Leeds CITY COUNCIL

Originator: Richard Smith

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**Report of the Chief Planning Officer**

**PLANS PANEL EAST**

**Date: 6th October 2011**

**Subject: APPLICATION 11/02744/FU – Demolition of public house and erection of single storey retail food store, associated car parking and landscaping at Middleton Arms, Middleton Park Road, Middleton, LS10 3SA**

| APPLICANT | DATE VALID | TARGET DATE |
|---|---|---|
| Aldi UK | 14 July 2011 | 13 Oct 2011 |

| Electoral Wards Affected: | Specific Implications For: |
|---|---|
| **Middleton Park** | Equality and Diversity ☐ |
| | Community Cohesion ☐ |
| Yes ☐ Ward Members consulted (referred to in report) | Narrowing the Gap ☐ |

**RECOMMENDATION: REFUSE permission on grounds:**

1) The existing Public House building by reason of its siting, appearance and age constitutes a valued component of the historic environment and consequently the loss of this non-designated heritage asset where inappropriate re-development is proposed is considered to be detrimental to the area's local character and appearance to which it also fails to take opportunities available for improving upon this, contrary to advice set out in Planning Policy Statement 1 – Delivering Sustainable Development (2005) and Planning Policy Statement 5 – Planning for the Historic Environment (2010);

2) The proposed replacement building by reason of its overall size, siting, layout / design and landscaping would result in an over-dominant structure with associated increased effects of overshadowing, comings and goings and disturbance which would be harmful to the amenities of the residents of adjoining properties contrary to advice set out in Unitary Development Plan

Review policies BD5, LD1 and GP5 and guidance in Planning Policy Statement 1 – Delivering Sustainable Development (2005);

3) The detrimental impact upon visual amenity by virtue of the loss of protected trees where by suitable replacements and meaningful landscaping are also not shown contrary to advice set out in Unitary Development Plan Review policies LD1 and GP5.

## 1.0 INTRODUCTION:

1.1 This application has been made following pre-application meetings and discussions with the Local Planning Authority and following two public exhibitions and community consultation over the past year.

1.2 It is brought before Plans Panel due to the level of local representation produced and sensitivity of the proposals to be balanced.

## 2.0 PROPOSAL:

2.1 The proposal is for the demolition of the Middleton Arms Public House as replaced by a retail food store of 1435m$^2$ with an internal sales area of 990m$^2$ with 75no car parking spaces and associated hard and soft landscaping. Aldi UK are a discount food retailer; they propose around 20 – 30 jobs (mixture of part and full-time).

2.2 The building proposed is of brick construction with a clad apex roof construction. Some glazing is also shown around the public entrance (south-west corner) and the west elevation. Its height at the highest point of the roof is 9.8m and although is based on a single ground floor layout is more akin to two storeys in height.

2.2 The existing access points to the current Public House car park would be closed off and replaced by a single access point off Middleton Park Road. A loading bay is situated to the north-east corner of the building.

2.3 Of three protected lime trees to the front of the site facing Middleton Park Road, one is proposed for removal whilst the other two are proposed to be crowned. There is a further protected Sycamore tree to the rear of the site; this is proposed to be retained whilst all other vegetation from the rear boundaries of the site is to be removed.

2.4 A draft Section 106 ‘Heads of Terms’ Planning Obligation has been produced which lists the production of a Travel Plan (which incurs a monitoring fee of £2500), a contribution to be made to Public Transport and to endeavour to make employment opportunities available via the Council’s Jobs and Skills Services.

## 3.0 SITE AND SURROUNDINGS

3.1 The Public House is a two storey building with dormer accommodation in the roof space. It is of brick construction with a slate roof and large fan shaped timber entrance that surrounds the front entrance. It has not long been closed by the Brewery and was in active use as recently as 2010/11. It has been recently boarded up.

3.2 It was built in circa 1925 where the applicant's own heritage statement says as a "hotel, tea rooms, dance and concert room" (information as sourced from the West Yorkshire Archive Service) which is suggested to mean a 'reformed' pub / hotel / inn with combined licensed and unlicensed premises.

3.3 It is considered to be an imposing building which faces onto one half of the semi-circular Middleton Circus in symmetry with other shops to the south side and dwellings on the north side which are centred on this road layout. These shops to the south form the basis of the Middleton Circus Local Centre, as designated under policy S4 of the UDPR. As it is situated within 300m of the Primary Shopping Frontage, the site is considered to form an 'edge of centre' location in a shopping hierarchy sense (regards to advice within PPS4).

