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**Report of the Chief Planning Officer**

***PLANS PANEL EAST***

**Date: 6<sup>th</sup> October 2011**

**Subject: APPLICATION 11/01244/OT Outline Application for development of non-food retail units, 2 car showrooms, ancillary food kiosk with associated access roads and landscaping at Land On Gelderd Road And Ring Road Beeston**

**APPLICANT**

Penegon Netherlands BV -  
Mr J Hobbs

**DATE VALID**

13.04.2011

**TARGET DATE**

13.07.2011

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**Electoral Wards Affected:**

**Beeston & Holbeck**

☐ 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 conditions specified ( and any others which he might consider appropriate ) and the completion of a legal agreement within 3 months from the date of resolution unless otherwise agreed in writing by the Chief Planning Officer, to deal with the following matters;**

**Details of Flood Warning Scheme**

- **Public Transport Infrastructure Improvements contribution £150,400 (to be index linked)**
- **£30, 000 Metro contribution to pay for shelter at bus stop number 12256 and new live bus information display at bus stop numbers 10103 and 12256**
- **Travel Plan Monitoring Evaluation fee (£2,500) and implementation**
- **Landscape management plan**
- **Local employment and training initiatives**

**In the circumstances where the Sec.106 has not been completed within 3 months of the resolution to grant planning permission the final determination of the application shall be delegated to the Chief Planning Officer.**

1. Time limit (Outline)
2. Development in accordance with the approved plans.
3. Submission of reserved matters
4. Samples of materials to be agreed prior to each phase of development
5. Gross floor space of development not to exceed;  
5,580 sq.m of A1 non food retail;  
465sq.m of B8 trade counter units;  
2,786sq.m of Car showrooms/distribution;  
100sq.m of A1/A3 Ancillary kiosk.
6. The non food retail units shall only be used for the sale of goods which comprise items of furniture, carpets, electrical goods, hardware, DIY, vehicle accessories and cycles, or office equipment and products directly related to gardening
7. The net retail floor space of the non food retail units hereby permitted, shall be limited to a maximum of 3,902sq.m and no further mezzanines or other internal floor space shall be created, unless otherwise agreed by the Local Planning Authority through the submission of a formal planning application.
8. Hours of operation to be agreed prior to occupation of each phase of development.
9. No operation of tannoy
10. Submission of remediation method statement
11. Remediation to be carried out in accordance with approved statement and submission of verification report following completion.
12. Unexpected contamination to be reported
13. Investigation prior to commencement of development and details of any remedial work to treat areas of shallow mine workings.
14. All parking to be laid out in accordance with approved plans prior to occupation of each phase of development
15. Car Park Management Plan for car showroom uses to be submitted and approved prior to occupation
16. Car Park Management Plan for retail and trade counter uses to be submitted and approved prior to occupation
17. Details of cycle parking and motor cycle parking to be submitted prior to each phase
18. Off site highway works shall be carried out prior to occupation of the first phase of development
19. Details of any proposed CCTV to be submitted and approved in writing
20. Details of any external lighting to be submitted and approved in writing
21. Boundary details to be agreed
22. The area of landscaping indicated along the boundary of the site with Beeston Ring Road shall be retained as planting at all times unless otherwise agreed in writing and no vehicle display shall take place within this land.
23. Landscaping scheme to be implemented in accordance with approved details within first available planting season.
24. Provision for replacement trees/ planting within first 5 years
25. A Site Waste Management Plan shall be provided to the Local Planning Authority prior to commencement of development on each phase of the development.
26. A sustainability assessment in accordance with the requirements of the Council's Sustainable Construction SPD shall be submitted with each reserved matters application.
27. Prior to occupation of any of the buildings a review statement for that phase shall be submitted by the applicant including a BREEAM design certificate (standard very good) and associated paper work and approved in writing by the Local Planning Authority
28. Within 3-6 months of the occupation of each phase of the development a post-construction review statement for that phase shall be submitted by the applicant including a BREEAM certificate and associated paper work and approved in writing by the Local Planning Authority

29. The development and buildings comprised therein shall be maintained in accordance with the sustainability measures approved under the proceeding conditions and any repairs shall be carried out all in accordance with the approved detailed scheme and post-completion review statement or statements.
30. Surface water run-off generated by the site is managed in accordance with the Leeds City Council's 'Minimum Development Control Standards for flood risk' document so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
31. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
32. Flood-proofing measures detailed on page 20 of the FRA (March 2011) to be included in the proposed development.
33. The finished floor levels shall be agreed in writing with the Environment Agency and shall either be set in accordance with the submitted FRA (March 2011 Thomas Mackay Ltd) at the study 1 in 100 year (without climate change) flood levels following review or the finished floor levels shall be set at the Environment Agency 2004 study 1 in 100 year (without climate change) flood levels.
34. An easement strip of 8 metres or greater to be provided from the Farnley Beck culvert. With the exception of the 'Kiosk' unit which is permitted a 7 metre easement strip.
35. A drainage investigation shall be carried out to establish the existing on site drainage system and outlets to the culverted water course and/ or public sewer and verify the appropriate allowable surface water discharges from the site. Following this investigation, details of works for dealing with surface water discharges shall be submitted and approved.
36. Completion of approved surface water drainage works
37. Provision of oil interceptor to intercept all surface water from areas to be used by vehicles
38. Details for on site storage provided for additional run off from storm events up to the 1 in 100 yr + climate change to be submitted.

