



Leeds
CITY COUNCIL

Originator: Ian Cyhanko

Tel: (0113) 24 74461

Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 8th December 2012

**Subject: FORMER PRESTIGE CAR SALES CENTRE, 2 TOWN STREET,
STANNINGLEY, LEEDS, LS28 6LQ**

**12/03260/FU CHANGE OF USE AND ALTERATIONS OF FORMER CAR SALES
SHOWROOM TO RETAIL UNIT (A1 USE) AND ELECTRICAL
WHOLESALE WITH TRADE COUNTER (B8 USE)**

APPLICANT	DATE VALID	TARGET DATE
Albion Electrical Stores Limited	12/03260/FU – 26 TH July 20	20 th September 2012

Electoral Wards Affected:

Bramley and Stanningley

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: Approve subject to the following additional four
highways conditions:**

- 1. Specified off-site highway works, kerb radii/ tactile paving at both accesses**
- 2. No less than 17 spaces shown on the approved plans must be allocated, signed, retained and maintained for A1 retail customers on**

- the ground level of the proposals throughout all a1 retail use opening times for the lifetime of the development
3. Staff for both the A1 retail use and the electrical wholesalers must be allowed to park on the roof of the building for the lifetime of the development.
 4. Details of signage of customer parking for the A1 use, to be submitted to, and approved in writing by the Local Planning Authority
 5. Area of sales/ display/ counter restricted to 50 sq m for the proposed B8 use.

Other Conditions recommended on previous Panel Report

1. 3 year time limit;
2. In accordance with the approved plans;
3. Details of Cycle and Motorcycle facilities, notwithstanding the approved plans
4. Vehicle Spaces to be laid out
5. Approved visibility Splays/ Sightlines
6. Duty to comply with Service Management Plan
7. No vehicle over 10.5m in length shall deliver or service to the A1 part of the proposal
8. Details of Lighting Scheme
9. Openings hours to restricted to 07:30 – 23.00 hours for the A1 use and 07:30 – 18:00 for the B8 use.
10. Deliveries between the hours of 08:00 and 18:00 hours
11. Details of all Boundaries

In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the Planning Policy Guidance Notes and Statements, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), the Leeds Unitary Development Plan 2001 (UDP) and the Leeds Unitary Development Plan Review 2006 (UDPR).

Policies GP5, BD6, BD7, N12, N13,

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 brought back to Plans Panel, after a decision at the 11th October South and West Panel to defer the application, following concerns

raised by Members of Panel relating to highway safety. The previous Panel report is appended for information.

- 1.2 Following deferral of the application, the applicant has amended the parking layout within the site, to increase the number of parking spaces for the proposed A1 use only (as the 13 car parking proposed for the proposed B8 use was considered to be an acceptable level) and has provided additional safety benefits to the accesses by introducing kerb radii/tactile paving. Highways Officers are now satisfied with the amendments, subject to the additional conditions which are highlighted above.
- 1.3 The applicant has also provided a supporting letter from the agent who have been marketing the site since January 2012. This letter states that an initial marketing campaign generated a number of leads for potential uses such as children's day-care centre, retail and restaurant uses. However in each case the interested parties concluded that the refurbishment/ alterations costs would be too great to make the project viable. This letter confirms the only 'credible' offer to purchase the building is from this applicant.

2.0 FURTHER REPRESENTATIONS

- 2.1 Since the Panel meeting on 11th October 2012, a number of further objections have been received to the application. 23 letters of objection have been received on a standard letter which have been individually signed, and a further petition containing approximately 100 signatures. It would appear these letters and the further petition have been received and organised by the proprietor of an existing A1 store, located opposite the site at 2 Half Mile Lane.
- 2.2 The standard letters received make assertions regarding the adverse impact on highway safety. The points raised in this standard letter are highlighted below:-
 - Half Mile Lane has a history of traffic accidents
 - The proposal will threaten highway safety, making a hazardous junction more dangerous
- 2.3 Additional comments made on these standards letters are highlighted below
 - Half Mile Lane is heavily parked
 - Car users along Half Mile Lane speed
 - Crossing the road is already dangerous
 - A new retail facility will effect existing business's
 - Increase traffic will affect noise levels
 - No need for a new A1 store
 - Children play in the area
 - Late opening hours

- 2.4 Approximately a further 100 signatures have been received on an petition. People were asked to sign the petition on the following grounds.
- Please help to save your local convenience shop
 - Loss of independent shops
 - Road safety issues
 - Noise nuisance
- 2.5 One individual letter, supported by photographs of traffic on Half Mile Lane was received. The points raised in this letter are highlighted below.
- Impact on highway safety
 - Access into the site is too close to the junction of Half Mile lane and Town Street
 - Half Mile Lane is heavily parked up

