



Leeds
CITY COUNCIL

Originator: Mike Howitt

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Report of the Chief Planning Officer

SOUTH & WEST PLANS PANEL

Date: 7th March 2024

Subject: 23/03322/FU – Electric vehicle charging facility (Sui Generis) and retail unit (Use Class E) with associated access, parking, servicing and landscaping areas at the site of the former White Bear, Dewsbury Road, Tingley WF3 1JY

APPLICANT

BP Pulse & Darwen
Investments Ltd

DATE VALID

31.05.2023

TARGET DATE

03.08.2023

Electoral Wards Affected:

Morley South

Yes Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

DEFER and DELEGATE to the Chief Planning Officer for approval subject to the specified conditions (and any amendment to these and addition of others which he might consider appropriate) and the completion of a Section 106 agreement to include the following obligations:-

- **Contribution of £108,000 towards the provision and and future maintenance of off site tree planting**

In the circumstances where the Section 106 Agreement 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. Subject to the conditions set out below (with amendments or addition to the same as deemed appropriate).

Conditions

1. Time Limits
2. Approved plans

3. Materials to be approved
4. Drainage in accordance with approved details
5. Parking spaces to be laid out, sealed and drained
6. Hours of shop opening
7. Hours for deliveries and waste collection
8. Hours for valet (air and vacuum area) use
9. Lighting Scheme
10. Signage (In and Out)
11. Sightlines / Visibility Splays
12. Maintenance of Forward Visibility Splay
13. Details of Cycle/Motorcycle Facilities
14. Control of On-street Parking
15. Vehicle Space to be Laid Out
16. Car Park and Servicing Management Plan
17. Provision for Contractors
18. Specified Off-site Highway Works
19. Electric Vehicle Charging Points
20. Statement of Construction Practice
21. Details of waste collection
22. Construction Environmental Management Plan
23. Landscape Scheme to be implemented
24. Protection of retained trees
25. Landscape Management Plan
26. Replacement planting (if required)
27. Contamination conditions

INTRODUCTION:

1. The application relates to a full application for an electric vehicle charging facility (Sui Generis) and retail unit (Use Class E) with associated access, parking, servicing and landscaping areas. The application is reported to Plans Panel following a request from Local Ward Members Cllr Oliver Newton, Cllr Jane Senior and Cllr Wyn Kidger to be heard at Plans Panel, due to its impact upon highway safety, harm to residential amenity through noise and disturbance and the 24 hour use and the lack of a construction management plan.

PROPOSAL:

2. This application seeks full planning application for an electric vehicle charging facility (Sui Generis) and retail unit (Use Class E) with associated access, parking, servicing and landscaping areas.
3. The proposals includes 18 standard sized ultra-rapid charging points to be located on the eastern side of the site, with a small retail unit to be located to the west, within the footprint of the previously demolished White Bear Public House. The retail unit will front on to the charging bays, with standard parking bays located at the front and south of its entrance. An enclosed service compound is to be located to the rear of the retail unit. A one-way road will provide access from Bradford Road to the north, extending through the site to Dewsbury Road to the southeast. The proposed layout has been revised at the request of the LPA and by moving the proposed retail unit to the east of the site has enabled 13 more trees on site to be retained in comparison to the previous layout. The revised layout has also allowed technical constraints on the site, in relation to easements, to be addressed in order to maintain the ground levels

across the utilities and also enabled the incorporation of a long-vehicle EV charging bay.

SITE AND SURROUNDINGS

4. The application site is located north-west of Tingley Centre and accommodates the site housing the former White Bear public house in the northern part of the site addressing the A650. To the north of the site is the M62 Motorway, with the site sitting adjacent to Bradford Road, Dewsbury Road and Tingley Common roundabout. Vehicular access to the site can be gained from Dewsbury Road and Tingley Common. The building and site have been vacant for a number of years and the appearance reflects a lack of use. The former public house was two storeys in height constructed in brick with timber cladding to its upper parts and is a prominent building on the junction with the M62 and A650. The public house was demolished in 2017.
5. The whole site is subject to two tree preservation orders: TPO 2011–001 & TPO 2011–018. There are good levels of fringe tree coverage that line the edge of the site facing the roundabout and within the site adjacent to residential properties which are located to the south of the site. The closest residential properties are on Oban Close, 7m from site boundary, and 132 Dewsbury Road, 8m from site boundary. The site access is currently blocked off for vehicular use to Dewsbury Road and the A650.

