

**Report of the Chief Planning Officer**

**NORTH AND EAST PLANS PANEL**

**Date: 9<sup>th</sup> March 2017**

**Subject: 16/02759/FU - Demolition of existing buildings and redevelopment of site to include A1 Discount foodstore, three units for non-food retail or A5 uses, one A3 Unit and erection of 10 commercial units falling within Classes B2, B2 and B8 at Buslingthorpe Mills, Education Road LS17 2AP**

**APPLICANT**

The Henry Buck Partnership  
(In Administration)  
C/O Baker Tilly Restructuring  
and Recovery LLP

**DATE VALID**

23 May 2016

**TARGET DATE**

28<sup>th</sup> February 2017  
(Extension of time)

**Electoral Wards Affected:  
Chapel Allerton**

☐ Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

**RECOMMENDATION: DEFER and DELEGATE approval to the Chief Planning Officer subject to the following conditions and the prior completion of a section 106 Agreement to cover the following:**

- **Travel Plan and Monitoring Fee of £3,630**
- **Local Employment and Training opportunities**

**In the circumstances where the Section 106 has not been completed 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.**

Conditions

- 1 Standard time limit for implementation
- 2 Plans to be approved
- 3 Materials
- 4 That the indicated EVCP be provided in accordance with the Council's SPD and an additional EVCP be provided for the proposed A3 use.

- 5 Limit to 300 Square Metres of A5
- 6 PD rights to change from A5 to A3 removed
- 7 Laying out of car park
- 8 Details of constructor's compound
- 9 Details of the control of Japanese Knotweed
- 10 Details of demolition of buildings in relation to nesting birds
- 11 Landscaping scheme
- 12 Scheme of archaeological recording to be undertaken
- 13 Standard Land Contamination conditions and Informatives
- 14 Submission of information relating to asbestos and its removal
- 15 Condition for 1 in 100 year climate event plus 20% allowance for climate change
- 16 Details of security features to be installed including the implementation of the barrier already indicated between retail units and the roof of the industrial units
- 17 Submission of the lighting units detail and implementation of the submitted lighting scheme

## **1.0 INTRODUCTION**

- 1.1 Members will recall that this scheme was presented to the Plans Panel meeting on 1<sup>st</sup> December 2016 as a position statement which can be found attached to this report. This gave the developers guidance on issues that they needed to seek clarity and amendments on before final determination of the scheme, which on the whole was well received by Plans Panel as a matter of principle. Officers are now of the opinion that subject to the Section 106 Agreement and the list of conditions referred to in the recommendation and as attached that the scheme can now be recommended for approval.

- 1.2 At the meeting on 1 December 2016 Members resolved:

- That the principle of the mixed use development was deemed acceptable;
- Members requested that signage on the road side be limited and be sensible and proportionate and not illuminated;
- That access points were acceptable;
- That more detailed information on the proposed A5 use and its effect on Car Parking levels is needed for when the scheme returns to them for final determination;
- That both part of the scheme, the retail and the Commercial units be provide with EVCP and that these should be indicated on the submitted drawings prior to final determination of the application;
- Parent and child parking be identified; and
- Details of external lighting be provided.

- 1.3 This report updates Members on revisions to the scheme in light of the comments summarised at 1.2. The appraisal section of the report concentrates on matters where Members retained concerns or requested that further information be provided. In light of this a copy of the previous Panel report is attached for ease of reference.

## **2.0 PROPOSAL**

- 2.1 The proposal seeks full planning permission for a mixed use development consisting of 5 retail units that will be accessed from Buslingthorpe Lane, via an

internal road providing access to a car parking area with the retail units located approximately half way into the site. These retail units are shown serviced from Education Road that lies to the south west of the site. One A3 Unit located on the Scott Hall Road frontage and 10 B1, B2 & B8 units accessed and serviced from Education Road. The general layout is that of a typical retail park with car parking located in front of the retail units, orientated to the north east and the commercial/industrial units are sited behind the retail units but orientated towards the south west.

- 2.2 The A3 unit is also accessed by vehicles off this internal road and is shown as being located close to the Scott Hall Road frontage where it will also benefit from pedestrian access and lies due south of the existing tyre fitting unit that presently operates at the junction of Scott Hall Road and Buslingthorpe Lane. This unit will be the only unit serviced from the internal road arrangement from Buslingthorpe Lane.
- 2.3 The B1, B2 and B8 units are accessed from Education Road from a separate access point to the service yard of the retail units, and lie parallel to those retail units in a north west to south east orientation. They back onto the service yard of the retail units and have their own servicing and car parking provision to their frontages in what remains of the site which, given the shape of the site boundaries is a somewhat awkward area of land under which Sheepscar Beck has been culverted resulting in an irregular shaped south west boundary. This part of the site cannot be built upon due to the presence of the culverted Sheepscar Beck where an 8.0 metre clearance along the centreline of the culvert needs to be maintained effectively sterilising this part of the site except for uses such as car parking and servicing space.
- 2.4 The layout is somewhat simplistic in that from Buslingthorpe Lane the access road cuts across the site behind the tyre fitting unit on the junction, provides access to the proposed A3 Unit on the Scott Hall Road frontage before descending the a point approximately a third of the way into the site providing access to the car parking provision for the retail units that covers the remainder of the first third (approx.) of the site sitting in front of the retail units. Apart from the fact that the site does not have a conventional road frontage the layout is typical of any retail park built where the units are pushed towards the rear of the site with the car parking in front.
- 2.5 To avoid unnecessary duplication further details description of the development can be found in Paragraphs 2.6-2.10 in the 1<sup>st</sup> December Plans Panel Report, a copy of which is attached for ease of reference to this report.

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site encompasses an existing office unit on the Buslingthorpe Lane frontage that is to be demolished to allow for the vehicular access of Buslingthorpe Lane to be created. It then wraps around the rear of the existing tyre fitting unit on the junction of Buslingthorpe Lane and Scot Hall Road to provide a frontage to Scott Hall Road immediately south of that tyre fitting unit. The site is then roughly rectangular in shape as it falls away from Buslingthorpe Lane towards the south west with Education Road providing an access point at its southern tip.
- 3.2 Sheepscar Beck flows from the North West to the south west and is culverted under the south western part of the site whose boundary with the adjoining land

uses becomes irregular. Beyond this south western boundary are predominantly B1, B2 and B8 type uses that stretch to Meanwood Road.

- 3.3 To the south of the south east boundary is Sheepscar Tannery that is accessed from Sheepscar Street North. Sheepscar Street North provides at present an access to the application site which is an historic access, however it is not the intention of the developer to utilise this for the benefit of this proposal. Scott Hall Road runs roughly north south beyond Sheepscar Street North and is a high volume arterial route into and out of the City Centre.
- 3.4 The North West boundary of the site is shared with the development site that is subject to consideration under planning reference 15/06002/FU which is still pending. It is also shared with other commercial and service type uses, split roughly equally along its length by the two uses.
- 3.5 The application site itself has fairly significant levels differences between the North East part of the site (that part accessed from Buslingthorpe Lane) measured at 52.0, and the South West part of the site, (that part accessed from Education Road), measured at 37.3 giving a difference in levels across the site of 14.7 metres.

#### **4.0 RELEVANT PLANNING HISTORY**

08/00937/FU:	Part demolition, change of use, including 5 storey extension and addition of 2 new floors to roof of industrial building, to form 208 flats, conversion of gatehouse to form gymnasium and erection of multi-level development up to 10 storey's in 4 blocks, comprising 508 flats, with car parking and landscaping.	Refused by Planning Committee 4 <sup>th</sup> July 2008
09/05411/FU:	Part demolition, change of use, including 5 storey extension and addition of new floor to roof of industrial building, to form 190 flats and erection of multi-level development up to 9 storeys in 4 blocks, comprising 9 town houses and 150 flats, with shop, car parking and landscaping	Withdrawn 25 <sup>th</sup> November 2011
PREAPP/15/00827:	Redevelopment of site to include A1 discount foodstore, 4 units for A1 retail warehouse or A5 uses, 1 A3 unit and erection of 11 commercial units falling with Classes B1, B2 and B8	Officer Advice issued 16 <sup>th</sup> December 2015

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Since the submission of the scheme there have been various discussions held with the applicants in respect of highways issues and design issues. The resultant roof design of the industrial buildings and the revised layout to the industrial units and retail servicing areas is as a result of those discussions. Plans Panel resolutions from consideration of the Position Statement report on 1<sup>st</sup> December

2016 have been addressed by the applicant and are expanded upon below in the appraisal section.

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

- 6.1 The application has been advertised by site notice and newspaper advert. This publicity period expired 1<sup>st</sup> July 2016 with no comment(s) being received.

## **7.0 CONSULTATIONS RESPONSES:**

- 7.1 Highways – There were earlier concerns regarding the level of car parking provision for the retail element of the scheme which have now been overcome given the additional information submitted. Conditions relating to the laying out of the car park prior to first use, submission of builder's compound, provision of EVCP, limitation on A5 floorspace to 300 square metres and removal of PD rights for A5 use are recommended.

The Buslingthorpe Lane/A61 Scott Hall Road/A61 Sheepscar Street North signalised junction has been re-assessed using the requested revised trip rates, which it is considered more realistically reflects the recent growing popularity of discount food retail operators. The assessment, which is based on a design year of 2021, with traffic growth factors applied, indicates that the junction is predicted to operate within capacity in the peak periods. There will be a slight increase in queue lengths, although it is considered that this will not have a material impact on the operation of the junction.

- 7.2 Flood Risk Management – No objection following the submission of a suitable Flood Risk assessment.
- 7.3 Mains Drainage – no objection subject to a CCTV report of the culvertee water course being submitted
- 7.4 The Coal Authority – No objections subject to informatives being included on any Decision Notice Issued.
- 7.5 Leeds Civic Trust – Not an appropriate site for retail re-development, due to lack of sufficient customer based in near vicinity resulting in car borne trips. Proposal fails the Councils Centres First policy, commercial units appropriate but not the retail ones.
- 7.6 Historic England – Seeking further archaeological investigation to be undertaken as this information might have an influence on the form that the development of the site should take. Recommended some design amendments which have now been incorporated into to B1, B2 and B8 units.
- 7.7 West Yorkshire Police – Recommend that security facilities be installed such as lockable barriers to reduce/prevent the chances of Anti-Social Behaviour and the use of HD CCTV systems and a reasonable level of illumination.
- 7.8 Environment Agency – Recommends the imposition of a condition to allow for 1 in 100 year climate event plus a 20% allowance for Climate Change.
- 7.9 Contaminated Land Team – No objections subject to the imposition of the standard contamination conditions and informatives and to the imposition of a specific condition relating to information relating to asbestos.

- 7.10 West Yorkshire Archaeological Services – architectural and archaeological recording should be carried out before and during development (a building record and an archaeological strip and record excavation).
- 7.11 Yorkshire Water – Objects - on the grounds that the buildings are shown to be built over a public Sewer system and that the scheme could seriously jeopardise Yorkshire Water's ability to maintain the public sewerage system. But then goes on to advise that the developer does have the ability to seek the alteration or removal of a pipe where it is necessary to carry out the proposed development under Sec. 185 of the Water Industry Act 1991, such works to be carried out at the developer expense.
- 7.12 Nature – Conditions relating to the control of Japanese Knotweed and the control over demolition of buildings and felling of trees relating to nesting birds
- 7.13 Landscape Team – Recommends the imposition of conditions relating to implementation of both soft and Hard Landscaping.
- 7.14 Conservation – Have concerns that the development does not contribute positively to the Character of the Conservation Area and is simply a conventional layout for a retail park placed on the site with no regards for the historic pattern of development of the site

## **8.0 PLANNING POLICIES:**

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy, saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).
- 8.2 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 8.3 The Core Strategy, saved policies in the UDPR and the Natural Resources and Waste DPD is the development plan for the whole of the Leeds district. Planning proposals must be made in accordance with the development plan unless material considerations indicate otherwise.

### **Core Strategy:**

SPATIAL POLICY 1: Location of Development

SPATIAL POLICY 2: Hierarchy of Centres and Spatial Approach to Retailing,  
Offices, Intensive Leisure and Culture

SPATIAL POLICY 8: Economic Development Priorities

P10 – Design

P11 – Conservation

P12 – Landscape

T2 – Accessibility requirements and new development

G2 - Creation of New Tree Cover – Seeks to protect ancient and Veteran Trees.

G4 - New Green Space Provision

G9 – Biodiversity improvements  
P4 – Shopping Parade and Small Scale Stand Alone Food stores  
P5 – Approach to Accommodating New Food Stores Across Leeds

UDPR:

GP5 – Requirements of development proposals  
BD2 – Design and siting of new buildings  
BD5 – New buildings and amenity both their own and that of their neighbours  
N19 – Development in conservation areas  
N25 – Development and site boundaries

The contents of the SPD – Street Design Guide is also considered to be relevant.  
The contents of the Parking SPD – Leeds Parking Policy is relevant.