3.4 To the north and east sides, the site adjoins two storey residential property on St Phillips Close, Moor Flatts Avenue and Middleton Park Road.

3.5 The large surrounding grounds and open views from adjoining open green-space help to define the building as a striking structure in the local context and street scene. These grounds once featured a sunken garden and tennis courts but although until recently this area has been in use as a beer garden, it now appears somewhat neglected and overgrown.

3.6 There is some fine detailing to the exterior of the building with the central entrance featuring pilasters and the large fanlight. Some high quality quoin and dentilled cornices and impressive rubbed brickwork swags help to make up the ornate frontage. As the applicant's heritage statement quotes from the British Builder 1925 it is a building of "real architectural merit".

3.7 The interior has undergone some alterations over the years (it is understood) however as no access has been obtained this is not known to what extent. It is believed to retain some of the original 1925 fittings and fixtures such as the doors, surrounds, cornicing, one fireplace, staircases etc. The building is believed to still contain the original ballroom.

3.8 The building is considered to be of a high architectural quality and the LPA considers it to therefore be a 'non-designated heritage asset' as recognised by Planning Policy Statement 5 – Planning for the Historic Environment (2010).

3.9 The site also contains four large mature trees which contain protection order status (ref. 2010/40). These are three large lime trees to the front (facing Middleton Park Road) and one Sycamore to the rear. The grounds / boundaries also feature a number of other trees / vegetation that create a

natural softened buffer to the residential properties around the north and east sides of the site.

## 4.0 RELEVANT PLANNING HISTORY

4.1 None relevant.

## 5.0 HISTORY OF NEGIOGATIONS

5.1 A formal pre-application enquiry was made to the LPA under ref. PREAPP/11/00014 in January 2011. This followed one preliminary ‘scoping’ meeting in 2010 where Aldi presented their initial proposals. A further formal meeting was then held in January.

5.2 Concerns were raised at these meetings over the principle of development from a conservation standpoint, namely the loss of the building in its local context and the replacement design / structure proposed which was a more flat roofed white clad building with orange canopy feature.

5.3 The initial Aldi scheme proposed here (same sales area) was set to the rear of the site with the car park to the front. Concern was raised by Officers as to the impact upon both the local street scene and historical layout of development around the Circus as well as the impact upon residential property and amenity to the north / north-east sides.

5.4 Other concerns were raised around some aspects of the retail related information produced and highway safety / parking levels. However these were not considered issues that would be insurmountable.

5.5 A public consultation exercise was then undertaken which in particular featured an afternoon public exhibition as held in January within Middleton (St. Mary’s Parochial Hall).

5.6 In response to the concerns raised a further site layout was proposed essentially as submitted in the present application. Again Officer concern was raised over the principle of the building loss and replacement structure. Further meetings were held to discuss whether Aldi would consider a possible conversion / adaptation of the building instead of demolition. The architects produced some drawings showing part of the fan light and pilasters retained but this was the only notable retention suggested. Aldi pointed out that their business model (based on standard store dimensions and isle layout formats) would not allow them to try to retain the building in whole or part. The LPA considered that this was not flexible enough and the same concerns were still made.

5.7 The application as proposed was then submitted at the same time as a second public consultation exhibition and community consultation as held in July 2011.

5.8 Revisions have been made by Aldi through the course of the application to try and address consultee comments – these revised plans as received on 15 September are being re-consulted to the relevant consultees and an update on this will be made at Plans Panel.

## 6.0 PUBLIC/LOCAL RESPONSE

6.1 The applicant has submitted a Supporting Consultation Statement as undertaken by 'Remarkable Property and Planning Communications' (i.e. Statement of Community Involvement). Upon request, updated further clarification has also been provided by the planning agent's following validation.

6.2 The SCI includes details of the consultation carried out by Aldi and their consultants:

- 2 meetings held with Planning Officers to discuss proposals;
- 2 briefing sessions given to Ward Members;
- Design meeting held with Planning and Design Officers;
- 2 public exhibition days organised and presented by Aldi and as held at St. Mary's Parochial Hall, Middleton (on 19th January and 19th July 2011);
- Invitations to the exhibition, newsletter of the scheme proposed and about Aldi as sent to around 750 local households in Middleton; additionally a further 530 households were also sent a newsletter
- Invitations to a 1hr preview session held before the public exhibition were sent to Ward Members, Leader of Council, Council Group Leaders, Cabinet Members, Plans Panel Members and the local MP;
- A newsletter to be sent to Ward Members, Leader of Council, Council Group Leaders, Plans Panel Members and the local MP informing them of the submission of the plans and responses to the comments made to date.

