The space to the Lincoln Green Road frontage provides for pedestrian circulation space, as well as three parking spaces (including two disabled spaces). Whilst officers have explored the use of soft landscaping and alternative surface finishes, it is accepted that this space does also need to be used by delivery vehicles given the overall space constraints. Accordingly the hard surface areas to the car parking and servicing areas of the site are to be finished in tarmac. However, the applicant has agreed to incorporate an area of low level shrub planting along part of the boundary with Lincoln Green Road, which will provide some softening.
- 10.11 Overall, it is considered that the general form of the building is acceptable and will provide a positive redevelopment of this vacant site, subject to some designed design improvements to the elevations being achieved. A defer and delegate recommendation is therefore advanced so officers can pursue these design improvements.

### Residential Amenity

- 10.12 The site is sandwiched between two residential tower blocks, one to the north and one to the west. The previous two-storey club building occupied a similar footprint to the proposed building, but was located within the centre of the site.

- 10.13 The proposed building is therefore closer to the block of duplex flats to the north, sited 5.7m away. The flats, including their respective lounges, have their main aspect to the east and west (i.e. to Beckett Street and Lindsey Court). The side windows that face the site appear to be secondary windows and also serve the lounge of the duplex flats. The main impact is on the ground floor windows. It is worth noting that the site is to be levelled such that the building will be sited 0.65m below the ground level outside the site.
- 10.14 The flats to the west are located further away from the proposed building and are separated from it by the proposed car park. The existing 0.525m high retaining wall is to be made good and it is noted that timber fencing exists around some of the private garden areas about the ground floor flats. Again, this part of the site is at a slightly lower level than the land around the flats.
- 10.15 Overall, whilst the building will be highly visible and in close proximity to the windows and amenity spaces about the flats, on balance, it is considered that the benefits of the scheme outweigh the limited impact of change in outlook, dominance and potential overshadowing.
- 10.16 It is noted that the opening hours of the store and delivery movements have the potential to add to the noise and disturbance experienced by nearby residents. The service delivery management plan states that deliveries shall take place between 7am and 8am (before the store is open to the public). Within this one hour period, Heron foods have 4 scheduled deliveries to the store:
- 1 Heron delivery utilising a 12m long vehicle;
  - 2 bread deliveries from third parties using vehicles which will not exceed 8m in length and 7.5t in gross weight;
  - 1 milk delivery from a third party using vehicles which will not exceed 8m in length and 7.5t in gross weight.
- 10.17 The opening hours of the store are suggested to be 8am – 10pm. It is noted that the site is located on the edge of the Lincoln Green local centre and is also at the junction of two busy roads, one being an arterial road out of the city centre and also with a major hospital in close proximity. In this context, it is considered that the likely additional noise and vehicle movements will not be significantly greater than the existing background noise levels. Accordingly, the operation of deliveries and the customer movements associated with the store are not considered to result in a significant adverse impact on the level of residential amenity enjoyed by nearby properties.

#### Highway issues

- 10.18 During the course of negotiations, two aspects have been considered by officers – firstly, the impact of the proposals on the wider public transport aspirations for Beckett Street and, secondly, the safe access and use of the site for car parking and servicing, given the close proximity to the signalised junction.
- 10.19 As reported in the highway consultation response, the revised plans confirm that the proposals are compatible with and do not impact upon the implementation of any proposed future highway improvements at the Beckett Street/Lincoln Green Road junction. Whilst there are some reservations regarding access and servicing arrangements, it is considered that subject to the proposed access improvements and the implementation of the service delivery management plan, it would be difficult to demonstrate that the proposals would have a material detrimental impact on highway

and pedestrian safety, or operation of the local highway network. Overall, in taking into consideration the scale of development proposed, the sites previous use, its sustainable and accessible location in a densely populated residential area, it is considered that it would be difficult to justify refusal of the proposals on the grounds of highway safety, or impact on the operation of the local highway network.

- 10.20 Within the site, 15 car parking spaces are provided, including 2 disabled spaces adjacent to the foodstore entrance. The level of car parking is considered to be acceptable for the nature and location of the foodstore, being located on the edge of a local centre and in a highly sustainable location. Officers are now also satisfied that sufficient space exists within the site to accommodate the turning of delivery vehicles. These movements can be controlled through the service delivery management plan to ensure that such deliveries do not take place during opening hours, when customers may be using the car park.

#### Planning obligations

- 10.21 Whilst the scale and nature of the proposed development does not require any specific planning obligations, this quantum of development would attract a CIL contribution of £1,845.