### National Planning Policy

- 8.4 The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
- 8.5 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 accordingly, it is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF.
- 8.6 The following sections of the NPPF are considered relevant to this proposal:
- 1 Building a strong, competitive economy
  - 2 Ensuring the vitality of town centres
  - 4 Promoting sustainable transport
  - 7 Requiring good design
  - 12 Conserving and enhancing the historic environment

## **9.0 MAIN ISSUES**

- 9.1 Plans Panel commented on many of the main issues at the meeting on 1<sup>st</sup> December 2016 and raised no concerns to the principle of the mixed use development, the scale of the buildings, the general design approach, impact on the Conservation Area and archaeology. Some of the details relating to some of these matters are suggested to be secured by conditions. This report addresses those issues that Members raised concerns about or asked for further information and should be read in conjunction with that report. For the purposes of this report, the main issues to be addressed are:

Joint access to adjacent site  
Parking Standards  
Impact on existing Highway Network  
Electric Vehicle Charging Points & Parent Parking Spaces

Proposed Pedestrian Access  
Use of Photovoltaic panels/Low Carbon technologies  
Signage  
Materials to entrance doors frame features  
External lighting  
CIL

## **10.0 APPRAISAL**

### Joint access to adjacent site

- 10.1 Members will recall that there was still a degree of negotiations underway on 1<sup>st</sup> December 2016, pending the decision to be made on the adjoining site for residential development and the acceptability of a single access point for that site. Following the decision to approve that scheme the need for a shared vehicular access point on the land forming part of this application site on the Buslingthorpe Lane frontage has now been removed. Therefore the scheme now proposes a simpler junction arrangement for access/egress for the retail park element of the site with a pedestrian access link to the adjacent site for the ease of access to and from the residential accommodation approved on 1<sup>st</sup> December 2016. The access arrangement for Buslingthorpe Lane is now considered acceptable.

### Parking Provision

- 10.2 There was concern regarding the provision of A5 use and its potential impact on the required levels of car parking for the retail element of the proposal. It was suggested that this element of the proposal be restricted by condition to 300 square metres of floor space with the removal of Permitted Development rights to change from the A5 use to A3 uses. The applicant's justification has now been submitted and concludes that the local car ownership levels for the Chapel Allerton Ward are lower than the Leeds average and significantly lower than the English average. At 41% the level of non-car/van ownership/accessibility compares to 32.1% for Leeds as a whole and 25.8% for England as a whole. It is concluded that car/van ownership is significantly lower thus placing less demand on the need for full compliance with the SPD requirements on car parking for this site. This coupled with the increased likelihood that the adjacent site will be developed for a significant residential development means that many trips to the site are increasingly going to be by foot.
- 10.3 This then, following Plans Panel request for additional justification for the car parking levels to be submitted, would, meet that request and show that the proposed car parking levels shown for the retail element are considered acceptable in this instance.

### Impact on existing Highway Network

- 10.4 Concerns were expressed regarding the impact of development traffic on the local highway network, in particular the Buslingthorpe Lane/A61 Scott Hall Road/A61 Sheepscar Street North signalised junction and its relationship with the site access on to Buslingthorpe Lane. The junctions have been assessed using a design year of 2021, with traffic growth factors applied and the revised agreed trip rates, which are considered to be robust. Assessment indicates that the junctions are predicted to operate within capacity in the peak periods. It is acknowledged that there will be a slight increase in queue lengths and degree of saturation,



although it is considered that this will not have a material impact on the operation of the junctions or the local highway network. It is therefore concluded that the proposal complies with Core Strategy Policy T2 and guidance within the NPPF.

#### Electric Vehicle Charging Points & Parent Parking Spaces

- 10.5 A revised plan showing the location of EVCP and parent parking spaces has been submitted. An additional EVCP is recommended for the A3 unit and the actual configuration of the EVCP including the provision of one at the A3 units can be controlled by condition.

#### Proposed Pedestrian Access(s)

- 10.6 Pedestrian access have been indicated on a revised site layout plan and can be seen to clearly show ease of access for pedestrians and visitors to the site that will use public transport. In addition to this and referred to above, a pedestrian access is shown to link the site to the adjacent residential development should both schemes move forward for development.
- 10.7 More particularly the access from the A61 is a 1 in 25 gradient and therefore Equalities Act 2010 Compliant. This it is considered will be the main alternative pedestrian access route onto the site given the flow of public transport along Scott Hall Road.
- 10.8 The scheme in terms of pedestrian accessibility and manoeuvring around the retail element of the site is considered acceptable.

#### Use of Photovoltaic panels/Low Carbon technologies

- 10.9 There are significant costs in the development of a site such as this, due to its brownfield nature and the constraints of the topography. To this end the applicant has set out that it is not considered possible to provide renewable energy technologies. However, in accordance with the Council's requirements a Sustainability Statement was submitted with the original submission setting out the position in relation to sustainable and carbon reduction measures, these result in energy efficiency measures in the buildings fabric and operation of the site including:
- Insulated roof and building panels which achieve a Green Guide A+ rating as per BRE Global "The Green Guide to Specification" 2008
  - High efficiency lighting within buildings with a u-value of 1.9 w/m.sq/K
  - Installation of an intelligent heating management system which will allow occupiers to turn off appliances when they are not in use and
  - Business operations will be encouraged to use high efficiency A-rated appliances and electric equipment.
- 10.10 These may not be to the extent that Panel Members would prefer to see on this site in terms of "green installations", however it should be borne in mind that a balance needs to be struck between achieving the best that such measures can provide and the pragmatics of encouraging the site to be developed which will in the future possibly give opportunity for the installation of more efficient energy saving and renewable energy schemes, or the site remaining in its undeveloped state for a longer period of time due to additional initial costs. It is considered that the energy efficiencies proposed in the submitted scheme are sufficient to allow a positive recommendation to be made.

### Signage

- 10.11 Whilst not constituting a formal part of the determination for the scheme at present, it is noted that the applicants have responded positively to the concerns regarding the possible levels of signage given the sites relationship to the A61 and its access off Buslingthorpe Lane. To this end it is recommended that an informative be included on any decision notice issued reminding any future development that signage for the site needs to be limited, and proportionate to the businesses occupying the site.

### Materials to entrance doors frame features

- 10.12 The applicants have responded positively to Members request that the materials in the part of the main building surrounding the entrance doors be something other than sheet metal. Consideration has been given to the suggestion by Members of a slate finish, however it is considered, bearing in mind that the site lies within the Buslingthorpe Conservation Area, that large areas of hanging slate would not be appropriate. However the slate colour finish would be a desirable finish which would contrast with the red brick proposed on the remainder of the building. To this end a slate coloured brick is proposed which will, it is considered satisfy both criteria of a better quality material than sheet metal yet be a material that would be in keeping with the historic character of the Conservation Area.

### External lighting

- 10.13 A submitted lighting plan shows that the site should be treated as and environmental zone 3 (an area of medium district brightness in an urban/town location). To this end all external lighting would be switched off between the hours of 23:00 – 07:00 (except for safety and security lighting), and the safety and security lighting will have illumination levels no higher than 1,000 candela during these hours. A condition securing this level of illumination in accordance with the submitted scheme is considered appropriate. In addition, given the sites location in a Conservation Area, details of the proposed lighting fixtures can be controlled by condition.

### CIL

- 10.14 The Community Infrastructure Levy was adopted by Full Council on 12<sup>th</sup> November 2014 and was implemented on 6<sup>th</sup> April 2015. The application, if approved is likely to generate a CIL receipt of £4,421. This is presented for information only and should not influence consideration of the application. Consideration of where any Strategic Fund CIL money is spent rests with Executive Board and will be decided with reference to the 123 list.

## **11.0 CONCLUSION**

- 11.1 In conclusion, the proposal represents a sustainable form of development which is considered acceptable. The design and layout of the scheme will make a positive contribution to the character of the area, whilst not harming the character and appearance of the Buslingthorpe Conservation Area. The access, level of parking and servicing as well as the impact on the local highway network is also considered to be acceptable. The development will also not be harmful to any designated retail centres and will result in employment generation and other

benefits to the local economy which weighs in favour of the proposal. The application is compliant with the development plan and is therefore recommended for approval subject to the specified conditions and completion of a legal agreement.

Application files:	16/02759/FU
Certificate of ownership:	Signed on behalf of the applicant with Certificate B submitted confirming that the applicant is not the owner of the application site at the time the application was made.

# APPENDIX 1



Originator: Glen Allen

Tel: 0113 37 87976

## Report of the Chief Planning Officer

### NORTH AND EAST PLANS PANEL

Date: 1<sup>st</sup> December 2016

**Subject: POSITION STATEMENT - 16/02759/FU - Demolition of existing buildings and redevelopment of site to include A1 Discount foodstore, three units for non-food retail or A5 uses, one A3 Unit and erection of 10 commercial units falling within Classes B2, B2 and B8 Buslingthorpe Mills, Education Road LS17 2AP**

#### APPLICANT

The Henry Buck Partnership  
(In Administration)  
C/O Baker Tilly Restructuring  
and Recovery LLP

#### DATE VALID

23 May 2016

#### TARGET DATE

22<sup>nd</sup> August 2016

#### Electoral Wards Affected: Chapel Allerton

Yes

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

☐

Community Cohesion

☐

Narrowing the Gap

☐

#### POSITION STATEMENT:

**Members are requested to note this report on the proposal and give views in relation to the questions posed in the conclusion to aid progression of the application.**

### 1.0 INTRODUCTION

- 1.1 The application was submitted following the consideration of a pre-application submission where advice was issued by officers to the proposal then placed before them. The application lies in the Buslingthorpe Conservation Area and forms part of a site identified for housing on the emerging Site Allocations Plan and is allocated for employment type uses on the UDPR.

### 4.0 PROPOSAL

- 2.1 The proposal seeks planning permission for a mixed use development consisting of 5 retail units that will be accessed from Buslingthorpe Lane, via an internal road

providing access to a car parking area with the retail units located approximately half way into the site. These retail units are shown serviced from Education Road that lies to the south west of the site. One A3 Unit located on the Scott Hall Road frontage and 10 B1, B2 & B8 units accessed and serviced from Education Road. The general layout is of a typical retail park with car parking located in front of the retail units, orientated to the north east and the commercial/industrial units are sited behind the retail units but orientated towards the south west.

- 2.2 The A3 unit is also accessed by vehicles off this internal road and it shown located close to the Scott Hall Road frontage where it will also benefit from pedestrian access and lies due south of the existing tyre fitting unit that presently operates at the junction of Scott Hall Road and Buslingthorpe Lane. This unit will be the only unit serviced from the internal road arrangement from Buslingthorpe Lane.
- 2.3 The B1, B2 and B8 units are accessed from Education Road from a separate access point to the service yard of the retail units, and lie parallel to those retail units in a north west to south east orientation. They back onto the service yard of the retail units and have their own servicing and car parking provision to their frontages in what remains of the site which, given the shape of the site boundaries is a somewhat awkward area of land under which Sheepscar Beck has been culverted resulting in an irregular shaped south west boundary. This part of the site cannot be built upon due to the presence of the culverted Sheepscar Beck where an 8.0 metre clearance along the centreline of the culvert needs to be maintained effectively sterilising this part of the site except for uses such as car parking and servicing space.
- 2.4 The layout is somewhat simplistic in that from Buslingthorpe Lane the access road cuts across the site behind the tyre fitting unit on the junction, provides access to the proposed A3 Unit on the Scott Hall Road frontage before descending the a point approximately a third of the way into the site providing access to the car parking provision for the retail units that covers the remainder of the first third (approx) of the site sitting in front of the retail units. Apart from the fact that the site does not have a conventional road frontage the layout is typical of any retail park built where the units are pushed towards the rear of the site with the car parking in front.
- 2.5 At the time of writing the access to the retail part of the site off Buslingthorpe Lane shows a design that will allow vehicular access to the adjacent site at Hilltop Works, however this is subject to change due to the scheme on that site being altered to provide a single access at the western end of that site's frontage to Buslingthorpe Lane. (See separate report on this agenda for more details).
- 2.6 The servicing yard of the retail units which is accessed from Education Road is elevated due to the levels differences between Education Road and the position of the retail units located more centrally to the site. The retail units plus the servicing yard to their rear are shown to be built on a raised platform with a steel superstructure supporting them to provide a level area upon which they stand. The height of this platform at the servicing yard end when viewed from Education Road is approximately the height of the eaves of the single storey industrial units. It was suggested to the developers that they create an inverted 'L' shaped building for the retail units where the rear was two story and the front single storey to provide a servicing yard at ground level to the rear and that the shop floor be accessed by a lift. However, this was rejected by the applicants as a design solution because apparently retailers do not like to be reliant on lifts and prefer their servicing yards to be level with their retail floor spaces to prevent the mechanical breakdown of a goods lift delaying delivery of goods to the shop floor.