**Reasons for approval:**

This application has been considered in accordance with the requirements of the UDPR 2006 and policy guidance within PPS4 and it is considered that the applicant has demonstrated that there are no sequentially preferable sites available for this development and that no significant adverse impact would occur to existing centres. It is considered that the site can be developed in a way which would achieve a suitable high quality of design and landscaping for this prominent site. The application is considered to comply with the following policies;

SP6, SP7, GP5, GP11, E7, N12, N13, T2, T5, T6, S5, BD5  
PPS5 - policies EC14, EC15, EC16 and EC17

On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.

**1.0 INTRODUCTION:**

- 1.1 This application is a major application for development of a large site at a strategic location on a primary route into the city. It is therefore considered that the application should be determined by the Plans Panel. Members considered a

position statement regarding this application at the June Plans Panel meeting where Members commented on the following matters:

- The need for a high profile building with good quality landscaping on this site and that anything less would not attract people to the development
- The possibility of the curved design of the Porsche building being echoed in the design for this scheme
- The need for adequate car parking to support the mix of uses even if this meant less units on the site
- Highways issues, that the site was close to a busy junction which regularly led to traffic building up on the Ring Road and that the highways proposals would need to take this into account
- the need for pedestrian safety issues and access points to be addressed as concerns were raised about rat-running through the site which must be prevented
- The fact that the site was within a flood risk zone and the need to address the Environment Agency's comments in respect of flooding
- The Coal Authority's comments and who would carry out further investigations. Members were informed that it would be for the developer to arrange for such work to be undertaken

1.2 These matters are addressed in section 10 of the report.

## **2.0 PROPOSAL:**

2.1 The application is an outline proposal with all matters reserved however the applicant is required to specify the amount of development proposed and this is as follows;

- Non food bulky goods retail units (5, 580 sq.m gross floorspace, 3, 906 sq.m net).
- 2 car show rooms units (2, 601 sq.m in total)
- Trade counters, Use Class B8 (465 sq.m)
- Ancillary kiosk unit, A1/A3 (165 sq.m)

2.2 An indicative layout is submitted which indicates that the units could be laid out with a car showroom at the corner of Gelderd Rd and Beeston Ring Road, with a second car show room and trade counters behind this. In the north eastern corner of the site the indicative layout shows the non food retail units running along the northern boundary and western boundary in an inverted L shape, with service road behind along the eastern boundary.

2.3 In terms of parking provision, the indicative layout shows 199 vehicle display spaces, and 151 spaces for service parking/ customer/ staff parking for the motor dealerships. In relation to the retail units and trade counters, 241 staff and customer parking spaces are indicated.

2.4 Two access points into the site are indicated from Beeston Ring Road and Gelderd Road.

## **3.0 SITE AND SURROUNDINGS:**

3.1 The site is approximately 4 hectares in size located at the corner of Gelderd Road and Beeston Ring Road opposite the Porsche Garage. The site is a cleared and

vacant brownfield site and has previously been occupied by car show rooms as well as a bus depot.

3.2 To the north of the site is the railway line and embankment, to the east of the site are industrial buildings.

3.3 The Wortley Beck runs through the site and is mainly culverted. The site lies within Flood Risk Zone 3.

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

21/211/00/FU - Change of use of industrial unit to storage and distribution unit with ancillary sales. Approved 19.01.2001

21/140/95/FU - Alterations and new car showroom to form 3 car dealerships. Approved 01.12.1995

H21/39/92 - Alterations and first floor extension to form offices, to coach station and garage. Approved 16.06.1992

H21/390/91 - Detached prefabricated office unit to coach terminal. Approved 04.02.1992

H21/387/91 - Alterations and extension, to form store, bodyshop and preparation bay to rear of coach terminal. Approved 20.02.1992

H21/354/80 - Detached 2 storey offices with toilets, store, and strong room, and with 40 car parking spaces, to coach depot. Approved 15.09.1980

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

5.1 Pre application discussions have taken place between officers and the developer with regard to the principle of the mix of uses and consideration of the retail issues.

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

6.1 Site notices were posted on 21.04.2011 and an advert was placed in Leeds Weekly news. The publicity period expired 19 May 2011 and to date, no representations have been received.

#### **7.0 CONSULTATIONS RESPONSES:**

##### **Statutory:**

##### **Environment Agency**

7.1 Initial objection in the absence of acceptable flood risk assessment which does not adequately address the requirement for flood emergency planning including flood warning and evacuation. The submitted FRA recommends provision of a flood warning scheme. The EA confirm that there is potential for applicant funded flood forecasting and warning systems however insufficient information is submitted to demonstrate how a suitable warning scheme will be implemented. With peak flood depths on site up to 1.5m it is imperative that the development is not permitted if there is a possibility that the flood warning service will not be provided. The Environment Agency have therefore advised that the following matters relating to the flood warning scheme need to be included in a s106 legal agreement;

- Applicant to provide funds for the telemetry kit and its installation - estimated cost £7k (timing for provision to be confirmed);
- Applicant to provide funds for the ongoing maintenance of the telemetry - estimated at £2.5k a year - a commuted sum would probably be the favoured approach calculated on the basis of the lifetime of the development (60years) (timing for provision to be confirmed);
- Applicant to finance the flood forecasting model for Wortley Beck (if EA has not already programmed/undertaken this work between times - timing for provision to be confirmed);
- No units should be occupied until the telemetry is installed and is able to provide at least a basic flood warning service;
- The S106 should include a covenant that requires the occupants of the units to sign up the approved site evacuation plan and to the EA Flood Warning Service (when available) prior to and throughout their occupation of the site.
- Provision for the EA to enter the land to undertake any work connected with the equipment, installation, and future inspections, maintenance and/or replacement of the equipment. The Land owner should covenant not to interfere with the equipment.

