



PLANS PANEL (WEST)

Meeting to be held in Civic Hall, Leeds on
Thursday, 28th April, 2011
at 1.30 pm

MEMBERSHIP

Councillors

N Taggart (Chair) B Chastney P Wadsworth T Leadley
J Akhtar J Matthews R Wood
M Coulson
J Hardy
J Harper

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>	

Item No	Ward	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which may have been admitted to the agenda by the Chair for consideration.</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATIONS OF INTEREST</p> <p>To declare any personal/prejudicial interest 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 last meeting held on 31st March 2011 as a correct record</p> <p>(Copy attached)</p>	9 - 14
7	Armley;		<p>APPLICATION 10/02363/OT - OUTLINE APPLICATION TO ERECT RETAIL SUPERSTORE WITH CAR PARKING, PETROL FILLING STATION/SHOP, THREE A1/A2/A3 UNITS AND PUBLIC OPEN SPACE AT LAND OFF CARR CROFTS, TOWN STREET AND MODDER PLACE, ARMLEY LS12</p> <p>To consider the report of the Chief Planning Officer on an outline application submitted relating to development proposals for a new retail superstore with associated petrol filling station and shop, three new retail units and public open space along with off-site highway improvements on land off Carr Crofts, near Town Street, Armley. Members previously considered a progress report on the proposals in July 2010</p> <p>(Report attached)</p>	15 - 32

Item No	Ward	Item Not Open		Page No
8	All Wards;		<p>PLANNING FOR GROWTH - NATIONAL ADVICE</p> <p>To consider the report of the Chief Planning Officer setting out national guidance issued by Central Government. The report contains a copy of the letter dated 31st March 2011 from the Chief Planner at the Department for Communities and Local Government and a copy of the Ministerial Statement issued 23rd March 2011</p> <p>(Report attached)</p>	33 - 40
9			<p>DATE AND TIME OF NEXT MEETING</p> <p>To note the date and time of the next meeting as WEDNESDAY 25TH MAY 2011 at 1.30 pm. (Avoiding Annual Council which is to be held on Thursday 26th May 2011)</p>	

To:

Members of Plans Panel (West)
Plus appropriate Ward Members and
Parish/Town Councils

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

Contact: Helen Gray
Tel: 0113 247 4355
Fax: 0113 395 1599
helen.gray@leeds.gov.uk
Your reference:
Our reference: ppw/sitevisit/
15th April 2011

Dear Councillor

PLANS PANEL (WEST) – SITE VISITS – THURSDAY 28th APRIL 2011 at 1.30 pm

Prior to the next meeting of Plans Panel West there will be site visits in respect of the following;

- 1 11:30 am Redevelopment of former halls of residence site comprising conversion of 6 buildings to 30 flats and 1 house, erection of 3 blocks totalling 55 flats, 13 houses, one block of 48 retirement flats, with landscaping, car parking and public open space at Tetley Hall 40 - 42 Moor Road, 11-13 Heathfield Terrace and 17 - 19 Burton Crescent, Headingley, Leeds. LS6 4BJ.

Panel Members will receive a pre-application presentation on the proposals at the end of the formal Panel meeting

(Headingley ward)

Return to Civic Hall at 12 noon approximately

A minibus will leave the Civic Hall at 11:15 am prompt. Please contact Steve Butler Area Planning Manager (West) Tel: (0113) 22 43421 if you are intending to come on the site visits and meet in the Civic Hall Ante Chamber at 11:10 am

Yours sincerely

Helen Gray
Governance Officer

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Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 28th April 2011

Subject: PRE-APPLICATION PRESENTATION: Redevelopment of former halls of residence site comprising conversion of 6 buildings to 30 flats and 1 house, erection of 3 blocks totalling 55 flats, 13 houses, one block of 48 retirement flats, with landscaping, car parking and public open space

SITE AT : Tetley Hall 40 - 42 Moor Road 11-13 Heathfield Terrace And 17 - 19 Burton Crescent, Headingley, Leeds. LS6 4BJ

APPLICANT	DATE VALID	TARGET DATE
Pickard Properties	N/A	N/A

Electoral Wards Affected:

Weetwood

No Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Members are asked to consider the scheme as presented and to raise any issues considered relevant at this stage.