6.3 Feedback forms were made available at the public exhibition for comments to be made which would be then collated. Any residents then who supported the scheme as presented were then sent standard pre-paid postcards with the current application reference number printed allowing them to submit comments of support direct to the LPA.

6.4 A telephone enquiry line was also made available for queries to be raised by the public.

6.5 The application has been advertised by way of site notices around the site dated 22nd July 2011. The following representations have been received as follows:

- 15 x individual letters of objection (mainly from local residents around the site)
- 2 x individual letters of support
- 1 x postcard of objection*
- 74 x postcards of support (mainly from residents all over Middleton)*

- 1 x postcard of comments*

  ** these postcards are ones as produced by Aldi which were distributed to residents at the exhibition who were supportive of the scheme as outlined above in para. 6.2.*

6.6 The points of <u>objection</u> made are summarised as follows:

- Public House should be listed;
- different use(s) should be placed within building e.g. children's play area or community cafe;
- replacement building poor structural quality as to the building being removed;
- building part of Middleton heritage where much is already gone forever;
- Public House has traded successfully in past and could still do so again;
- Middleton already lost a number of Public Houses;
- exterior of building could be used;
- sustainable / central site for social community use;
- any previous problems of neglect and anti-social behaviour should not be a pretext for removal of the building and can be overcome by investment, restoration and effective management;
- supermarket useful local facility but does not need to be site specific;
- supermarket will give footfall at night where as the Public House can which supports other local businesses such as takeaways;
- building has in the past served the community well including sporting groups (changing rooms) and even for congregational purposes at one time;
- not invited to public exhibition (x2);
- loss of sun light / light / over-shadowing of rear garden;
- over-dominance from side gable wall;
- sun analysis could be more comprehensive / wider;
- noise leakage from loading bay and refrigeration equipment a concern;
- no mention of car park being secured at night giving rise to anti-social behaviour;
- pest control a concern;
- overflow parking from store / two local schools onto Middleton Park Road;
- additional levels of traffic;
- impact upon local traders / area as a whole;
- sufficient shops exist locally already;
- previous layout proposed preferred;
- impact upon value of property;
- previous proposal for discount retailer already rejected on land adjacent to the site in 1995;
- other local food retailers have closed and premises then becoming vacant (Kwik-Save at Dewsbury Road and Holbeck and Somerfields at Middleton Ring Road)
- loss of trees a concern;
- use not appropriate in residential area

6.7 The points of support are summarised as follows:

- building run down and dilapidated / ‘eye-sore’ (previously a fine building);
- building commonplace to trouble / Police involvement;
- local employment opportunities presented / prosperity;
- easier to get to than / reduction in travel to alternative retailers (including Aldi at Beeston Ring Road);
- discount retailer good for household incomes;
- potential for accessible (e.g. level access) shop format;
- more choice locally in retail terms / good for competition;
- ‘smarten’ / regenerate the area.

## 7.0 CONSULTATION RESPONSES

**Statutory:**

7.1 Highways
Objections raised against access position, kerb alignment, and inadequate level of TRO parking restrictions (revised plans have been forwarded for formal further comments). Any permission granted should be personal to Aldi (as a discount retailer) based on the level of parking provided for.

**Non-statutory:**

Access Officer
7.2 No comments received.

Architectural Liaison Officer
7.3 No objections raised. Detailed advice on security measures outlined.

Contaminated Land Officer
7.4 No objections subject to conditions.

Environmental Protection Team (Environmental Health)
7.5 No objections subject to conditions.

Flood Risk Management
7.6 No objections subject to conditions.

METRO
7.7 No comments received.

Public Transport Improvements Officer
7.8 Proposed development will generate a large number of trips, proportion of which will be on the public transport network. Contribution of £40,424 is sought.

‘Travelwise’ (Travel Plan Officer)

7.9 Comments and revisions to wording of Travel Plan suggested. Travel Plan Evaluation Fee of £2500 applicable.

## 8.0 PLANNING POLICIES

8.1 The development plan comprises the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006) (UDPR). The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development.

8.2 The relevant RSS policy is considered to be E2 which states that town centres should be the focus for offices, retail, leisure and entertainment.