APPRAISAL

Amendments to Parking/ Highway Issues

- 3.1 The applicant is now proposing 17 customer spaces (1 below maximum UDP) for the proposed A1 use, and 6 staff spaces on the roof which is considered to be an improved and acceptable parking levels for the proposals. This is an increase of 5 customer spaces, and 6 new staff spaces, when compared to the previous layout plan which was brought to Panel on 11th October. Four of these additional spaces are located to the side of the building, in separate area, from the front forecourt area, and the rear car parking serving the proposed B8 use. The other space has been created from re-configuring the front parking area. This level of parking is considered to be acceptable for an A1 use of this size, which is located in a catchment which would allow nearby residents to walk to the premises.
- 3.2 The applicant has also demonstrated that large vehicle deliveries can manoeuvre within both car parks safely subject to management provisions. Conditions would be placed on the approval to ensure a duty to comply with the Management Plan. Deliveries to the A1 retail use are relatively low (2 by 10.35m length vehicles and 3 by transit type vehicles per day) which can be managed via the applicants submitted service management plan.
- 3.3 The applicant is not requested to provide a zebra crossing on Half Mile Lane because the crossing would remove parking for the adjacent existing shop and dwellings, and the surveyed flow on Half Mile Lane is not large enough to meet the threshold for an effective zebra crossing.
- 3.4 Only one vehicular accident was recorded in the last 6 years on the junction of Stanningley Road/Half Mile Lane which was unrelated to the site frontages and accesses.
- 3.5 The increase in vehicular and pedestrian movements can be safely accommodated on the local highway network - Existing combined average

per hour: 13 two-way trips, Proposed combined average per hour: 51 two-way trips which is just over 1 movement per minute and considered not detrimental to the local highway network i.e. this can be safely accommodated on the highway in the vicinity of the site. Access visibilities onto Half Mile Lane and Stanningley Road meet suitable local guidance.

Other Issues

- 3.6 A further condition is recommended which restricts the area for sales counter and display within the proposed B8 use to 50 sq m. This is to ensure the sale area remains ancillary to the main function as a trade warehouse (B8 use). The applicant has confirmed they are happy to such a condition being imposed on the approval of this application.
- 3.7 The issue regarding competition between business is not a material planning consideration.

4.0 CONCLUSION

- 4.1 The building is existing, and the proposed A1 use is the only realistic re-use for the building, given other constraints which include the proximity to residential properties etc, as other uses are likely to cause conflict with residential amenity. The benefits of the proposal in terms of regenerations, utilising a brown field site, and providing new jobs and investment is considered to outweigh any concern which relates to highway safety.

12.0 Background Papers:

Application file and Panel Report 11th October 2012.



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Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Approve subject to the following conditions:

- 1. 3 year time limit;**
- 2. In accordance with the approved plans;**
- 3. Details of Cycle and Motorcycle facilities, notwithstanding the
approved plans**
- 4. Vehicle Spaces to be laid out**

5. **Approved visibility Splays/ Sightlines**
6. **Duty to comply with Service Management Plan**
7. **No vehicle over 10.5m in length shall deliver or service to the A1 part of the proposal**
8. **Details of Lighting Scheme**
9. **Openings hours to restricted to 07:30 – 23.00 hours for the A1 use and 07:30 – 18:00 for the B8 use.**
10. **Deliveries between the hours of 08:00 and 18:00 hours**
11. **Details of all Boundaries**

In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the Planning Policy Guidance Notes and Statements, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), the Leeds Unitary Development Plan 2001 (UDP) and the Leeds Unitary Development Plan Review 2006 (UDPR).

Policies GP5, BD6, BD7, N12, N13,

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:

- 1.4 This application is brought before Plans Panel due to the number of objections which were received late in the application process, in the interests of democracy and transparency.
- 1.2 The application is a re-submission of a recently refused application. The application includes revisions to overcome the previous highway reason for refusal.

2.0 PROPOSAL:

- 2.1 The proposal is for the change of use and alterations of former car sales showroom (sui generis) to retail unit (A1 use) and electrical wholesaler with trade counter (B8 use). The proposal would form two separate planning units.
- 2.2 The proposal seeks to sub-divide the premises, having the retail unit located at the front of the premises and electrical wholesaler to the rear of the premises.

