



PLANS PANEL (EAST)

Meeting to be held in Civic Hall, Leeds on
Thursday, 27th August, 2009
at 1.30 pm

MEMBERSHIP

Councillors

D Congreve
P Gruen
M Lyons
K Parker

A Taylor
D Wilson

A Castle
G Latty (Chair)
P Wadsworth

R Finnigan

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded.)</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Chief Democratic Services Officer at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information.</p>	
3			<p>LATE ITEMS</p>	

Item No	Ward	Item Not Open		Page No
4			<p>To identify items which have been admitted to the agenda by the Chair for consideration.</p> <p>(The special circumstances shall be specified in the minutes.)</p> <p>DECLARATIONS OF INTEREST</p> <p>To declare any personal / prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p> <p>To receive any apologies for absence.</p>	
6			<p>MINUTES</p> <p>To approve the minutes of the Plans Panel East meeting held on 30th July 2009</p> <p>(minutes attached)</p>	7 - 20
7	Roundhay;		<p>APPLICATION 09/01995/FU - TESCO- 361 ROUNDHAY ROAD LS8</p> <p>Further to minute 29 of the Plans Panel East meeting held on 2nd July 2009 where Panel considered a position statement, to consider a report of the Chief Planning Officer on an application for the erection of replacement retail store (Class A1), with covered and surface car parking, new petrol filling station and landscaping</p> <p>(report attached)</p>	21 - 46
8	Wetherby;		<p>APPLICATIONS 09/00500/FU AND 09/00501/CA - 134 - 140 HIGH STREET BOSTON SPA LS23</p> <p>To consider a report of the Chief Planning Officer on an application for the erection of two 4 bedroom dwelling houses and three 3 bedroom houses and change of use of building including extensions to</p>	47 - 60

Item No	Ward	Item Not Open		Page No
9	Harewood;		<p>form one four bedroom house and Conservation Area application for demolition of workshops and storage buildings to rear</p> <p>(report attached)</p> <p>APPLICATION 09/02802/COND - STANIG HOWE THE RIDGE LINTON LS22</p> <p>Further to minute 240 of the Plans Panel East meeting held on 9th April 2009, to consider a report of the Chief Planning Officer in respect of the discharge of condition 2, walling material</p> <p>(report attached)</p>	61 - 66
10	City and Hunslet;		<p>APPLICATION 09/02943/FU - LAND AT CATHERINE GROVE BEESTON LS11</p> <p>Further to minute 46 of the Plans Panel East meeting held on 30th July 2009 where Panel considered a position statement, to consider a report of the Chief Planning Officer on an application for a Mosque and community centre to existing deport site with new vehicular and pedestrian access and basement car park.</p> <p>In line with Members' comments at the previous meeting, a short presentation on Islamic Architecture will precede consideration of the report</p> <p>(report attached)</p>	67 - 80
11	Killingbeck and Seacroft;		<p>APPLICATION 09/01906/FU - FORMER LION AND LAMB PUBLIC HOUSE YORK ROAD LS14</p> <p>To consider a report of the Chief Planning Officer on an application for a single storey retail food store with 79 parking spaces and landscaping</p> <p>(report attached)</p>	81 - 94

Item No	Ward	Item Not Open		Page No
12	Kippax and Methley;		<p>APPLICATION 09/01019/LA - LAND ADJACENT TO KIPPAX CEMETERY ROBINSON LANE KIPPAX LS25</p> <p>To consider a report of the Chief Planning Officer on an application for provision of extension to cemetery with new vehicular and pedestrian access, new gates and boundary treatment</p> <p>(report attached)</p>	95 - 102
13	City and Hunslet;		<p>APPLICATION 09/02530/FU - MCDONALDS LOW ROAD HUNSLET LS10</p> <p>To consider a report of the Chief Planning Officer on an application for the variation of condition No 25 of planning permission 99/21/10/95/FU relating to opening hours</p> <p>(report attached)</p>	103 - 108
14	Middleton Park;		<p>APPLICATION 09/02589/FU - ASDA ST GEORGE'S ROAD MIDDLETON LS10 - POSITION STATEMENT</p> <p>To consider a position statement by the Chief Planning Officer on proposals for a detached retail unit, detached office/warehouse unit and petrol filling station with associated access, parking and landscaping</p> <p>(report attached)</p>	109 - 120
15	Temple Newsam;		<p>APPLICATION 09/02761/FU - TEMPLE VIEW HOUSE -22 HERTFORD CHASE COLTON LS15</p> <p>To consider a report of the Chief Planning Officer on a retrospective application for two conservatories to the rear and side</p> <p>(report attached)</p>	121 - 126

Item No	Ward	Item Not Open		Page No
16			DATE AND TIME OF NEXT MEETING Thursday 24 th September 2009 at 1.30pm	



To all Members of Plans Panel
(East) and relevant Town and Parish
Councils

Chief Executive's Department
Governance Services
4th Floor West
Civic Hall
Leeds LS1 1UR

Contact: Angela M Bloor
Tel: 0113 247 4754
Fax: 0113 395 1599
angela.bloor@leeds.gov.uk
Your reference:
Our reference: ppe site visits
Date 19th August 2009

Dear Councillor

SITE VISITS – PLANS PANEL EAST – THURSDAY 27TH AUGUST 2009

Prior to the meeting of the Plans Panel (East) on Thursday 27th August 2009 the following site visits will take place:

9.00am		Depart Civic Hall
9.30am	Wetherby	Erection of 2 four bedroom dwelling houses and 3 three bedroom houses and change of use of building, including extensions to form 1 four bedroom house – 134 – 140 High Street Boston Spa LS23 (09/0500/FU and 09/00501/CA)
10.15am	Roundhay	Erection of replacement retail store – Tesco 361 Roundhay Road LS8 (09/01995/FU)
10.55am	Chapel Allerton	Redevelopment of site of former Buslingthorpe Tannery Sheepscar to provide residential scheme – pre application proposals
11.55am	Middleton Park	Detached retail unit/office/warehouse unit, petrol filling station, access, parking and landscaping (09/02589/FU) – Asda- St George's Road Middleton LS10 - Position statement
12.30pm approx		Return to Civic Hall

For those Members requiring transport, a minibus will leave the Civic Hall at **9.00am**. Please notify David Newbury (Tel: 247 8056) if you wish to take advantage of this and meet in the Ante Chamber at **8.55am**.



Following consideration of agenda item 15, there will be a pre-application presentation on proposals for the redevelopment of the former Buslingthorpe Tannery site on Education Lane Sheepscar, for a residential scheme comprising 348 apartments and I attach a copy of the report to this letter.

Yours sincerely

Angela M Bloor
Governance Officer





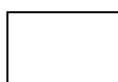
Report of the Chief Planning Officer

Plans Panel East

Date: 27th August 2009

Subject: Proposed residential development to form 348 apartments including conversion and extension of tannery building and 3 blocks of 6 & 7 storey buildings with associated access, parking and landscaping at Buslingthorpe Tannery, Education Road, Sheepscar, Leeds

Electoral Wards Affected:
Chapel Allerton



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 Introduction & Site Description

- 1.1 The purpose of this report is to appraise Members of forthcoming proposals for the redevelopment of the former Buslingthorpe Tannery site on Education Road, and to inform Members of a short presentation that forms part of the on-going pre-submission consultation regarding this proposal.
- 1.2 The site relates to the former Buslingthorpe Tannery situated between the A61 and Meanwood Road within sheepscar. The site contains a number of single storey industrial buildings that are currently in use by a number of light industrial companies. The original 5 storey brick tannery building is vacant, but in reasonable condition and suitable for conversion. The tannery formed a collection of 3 tanneries within the local area which include the redundant Hill Top Works on Buslingthorpe Lane to the north-west and the Stead's Tannery to the east which is still operational.

2.0 Proposals

- 2.1 It is proposed to redevelop the existing tannery site with a combination of conversion and new build elements to provide a residential scheme. The scheme provides a mix of accommodation as follows:
 - 99 x studio apartments
 - 156 x 1 bedroom
 - 90 x 2 bedroom
 - 3 x 3 bedroom
 - 9 x 4 bedroom townhouses/triplex apartments

- 2.2 The main 5 storey tannery building will be retained and topped with an additional storey together with an extension on the northern side. The remaining industrial buildings will be demolished and replaced by 3 new apartment blocks ranging from 6 to 7 storeys. Materials include the use of brickwork to tie in with the retained tannery building, together with metal cladding, concrete and glass. The additional storey on the roof of the tannery will be constructed from zinc. A large amenity area is proposed towards the south-west part of the site, adjacent to the entrance and the edge of the retained tannery building.
- 2.3 The primary vehicular access is proposed via both Jackson Road, off Meanwood Road. Limited vehicular access is also proposed from Education Road and from Sheepscar Street. Proposals also include a total of 209 car parking spaces located within communal parking courts, a basement parking area and dedicated parking for the townhouses. The scheme also allows for pedestrian linkages, recognizing the potential for the redevelopment of adjacent sites.

3.0 Policy Context:

3.1 The site is unallocated within the Leeds Unitary Development Plan. The following UDP policies are relevant to the proposals:

- GP5 – General planning considerations
- E7 – Loss of employment land
- H4 – Housing
- N2 – Greenspace in new residential development
- N4 – Provision of new residential development
- N11 – Provision of affordable housing
- N12 – Urban design principles
- N13 – Design of new buildings
- T2 – New development and highway safety
- T2B – Requirement for transport assessment
- T2C – Requirement for travel plan
- T2D – Public transport contributions
- T5 – Access for pedestrians and cyclists
- BD5 – New buildings, design and amenity
- LD1 – Landscaping proposals

4.0 Main Issues

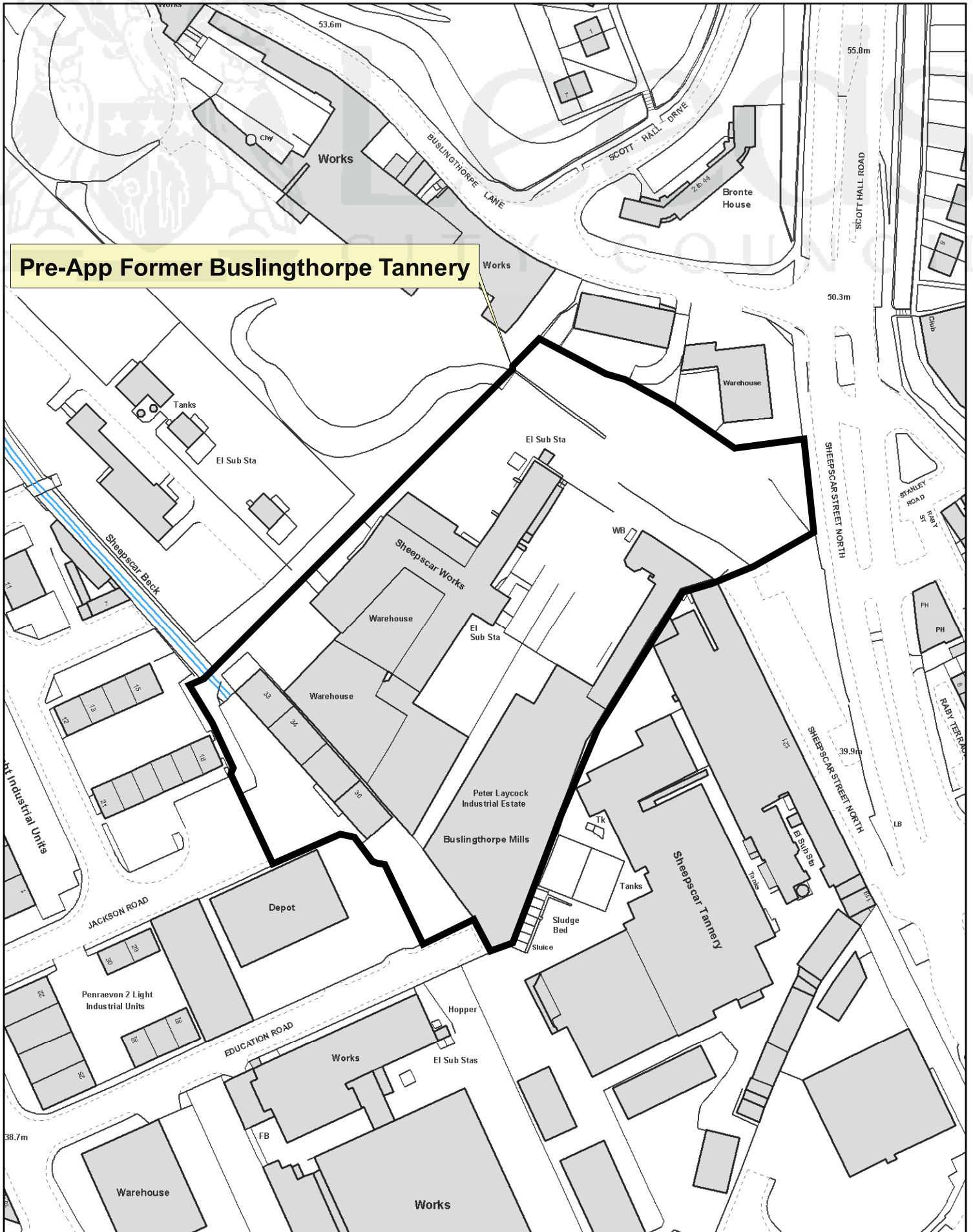
4.1 The principal matters for consideration arising from the proposed development are likely to be:

- The principle of residential development taking into account the loss of employment land, and the availability of employment land in the locality for such uses during the plan period.
- Scale and design of the proposed residential blocks and their visual impact from key viewpoints.
- The quality of residential environment for potential new occupants, taking into account the presence of the existing sub-station and current operation of Stead's Tannery.

- The mix of residential units proposed and the percentage of affordable housing.
- Highway safety – access, parking and public transport. In view of the scale of the proposals, the SPD on public transport proposals will apply to the proposed development.

5.0 Conclusion

- 5.1 Members are asked to note the contents of the report and the presentation, and are invited to provide feedback on the issues outlined above.



Pre-App Former Buslingthorpe Tannery

EAST PLANS PANEL

I
Scale 1/ 1500

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Plans Panel (East)

Thursday, 30th July, 2009

PRESENT: Councillor G Latty in the Chair

Councillors D Congreve, R Finnigan,
P Gruen, M Lyons, J Marjoram, K Parker,
A Taylor, P Wadsworth and D Wilson

34 Chair's opening remarks

The Chair welcomed everyone to the meeting and asked Members and Officers to introduce themselves

35 Exclusion of the Public

RESOLVED - That the public be excluded from the meeting during consideration of the following part of the agenda designated exempt on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information so designated as follows:

The report referred to in minute 40 under Schedule 12A Local Government Act 1972 and the terms of Access to Information Procedure Rule 10.4(5) and on the grounds that it contains information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. It is considered that if this information was in the public domain it could prejudice the position of the Council in subsequent legal proceedings. Whilst there may be a public interest in disclosure, in all the circumstances of the case maintaining the exemption is considered to outweigh the public interest in disclosing this information at this time

36 Late Items

The Chair admitted to the agenda a late report (minute 51 refers) which was not available at the time the agenda was despatched. The report required urgent consideration to establish the Panel's views to enable the Authority's case to be prepared for the impending planning appeal and had been circulated prior to the meeting

The Panel was also in receipt of the following additional information to be considered at the meeting

Application 09/00614/FU – 105 Old Park Road Gledhow LS8 – written representations from the objector

Application 09/01678/OT – 16A Church Lane Bardsey LS17 – a letter dated 6th March 1995 written on behalf of the Director of Planning

37 Declarations of Interest

Draft minutes to be approved at the meeting
to be held on Thursday, 27th August, 2009

The following Members declared personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct

Application 08/0118/FU/MIN – Land at Hook Moor Micklefield – Councillor Taylor declared a personal interest as a Life Fellow of the RSPB which had been consulted on the proposals (minute 39 refers)

Application 08/0118/FU/MIN – Land at Hook Moor Micklefield – Councillor Congreve declared a personal interest as a member of the RSPB which had been consulted on the proposals (minute 39 refers)

Application 06/07671/FU – Back Newton Lane Ledston LS25 - Councillor Congreve declared a personal interest as a member of the RSPB which runs the nearby Fairburn Ings Nature Reserve and had commented on the proposals (minutes 40 and 41 refer)

Application 06/07671/FU - Back Newton Lane Ledston LS25 – Councillor Taylor declared a personal interest as a Life Fellow of the RSPB which runs the nearby Fairburn Ings Nature Reserve and had commented on the proposals (minutes 40 and 41 refer)

Application 06/07671/FU - Councillor Latty and Councillor Finnigan declared personal interests through being British Waterways License holders and having an interest in canals and waterways, as this method of transportation of coal and minerals had been raised as an alternative to road transport (minutes 40 and 41 refer)

Application 09/00614/FU – 105 Old Park Road Gledhow LS8 – Councillor Taylor declared a personal interest as he knew the objector who was to address the Panel through his position as a Vicar (minute 43 refers)

Application 09/02943/FU – Land at junction of Catherine Grove and Lodge Lane LS11 – Councillor Congreve declared a personal interest through knowing the applicant who was a community leader in the neighbouring ward (minute 46 refers)

38 Minutes

Members considered the minutes of the Plans Panel East meeting held on 2nd July 2009

With reference to minute 31 – Application 06/07671/FU – Back Newton Lane Ledsham LS25 – Councillor Congreve stated that the minute should be amended to reflect his decision not to participate in the discussions or voting on the application

RESOLVED - That the minutes of the Plans Panel East meeting held on 2nd July 2009 be approved subject to the following amendment

‘Members noted Councillor Congreve’s comments that having not been present at the Plans Panel East meeting held on 4th June 2009 when the decision to refuse the application had been taken, he would not participate in the debate or vote on this matter’

Following on from this Councillor Lyons stated he had also not been present at the Plans Panel East meeting on 4th June 2009 but was aware of the discussions on the application and sought clarification from the Panel’s Legal Adviser who referred to paragraph 15 of the Council’s Code of Practice for Determining Planning Applications

39 Application 08/01118/FU - Erection of 5 wind turbines, improvements to highway access, underground cabling, access tracks, control building, temporary wind monitoring mast 80m high, temporary construction component and associated development - Land at Hook Moor Micklefield LS25

Further to minute 30 of the Plans Panel East meeting where Members received a position statement on proposals for five wind turbines and associated works on land at Hook Moor Micklefield LS25, Panel considered the formal application

Plans, drawings, photographs and graphics were displayed at the meeting

Officers presented the report and outlined the number of representations which had been received on the proposals, the nature of the issues raised and a geographical analysis of the letters of representation

Members were informed that the main concerns related to the impact of the proposals on the landscape character and visual amenity together with aviation issues. In terms of development within the Green Belt, whilst the proposals would be inappropriate development that would, by definition be harmful to the Green Belt, Officers were satisfied that very special circumstances applied in this case to outweigh this harm, so justifying the proposals

However, as the Ministry of Defence (MoD) had raised objections relating to the impact of the scheme on Primary Surveillance Radar at RAF Linton-on-Ouse and Precision Approach Radar at RAF Church Fenton and as the applicants had been unable to provide mitigation measures which would satisfy the MoD, then Officers were recommending to Panel that the application be refused, with possible reasons for refusal being included in the report

Due to the high level of representations which had been received on this application, the Chair allowed a representative of the applicants and a supporter of the proposals to address the Panel followed by representatives from the MoD and Micklefield Parish Council who were objecting to the development

Members discussed and commented on the following matters:

- whether very special circumstances had been proven by the applicant
- whether planning permission could be granted and the issue of aviation safety addressed by the imposition of a Grampian style planning condition requiring the formulation of suitable mitigation measures within a reasonable timescale
- concerns that permission was being sought on a prospective situation where no identified solution was in place or with a realistic expectation it would be delivered within a reasonable timeframe
- that the application should be determined on the basis of the information currently available and the comments of Officers that whilst technological advancements may be possible in future which could mitigate the radar problems, these were at test stage only and there was no certainty they could be delivered
- the need for climate change to be taken seriously and for Plans Panels to be consistent in their approach to applications which had a direct bearing on this issue
- the need to have consideration for the safety of people in East Leeds who would be most affected by any incident in the air space over the site

- to note the comments of the MoD representative that if planning permission was refused and the decision was subsequently appealed, that without acceptable mitigation measures being put forward by the applicant, the MoD's position on the application would remain unchanged

RESOLVED - That the application be refused for the following reasons:

- 1 In the opinion of the Local Planning Authority, the proposed development would give rise to an unacceptable reduction in the capability of the MoD at RAF Church Fenton airfield due to the expected adverse impact upon the Precision Approach Radar. The applicant has not proven that the proposal would not have an unacceptable effect on aviation interests and the proposals are therefore considered to be contrary to the advice in PPS22 (Planning for Renewable Energy) and Technical Annex 8 (Wind) of Planning for Renewable Energy – A Companion Guide to PPS22
- 2 In the opinion of the Local Planning Authority, the proposed development would give rise to an unacceptable impact on the provision of air traffic services in the vicinity of the application site due to the potential adverse impact upon the Primary Surveillance Radar at RAF Linton-on-Ouse. The applicant has not proven that the proposal would have no unacceptable effect on aviation interests and the proposals are therefore considered to be contrary to the advice in PPS22 (Planning for Renewable Energy) and Technical Annex 8 (Wind) of Planning for Renewable Energy – A Companion Guide to PPS22

40 Application 06/07671/FU - Extraction of coal and other minerals and alterations to landform with restoration to agriculture, woodland and nature conservation at Newton Lane, Back Newton Lane and Claypit Lane Ledsham LS25

Further to minute 31 of the Plans Panel East meeting held on 2nd July 2009 where Panel received a report seeking clarification of Members' reasons for refusal of an application for coal and mineral extraction together with land restoration at Back Newton Lane Ledsham LS25, the Panel considered a further report of the Chief Planning Officer setting out detailed information regarding the possible reasons for refusal

The report was designated as exempt under Schedule 12A Local Government Act 1972 and Access to Information Procedure Rule 10.4(5), and was considered in private

Members discussed the procedure and sought further advice from the Panel's legal adviser regarding participation in the debate and decision making on this matter in view of some Panel Members having not been present when the original decision to refuse the application was taken at the meeting held on 4th June 2009 and others being absent from the meeting held on 2nd July 2009

(Prior to consideration of the report, Councillor Gruen joined the meeting)

Officers presented the report and outlined the reasons for refusal based on the Panel's concerns relating to

- Green Belt
- impact upon the character and amenities of the Special Landscape Area
- highways issues
- transportation sustainability issues
- the potential impact of the proposals on Fairburn Ings Nature Reserve

Members commented on the following matters:

- the impact on highways of a new railway station at Micklefield and whether this had been taken into consideration by Officers. Members were informed that it was the view of the Panel's Highways Officer that the new railway station would not impact on the open cast mining site; that the road used to access the open cast site would not be one of the significant routes to be used by those travelling to the new station and that this would not be relevant to any case put to the Planning Inspector
- concerns regarding the proximity of the proposals to the SSSI
- the high number of school children who visited Fairburn Ings and concerns on safety grounds that they would be in the vicinity of numerous HGVs
- the possible implications for the Council if the reasons for refusal were challenged and the need to focus on the strongest reasons, despite the wider concerns of some Members
- that standards of Green Belt land did not exist and that all sites within the Green Belt should be regarded as being equal

Members considered how to proceed

Councillor Congreve, who had not participated in the debate reiterated his intention not to vote on the application

Councillor Lyons, after taking legal advice also stated his intention not to vote on the application

Councillor Marjoram stated that as he had not been present at the Plans Panel East meetings held on 4th June 2009 and 2nd July 2009, he would abstain from voting on the application

Having considered the report, the Panel confirmed its decision to refuse the application

RESOLVED - To note the report and the comments now made

(Under Council Procedure Rule 16.5 Councillor Marjoram required it to be recorded that he abstained from voting on this matter)

41 Application 06/07671/FU - Extraction of coal and other minerals and alterations to landform with restoration to agriculture, woodland and nature conservation at Newton Lane Back Newton Land and Claypit Lane Ledsham LS25

Having had regard to the discussions on the previous report (minute 40 refers) Members considered a report of the Chief Planning Officer setting out

possible reasons for refusal of the application for extraction of coal and minerals and land restoration at Back Newton Lane Ledsham LS25

Members noted the comments of Councillor Congreve, Councillor Lyons and Councillor Marjoram regarding participation and voting on this application

RESOLVED – That the application be refused for the following reasons:

- 1 The proposed development lies within the Leeds Green Belt. It is therefore the opinion of the Local Planning Authority that the proposed development would not meet Green Belt objectives during the period of working in terms of retaining attractive landscapes close to where people live and therefore the proposed development is considered to be contrary to policies EM9 (Coal Extraction and the Environment); N33 (Development in the Green Belt) of the adopted Leeds Unitary Development Plan (Review 2006); Planning Policy Guidance 2 (Green Belts) and Minerals Planning Guidance 3 (Coal Mining and Colliery Spoil)
- 2 In the opinion of the Local Planning Authority, the proposed development, which lies within a Special Landscape Area, would seriously harm the character and appearance of the landscape within the Special Landscape Area. The perimeter screening mounds and overburden storage mounds would be prominent features within the local landscape and would be visible from surrounding properties and public highways. These features and the presence of the proposed development would result in significant adverse visual impact and unacceptable harm upon the amenities of the Special Landscape Area and therefore the proposed development is considered to be contrary to policies N37 and N37a (Special Landscape Areas) of the adopted Leeds Unitary Development Plan (Review 2006)
- 3 In the opinion of the Local Planning Authority, the proposed development would result in an increase in Heavy Goods Vehicle movements on the local highway network which would be detrimental to road safety. Furthermore the proposed widening works to Back Newton Lane would exacerbate existing safety concerns and detract from the character of the locality. The proposal is therefore considered to be contrary to Policies GP5, T2 and LD2 of the adopted Leeds Unitary Development Plan (Review 2006)

(Under Council Procedure Rule 16.5, Councillor Marjoram required it to be recorded that he abstained from voting on this matter)

42 Application 08/05880/FU - Part single storey part two storey side and rear extension and erection of stone wall to side and rear at 11 Davies Avenue Roundhay LS8

Further to minute 10 of the Plans Panel East meeting held on 4th June 2009, where Panel deferred determination of the application for side and rear extensions together with the erection of a stone wall at 11 Davies Avenue Roundhay LS8, Members considered a further report

Plans, photographs and graphics were displayed at the meeting

Officers presented the report and informed Panel that revisions to the scheme had been undertaken and that the size of the garden room had been reduced

Officers reported receipt of two additional letters of representation, with one of these being sent directly to Panel Members. An issue had been raised by an objector regarding non compliance for previous alterations to the property and Members were informed this would be investigated

The Panel heard representations on behalf of an objector who attended the meeting. Whilst the applicant was in attendance, he declined the opportunity to address the Panel but stated his willingness to answer any questions from Members

The Panel discussed the following matters:

- whether all of the revisions Members discussed at the meeting on 4th June 2009 had been minuted and that the amendments which had been made were sufficient
- the proposed materials and whether consideration could be given to using stone to match the existing building

RESOLVED - That the application be granted subject to the conditions set out in the submitted report

43 Application 09/00614/FU - Change of use of existing ground floor flat and single storey extension to form two bedroom flats at 105 Old Park Road Gledhow LS8

Plans and photographs were displayed at the meeting

Officers presented the report which sought permission for the conversion and extension of a ground floor flat to form two 2 bedroom flats at 105 Old Park Gledhow which was situated in the Roundhay Conservation Area

Members had agreed to consideration of the report being deferred at the Plans Panel East meeting held on 2nd July 2009 to enable clarification to be obtained in relation to the number of dwellings to be accessed off a private drive

Members were informed that Highways Officers had considered this matter and had not raised any objections to the proposals

If minded to approve the application, an additional condition regarding the provision of secure cycle parking was proposed

The Panel heard representations from an objector who attended the meeting

RESOLVED - That the application be granted subject to the conditions set out in the submitted report and an additional condition requiring the provision of secure cycle parking

44 Application 08/04016/FU - Application for demolition of 8 semi-detached houses, laying out of access road and erection of 9 houses at 7 - 14 Moor End Boston Spa LS23

Plans, drawings and photographs were displayed at the meeting. A site visit had taken place earlier in the day which some Members had attended

Officers presented the report which sought permission for the demolition of 8 semi-detached houses, the laying out of a new access and erection of 9 four bedroom dwellings at 7-14 Moor End Boston Spa LS23

Members were informed that the principle of development was acceptable; that the proposed scheme would improve the character of the area and that good

amenity space was being provided within the development. No protected trees would be affected by the proposals and subject to conditions, Highways Officers had no objections to the application

Reference was made to the concerns raised by local residents, as set out in the submitted report. Whilst Boston Spa Parish Council had suggested that some affordable housing could be provided within the scheme, this could not be achieved as the size of the development did not reach the threshold for affordable housing provision

Members discussed the level of car parking being provided and whether this would be allocated. Officers stated that a minimum of 20 spaces, including garages would be provided and that there was no need for the car parking to be allocated

Concerns were raised at the speed of vehicles passing the site into Boston Spa and that it could not be assumed that motorists would be travelling at 30mph. The Panel's Highways Officer stated that a proposed condition regarding the provision of visibility splays had been included which should address these concerns

RESOLVED – That the application be granted subject to the conditions set out in the submitted report

45 Application 09/00499/FU - Single storey side extension to veterinary surgery at Holly House Veterinary Surgery - 468 Street Lane Roundhay LS17

Plans, drawings and photographs were displayed at the meeting. Members had agreed to consideration of the report being deferred at the Plans Panel East meeting held on 2nd July 2009 to enable full notification to Ward Members of the application being considered by Panel and to enable further consideration of the proposed conditions to be attached to an approval

A site visit had taken place earlier in the day which some Members had attended

Officers presented the report which sought permission for a single storey side extension to the existing veterinary surgery at 468 Street Lane LS17, which would house the x-ray facility which was currently sited in a container adjacent to the surgery - for which retrospective planning permission had been refused and the decision appealed - and to provide treatment areas and overnight accommodation for sick animals

Members were informed that concerns had been raised regarding the need to provide 24 hour treatment which was a requirement of the veterinary professional body. However 24 hour access to treatment would be for genuine emergencies only, with the period January to March 2009 seeing only 3 cases of animals being admitted as emergencies outside of normal working hours. A condition covering opening hours would address these concerns

To address the possibility of noise nuisance a condition had been included requiring the provision of sound proofing to the extension

The Panel heard representations on behalf of the applicant and an objector who attended the meeting

Members commented on the following matters:

- the untidiness of the site; the amount of debris requiring removal and the need for the surgery to improve its relationship with neighbours
- the number of extensions which had been made to the property

The Head of Planning Services who attended the meeting suggested

an amendment to condition No 4 to monitor the number of emergency treatments which were provided, an extra condition be imposed requesting submission of a site management plan and that an informative should be attached to any permission stating that any further extensions to the property were unlikely to be granted

RESOLVED - That the application be granted subject to the conditions set out in the submitted report, subject to an amendment to condition No 4 to require details to be submitted in writing on a 3 monthly basis setting out the number of cases where emergency treatment outside of the prescribed opening hours had been necessary and an additional condition requiring submission and approval of a site management plan

46 Application 09/02943/FU - Full application for erection of a mosque and community centre to existing depot site with new vehicular and pedestrian access and basement car park at Land at the junction of Catherine Grove and Lodge Lane Beeston LS11 - Position Statement

Plans and photographs were displayed at the meeting. A site visit had taken place earlier in the day which some Members had attended

Officers presented the report and stated that the proposals for a mosque and community centre would replace an existing facility on Hardy Street

Members were informed that the building would be three and a half storeys high in a traditional Islamic design. Officers had considered the scale of the building and had expressed some concerns at the height of the minarets with the Panel's views being sought on this

The site was in a densely populated residential area, with the nearest properties being situated 13.5m – 17.5m from the proposed building; this relationship being considered acceptable by Officers. Immediately opposite the site was the Holy Spirit Church which was a Grade II Listed Building

The scheme provided 8 car parking spaces. Whilst the applicant acknowledged this would be insufficient to cater for peak demand on Friday lunchtime, the site had excellent public transport links and worshippers would be encouraged to use these facilities to reach the mosque along with car sharing and walking. Highways comments on the proposals had not yet been received as they were awaiting the submission of a Transport Statement, Travel Plan and parking survey from the applicants