2.7 The ramp serving this service yard area is 1 in 10 with a level platform at the mid-point where the ramp curves. It rises from a measured level at Education Road of 37.3 to 42.3 a difference of 5 metres.

2.8 The proposed floor spaces are as follows:

<b>Unit:</b>	<b>Floor Space (square Metres)</b>
Retail 1 (discount based food store)	1685
Retail 2 A1/A5 unit	288
Retail 3 A1/A5 unit	288
Retail 4 A1/A5 unit	756
10 B1, B2 B8 Units	2470 (divided between ten units)
A3 Unit	138

2.9 There are 139 car parking spaces on the main part of the retail park, 8 of which are disabled parking spaces. No parent and child spaces are indicated. 10 additional spaces are shown for the A3 unit with three of these shown to be disabled parking spaces. 10 cycle spaces are indicated. When compared to the site as a whole the car park is relatively level, however over the length of the car park there is still a levels difference of between 44.6 at its highest point dropping towards the retail units to 43.62 a difference of almost a metre.

2.10 An external lighting assessment is also submitted with the application that recommends that illumination of the site be controlled in accordance with Environmental Zone 3 (areas of medium district brightness (urban location, town)), where all external lighting is automatically switched off between the hours of 23:00 and 07:00 (except for security and safety lighting) and where security and safety lighting is provided it should comply with the lower levels of illumination defined by Environmental Zone 3 which is 1,000 candela. The maximum illumination recommended outside of these hours is 10,000 candelas at the light source.

### **3.0 SITE AND SURROUNDINGS:**

3.1 The site encompasses an existing office unit on the Buslingthorpe Lane frontage that is to be demolished to allow for the vehicular access of Buslingthorpe Lane to be created. It then wraps around the rear of the existing tyre fitting unit on the junction of Buslingthorpe Lane and Scot Hall Road to provide a frontage to Scott Hall Road immediately south of that tyre fitting unit. The site is then roughly rectangular in shape as it falls away from Buslingthorpe Lane towards the south west with Education Road providing an access point at its southern tip.

3.2 Sheepscar Beck flows from the North West to the south west and is culverted under the south western part of the site whose boundary with the adjoining land uses becomes irregular. Beyond this south western boundary are predominantly B1, B2 and B8 type uses that stretch to Meanwood Road.

3.3 To the south of the south east boundary is Sheepscar Tannery that is accessed from Sheepscar Street North. Sheepscar Street North provides at present an access to the application site which is an historic access, however it is not the intention of the developer to utilise this for the benefit of this proposal. Scott Hall Road runs roughly north south beyond Sheepscar Street North and is a high volume arterial route into and out of the City Centre.

- 3.4 The North West boundary of the site is shared with the development site that is subject to consideration under planning reference 15/06002/FU, and for consideration at this Plans Panel meeting too. It is also shared with other commercial and service type uses, split roughly equally along its length by the two uses.
- 3.5 The application site itself has fairly significant levels differences between the North East part of the site (that part accessed from Buslingthorpe Lane) measured at 52.0, and the South West part of the site, (that part accessed from Education Road), measured at 37.3 giving a difference in levels across the site of 14.7 metres.

#### **4.0 RELEVANT PLANNING HISTORY**

##### **4.1**

08/00937/FU:	Part demolition, change of use, including 5 storey extension and addition of 2 new floors to roof of industrial building, to form 208 flats, conversion of gatehouse to form gymnasium and erection of multi-level development up to 10 storey's in 4 blocks, comprising 508 flats, with car parking and landscaping.	Refused by Planning Committee 4 <sup>th</sup> July 2008
09/05411/FU:	Part demolition, change of use, including 5 storey extension and addition of new floor to roof of industrial building, to form 190 flats and erection of multi-level development up to 9 storeys in 4 blocks, comprising 9 town houses and 150 flats, with shop, car parking and landscaping	Withdrawn 25 <sup>th</sup> November 2011

#### **5.0 History of Negotiations:**

PREAPP/15/00827:	Redevelopment of site to include A1 discount foodstore, 4 units for A1 retail warehouse or A5 uses, 1 A3 unit and erection of 11 commercial units falling with Classes B1, B2 and B8	Officer Advice issued 16 <sup>th</sup> December 2015
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- 5.1 Since the submission of the scheme there has been various discussions held with the applicants in respect of highways issues and design issues. The resultant roof design of the industrial buildings and the revised layout to the industrial units and retail servicing areas is as a result of those discussions.

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

- 6.1 The application has been advertised by site notice and newspaper advert. This publicity period expired 1<sup>st</sup> July 2016 with no comment(s) being received.

## **7.0 CONSULTATIONS RESPONSES:**

- 7.1 Leeds Civic Trust – Not an appropriate site for retail re-development, due to lack of sufficient customer based in near vicinity resulting in car borne trips. Proposal fails the Councils Centres First policy, commercial units appropriate but not the retail ones.
- 7.2 Policy – As the site is being brought forward under the Site Allocations Plan for housing purposes the requirements of Policy EC3 is seen as having been tacitly satisfied. Following the submission of additional information the retail use is considered acceptable and will not have any adverse impact on the nearest retail centres.
- 7.3 Mains Drainage – No objections subject to a CCTV report of the culverted watercourse been submitted.
- 7.4 The Coal Authority – No objections subject to informatives being included on any Decision Notice Issued.
- 7.5 Historic England – Seeking further archaeological investigation to be undertaken as this information might have an influence on the form that the development of the site should take. Recommended some design amendments which have now been incorporated into to B1, B2 and B8 units.
- 7.6 West Yorkshire Police – Recommend that security facilities be installed such as lockable barriers to reduce/prevent the chances of Anti-Social Behaviour and the use of HD CCTV systems and a reasonable level of illumination.
- 7.7 Environment Agency – Recommends the imposition of a condition to allow for 1 in 100 year climate event plus a 20% allowance for Climate Change.
- 7.8 Policy, Flood Risk Assessment – Require additional information so that the sequential test can be passed.
- 7.9 Contaminated Land Team – No objections subject to the imposition of the standard Contamination conditions and informatives and to the imposition of a specific condition relating to information relating to asbestos.
- 7.10 West Yorkshire Archaeological Services – architectural and archaeological recording should be carried out before and during development (a building record and an archaeological strip and record excavation).
- 7.11 Yorkshire Water – Objects on the grounds that the buildings are shown to be built over a public Sewer system and that the scheme could seriously jeopardise Yorkshire Water's ability to maintain the public sewerage system. But then goes on to advise that the developer does have the ability to seek the alteration or removal of a pipe where it is necessary to carry out the proposed development under Sec. 185 of the Water Industry Act 1991, such works to be carried out at the developer expense.
- 7.12 Nature – Conditions relating to the control of Japanese Knotweed and the control over demolition of buildings and felling of trees relating to nesting birds
- 7.13 Landscape Team – Recommends the imposition of conditions relating to implementation of both soft and Hard Landscaping.



- 7.14 Highways – Objects to the Trip Rates used as it is considered that in the light of the increased popularity of discount food based retail stores the trip rates in TRICs is out of date. A revision to the layout, particularly for the B1, B2 and B8 units is required as it does not allow for the use of the forecourts/car parking and the turning of an HGV simultaneously. At the time of writing a response from the applicants was awaited to the suggested amendments.

In addition the suggested level of car-parking shown on the layout plan is acceptable so long as the use of the retail units (other than the single A3 unit) is restricted to A1 retail. The use of any of the units for A5 would require a significant increase in the level of car parking spaces.

There are concerns at the gradients of the internal road, however due to the geography of the site the developer have achieved the best gradients possible. The layout is submitted on the grounds that the internal roads will not be adopted by the Highways Authority due to the severe gradients.

Off site highways works will be required to create the access points and a section 278 Agreement would be used to do this. This requirement can be conditioned.

## **8.0 PLANNING POLICIES:**

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy, saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).
- 8.2 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Similarly, Section 16(2) of the same Act imposes obligations on those considering whether to grant listed building consent for development or works that affect a listed building. In such cases, it is necessary to have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses.
- 8.3 The Core Strategy, saved policies in the UDPR and the Natural Resources and Waste DPD is the development plan for the whole of the Leeds district. Planning proposals must be made in accordance with the development plan unless material considerations indicate otherwise.

Core Strategy:

SPATIAL POLICY 1: Location of Development

SPATIAL POLICY 2: Hierarchy of Centres and Spatial Approach to Retailing, Offices, Intensive Leisure and Culture

SPATIAL POLICY 8: Economic Development Priorities

P10 – Design

P11 – Conservation

P12 – Landscape

T2 – Accessibility requirements and new development

G2 - Creation of New Tree Cover – Seeks to protect ancient and Veteran Trees.  
G4 - New Green Space Provision  
G9 – Biodiversity improvements  
P4 – Shopping Parade and Small Scale Stand Alone Food stores  
P5 – Approach to Accommodating New Food Stores Across Leeds

UDPR:

GP5 – Requirements of development proposals  
BD2 – Design and siting of new buildings  
BD5 – New buildings and amenity both their own and that of their neighbours  
N25 – Development and site boundaries

The contents of the SPD – Street Design Guide is also considered to be relevant.  
The contents of the Parking SPD – Leeds Parking Policy is relevant

### National Planning Policy

- 8.4 The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
- 8.5 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 accordingly, it is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF.
- 8.6 The following sections of the NPPF are considered relevant to this proposal:
- 1 Building a strong, competitive economy
  - 2 Ensuring the vitality of town centres
  - 4 Promoting sustainable transport
  - 7 Requiring good design
  - 12 Conserving and enhancing the historic environment

## **9.0 MAIN ISSUES**

- 1. Principle of the mix of development proposed
- 2. Scale, design and impact on the Conservation Area
- 3. Archaeology
- 4. Highways
- 5. Sustainability

## **10.0 APPRAISAL**

### Principle of the mix of development proposed

- 10.1 The site is allocated on the UDPR for employment generating uses. The emerging Site Allocations Plan (SAP) identifies the site as suitable for housing development. The proposal seeks planning permission for a mixed use of retail and employment generating uses.
- 10.2 The retail element, as it features neither in the UDPR or the emerging SAP has been the subject of scrutiny by Forward Plans as to its potential impact on the vitality and viability of other centres nearby as the location of the site does not comply with the Council's Centres First approach. It has been concluded that, whilst the recent permission for a discount food based retail unit in Chapel Allerton has not been included in the assessment, the proposed floor space proposed of retail and discount food retail will have no impact on any existing centres.
- 10.3 Also should planning permission be granted, and subsequently implemented the site will be lost to housing development under the emerging SAP. Members will be aware that elsewhere on this agenda is an application for 228 residential units on the 'remainder' of this site as identified on the SAP and that the provision of 228 units on that site will outstrip the SAP's estimate of the number of units possible on the whole site as identified for housing development.
- 10.4 **Do Members agree with the principle of the mix of development shown on the submitted drawings?**

Scale, design and impact on the Conservation Area

- 10.5 These aspects are closely intertwined and so are dealt with for the purposes of this report under a single heading. The geography of the site is such that it slopes from the Buslingthorpe Lane part down towards the Education Road area and so is not a highly prominent from wide vista's (especially when compared to the adjoining site that sits on, as it were, the 'Hilltop'. The design approach has been guided by two aspects, the retail part, seeking to provide tribute to the mill type industry that originally occupied the site and the design of the proposed industrial buildings which sit at the lowest part of the site.
- 10.6 In the pre-application process the developers were given advice as to the approach to take in terms of the external appearance and materials for the retail units. The results of that process are what is before Members. The issue of red brick with regular repetition in the fenestration particularly at first floor level with the highlighted "bays" representing the units and which will define the access points to the retail units are all architecturally reminiscent of a mill type building. Clearly the biggest departure from this is the large windows at ground floor level but these are necessary for modern retailing units. The introduction of a stone coloured column seeks to act as a visual clue that the largest retail unit (discount food) is situated at one end of the building with the smaller retail units at the other.
- 10.7 The scale of these proposed buildings whilst designed to modern standards are also considered acceptable in terms of their attempt to pay tribute to the mill type structure that originally occupied the site.
- 10.8 The industrial buildings were originally submitted as simple modern steel clad industrial units with brick bases. There is an aspect of this which is acceptable in that the units are located on the lowest part of the developable part of the site and accessed from the end of Education Road they are not highly prominent from many public vantage points. However, comments from Historic England pointed out that this part of the site will contribute to wider views and the roof structures of these

buildings ought to be considered in their historic context. To this end the design has been revised to provide a more traditional 'saw tooth' roof scape that addresses this design issue and deals with the potential for any adverse impact on the character of the Conservation Area. As a result of the comments received from highways there are however likely to be some design changes to the industrial units in particular, however officers will seek to maintain the principle of the roofscape that has been proposed so far.

