



**Leeds**  
CITY COUNCIL

Originator: Martha Hughes

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**Report of the Chief Planning Officer**

***PLANS PANEL EAST***

**Date: 8<sup>th</sup> September 2011**

**Subject: APPLICATION 10/04404/FU – Application for the erection of retail store with car parking and landscaping at junction of Moorhouse Avenue and Old Lane, Beeston, LS11**

**APPLICANT**

Tesco Stores Ltd

**DATE VALID**

1 October 2010

**TARGET DATE**

31 December 2010

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**Electoral Wards Affected:**

Beeston & Holbeck

Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**RECOMMENDATION:**

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

- **Public Transport Infrastructure Improvements contribution £213, 301 (to be index linked)**
- **£10, 000 Metro contribution to pay for real time bus information at bus stop No 10075**
- **Travel Plan Monitoring Evaluation fee (£2,600) and implementation**
- **Traffic Management Contribution of £50,000 towards traffic calming measures if required**
- **£1,500 towards reinstatement of dropped kerbs at Jessamine Avenue with Grovehall Parade**
- **Local employment and training initiatives**

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

1. Time limit (3 years)
2. Development in accordance with the approved plans.
3. Samples of materials to be agreed
4. Colour of larch cladding joints and wind catchers to roof to be agreed
5. Floorspace restriction – 2,737 sq.m gross/ 1, 487 sq.m net.
6. No insertion of mezzanine floor beyond that approved as part of this permission.
7. Convenience goods floorspace not to exceed 154 sq.m unless otherwise agreed
8. Hours of operation - 07.30 to 22.00 hours Monday to Saturday and between 10.00 to 18.00 on Sundays and Bank Holidays.
9. Hours of delivery and refuse collection (between 0530 – 2300 Mondays to Sunday)
10. Details of storage and disposal of waste and litter, and details of any recycling facilities
11. Details of all fixed plant (including noise data) to be submitted
12. LAeq from all mechanical services plant and air conditioning units not to exceed a level at the nearest noise sensitive premises higher than 5dB below the lowest prevailing background noise level (in the absence of noise from the plant) as measured at the time of installation.
13. Hours of use of mounted refrigeration restricted between 2300 and 0530
14. No operation of tannoy
15. Details of extract ventilation system
16. Provision of grease trap
17. Submission of remediation method statement
18. Remediation to be carried out in accordance with approved statement and submission of verification report following completion.
19. Unexpected contamination to be reported
20. Notwithstanding the approved plans, details of motorcycle anchors and long and short stay cycle parking lockers or shelters shall be submitted
21. Provision of staff shower facility within the store
22. All parking to be laid out in accordance with approved plans prior to occupation
23. Notwithstanding the approved plans, the pedestrian barriers to the Old Lane access shall only be sited at the back of footway
24. Off site highway works shall be implemented prior to occupation of the store
25. Details of provision for contractors vehicles during construction to be submitted
26. Details of any proposed CCTV to be submitted and approved in writing
27. Details of any external lighting to be submitted and approved in writing
28. Submission of car park management plan to include management outside of store opening hours.
29. Submission of delivery vehicle management plan
30. Construction management plan– to include hours of construction (between 0730 – 1830 weekdays and 0900 – 1300 on Saturdays) and routes for construction vehicles
31. Notwithstanding approved plans, details of canopy to front of store to be agreed
32. Notwithstanding approved plans, boundary details to be agreed
33. Landscaping scheme to be implemented in accordance with approved details within first available planting season.
34. Provision for replacement trees/ planting within first 5 years
35. Landscape management strategy for lifetime of development
36. Submission of tree protection measures during construction
37. Use of silva cell or other similar construction methodology for planting within car park as shown on drawing 4609/ASP6B
38. Details of gradients, upstands, tactile paving, level landing and handrails to main pedestrian entrance ramp and steps to be submitted.
39. A SWMP shall be provided to the Local Planning Authority prior to commencement on site.

40. Prior to occupation of the building a review statement for that phase shall be submitted by the applicant including a BREEAM design certificate and associated paper work and approved in writing by the Local Planning Authority
41. Within 3-6 months of the occupation of the development a post-construction review statement for that phase shall be submitted by the applicant including a BREEAM certificate and associated paper work and approved in writing by the Local Planning Authority
42. The development and buildings comprised therein shall be maintained in accordance with the sustainability measures approved under the proceeding conditions and any repairs shall be carried out all in accordance with the approved detailed scheme and post-completion review statement or statements.
43. Development shall be carried out in accordance with the approved Flood Risk Assessment dated September 2010 and mitigation measures within the FRA shall be carried out.
44. Submission of details of works for dealing with surface water discharges
45. Completion of approved surface water drainage works
46. Provision of oil interceptor to intercept all surface water from areas to be used by vehicles
47. Surface water will be subject to balancing flows to achieve a minimum 30% reduction of existing peak flow rates
48. Details for on site storage provided for additional run off from storm events up to the 1 in 100 yr + climate change to be submitted.
49. Notwithstanding the approved plans, details of disabled parking bays to be agreed prior to commencement of development.

### **Reasons for approval:**

This application has been considered in accordance with the requirements of the UDPR 2006 and policy guidance within PPS4 and it is considered that the applicant has demonstrated that there are no sequentially preferable sites available for this development and that no significant adverse impact would occur to existing centres. Due to the design, scale and siting of the store and car park no harm should result to residential amenity and the overall design of the development is considered to enhance the local environment. The scheme has been designed, and appropriate safeguards have been put in place, to address highway safety issues. The application is considered to comply with the following policies;

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

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

### **1.0 INTRODUCTION:**

- 1.1 This application for an out of centre convenience retail store is brought to Members for consideration due to the local significance of the proposal and the number of representations received in relation to the application.

### **2.0 PROPOSAL:**

- 2.1 The application proposes to erect a new convenience retail store of 2, 737 sq.m gross floorspace. The proposed store will have a net floorspace of 1, 487 sq.m of which 1,333 sq.m will be for the sale of convenience goods and some 154 sq.m would be for the sale of comparison goods such as newspapers, magazines, health

and beauty products etc. An ATM is also proposed at the front of the store facing the car park.

- 2.2 The store was originally proposed to open 24 hours a day Monday to Saturday and 10.00 to 17.00 on Sundays and Bank Holidays. However the proposed hours of opening have been amended and the revised opening hours are proposed to be 07.30 to 22.00 hours Monday to Saturday and to open for a 6 hour period between 10.00 to 18.00 on Sundays.
- 2.3 The application details estimate that the store will employ 36 full time staff and 84 part time staff.
- 2.4 The store is proposed to be sited on the southern part of the site adjoining the boundary with the Royal London Industrial Estate. The main vehicular entrance to the new store is proposed to be taken from Moorhouse Avenue to the north of the site and whilst this will also include a pedestrian footway which links into a central pedestrian route through the car park, the main pedestrian entrance to the site is proposed to be taken from Old Lane close to the junction with Oakhurst Mount.
- 2.5 A separate vehicular access from Moorhouse Avenue is provided for delivery vehicles, this avoids the main car park and is a direct route to the service yard which is proposed in the south west corner of the site.
- 2.6 The main pedestrian entrance into the site from Old Lane is designed with a ramped and stepped access to accommodate the levels difference between the main part of the site and street level. This pedestrian entrance is designed with a brick clock tower focal point to mark the entrance.
- 2.7 The scheme proposes 163 car parking spaces as well as motor cycle parking and cycle parking which comprise of;
- 139 standard car parking space
  - 10 disabled car parking spaces
  - 6 parent and child car parking spaces
  - 8 staff car parking spaces
  - 2 motorcycle parking bays
  - cycle racks for 30 cycles close to the main entrance to the store
  - secure cycle lockers for staff close to the staff area
- 2.8 The design of the proposed store is a single storey building some 7m in height when measured on the eastern elevation facing Old Lane. The store is designed with almost a flat roof (there is a very slight pitch). The store increases in height on the western side of the building, adjacent to the service yard, to include a staff area at first floor. The main elevation of the store is the northern elevation facing onto the car parking area. This elevation is largely glazed, with brickwork around the entrance and projecting entrance lobby.
- 2.9 The eastern elevation facing Old Lane is proposed to have a brick plinth base with larch cladding above and then a final section of glazing to the top of this elevation.
- 2.10 The elevation facing the service area comprises mainly of larch cladding and the rear elevation of the store (southern elevation) which backs onto the existing industrial units to the south is proposed to be grey composite panels with a section of larch cladding to the top of this elevation.

- 2.11 The proposed layout of the store retains the 10m belt of protected trees along the boundary with Old Lane. 1 tree is proposed for removal along the Moorhouse Avenue boundary to facilitate the new vehicular access however additional planting is proposed.
- 2.12 The application is submitted with the following supporting documents;
- Retail Assessment
  - Transport Assessment
  - Interim Travel Plan
  - Noise Assessment
  - Design and Access Statement
  - Site Investigation report
  - Flood Risk Assessment
  - Landscaping statement & tree report
  - Statement of Community Involvement
- 2.13 BREAAAM Assessment has been provided with the application which assesses the rating that the proposed store can achieve. The assessment concludes that the store can achieve the BREAAAM very good rating (requirement of 55%) by achieving a score of 56%.
- 2.14 This rating is achieved through measures such as design of the store to incorporate features which minimise heat loss, energy efficiency measures to reduce CO2 emissions by 25%, water consumption efficiency measures in WC's, installation of water meter with pulsed output, rainwater harvesting capable of supplying 50% of the toilet flushing needs. Use of Green materials for the majority of the elevations of the proposed store through larch cladding and a standing seam metal roof, recycle facilities for the stores waste, external lighting to comply with the Institute of Lighting Engineers Guidance for the reduction of obtrusive light.