- 7.2 The Environment Agency have a copy of the draft s106 agreement and advise that the Agency will be in a position to withdraw its objection to this application **subject to:**
- (a) confirmation that the use of the lower modelled flood levels used in the FRA, rather than the 15cm-25cm higher modelled flood levels held by the EA have been independently verified by a third party; (The applicant is progressing this and the conclusions will be reported to Plans Panel verbally)
- (b) the imposition of planning conditions that development is carried out in accordance with FRA dated March 2011 and the mitigation measures set out in the FRA as follows;
1. Surface water run-off generated by the site is managed in accordance with the Leeds City Council's 'Minimum Development Control Standards for flood risk' document so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
  2. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
  3. Flood-proofing measures detailed on page 20 are included in the proposed development.
  4. Finished floor levels are set no lower than the levels stated in Table 5 (page 19) above Ordnance Datum (AOD).
  5. An easement strip of 8 metres or greater is provided from the Farnley Beck culvert. With the exception of the 'Kiosk' which is permitted a 7 metre easement strip.
- (c) the requirement for the applicant to sign a S106 Agreement which includes the matters set out above (as included in the draft).

- 7.3 The draft legal agreement is at an advance stage and the Environment Agencies comments have been incorporated.

#### **Coal Authority**

- 7.4 The Coal Authority advise that further investigation is needed prior to commencement of development and any remedial work to treat areas of shallow mine workings should be carried out prior to commencement of development. Conditions are recommended.

#### **Health and Safety Executive**

- 7.5 There is a standard objection from the Health and Safety Executive as the site was initially identified within the blast zone of a major hazardous installation license - British Oxygen Co Ltd. However land registry checks show that there has been a change in ownership and therefore it is understood that the hazardous substances consents at the site have been automatically revoked and records show that the site has now been removed from the HSE's list of major hazardous installations and consultation zones. It is therefore considered that the objection is automatically withdrawn.

### **Highways**

- 7.6 Off site highway works are proposed as part of the development to widen the carriageway on Gelderd Road on its approach to the junction with Beeston Ring Road. The proposal will provide for two 3.5 m wide lanes on the southbound approach and the lengthening of the merge lane on the north bound exit arm to improve traffic flow through the junction.
- 7.7 The proposed vehicular accesses are acceptable; however, consideration should be given to providing separate pedestrian accesses particularly to and from the adjacent bus stops. It is also recommended that provision for a pedestrian crossing on Gelderd Road should be provided as part of the off site highway works prior to first occupation of the development.
- 7.8 The UDP Guidelines for car parking numbers is:  
Non food retail units (inc. trade counters) 1 space per 25 sq. m. =242 spaces  
Kiosk (A1 Retail) = 1 customer space per 40sq.m and 1 staff space per 75sq.m = 3 spaces
- 7.9 Based on the above guidelines the total spaces for the retail site is 245. The proposed layout provides 241 spaces which is a reduction of 4 spaces on the maximum permitted.
- 7.10 With regard to the car showrooms, there is no set number in the UDP guidelines as the use is Sui Generis. However, the following guidelines for customer and staff parking have been used on other sites within the District:  
1 space per 5 external display spaces = 42  
1 space per 50 sq. m. of showroom = 55  
3 spaces per MOT bay/Service bay = unknown
- 7.11 Based on the above guidelines the maximum customer and staff spaces recommended for the car sales = 98. The proposed layout provides for 92 spaces which is a reduction of 6 spaces. (the display bays or the service parking have not been included).
- 7.12 The overall total of 333 car parking spaces proposed across the development site (excluding the vehicle display spaces and service parking) is 18 below the maximum permitted (351) within the guidelines. A reduction of only 5% below the maximum number recommended in accordance with the UDP Guidelines and is acceptable in principle.
- 7.13 A condition would be required to restrict the introduction of mezzanine floorspace.

### **Non-statutory: Land drainage**

- 7.14 Supports the conclusions of the Environment Agency and their final approval of the FRA. The existing drainage system of the site must be verified before final design of

a drainage scheme to confirm the rate of discharge and any necessary attenuation storage

- 7.15 Land contamination – The proposal is for low vulnerability end uses. Intrusive site investigation required prior to commencement of development. Conditions recommended.

#### **Public Transport Contribution**

- 7.16 Proposed development will generate a large number of trips, a proportion of which will have to be accommodated on the public transport network. Therefore in accordance with the SPD a contribution of £150,400 towards public transport improvements should be sought prior to occupation of the A1 units (discounting previous uses, out of peak hours trips and the contribution towards bus stop improvements requested by METRO)

#### **Travelwise**

- 7.17 The travel plan is accepted. It should be secured through a S106 Agreement with requirement for the Travel Plan Coordinator in post prior to occupation of the development and payment of the £2500 travel monitoring plan evaluation fee. The following details will need to be agreed through condition or reserved matters:
- cycle parking for staff
  - motorcycle parking
  - walking and cycling routes through the site
  - car share spaces
  - showers for staff
  - car park management plan

#### **Metro**

- 7.18 Have requested a contribution for the installation of a shelter at bus stop number 12256 (cost of £10,000) and new live bus information display at bus stop numbers 10103 and 12256 (estimated cost of £10,000 for each). The bus stops are on either side of Gelderd Road next to the site.