8.3 The site is not covered by any specific designation as contained within the UDPR although as mentioned a Tree Protection Order (no.2010/40) does exist on the site. The following policy advice is considered to apply:

<u>UDPR</u>
GP5 – Detailed Planning Considerations
GP7 – Planning Obligations
N12 – Priorities for Urban Design
N13 – Design and New Buildings
N25 – Development and Site Boundaries
N39A – Sustainable Drainage
T2 – Transport Provision for Development
T7A – Cycle Parking Guidelines
T7B – Motor Cycle Parking Guidelines
T2C – Travel Plans
T2D – Public Transport Contributions
T24 – Parking Provision for New Development
S2 – Vitality and Viability of Town Centres
S4 – Retention of Retail Character
S5 – Major Retail Development Location (Sequential Test)
S8 – Neighbourhood Shopping Areas
BD4 – Plant Equipment and Service Areas
BD5 – Amenity and New Buildings
LD1 – Landscaping Schemes

8.4 <u>Leeds Local Development Framework (emerging)</u>
Development Plan Document - Statement of Community Involvement (2007)

8.5 <u>Supplementary Planning Advice</u>
- Travel Plans (2011) – Supplementary Planning Document (draft)
- Public Transport Improvements and Developer Contributions (2008) - Supplementary Planning Document
- Building for Tomorrow Today, Sustainable Design and Construction (2010) - Supplementary Planning Document
- Sustainable Urban Drainage in Leeds (2004) - Supplementary Planning Guidance

8.6 National Planning Policy Advice

- Planning Policy Statement 1 (PPS1) – Delivering Sustainable Development (2005)
- Planning Policy Statement 4 (PPS4) – Planning for Sustainable Economic Growth (2009)
- Planning Policy Statement 5 (PPS5) – Planning for the Historic Environment (2010)
- Planning Policy Guidance Note 13 (PPG13) – Transport (2001)

- National Planning Policy Framework (draft)
- Ministerial Statement: Planning for Growth (March 2011)

## 9.0 MAIN ISSUES

1 – Loss of Non-designated Heritage Asset and Design / Character of Replacement Building
2 - Economic Development and Planning Obligations
3 – Retail Planning Policy
4 – Highway Safety
5 – Residential Amenity
6 – Trees and Landscaping

## 10.0 APPRAISAL

Loss of Non-designated Heritage Asset and Design / Character of Replacement Building

10.1 The loss of this building is considered would be significantly detrimental when considered from a heritage perspective. PPS5 provides recent national guidance on such matters, particularly under policies HE7 and HE8. Taking on board advice from the Council's Conservation Officer it is considered that the building is a 'non-designated heritage asset' – which is not designated – i.e. as a Listed Building is - but which is of heritage interest and thus a material planning consideration.

10.2 The building is certainly considered to be of strong heritage interest. It is a fine example of a 'reformed' Public House (premises which became identified as a more respectable, suburban pub in the early 20th century with combined licensed and unlicensed premises). Indeed as the applicant's own Heritage Statement partially points out, the British Builder (1925) praised the building as being of *'real architectural merit'* and *'sets an example for English Inns'*.

10.3 This recognition of the building's qualities was followed up in the West Yorkshire volume of the Buildings of England series (Peter Leach and Nikolas Pevsner, 1959, as revised 2009) where it was highlighted as the architectural high point of Middleton and being the 'ambitious, freely 'Wrenaissance' Middleton Arms'.

10.4 The exterior of the Middleton Arms contains much of its original quality and whilst the interior is less certain as changes have taken place over the years,

this is considered good reasons why the building can be easily converted / adapted to a variety of other appropriate commercial uses – including retailing, if a viable Public House tenant / business can not be found / established.

10.5 The finer and more distinctive points of the exterior include:

- large central entrance flanked by pilasters and large fanlight;
- quoins;
- edged cornices;
- deep eaves;
- hipped roof with dormer windows;
- rubbed brickwork swags.

10.6 Whilst the building has some exceptional quality on its own right it also forms a distinctive and imposing setting within the Middleton Park Circus – which is generally recognised to be the central point / intersection of Middleton as a whole. It is characterised by properties all facing onto and opposite one another in two semi-circular halves. The surrounding open space and site's spacious grounds as designed as part of this estate layout help to also give the building prominence in its setting.

10.7 The Public House was built as a central point in the Middleton estate, which was part of post WW1 'homes for heroes' social housing policy. Unlike some other estates in Leeds where demolition has been more common place, Middleton's built form has generally stayed intact and the general character of this 'garden city' layout remains today. The Middleton Arms still forms part of that character and was formed as a social centre point in creating a post WW1 Middleton community.

