



**Leeds**  
CITY COUNCIL

Originator: Mark Jackson  
Tel: 0113 378 8136

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**Report of the Chief Planning Officer**

***South and West Plans Panel***

**Date: 3 June 2021**

**Subject: Full Application 20/06103/FU Erection of a Garden Centre incorporating a restaurant, indoor soft play, outdoor play area, outdoor sales area, service area, outdoor adventure play area and associated access improvements, car parking and landscaping. Change of use of the existing golf club house to Adventure Play Centre and demolition of the existing driving range bay structure, netting and other ancillary structures, at Acanthus Golf Club, Thorpe Lane, Tingley, WF3 1SL**

**Applicant: Tingley Garden Centre Ltd**

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**Electoral Wards Affected:**

**Ardsley and Robin Hood**

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 to the Chief Planning Officer for approval subject to the specified conditions identified below (and any others which he might consider appropriate); the completion of a S106 agreement; and consultation with the Secretary of State in relation to inappropriate development in the Green Belt.**

**The Section 106 Agreement shall include:**

- **A financial contribution of £150,000 for off- site biodiversity improvements within the city;**
- **The implementation of a Travel Plan, including relevant monitoring fee (£3,819); and**
- **Local Employment Initiatives**

## Conditions

1. Time limit on full permission
2. Development in line with approved plans
3. Ground investigation report
4. Ground investigation remediation report
5. Ground investigation verification report
6. Details of drainage
7. Approved vehicular access
8. Off- site highways works
9. Details of cycle parking facilities prior to completion of building
10. Provision of electric vehicle charging facilities
11. Details of Car Parking and Servicing Management Plan
12. Details and Provision of Vehicle Spaces to be Laid Out
13. Details of lighting scheme across site
14. Details of the biodiversity management plan
15. Details of Construction Environmental Management Plan
16. Details of landscaping scheme
17. Details of retention of landscaping
18. Details of tree protection measures
19. Details of a landscape management plan
20. Demolition of buildings across site
21. Maximum retail space
22. Breakdown of retail space and goods to be sold
23. Removal of permitted development rights for changes of use of land falling within Use Class E
24. Details of materials
25. Renewable energy provision
26. Removal of all existing advertisement/ hoardings

## **Introduction:**

- 1 The application is brought before the Elected Members of the South and West Plans Panel following the resolution to defer the above application at the Plans Panel meeting of the 29 April 2021.
- 2 The application seeks permission to develop a large irregular shaped parcel of land situated off Thorpe Lane. The proposed development will comprise of the erection of a new garden centre, associated car parking space, children's outdoor play areas and the regrading of various levels across the site to facilitate improved landscaping and biodiversity. The proposal is a mixed used development, comprising of a retail and outdoor sport/ recreation use (Use Classes E and F).
- 3 The resolution at the Plans Panel of the 29<sup>th</sup> April 2021 sought further clarification on a variety of points and the addressing of the following issues:
  - Need to show that there is a net biodiversity gain on site;
  - Explore with the applicant the possibility of a shuttle bus for employees/customers as at Tong site and possible adoption of a Travel Plan;
  - Securing local employment;
  - A condition that clearly describes and limits retail development, particularly those elements that go beyond goods which might normally be expected at a garden centre;

- Provision of better photographs illustrating poor condition of the site at present;
- Provision of CGI's of the proposed development.

2 The following report outlines the work that has been carried out since the previous Plans Panel meeting to address the issues that were raised. For the purposes of clarity, the original report and recommendation of the Chief Planning Officer is appended to the end of this report.

### **Update:**

3 Since the Plans Panel meeting of 29<sup>th</sup> April 2021, the applicant has carried out further work investigating the issues that were raised and providing additional information to demonstrate that the proposal is wholly acceptable in these regards.

4 A further ecological assessment of the site has been undertaken, together with work to assess the potential travel behaviours of the end users of the site. Further discussions have been held with the applicant regarding the issues surrounding the extent of the retail sales on the site and what reasonable measures can be taken to employ staff from the immediate surrounding area.

5 The original biodiversity assessment was carried out earlier this year and it is acknowledged that the optimum time of year for biodiversity assessments is May. Following the resolution of the previous Plans Panel, it was considered that a further survey would ensure that the areas of the site that were valued as having a low ecological value could be assessed at this optimum time. The Local Planning Authority's Ecologist had originally valued an area of the site as having moderate ecological value, compared with the applicant's ecologist's view that it was of a low value. The assessment that has been carried out by the applicant has confirmed that the area is of moderate value; and as such, the views originally held by the LPA's Ecologist are therefore correct.

6 A Travel Plan has been prepared by the applicant and the findings have been influenced by surveys that have been carried out at Tong Garden Centre. Tong Garden Centre is run by the Applicant of this proposal and is located within a rural setting that is comparable to the subject site. The bus services and frequencies are similar with Tong Garden centre being approximately 700 metres from the nearest bus stop and this proposal being 850 metres from the bus stop to the front entrance.

7 The applicant has confirmed willingness to enter into a Section 106 Agreement, which will relate to the financial contribution of £150,000 towards the provision of 6 biodiversity units (this provides a scheme that is policy compliant and that achieves a net gain in biodiversity), together with clauses seeking local employment initiatives and the implementation of the proposed Travel Plan.

### **Policy Update**

8 The planning assessment presented originally to Elected Members outlined all the relevant planning policies and assessed the issues in turn. The full planning assessment is appended at the end of this report, however, the following policies are most pertinent to the issues that the resolution of the Plans Panel raised. The most pertinent policies here are:

## Core Strategy

- T1: Transport management
- T2: Accessibility requirements and new development
- P8: Sequential and Impact Assessments for Main Town Centre Uses
- P12: Landscape
- G1: Strategic Green Infrastructure
- G9: Biodiversity

### Appraisal of Further Information Received:

#### Biodiversity Net Gain

- 9 Panel Members will recall that the proposal was initially brought before them with a recommendation that sought to defer and delegate determination to allow the issue of biodiversity to be resolved following a further assessment of the site, and an agreement that any loss of biodiversity across the site would be compensated through a financial contribution towards off site biodiversity improvements. A further assessment of the site has been carried out and the findings accord with those of the LPA's Ecologist.
- 10 The previous report outlined how biodiversity across the site is calculated and how the biodiversity matrix is used to quantify biodiversity and assess whether a proposal improves the biodiversity over what is currently there. The original proposal was based on assessments carried out at a time of year when wildlife and planting would not be fully apparent. Surveys in May are considered to be optimal to ascertain what wildlife and planting do exist on the site. Following the further assessment, the original conclusion drawn was that the proposal would be 5.6 biodiversity units short, and this has been confirmed.
- 11 The LPA has a statutory duty to consider the conservation of biodiversity when making decisions on planning applications. The Core Strategy (policy G9) and the National Planning Policy Framework (NPPF) paragraph 170 (d), both seek to provide biodiversity net gains to protect, enhance and establish ecological networks. Paragraph 175 further states that only where a proposal cannot mitigate or compensate for a loss in biodiversity should it be refused. The policies seek to provide biodiversity firstly on the development site, but the policy and framework do recognise that there are significant benefits to financial contributions being made for off-site provisions. It is recognised and supported by the LPA and West Yorkshire Ecology Service that financial contributions can be collected and used in a way that will provide meaningful habitats and ecological improvements.
- 12 The LPA has set out a target to achieve a 10% net gain on all proposals. However, whilst a Supplementary Planning Document is being prepared to support this, both local and national planning policy only require a net gain to be achieved and 10% gains cannot be insisted upon at present. In line with the LPA's guidance, a financial contribution of £150,000 is proposed to be secured through a Section 106 agreement which equates to 6 biodiversity units. Accordingly, in line with local and national planning policy, the proposal would achieve a net gain in biodiversity terms and is policy compliant.