RELEVANT PLANNING HISTORY:

Planning applications:

18/03736/FU – Development of a fuel filling station with associated roadside services. Refused 19th October 2018

17/01803/DEM - Determination for demolition of former public house. Approved 22nd May 2017

14/03390/FU - Demolition of public house and erection of two storey restaurant, with drive thru and associated car parking and landscaping - Refused and subsequently dismissed at appeal 11th May 2016.

12/02957/FU - Demolition of public house and construction of two storey restaurant and drive thru - Refused and subsequently dismissed at appeal 11th March 2014.

12/01072/FU - Demolition of public house and construction of two storey restaurant and drive thru – Refused 3rd May 2012.

11/02941/FU - Single storey restaurant with drive thru, car parking and landscaping – Refused 25th October 2011

As shown in the planning history, there is a long history of relevant planning applications, initially with the submission of a number of applications by the McDonalds restaurant group, starting in 2011, for the addition of a single storey drive through proposal to that existing public house that was refused for four reasons, The reasons for refusal were

1. Customer noise generation leading to residential amenity concerns
2. A lack of off street car parking for both the restaurant and public house
3. Out of centre retailing
4. Lack of landscaping provision

This was followed in 2012 by a modified proposal by the same applicant that proposed demolition of the existing public house and the erection of a two storey

restaurant that was refused and immediately re-submitted and again refused for the following reasons

1. Customer noise generation leading to residential amenity concerns
2. Scale and location of outside areas would have led to overlooking, a lack of privacy and noise and disturbance to neighbouring residential properties from customers

This refusal was appealed in 2013 through the written representations process and a decision dismissing this appeal on the grounds of harm to residential amenity was made in 2014.

A further application was made by this applicant in 2014 and following refusal on the following grounds,

1. Customer noise generation leading to residential amenity concerns
2. Scale and location of outside areas would have led to overlooking, a lack of privacy and noise and disturbance to neighbouring residential properties from customers
3. Inability to satisfactorily accommodate an articulated service vehicle, an inadequate level of forward visibility on the internal two- way access road and the location of the service vehicles.

Another appeal was made and determined through a Public Inquiry. The conclusion of the Inspector was to dismiss this appeal once again on grounds of residential amenity but not on highways safety grounds that could have been mitigated for.

The final and most recent application to be refused was for a fuel service station and convenience store and was refused on the following grounds,

1. Customer noise generation leading to residential amenity concerns
2. Development would be sited over Yorkshire Water sewerage and water mains pipes
3. Internal car parking and road layouts giving rise to highway safety issues.
4. Loss of trees

The above applications, whilst including some highway safety matters within the reasons for refusal, were all focused around the internal layouts of the site and not access and egress onto the A650 or A653. The size of the retailing elements of the restaurant schemes and the convenience store meant that they were considered destinations in themselves that brought residential amenity issues that could not be overcome.

The current scheme provides a store that is considered of such a small scale that it would not operate as a destination in itself and would essentially operate as an ancillary service to the primary use of the charging station. This makes this application distinctly different from the previously refused applications that should not produce the residential amenity issues that were previously of concern.

CONSULTATION RESPONSES:

Statutory Consultees:

6. None

Non-Statutory Consultees:

7. Policy and Plans – No objection.
Landscape – Changes to the plans have retained a large number of the existing trees but still object to the loss of a number of trees on the boundary of the site.
Highways – No objection subject to conditions.
Contaminated Land – No objections subject to conditions.
Flood Risk Management – No objection
Morley Town Council – No response
Access Officer – No response
Environmental Health – No objection subject to conditions
Public Rights of Way – No objection
Ramblers Association – No response

PUBLIC/LOCAL RESPONSE:

8. The application was advertised by the posting of site notices on 27th June 2023 and again on 27th October 2023 and advertised within the Yorkshire Evening Post on 27th June 2023. To date, the following comments have been received.