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site is a vacant site of a former factory building known as Jubilee House. The site is now a cleared 1.2 hectare vacant site. The site is situated on Old Lane between Beeston local centre which is some 500m to the north and the emerging Tommy Wass centre which lies approximately 500m to the south.
- 3.2 The site adjoins Enterprise Industrial Park to the west, also accessed off Moorhouse Avenue which contains some 26 industrial units. There are another 4 industrial units to the south of the site on the Royal London Industrial Estate accessed off Old Lane, which also share access with the existing Netto Store. The Netto store is some circa 600sq.m net in size and it is understood will be converted to an Asda store in the near future (current applications received from Asda regarding proposed signage etc).
- 3.3 Despite the commercial uses to the south and west of the site, the site lies within a predominantly residential area. Old Lane is predominantly residential with a large residential population to the east. Residential properties of 71 – 103 Old Lane face onto the site, these are two storey semi detached and detached properties. However No's 87 and 89 Old Lane facing the proposed pedestrian access into the site are in use as a dental surgery and Post Office.

- 3.4 Playing fields and allotment gardens are to the north of the site on the other side of Moorhouse Avenue with a public right of way which runs along this land parallel to Moorehouse Avenue.
- 3.5 The site is not designated for any particular use within the UDP Review 2006. Trees along the eastern boundary of the site are protected by TPO 1978/24.

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

- 4.1 21/339/03/FU Change of use of works to offices and leisure complex  
Withdrawn 27.01.04
- 4.2 21/213/03 - Change of use of works to offices and leisure complex (Jubilee House)  
Refused 03.10.2003. Application considered to be contrary to PPG6 and failure to carry out sequential test and lack of parking provision.
- 4.3 21/23/97FU - Alterations to frontage and single storey front extension to offices  
Approved 12.03.1997
- 4.4 H21/286/89 - Change of use of DIY retail, involving alterations, including new frontage and extension, to form entrance canopy  
Approved 05.12.1989
- 4.5 H21/195/88 - Change of use of retail store to show room, training facilities and offices.  
Approved 20.10.1988
- 4.6 H21/326/81 – Signage to DIY Shop (Wickes Building Supplies)  
Approved 26.01.1982
- 4.7 H21/103/80 - Laying out of accesses and alterations and extension, to form retail sales area, with offices, toilets and staff room (Wickes Building Supplies Ltd)  
Approved 04.06.1980
- 4.8 H21/444/78 - 10 warehouse units, each with ancillary offices and toilets with car parking areas, servicing areas, access road. Approved 09.07.1979

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

- 5.1 Pre application advice was given concerning the principle of a new retail store in this location which raised concern regarding impact.
- 5.2 Significant negotiations have taken place following the submission of the application with regards to highway issues as well as the siting of the store and relationship to existing trees on the site. These have lead to revisions to the proposal which were re-advertised on 15 July 2011. Details of these revisions are set out in the appraisal section of this report.

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

- 6.1 The applicant has submitted a Statement of Community Involvement (SCI) which details consultation carried out prior to submission of the application on 27<sup>th</sup> September 2010 and which is also updated with an addendum concerning further consultation carried out through the course of the application process.

- 6.2 Public consultation prior to submission of the application was carried out by Tesco's appointed consultants IPB communications in the following ways;
- Meeting with Ward Members 2<sup>nd</sup> August 2010 and 24 September 2010
  - Presentation to Beeston Community Forum on 1<sup>st</sup> September 2010 (attended by Ward Members as well as Hilary Benn MP)
  - 5,000 leaflets were distributed to the local community informing them of public exhibition events
  - 892 personal invitations to the exhibitions were sent to local residents
  - The public exhibitions were also advertised by way of a press release
  - A Stakeholder Preview of the Public Exhibition took place on 9<sup>th</sup> September 2010
  - Public Exhibitions took place between 11am – 2pm at Beeston Hill United Free Church and between 4pm – 8pm at Beeston Village Community Centre on 9<sup>th</sup> September 2010.
- 6.3 The SCI advises 135 responses were received to the comments forms provided at the public exhibition. The SCI states that in response to the question asked at the public exhibition – Are you supportive of the proposals? 83% of the responses were supportive. Other comments that came out of Tesco's own public consultation focussed on the importance of a good pedestrian access and this has resulted in the proposal for a toucan crossing as well as the proposed gateway focal point of the brick clock tower at the pedestrian access. The SCI also comments that traffic was raised as a concern and that the Transport Assessment addresses this concern.
- 6.4 Following the submission of the application and representations received regarding the application, Tesco carried out further consultation which has included attendance at 3 Beeston Community Forum meetings which lead to the community forum removing their objection letter. Meetings have also taken place with Oasis Dental Practice and the Post Office on Old Lane. Meetings have also taken place with other community groups including the local community centre, church groups, school, health centre and local football club. Tesco advise that as a direct result of this consultation a number of commitments and changes to the application have been made. These include;
- To enter into a routing agreement with the council restricting delivery vehicles to use the Tommy Wass junction
  - Resurfacing the footpath along Moorhouse Avenue
  - To make money available to be use for traffic calming measures if the new store causes a significant increase in rat running through the residential area east of Old Lane
  - Retain the existing parking bays on Old Lane outside of the Post Office
  - Opening hours have been revised and the store will not open 24 hours
  - No night time deliveries and hours of deliveries to be agreed by condition
  - Focus on local recruitment to residents within the LS10 and LS11 districts first.
  - Acceptance of conditions regarding noise levels in accordance with the noise report
  - Commitment to considerate working practices during construction
- 6.5 It should be noted that an initial offer from Tesco to provide benches along Old Lane as well as for St Anthony's FC members to use Tesco car park have since been removed as it was considered that the benches were not able to be delivered on the highway and the offer of use of the car park for the local football club members had not been accounted for in the transport assessment.

- 6.6 The planning application has been advertised by way of site notices around the site on 15 October 2010 and 15 July 2011. An advert was placed in Leeds Weekly News on 14 October 2010.
- 6.7 Since the application was first advertised in October 2010, 30 individual letters of support were received and 163 standard letters of support. The comments on the letters of support can be summarised as follows;
- A Tesco is needed in South Leeds to offer more choice
  - Development of derelict site welcomed as it is an eyesore and has been used as a travellers camp
  - Job creation is welcomed both in construction and operation
  - Regeneration benefits to South Leeds
  - The proposal is good for the area
  - The proposal will reduce the need for people to use a car and benefits people without a car
  - Local people have to travel to Batley to shop at Tesco
  - Pedestrian entrance on Old Lane is supported
  - The building will be environmentally sustainable
  - Toilet and baby change facilities are supported
  - A more affordable shop is welcomed
  - Café would be beneficial
  - Positives outweigh the negatives
  - A crossing outside the post office is welcomed
  - Design of proposed store is aesthetically pleasing
- 6.8 Since the application was first advertised 10 letters of objection have been received as well as objection letters from the Post Office, Oasis Dental Practice, Leeds Civic Trust and letters on behalf of Co Op supermarket and Morrisons Supermarket.
- 6.9 The individual letters of objection are on the following grounds;
- Overestimation of job creation as other stores will close
  - Congestion along Old Lane
  - Drivers at present don't stick to 30mph speed limit
  - Old Lane is not wide enough for additional traffic and is in a poor state of repair
  - It would be a shame if the post office, dentist and Co Op suffered
  - Increase in noise levels and pollution from traffic
  - Increased noise levels in the evening
  - Netto will soon be an Asda and will serve this area
  - Residents can't park outside their own houses
  - The store car park will be used for match day parking
  - The store will introduce additional traffic on Sundays
  - There will be an impact on smaller traders
  - There are already 3 supermarkets along Old Lane – Spa, Netto, Co Op
  - Loss of light coming through due to height of building on Old Lane
  - Increased carbon footprint as produce not local
- 6.10 **Leeds Civic Trust** have objected to the application due to the impact to Beeston Centre where there has been significant investment and viability will be affected. The area is well provided for with a Netto, several smaller shop units, White Rose Centre and Asda Middleton development. A large car park is proposed therefore Tesco expect a large number of customers to travel to the store and this is unsustainable and there is already congestion and the bus service is infrequent.

- 6.11 **The Post Office** opposite the site on Old Lane have objected due to the loss of parking to the front of the Post Office and Dentist and raise concerns that access for customers to the post office and ATM will be affected as well as Royal Mail collections, deliveries and the cash van. The Post Office wish the existing crossing to remain as it is and a new crossing should be created further down Old Lane serving Tesco and Netto. The Post Office are also concerned that Tesco will sell competing products that are sold at the Post Office and will therefore affect the Post Office's viability and may lead to its closure.
- 6.12 **Oasis Dental Practice** at 87 Old Lane also object to the application due to the position of the crossing and loss of parking which is needed for disabled patients to provide direct access.
- 6.13 **Beeston Community Forum** initially raised concerns regarding the proposal but have since withdrawn their objection and state that this is because they have now seen traffic surveys and are persuaded that people are unlikely to travel to the supermarket at times when the road network is congested. They also note that the noise survey indicates that impact would be proportionally lower at times when existing noise levels are high. The objection from the community forum is withdrawn on the following basis;
- traffic levels are not expected to rise significantly as a result of the development
  - all landscaped areas are to be properly maintained
  - delivery vehicles to travel to and from the store via Dewsbury Road, Tommy Wass junction and Old Lane
  - Footpath along Moorhouse Avenue to be resurfaced by Tesco
  - benches to be provided on Old Lane
  - Tesco to make money available for traffic calming measures if as a result of the store there is a significant increase in rat running
  - the store does not open 24 hours and there are to be no deliveries between 11pm and 7am
  - paragraphs 4.8 and 8.3 of the noise survey requirements should be formal planning conditions (relating to fixed plant and machinery)
  - Job creation should be marketed towards residents of LS10 and LS11
  - Tesco finance noise mitigation measures if noise levels in the vicinity of the store rise to unacceptable levels
  - The community forum also request that they are consulted regarding the draft s106 agreement.
- 6.14 **Co Op**  
Letters of objection have been received from consultants acting on behalf of the existing Co Operative Supermarket at Beeston Local Centre on the following grounds;
- The household survey results from Colliers to support the City, Town and Local Centres Study have not been made fully available to Council Officers or members of the public, there is therefore a lack of information for Officers or respondents to fully assess the application.
  - Perplexed as to why the Council awaited further findings of the Town Centres Study but then discount the validity of the sub catchments. The site is within the Inner South Zone in which the Study identifies a negative floorspace requirement.
  - The proposal is not compliant with policy S5 of the UDP which suggests a strict approach to out of centre retail development
  - Applicant's account of leakage of expenditure from the Primary Catchment Area (PCA) is disputed, and it does not acknowledge overlaps with other

catchment areas/ centres and therefore overestimates the amount of expenditure derived from the PCA.