### **8.0 PLANNING POLICIES:**

- 8.1 The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006) (UDP). 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 Relevant RSS policies are considered to be;
- E2 States that town centres should be the focus for offices, retail, leisure and entertainment.

SP6 – Distribution of land for employment uses

SP7 - Priority to be given to enhancement of the City Centre and town centres

GP5: General planning considerations.

GP11: Development to meet sustainable development principles.

SP3: New development should be concentrated within or adjoining the main urban areas and should be well served by public transport.

N12: Development proposals to respect fundamental priorities for urban design.

N13: Building design to be of high quality and have regard to the character and appearance of their surroundings.

N25 – Boundaries of sites to be designed in a positive manner

N38B: Planning applications and flood risk assessments



N39b: Culverted watercourses

T2: Seeks to ensure that developments will not create or materially add to problems of safety, environment or efficiency on the highway network.

T5: Access for pedestrians and cyclists

T24: Requires parking provision to reflect detailed guidelines.

S5 - Criteria for out-of-centre major retail development (above 2,500 sq.m gross)

LD1: Criteria for landscape design.

Policy SA2: Encourages development in locations that will reduce the need for travel, promotes the use of public transport and other sustainable modes of transport.

## 8.2 Supplementary Planning Guidance/Documents

Public Transport Improvements and Developer Contributions SPD.

Travel Plans SPD

Sustainable Design & Construction SPD "Building for Tomorrow Today"

## 8.3 National Planning Policy

PPS1 Delivering Sustainable Development.

PPS 4 Planning for sustainable economic growth

PPG13 Transport.

PPS25 Development and Flood Risk

## 8.4 Ministerial Statement – Planning for Growth, March 2011

## 9.0 **MAIN ISSUES**

1. Flood risk
2. Retail assessment & sequential test
3. Highways
4. Landscape
5. Design
6. Sustainability

## 10.0 **APPRAISAL**

### 1. Flood Risk

- 10.1 The applicant has submitted a Flood Risk Assessment as the site lies within Flood Risk Zones 2 and 3a which are defined by Planning Policy Statement 25 as having a high probability of flooding. The Environment Agency have objected to the application as there is an identified risk of flood levels up to 1.5m and in the absence of a method put forward to secure a flood warning scheme for the site there is risk to human life. The Environment Agency are also seeking verification from the applicant of the flood modelling levels used in the Flood Risk Assessment and this information is expected to be available prior to Plans Panel meeting and may require increased floor levels to be conditioned.
- 10.2 In respect of the flood warning scheme, this could be secured as part of the s106 agreement for the site to secure funding from the developer of both the equipment and installation as well as future maintenance. A draft s106 has been prepared which includes the Environment Agencies requirements. The Environment Agency has advised that they will be able to withdraw their objection once they are satisfied with the final terms of the s106 agreement. It is expected that this can be agreed prior to the date of the Plans Panel Meeting.
- 10.3 The applicant has provided a sequential test in terms of searching for a location within a lower risk flood zone and has looked at sites to accommodate the smallest

of the non food retail units (930sq.m). Although the FRA notes that the uses are compatible within Flood Risk Zone 3a as they are less vulnerable as set out in table D2 of PPS25. The same two sites were identified as with the PPS4 sequential search, and one of the sites is within the same flood zone.

## 2. Retail Assessment and Sequential Test

- 10.4 The proposed B8 trade counter units and car show room uses are not town centre uses as set out in PPS4 guidance. The site has a history of employment uses as well as car show room uses and given the existing car show rooms in the area these uses are considered appropriate for the site.
- 10.5 PPS4 provides the main national guidance to both planning authorities and developers about planning for sustainable economic development. PPS4 indicates that economic development includes main town centres uses which apply to retail development (including warehouse clubs and factory outlet centres).
- 10.6 The PPS4 objectives set out to deliver more sustainable patterns of development, reduce the need to travel, especially by car and respond to climate change and promote the vitality and viability of town and other centres as important places for communities. The guidance indicates that new economic growth and development of main town centre uses should be focused in existing centres. PPS4 goes on to point out that to promote competition between retailers and enhanced consumer choice through the provision of innovative and efficient shopping, leisure, tourism and local services in town centres, allows genuine choice to meet the needs of the community.
- 10.7 Policy **EC10** provides guidance on determining planning applications for economic development and advises that planning authorities should take a positive and constructive approach towards applications for economic development and that applications should be assessed against the following impact considerations;
- a) whether the proposal is planned to limit carbon dioxide emissions and resilience to climate change
  - b) the accessibility of the proposal by a choice of means of transport and the effect on local traffic levels and congestion after public transport and traffic management measures have been secured
  - c) Whether the proposal secures a high quality and inclusive design which takes opportunities to improve the character and quality of the area and the way it functions
  - d) The impact on economic and physical regeneration in the area
  - e) The impact on local employment
- 10.8 Policy **EC14** sets out the requirements for supporting evidence for planning applications for main town centre uses and requires a sequential assessment under Policy EC15 and an impact assessment for developments over 2, 500 square metres as set out in policy EC16. .
- 10.9 A sequential assessment under policy **EC15** is a requirement for planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date development plan.
- 10.10 Policy **EC16** sets out the requirements of an impact assessment for planning applications for main town centre uses that are not in a centre and not in accordance with an up to date development plan.

