
Report of the Chief Planning Officer

SOUTH & WEST PLANS PANEL

Date: 23rd June 2016

Subject: 16/01105/FU: Two drive through restaurants (use classes A3 and A5) with associated servicing, parking, landscaping and access at Gallagher Leisure Park Dick Lane, BD3 7AT

APPLICANT

Urban & Civic Bradford Ltd

DATE VALID

26th February 2016

TARGET DATE

22nd April 2016

Electoral Wards Affected:

Calverley & Farsley

☐ Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION: GRANT PERMISSION subject to the specified conditions:

1. Standard 3 year time limit.
2. Build in accordance with the approved plans.
3. Details of materials to be submitted.
4. Vehicle spaces to be laid out and sealed prior to occupation
5. Dropped kerb/textured paving details.
6. Development not to be occupied until cycle facilities provided.
7. Delivery Hours details to be confirmed with applicant.
8. Drainage details.
9. Opening Hours Unit 2 KFC 6am till midnight.
10. Phase I desk top study to be provided re: contamination.
11. Precautionary requirement for amended remediation statement if required.
12. Verification report to be submitted following remediation.
13. Construction Management Plan.

1.0 INTRODUCTION:

- 1.1 This application is brought to Panel at the request of Councillors Andrew and Amanda Carter on the basis of the strength of local objections to the proposals which they considered merited a Panel rather than delegated determination.

2.0 PROPOSAL:

- 2.1 The proposal seeks consent for two detached drive-through food/beverage outlets to be located on an area of under-utilised car parking serving the wider Leisure Park. The new owners have significant aspirations for the revitalisation of the Leisure Park. Unit 1 located closest to the main access is likely to be operated by Costa Coffee whilst unit 2 (the larger of the units) is to be operated by KFC. Consent is sought for a Use and as such the specific operators could in theory change in future to other operators that fall within the same type of use. It is, however, clear from the plans that these units have been designed specifically for these two operators. The original plans have been slightly altered during the course of the applications progression. The highways layout has been slightly amended in response to comments from Highways Officers. The design, including a slight area increase to unit 2 has also been slightly amended due to the requirements of the applicant and future occupiers. None of the changes are considered to significantly materially affect the overall nature of neither the scheme, nor its impact on neighbouring residents and as such further advertisement of the changes was not considered necessary.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is currently under-utilised car parking for the wider Leisure Park. It is located close to the main Dick Lane (Thornbury gyratory) frontage and adjacent to the main vehicular access point to the Leisure Park. The immediate area has a commercial character containing a mixture of Leisure, Industrial, office and retail units. Surrounding this are predominantly residential areas. It occupies a frontage onto a major arterial route (A647) connecting Leeds to Bradford. The majority of the site is laid out for formal parking provision interspersed with areas of low-level landscaping. The gyratory is located on the opposite side of Dick Lane to the east and to the rear/west there is a large multi-screen cinema. To the north is a residential street with generally rear gardens abutting the boundary of the site and to the south of the site is the main vehicle access to the Leisure Park and other commercial uses.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 15/04802/OT: Gallagher Leisure Park. Variation of condition 21 (opening hours) of outline planning application H25/193/89/ to allow amendments for change of gym hours. Approved.
- 4.2 14/07342/FU: The Aagrah Building. Extension to rear. Approved.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 This proposed scheme broadly reflected the guidance given by Officers prior to submission.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised by two site notices posted on the site frontage (Dick Lane).
- 6.2 Six individual letters of objection have been received in relation to this application and a petition with 38 signatures. The main objections raised are summarized as follows:
- Impact on public health and proximity to primary school.
 - Concentration of take-away outlets in locality.
 - Litter and vermin.
 - Congestion and traffic pollution.
 - Noise disturbance to local residents.
 - Employment – jobs low paid.
 - No covered cycle parking.
 - Use of Grange Avenue as a cut through.
 - Highway safety. Including queuing on roundabout, poor access to the site and conflict with use of cycle lane.
- 6.3 Cllr Andrew Carter submitted comments in relation to the application and subsequently in joint support with Cllr Amanda Carter regarding a Panel determination.
- 6.4 Councillor Andrew Carter has commented:

Concerns are raised in relation to the proximity of Grange Avenue and the need to ensure that the residential amenity of the residents is protected.