- In fact, retention of expenditure within the PCA can be considered high
- The catchment area contains 4 centres and 4 foodstores, illustrating that it is well catered for.
- Lack of evidence to support the scale of store necessary to draw back trade
- Lack of evidence regarding lack of choice in the PCA or overcrowding and congestion at existing stores
- The proposal will not rectify any quantitative or qualitative deficiencies as it is not considered that there are any immediate or short term deficiencies in food store provision within the locality.
- Applicant has shown limited flexibility with regard to the sequential assessment and the Kwik Save site at Dewsbury Road
- It is erroneous to use capacity as grounds for discounting sequential test site
- It cannot be concluded that there is a need for the scale and form of development proposed
- The Council should rigorously consider implications for future use of the Kwik Save, Dewsbury Rd site as the increased competition will make it more difficult to let the existing vacant unit as there is not considered to be sufficient capacity for the proposed store and a new store at the former Kwik Save.
- The applicant has underestimated impact of the proposal on Co Op Beeston
- Co Op Beeston is overtrading to (£4.8m) but should be protected as it is utilised beyond merely a top up function and is also a destination for main food shopping
- The trade draw from Co Op will be deeply damaging in impact terms and the proposal will divert both top up shopping and main food expenditure
- Diversion of top up shopping will be significant in its own right and the proposed store will compete for top up trade
- The applicants estimate of Co op turnover is severely misjudged
- The applicant's assessment of impact is not sufficiently robust
- Lack of evidence that proposal would be likely to reduce car usage
- Proposal will negatively impact upon the vitality and viability of Beeston Local Centre and Dewsbury Road and reduce footfall and will undermine the retail hierarchy of Leeds centres
- Dewsbury Road also has the ability to serve the catchment area to the degree which Beeston Co Op does and to address any deficiencies the Council consider exist which is an in centre site and would not result in the negative impacts of this proposal, and this is supported by the Council's City, Town and Local Centres Study.
- The proposal is of an inappropriate scale compared to existing provision and will divert unacceptable amount of trade from Co Op, rendering future investment in the store marginal therefore resulting in an impact on the long term role and function of the centre
- Should the Council consider that the application does not fail either the sequential test or that it would not lead to any significant adverse impacts – the balance of negative impacts of the proposal would outweigh any perceived benefits.

### **Morrisons**

6.15 An objection letter has been received from consultants on behalf of Morrisons at Penny Hill Centre, Hunslet on the following grounds;

- Applicant's lack of flexibility in terms of scale and format and reasons for discounting Kwik Save, Dewsbury Road

- Applicant has grossly underestimated potential trade diversion from Morrisons, Hunslet and the proposal will divert significant trade from this store which will impact on linked trips within Hunslet town centre.
- Revised impact assessment should be submitted to take account of Tesco proposal at Middleton (that application has now been refused)
- The proposal alongside Asda Middleton will have far reaching effects on current shopping patterns in south Leeds, to the detriment of designated centres
- The proposal does not accord with the key tests of PPS4 and should be refused.

### **Asda**

- 6.16 An objection has been received on behalf of Asda Supermarkets on the grounds that Middleton District Centre is considered to be some 5 minutes drive away on the basis of their analysis however no evidence is provided by the applicant in respect of trade diversion from committed development of Asda, Middleton. Asda state that the provision of a new Tesco store would be to the detriment of planned Investment at Middleton. And if it is not the case that Asda Middleton's proposal would be undermined then the local impacts on trade diversion must be greater than predicted by the applicant and in which case the proposal would undermine the provision of daily needs shopping.
- 6.17 The objection on behalf of Asda also points out that this site was one which was included in the Strategic Housing Land Availability Assessment with an estimated capacity of 44 dwellings and the site therefore has the potential to contribute towards housing land supply in the next ten years. It is also highlighted that there are few sites identified in the SHLAA that are in this locality.
- 6.18 The conclusions reached on behalf of Asda are that the application is contrary to PPS4 policy E13.1b due to failure to protect existing facilities which provide for people's day to day shopping. The proposal is also contrary to policy EC17.2 as it is likely to lead to significant adverse impacts in relation to committed and planned Investment in centre. Finally the objection considers the proposal to be contrary to policy S5ii as it is of a scale and type that would undermine the vitality and viability of designated centres, namely Middleton.
- 6.17 Since the application was re-advertised on 15 July 2011, 8 more objection letters have been received which make additional comments as summarised below;
- Too many supermarkets
  - Increases in traffic and HGV's, giving potential for additional fumes and concerns for school children and pedestrians using Old Lane
  - Congestion problems particularly on match days and at school collection times
  - The suggestion for benches along Old Lane is not a good idea as could lead to anti social behaviour problems
  - The increases in traffic will be 7 days a week, 52 weeks a year
  - Existing stores will suffer and the site would be better used for low cost, high quality housing or recreational use
  - House prices would devalue
  - Increases in pollution, litter and noise
  - There would be noise and disruption to the local allotment site
  - The application will have an overbearing affect on residential housing and privacy of neighbours

- Proposal will affect the character of the area and will destroy the area and local community
- Opening times are for the greater part of the day meaning no time for peace and quiet in a relatively nice area

6.18 The Post Office had written to advise that whilst they appreciate the revisions to the proposed crossing which allow for loading and unloading on the approach to the crossing and that some parking is still available on the exit. However concerns are raised that when the original crossing was installed on Old Lane assurances were given that parking would not be restricted and since then parking has been restricted with keep clear markings. The Post Office are therefore seeking a guarantee that no further restrictions beyond those on the revised drawings will be implemented in the future.

6.19 Two additional letters of support have also been received since the application was readvertised.

## **7.0 CONSULTATIONS RESPONSES:**

### **Statutory:**

#### Highways

- 7.1 When the application was first submitted Highways agreed the trip rates estimated in the Transport Assessment with regards to likely traffic generation from the proposed store, however there were concerns regarding the assessment of the traffic impact on the surrounding road network. These concerns specifically related to the roundabout junction of Town Street/Beeston Road/Old Lane and potential unacceptable queue lengths on Old Lane as a result of traffic from the store. It was therefore advised that measures to increase the capacity of this junction would be required to demonstrate that the additional traffic generated by the proposed supermarket could be accommodated and this also needed to take into account the pedestrian movements at this junction.
- 7.2 Furthermore, the junction of Town Street/Wesley Street was not included in the initial Transport Assessment and the junction of Old Lane/Dewsbury Road (Tommy Wass junction) required further assessment and did not include the impact of the quality bus scheme at the Tommy Wass junction.
- 7.3 In terms of the proposed layout of the store there were concerns that the proposed site access depended on visibility splays which crossed third party land. The level of car parking proposed at the site was considered acceptable.
- 7.4 A new 4m wide raised toucan pedestrian crossing is proposed adjacent to the site on Old Lane, this is required as the existing crossing facilities would be insufficient to support the level of footfall expected to be generated by the store. The upgraded crossing would result in the loss of 1 on street parking bay in front of the Post Office as part of this area is already marked keep clear. Should the crossing be relocated elsewhere on Old Lane it would result in the loss of up to 4 parking spaces from existing on street parking lay bys.
- 7.5 A revised Transport Assessment was formally submitted on 4 July 2011 together with revised drawings showing an amended layout. The revised layout shows that the vehicle access can be accommodated within the red line boundary. The existing access has been retained for service vehicles, whilst a new access is proposed for customers to the store. The internal layout separates the customer and service area and provides designated pedestrian routes through the site and is acceptable.

- 7.6 The parking provided for the store is considered to be acceptable. 163 car parking spaces are proposed and a car parking accumulation calculation undertaken by the Applicant estimates a maximum requirement of 149 spaces on Friday and 156 spaces on Saturday, the peak times for Supermarket shopping. Whilst this is within the number of spaces proposed, at peak times this equates to 91% and 95% of the maximum capacity.
- 7.7 At over 90% of capacity, the operation of a car park can deteriorate with cars queuing in the aisles, waiting for a space to become free. At high occupancy levels, there is more unnecessary circulation which conflicts with people pushing shopping trolleys to get to their cars. As a result, the number of car parking spaces should not be reduced any further.
- 7.8 In relation to the traffic generated by the proposed store and the impact on surrounding junctions, off site highway works are proposed by way of amendments to the junction layout at Old Lane/Town Street and the provision of a signalised pedestrian crossing on Old Lane and these have been agreed. The Applicant has also agreed to contribute the sum of £50,000 to the Council to monitor the traffic and for any traffic calming measures that may be required to control traffic relating to the proposed development.

Environment Agency

- 7.9 No objection subject to a condition that the development shall be carried out in accordance with the approved Flood Risk Assessment dated September 2010 and mitigation measures within the FRA shall be carried out.

**Non-statutory:**

Architectural Liaison Officer

- 7.10 Raised queries regarding measures to prevent abuse of car park area outside of opening hours, as well as general queries regarding materials to be used in construction and provision of CCTV. Careful consideration should be given to location of ATM.

Travelwise

- 7.11 The initial travel plan was not considered acceptable and a revised Travel Plan has been received and is considered acceptable. A travel plan monitoring evaluation fee of £2,600 is required.
- 7.12 There is a deficiency in dropped kerb provision for the two kerbs at the junction of Jessamine Avenue with Grovehall Parade and this development should rectify this to allow disabled persons to get to the store. Electric charging points are encouraged and a shower should be provided within the store for staff who may run/cycle to work.

Public Transport Contribution

- 7.13 The proposed development will generate a large number of trips, a proportion of which will have to be accommodated on the public transport network. The scheme has, therefore, been assessed in accordance with the City Councils adopted Supplementary Planning Document (SPD) "Public Transport Improvements and Developer Contributions".
- 7.14 As a result of this assessment, it is clear that the proposed use will have a significant travel impact, which will need to be addressed. Under the terms of the SPD guidance, therefore, a financial contribution proportionate to the travel impact of the scheme will

be required towards the cost of providing the strategic transport enhancements (detailed in the SPD) which are needed to accommodate additional trips on the network.