#### Sustainable Transport

- 13 Panel Members raised concerns that the proposal was not close to public transport links and compliant with the Councils Accessibility Standards. Whilst Officers appreciate the concerns raised by Panel Members regarding accessibility, the nature of the proposal does present challenges due to the operational requirements of such a proposal. However, the issue of accessibility has been looked at in more detail and the request by Panel Members to explore the use of a shuttle bus for employees/customers and the adoption of a Travel Plan (TP) has been carried out.
- 14 As outlined previously in this report, the site is comparable to Tong Garden Centre in terms of scale, its semi-rural location and access to public transport (bus stop locations). Moreover, as stated within the original Chief Planning Officer's report, by virtue of the scale and nature of the proposal, such sites are required and not easily or readily available close to local or town centres.
- 15 The applicant owns and runs Tong Garden Centre and this is comparable in terms of its scale and semi-rural setting. The Applicant has prepared a TP and carried out surveys with customers and staff of Tong Garden Centre to outline the operational requirements of the garden centre and general travel behaviours to such retail/ leisure uses. The following information was collated from the survey:

	Customers	Staff
Car	97.90%	84.40%
Motorcycle	0.20%	1.40%
Bus/public transport	0.50%	8.10%
Bicycle	0.30%	0.00%
Walk/run	1.10%	4.70%
Car share	0.00%	1.40%
<i>Sample size</i>	<i>5500</i>	<i>150</i>

Table 1: Mode of transport customers and staff travel to Tong Garden Centre

- 16 Of the 150 members of existing staff employed at Tong Garden Centre, 71.5% travelled less than 5 miles to get to work, and only 14% travelled more than 10 miles to get to work.
- 17 It is shown that customers are highly likely to use a car, however, a proportion of staff do use public transport or other modes of travel such as running/walking or car sharing. The low public transport use by customers would indicate that this is due to the nature of the use and that it is likely that bulky goods will be bought; this theory is also supported, given that members of staff do use public transport even with the additional walk.
- 18 The survey shows that it is unlikely that a shuttle bus to other public transport links could be used successfully to achieve changes in travel behaviours of customers. However, it is considered that a TP to encourage and support changes to the modal split of travel would be a useful tool to set out aims and objectives for more sustainable travel. The Applicant has prepared a TP and it outlines means of promoting and encouraging the use of other sustainable transport modes and it is compliant with Core Strategy policy T1. The implementation and monitoring of the TP can be secured and monitored through a clause in the Section 106. This is agreed to by the applicant.
- 19 The proposal does seek to improve the pedestrian links to the access into the site with a pedestrian refuge island connecting the existing footway along the northern

side of Thorpe Lane. Furthermore, the site is also set off Thorpe Lane which is identified in the West Yorkshire Interactive Cycle Map as an advisory cycle route (ie. a wide road capable of achieving bike lane widths and satisfactory carriageway for vehicles). As such, facilities such as showers/ changing facilities and bike storage are to be provided by the applicant on the site to encourage cycling, walking and running.

- 20 As it will be discussed further in the subsequent report, the applicant is committed to carrying out a development that will bring a positive economic impact to the local area. It is the desire of the applicants to make sure that the proposal will be a positive economic change for the area, especially with regards to local employment. The implementation of a Travel Plan will be a useful tool in encouraging sustainable travel amongst employees and customers, and looking at the comparable site that the applicant already runs, such TP will ensure that the development is policy compliant with regards to policies T1 and T2.

### **Local Employment and Retail limitations**

- 21 Panel Members raised issues regarding the securing of local employment and the retail impact of the proposal on other neighbouring local/ town centres, given the range of goods that are likely to be sold.
- 22 The range of goods to be sold are broadly in line with those that were granted consent by Members in 2016. Although both this application and that of 2016 included bulky goods such as garden furniture, BBQ's and other large seasonal goods, the retail experience of a Garden Centre is still heavily centred around the sale of plants and gardening sundries. It is proposed to restrict the goods to be sold by the implementation of three planning conditions. The conditions would limit the amount of retail space across the site and also break down the amount of retail space proposed for each type of goods to be sold. A third condition is also proposed to restrict the General Permitted Development rights available to the site, thus ensuring that no changes of uses can be carried out, without prior consent, that may broaden the range of goods to be sold across the site.
- 23 The conditions are considered to limit the retail development sufficiently enough to prevent the development from becoming the equivalent of an out of town shopping location. As such, in this respect the proposal is considered to be fully compliant with the aims of the NPPF and local policy P8.
- 24 Panel Members will also recall that local employment was of concern. The proposal will generate a significant number of jobs which will be made available for local people. In total, 175 full time and 75 part time jobs will be created, amounting to 250 jobs in total (200 full time equivalent). Since the previous Panel meeting, the applicant has outlined in its supporting information that the proposal is comparable to its existing operations at Tong Garden Centre. Through the surveys that the applicant has carried out, it has been shown that 71% of employees travel less than 5 miles to get to work, and they use a variety of modes of transport. It is shown that the operations of the company already make best efforts to employ locally and they have agreed that a Local Employment Strategy will be drawn up as part of the Section 106 Agreement. On this basis, the proposal is considered to comply fully with the aims and objectives of Core Strategy Spatial Policies SP1 and SP8.

### **Appearance of the Site**

- 25 Panel Members raised concerns that the existing condition of the site was not fully shown in the presentation and that CGI's should be presented to get a better understanding of what the site may look like. The concerns raised are appreciated by Officers, and further site photos and montages of the proposal have been provided. It is considered that the details provided should enable Panel Members to understand the significant landscaping benefits and visual improvements that this proposal will have on the appearance of the site and the wider area.

## **Summary**

- 26 The Applicant has provided various supporting information to ensure that the concerns raised by Panel Members have been addressed. The supporting information further supports the original recommendation that the proposal does represent a sustainable form of development through the provision of a range of social, economic and environmental improvements to the site and wider area.
- 27 As outlined in report dated 29<sup>th</sup> April 2021, the site has previously been developed and the re-development of the site provides an opportunity to improve the landscape with the removal of existing structures and re-landscaping, which will include extensive soft landscaping and biodiversity changes. The principle of developing a garden centre on this site is supported by the economic and social benefits of: the provision of a facility that is hard to provide in an urban setting; a large scale investment and positive redevelopment of an unkempt site; and the provision of a wide variety of jobs. Furthermore, the proposal provides comprehensive environmental improvements that will have a positive impact upon the Green Belt.
- 28 With consideration being given to all other matters, the additional information provided is considered to be more than sufficient enough to alleviate the concerns raised by Panel Members and, to enable the support of the recommendation outlined at the head of this report.

# APPENDIX 1



Originator: Mark Jackson  
Tel: 0113 378 8136

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## Report of the Chief Planning Officer

### *South and West Plans Panel*

Date: 29 April 2021

**Subject: Full Application 20/06103/FU Erection of a Garden Centre incorporating a restaurant, indoor soft play, outdoor play area, outdoor sales area, service area, outdoor adventure play area and associated access improvements, car parking and landscaping. Change of use of the existing golf club house to Adventure Play Centre and demolition of the existing driving range bay structure, netting and other ancillary structures, at Acanthus Golf Club, Thorpe Lane, Tingley, WF3 1SL**

**Applicant: Tingley Garden Centre Ltd**

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#### Electoral Wards Affected:

**Ardsley and Robin Hood**

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 to the Chief Planning Officer for approval subject to the specified conditions identified below (and any others which he might consider appropriate); the completion of a S106 agreement to ensure the scheme has a neutral biodiversity impact; and consultation with the Secretary of State in relation to inappropriate development in the Green Belt**

**In the event that the final biodiversity calculations show a net loss of biodiversity units across the site, the S106 agreement is to include a financial contribution equating to the provision of £25,000 per biodiversity unit lost, for off-site biodiversity improvements within the city.**

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50. Renewable energy provision
51. Removal of all existing advertisement/ hoardings

### **Introduction:**

- 4 The application is brought before the Elected Members of the South and West Plans Panel at the request of Councillor Gruen.
- 5 The site has been the subject of various historic planning applications and this proposal is similar in principle to an application approved by Plans Panel in 2016. It is to be noted however, that the proposal has a different red line boundary to the 2016 approval and it is only the use of part of the site for a garden centre that is comparable. The larger site includes children's 'adventure play' equipment and various landscaping improvements to the wider site, which are considered necessary to help enable the scheme to be financially viable. The recommendation is based on the individual merits of this proposed mixed use scheme and as it will be demonstrated further in the following report, the proposal can demonstrate that whilst set within the Green Belt, there are Very Special Circumstances which outweigh the harm to the Green Belt and any other harm making the scheme appropriate and sustainable.