- 10.11 The site is an out of centre location and therefore in terms of the proposed bulky goods retail units, the applicant has undertaken a sequential search for sequentially preferable sites to accommodate the proposed non food bulky goods retail units as well as a retail assessment in accordance with PPS4. The sequential search was undertaken on the basis of 930sq.m of floorspace which is the smallest of the proposed non food retail units. The applicant's search has looked at 5 centres as well as edge of centre locations in respect of the city centre, as agreed prior to submission of the application. No in centre sites have been identified by the applicant and only two edge of centre sites were identified. The applicant was however asked to consider the vacant Kwik Save store at Dewsbury Road, and the other two sites which their search identified were along Kirkstall Road. The applicant has discounted the Dewsbury Road site for the proposed bulky goods use as it is not large enough to accommodate a modern bulky goods operation, it has car parking to the rear of the building which is not attractive to modern bulky goods retail operators or their customers and there are anticipated to be fundamental difficulties in the servicing of the site by the HGV and articulated vehicles that would serve a modern bulky goods use, given constrained access
- 10.12 The two sites on Kirkstall Road were also discounted as one site would require redevelopment and is not available as a freehold site. The site also has limited car parking and restricted road frontage. The second site on Kirkstall Road (No. 90) is discounted as unsuitable as it doesn't have direct access from Kirkstall Road to make it attractive to an operator, there is limited space for car parking provision and servicing, amenity concerns are sited as the site is overlooked by hotels and residential properties.
- 10.13 In accordance with policy EC16 of PPS4, the applicant has submitted a retail assessment which has also considered the impact of the non food bulky goods retail element of the proposal (5, 580 sq.m) on other bulky goods facilities within a 10 minute catchment area and uses an estimate of £124m available expenditure within the catchment area which it is stated must be leaking to outside of the catchment.
- 10.14 The net floorspace of the proposed bulky goods units is estimated to be 3, 906 sq.m and estimates that the total turnover of the units at 2015 is expected to be £13.58m. The assessment concludes that the identified growth in capacity by 2015 alone can accommodate the proposed development and this is reinforced by the estimated leakage/ overtrading which is occurring.
- 10.15 Given that there is no such comparable facility to the application proposal in the city centre or town centres the retail assessment makes the point that the impact of the proposal will be on existing out of centre facilities which are afforded no protection under PPS4 and the assessment concludes that there will be no noticeable effect on the city or town centres.
- 10.16 The applicant's assessment identifies that an impact could be experienced by stores such as B & Q Junction 1 retail park, stores at Birstall and Junction 27 retail park as well as Wickes and Go Outdoors at Pudsey. However the applicant's retail assessment has only considered the potential impact to the in centre store of Asda Living Crown Point as this is within the city centre. The impact here is identified as being potentially 10% in trade diversion, but the applicant notes that there is likely to be significant amounts of inflowing trade from surrounding areas and that the sales area of this store is not limited to bulky goods but is a non food outlet and therefore it is predicted that the impact will actually be less than 10%. The applicant concludes that the proposal will not have a noticeable impact on the vitality and

viability of the city centre or other town centre locations. The applicant's conclusions are considered acceptable, and a reasonably robust approach to the assessment.

- 10.17 The proposal also includes an A1/ A3 kiosk unit (165sq.m) within the site to serve visitors and staff. The Design and Access Statement states that this is the minimum size considered necessary by such an occupier as starbucks, costa coffee, subway etc, but there is no information to support this requirement in the supporting documents and therefore clarification has been sought regarding the size of this unit as there are concerns that for it to remain ancillary rather than a destination attracting visitors in its own right, and also to be considered small enough and ancillary to the main uses the size of the unit should be reduced. The applicant has agreed that this facility will be reduced to 100 sq.m and a condition is recommended to secure this and this would be ensured through the detailed reserved matters submission.
- 10.18 It is considered that the applicant has addressed the requirements of PPS4 and in this respect it is noted that Tops tiles retailer has previously occupied the Gelderd Road site as well as car show rooms and therefore the site has a history of similar uses. The bulky goods retail proposed is part of a mixed use development and the mix of uses are considered to be a reasonable use for the site. In terms of the sequential search there are no preferable sites identified which could realistically accommodate a substantial part of the retail provision proposed and no concerns are raised regarding impact on any existing centres.
- 10.19 Conditions would be necessary to control the type of retailing at the retail park as well as the floorspace provided (no mezzanines) and suggested conditions are set out below;
- The non food retail units shall only be used for the sale of goods which comprise items of furniture, carpets, electrical goods, hardware, DIY, vehicle accessories and cycles, or office equipment.
  - The net retail floorspace of the non food retail units hereby permitted, shall be limited to a maximum of 3, 902 sq.m and no further mezzanines or other internal floorspace shall be created, unless otherwise agreed by the Local Planning Authority through the submission of a formal planning application
  - The Kiosk unit shall only be used for the sale of daily convenience goods within Use Class A1 or as a café facility within use class A3 and there shall be no drive through facility and any take away service must be ancillary to the A3 use.
  - The trade counters units shall not be used for any other use within Use Class B8 and shall not retail to members of the public.
  - Restriction of kiosk unit to 100 sq.m

### 3. Highways

- 10.20 The Travel Plan for the site has been agreed and the Highways Agency have removed their holding direction subject to securing the Travel Plan and monitoring fee through the s106 and conditions regarding the gross floorspace of all uses, type of goods to be sold from retail units, net retail floorspace and no insertion of mezzanines
- 10.21 The indicative layout has been amended in order to ensure that the amount of development proposed can be achieved at the site with acceptable vehicular arrangements in terms of access, manoeuvring and parking provision.