7.15 In this case a contribution in the order of **£216,301** should be sought.

#### METRO

7.16 In terms of accessibility the site is well served by public transport with bus services operating directly past the site and more frequent services operating on Dewsbury Road to the south and Town Street to the north.

7.17 Public transport infrastructure in the close vicinity of the site is relatively modern and already has DDA compliant kerbings and bus clearways. Shelter 10075 located on the northbound side of Old Lane should be improved to have a real time information display installed at a cost of £10,000.

7.18 METRO also comment that they expect a greater percentage of shoppers to use public transport than is projected in the applicant's Transport Assessment. The proposal will generate approximately 120 full or part time employment opportunities. It is likely that staff working at the supermarket will not be car users and targets need to be included in a travel plan with measures to encourage the use of sustainable modes.

7.19 Metro supports the council in the application of the public transport SPD contribution for this site

#### Yorkshire Water

7.20 A water supply can be provided under the terms of the Water Act 1991. The Flood Risk Assessment and Surface and Foul drainage design reports submitted are satisfactory to Yorkshire Water. The reports confirm that foul water from the site will discharge to a public combined sewer to the East of the site with surface water to a public combined sewer to the East of the site via storage, with restricted discharge rate. No objections, conditions recommended.

#### Land Contamination

7.21 No objections subject to conditions regarding submission of remediation method statement.

#### Access Officer

7.22 A 1200mm rear transference area to disabled parking bays should be provided. It is unfortunate that disabled bays have been reduced from 12 spaces to 10. Barriers to the pedestrian entrance on Old Lane should be restricted to back of pavement away from the landing area. Details of gradients, upstands, tactile paving, level landing and handrails to the main pedestrian entrance should be provided by way of a condition. Clarification is required regarding location of cycle stands and proximity to pedestrian steps and ramp.

#### Environmental Health

7.23 A noise report has been provided which identifies the principal noise sources will be noise from fixed mechanical services plant, bulk deliveries, car parking activity and road traffic noise. In addition to this, if recycling facilities are proposed then this is a further potential noise source and would require careful positioning and possible attenuation. There may also be potential for noise disturbance during construction of the proposed development. Lighting should be positioned so as not to cause nuisance to nearby residents. No objections are raised by Environmental Health and

if planning permission is to be granted, conditions are recommended to protect the amenity of nearby residents.

- 7.24 Conditions relate to hours of construction (between 0730 – 1830 weekdays and 0900 – 1300 on Saturdays) / hours of delivery and refuse collection ( between 0530 – 2300 Mondays to Sunday)/ details of storage and disposal of litter/ details of all fixed plant to be submitted/ LAeq from all mechanical services plant not to exceed a level at the nearest noise sensitive premises higher than 5dB below the lowest prevailing background noise level in the absence of noise from the plant/ noise level of any air condition to accord with previous condition/ hours of use of mounted refrigeration restricted between 2300 and 0530/ lighting restrictions/ no operation of tannoy/ details of extract ventilation system/ provision of grease trap/ submission of details of recycling area and any attenuation measures.

#### Flood Risk Management

- 7.25 The drainage proposals should be in accordance with that set out in the Flood Risk Assessment dated September 2010. Peak discharges at the site should be restricted to 106 l/s. Drainage conditions recommended – submission of details of works for dealing with surface water discharges/ completion of approved surface water drainage works/ provision of oil interceptor to intercept all surface water from areas to be used by vehicles/ surface water will be subject to balancing flows to achieve a minimum 30% reduction of existing peak flow rates/ details for on site storage provided for additional run off from storm events up to the 1 in 100 yr + climate change to be submitted.

#### Climate Change Officer, Sustainable Development Unit

- 7.26 The details provided in the BREEAM statement indicate the attainment of a BREEAM 'Very Good' rating which is the Council's current minimum requirement for new development. However, given the budgetary and other pressures normally encountered in the design development and tendering processes of projects generally it is of some concern that the predicted total score is only just above the minimum score required at this relatively early stage of the development (56.31% scored, 55% required for a 'Very Good' rating).
- 7.27 Further scrutiny of the BREEAM sustainability statement provided for this development reveals relatively low scores for six out of the ten different sections of the assessment. Particularly disappointing are the very low scores for 'Health and Wellbeing' (33.33%), 'Energy' (32%) and 'Materials' (38%).
- 7.28 There are a number of categories where the number of credits achieved could be readily increased. It is considered essential that the proposal's BREEAM sustainability statement is made more robust and the attainment of the 'Very Good' rating more likely by increasing the overall score by at least four or five points.
- 7.29 Suggestions are made with regard to specific sections of the submitted BREEAM statement in order to enable the developer and the design team to achieve an improved score as mentioned above. In particular these include the following areas;
- Reduction of CO2 emissions and Low/zero carbon technologies - This is a particularly disappointingly low score for such a key section. The developer is urged to reconsider the proposals for this section and make a significant improvement to the number of credits achieved. (Ene 5 Low/zero carbon technologies).

- Cyclist facilities - No indication of commitment of any shower/changing facilities although this is committed to as part of the travel plan
- Construction site waste management - This a low score and there is significant scope for improvement.
- Compacter/baler - The developer is urged to also provide on-site glass collection/recycling facilities for the general public, in addition to that provided at the nearby Co-op store, thereby avoiding the necessity of additional journeys.

7.30 It is recommend that the achievement of a BREEAM very good rating is made a condition of any planning permission which may be granted.

7.31 In response to the comments from the Sustainability Officer Tesco comment that the SPD encourages developments to meet BREEAM Very Good. The development meets BREEAM very good as is outlined in the pre-assessment. Therefore the application is compliant with the policy and there is no policy basis to require any further work at this stage in relation to this matter. Conditions as set out at the start of the report are recommended to deal with further assessment.

## **8.0 PLANNING POLICIES:**

8.1 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.

### Development Plan

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

8.3 Relevant RSS policies are considered to be;  
E2 States that town centres should be the focus for offices, retail, leisure and entertainment.

8.4 The site is not covered by a particular designation within the Unitary Development Plan, the following UDP policies are relevant to the consideration of the application:

- SP6 – Distribution of land for employment uses
- SP7 - Priority to be given to enhancement of the City Centre and town centres
- GP5 – General planning considerations;
- GP11 – Sustainable Design Principles
- E7 – Loss of Employment Land to other uses
- N12 – Urban design principles;
- N13 – Design of new buildings;
- N24 – Development abutting green belt, green corridors or other open land
- N25 – Boundaries of sites to be designed in a positive manner
- T2 – New development and highway safety;
- T5 – Access for pedestrians and cyclists;
- T6 – Provision for disabled people;
- S5 - Criteria for out-of-centre major retail development (above 2,500 sq.m gross)
- BD5 – New buildings, design and amenity;

8.5 Supplementary Planning Guidance/Documents  
Public Transport Improvements and Developer Contributions SPD.  
Travel Plans SPD  
Sustainable Design & Construction SPD “Building for Tomorrow Today”

8.6 National Planning Policy and Guidance  
PPS1 – Delivering Sustainable Development  
PPS4 – Planning for Sustainable Economic Growth  
PPG13 – Transport

8.7 Ministerial Statement – Planning for Growth, March 2011

## 9.0 MAIN ISSUES

1. Loss of employment Land
2. Retail policy
3. Highway matters
4. Design and Layout of proposed store
5. Landscaping
6. Relationship to surrounding residential properties
7. Planning Obligations

## 10.0 APPRAISAL

### Loss of employment land/ alternative uses for the site

- 10.1 Policy E7 relates to the consideration of the use of land currently or last in use as employment land, and advises that uses outside of the B Use Classes will not be permitted unless; the site is not reserved for specific types of employment use/ sufficient alternative employment sites exist both district wide and within the locality/ the proposal would not result in environmental, amenity or traffic problems.
- 10.2 The site is 1.24 ha and considered to be a moderately-sized site in terms of employment land within the immediate locality of South Leeds. The site, together with neighbouring employment and commercial premises comprise an “island” of industrial, warehouse and commercial uses within a built-up area predominantly residential area.
- 10.3 The applicant has submitted a report on employment land issues and it is understood that the building which formerly occupied the site (Jubilee House) had been vacant for at least 4 years prior to its demolition at the end of 2007.
- 10.4 Although there are residential properties opposite the site on Old Lane, which acts as a local distributor road, there is little evidence that the site is inherently unsuitable for employment or commercial use. However, given that the site is cleared and in light of the current market situation it considered unlikely that speculative employment use would come forward on the site.
- 10.5 In relation to employment land available in the locality of the site, the applicant has assessed an area within 15 minutes peak drive time of the site which is considered to be an extensive search area. The applicant’s assessment identified between 22 and 26 years of supply for B1c/B2/B8 and this is considered to be a generous supply.
- 10.6 However in terms of the immediate locality the applicant’s assessment references a 20-min peak time bus travel contour which is a much smaller area and covers areas

that are mainly residential but with notable enclaves of employment space along the Dewsbury Road and Elland Road corridors. The supply here is far less generous and in the worst case scenario amounts to little more than 5 years supply. In contrast, however, a mid-range scenario indicates a supply of between 11 and 13 years. The best-case scenario suggests that the existing supply, supplemented by windfalls, would last almost indefinitely. In terms of the most reduced time period of potential supply, it is noted that there are important areas of employment potential which lie just outside the bus contour and given the residential character of the area immediately surrounding the site this is important. To remove the site from employment use would be unlikely to have a measurable effect on ease of access in this part of the city to employment sites.

- 10.7 From the above, it is clear that the loss of this site to an alternative commercial use would not pose any harm to the Council's interests in providing opportunities for local employment uses and there is no objection raised under Policy E7 of the UDP Review. Furthermore, the proposed development would also generate employment.
- 10.8 The objection letter received on behalf of Asda raises the issue of the identification of this site in the Council's Strategic Housing Land Availability Assessment (SHLAA). The site is identified as site No. 341 in the assessment – former Jubilee House. The site conclusions in respect of the SHLAA recognise that the commercial nature of the surroundings may be a constraint of this site coming forward for housing development. The SHLAA will inform the housing allocation Development Plan Document, however as the Council has not advanced to this stage, the inclusion of the site within the SHLAA is not considered to be a reason to refuse alternative uses on the site if they are considered acceptable based on other considerations. In any case, the surrounding industrial uses of the site could potentially restrict housing development from coming forward on this site.