- 2.3 The proposed retail (A1) extends to 372 sq m of floor space, and the proposed electrical wholesaler with trade counter is 500 sq m, over part of the ground floor and basement levels.
- 2.4 The proposed also includes a 2m high enclosure to the eastern side of the building to create a service yard for the proposed A1 use.

3.0 SITE AND SURROUNDINGS

- 3.1 The application site consists of a detached building, which was last in use as a car showroom and associated grounds and parking area. The building is part single storey and part 2 storey's with a roof top parking area which is accessed by a ramp. The building appears to have been constructed in the 1960's and is of a functional, utilitarian appearance. The building has facing materials of render, metal cladding and concrete. The site has a rear parking area which is accessed from Half Mile Lane, which runs along the eastern boundary of the site. This rear parking area is enclosed by palisade fencing which is topped in parts by barb wire.
- 3.2 The site has a frontage onto Town Street/ Stanningley Road, and large forecourt onto this road, which was previously used to display motor cars. This frontage is enclosed by black railings. The locality is mixed in character with residential and commercial/ light industrial properties fronting Stanningley Town Street. A stone built Public House lie adjacent to the site, to the west, and a modern housing development lies to the rear of the site to the north. Stone built back-to-back properties lie to the east of the site, across Half Mile Lane.

4.0 Relevant Planning History:

- 4.1 This application is a re-submission of a previous applications (12/02084/FU) for the same use.
- 4.2 The planning application (12/02084/FU) was refused on 6th July 2012 on the following grounds.

It has not been satisfactorily demonstrated that the servicing of the proposed A1 use can be safely carried out within the front curtilage area, without displacing customer parking, due to the manoeuvring requirements of HGV's. This would result in conflict between vehicles and customers, whilst reducing the level of customer parking, and displacing parking onto the adjacent adopted highway which is located adjacent to a road junction. The application is also not supported by a Servicing Strategy and therefore it is considered that the proposals would be detrimental to safe and free flow of traffic, pedestrian convenience and highway safety. The application is therefore considered to be contrary to policies GP5 and T2 of the adopted Leeds Unitary Development Plan (Review 2006).

- 4.3 A previous advert application (12/02085/ADV) was also refused planning consent on 5th July 2012 on the following grounds.

The Local Planning Authority considers that the proposed illuminated totem sign due to its size, height, and siting at a road junction and opposite residential properties is unacceptable, as it would appear increasingly dominant and detract from visual amenity of this locality, particularly to the detriment of occupiers of residential properties opposite. The use of illumination will further exacerbate these concerns. The proposal is therefore contrary to policies GP5 and BD8 of the Leeds UDP Review (2006).

- 4.4 Following this refusal, a revised Advert application (12/03261/ADV) was submitted along with this application. This application was granted advert consent under delegated powers on XX September 2012.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 There were no negotiations with the applicant prior to the submission of the application. The previous reasons for refusal offered clear guidance to the applicant with the regard to the outstanding issues which needed to be resolved.

6.0 PUBLIC/LOCAL RESPONSE

- 6.1 The application was publicised by 3 site notices which were posted around the site on 10th August 2012. To date 8 individual objections have been received to the application, and a petition with approximately 130 signatures.

- 6.2 The points raised in the individual letters of objections are;
- There are too many convenience stores already in the locality
 - Goodlife Stores on Half Mile Lane would be forced to close, leaving people unemployed
 - If a crossing is to be installed, on street parking places which are used by patrons of others local shops, would be lost
 - The installation of a crossing would threaten highway safety
 - Impact on residential amenity in terms of HGV's, deliveries, frequency of customers, noise etc

- 6.3 The submitted petition objects to the application on the following grounds.
- Loss of independent stores
 - Road Safety Issues
 - Noise Nuisance

7.0 CONSULTATION RESPONSES

Statutory:

7.1 Highways

No objections subject to conditions.

Non-statutory:

7.2 Local Plans

No objection.