Receipt of a letter of support from Councillor Kabeer Hussain was reported
Members provided the following comments:

- that the facility would provide a range of uses which should be welcomed
- if there was a religious significance to the height of the minarets which might mean the height could not be amended
- that the architect would be invited to a future meeting to explain to Members the way in which mosques were designed
- that Christian churches often included a spire or bell tower and that the design features of religious buildings should be welcomed
- mixed views on possible highways issues, with some Members of the view that many people would walk to the mosque, so limiting the impact of the development on the local road network and others raising possible concerns relating to congestion and increased on-street car parking

- whether the existing facility at Hardy Street would be retained
- that the design of the building would enhance the church opposite and contribute towards the need for good architecture in the area
- concerns at the request for a public transport contribution from the applicant given their charitable status. Members were informed that an SPD had recently been adopted where developments above a certain threshold attracted a contribution towards public transport, however the concerns raised on this matter would be taken into account
- that a site visit to a mosque prior to further consideration of this application could be useful to assist in understanding the layout and function of the building

RESOLVED - To note the report and the comments now made

(During consideration of this item, Councillor Gruen left the meeting)

47 Application 07/04625/FU - Redevelopment of existing petrol filling station comprising new shop, canopy, car wash, underground fuel storage tanks and fuel pumps at Moortown Filling Station - 401 Harrogate Road LS17

Plans and photographs were displayed at the meeting. Those Members who had attended the site visits earlier in the day had viewed the site en route

Officers presented the report which sought permission for the redevelopment of the existing petrol filling station at 401 Harrogate Road which would include a larger and re-sited retail kiosk, an additional fuel island, new canopy covering the forecourt, new car wash and realigned vehicular access

The proposals would lead to the loss of one tree which was covered by a TPO, however this would be compensated for by the provision of several trees which would be planted in a similar location together with additional planting adjacent to the amended access and the rear of the site

Officers reported the receipt of an additional letter of objection

If minded to approve the application Officers suggested an additional condition relating to delivery hours and an amendment to condition 9 relating to noise control from the car wash

The Panel heard representations on behalf of the applicant and from an objector who attended the meeting

Members discussed the following matters:

- the proposed planting and concerns this could be so high that it could encourage anti-social behaviour
- the provision of litter bins and that one should be provided for recycling
- the possibility of conditioning the car wash to require it to be eco-friendly
- provision of 'in' and 'out' signing on the petrol forecourt

The Head of Planning Services stated that further information on the car wash could be requested but that it would not be possible to insist that it was the highest specification in terms of the use of recycled water

RESOLVED - That the application be granted subject to the conditions set out in the submitted report, an amendment to condition 9 to require the submission of a scheme to control noise emitted from the car wash to be approved and implemented and extra conditions specifying delivery times, including refuse

collection to be 0800hrs to 18.00hrs Monday – Saturday with no deliveries or collections on Sundays and Bank Holidays and the provision of road markings on the vehicular access within the site

(During consideration of this item Councillor Congreve left the meeting)

48 Applications 09/00845RM/09/00846/RM/09/00848/RM and 09/00849/RM - Reserved Matters applications for detached livestock building, detached agricultural building for the purpose of stock rearing, detached storage and general purpose agricultural building and detached agricultural workshop and machinery building - Land off Common Lane East Ardsley WF3

Plans and drawings were displayed at the meeting

Officers presented the report which sought Reserved Matters approval for agricultural development on land off Common Lane East Ardsley following the granting of outline planning permission on appeal

The applications had been brought to Panel at the request of a local Ward Member who also addressed the Panel

The Panel queried the level of local representations which were made at the public inquiry

RESOLVED - That Reserved Matters applications 09/00845/RM, 09/00846/RM, 09/00848/RM and 09/00849/RM be approved

49 Application 09/02620/FU - 5 bedroom detached house with integral double garage with office over at land rear of 2 and 4 Langwith Valley Road Collingham LS22

(Prior to consideration of this item Councillor Marjoram left the meeting)

Plans, artist's impressions and photographs were displayed at the meeting

Officers presented the report which sought permission for the erection of a single dwelling house with garage and office to the rear garden of 2 and 4 Langwith Valley Road LS22

Members were informed that sustainable features would be incorporated into the property, ie harvesting grey water, installation of a ground source heat pump to produce electricity and provision of a sedum roof

Whilst such features were commendable the scheme was considered to be backland development; it would site the property close to the Green Belt and would have an adverse impact on the streetscene and for these reasons Officers were recommending that the application be refused

The Panel heard representations from the applicant's agent and two objectors who attended the meeting

RESOLVED - That the application be refused for the following reasons:

- 1 The siting of the proposed dwelling to the rear of the established frontage of development on Langwith Valley Road is considered to be a backland form of development which would be out of character with the area. The development would be inappropriate in its context, and would not be well integrated with, or complement the neighbouring buildings and the local area more generally in terms of the layout and

access to the site. The proposal is contrary to Policies GP5 and N12 of the Unitary Development Plan (Review 2006) together with guidance contained within Neighbourhoods for Living, PPS1 and PPS3

- 2 The Local Planning Authority considers that design, scale, height and siting of the proposed development would be harmful to the open character of the Green Belt, contrary to Policies GP5, N12, N13, N24 and BD5 of the Leeds Unitary Development Plan (Review 2006) and the guidance contained within Planning Policy Guidance Note 2: Green Belts

50 Planning Appeal Decisions

The Chief Planning Officer submitted reports on decisions of the Secretary of State, Department for Communities and Local Government, on appeals following refusal of planning permission by this Panel:

- i) Application 08/03263/FU – Appeal against refusal of planning permission for the demolition of a bungalow and the erection of 14 dwellings with on-site public open space, Tingley Hall Bungalow Bradford Road Tingley, considered by Panel at the meeting held on 25th September 2008 (minute 111 refers). It was the decision of the Inspector to allow the appeal in a letter dated 30th June 2009, subject to a number of conditions being imposed
- ii) Application 08/04152/FU – Appeal against refusal of planning permission for the erection of a wind monitoring mast at 60m in height for a temporary period of two years at Chahal Grange Farm York Road, considered by Panel at the meetings held on 25th September 2008 and 23rd October 2008 (minutes 107 and 124 refer). It was the decision of the Inspector to allow the appeal in a letter dated 15th July 2009, subject to the imposition of four planning conditions

51 Application 09/01678/OT Outline application for a detached dwelling seeking approval for siting and means of access at land adjacent to 16a Church Lane, Bardsey - appeal against non-determination

(Prior to consideration of this item Councillor Parker left the meeting)

Plans and photographs were displayed at the meeting. A site visit had taken place earlier in the day which some Members had attended

Members had agreed to consideration of the report being deferred at the Plans Panel East meeting held on 2nd July 2009 to enable a site visit to take place and for Officers to consider matters raised by objectors in relation to access and the Street Design Guide. Since that meeting the applicant had lodged an appeal against non-determination of the application. As Panel could no longer determine the application the report sought to clarify what stance the Authority should take in the forthcoming appeal hearing

Officers presented the report and briefly outlined the planning history, including the most recent dismissed appeal decision following the Panel's decision to refuse an application for the erection of a detached house (07/07117/OT) at the Plans Panel East meeting held on 10th April 2008 (minute 263 refers)

Members were informed of two main changes since the previous application was considered, these being the extension of the Bardsey Conservation Area (CA) which had resulted in the site now being bounded on two sides by the CA where previously it was one and the status of the Council's SPD 'Street Design Guide' which was currently still in draft form but was expected to be adopted by the time of the appeal hearing and would state that no more than five dwellings could be served off a private drive unless designed to adoptable standards

Officers reported the receipt of two further written representations

The Panel heard representations from the applicant's agent and a local Ward Member who attended the meeting

Members discussed the following matters:

- whether the proposals could be regarded as backland development
- vehicular access arrangements, particularly for refuse collection vehicles
- siting of the property
- drainage

The Panel discussed how to proceed

RESOLVED – That had the Panel had the opportunity to do so the application would have been refused and that the following concerns be presented to the Inspector at the appeal on behalf the City Council:

- access to the site and the status of the Street Design Guide and its guidance on private drives
- drainage, in particular problems of flooding from surface water discharge further down the hill near the Bingley Arms
- siting of the dwelling and its effect on the adjoining Conservation Area

(During consideration of this item Councillor Taylor left the meeting)

52 Date and time of next meeting

Thursday 27th August 2009 at 1.30pm

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Originator: Adam Ward

Tel: 395 1817

Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 27th August 2009

Subject: APPLICATION 09/01995/FU – Full application for erection of replacement retail store with covered and surface car parking, new petrol filling station and landscaping – Tesco, Roundhay Road, Leeds

APPLICANT

Tesco Stores Ltd

DATE VALID

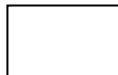
8th May 2009

TARGET DATE

7th August 2009

Electoral Wards Affected:

Roundhay



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION

GRANT permission subject to the following conditions and the completion of a legal agreement to include the following obligations:

- i) Public transport infrastructure contribution (£319,241);**
- ii) Metro/bus stop upgrade and relocation (£46,000)**
- iii) Travel plan and travel plan monitoring fee (£4,500);**
- iv) Training and employment of local people;**
- v) Contribution towards Public realm enhancements to Oakwood district centre (which could be used for enhancement of pavements between the store and other shops, lighting and landscaping)**

1. Time limit for full permission.
2. Approval of materials (including brick, timber cladding, cladding to service yard, roof materials).
3. Details of surfacing materials, including pedestrian footways.
4. Preservation of existing trees and vegetation.
5. Retention of existing trees and vegetation.
6. Implementation of landscaping scheme in accordance with submitted details.
7. Landscaping method statement.

8. Replacement of trees which are damaged or die.
9. Laying out of vehicle areas.
10. Junction and off-site highway works to be completed prior to occupation.
11. Cycle parking provision.
12. Retention of disabled car parking spaces in accordance with approved plan.
13. Phasing plan for construction, to include site access, storage of materials and contractors' parking.
14. Service management plan for deliveries.
15. The car parking spaces associated with the development hereby permitted shall be made available at all times when the store is open, with no parking restrictions unless otherwise agreed in writing by the Local Planning Authority.
16. Restrict net retail floorspace to 7,072sqm.
17. Restrict comparison goods floorspace to 3,162m².
18. Restriction of range of comparison goods sold.
19. Hours of delivery to be restricted to 7am-11pm Monday to Saturday and 8am-6pm on Sundays.
20. Drainage details to be submitted.
21. Submission of contaminated land information.
22. Details of bridge including materials.
23. Boundary treatments, including retaining walls.
24. Details of fixed plant to be submitted.
25. Noise levels from fixed plant to be limited.
26. Delivery vehicles to disable reverse beepers and refrigeration units prior to site entry.
27. Hours of construction restricted to 8am-6pm Monday to Friday and 9am-1pm Saturday, with no working on Sundays or bank holidays.
28. Recycling facilities not to be used between hours of 11.00pm -7.00am
29. Lighting details.
30. Provision of litter bins.

1.0 INTRODUCTION

- 1.1 Members will recall that a position statement for this application was presented to Plans Panel on 2nd July 2009. Members raised concerns regarding the height and scale of the building, and stressed that the trees on the site should be retained and enhanced planting provided. Concerns were also raised regarding the location of the proposed service yard in relation to neighbouring houses and the potential for noise nuisance, and the need for another petrol station, given the close proximity of the one on Roundhay Road to the south of the site. Members questioned the proposed phasing of the development and whether 24 hour opening was proposed. Some Members felt that the enlarged store could be detrimental to local businesses in Oakwood, while others felt that it could enhance and revitalise the local shopping centre. There were also some concerns that objectors had not been notified of the site visit which took place prior to the Panel meeting.
- 1.2 Subsequent to the Panel meeting on 2nd July, revised plans have been received with revisions made to the design of the building to incorporate additional glazing in the building and vary the colours of the cladding to the service yard, in order to break up the visual massing of the building. Additional details regarding the retention of trees on the site, and on new planting proposals have been received, and further investigation has been carried out into the impact of the proposed development on Oakwood district centre. These details are discussed in the appraisal section below.
- 1.3 A further site visit will take place before the meeting on 27th August, as the visit on 2nd July allowed insufficient time for Members to view the whole site and

surroundings. This site visit will allow Members to view the site from Gledhow Valley Road and adjacent residential streets.

2.0 PROPOSAL:

- 2.1 The application seeks full planning permission for the demolition of the existing Tesco and Homebase stores at the site, and the erection of a replacement A1 retail store with covered and surface car parking, a new petrol filling station (PFS), and landscaping.
- 2.2 The existing Tesco and Homebase stores at the site have a floorspace of 5,295sqm gross/3,469sqm net and 3,437sqm gross/2,947sqm net respectively. The proposed replacement store would have a total gross floorspace of 11,204sqm and a net sales area of 7,072sqm. The net uplift in retail floorspace is therefore 656sqm. Proposals would allow the store to sell a wider range of goods than the current store, with an increase in the amount of comparison goods that would be available.
- 2.3 The following documentation has been submitted in support of the application:
- Detailed drawings;
 - Design, Access and Sustainability Statement;
 - Planning and Retail Statement;
 - Transport Assessment;
 - Travel Plan;
 - Landscape and Visual Statement;
 - Desk Study Report and Site Investigation Proposal;
 - Flood Risk Assessment;
 - Environmental Noise Assessment; and
 - Community Engagement Statement.
- 2.4 The replacement store is proposed in the northern part of the site, closer to the site frontage and the rest of the district centre than the existing Tesco store. The new building would be 2 storey in design, accommodating the store on the first floor with an undercroft car park below. External surface parking is also proposed to the south of the store. The proposed PFS would be located in the southern part of the site.
- 2.5 The store has a contemporary appearance, comprising significant elements of glazing and timber larch cladding. The service area, which is proposed to the west of the store at first floor level, is to be screened with oyster coloured cladding. The development is proposed to be an 'environmental store', including elements which seek to reduce the store's carbon footprint, including:
- Use of rooflights and glazing to increase levels of natural light into the store;
 - Improved ventilation, reducing the need for air conditioning;
 - On-site Combined Heat and Power (CHP) generation.
- 2.6 The proposed vehicular access is in a similar position to the existing access point in the southern part of the site. The proposed access would be wider than the existing, and it is proposed to provide a signalised junction with pedestrian crossing points at the site entrance and on Roundhay Road. 665 car parking spaces are proposed, which represents an increase of 70 spaces at the site. Additional pedestrian access points are proposed to the front of the store, where cycle parking is proposed, and in the north eastern corner of the site, via a pedestrian footbridge from Roundhay Road to the store entrance. The existing pedestrian access point from Gledhow

Wood Road, to the south west of the site, is to be retained. Access to the store from the car parking areas is provided via travelators, lifts and stairs within a glazed atrium on the store's eastern elevation.

- 2.7 It is proposed to retain many of the existing trees along the site frontage, and to supplement this with additional planting. It is proposed to remove some vegetation from within the site, mainly within the existing parking area and along the western boundary where the service yard is proposed. Additional tree planting is proposed to the front of the store along the Roundhay Road frontage, and to the east and south of the proposed PFS in the southern part of the site. Additional planting is also proposed along Gledhow Wood Road to the south west, and within the proposed external car parking area.
- 2.8 The store is proposed to be open 24 hours Monday to Saturday, and from 10am to 4pm on Sundays. In terms of the proposed delivery hours, Tesco would accept similar conditions to those imposed on the existing store in this respect, although their preference would be to extend these on Sundays.
- 2.9 Details submitted with the application advise that there are 299 existing members of staff at Tesco and 65 at Homebase. The details submitted advise that the existing Tesco staff would be retained, and that up to 200 new jobs would be created, with Homebase staff being offered the opportunity to secure alternative employment at the new Tesco store. This would result in a net increase in jobs of 135 overall.
- 2.10 A draft Section 106 agreement has been submitted, covering the following matters:
- Public transport infrastructure contribution – a sum of £319,241 has been agreed in this respect;
 - Metro contribution to bus stop upgrades – a sum of £46,000 has been agreed in this respect;
 - Travel plan and monitoring fee of £4,500;
 - Training and employment of local people;
 - Contribution towards Public realm enhancements in Oakwood District Centre. This could include enhancements to pavements to provide a more unified surface leading from the store to the centre, lighting and planting.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site comprises the existing Tesco and Homebase store on Roundhay Road in Leeds, together with their associated parking and servicing areas. The existing Tesco store is a single storey, brick building with a pitched, red pantile roof, and occupies much of the southern part of the site. The Homebase store, a more modern building with a glazed frontage, is located in the north western part of the site, and is set further back from Roundhay Road. The site has a large external parking area to the north east of the Tesco store and to the east of Homebase, with service yards to the south of the Tesco building and the north east of Homebase.
- 3.2 The site has two existing vehicular and pedestrian access points from Roundhay Road, together with an additional pedestrian access point from Gledhow Wood Road, to the south west of the existing Tesco building.
- 3.3 Although the site itself is relatively flat, Roundhay Road slopes upwards from north to south, and the land to the west is at a significantly higher level than the site. As a result, the site is enclosed to the west by high retaining walls, with smaller retaining

structures at points along the frontage and in the north eastern corner of the site. There are a number of mature trees along the Roundhay Road frontage, a number of which are protected by a Tree Preservation Order (TPO).

- 3.4 The site is in the southern part of Oakwood District Centre, with commercial properties within the centre to the north, and also to the south of the site, including offices and a petrol station. There are residential properties on Ravenscar Walk to the north, and, at a higher level than the application site, on Gledhow Wood Court to the south west. Residential properties to the south east are set further back and at a higher level than Roundhay Road, and are screened by existing trees. There are large areas of woodland to the north west and to the east of the site. Gipton Wood, to the east, is part of Roundhay Conservation Area. The woodland to the north west is designated as protected greenspace and as a Leeds Nature Area.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Outline permission for the existing Tesco store was granted in February 1987 (application H30/39/86/), and full permission for the store was granted in May 1987 (application H30/69/87/). Permission was granted to vary the condition on the approval relating to delivery hours in December 1995 (application 30/330/95), allowing deliveries to take place between 7am and 11pm Monday to Saturday and between 8am and 6pm on Sundays.
- 4.2 An extension to the front and side of the Tesco store was approved in March 1999 (application 30/339/98/FU).
- 4.3 The existing Homebase store was approved as a retail warehouse in February 1987 (application H30/305/85/). Permission was subsequently granted for the laying out of a garden centre to the side of the retail warehouse in December 1987 (application H30/326/87). Permission for a greenhouse extension to the side of the store was approved in April 1991 (application H/30/420/90), and to use an area of the car park as part of the garden centre in January 1997 (application 30/339/96/FU).
- 4.4 The original permission for the Homebase store was subject to a legal agreement restricting sales to certain items, including garden equipment, self-assembly furniture, building materials and plants. An application to vary this agreement was approved in 2003, allowing unrestricted A1 use at the store.
- 4.5 In addition to the above, there have been various applications for alterations and signage to both the Tesco and Homebase stores over the years.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Prior to the submission of the application, pre-application discussions have been ongoing with Tesco for over 2 years. Issues discussed have included siting, design, landscaping, highways, and the impact of the proposed store on Oakwood District Centre. These negotiations have culminated in a Planning Performance Agreement (PPA) with Tesco, whereby the local planning authority are working to pre-agreed timescales to determine the application.
- 5.2 Following comments from the landscape officer, revised plans have been submitted, which provide further clarification regarding the retention of trees and supplementary planting, and on matters such as levels, boundary treatments and planting specifications. In response to comments from the design officer, revisions have also been made to the design of the store, to incorporate more glazing to the elevations

facing the car park and Roundhay Road. Variations in the colour of cladding to the service yard have also been introduced to minimise its visual impact, and the colour of the windcatchers on the roof, have been changed from blue to grey. Minor alterations have also been made to the designs of the windows on the northern elevation.

- 5.3 Following concerns that the store's footprint may impinge on a culvert crossing the site, further investigations have been carried out by the applicant, who have now confirmed that the culvert would not physically impact on the proposed store footprint, and that they do not consider that the position of the culvert would cause any insurmountable problems for the redevelopment of the site.
- 5.4 Further investigation has been carried out by the applicant's agent regarding the impact of the store on Oakwood centre. This includes an analysis of all of the units in Oakwood, and an assessment of the level of competition anticipated between each unit and the proposed Tesco store. The findings of this analysis are discussed in the appraisal section below.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been publicised as a major application and as affecting the character of a conservation area by means of site notices, posted 20th May 2009, and a press notice, published 21st May 2009.
- 6.2 448 letters of objection have been received. 260 of these are copies of a standard duplicate email submitted by individual objectors with their own personal comments added. Two sets of duplicate letters, signed by individual objectors, have also been submitted, totalling 70 of the objections. The following concerns have been raised:
- Close to Roundhay Road and overbearing. Existing stores are further back in the site and do not dominate the streetscene.
 - Design, appearance and layout not in keeping.
 - Rear elevation is dull grey and will not blend into the area – Tesco have suggested to residents that they will provide a 2.8m screen fence along Ravenscar Walk/View. This is not a satisfactory solution.
 - Scale of development not appropriate to the site or to a residential area – better suited to an out of town location. 'Identikit' stores result in loss of local identity.
 - Negative impact on conservation area.
 - Materials not in keeping – brick or stone would be more appropriate.
 - Damaging to conservation of buildings, trees and natural environment.
 - Impact on outlook from neighbouring properties.
 - Increased noise for local residents – from traffic, construction and deliveries.
 - Service area too close to neighbouring residential properties, and noise will be heard 24 hours a day. Increased numbers of deliveries will worsen this.
 - Residents will be living in an industrial area.
 - Site was formerly a quarry, and noise levels are amplified by the variations in levels around the site.
 - Noise report does not provide sufficient evidence that there will be no impact on neighbouring properties.
 - Light pollution.
 - More traffic in an already congested area.
 - Customers of existing store park on neighbouring residential streets.
 - Rat running in nearby streets.
 - Insufficient parking.

- Undercroft parking is a fire and security risk. Can emergency vehicles access the site appropriately?
- Only having 1 vehicle access is inadequate – will lead to congestion on Roundhay Road.
- Not pedestrian friendly – have to negotiate 4 zebra crossings to cross the site access.
- No taxi pick-up point on the plans – taxis will not drive into undercroft area.
- Park and ride suggested.
- Can Oakwood have 2 Whizzgo cars?
- Not sustainable – will not encourage cycle or public transport use.
- Loss of trees and greenery, which at present provide a pleasant contrast to development as you drive out of Leeds.
- Pollution from traffic – impact on health and on vegetation.
- Impact on nature conservation in adjacent woodland.
- Has a flood risk assessment been submitted. Concerns regarding flooding from Gledhow Beck affecting properties in the Well Houses.
- Not sustainable to demolish 2 existing stores and replace with a new one.
- ‘Eco store’ claim is misleading.
- Litter dropped in an around the site has caused problems with vermin.
- Insufficient community engagement – information distributed about public exhibition was misleading.
- Significant increase in retail floor space if PFS is taken into account.
- Existing Homebase not directly comparable to new, larger Tesco. Homebase is quieter and not 24 hours.
- Impact on local shops – existing store has caused closures, store is likely to include pharmacy, optician etc, all of which exist in Oakwood.
- Oakwood is not identified in UDP as a centre where existing provision falls short of residents’ needs.
- Impact on local centre at Harehills.
- Loss of local shops and difficulty in getting around such a large store will impact on older residents living nearby.
- Loss of jobs.
- No need for larger supermarket – good range of supermarkets and smaller shops in the area already. Not planners’ job to prevent ‘leakage’ of Tesco customers elsewhere. Has a retail impact assessment been done?
- Competition Test to be introduced soon which would prevent applications like this from succeeding. The Council should take this into account.
- Already a petrol station just down the road – no need for another one. This could lead to closure of existing petrol station, leaving a derelict contaminated site. Existing petrol station more convenient (e.g. opening 24 hours on Sundays).
- Loss of Homebase DIY store – loss of variety and increase in car journeys if people have to go elsewhere.
- Existing Tesco could be run more efficiently.
- Section 106 contribution is insufficient to reflect the disturbance and impact the development will have on the area.
- A swimming pool and sports facility would be more appropriate for the site.
- Inaccuracies in supporting document with regard to number of existing pedestrian accesses – one is missed off.
- Impact on views from neighbouring properties.
- Tesco has enough shops in Leeds, including an existing large Tesco Extra at Seacroft. This will increase their monopoly.
- Impact on property values.
- No Environmental Impact Assessment submitted.

- Social costs of multinational food production - low wages and poor working conditions for employees, impact on local food producers.
- Increased carbon footprint – food miles and industrial food production.
- Morally objectionable.
- Tesco is too powerful, too dominant and non-accountable
- Larger supermarket with wider range of food will worsen obesity problems.

6.3 One letter of objection has been received from a charity shop in Oakwood centre, raising the following concerns:

- Do not believe that plans will increase number of people visiting Oakwood shops, more likely that people will do all of their shopping at Tesco and then drive home again. Even if one or two shops in Oakwood close, this will have a huge detrimental impact on the area.
- Tesco will stock goods that are comparable to those sold in existing shops (newspapers, stationery etc).
- Increase in traffic and environmental damage.
- Local businesses should be allowed to grow to maintain individuality and diversity of Oakwood.

6.4 3 letters of objection have been received from the directors of the existing petrol station to the south of the site, raising the following concerns:

- Design and appearance not appropriate to character of the area.
- Impact of development on conservation area.
- Noise for local residents.
- Many customers visiting Tesco will be doing so only for fuel and will therefore increase vehicle journeys to the area – will exacerbate queuing problems on Roundhay Road.
- Fuel volumes projected for a supermarket PFS are in the region of 12-20 million litre – this is 4-5 times that of a standalone non-supermarket PFS.
- Tesco traffic projections don't take into account increase in traffic from PFS.
- No provision for staff car parking at new store – parking levels are inadequate.
- No parking facilities at petrol station.
- Proposed single entry/exit to Roundhay Road is inadequate – traffic will queue.
- Parking on nearby streets will increase.
- No dedicated delivery access.
- Development will not create any new jobs in reality – as Homebase staff will be made redundant.
- Hours of use restriction due to intensification in use of site.
- PFS should be included as net retail area.
- Impact on nearby district centres.
- Impact of new PFS on business at existing BP garage, there are already several PFSs within a 1 mile radius, including a Tesco extra site. No need for another.

6.5 Two letters of comment has been received. One advises that while the author has no objections to the application, they wish Leeds City Council to ensure there are significant financial contributions via the Section 106 agreement towards the future vitality and viability of Oakwood centre. Suggestions include public realm and shop front/signage improvements and the appointment of a dedicated town centre manager. The second letter raises concerns regarding the provision of an additional petrol station, the loss of the DIY store, felling of trees which has taken place and that the proposed store would have a 'warehouse feel', whereas the existing has some architectural merit, and advises that they would prefer the site to be redeveloped for residential uses. However, they advise that the relocation of the

store closer to Oakwood centre seems to make sense, and that this is an opportunity to improve the local community which should not be missed.

- 6.6 Councillor Kendall has advised that she remains concerned about the following aspects of the proposals:
- Impact on the BP garage – may lead to a derelict site.
 - Traffic – hard to understand how a single entrance could cope with current volume of traffic, let alone likely increase from an enlarged store.
 - Impact on Oakwood centre – Somerfield already trades under shadow of Tesco. If larger Tesco store leads to closure of Somerfield, the centre will lose its anchor and much of its custom, and individual traders may close.
- 6.7 Councillor Lobleby has made the following comments regarding the application:
- No overall objection to a new store, but some concerns about the design.
 - While retail sales space not markedly increased, the overall size and visual massing of the store will be much larger.
 - Regard needs to be given to the vista when travelling along Roundhay Road and the impact on Gipton Wood. May be better to move the store further back into the site.
 - Concern that claims regarding new jobs do not take into account loss of other jobs at Homebase. Not clear whether new jobs are full or part time. Doesn't take into account possible loss of jobs in wider area.
 - Increase in traffic – needs modelling and thoroughly checking. Need to look at additional journeys at peak times, and some independent advice on shopping habits is needed.
 - Impact of PFS – concerns regarding potential of a derelict site if BP garage were to close – associated problems with tipping and antisocial behaviour.
 - Potential impact that moving store closer to Oakwood would have on existing Somerfield. Impact on centre if Somerfield were to close. Views should be actively sought from Somerfield.
- 6.8 Fabian Hamilton MP has objected to the application, and refers to the following concerns of his constituents:
- Impact on traffic.
 - Scale of development not appropriate to the site or the area.
 - Impact on local shops.
 - Increased noise levels from deliveries.
 - Increase in parking spaces – will affect local community and surrounding area as well as the environment.
- 6.9 Leeds Civic Trust have raised concerns that the proposed store would be much larger externally than the existing one, despite the retail floorspace increase being relatively small, and have raised concerns that the proposals would result in the overdevelopment of the site. They also advise that they consider the proposed PFS unnecessary and that the development will have adverse effects on traffic and on the commercial viability of existing shops in Oakwood, Chapeltown and Harehills.
- 6.10 The Roundhay Planning Forum raises a number of concerns relating to the design, scale and massing of the store; the impact of the highway and traffic measures on the character of Roundhay Road and its wooded green landscape setting. Any s106 Agreement should also seek public realm improvements, shopfront/signage improvements and the appointment of a dedicated town centre manager. Concerns are also raised over the loss of the Homebase store and the impact upon the existing Somerfields Supermarket.

- 6.11 Gledhow Valley Conservation Area Group have raised the following concerns:
- Impact on Oakwood centre – possible closure of varied local shops.
 - Tesco claim this is an ‘eco’ store – not sustainable to use energy and materials in demolish and rebuild when existing building could be adapted.
 - Health of planting around the site needs to be considered.
 - Increased traffic – more parking spaces will encourage car use. More incentives needed for pedestrians, facilities for cyclists and free bus links to other shopping districts.
 - Number of existing Tesco shops in north Leeds.
 - Drainage – loss of open space to create hard surfaces.
 - Views into the site – green aspects need to be enhanced.
- 6.12 417 letters of support has been received, of which 389 are copies of a standard letter distributed in the existing store by Tesco, and signed by individual customers. The following comments are made:
- People currently have to travel to the Tesco store in Seacroft for more choice. New store will improve variety of products.
 - There is already traffic going to and from the site to Homebase and Tesco.
 - A new store will brighten up the area.
 - Improved shopping environment.
 - A café would be welcomed to provide a break from shopping.
 - Store will have environmentally friendly initiatives.
 - Significant investment in Roundhay.
 - Will not impact on Oakwood district centre, its entrance is closer and people will park in Oakwood and walk to Tesco. Will help keep Oakwood centre alive.
 - Development will bring much needed new jobs to the area and safeguard existing employment.
 - Road layout is much improved and will lead to free-flowing traffic.
 - Existing store is struggling as there are too many customers. An expanded store would be welcomed.
 - Homebase lease is running out, if Tesco don’t re-use the site then another retailer may still come in who may want to redevelop the site. How is this better? It will still bring increased traffic.
 - No reason for anyone but a few residents nearby to object to petrol station – BP garage may object, but their petrol prices are higher than other nearby supermarkets and people drive elsewhere for petrol. BP and Asda both operate in close proximity on York Road.
 - Will have no environmental impact on the area – Tesco have made the store as efficient as possible, and have tried to keep as many trees as possible.
 - The majority of objections relate to the fact that Tesco is a large company, that stopping Tesco will save the planet, and that people believe competition between petrol stations is to be frowned upon.
- 6.13 A further letter of support has been received from a tailors shop in Oakwood centre, which makes the following comments:
- Expansion will benefit Oakwood parade and local employment. No shops in Oakwood would be in direct competition with Tesco except Somerfield.
 - Additional traffic and people in the area can only benefit local shops, making people more aware of the goods and services available in Oakwood.
- 6.14 A letter has been received from a local resident advising that one of the duplicate letters of support submitted in their name was not actually submitted by them. This

letter has now been removed from the application file, and is not reported in the figures above. Approximately 1000 letters of representation on the proposals have been received so far. This appears to be an isolated case, as no other residents have come forward to advise that they have been misrepresented.

- 6.15 A public meeting was held on 24th June 2009 at Roundhay Methodist Church, which was attended by approximately 150 local residents and local business owners. Representatives from planning and highways, and from Tesco and their highway consultants, together with the three Ward Members for Roundhay, were also present. Residents and local business owners raised concerns regarding the size of the store, increases in traffic on Roundhay Road, and the impact on local residents, shops in Oakwood and Harehills district centres, and the BP garage to the south of the application site.