- 10.9 The final building, the proposed A3 unit on the Scott Hall Road frontage is unashamedly modern in its design approach whilst seeking to respect the features introduced in the retail building through the use of brick at the entrance feature. Given the nature of Scott Hall Road as a modern highway structure unlike the smaller more 'historic' roads that feed off it such as Buslingthorpe Lane, this design approach is considered appropriate.
- 10.10 The overall design was discussed internally at Design Review Panel where the overall approach was somewhat criticised for not making the most of the historic nature of the site in particular providing a more prominent building where the A3 unit is proposed and extending the retail from that, whilst utilising the contours of the site and thus providing a more organic layout of the retail element of the site than what is presently proposed. It is arguable that this design approach would have lower impact on the character of the Conservation Area however it is for Members to take a view as presently it is considered that the current proposal will have a neutral impact on the character of the Conservation Area as it seeks to provide elements in its design that refer back to a more traditional design ethos. The advantage of the approach taken by the developers and broadly endorsed by officers is that it allows for gradients within the site that are the shallowest possible and whilst these gradients are not ideal if the site is to be developed a pragmatic approach is considered appropriate. A major concern of the internal Design Review Panel was that because the main entrance to the retail part of the site is actually on Buslingthorpe Lane, there will be significant pressure to advertise the presence of the 'way in' and the businesses present on the site along the Scott Hall Road frontage. This could lead to significant amounts of advertisement clutter which would be wholly inappropriate on such an important arterial route into the city centre and on the edge of a Conservation Area.
- 10.11 Overall taking into account the design elements and scale of the proposed units both retail and industrial, the impact on the character of the Conservation Area is considered acceptable and at worst it will maintain that character and in parts will enhance it.
- 10.12 **In the light of the above, do Members have any comments in respect of the proposed layout of the site and the design of the buildings?**
- 10.13 **Do Members have any, and if so what, concerns in respect of the proposed methods of advertising that might/could be employed to make the presence of the retail park known to passers-by?**

#### Archaeology

- 10.14 Not long after the designation of the Conservation Area the main buildings on the site were unfortunately gutted by fire leaving little of the historic fabric that once occupied this site left. Since that time, due to the site been in administration it is understood that the remaining buildings on the site have been vacant. In short, there is little left of the historic fabric left and what does remain is likely to be in the form of

archaeological remains. It is considered that these archaeological remains will be of significance and importance both locally and nationally and reference has been made to their potential by both Historic England and the West Yorkshire Archaeological Service.

- 10.15 Should planning approval be recommend for permission, a suitably worded condition will be recommended to be imposed.

#### Highways

- 10.16 Highways officers have raised various concerns in regards to the proposal and it is considered that in relation to the industrial units the foot print of those buildings are likely to alter and possibly be reduced as a result of those concerns. However at the time of writing this had not been finalised and if necessary an oral update will be given at the Plans Panel meeting.
- 10.17 The access off Buslingthorpe Lane is largely agreed in respect of its position however details as to whether it will be a single access point for just this site, or a shared access point with the adjoining residential site were still outstanding at the time of writing.
- 10.18 Access for the servicing of the retail units (not the A3 unit) will be off Education Road. However, due to a levels difference between the end of Education Road and the rear elevations of the retail units the servicing yard of the retail units will be accessed via a ramp and will be located between the rear of the industrial units and the retail units. It is considered that this access arrangement is far superior to one which is shared with the public access point, even though in this case it is somewhat unconventional (despite the applicant submitting several examples of ramped access to various retail locations across the country but some of which are within west Yorkshire). Discussions are underway presently with the developers as the ability to have a HGV manoeuvre within the space provided is in dispute and is dependant, due to the space shown, on there only being a single delivery vehicle on the ramped service area at any one time.
- 10.19 Likewise the car parking and servicing area for the industrial units is proposed off Education Lane but in this instance it is a single access point for all vehicular access. In principle this is considered acceptable. As currently submitted, the proposal for the servicing of these units is even tighter than for the retail units and the normal standard of a 15 metre forecourt serving each unit with vehicle turning space beyond that 15 metre forecourt is not met. There is therefore at present a fundamental objection to the parking layout on highway grounds. Should more than one delivery/servicing vehicle be present on the site of any size then not only will car parking spaces be blocked off rendering them inaccessible but the likelihood is that at least one of the vehicles attempting to service the unit(s) would need to reverse off the site. In addition to this the swept path showing a HGV doing a 180 degree manoeuvre leaves no room for driver error. Discussions are underway with the developer to amend this layout to provide a better car parking and servicing solution to this part of the development.
- 10.20 Concern has been expressed in regard to the proposed A5 use of the retail units as this would lead to a significantly higher car parking requirement than that currently shown on the submitted drawings. The intended A5 use would only relate to a part of one of the units and would not, as the description would suggest in its submitted form relate to an open-ended approval for A1/A5 uses for the retail units. The applicants have confirmed that they are seeking 300 square metres of floor space for

A5 use which could be controlled by condition. However, the parking provision on the site is already at the lower limit for the A1 and A3 uses and the advice of the Highway Engineers is that a significant increase in car parking provision should be made for the A5 use. Indeed the acceptability of the proposed A3 use presently, is on the basis that this unit is likely to be visited, in the main, through linked trips rather than a destination in its own right. To put the level of proposed A5 use in perspective, 300 square metres is larger than one of the smaller retail units shown at 288 square metres and so the A5 use could be a significant percentage of the retail floor space, discounting the discount food based retail unit.

- 10.21 Paragraph 35 of the NPPF supports the provision of sustainable transportation methods and one key reference is the provision of Electric Vehicle Charging points. The Council also have an emerging SPD to provide guidance on the provision of these facilities. The submitted layout at present does not identify any of these facilities and to this end does not comply with this national policy or the Council's overall aims at reducing CO2 emissions. The minimum requirements under that emerging SPD would be the provision of 5 EV points for the retail element of the development and 2 for the Industrial part of the development.
- 10.22 **Do Members agree that the principles of the access points, notwithstanding the 1 in 10 ramps, are acceptable?**
- 10.23 **Do Members agree that the A5 use should be removed from the proposal given the already limited amount of car parking vis-à-vis the amount of retail floor space proposed?**
- 10.24 **Do Members agree that the scheme for both the retail and the Industrial part of the scheme should provide Electric Vehicle Charging Points and that these should be indicated on the submitted drawings prior to final determination of the application?**

#### Sustainability

- 10.25 A sustainability statement has been submitted that seeks to ensure that the re-development of the site meets or exceeds, where practicable, issues of sustainability. Some of these issues are already covered in things such as the drainage requirements referred to in the consultees section where because of the site's location near to the Sheepscar Beck conditions are recommended should any planning permission be granted. However, items such as an external lighting scheme which uses energy efficient forms of illumination, the use of materials that are BREEAM compliant the use of solar panels or equivalents so that a percentage of the site's energy needs can be provided from renewable sources etc are included. It is considered that the recommendations of this report should be implemented during the construction and retained for the lifetime of the development.
- 10.26 It will be recommended that the recommendation within the sustainability statement are conditions should planning permission be recommended for approval.

## **11.0 CONCLUSION**

- 11.1 Members are requested to provide answers to the questions posed in the main body of this report, all of which are reproduced below for ease of reference and to offer any additional comments that they consider are appropriate regarding this development proposal:

Do Members agree with the principle of the mix of development shown on the submitted drawings?

In the light of the above, do members have any comments in respect of the proposed layout of the site and the design of the buildings?

Do Members have any, and if so what, concerns in respect of the proposed methods of advertising that might/could be employed to make the presence of the retail park known to passers-by?

Do Members agree that the principles of the access points, notwithstanding the 1 in 10 ramps, are acceptable?

Do Members agree that the A5 use should be removed from the proposal given the already limited amount of car parking vis-à-vis the amount of retail floor space proposed?

Do Members agree that the scheme for both the retail and the Industrial part of the scheme should provide Electric Vehicle Charging Points and that these should be indicated on the submitted drawings prior to final determination of the application?

### **Background Papers:**

Application files: 16/02759/FU

Certificate of ownership: Signed on behalf of the applicant with Certificate B submitted confirming that the applicant is not the owner of the application site at the time the application was made.

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**Report of the Chief Planning Officer**

**NORTH AND EAST PLANS PANEL**

**Date: 9 February 2017**

**Subject: 16/02759/FU - Demolition of existing buildings and redevelopment of site to include A1 Discount foodstore, three units for non-food retail or A5 uses, one A3 Unit and erection of 10 commercial units falling within Classes B2, B2 and B8 at Buslingthorpe Mills, Education Road LS17 2AP**

**APPLICANT**

The Henry Buck Partnership  
(In Administration)  
C/O Baker Tilly Restructuring  
and Recovery LLP

**DATE VALID**

23 May 2016

**TARGET DATE**

28<sup>th</sup> February 2017  
(Extension of time)

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**Electoral Wards Affected:  
Chapel Allerton**

☐ Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

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**RECOMMENDATION: DEFER and DELEGATE approval to the Chief Planning Officer subject to the following conditions and the prior completion of a section 106 Agreement to cover the following:**

- **Travel Plan monitoring Fee of .....?**
- **Local Employment and Training opportunities**

**In the circumstances where the Section 106 has not been completed 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 Standard time limit for implementation
- 2 Plans to be approved
- 3 Materials
- 4 That the indicated EVCP be provided in accordance with the Council's SPD and an additional EVCP be provided for the proposed A3 use.



- 5 Limit to 300 Square Metres of A5
- 6 PD rights to change from A5 to A3 removed
- 7 Laying out of car park
- 8 Details of constructor's compound
- 9 Details of the control of Japanese Knotweed
- 10 Details of demolition of buildings in relation to nesting birds
- 11 Landscaping scheme
- 12 Scheme of archaeological recording to be undertaken
- 13 Standard Land Contamination conditions and Informatives
- 14 Submission of information relating to asbestos and its removal
- 15 Condition for 1 in 100 year climate event plus 20% allowance for climate change
- 16 Details of security features to be installed including the implementation of the barrier already indicated between retail units and the roof of the industrial units
- 17 Submission of the lighting units detail and implementation of the submitted lighting scheme

## **1.0 INTRODUCTION**

- 1.1 Members will recall that this scheme was presented to them at their meeting on 1<sup>st</sup> December 2016 as a position statement. This gave the developers guidance on issues that they needed to seek clarity and amendments on before final determination of the scheme, which on the whole was well received by Plans Panel as a matter of principle. Officers are now of the opinion that subject to the Section 106 agreement and the list of condition referred to in the recommendation that the scheme can be moved forward to a positive outcome.

- 1.2 At the meeting on 1 December 2016 Members resolved:

- That the principle of the mixed use development was acceptable
- Members requested that signage on the road side be limited and be sensible and proportionate and not illuminated
- That access points were acceptable
- That more detailed information on the proposed A5 use and its effect on Car Parking levels is needed for when the scheme returns to them for final determination
- That both part of the scheme, the retail and the Commercial units be provide with EVCP and that these should be indicated on the submitted drawings prior to final determination of the application.
- Parent and child parking be identified
- Details of external lighting be provided

- 1.3 This report updates Members on revisions to the scheme in light of the comments summarised at 1.2. The appraisal section of the report concentrates on matters where Members retained concerns or requested that further information be provided. In light of this a copy of the previous Panel report is attached for ease of reference.

## **2.0 PROPOSAL**

- 2.1 The proposal seeks planning permission for a mixed use development consisting of 5 retail units that will be accessed from Buslingthorpe Lane, via an internal road providing access to a car parking area with the retail units located approximately half way into the site. These retail units are shown serviced from Education Road that lies to the south west of the site. One A3 Unit located on the Scott Hall Road

frontage and 10 B1, B2 & B8 units accessed and serviced from Education Road. The general layout is of a typical retail park with car parking located in front of the retail units, orientated to the north east and the commercial/industrial units are sited behind the retail units but orientated towards the south west.

- 2.2 The A3 unit is also accessed by vehicles off this internal road and it shown located close to the Scott Hall Road frontage where it will also benefit from pedestrian access and lies due south of the existing tyre fitting unit that presently operates at the junction of Scott Hall Road and Buslingthorpe Lane. This unit will be the only unit serviced from the internal road arrangement from Buslingthorpe Lane.
- 2.3 The B1, B2 and B8 units are accessed from Education Road from a separate access point to the service yard of the retail units, and lie parallel to those retail units in a north west to south east orientation. They back onto the service yard of the retail units and have their own servicing and car parking provision to their frontages in what remains of the site which, given the shape of the site boundaries is a somewhat awkward area of land under which Sheepscar Beck has been culverted resulting in an irregular shaped south west boundary. This part of the site cannot be built upon due to the presence of the culverted Sheepscar Beck where an 8.0 metre clearance along the centreline of the culvert needs to be maintained effectively sterilising this part of the site except for uses such as car parking and servicing space.
- 2.4 The layout is somewhat simplistic in that from Buslingthorpe Lane the access road cuts across the site behind the tyre fitting unit on the junction, provides access to the proposed A3 Unit on the Scott Hall Road frontage before descending the a point approximately a third of the way into the site providing access to the car parking provision for the retail units that covers the remainder of the first third (approx.) of the site sitting in front of the retail units. Apart from the fact that the site does not have a conventional road frontage the layout is typical of any retail park built where the units are pushed towards the rear of the site with the car parking in front.
- 2.5 To avoid unnecessary duplication further details description of the development can be found in Paragraphs 2.6-2.10 in the 1<sup>st</sup> December Plans Panel Report, a copy of which is attached for ease of reference to this report.