### **Proposal:**

- 3 This application seeks permission to develop a large irregular shaped parcel of land situated off Thorpe Lane. The proposed development will comprise of the erection of a new garden centre, associated car parking space, children's outdoor play areas and the regrading of various levels across the site to facilitate improved landscaping and biodiversity. The proposal is a mixed used development, comprising of a retail and outdoor sport/ recreation use (Use Classes E and F).

- 4 Planning permission was granted in 2016 for the erection of a garden centre on the western side of the site, close to Thorpe Lane. The permission related to development which is different to this proposal, broadly because the previous consent did not include the land to the east where currently there is a 9 hole golf course, car parking, a driving range and golf club house (which currently operates as an Indian restaurant).
- 5 This proposal will comprise of:
- Garden centre with 6128sqm of internal space, including ancillary restaurant and kitchen;
  - Outdoor sales area of 3356sqm (of which, 978sqm would be under cover/ canopies);
  - Internal children's play area;
  - Re-grading and extensive landscaping of site, facilitating the provision of external 'adventure play' space
  - Car parking spaces for 612 vehicles set out to the west of the garden centre, including the existing Golf Clubhouse car parking areas;
  - Retention of clubhouse for ancillary services
- 6 The internal and external areas will function as most large garden centre currently do, selling a range of goods including hardy and seasonal plants and shrubs, household plants, garden furniture, seeds and bulbs, seasonal goods, garden sundries (i.e tools, watering cans etc), wild bird care, indoor living (furniture), outdoor clothing, books and cards and botanics.
- 7 It is also proposed that 990sqm of internal space will be used for a restaurant and kitchen area, to be run as an ancillary business to the main garden centre use.
- 8 The proposed garden centre building will measure approximately 102 m along the east/ west elevations and 77 m along the north/ south elevations. The building is rectangular in shape and set at an angle to the M62 motorway, alongside the existing golf clubhouse which is to be converted into ancillary support areas. The outdoor sales area to the garden centre is to be located to the north of the main building and access to the outside play facilities will be through the former golf clubhouse. The land closest to Thorpe Lane is to be regraded and landscaped to minimise the visual impact of the proposal.
- 9 It is proposed to construct the walls from timber and metal cladding. The roof of the main building will be a grey composite cladding to provide an attractive appearance. The main entrance and restaurant areas will be constructed from glazing. The proposed car park would offer 612 spaces, which is an increase of 482 spaces when compared to the existing car park which serves the existing golf course/driving range.
- 10 The proposal includes the retention of the existing club house for ancillary services to the main garden centre, and so that a defined gateway is provided to the large external 'adventure children's play' areas. The outdoor play areas are to link play equipment to nature, to improve and promote physical and mental health/ well-being, and provide facilities of a scale and nature that can only be provided in such a rural location. The children's adventure play area will include a range of equipment that is accessible to children of various ages and ability. Such equipment will include amongst others things; rope bridges, water play with rafts and rope ferry, slides, square towers, tunnels and sand play.

- 11 Substantial landscaping including the re-grading and bunding of earth are proposed, together with significant biodiversity improvements throughout the site. Landscaping along the embankment with the M62 is to be retained and improved, and the majority of the boundaries are to be landscaped with substantial planting which would be a significant improvement over what is already there. The use of grasslands, open mosaic habitats, wildlife ponds and extensive woodland planting across the site will have visual benefits, together with biodiversity improvements.
- 12 The proposal will provide economic benefits to the locality and jobs will be created through the construction stage and long term operations. The proposal is a large scale investment into the area that will create economic benefits as well as social and environmental improvements.

### **Site and Surroundings:**

- 13 The application relates to former agricultural and quarrying land that has been redeveloped to form a golf course. The site is a broadly triangular area of land that is bounded by Thorpe Lane (A654) to the west, the M62 to the south and the Wakefield-Leeds railway line to the north. Although it is located within the Green Belt the site, and its wider area broadly appear as part of the wider urban fringe of Leeds. The very edge of Middleton lies beyond the boundary of the railway line to the north and Tingley is located to the south. Two residential dwellings are located close to the northern access point into the site and there are number of long established businesses including a garden centre, scrap yard, breakers yard and a container business within the immediate vicinity. The surrounding area is largely level, although Middleton village is set a little higher than the application site, and the M62 and the railway are both set within cuttings.
- 14 The golf club house is located toward the south-western section of site with a large carpark to its western frontage, and the building currently houses a restaurant. Access into the site is from the northern entry point, and vehicles exit by way of the southern access.

### **Relevant Planning History:**

- 15 **PREAPP/19/00454**  
Pre-application advice was sought regarding the principle of developing the site with a garden centre and landscaping and changes to incorporate a childrens adventure play area. The advice outlined that the principle of the garden centre had already been established, however, any further changes to the site would have to clearly demonstrate that the impact on the Green Belt would not be greater than the existing forms of development present on the site.
- 16 **15/04256/FU – Approved**  
Garden centre with outdoor sales area, service area, car parking and landscaping
- 17 **14/01498/FU - Approved**  
Proposed construction of short, haul road section traversing existing golf driving range (temporarily closed) to connect to existing construction haul road comprising internal gyratory road system (pursuant to extant permission

12/03971/FU) and to include grass bunds and wheel wash facility

**18 12/03971/FU – Approved**

Re-modelling and re-landscaping of existing 9 hole golf course through the importation of inert waste materials, formation of new fairways, tees, greens and water bodies; 4-5m high bund along north-eastern boundary

**19 05/23/00174 – Approved**

Detached two storey clubhouse to golf club

**20 89/23/00562 – Approved**

Laying out of 9 hole golf course, with driving range and reception and with car parking and landscaping.

**21 87/23/00305 – Approved**

There exists an outline planning permission and reserved matter approval for the erection of garden centre with office, cafeteria, toilets and plant rooms with landscaping and play areas. This application was granted in October 1988 and has implemented in part. The grant of planning permission was subject to a Section 52 Agreement that, amongst other matters, restricted the area for the sale of goods/produce within the nursery garden which is not produced on the site to a maximum gross area of 5,000 sq.ft (464 sqm). This equates to 16% of the buildings area. The range of imported goods was restricted.

**22 H23/24/91/ - Approved**

The reserved matters application was approved in September 1991 The approved garden centre had a floorspace of 30,038 sq.ft (2,790 sqm). In a letter dated 9th October 1996 the City Council confirmed that the development subject to this planning permission had been commenced but the development has not been completed and work on implementing this approval ceased some time ago.

**Consultations:**

Coal Authority

No objection

Natural England

No comment

Contaminated Land

No objection subject to conditions

Highways

Initial concerns on the sustainability of this location and impact upon local highway network.

Following the submission of further information, the scheme is considered to be acceptable in terms of the access, impact on the highway network, the number of car parking spaces, the servicing arrangements and the internal layout.

Landscaping

No reply

### Nature Conservation

Biodiversity across site needs to be quantified in the biodiversity matrix and support can be given to the proposal provided that any residual loss is off-set by a contribution secured through a Section 106 agreement.

### Local Plans

No objection. There are no other sequentially preferable sites. Diversion of trade is not likely to be from local centres due to nature of the proposed use. Competition is not a material planning consideration.

### Environmental Studies Transport Strategy Team

No objection on the grounds of local air quality.

### Influencing Travel Behaviour Team

The site is not served by public transport. Thorpe Lane is not good for cycling, due to high speeds of traffic, and no cycle lane. Opportunities to travel to this site by sustainable modes of travel are extremely limited.

### Flood Risk Management

Acceptable in principle, however, further information required.

### West Yorkshire Police

No objections to proposal. CCTV should be installed.

### Yorkshire Water

A water supply to the site can be provided, however, private sewage treatment facilities will be necessary.