7.0 CONSULTATION RESPONSES:

Statutory:

7.1 Highways

Environmental Studies have endorsed the submitted air quality assessment, and Transport Planning have indicated that the design of the junction would be compatible with the Council's High Occupancy Vehicle (HOV) proposals along Roundhay Road.

The levels of cycle parking and car parking are considered acceptable. Some minor revisions to the plans have been requested, including confirmation of parking space dimensions and motorcycle parking provision. Additional details have been supplied in this respect, and are currently under consideration. A service management plan is required with regard to the management of deliveries and a condition is recommended requiring this.

In terms of the design of the new signalised junction and the impact of the development on the highway network, including the Fforde Green and Oakwood Clock junctions, further information was requested from the Council's Urban Traffic Control (UTC) team. This is now under consideration, although it is considered that any minor concerns are likely to be overcome.

Non-statutory:

7.2 Contaminated Land

No objections, subject to conditions.

7.3 West Yorkshire Police

Recommend that anti-terrorism measures are included in the undercroft parking area – measures have been agreed with Tesco. Lighting should be in accordance with the relevant British Standard and the car park should meet 'Park Mark' Safer Parking Award standards.

7.4 Transport Policy (Travelwise)

Comments and recommendations regarding the submitted draft travel plan have been provided. Negotiations are ongoing in this respect. A Travel Plan Monitoring and Evaluation fee of £4,500 has been requested and this should be included within the s106.

7.5 Public Transport

A contribution of £319,241 towards public transport infrastructure should be sought under the adopted SPD. [*The developer has agreed to pay this sum*].

- 7.6 Access Officer
Recommendations are made regarding the location and layout of disabled parking spaces, the provision of tactile paving at pedestrian crossing points, the gradients of access points and the footbridge, and the design of steps and glazed entrances, in the interests of providing appropriate access to the building for all users.
- 7.7 Neighbourhoods and Housing
No objections, subject to conditions covering the following matters:
- Restrictions on noise levels from fixed plant
 - Delivery hours to be restricted to 7am-11pm Monday to Saturday and 8am-6pm on Sundays, which are the current permitted hours for the existing store.
 - Recycling facilities not to be used at night.
- 7.8 Mains Drainage
Concerns had been raised regarding the presence of a culvert at the site and whether this would impact on, or be affected by, the proposed development. Further investigation in this respect has been carried out. The applicant's agent has now confirmed that the culvert would not physically impact on the proposed store footprint, and that they do not consider that the position of the culvert would cause any insurmountable problems for the redevelopment of the site. Comments from Mains Drainage and from the Environment Agency in this respect are awaited.
- 7.9 City Services
The bin collection arrangements for the site appear to be acceptable.
- 7.10 Metro
Would welcome the extension of the High Occupancy Vehicle (HOV) lane into the proposed widening of Roundhay Road to reduce delays for buses passing the site. The signalised junction should be installed with traffic light priority for buses.
- The local bus infrastructure is poor given the level of service on this corridor. The redevelopment of the store provides an opportunity for this to be addressed. The proposed new store access will require the relocation of a bus stop on Roundhay Road. Should this be agreed, the associated kerb works should be provided, along with a shelter with real time information display. A shelter on the opposite side of the road should be upgraded with real time information and kerb works. Metro should be consulted should this require relocation. The applicant has agreed to fund improvements to the nearest southbound bus stop, and the relocation of the northbound bus stop. These matters are covered by the Section 106 agreement.
- The development should be required to join the West Yorkshire Travel Plan Network.
- 7.11 Yorkshire Water
No objections, subject to conditions.
- 7.12 Environment Agency
No objections, subject to condition.
- 8.0 PLANNING POLICIES:**
- Development Plan
- 8.1 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.

8.2 The following RSS policies are relevant to the proposed development:

E2 – Relates to town centres where the focus should be for local services and facilities.

ENV5 – Relates to renewable energy. Encourages the use of combined heat and power and states that developments of over 100sqm floorspace should secure at least 10% of their energy from renewable or low carbon sources.

8.3 The site is within Oakwood District Centre. A number of the trees within the site and along the frontage are protected by a TPO. Land to the north west of the site is designated as Greenspace and Leeds Nature Area, and Gipton Wood, to the south east, is within Roundhay Conservation Area. The following UDP policies are relevant to the consideration of the application:

GP5 – General planning considerations;
GP7 – Planning obligations to enhance quality of development;
N12 – Urban design principles;
N13 – Design of new buildings;
N19 – Development within or adjacent to conservation areas;
N50 – Development and Leeds Nature Areas;
T2 – New development and highway safety;
T2B – Requirement for transport assessment;
T2C – Requirement for travel plan;
T2D – Public Transport contributions;
T5 – Access for pedestrians and cyclists;
T6 – Provision for disabled people;
S2 – Development in town centres;
S3 – Enhancement and maintenance of town centres;
S3A – Priority to refurbishment and enhancement of Harehills Corner;
BD3 – Access to public buildings for disabled people;
BD5 – New buildings, design and amenity;
LD1 – Landscaping proposals.

8.4 Supplementary Planning Guidance/Documents
Public Transport Improvements and Developer Contributions SPD.
Draft Street Design Guide SPD.
Travel Plans SPD.
Roundhay Conservation Area Appraisal.

8.5 National Planning Policy and Guidance
PPS1 – Delivering Sustainable Development
PPS6 – Planning for Town Centres
PPG13 – Transport
PPG15 – Planning and the Historic Environment.

9.0 MAIN ISSUES

1. Principle of development and retail issues.
2. Scale, design and impact on character of area.
3. Highways.
4. Impact on nearby residential properties.

5. Trees and landscaping.
6. Planning Obligations.
7. Other issues.

10.0 APPRAISAL

Principle of development and retail issues

- 10.1 The site is within Oakwood District Centre, and is currently occupied by two unrestricted A1 retail stores. The replacement store would result in a total net retail floorspace of 7,072m², which represents an increase in net retail floorspace of only 656m² over the net floorspace of the existing stores on the site. In terms of the proposed split between convenience and comparison goods, the application proposes a floorspace of 3,910m² for convenience goods and 3,162m² for comparison goods. This results in a percentage split of 44.7% for comparison goods and 55.3% for convenience goods. A planning condition would prevent any percentage increase in the amount of comparison goods floorspace, while another condition would restrict the range of goods available. The proposed petrol filling station (PFS) kiosk would provide a further 70m² of retail floorspace, and 12 petrol pumps would be provided within the forecourt.
- 10.2 The retail statement submitted with the application advises that, at present, the relatively limited range of goods available at the existing store results in people travelling outside of the Oakwood area to shop. Other destinations include Sainsbury's at Moor Allerton, Tesco at Seacroft and Asda at Killingbeck. This information was derived from a household survey undertaken by the applicants which involved 1,970 interviews of people within the study area. The proposed replacement store would also bring the store entrance significantly closer to the rest of the district centre than the entrance to the existing Tesco store. A new pedestrian bridge is proposed which facilitates pedestrian access from street level on Roundhay Road, straight into the store.
- 10.3 Government guidance in the form of PPS6 (Planning for Town Centres) provides advice on how proposals for retail development should be considered and is more up-to-date than the relevant retail policies contained within the UDP. In particular, PPS6 provides guidance on how local planning authorities (LPA's) should assess retail proposals, taking into account need (quantitative and qualitative); scale; the sequential approach to site selection; impact; and accessibility. PPS6 also advises that LPA's should also consider relevant local issues and other material considerations. In addressing each of these issues, PPS6 advises that it is not necessary to demonstrate the need for retail proposals for main town centre uses located within identified centres. Equally, PPS6 further advises that the sequential approach to site selection should only be applied for sites that are not in an existing centre. Accordingly, given the site's location within the District Centre, there is no requirement to identify need and to carry out a sequential approach. The matters relating to scale, accessibility and impact are therefore relevant.
- 10.4 In terms of scale, PPS6 advises that the scale of development should relate to the role and function of the centre within the wider hierarchy and the catchment served. It is clearly evident that the proposal would result in a much larger retail store than the existing Tesco store. However, regard needs to be taken to the existing Homebase store which is to be demolished. Whilst it is recognised that the Homebase store generally attracts fewer customers than a supermarket, it must be stressed that this store is unrestricted in terms of the range of goods that could be sold. In effect, this store could be operated by a supermarket or other retail operator

without any restrictions. Regard therefore needs to be had to this potential fall-back position as a material consideration.

- 10.5 Whilst the uplift in net retail floorspace is only 656m² above the net floorspace of both stores which currently exist, it is apparent that the retail offer would be materially different, with an overall increase in the amount of both convenience and comparison goods floorspace. It is therefore a question of whether the scale of this proposal is appropriate to Oakwood District Centre. Guidance within PPS6 advises that district centres will generally be appropriate locations for large scale new development. Accordingly, as the proposal is situated within a district centre (the second hierarchy of centres within Leeds after the city centre), this would suggest that such centres are appropriate for large scale retail proposals. The scale of the replacement store is considered to be appropriate given the limited increase in net retail floorspace, coupled with the fall-back position of the Homebase store which has an unrestricted open A1 consent. The entrance to the store will also be moved closer to the rest of the district centre, while a financial package towards public realm enhancements should help reinforce this physical link within Oakwood Centre. Other matters relating to retail impact and accessibility are considered in detail below.
- 10.6 In terms of accessibility, the site is currently located adjacent to a main public transport route, connecting the northern parts of Leeds to the city centre. It is also located within the district centre and within easy walking distance to a number of residential properties. The site can therefore be regarded as relatively sustainable. The applicant proposes to increase the number of car parking spaces by a further 70 spaces given the potential for increased custom. However, the applicant also proposes to improve the accessibility of the store through other measures, including walking, cycling and by public transport. Pedestrian and cycling connections and facilities are proposed to be improved while the highway improvements and a package of public transport measures, secured through a Section 106 Agreement, will be secured. This would provide a contribution of £319,241 towards public transport infrastructure improvements in accordance with the SPD, a contribution of £46,000 for Metro to upgrade bus stops and the provision of a relocated bus lay-by to immediately outside the front of the proposed store. It can therefore be concluded that accessibility by other means of transport other than the car to the site would be improved as a result of the proposals.
- 10.7 The impact of the proposed development on identified centres must also be considered, given the guidance within PPS6. The applicant's retail impact study provides conclusions on the impact on these centres, including Chapel Allerton, Meanwood, Moor Allerton, Moortown Corner, Harehills Lane and other isolated stores. The study concludes that there would be no significant impact on these centres. More importantly, the study provides conclusions on the impact upon Oakwood District Centre itself, as well as the nearby Harehills Corner centre which is recognised under Policy S3A as an insecure centre where priority will be given to its refurbishment and enhancement to expand the range of facilities. With regard to the impact on Harehills corner, it is considered that there would be little if no impact as the as the scale and nature of the retail offer is different to that of the Tesco offer, with many independent ethnic stores and other stores that are used for top-up style shopping prevalent at Harehills Corner. Any impact must also be balanced against the fact that the existing Homebase is unrestricted in terms of the range of goods that can be sold and that any other retail or supermarket operator could trade from this site.

- 10.8 In terms of the impact on Oakwood District Centre, it is relevant to highlight the objections received from residents which relate to the impact on the existing shops within Oakwood, including the Somerfields store. However, no businesses within Oakwood have objected to the proposals, with the exception of a nearby charity shop. Following these concerns from local residents, further details were requested regarding the impact that the replacement store would have on traders within Oakwood Centre. A detailed analysis of existing shops within Oakwood centre has been carried out, with the use and nature of all shop units noted, and an assessment made as to how directly Tesco would compete with each shop. The study found that, of the 51 shops/premises within the centre, 31 (61%) are in A1 retail use. Of these, only Somerfield was identified as being in direct competition with Tesco. It is anticipated that a number of shops (for example, a newsagents, opticians, pharmacy and post office) would experience moderate competition, with clothes shops experiencing limited competition. However, the study advises that, of the 31 A1 units in Oakwood centre, 17 would experience no direct competition, as the goods and services offered by these shops (for example tailors (who support the application), jewellers, charity shops, travel agent, printing shop and hairdressers) would not be affected by the Tesco store proposed. It is considered that this assessment is robust and there are no reasons to dispute this analysis. In addition, a condition would be imposed to restrict the range of goods available. It is also considered that the retail offer of Somerfields, whilst in direct competition with Tesco, would mainly provide top-up style shopping, thereby resulting in no significant impact. It is also worthy to note that Somerfield have not objected to the proposal, although it is recognised that this in itself does not signify that they necessarily support the proposals.
- 10.9 In seeking to mitigate any retail impact and to encourage linked trips, the applicant has agreed to a financial contribution as part of a Section 106 Agreement which would be used to fund public realm enhancements. A figure of £192,500 would be used to improve and enhance the public realm within Oakwood District Centre, including resurfacing of the footway which is in a poor state of disrepair, lighting and tree planting between the proposed store and the remainder of Oakwood centre on the western side of Roundhay Road. This would improve visual and physical links between the store and the district centre, and should help to encourage visitors to the store to visit other shops and services in the centre. It is therefore considered that the proposed redevelopment would not detract from the vitality or viability of Oakwood or other local centres identified.
- 10.10 The guidance within PPS6 also advises that local issues and material considerations are taken into account in assessing retail applications, and that these may include matters relating to physical regeneration, employment, economic growth and social inclusion. In this regard, the proposal would provide a replacement building which would take the opportunity to improve the character and quality of the area with the removal of the existing Tesco and Homebase stores. The proposal would also provide additional employment opportunities, both in terms of construction and at the replacement store with an additional 135 jobs being created. The proposal would also represent a symbol of economic growth, albeit in the retail market given the investment into the local area as a result of the development.
- 10.11 In summary, in view of the relatively small increase in net retail floorspace proposed, the improved links and public realm enhancements between the proposed store and Oakwood centre, the number of jobs created and the limited impact on Oakwood and Harehills Corner centres, it is considered that the principle of the replacement store is acceptable.

Scale, Design and Impact on the Character of the Area

- 10.12 At the Plans Panel meeting on 2nd July, Members raised concerns regarding the scale of the proposed building, and stressed that the planting along the site frontage should be retained and enhanced. Concerns have been raised by local residents regarding the design, scale and positioning of the building.
- 10.13 The site at present is characterised by high levels of planting along the Roundhay Road frontage, with the Tesco building close to the southern and eastern boundaries, and the Homebase building set back further into the site. The existing buildings on the site are not considered to make a significant contribution to the visual character of the area, and there is no objection in principle to their demolition.
- 10.14 Although the scale of the proposed building would be greater than that of the existing buildings, the variation in levels between the site and Roundhay Road would serve to screen some of the lower ground floor area from view, particularly towards the northern part of the site. In addition, it is proposed to retain the majority of the trees along the site frontage, and to supplement this with additional tree planting, providing screening of the building, and maintaining the landscaped street frontage which characterises this part of Roundhay Road. It is therefore considered that the proposed development would not appear unduly prominent within the streetscene.
- 10.15 Following discussions with the design officer regarding the detailed design of the building, revisions have been made to incorporate greater levels of glazing in the elevation facing the car park, and to provide more regular glazing heights in the front elevation. Minor revisions to the office windows in the northern elevation have also been made. It is considered that these alterations and incorporation of greater levels of glazing, particularly to the southern elevation facing the car park, help to break up the massing of the expanses of timber cladding on this elevation. It is also considered that the proposal to incorporate timber cladding into the design of the building would help to assimilate the development into a site which is surrounded by trees and woodland to the east and west.
- 10.16 Concerns had also been raised that the light grey cladding proposed to screen the service yard would be too light, giving this area undue prominence. A continuation of the timber cladding to this area was not considered appropriate, since this would further increase the horizontal emphasis of the main building. In revising the proposals to provide darker cladding to the lower parts of this screen, with lighter panels above, it is considered that an appropriate contrast and visual break between this area and the main building has been achieved, while ensuring that the service yard area is less visually dominant in views into the site and from the car park. The colour of the windcatchers to the roof has also been revised from blue to grey, which was considered more appropriate in visual terms.
- 10.17 Following receipt of revised plans as discussed above, it is considered that the scale and design of the proposed new store would appear appropriate within the site, and would not detract from the character of the streetscene or the wider area.
- 10.18 Although the site is across the road from part of Roundhay Conservation Area, this part of the conservation area is a wooded area, with some residential properties set back from the road. Through the retention and enhancement of the planting along the site frontage, it is considered that the landscaped character of this part of Roundhay Road would be preserved. The Conservation Officer has advised that he has no objections to the proposed development, and it is not therefore considered

that the proposed development would detract from the character or appearance of the adjacent conservation area.

- 10.19 The proposed petrol filling station would be located in the southern part of the site. It is proposed to increase the depth of the planting area to the east of this area, along the Roundhay Road site frontage, and to provide replacement planting along Gledhow Wood Road to the south of the proposed PFS. It is not considered that the canopy and kiosk for the PFS would be of such a scale that they would appear overdominant, and it is considered that the proposed planting would provide an appropriate level of screening of this area. It is not therefore considered that the proposed PFS would detract from the visual character of the area.

Highways

- 10.20 It is proposed to remove one of the site's two vehicular access points onto Roundhay Road, and to relocate and widen the second one, providing a signalised junction with pedestrian crossing points. Vehicular access to and from the car park, service yard and PFS would be via a single roundabout toward the rear of the site. 665 car parking spaces are proposed – an increase of 70 spaces over the existing car park – which would be provided in an undercroft parking area beneath the store and an external parking area to the south. This level of parking is deemed to be acceptable. The applicant has confirmed that there would be no restrictions on the use of this car park. However, a condition is recommended that in the event that Tesco would want to control parking, then agreement from the Council would be required.
- 10.21 The service and delivery yard for the store would be at first floor level to the rear of the store, accessed via a ramp from the central roundabout. A lay-by would be provided alongside the drive between the internal roundabout and Roundhay Road to provide for deliveries of petrol to the PFS.
- 10.22 It is proposed to retain pedestrian access points from Gledhow Wood Road to the south of the site, and from Roundhay Road to the east. Additional pedestrian access points are also proposed along Roundhay Road to the front of the proposed store, with cycle parking provided in these areas. These access points would lead into the lower ground floor area of the travelator hall to the front of the proposed store, with travelators and lifts providing access to the first floor retail area. To the north eastern corner of the site, a pedestrian footbridge would lead directly from Roundhay Road to the first floor of the building.
- 10.23 The Highways Officer has advised that the vehicle and cycle parking levels proposed are appropriate and that the service yard would appear to be of an appropriate size to function satisfactorily, but that a service management plan relating to delivery arrangements and the frequency and timings of recycling collections is submitted. A condition to this effect could be attached to any permission.
- 10.24 In terms of the acceptability of the new signalised junction and the impact on the local highway network, including the nearby junctions at Fforde Green and the Oakwood clock, further information was sought from the applicant from the Council's Urban Traffic Control (UTC) section. This information relates to minor re-modelling of the traffic model and has been provided by the applicant's highways consultant. Although comments are awaited from the Council's UTC team, it is considered that the principle of the new junction and impact on Roundhay Road and nearby junctions is likely to be acceptable.

- 10.25 At the previous Panel meeting where a position statement was reported to Members, some of the Panel expressed concerns over the potential impact of the proposed petrol filling station on the local highway network as a result of vehicles queuing back onto the internal access road and Roundhay Road. In response, it is considered that there is sufficient space within the site to accommodate the anticipated demand for fuel, in terms of the number of pumps available, the queuing space in front of the pumps and the length of the internal access road.
- 10.26 A Travel Plan has also been provided which seeks to promote the use of public transport, walking and cycling, thereby reducing the reliance on the private car. This Travel Plan is considered to be acceptable and agreed by the TravelWise team. Contributions of £319,241 towards public transport infrastructure improvements, and £46,000 towards the upgrade of nearby bus stops and the relocation of another bus lay-by to the front of the store have been agreed. These matters, together with the Travel Plan and monitoring fee, which have now been agreed, would be covered by the proposed Section 106 Agreement.
- 10.27 The access officer had raised concerns regarding the distance of some of the disabled parking spaces from the store. The applicant's agent has advised that, while the majority of the disabled parking spaces would be within the undercroft parking area, and closest to the store entrance, it was recognised that some disabled visitors would have higher vehicles, and therefore some of the disabled parking bays had been proposed in the external parking area. A condition is recommended requiring the disabled spaces to be retained in accordance with the approved layout plan. The access officer also provided advice regarding tactile paving, access and footbridge gradients, and glazing. The applicant has advised that all steps and walkways are designed to be DDA compliant, and that the disabled parking spaces were designed to appropriate dimensions.
- 10.28 Concerns have been raised that no parking would be provided at the proposed petrol filling station. Five spaces are proposed adjacent to the proposed kiosk, which is considered appropriate for this part of the development.
- 10.29 In summary, although final comments are outstanding from the Council's UTC team, it is considered that these relate to matters of fine detail, and do not alter the view that the scheme is acceptable in highway terms. The level of parking proposed and new signalised junction is considered to be acceptable, while the package of measures put forward to improve public transport and other travel plan measures are deemed to be appropriate and would improve accessibility to the site. It is concluded that the proposed development would not have an adverse impact on highway safety in compliance with the relevant UDP policies and the guidance contained within PPG13.

Impact on nearby residential properties

- 10.30 Neighbours' concerns regarding noise and disturbance from the proposed store are noted. The closest residential properties to the site are those on Gledhow Wood Court, to the west, and Ravenscar Walk to the north. The service yard for the store is proposed in the western part of the site, at first floor level, and would be at least 25 metres from the nearest neighbouring property on Gledhow Wood Court, according to the submitted plans. Screening and cladding of the service area is proposed. The existing woodland to the west of the site would provide further screening for properties on Ravenscar Walk.
- 10.31 A noise report has been submitted with the application, which has been assessed by the Council's Scientific Noise Officer. While the Scientific Officer has raised no

objections to the proposed store, conditions have been recommended to cover the following matters:

- Details of any fixed plant to be submitted to and approved by the local planning authority prior to installation.
- Restriction of delivery hours to 7am-11pm Monday to Saturday and 8am to 6pm on Sundays (as is permitted at present). This includes tanker deliveries to the petrol station.
- Delivery and service vehicles to disable reverse beepers and refrigeration units prior to entering the site.
- Limits on construction hours (8am-6pm Monday to Friday, 9am-1pm Saturday with no working on Sundays and bank holidays).
- Restrictions on lighting.

- 10.32 Subject to these conditions, and in view of the distance between the service yard and the nearest neighbouring residential properties which are some 30m away, it is not considered that the proposed development would impact significantly on the amenities of nearby residents.
- 10.33 The Scientific Officer raises concerns regarding noise from the proposed petrol filling station, which would be open 24 hours. However, he concludes that, on balance, as no complaints have been received regarding noise from cars on other Tesco forecourts, or from the existing BP garage to the south of the site, which is open 24 hours and has houses to the rear, it would be difficult to justify refusal of the application on these grounds.
- 10.34 Concerns were raised by some local residents that the sample size of measurements in the submitted noise report was insufficient to demonstrate that noise would not be a problem. The Scientific Officer's comments on this have been sought, and he has advised that the sample size of 3 locations for day and night time noise level recordings was considered appropriate.
- 10.35 Concerns regarding the impact of the proposed new store, which would be 3m higher than the existing Homebase store on the site, on the outlook from neighbouring properties, are noted. The nearest neighbouring properties which overlook the site are on Gledhow Wood Road, to the south, and Ravenscar Walk and Ravenscar View, to the north west, and are situated at a higher level than the application site. According to the submitted plans, the north western corner of the proposed building would be almost 40 metres from the nearest dwelling on Ravenscar View. The nearest building on Gledhow Wood Court, to the south west, would be 30 metres from the edge of the service yard. In view of these separation distances, the variation in levels between the site and neighbouring residential properties, and the screening provided by existing trees along Ravenscar Walk, it is not considered that the proposed building and service yard would appear oppressive when viewed from neighbouring dwellings.
- 10.36 Neighbours' concerns regarding increased litter at the site are noted. A condition requiring details of the provision of litter bins at the store and PFS is recommended as part of any approval, to ensure that the level of provision at the site is appropriate.
- 10.37 It was suggested at the Panel meeting on 2nd July that the cladding to the rear of the building be extended to ground level to prevent noise from the undercroft parking area, which has open sides as proposed. The applicant's agent has advised that the

sides of the car park would need to be open to provide appropriate ventilation to the car park. In view of the separation distance between the car park and neighbouring properties, the variation in levels, and the screening provided by the trees to the west of the site, it is not considered that the refusal of the application on these grounds could be justified. Environmental Health have raised no concerns regarding noise in this respect. The parking spaces in this rear area of the car park are some 75 metres from the store's entrance atrium, and it is unlikely that they would be used late at night, as spaces closer to the entrance to the store are more likely to be available.

Trees and landscaping

- 10.38 Although it is proposed to remove a number of trees from within the site, predominantly those within the existing car parking area, it is proposed to retain many of the existing mature trees and planting along the site's Roundhay Road frontage and along the northern boundary of the site, and to supplement this with additional planting to the front of the proposed store and in a dense belt to the front of the proposed petrol filling station, to provide screening of the proposed development. Further planting is proposed around the eastern and southern boundaries of the proposed surface parking area, and along Gledhow Wood Road to the south. It is considered that, in general, the proposed landscaping will help to screen the development. The landscape officer is satisfied with the proposals, subject to conditions, which are recommended as part of any approval.

Planning Obligations

- 10.39 The submitted draft Section 106 Agreement covers the following matters:
- Public transport contribution – a sum of £319,241 has been agreed in this respect.
 - Metro contribution – relocating one nearby shelter and upgrading another - £46,000.
 - Travel plan and monitoring fee of £4,500 – a draft travel plan has been submitted, and is under consideration.
 - Training and employment of local people – the obligation is for Tesco to use reasonable endeavours to offer positions of employment to local people, in associated with the Council's Jobs and Skills service.
 - Contribution towards Public realm improvements to include resurfacing of footways, lighting and landscaping.

Other matters

- 10.40 In addition to the matters raised above, a number of other material planning considerations have been raised in the representations received. These are discussed in turn below.
- 10.41 Concerns had been raised regarding a culvert which crosses the site, and whether this would impact on or be affected by the development. Following further investigation, the applicant's agent has confirmed that the culvert would not physically impact on the proposed store footprint, and that they do not consider that the position of the culvert would cause any insurmountable problems for the redevelopment of the site. The Mains Drainage Officer and Environment Agency have been reconsulted on this matter, and have confirmed that they have no objections to the proposals, subject to conditions.
- 10.42 Concerns that the proposed development would increase flooding in the area are noted. As discussed above, the impact of the proposed development on the

culverted watercourse crossing the site has been carefully investigated. A Flood Risk Assessment for the development has been submitted, and neither the Council's drainage officers nor the Environment Agency have raised any objections in this respect.

- 10.43 Concerns have been raised regarding the security of the undercroft parking area. The police architectural liaison officer has been consulted on the proposals, and has advised that anti-terrorism measures (which have been agreed with the applicant) are included in the undercroft parking, and that lighting should be in accordance with the relevant British Standard. Conditions covering these matters are recommended.
- 10.44 The directors of the existing PFS to the south of the site and local residents have raised concerns regarding the impact of the proposed PFS at the Tesco site on this existing business, with the possible result that, were the BP garage to close, this would leave derelict site. Although, in accordance with the requirements of PPS6, regard has been given to the impact of the proposed development on the vitality and viability of nearby district centres, the existing PFS is not within the district centre, and competition between individual businesses, such as would be the case here, is not a material planning consideration. As such, little weight can be given to this matter in the consideration of the application, and refusal on these grounds could not be justified.
- 10.45 Concerns have been raised regarding the impact of the proposed development on wildlife. Although the site is adjacent to a Leeds Nature Area, the development itself would not encroach into this area, and it is not proposed to remove any trees in this area.
- 10.46 Some residents have queried whether an Environmental Impact Assessment (EIA) for the proposed development has been submitted. The development falls below the threshold for which an EIA would be required.
- 10.47 Concerns regarding the loss of the existing Homebase DIY/garden centre store are noted. The lawful use of this existing store was as an unrestricted A1 unit, meaning that planning permission would not be required for any other A1 retailer to move into this unit. The loss of this specific retail use from the site can therefore be given little weight in the consideration of the application.
- 10.48 Some residents have expressed concern regarding inaccuracies in the plans and supporting documentation. Where reference has been made to specific inaccuracies, such as the annotation of an existing pedestrian access as 'new', this has been taken into account in the consideration of the proposals. The level of information submitted is considered appropriate to make a comprehensive and appropriate assessment of the application.
- 10.49 Matters such as the impact of the development on property values, the number of existing Tesco stores in the area, and the social and environmental impacts of multinational retailing are not material planning considerations and therefore cannot be given any weight in the consideration of the application.

11.0 CONCLUSION

- 11.1 The scheme has been considered against the relevant policies contained within the RSS and the UDP, as well as the guidance contained within PPS6 and the scale of the existing unrestricted A1 retail use of the site. It is considered that the scale of the proposal in this District Centre is appropriate. Furthermore, it is not considered that

the increase in the scale of the store would have an adverse impact on the vitality and viability of Oakwood Centre and other nearby centres, including Harehills Corner. Indeed, the contributions would improve the environmental quality of Oakwood with replacement surfacing, lighting and landscaping, while public transport facilities would be improved through the s106 package.

- 11.2 The development will also result in an increase in the number of jobs, while the design and scale is acceptable within the streetscene and would not detract from the character and appearance of the locality. The proposed signalised junction, the impact on the local network and the number of car parking spaces are acceptable, resulting in a scheme which would not have an impact on highway safety. Furthermore, it is not considered that the proposed development would impact significantly on the amenities of nearby residents. As such, the proposed development is considered to comply with the relevant UDP and RSS policies and national planning guidance, and officers have balanced the proposal against other material considerations. In light of the above, the application is considered to be acceptable, and approval is recommended subject to the specified conditions and completion of a s106 Agreement.

Background papers:

Application and history files.

Certificate of Ownership: Notice served on Homebase Ltd



09/01995/FU

EAST PLANS PANEL



Scale 1 / 3000

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Originator: Jillian Rann

Tel: 0113 222 4409

Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 2nd July 2009

Subject: Application 09/00500/FU – Erection of two 4 bedroom dwelling houses and three 3 bedroom houses and change of use of building, including extensions, to form 1 four bedroom house & Application 09/00501/CA – Conservation area application for demolition of workshops and storage buildings at Rear of 134-140 High Street, Boston Spa, Wetherby, LS23 6BW

APPLICANT

A Wilson, G Smith, J Tate
and A Spry

DATE VALID

17th February 2009

TARGET DATE

14th April 2009

Electoral Wards Affected:

Wetherby

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Application 09/00500/FU – GRANT PERMISSION subject to the following conditions:

Application 09/00501/CA – GRANT CONSENT subject to the following conditions:

Application 09/00500/FU

1. Time limit for full permission.
2. Samples of walling and roofing materials to be submitted and approved.
3. Sample panel of stonework to be constructed and approved.
4. No building works shall take place until details and samples of all surfacing materials to the hard surfaced areas, including permeable surfacing where practicable, have been submitted to and approved in writing by the Local Planning Authority. Such

materials shall be made available on site prior to the commencement of their use, for the inspection of the Local Planning Authority who shall be notified in writing of their availability. The surfacing works shall be constructed from the materials thereby approved.

5. Development shall not commence until details of the glazing, materials and treatment/colour of all windows and doors have been submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall be carried out in accordance with the approved details.
6. Development shall not commence until full details of all rainwater goods and eaves have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the details thereby approved and retained thereafter as such.
7. Details of boundary treatments.
8. Details of hard and soft landscaping.
9. Implementation of landscaping scheme.
10. Areas used by vehicles to be laid out.
11. The development shall not be occupied until the parking spaces marked 'flat parking' and 'shop parking' on the approved site plan (drawing 07.1307.10 E) have been marked out for this purpose. These two spaces shall thereafter not be used for any purpose other than parking for the two properties to which they relate.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Orders revoking or re-enacting that Order with or without modification) the car port to plot 6 hereby approved shall not be fitted with garage doors.
13. The parking spaces within the site shall be allocated to the units as indicated on the approved site plan (Drawing number 07.1307.10 Revision E), and shall not thereafter be sold, let or otherwise disposed of to any other user.
14. Provision for contractors during construction period.
15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Orders revoking or re-enacting that Order with or without modification) planning permission shall be obtained before any windows other than those shown on the approved plans are inserted in the eastern elevation of Plot 1.
16. The first floor window in the eastern elevation of the dwelling hereby approved at Plot 1 shall be glazed with obscure glazing and shall thereafter be retained as such.
17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Orders revoking or re-enacting that Order with or without modification) planning permission shall be obtained before any extensions or outbuildings are erected.
18. Development shall not commence until details of works for dealing with surface water discharges from the proposed development and proposals for any off site watercourse

works have been submitted to and approved in writing by the local planning authority. No piped discharge of surface water shall take place from the application site until the works thereby approved have been completed.