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site encompasses an existing office unit on the Buslingthorpe Lane frontage that is to be demolished to allow for the vehicular access of Buslingthorpe Lane to be created. It then wraps around the rear of the existing tyre fitting unit on the junction of Buslingthorpe Lane and Scot Hall Road to provide a frontage to Scott Hall Road immediately south of that tyre fitting unit. The site is then roughly rectangular in shape as it falls away from Buslingthorpe Lane towards the south west with Education Road providing an access point at its southern tip.
- 3.2 Sheepscar Beck flows from the North West to the south west and is culverted under the south western part of the site whose boundary with the adjoining land uses becomes irregular. Beyond this south western boundary are predominantly B1, B2 and B8 type uses that stretch to Meanwood Road.
- 3.3 To the south of the south east boundary is Sheepscar Tannery that is accessed from Sheepscar Street North. Sheepscar Street North provides at present an

access to the application site which is an historic access, however it is not the intention of the developer to utilise this for the benefit of this proposal. Scott Hall Road runs roughly north south beyond Sheepscar Street North and is a high volume arterial route into and out of the City Centre.

- 3.4 The North West boundary of the site is shared with the development site that is subject to consideration under planning reference 15/06002/FU. It is also shared with other commercial and service type uses, split roughly equally along its length by the two uses.
- 3.5 The application site itself has fairly significant levels differences between the North East part of the site (that part accessed from Buslingthorpe Lane) measured at 52.0, and the South West part of the site, (that part accessed from Education Road), measured at 37.3 giving a difference in levels across the site of 14.7 metres.

#### **4.0 RELEVANT PLANNING HISTORY**

08/00937/FU:	Part demolition, change of use, including 5 storey extension and addition of 2 new floors to roof of industrial building, to form 208 flats, conversion of gatehouse to form gymnasium and erection of multi-level development up to 10 storey's in 4 blocks, comprising 508 flats, with car parking and landscaping.	Refused by Planning Committee 4 <sup>th</sup> July 2008
09/05411/FU:	Part demolition, change of use, including 5 storey extension and addition of new floor to roof of industrial building, to form 190 flats and erection of multi-level development up to 9 storeys in 4 blocks, comprising 9 town houses and 150 flats, with shop, car parking and landscaping	Withdrawn 25 <sup>th</sup> November 2011
PREAPP/15/00827:	Redevelopment of site to include A1 discount foodstore, 4 units for A1 retail warehouse or A5 uses, 1 A3 unit and erection of 11 commercial units falling with Classes B1, B2 and B8	Officer Advice issued 16 <sup>th</sup> December 2015

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Since the submission of the scheme there has been various discussions held with the applicants in respect of highways issues and design issues. The resultant roof design of the industrial buildings and the revised layout to the industrial units and retail servicing areas is as a result of those discussions.
- 5.2 Plans Panel resolutions from consideration of the Position Statement report on 1<sup>st</sup> December 2016.

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

- 6.1 The application has been advertised by site notice and newspaper advert. This publicity period expired 1<sup>st</sup> July 2016 with no comment(s) being received.

## **7.0 CONSULTATIONS RESPONSES:**

- 7.1 Highways – Earlier concerns regarding the level of car parking provision for the retail element of the scheme are now allayed given the additional information submitted. Conditions relating to the laying out of the car park prior to first use, submission of builder's compound, provision of EVCP, limitation on A5 floorspace to 300 square metres and removal of PD rights for A5 use are recommended.

The Buslingthorpe Lane/A61 Scott Hall Road/A61 Sheepscar Street North signalised junction has been re-assessed using the requested revised trip rates, which it is considered more realistically reflects the recent growing popularity of discount food retail operators. The assessment, which is based on a design year of 2021, with traffic growth factors applied, indicates that the junction is predicted to operate within capacity in the peak periods. There will be a slight increase in queue lengths, although it is considered that this will not have a material impact on the operation of the junction.

- 7.2 Flood Risk Management – No objection following the submission of a suitable Flood Risk assessment.
- 7.3 Mains Drainage – no objection subject to a CCTV report of the culvertee water course being submitted
- 7.4 The Coal Authority – No objections subject to informatives being included on any Decision Notice Issued.
- 7.5 Leeds Civic Trust – Not an appropriate site for retail re-development, due to lack of sufficient customer based in near vicinity resulting in car borne trips. Proposal fails the Councils Centres First policy, commercial units appropriate but not the retail ones.
- 7.6 Historic England – Seeking further archaeological investigation to be undertaken as this information might have an influence on the form that the development of the site should take. Recommended some design amendments which have now been incorporated into to B1, B2 and B8 units.
- 7.7 West Yorkshire Police – Recommend that security facilities be installed such as lockable barriers to reduce/prevent the chances of Anti-Social Behaviour and the use of HD CCTV systems and a reasonable level of illumination.
- 7.8 Environment Agency – Recommends the imposition of a condition to allow for 1 in 100 year climate event plus a 20% allowance for Climate Change.
- 7.9 Contaminated Land Team – No objections subject to the imposition of the standard contamination conditions and informatives and to the imposition of a specific condition relating to information relating to asbestos.
- 7.10 West Yorkshire Archaeological Services – architectural and archaeological recording should be carried out before and during development (a building record and an archaeological strip and record excavation).

- 7.11 Yorkshire Water – Objects - on the grounds that the buildings are shown to be built over a public Sewer system and that the scheme could seriously jeopardise Yorkshire Water's ability to maintain the public sewerage system. But then goes on to advise that the developer does have the ability to seek the alteration or removal of a pipe where it is necessary to carry out the proposed development under Sec. 185 of the Water Industry Act 1991, such works to be carried out at the developer expense.
- 7.12 Nature – Conditions relating to the control of Japanese Knotweed and the control over demolition of buildings and felling of trees relating to nesting birds
- 7.13 Landscape Team – Recommends the imposition of conditions relating to implementation of both soft and Hard Landscaping.
- 7.14 Conservation – Have concerns that the development does not contribute positively to the Character of the Conservation Area and is simply a conventional layout for a retail park placed on the site with no regards for the historic pattern of development of the site

## **8.0 PLANNING POLICIES:**

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy, saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).
- 8.2 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Similarly, Section 16(2) of the same Act imposes obligations on those considering whether to grant listed building consent for development or works that affect a listed building. In such cases, it is necessary to have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses.
- 8.3 The Core Strategy, saved policies in the UDPR and the Natural Resources and Waste DPD is the development plan for the whole of the Leeds district. Planning proposals must be made in accordance with the development plan unless material considerations indicate otherwise.

### **Core Strategy:**

SPATIAL POLICY 1: Location of Development

SPATIAL POLICY 2: Hierarchy of Centres and Spatial Approach to Retailing,  
Offices, Intensive Leisure and Culture

SPATIAL POLICY 8: Economic Development Priorities

P10 – Design

P11 – Conservation

P12 – Landscape

T2 – Accessibility requirements and new development

G2 - Creation of New Tree Cover – Seeks to protect ancient and Veteran Trees.

G4 - New Green Space Provision

G9 – Biodiversity improvements

P4 – Shopping Parade and Small Scale Stand Alone Food stores  
P5 – Approach to Accommodating New Food Stores Across Leeds

UDPR:

GP5 – Requirements of development proposals

BD2 – Design and siting of new buildings

BD5 – New buildings and amenity both their own and that of their neighbours

N25 – Development and site boundaries

The contents of the SPD – Street Design Guide is also considered to be relevant.  
The contents of the Parking SPD – Leeds Parking Policy is relevant

### National Planning Policy

- 8.4 The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
- 8.5 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 accordingly, it is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF.
- 8.6 The following sections of the NPPF are considered relevant to this proposal:
- 1 Building a strong, competitive economy
  - 2 Ensuring the vitality of town centres
  - 4 Promoting sustainable transport
  - 7 Requiring good design
  - 12 Conserving and enhancing the historic environment

## **9.0 MAIN ISSUES**

- 9.1 Plans Panel commented on many of the main issues at their meeting on 1<sup>st</sup> December 2016 and raised no concerns to the principle of the mixed used development, the scale of the buildings, the general design approach, impact on the Conservation Area and archaeology. Some of the details relating to some of these matters are suggested to be secured by conditions. This report addresses those issues that Members raised concerns about or asked for further information. For the purposes of this report, the main issues to be addressed are:

Joint Access to adjacent site  
Parking Standards  
Impact on existing Highway Network  
Electric Vehicle Charging Points & Parent Parking Spaces  
Proposed Pedestrian Access  
Use of Photovoltaic panels/Low Carbon technologies  
Signage

Materials to entrance doors frame features  
External lighting  
CIL

## **10.0 APPRAISAL**

### Joint Access to adjacent site

- 10.1 Members will recall that there was still a degree of negotiations underway on 1<sup>st</sup> December, pending the decision to be made on the adjoin site for residential development and the acceptability of a single access point for that site. Following the decision to approve that scheme the need for a shared vehicular access point on the land forming part of this application site on the Buslingthorpe Lane frontage has been removed. Therefore the scheme now proposes a simpler junction arrangement for access/egress for the retail park element of the site with a pedestrian access link to the adjacent site for the ease of access to and from the residential accommodation approved on 1<sup>st</sup> December. The access arrangement for Buslingthorpe Lane is now considered acceptable.

### Parking Provision

- 10.2 There was concern regarding the provision of A5 use and its potential impact on the required levels of car parking for the retail element of the proposal. It was suggested that this element of the proposal be restricted by condition to 300 square metres of floor space with the removal of PD rights to change form the A5 use to A3 uses. This justification has now been submitted and it finds that the local car ownership levels for the Chapel Allerton Ward are lower than the Leeds average and significantly lower than the English average. At 41% the level of non-car/van ownership/accessibility compares to 32.1% for Leeds as a whole and 25.8% for England as a whole. Therefore car/van ownership is significantly lower thus placing less demand on the need for full compliance with the SPD requirements on car parking for this site. This coupled with the increased likelihood that the adjacent site will be developed for a significant residential development means that many trips to the site are increasingly going to be by foot.

### Impact on existing Highway Network

Concerns were expressed regarding the impact of development traffic on the local highway network, in particular the Buslingthorpe Lane/A61 Scott Hall Road/A61 Sheepscar Street North signalised junction and its relationship with the site access on to Buslingthorpe Lane. The junctions have been assessed using a design year of 2021, with traffic growth factors applied and the revised agreed trip rates, which are considered to be robust. Assessment indicates that the junctions are predicted to operate within capacity in the peak periods. It is acknowledged that there will be a slight increase in queue lengths and degree of saturation, although it is considered that this will not have a material impact on the operation of the junctions or the local highway network.

- 10.3 This then, following Plans Panel request for additional justification for the car parking levels to be submitted, would, meet that request and show that the proposed car parking levels shown for the retail element are considered acceptable in this instance.

## Electric Vehicle Charging Points & Parent Parking Spaces

- 10.4 A revised plan showing the location of EVCP and parent parking spaces has been submitted. An additional EVCP is recommended for the A3 unit and the actual configuration of the EVCP including the provision of one at the A3 units can be controlled by condition.

## Proposed Pedestrian Access(s)

- 10.5 Pedestrian access have been indicated on a revised site layout plan and can be seen to clearly show ease of access for pedestrians and visitors to the site that will use public transport. In addition to this and referred to above, a pedestrian access is shown to link the site to the adjacent residential development should both schemes move forward for development.
- 10.6 More particularly the access from the A61 is 1:25 and therefore Equalities Act 2010 Compliant. This it is considered will be the main alternative pedestrian access route onto the site given the flow of public transport along Scott Hall Lane.
- 10.7 The scheme in terms of pedestrian accessibility and manoeuvring around the retail element of the site is considered acceptable.