## **2. Retail policy**

### **a) PPS4 & UDP requirements**

- 10.9 National guidance on retail matters is set out in PPS4, issued in 2009. PPS4 provides national guidance on planning for sustainable economic growth. The main policies of PPS4 relevant to the consideration of this application are considered to be;
- Policy **EC10** provides guidance on determining planning applications for economic development and advises that planning authorities should take a positive and constructive approach towards applications for economic development and that applications should be assessed against the following impact considerations;
    - a) whether the proposal is planned to limit carbon dioxide emissions and resilience to climate change
    - b) the accessibility of the proposal by a choice of means of transport and the effect on local traffic levels and congestion after public transport and traffic management measures have been secured
    - c) Whether the proposal secures a high quality and inclusive design which takes opportunities to improve the character and quality of the area and the way it functions
    - d) The impact on economic and physical regeneration in the area
    - e) The impact on local employment

- Policy **EC14** sets out the requirements for supporting evidence for planning applications for main town centre uses and requires a sequential assessment under Policy EC15 and an impact assessment for developments over 2, 500 square metres as set out in policy EC16.
- Policy **EC15**: requires **sequential assessments** for planning applications for main town centre uses that are not in a centre and not in accordance with an up to date development plan. This policy requires applicants to assess sites for availability, suitability and viability, assess all in centre options thoroughly before less central sites, it advises that sites need to be well connected to the centre with easy pedestrian access and applicants need to demonstrate flexibility in scale and reducing floorspace, in layouts and parking requirements. EC15.2 states that in considering whether flexibility has been demonstrated under policy EC15.1.d, local planning authorities should take into account any genuine difficulties which the applicant can demonstrate are likely to occur in operating the proposed business model from a sequentially preferable site.
- Policy **EC16**: sets out requirements for an **impact assessment** for planning applications for main town centre uses that are not in a centre and not in accordance with an up to date development plan and policy EC14.4 advises that an assessment addressing the impacts in policy EC16.1 is required for planning applications for retail and leisure developments over 2, 500 sq.m gross floorspace not in an existing centre and not in accordance with an up to date development plan.
- Policy **EC17**: deals with the consideration of planning applications for development of main town centre uses not in a centre and not in accordance with an up to date development plan and advises that permission should be refused where;
  - a) the applicant has not demonstrated compliance with the requirements of the sequential approach, or
  - b) there is clear evidence that the proposal is likely to lead to significant adverse impact (set out in policy EC10.2 and EC16.1)
 Policy EC17.3 advises that judgements about the extent and significance of any impacts should be informed by the development plan (where this is up to date). Recent local assessments of the health of town centres which take account of the vitality and viability indicators included in Annex D of PPS4 and any other published local information will also be relevant.

10.10 In respect of the requirements of Policy EC15 and EC16 the site at Old Lane is located more than 300m from the boundary of the nearest identified centre at Town Street, Beeston. According to the PPS4 definition the site is classified as out of centre and must accord with the sequential assessment criteria set out in Policy EC15 of PPS4. Additionally, because the gross area proposed is more than 2,500 sq m it should also be assessed against the impact criteria set out in Policy EC16 of PPS4. A Retail Assessment has been submitted with the application (RA).

10.11 In terms of local policy within the development plan, the application should be assessed against policy S5 of the UDP Review 2006 which advises that major retail developments (above 2, 500 sq.m gross as set out at para 9.2.7) outside defined S1 and S2 centres will not normally be permitted unless;

- i. the type of development cannot satisfactorily be accommodated within or adjacent to an existing S1 or S2 centre;

- ii. it can be demonstrated that it will not undermine the vitality and viability of the city centre or any S2 or local centre or prejudice the local provision of essential daily needs shopping. The policy goes on to advise that it will normally be necessary for the applicant to carry out a formal study of impact on nearby centres and an assessment of changes in travel patterns.
- iii. It addresses qualitative and/ or quantitative deficiencies in shopping facilities
- iv. It is readily accessible to those without private transport
- v. It does not entail the use of land designated for housing, key employment sites or land located in the green belt or open countryside.

10.12 Policy S5 is considered to be consistent with national guidance set out in PPS4.

b) Sequential test

**Sequential Assessment**

10.13 As the site occupies an out-of-centre location it is necessary for the applicant to carry out a sequential assessment of possible alternative sites in accordance with Policy EC15 of PPS4 as well as policy S5 of the UDPR. In order to assess impact and to undertake a sequential assessment the applicant's Retail Assessment (RA) defines a Primary Catchment Area (PCA) where it is considered that a store of this size would draw the majority (90%) of its trade. The catchment area proposed is that of a 5 minute drivetime from the site and this is considered to be a reasonable catchment for the store which is primarily selling convenience goods. The catchment area includes the UDP S2 town centre at Dewsbury Road and S4 local centre at Town Street, Beeston. It also includes local centres at Beeston Hill and Tommy Wass (Dewsbury Road) which have been identified in the emerging Core Strategy.

10.14 The applicant's RA assesses the availability, suitability and viability of sites in centres within the Primary Catchment Area of 5 minute drive time from the site. Specifically the RA considers the following sites;

- Tommy Wass Public House
- Former Kwik Save Store, Dewsbury Road
- Police Station, Dewsbury Road
- Former Kwik Save, Holbeck.

10.15 It is considered that the Police Station can be dismissed because it is not available and is itself situated in an out of centre location. The other sites are dismissed by the applicant as being too small and unable to meet the requirements of a retail store designed for weekly food shopping. Of these the former Kwik Save, Dewsbury Road, is the largest store at a gross floorspace size of 1,589 sq m which the applicant's RA states is:

*"Smaller than the size of the store proposed and it is not considered sufficient to provide a supermarket with the floorspace required in the PCA in order to draw trade back from larger stores within the wider HAS (Household Survey Area) and beyond."*

10.16 It is accepted that there may not be a sequentially preferable site available in the PCA to accommodate the scale of store proposed. In terms of the issues relating to the applicant's case for the size of store proposed based on claw back of trade, it is noted that in part this would come from a centre (Hunslet) which is within 5 minutes drive from parts of the PCA. This is assessed below in relation to the impact issues concerning the proposal. Nevertheless, there is considered to be available capacity within the PCA (as set out below) to accommodate the size of store proposed.

10.17 Objections received on behalf of Morrisons and the Co-operative Group consider that the applicant has failed the sequential test on the basis of the available Kwik Save unit at Dewsbury Road. The information available currently for the PCA, suggests that there is sufficient capacity within the catchment for a store of the size proposed in this application, without the vacant Kwik Save site becoming unviable for future occupation by a smaller store. On this basis, it is considered that the applicant has justified the size of the proposed store to serve the catchment area proposed and that it would not prevent the in centre Kwik Save unit coming forward for convenience retailing.

10.18 It is therefore considered that the applicant has addressed the sequential test, and therefore the impact test is the key issue in determining this application.

c) Retail capacity

10.19 Whilst under PPS4 guidance there is no strict requirement to demonstrate need, the applicant has looked at the issue of retail capacity as this can be relevant to the consideration of impact.

10.20 The applicant's assessment of available capacity focuses on the defined PCA as set out above this is derived from a 5 minute drive time catchment area. For the purposes of assessing impact, as well as the existing centres which are within the PCA it is also noted that Sainsbury's at White Rose is within the catchment area. Hunslet S2 centre lies just outside the identified catchment area.

10.21 In relation to the assessment of impact, the RA uses the Household survey results from the survey commissioned (October 2008) used to support the Tesco proposal at Benyon House, Middleton (application ref 09/01727/FU ). It is considered unlikely that expenditure patterns have changed significantly since 2008 and therefore it is considered reasonable to use these survey results in the RA. The opening of the Tesco Express on Dewsbury Road (previously an international food store) is the only notable change.

10.22 Based on data provided in the applicant's RA it is possible to estimate existing convenience expenditure by store / location. It is considered that approximately 46% of main food shop expenditure from the catchment area is spent at Morrisons, Hunslet. The next largest expenditure after this can be attributed to Sainsbury's White Rose and Morrisons, Morley with approximately 13% and 11% of main food expenditure estimated to be spent at these locations.

10.23 The RA looks ahead 5 years to 2015 and estimates available expenditure based on population projections and expenditure per head in the PCA from data provided by MapInfo. It concludes that £44.49m of expenditure will be available for convenience goods in 2015 from the PCA.

10.24 Based on information provided within the RA and including Sainsbury's at the White Rose Centre within the catchment area and also accounting for additional turnover which could be generated by the extant permission for a small extension at Netto store, Old Lane adjacent to the site, it is considered that there is a residual capacity of some £31.72m of expenditure within the PCA.

10.25 The applicant's RA estimates the turnover from proposed Tesco development derived from the catchment to be £13.96m. Based on the above assessment of expenditure, this would therefore leave a residual capacity in the catchment area of £17.76 post development. The applicants RA therefore considers that the proposal will claim back expenditure leaking from the catchment area. A high level of

expenditure available within the catchment area can be considered to provide some direct evidence that the proposal could be considered acceptable in terms of impact on other centres.

10.26 However since the catchment area is drawn up from an out of centre location, it is considered that shopping patterns should be looked at in more detail and appropriate expenditure within the catchment that is spent within existing centres should be looked at. For instance, it is not inappropriate for some expenditure to go to Hunslet town centre as part of the catchment area is closer to Hunslet town centre than the proposed store location. Indeed, there must be some overlapping of catchment areas. It is not considered justified that an out-of-centre store should claw back trade from town centre stores just outside its PCA and it is considered that some allowance should be made for expenditure in Hunslet from the catchment.

10.27 It is considered that Morrisons at Hunslet relies on trade from the PCA accounting for nearly 40% of all expenditure in the PCA and the impact to this store needs to be robustly assessed.