1.0 INTRODUCTION:

1.1 This proposal is brought before Members as the site represents a major development site within the urban area of Far Headingley. The site has planning history (outlined below). The pre-application presentation will form part of the applicants community engagement which will also include presentations to the local residents (to be confirmed).

2.0 PROPOSAL:

2.1 This proposal comprises three new apartment blocks 55 units in total (three storeys with fourth level accommodation in the roofspace) and 13 townhouses (three storeys in height). The scheme also includes a retirement complex of 48 units. The purpose built halls of residence are to be demolished as is the existing villa known as Heathfield Terrace, while the existing villas known as Moorfield Lodge, Moor Grange and adjoining two stable blocks, Burton Grange and Burton Lea with adjoining stable block are to be refurbished to provide, in total, 31 units. The design and appearance of this scheme is traditional Victorian style housing and villas with stone and slate and timber door and window frames. In total this residential development comprises 147 dwellings with 128 car parking spaces.

3.0 SITE AND SURROUNDINGS:

3.1 The site is sited within a leafy suburb of predominantly family residential properties. The actual site boundary is spread over six acres, and bordered on the north-east side by Moor Road, a wide residential access road. The site is currently accessed on the south side from Burton Crescent, a tree lined residential access road which has links to the Otley Road (A660) and Meanwood village. The site contains a number of buildings. The main building is the purpose built Student Block. There is a 1960s four storey student block which currently dominates the site which will be demolished as part of the proposals. This building has no architectural merit and its removal and replacement with smaller residential buildings will be a positive improvement.

3.2 The site also contains eight existing buildings converted for student use: -

- Moorfield Lodge;
- Moor Grange;
- Moor Grange Gatehouse;
- Heathfield Cottage (11 to 13 Heathfield Terrace);
- Burton Grange (17 Burton Crescent);
- Burton Lea (19 Burton Crescent);
- Burton Lea Stable Block; and
- Moor Grange Stable Block.

3.3 The site is within the Far Headingley Conservation Area, within the Area of Housing Mix and is designated as an Urban Green Corridor in the UDP Proposals Map.

4.0 RELEVANT PLANNING HISTORY:

4.1 The following planning history on the site is considered relevant:-

- **08/04024/FU** – 3 new student flat blocks comprising 45 cluster flats with 259 bedrooms and 17 student townhouses with 102 bedrooms, with car parking and public open space. Refused 22.02.2010 on grounds of principle of student development, design & layout issues, loss of amenity for neighbours, tree loss, none compliance with S106 policies.
- **08/04049/FU** - Redevelopment of former halls of residence site comprising conversion of 6 buildings to 29 flats and 2 houses, erection of 3 blocks totalling 70 flats, 17 townhouses, one block of 51 retirement flats, with landscaping and public open space. Refused 22.02.2010 on grounds of design and layout, loss of residential amenity, tree loss and none compliance with S106 policies.

4.2 The same applicant's were refused planning permission on the 28th April 2008 for the redevelopment of former halls of residence site comprising: conversion of six buildings to 29 flats and two houses; erection of three blocks totaling 75 flats; 17 townhouses, one detached dwelling and a part four/part five storey block of 53 retirement flats with landscaping and public open space, under reference 08/00471/FU. The reasons for refusal cover the following points: -

- Over-intensive nature, height, scale, massing, separation distances, access layout and associated parking;
- The premature loss of protected trees;
- Insufficient provision of affordable housing within the application;
- Insufficient provision of additional or improved Greenspace;
- Failure to secure provision of education facilities;
- Insufficient enhancements to strategic public transport infrastructure, basic public transport site access provision and fails to encourage and promote access by sustainable modes of travel, and
- Lack of a Flood Risk Assessment.