- 10.22 The applicant was also asked to give further consideration to pedestrian provision as part of the indicative layout to demonstrate that good pedestrian access can be achieved as well as the requirements for vehicles. The applicant's agent advises that it is not considered advantageous to include another pedestrian link through the site close to the car show room locations as this route would not be close to the pedestrian crossing from the Gelderd Road bus stop. A pedestrian cut through from the Gelderd Road frontage could also cause a security risk to the car dealership 1 site and potentially reduce its attractiveness commercially.
- 10.23 Similarly another pedestrian entrance through the site from Beeston Ring Road would only reduce walking distances by 20m and would not be materially advantageous.
- 10.24 The applicant has provided a revised indicative layout which widens the service road in response to highways requirements and demonstrated that the indicative internal road layout is acceptable. The issue of potential rat running could be discouraged through the design of the site layout at reserved matters stage through the use of traffic calming measures.
- 10.25 The car parking provision of 333 spaces (excluding vehicle display and service parking) shown on the indicative layout is considered acceptable for the amount of development proposed.

#### 4. Landscape

- 10.26 Policy N39B of the UDP Review promotes actively re opening culverts to a more natural state. The culverted watercourse of Wortley Beck comes out off site at the north western corner of the site. Opening up this watercourse would be a significant constraint to development of the site, and at this stage the applicant has advised that it has not been incorporated into the indicative layout as this could affect viability of the scheme. The applicant also advises that increasing the number of entrances and exits to the watercourse could have the effect of increasing flood risk, primarily due to potential blockages and increase risk of potential accidents at crossing points. The applicant considers that the benefit arising from the Flood Warning Scheme which will be delivered in conjunction with the Environment Agency would more than compensate for the closed culvert.
- 10.27 Nevertheless, this matter could still be further considered to partly opening the watercourse at the reserved matters stage, for example to create a more natural landscaped feature centrally within the site.
- 10.28 At the time the application was brought to Members as a position statement, it was considered that the 'landscape strategy' provided as part of the design and access statement was significantly lacking in the required landscape principles that need to be established for this site at outline stage. Landscaping is considered important to achieving a successful scheme and therefore these principles need to be established at outline stage and incorporated into the indicative layout to ensure that an acceptable balance of landscaping can be achieved at the site whilst providing the amount of development and parking provision proposed in the outline application.
- 10.29 The applicant has revised the indicative layout to incorporate a spine of planting along the culvert line of the site which separates the retail element of the development from the car show rooms and has the benefit of breaking up the large areas of car parking. Planting to the Gelderd Road frontage and Beeston Ring Road

frontages are anticipated to be high canopy trees and low ground cover shrubs to ensure visibility of displayed cars. The increased landscaping between the parking areas will therefore soften the views of the retail car parking beyond the vehicle display spaces.

- 10.30 210 display vehicle spaces are indicated to the front of the two car show rooms and the applicant advises that this number of display spaces are commercially required and cannot be reduced.
- 10.31 The applicant's ownership has been re examined and the applicant owns the landscaped area to the south west of the site along Beeston Ring Road and this will therefore be incorporated into the boundary of the development site to provide a landscape buffer.
- 10.32 The applicant also owns the existing grassed corner of land at the corner of Beeston Ring Rd/ Gelderd Rd to the south of the site. This area is indicated to incorporate feature planting as well as signage to provide an appropriate setting for the site and the car show room building beyond. It is considered that a key feature of the site is the prominent corner of Gelderd Road and Beeston Ring Road and that the revised scheme which now includes this corner of land allows for opportunities to complement the high quality building expected at this corner of the site and provide a robust landscaped setting at this prominent corner.

## 5. Design

- 10.33 The appearance of the development is a reserved matter, however Circular 01/06 advises at para 49 that outline applications will have to demonstrate more clearly that proposals have been properly considered in light of relevant policies and the site's constraints and opportunities. The circular goes on to advise that the design and access statement should clearly explain and justify the design and access principles that will be used to develop future details of the scheme and that the design and access statement will form a link between the outline permission and consideration of reserved matters applications.
- 10.34 The application is submitted with indicative visuals and drawings (which differ from the visuals) to provide 'examples' of the appearance of the units. The curved theme suggested for dealership 2 as well as the non food retail element and the trade counters is considered could be an acceptable design solution. However at the time of the position statement, there were concerns regarding the proposed dealership 1 at the most prominent corner of the site at the junction with Gelderd Road and Beeston Ring Road opposite the Porsche garage.
- 10.35 Revised indicative drawings and design and access statement have been received in respect of Dealership 1. The revised drawing has been amended to have regard to the existing Porsche garage and the building has been orientated to turn the corner incorporating a central glazed circular drum/ tower feature with wings either side. The curved roof proposed is designed to complement the other buildings indicated across the site and a mix of solid walling and glazing is proposed. The indicative appearance now detailed of how dealership 1 could be developed, together with the remaining buildings within the development are considered to be of a contemporary wavelike form however and is now consistent across the site, with more attention focussed on the prominent corner of the site at the Ring Road and Gelderd Rd junction.