## **Public/Local Response:**

23 The application was publicised by site notices which were posted adjacent to the site on and on public rights of way close to the subject site. To date, 17 representations have been received from 15 local residents. Of these representations, three have given support, whilst the remaining 13 object to the proposal. The objection representations can be summarised as raising the following material planning concerns:

- The land is Green Belt and the loss of the green space/ golf course would impact upon the local community and is needed as open space;
- The site isn't suitable for houses;
- The site is off a dangerous road and traffic increase would impact upon the local residential areas and highway safety;
- The site and traffic will be close to Blackgate School;
- Traffic already park on Thorpe Lane at seasonal times to go to the existing garden centre/ nursery;
- The site is next to the M62 and noise and vehicle pollution would have an impact upon children's health;
- The proposal will not generate 250 jobs

24 The representations also refer to a new garden centre being built opposite a long standing family business of the same nature and others in the surrounding areas. The

comments state that this will threaten local jobs and a family business. However, competition between businesses is not a material consideration to be given weight in the assessment of this planning application. In any event, it should also be noted here that the scale and nature of the two businesses are also not comparable. The business model of the applicant's seeks to move with the increasing trend to diversify and increase facilities on offer at garden centres and to make them a family experience. Traditionally, due to the nature of a garden centre, people make a one purpose trip just to buy plants and these trips are to places that are not likely to be within very sustainable local/ town centre locations.

25 Three representations supporting the proposal can be summarised as raising the following comments:

- It is a great idea and will get much use from local residents;
- The adventure play area will be a fantastic addition;
- Will improve the site and be a great addition to the local area as the site has been left to ruin since the golf course closed;
- The garden centre may help the existing nursery with additional visitors who have visited the proposed garden centre

26 All three local ward members have been informed of the application through a briefing meeting. No formal representations have been received; however, concerns were raised regarding potential traffic generation and the scope of what is to be sold at the centre.

27 All material considerations outlined above are discussed further in the subsequent report.

### **Planning Policies:**

28 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

29 It is noted that Leeds City Council has made a declaration of a Climate Emergency and, that the overall aim of the Local Planning Authority's Development Plan seeks to support this statement of intent. The Core Strategy and Unitary Development Plan seek to ensure that all development is sustainable and that wherever possible, a development minimises its impact upon global warming.

30 The Development Plan for Leeds currently comprises the following documents:

1. The Leeds Core Strategy (as amended 2019)
2. Saved Unitary Development Plan (UDPR) Policies (2006)
3. The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013) including revised policies Minerals 13 and 14 (Adopted September 2015).
4. Any Neighbourhood Plan, once made
5. Aire Valley Area Action Plan (adopted 2017)
6. The Site Allocations Plan (adopted in July 2019). Following a statutory challenge, Policy HG2, so far as it relates to sites which immediately before the adoption of the SAP were within the green belt, has been remitted to the

Secretary of State and is to be treated as not adopted. All other policies within the SAP remain adopted and should be afforded full weight.

31 The application site is unallocated and lies within the designated Green Belt.

32 Core Strategy

SP1: Location of Development

SP2: Hierarchy of Centres and Spatial Approach to Retailing and Leisure

SP8: Economic Development Priorities

EN1: Climate Change

EN2: Sustainable Design and Construction

EN5: Flood Risk Management

T1: Transport management

T2: Accessibility requirements and new development

P8: Sequential and Impact Assessments for Main Town Centre Uses

P9: Community Facilities and Other Services

P10: Design

P12: Landscape

G1: Strategic Green Infrastructure

G9: Biodiversity

33 Unitary Development Plan Review

Policy N32: Refers to the Green Belt

Policy N33: refers to approval in the Green Belt shall only be given for certain developments unless very special circumstances.

Policy GP5: refers to development proposals should seek to avoid loss of amenity.

34 The Natural Resources & Waste Local Plan

General policy 1 – Sustainable development

Air 1 – Management of Air Quality

Water 1 – Water Efficiency

Water 2 – Protection of Water Quality

Water 6 – Flood Risk Assessments

Water 7 – Surface Water Run-off

Land 1 – Land Contamination

Land 2 – Development and Trees

35 Relevant supplementary guidance –

Leeds Street Design Guide - gives advice on design of roads and parking layouts.

Parking SPD

Greening the Built Edge SPG

36 National Planning Policy Framework (NPPF)

The NPPF sets out the Governments planning policies for England and provides a framework for Local Planning Authorities to follow when preparing their local plans. The framework must be taken into consideration in the preparation of local plans and is, therefore, a material planning consideration in determining planning applications.

The aforementioned local planning policies have been considered to be sound when viewed in the context of the NPPF.

The NPPF promotes sustainable development and in order to achieve this, breaks down the role of the planning system into three overarching objectives. The NPPF seeks to ensure that sustainable development promote economic, social and environmental objectives.

At the heart of the NPPF there is a presumption in favour of sustainable development. This means for determining planning applications, development should be approved where it accords with an up-to date development plan, or refused consent where adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

Paragraph 89 relates to the vitality of town centres and advises that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m<sup>2</sup> of gross floorspace). This should include assessment of: a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and b) the impact of the proposal on town centre vitality and viability.

The subject site is situated within the Green Belt and therefore paragraphs 143 to 146 are particularly relevant to ascertain whether the principle of development is acceptable.

The NPPF also seeks to build a strong and competitive economy and states that local planning policies should help create conditions in which businesses can invest, expand and adapt. Paragraph 80 further states the need to give weight to supporting economic growth by taking into account local businesses needs and wider opportunities for development.

Other paragraphs of note are 109, 127 and 180, which address matters relating to design, general amenity and pollution.

## **MAIN ISSUES**

- Principle of Development
- Climate Change
- Highways and Access Issues
- Design, Layout, Landscaping and Biodiversity
- Amenity Issues
- Land Drainage and Contamination
- Planning Balance
- Summary

### **Principle of Development**

37 Section 38(6) of the Planning and Compensation Act 2004 requires that applications must be determined in accordance with the development plan unless material



considerations indicate otherwise. The site is wholly allocated within the Green Belt, however, parts of the site, mostly to the west, have been the subject of development and can be considered in part to be previously developed land.

- 38 Development across the site has included the implementation of the planning permission granted in 1987 for a garden centre and various lawful engineering operations across the site to construct the golf course, driving range and golf clubhouse. The site currently also has signs of neglect with building materials being stored on it and lorry trailers being parked upon the banking that fronts the motorway for the purposes of displaying advertisement hoardings. The neglect of the driving range nets and elements of the golf course have become unsightly.

*Retail and Leisure Impact*

- 39 Government guidance highlights the need to provide for economic growth, both in urban and rural settings. The NPPF makes it clear that Government expects that development and growth should be approved unless it compromises key sustainable development principles set out in the NPPF. Appropriate weight should be given to the need to support economic recovery and applications that secure sustainable economic growth, should be treated favourably. Paragraph 80 of the NPPF is also supported by the Spatial Policies outlined in the Core Strategy, which a mixture of employment opportunities.

- 40 The proposal seeks to redevelop the site with a mixed use scheme that comprises of a garden centre and ‘children’s adventure play’ areas. The retail and leisure uses are considered to be generally more appropriate in town and local centres. The site, however, benefits from an extant permission for a garden centre (1988) that could still be implemented and a permission that has now lapsed for a garden centre that was granted more recently in 2016.

- 41 The following table shows the differences in the total quantum of development and it should be noted that the small increase in areas is due to current standards regarding circulation spaces, café spaces and other modern day layout requirements.

	1988 approval (m2)	2016 approval (m2)	Current proposal (m2)
Total indoor and outdoor sales areas	9,256	9,022	9,484

- 42 The table below shows the amount of retail space, and as demonstrated, this is lower than both previous developments. (481sqm less than the most recent 2016 approval).