## Use of Photovoltaic panels/Low Carbon technologies

- 10.8 There are significant costs in the development of a site such as this, due to its brownfield nature and the constraints of the topography. To this end it is not considered possible to provide renewable energy technologies however in accordance with the Councils requirements a Sustainability Statement was submitted with the original submission setting out the position in relation to sustainable and carbon reduction measures, these result in energy efficiency measures in the buildings fabric and operation of the site including:
- Insulated roof and building panels which achieve a Green Guide A+ rating as per BRE Global “The Green Guide to Specification” 2008
  - High efficiency lighting within buildings with a u-value of 1.9 w/m.sq/K
  - Installation of an intelligent heating management system which will allow occupiers to turn of appliances when they are not in use and
  - Business operations will be encouraged to use high efficiency A-rated appliances and electric equipment.
- 10.9 These may not be to the extent that Panel members would prefer to see on this site in terms of “green installations”, however it should be borne in mind that a balance needs to be struck between achieving the best that such measures can provide and the pragmatics of encouraging the site to be developed which will in the future possibly give opportunity for the installation of more efficient energy saving and renewable energy schemes, or the site remaining in its undeveloped state for a longer period of time due to additional initial costs. It is considered that the energy efficiencies proposed in the submitted scheme are sufficient to allow a positive recommendation to be made.

## Signage

- 10.10 Whilst not constituting a formal part of the determination for the scheme at present, it is noted that the applicants have responded positively to the concerns regarding the possible levels of signage given the sites relationship to the A61



and its access off Buslingthorpe Lane. To this end it is recommended that an informative be included on any decision notice issued reminding any future development that signage for the site needs to be limited, and proportionate to the businesses occupying the site.

#### Materials to entrance doors frame features

- 10.11 The developers have responded positively to Members request that the materials in the part of the main building surrounding the entrance doors be something other than sheet metal. Consideration has been given to the suggestion by Members of a slate finish, however it is considered, bearing in mind that the site lies within the Buslingthorpe Conservation Area, that large areas of hanging slate would not be appropriate. However the slate colour finish would be a desirable finish which would contrast with the red brick proposed on the remainder of the building. To this end a slate coloured brick is proposed which will, it is considered satisfy both criteria of a better quality material than sheet metal yet be a material that would be in keeping with the historic character of the Conservation Area.

#### External lighting

- 10.12 A submitted lighting plan shows that the site should be treated as and environmental zone 3 (an area of medium district brightness in an urban/town location). To this end all external lighting would be switched off between the hours of 23:00 – 07:00 (except for safety and security lighting), and the safety and security lighting will have illumination levels no higher than 1,000 candela during these hours. A condition securing this level of illumination in accordance with the submitted scheme is considered appropriate. In addition, given the sites location in a Conservation Area, details of the proposed lighting fixtures can be controlled by condition.

#### CIL

- 10.13 The Community Infrastructure Levy was adopted by Full Council on 12<sup>th</sup> November 2014 and was implemented on 6<sup>th</sup> April 2015. The application, if approved is likely to generate a CIL receipt of £4,421. This information is not material to the decision and is provided for Member's information only.

### **11.0 CONCLUSION**

- 11.1 Subject to the conditions recommended to be imposed at the head of this report, it is considered that the proposal is now acceptable and that an approval of planning permission can be granted.

Application files: 16/02759/FU

Certificate of ownership: Signed on behalf of the applicant with Certificate B submitted confirming that the applicant is not the owner of the application site at the time the application was made.

# APPENDIX 1



Originator: Glen Allen

Tel: 0113 37 87976

## Report of the Chief Planning Officer

### NORTH AND EAST PLANS PANEL

Date: 1<sup>st</sup> December 2016

**Subject: POSITION STATEMENT - 16/02759/FU - Demolition of existing buildings and redevelopment of site to include A1 Discount foodstore, three units for non-food retail or A5 uses, one A3 Unit and erection of 10 commercial units falling within Classes B2, B2 and B8 Buslingthorpe Mills, Education Road LS17 2AP**

#### APPLICANT

The Henry Buck Partnership  
(In Administration)  
C/O Baker Tilly Restructuring  
and Recovery LLP

#### DATE VALID

23 May 2016

#### TARGET DATE

22<sup>nd</sup> August 2016

#### Electoral Wards Affected: Chapel Allerton

Yes

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

☐

Community Cohesion

☐

Narrowing the Gap

☐

#### POSITION STATEMENT:

**Members are requested to note this report on the proposal and give views in relation to the questions posed in the conclusion to aid progression of the application.**

### 1.0 INTRODUCTION

- 1.1 The application was submitted following the consideration of a pre-application submission where advice was issued by officers to the proposal then placed before them. The application lies in the Buslingthorpe Conservation Area and forms part of a site identified for housing on the emerging Site Allocations Plan and is allocated for employment type uses on the UDPR.

### 4.0 PROPOSAL

- 2.1 The proposal seeks planning permission for a mixed use development consisting of 5 retail units that will be accessed from Buslingthorpe Lane, via an internal road

providing access to a car parking area with the retail units located approximately half way into the site. These retail units are shown serviced from Education Road that lies to the south west of the site. One A3 Unit located on the Scott Hall Road frontage and 10 B1, B2 & B8 units accessed and serviced from Education Road. The general layout is of a typical retail park with car parking located in front of the retail units, orientated to the north east and the commercial/industrial units are sited behind the retail units but orientated towards the south west.

- 2.2 The A3 unit is also accessed by vehicles off this internal road and it shown located close to the Scott Hall Road frontage where it will also benefit from pedestrian access and lies due south of the existing tyre fitting unit that presently operates at the junction of Scott Hall Road and Buslingthorpe Lane. This unit will be the only unit serviced from the internal road arrangement from Buslingthorpe Lane.
- 2.3 The B1, B2 and B8 units are accessed from Education Road from a separate access point to the service yard of the retail units, and lie parallel to those retail units in a north west to south east orientation. They back onto the service yard of the retail units and have their own servicing and car parking provision to their frontages in what remains of the site which, given the shape of the site boundaries is a somewhat awkward area of land under which Sheepscar Beck has been culverted resulting in an irregular shaped south west boundary. This part of the site cannot be built upon due to the presence of the culverted Sheepscar Beck where an 8.0 metre clearance along the centreline of the culvert needs to be maintained effectively sterilising this part of the site except for uses such as car parking and servicing space.
- 2.4 The layout is somewhat simplistic in that from Buslingthorpe Lane the access road cuts across the site behind the tyre fitting unit on the junction, provides access to the proposed A3 Unit on the Scott Hall Road frontage before descending the a point approximately a third of the way into the site providing access to the car parking provision for the retail units that covers the remainder of the first third (approx) of the site sitting in front of the retail units. Apart from the fact that the site does not have a conventional road frontage the layout is typical of any retail park built where the units are pushed towards the rear of the site with the car parking in front.
- 2.5 At the time of writing the access to the retail part of the site off Buslingthorpe Lane shows a design that will allow vehicular access to the adjacent site at Hilltop Works, however this is subject to change due to the scheme on that site being altered to provide a single access at the western end of that site's frontage to Buslingthorpe Lane. (See separate report on this agenda for more details).
- 2.6 The servicing yard of the retail units which is accessed from Education Road is elevated due to the levels differences between Education Road and the position of the retail units located more centrally to the site. The retail units plus the servicing yard to their rear are shown to be built on a raised platform with a steel superstructure supporting them to provide a level area upon which they stand. The height of this platform at the servicing yard end when viewed from Education Road is approximately the height of the eaves of the single storey industrial units. It was suggested to the developers that they create an inverted 'L' shaped building for the retail units where the rear was two story and the front single storey to provide a servicing yard at ground level to the rear and that the shop floor be accessed by a lift. However, this was rejected by the applicants as a design solution because apparently retailers do not like to be reliant on lifts and prefer their servicing yards to be level with their retail floor spaces to prevent the mechanical breakdown of a goods lift delaying delivery of goods to the shop floor.

2.7 The ramp serving this service yard area is 1 in 10 with a level platform at the mid-point where the ramp curves. It rises from a measured level at Education Road of 37.3 to 42.3 a difference of 5 metres.

2.8 The proposed floor spaces are as follows:

<b>Unit:</b>	<b>Floor Space (square Metres)</b>
Retail 1 (discount based food store)	1685
Retail 2 A1/A5 unit	288
Retail 3 A1/A5 unit	288
Retail 4 A1/A5 unit	756
10 B1, B2 B8 Units	2470 (divided between ten units)
A3 Unit	138

2.9 There are 139 car parking spaces on the main part of the retail park, 8 of which are disabled parking spaces. No parent and child spaces are indicated. 10 additional spaces are shown for the A3 unit with three of these shown to be disabled parking spaces. 10 cycle spaces are indicated. When compared to the site as a whole the car park is relatively level, however over the length of the car park there is still a levels difference of between 44.6 at its highest point dropping towards the retail units to 43.62 a difference of almost a metre.

2.10 An external lighting assessment is also submitted with the application that recommends that illumination of the site be controlled in accordance with Environmental Zone 3 (areas of medium district brightness (urban location, town)), where all external lighting is automatically switched off between the hours of 23:00 and 07:00 (except for security and safety lighting) and where security and safety lighting is provided it should comply with the lower levels of illumination defined by Environmental Zone 3 which is 1,000 candelas. The maximum illumination recommended outside of these hours is 10,000 candelas at the light source.

### **3.0 SITE AND SURROUNDINGS:**

3.1 The site encompasses an existing office unit on the Buslingthorpe Lane frontage that is to be demolished to allow for the vehicular access of Buslingthorpe Lane to be created. It then wraps around the rear of the existing tyre fitting unit on the junction of Buslingthorpe Lane and Scot Hall Road to provide a frontage to Scott Hall Road immediately south of that tyre fitting unit. The site is then roughly rectangular in shape as it falls away from Buslingthorpe Lane towards the south west with Education Road providing an access point at its southern tip.

3.2 Sheepscar Beck flows from the North West to the south west and is culverted under the south western part of the site whose boundary with the adjoining land uses becomes irregular. Beyond this south western boundary are predominantly B1, B2 and B8 type uses that stretch to Meanwood Road.

3.3 To the south of the south east boundary is Sheepscar Tannery that is accessed from Sheepscar Street North. Sheepscar Street North provides at present an access to the application site which is an historic access, however it is not the intention of the developer to utilise this for the benefit of this proposal. Scott Hall Road runs roughly north south beyond Sheepscar Street North and is a high volume arterial route into and out of the City Centre.

- 3.4 The North West boundary of the site is shared with the development site that is subject to consideration under planning reference 15/06002/FU, and for consideration at this Plans Panel meeting too. It is also shared with other commercial and service type uses, split roughly equally along its length by the two uses.
- 3.5 The application site itself has fairly significant levels differences between the North East part of the site (that part accessed from Buslingthorpe Lane) measured at 52.0, and the South West part of the site, (that part accessed from Education Road), measured at 37.3 giving a difference in levels across the site of 14.7 metres.

#### **4.0 RELEVANT PLANNING HISTORY**

##### **4.1**

08/00937/FU:	Part demolition, change of use, including 5 storey extension and addition of 2 new floors to roof of industrial building, to form 208 flats, conversion of gatehouse to form gymnasium and erection of multi-level development up to 10 storey's in 4 blocks, comprising 508 flats, with car parking and landscaping.	Refused by Planning Committee 4 <sup>th</sup> July 2008
09/05411/FU:	Part demolition, change of use, including 5 storey extension and addition of new floor to roof of industrial building, to form 190 flats and erection of multi-level development up to 9 storeys in 4 blocks, comprising 9 town houses and 150 flats, with shop, car parking and landscaping	Withdrawn 25 <sup>th</sup> November 2011

#### **5.0 History of Negotiations:**

PREAPP/15/00827:	Redevelopment of site to include A1 discount foodstore, 4 units for A1 retail warehouse or A5 uses, 1 A3 unit and erection of 11 commercial units falling with Classes B1, B2 and B8	Officer Advice issued 16 <sup>th</sup> December 2015
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- 5.1 Since the submission of the scheme there has been various discussions held with the applicants in respect of highways issues and design issues. The resultant roof design of the industrial buildings and the revised layout to the industrial units and retail servicing areas is as a result of those discussions.

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

- 6.1 The application has been advertised by site notice and newspaper advert. This publicity period expired 1<sup>st</sup> July 2016 with no comment(s) being received.