10.8 PPS5, section HE7.3 suggests that to understand a heritage asset's significance to a particular community, the LPA should take reasonable steps to seeking views of that community. It is fair to say that the publicity of the application has revealed differing / split opinions on the historic / architectural merits of the building. Where commentary has not been positive to the building's retention, much has been linked to anti-social behavioural issues known to have occurred in more recent times from the use. However as CAMRA (Campaign for Real Ale) also point out that any previous problems of neglect and anti-social behaviour should not be a pretext for removal of the building and can be overcome by investment, restoration and effective management.

10.9 The applicants have pointed out that the building has now been boarded up by The Brewery and is attracting fly-tipping etc. PPS5, section HE7.6 makes it clear that:

*"Where there is evidence of deliberate neglect or damage to a heritage asset in the hope of obtaining consent, the resultant deteriorated state of the heritage asset should not be a factor taken into account in any decision."*

10.10 The Heritage Statement concludes that the building is of relatively little significance. However it is considered that the methodology in reaching this is considered flawed in that it attempts to assess the building in a national context where as the non-designated heritage asset has been deemed as such due to its local importance. It is considered that the Middleton Arms should be considered in its immediate context and the importance it contributes to Middleton and the Circus in particular.

10.11 In dealing with the loss of the building as presented, assessment is also given to the replacement building as proposed (as required under PPS5). For reasons discussed in the report, the food store building to be erected is considered to be alien to the character of the Circus and the actual qualities of the Public House by virtue of its alignment, materials and general design. Although, the design has been progressed from an earlier more detrimental and poorer quality design – a full clad exterior with orange box entrance canopy feature - with for example the use of matching local coloured brick, it is not considered that this latest replacement building offers the 'positive contribution to the character and local distinctiveness of the historic environment' that PPS5, policy HE7 refers to or indeed follows the guidelines of UDPR policy N13 in ensuring that new buildings respect the character of their surroundings in their designs.

10.12 It is not considered that the building's loss and its replacement has been shown to be justified from a heritage planning perspective and the application is considered to be contrary to PPS5 in this respect. It is particularly contended that a variety of employment based / job creation uses could be potentially successfully accommodated in the building due its size, grounds, sustainability and location which would retain this non-designated heritage asset. The applicant has commissioned a Property Consultancy who suggest otherwise and this matter still would appear to be at dispute by both applicant and Officers.

<u>Economic Development and Planning Obligations</u>

10.13 The proposal would amount to a development intended to create between 20 - 30 jobs, split between part and full time positions. Up to 100 positions during the construction phase are also anticipated by Aldi. This in an area which suffers higher than average (national and local) unemployment and deprivation. The applicants have entered into discussions with the Council's Employment and Skills Service who have in principle confirmed their agreement to work with Aldi to promote and secure positions for local residents. Aldi in turn have suggested that this could be controlled through a Section 106 Agreement and have listed this as a 'Heads of Terms' matter for consideration.

10.14 This offering is in no doubt a positive consideration and in current economic conditions should be given appropriate weight where PPS4 and guidance in the National Policy Framework very much advocate the importance of job creation and general economic related development. Indeed the Ministerial Statement has highlighted that sustainable economic growth should be given

important consideration amongst other relevant considerations and that appropriate weight is given to the need to support economic recovery.

10.15 PPS4 recognises that competition between retailers and enhanced consumer choice in town centres allows for genuine choice to be given to the needs of the entire community. Although this store is proposed just outside of the local Circus designated centre, it is still very much well connected and can be integral to supporting that centre.

10.16 Other planning obligations as listed in the proposed Heads of Terms outline agreement to contribute to Public Transport infrastructure which has been listed as £40,424 and this would be targeted at local improvements under policy T2D and the relevant SPD. A monitoring fee (£2500) for a final agreed Travel Plan has also been put forward by the applicants under policy T2C and its relevant SPD.

Retail Planning Policy

10.17 The application is not considered to raise concerns from a retail policy perspective in both terms of its location and impact. At its nearest point, the site lies only 57m from the Primary Shopping Frontage (46m from the Secondary) that is contained with the UDPR policy S4 Local Centre (Circus). In accordance with PPS4, to be considered as an edge of centre site, the site should be well connected and should not be separated by a major road where there is no existing or proposed pedestrian route.

10.18 The applicant is proposing footpath and crossing improvements to the existing situation between the site and the Circus and therefore it is considered the proposal can be appropriately deemed as ‘edge of centre’ and is sustainable in retail terms where it is well linked to the Circus.