5.0 HISTORY OF NEGOTIATIONS:

5.1 Prior to submission of this scheme, the applicant met with Officers to discuss the development of a suitable design approach. The current scheme results in a smaller buildings, a reduction of 22 units from the scheme previously refused by Panel and a reduction of about 40 car parking spaces. The building design has also altered significantly as a traditional design approach is being employed. Changes to the layout of the site have also taken place with the terrace row being split into two blocks. The nursing home element has been redesigned and orientated to better from the public open space. The style of the apartment blocks has also changed and the scale of these buildings have been reduced from the previous application and also have been reduced through negotiation during this pre-application process.

5.2 Officers have kept Headingley ward members updated on these proposals.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 This proposal is at pre-application stage only and has therefore not been advertised.

6.2 The previous application was widely advertised by the developer, with events including a public exhibition event in January 2008 at which plans were presented and comments invited, with attendance by local residents and councillors, and a further public consultation in July 2010.

7.0 CONSULTATION RESPONSES:

7.1 The Highway Authority are considering the pre-application scheme.

7.2 Design Officers and the Design Review Panel have been involved in the layout and architectural changes.

8.0 MAIN ISSUES:

8.1 The proposal seeks guidance as a pre-application submission. It considered that the main issues in this case will be:

- Principle of the development
- overcoming the previous reasons for refusal
- Impact of the proposal on the setting of the Conservation Area and the Urban Green Corridor;
- Design, layout, architecture
- Highway Safety;
- Area of Housing Mix;
- Community Engagement; and
- S106 package

9.0 APPRAISAL:

9.1 The principle of replacement of the 1960s block with a new build villa style nursing home may be acceptable as it will largely be on brownfield land. The conversion of the existing villas to apartments and the conversion of the stable block to a dwelling is also considered acceptable in principle. The principle of the new build development needs considering in the context of changes to PPS3 relating to Greenfield definitions and minor density targets and in relation to the impacts of new build development on the Urban Green Corridor and in relation to the character and appearance of this part of the Far Headingley Conservation Area. **Members views on the principle of a housing and retirement home development are sought.**

9.2 The changes to the layout of the site and the changes to the scale, massing, design and appearance of the this scheme are considered to be positive changes that are responding to the previous reasons for refusal relating to both layout and design and matters and also in relationship to the reason for refusal relating to impacts on neighbouring properties amenity. The impacts on the green space and trees within the site will be subject to assessment on receipt of an updated tree survey and landscape appraisal. The changes to the layout have responded in part to the reason for refusal relating to loss of trees and impact on trees from the last application but officers are still assessing this element and will update Members during the planning application process. **Members views on the proposed design are sought.**

9.3 The highway matters are currently being appraised by highway officers and more details will be brought to panel. The previous application was not objected to on highway grounds. This scheme reduces the number of dwellings by 22 units but reduces the car parking by about 40 spaces. Highways officers will advise on this layout and intensity consideration. In addition local aspirations for traffic calming measures on Moor Road will be considered but at this stage Officers are not in a position to advise Members on the necessity or otherwise of this. **Members views on this element will be requested.**

9.4 The site is within the Area of Housing Mix. The proposal will be appraised against the 5 criteria of the policy. The site is currently in exclusive student occupation but this proposal will be general housing not exclusively for students. **Members views on highways, car parking and sustainability are sought.**