Representations:

9. A total of 9 letters of representation have been received, 3 of support, one of general comment and 5 (5 from 2 separate addresses) objecting to the application on the following grounds:
10. The objections relate to the following issues:
- Highways issues
 - internal layout issues
 - impact on Tingley roundabout
 - entrance safety for cars and pedestrians
 - issues with regard to large vehicles using the site
 - u-turns on the A653/Lowry road junction
 - signage issues causing confusion
 - no safety audit
 - parking may become displaced onto old Dewsbury Road
- Loss of TPO protected trees
- No construction management plan

PLANNING POLICIES:

LOCAL PLANNING POLICY AND GUIDANCE

The Development Plan

11. As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan currently comprises the adopted Local Development Framework Core Strategy Selective Review (as amended 2019), those policies saved from the Leeds Unitary Development Plan (Review 2006), the Site Allocations Plan (2019), the Natural Resources and Waste Development Plan Document (2013 and 2015) and any made neighbourhood plan.

12. The following policies from the Core Strategy are considered to be of most relevance to this development proposal:

SP1 - Location of development

SP2 - Hierarchy of Centres and Spatial Approach to Retailing, Offices, Intensive Leisure and Culture

P1 – Town and Local Centre Designations

P3 – Acceptable Uses in and on the Edge of Local Centres

P8 – Sequential and Impact Assessments for Main Town Centre Uses

P10 - Design and Context

P12 - Landscape

T2 - Accessibility requirements

EN1 - Climate change

EN2 - Sustainable design and construction

EN5 - Managing flood risk

EN8 - Electric Vehicle Charging Infrastructure

13. The following saved policies from the Unitary Development Plan are considered to be of most relevance to this development proposal:

GP5 - General planning considerations

BD2 – Design and siting

BD5 - New buildings and amenity

LD1 - Landscaping

14. The following policies from the Natural Resources and Waste Local DPD are considered to be of most relevance to this development proposal:

AIR 1 – Management of Air Quality

WATER 1 – Water Efficiency

WATER 4 – Effect of proposed development on flood risk

WATER 6 – Flood Risk Assessments

WATER 7 – Surface Water Run Off

LAND 1 – Land Contamination

LAND2 – Development and Trees

15. The site is not part of adopted Neighbourhood Plan.

Relevant Local Supplementary Planning Guidance/Documents

16. The most relevant local supplementary planning guidance (SPG), supplementary planning documents (SPD) are outlined below:

SPD Transport (2023)

SPD Accessible Leeds (2016)

Other relevant documents

NATIONAL PLANNING POLICY AND GUIDANCE

National Planning Policy Framework

17. The National Planning Policy Framework (NPPF 2023) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
18. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (section 38(6) Planning and Compulsory Purchase Act 2004). The National Planning Policy Framework is an important material consideration in planning decisions.
19. The National Planning Policy Framework (NPPF) gives a presumption in favour of sustainable development and has a strong emphasis on achieving high quality design. Of particular relevance, the national planning guidance attaches great importance to the design of the built environment, for proposals to add to the overall quality of the area and that are attractive places to live and respond to local character (section 12, NPPF). In addition, advice is contained within section 9, NPPF (Promoting sustainable transport) that deals with sustainable transport modes and avoiding severe highway impacts; and, section 14 (Meeting the challenge of climate change and flooding) which includes matters of flood risk and promote renewable energy sources.

National Planning Practice Guidance

20. The Planning Practice Guidance (PPG) provides commentary on the application of policies within the NPPF. The PPG also provides guidance in relation to the imposition of planning conditions. It sets out that conditions should only be imposed where they are necessary; relevant to planning and to the development to be permitted; enforceable; precise and reasonable in all other respects.

Climate Emergency:

21. The Council declared a climate emergency on the 27th March 2019 in response to the UN's report on Climate Change.
22. The Planning Act 2008, alongside the Climate Change Act 2008, sets out that climate mitigation and adaptation are central principles of plan-making. The NPPF makes clear that the planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions in line with the objectives of the Climate Change Act 2008.
23. As part of the Council's Best City Ambition, the Council seeks to deliver a low-carbon and affordable transport network, as well as protecting nature and enhancing habitats for wildlife. The Council's Development Plan includes a number of planning policies which seek to meet this aim, as does the NPPF. These are material planning considerations in determining planning applications.

Public Sector Equality Duty:

24. The Equality Act 2010 requires local authorities to comply with the Public Sector Equality Duty. Taking into account all known factors and considerations, the requirement to consider, and have due regard to, the needs of diverse groups to eliminate discrimination, advance equality of opportunity and access, and foster good

relations between different groups in the community has been fully taken into account in the consideration of the planning application to date and at the time of making the recommendation in this report.