19. Submission of contaminated land information.

20. Amended remediation statement.

21. Submission of verification statement.

Application 09/00501/CA

1. Time limit for commencement of development.
2. No demolition until contract signed for redevelopment

Reasons for approval:

09/00500/FU

The application is considered to comply with policies GP5, H4, N12, N13, N19, BD5, BD6, BC7, T2, T24 and LD1 of the UDP Review, as well as guidance contained within SPG13: Neighbourhoods for Living, PPS1, PPS3 and PPG5 and having regard to all other material considerations, as such the application is recommended for approval.

09/00501/CA

The application is considered to comply with policies GP5, N18A and N18B of the UDP Review, as well as guidance contained within PPG15 and having regard to all other material considerations, as such the application is recommended for approval.

1.0 INTRODUCTION:

- 1.1 These applications are reported to Plans Panel at the request of Councillor John Procter, on the grounds of parking and highways issues. Councillor Procter has requested a site visit.

2.0 PROPOSAL:

- 2.1 The first application is for the erection of a terrace of 5 dwellings, including two 4 bedroom houses and three 3 bedroom houses, and for the change of use of an existing building on the site to a further 4 bedroom dwelling. All other existing buildings on the site are to be demolished as part of the proposals.
- 2.2 The proposed terrace of properties would be staggered in appearance, with one end property being set forward of the three central houses, and one being set back. It is proposed to construct the properties of limestone, with blue slate roofs. All but one of the properties has rooms in the roofspace, served by rooflights in the rear elevation. The properties are arranged as follows:
 - Plot 1: End terrace, 4 bedrooms, including one in the roofspace, 2 parking spaces (one to the front and one in a small parking area opposite).
 - Plots 2 and 3: Mid terrace, 3 bedrooms, including one in the roofspace, integral garage and parking space in front..
 - Plot 4: Mid terrace, 3 bedrooms, 2 parking spaces in small parking area opposite.
 - Plot 5: End terrace, 4 bedrooms, including one in the roofspace, 3 parking spaces within curtilage.

- 2.3 It is proposed to convert an existing building on the site to form a further 4 bedroom dwelling, with an attached car port, and parking space (plot 6). This building would have accommodation over 2 floors, served by rooflights and a small, flat-roofed dormer.
- 2.4 It is proposed to access 5 of the properties (plots 1-4 and plot 6) from the existing access from High Street. A shop and a flat on High Street have existing rights to use this access, and to park within the site, and parking spaces for these properties have been included. Plot 5 is to be accessed from Church Mews, a cul-de-sac to the rear of the site.
- 2.5 The terraced properties would have small, landscaped front gardens, with low stone walls and railings. Landscaped areas are proposed to break up the parking areas within the site. A bin store is proposed close to the site entrance.
- 2.6 The second application seeks conservation area consent for the demolition of a number of existing workshops and storage buildings on the site.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to an area of land to the rear of shops on High Street in the centre of Boston Spa. The site is currently occupied by a number of light industrial units, including a joiners' workshop, a car storage building and a meat preparation plant. The existing buildings vary in their design, and include a number of single storey, flat roofed, render buildings in the eastern part of the site, and a part single, part two storey stone building with a metal roof in the south western corner of the site. It is proposed to demolish these buildings as part of the application. The site also contains an older stone building with a red pantile roof. It is proposed to retain and convert this building as part of the application.
- 3.2 The site is accessed from Main Street by a narrow drive. There is a second access in the south western corner of the site, which is currently obstructed by part of the existing building in this area, which is proposed to be demolished. The site is currently surfaced with hardstanding, and is used for storage of materials and the parking of a number of vehicles associated with the existing use of the site.
- 3.3 The site is in Boston Spa conservation area, and is surrounded by stone buildings of varying ages and designs. The site is in a mixed area, including shops and pubs on High Street to the north, a day nursery on St Mary's Street to the east, and residential properties to the east, south and west. The site itself is located within the core of the settlement, and is surrounded by properties which tend to be smaller, and built at a higher density than the early 20th century suburban housing further away to the north. These developments include rows of terraced cottages on Church Street to the west, terraced cottages and semi-detached houses with small back gardens on St Mary's Street to the east, and flats at Church Mews, immediately to the south of the site. A number of the shops on High Street, to the north of the site, have flats above.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 08/00399/FU – Erection of 6 dwellings houses comprising 3 three bedroom semi-detached houses, 2 two bedroom semi-detached houses and 1 four bedroom semi-detached house and change of use of building including extensions to 2 two bedroom semi-detached houses. Withdrawn April 2008.

- 4.2 08/00401/CA – Conservation Area application for demolition of workshops and storage buildings. Withdrawn April 2008.
- 4.3 There have been various approvals in the early 1980s, and the mid 1990s for extensions to and replacements of existing workshop buildings on the site, together with a permission, in December 1984 (reference H31/256/84/) for the use of part of the site as a vehicle storage area.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 An application for a total of 8 dwellings on the site (including 6 new-build and 2 in the existing building which is proposed for retention) was submitted in February 2008 (reference 08/00399/FU). The development proposed was in the form of 4 pairs of semi-detached houses, 6 of which would be accessed from High Street and 2 from Church Mews, to the rear. Following concerns regarding highway safety, inadequate provision of amenity space, inadequate separation between dwellings, and the intensity of the development, the application was withdrawn.
- 5.2 Following the withdrawal of the application, a series of meetings were held with the applicants and their agent, and it was suggested that the number of dwellings be reduced, to allow appropriate levels of parking and turning to be accommodated within the site, and to improve the levels of amenity space provided and ensure that appropriate separation distances from neighbouring properties could be achieved. Advice was also provided on the design of the proposed dwellings.
- 5.3 The current application, as submitted, was for six 4 bedroom houses (5 new build and one in the converted building), with parking in a courtyard area at the entrance to the site. Concerns were raised that the size of the proposed parking spaces and aisle widths within the parking area were substandard, and that, although improved, the levels of amenity space for some of the proposed dwellings were still substandard. Concerns were also raised that the level of hardstanding and outdoor parking proposed, in such close proximity to the site entrance, would detract from the visual amenity and character of the area. Revised plans were submitted, with integral garages being incorporated within two of the properties, and the roofspace accommodation removed from one, thereby reducing the level of habitable floorspace and the size of the parking areas. An indicative landscaping scheme for the site, showing planting to the front of the proposed dwellings, and in between the parking areas, has now also been submitted. Furthermore, the proposed double garage at plot 5 has been deleted from the proposals, to improve the outlook from the windows of this property, provide more amenity space and reduce the number of buildings proposed on the site.
- 5.4 Highways officers had raised concerns regarding the parking space originally proposed to the front of the garage to plot 6, since this space would have a substandard aisle width for reversing/turning, and was likely to cause an obstruction to vehicles trying to access the spaces adjacent to plot 6. In response to these concerns, the design of the garage has been revised to a car port, keeping it open for parking, and a further space provided to the other side of the building, thereby removing the parking space to the front of the car port.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was publicised by site notice and press notice as affecting the character of a conservation area. Owing to an error in the description of the development upon receipt, the application was readvertised with the correct description.

- 6.2 Councillor John Procter has requested that the application be reported to Plans Panel on the grounds of parking and highways issues, and has advised that his own views on the parking and highways echo those of the Parish Council in their second letter of representation, which are set out below.
- 6.3 Boston Spa Parish Council have advised that they have no objection in principle to the redevelopment of the site, they have concerns about a number of issues. Their concerns regarding the plans originally submitted with the application were:
- Overdevelopment – these are family homes with very little garden or play space, with levels of provision which seem to be below the City’s own standards.
 - Limited scope for landscaping and little greenspace within the site.
 - Highway safety – the access from High Street is narrow (less than 3m wide in places), meaning 2 vehicles cannot pass. The access has a 90 degree bend and poor sightlines at the junction, which has parked cars either side, resulting in poor visibility for vehicles entering and leaving the site. On another development further along High Street, with a better access, an application was refused and appeal dismissed, ruling that the access was too dangerous for even 2 new houses to be built. It would be more appropriate to serve the site from Church Mews to the rear, with the High Street entrance being for pedestrian access only.
 - Parking provision is inadequate.
 - The design and access statement is wrong, as it states only 5 properties would be served from the High Street access. There are 2 existing properties (a shop and a flat on High Street), which also have rights to use this access, making 7 in total.
 - Figures in the design and access statement regarding existing vehicle movements appear to significantly overstate actual daily movements and the type of vehicles used, and understate the number of vehicle movements which would result from the new dwellings. Vehicles that do use the site still create difficulties and hold ups on High Street if 2 vehicles try to pass each other at the access. Furthermore, the figures quoted appear to be out of date.
 - Although no objections to the design, it is a pity that some work/live studio unit could not be incorporated to maintain some employment opportunities in the centre of the community.
 - Suggestion that some hard surfacing could be replaced with permeable materials.
- 6.4 Upon receipt of revised plans, the Parish Council were re-notified, and reiterated their concerns regarding the density of development, lack of garden space, highway safety and design, and raised the following additional matters:
- Construction traffic from high Street is a serious issue, as 2 lorries will not be able to pass. This is very close to a children’s nursery entrance.
 - Parking provision is still inadequate. Although spaces are now shown for the 2 properties on High Street, there is no visitor parking and spaces do not appear to be of an adequate size. Unless a condition is imposed on the lengths of cars which can park on the site and the use of the garages for no purpose other than parking, and that no visitors can arrive by car, the parking provisions are totally inadequate for an area with a higher than average level of car ownership.
- 6.5 The Parish Council were renotified following revisions to amend the garage to plot 6 to a car port to overcome the concerns of the highways officer, and have made the following comments:

- Suggested condition to prevent the car port to plot 6 being changed to a garage is welcomed, but doesn't overcome concerns regarding lack of adequate parking for other houses. [The Parish Council's references to specific dimensions of parking spaces which they consider substandard do not correspond with the scaled measurements taken from the plans. All such dimensions have been checked by the highways officer, who has advised that the proposed garages and parking spaces, as scaled from the submitted plans, are all appropriate in their dimensions].
- No visitor parking.
- Garages to plots 2 and 3 are likely to be used for household storage given size of houses.
- Not appropriate to simply apply UDP parking standards as this is an area of higher than average car ownership due to lack of adequate public transport. High Street only has limited and time restricted parking and will not make up for shortfall on site.
- Increased width of access drive within the site may help slightly, but inability of 2 vehicles to pass at site entrance will lead to traffic backing up on High Street. Traffic on High Street has increased since A1 upgrade. Poor sightlines at entrance will make manoeuvres more difficult.
- Panel site visit is needed to allow Members to appreciate constrained access.

6.5 4 letters of objection have been received from local residents. As the application was readvertised, multiple letters have been received from some properties. The following concerns are raised:

- Overdevelopment of the site.
- Overlooking and overshadowing of neighbouring properties on St Mary's Street.
- Submitted plans do not show extension at neighbouring property.
- Inadequate parking provision – likelihood that parking will overspill onto High Street, exacerbating existing problems.
- Plans make no mention of the impact on the area in terms of an increase in traffic.
- Disruption for residents and on local roads during construction.
- Concerns that if wind flow is altered by a new building in close proximity to neighbouring property, this may affect performance of chimney for wood burning stove, causing smoke to swirl into neighbouring gardens.
- Errors in description. *These were corrected and the application readvertised with the correct description.*

6.6 All matters raised in the representations received are addressed in the appraisal below.

7.0 CONSULTATION RESPONSES:

Statutory

7.1 None.

Non-statutory

7.2 Highways

Objected to plans as originally submitted on the grounds that the proposed parking spaces had a substandard aisle width, no bin store details were provided, and the level of parking would be inadequate. Following receipt of the revised plans, the highways officer advised that they had no objections, but that the parking space to the front of the garage of plot 6 would not have the required aisle width of 6m. Following receipt of revised plans showing a car port instead of a garage to plot 6,

and a separate parking space to the other side of the building, removing the parking space to the front of the garage/car port, highways have advised that they have no objections to the proposals.

7.3 Mains Drainage
No objection subject to conditions.

7.4 Contaminated Land
No objection subject to conditions.

7.5 West Yorkshire Police
Suggestions are made with regard to providing appropriate security for the proposed dwellings.

8.0 PLANNING POLICIES

Development Plan

8.1 The development plan for Leeds consists of the Regional Spatial Strategy for Yorkshire and the Humber adopted May 2008 and the Leeds Unitary Development Plan (Review) (UDP), adopted 19th July 2006. The RSS is a strategic planning document, used to inform more detailed policies at a local level. Accordingly, it is not considered that there are any particular policies which are relevant to the assessment of this application.

8.2 The application site is within Boston Spa conservation area. The north western part of the site, which includes the retained building, is also within the boundaries of Boston Spa town centre, as designated in the UDP. The following UDP policies are relevant to the consideration of the applications:

GP5 – General planning considerations.

H4 – Housing proposals.

N12 – Urban design.

N13 – Design and new buildings.

N18A and N18B – Demolition of buildings in conservation areas.

N19 – New development in conservation areas.

BD5 – New buildings and amenity.

BD6 – Extensions and alterations to existing buildings.

BC7 – Use of traditional local materials in conservation areas.

T2 – Highway safety.

T24 – Parking provision.

LD1 – Landscaping.

Supplementary Planning Guidance

8.3 SPG13 – Neighbourhoods for Living: A Guide for Residential Design in Leeds.

National Policy and Guidance

8.4 Planning Policy Statement 1: Delivering Sustainable Development (PPS1)

Planning Policy Statement 3: Housing (PPS3)

Planning Policy Guidance 15: Planning and the Historic Environment (PPG15)

9.0 MAIN ISSUES

1. Principle of development.

2. Impact on the character and appearance of the conservation area

3. Residential amenity.

4. Highway safety.

5. Other issues.

10.0 APPRAISAL

Principle of development

- 10.1 The application site is an area of previously developed land within Boston Spa town centre, close to local amenities and public transport links. As such, the principle of redeveloping the site for housing is considered acceptable, provided that the redevelopment would not detract from the character and appearance of the area, the amenities of nearby residents, or from highway safety in this locality.

Impact on the character and appearance of the conservation area

- 10.2 Concerns raised by local residents and the parish council about the density of the development and that the proposals would lead to an overdevelopment of the site are noted. At a level of approximately 35 dwellings per hectare, the proposed development is within the density levels for new housing recommended in PPS3. The site is within the historic centre of Boston Spa, an area characterised by relatively high density housing, including terraced cottages on Church Street to the west and flats to the south of the site, the densities of which are higher than those proposed on the application site. As such, it is not considered that a housing development of the scale and density proposed would be out of character with the surrounding conservation area.
- 10.3 The proposed development would replace a series of workshops and light industrial units and a vehicle storage area which are considered to contribute little to the character of the conservation area. The proposed dwellings would be constructed of stone, with slate roofs, and are of a design which is considered to reflect the features and scale of surrounding developments. The alterations to the existing building, which include a small extension and the addition of a small, flat roofed dormer window in the roof slope, are considered to be sensitive to the building's character. As such, it is considered that the proposed development would enhance the appearance of this site within the conservation area.
- 10.4 Revised plans have been received, with the level of hardstanding reduced, and areas of landscaping proposed to break up the parking areas and to provide small front gardens to the new properties. It is also proposed to include some permeable surfacing within the site. While the Parish Council's concerns regarding the lack of landscaping are noted, this is a relatively small site, which is already quite intensively used, and which is currently almost exclusively surfaced with hardstanding, with no soft landscaping. In light of this, it is considered that, in providing soft landscaped areas, and permeable surfacing, the proposals would enhance the character of the site and the wider area in this respect.
- 10.5 The conservation officer has advised that he has no objection to the demolition of the existing buildings on the site, or to the proposed development. As such, and subject to conditions requiring details of materials, doors and windows, surfacing materials and landscaping, the proposed development is considered acceptable in terms of its impact on the character and appearance of Boston Spa conservation area.

Residential amenity

- 10.6 Concerns regarding the overlooking and overshadowing of neighbouring properties on St Mary's Street, to the east, are noted. According to the submitted plans, the end property, plot 1, would be 6.2 metres from the rear of the nearest neighbouring dwelling on St Mary's Street. The only window in the elevation directly facing this

neighbouring property is a landing, and the siting of the proposed dwelling is such that the windows in the rear of the neighbouring property would not look directly onto the end gable of the proposed property, nor would it be directly adjacent to the rear garden of the neighbouring dwelling. As such, it is not considered that the proposed development would result in a significant increase in direct overlooking of neighbouring properties or their gardens, or appear overbearing or overdominant when viewed from neighbouring properties. The proposed dwelling would be sited to the north west of this neighbouring property, and it is therefore considered that any increase in overshadowing which may result would be marginal and insufficient to warrant refusal on these grounds. In light of this, it is considered that the proposed development would not detract significantly from the amenities of neighbouring residents. Conditions requiring the side landing window to be obscure glazed and removing permitted development rights for new windows in this elevation are recommended, in order to prevent overlooking of neighbouring properties.

- 10.7 It is acknowledged that, in view of the proximity of neighbouring properties on St Mary's Street to the east, and the flats to the south, there is likely to be some overlooking of the gardens of plots 1 and 2 from these neighbouring windows. However, the separation distances between windows in the proposed dwellings themselves and those in existing neighbouring properties are considered acceptable, and these neighbouring properties would still be some 6 metres from the proposed gardens. As such, it is considered that, any overlooking would be marginal, and would be evident to any potential purchasers. As such, it is not considered that refusal on these grounds could be justified.
- 10.7 Concerns regarding the levels of amenity space for the proposed dwellings are noted. Neighbourhoods for Living recommends that as a general guide, private gardens for family homes should have a minimum area of 2/3 of total gross floor area of the dwelling. While the amenity space proposed for plots 1, 2, 5 and 6 exceeds this recommended level, the gardens of plots 3 and 4 are smaller and fall below this level (both are around 50% according to the submitted plans). However, Neighbourhoods for Living also advises that the primary consideration when assessing private space provision is the overall quality and relationship to context. The surrounding area contains a variety of residential properties, and includes numerous terraces of traditional housing with small back gardens, and it is considered, in light of this, that the proposed development would not be out of character with its surroundings. The majority of the properties have adequately-sized private amenity areas, and it is considered that, in view of the character of other developments in the area, that refusal on these grounds could not be justified.
- 10.8 The depths of the rear gardens of plots 2 to 4, at 9.5 metres, fall below the recommended depth of 10.5 metres in Neighbourhoods for Living. However, these recommended distances relate primarily to providing appropriate levels of privacy for future occupiers and neighbouring residents. While there are flats to the rear of the site, all habitable windows in these flats are over 15 metres away. As discussed above, it is considered that these slightly smaller gardens would not appear out of character within an area characterised by relatively densely developed semi detached and terraced housing, and it is considered, in light of this, and the separation from the flats to the rear, that refusal of the application on these grounds could not be justified.

Highway safety

- 10.9 The concerns of neighbours and the Parish Council regarding highway safety are noted. While it is acknowledged that the access to the site from High Street is substandard in terms of its width, the site currently contains a number of existing

workshop and light industrial uses, and a vehicle storage facility. Details of the number of vehicle movements associated with the existing uses of the site have been provided. These indicate that up to 25 cars and 21 vans use the site per day, together with weekly use by larger delivery vehicles, including a low loader car transporter. The level of traffic associated with the proposed residential use (access for 5 properties, together with a flat and shop on High Street who already have rights to park on the site) is likely to be lower, and the vehicles smaller than those which currently use the site, and on this basis, while the access from High Street is substandard in some respects, it is considered, on balance, that the proposed residential redevelopment would actually result in a less intensive use of this access. The site plan has been revised to provide a wider road area at the top of the site access, in front of plot 1, allowing improved visibility and more space for vehicles leaving the site to wait for other vehicles entering the site from High Street, thereby reducing the likelihood that vehicles would have to reverse onto High Street. It is therefore is not considered that refusal of the application on these grounds could be justified.

- 10.10 The access to Plot 5 from Church Mews to the rear of the site is considered acceptable.
- 10.11 Following revisions to the plans, the levels of parking proposed within the site are now considered appropriate. Each property would have 2 spaces, with provision for the shop and flat on High Street which have rights to park on the site. Although visitor parking provision is minimal, it is considered, on balance, in view of the site's town centre location and proximity to public parking facilities, that refusal on these grounds could not be justified. A condition is recommended requiring the parking spaces for the shop and flat on High Street to be clearly indicated and not to be used for any other purpose, to ensure that these spaces remain in place, and to prevent the displacement of this parking onto the High Street. A further condition requiring the parking spaces on site to be allocated to the individual properties as indicated on the submitted site plan and not thereafter to be sold on or used by other users is also recommended, to ensure that the spaces remain available for use by the properties on the site for the lifetime of the development.
- 10.12 The highways officer had raised concerns that the aisle width for the second parking space at plot 6 was substandard. Revised plans have been received, showing a car port instead of a garage to plot 6, and a parking space to the opposite side of the building, thereby replacing the parking space to the front of the car port. It is considered that, by keeping the car port open fronted, future residents would be discouraged from using this area for storage, as they may with a garage, and would instead use this area for parking. It is also considered that people visiting the site would be discouraged from parking in front of the car port, since to do so would restrict access to and from the car port for residents. The highways officer has now advised that they consider these revisions sufficient to overcome their concerns in this respect, and that they do not now feel that refusal of the application on these grounds could be justified. A condition preventing the car port from being fitted with garage doors is recommended as part of any approval, in order to keep this area open for parking.
- 10.13 Neighbours and the Parish Council have raised concerns regarding access to the site for construction traffic. In view of the nature of the access to the site, it is recommended that a condition be attached to any approval requiring details of access and parking for construction traffic to be approved before works commence, to ensure that these works do not impact on highway safety on High Street during the construction period.

10.14 The Parish Council refer to an appeal decision on Oaks Lane, further along High Street, relating to 2 new dwellings, which was dismissed on the grounds that the two additional properties it would intensify the use of an existing substandard access. Whilst the current proposals also relate to an existing substandard access, highways advice is that the proposal is likely to lead to a less intensive use of the access. It is not therefore considered that the Oaks Lane decision is directly comparable to the current proposals. Since the proposed development would, it is considered, result in a less intensive use of a substandard access, it is considered acceptable in highway safety terms.

Other issues

10.15 Concerns regarding inaccuracies in the design and access statement and in the figures quoted in relation to existing vehicle movements on the site are noted, however, in the absence of any evidence to the contrary, there is no reason to question the figures provided. The highways officer has been consulted, and has taken into account the existing vehicle movements and those which would be associated with the proposed dwellings, and is of the view that the proposed development would result in a less intensive use of the access than the existing, and is therefore acceptable in terms of highway safety.

10.16 The Parish Council has suggested that some work/live units could be included in the proposals. While this is noted, the application has not been made on this basis, and as it is considered that the proposed development is acceptable as submitted (and revised), this has not been pursued further.

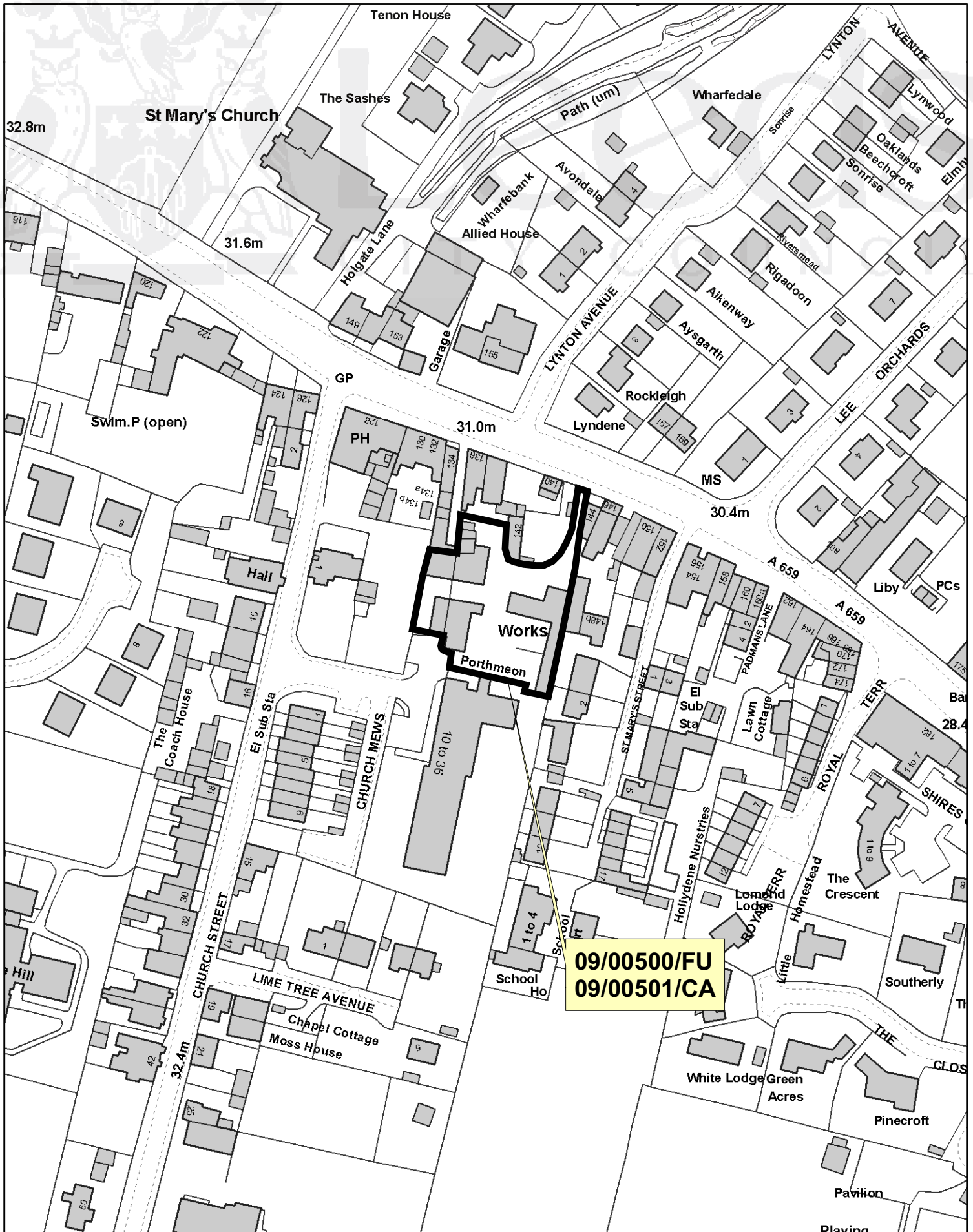
10.17 A neighbour has raised concerns that the proposed development could affect wind flow and thus result in smoke from their wood burning stove chimney swirling into neighbouring gardens. In view of the relatively small scale of the development, and the distance from neighbouring properties, no significant impacts in this respect are anticipated.

11.0 CONCLUSION

11.1 It is considered, in the light of the above, that the proposed demolition of existing buildings on the site and the proposed redevelopment would not detract from the character and appearance of Boston Spa conservation area, from residential amenity, or from highway safety in this locality. As such it is recommended, subject to the conditions set out above, that the applications be approved.

Background Papers:

Application files 09/00500/FU and 09/00501/CA, history files 08/00399/FU and 08/00401/CA. Certificate of ownership – signed on behalf of applicants.



EAST PLANS PANEL I

Scale 1/1500

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Originator: V Hinchliff
Walker
Tel: 39 51343

Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 27/08/09

Subject: APPLICATION 09/02802/COND. – DISCHARGE OF CONDITION 2, WALLING MATERIAL, STANIG HOWE, THE RIDGE, LINTON, WETHERBY, LS22 4HJ.

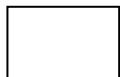
APPLICANT
Mr D Howson

DATE VALID
26 June 2009

TARGET DATE
21 August 2009

Electoral Wards Affected:

Harewood.



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Approve discharge of condition 2 regarding materials for walling.

1.0 INTRODUCTION:

- 1.1 Members will recall planning application reference 09/00073/FU for a replacement house at this site which was reported to Panel on 09/04/09. At the time Members requested a condition for the use of “random stone” for the walling materials. Subsequent to this an application for the discharge of this condition has come in, the applicant proposes to use regular stone and as this is not what was requested by Members the proposal is referred back to Panel for consideration.

2 PROPOSAL:

- 2.1 The condition requiring discharge is set out below:

Construction of external walling shall not be commenced until a sample panel(s) of the external walling to be used (random coursed stone, unless otherwise agreed in writing by the Local Planning Authority) has been constructed and approved in writing by the Local Planning Authority. The

sample panel(s) shall be erected on site to establish its detail. The external walling shall be constructed in strict accordance with the sample panel(s) which shall not be demolished prior to the completion of the development.

Reason: In the interests of visual amenity and to ensure that the external walling harmonises with the character of the area.

- 2.2 The applicant has erected a sample panel of coursed stone, this is a pitched face natural sandstone from Rand and Asquith Stone Quarries (based in Elland).

3 SITE AND SURROUNDINGS:

- 3.1 The site has no policy designation, although land to the west is designated as a Protected Area of Search under Policy N34.
- 3.2 Stanig Howe is an individually designed bungalow with high sloped roof with dormers set in. The bungalow is constructed from regular coursed natural stone with timber cladding to the gables.
- 3.3 The approved planning application gave permission for the bungalow to be replaced with a two storey house. This is shown on the plans as being constructed in natural coursed stone, with stone window surrounds and quoins.
- 3.4 The Ridge is a private road with a variety of houses in terms of style and size, all are detached and set in good sized gardens. Many of the properties are constructed from random sized stone laid to regular courses although there are examples of regular stone and the use of render.

4 RELEVANT PLANNING HISTORY:

- 4.1 09/00073/FU, 4 bedroom detached house with attached double garage to existing dwelling site, approved at Plans Panel on 09/04/09.

5 HISTORY OF NEGOTIATIONS:

- 5.1 A site visit has been carried out by the Case Officer, and a meeting has been held on site between all parties to discuss the proposed stone. The stone is considered to be of good quality and would be suitable, however concerns have been discussed with the applicant with regard to the fact that the size of the stone is not random as requested in the condition.

6 MAIN ISSUES

- 6.1 The appropriateness of the chosen walling material with regard to the character of the area.

7 APPRAISAL

- 7.1 When the application for the replacement house was discussed at Panel Members expressed a desire for the use of random coursed stone to ensure that the new house would fit in well with other existing properties on the street. This was duly incorporated into a Condition on the approval with the proviso "unless otherwise agreed in writing".