### **11.0 CONCLUSION**

- 11.1 Overall, it is considered that the proposed development would be a welcome reuse of a vacant brownfield site in a prominent edge of centre location. The use itself would expand the food store offer locally, to the benefit of local consumers, without undermining the overall vitality and viability of the local centre. The revised design of the building is considered to be more sympathetic than that originally applied but further design changes are to be pursued to enhance the appearance of the Beckett Street frontage in particular. The appearance of new development will help to improve the visual amenity of the area around this junction. Whilst the proposal is in close proximity to residential flats the greatest impact is on secondary aspect windows and in light of this the benefits of the scheme are considered to outweigh any negative impacts associated with the massing of the building and the change in outlook for the nearest flats. The revised proposals are now also considered to be acceptable in highway terms, without prejudicing wider transport objectives and ensuring that servicing and access can take place safely. In light of the above, the proposals are considered to be acceptable in principle and a defer and delegate recommendation is advanced to allow officers to continue negotiations regarding the designed design of the building.

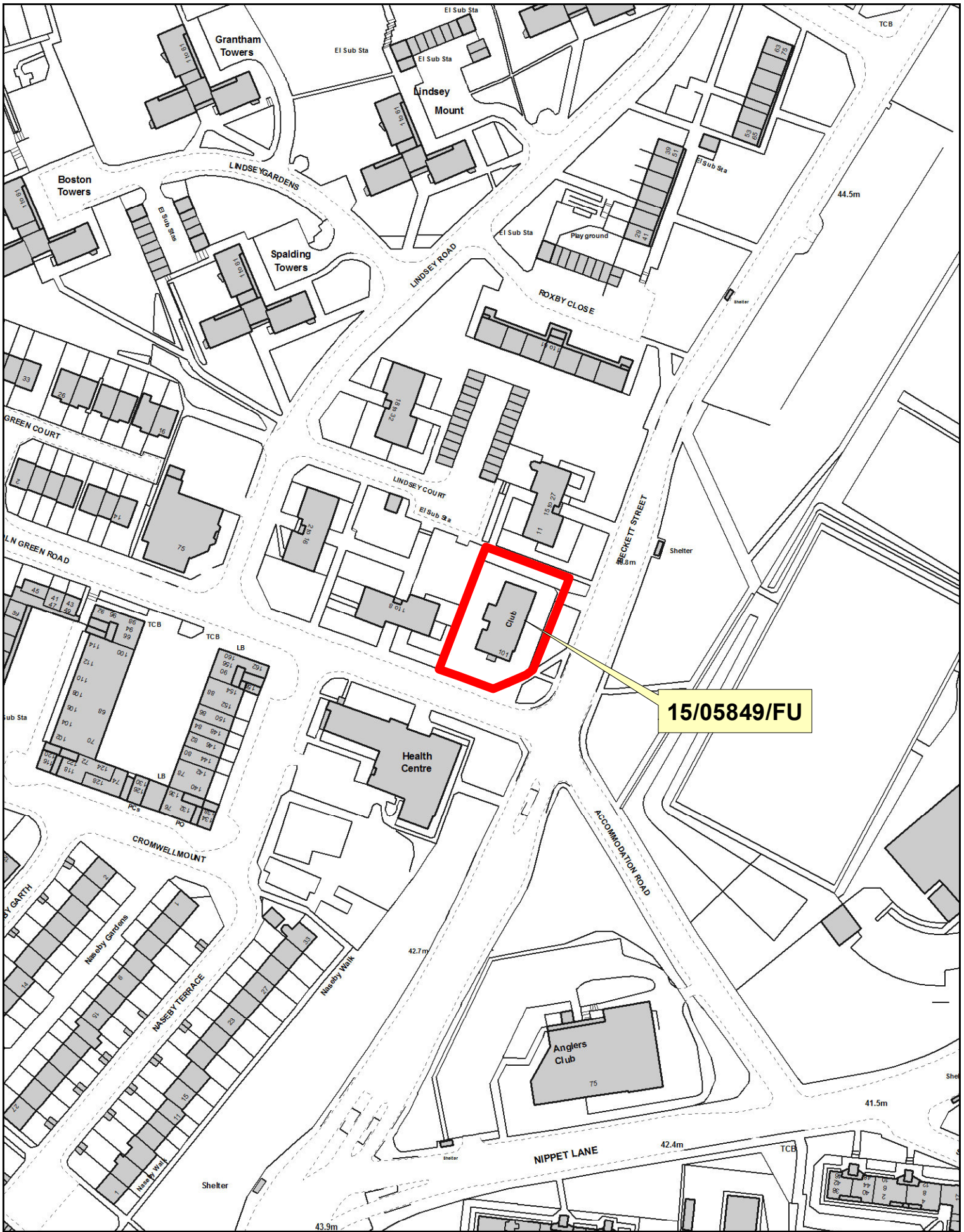
#### **Background Papers:**

Notice served on Andrew Gledhill, Leeds City Council









# NORTH AND EAST PLANS PANEL

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