10.19 However, under PPS4 (policies EC14 and EC15), the applicants were still asked to produce a drive time catchment map (5 minutes) from the site and to demonstrate that no other sequentially preferable sites were more suitable / available / viable. It is considered that there are no other preferable sites that can accommodate the applicant store model within this catchment that are more appropriate in their relationship adjacent to other nearby and emerging Local Centres. As well as the Circus, the mapping covered the centres of Middleton Ring Road (a S2 centre as identified in the UDPR) and the edge of the ‘Tommy Wass’ (Dewsbury Road / Old Lane / Beeston Park Ring Road) emerging centre in the draft LDF.

10.20 The only site of some potential sequential merit was that of Benyon House, a site bordering the Ring Road Local Centre. Here the planning agents have noted that the Middleton Arms site has a stronger connectivity to its respective adjoining centre than the Benyon House site by virtue of the road crossing links and attractiveness of the two routes. Indeed the Benyon House site is around 186m from the Primary Shopping Frontage and 110m from the Secondary.

10.21 It is not disputed that sequentially the Middleton Arms provides the most suitable site for the applicant within the 5-minute catchment.

10.22 In line with guidance in PPS4, the applicants were also required to show that capacity existed within the catchment area to ensure negative impacts on other centres / retailers would not occur. The applicant's assessment (see commentary and tables in appendix 9 of the Planning / Economic / Retail statement) has demonstrated that there is sufficient capacity for convenience retail within the catchment area to support the proposed Aldi store as well as the permitted Asda store at the St Georges Road site adjacent to the Ring Road Centre.

10.23 The assessment takes into account the scale and likely sales density of a typical Aldi to estimate its likely turnover. As well as being significantly smaller than the proposed Tesco at the Benyon House site, the Aldi model appears to have much lower sales per square metre (than a Tesco store) or other full range supermarket chain (based on national averages). Taking the scale and sales density together the turnover of the convenience floorspace in the Aldi store, this was assumed to be around £3.8m against over £38m for the Tesco store i.e. a tenth.

10.24 The two proposals are very different in terms of the amount of expenditure they will divert away from existing stores and centres and therefore their impact on those centres. In their relevant applications, a Council commissioned consultant report assessed the combined impact of the Tesco and Asda schemes to be significant and unacceptable particularly on Hunslet District Centre. The Aldi proposal would have a much lower impact on centres such that there is little evidence that it would be significantly adverse to justify refusal on retail planning grounds.

10.25 Because of the much higher turnover of the Tesco scheme applications a much larger catchment area was applied for the Benyon House site in order to justify that capacity was available by using a 10 minute drive catchment, as those proposals would be drawing in expenditure from a wider area and away form a number of town centres towards Middleton. It is considered that this was unnecessary for Aldi to take a similar approach because they identified sufficient capacity for their store within a much smaller catchment.

10.26 As the Aldi position on impact and capacity is dependent on justifying a lower sales density on the basis of them being a discount retailer, it is considered that a condition which secures the permission personal to Aldi / or as a discount retailer, would be justified. Otherwise the proposal could theoretically become a full range foodstore in the future which may have a much greater impact on the relevant affected centres. Aldi have raised no objection to this.

10.27 The application is not therefore considered would be contrary to PPS4 in respect of retail policy guidance or UDPR policies S2 and S4 which seek to protect the vitality and viability of S2 and S4 local centres or indeed policy S5 (location requirements of major retail development).

Highway Safety

10.28 The initial Highways consultation raised some concern over the intended access position on Middleton Park Road which was situated in close proximity to the semi-circular junction point of Middleton Park Circus and the aforementioned road.

10.29 A revised plan which shows a more angled approach into the site which takes the width to around 11m between the central axis has been forwarded to Highways for comments (update to provided at Panel).

10.30 Separate concern over the level of Traffic Regulation Order parking restrictions appear to have been addressed by the Transport Consultant in correspondence received but the intended plan showing this has yet to be formally submitted; however this is a matter where it is considered that agreement through planning condition would also be relevant as this is subject to separate Highways legislation and may possibly be therefore subject to change.

10.31 UDPR (maximum) parking guidelines under policy T24 suggest a much higher level of parking should be accommodated for food retail of this size. The Highways Officer has however recognised the applicant parking surveys from a similarly sized / located Aldi store at York Road, east Leeds. On the basis of the discount food retailer offering and associated parking demands created from such operations, the recommendation is that the parking level of 75no spaces is sufficient under UDPR policy T24 subject to a personal permission being granted.