1. It is welcomed that the 'drive through' lanes, access and egress, are situated well away from the residential area and that parking within the curtilage of the two units proposed is also well away from dwellings.

2. Boundary Treatment and Security. The boundary between the Gallagher Leisure Park and the rear of Grange Avenue has always been a cause of concern. A new and improved boundary treatment needs to be put in place to protect local residents. Additionally general security of the site is of paramount importance. The proposed new units should enable security on site generally to be improved. The Police are well aware of the various issues of a criminal nature that have plagued the existing car park area and this application should be used as a vehicle to deal with these issues.

3. Of particular concern is the issue of access to the car park from the former golf course. This has raised issues relating to 'travellers' leaving horses on the open land. Again the boundary treatment needs to be reinforced.

7.0 CONSULTATIONS RESPONSES:

- 7.1 Highways: The bin store to the northern unit would mask and encroach on the large pedestrian entrance from the north end of Dick Lane and should be moved so as not to spoil the route. Tactile paving and dropped kerbs should be provided to form a route from the pedestrian area in front of the cinema across to the northern unit and

zebra crossing between the two units. Conditions also suggested. The plans were amended in accordance with the suggestions made.

- 7.2 Yorkshire Water (YW): No objection subject to the attachment of conditions relating to drainage details and building within the proximity of a water main. Both YW and the council's own Drainage Officers suggested a condition to control the drainage details.
- 7.3 Drainage: No objection subject to a condition relating to drainage details.
- 7.4 Contaminated Land Team: The site is considered to have low vulnerability therefore no objection subject to suggested conditions.
- 7.5 Local Plans: Sequential Tests Passed.
- 7.6 Bradford Metropolitan District Council: Given the proximity of the proposal to the authority boundary and that town centres within the Bradford district fell within the scope of the applicants' sequential test BMDC were consulted. BMDC did not comment of the applicant's sequential test but did raise concern over the design quality of the scheme.

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.

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.

Because of the scale and nature of the development, there are no DPD policies which are relevant to the consideration of this application.

- 8.3 Core Strategy Policies:

SP2: Centres First Approach

P8: Town Centres (identifies specific thresholds and criteria)

P10: Design

T2: Highways

- 8.4 Relevant UDP Policies:

GP5: Development proposals should resolve detailed planning considerations.

LTB5: Identifies certain sites, including Gallagher Leisure Park where "the provision of leisure and tourism uses will be supported".

National Planning Policy Framework

- 8.5 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.
- 8.6 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.

The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

9.0 MAIN ISSUES

- Principle
- Highways
- Design
- Public Health
- Amenity
- Representations
- Community Infrastructure Levy

10.0 APPRAISAL

Principle

- 10.1 The development proposed is for two A3/5 restaurant uses. In the interests of sustainable development it is generally considered and encouraged both by local and national planning policies and guidance that this type of use should be located within designated Town Centres. Gallagher Leisure Park is not designated as such a Centre but never-the-less in functional terms it operates as an established leisure destination and has characteristics similar to a Town Centre. This site is within a significant leisure destination serving the City and would complement the commercial activity within the existing Leisure Park. The provision of leisure type facilities was actively encouraged by UDP policies at this location with this being one of 6 sites across the city specifically earmarked in UDP policy LT5B. However on a strict interpretation of current development plan policy an assessment is required as to whether alternative, sequentially preferable locations exist within or on the edge of designated centres that are suitable for accommodating the development proposed.
- 10.2 Sequential testing of the proposal was therefore provided by the applicant during the application process and this was assessed and considered satisfactory by the Case Officer and the Council's Retail Policy Specialist. Officers consider, given the leisure destination function and the main arterial route frontage, that there are differing operational and market requirements that would be served by the drive-through facilities that will limit the direct competition with other similar uses, located in nearby

Town Centres. In any event, it should be noted that the proposals are below the floorspace threshold above which there is a policy requirement to assess the impact upon Town Centres. In terms of the Leeds Town Centres assessed Officers consider that the applicant successfully demonstrated that there were no other suitable available sites.