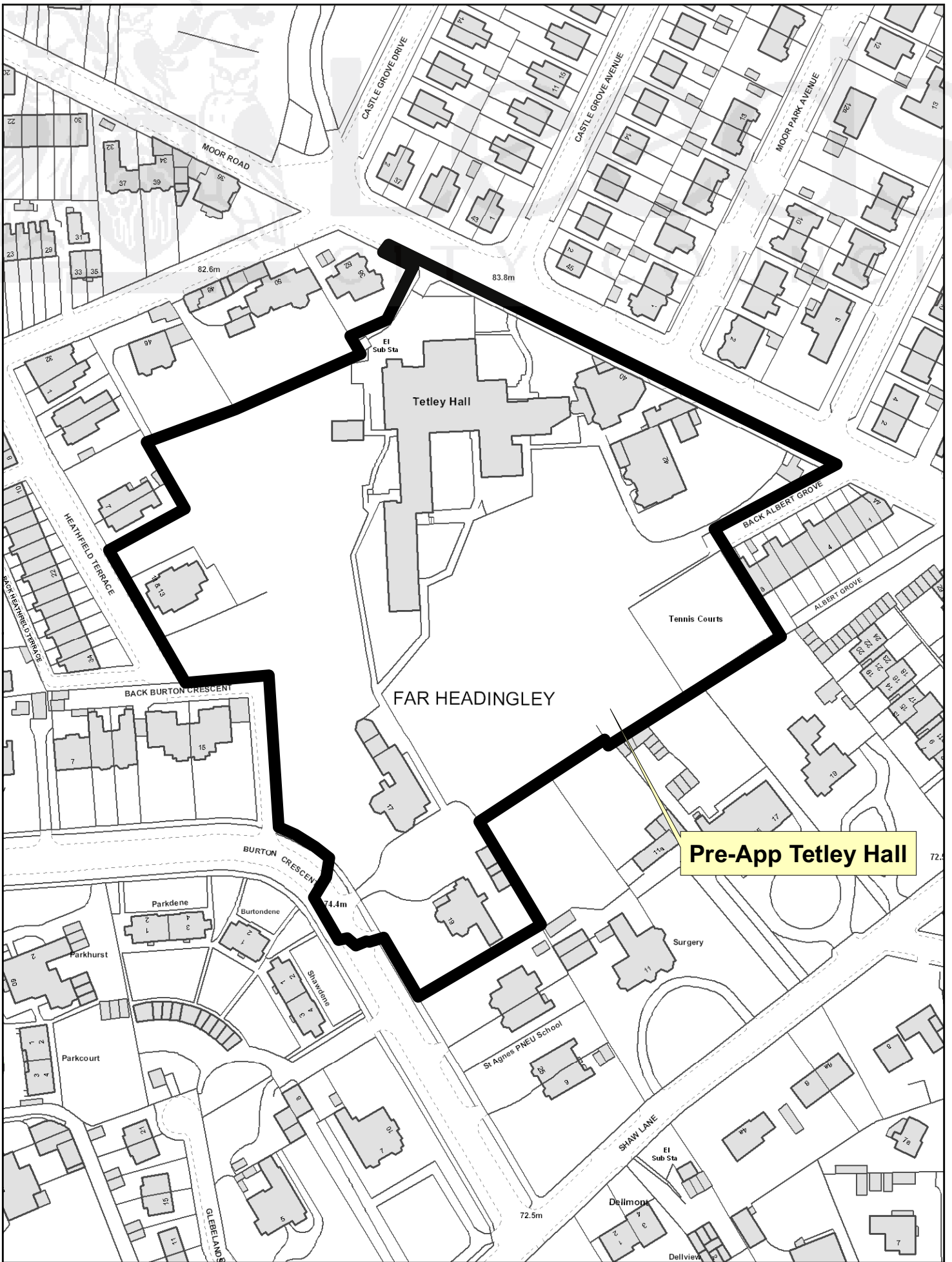
9.5 The developer has committed to undertaking community engagement prior to the submission of any planning application. Officers have advised this is necessary

given the scale of the development and its implications for the local area. In addition the previous applications attracted a substantial volume of objections and as such the developer should ensure that they have taken account of the community's thoughts and comments in relation to this revised development proposal.

- 9.6** This scheme is presented as an open market residential scheme including the retirement complex. It will need to deliver on UDP policies relating to greenspace, education, affordable housing, public transport infrastructure and travel planning measures. Members should note that the previous application for a residential scheme which was refused 08/04049/FU was the subject of financial viability testing. The Council did not accept the viability argument put forward previously by the applicants and refused the application for non-compliance with UDP policies in this regard. At present the developer has not indicated that they wish to see a reduction in the S106 package and officers are yet to provide the developer with calculations of the required UDP policy contributions.

10.0 CONCLUSION:

- 10.1** Members are asked to consider the current proposal and comment.