25. In this instance it is considered that the proposals do not raise any specific implications in these respects and therefore it is not considered that a full Equality, Diversity, Cohesion and Integration Impact Assessment (EDCI) is required.

MAIN ISSUES:

Principle of Development
Design
Highways and Access
Drainage
Amenity
Landscaping
Climate and Energy
Representations

APPRAISAL:

Principle of Development

26. Sustainable Development is a key aspect of the current planning policy framework at both national and a local level. Spatial Policy 1 of the Leeds Core Strategy Strategic Review (CSSR) seeks to ensure that new development is concentrated in the main urban areas in order to ensure that shops, services and public transport are easily accessible. The application site is located within a wider established area of a residential settlement and the site is close to local facilities and as such is considered to be in a sustainable location.
27. The National Planning Policy Framework (NPPF) identifies one of its core principles as encouraging the effective use of land by reusing land that has been previously developed (Brownfield land). This application refers to land that has had a former public house demolished whilst retaining a sizeable area of hard-standing and can be regarded as previously developed land.
28. In accordance with Policies P2 and P3 of the Leeds Core Strategy the proposed A1 retail function is one that is appropriate within and on the edges of local and town centres. Policy P8 of the Core Strategy would require a Class E application of this size and location (within a residential area) to provide a sequential test covering local centres within a 5-minute drive time. For this application, this would cover Morley edge and town centre only. The applicant has submitted a sequential test that covers Morley Town Centre and its fringe areas and has identified several sites that are either unsuitable or unavailable. There is no further knowledge of any other sites within the Morley area that may be suitable or available for this proposal and therefore the proposal passes the sequential test approach stipulated by Policy P8.
29. As such, it is considered that the principle of re-developing the site for the proposed purpose is acceptable.

Design

30. The proposed charging station comprises structures typically associated with such facilities and the main building is of a design typical of such uses. The gross external

area of the shop will have a maximum gross external area of 216 sqm and a maximum height of 5.48 metres. The individual charging bays will be covered by a canopy at height of 3.79 metres. It is a simple single storey building using materials that are appropriate to the site's location, with the retail unit clad in red brick and a dark grey aluminium framed glazed shop front. The building will have a green roof and small canopy over its entrance. The EV charging canopies will be constructed of aluminium sheeting, with green, white and grey finishes. Such design is acceptable, located as it is on a very busy motorway roundabout, being typical of the sort of development that is likely to be found in such a location and as a result, it will not visually detract from the area and consequently it is considered acceptable in terms of design.

31. A number of existing trees and vegetation around the perimeter of the site have been retained where possible and incorporated into the landscaping scheme, with additional new trees, native hedgerow shrub planting provided throughout the site to supplement the existing landscaping and the overall visual appearance of the site.
32. The site will be enclosed by a 1-metre-high post and rail timber fence which will be installed around the perimeter of the site on its open boundaries. A 2.4m acoustic fence is proposed along the western, south-western and south-eastern edge of the site in accordance with mitigations set out in the Noise Assessment

Highways and Access

33. Policy T2 of the UDP of the Core Strategy advises that new development should be served adequately by existing or programmed highways and will not create or materially add to problems of safety, environment or efficiency on the highway network. The NPPF notes at Paragraph 115 that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
34. The Core Strategy supports development of infrastructure for new low carbon technologies and provision for electric vehicle charging infrastructure. The Council promotes the use of ultra-low emission vehicles due to their carbon reduction and air quality benefits. A shift towards cleaner mobility is necessary to create a healthier city and respond to the Climate Emergency
35. The site is relatively accessible to different forms of travel with continuous street lighting and footways and advisory cycle routes and other paths extending into and through the site. There are bus stops within 400m of the site; although the most frequent services are half hourly and below the recommended threshold and enhancements to nearby bus stops nos. 10347 and 11459 would be proposed. A Public Right of Way, non-definitive Footpath/Morley and the proposed site plan indicates pedestrian access through the site would be retained. PROW have confirmed that the revised scheme aligns with the existing PROW and a diversion is not required. Tactile paving is required at each side of the entry and exit. The footway along the internal access road should be 2m wide.
36. The proposed access to the site is via modified existing accesses off A650 Bradford Road and A653 Dewsbury Road. Plan 14170-22-2 Rev B shows an entry from A650 Bradford and exit on to A653 Dewsbury Road.
37. The area highlighted in blue as shown on plan 14170-22 Rev. B will need to be maintained so that any vegetation does not exceed 1.0m in height. This is to ensure that forward visibility towards the A650 Bradford Road and the proposed site access is

protected until such time the highway scheme (approved as per Pell Frischmann drawing A13398-T-146) is implemented. This can be secured by condition. Once the highway scheme is implemented, the forward visibility would be maintained within the adopted highway boundary as shown on plan VN222471 - D101 Rev. B included in the Highways Technical Note dated 17 October 2023.