8 PLANNING POLICIES

8.1 National Planning Framework

8.2 Development Plan Leeds Unitary Development Plan Review 2006

- GP5 General Planning Considerations
- T2 Highway Safety
- S8 Maintenance and Enhancement of Neighbourhood Shopping
- E5 Development of employment uses on unallocated sites
- BD6 Extensions and Alterations
- BD7 New Shop Fronts

9.0 MAIN ISSUES

- Principle of Development
- Amenity Considerations
- Alterations / Visual Impact
- Highways/ Parking

10.0 APPRAISAL

Principle

- 10.1 There are no policies within the adopted Leeds UDP which are concerned with the retention of car sales premises, and to change this use to other uses. The site lies unallocated within the Leeds UDP. The proposal seeks planning consent for both an A1 and B8 use. Local Plans have raised no objections to the proposal. The retail unit has an area of 372 sq m. When assessing the application against the emerging Core Strategy, Policy P8 requires a sequential test to consider centres or neighbourhood parades within 500m walking distance. The Core Strategy is not yet adopted but it does carry limited weight, in any event there are no local centres within a 500m distance and on this basis it is considered the proposed unit satisfies policy P8. Policy S8 of the adopted Leeds UDP supports small retail convenience retailing which would serve a local need. The site lies in an established residential

area and it is considered the proposal does follow the policy guidance of policy S8.

- 10.2 Policy E5 supports employment uses (which include B8 uses) on unallocated sites when the use is compatible with the size, character, location and setting of that area, served by existing infrastructure and is not allocated for housing purposes. It is considered the proposal follows this guidance, given the previous use and the physical form of the building. It is therefore considered that the proposal is acceptable in principle subject to an assessment against all other normal development control considerations.
- 10.3 Most of the objections received seemed to be directed at the fact that that the A1 use is to be occupied by a national food retailer, and this would have an adverse impact on other existing nearby independent convenience stores. Competition between business's is not a material planning consideration and the application can not be refused on these grounds. No details have been provided of the occupiers of the A1 use, and theoretically the A1 use subject of this application could be occupied by a shop, hairdresser, undertakers, travel agents, post office, pet shop, sandwich bar and dry cleaners.

Amenity Considerations

- 10.4 The A1 unit seeks consent to open between the hours of 06:00 and 23:00 and the B8 use seeks consent to open 08:00 to 18:00 hours. The Proposed A1 unit is located to the front of the site facing onto Stanningley Road. This unit lies adjacent to the Public House to the west, the highway of Stanningley Road to the south and the highway of Half Mile Lane to the east. Stanningley Road is a busy main vehicular road which is characterised by a mix of differing commercial uses. Residential properties lie to the rear, north of the site, adjacent to the parking area of the proposed B8 use and across Half Mile Lane to the east of the site.
- 10.5 Although it is considered the proposal would be increasingly intensive when compared to the previous use of the site, it is not considered the proposal would have a significant adverse impact on the living conditions of nearby residential properties. The site lies adjacent to a Public House which is also open until 11pm. The retail element of the proposal does not lie adjacent to any residential properties, and is located at the front of the site adjacent to Stanningley Road. A block of flats 40- 45 Half Mile Close do lie to the rear of the site however only the side elevation, which contains one obscured glazed window faces onto this site. The parking area of the proposed B8 use lies adjacent to this block of flats, which will only be in use until 18:00 hours.
- 10.6 The hours of deliveries to the premises will be conditioned between the hours of 08:00 and 19:00 for both proposed uses, should the application be considered to be acceptable in all other respects. These hours are considered to be appropriate even though the A1 use is open until 23:00 hours, as deliveries can be fairly noise intrusive, with HGV reversing etc, when compared to the noise generated by customers visiting the premises. The delivery area is also located nearer to the residential properties located

on Half Mile Lane, when compared to the customer entrance to the A1 unit. This will be secured through planning conditions.

Alterations/ Visual Impact

- 10.7 The southern elevation which is the main frontage onto Stanningley Road comprises of a series of glazed window displays fronts, which are separated by concrete columns. Consent is sought to in-fill the end right hand window display with a render exterior. There is no objection to this as the building does not have a symmetrical appearance and is of a functional design. The left hand side of the building has a solid section at ground floor level which this element of the proposal will match. It is considered the proposal follows the policy guidance of BD6 and BD7.
- 10.8 The proposal includes an external enclosure to the east of the building. No elevations of this enclosure have been provided. In principle there is no concern to an enclosure in this location subject to a suitable design. A condition could be placed on the approval of this application for details of all walls and fencing. The existing railings to the front of the site are to be retained, along with the palisade fencing which encloses the rear parking area.