Residential Amenity

10.32 The loss of the Public House has the potential to lower noise levels and disturbance to local residents in the vicinity of the site. The site's spacious grounds however do provide a good sized buffer to residential property. Objections however have equally pointed out that the large open car park could become an attraction for anti-social behaviour and this is not disagreed with. Any support for the scheme would seek to protect from this arising by suitable barriers / management of the site (e.g. CCTV).

10.33 The proposal will have a significant direct effect on the amenity currently enjoyed by residents at no's 96 - 98 Middleton Park Road in particular. This would arise as a result of overshadowing and over-dominance of their rear residential gardens due to the design / siting / massing of the building. The loading bay being positioned to the side of no 98's garden in particular is a concern.

10.34 The building on this east side is positioned at only 3.5m from the boundary garden of no.98 and will extend 5m back from this dwelling's rear wall and will be slightly higher at eaves and ridge level. Due to the orientation of the proposed building due west of the residential gardens, as shown in the applicant's 'sun path analysis', much additional overshadowing and further loss of light will result to no.98 (both garden and property) and to lesser extent to no.96.

10.35 The introduction of the car parking and the loading bay will have some impact to the residential gardens which back onto the north-east boundary of the site. Landscaping is proposed but the space for this down to around 2.5m in parts will not mean the boundary can afford planting and trees of a good reasonable depth. The Environmental Health Officer does not object to the scheme as such but has insisted that conditions in regards to the plant / machinery, air conditioning, lighting, delivery hours (07.00 – 22.00 Mon – Sat) and opening hours (08.00 – 20.00 Mon – Sat) due to the closer nature of the building and its design adjacent to resident property.

10.36 It is considered that because of the inflexible and rigid building design applied, on balance there will be some detriment to neighbouring residents to the north and east sides that are not considered as apparent when judged against the existing building / use. For these reasons the application is considered contrary to UDPR policies BD5 and GP5

Trees and Landscaping

10.37 In respect of the three lime TPO trees to the front of the site (rated as category B trees (desirable to be retained) within the tree survey), advice from the Council Landscape Officer suggests that the building would need to be set back considerably from the trees to protect them (around 10m minimum).

10.38 The latest plans which show the building moved back slightly further into the site (as revised) show around 4m set back and the applicants are now proposing that 2 of the 3 trees can be retained. Whilst would appear to be at odds with the advice before the LPA, the recently plans have been forwarded again within the Council for comments and advice, which will be updated at Plans Panel.

10.39 It is also considered that the Sycamore tree to the rear will also find long term retention unlikely due to the proximity of the car parking layout. Along with the depth afforded to planting along the north-west, north-east and east boundaries it is not considered that sufficient and meaningful sized landscaping can be accommodated on the site to screen the car parking and building proposed from residential property and gardens. It is considered that the application has failed to fully meet the requirements of UDPR policies LD1 and GP5.

## 11.0 CONCLUSION

11.1 Whilst the application does contain some positive material considerations, such as its intended local employment creation and additional choice to local food store offerings (which can be accommodated without detriment to local retail trading), the proposals are considered to be of detriment from a heritage planning, residential amenity and visual amenity / landscaping perspective and on balance the application is recommended for refusal on such matters.

**Background Papers:**
Application file 11/02744/FU

Certificate of ownership – Notice served on Scottish and Newcastle Pub Company

11/02744

+ 100.00 - Existing Levels
+ 100.00 - Proposed Levels

LEEDS CITY COUNCIL
15 SEP 2011
REVISED

ST PHILIPS AVENUE
ST PHILIPS CLOSE
MIDDLETON PARK CIRCUS
MIDDLETON PARK ROAD
One Way
Presbytery
TPO Tree
Area Of Existing Dense Landscaping
Existing Trees
Approx. site area
**1.24** acres
75 no. Car Parking Spaces
(2.5m x 5m Spaces)
Proposed Trees
2 m high acoustic fence to service area
Service Area
Dropped kerb & tactile paving to pedestrian crossing
Approx New Landscaping Treatment By Local Authority
Proposed new wall to boundary
5 no. Cycle Hoops
256sq.m Warehouse
ALDI STORE
1435m² GEA
1372m² GIA
990m² Sales Area
FFL +137.30
ALDI Signage
TPO Tree Removed
TPO Trees Retained & Crowned
Existing access modified subject to L.A. approval
Proposed New Pedestrian Crossing
Existing Pedestrian Crossing Repositioned
< Existing Bus Stop
Existing Bus Stop
Existing Pedestrian Crossing