38. Vehicle swept path analysis for a 16.5m articulated vehicle has been undertaken. Plan VN222471 - TR100 Rev. D shows the swept paths with the future highway scheme in place. Plan VN222471 - TR101 also shows the swept path analysis for a large car, which would be able to enter and exit the site in forward gear.
39. The Highways Technical Note dated 15 February 2024 provides details of ATC survey and visibility splay assessment following a further request from LCC highways. The ATC survey was undertaken on the A653 Dewsbury Road to record the 85th percentile speeds of vehicles travelling northbound. The location of the ATC survey is acceptable.
40. The highest 85th percentile speed was recorded at 36.70 mph. This is below the posted speed limit of 40mph on the A653 Dewsbury Road. The corresponding Stopping Sight Distance (SSD) in accordance with DMRB would therefore be 90m with a perception-reaction time of 2 seconds and deceleration rate of 0.25g. The 90m SSD is achievable within the adopted highway boundary (i.e. to the south of the A653 Dewsbury Road) from a driver position of 2.4m set back at the junction.
41. Plan VN222471 - TR100 Rev. E included in Appendix B in the Highways Technical Note shows the visibility splay based on the identified 85th percentile speeds, hence the splay represents accurate measurement. A planning condition would be necessary to ensure that any hedges / vegetation encroaching onto the visibility splay is cut back / maintained.
42. The junctions have been tightened to minimise the possibility of drivers convoluting the proposed one-way arrangement within the site. With suitable signage in place, which could be secured by condition, these arrangements are acceptable. The bin store location should be indicated on a revised plan. This could however be secured by condition.
43. The car parking arrangements as shown on Plan 14170-22-2 Rev B are acceptable. The provision includes parking spaces for customers who might visit the retail unit but not to use the charging facilities.
44. The Transport Assessment indicates there is no adverse impact on the highway network. The additional Technical Notes submitted on 17 October 2023 and 15 February 2024 address the highway comments previously raised in relation to the internal layout, access arrangements and how the committed highway scheme sits with the proposed development.
45. The proposal includes amendments to the two existing access points to provide an entry and exit at A650 Bradford Road and A653 Dewsbury Road, respectively. The highway works will require a S278 Agreement (likely to be under minor S278 procedure) with the works to be fully funded by the developer.
46. An independent Stage 1 RSA has been undertaken. This is included in Appendix D of the Highways Technical Note dated 17 October 2023. The designer response is included in Appendix E. The Stage 1 RSA did not highlight significant concerns with the access arrangements or the internal layout of the proposed development. The

issues highlighted in relation to tactile paving and signage for the access and exit junctions will be addressed as part of detailed design and planning conditions.

47. It is considered the proposals do not adversely affect highway and pedestrian safety and are deemed acceptable in this regard. In summary, the proposal raises no highway and pedestrian safety issues and will provide a well laid out development. The proposal is considered compliant with Core Strategy Policy T2 as well as guidance within the Transport SPD.