## **7.0 CONSULTATIONS RESPONSES:**

- 7.1 Leeds Civic Trust – Not an appropriate site for retail re-development, due to lack of sufficient customer based in near vicinity resulting in car borne trips. Proposal fails the Councils Centres First policy, commercial units appropriate but not the retail ones.
- 7.2 Policy – As the site is being brought forward under the Site Allocations Plan for housing purposes the requirements of Policy EC3 is seen as having been tacitly satisfied. Following the submission of additional information the retail use is considered acceptable and will not have any adverse impact on the nearest retail centres.
- 7.3 Mains Drainage – No objections subject to a CCTV report of the culverted watercourse been submitted.
- 7.4 The Coal Authority – No objections subject to informatives being included on any Decision Notice Issued.
- 7.5 Historic England – Seeking further archaeological investigation to be undertaken as this information might have an influence on the form that the development of the site should take. Recommended some design amendments which have now been incorporated into to B1, B2 and B8 units.
- 7.6 West Yorkshire Police – Recommend that security facilities be installed such as lockable barriers to reduce/prevent the chances of Anti-Social Behaviour and the use of HD CCTV systems and a reasonable level of illumination.
- 7.7 Environment Agency – Recommends the imposition of a condition to allow for 1 in 100 year climate event plus a 20% allowance for Climate Change.
- 7.8 Policy, Flood Risk Assessment – Require additional information so that the sequential test can be passed.
- 7.9 Contaminated Land Team – No objections subject to the imposition of the standard Contamination conditions and informatives and to the imposition of a specific condition relating to information relating to asbestos.
- 7.10 West Yorkshire Archaeological Services – architectural and archaeological recording should be carried out before and during development (a building record and an archaeological strip and record excavation).
- 7.11 Yorkshire Water – Objects on the grounds that the buildings are shown to be built over a public Sewer system and that the scheme could seriously jeopardise Yorkshire Water's ability to maintain the public sewerage system. But then goes on to advise that the developer does have the ability to seek the alteration or removal of a pipe where it is necessary to carry out the proposed development under Sec. 185 of the Water Industry Act 1991, such works to be carried out at the developer expense.
- 7.12 Nature – Conditions relating to the control of Japanese Knotweed and the control over demolition of buildings and felling of trees relating to nesting birds
- 7.13 Landscape Team – Recommends the imposition of conditions relating to implementation of both soft and Hard Landscaping.

- 7.14 Highways – Objects to the Trip Rates used as it is considered that in the light of the increased popularity of discount food based retail stores the trip rates in TRICs is out of date. A revision to the layout, particularly for the B1, B2 and B8 units is required as it does not allow for the use of the forecourts/car parking and the turning of an HGV simultaneously. At the time of writing a response from the applicants was awaited to the suggested amendments.

In addition the suggested level of car-parking shown on the layout plan is acceptable so long as the use of the retail units (other than the single A3 unit) is restricted to A1 retail. The use of any of the units for A5 would require a significant increase in the level of car parking spaces.

There are concerns at the gradients of the internal road, however due to the geography of the site the developer have achieved the best gradients possible. The layout is submitted on the grounds that the internal roads will not be adopted by the Highways Authority due to the severe gradients.

Off site highways works will be required to create the access points and a section 278 Agreement would be used to do this. This requirement can be conditioned.

## **8.0 PLANNING POLICIES:**

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy, saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).
- 8.2 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Similarly, Section 16(2) of the same Act imposes obligations on those considering whether to grant listed building consent for development or works that affect a listed building. In such cases, it is necessary to have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses.
- 8.3 The Core Strategy, saved policies in the UDPR and the Natural Resources and Waste DPD is the development plan for the whole of the Leeds district. Planning proposals must be made in accordance with the development plan unless material considerations indicate otherwise.

Core Strategy:

SPATIAL POLICY 1: Location of Development

SPATIAL POLICY 2: Hierarchy of Centres and Spatial Approach to Retailing, Offices, Intensive Leisure and Culture

SPATIAL POLICY 8: Economic Development Priorities

P10 – Design

P11 – Conservation

P12 – Landscape

T2 – Accessibility requirements and new development

G2 - Creation of New Tree Cover – Seeks to protect ancient and Veteran Trees.  
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UDPR:

GP5 – Requirements of development proposals  
BD2 – Design and siting of new buildings  
BD5 – New buildings and amenity both their own and that of their neighbours  
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The contents of the SPD – Street Design Guide is also considered to be relevant.  
The contents of the Parking SPD – Leeds Parking Policy is relevant

### National Planning Policy

- 8.4 The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
- 8.5 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 accordingly, it is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF.
- 8.6 The following sections of the NPPF are considered relevant to this proposal:
- 1 Building a strong, competitive economy
  - 2 Ensuring the vitality of town centres
  - 4 Promoting sustainable transport
  - 7 Requiring good design
  - 12 Conserving and enhancing the historic environment

## **9.0 MAIN ISSUES**

1. Principle of the mix of development proposed
2. Scale, design and impact on the Conservation Area
3. Archaeology
4. Highways
5. Sustainability

## **10.0 APPRAISAL**

### Principle of the mix of development proposed



- 10.1 The site is allocated on the UDPR for employment generating uses. The emerging Site Allocations Plan (SAP) identifies the site as suitable for housing development. The proposal seeks planning permission for a mixed use of retail and employment generating uses.
- 10.2 The retail element, as it features neither in the UDPR or the emerging SAP has been the subject of scrutiny by Forward Plans as to its potential impact on the vitality and viability of other centres nearby as the location of the site does not comply with the Council's Centres First approach. It has been concluded that, whilst the recent permission for a discount food based retail unit in Chapel Allerton has not been included in the assessment, the proposed floor space proposed of retail and discount food retail will have no impact on any existing centres.
- 10.3 Also should planning permission be granted, and subsequently implemented the site will be lost to housing development under the emerging SAP. Members will be aware that elsewhere on this agenda is an application for 228 residential units on the 'remainder' of this site as identified on the SAP and that the provision of 228 units on that site will outstrip the SAP's estimate of the number of units possible on the whole site as identified for housing development.
- 10.4 **Do Members agree with the principle of the mix of development shown on the submitted drawings?**

Scale, design and impact on the Conservation Area

- 10.5 These aspects are closely intertwined and so are dealt with for the purposes of this report under a single heading. The geography of the site is such that it slopes from the Buslingthorpe Lane part down towards the Education Road area and so is not a highly prominent from wide vista's (especially when compared to the adjoining site that sits on, as it were, the 'Hilltop'. The design approach has been guided by two aspects, the retail part, seeking to provide tribute to the mill type industry that originally occupied the site and the design of the proposed industrial buildings which sit at the lowest part of the site.
- 10.6 In the pre-application process the developers were given advice as to the approach to take in terms of the external appearance and materials for the retail units. The results of that process are what is before Members. The issue of red brick with regular repetition in the fenestration particularly at first floor level with the highlighted "bays" representing the units and which will define the access points to the retail units are all architecturally reminiscent of a mill type building. Clearly the biggest departure from this is the large windows at ground floor level but these are necessary for modern retailing units. The introduction of a stone coloured column seeks to act as a visual clue that the largest retail unit (discount food) is situated at one end of the building with the smaller retail units at the other.
- 10.7 The scale of these proposed buildings whilst designed to modern standards are also considered acceptable in terms of their attempt to pay tribute to the mill type structure that originally occupied the site.
- 10.8 The industrial buildings were originally submitted as simple modern steel clad industrial units with brick bases. There is an aspect of this which is acceptable in that the units are located on the lowest part of the developable part of the site and accessed from the end of Education Road they are not highly prominent from many public vantage points. However, comments from Historic England pointed out that this part of the site will contribute to wider views and the roof structures of these

buildings ought to be considered in their historic context. To this end the design has been revised to provide a more traditional 'saw tooth' roof scape that addresses this design issue and deals with the potential for any adverse impact on the character of the Conservation Area. As a result of the comments received from highways there are however likely to be some design changes to the industrial units in particular, however officers will seek to maintain the principle of the roofscape that has been proposed so far.

- 10.9 The final building, the proposed A3 unit on the Scott Hall Road frontage is unashamedly modern in its design approach whilst seeking to respect the features introduced in the retail building through the use of brick at the entrance feature. Given the nature of Scott Hall Road as a modern highway structure unlike the smaller more 'historic' roads that feed off it such as Buslingthorpe Lane, this design approach is considered appropriate.
- 10.10 The overall design was discussed internally at Design Review Panel where the overall approach was somewhat criticised for not making the most of the historic nature of the site in particular providing a more prominent building where the A3 unit is proposed and extending the retail from that, whilst utilising the contours of the site and thus providing a more organic layout of the retail element of the site than what is presently proposed. It is arguable that this design approach would have lower impact on the character of the Conservation Area however it is for Members to take a view as presently it is considered that the current proposal will have a neutral impact on the character of the Conservation Area as it seeks to provide elements in its design that refer back to a more traditional design ethos. The advantage of the approach taken by the developers and broadly endorsed by officers is that it allows for gradients within the site that are the shallowest possible and whilst these gradients are not ideal if the site is to be developed a pragmatic approach is considered appropriate. A major concern of the internal Design Review Panel was that because the main entrance to the retail part of the site is actually on Buslingthorpe Lane, there will be significant pressure to advertise the presence of the 'way in' and the businesses present on the site along the Scott Hall Road frontage. This could lead to significant amounts of advertisement clutter which would be wholly inappropriate on such an important arterial route into the city centre and on the edge of a Conservation Area.
- 10.11 Overall taking into account the design elements and scale of the proposed units both retail and industrial, the impact on the character of the Conservation Area is considered acceptable and at worst it will maintain that character and in parts will enhance it.
- 10.12 **In the light of the above, do Members have any comments in respect of the proposed layout of the site and the design of the buildings?**
- 10.13 **Do Members have any, and if so what, concerns in respect of the proposed methods of advertising that might/could be employed to make the presence of the retail park known to passers-by?**

#### Archaeology

- 10.14 Not long after the designation of the Conservation Area the main buildings on the site were unfortunately gutted by fire leaving little of the historic fabric that once occupied this site left. Since that time, due to the site been in administration it is understood that the remaining buildings on the site have been vacant. In short, there is little left of the historic fabric left and what does remain is likely to be in the form of

archaeological remains. It is considered that these archaeological remains will be of significance and importance both locally and nationally and reference has been made to their potential by both Historic England and the West Yorkshire Archaeological Service.

- 10.15 Should planning approval be recommend for permission, a suitably worded condition will be recommended to be imposed.

#### Highways

- 10.16 Highways officers have raised various concerns in regards to the proposal and it is considered that in relation to the industrial units the foot print of those buildings are likely to alter and possibly be reduced as a result of those concerns. However at the time of writing this had not been finalised and if necessary an oral update will be given at the Plans Panel meeting.
- 10.17 The access off Buslingthorpe Lane is largely agreed in respect of its position however details as to whether it will be a single access point for just this site, or a shared access point with the adjoining residential site were still outstanding at the time of writing.
- 10.18 Access for the servicing of the retail units (not the A3 unit) will be off Education Road. However, due to a levels difference between the end of Education Road and the rear elevations of the retail units the servicing yard of the retail units will be accessed via a ramp and will be located between the rear of the industrial units and the retail units. It is considered that this access arrangement is far superior to one which is shared with the public access point, even though in this case it is somewhat unconventional (despite the applicant submitting several examples of ramped access to various retail locations across the country but some of which are within west Yorkshire). Discussions are underway presently with the developers as the ability to have a HGV manoeuvre within the space provided is in dispute and is dependant, due to the space shown, on there only being a single delivery vehicle on the ramped service area at any one time.
- 10.19 Likewise the car parking and servicing area for the industrial units is proposed off Education Lane but in this instance it is a single access point for all vehicular access. In principle this is considered acceptable. As currently submitted, the proposal for the servicing of these units is even tighter than for the retail units and the normal standard of a 15 metre forecourt serving each unit with vehicle turning space beyond that 15 metre forecourt is not met. There is therefore at present a fundamental objection to the parking layout on highway grounds. Should more than one delivery/servicing vehicle be present on the site of any size then not only will car parking spaces be blocked off rendering them inaccessible but the likelihood is that at least one of the vehicles attempting to service the unit(s) would need to reverse off the site. In addition to this the swept path showing a HGV doing a 180 degree manoeuvre leaves no room for driver error. Discussions are underway with the developer to amend this layout to provide a better car parking and servicing solution to this part of the development.
- 10.20 Concern has been expressed in regard to the proposed A5 use of the retail units as this would lead to a significantly higher car parking requirement than that currently shown on the submitted drawings. The intended A5 use would only relate to a part of one of the units and would not, as the description would suggest in its submitted form relate to an open-ended approval for A1/A5 uses for the retail units. The applicants have confirmed that they are seeking 300 square metres of floor space for

A5 use which could be controlled by condition. However, the parking provision on the site is already at the lower limit for the A1 and A3 uses and the advice of the Highway Engineers is that a significant increase in car parking provision should be made for the A5 use. Indeed the acceptability of the proposed A3 use presently, is on the basis that this unit is likely to be visited, in the main, through linked trips rather than a destination in its own right. To put the level of proposed A5 use in perspective, 300 square metres is larger than one of the smaller retail units shown at 288 square metres and so the A5 use could be a significant percentage of the retail floor space, discounting the discount food based retail unit.