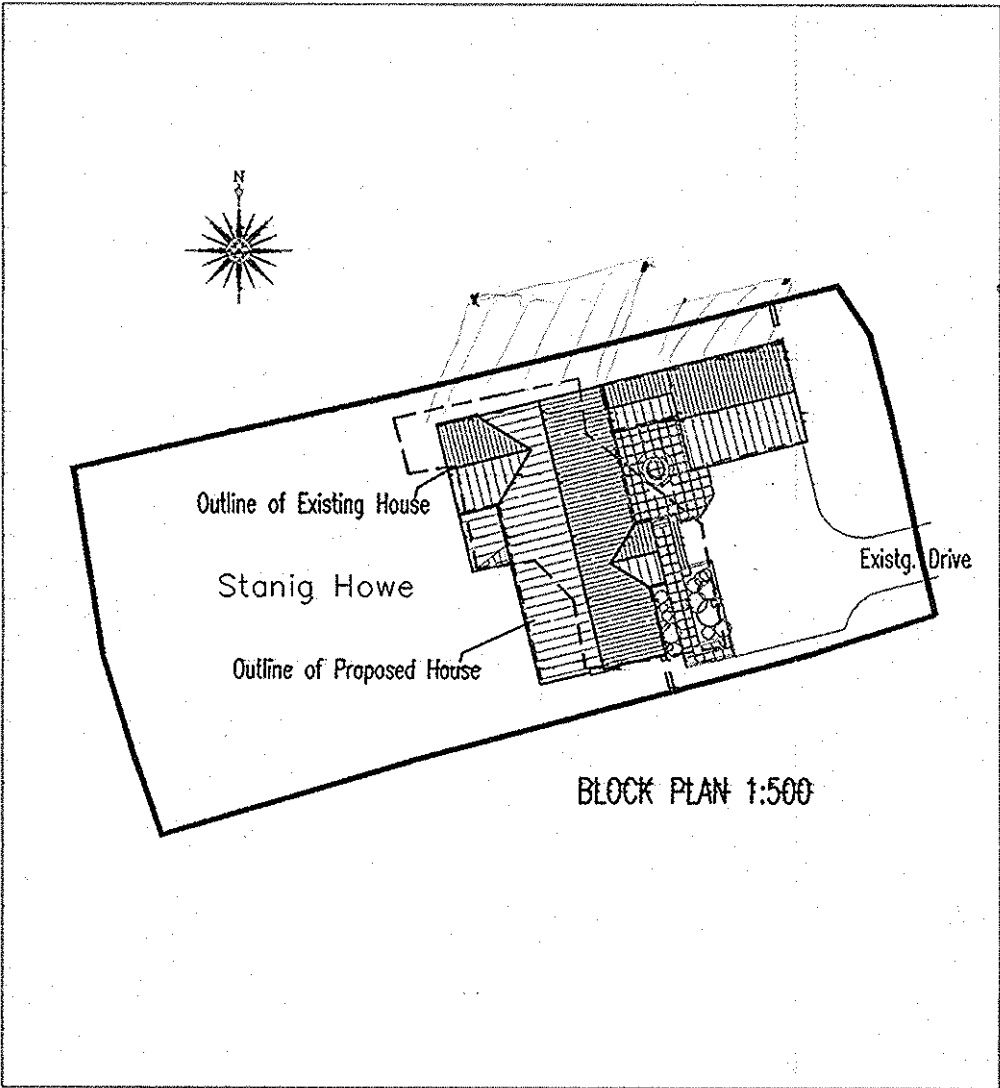
- 7.2 The applicant, however, does not agree with the use of random stone as both he, and the builder, consider that this would not suit the property being built. Instead a regular coursed, natural sandstone has been chosen. This is a good stone, from a West Yorkshire quarry and has been used elsewhere in Linton (Birchdene, College Farm Lane).
- 7.3 The existing property is built from regular, coursed stone, which is similar in appearance to the proposed stone. The new house to be built is a two storey house and the front elevation will be broken up by window openings with stone surrounds, use of quoins and the entrance doorway. The stonework will therefore be broken up such that the regularity of the stonework will be less apparent. As this is a natural product there will also be some slight variations in stone sizes which will ensure that the stonework is not completely uniform.
- 7.4 Adjacent properties, and properties in the main on The Ridge use pitch faced random sized stone laid to regular courses, reflected by the common boundary wall that runs along both sides of the road. The use of render is also apparent. This use of random stone is prevalent throughout the village, however it is not uncommon to see houses built in regular coursed stone and there are examples where they sit side by side.

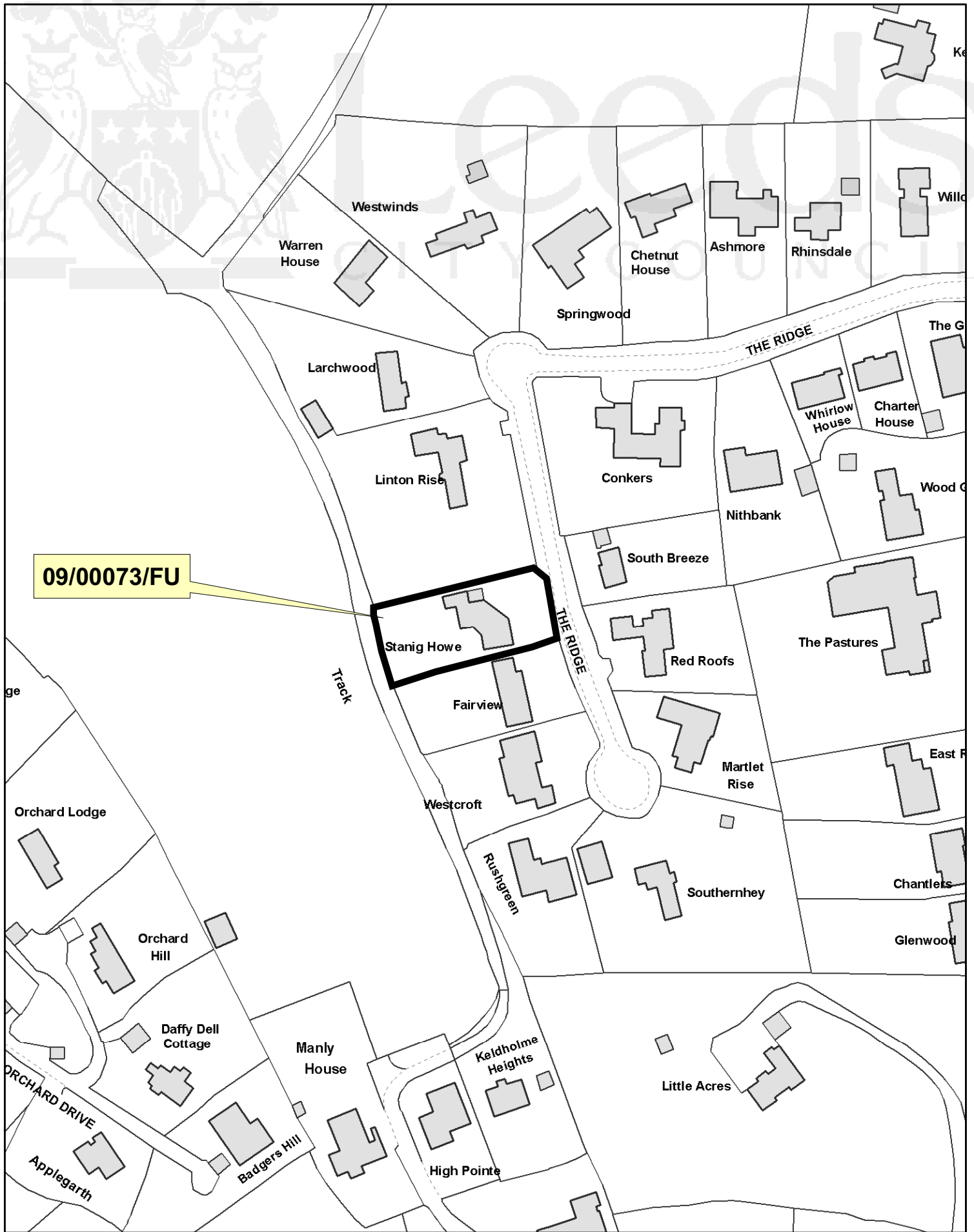
8 CONCLUSION

- 8.1 It is considered that on balance the proposed stone is of good quality and would not of itself look out of place in this location. It is accepted that it is different to neighbouring properties in that it is not random sized, however the existing property is also different in its use of materials, and this stone proposed here has been accepted elsewhere in Linton. The proposed material is also compatible with the traditional style of architecture of the approved house. It is arguable that the random stone is at odds with this architectural treatment but is more in keeping with architecture associated with the 1960's and 1970's. The proposed material is therefore not considered to be harmful to the character or visual amenity of the locality and Members are asked to approve the material such that the condition may be discharged.

Background Papers:

Application file 09/00073/FU.





09/00073/FU

EAST PLANS PANEL

Scale 1/1500

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Originator: Martha Hughes

Tel:0113 395 1378

Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 27 August 2009

Subject: APPLICATION 09/02943/FU – Full application for erection of a mosque and community centre to existing depot site with new vehicular and pedestrian access and basement car park at Land at junction of Catherine Grove and Lodge Lane, Beeston, Leeds

APPLICANT

Abu Huraira Islamic Centre -
Mr M Raouf

DATE VALID

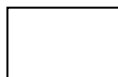
6th July 2009

TARGET DATE

31st August 2009

Electoral Wards Affected:

City & Hunslet



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

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 include the following obligations;

- **Restriction of use of the existing mosque to education facility only**
- **£2500 payment to cover monitoring of the Travel Plan**

1. Time Limit (3 years)
2. Sample of wall and roof materials to be submitted
3. Development shall not commence until details of the glazing, materials and treatment/colour of all windows and doors have been submitted to and approved in

writing by the Local Planning Authority. Once approved, the development shall be carried out in accordance with the approved details.

4. Details of boundary treatments.
5. Details of hard and soft landscaping
6. Implementation of landscaping scheme
7. The Mosque shall not be used other than for the following purposes, unless otherwise first agreed in writing with the Local Planning Authority:
 - a. Daily prayer, Eid prayer and funeral prayers.
 - b. Women's groups.
 - c. Elderly groups.
 - d. Missionary work.
 - e. Religious, moral and cultural education of children up to the age of 16.
 - f. Ancillary administration of mosque function.
 - g. Welfare and advice sessions with emergency services, local authority agencies and others as appropriate.
 - h. Meetings of community representatives and mosque committee.
8. The mosque shall not be used for the purposes of weddings, funerals (except funeral prayers) or other such functions.
9. No tannoy system shall be operated on the site.
10. No development shall take place until details of any extract ventilation system, (including details of a filter to remove odour, and the methods of treatment of the emissions), flue pipes or air conditioning systems have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the works approved in accordance with this condition have been completed. Such works shall thereafter be retained.
11. Scheme of sound insulation
12. Lighting restrictions
13. No development shall take place until details of the proposed means of disposal of foul and surface water drainage including details of any balancing works and off site works, have been submitted to and approved by the local planning authority. No piped discharged of surface water shall take place from the application site until the works thereby approved have been completed unless otherwise approved in writing.
14. No building or obstruction shall be located over or within 3 metres either side of the centre line of the sewers that cross the site.
15. Provision of dropped kerbs.
16. Implementation and monitoring of travel plan.
17. Provision of disabled parking spaces.

Reasons for approval:

The application is considered to comply with policies GP5, T2, T24, N12, N13, BD5 of the UDP Review, as well as guidance contained within PPS1 and PPG13 and, having regard to all other material considerations is considered acceptable.

1.0 INTRODUCTION:

- 1.1 This application was presented to Members at the July 30th Panel meeting as a position statement. The application proposes a new mosque to serve the Muslim community of Beeston. The applicants, the Kashmir Muslim Welfare Association (KMWA) currently occupy premises at Hardy Street and the proposed building is to replace these premises and provide better facilities.

- 1.2 Since the position statement was brought to the previous Plans Panel meeting the applicant has submitted a Transport Statement and Travel Plan which have now been considered by Highways.
- 1.3 Amendments to the scheme will also be submitted to remove the 6 lower ground floor parking spaces due to the resultant change in levels which conflict with providing level access into the entrances and amended plans will be presented to Plans Panel.
- 1.4 At the Plans Panel meeting of 30 July Members were supportive of the application. Members raised queries regarding the uses of the different halls within the building, the community uses currently taking place and what will happen to the existing mosque, as well as queries regarding different Muslim groups in the area and also the purpose of the minarets as well as commenting that highway matters should be fully assessed. These queries and issues are addressed in the report at paragraphs 10.22 to 10.26.
- 2.0 PROPOSAL:**
- 2.1 The application seeks full planning permission for the erection of a 4 storey (including lower ground level) building as a replacement facility for the KMWA. The proposal originally included 6 parking spaces together with cycle parking at the lower ground level accessed via an internal access ramp from the corner of Lodge Lane and Catherine Grove. The applicant is revising the proposal to delete the lower ground level parking which will therefore remove the vehicular entrance, lower the height of the building and provide level access to the entrances.
- 2.2 Two further off street parking spaces are proposed at the corner of Stratford Street and Back Tempest Road (the precise design and siting of these spaces is to be controlled by condition 17). The main pedestrian entrance to the building is from Catherine Grove.
- 2.3 The Design and Access Statement advises that the proposal is to serve the needs of the existing users at the Hardy Street mosque/ community centre and to provide improved and additional facilities for women and the growing local Muslim population. The applicants advise that the existing mosque at Hardy Street is cramped and overcrowded with no off street parking.
- 2.4 The proposed mosque and community centre would be used as a mosque and prayer facility, community facility and other recreational activities and for educational use.
- 2.5 The proposed plans identify the different uses on each of the floors, with a community hall at the lower ground level (115 sq.m) an everyday hall at ground floor level (208 sq.m) the main prayer hall is at first floor level (371 sq.m) and a ladies prayer hall at second floor (230 sq.m). This may be subject to some change/reconfiguration as a result of the deletion of the parking area at lower ground floor. Members will be updated on this aspect at Panel.
- 2.6 The design of the proposed mosque is of traditional Islamic architecture. The Design and Access Statement describes the proposed building as having long arched windows and fenestration complete with a roof dome over the main halls and minarets. The building is proposed to be constructed of brickwork and artstone.

- 2.7 The proposed layout occupies almost a square block, however the proposed building is orientated away from the surrounding properties. Although the main pedestrian entrance to the building is the north west elevation at the corner of Catherine Grove and Back Tempest Road, the south east elevation facing the corner of Stratford Street and Lodge Lane has been treated in design terms with similar importance due to its prominent position in the streetscene.
- 2.8 The footprint and internal layout is also influenced by religious constraints with the orientation set to point to Mekka in Saudi Arabia. The layout can be seen as a long rectangular block with two wings either side. The dome is located centrally within the roof of the main block with two minarets at the corner of each of the wings near to Lodge Lane and Stratford Street.
- 2.9 The overall height of the building to the main roof is almost 12 metres. The overall height of the proposed dome is some 17.25 metres and the height of the top of the proposed minarets is approximately 23.5m.
- 2.10 A Transport Statement and Travel Plan is submitted in support of the application.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site was previously occupied by housing and it is understood that these properties were demolished in approximately 2002. The site now comprises a City Council works compound. The site is bound by 2m high palisade fencing.
- 3.2 The site is surrounded by terraced residential properties to the north, east and west on Catherine Grove, Lodge Lane and Back Tempest Road respectively. To the south of the site on Stratford Street is the Church of the Holy Spirit which is a Grade II listed building.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 There is no relevant planning history to the site.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Prior to the submission of the application, extensive pre-application discussions have been ongoing with the applicants and ward members (Councillors Iqbal and Nash) for the past 6 months. During this time the scale of the building has been reduced and the detailed architectural treatment of the building has been revised to address concerns raised by officers.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been publicised by means of site notices, posted 17th July 2009, an advert in Leeds Weekly News and neighbour notification letters sent on the 13th July 2009.
- 6.2 Ward members are supportive of the proposal.
- 6.3 A letter of support has been received from Councillor Kabeer Hussain which states that the proposed development will have a positive impact on both the local area

and on community sustainability and will not have any detrimental impact on residential amenity and will add to the further regeneration of the local area. Councillor Hussain states that the development is supported by the local community who have been consulted prior to the application being submitted and the plans of the development fit in with the character of the area and it will not affect the street scene in anyway.

- 6.4 In relation to parking Councillor Hussain points out that the Panel may have concerns, but this proposed facility is a facility for the local community and most of the users will be walking to and from the building and therefore this will not cause any parking or highway issues. People will not need to use their cars when they come to this facility as a majority of residents live within walking distance therefore highways and parking should not be of concern.
- 6.5 8 letters of support have been received making the following comments;
- The adjacent church have no objections and have enjoyed close links with the KMWA over the last 7 years and with the new mosque hope to work together even more closely than at present. The KMWA is a community minded faith group which has made a valuable contribution to community cohesion in the area
 - The proposal will enhance the local area and regeneration of the area
 - It is right that the muslim community in Beeston Hill is recognised through a new place of worship
 - It is difficult to find space for prayer at particular times of Friday congregation or Eid prayers at the current location on Hardy Street
 - Very pleased at this step to provide a bigger, more updated space
 - Support for the fantastic building being erected which will benefit worshippers and bring a unique new look to the area
 - The proposal will add a landmark building and significantly improve the site
- 6.6 In addition to the comments of support, specific queries raised in the representations are as follows;
- No details of boundary treatment are provided, high quality boundary is required
 - *This matter is proposed to be dealt with by condition, however the applicant has indicated that they intend to provide railing boundary treatment to the site.*
 - A landscaping scheme should be secured through condition as there has been a loss of mature gardens and trees in the surrounding area.
 - *A condition is proposed regarding landscaping details to be agreed and implemented.*
 - Relocation of the vehicular access is questioned away from dwelling houses on Lodge Lane as the gradient and sweep of the driveway could impact on the residents of Lodge Lane from engine noise and glare of headlights when exiting the site.
 - *This matter is considered below in the report*
 - General amenity conditions applied to other similar permissions, including the submission and approval of a noise insulation scheme, hours restrictions to use of tannoy systems and control over external security lighting and ambient zone lighting should be used.
 - *Conditions relating to these matters are set out at the start of this report.*

- 6.7 1 letter of objection has been received from a resident of Catherine Grove who states that although the users of the mosque are encouraged to walk it has been proved by their own research that it does not happen, showing the traffic increase from single figures on normal days to over 20 on the main day of prayer and this does not include parking for other activities carried out within the mosque. Expected figures of 700 people plus will lead to no change for residents to park. The resident compares parking situations in the streets surrounding Elland Road on match days. The street at present is quite with very little traffic, despite the working compound. The resident suggests as an alternative to the loss of parking created by the mosque, the applicants could create off street parking for those residents that wished it or permit only parking for residents.

The matter of the suggested creation of off street parking and parking permits is assessed in the report in relation to highway matters.

- 6.8 The objection is also on the grounds of loss of natural light due to the extra height of the mosque above Catherine Grove properties.
The matter of loss of natural light is considered in the report in relation to residential amenity matters.

7.0 CONSULTATIONS RESPONSES:

Statutory:

Highways

- 7.1 The visibility at the new access proposed is acceptable in this location (*to be deleted from the scheme*). The proposed disabled parking spaces off Stratford Street are substandard in size. Cycle parking proposed should be accessible and is blocked by parking spaces at present.
- 7.2 The applicant's Transport Consultant has advised that on a typical Friday around 270 people usually attend the main prayer service. The Consultants transport survey shows that during the 2pm main prayer time on a Friday 114 additional cars were parked within the vicinity of the existing mosque.
- 7.3 The Transport Statement also provides modal splits based on a survey conducted on members attending the Friday main prayer, the results of the survey have been queried in light of the on street parking surveys which show based on 271 people attending the Friday prayer and 114 additional cars being parked within the vicinity of the site, 43% of people are arriving by car. The applicant's transport consultant has agreed to 43% as worst case scenario base line. If the number of people who traveled as a passenger, which the consultants survey showed was 8%, then the percentage of people attending the Friday prayer by car would be 51%.
- 7.4 The Traffic section have advised that parking is a main issue in the area and that they do receive a number of complaints. The area consists of predominantly terraced streets where parking is already at a premium and when services/events are being held at places such as the Hardy Street Mosque and other community sites in the area it can become heavily parked up. This leads to road safety concerns and conflict with residential parking.
- 7.5 The proposed site is only 200m south of the existing site however, the nature of this area is different to the Hardy Street area. The proposed site is immediately adjacent to the Holy Spirit Church, which has a children's nursery attached and a Hamara Healthy Living Centre. The on street parking currently associated with the existing Hardy Street Mosque will inevitably be displaced to this area.

- 7.6 Statistics show that, for the Leeds district, on-street parking was cited as the main factor in accidents caused by pedestrians being masked by parked or stationary vehicle, which accounted for 17% of pedestrian accidents in 2008. The level of on-street parking generated by the proposed use would be detrimental to road safety. Measures proposed in the Travel Plan will need to be strictly followed to ensure that car borne trips to the site and parking demand is kept to an absolute minimum.
- 7.7 The existing use generates a large number of vehicles during a main Friday prayer. The parking surveys undertaken by TPI show an additional 114 cars are parked within the vicinity of the existing Hardy Street Mosque. This level of on-street parking at this time will be transferred approximately 200m south and will be in the vicinity of a Nursery, a Hamara Healthy living Centre and a church.
- 7.8 Highway Officers whilst not making a formal objection do express serious concerns that this level of on-street parking in the vicinity of a large number of community uses would be to the detriment of highway safety and the Mosque must undertake every endeavour to minimise the on street parking. Measures proposed in the Travel Plan will need to be strictly followed to ensure that car borne trips to the site and parking demand is kept to an absolute minimum
- 7.9 In relation to the existing use, it is understood that the KWMA wish to continue using this building for supplementary teaching purposes. Highways have no objections to this use continuing on the site, however there would be objections to the site having permission to continue to be used as a place of worship. Having potentially two mosques in such close proximity to one another would be detrimental to road safety, due to the level of on-street parking which would occur as part of the Friday prayer. Therefore, the applicant should enter into a planning agreement where the use of the site is limited to supplementary teaching purposes.

Non-statutory:

- 7.10 Design- some concern about the overall heights and heights of minarets. The site boundary treatment and site landscape needs to be strong to counter the angled building in relation to the urban grain. In relation to the facade treatment this has both linear and vertical emphasis, vertical emphasis may benefit the scheme, however the proportions of this and the windows are reasonable.
- 7.11 Access - Objections are raised as a community facility such as this should be accessible. The site is level however due to the proposed lower ground floor level access is not provided. The application proposes a platform lift to overcome the change in levels, this is not acceptable as this should be used as a last resort mitigation, usually reserved for difficult existing buildings. Mechanical failure can instantly render the building inaccessible. The advice of the access officer is that the current design for a new building would be difficult to defend under the Disability Discrimination Act and that there are indications that it would not follow Part M of the Building Regulations.
- 7.12 Yorkshire Water – The statutory sewer map shows combined sewers recorded to cross the site. A stand off distance of 3m is required at each side of the sewer centreline. Yorkshire Water are contacting the applicant about this matter. It may be possible to formally close or divert the sewer traversing the site, the developer would need to make a written application to Yorkshire Water.

8.0 PLANNING POLICIES:

Development Plan

- 8.1 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.
- 8.2 The site is within a primarily residential area and is also within a community priority area. The closest local centre to the site is Dewsbury Road which is some 500m to the east along Rowland Road. The following UDP policies are relevant to the consideration of the application:

GP5 – General planning considerations;
N12 – Urban design principles;
N13 – Design of new buildings;
T2 – New development and highway safety;
T2B – Requirement for transport assessment;
T2C – Requirement for travel plan;
T2D – Public Transport contributions;
T5 – Access for pedestrians and cyclists;
T6 – Provision for disabled people;
BD3 – Access to public buildings for disabled people;
BD5 – New buildings, design and amenity;
LD1 – Landscaping proposals.

- 8.4 Supplementary Planning Guidance/Documents
Public Transport Improvements and Developer Contributions SPD.
Draft Street Design Guide SPD.
Travel Plans SPD.

- 8.3 National Planning Policy and Guidance
PPS1 – Delivering Sustainable Development
PPG13 – Transport
PPG15 – Planning and the historic environment

9.0 MAIN ISSUES

1. Principle of development.
2. Scale, design and impact on character of area.
3. Setting of Listed Building
4. Highways.
5. Impact on nearby residential properties.
6. Queries raised by Members at Panel meeting on 30.07.09

10.0 APPRAISAL

Principle of development

- 10.1 The site is previously developed land and was formerly occupied by residential properties. Development of this site is therefore considered appropriate.

Scale, design and impact on the character of the area

- 10.2 The position statement brought to the previous Panel meeting advised that pre application negotiations had largely focussed on the scale and design of the proposed development and sought members views concerning the scale of the proposed development within the context of the surrounding area taking account of the large church building close by to the south of Stratford Street.
- 10.3 Following negotiations with the applicant on the scale and design of the proposed building, officers consider that although the building will have an impact on the surrounding area in terms of the streetscene, the scale of the building and the design is acceptable in visual amenity terms.
- 10.4 The minarets which are proposed will be some 23.5 metres. The Design & Access statement submitted makes a comparison of ridge heights of surrounding buildings and states that the average ridge level of surrounding residential properties is comparable with the parapet level of the two wings of the building. The Design and Access Statement also states that the ridge height of the church to the south (Church of the Holy Spirit) is comparable with the highest parapet level of the proposed mosque. The Design and Access statement recognises that the mosque dome and minarets, as well as the church spire to the south are higher than any of the adjacent residential property's roof lines. The agent has advised that the minarets are the same height as the church spire to the south of the site on Trentham Street at the former Trinity Methodist Church (now in use as flats). At the previous Panel meeting, members indicated that the height of the minarets proposed is acceptable.

Impact to setting of listed building

- 10.5 The Church of the Holy Spirit is located to the south of the site. The Church is a Grade II listed building and therefore regard must be had to the impact to the setting of the listed building. Given the orientation of the proposed building and the separation provided by Stratford Street, officers are satisfied that the proposal will not detract from the setting of the listed building.

Highways

- 10.6 The Transport Statement accompanying the application advises that the site is within easy walking distance of public transport routes and the development offers multi modal accessibility choices for pedestrians, cyclists, public transport users and private car users and the development will act as a catalyst in reducing the need to travel in this location.
- 10.7 The Design and Access statement advises that the surrounding areas are well served by other mosques in the vicinity and as a result the traffic generation will be very much limited to the immediate locality served by the proposed replacement mosque and that the congregation will be drawn from the immediate vicinity who all live within a short walking distance of the site.
- 10.8 The busiest time for the proposed mosque will be Friday lunch times which is the main prayer session at 2pm in the summer months and 1pm in the winter months. The proposal as originally submitted provides 8 parking spaces at the site. The applicant recognises that the proposal will not be able to cater for peak parking demand on Friday lunch times and measures will be taken to reduce the impact such as encouraging the use of public transport and walking, together with car sharing as set out in the Travel Plan. The catchment area of the proposed mosque is considered to remain the same as the existing mosque.

- 10.9 The applicant has carried out parking surveys adjacent to both the current site and the proposed site on a neutral day and during the Friday Prayer period and has surveyed people arriving at Friday Prayers.
- 10.10 The applicant's Transport Consultant has advised that on a typical Friday around 270 people usually attend the main prayer service. The Consultants transport survey shows that during the 2pm main prayer time on a Friday 114 additional cars were parked within the vicinity of the existing mosque. From the results of the parking surveys and the number of people attending the Friday main prayer service, Highways Officers estimate that 43% of people are arriving by car.
- 10.12 Highway Officers have considered the existing parking situation on Fridays at the main prayer time and the availability of on street parking in light of the other traffic generating uses in the vicinity (church, nursery and healthy living centre) as well as the measures proposed in the travel plan.
- 10.13 Highway Officers whilst not making a formal objection do express serious concerns that this level of on-street parking in the vicinity of a large number of community uses would be to the detriment of highway safety and the Mosque must undertake every endeavour to minimise the on street parking. Measures proposed in the Travel Plan will need to be strictly followed to ensure that car borne trips to the site and parking demand is kept to an absolute minimum.
- 10.14 The vehicular access proposed is acceptable in terms of visibility however concerns have been raised by a local resident concerning the disturbance from vehicle engines at this access and potential for lights from vehicles to disturb nearby residents. The removal of the lower ground floor parking should serve to overcome this objection. The two disabled parking spaces proposed do not meet the required standards as they should have a 1.2m hatched area to the side and back of the bays and the space available cannot accommodate this therefore Highways advise that these spaces should be redesigned (see condition 17).
- 10.15 Access Officers have raised concerns regarding level access not being provided in a new community building. It is considered that on balance, the provision of 6 parking spaces within the lower ground floor of the building is unnecessary and does not significantly alleviate on street parking issues on Fridays at main prayer times. Highway Officers have advised that the omission of the 8 parking spaces currently proposed (2 substandard external spaces and 6 lower ground spaces) will not increase the strength of highway concerns regarding on street parking at peak times. As such, the applicant has been asked to amend the scheme to remove the lower ground parking and provide level access. This in turn should also improve the overall height of the building and relationship to surrounding properties. Revised plans are being prepared and will be presented to Panel at the meeting.
- 10.16 A letter of objection from a local residents also includes a suggestion of the creation of off street parking spaces for residents and/ or residents only parking permits. Highways Officers have considered these options, it is not possible to create off street parking spaces for residents which would be easily accessible and it is not considered that parking permits and a scheme to restrict parking would resolve matters due to the extent of streets that the parking restrictions would need cover to avoid displacing the on street parking. The impact to local residents therefore has to be considered in relation to the short period of time which the main period of on street parking problems are likely to occur. Conditions are recommended to control the uses within the mosque and restrict functions from taking place which would generate parking demands.

- 10.17 In relation to the existing use, it is understood that the KWMA wish to continue using this building at Hardy Street for supplementary teaching purposes. Highways have no objections to this use continuing on the site, however there would be objections to the site having permission to continue to be used as a place of worship. Having potentially two mosques in such close proximity to one another would be detrimental to road safety, due to the level of on-street parking which would occur as part of the Friday prayer. Therefore, the applicant is requested to enter into a s106 planning agreement where the use of the site at Hardy Street is limited to supplementary teaching purposes.
- 10.18 The scheme would fall within the threshold for a Public Transport Contribution under the requirements of the SPD. In light of the transport statement submitted, it is considered that the public transport use associated with the Mosque would be very low. Users are likely to live and work relatively close and those further away are likely to use cars for the relatively short visits. Given the negligible impact of the development on public transport which would involve numbers significantly below the thresholds listed within the SPD, the reliance on walking, and an acceptable Travel Plan being approved, it is considered that no public transport contribution would be required for the application.

Impact on nearby residential properties

- 10.19 Residential properties surround the site on three sides. The closest properties are those on Back Tempest Road. The south west elevation is some 15m from No. 79 and 13.5m from No. 83. The orientation of the building however is proposed in a way that the main side elevations of the building do not directly face any of the surrounding residential properties. This therefore avoids any loss of privacy and also assists in reducing the impact from the scale of the building and how it relates to these residential properties. SPG13 Neighbourhoods for living relates to residential properties and sets out traditional minimum guide distances. Whilst these relate to residential development it is considered that they are useful in considering the proposal for the mosque. A recommended distance from a main window to a side elevation is 12 metres. Given the orientation of the proposed building and the closest distance to residential properties of 13.5 metres officers consider that this relationship is acceptable.
- 10.20 The proposed building would be some 17.5 metres at the closest points from properties on Catherine Grove and Lodge Lane, again this relationship is considered acceptable given the separation distance and orientation. A letter of objection has been received in relation to loss of light to Catherine Grove. There has previously been development on this site, and it is considered that redevelopment is acceptable. Therefore some loss of light is inevitable. Although it is recognised that the height of the proposed mosque is higher than the eaves level of the adjacent terraces, it is considered that the orientation away from directly facing these properties helps to offset the additional height in terms of the relationship with the existing properties. This issue also has to be balanced against the wider community benefit of the proposal.
- 10.21 The proposed use will have an impact on residential amenity in terms of parking demand and footfall. It is recognised that the peak time for this will be Friday lunch times during the main prayer session. It is considered that this is unavoidable and therefore this issue has to be balanced against the impact to residential amenity. 1 letter has been received which raises objections to the proposal. It is considered that the impact to residential amenity at peak prayer times has to be offset against the benefit of this community facility and that on balance the proposal will not cause an undue loss of residential amenity.

Queries raised by members at 30th July 2009 Panel meeting

- 10.22 Members queried the amount of floorspace within the proposed Mosque and whether this is the minimum required for the scheme. The agent has advised that this is the minimum required.
- 10.23 Members raised queries regarding the differences between the every day hall and the community hall. The everyday prayer hall caters for worshippers attending the mosque on a daily basis between Saturday and Thursday as the number is around 20 to 30 people. The community hall is open for use by all the local residents and community irrespective of faith.
- 10.24 In relation to community uses which take place within the existing mosque the agent has advised that regular activities include pre school nursery, after school activities, religious and language classes and community events take place in the Mosque such as fundraising events, community forums, interfaith, women and youth groups as well as daily prayers. The agent also advises that the KMWA has built up a good relationship with other religious organisations meeting regularly with the leaders of Gurdwara (Sikh place of worship) and local churches and a religious walk has taken place to highlight how the local community work together and was featured on local news programme.
- 10.25 Members asked for an understanding of the different Muslim groups. There are at least 2 or 3 other Mosques in Beeston and whilst the congregation are all Muslims, there are different sects and factions within Islam. Due to the different factions and due to the geographical spread of the local community within Beeston, the agent advises that it is not possible or practical to provide one large mosque and a centralised service would increase the need to travel by car.
- 10.26 With regard to the minarets, Members queried whether these are decorative only. Whilst the agent advises that the minarets will not be used to call people to prayer, they do serve as one of four essential elements of a Mosque which are; the dome, the minarets, Bab Al-Sadir (front entrance) and the Mihrab (the prayer niche within the prayer hall).