- 10.3 The site is currently vacant and comprises under-utilised car parking at the Leisure Park. The net loss of parking can be sustained without significant adverse impacts to highway safety and this is explored in further detail in a later section of this appraisal. This leaves the site as a vacant brownfield site within a commercial setting with a significant main road frontage at a principle junction between Leeds and Bradford.
- 10.4 It is important to recognise that planning policies actively encouraged the creation of this type of destination and that the current owners are keen to realise the latent potential of the Leisure Park, with this being a precursor to further investment and improvement. The type of restaurant/café facilities proposed are complimentary to a Leisure Park destination as can be seen, for example at a similar type of Leisure Park at Cardigan Fields in Kirkstall. Development of the site should therefore be supported in principle given that an appropriate commercial use is proposed on this brownfield site. The proposal is therefore considered on-balance to satisfy the relevant criteria of policy P8 of the Core Strategy and the sequential requirements contained within the NPPF to justify this particular type of use in this location.

Highways

- 10.5 The proposal will result in a net loss of car parking to the wider Leisure Park. Officers have visited the Leisure Park on a number of occasions in the past couple of years in relation to planning applications at other nearby units at various times during the week and there have always been significantly more vacant spaces than occupied ones to choose from. The applicant's car park surveys show less than 30% occupation even at the busiest times and officer observations are further supported by the assessment of the Highways Officers. They consider that the net loss of parking can be sustained without significant pressure being put on the remaining spaces within the site and that the additional traffic generated will not significantly impact upon the operation of the Highway network including the Leeds-Bradford Cycle route. Whilst leading to a net loss of standard parking space the proposal will add spaces designed for disabled users and incorporates new space for bicycle users improving provision for those types of users. The net loss of parking can therefore be sustained by the remaining level of parking within the site and the wider Leisure Park and the highways works facilitating access to and within the site will accommodate the additional traffic without significant detriment to the traffic flow and the Leeds-Bradford Cycle route.
- 10.6 The proposal will not give rise to an increase in on-street car parking due to the availability of parking spaces at Gallagher Leisure Park. Should visitors enter the new area of car parking only to find no available spaces in the 41 proposed immediately adjacent to the units, they would inevitably choose to park in spaces available within the wider car park rather than leaving the site and parking on residential streets in the surrounding area.
- 10.7 The proposal is therefore considered to accord with the relevant Transport Policy (T2) of the Core Strategy.

Design

- 10.8 The buildings are of a modern contemporary design which is considered appropriate in the local context of similar relatively recently constructed commercial buildings. It stands favourable comparison with the other nearby drive-through facilities in terms of design and overall visual appearance. Given the site is currently a car park, the layout of the scheme with the building surrounded by parking, is considered acceptable and reflects the relationship and setting of other similar units within the wider Leisure Park. The quality of the buildings design and the consequential reduction in hard surfacing is considered to represent an improvement to the views from Dick Lane and will help to identify and frame the main vehicular entrance to the wider Leisure Park. The proposal is therefore considered to accord with policy P10 of the Core Strategy and the guidance on good design appropriate to the local context contained within the NPPF.

Public Health

- 10.9 There are no specific policies within the Core Strategy that would specifically restrict fast-food type outlets on the grounds of public health. There are aspirations in the Core Strategy that planning should do what it can to aid public health improvement objectives. However, the evidence base, does not show any specific causal link between fast-food outlets and obesity. Officers consider that in the absence of any evidential harm and a specific planning policy basis that the application could not be reasonably refused on these grounds.