WEST PLANS PANEL



PLANS PANEL (WEST)

THURSDAY, 31ST MARCH, 2011

PRESENT: Councillor N Taggart in the Chair

Councillors J Akhtar, B Chastney,
M Coulson, J Hardy, J Harper, T Leadley,
J Matthews, P Wadsworth and R Wood

120 **Declarations of Interest**

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:

Councillor Akhtar – Leeds Bradford International Airport - declared a personal interest as he stated that he and his family used Pakistan International Air, mentioned in discussions on enforcement matters, to travel from LBIA to Pakistan (minute 123 refers)

121 **Minutes**

The Panel noted a number of minor amendments to minute 112 as follows:

Para 13 – to reword to clarify that all future residents of the Clariant site would live within the Horsforth ward

Para 15 - to refer to Woodside Quarry (not Mills)

RESOLVED – That, subject to the amendments outlined above, the minutes of the last meeting be approved as a correct record

122 **Matters Arising**

Minute 118 Little London Regeneration – Councillor Leadley stated he had received correspondence confirming that the developers would offer reasonable terms for refurbishment works to existing owner/occupiers of homes within the areas scheduled for refurbishment

123 **Matters Arising from previous meetings**

Leeds Bradford International Airport – Councillor Matthews referred Members to reports presented to previous Panel meetings on noise monitoring at LBIA and Members' resolve to ensure breaches of the conditions, particularly night time breaches, were pursued. He stated that local ward Councillors had been informed that enforcement action was not to be pursued by the Authority.

The Head of Planning Services responded that officers intended to report back with the next 6 monthly update to the next Panel meeting. He outlined the steps which had been taken to address the issue including the desire to introduce a quieter plane. He also confirmed that PIA had breached the night time flight condition twice in January and that there had been high level meetings since then between LCC Members, officers and LBIA representatives where a number of sensitive issues had been discussed. Members expressed concern that a resolution of the Panel was not being implemented but noted that a further report would be tabled for the next meeting

Draft minutes to be approved at the meeting
to be held on Thursday, 28th April, 2011

RESOLVED – To note the information

124 Chairs Report - Mr M Darwin

The Chair reported that Mr M Darwin, Head of Highways Development Services was in attendance at this, his last Panel meeting, as he would retire from the Council today. Councillor Taggart provided the Panel with a brief history of Mr Darwin's working life and recognised his significant contribution to Leeds and to the work of the Plans Panels. All Panel Members and officers present expressed their best wishes to Mr Darwin for the future.

125 Application 10/03880/FU/MIN - Erection of an 18.3m (to hub) wind turbine at Grange Farm, Black Hill Road, Arthington, Otley, LS21

Slides showing a site plan, a drawing of the elevation and photograph of a similar sized turbine were displayed at the meeting. Members had visited the site prior to the meeting.

Officers reported updates to the report, namely that the distance to the nearest property boundary should read 330m (not 260m as stated in the report) and that paragraph 10:22 should state that the LCC Nature Conservation Officer had responded in consultation with Natural England.

The Panel heard from Mr B Thompson, Chair of Arlington Parish Council who referred to the presence of Red Kites in the locality and the guidelines issued by Natural England that turbines should be located no nearer than 500m from a nesting site. He suggested this turbine would be within that distance. Furthermore he felt the applicant had not provided evidence of the special reasons to set aside Green Belt policy.

The Panel then heard from Mr P Bailey, agent, in response who described the locality and the siting of the proposed turbine set down within the landscape with significant tree cover to mitigate any visual impact.