	1988 approval sales floorspace (m2)	2016 approval sales floorspace (m2)	Current proposed sales floorspace (m2)
Total indoor and outdoor sales areas	9,256	7,065	6,584

- 43 Core Strategy policies SP2 and SP8 seeks to support growth and competition in the local economies across all sectors, including retail and leisure uses. The spatial policies also seek to ensure that a centres first approach to main town centre uses is taken. In line with paragraphs 87 and 88 of the NPPF, policy P8 of the Core Strategy relates to sequential and impact assessments of proposals that are out of centre.
- 44 As this is a main town centre use in an out of town centre location a sequential test was required which confirmed that there were no other available or preferable sites in a more sequentially preferable location. Given the quantum of retail floor space a retail and leisure impact assessment was also required (para 89 NPPF). This concluded that there would not be a significant adverse impact on one or more of the considerations in paragraph 89. Therefore the development in this location, in retail terms is considered acceptable.
- 45 Furthermore, it has also been considered that with an extant permission on the site the principle of the use of the site for retail has been favoured and this lower retail space does not increase potential harm to local centres above what could be implemented on site. The proposal as shown above would have less retail impact and, provides a redevelopment of the site that has other significant environmental and social benefits. Accordingly, the proposed main town centre uses are considered to be acceptable in this location and not detrimental to any surrounding local/ town centre.

### *Green Belt*

- 46 The application site lies within the Green Belt. Saved UDPR Policy N32 (alongside those amendments identified in the Site Allocations Plan) defines the Green Belt boundary within Leeds. Saved UDPR Policy N33 sets out that unless very special circumstances exist development in the Green Belt will be resisted and in this respect is wholly consistent with the NPPF. However, the list of exceptions in N33 is inconsistent with those listed in the NPPF and therefore the exceptions listed in policy N33 should only be afforded limited weight as required by the NPPF at Annex 1 paragraph 213.
- 47 The NPPF (2019) attaches great importance to Green Belts noting that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, noting that the essential characteristics of Green Belts are their openness and permanence.
- 48 The NPPF identifies at paragraph 134 five purposes which Green Belt serves (1) to check the unrestricted sprawl of large built-up areas; (2) to prevent neighbouring towns merging into one another; (3) to assist in safeguarding the countryside from encroachment; (4) to preserve the setting and special character of historic towns; and (5) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 49 Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 goes on to state that very special circumstances for inappropriate development in the Green Belt will not exist unless the potential harm to the Green Belt and any other harm is 'clearly outweighed' by other considerations.

- 50 Paragraph 145 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt unless it means one of a number of exceptions. Paragraph 146 states that other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
- 51 Previously developed land is defined in the NPPF (2019) (Annex 2 Glossary) as Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.
- 52 The proposed development is located within the Green Belt. As outlined within the National Planning Policy Framework (NPPF) the essential characteristics of Green Belt are its openness and its permanence. There is a presumption against development within the Green Belt except within certain circumstances. At paragraph 143 of the NPPF, inappropriate development is harmful to the Green Belt, and substantial weight should be given to this harm. Inappropriate development should not be approved except in very special circumstances, and “very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 53 The main issues regarding the Green Belt are therefore:
- (i) whether the proposal constitutes inappropriate development in the Green Belt as set out in the Development Plan and having regard to national policy framework set out in the NPPF, and;
  - (ii) if it is inappropriate development, whether the harm, by reason of inappropriateness is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

### *Inappropriate Development*

- 54 Paragraphs 145 and 146 of the NPPF outlines the circumstances in which development within the Green Belt might be considered appropriate and Policy N33 of the UDP largely accord with these exceptions.
- 55 In the strictest interpretation of the Paragraphs 145 and 146, development of a new garden centre is considered to be inappropriate and the adventure play area and re-grading/ landscaping of the site are only considered appropriate if they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 56 The leisure use could be considered to be an exception under paragraph 146 is on the provision that it would preserve the openness of the Green Belt and does not conflict with the purposes of including land within it. However, given the presence of an assortment of play equipment and structures, it is not considered that this aspect of the proposed development would preserve the openness of the Green Belt, and as such, this element would also be inappropriate.
- 57 In summary, the proposed development in its entirety is therefore considered to be inappropriate and not an exception as outlined in paragraphs 145 and 146 of the

NPPF. Attention must then turn to whether there are the necessary very special circumstances, and these cannot exist unless there are other material considerations that clearly outweigh the identified harm.

### *Very Special Circumstances (VSC)*

- 58 The NPPF at paragraph 144 advises local planning authorities that when considering any planning application, they should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 59 The proposal is accompanied by a set of very special circumstances. Furthermore, the application has been supported by a retail sequential test and impact assessments, together with planning statements outlining how the proposal can improve the visual and spatial qualities of the subject site. The proposal is considered to outline material considerations, including economic, social and environmental improvements that represent the Very Special Circumstances.
- 60 It is acknowledged in guidance from the Ministry of Housing, Communities and Local Government, that assessing the impact of this proposal on the openness of the Green Belt is subject to judgement based on the circumstances of the case.
- 61 The Government guidance states that:
- *openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
  - *the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
  - *the degree of activity likely to be generated, such as traffic generation.*

### *VSC – Environmental, Spatial and Visual impact*

- 62 The re-development of the site will have a long term impact, however, as it will be demonstrated, the proposal is considered to be capable of improving both the spatial and visual impact that past development has had. Furthermore, the economic and social considerations are also evident. The following table outlines the scale of the new building compared with the most recent consent and the difference in the amount of demolition of existing buildings and structures.

	Approved Garden Centre Buildings 2016	Proposed Garden Centre Buildings
Internal and external sales area	10,122 sq m	10,584sq m
Demolitions	412 sq m	1,022 sq m
TOTAL	9,710m	9562m

- 63 The application site includes various former agricultural buildings, dwellings, driving range nets/ structures, golf club house, car parking and access roads. The site has also been regraded at various times and some inert waste brought onto it. This proposal seeks to demolish various buildings and structures and site the proposed garden centre within a landscaped site that would minimise visual intrusion of new structures. This aspect of the proposal improves both the spatial and visual impact of the proposal.
- 64 As well as having a reduced spatial impact upon the Green Belt, as the proposal has significant landscaping and biodiversity improvements to enhance the overall visual impact of the site too. Furthermore, the development is concentrated centrally within the site and the removal of structures like the advertisement trailers and driving range equipment should therefore improve the visual impact of the site from numerous surrounding vistas and have no more of an impact upon the openness of the Green Belt than the current land uses.

#### *VSC - Economic benefits*

- 65 The proposal seeks to provide a facility that will represent a substantial investment in the area, both in terms of the anticipated £14 million build cost and the creation of up to 250 jobs. Not only does the proposal have economic benefits, but the proposal will also provide an outdoor recreational facility with the provision of indoor and outdoor children's play that will be accessible to the wider community. The principle of the development, in terms of the promotion of economic growth and proposals that supports health and well-being, is supported by both local and national planning policies.
- 66 The establishment of a garden centre on the site is considered to be a catalyst for up to 250 jobs within the garden centre operation. The proposed operator is highly experienced in the garden centre market and operates locally with their garden centre in Tong. A garden centre operation requires staff to fulfil a wide range of roles and this is in addition to those employed during construction.
- 67 Notwithstanding the positions created in the operation and construction of the garden centre, there will also be secondary and tertiary positions which will be made available. For example, the local suppliers from which the garden centre buys from may experience greater trade. This could be in the form of local suppliers or businesses who will see more business from the garden centre as it becomes more successful. In addition, there will be jobs created in servicing the garden centre and helping it to operate, for example, cleaners and maintenance engineers.
- 68 The 2016 planning consent related to just a garden centre sited only on the western part of this subject site. It was granted consent, given the significant improvements the scheme would deliver when compared to the extant permission approved in 1987. The most recent 2016 proposal sought to improve the visual amenities and condition of the site, provide economic benefits to the area and secure a more sustainable development than the 1987 permission that could still be implemented. The total retail floorspace of the 2016 consent was a reduction from that approved in 1988. This proposal reduces the retail floorspace further, but diversifies the use of the site in line with a business modal that is shown to work.
- 69 The retail and economic aspects of garden centre are very similar to the 2016 proposal and it should be considered that the proposal has significantly greater

implications for improving the wider spatial and visual dimensions of the Green Belt (owing to the removal of various existing structures, together with re-grading of the land). Weight should also be given to the provision of a community facilities that help to improve children's health and well-being and accordingly, such benefits are all in line, with both local and national planning policies.

