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Report of the Chief Planning Officer

PLANS PANEL NORTH AND EAST

Date: 30th June 2016

Subject: 16/00749/OT – Hybrid application for full planning permission to erect food store (Use Class A1) including associated access, parking and landscaping and outline planning permission for retail development (Use Class A1) and public house (Use Class A4) at the Miami building site, off Lotherton Way, Garforth

-	DATE VALID 10/02/16	TARGET DATE 30/06/16
Electoral Wards Affected:		Specific Implications For:
Garforth & Swillington		Equality and Diversity
		Community Cohesion
Yes Ward Members consulted (referred to in report)	Ł	Narrowing the Gap

RECOMMENDATION: DEFER and DELEGATE approval to the Chief Planning Officer for approval subject to the conditions outlined below and 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.

Full Application (Lidl food store)

- 1. Implementation within three years
- 2. Plans as approved
- 3. Delivery of off-site junction improvements
- 4. Construction method statement (including demolition) to be agreed

- 5. External materials as specified
- 6. Levels as specified
- 7. Detailed scheme for surface water to be agreed (to include on-site balancing and appropriate interceptors)
- 8. Car park management plan to be agreed
- 9. Servicing management plan to be agreed
- 10. Car park completed and made available for use by customers prior to opening
- 11. Detailed landscape scheme to be finalised (including implementation and appropriate nature conservation measures)
- 12. Long term management of landscaping
- 13. Coal legacy site investigation required
- 14. Phase II site investigation report required
- 15. Amended remediation report if unexpected findings made
- 16. Verification report post remediation
- 17. Food store opening hours (07.00 hours to 22.00 hours Mon to Sun and including Bank Holidays)
- 18. Provision of Electric vehicle charging points
- 19. Compliance is submitted energy statement
- 20. No removal of vegetation during bird nesting session unless checked first
- 21. Car park lighting details to be provided
- 22. Details of bin storage and public recycling facilities to be agreed
- 23. Restriction on noise from plant equipment

Outline Application (Retail units and public house)

- 1. Standard time limit for submission of Reserved Matters and implementation thereafter
- 2. Outstanding Reserved Matters: Appearance, Landscaping, Layout, Scale
- 3. Site location and access plan approved
- 4. Restriction on retail floorspace to 2,957 sqm gross (with 468 sqm outdoor sales area) and Family public house at 692 sqm. Retail to have no more than 25% net sales area used for convenience.
- 5. No retail unit to be below 500 sqm gross.
- 6. Delivery of off-site highway junction improvements
- 7. Car Park and servicing management plan to be agreed
- 8. Construction Method Statement to be agreed
- 9. Detailed Travel Plan Required
- 10. Surface Water scheme (including being passed through appropriate interceptors) to be agreed
- 11. No construction over existing sewer unless first agreed
- 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
- 18. Provision of Electric vehicle charging points
- 19. Submission of energy statement
- 20. No removal of vegetation during bird nesting session unless checked first
- 21. Details of bin storage and public recycling facilities to be agreed

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 relatively large quantum of new

retail floorspace in an out of centre location. The application also represents a significant proposal for the Garforth area and the previous outline application for a supermarket was also considered by the Panel.

2.0 PROPOSAL

- 2.1 This is a hybrid application and seeks both full and outline permission. It follows on from the granting of outline permission earlier in the year of a large format supermarket.
- 2.2 Full permission is now sought for a food store to be operated by the retailer Lidl. As the Lidl store is substantially smaller than the supermarket permission already granted, outline permission is also sought for additional retail units and a public house to occupier the remainder of the site. Only the means of access is applied for in respect of these additional uses as their appearance, landscaping, layout and scale are still reserved. Notwithstanding this, the application is accompanied by a design and access statement and indicative plans which shown how this part of the site could potentially be set out. The detailed nature of the food store component also means a significant departure of the indicative layout is less likely.
- 2.3 For the purpose of assessing the application from a retail policy and highway safety perspective, the supporting documents identify the development would comprise of the following:

Full component

- Lidl food store at 2,546 sqm gross floor area (equating to a net sales floor area of 1,424 sqm).
- 160 parking spaces are should (including 8 x disabled bays and 4 x parent and child bays).