#### d) Impact

10.28 PPS4 advises that evidence regarding the impact of the proposal should be considered. The applicant's RA has considered the impact of the proposal on existing centres as well as the cumulative impact of the proposed store and recent permissions.

10.29 Table 7 of the applicant's RA shows the trade diversion effect of the proposed store on identified town and local centres in terms of convenience goods as follows;

- 22% trade diversion from Beeston Local Centre
- 0% Beeston Hill;
- 8% Dewsbury Road;
- 10% Tommy Wass,
- 11% for Hunslet
- 10% for Morrisons at Morley.

10.30 The RA concludes that none of the impacts are significantly adverse and will not impact on the vitality and viable of the centres.

10.31 Other larger impacts are 16% on Netto, Beeston and 10% on Sainsbury's, White Rose but as these are out of centre stores the impact in these cases is not a planning consideration.

10.32 The trade diversion from Co op Beeston is estimated to equate to £0.71m and the trade diversion from Morrisons, Hunslet is estimated to be £6.52m and the impact on these stores is considered in further detail below.

#### Impact on existing centres

##### **Hunslet**

10.33 The applicant argues that Morrisons Hunslet is significantly overtrading. The objection letter on behalf of Morrisons suggests that trade diversion away from the Morrisons store at Hunslet is underplayed in the applicants study. Officers have taken a more cautious approach to assessing the impact of the proposed store on the Hunslet centre, putting forward an alternative assessment of the figures to increase the level of trade diversion. Nevertheless. when considered against turnover estimates for Morrisons (from both the applicants study and that undertaken on behalf of the Council as part of the Easel and Aire Valley Retail

Study), it is not considered that the proposed Tesco store would have a 'significantly adverse impact' on either the Hunslet Morrisons (which would likely still trade above the company average) or the centre as a whole.

- 10.34 It is considered that on the evidence available the proposed store can be accommodated without there being a significantly adverse impact on Hunslet centre, and Morrisons would be likely to remain in a position of overtrading against the company average and would therefore continue to draw in customers to the centre to use other services and facilities supporting its vitality and viability.

#### **Beeston local centre**

- 10.35 An objection letter has been received on behalf of the Co-operative Group, on the grounds that the proposal would result in a significant impact on the viability and vitality of the Beeston centre and in particular, the Co-operative store. The Council's assessment of trade diversion shows a pro rata trade diversion of £0.71m which represents a 24% trade diversion of in centre convenience expenditure within the PCA away from Beeston local centre. The applicant's RA also concludes that the greatest quantitative impact of the proposed store on existing convenience turnover would be the 22% trade diversion from Beeston Local Centre – a slightly lower figure than the Council's estimation.

- 10.36 The applicant's RA however assumes the Co-op's turnover is £3.1m. If the Council's assumed trade diversion of £0.71m is applied it would have a post development turnover of £2.39m and would remain overtrading against the assumed Co-op national company average of £1.84m so would continue to overtrade after the impact of the Tesco proposal is taken into account.

- 10.37 The Co Op foodstore is the anchor at Beeston Local Centre and the only store selling convenience goods. Although the level of trade diversion away from the centre is a concern, it is considered that the store could continue to trade successfully, above the company's national average, and focusing mainly on catering for top up shopping trips.

- 10.38 Whilst the trade diversion from Beeston centre to the proposed store is of concern, it has been concluded that the evidence available is not sufficient to establish that Beeston centre will be 'significantly adversely affected' (which is the test set out in PPS4) to the extent that it would result in existing stores closing and higher levels of vacancies in the centre.

#### **Dewsbury Road S2 centre**

- 10.39 There is a lack of a food store at Dewsbury Road and therefore it considered there will be limited trade diversion from this centre (8% in the applicants RA). It is however considered important that in order to maintain this centre's status of town/district centre it should be able to support a larger food store. Given that it is considered there would be a residual expenditure capacity of £17.76m in the catchment area it is considered that there is capacity available in the area to support the occupation of the former Kwik Save by a convenience retailer.

#### **Other centres**

- 10.40 The Tommy Wass and Beeston Hill emerging centres (identified as future centres in the Core Strategy) mainly cater for top up food shopping trips and there is no evidence to suggest that the impact from the proposed store would be significantly adverse given the available capacity in the area and that these stores will cater for daily top up needs rather than weekly food shopping. Account has also been taken of a site (Charles St) identified as an opportunity for retail development at Holbeck

emerging centre in an area which lacks convenience retail provision, although this is outside the PCA. The Charles Street site is identified to help address the deficiency of provision in this area. Given the lack of existing retail provision to serve the LS11 5 post code sector, it is considered likely that there would also be enough capacity to support a convenience store or small supermarket which could be accommodated on the Charles St site and there is insufficient evidence to conclude that the proposal at Old Lane would hinder the delivery of this retail opportunity in Holbeck.

#### Cumulative Impact

- 10.41 Policy EC17.1 of PPS4 requires that the impact assessment of Policy EC16.1 considers the likely cumulative effect of recent permission, developments under construction and completed developments.
- 10.42 The planning permission granted to Asda for a retail store at Middleton (App Ref: 09/02589/FU - 2,020 sq m net floor area of convenience goods) in March 2010 is relevant to the consideration of cumulative impact. Notwithstanding the comments made on behalf of Asda and the alternative drivetime plan, Middleton District centre is considered to be outside the PCA of the proposed store at Old Lane. The applicant's RA asserts that the proposed Old Lane store would not adversely impact upon the implementation of the Asda store and it is considered that this is a reasonable conclusion. However, the two proposals taken together could have a cumulative impact on other centres.
- 10.43 A more cautious assessment of cumulative impact has been taken than that put forward in the applicant's RA to test the worst case scenario of impact at Hunslet centre. Nevertheless, this still concludes that the 2015 turnover of Morrisons would still remain above company average trading levels and as this is the anchor store for Hunslet centre and existing vacancy levels are low, there is considered to be insufficient evidence to suggest that Hunslet centre would begin to underperform when the two additional stores begin operating.
- 10.44 The applicant's RA indicates that the two new stores could result in some 11.9% impact in terms of trade diversion against company average turnover level for the existing Morrisons store at Morley. However again, it is considered that there is insufficient evidence to suggest that this trade diversion would significantly harm the vitality and viability of Morley town centre.

#### **Leeds City , Town and Local centres study**

- 10.45 Following the objections to the proposal received on behalf of Morrisons in relation to their Hunslet store and on behalf of the Co-operative Group in relation to their store at Beeston local centre, it was considered that it would be useful in the assessment of the Tesco Old Lane application to take into account the results of the quantitative need analysis of the Leeds City, Town and Local Centre Study (a city-wide retail assessment being prepared by Colliers International for the City Council). It was initially expected that this report would have been available in early 2011 however this has only recently been published in July 2011. The Study itself will be used to contribute towards the evidence base of the Local Development Framework including the Core Strategy and Site Allocations Development Plan Document. The report itself has limited status in planning terms, but is capable of being a material planning consideration.
- 10.46 The Town Centre Study includes the results of a household survey undertaken in Summer 2010 to help to establish a baseline position on broad expenditure patterns across retail locations and stores in Leeds district. An objection has been received that the household survey results have not been made fully available however table

3 within Appendix 8d of the Study does include a breakdown of the household survey results in respect of convenience shopping destinations in each of the survey zones. The Town Centre Study separately considered expenditure on convenience and comparison goods to establish the quantitative need for each of the sectors. The study split Leeds district into 10 zones based on the Council's area committee structure. The application site and the vast majority of the Primary Catchment Area (PCA) lies within the Inner South Zone of the study (which covers the Council wards of City & Hunslet, Middleton Park and Beeston & Holbeck). The study identifies quantitative need in each of the sub area over three time periods: 2010 to 2016, 2021 and 2026. For consideration of a planning application only the first of the time periods is relevant as PPS4 Policy EC14.7 advises that assessments of impacts should focus in particular on the first 5 years after the implementation of a proposal, in this case approximately 2016.

- 10.47 The retail floorspace needs assessment for convenience goods (scenario 1: low population projection) from the draft Town Centres Study shows that there is a negative retail floorspace need of 12,091 sq.m net in the Inner South area for the period to 2016. This, in theory, means there is over capacity of convenience floorspace in the Zone which would not ordinarily support the case for the new additional floorspace in the area, such as that proposed in this application, outside existing centres. However, it must be noted that the Inner South Zone of the study is not a direct fit with the Primary Catchment Area for the assessment of this application and is statistically impacted upon by the inclusion of City Centre within the Inner South Zone, particularly, Kirkgate market. It is considered that the Town Centres Study is of a strategic nature and as the city centre is within the same study zone but not the agreed catchment area of the proposed store the information cannot be relied upon to assess this application. For the scale of the store proposed, which is designed to cater for a 5 minute drive time catchment area, it is more appropriate to assess retail capacity on a more local basis as has been done as part of the applicant's Retail Assessment.
- 10.48 The evidence which the Town Centres Study household survey provides in respect of expenditure in individual stores and location provides a basis for comparing against the evidence provided by the applicant. The strong performance of the Morrisons store in Hunslet identified by the applicant is confirmed by the household survey as the store accounts for 65% of convenience expenditure by residents across the Inner South Zone. This confirms that the store is likely to overtrade significantly and although there is likely to be significant trade diversion away from the store, as a result of implementation of the Tesco proposal, and which it is considered may have been underestimated by the applicant - it is highly likely that the store can continue to trade over its company average even after account is taken of the implementation Asda store commitment on the edge of Middleton centre. The household survey does not pick up any expenditure in the Co-op Beeston and Lidl store at Hunslet. This could be an indication of current under trading but it is acknowledged that it is difficult to identify trading performance of smaller stores accurately though the household survey work which was necessarily strategic in its focus.