### *Summary of the Principle of Development*

- 70 The business model for this proposed garden centre is different to the historic proposals, and such additions as the 'adventure play' and landscaping of the site will have a degree of harm on the character of the site and wider Green Belt. The redevelopment of the site is deemed inappropriate, however, very special circumstances are considered to outweigh the harm as outlined above.
- 71 The proposed garden centre use cannot feasibly be accommodated within an urban setting and ultimately development such as this is often found in rural locations. Sequentially therefore, the retail element of the proposal, and the leisure uses, are considered appropriate on the site, although not within a main town centre. The retail aspect of the proposal is very similar to the previous proposed garden centre and that of the extant permission that was granted in the 1980's. The retail proposal is considered to be acceptable in this location for these reasons and they enable a scheme to be brought forward that can also improve the visual and spatial impact that the current use and buildings have on the Green Belt.
- 72 The site has previously been developed and the re-development of the site provides an opportunity to improve the landscape with the removal of existing structures and re-landscaping, which will include extensive soft landscaping and biodiversity changes. The principle of developing a garden centre on this site is supported by the economic and social benefits of: the provision of a facility that is hard to provide in an urban setting; a large scale investment and positive redevelopment of an unkempt site; and the provision of a wide variety of jobs. Furthermore, the proposal provides comprehensive environmental improvements that will have a positive impact upon the Green Belt.

### **Climate Change**

- 73 Policies EN1 and EN2 consider ways to reduce carbon and energy use. Whilst EN1 relates to the reduction of carbon and emissions, EN2 seeks to ensure that development is of a sustainable design and construction.
- 74 The proposal has addressed within a supplementary statement the ways in which the proposal will improve energy efficiency of the proposed buildings. It is recognised by the applicant that the proposal cannot meet BREEAM 'Excellent' standard, partly due to the nature, scale and location of the building. Typically garden centres have to be located out of town centres and this reduces the ability to comply with BREEAM 'Excellent'.
- 75 The proposal will take a fabric first approach to reducing carbon emissions associated with the development and seeks to use renewable energy sources where possible. It is proposed that Air Source Heat Pumps provide the buildings heating and the 150kw of power are to be provided by roof mounted solar panels. The proposal seeks to

ensure that the buildings will incorporate good thermal fabric values and energy efficient technologies will be incorporated.

- 76 Rainwater harvesting is to be provided to water plants and a plan to ensure biodiversity across the site is enhanced has been provided. The proposal also seeks to promote sustainable travel to the site through the provision of electric vehicle charging points and
- 77 The proposal outlines reasonable and practicable measures that are feasible to this development, and as such, the proposal is considered to accord with Core Strategy policies EN1 and EN2.

### **Highway and Access Issues**

- 78 A Transport Assessment and Sustainable Travel Information has been submitted in support of this application, along with a further Technical Note outlining how the proposal will operate and impact upon the local highway network.
- 79 The location of the site in terms of accessibility is not fully compliant with policy T2. However, the site is considered to be sustainable and this has been addressed in terms of recent appeals on sites close by. Furthermore, it is considered that garden centres are generally frequented by customers in cars, due to the nature the goods sold, i.e. large, bulky and sometimes heavy. It is not therefore considered that the proposal would benefit from being in a more sustainable location as it is not considered this would influence people's modes of transport to the site. The site is located adjacent to the M62 and is easily accessible from the general South Leeds area and adjacent Wakefield district by car. It is therefore not considered the principle of this development in terms of its location and accessibility could be resisted.
- 80 Highways Officers have raised no objections to the application in terms of the means of access and the site access arrangements have been updated, as indicated in drawing no. ITM15286-GA-005 Rev E and ITM15286-GA-007 Rev C. The use of one access opposed to two is considered to have a minimal impact upon the safety of the highways, especially given that it is proposed to improve the access with off-site works within Thorpe Lane, where it meets the site entrance. These off site works should be the subject of a condition that requires the implementation prior to the proposal being brought into use. Subject to such a condition the proposal is considered to be acceptable in this regard and not detrimental to highway safety.
- 81 The proposed parking provision on site is 612 spaces, this is inclusive of electric vehicle charging points and disabled access parking provisions in line with supplementary planning guidance. The previous garden centre proposed 358 car parking spaces, however, it related to only a small proportion of the site and the use did not include the children's play equipment/ adventure play areas, which is considered to have different trip generation characteristics.

The parking provisions have been based on a agree trip generation figures for individual components of the scheme. On the basis of the non-food retail parking standard of 1 space per 25 sqm, 329 spaces would be required. Furthermore, with a maximum accumulation of 331 spaces associated with the adventure play, and taking into account differences for linked trips between both uses, the 612 spaces is considered to be sufficient and acceptable.

- 82 The parking numbers have been justified and it has been demonstrated that it is required and sufficient, but not excessive enough to be to the detriment of safety within the site and on the highway.
- 83 TRICs data has been used to establish trip rates for both adventure play uses and the garden centre, and it is considered that the use will not generate significant levels of traffic at peak times of the day. The revised trip rates that have been agreed with the Highways Authority are considered to be representative of the both garden centre and children's play uses. Moreover, the trip generation is likely to be higher during the weekends and it is therefore considered that the proposal will not have an adverse impact upon highway safety or traffic growth.
- 84 Further information was submitted by the Applicant outlining committed and cumulative impacts and the proposed development is considered to accurately evaluate the impact this development will have when various developments are brought forward. The conclusions drawn from this are that the committed and cumulative traffic growth are mostly associated with weekday peak hour growth, unlike this proposal which will have greater trip generation during off peak hours and at weekends. As such, even with traffic growth and cumulative
- 85 The information submitted to justify the trip rates and trip distribution submitted in the TA, together with the amended traffic growth factors and information on trip generation from committed and cumulative development sites, has been assessed by Highway's officers and is considered to be acceptable.
- 86 An assessment of various junctions has been carried out and it is indicated that it is unlikely the proposals will result in severe impact at the site access junction and the A650 Bradford Road/A654 Thorpe/Smithy Lane junctions. The proposal has been assessed on the basis that the following off-site highway works will be carried out and include:
- Proposed right turn lane at A654 Thorpe Lane;
  - Proposed pedestrian crossing at A654 Thorpe Lane; and
  - Footway along the site frontage on Thorpe Lane to link into the pedestrian crossing.
- 87 The site is considered to be able to accommodate the proposal without having any adverse impact upon highway safety. The proposed development is considered to accord with the aims and objectives of Policy T2 Core strategy and paragraph 109 of the NPPF.

### **Design, Layout, Landscaping and Biodiversity**

- 88 The proposed building will be rectangular in shape with the main outdoor sales area to the north. The car parking is set to the west of the building and the access road will run from Thorpe Lane through the site and past significant parcels of landscaped land. To the east of the main building and the existing golf centre building (that will facilitate an indoor adventure play, café space and ancillary offices accommodation) it is proposed to locate the external adventure play space and associated equipment.