Drainage

48. The application site is located within Flood Zone 1 and there have been no records of any recent flooding within the property or adjacent areas. An initial review has also identified that there are known surface water flood risks to the north of the site which may require specific mitigation and could impact on the proposed development.
49. The applicant submitted a Surface Water Drainage Assessment which after review, raised a number of issues, including the requirement of written confirmation from Yorkshire Water as to acceptance and agreed point of connection to the public sewer system for the proposed foul and surface water flows and the proposed discharge rates, full details of the proposed attenuation feature and flow controls and details of overland exceedance routes in the event of a failure of the drainage system or storm event in excess of the 1% AEP plus required climate change storm event.
50. Following re-consultations and revisions of the surface water drainage assessment, all the issues have been satisfactorily resolved and the Local Flood Authority have no objection to the proposed development subject to the development being undertaken in accordance with the Surface Water drainage Assessment, Final Report v1.4, Dated 31st October 2023 and this will be conditioned accordingly.
51. The site as shown on the Statutory Sewer Map, has a 6 (six) metre deep 229mm diameter public combined sewer recorded to cross the site and that the presence of this infrastructure must be taken into account in the design of the scheme. In this instance, a stand-off distance of 5 (five) metres is required at each side of the sewer centre-line and therefore with the submitted scheme, any proposal by the developer to alter/divert a public sewer will be subject to YW requirements and formal procedure in accordance with Section 185 Water Industry Act 1991. The drainage details acknowledge this easement and these matters will need to be agreed with Yorkshire Water.
52. Additionally records indicate that 2 no. 6" and 2 no. 12" water mains cross the red line site boundary. The presence of the main may affect the layout of the site and Yorkshire Water consider it to be a material consideration in the determination of this application, recommending that no obstruction encroaches within 3 (three) metres on either side of either of the 6" water main i.e. a protected strip width of 6 (six) metres and no obstruction encroaches within 6 (six) metres on either side of either of the 12" water main i.e. a protected strip width of 12 (twelve) metres. Again, the drainage details acknowledge this easement and these matters will need to be agreed with Yorkshire Water and that the exact lines of the mains will have to be determined on site under Yorkshire Water Services supervision. It may be possible for the mains to be diverted under s.185 of the Water Industry Act 1991.

Amenity

53. This type of operation can be associated with issues regarding residential amenity in terms primarily of hours use of the site and from the noise and disturbance at unsocial hours and the lighting of the site. Towards the south of the proposed development site are residential properties along Dewsbury Road and Oban Close. Some of the residential properties side onto the site with some having rear gardens attached to the boundary of the site. In light of these impacts, a noise report has been submitted and considered by the Environmental Health department of the Council.
54. This noise assessment has provided predictions of noise during operation, assuming 100% of bays in use during the daytime and 20% use at night-time represented by 3 charge points in use. This estimate was based on current usage patterns at similar sites although it is not known whether this will remain the case as EV ownership increases in future years and demand for charge-points grows. Currently EV ownership nationally is reported as being around 1.4% of private vehicles registered but a site such as this is generally understood to be used mid-journey given its location on the strategic road network. The predictions of night time usage may be conservative at the moment but this is likely to increase in future years.
55. The noise report details acoustic-grade fencing along the boundary to the dwellings to provide necessary reductions in operation noise level during the daytime. A noise management plan required by condition is recommended to place a responsibility on the site operator to ensure that users of the facility are considerate of nearby residents by erecting signage reminding users to be considerate at night and taking action where loud car radios in the car park are playing for example.
56. Additionally, the Environmental Health Officer would seek conditions that limit the times of use of the jet wash bays and vacuum cleaner and deliveries and waste collections. These sources of noise are more intermittent and likely to create adverse impact at night time by virtue of the character of the noise i.e. cages of fresh produce being unloaded. The noise assessment predicted that noise from fixed plant serving the shop and sub-stations was sufficiently lower than other noise sources in operation at the site therefore we do not have concerns regarding this element.
57. However, it is clear that further detail on the impact of artificial light is needed given the 24hr operation to show that this has been carefully designed to avoid impact upon residents and this will be secured by condition.
58. The development, due to its use and the single storey nature of the building, set away from residential properties will have no significant impact on overlooking, overdominance or overshadowing of neighbouring residential properties and is considered acceptable in this regard

Landscape

59. The site is covered by two tree preservation orders: TPO 2011–001 & TPO 2011–018 and the site clearly benefits some amenity value from the mature planting that is on the site. Whilst some tree loss on the site can potentially be mitigated by replacement off site, it was initially proposed to lose all of the frontage trees on the site. This was considered unacceptable and the applicant was asked to look at the site again to see if this matter could be addressed.
60. The site has a number of significant existing constraints and some tree loss is likely to be necessary to facilitate any redevelopment of the site, and that the applicant made clear that they would be willing to meet policy LAND2 with on and off-site tree planting and/or financial contribution. In accordance with the mitigation hierarchy, the last resort is offsetting tree loss, the first step is avoiding and reducing tree loss. It is

accepted that the development of a derelict site and the proposed EV charging use are positive in principle and desired by the Council and stakeholders, but the quantum of good quality mature and protected tree removal was not initially acceptable. There was scope to adjust the layout and potentially reduce the footprint of development to retain more trees. Highest priority for retention has been given to protected trees in the most prominent locations, particularly those along the east boundary on the corner of Bradford Road and Dewsbury Road at Tingley Interchange. Retaining trees in this location was also considered valuable to provide screening between the EV charging station and busy roads, benefitting those waiting for vehicles to charge and road users. Following significant revisions to the plans moving the whole layout around, improvements to the screen not only in terms of layout, but also in terms of tree retention were made.