### **3.Highway matters**

- 10.49 The applicant's transport assessment estimates that a store of the size proposed may result in trip rates of 184 arrivals and 187 departures for Friday peak hour (17.00 to 18.00) and 190 arrivals and 196 departures for Saturday peak hour (12.00 to 13.00). It is considered that this estimate of the likely trip generation from the proposed development is reasonable. The applicant's transport assessment has

assessed the operation of the junctions in the vicinity of the site on the surrounding road network. Concerns relating to the roundabout junction of Town Street/Beeston Road/Old Lane and potential queue lengths on Old Lane as a result of traffic from the store have been resolved by way of proposed highway works to this mini roundabout to Old Lane/ Town Street/ Beeston Road. The proposed highway works will increase the capacity of this junction to allow 2 cars to queue at the Beeston Road western approach to the mini roundabout . The Applicant has also agreed to contribute the sum of £50,000 to the Council to monitor the traffic on Old Lane and surrounding roads and to pay for any traffic calming measures that may be required to control traffic relating to the proposed development.

- 10.50 Objections have been received regarding potential traffic congestion as a result of the proposed development. The applicant's transport assessment has been considered by the traffic management section and it is considered that subject to the proposed highway works at the junction of Old Lane/ Town Street, the surrounding highway network can accommodate the proposed development. It also needs to be borne in mind that the site could be redeveloped for alternative employment uses which would also generate a certain amount of traffic on the highway network.
- 10.51 In terms of the proposed layout of the store, this has been revised during the course of the application to alter the proposed vehicular access arrangements. The proposal to use the existing vehicular access for servicing only is acceptable and the proposed separate vehicular access from Moorhouse Avenue is wholly within the applicant's ownership and is acceptable and this also includes a pedestrian route through the car park although a separate pedestrian entrance from Old Lane is also proposed.
- 10.52 A new 4m wide raised toucan pedestrian crossing is proposed adjacent to the site on Old Lane to improve the crossing facilities in relation to the main pedestrian entrance to the store. Objections have been received from the Post Office as the upgraded crossing would result in the loss of 1 on street parking bay in front of the Post Office. Part of this area is already marked keep clear and the proposal has been amended from the original scheme so that the loss of parking bays is reduced to 1 bay only. If the crossing were relocated elsewhere on Old Lane it would result in the loss of up to 4 parking spaces from existing on street parking lay bys. On balance this loss of a parking space is considered acceptable and on street parking lay by's remain close by. The Post Office have requested a guarantee that further restrictions will not be implemented in the future, however such a guarantee cannot be provided although it is not anticipated that any will be required.
- 10.53 163 car parking spaces are proposed within the site and the applicant has provided a car parking accumulation calculation undertaken which estimates a maximum requirement of 149 spaces on Friday and 156 spaces on Saturday, the peak times for Supermarket shopping. At peak times this equates to 91% and 95% of the maximum capacity of the proposed 163 space car park.
- 10.54 Highways advice is that at over 90% of capacity, the operation of a car park can be affected and therefore the number of parking spaces proposed is considered to be the minimum acceptable to support the development and could not be reduced any further. Nevertheless, the store is considered to be in a sustainable location and a travel plan is provided as part of the application and the applicant will contribute to upgrading the existing bus stop in front of the site on Old Lane. The level of parking provision for the development together with these other measures to encourage visits by alternative modes of transport is considered acceptable.

#### **4. Design and Layout of proposed store**

- 10.55 The proposed store building will be sited along the southern boundary of the site which adjoins industrial units. The customer car park is proposed to the north of the store itself. Setting the store back within the site is considered to be a reasonable siting given that the site is not within a centre and there are residential properties immediately facing the site. This is also a response to the landscaped boundaries of the site which restrict views of the proposed building and any frontage opportunities.
- 10.56 The landscape setting of the site is considered important and is discussed below. The layout retains the TPO'd tree belt along the eastern boundary and although planting is removed from the boundary with Moorhouse Avenue, new planting is proposed. There is a levels difference of some 1 – 1.5m from street level at Old Lane to the main platform of the development site. The proposed store maintains a significant landscape setting around the built development and this accounts for the levels difference within the site. The landscape proposals are discussed in more detail below.
- 10.57 The site's wider context is a combination of both housing to the east and industrial units to the south and west. Notable features of the site's context are that the area is generally low rise and brickwork is the predominant material. The size of the store proposed and the scale of development is considered to be compatible with the surroundings.
- 10.58 In terms of the store's design, whilst the predominant material is the larch cladding proposed on the main elevations, brickwork has been introduced to the store design to reflect the context of the surroundings. The materials are considered appropriate to the area and will result in a contemporary building which will sit comfortably within its surroundings. Objection letters raise concerns regarding impact the character of the area, however it is considered that the proposed store is respectful to the character of the area and in making use of a vacant site will improve the appearance of the area. The applicant's initial assessment shows that BREEAM standard of very good will be achieved and conditions are recommended to secure this.
- 10.59 A canopy is proposed to the front of the store, the drawings submitted indicate a canopy projecting significantly forward of the store towards the pedestrian entrance to the site. This projection is considered to be too prominent and details of a reduced canopy are suggested to be dealt with by condition.
- 10.60 A clock tower is proposed at the pedestrian entrance to the site, opposite the post office on Old Lane and this is considered to be a good focal point of the scheme to help identify the store. The pedestrian approach to the store has been improved through the course of the application with some car parking to the east of the building removed which allows for a direct pedestrian access to the store entrance to be created from Old Lane via steps/ ramp approach and a new crossing to be provided within the highway.

#### **5. Landscaping**

- 10.61 Landscaping is considered to be a key characteristic of the site and the trees along the eastern boundary are protected by a Tree Preservation Order and are important to the streetscene of Old Lane. Mature landscaping is also present along the

boundary to Moorhouse Avenue and is important in the assimilation of the site with the allotments and playing fields to the north.

- 10.62 The initial proposals for the development raised concerns regarding the relationship of the proposed parking and retaining wall to protected trees along the Old Lane boundary. The proposal has been revised and the additional parking to the east of the store building has been removed which allows further space around the protected trees.
- 10.63 All existing trees along Old Lane adjacent to the car park are retained as part of the proposal and this is considered to provide a good landscape buffer to the site. These TPO's trees consist of a mixture of trees comprising of a Norway maple, beech and horse chestnut as well as London Planes and common lime trees. A retaining wall is proposed along the Old Lane boundary and it is considered that subject to details regarding the construction, this can be achieved without harming the existing trees. A detailed method statement is conditioned to be provided prior to construction to show how the works will be carried out without disturbance to the protected trees.
- 10.64 In relation to the Moorhouse Avenue boundary, one of the two mature London Plane trees along this boundary is to be retained however one tree will be removed in order to create the new access into the site. This is compensated for by way of new planting and it is considered that sufficient space is provided along this boundary of the site to achieve a robust planting scheme.
- 10.65 Limited planting is proposed within the car park itself and this is along the main pedestrian route through the store car park. On balance this is considered acceptable given the landscaped belt around the north and east of the site. However for the planting that is proposed, it is considered that use of construction techniques such as silva cell will be required to increase the potential rootzone for these trees.
- 10.66 A hedge is proposed between the car park and the service road into the site.
- 10.67 The long-term management of the landscaping is recommended to be secured by way of a condition.

## **6. Relationship to surrounding residential properties**

- 10.68 The site is surrounded by commercial uses to the west and south of the site and the proposal is compatible with these surrounding uses. Residential properties are to the east of the site facing the eastern elevation of the proposed store and the boundary with the car park and therefore the relationship to these properties needs to be considered. The proposed store and car park is to be set within a landscaped buffer of some 10m minimum depth along the entire Old Lane boundary of the site. There is a separation distance of over 30m between the residential properties and the built development area of the site (car park and store building), this distance includes the landscaped boundary of the site which is largely unaltered.
- 10.69 A brick boundary wall is proposed along the car park boundary of the site set behind the retained trees along Old Lane. This brick boundary wall continues around the corner of the site into Moorhouse Avenue, again set behind the landscaping. This boundary wall and the landscaped boundary will screen the car park from the residential properties and the streetscene. It is considered this is a good quality

boundary to the site and retains the landscaped character whilst screening the car park and protecting visual amenity.

- 10.70 Residential properties facing the site currently look over a cleared site with 2m paladin fencing along the boundary together with the existing protected trees. It is considered that the proposed development is respectful to the scale of development in the area and retains the positive feature of the site which is the landscaped boundary. It is considered that the proposal will not result in loss of residential amenity from poor outlook of overdominance.
- 10.71 The proposed store building is sited to the west of No's 95 to 101 Old Lane and is at a height of some 7.6m above street level. Objections have been received that the proposed development could result in loss of light as well as privacy. The applicant's section drawings indicate that the store itself will be approximately 1.5m higher than the ridgeline to the roof of 97 Old Lane. The store building is however lower than the canopy of the existing trees which will screen the building itself. It is considered that the development will not result in any unacceptable loss of light to residential properties on Old Lane. In relation to privacy the store is contained within the site and would not result in any overlooking from staff or customers of the store. It is recognised that there will be increased footfall in the vicinity of the pedestrian entrance on Old Lane, however this street is currently a primary route through Beeston and is not considered that the proposal will compromise privacy of nearby residents.
- 10.72 Objections have been received in relation to increased noise associated with the development. Again, this needs to be considered against the previous employment uses of the site which could in themselves have generated noise in association with their potential uses. The applicant has submitted a noise report which identifies the principal noise sources relating to the development will be noise from fixed mechanical services plant, bulk deliveries, car parking activity and road traffic noise. The noise report concludes that the store could operate without servicing and operating hours restrictions without harming the amenity of the local residents subject to a condition to ensure that any plant and machinery achieve an appropriate noise rating level.
- 10.73 Notwithstanding the noise report's justification of unrestricted hours of operation and delivery, the proposal is for the store to operate until 10pm and it is also considered that deliveries should be restricted to 11pm. A condition is recommended to ensure that noise levels from all plant and machinery are 5dB below background noise levels when measured from the nearest noise sensitive property. This is similar to the condition recommended in the applicant's noise report which instead specifies what that level should achieve. The Environmental Health Officer has advised however that this condition should relate to the background noise level at the time the measurements are taken.
- 10.75 Recycling facilities would be a further potential source of noise and a condition is proposed for submission of details should they be proposed at the store and attenuation measures may be required.
- 10.76 The service yard for the store is proposed to be located in the north western corner of the site which is surrounded by commercial/ industrial uses. It is considered that the location of the service yard is acceptable and is away from residential properties and should therefore reduce any potential disturbance from delivery vehicles and from unloading activities. The applicant's noise report also notes that that delivery activity will be screened by the store building itself. The report assesses the

potential impact from delivery activity to 99 Old Lane and considers that even deliveries at night could be carried out without adversely affecting residential amenity. Nevertheless, a condition is proposed to restrict deliveries to no later than 11pm as advised by the Environmental Health Officer.