- 89 Across the site various land levels will be manipulated to minimise the visual impact of the main building that will set comfortably lower than the existing golf centre building. However, the land levels at the existing perimeters are not unduly affected. The main building has a functional appearance with a series of mono pitched roofs orientated in a different direction to the existing golf centre building; the built form, together with the use of materials (such as timber, cladding and metal framed openings) is not considered to be visual intrusive or harmful in the context of the surrounding area. The ancillary café building which serves the outdoor play area is also considered to be visually acceptable. The proposal has sort to minimise the impact of the development on the openness of this Green Belt location, by both minimising the overall built form and its height, together with the working and improvements to the existing varying land levels.
- 90 The layout and design of the proposed building has been worked up to minimise the impact of the proposal and the redevelopment of this previously developed site. The landscaping has been maximised around the edges of the site, to ensure that the development is minimally intrusive from the motorway and other surrounding public roads. The proposal has the potential to improve the appearance of the site which appears at present to be a derelict 'brownfield' site within the Green Belt, and is unkempt and used for external storage amongst other things. Derelict buildings are proposed to be demolished and removed together with unsightly advertisement lorry trailers. The adventure play equipment, which is a fundamental aspect of this proposal, will in the main be invisible from the outside of the site and this will also mean there is a degree of shielding within the site from external noise and air pollution.
- 91 The application is supported by a landscaping scheme and a biodiversity assessment. The landscaping and planting within the site is extensive. Furthermore, in line with the policy, the assessment considers that the existing wildlife habitats and areas for development will improve opportunities for wildlife and not impact upon the integrity and connectivity of the Leeds Habitat Network. The proposal will include a wildlife pond, areas of open mosaic habitats and areas of neutral grassland. Such improvement are also considered to help integrate the appearance of the site within the Green Belt.
- 92 The assessment has been considered by the Local Planning Authority's ecologist and it is considered that set against the biodiversity matrix, the proposal will fall short of being biodiversity neutral by approximately 6 units. The Biodiversity Metric is designed to provide ecologists, developers, planners and other interested parties with a means of assessing changes in biodiversity value (losses or gains) brought about by development or changes in land management. The metric is a habitat based approach to determining a proxy biodiversity value and is based on:
- *Distinctiveness*: the score is assigned based on DEFRA's habitat classification (8 = very high to 0 = very low distinctiveness)
  - *Condition*: the score is based on DEFRA criteria associated to different habitats (e.g. cropland, grassland, heathland, lakes, woodland, urban, wetlands) (3 = good to 1 = poor condition)
  - *Strategic significance*: the score is based on landscape-scale factors defined nationally and locally (1.15 = high to 1 = low significance)
  - *Habitat connectivity*: the score is based on 'habitat aggregation' calculation (1.15 = high to 1 = low connectivity)

- 93 The applicant has agreed to contribute towards off site biodiversity provisions in line with the tariff outlined on the LPA's website, and in accordance with policy G9 of the Core Strategy. The contribution to make the proposal policy compliant will be £150,000. Although the contribution will set the scheme to be biodiversity neutral, some further gains for biodiversity are to be achieved from elements such as raised planters in the outdoor garden centre and bird/ bat boxes that do not officially get credited within the biodiversity matrix.
- 94 Overall, the landscaping benefits of the site will be acceptable in terms of the biodiversity improvements and in terms of the visual and spatial impact the proposal will have on the openness of the Green Belt. In all, the proposal is considered to represent a significant improvement to the character and appearance of the site and wider area. It is considered that the proposal is well designed and as such, is in accordance with local and national planning policy.

### **Amenity Issues**

- 95 The proposed garden centre is to be set down behind various landscaping and set approximately 200 metres away from the closest neighbouring residential units. The current access arrangement has the entrance into the site to the north, close to the residential properties. The proposed ingress and egress is the set away from these properties and also approximately 100 metres away from properties on Dunningley Lane. The garden centre itself is not considered to give rise to any significant noise, light or other pollution that would be detrimental to the living conditions or general amenities of the area. Furthermore, although sited close to the M62, the design of the proposal has sort to ensure that the development is still screened partially from the motorway and it is not considered that the proposal will give rise to any air quality issues that would warrant a refusal of consent on that basis alone.
- 96 For the above reasons, the proposed development is therefore considered to comply with Core Strategy Policy P10 and Saved UDP policy GP5, together with paragraphs 127 and 180 of the NPPF.

### **Land Drainage and Contamination**

- 97 A drainage strategy has been submitted and although further details are considered to be necessary, in principle the drainage scheme is considered to be satisfactory and compliant with policy EN5. Any approval should be subject to a condition relating to the full details being provided regarding the drainage scheme.
- 98 Issues relating to land contamination are considered to be of a nature that can be dealt with through the imposition of planning conditions. At this stage, such issues are not considered to give rise to any issues that would impact upon any recommendation to approve permission.

### **Planning Balance**

- 99 The application raises two issues that require a balance of considerations to be carried out. Although outlined in the above report, the considerations are balanced here for clarity.

### *Balance of Retail Impact Considerations*

- 100 The proposal does incorporate a retail and leisure elements that are main town centre uses as defined in the NPPF. The location of the proposal is out of a Town Centre requires an assessment to establish whether the site is sequentially preferable and if so, to determine the impact upon any local town centre.
- 101 Garden centres require large sites and it is acknowledged that these often require rural settings. The site is considered to be sequentially preferable with no other local suitable sites available. Furthermore, this is especially the case given the history of the site and the extant permission for a garden centre on a portion of the site that exists. Although the proposal will supply a wide range of goods, subject to planning conditions limiting the amount of retail space to be provided, it is not considered that the retail impact of the proposal will be significantly detrimental to any local/ town centres. Accordingly, on balance, the retail impact of the proposal is considered to be acceptable and the use of the site is sequentially preferable.

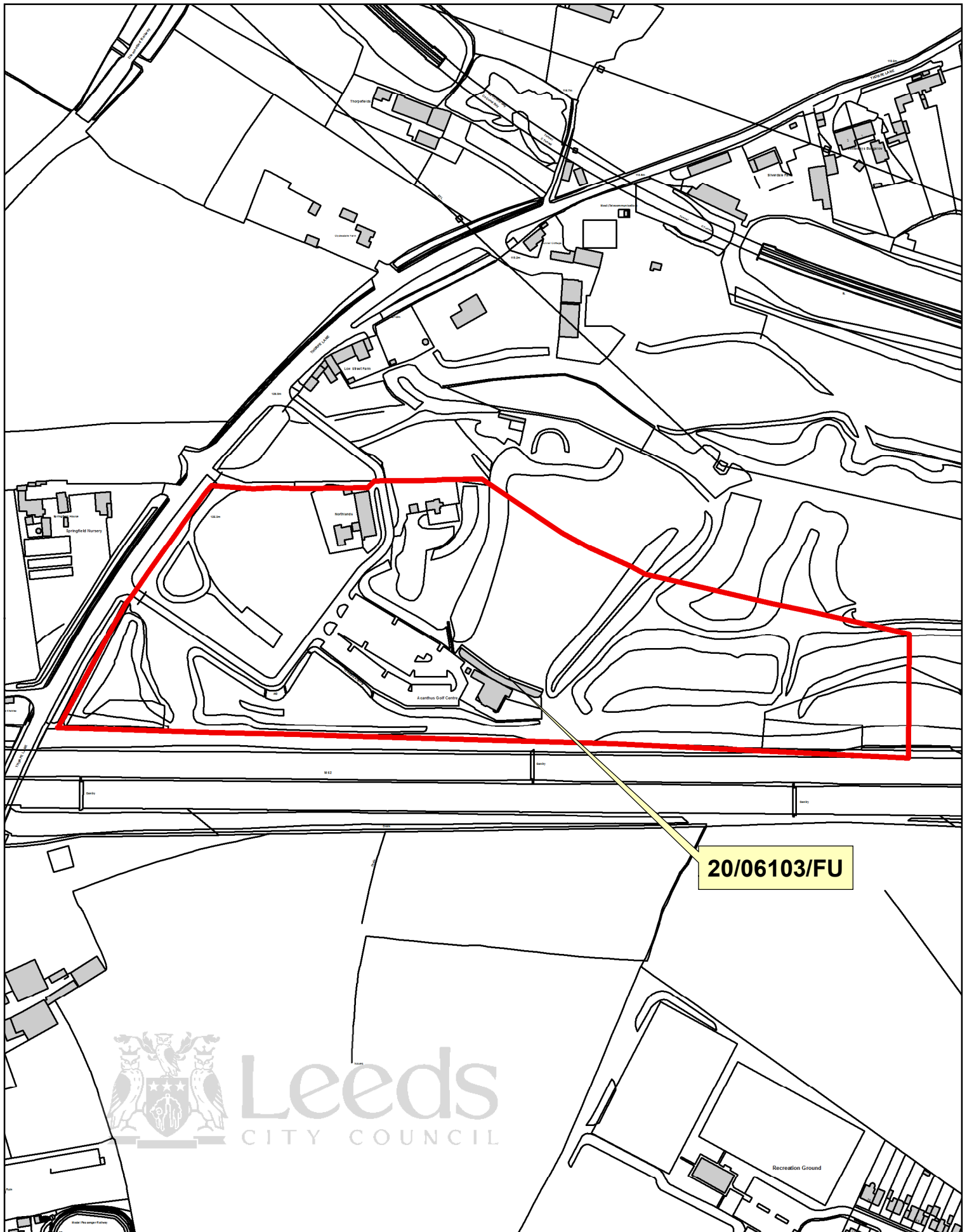
### *Balance of Very Special Circumstances Supporting Development within the Green Belt*

