

Report of the Director of City Development

Report to Executive Board

Date: 2 November 2011

Subject: Deputation to Council 14 September 2011 - Residents of Farnley and Wortley opposing the supermarket development at Stonebridge Mills, Stonebridge Lane, Leeds 12

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Farnley and Wortley	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. A deputation to Full Council on 14 September 2011 was made by representatives of residents of Farnley and Wortley opposing the supermarket development at Stonebridge Mills, Stonebridge Lane, Leeds 12. This report responds to the issues and concerns raised by the residents and informs Members of further applications received on the site which will be considered by Plans Panel in due course.

Recommendation

2. Executive Board is recommended to note the contents of this report.

1 Purpose of this report

- 1.1 A deputation to Full Council was made in September by representatives of residents of Farnley and Wortley opposing the supermarket development at Stonebridge Mills, Stonebridge Lane, Leeds 12. Council resolved that the matter should be considered by the November Executive Board. A full transcript of the deputation is attached at appendix 1.
- 1.2 This report seeks to reply to the issues and concerns raised by the deputation and to update Members about further planning applications received on this site which are under consideration.

2 Background information

- 2.1 Outline planning approval for a supermarket on the Stonebridge Mills site with a new access from an enlarged roundabout on the Ring Road and the conversion of listed and historic buildings on the site and some new build for a mixed use development was first given in 2005 with a legal agreement (section 106). The outline permission was renewed in 2008.
- 2.2 A reserved matter application from Tesco and Santon Developments for the detail of the supermarket was received in March 2011 and determined at Plans Panel on 18th August. In the consideration of the detailed application members heard representations on behalf of local residents (as heard at Full Council in September) as well as the planning agent for the applicants. Members resolved to approve the application subject to some additional and revised conditions. Planning permission for the supermarket detail was issued on 25th August.
- 2.3 The size of the supermarket considered at Plans Panel in August was consistent with the outline approval previously given with a net sales area of 24,990 square feet. A supermarket in this location is fully consistent with the adopted Unitary Development Plan (UDP) which identifies the potential for convenience goods retailing to meet a known deficiency in the Farnley / New Farnley / Lower Wortley area under policy S6 and specifies a location in the vicinity of Stonebridge Mills, Ring Road, Farnley.

3 Main issues

- 3.1 Whilst the concerns of local residents and businesses about the supermarket proposal and the development of the site are noted the application considered by Plans Panel in August was a detailed reserved matter application. As such the Panel quite rightly could not revisit the principle of the supermarket, its size, the access arrangements from the Ring Road and the contents of the legal agreement which were all considered and approved at outline stage back in 2005 and 2008.
- 3.2 A local representative on behalf of the group did address the Panel when the reserved matter application was dealt with and Members took into account what was said before reaching a decision. Members requested that the hours of delivery be changed from the suggested 0700 to 2200 hours Monday to Saturday to 0800 to 2000 hours Monday to Saturday recognising the potential impact on adjoining local residents. The proposed opening hours of the store have not yet been agreed but a condition has been imposed on the reserved matters approval stating that the hours

have to be submitted to and approved in writing by the Local Planning Authority before the supermarket starts to trade.

- 3.3 It is true that Tesco did indicate to the Council before the Plans Panel that they were considering submitting plans for a larger supermarket but information given at that stage was limited and so a formal Council pre application response was not given. Tesco's agent confirmed this at August Plans Panel but the decision in August had to be made on the proposals before Members at that time. Following the approval of the reserved matters application for the supermarket Tesco and Santon Developments submitted further planning applications on the Stonebridge Mills site on 8th September for a new access road from the Ring Road and a larger supermarket of 9,317 sq m gross and 4,907 sq m net retail floorspace and to change the use of some of the historic buildings at the Mills to residential use.
- 3.4 The latest proposal submitted to the Council represents a doubling of the size of the supermarket in a different form with new access arrangements. The plans and submissions made in support of the applications including traffic impact and retail impact assessments are available on the public register for local people to comment on and the applications have been advertised and publicised in the normal way. The plans are under consideration and the issues that local residents have raised will be looked at carefully by officers and members before the Council comes to a final decision. This will include an assessment of the impact on existing shops in the area. The amount of retail and its impact on other local centres, the traffic and transport implications, the impacts on the amenity of local people, the effects on the historic buildings and the regeneration of the site and the Section 106 package will all be key considerations. The final decisions on these applications will be made at Plans Panel and will involve the opportunity for public speaking in accordance with the Council's protocol.
- 3.5 In summary it is felt that local views were fully considered by officers and members in dealing with the reserved matter application in August 2011 and that there will be further opportunity to comment on the latest proposals which will also be considered in due course by Plans Panel. It is important at this stage not to prejudge the outcome of the latest applications as the applications have only been with the Council for a limited time and there are a lot of matters to consider before a recommendation can be made. Nevertheless there is a well defined process for local people to make their views and concerns known about the latest proposals.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Local residents were notified about the reserved matter application for the supermarket, their views were summarised in the officer report and a representative of local people had the opportunity to address the Plans Panel before a decision was made. Local people will also be able to comment on the revised recent planning applications following their receipt and the notification / advertising process carried out and to address the Plans Panel at the time decisions are made.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 It is not considered that there are any additional equality and diversity / cohesion and integration considerations which arise from the deputation to Full Council and this response. It is important however that the revised planning applications now submitted for the site are dealt with in the proper way and that any outcomes are not pre judged as a result of the deputation.

4.3 Council Policies and City Priorities

- 4.3.1 There are no implications to Council policies or priorities arising from this report.

4.4 Resources and Value for Money

- 4.4.1 There are no implications for resources and value for money arising from this report.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 Should local residents consider that the reserved matter has not been properly dealt with then their only legal remedy available would be to request a judicial review of the decision in the High Court. That potential challenge would have to demonstrate that there has been a failing in law to determine the application properly – officers consider that the decision was soundly made in the light of all the considerations and representations. The decision has been taken in the public arena and all the relevant papers are in the public domain.

4.6 Risk Management

- 4.6.1 It is not considered there are any risks arising out of this report.

5 Conclusions

- 5.1 The reserved matter application for the supermarket at Stonebridge Mills was soundly made and in line with the outline approval and adopted UDP policy. Local views were considered carefully and a local representative addressed the Plans Panel. Concerns about delivery hours were listened to and the opening hours are yet to be agreed and are conditioned.
- 5.2 Revised proposals for a substantially larger supermarket have now been submitted and local people can comment and have opportunity to address the Plans Panel before the decision is made. Officers and members will consider carefully the impact of a much larger store on the locality.

6 Recommendations

- 6.1 Executive Board is recommended to note the contents of this report.

7 Background documents

- 7.1 Deputation to Full Council on 21st September 2011
- 7.2 Planning file 11/00897/RM – reserve matter application for laying out of access road and erect supermarket with car park at Stonebridge Lane, Wortley