Outline component

- Two retail units at 2,097 sqm gross (with 468 sqm outdoor sales area) and 860 sqm gross respectively
- Family public house at 692 sqm (over two floors)
- 137 parking spaces (including 9 x disabled bays)
- 2.4 A new signal controlled access into the site direct from Aberford Road is proposed and a service vehicles only access into the site via Fusion Point to the East is also identified.
- 2.5 The food store itself is to be positioned towards the site's northern boundary with its associated car park in front (south) and to the side (west). The building itself is largely single storey in nature comprising of the main shop floor with some 'back of house' accommodation. A small first floor is also proposed within the highest part of the mono-pitch roof for use as staff welfare facilities. The customer entrance elevation contains full-height glazing with further glazed panels wrapping around the corner of the building. Servicing is to northern elevation via a dedicated bay but accessed through the main car park.
- 2.6 The remainder of the proposed uses are shown indicatively with the public house occupying the more prominent position towards the Aberford Road frontage and the retail units sited within the north and eastern corners of the site with a main central car park. A service road is shown leading to Fusion Point to the west.

2.7 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.

- Public exhibition (attended by in excess of 400 people)

- Separate meetings with local residents living near the site were also to be arranged

- Ward Member Briefing (attended by Cllr Dobson)

2.8 Competed responses to the public consultation totalled 186 of which 122 (66%) supported the scheme, 37 (20%) were undecided and 27 (14%) were not in favour.

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 is vacant, 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 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 14./03109/OT - Outline application for the demolition of existing building and erection of development comprising foodstore, petrol filing station, car parking, means of access and associated works – Granted 28/09/15

5.0 **HISTORY OF NEGOTIATIONS**:

5.1 Following approval of the outline application, Lidl purchased the site and have entered into pre-application discussions with officers in terms of establishing how its new store format could be accommodated onto the site. During the consideration of the application, design improvements to the food store have been negotiated as have minor layout alterations to improve pedestrian movements and a more robust drainage strategy. 5.2 Further clarification regarding serving arrangements, parking provision, the food store's sustainable credentials and the provision of charging points for electric vehicles across the site has also been sought.

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 with the formal consultation period expiring on 01/04/16. The following third party representations have been received:
- 6.2 Garforth Flood Support Group neither for or against the proposal but highlight the flooding caused to the residents of White Rose Avenue opposite the site and ask the developer to inspect and upgrade all associated piping in particular to ensure surface water drainage is dealt with.
- 6.3 Objection comments from 13 local residents and 3 letters from commercial interests also received.
 - Access arrangements are unacceptable and serious issues already exist.
 - Existing access which serves the site, off Parkinson Approach should be utilised.
 - On-street parking problems already occur from Fusion Court development.
 - Proposal will only attract national operators and will take trade away from Garforth Main Street
 - No need for another pub in the area, particularly as Wetherspoons are due to open
 - Access arrangements will make garden areas unusable due to noise, air pollution from general/increased traffic congestion. Acoustic fencing is needed to garden boundaries
 - Vehicle headlights will be a problem when leaving during hours of darkness.
 - Pub will be open late and have a beer garden which will result in noise problems.
 - Traffic lights to Bar Lane junction needed
 - Problems with litter and signage within the area already
 - Proposal will reduce the value of own property, what compensation package is being offered?
 - The establishment of discount retailers will damage Garforth Main Street trade
 - Problems and disruption will occur during the demolition and construction phase. Dangerous stretch of road due to speeding
 - No need for another food store/public house as adequate provision already (which includes a Wetherspoons at the former Liberal Club)
 - Low cost housing is needed
 - Without a fuel station will customers patronise or just continue to use Tesco.
 - Lack of local community facilities in the area
 - Adverse impact on Garforth centre as recent efforts have been successful with only 2 vacancies and a good retro high street with grocer, butcher, cobbler. Proposal will reduce footfall.
 - No consultation with the traders association undertaken
 - Concerned about the appearance of the foodstore