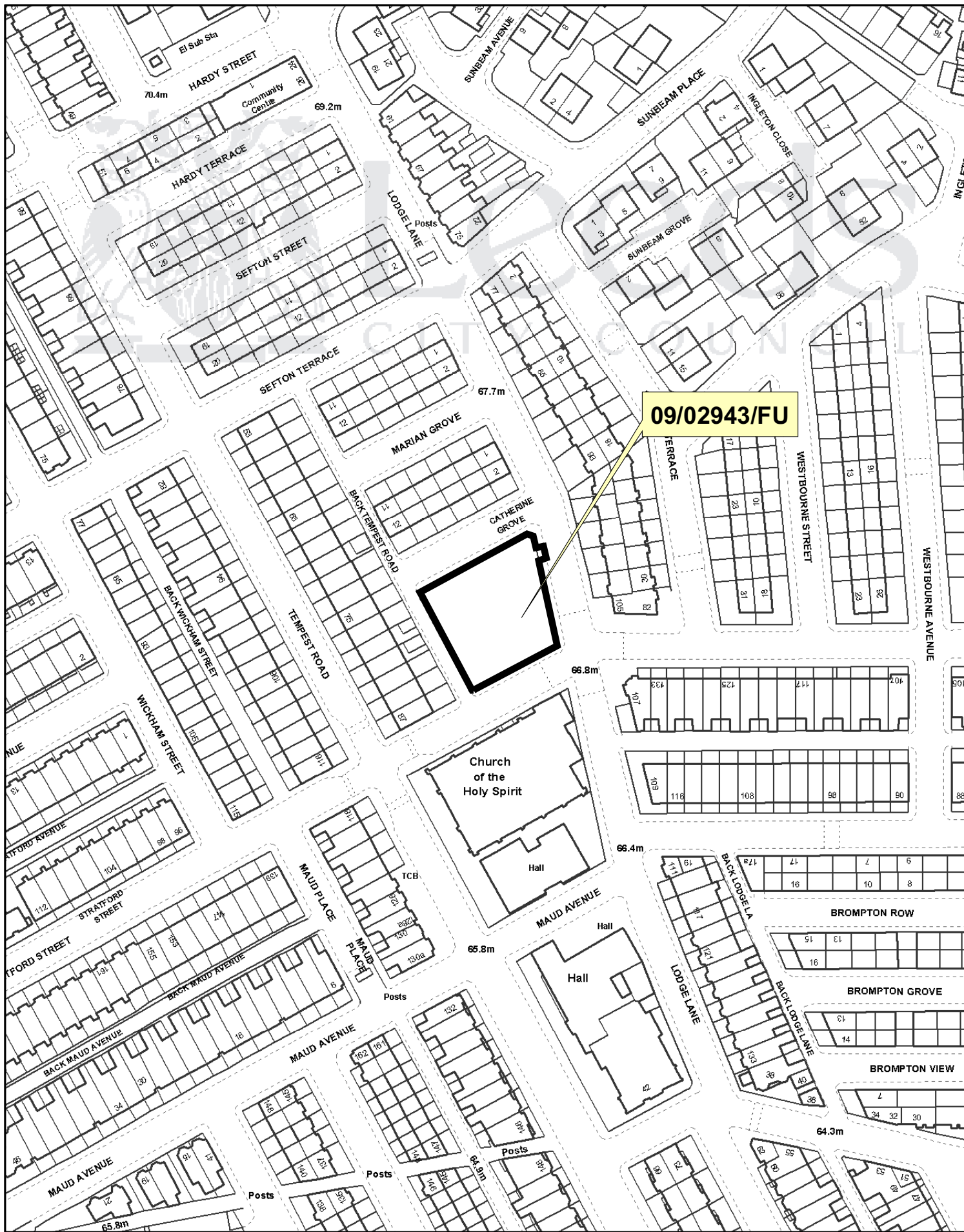
11.0 CONCLUSION

- 11.1 The application proposal is for a modern building that will be of significant benefit to the local community. The design and massing of the building has been subject to lengthy negotiation. The scheme now before Members is for a building that is suitable for its purpose and will uplift the character and visual amenities of the area. These benefits have to be balanced against the concerns of the Highways Officers as set out in this report and any harm to residential amenity. The application is recommended for permission. If, on balance, Members consider that the proposal is acceptable, then Members are requested to defer and delegate approval to the Chief Planning Officer subject to the conditions set out in this report and subject to the completion of a legal agreement within 3 months.

Background Papers:

Application file.

Certificate B, notice served on Leeds City Council



EAST PLANS PANEL



Scale 1/ 1250

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Originator: J.Bacon

Tel: 0113 2478000

Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 27th August 2009

Subject: APPLICATION 09/01906/FU SINGLE STOREY RETAIL FOOD STORE WITH 79 PARKING SPACES AND LANDSCAPING AT FORMER SITE OF LION AND THE LAMB PUB, YORK ROAD, LEEDS

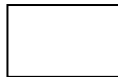
APPLICANT
ALDI STORES LTD

DATE VALID
19th MAY 2009

TARGET DATE
18th AUGUST 2009

Electoral Wards Affected:

KILLINGBECK & SEACROFT



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: **REFUSE for the following reason:**

The proposed retail food store would be sited outside of a defined centre (as defined by UDP Policy S2). The applicants have failed to satisfy the City Council of the need for the development, that the proposed store would have no detrimental impact on the vitality or viability of nearby town or local centres and that there are no suitable town centre locations where it could be more appropriately located. The Local Planning Authority therefore considers that the proposal is contrary to the guidance contained within PPS6 and Policy S5 of the City Council's Unitary Development Plan.

1.0 INTRODUCTION:

- 1.1 This application is brought to Plans Panel East at the request of ward Cllr Brian Selby. The reason provided "It is the overall principle of retail development and any possible departure from existing policy, having regard to the nature and scale of the proposed development, linked to the impact on the area in respect of a decision to either grant

or refuse the application. For these reasons I (*Cllr Selby*) consider that it is in the public interest that panel consider the matter.”

- 1.2 Plans Panel members are advised that this site is presently subject to appeal proceedings. The City Council determined to refuse a previous planning application at this site for a retail store (Ref:08/03982/FU). The proposal was refused on the grounds related to the site’s out-of-centre status; adverse impact on visual and residential amenity and failure to meet the necessary public transport enhancements. The appeal is to heard by a hearing and the date has been confirmed for 13th October 2009. It is to be noted that the refusal grounds relating to visual and residential amenity as well as public transport enhancements are not repeated. This submission is considered to have addressed those concerns. The outstanding appeal should not prejudice the ability of Plans Panel to determine this current proposal.

2.0 PROPOSAL:

- 2.1 This full application seeks permission to construct a retail food store which will accommodate 1,538 sqm of floorspace. The net sales floor area will be 1,125sqm and will predominantly contain convenience goods (15% of the floorspace will contain ancillary comparison goods sales).
- 2.2 The store building is rectangular in footprint with dimensions of 56m in width and 28-34m deep. The building is positioned to the western portion of the application site and is oriented to face eastwards. The retail store’s loading bay and storage areas are located to the northern part of the building with the refrigeration plant equipment enclosed within the confines of the building.
- 2.3 The customer entrance is to incorporate a glazed canopy with south facing elevation largely glazed. The building is proposed to have natural white through colour render to its external walls and will sit on a brickwork plinth. The building will utilise a flat roof and will elevate to a height of approximately 5.8m. The building has a strip of high level glazing that coupled with the entrance canopy are to be powder coated with anthracite colouring. The ‘back of house’ element (as annotated on the site layout plan) is set back from the front wall of the store and is to be constructed of a buff brick.
- 2.4 The proposed layout has landscaped beds to its perimeter to retain existing trees/shrubs or to provide scope to supplement with new tree planting. To the York Road frontage, a low stone wall is to be erected. To the western boundary the 1.9m high metal railings are to be retained and matching railings to be erected where there is a break in the treatment. These railing will continue to the northern boundary. A 1.8m high close-boarded fencing is to be erected along the common boundary of the application site and the adjacent Old Lamb Guesthouse.
- 2.5 The car park to the store is positioned at the front and to the southern side of the building. The vehicular and pedestrian access is achieved off York Road. The store will provide 71 car parking spaces (incl. 5 disabled and 5 family spaces). From a detailed aspect, the applicants propose the installation of a traffic island to the north of the site, on York Road; Traffic Regulation Order for waiting restrictions in vicinity of site; amendments to street lighting, signing, lining and drainage as part of new access; closure of redundant access; provision of dropped kerbs/tactile paving at existing crossing facility on York Road. In addition, the applicant’s have submitted a

Travel Plan and have agreed to provide a financial contribution towards public transport enhancements.

- 2.6 The application is supported by a retail statement which:
- includes an assessment of existing convenience expenditure within a 5-minute drive time of site (£55.23m in 2010) with an expected increase in convenience expenditure of £3.09m by 2014.
 - states that the proposed store, if approved, would from its convenience goods element have a turnover estimated to be £3.65m- comparison goods turnover of £0.64m.
 - identifies residual convenience expenditure capacity within the catchment area of £6.70m- indicating a significant level of unmet need. Trade diversion from nearby operators (Netto, Tesco Metro, Asda) would not be harmful.
 - maintains that there is a qualitative need for additional retail floor space. Deep discounters, such as Aldi, are not well represented within the catchment area which is dominated by large supermarkets. Advising that Aldi will be able to stock a wider, and to a degree, a different product range than the adjacent Netto store offering improved choice and healthy competition in the catchment area.
 - states that the proposed store will principally fulfil a neighbourhood shopping role. Customers will use other shops and stores- therefore complimentary to the existing pattern of trading in existing shopping centre/superstores.
 - The applicants have undertaken a sequential assessment as part of their retail statement and considered and subsequently discounted 5 development sites within Crossgates and Seacroft town centres. These sequentially preferable sites were discounted broadly for three main reasons: too small; lack of street frontage; roads not suitable for traffic generated. In considering the sites, the applicants maintain they have demonstrated that there are no sequentially preferable sites to accommodate the proposed development.
 - refers to positive feedback following community consultation exercise which focused on the need for a supermarket on York Road; need for increased choice and competition; removal of a local eyesore (cleared site) and the provision of job opportunities.
 - refers to physical regeneration benefits of redeveloping cleared site; 15-20 jobs created.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is located within Seacroft, approximately 6km east of Leeds city centre. The appeal site is positioned to the north side of the junction of York Road and Barwick Road. The site is unallocated within the City Council's Unitary Development Plan. The Lion and the Lamb pub formerly stood on the site however this building has since been cleared and now the site contains patches of hardstanding and overgrown vegetation.
- 3.2 The southern boundary of the site abuts the private rear gardens of 3 pairs of semi-detached dwellings (2 storey, red brick and tile roof). There is a pocket of vegetation/tree growth to the south-western corner of the site and further round to the west are open playing fields which lead up to Parklands School and South Parkway. The application site is elevated above this open land. To the north lies a Grade II listed building (Old Lamb) and beyond lie residential properties and the Seacroft conservation area. There is an additional pocket of vegetation/tree growth to the north-western portion of the site. Trees in this area are subject to a Tree Preservation Order (03/2008).

- 3.3 The eastern boundary aligns with York Road and opposite stands Netto retail food store. Adjacent to Netto are two other retail units and beyond the dual carriageway (Barwick Road) is a commercial parade. The area however remains predominantly residential in character.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 The application site has been subject to previous planning applications which are considered to be of relevance to this present proposal. The details of these are summarized below:
- 4.2 Application Ref: 07/06683/FU sought planning permission for the erection of a single storey retail food store with 74 car parking spaces. During the assessment of this application concerns were expressed by LCC officers in regard to the fundamental planning policy objection (an out of centre retail development); proposed layout and store appearance adversely affecting the visual amenity of the locality and due to the close proximity of the store to residents, impacting adversely on their amenity. The applicant's were advised of officers concerns and the application was subsequently withdrawn on 22nd January 2008.
- 4.3 A further application, Ref: 08/03952/FU, was submitted following the withdrawal however the proposal demonstrated minimal alterations from the previous submission, failing to overcome the concerns outlined above. The application was refused permission (officer delegated) on 30th September 2008. The applicants lodged an appeal against this refusal and it is this decision which a Planning Inspector will consider in October.
- 4.4 Plans Panel members' attention is also drawn to two recent planning applications submitted by Netto to redevelop their site off York Road which stands opposite this application site. Application Ref:08/06757/FU sought consent to demolish the existing Netto store and two adjacent retail units (Carphone Warehouse/ Motorworld) and erect a replacement single storey retail unit with 63 car parking spaces. This application was withdrawn due to LCC officers concerns relating to the fundamental planning policy issue (out of centre retail development); layout and appearance concerns centering around making the best use of this prominent site; and the impact the proposed retail store had on the amenity of adjacent residents. A subsequent application (Ref:09/02338/FU) seeks permission to again demolish the retail units and rebuild a new Netto retail unit with 59 car parking spaces and is presently under consideration.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Initial discussions and correspondence concerning the construction of a retail store at this site date back to June 2006 and discussions have continued through the submission of three separate planning applications. Prior to the submission of this latest proposal and the lodging of an appeal against the previous refusal, LCC officers met with the applicant and their representatives. This meeting took place on 16th March 2009 where the applicant's tabled a revised proposal indicating a re-positioning of the retail store, and turning the building 90 degrees clockwise, from the southern portion to the western portion of the site. Aldi advised that they had adopted a non-standard appearance store building and have sought to move the building away from the residential properties along Inglewood Road.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The applicant appointed consultants to assist the community consultation process for the new store. The consultation comprised of:
- a meeting with LCC officers on 16th March where the principle and design issues were discussed.
 - two briefing meetings with local ward members (24th February & 1st April) to understand the wider community's vision for the site.
 - a public exhibition, displaying copies of the proposals was held on 16th April at Seacroft Village Hall, York Road (between 4pm and 8pm). In addition, correspondence was sent to ward councillors, group leaders, members of Plans Panel East, local MP and head teachers for nearby schools. Furthermore, information briefs were distributed to 926 properties in the area.
- 6.2 The public exhibition was attended by 42 local residents. In total, 111 response were received with 94% in support. The consultants' report that the most consistent positive comments related to the need for a supermarket in York Road; need for choice competition; removal of local eyesore; job opportunities for people. 2% of contributors raised objection, based on increased competition for existing small businesses and oversupply of supermarkets in area. 5 residents raised reservations relating to traffic.
- 6.3 The application was publicised as a major development affecting the setting of a listed building by site notice display on 27th May 2009. In addition 6 neighbour notification letters were sent out dated 20th May 2009. The expiry date for the publicity period was 18th June 2009.
- 6.4 A total of 38 letters of representation have been received from local residents to the original proposals. 36 letters expressed support for the submitted proposals and the grounds on which the support was based are listed below:
- New store will provide competition/variety/fill a gap with reasonable priced goods, Netto store opposite untidy/undesirable, alternative to Tesco.
 - Development will provide employment for local builders/staff recruitment
 - Improve outlook of the proposed site- *dealt within the appraisal section*
 - Aldi good value for money/pleasant surroundings- *dealt within the appraisal section*
 - New store located near residential properties- walking distance/not far to go- *dealt within the appraisal section*
 - Picture of the Aldi store very appealing- *dealt within the appraisal section.*
 - Improve area ready for housing developments for Seacroft regeneration.
 - Youths congregate on cleared site and cause problems.
- 6.5 1 letter raised objection on the following grounds:
- Already a store at this junction. This part of York Road is narrow with residential properties alongside. Another store would bring more traffic which is already busy, causing noise & pollution- *dealt within the appraisal section*
- 6.6 1 further letter passed comment that the only problem would be the extra volume of traffic- *dealt with in the appraisal section*

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory:

Highways comments dated 10th June 2009. No objections subject to provision of pedestrian island on York Road, narrowing of site access (to reduce pedestrian crossing length), annotate pedestrian route across car park. Parking ratio ok.

7.2 Non-statutory:

Drainage comments dated 3rd June 2009. No objections, suggested conditions (details of surface water drainage; surface water discharges to pass through interceptor; study into infiltration drainage methods; 30% reduction of existing peak flows; details of on-site storage for storm events 1 in 100yr).

Yorkshire Water comments dated 6th July 2009. No objections, suggested conditions to address separate system of drainage; details of foul & surface water drainage; surface water discharges to pass through interceptor.

Metro comments dated 26th May 2009 requesting a financial contribution to make improvements to the bus stop on York Road (northside of Old Lamb Guesthouse).

Environmental Health comments dated 5th June 2009. No objections although safety concerns raised about use of car park for delivery, customer vehicles and pedestrians; close-boarded fencing to extend to sides of residential properties; noise level of plant room requested. Response: the revised layout plan indicates safe pedestrian crossing route through the car park.

Additional comments from Health & Safety Team (Environ. Health) objecting to the current design; articulated vehicles manoeuvring and reversing around car park – presents a foreseeable risk of injury or risk.

8.0 PLANNING POLICIES:

8.1 The application site is unallocated within the Unitary Development Plan however the following policies are considered to be of relevance:

- Policy GP5 refers to development proposals should seek to avoid loss of amenity.
- Policy BD5 refers to new buildings designed with consideration given to both their own amenity and that of their surroundings.
- Policy N12 refers to principles of urban design.
- Policy N23 refers to the setting of new development.
- Policy N24 refers to development proposals abutting open land.
- Policy LD1 refers to landscape schemes.
- Policy S5 refers to major retail developments.
- Policy T2 refers to new development and highways.
- Policy T2d refers to public Transport Contributions.

East and South East Leeds Area Action Plan (LDF- Preferred Options, 2007)

Relevant Supplementary Guidance:

Public Transport Improvements and Developer Contributions (SPD, 2008)
Travel Plans (SPD, Draft 2007)

Government Planning Policy Guidance:

Planning Policy Statement 1: Delivering Sustainable Development (2005)

9.0 MAIN ISSUES

1. Principle of development
2. Impact on visual/residential amenity
3. Highways implications
4. Public Transport contributions
5. Other matters

10.0 APPRAISAL

Principle of development:

- 10.1 National planning policy concerning town centres identifies that sustainable development is the core principle underpinning planning, emphasising that the planning system has a key role in facilitating and promoting sustainable and inclusive patterns of development, including the creation of vital and viable town centres.
- 10.2 The national policy strategy set outs key objectives to promote town centres vitality and viability by planning for the growth and development of existing centres and by promoting and enhancing existing centres, focusing retail development in such centres and encouraging a wide range of services in a good environment, accessible to all.
- 10.3 These national objectives are reiterated in the City Council's own policies in relation to town centres. Policy S2 aims to maintain and enhance the vitality and viability of specified town centres with retail development encouraged within town centres unless it would undermine the vitality and viability of that centre or adversely affect the range of services and functions within that centre. As stated in Policy S5, major retail development outside the defined S2 centres will not normally be permitted unless the type of development cannot satisfactorily be accommodated within the existing centre, or in the absence of an in-centre site, on a site adjacent and well related to that centre; or that the proposal would not undermine the vitality or viability of a defined centre; that the proposal addresses qualitative and/or quantitative deficiencies in shopping facilities; that it is readily accessible to those without private transport and results in a net reduction in the number and length of car journeys.
- 10.4 The continued view of the City Council is that it is most important that any retail development is encouraged to locate where it best serves all sections of the community, i.e. those dependent on public transport, as well as those with cars. The most accessible locations being the existing centre locations.
- 10.5 The application site is not allocated within the City Council's Unitary Development Plan (UDP) and does not fall within a local or town centre boundary. Whilst other retail units are visible from the application site, they have no collective status in policy terms as a "local centre" and are in any case separated by roads from both the existing out of centre Netto (and adjacent Carphone Warehouse/Motorworld units) and the neighbourhood parade to the other side of the dual carriageway (Barwick Road). Furthermore, the emerging East and South East Leeds Area Action Plan (EASEL AAP), relevant to this location, does not propose the application site for any specified use.

- 10.6 For retail developments such as this, the applicants are required to demonstrate 5 key tests (need; appropriate scale; no more central sites; no unacceptable impacts on existing centres; accessibility). The applicants submitted a Planning and retail statement and its conclusions are summarised below:
- the applicants contend that the proposed store is a modest scale supermarket which fulfils a neighbourhood shopping role, complementing existing patterns of trading both in existing shopping centre and the larger superstores.
 - the (retail) assessment reports that there is a significant level of unmet need and if shopping patterns remain unchanged would leak out of the catchment area and that trade diversion of the order anticipated would not have a harmful effect on the operation of existing stores.
 - assessed sites at Seacroft Crescent; former Seacroft primary school; and within Crossgates Shopping Centre, demonstrating that there are no sequentially preferable sites within the nearby centres of Crossgates and Seacroft that could accommodate this development.
 - the application site is accessible by bus, cycle and on foot from the surrounding area.
- 10.7 As background, Members are advised that the City Council, in partnership with consultants White Young Green (WYG), has recently completed a Town and Local Centres Study for EASEL and the Aire Valley. This contains detailed analysis of convenience and comparison spending and turnover across the EASEL AAP area, based on original market research. The report's recommendations have been incorporated into the Pre-Submission Draft of the EASEL AAP, currently undergoing public consultation, and also the emerging Core Strategy. The report sets out the location of the network of town and local centres and neighbourhood parades across EASEL, and recommends that the Council should enhance and protect these centres, with growth directed towards the west of the EASEL area and in particular Harehills Lane and Richmond Hill. It is to be noted that the figures contained within this report directly conflict with those provided by Aldi, particularly regarding the level of overtrading and assumptions about catchment areas. In addition, the report's findings and recommendations for EASEL's future regeneration directly contradict with this application proposal.
- 10.8 The proposed Aldi store, even if described as a modest scale supermarket would be larger than the adjoining Netto store and collectively these stores would provide a scale of retail development which is considered inappropriate to an out-of town location. Within the retail assessment, the applicants refer to a significant level of unmet need which if current shopping patterns remain unchanged, would leak out of the catchment area. However, an identified aspect of the aims of the EASEL AAP and wider regeneration initiatives is that the existing shopping patterns do remain unchanged and that shopping is focused into Seacroft and Crossgates, and local centres. Any new retail capacity should be directed into the west of the EASEL area. This is as set out in the Town and Local Centres Study
- 10.9 To define the scope of the retail study of the proposed store a 5 minute catchment area (from application site) was identified by the applicant, including Seacroft and Crossgates centres. Under the previous refused application at this site (Ref:08/03982/FU) a 10 minute drive time catchment area was used. This narrowing of the catchment has resulted in fewer town and local centres being considered in terms of the sequential test. It is considered that if deep discounters such as Aldi are so appealing that there are qualitative arguments for providing such a store on this site, then people will inevitably travel more than 5 minutes by car to get there. Furthermore, bus journeys would also take longer than 5 minutes. Therefore, a 10

minute drive time is considered to be a more accurate measure to reflect the true catchment area. It is the City Council's contention that a wider range of locations should be considered which take into account more preferable locations in Halton, Harehills Lane, Harehills Corner, and Coldcotes Circus in Gipton.

- 10.10 The applicant maintains that "deep discounters are not well represented within the catchment at present which is dominated by large supermarkets." However, this assertion does not take into account the deep discounter (Netto) directly adjacent to the application site, nor the Lidl stores in Halton and Gipton. The applicant argues that there is a distinction between the types of goods sold by Aldi and Netto, and therefore that the companies are not directly comparable. Aldi have provided company information and this is used as a justification of the qualitative need for the scheme. Further adding that the proposed Aldi would be larger than the adjacent Netto and it would be able to stock a wider and to a degree different range of products which will have a material effect on the level of choice for customers. It is considered that if the Aldi were built, in the ongoing attempt to attract customers, there would inevitably be continual price and product competition with the adjacent Netto, these 'week by week' differences would not be enough to justify the scheme in qualitative terms, under PPS6.
- 10.11 Members are informed that the City Council are currently assessing a redevelopment proposal of the Netto site opposite (ref 09/02338/FU) which also includes the Carphone Warehouse and Motorworld retail units. The scheme comprises of the demolition and rebuild to increase the current store size to 928.5 sqm. Although the Netto is out of centre (therefore similar planning policy arguments against a new build scheme apply as to the Aldi site), the Netto proposal has the benefit of a fall back position which the applicant's have advanced as part of their case. The applicant advises that they have the potential to expand into adjacent retail units (Carphone Warehouse and Motorworld- floorspace of 1,039 sqm gross) without requiring the need to obtain planning permission. Therefore, it is considered that the arguments by Aldi, of a qualitative need for additional floorspace in this out of centre location, are of insufficient weight.
- 10.12 Due to the regeneration aspirations for across the EASEL area, and the Area Action Plan ambition and policies the area is regarded as one entity (albeit containing different neighbourhoods and communities), it is appropriate for potential development to look at sites across a wider area than perhaps might be the case outside of the AAP area. However, the applicant has a very narrow focus on only the town centres of Seacroft and Crossgates.
- 10.13 The sequential approach to site selection should be applied to all development proposals for sites that are not in an existing centre nor allocated in an up-to-date development plan document. The applicants identified and discounted 5 alternative sites within Seacroft and Crossgates stating that they have demonstrated that there are no sequentially preferable sites which could accommodate the proposed development. However, the site adjacent to Seacroft Library and a cleared garage site adjacent to Crossgates town centre are considered to be more sequentially preferable than the appeal site and whilst the applicants identify lack of frontage and restrictive size as factors to discount the Seacroft site it is the City Council's contention that these should not be discounted in the sequential test.
- 10.14 As background, sites are available in Harehills Corner and Harehills Lane, including the former Tradex, and the former Compton Arms public house. Importantly, through the EASEL AAP the Council is also seeking to enhance the status and vitality of Coldcotes Circus local centre (Gipton) and a 0.5 ha site adjacent to the current

shopping parade is identified in the AAP for mixed use, including retailing. This is a cleared site in Council ownership with a full frontage onto the Circus with potential for further land if required. This site is clearly more sequentially preferable and would have an increased regeneration benefit than the proposed appeal site. In conclusion, the City Council considers that the proposal has not met the requirements of the sequential test under PPS6.

- 10.15 Whilst the analysis contained within the Transport Assessment considers that the application site is an accessible location, UDP policies seek to encourage the use of sustainable methods of transport to existing nodes which happen to be existing local or town centres ...as advocated within the UDP and emerging EASEL AAP.
- 10.16 The applicants have engaged with the local community. The submitted consultation statement shows that the responses received as a result of consultation were mostly supportive. This, however, does not indicate that planning policy can therefore be overridden and indeed one of the reasons for a plan-led approach is to balance the wider public interest.
- 10.17 In addition, Aldi considers that the proposed store can make a positive contribution towards the regeneration of the EASEL area. However, as discussed above developing a food store in this location would actually directly contradict the regeneration aims for EASEL. Granted, the redevelopment of this vacant/cleared site would be a physical regenerative benefit but this argument could be advanced for many other forms of development, for example, housing or employment, which additionally would not cause detriment to the EASEL regeneration aims.
- 10.18 In summary, the principle of retail at this location is the key consideration. The application site is in an out-of-centre location and the City Council are not promoting the site within the emerging EASEL AAP. It is considered that the combined scale of net retail floorspace (of the proposed and existing Netto Store) would be of a scale inappropriate to this location. The applicants have failed to satisfy our questioning of the curtailment of their catchment area and they have not put forward any argument for this location to be allocated as a local centre based on wider regeneration needs. In terms of the EASEL AAP regeneration proposals, this site is isolated from the main regeneration areas to which any direct benefit could be construed. As such, refusal of the application is warranted.

Impact on visual/residential amenity:

- 10.19 The proposed development is laid out with the store building positioned to the western portion of the application site with its car park laid out to the front of the building offering direct access to York Road.
- 10.20 The proposed building is contemporary in appearance incorporating clean lines to its design and is to be constructed of white render with tinted glazed panels. Despite being single storey, the store building is by its very nature is a bulky structure and will elevate to a height above the eaves lines of the nearby two storey dwellings. The separation distance between the proposed store building and the neighbouring residential properties along Inglewood Drive is considered adequate to preserve the occupiers amenity. The southern landscape area has been enlarged, enhancing the landscape buffer between those private gardens and the car park and store and provide an appropriate screen planting to help filter views of the site.
- 10.21 The proposed building is positioned away and set behind the adjacent Grade II listed building which is positioned to the back edge of the pavement on the York Road

frontage. This property will remain in visual prominence along the street view. The presence of landscaping and the dwellings on York Road/Inglewood Drive will obscure views of the store from the south and north.

- 10.22 In view of the selection of white render for the store, concerns were raised as to its likely visual starkness when set against a listed building and open land. In seeking to retain the clean and contemporary look of the store building the applicants have attempted to tone down the white colouring to the 'back of house' element. Replacing the render with a buff brickwork so as to make this element of the development appear more recessive both to the adjacent listed building and the main store building itself. It is considered that subject to the submission of appropriate external material finishes the proposed building would not unduly impact on the setting of the listed building. The scheme indicates the provision of low stone walling to provide continuation to the walling feature of the listed building. Specific details of the design of the walling could be secured by an appropriate planning condition. The presence of a high leylandii hedge to the northern boundary separates the listed building and the proposed store building.
- 10.23 In light of the scale, size and appearance of the store it was considered vital that the store and its car park were adequately separated by perimeter boundaries to ensure decent separation from other properties and afford the provision of suitable landscape features. To the west, lie open fields which presently provide unfiltered views into the application site. Given the slightly elevated land level the proposed building has the potential to be visually prominent from this view point.
- 10.24 However, the proposed store is positioned away from the western boundary, and with the irregular boundary line could accommodate landscape planting of a sufficient scale/size to effectively filter views of the development. Supplementary planting to the northern side of the store will bolster the landscape screen. The landscape buffer will help to assimilate the building with its surroundings and deal effectively with the transition between the open land and the application site. Furthermore, planting bays are located within and to the perimeter of the carpark have been bolstered with a varied selection of tree species to add visual interest to the development proposals from the York Road frontage.
- 10.25 As touched on above, adjustments have been made to the alignment of the southernmost car parking bays and as a result the landscape strip has been widened giving greater scope for more substantial planting. This amendment proves beneficial on two counts. Firstly, the alteration will bulk up the visibility screen to this boundary, and secondly, increase the separation distance of the car park from the residential garden areas.
- 10.26 To the northern side of the 'back of house' stands a protected tree and the store building will encroach into its root protection zone. In order to ensure the health and wellbeing of the protected tree is maintained an appropriate condition requiring a method statement of construction could be imposed.
- 10.27 The proposed store will accommodate its storage areas and plant/machinery into its 'back of house'. This equipment is contained within the envelope of the building and is likely to be in operation for 24hrs. This part of the store is positioned adjacent to the some of the outbuildings to the rear of the guest house and could give rise to noise/disturbance to that property. However, it is considered that appropriate conditions could be imposed to assess noise output of equipment (and make necessary recommendations on mitigation measures), details of the ventilation

equipment (noise/odour) and place restrictions on the hours of operation/delivery to mitigate the impact on nearby neighbours.

Highways implications:

- 10.27 The proposed development has been subject to some level of discussion between the City Council and applicant to resolve sightlines, parking ratios, servicing and off-site highways works. It is considered that the proposed single access point provides adequate sightline onto York Road. The parking level is below the UDP standards however Highways DC are content that the supporting evidence submitted demonstrates that the proposed provision is sufficient. The proposal will incorporate off-site highways works (incl. traffic island) which could be secured through the imposition of an appropriate Grampian condition.
- 10.28 One issue arising during discussions on the proposed layout concerned the potential conflict between customer safety and the delivery procedure. As illustrated on the proposed layout the manoeuvring of delivery vehicles will take place within the car park area and concerns have been expressed as to the risk of injury to users. Ideally, a segregated access for deliveries and customers should be proposed. It is advised that two deliveries will occur daily, an articulated goods vehicle and a medium sized rigid vehicle will visit the site (the latter before trading starts). Several factors have been taken into consideration including the site constraints, relative infrequency of deliveries, potential for a delivery management plan, operations at other comparable stores and on balance it is considered difficult to sustain a highway objection on this basis.
- 10.29 The proposed development is not considered detrimental to the operation or safe use of the highway.