Amenity

- 10.10 The amenity impacts of the proposal are a key concern for the nearby residents and form the main basis of their objections. When assessing the impact of development proposal on amenity and in order to consider potentially refusing an application the Local Planning Authority must identify and evidence significant demonstrable harm from the proposals over and above the prevailing site circumstances and the current actual and potential impact of the existing use. The site is part of a long established, authorised car parking for the Leisure Park. The fact that it is vacant and unused does not preclude its active use at a later date. The parking and circulation of vehicles around the site will not be significantly dissimilar to its potential utilisation were the owners to decide to utilise it actively in the future. It is however clear that there will be an intensification in activity and vehicle movements as compared to the present on-going circumstances. In light of this it is important to consider the impact on amenity in terms of noise and general disturbance as compared to the existing site circumstances.
- 10.11 Despite the lack of current activity the site and the residential dwellings to the rear are subject to significant background noise emanating from the proximity of the major roadway. A noise report from a suitably qualified expert has been provided by the applicant. This identifies the significant levels of existing background noise even into the early hours of the morning emanating from road traffic. The noise assessment goes on to demonstrate that the noise generated by these proposals will be below permissible levels and, if not more importantly, below the level of the background noise even at the most quietest of times (1am) which is also later than the proposed opening hours.

Representations

- 10.12 The main concerns expressed by the objectors relate to highways impacts and the proliferation of fast-food outlets in this area and their associated impacts on public health and the specific impact on the amenity of the nearby residents on Grange Avenue. The majority of the highways matters raised have been dealt with above in section 10.2. The layout of the scheme is considered to be well designed to encourage appropriate vehicle and pedestrian movements and has been amended in accordance with the advice of Highways Officers. In respect of concerns relating to vermin/litter the proposal contains appropriately designed and secure bin storage areas. The applicant has also provided significant comfort as regards the arrangements in place as regards litter control. There is a concentration of food outlets in this location due to its function as a leisure destination. The proposal will not lead to an over proliferation of such uses merely it will reflect the existing functionality of the area.
- 10.13 Following publication of the NPPF it is no longer incumbent on the applicant to have to demonstrate a need for their proposal. In the current economic climate any employment opportunities no-matter the perceptions of the type of work should be encouraged and are a significant material consideration weighing heavily in favour of commercial applications. The jobs on offer are likely to appeal to a young demographic which is section of the job market that was particularly affected by the global recession. In summary the applicant estimates that the scheme will create over 60 full and part time jobs within the restaurant and the coffee shop, in addition to construction jobs and spin-off jobs in the supply chain.

Community Infrastructure Levy

- 10.14 Leeds City Council adopted its Community Infrastructure Levy on 12th November 2014 and the charges were implemented as of 6th April 2015. This application falls within the 'all other uses' category and as such a charge of £5 per sqm of net additional gross internal floor area is required. The total contribution will be in circa £2100.