- Loss of the site from employment use not suitably justified, particularly as additional employment sites are being proposed for Garforth as part of the Local Development Framework
- Foodstore use is a departure from planning policy which promotes centres first
- Proposed levels of parking within the site does not meet the Council's recognised requirements
- The additional pedestrian crossing on Aberford Road should be signalised
- Visibility splays across the site from Parkinson Approach are required and the Fusion Way access is very contrived and will conflict with other users. It may also be misused.
- Query the accuracy and suitability of the detailed junction plans
- Viability of Tesco would be affected and could result in it being attract to another discount retailer drawing more trade out of the centre
- 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 with add to existing congestion
- 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
- Existing bus stops may need to be re-sited
- Parkinson Approach/Lotherton Way should form the main access.
- Lighting details for the car park and landscape scheme for the site needed
- The SAP doesn't consider new retailing as site at the top of Main Street was withdrawn. Support for the creation of a new retain area outside of the centre will adversely affect and could encourage more industrial to change to retail.
- The existing building should be altered to suit more modern industrial uses as there is a big demand.
- The existing use has not been adequately advertised
- The loss of the entire site from employment cannot be justified when only a small supermarket is proposed and the remainder of the site may remain vacant.
- Industrial redevelopment will generate more jobs than the current proposal
- Query the acceptability and robustness of the submitted retail impact assessment
- 6.4 Support comments received via 88 completed standardised pledge letters from local residents. Many confirm the 3 stated benefits which appear on the letter as being: regeneration, improvement of local shopping choice and competition and 40 new jobs as Lidl.
- 6.5 Ward Members have been briefed about the application but Councillors Mark Dobson and Sarah Field have requested a meeting with officers in advance of Panel to run through the scheme in detail. This has been arranged for Friday 24th June and feedback from this meeting will be reported verbally to the Panel as part of the officer presentation.

7.0 CONSULTATIONS RESPONSES

<u>Statutory</u>

- 7.1 Environment Agency No objection as the site lies within Flood Zone 1. Condition to ensure pollution prevention from parking areas required and defer consideration of any detailed drainage proposals to the Council's own Flood Risk Management Team.
- 7.2 Coal Authority Concur 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 – Access from Aberford Road and off-site junction improvements at Bar Lane and Main Street are the same as the previous application. Some reservations about the proposed servicing arrangements for the food store as HGV's would have to travel through the main car park to reach the delivery bay. Alternative solution should be considered via Parkinson Approach. 160 parking spaces shown for the food store which is adequate, however only 297 spaces shown in total which is below SPD requirements if each use is assessed independently. Further information required to validate the level of parking being sought via a parking accumulation exercise, based on the trip rates used in the Traffic Statement should be provided.

Comments following the receipt of additional information: Servicing - The difficulties for servicing via Parkinson Approach/Lotherton Way are accepted and no objection to the preferred servicing option via the Aberford Road site access – albeit the preference is to avoid store opening times. Parking – Some criticism over the method of assessment which means the likely parking demand for Lidl could exceed the level indicated but nonetheless the parking accumulation exercise still shows an adequate supply of parking being maintained. On balance, it is considered that the overall parking level would be adequate for the proposals, subject to conditions securing: communal parking with no occupier restrictions and a suitable time limit to avoid all-day commuter parking.

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. Consider a pedestrian phase should be incorporated into the new Aberford Road junction given its width and where people are likely to be travelling from.

7.5 Travelwise Officer –Two travel plan documents provided and detailed comments made in respect of both. The need for a named Travel Plan Co-ordinator highlighted and items such are shower facilities for staff, cycle parking, car park management plan (to avoid it becoming a park and ride for the train station) and

further clarification regarding the number/distribution of electric vehicle charging points across the site. Monitoring fee for both plans 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 Records of flooding incidents to the south exist and indicate some of the site could be prone to surface water flooding. As a major scheme a greenfield rate of run off should be provided in accordance with central government advice unless this is not practical. A reduction of 30% on current discharage rates is provided and this is not considered to be in keeping with present expectations. A minimum reduction of 50% should be provided noting nearby properties have a history of flooding.

Comments following the receipt of revised information: The addendum to the Drainage Strategy Report acceptably updates the Drainage Strategy to reflect the revised surface water discharge rate of 50%. Hence, the surface water discharge rates from the various sections of the site and the consequent attenuation requirements have been revised as part of the proposal for the surface water drainage of the site. Detailed calculations of the final drainage network and its performance, which should be consistent with the revised Drainage Strategy addendum can therefore be conditioned.

7.8 Yorkshire Water – No objection in principle as the submitted layout indicates a stand-off distance of 3m to existing infrastructure will be achieved and a condition to secure this is recommended. Pollution prevention condition also recommended.

(Officer comment – the above issue applies to the outline component of the application so is not critical at this stage)

7.9 Nature Conservation – There are no significant nature consideration concerns with the application. As some vegetation removal is required a condition to avoid the bird nesting season is recommended unless an appropriate survey is undertaken first.

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

- SP8- Economic development priorities
- SP9- Provision of employment sites
- P5 Provision of food stores
- P8 Sequential and Impact assessment s for town centre uses
- P10 High quality design.
- P12 Good landscaping.
- T2 Accessibility.
- G8 Biodiversity improvements.
- EN1 Carbon dioxide reduction measures
- EN2 Sustainable construction.
- EN5 Managing flood risk.
- EN6 Management of waste
- 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..
 - 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.
 - LAND2: Relates to the retention of landscape features and requires replacement tree planting for any lost.

