



**Report of the Chief Planning Officer**

**PLANS PANEL WEST**

**Date: 18<sup>th</sup> June 2010**

**Subject: APPLICATION 10/01298/EXT – EXTENSION OF TIME TO PERMISSION FOR PLANNING APPLICATION TO ERECT 9 RETAIL UNITS (CLASS A1) AND 3 FOOD AND DRINK UNITS (CLASS A3 – A5) AT BRITISH HOME STORES SITE, BRIDGE ROAD, KIRKSTALL, LEEDS 5**

**APPLICANT**

Mildenhall Holdings Ltd – T  
Morris

**DATE VALID**

19<sup>th</sup> March 2010

**TARGET DATE**

18 June 2010

**Electoral Wards Affected:**

**Kirkstall**

Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION**

**DEFER AND DELEGATE FOR SECTION 106 AGREEMENT the submission and monitoring of a Travel Plan, funding for off site landscape works, funding for the improvement of Public Transport and/or public transport infrastructure and subject to the following conditions:**

1. Time limit
2. Development shall be line with approved plans
3. Samples of external materials to be submitted
4. Details of fencing and boundary treatment to be submitted
5. No mezzanine floors and no use of storage areas for retail sales for Units 1 – 5 and 'Allders' store
6. Scheme for external storage to be submitted
7. Details of storage and disposal of litter to be submitted.
8. All existing trees, shrubs and other natural features shown on approved plans to be retained
9. Landscaping scheme to be submitted
10. Landscaping scheme to be implemented

11. Replacement of landscaping if die or seriously damaged in first 5 years
12. Areas to be used by vehicles to be laid out.
13. The development shall not commence operating until the off site Junction improvements at the junction of Leeds and Bradford Road, Bridge Road and Broad lane have been completed and are operating.
14. Full details of the access to and egress from the site to be submitted
15. Internal and external directional signs to be submitted
16. Details of cycles and motorcycles parking areas to be submitted
17. Green travel plan to be submitted
18. Full details of proposed landmark feature to be submitted
19. Except for 3 units for A3, A4 and A5 all other units shall be non food retail
20. Scheme of external lighting to be submitted
21. No occupation of units 1-5 or 'Allders' store until units 6-11 on Bridge Road frontage are completed
22. Layout and management of car parking areas to be submitted
23. Before development commences the flood defences shall be provided
24. Full details of proposed ground floor levels to be submitted
25. Scheme for provision of surface water and ground water drainage works to be submitted
26. No new buildings and structure within 6 metres of watercourse and 3 metres of culverted watercourse
27. No external advertisements within written consent from Local Planning Authority.
28. Reason for approval.

## **1.0 INTRODUCTION:**

- 1.1 The Chief Planning Officer considers that this application should be referred to the Plans Panel for determination following requests from Ward Members (Councillors Atha and Illingworth) plus the previous application 24/413/04/FU was a Panel decision which was subsequently allowed at appeal.

## **2.0 PROPOSAL:**

- 2.1 A planning application for 9 retails units (Class A1) and 3 food and drink units (Class A3 to A5) (application reference number 24/413/04/FU) was refused planning permission by Panel on 18<sup>th</sup> May 2006 for the following reasons:

1. The Local Planning Authority considers that the redevelopment of this site for purely retail development fails to provide a sufficient mix of uses and therefore an integrated town centre on a significant site within the S2 centre and is therefore contrary to the thrust of national guidance in PPS6 and companion document - Planning for Town Centres: Guidance on Design and Implementation tools - and Policies S2 and S3 of the adopted Unitary Development Plan.

2. The Local Planning Authority further considers that the larger retail units behind the Bridge Road frontage by reason of their siting, design and layout and dominance of car parking fail to provide a well designed town centre layout and sense of place and do not relate well to their setting or context with regard to the river or the Abbey grounds contrary to the thrust of national advice in PPS1, PPS6 and companion document - Planning for Town Centres: Guidance on Design and Implementation tools - and Policies N12, N13, N19, BD2 and LD1 of the adopted Unitary Development Plan.

2.2 The application was the subject of an appeal which was allowed and permission was granted on 7<sup>th</sup> April 2008. The permission is for the replacement of the existing Alders store with a new large store and the erection of 11 other units. Three of these units are proposed for A3 use. Five of the units will be physically attached to the large store and six smaller units including the 3 A3 units will front Bridge Street. The gross floor area to be created is approximately 16,620 square metres. The site is 1.27 hectares in extent and the existing department store has a gross floor area of about 12730 square metres. A new focus will be created with an area of open space with a landmark feature on Bridge Road. The Bridge Road and Savins Mill Way junction will be adjusted and improved pedestrian linkages will be made with the Morrisons development across the road. A new bus layby will be provided on the site frontage on Bridge Road next to the public square.

This application is for an extension of the time period for the above scheme (which expires on the 7<sup>th</sup> of April 2011) to be implemented.