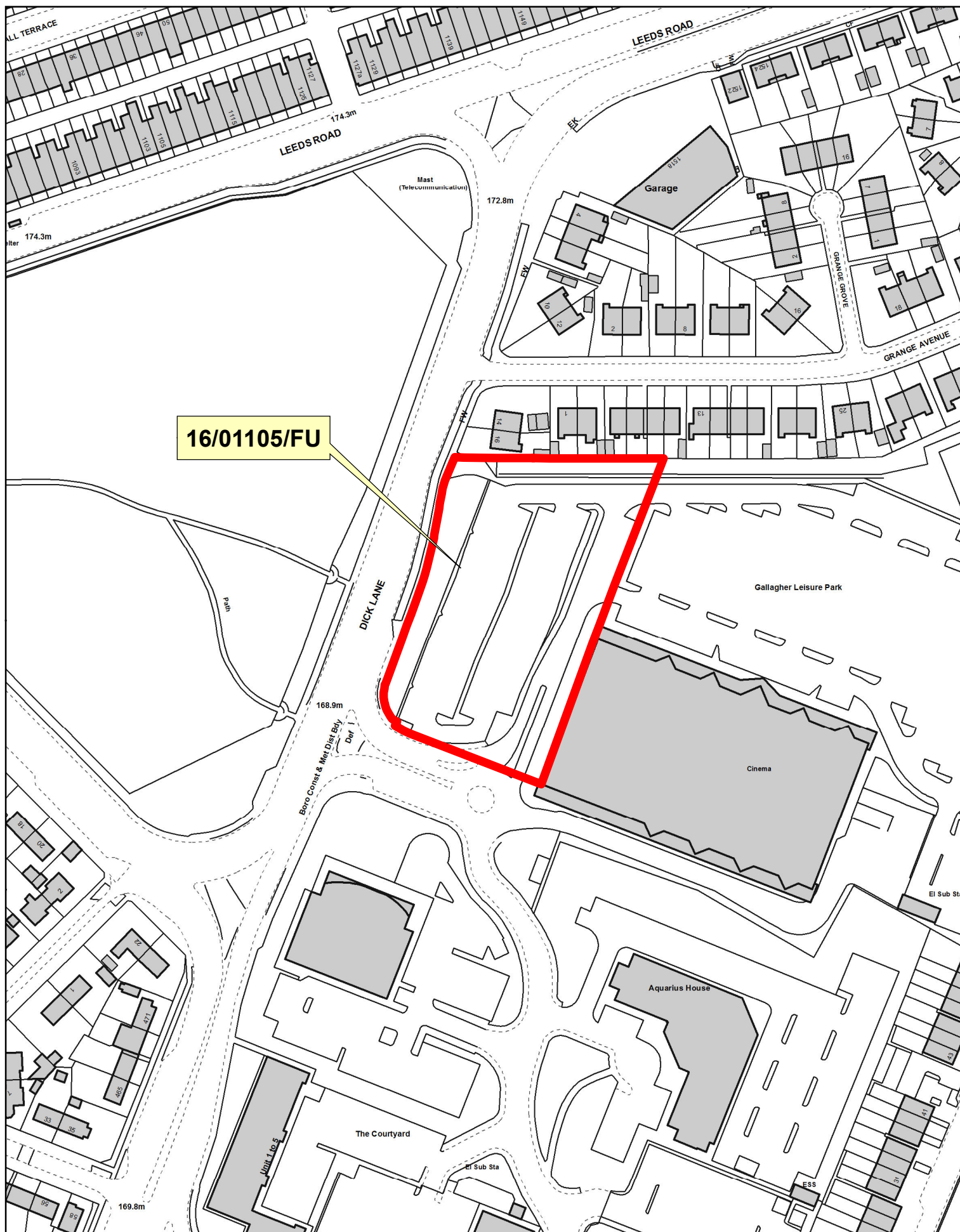
11.0 CONCLUSION

- 11.1 The proposed scheme provides economic development on a previously developed area of land no-longer required for its existing car parking use. UDP Policy supports leisure development in certain locations including at Gallagher Leisure Park, and the applicant has demonstrated to the satisfaction of officers that there are no sequentially preferable alternative locations in and on the edge of designated centres that are suitable for the proposed development. In view of this, the site circumstances, and the evidence provided it is concluded that the principle of the proposed use is acceptable. In coming to this view officers were mindful of the specific complimentary nature of the uses proposed relative to the ongoing activity and use and location of the Leisure Park.
- 11.2 The proposal is considered to accord with the relevant local and national planning policies and guidance. It is further considered that are no other material considerations that would outweigh the above and therefore the officer recommendation is that the application should be approved.

Background Papers:

Certificate of ownership – Applicant.

File 16/01105/FU



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