61. The revised layout has retained additional trees to the southeast of the site which was a positive improvement on the original proposal. Further investigation into the possibility of retaining the trees to the North of these were made, but due to significant issues, this has proved impossible. There are a number of issues that have dictated the layout including an existing Public Right of way across the site that has been retained, a sewer and two water mains that require easement distances across the site, significantly restricting where development can take place on the site. As such, this has required that the location of the pumping station that is proposed as part of the drainage scheme be where these trees are located and furthermore, trees in this location have the potential to conflict with the electric vehicle charging equipment (i.e roots) and their associated canopies. However, perhaps of most significance, a 1 metre high retaining wall and fence will be required to the boundary of the site where these trees are located along the road frontage, with associated ground raising works within this particular area of the site. These works are required as a result of a Council traffic improvement scheme to be implemented on the Tingley roundabout as part of the Capitol Park employment scheme (20/08521/OT) where the Dewsbury Road arm will gain an additional lane and thus widened westwards to accommodate this plus a new pedestrian / cycle lane, which would have major implications for existing trees in that the embankment will be removed by the proposal and as such potentially cause significant harm to these trees in any case.
62. This tree removal includes 24 trees including of 19 moderate quality, 4 trees of low quality, and 1 tree that requires removal regardless of the proposals due to structural issues. Although many of the trees required for removal are classified as Category B trees of moderate quality, it should be noted that most are lacking significant stature and that individually their quality is generally low – being classified as of higher value due to their group aspect.
63. Whilst the landscape officer continues to object to the loss of these trees, for the reason given above for which it appears that the Landscape team were not consulted about, it is considered that whilst the loss of these trees is regrettable, the likelihood is that their loss will be inevitable due to the highways works proposed in the future. On balance, and with the agreement of the applicant to provide significant off site mitigation in the form of tree planting schemes (within the Morley Ward in conjunction with Ward Councillors and Morley Town Council), it is considered that bringing this derelict site back into use in an appropriate sustainable manner, would offset the loss of these trees.
64. The Council require replacement in conjunction with Policy LAND 2 and this would be at a ratio of three trees replaced for every one tree lost on site. Given the loss of 24 trees on the site, this would require a replacement of 72 trees. These would be expected to be extra heavy standard trees (14-16cm girth), with a clear stem up to

1.8m from ground level with a head of branches and a section 106 agreement would be required to facilitate the provision of these off-site works at a cost of £1,500 per tree, a figure that also includes a three year maintenance programme after planting. This would equate to a contribution of £108,000. This is an obligation which is deemed to be necessary to make the development acceptable in compliance with Policy LAND 2 and Core Strategy Policy ID2.

65. It will also be necessary to include within any approval, conditions to ensure that protection of the other retained trees on site throughout the construction process.

Climate Change

66. Policies EN1 and EN2 of the Core Strategy relates to climate change, carbon dioxide reduction, as well as sustainable design and construction but given the size of the development is under 100 square metres, the proposal falls outside of the catchment of these policies. Policy EN8 which relates to electric vehicle charging infrastructure is applicable and it is considered that the proposal, by its very nature as providing a vehicle charging facility accords with the policy.

Representations

67. 9 letters of representation, 3 of support, one of general comment and 5 (5 from 2 separate addresses) objecting as well as issues raised within the referral to Plans Panel from Ward Members were received with the material considerations addressed in the report above.