Supplementary Planning Guidance and Documents

8.6 The following SPD documents are relevant to the consideration of this application:

Travel Plans – Supplementary Planning Document Building for Tomorrow: Sustainable Design and Construction Sustainable Urban Drainage Street Design Guide Parking Guide

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 support 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.

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

10.1 In recognition that outline planning permission has recently been granted for a large format supermarket on the site that was also considered by the North and East Plans Panel, this appraisal section focuses on the detailed element of the application and those matters which are materially different to the earlier scheme. A copy of the appraisal section for the original officer report is nevertheless appended for Members information.

Principle of retail development on this site

- 10.2 The issue regarding the loss of the existing site from the stock of employment land has not materially altered since the earlier application was considered. Furthermore, the short term lease taken up by Poundworld whilst its new storage and distribution building in Normanton was constructed expired at the end of March and the building is now vacant. Accordingly no objection is raised to the loss of the site from an employment use. The Lidl food store itself is also estimated to generate in the order of 40 jobs and others would be created as part of the retail and public house uses so employment opportunities do exist as part of the current redevelopment proposals.
- 10.3 With respect to the Impact Assessment, the Lidl food store proposes approximately half of the amount of floorspace relative to that which has already been considered as part of the extant outline permission. This smaller store format also means a reduced turnover of around a third. When combined these two factors mean the Lidl food store will have significantly less impact than has already been accepted. The remaining floorspace does nevertheless need to factored into the overall assessment with the retail floorspace in particular focusing on comparison goods. The proposed change in the retail 'offer' at the site relative to the original outline permission is also raised as a concern in many of the objection letters received.
- 10.4 In assessing the impact of the wider development, it is clear that comparison retail provision within the study area is somewhat limited with the majority of spending on comparision/non-food goods flowing to destinations outside of the local area. These include Leeds City centre but also the retail parks at Colton, Killingbeck, White Rose, Crown Point. Birstall, etc. Despite this leakage of expenditure, Garforth is relatively healthy with vacancy rates well below the national average and a strong focus on top up and specialist shopping which appears to be serving the area well. The extent of expenditure leakage (at 87%) is so significant that the development would create the potential to 'claw back' some of this spending.
- 10.5 Despite the expenditure leakage, the assessment does indicate some impact on Garforth as a result of trade diversion. Some £0.8m is forecast to be diverted which equates to 6% of the available spend. As the 6% impact is noted to be comparable with the identified impact of the original outline application and the centre continues to perform well, officers consider the overall impact of the retail floorspace to be acceptable. However, to ensure this remains the case, a condition restricting the total floorspace in line with that applied for and assessed is recommended. A minimum unit size of 500sqm is also advanced to ensure the total number of additional retail units that can be provided is controlled so it doesn't complete with Garforth beyond that already assessed.
- 10.6 With respect to the acceptability of the proposed public house, a predicted increase of some 22% (£10m) in spending on eating and drinking is anticipated during the

next ten years within the study area which is a combination of population increases and spending per capita. As this spending would be split across a variety of eating and drinking establishments the introduction of one public house on this site is not considered to have a material adverse impact on the viability and vitality of existing centres.

10.7 As before, 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. Even the Town End site is too small for just the Lidl food store on its own. Officers are therefore satisfied that the sequential test has been passed.

Highway issues

- 10.8 The proposed access arrangements into the site via a new signalised junction from Aberford Road is still considered to be the most suitable point of access and the submitted plans replicate the previously accepted scheme. Furthermore, the same off-site junction improvements works at Bar Lane and the top of Main Street are again proposed and are designed to ease congestion issues. Whilst it is noted a number of residents remain concerned about the identified access arrangements due to existing problems with congestion along Aberford Road, Highway officers remain satisfied that these arrangements are acceptable.
- 10.9 With respect to more detailed matters, the submission of the Lidl food store in full does mean that it is now possible to consider its parking and servicing requirements. In terms of parking provision, a total of 160 spaces are shown for the food store which is considered to be adequate. In terms of servicing, the option of providing a dedicated access direct from Lotherton Way so as to avoid HGV's having to travel through the main car park has been explored but would prove difficult to accommodate in a safe manner. Accordingly a service management plan is required to ensure this is carried out in a safe manner. For example and as has been used elsewhere by Lidl, a delivery marshal (i.e. a member of store staff) will be required to manage any deliveries which take place whilst the store is open to avoid potential conflict with customers and their vehicles.
- 10.10 In addition to the above, a car park management strategy is required due to the site's close proximity to Garforth train station. Restrictions on parking times will therefore be secured by condition to ensure the car park isn't used by commuters. This management plan will also inform the parking arrangements for the entire site so that an appropriate level of provision is provided for all of the proposed uses in recognition that some linked trips will occur and also because peak periods will vary between the respective uses.