LEEDS CITY COUNCIL
+ 136.2m
15 SEP 2011
REVISED

| Rev | Date | Description | Rev By | Chk'd By |
|---|---|---|---|---|
| A | 09.09.11 | Drawings revised to planning comments | JDB | NJC |

| | |
|---|---|
| Project Title | Proposed ALDI Foodstore Development<br>Middleton Park Circus<br>Middleton<br>LEEDS |
| Client | ALDI Stores Ltd |
| Status | PLANNING |
| Scale | 1:250 — Drawing Size A1 |
| Drawn By | JDB — Checked By NJC — Date 06-2011 |
| Drawing Title | Proposed Site Layout |
| Job-Dwg No | 0468-100 — Rev A |


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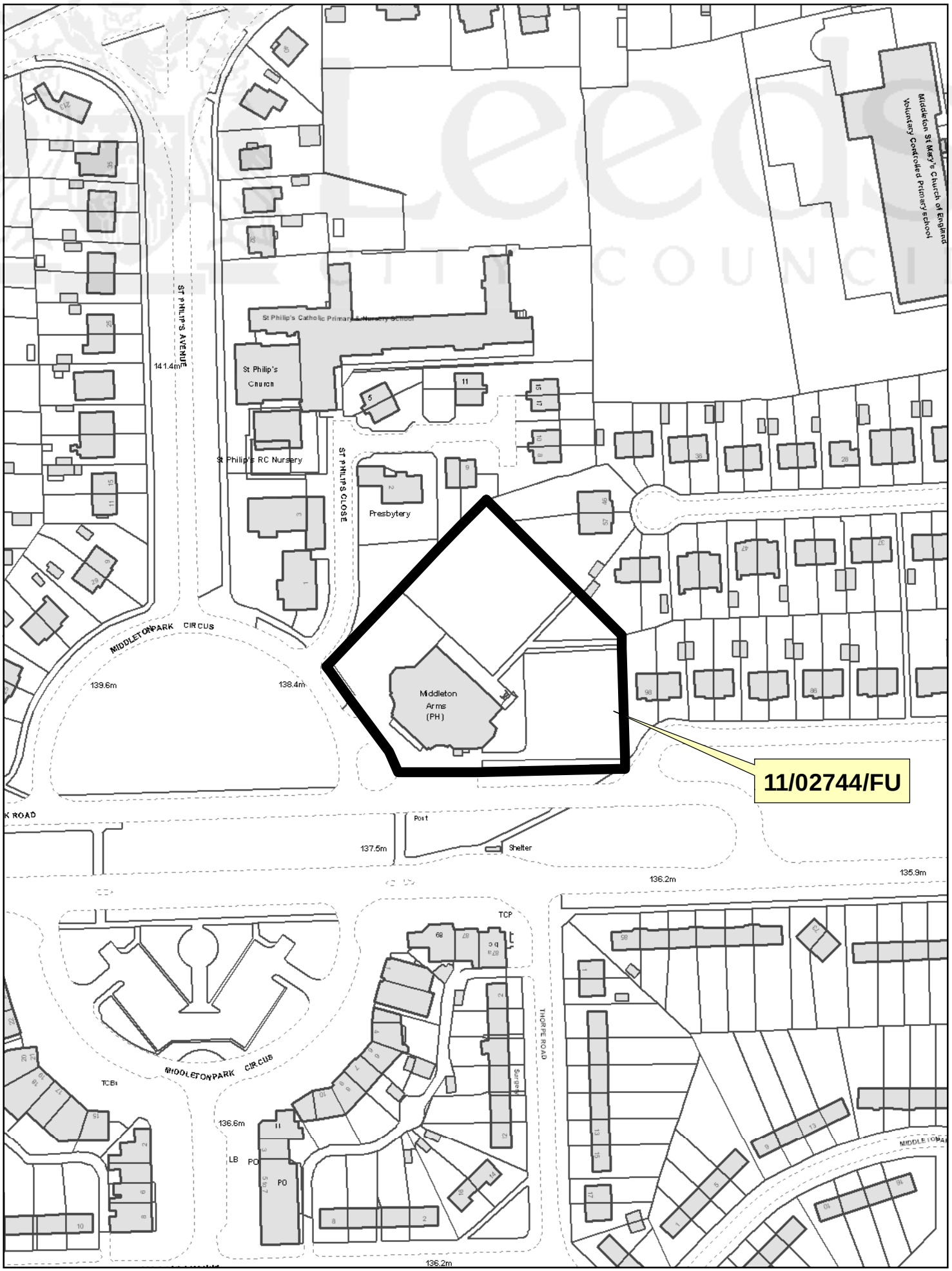


# EAST PLANS PANEL

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