Public Transport contributions:

- 10.30 The proposed use will have a significant travel impact and under the terms of SPD guidance a contribution proportionate to the travel impact of the scheme will be required towards the cost of providing the strategic transport enhancements which are needed to accommodate additional trips on the network. In this instance, a contribution of £68,171 has been agreed between the LCC and the applicant and would be secured through a legal agreement (drafted).
- 10.31 In addition, the applicants' Travel Plan document promotes measures to ensure that users of the development are offered a choice of travel modes to and from the premises. Measures such as providing a shelter, timetable information and a raised kerb at the nearest bus stop (on York Road) have been agreed.

Other matters:

- 10.32 In regard to drainage matters, the proposed development will involve a significant increase in the amount of hardsurfacing across the site. Planning conditions would be appropriate to secure details of drainage methods, provision of oil interceptors and subject the development to minimum surface water flows.
- 10.33 Turning to land contamination, the application site was formerly used as a farm then as a public house. Given that the proposal is considered a low vulnerability end use and that there are no landfills within 250m colleagues have no objection to the grant of planning permission subject to a condition that covers any unexpected contamination during works on site.

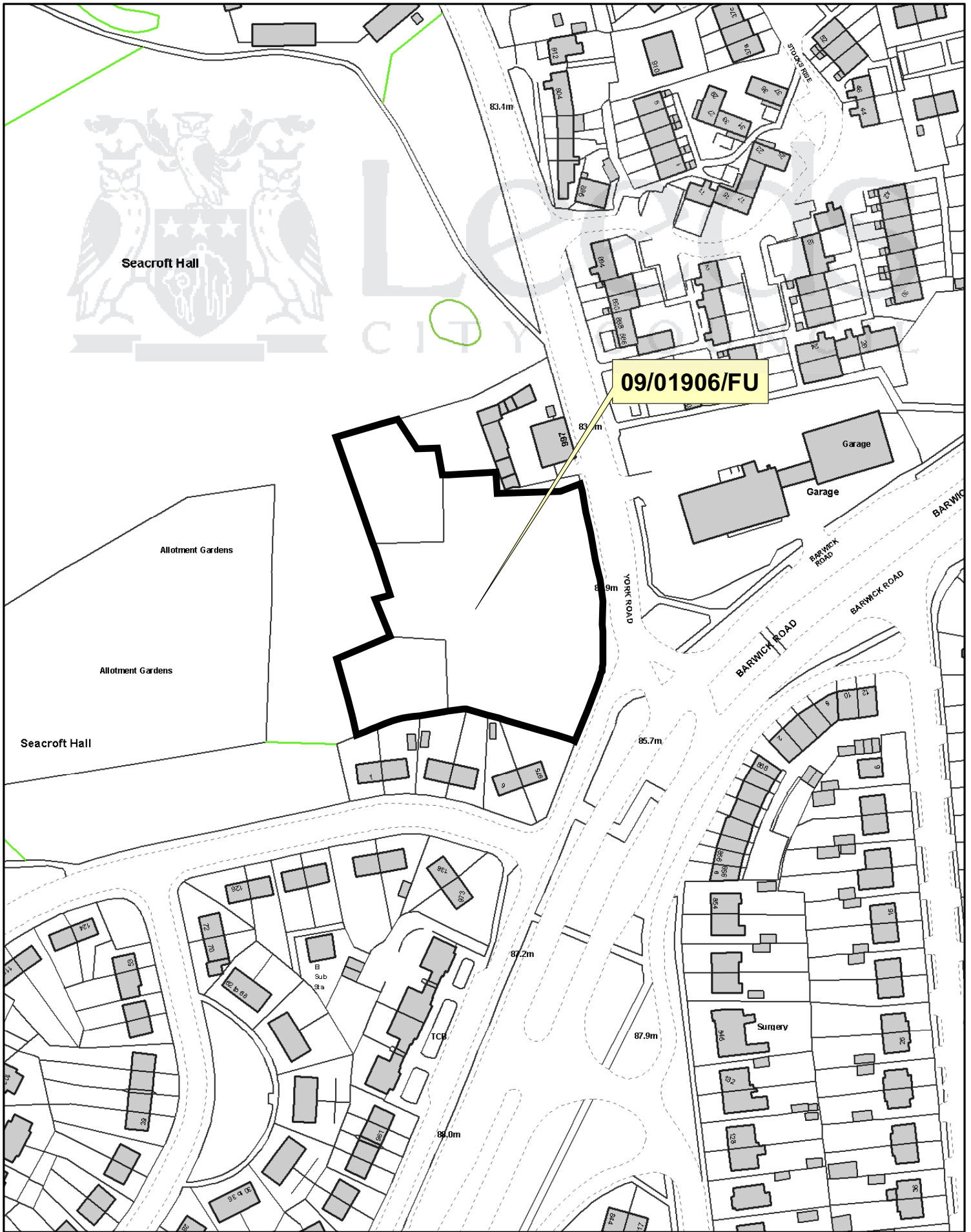
11.0 CONCLUSION

- 11.1 The scale, layout and appearance of the development is considered to respect its surroundings and would not compromise the residential amenity of nearby neighbours or the character and setting of the nearby listed building. The applicants have agreed to make off-site highways improvements and contribute to public transport enhancements and the proposal is not considered to be detrimental to highway safety. Nonetheless, the proposed development is considered contrary to the aims of national and local retail based plan policy and it is the principle of retail development in this location which provokes objection. Accordingly, the application is recommended for refusal on this basis.

Background Papers:

Application and history files.

Certificate of Ownership confirmed by agent acting on behalf of applicant, dated 1st May 2009.



EAST PLANS PANEL



Scale 1 / 1500

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Originator:	Chris Marlow
Tel:	0113 247 8000

Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 27th August, 2009

Subject: Application 09/01019/LA – Laying out of extension to cemetery with new vehicular and pedestrian access, new gates and boundary treatment. Land adjacent to Cemetery, Robinson Lane, Kippax, Leeds, LS25

APPLICANT
Leeds City Council

DATE VALID
7th May, 2009

TARGET DATE
2nd July, 2009

Electoral Wards Affected:

Kippax and Methley

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

APPROVE the application in principle and **REFER** the application to the Secretary of State as the proposal is a departure from the development plan. In the event of the Secretary of State not wishing to intervene, Members are further recommended to **DELEGATE** final approval to the Chief Planning Officer subject to the conditions specified.

Conditions:

1. Time limit on full permission
2. Sample panel of stonework to be constructed and approved
3. Submission of details relating to surface water discharges
4. No piped discharges until surface water drainage works are completed
5. Preservation of existing trees
6. Protection of existing trees and other vegetation
7. Landscape implementation
8. Provision for replacement planting
9. No vegetation removal during bird breeding season
10. Vehicle access via Chapel Lane only

11. Re-surfacing scheme to be agreed in writing

Reasons for approval: The application is considered to comply with policies BD5, GP5, LD1, N1A, N51, T2, T24 of the UDP Review, as well as guidance contained within PPS 1 and 9 and PPG 17 and having regard to all other material considerations as such the application is recommended for approval.

1.0 INTRODUCTION:

1.1 The application is being reported to Panel because the proposed change of use of the land is a departure from the adopted development plan.

2.0 PROPOSAL:

2.1 The application seeks full planning permission for the laying out of an extension to an existing cemetery including vehicular and pedestrian access gates, landscaping and boundary treatment (stone boundary wall and railings). The site will utilise the existing parking arrangements for hearses and mourners adjacent to Kippax Methodist Church.

2.2 The applicant has submitted appropriate drawings together with a design and access statement and subsequent justification to address the change of use and departure from the development plan allocation of allotments. The design and access statement identified a shortfall of burial plots locally and district wide.

3.0 SITE AND SURROUNDINGS:

3.1 The site is situated at the eastern end of Robinson Lane at the junction with East View and lies immediately north of the pedestrian footpath link between Robinson Lane and Gibson Lane. The site comprises small trees to all boundaries with one larger tree (mature copper beech) to the southern boundary. The land within the boundary is overgrown formerly an allotment garden. There is a dilapidated iron railing boundary fence and gate facing Robinson Lane. The site is approximately 200m to the north of Kippax High Street. There is level access of Robinson Lane, however the site slopes downwards in a northerly direction. There is a single detached house beyond the eastern boundary of the site. The existing cemetery lies to the south with allotment gardens to the north and residential properties to the west on East View. The area is generally residential in character.

4.0 RELEVANT PLANNING HISTORY:

4.1 Application Ref: 33/507/03/FU – change of use of vacant allotment gardens to cemetery. The application was referred to the Secretary of State (SoS) due to the proposal being a departure from the development plan. The SoS did not wish to comment on the proposal consequently the decision can be made by the local planning authority. Permission was granted on 27th January 2004. Works however, did not commence on site and the permission expired in January 2009.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Prior to the submission of the application the applicant obtained the views of the City Council's Local Plans team. The team were undertaking a PPG17 assessment of all green space in Leeds which includes allotments to inform the forthcoming LDF documents and primarily the Core Strategy and Allocation DPD. Although the allotment appeared to be unused and the remainder of the allotments undersubscribed it was considered that the proper place to determine if the site is surplus to requirements and the allocation changed would be through the plan making process rather by way of a planning application.
- 5.2 A meeting took place with officers and the applicant in February where the applicant outlined the urgency of the need for additional burial plots in Leeds.
- 5.3 The application was submitted on 7th May, 2009, followed by justification supporting the proposal on 29th June, 2009 and revised drawings including parking area, inclusion of a wildflower meadow and tree retention detailing on the 27th July, 2009.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 Two site notices were displayed adjacent to the site from 18 May, 2009 advising that the application was a departure from the development plan and that it affected a public right of way. The application was also advertised in the Leeds Weekly News on the 28th May, 2009.
- 6.2 Comments were received from Kippax Parish Council on 9th June, 2009 expressing general support for the principle of the development but mentioned that the operation of the use would benefit from improvements to the surface of the route from the car park to the site. *The applicant has agreed to look into the issue of the surfacing of the footpaths.*
- 6.3 No letters of representation were received from local residents in response to the public notification process.

7.0 CONSULTATIONS RESPONSES:

- 7.1 **Statutory:**
None.

- 7.2 **Non-statutory:**
Highway Development Services – no objection subject to the use of the existing vehicle parking area, with no burials from Robinson Lane.

Land Drainage – no objection subject to conditions relating to works for dealing with surface water discharges.

Public Rights of Way – identified the presence of Public Footpaths Numbers 22 & 35 Garforth which run adjacent to the western and southern boundaries of the site.

8.0 PLANNING POLICIES:

8.1 Development Plan

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. No RSS policies have a specific relevance to the application site.

8.2 The site forms part of an allocated allotment site under the Leeds UDPR. The following UDPR policies are relevant to the consideration of the application:

BD6 Alterations and extensions;
GP5 General planning considerations;
LD1 Landscaping proposals;
N1A Allotments;
N51 Enhancement of wildlife habitats;
T2 Highway safety; and
T24 Parking provision

8.3 Supplementary Planning Guidance/Documents

Street Design Guide Draft SPD
Kippax Village Design Statement SPG

8.4 National Planning Policy and Guidance

PPS1 Delivering Sustainable Development
PPS9 Biodiversity and Geological Conservation
PPG17 Planning for Open Space, Sport and Recreation

9.0 MAIN ISSUES

- 9.1
1. Principle of development
 2. Residential amenity
 3. Highway safety
 4. Landscaping/biodiversity

10.0 APPRAISAL

Principle of development

10.1 Under the Leeds Unitary Development Plan Review the site is allocated as an allotment, consequently the proposed use as a cemetery is a departure from the development plan which therefore requires the approval of the Plans Panel, to be subsequently referred to the Secretary of State for his comment.

10.2 During pre-application discussions the applicant was informed that an audit of all open space within the district was to take place in accordance with PPG 17. As a consequence it was considered that it would be more appropriate for the proposed change to the use of the site to be pursued via the development plan process rather than that of a planning application. The applicant however was mindful of the lengthy timescale involved in the development plan process compared to that of a planning application given the need and urgency to provide more burial space. In addition, a previous planning permission had just expired and that the Secretary of

State at that time had not wished to intervene with the City Council's decision. The applicant therefore submitted a planning application.

- 10.3 In light of the outcome of pre-application discussions and that the PPG17. study has not been completed (process of starting to set standards will only commence in September 2009) officer's were mindful that the submission should include evidence that supports the departure from the development plan allocation. The Design and Access Statement submitted with the application documented the urgent requirement more burial space within the Leeds District. During the application process the applicant supplemented this with information that demonstrated that there is an overprovision of allotment space within the vicinity such that the loss in this instance was acceptable. In addition, the site has not been used as allotments, and has a covenant on the title stating that it must only be used for a burial ground. When this is considered alongside other material considerations, the need for burial space, that the site was granted planning permission in 2004, and that cemeteries are also an open space under PPG17, on balance these are considered to outweigh the current N1A UDPR allocation.

Residential Amenity

- 10.4 The southern boundary of the existing cemetery abuts residential properties situated on Hopewell Terrace and Ashtree Grove. The most westerly point of the application site and its eastern boundary are also adjacent to residential properties. It is considered however, that by the nature of the use of the proposal when seen in context with the landscaping of the site, the development would not result in harm of any measurable significance to the amenity of the occupants of housing living closest to the site.

Highway Safety

- 10.5 The existing cemetery is served by the car park adjacent to the Methodist Church off Chapel Lane which is in the ownership of the City Council. Highway officers are mindful that there is no off-street parking available approaching the site from Robinson Lane consequently they recommend that all vehicle borne visitors to the cemetery should continue to frequent the car park off Chapel Lane. Kippax Parish Council have expressed concern regarding the condition of the footpaths approaching the site, however the applicant has agreed to re-surfacing where required. In light of the above and subject to the relevant conditions it is considered that the proposed development would not be unduly detrimental to the interests of highway safety.

Landscaping/biodiversity

- 10.6 The site is bounded to all sides by a variety of small trees and hedging, with the exception of one larger copper beech tree to the southern boundary, with the land within the site being densely overgrown with no features worthy of retention. The proposed development includes a stone boundary wall to be in keeping with the existing cemetery, together with boundary gates and railings which are sympathetic to their setting. In order to protect the roots and continued retention of the copper beech tree the applicant has revised the layout so that no grave is to be dug within 8 metres of the base of the tree. Rather than have mown edging to the proposed burial area, at the request of the Senior Nature Conservation Officer, the applicant has revised the proposal to include margins of wildflower grassland which will benefit butterflies, bees and other insects. To protect the breeding habitats of wild birds a condition is attached to the recommendation so that there is no vegetation removal during the breeding season from the beginning of March to the end of August. It is considered therefore, that the development will enhance the landscape

quality of the site whilst contributing to biodiversity conservation in general and wildlife habitats.

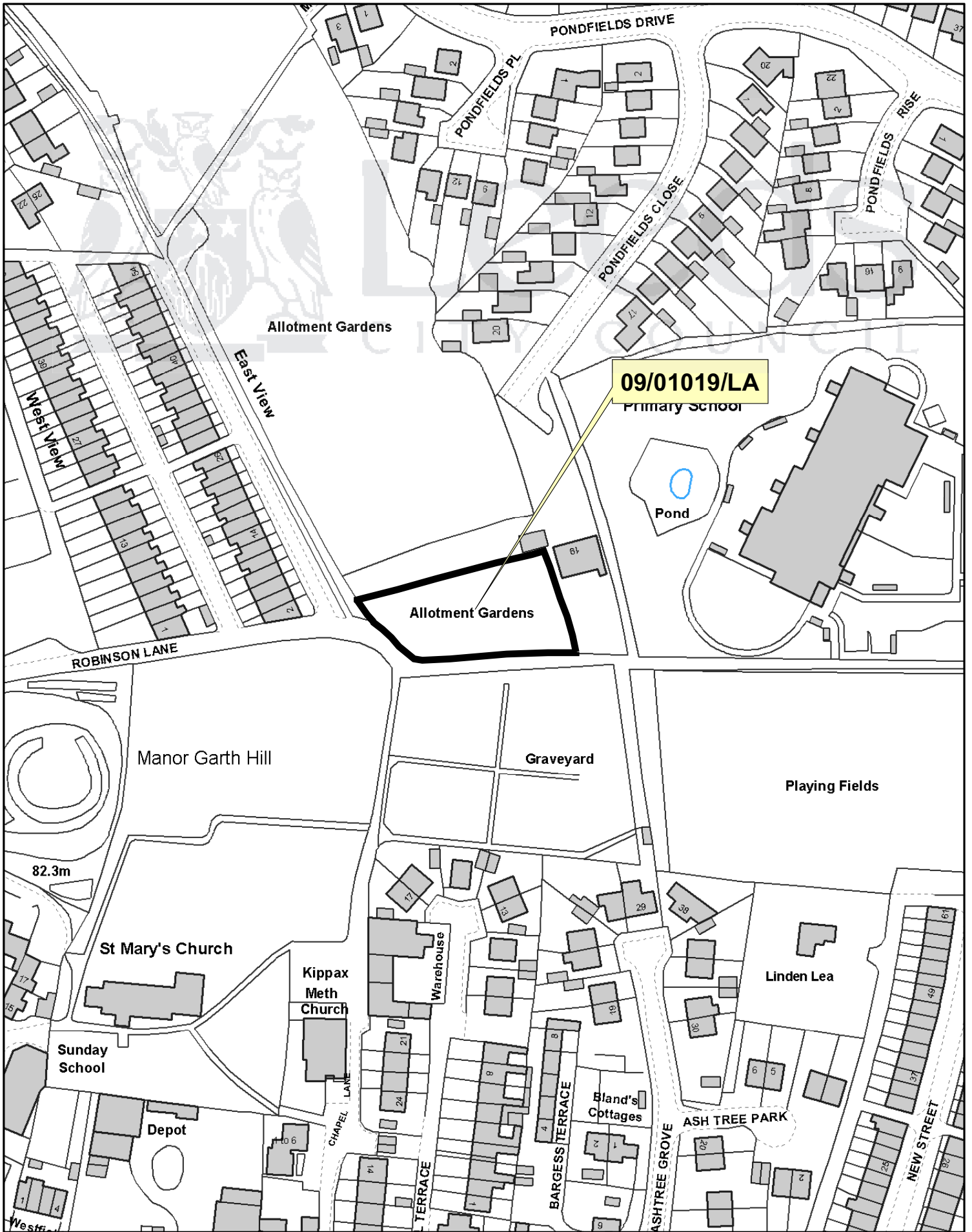
11.0 CONCLUSION

- 11.1 It is considered that the proposed development is acceptable in planning terms and that the layout, landscaping and boundary treatment are designed so that they would not detract from the character and appearance of the area. In addition, the proposed development would not have any significant impact on the amenities of nearby residents and that the proposed extension of the cemetery would not prejudice the interests of highway safety. The proposed development is considered to comply with the relevant UDPR policies and national planning guidance, and officers have balanced the proposal against other material considerations. On balance, and in light of the above, the application is considered to be acceptable, and approval is recommended subject to the specified conditions.

Background Papers:

Application 09/01019/LA, and historical file 33/507/03/FU.

Certificate of Ownership: applicant completed Certificate A.



EAST PLANS PANEL



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Originator: Richard Smith

Tel: 0113 222 4409

Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 27th August 2009

Subject: Application 09/02530/FU – Variation of condition no.25 of planning permission 99/21/10/95/FU to extend the opening hours to 05.00hrs – 24.00hrs Sunday to Wednesday and 05.00 – 01.00 hrs Thursday to Saturday at McDonalds, Low Road, Hunslet, LS10 1QR.

APPLICANT

McDonalds Restaurants Ltd

DATE VALID

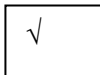
10th June 2009

TARGET DATE

5th August 2009

Electoral Wards Affected:

City & Hunslet



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT PERMISSION subject to the following condition:

Conditions

25. The opening hours of the premises shall be restricted to 05.00 hours to 24.00 hours Sunday to Wednesday and 05.00 hours to 01.00 hours on Thursdays to Sundays.

(all other conditions would be re-applied from application 99/21/10/95/FU)

1.0 INTRODUCTION:

1.1 This application is reported to Plans Panel at the request of Ward Councillor Elizabeth Nash, who has raised concern over the impact the proposed hours may have on local residential amenity (noise) grounds.

1.2 A previous application for the extension of the opening hours was also put before the Plans Panel in July 2008 (see planning history below – para 4.4).

2.0 PROPOSAL:

- 2.1 The proposal is to vary the hours of opening to McDonalds. The existing approved opening hours are as follows (further to the approval of application 21/360/04/FU which previously varied the original permitted hours in 2005):

06.00 – 24.00 Monday to Sunday

It is now proposed to extend these opening hours as follows:

05.00 hours to 24.00 hours Sunday to Wednesday and 05.00 hours to 01.00 hours on Thursdays to Saturdays

- 2.2 As an application to vary one condition of the original 1995 permission, all conditions have been re-applied as appropriate.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is situated fronting Low Road, which forms the main A61 Leeds to Wakefield dual carriageway main road. The restaurant itself consists of approximately 220m² of floor space and contains a car park situated to the rear (north east/east). It also has a drive-through facility as well. Its entrance is on the north western side elevation and this faces towards a business unit.
- 3.2 The north eastern side of Low Road is generally commercial with a variety of other retail premises and industrial works buildings surrounding the site. To the western side of the A61, the site faces the grounds of St. Joseph's RC Church and diagonally opposite to the south west are residential dwellings at Whitfield Way. However, these properties are screened somewhat from the main road by a notable belt of landscaping.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 99/21/10/95/FU: Drive through restaurant with car park and landscaping. Approved - 27.10.1995

The hours of opening under this above original approved application, was conditioned as follows:

0800 hours to 2330 hours Monday to Saturday, and 1200 hours to 2300 hours on Sundays.

- 4.2 99/21/22/95/FU: Amendment to condition no 11 of application no 99-21/10/95/FU (hours of opening). Approved - 06.12.1995

The hours of opening of the premises were then shortly after amended and instead were restricted to:

08.00 hours to 2400 hours Monday to Sunday.

- 4.3 21/360/04/FU: Variation of condition no 25 permission 99-21/10/95/FU (opening hours). Approved - 25.01.2005

This 2004 application was then proposed to vary the hours further to:
06.00 to 24.00 hours Monday to Sunday.

4.4 08/02108/FU: Variation of condition no. 25 (hours of opening) of planning permission 99/21/10/95/FU. Refused - 20.08.2008

Last year, application 08/02108/FU was proposed for the further variation of the opening hours as follows:

05.00 hours to 24.00 hours Sunday to Wednesday and 05.00 hours to 03.00 hours on Thursdays to Sundays.

This application was refused by Plans Panel on the following ground:

The proposed hours of opening would lead to an additional number of comings and goings from patrons using the premises in the late hours/early hours of each day. The associated noise and disturbance from such use, particularly in the early hours, would be significantly detrimental to residential amenity in the residential locality surrounding these premises. The application is therefore contrary to policy GP5 of the Unitary Development Plan (Review) 2006 and guidance contained in Planning Policy Statement 1 - Delivering Sustainable Development (2005).

5.0 HISTORY OF NEGOTIATIONS:

5.1 Following the last relevant refusal in 2008 for the then proposed extension of the opening hours, the applicants have instead offered a new set of proposed opening hours, which notably change the proposed closing time to 01.00, rather than 03.00 during Thursday to Saturday and thus only extending the current legal closing time on these days by another hour only past midnight.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The applications were all advertised by site notices, dated 3rd July 2009.

6.2 Councillor Nash has opposed this latest application and states:

“There may be a main road separating the premises and residential properties, but at that time of the night the road is quiet. This McDonalds is clearly for people to drive there and residents have a right to peace and quiet during the night.”

6.3 In respect of the application, no objection letters have been received.

6.4 The concerns raised are addressed in the appraisal section below.

7.0 CONSULTATIONS RESPONSES:

Statutory:

7.1 None.

Non-statutory:

7.2 Neighbourhoods & Housing
No objections.

8.0 PLANNING POLICIES:

Development Plan

8.1 The development plan comprises the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006) (UDP). 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. In view of the relatively small scale of this proposal, it is not considered that there are any particular policies which are relevant to the assessment of this application.

- 8.2 The site is not specifically designated for any particular purpose in the Unitary Development Plan (UDP) other than the wider area within which it is situated is allocated as a Regeneration Area under policy R2. The following UDP policies are relevant to the consideration of the application:

GP5: Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

E4: Outlines provision for employment development to provide scope for job opportunities and an appropriate balance between homes and jobs.

T2: Development proposals should not create new, or exacerbate existing, highway problems.

Government Planning Policy Guidance/Statements

- 8.3 Planning Policy Statement 1: Delivering Sustainable Development (2005).
Planning Policy Guidance 24: Planning and Noise (1994).

9.0 MAIN ISSUES

1. Amenity Considerations.
2. Highway Safety Matters.
3. Employment

10.0 APPRAISAL

Amenity Considerations.

- 10.1 The proposal now aims to just extend the night-time opening by an extra hour but only on Thursdays to Saturdays and early morning opening again by just an extra hour at 5.00 am as opposed to the current permitted 6.00 am time (every day).
- 10.2 The Environmental Health consultation has commented as follows:
- “The application site is situated in an area of mixed use commercial properties with residential properties to the South West. The proposed application is unlikely to create any significant additional disturbance to nearby occupants. Therefore, this Department has no adverse comments with regard to this application.”*
- 10.3 Given the significant separation between the restaurant and the nearest residential properties at 60m away (on Whitfield Way), as separated also by the main A61 carriageway and extensive landscaping fronting this road itself, it is not considered that the extra hour in the morning and late at night should raise cause for any residential amenity concern. It is also considered that at the times requested for additional opening, passing traffic will still be relatively frequent where the background noise levels will be mainly affected by this noise source as opposed to comings and goings and patron use of the car park/access/drive-through facilities.
- 10.4 Indeed, the restaurant itself has operated without any noise related complaints made to either the Neighbourhoods and Housing section or Planning Department since opening in the 1990s.

- 10.5 Overall, the proposed amended hours are not considered to be detrimental to residential amenity and policy guidance outlined in GP5, PPS1 and PPG24.

Highway Safety

- 10.6 From a highway perspective, the proposal is not considered to represent any highway safety concerns. There will obviously be some additional traffic generated from comings and goings but at the additional times specified this should not cause any concerns for the local network. The proposal is considered acceptable to policy T2.

Employment

- 10.7 The proposal will assist the creation/stability of employment opportunities at the Restaurant and help to strengthen the site's recognition as a designated employment site under policy E4.

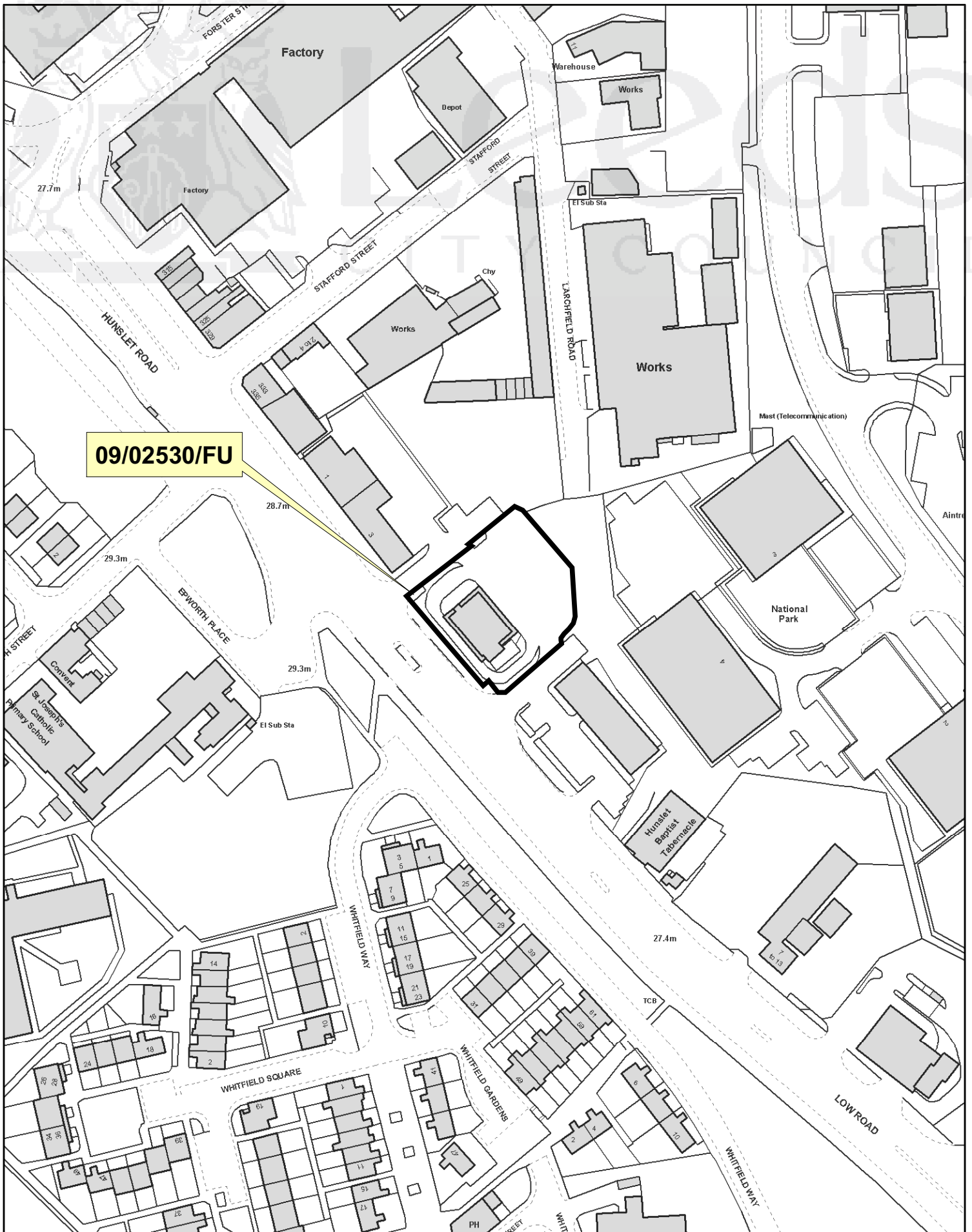
11.0 CONCLUSION

- 11.1 The application is considered appropriate on grounds of amenity and highway safety considerations given the additional times applied for, the site location and the surrounding context of the area. The application is also considered to help support local employment opportunities. The application is considered to comply with UDP policies GP5, E4 and T2 and national guidance set out in PPS1 and PPG24.

Background Papers:

Application 09/02530/FU.

Certificate of Ownership: Signed by applicant.



09/02530/FU

EAST PLANS PANEL

Scale 1/1500

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Originator: Tony Clegg
Tel: 0113 247 8014

Report of the Chief Planning Officer

Plans Panel East

Date: 27 August 2009

Subject: Application 09/02589/FU – Single Storey Retail Store, petrol station and office/warehouse unit with car parking and landscaping on land at St George’s Road, Middleton, Leeds

APPLICANT	DATE VALID	TARGET DATE
Asda Stores Ltd	19 June 2009	22 October 2009 (Planning Performance Agreement)

<p>Electoral Wards Affected: Middleton Park</p> <p><input type="checkbox"/> Yes Ward Members consulted (referred to in report)</p>	<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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POSITION STATEMENT
Members are requested to note this progress report on the proposal and give views in relation to the questions posed in the conclusion to aid progression of the application.

1.0 INTRODUCTION:

1.1 This application is reported to the Panel for information and for Members to raise any issues considered relevant before the application is referred back to the Panel for a decision. This is likely to be at the Plans Panel meeting scheduled for October. Members may recall that a position statement on another current application on adjoining land, submitted by Tesco, also for a supermarket, was considered by the Panel on 4 June 2009. It is intended to refer both of these applications to the Panel for a decision at the Panel meeting of 22 October 2009.

2.0 PROPOSAL:

2.1 This is a full application for a supermarket, petrol filling station and an office/warehouse building together with associated car parking and landscaping.

The scheme involves the demolition of the existing industrial buildings on the land and the erection of :

- A supermarket with a gross floor area of 6265m² and 365 parking spaces.
- A petrol filling station
- A 3 storey office/warehouse building with a gross floor area of 1030m² and 29 car parking spaces.

- 2.2 The proposed development takes access from St Georges Road where a roundabout is introduced which serves the car park entrance to the new development and the existing vehicular entrance to Middleton District Centre. Further to the south along St George's Road, a second vehicular entrance is proposed. This provides a new route to the recycling centre and also serves as a service access to the supermarket and the warehouse/office development. The existing road which serves the household waste recycling centre, Holme Well Road, would be closed.
- 2.3 The scheme proposes to promote links with the existing shopping centre and the St George's centre by providing two signalised pedestrian crossing points across St George's Road.