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

3.1 The application site comprises the former Alders department store in a single building of varying elements with a car park surrounding the building on all sides. British Home Stores occupy the building at the current time. Vehicular and pedestrian access is from Bridge Road where the front entrance into the store is located. To the north of the site is the Abbey Light railway and Abbey Mills, to the south there is the Kirkstall Design Centre and the River Aire, to the west there is a single dwelling at the weir and beyond that the River Aire and Kirkstall Abbey, to the east there is the Morrison's development and a rugby training ground. The site forms part of the defined Kirkstall District Centre in the adopted UDP. The existing building is brick and two storey fronting Bridge Road with a series of pitched roof industrial sheds behind. The landmark clock tower on top of the building was removed in 2005 for safety reasons.

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

H26/47/77 – Change of use of warehouse to retail sales. Refused 25 Jul 1977 but allowed on appeal 11 Oct 1978  
24/113/03/FU – removal of condition B of H26/47/77 (sales of durable goods only). Approved 5 Sep 2003  
24/413/04/fu – application for 9 retail units and 3 food and drink units refused permission on 22 January 2007 allowed on appeal on 7<sup>th</sup> April 2008.

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

5.1 None.

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

Councillor Illingworth and Councillor Atha have both objected to the application concerned with the following:

- Poor design
- Overbearing
- Effect on Kirkstall Abbey Park
- Traffic congestion and its impact on surrounding areas and Quality Bus Scheme

- Insufficient provision for cyclists, walkers and bus passengers. Adjustments to boundaries could yield huge improvements
- If a new footbridge provided would greatly improve public access to sports facilities and permeability along the valley floor
- Need to readdress highway matters such as proposed road layout, signal timings and capacity issues.
- Flooding issues also need to be re-examined in light of Leeds Flood Alleviation Scheme
- Need to re-examine the proposal as development proposed on Kirkstall District Centre, development due to start at Kirkstall Forge site
- New section 106 agreement needs to be drawn up involving the local Councillors

## **7.0 CONSULTATIONS RESPONSES:**

Statutory: None

Non-statutory:

Highways – An updated TA highlights a number of changes in operation of the highway network since the previous application was considered. To mitigate against this BHS should look to ameliorate any impact by a small scale improvement at the Leeds and Bradford Road junction. This would involve separately signalling Bridge Road left and right, allowing more specific use of stages and clearances. At the same time the variable Puffin crossing could revert to normal junction crossings which would benefit traffic coordination. An increase in public transport contribution may also be required.

## **8.0 PLANNING POLICIES:**

PPS1 – Creating sustainable communities.

PPS4 – Planning for Sustainable Economic Growth

The site is unallocated in the Leeds Unitary Development Plan (2006) and is located within the town centre of Kirkstall.

Relevant Unitary Development Policies;

S2 – vitality and viability of town centres to be maintained and enhanced.

S3 – enhancement and maintenance of town centres.

S3a – priority given to refurbishment and enhancement of Kirkstall.

BD5 – new buildings design consideration given to own amenity and surroundings.

N12 – priorities for urban design.

N13 – new buildings should be of high quality.

LD1 – landscape scheme.

T2 – development capable of being served by highway network.

T24 – car parking guidelines.

GP5 – detailed planning considerations should be resolved including design and loss of amenity.

## **9.0 MAIN ISSUES**

1. Principle of development

2. Assessment of the change in planning circumstances since the appeal scheme was allowed in 2008.

3. Representations

## 10.0 APPRAISAL

### 1. Principle of development

The guidance on determining applications for the extension of time to implement planning permission advises Local Planning Authorities that the 'principle' of the development has already been established by the original permission. Accordingly, as the proposal is unchanged in design, appearance, layout, scale and in all other regards, the principal of development is considered acceptable and should not be the focus of the debate in determining this application. Rather it is the consideration of any changes in material planning circumstances that have taken place since this application was allowed on appeal in 2008 that are relevant.

### 2. Assessment of change in planning circumstances

Planning Policy Statement 4 – Planning for Sustainable Economic Growth (2009) was published after the appeal decision. In this document the Government encourage vitality and viability of town centres and promote new economic growth with a wide range of services. Local planning authority should proactively plan and promote a competitive environment. This site is located in the town centre. The planning application is for a range of retail units which differ in size which should bring a range of occupiers to serve the local area. There are also some A3 units which will bring more variety to the site. It is considered that the proposal complies with the aims of PPS4.

The Unitary Development Plan had been reviewed in 2006 prior to the determination by the Plans Panel of this application. Policies relating to retail development in the Unitary Development plan were used in the assessment by the Members and was also used by the Planning Inspector in his consideration of the merits of the appeal. There have been no new planning policy developments that relate to this decision.

There have been changes to the local highway network since the last approval. An updated TA has been provided to take on board these changes; their impact on the highway network along with the proposed traffic generation from this scheme. A copy of this has been forwarded to Cllr Illingworth. The TA has shown that the highway network can accommodate the level of additional traffic generated with some minor additional off-site highway works which the highway authority are considering.