Members discussed the following matters:

- The proximity of the Red Kite nesting site. Officers reported the turbine to be approximately 400m away. Neither Natural England nor LCC Conservation officer foresaw a problem with this, however there was no evidence to suggest either way. The Panel discussed the request from NE for the applicant to monitor the impact of the turbine but noted that conditions had to be pertinent to this application and could not require the applicant to gather evidence for future applications
- The turbine would provide electricity for all the requirements of the farm. Any additional power would be relayed to the National Grid for general consumption
- The minimal noise caused by turbines
- Colour of the turbine mast which Members suggested should be unobtrusive but still visible to birds

RESOLVED - That the application be granted subject to the specified conditions

126 Application 10/04068/OT - Outline Application including means of access to erect residential development at the former Clariant site, Calverley Lane, Horsforth LS18

Further to minute 112 of the meeting held on 3rd March 2011 when the Panel resolved not to accept the officer recommendation to approve the application; the Chief Planning Officer submitted a further report setting out proposed reasons to refuse the application based on the concerns raised at that meeting. The proposals had been considered in conjunction with development proposals for the adjacent Riverside Mills site (minute 127 refers) and the same reasons to refuse both applications were dealt with at the same time.

Five reasons were contained within the report, and officers tabled a sixth reason at the meeting following further discussions on the Transport Assessment. Officers clarified that the reasons for refusal were based on the application as made – without the proposals for signalisation of Horsforth roundabout as they had not part of the formal application, although offered and discussed at the Panel meeting.

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

1. The site lies outside the main urban area, in a location which is remote from local services. As such, the site is not in a demonstrably sustainable location for residential development and the sustainability measures promoted are considered insufficient to outweigh this locational disadvantage. The proposal is therefore detrimental to the aims and objectives of sustainability policy, contrary to adopted Leeds UDP Review (2006) strategic goal SG4, strategic aim SA2, policies H4, T2, T9; RSS (2008) policies YH7, LCR1, T1 and government guidance in PPS1, PPS3 and PPG13.

2. The site is poorly served by non car modes of transport. The proposed bus service is insufficient to meet the minimum standards suggested by the SPD “Public Transport Contributions” and proposals for Calverley Lane North result in disbenefits for cyclists. Consequently residents would be primarily dependent upon use of the private car. The proposal is therefore detrimental to the aims and objectives of sustainability policy, contrary to adopted Leeds UDP Review (2006) strategic goal SG4, strategic aim SA2, policies GP5, H4, T2, T2D, T5, T9; RSS (2008) policies YH7, T1, T3; SPD “Public Transport Improvements and Developer Contributions” (August 2008) and government guidance in PPS1, PPS3 and PPG13.

3. The submitted Travel Plan is unacceptable as regards baseline mode splits and targets, penalties and mitigation if targets not met, travel to school by sustainable transport and the form, timing and length of monitoring. The proposal is therefore detrimental to the aims and objectives of sustainability policy, contrary to adopted Leeds UDP Review (2006) strategic aim SA2, policy GP5, para 6.3.9., 6.3.12, RSS policy T1, SPD “Travel Plans” (May 2007) and government guidance in PPG13.

4. The development is accessed from the A6110 (Ring Road) which is a high speed, heavily trafficked primary route. The access from Calverley Lane South onto the A6110 does not have adequate capacity to cater for the development and is considered unsafe. The proposal is therefore detrimental

to highway safety, contrary to adopted Leeds UDP Review (2006) policies GP5, T2 and T5 of the and government guidance in PPS3 and PPG13.

5. The proposed access works to Calverley Lane North fail to take proper account of cyclists returning to the site, detrimental to their safety and convenience. The proposal is therefore detrimental to highway safety, contrary to adopted Leeds UDP Review (2006) policies GP5, T2, T5; RSS policy T1 and government guidance in PPG13.

6. The Transport Assessment is based on a VISSIM model which has a number of serious flaws; in particular the queue lengths in the existing situation do not validate which has implications for the fallback and development case results. This means that the model does not provide an acceptable representation of impacts on the local highway network and the Transport Assessment cannot be relied upon to make a sound planning decision. The application is therefore detrimental to highway interests contrary to adopted Leeds UDP (2006) policies GP%, T2, T2B and PPG13 paras 23 – 25

127 Application 10/04261/OT - Outline Application including means of access to erect residential development for up to 150 dwellings with associated open space and off site highway works at Riverside Mills, Low Hall Road, Horsforth LS18

Further to minute 112 of the meeting held 3rd March 2011 when the Panel resolved not to accept the officer recommendation to approve the application, the Chief Planning Officer submitted a report setting out proposed reasons to refuse the application based on the concerns raised by Members at the previous meeting. This matter was dealt with in conjunction with the Clariant site proposals (minute 126 refers) as the reasons to refuse both applications were the same

Five reasons to refuse the application were included within the report and officers tabled a sixth reason at the meeting following further consideration of the Transport Assessment.