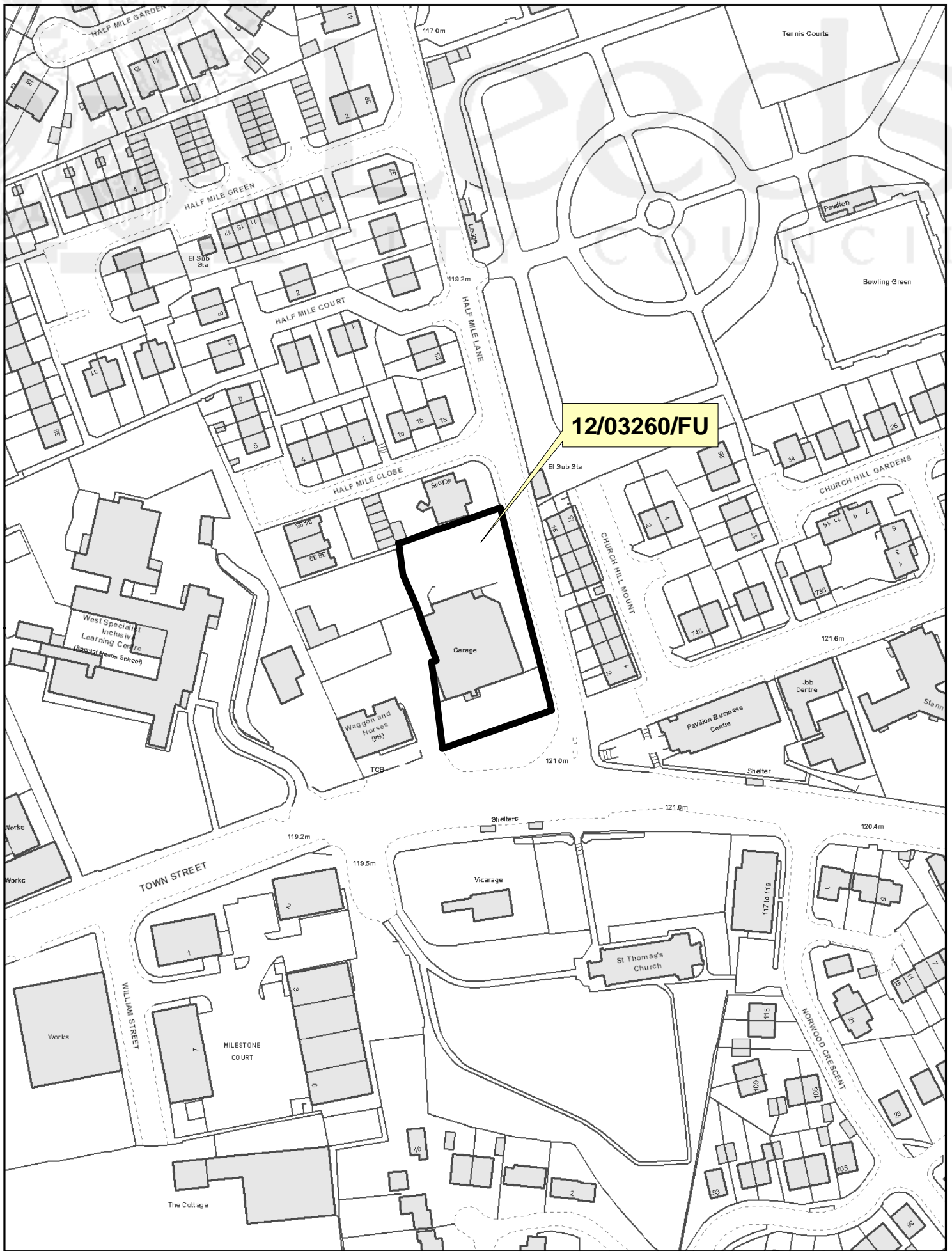
Highways/ Parking

- 10.9 The layout of the site has been revised several times at the request of Highway Officers who have concerns regarding the ability of HGV's to manoeuvre within the site, when making deliveries to the proposed A1 use. The application is now supported by a Service Management Plan and Highways have confirmed they are happy with this plan (subject to conditions) and the level of parking proposed. The proposed A1 use has 12 dedicated parking spaces, and the B8 use also has 9 dedicated parking spaces. There are a further 9 overspill spaces located on the roof of the building.
- 10.10 It is considered the proposal overcomes the previous highway reasons for refusal, and the proposal would not result in any threat to highway safety. Highway Officers did originally consider that the applicant should provide a zebra crossing adjacent to the site, but following further information from the applicant does not consider this is now necessary. Some of the objections are directed at the initial request for the zebra crossing, which is no longer being sought. It is considered the proposal follows policy T2 of the adopted Leeds UDP.

11.0 **CONCLUSION**

- 11.1 This application will bring into use a vacant building, which is located in an established urban area. The proposal is considered to follow the policy guidance of the Leeds UDP and is recommended for approval, subject to conditions.

12.0 **Background Papers:** Application file



SOUTH AND WEST PLANS PANEL