Amenity considerations (Design and Residential)

Design considerations:

10.11 The industrial context of the application site and the removal of the existing Miami building which completely dominates the site provides an opportunity to secure some significant improvements from a visual amenity perspective. The change of use to retail and a public house also introduces smaller scale of buildings with a higher design quality.

- 10.12 The proposed food store is contemporary in appearance and reflects Lidl's new format stores. The building design incorporates a mono-pitch roof and is to be constructed in white render with full height glazed panels to its principal elevation to create visual interest. Further detailing has also been added to the side elevation facing into the car park in recognition of its visual prominence. Whilst the food store building itself is relatively large, contextually it would appear comparable to many of the other surrounding buildings which provide the main backdrop when viewed from Aberford Road. Site levels also fall from Aberford Road which when combined with the building's siting towards the northern boundary is such that it would not appear unduly prominent within the streetscene. Views of the car park are also to be filtered through the use of perimeter landscaping as the need to deal with levels provides a good opportunity for new planting as well as saving some of the few trees which are present on the site.
- 10.13 The acceptability of the outline component of the application will be assessed as part of a future reserved matters application but the anticipated scale, massing and layout likely to be progressed does not raise any particular concerns.

Residential amenity:

- 10.14 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 food store or other retailing on the site is not considered to give rise to any serious residential amenity issues. A public house use can also be accepted in principle although careful attention will have to be given to its detailed design and general management (e.g. opening hours) at the reserved matters stage to ensure its impact remains acceptable. The change of use from industrial also has the potential to offer some improvements for local residents through a reduction in HGV movements and possibly noise levels relative to that which could take place as part of the site's authorised use or were it to be redeveloped for modern industrial purposes.
- 10.15 The general siting of the Lidl food store is such that separation distances to the nearest residential properties are significant. The building itself will also act as a barrier for any noise produced from the loading/unloading activities which take place at the service bay. Conditions relating to servicing and opening hours are recommended but are not considered to be particularly sensitive for the food store because of the low servicing requirements. A store closing time of 22.00 has been requested by Lidl which officers are willing to support noting the neighbouring Tesco opens till midnight most days of the week.
- 10.16 A number of residents have expressed concerns about increases in traffic levels generated by the development and the impact this would have on noise levels and pollution in the form of both atmospheric and light pollution. Whilst it is clear activity levels associated with the site's redevelopment will increase, this would be the case with any scheme. It is not therefore considered reasonable to allow a significant brownfield site in a sustainable location not to be redeveloped at all.

Section 106

10.17 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.

- 10.18 In this case, the following measures will be secured by means of a Section 106 Planning Obligation and is the same package agreed under the previous outline application:
 - 1. Travel Plan monitoring fee of £2,500;
 - 2. Local employment and training initiatives;
 - 3. Offsite improvement works to two local bus stops

Other Matters

Drainage:

- 10.19 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.
- 10.20 In reviewing the original drainage strategy proposed for the site, a reduction of 30% relative to existing discharge rate for surface water was advanced. Officers have sought improvements on this rate and the applicant has responded by increasing it to 50% via additional underground storage. These improvements are now considered to be acceptable bearing in mind it would be difficult to achieve further reductions because of local ground conditions. Officers from the Council's Flood Risk Management Team are therefore willing to accept the development subject to the detailed design being formally approved. This matter can adequately be dealt with by condition based on the overall strategy which has now been agreed.
- 10.21 Notwithstanding the above, a number of local residents, including the Garforth Flood Support Group remain concerned about a very localised flooding issue which they believe is connected to the application site and is most likely to involve a blocked/collapsed outfall. This matter has yet to be fully resolved although it is likely the works required to redevelop the site will pinpoint the problem which at the present time is most likely to be under the current building. Officers therefore propose to word the surface water drainage condition to investigate this matter further post demolition.

Land Contamination/Stability:

10.22 The site is not known to be been previously contaminated and the proposed uses are not considered to be that sensitive. 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. Both of these matters require further investigation which cannot be undertaken fully until the existing building is demolished.