The provisions of the Community Infrastructure Levy (CIL) are now in force and it is considered that the requirements of the Section 106 agreements pass the 3 tests of the CIL in that the requirements are:

- (a) necessary to make the development acceptable in planning terms
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

### 3. Representations

There have been two objections from Councillors regarding the planning application. A number of their concerns relate to issues that were addressed at the appeal and there has been no material change in circumstances so they cannot be reconsidered as part of this application. These include the following:

- Poor design
- overbearing
- effect on Kirkstall Valley Park
- Flooding issues
- assess the proposal in relation to Kirkstall District Centre and Kirkstall Forge site
- New section 106 agreement needs to be drawn up involving the local Councillors

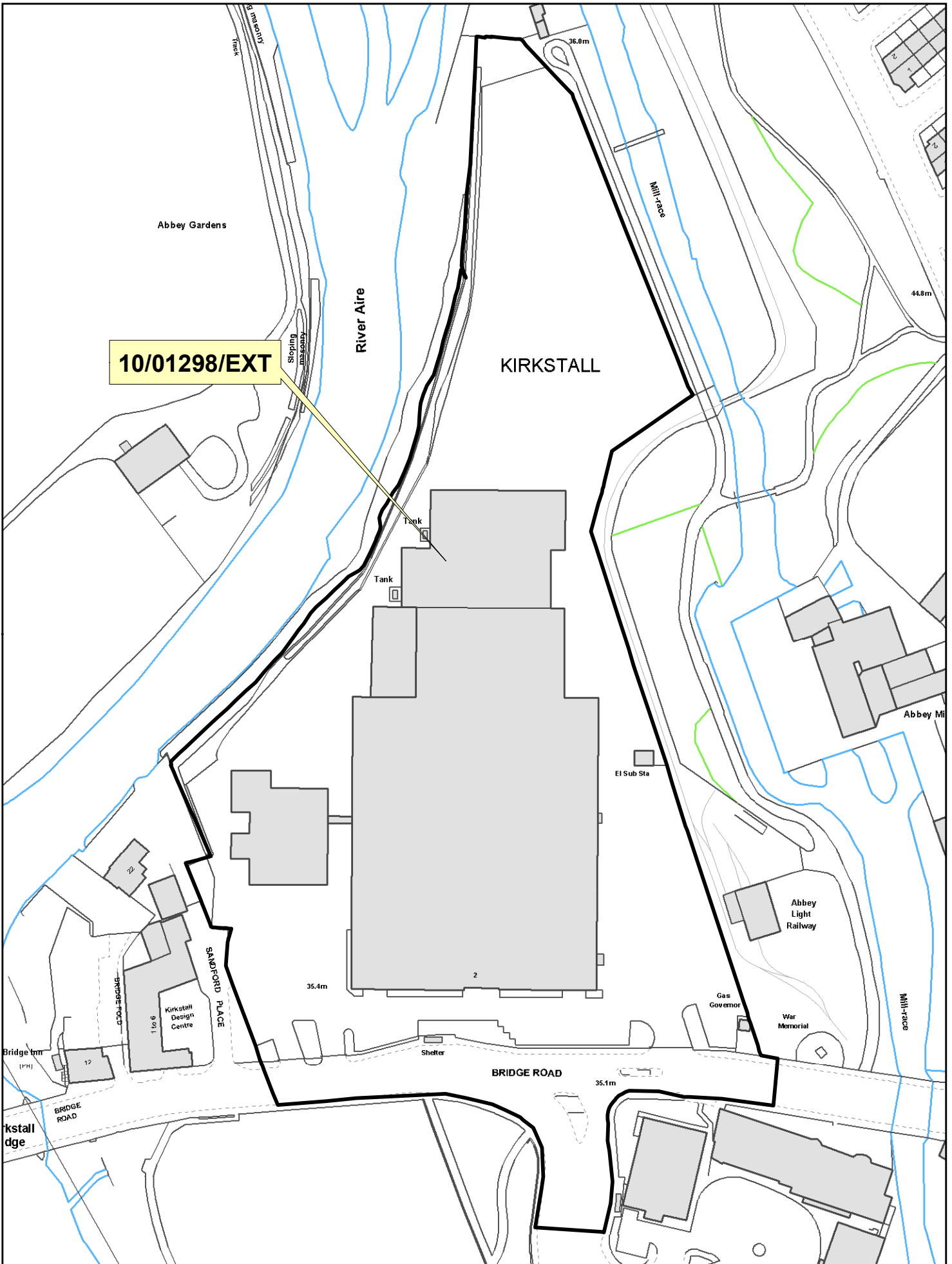
The other issues relate to the highway network which have been assessed with the updated TA that has been submitted.

## **11.0 CONCLUSION**

It is considered that there has been no material change in planning circumstances to justify refusing this development. The scale, design and intensity of the scheme were considered by the Planning Inspector to be acceptable when the appeal was allowed. The request for an extension of time for the implementation of this development is recommended for approval.

### **Background Papers:**

Application file: 10/01298/EXT



**10/01298/EXT**

# WEST PLANS PANEL