- 10.36 The details of the indicative scheme as revised are now considered to establish suitable principles that can be carried through to reserved matters stage to achieve successful development of the site. It is considered that a direction should be applied to ensure that the reserved matters proposals achieve a high quality design, good quality landscaping and that the proposed layout should seek to discourage rat running through the site.

## 6. Sustainability

- 10.37 The Sustainable Construction and Development SPD has now been adopted. Given the size of the site and the amount of development proposed, it is considered important that sustainable initiatives are incorporated into the future development proposals, both in terms of the construction, materials and energy consumption at the site as well as the green travel plan already provided. It is therefore considered that as a condition of the outline permission a Sustainability Statement will be required to be submitted to accompany the reserved matters and the development will be expected to achieve Building Research Establishment BREEAM assessment no less than a 'Very Good' standard in accordance with the SPD.

## 7. Proposed Planning Obligations (s106).

- 10.38 From 6 April 2010 a new legal test for the imposition of planning obligations was introduced by the Community Infrastructure Levy Regulations 2010. These provide that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (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.
- 10.39 The proposed obligations as set out at the start of the report are:
- Details of Flood Warning Scheme
  - Public Transport Infrastructure Improvements contribution £150,400 (to be index linked)
  - £30,000 Metro contribution to pay for shelter at bus stop number 12256 and new live bus information display at bus stop numbers 10103 and 12256
  - Travel Plan Monitoring Evaluation fee (£2,500) and implementation
  - Landscape Management scheme
  - Local employment and training initiatives
- 10.40 All of the obligations and contributions proposed within the S106 as contained within this report are considered to be directly related to the development and compliant with the three legal tests introduced by CILs.
- 10.41 In relation to the obligations concerning the flood warning scheme the site lies within Flood Risk Zone 3 which has the highest probability of flooding and the applicant's FRA identifies peak flood depths on site up to 1.5m it is therefore imperative that the development is not permitted if there is a possibility that the flood warning service will not be provided and this must be secured through the s106 agreement for the application to be acceptable.
- 10.42 The obligations relating to the travel plan are required to ensure that the site is accessible for pedestrians and alternative modes of transport to the car. Although the

Council's SPD on travel plans has yet to be formally adopted, the principle of providing such documents is long established and supported by formal planning policies. The travel plan requirements are needed in order to make the development acceptable, they directly relate to the development proposed and their scale is appropriate to the proposed development. What is proposed is consistent with the 3 legal tests and accordingly is fully justified.

- 10.43 In relation to the METRO contribution, the purpose of this contribution is to deliver improved bus stop facilities for future visitors and staff of the development and arises directly as a result of the development. The promotion of public transport is defined by planning policies and the contribution requested equates to a single shelter with real time information. The development requires this level of contribution to make it acceptable and accordingly satisfies the 3 legal tests.
- 10.44 The requirement for the Public Transport Improvements contribution is set out in the adopted Public Transport Improvements Supplementary Planning Document. The contribution will be spent by way of a sector / corridor approach and schemes are identified within the Appendix 1 of the SPD. The improvements provided would be of direct benefit to the development.
- 10.45 The Landscape Management Plan is considered should be secured through the s106 agreement due to potential for the site to be developed in phases with potential changes to ownership across the site as it is developed. It is considered that the landscape scheme needs to be provided and maintained in a consistent manner
- 10.46 Finally, in terms of the local employment obligations from the developer, these have been offered by the developer and formed part of the response to the community consultation events and will therefore provide direct benefits to the local economy. It is considered that this is consistent with policy SP6 of the UDPR and not only provides opportunities to local people but reduces the length of journeys to work.

## **11.0 CONCLUSION**

- 11.1 In principle, it is considered that the mix of uses proposed is suitable for this location. The site is in a prominent and strategic location and development of the site is welcomed. There is a history of car show rooms on the site and existing car show rooms in the vicinity including the Porsche garage opposite. It is considered that the proposal for bulky goods retail in this out of centre location has satisfied the tests of national and local planning policy and will complement the other uses proposed on the site. The applicant's indicative layout demonstrates that the amount of development proposed can be achieved at reserved matters stage with suitable landscaping provision and high quality design.
- 11.2 In determining this application, regard should also be had to the government's agenda of fostering sustainable economic growth and the job creation associated with the proposed development.
- 11.3 Matters regarding the Flood Warning Scheme for the site have significantly progressed with the Environment Agency and it is considered that this will benefit the wider area.

### **Background Papers:**

11/01244/OT.