RESOLVED – That the application be refused for the reasons set out in minute 126 above.

128 Application 10/05548/EXT - Extension of time period for planning permission 08/00397/OT Outline application for one part 3, part 4 storey block of 15 student flats at Moorland Road, Woodhouse, LS6 for

The Panel considered the report of the Chief Planning Officer on an application seeking the extension of time period for implementation of outline application 08/00397/OT for student flats. The Panel had visited the site prior to the meeting. Plans and photographs of the site were displayed. Officers also showed an indicative drawing of the type of development proposed however reiterated that the details of the proposal were reserved for a future application.

Members heard from Mrs S Buckle on behalf of the local community objecting to the scheme who expressed concern over the impact of the block on the

local residents and the number of surplus student bed spaces available across the city. The Panel then heard from Mr D Cook, agent, who stated the site was identified within the UDP as suitable for HMO development and that the building itself would not be as large as the substantial terraces around it.

Members considered whether there had been any material planning changes since the original consent was granted in 2008 and had regard to the fact that the Little Woodhouse Neighbourhood Design Statement had been recently adopted. Members were also mindful that the principle of this development was already established and of the Government Guidance relating to applications seeking extension of time for implementation during the current economic climate. On balance, the Panel recognised that there was no evidence of significant material changes to support a reason to refuse the application

RESOLVED – That the application for the extension of time for implementation of application 08/00397/OT be granted; subject to the specified conditions contained within the report and subject to the completion of a signed Section 106 Agreement for an off-site Greenspace payment of £17,922.34 and a management fee of £600.

(Councillors Akhtar and Hardy withdrew from the meeting at this point)

129 Application 11/00255/FU - Change of Use and alterations and extension to form A2 offices with associated landscaping at 75 Otley Road, Headingley LS6

Plans and photographs of the site were displayed at the meeting along with computer generated graphics of the proposals in the street scene. The Panel had previously received a pre-application presentation on the scheme in December 2010 and officers highlighted revisions made to the proposals since then.

(Councillor Akhtar resumed his seat in the meeting)

Officers reported receipt of one further letter of objection submitted on behalf of the Headingley Renaissance Group relating to the servicing/delivery arrangements for the unit. The Panel broadly agreed that the location of the property opposite the Arndale Centre related as much to the commercial area of Headingley as it did to the residential area.

RESOLVED – That the application be granted subject to the specified conditions contained within the report

130 Application 11/00544/FU - Retrospective application for change of use of retail unit to estate agents (A2) for a period of 2 years at 8 St Anne's Road, Headingley LS6

Plans and photographs of the site were displayed at the meeting. Officers reported concerns relating to the loss of retail vitality on this shopping parade and the supportive comments of the Planning Inspector at an appeal in June 2010 against refusal for permission for change of use to A2 use at 10 St Anne's Road. Officers were however mindful that Panel had recently

approved the expansion of an existing restaurant in the same parade of shops which had resulted in the loss of a retail use.

The Panel heard from Mr S Moran, the applicant, who detailed the business and retail history of the units in the shopping parade and the impact of the recession on the viability of the units. The Panel noted this was a retrospective application which was recommended for refusal, but bearing in mind the recent grant of restaurant use to another retail unit and the likelihood that no other operator would seek to use this unit in the near future; considered the proposed 2 year temporary use to be acceptable in the current economic climate.