- 10.77 In relation to potential noise from traffic generated from the proposed development, this is also assessed in the applicant's noise report against DEFRA guidance (March 2010) to avoid significant adverse impacts on health and quality of life, together with guidance from the World Health Organisation and guidance in PPG24. Clearly there will be a noticeable increase in comings and goings at the site as a result of the development, however the site is on an existing well used road and it is considered that the additional activity will not result in undue loss of amenity to the surrounding residential properties.
- 10.78 Predicted noise levels from within the store car park are concluded in the applicant's noise assessment to be within the WHO guideline noise levels and are also predicted to be below the existing noise climate.

### **7. Proposed Planning Obligations (s106).**

- 10.79 From 6 April 2010 a new legal test for the imposition of planning obligations was introduced by the Community Infrastructure Levy Regulations 2010. These provide that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.
- 10.80 The proposed obligations as set out at the start of the report are:
- Public Transport Infrastructure Improvements contribution £213, 301
  - £10, 000 Metro contribution to pay for real time bus information at bus stop No 10075
  - Travel Plan Monitoring Evaluation fee (£2,600) and implementation
  - Improvements to the footway from Wooler Avenue to Barkly Road
  - £1,500 towards reinstatement of dropped kerbs at Jessamine Avenue with Grovehall Parade
  - Traffic Management Contribution of £50,000 towards traffic calming measures if required
  - Local employment and training initiatives
- 10.81 All of the obligations and contributions proposed within the S106 as contained within this report are considered to be directly related to the development and compliant with the three legal tests introduced by CILs.
- 10.82 In relation to the off site highway works and traffic management contribution, these are required to deal with the anticipated as well as potential additional traffic associated with the development. Accordingly, they are required in order to make the development acceptable, they directly relate to the development proposed and their scale is appropriate to the proposed development.

- 10.83 With regard to the obligations relating to the travel plan and the installation of dropped kerbs, these are required to ensure that the site is accessible for pedestrians and alternative modes of transport to the car. Although the Council's SPD on travel plans has yet to be formally adopted, the principle of providing such documents is long established and supported by formal planning policies. The travel plan requirements are needed in order to make the development acceptable, they directly relate to the development proposed and their scale is appropriate to the proposed development. What is proposed is consistent with the 3 legal tests and accordingly is fully justified.
- 10.84 In relation to the METRO contribution, the purpose of this contribution is to deliver improved bus stop facilities for future visitors and staff of the development and arises directly as a result of the development. The promotion of public transport is defined by planning policies and the contribution requested equates to a single shelter with real time information. The development requires this level of contribution to make it acceptable and accordingly satisfies the 3 legal tests.
- 10.85 The requirement for the Public Transport Improvements contribution is set out in the adopted Public Transport Improvements Supplementary Planning Document. The contribution will be spent by way of a sector / corridor approach and schemes are identified within the Appendix 1 of the SPD. The improvements provided would be of direct benefit to the development.
- 10.86 Finally, in terms of the local employment obligations from the developer, these have been offered by the developer and formed part of the response to the community consultation events and will therefore provide direct benefits to the local economy. It is considered that this is consistent with policy SP6 of the UDPR and not only provides opportunities to local people but reduces the length of journeys to work.
- 10.87 Beeston Community Forum have requested to see the draft s106 agreement and a copy of the first draft of the agreement has been sent to them.

## **11.0 CONCLUSION**

- 11.1 This site is a vacant site within a built up area and it is considered that the proposal makes good use of the site, providing additional convenience provision to serve the local area. The proposed design of the store and retention of key landscape features of the site result in a positive development in the context of Old Lane and will not result in loss of visual or residential amenity. Indeed, the development of a vacant site will improve the appearance of the area.
- 11.2 It is considered that the applicant has demonstrated that there is not a sequentially preferable site for the size of store proposed. Matters of impact on existing centres have been carefully considered in terms of the policies contained within PPS4 as well as policy S5 of the UDPR and in light of the objections received. It is considered that whilst there will be some trade diversion from existing centres, the proposal will not result in significant adverse impacts to existing centres which would harm the vitality and viability and existing centres – which is the test of PPS4.
- 11.3 It is considered that the level of traffic generation associated with the proposed development can be accommodated on the surrounding road network subject to the works proposed to increase the capacity of the Old Lane/ Beeston Rd/ Town Street roundabout, as well as a new pedestrian crossing on Old Lane to improve pedestrian access to the site.

- 11.4 In determining this application, regard should also be had to the government's agenda of fostering sustainable economic growth and the job creation associated with the proposed development.
- 11.5 In light of the assessment of the main issues associated with the proposed development, the proposal is considered acceptable and is therefore recommended for approval subject to the conditions set out at the start of the report and the completion of a legal agreement to deal with the matters set out in section 10.

**Background Papers:**

Planning application file

Certificate of Ownership: signed by applicant



Do not scale this drawing. Architects to be notified of any discrepancies. This drawing is copyright and is for the use on this project only. For other information refer to the latest revision of any cross referenced drawings.

**Subject to site survey and investigation**

STANDARD PARKING SPACES	137
DISABLED SPACES	10
PARENT AND CHILD SPACES	6
ADDITIONAL STAFF PARKING	8
<b>TOTAL PARKING SPACES</b>	<b>161</b>

new tree planting to site frontage

new brick wall to screen parked cars

existing trees retained to site boundary

existing low stone wall retained to site frontage

existing site access retained subject to highways approvals

existing trees retained to Old Lane site frontage

DDA compliant pedestrian entrance to include required safety barriers

brick faced feature tower with clock

proposed signal controlled pedestrian crossing

4 metre wide access route ramp at shallow gradient

new brick wall to screen parked cars

LEEDS CITY COUNCIL  
23 AUG 2011  
**REVISED**

received 23/8/11

**PROPOSED LAYOUT**  
JUNE 2011 scale 1:500 at A1

**OLD LANE  
BEESTON**

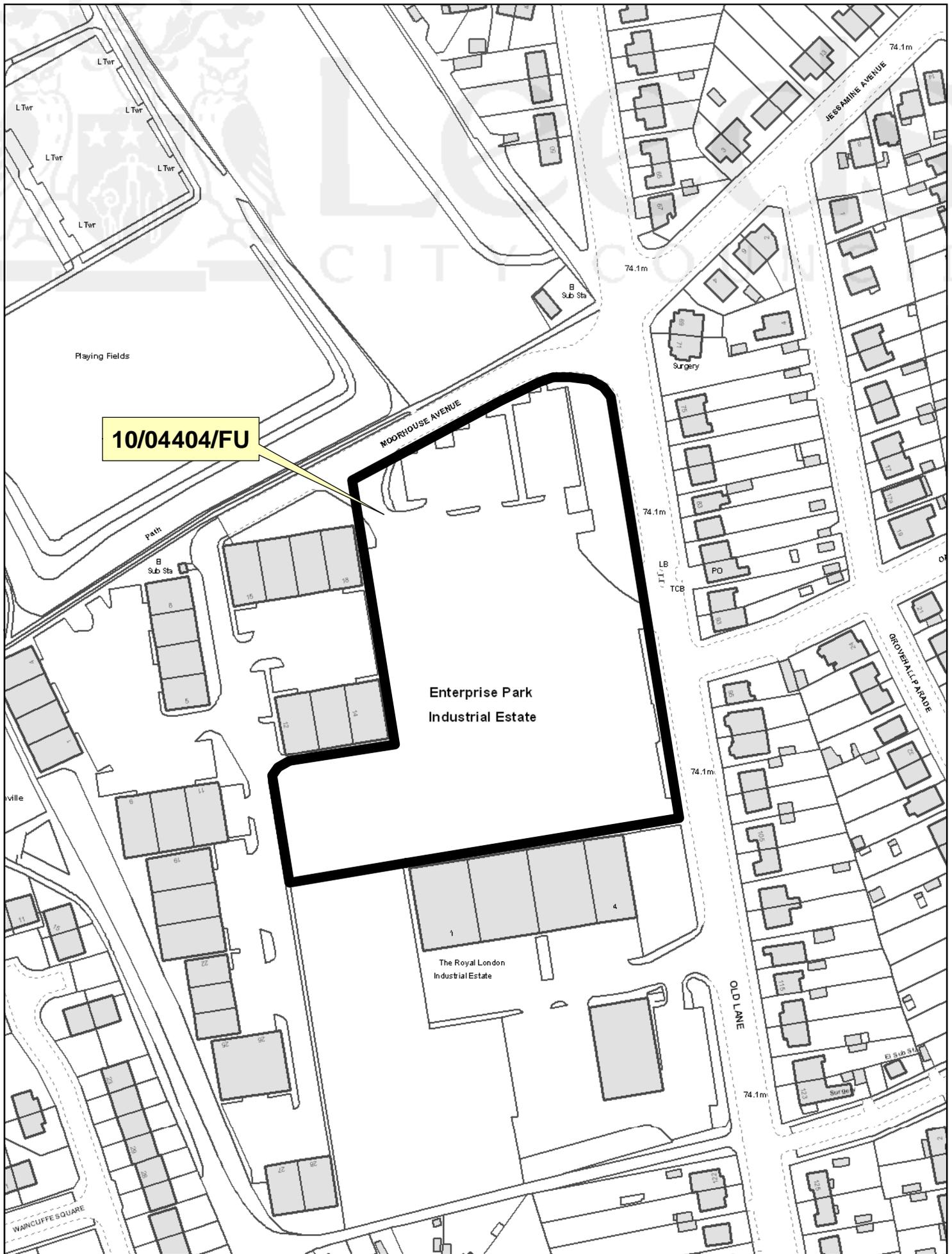
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proposed bench positions as agreed with Arboriculturalists

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# EAST PLANS PANEL