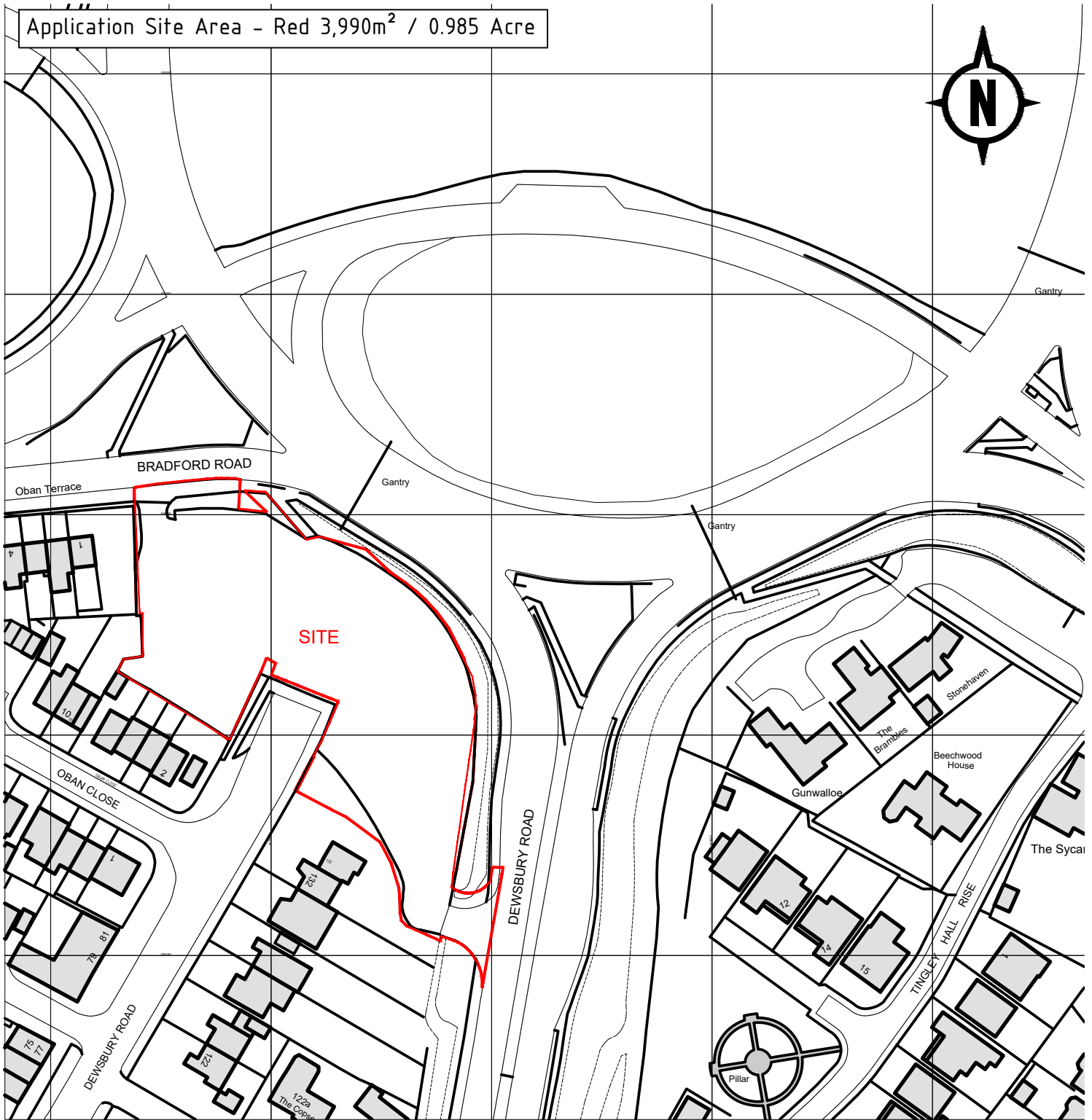
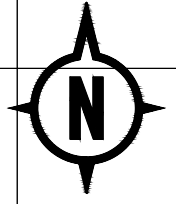
CONCLUSION:

68. 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. In this case, it is determined that the proposed development is in accordance with the development plan and as there are no overriding material planning considerations that weigh in favour of the proposal, the application is therefore recommended for approval.

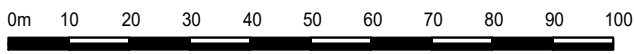
BACKGROUND PAPERS:

Application file reference: 23/03322/FU

Application Site Area - Red 3,990m² / 0.985 Acre



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1:1250 Scale Bar

SITE LOCATION PLAN

SCALE 1:1250 @ A4

DATE March 2023

DWG NO. 14170-OS REV A

Tingley Interchange
Bradford Road / Dewsbury Road
Leeds
WF3 1JX