Certificate of Ownership – notice served on Leeds City Council Highways



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19 SEP 2011  
**REVISED**

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19 SEP 2011  
**REVISED**

SCHEDULE OF VEHICLE PARKING - RETAIL	
RETAIL UNITS	PARKING SPACES
NON FOOD RETAIL UNITS	188
TRADE COUNTER UNITS	29
KIOSK UNIT	24
<b>TOTAL PARKING</b>	<b>241</b>

MOTOR VEHICLE DEALERSHIPS	
DISPLAY PARKING	199
SERVICE PARKING	59
CUSTOMER PARKING	56
STAFF PARKING	36
<b>TOTAL PARKING</b>	<b>350</b>

NOTE  
12 long stay secure cycle spaces to be provided in accordance with Leeds UDP cycle standards, the location of which to be agreed at reserved matters stage

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REVISIONS		
H AMENDMENTS TO ACCESS + SERVICES ROAD FOLLOWING FOLLOWING COMMENTS FROM HIGHWAYS/PLANNING	JPE	MAY 2011
I AMENDMENTS TO SITE - HGV TRACKING REVISED	JPE	MAY 2011
J PEDESTRIAN CROSSINGS ADDED TO SITE ACCESS ROADS	JPE	JUNE 2011
K AMENDMENTS TO SITE + DEALERSHIP 1	JPE	JUNE 2011
L PEDESTRIAN CROSSINGS ADDED TO SITE ACCESS ROADS	JPE	JUNE 2011
M AMENDMENTS TO DEALERSHIP 1 LANDSCAPE FOLLOWING DISCUSSIONS WITH CLIENT	JPE	AUGUST 2011
N Site Boundary Added, Revised Landscaping Strategy added	JPE	AUGUST 2011
O Amended Landscaping outside site boundary	JPE	SEPTEMBER 2011
P Revised Junction Information added to layout	JPE	SEPTEMBER 2011
Q Minor Amendments to Site Layout	JPE	SEPTEMBER 2011

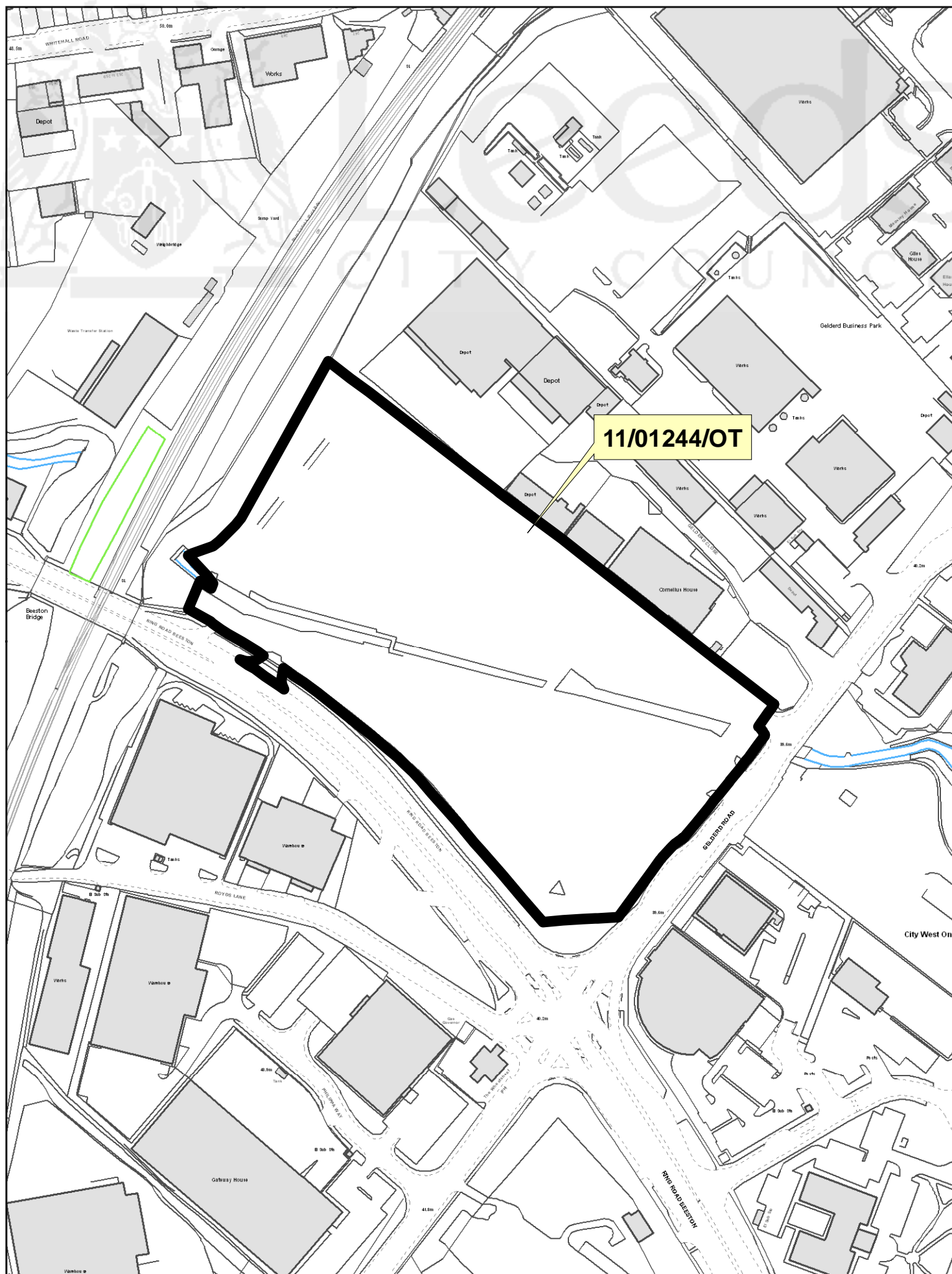
**Pendragon - Gelderd Road Site**  
Leeds

Indicative Site Layout Plan



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# EAST PLANS PANEL