3.0 SITE AND SURROUNDINGS

- 3.1 The site comprises 3.25ha of land in total adjacent to Middleton District Centre on Middleton Ring Road. The site is occupied by a number of existing buildings divided into the following sites:
- Brandon Medical Ltd. This business currently occupies the industrial unit (floor space 2140m² internal net) nearest to the roundabout and has an access from Holme Well Road. This company manufactures medical equipment including lighting for surgical use and employs around 30 people.
 - The former Leeds Plywood and Doors industrial unit (floor space 5100m²). This unit has been vacant since May 2008.
 - Murphy's depot site. This is a constructor's contractor's depot which is currently in use.
- 3.2 Home Well Road runs through the site and provides access to the above sites and also leads to the household waste sorting sort. At the end of Holme Well Road is a footpath which leads between the waste site and Sharp Lane Primary School, emerging onto Sharp Lane/Dolphin Road. On the opposite side of St Georges Road from the site are the Middleton District Centre which provides a range of shopping including a Somerfield supermarket, and to the south of this is the St George's Centre which provides a range of Council and health care services. Adjacent to the Leeds Plywood building and St George's Road is a bus turnaround area.
- 3.3 To the south of the application site is recent residential development at The Oaks, part of the wider Sharp Lane housing site. To the east of the site is a playing field.

4.0 RELEVANT PLANNING HISTORY

- 4.1 06/04839/OT - Outline application to erect two storey warehouse with offices – approved 2 October 2006

07/05247/RM – Reserved matters application for warehouse and offices – approved 16 November 2007

(These applications are permissions on the area to the rear of the existing Brandon Medical premises.)

09/01727/FU – Full application for supermarket (this is the current application by Tesco on the adjacent Benyon House site)

5.0 HISTORY OF NEGOTIATIONS

- 5.1 Planning and Highways officers have held meetings with the applicants prior to receipt of the planning application and the applicant has met the Middleton Park Ward Members to brief them on the proposal. Officers have held a separate briefing with the Middleton Park ward Members. The scheme has not so far been amended as a result of these discussions. In part, this reflects the applicant's desire to submit a formal planning application for the development prior to the determination of the current application for the Tesco store on the adjacent site.

6.0 PUBLIC/LOCAL RESPONSE

- 6.1 The applicant has submitted a Statement of Community Involvement with the application outlining the following measures:

- Letter to stakeholders (all LCC Councilors, the MP, a number of community groups (Leeds Chamber of Commerce and Industry, the Friends of Middleton Park, Leeds Initiative) and all residents in two nearby roads (the Oaks and Boulevard Rise). This was sent on 19 May 2009 and describes the scheme and its benefits. The letter also gave notice of an exhibition to be held in the St Georges Centre.
- Public exhibition at the St George's Centre. This was held on Thursday 28 May (10.00 to 13.00) Friday 29 May 2009 (13.00 to 19.00) and Saturday 30 May (10.00 to 14.00). The exhibition included boards detailing the proposals and leaflets with tear-off slips inviting comments.
- A press release issued to the Yorkshire Post, Leeds Weekly News and BBC Radio Leeds.
- The applicant reports that of 115 feedback forms returned 111 respondents were in support and 4 opposed.

- 6.2 The application was advertised by site notices posted on 26 June 2009. To date, representations have been received as follows:

Representation from Councillor David Congreve

Councillor Congreve has expressed concerns regarding traffic matters on the local road network, which do not however constitute an objection to the current planning application, as follows:

- The inadequate capacity of the roundabout at the junction of Belle Isle Road/Middleton Ring Road and Sharp Lane
- The junction of the Ring Road Beeston Park and Dewsbury Road (Tommy Wass) is a bottleneck with traffic backing up on the Ring Road for almost a mile to the turn-off at the South Leeds golf club car park.
- The problems are caused by commuter rat running and local traffic and have been exacerbated by restricting Belle Isle road from a dual to a single carriageway.

3 letters of objection from local Residents

- Proximity of a 24 hour store would be disruptive to the adjacent housing.
- The development and in particular the proposed new access road leading to the recycling centre would be disruptive to the adjacent housing. Delivery and service vehicles and recycling centre traffic would cause unacceptable disturbance.
- The proposed new roundabout would necessitate existing bus stops being located further along St Georges Road adjacent to housing.
- A further supermarket is unnecessary – the area is already served by Somerfield and Iceland and has Morrisons at Hunslet and Sainsbury's at White Rose nearby.
- The Tesco proposal is preferable, being further away from housing.

Letter of comment/objection from Leeds Civic Trust

- The supermarket will provide a necessary facility to the area.
- The proposed area of public realm is small and surrounded by roads.
- Pedestrian linkages to the existing centre require users to cross two roads.
- There is an opportunity to create a better and more integrated District Centre by closing part of St Georges Road and diverting it through the site, thus creating a single larger site.

11 letters of support from local residents

- The area needs a good supermarket
- The petrol station is a welcome local facility.
- Residents need to travel some distance to existing supermarkets (Morrisons at Hunslet, Sainsburys at White Rose and Asda at Morley,
- The development will provide local employment
- The access proposals would ease congestion caused by traffic queuing for the recycling centre.
- The development will assist with the regeneration of the area
- The development has good links to St Georges Centre and Middleton District Centre.
- Asda is a Leeds based company which would provide a good service and employment opportunities to the local community.

Letter of Support from Brandon Medical

- The development would provide Brandon Medical with larger facilities including a new head office, a medical showroom, warehousing and a larger manufacturing space. This relocation would assist with the continued success and growth of the company.
- The company has also been approached by Tesco to develop their site but that approach did not include for any relocation of Brandon Medical.

Letter on behalf of Tesco

- A letter has been received from the agents acting on behalf of Tesco, the applicants for a supermarket on the adjoining land, raising a number of issues regarding the supporting information.

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory

Highway Authority

- There is no fundamental objection but a number of matters remain to be addressed.
- The potential combined effect of this proposal and the adjacent Tesco proposal has not been considered at this stage but this may need to be considered depending on the progress of both applications.
- Holme Well Road and the bus turnaround in St Georges Road are within the adopted highway and would need to be formally closed. The loss of the bus turnaround is acceptable subject to the provision of alternative bus turning and waiting provision.
- A designated pedestrian route through the site to the link with the footpath to Sharp Lane is needed.
- The pedestrian crossing points north and south of the proposed roundabout are welcomed. The applicant should also fund controlled crossing points at the St Georges Roundabout across the Sharp Lane and Ring Road (East) arms and also across Belle Isle Road north of the Belle Isle roundabout and at the junction of the Town Street and Belle Isle Road.
- The proposed roundabout in St George's Road is acceptable in principle.
- The adjacent Tesco application indicated a need for a small improvement to the Belle Isle Road roundabout on the Sharp Lane/Throstle Road arm to provide additional capacity. This may also apply to the Asda proposal.

Environment Agency

No objections. The development must make provision for a 30% reduction of surface water compared to the existing situation.

7.2 **Non - statutory**

Police Architectural Liaison Officer

Detailed suggestions regarding lighting of the car park, CCTV arrangements and ATM and cash transfer provision are made.

Yorkshire Water

The development must provide for water mains and sewers which run through the site.

METRO

Proposed service changes will increase the bus service provision past the site and a number of stop upgrades including shelters and real time information displays are requested.

Environmental Protection Team

Significant concerns are raised with regard to the impact of servicing yards and the new service access roads on nearby adjoining housing. (The applicant has been asked to re-consider this element of the scheme).

8.0 PLANNING POLICIES:

8.1 Leeds City Council Unitary Development Plan Review 2009. The following UDPR policies are relevant to the proposals:

- GP5 General planning considerations.
- N12 Urban design principles.
- N13 Design of new buildings.

T2	New development and highway safety.
T2B	Requirement for transport assessment.
T2C	Requirement for travel plan.
T2D	Public transport contributions.
T5	Access for pedestrians and cyclists.
T6	Provision for disabled people.
S2	Development in town centres. Middleton District Centre is a defined centre under this policy.
S3	Enhancement and maintenance of town centres.
S3A	Priority to refurbish insecure town centres. Middleton District Centre is defined as a priority centre under this policy.
S5	Criteria for out-of-centre retailing proposals.
BD3	Access to public buildings for disabled people.
BD5	New buildings, design and amenity.
LD1	Landscaping proposals.
E7	loss of employment land

8.2 Regional Spatial Strategy for Yorkshire and Humberside May 2008. The following RSS policies are considered relevant:

E2 States that town centres should be the focus for offices, retail, leisure and entertainment

8.3 Government Guidance. The following guidance is considered relevant:

PPS1 – Delivering Sustainable Development – Development should take the opportunity to improve the character and quality of the area.

PPS6 - Planning for Town Centres - states that the Government’s key objective for town centres is to promote their vitality and viability by focusing retail developments in centres, and to enhance consumer choice by making provision for a range of shopping services. Where growth cannot be accommodated in identified existing centres, local planning authorities should plan for the extension of shopping areas if there is a need for additional retail provision. Where extensions of shopping areas are proposed, these should be carefully integrated with the existing centre both in terms of design and to allow easy access on foot.

PPS6 – Proposed revisions still in draft. The emphasis remains strongly on promoting the town centres in this draft but it is proposed to replace the test of “need” for additional retail space with a broader based impact test.

9.0 MAIN ISSUES

9.1 The principal matters for consideration arising from the proposed development are considered to be:

The principle of retail, office/warehouse and petrol filling station development on this site.

9.2 The site is on the edge of but is outside the defined Middleton District Centre in the UDPR. It will be important to consider the principle of a retail store in this location in wider shopping policy terms as well as the detailed relationship of the proposed store to the existing shopping centre and the St Georges Centre, including physical linkages for pedestrians in particular. As there is no alternative site available within the defined District Centre to accommodate the development, this site as an edge of

centre site may be appropriate. As the Council is however now faced with two applications for major supermarkets on adjacent sites, the Council has commissioned its own retail planning study to examine the acceptability of either or both schemes in terms of these issues including the capacity of the area to accept more shopping.

- 9.3 As there is an extant planning permission for the warehouse and office development element of this application within the area of the current site, this element of the proposal should not raise any issues of principle. A petrol filling station is also likely to be acceptable in this location.

Loss of employment land and the availability of employment land in the locality.

- 9.4 A preliminary assessment of the supply of employment land shows a potential overall shortfall for the period up to 2026. The development would, in addition, displace an existing business - Brandon Medical. Although Brandon Medical might ultimately end up occupying the proposed office/warehouse building on the site, in the short term at least the business would need to relocate elsewhere. No further details of where the business might be relocated to have been provided. The applicant advises that the new development would provide 375 new full and part time jobs. A detailed analysis of the employment land position will be presented when the application is referred back to the Panel.

Highway safety and transportation issues

- 9.5 A Transport Statement has been submitted with the planning application which addresses issues of access, parking and servicing and public transport. In view of the scale of the proposals, a substantial contribution to public transport facilities will be required. No technical objections are raised to the level of car parking proposed or to the design of the vehicular access to the store. Discussions are still ongoing in respect of the provision and location of crossings and pedestrian/cycle links to the store. The scheme proposes the creation of a new bus stop serving the site on the east side of St George's Road.

Scale and design of the store and landscaping of the site

- 9.6 The principal supermarket building is a substantial single storey building clad principally in white cladding with some timber panels and extensive glazed areas. The design of the warehouse/office building simply replicates the design of the building approved on the Brandon Medical site. The petrol filling station is sited in a prominent location near to the roundabout and is of a basic design with a flat canopy. Discussions are ongoing on design issues including the important issue of connectivity with the existing District Centre.

Impact on nearby residential properties

- 9.7 The site adjoins the recently built housing at The Oaks to the south of the site and the impact of the proposed scheme on those residents must be carefully considered. The current proposal includes for a new service road alongside those houses which would take traffic both from the current household waste recycling centre and service traffic from the proposed development, service yards also face towards those houses. The applicant has been asked to look at this element of the proposal again as there is substantial concern at the likely impact of traffic and service yard activity on the living conditions of adjacent residents.

Sustainable development principles (excluding transport and travel planning)

9.8 The applicant's supporting information advises that the building will incorporate the following principles:

- Passive ventilation avoiding the need for mechanical systems
- Maximum use of natural lighting
- Grey water recycling

Contamination and remediation

9.9 A report has been submitted which does not identify any risks to end users. Further site investigation is needed but this can be dealt with through planning conditions

10.0 Planning Obligations

10.1 These are matters which will often involve a financial contribution from the applicant and are typically dealt with through a legal agreement under Section 106 of the planning act. The following areas will be relevant:

Public transport enhancements

The proposed development will generate a large number of trips to the site, a proportion of which will need to be accommodated on the public transport network. The Council's calculation is that under the approved Council Supplementary Planning Document "Public Transport Improvements and Developer Contributions", a payment of £1,053,114 is required. This is being considered by the applicant.

Travel Planning

A draft Travel Plan has been submitted, and is currently under consideration.

Training and Employment

Asda has given an undertaking to set up a Local Employment Partnership and work with local Jobcentre Plus and other agencies to target local job seekers, with a particular focus on the long-term unemployed.

Public Realm improvements

The scheme proposes to provide a "Public Square" within the site adjacent to St Georges Road. No offers have been made in respect of public realm improvements on land outside the application site at this juncture.

11.0 CONCLUSION

11.1 At this stage of the application Member's views are requested. In particular, the Panel is invited to address the following questions.

- Do Panel Members have any concerns over the principle of retail and office/warehouse and petrol filling station development on this site? In addition, are there concerns regarding the impact on the existing shopping facility. Should the range of goods which can be sold from the new store (if approved) be restricted to protect the existing District Centre?
- Is the appearance of the development acceptable?
- Are there any outstanding highway issues that have not been addressed in the report?

- Do Members have any comments on the proposed relationship to the District Centre including the pedestrian links to this and with adjacent residential areas?
- Do Panel Members have any specific views on the loss of employment land in this location including the displacement of the Brandon Medical Business?
- Does the planning obligation summary above cover all the appropriate matters?
- Does the Panel have any other concerns regarding the impact of the development on residential amenity which are not referred to in the report?
- Are there any other issues which should be addressed?

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XREF'S IN THIS DRAWING

- CAR PARKING SCHEDULE**
 DISABLED SPACES = 20
 PARENT AND CHILD = 20
 MOTORCYCLE SPACES = 6
 TROLLEY BAYS = 8
 TOTAL BAYS = 545
 (Excluding 80x120 trolley bays & 6 m/m motorcycle spaces)
 GROSS GROUND FLOOR AREA 63,130 sq ft
 GROSS FIRST FLOOR AREA 67,430 sq ft
 NET SALES AREA 30,230 sq ft

- LEGEND:**
 DOTTED LINE: BOUNDARIES OF EXISTING PLANTING
 DASHED LINE: BOUNDARIES OF EXISTING WALLS
 SOLID LINE: BOUNDARIES OF EXISTING FENCING
 * : RECYCLED BOLLARD
 * : RAIN RAIN BOLLARD
- NOTE:**
 REFER TO HIGHWAYS ENGINEERS INFORMATION FOR RELEVANT HIGHWAYS DETAILS
 REFER TO LANDSCAPE ARCHITECTS INFORMATION FOR LANDSCAPING LAYOUT AND DETAILS

REV	DATE	DESCRIPTION	BY	CHKD
E	18/05/09	REVISIONS ACCORD TO LATEST VERSION	ATW	ATW
D	17/05/09	FORMAL UPDATE	ATW	ATW
C	22/05/09	FORMAL UPDATE	ATW	ATW
B	18/05/09	FORMAL UPDATE	ATW	ATW
A	10/04/09	FORMAL UPDATE	ATW	ATW

CLIENT
ASDA
ASDA STORES LTD

PROJECT
PROPOSED NEW STORE
ST GEORGES ROAD
MIDDLETON

TITLE
PROPOSED SITE PLAN

DRAWING STATUS
PLANNING

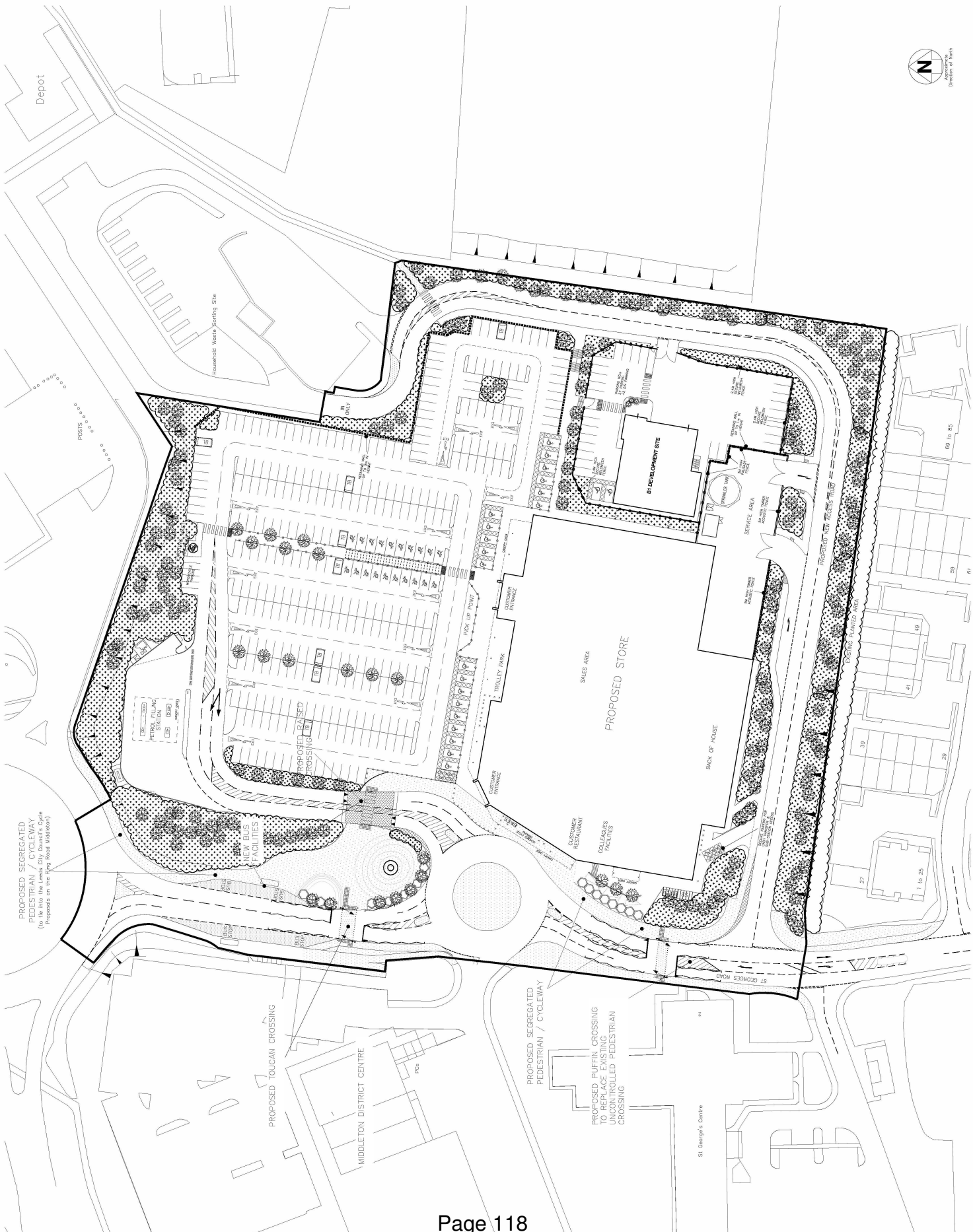
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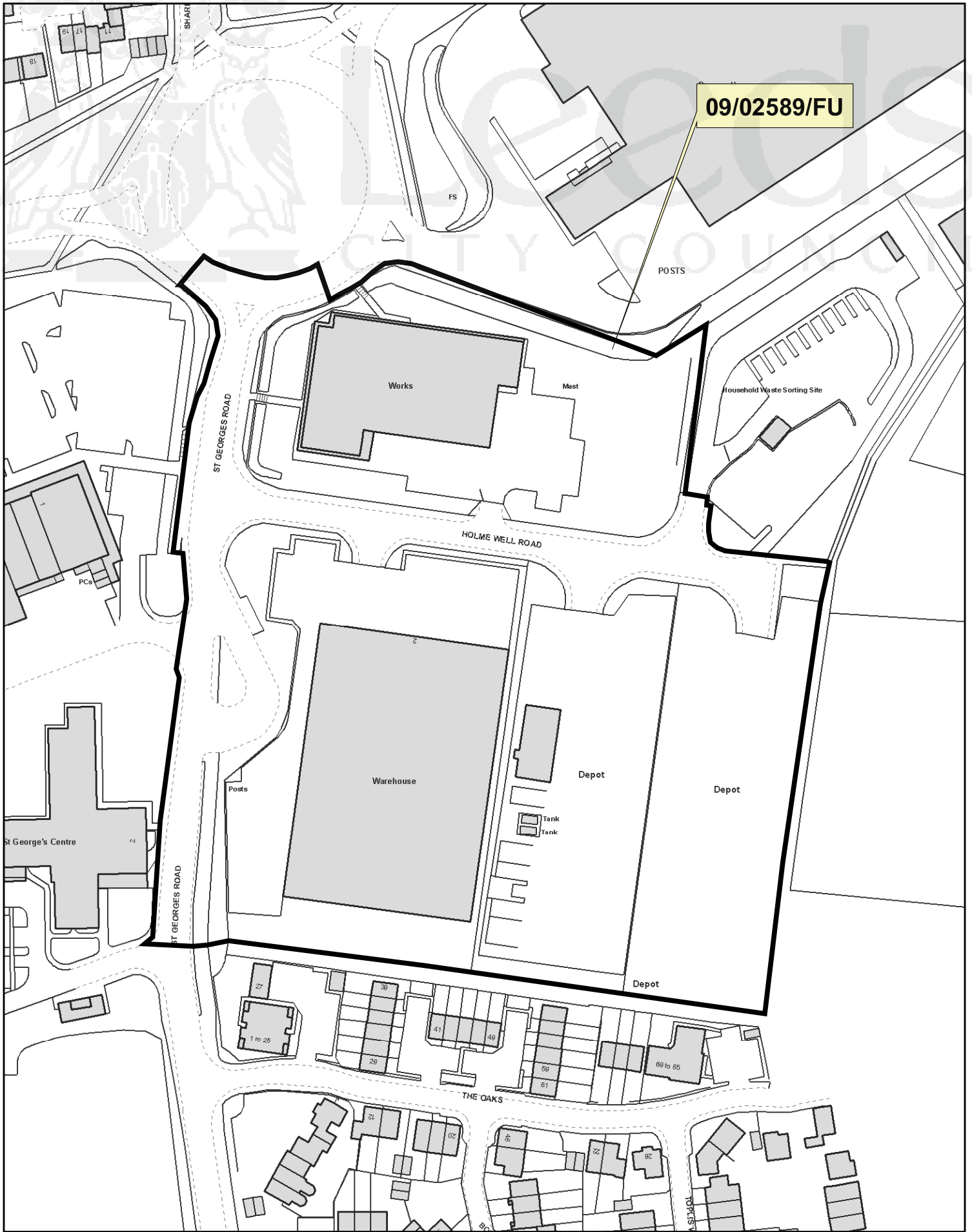
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DATE 17-04-09

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JOB NO.	DRAWING NUMBER	REV
09-059	PL-01	E





09/02589/FU

EAST PLANS PANEL

Scale 1/ 1500

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Originator: S Woodham

Tel: 2478000

Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 27th August 2009

Subject: APPLICATION 09/02761/FU – Retrospective application for two conservatories to the side and rear at Temple View House, 22 Hertford Chase, Colton, Leeds, LS15 9EP

APPLICANT

Mrs C Chambers

DATE VALID

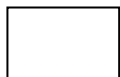
24.06.2009

TARGET DATE

19.08.2009

Electoral Wards Affected:

Temple Newsam



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT PERMISSION subject to the following condition:

1. Retention of existing 2m high fencing along side boundary with No 20 Hertford Chase.

Reasons for approval: The extensions are small in scale and considered to comply with Policies GP5, BD6 of the Unitary Development Plan Review, and not cause harm to the character or appearance of the area or to the residential amenity of neighbours and are therefore considered acceptable having regard to the Development Plan and all other material considerations.

1.0 INTRODUCTION:

- 1.1 This application has been referred to Panel as the applicant has been an Officer employed within Planning Services to deal with planning applications although over the past year she has been on a career break and has recently confirmed that she is moving away from the area and leaving the Council.

2.0 PROPOSAL:

- 2.1 The applicant seeks retrospective planning permission for two conservatories to the rear and side of the dwelling.
- 2.2 The rear conservatory projects from the existing dwelling approx 2.75m and the width is 5.1m. The height to the ridge is 3.05m and the height to the eaves is 2.05m.
- 2.3 The side conservatory projects from the side elevation 1.3m and the width is 3.95m. The height to the ridge is 2.65m and to the eaves 2m.
- 2.4 The application has been submitted retrospectively. The applicant has submitted a letter of explanation. Three previous permissions were given between 1998 and 2003 for extensions, conservatories and sheds at the property. The side lean to conservatory has been erected in place of the previous shed and is not prominent in the wider street scene and is also concealed along the side boundary by an existing fence. The rear conservatory was erected between an existing shed and conservatory in the middle of the site without adverse impact on neighbours. At the time the conservatories were erected the applicant was on maternity leave and changes were being made to permitted development rights at national level. The applicant has since confirmed she will not be returning to work at the end of her career break but will be relocating to the East Coast with the family at the end of August.

3.0 SITE AND SURROUNDINGS:

- 3.1 The proposal relates to a detached red brick dwelling situated at the head of the cul-de-sac and backs onto Temple Newsam Park. The property has had a number of previous extensions including a garage conversion, two storey side extension and conservatory to the rear. Hertford Chase has a mixture of properties from detached houses to detached bungalows. Along the side boundary with No 24 the boundary treatment is approx 1.8m high fencing, the other side boundary treatment is approx 2m fence and landscaping. The rear boundary treatment is approx 1.5m high fencing and gates.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 The following applications are relevant:

32/237/03/FU Proposal: Conversion of garage to form 3 rooms two storey extension and conservatory to rear and addition of shed to side. Status: Approved. Decision Date: 05-AUG-03

32/112/02/FU Proposal: Single storey side extension and two storey extension and conservatory to rear. Status: Approved. Decision Date: 18-JUN-02.

32/54/98/FU Proposal: Conservatory to rear. Status: Approved. Decision Date: 22-APR-98

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 None

6.0 PUBLIC/LOCAL RESPONSE:

6.1 No comments have been received from neighbours.

7.0 PLANNING POLICIES:

7.1 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. However, the RSS is a strategic planning document, used to inform more detailed policies at a local level. Accordingly, it is not considered that there are any particular policies which are relevant to the assessment of this proposal.

7.2 Leeds Unitary Development Plan (Review 2006) Policies:

Policy GP5: General planning considerations

Policy BD6: Alterations and extensions to respect the scale, form, detailing and materials of the existing building

7.3 PPS1: Delivering Sustainable Development – general principles

8.0 MAIN ISSUES

- i) Impact on street scene
- ii) Impact on neighbouring properties

9.0 APPRAISAL

Impact on streetscene

9.1 The side conservatory is well screened from the overall street due to a 1.8m solid wooden gate and also the conservatory is set back from the existing dwelling frontage by approx 1.9m. With this distance and the wooden gates it is considered to be significantly screened from the street as such will not cause any harm. Due to the positioning of the rear conservatory it will have no impact on the street scene.

Impact on neighbouring properties

9.2 Due to the position of the rear conservatory there will be no overlooking or overshadowing to the neighbouring bungalow No 24 Hertford Chase as it is screened by a previously constructed conservatory and as such will not affect their residential amenity. The other side boundary adjacent to No 20 Hertford Chase is characterised by a 2m high fence. As such with the retention of this fence there will be no overlooking to this property. The conservatories are of a height and design that will have little impact in terms of dominance.

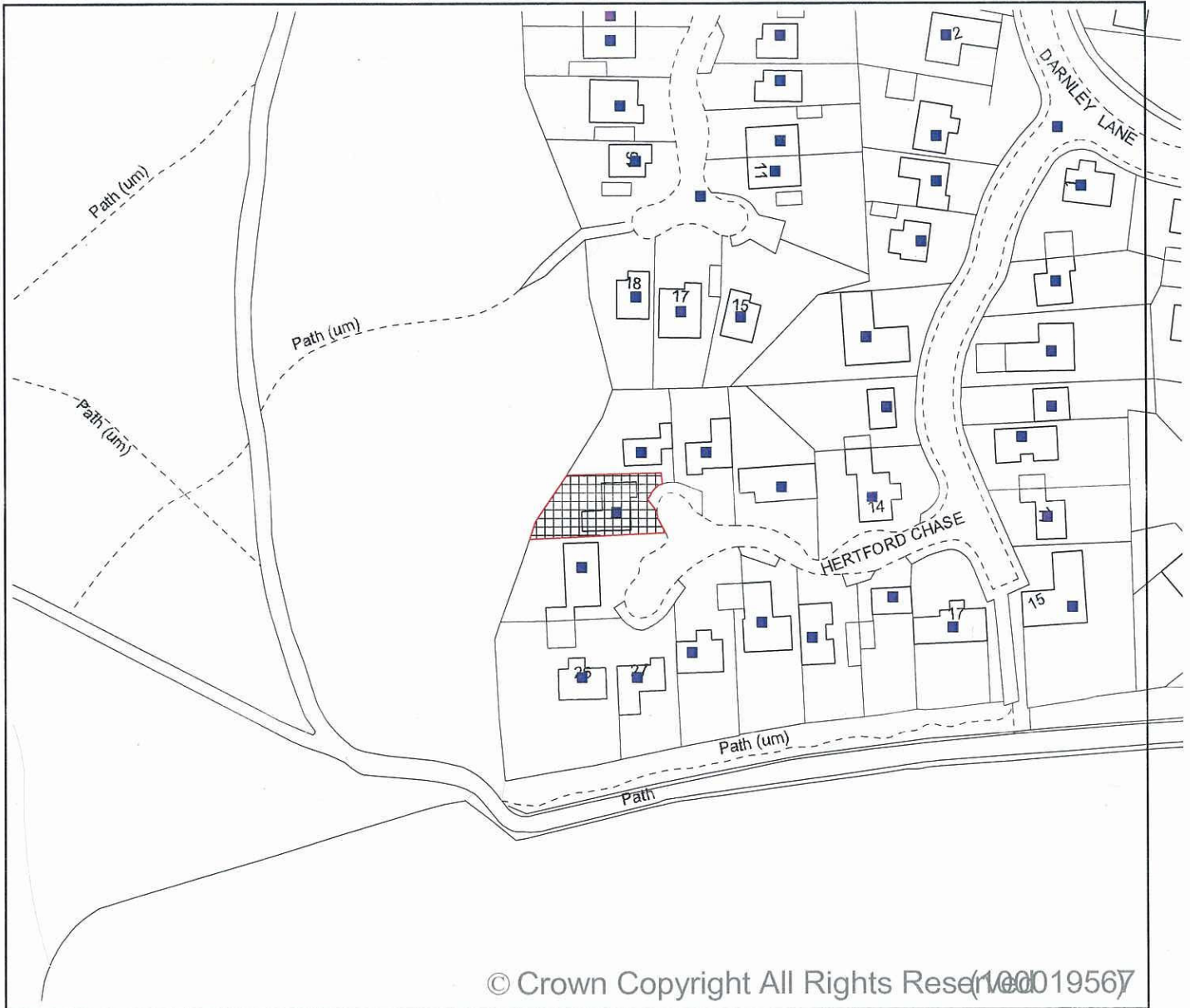
10.0 CONCLUSION

10.1 In conclusion, consideration has been given to the relevant policies and all other material planning considerations and it is considered that, subject to the retention of the side fence, planning permission should be granted.

Background Papers:

Application file: 09/02761

Ownership Certificate:
Certificate A signed by applicant



Legend

Leeds City Council	
Development Department	
Scale	1:1250
Date	09 July 2009
Comments	Plans Panel (East)

This map is based upon the Ordnance Survey's Digital Data with the Permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office

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