- 102 There are a number of factors within the Application which could, either on their own or cumulatively, amount to very special circumstances to warrant development within the Green Belt being acceptable. The applicant has submitted matters that, if the development were to be considered inappropriate development in the Green Belt, it considers to be very special circumstances that should be taken into account in relation to the application.
- 103 As previously outlined, at Paragraph 143 of the NPPF it is clear that inappropriate development is by definition harmful to the Green Belt, unless Very Special Circumstances exist. Paragraphs 145 and 146 outline exceptions, which are not considered to be inappropriate forms of development.
- 104 The proposal is considered to be inappropriate and therefore the proposal has demonstrated that there are 'Very Special Circumstances' which clearly outweigh the visual and spatial harm that the proposed development will have on the openness of the Green Belt. The Very Special Circumstances are considered to be:
- Facilitating economic growth in the area, including employment generation;
  - Social benefits including the re-landscaping of the site and the visual improvements that will be made and, the provision of outdoor recreational uses that are made viable, unlike the previous golf course/ driving range, through the provision of the garden centre;
  - Reworking of the land and biodiversity neutral impact
- 105 In considering all of the Green Belt issues, Officers have concluded that the significant economic, social and environmental improvements that will be achieved clearly outweigh the impact that development would have to the openness of the Green Belt and other harm identified in the above report.

### **Summary**

- 106 The proposed principle of developing the site with a garden centre, adventure play area ancillary works is considered to be wholly consistent with current local and national land use policies. The proposal will ensure that a previously developed site is comprehensively re-developed in a way that will enhance the relationship of the site with the wider area, removing buildings and structures that are currently unsightly, and blending the building and associated works within the existing confines of the site.
- 107 The proposed garden centre use cannot feasibly be accommodated within an urban setting and ultimately development such as this is often found in rural locations. The proposal cannot be considered to be appropriate development within the Green Belt, however, significant social, economic and environmental improvements have been considered above, and these are considered sufficient to provide very special circumstances that outweigh the harm to the Green Belt and any other harm. Accordingly in this respect the proposal is considered acceptable with regards to the NPPF and all local planning policies relating to development within the Green Belt. Subject to any approval being given, further consultation with the Secretary of State in relation to inappropriate development in the Green Belt will have to be carried out.
- 108 The proposal is of a scale which is considered to be acceptable in this location and not lead to any significant negative impact to the surrounding area in terms of general amenity. Furthermore, the environmental, social and economic benefits of the proposal are considered sufficient enough to enable the proposal to be considered as a sustainable form of development.
- 109 With consideration being given to all other matters, it is considered that this proposal is compliant with the policies of the Core Strategy, Unitary Development Plan and the National Planning Policy Framework. As such, the application is considered acceptable and is recommended for approval subject to conditions and a Section 106 Agreement.





20/06103/FU



# SOUTH AND WEST PLANS PANEL

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PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/3500

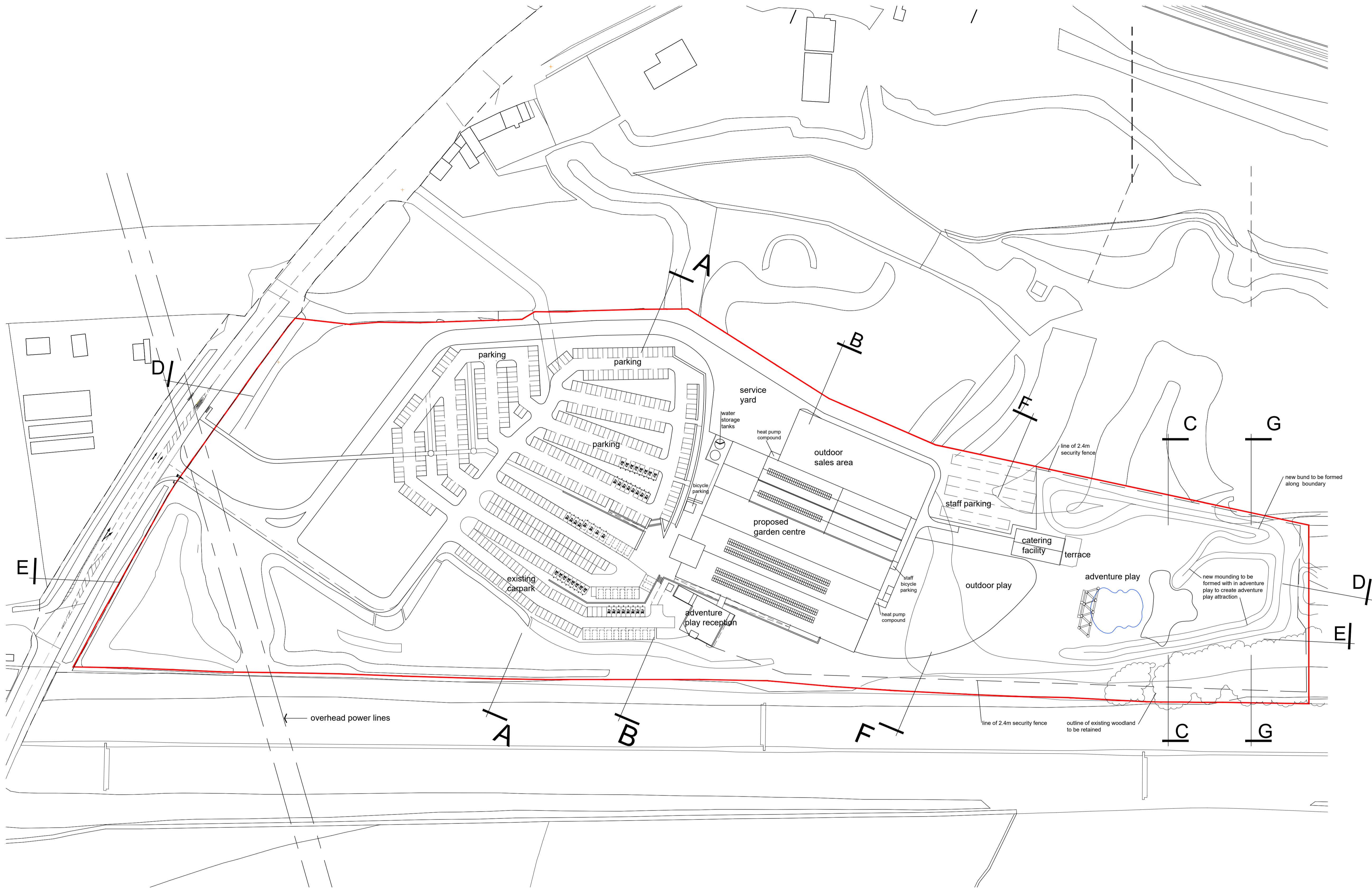


# TINGLEY GARDEN CENTRE

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## LEGEND

 Site Application boundary



A	MG	Amendments due to revised levels	16/12/20
Rev	A/m/d	Notes	Date

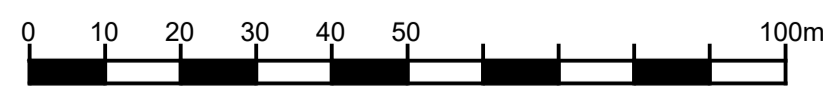
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PROJECT: TINGLEY GARDEN CENTRE	
CLIENT: Tong GC	
TITLE: Proposed Schematic Layout	
DATE: Aug 2020	SCALE: 1:1000 @ A1
DRAWN: MG	CHECKED:
DRAWING N°: M16.213.D.056	REVISION: A

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Proposed Schematic Layout