Sustainability:

10.23 The need for major applications to address sustainability issues as outlined in Core Strategy policies EN1 and EN2. As the detailed design for the Lidl food store is known this exercise has been carried out and the required targets/savings have been met, primarily through the use of a heat recovery system. With respect to the remaining aspects of the development, as the detailed design for these buildings is not yet known, the requirements of these policies are effectively deferred to the reserved matters application stage.

Response to Representations

- 10.24 As with the previous application, the third party representations received are very much divided.
- 10.25 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 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.
- 10.26 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 The main issues above have been addressed in the appraisal section of the report and a number of conditions are proposed to ensure the development remains acceptable. Notwithstanding this, a number of matters relating to the outline component of the application are yet to be fully considered and this will happen under a subsequent reserved matters application.

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 The loss of the site from its existing employment use has previously been accepted and the circumstances which lead to that decision have not materially altered.
- 11.3 The impact of the proposed use on existing centres, most notably Garforth, has also been revisited in recognition that a different mix is now proposed. The impact is considered to fall within acceptable tolerances.
- 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 same access arrangements and junction improvement as previously accepted have been proposed.
- 1.1.5 As the design and amenity impacts of the food store are acceptable and the other uses proposed are considered to be acceptable in principle, the application is recommended for approval, subject to the completion of a S106 and the conditions specified.

Background papers: Application file: 16/00749/OT Certificate of Ownership: Signed on behalf of applicant

APPRAISAL SECTION TO PREVIOUS OFFICER REPORT (14/0319/OT)

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 is 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 centre's 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 could 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 to 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:
 - 4. Travel Plan monitoring fee of £2,500;
 - 5. Local employment initiatives;
 - 6. 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.



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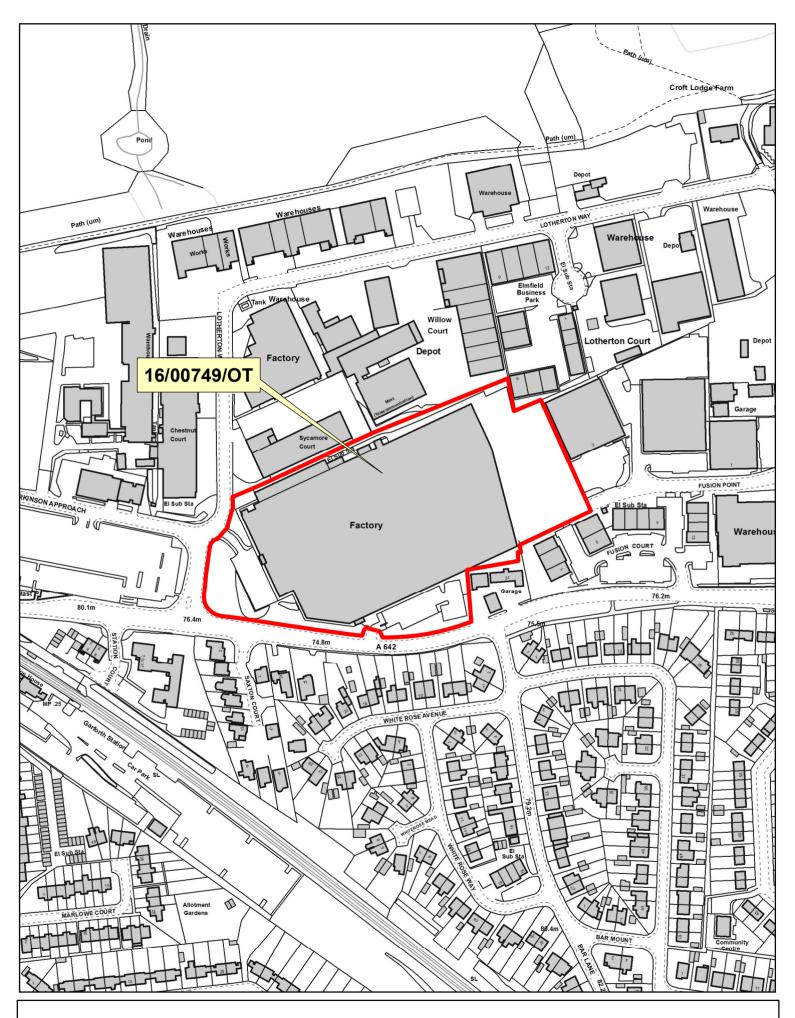
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