- 10.21 Paragraph 35 of the NPPF supports the provision of sustainable transportation methods and one key reference is the provision of Electric Vehicle Charging points. The Council also have an emerging SPD to provide guidance on the provision of these facilities. The submitted layout at present does not identify any of these facilities and to this end does not comply with this national policy or the Council's overall aims at reducing CO2 emissions. The minimum requirements under that emerging SPD would be the provision of 5 EV points for the retail element of the development and 2 for the Industrial part of the development.
- 10.22 **Do Members agree that the principles of the access points, notwithstanding the 1 in 10 ramps, are acceptable?**
- 10.23 **Do Members agree that the A5 use should be removed from the proposal given the already limited amount of car parking vis-à-vis the amount of retail floor space proposed?**
- 10.24 **Do Members agree that the scheme for both the retail and the Industrial part of the scheme should provide Electric Vehicle Charging Points and that these should be indicated on the submitted drawings prior to final determination of the application?**

#### Sustainability

- 10.25 A sustainability statement has been submitted that seeks to ensure that the re-development of the site meets or exceeds, where practicable, issues of sustainability. Some of these issues are already covered in things such as the drainage requirements referred to in the consultees section where because of the sites location near to the Sheepscar Beck conditions are recommended should any planning permission be granted. However, items such as an external lighting scheme which uses energy efficient forms of illumination, the use of materials that are BREEAM compliant the use of solar panels or equivalents so that a percentage of the sites energy needs can be provided from renewable sources etc are included. It is considered that the recommendations of this report should be implemented during the construction and retained for the lifetime of the development.
- 10.26 It will be recommended that the recommendation within the sustainability statement are conditions should planning permission be recommended for approval.

## **11.0 CONCLUSION**

- 11.1 Members are requested to provide answers to the questions posed in the main body of this report, all of which are reproduced below for ease of reference and to offer any additional comments that they consider are appropriate regarding this development proposal:

Do Members agree with the principle of the mix of development shown on the submitted drawings?

In the light of the above, do members have any comments in respect of the proposed layout of the site and the design of the buildings?

Do Members have any, and if so what, concerns in respect of the proposed methods of advertising that might/could be employed to make the presence of the retail park known to passers-by?

Do Members agree that the principles of the access points, notwithstanding the 1 in 10 ramps, are acceptable?

Do Members agree that the A5 use should be removed from the proposal given the already limited amount of car parking vis-à-vis the amount of retail floor space proposed?

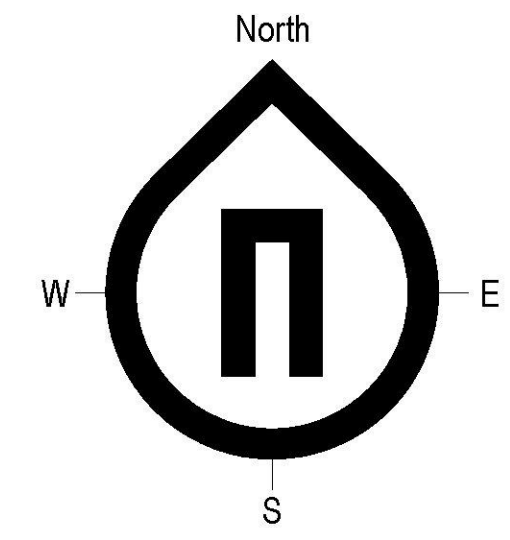
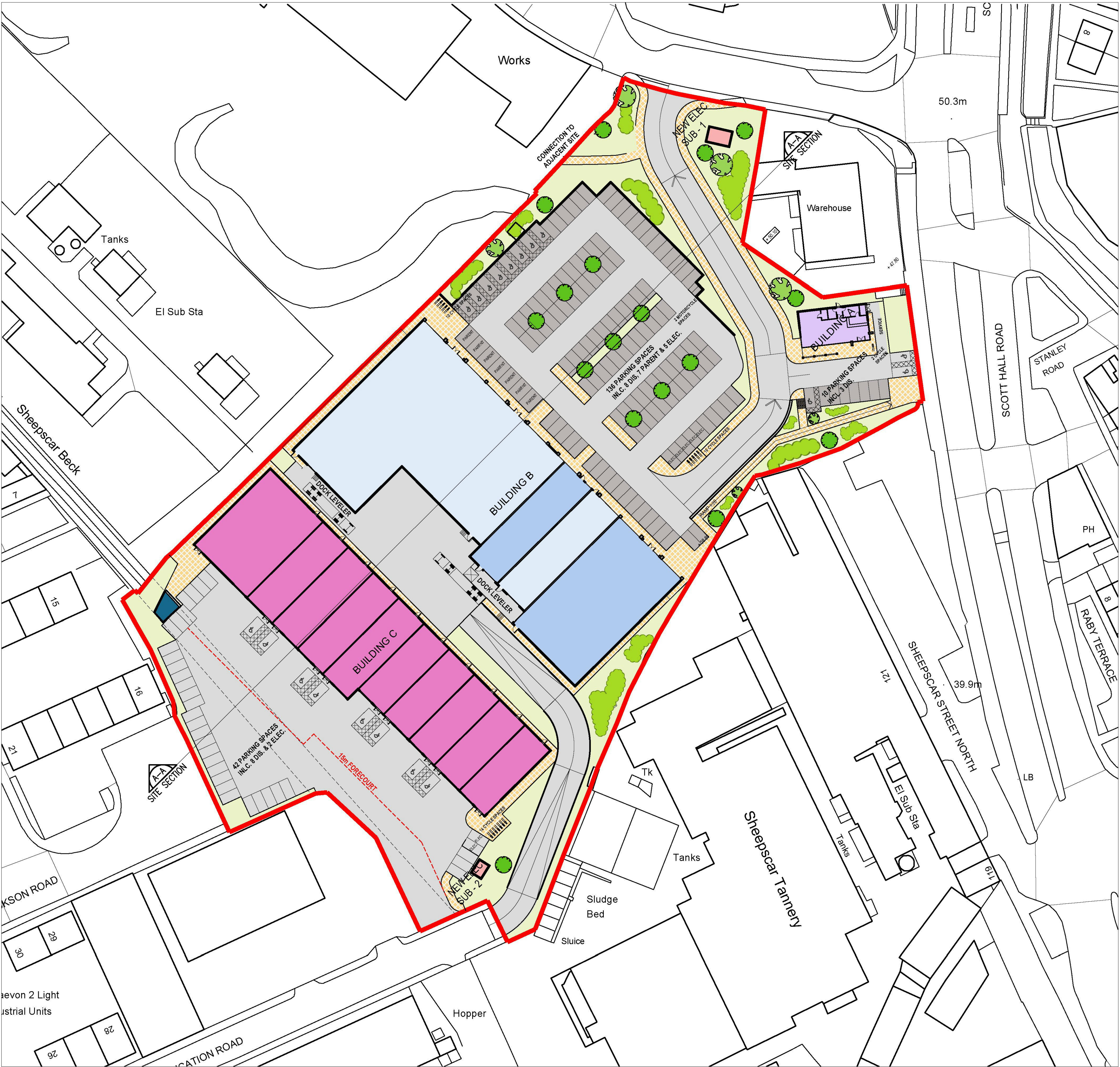
Do Members agree that the scheme for both the retail and the Industrial part of the scheme should provide Electric Vehicle Charging Points and that these should be indicated on the submitted drawings prior to final determination of the application?

### **Background Papers:**

Application files: 16/02759/FU

Certificate of ownership: Signed on behalf of the applicant with Certificate B submitted confirming that the applicant is not the owner of the application site at the time the application was made.





**NOTES**  
 Do not scale from this drawing. Only figured dimensions are to be taken from this drawing.  
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**DRAWING STATUS/TYPE KEY**

F	Feasibility	SK	Sketch	L	Landscape	C	Construction
P	Planning	M	Marketing	S	Survey	AB	As Built
T	Tender	TNT	Tenant	OS	Ordnance Survey		

**KEY**

PRIMARY PEDESTRIAN ROUTES

PRIVATE PEDESTRIAN ROUTES

G	BARRIER SHOWN, PARKING AMENDED, PEDESTRIAN ROUTES SHOWN	RS	08-12-16	NW	08-12-16
F	BUILDING C AMENDED, SERVICE YARDS ALTERED	RS	15-11-16	NW	15-11-16
E	ROAD AMENDED	RS	18-08-16	NW	18-08-16
D	LANDSCAPING STRIP INTRODUCED	RS	02-08-16	RS	02-08-16
C	*SCOTT HALL ROAD* NOTE CORRECTED & SUB 2 RELOCATED	NW	06-07-16	RS	06-07-16
B	ISSUED FOR PLANNING	RS	28-04-16	NW	28-04-16
A	PEDESTRIAN RAMP ADDED AND LEVELS AMENDED	RS	25-04-16	NW	25-04-16
REV	DESCRIPTION	DRAWN	DATE	CHECKED	DATE

**REVISIONS**

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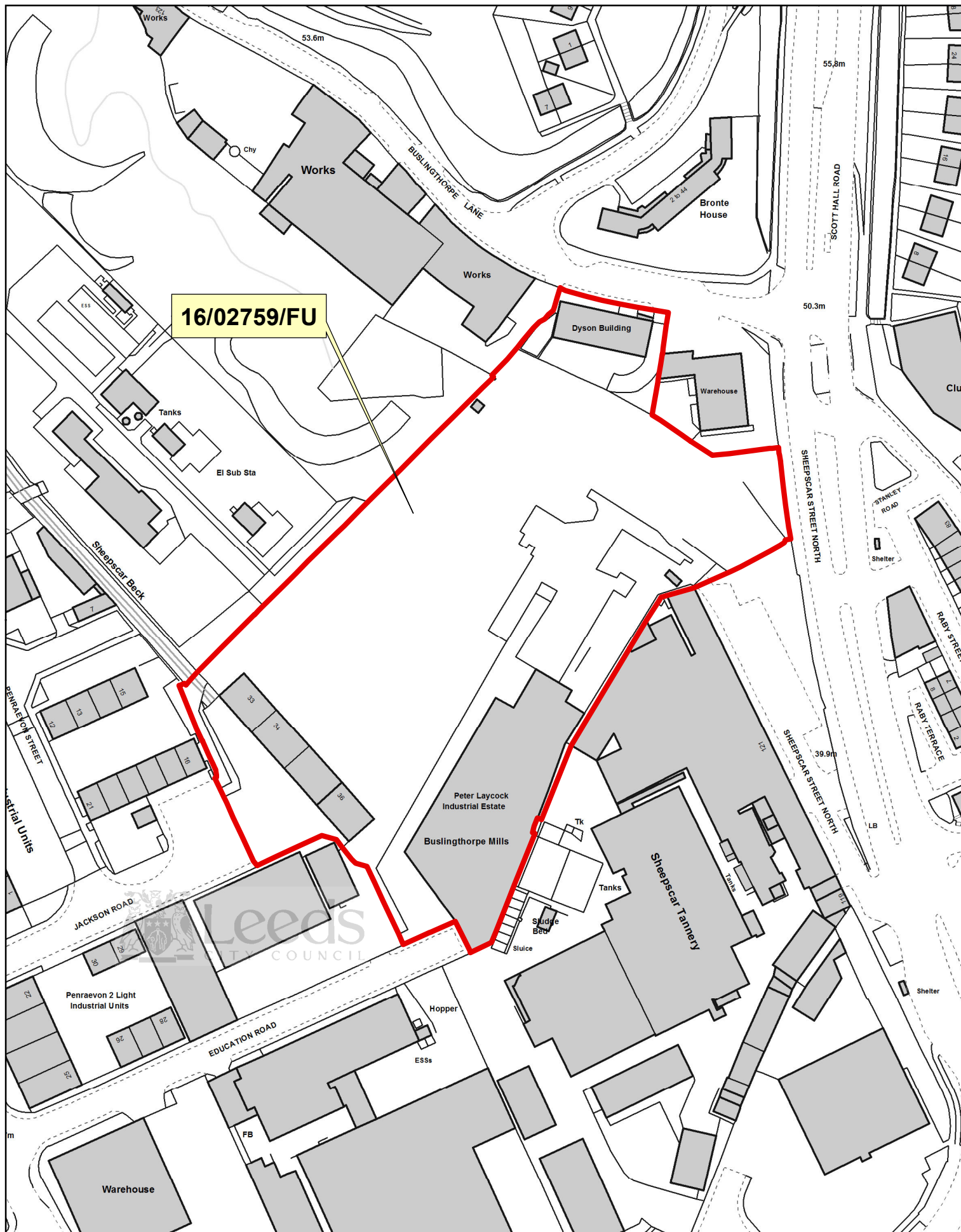
**DRAWING TITLE**  
 Site Plan  
 Proposed

Scale	Drawn By	Date Drawn
1:500 @ A1	NW	26-10-16
	Checked By	Date Checked
	RS	26-10-16

**Drawing No.**  
 15022 - P100

**Revision**  
 G





# NORTH AND EAST PLANS PANEL

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SCALE : 1/1500