RESOLVED –

- a) That the officer recommendation to refuse the application be not agreed.
- b) That the application be approved in principle for a temporary period of 2 years only
- c) That final approval of the application be deferred and delegate d to the Chief Planning Officer (subject to conditions deemed to be appropriate)
- d) To note that a report would be presented to Panel if the applicant chose to appeal the 2 year temporary permission in the future

131 Application 11/00639/FU - Proposed two bedroom detached house to garden site, 5 Caythorpe Road, West Park, LS16

Plans and photographs of the site were displayed at the meeting. Officers highlighted key issues to consider, particularly the fact that Panel had recently approved a similar development for a dwelling with a link to the existing dwelling contrary to officer recommendation in January 2011. The application now before the Panel proposed an entirely detached new dwelling.

Members noted the inclusion of a condition which ensured that Permitted Development rights were removed

RESOLVED – That the application be granted subject to the specified conditions contained within the submitted report

132 Date and Time of Next Meeting

RESOLVED – To note the date and time of the next meeting as Thursday 28th April 2011 at 1.30 pm



Originator: Peter Jorysz

Tel: 0113 247 7998

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 28th April 2011

Subject: APPLICATION 10/02363/OT – OUTLINE APPLICATION TO ERECT RETAIL SUPERSTORE WITH CAR PARKING, PETROL FILLING STATION/SHOP, THREE A1/A2/A3 UNITS AND PUBLIC OPEN SPACE; LAND OFF CARR CROFTS, TOWN STREET AND MODDER PLACE, ARMLEY.

APPLICANT
Morbaine Limited

DATE VALID
25th May 2010

TARGET DATE
24th August 2010

Electoral Wards Affected: Armley

Y

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Approve in principle and defer and delegate the decision to the Chief Planning officer subject to the following conditions and a Section 106 agreement to include:

- Management fee
- Travel Plan monitoring fee
- Public transport contribution
- Bus infrastructure contribution
- Contribution to signalisation works at Tong Road
- Specification for works to the former Chapel on Town Street
- Triggers for construction/completion of additional retail units

1. Outline time limit.
2. Submission of reserved matters.
3. Approved Plans.
4. Approval of wall/roof materials.
5. Details of surfacing materials.

6. Submission of landscaping scheme.
7. Implementation of landscaping scheme in accordance with submitted details.
8. Landscaping Management Plan.
9. Replacement of trees which are damaged or die.
10. Laying out of vehicle areas.
11. Signalisation scheme for the junction of Carr Crofts/Town Street to be submitted, approved and completed prior to occupation.
12. Signalisation scheme for Carr Crofts/Tong Road to be submitted, approved and completed prior to occupation.
13. Scheme for provision of shuttle signals across the railway bridge to be submitted, approved and completed prior to occupation.
14. Cycle parking provision.
15. Service access and management plan for deliveries.
16. Details of a Car Park/Trolley Management Scheme. Car parking spaces associated with the development shall be made available at all times when the store is open, with no parking restrictions.
17. One way system for PFS.
18. No vehicular access to Station Road.
19. Restrict total retail superstore floorspace to 8,360 sq m GIA.
20. Restrict retail superstore comparison goods floorspace to 2,000 sq m GIA.
21. Submission of noise report.
22. Hours of operation restricted.
23. Hours of delivery restricted.
24. Delivery vehicles to disable reverse beepers and refrigeration units prior to site entry.
25. Foul and Surface Water drainage details to be submitted.
26. No piped discharge of surface water until approved drainage works complete.
27. Development to be carried out in accordance with the FRA.
28. Submission of archaeological appraisal for all buildings to be demolished.
29. Submission of contaminated land information.
30. Boundary treatments, including retaining walls.
31. Hours of construction restricted to 8am-6pm Monday to Friday and 9am-1pm Saturday, with no working on Sundays or bank holidays.
32. Details of Security measures.
33. Lighting details.
34. Details of storage and disposal of litter.
35. Details of fixed plant to be submitted.
36. Details of extract ventilation/air conditioning systems.
37. No operation of tannoy system.
38. Provision of grease trap.

Reasons for approval: The application is considered to comply with policies GP5, GP7, N12, N13, N19, N50, T2, T2C, T2D, T5, T6, S2 and S3 of the UDP Review and supplementary guidance, as well as guidance contained within the RSS, PPS1, PPS4, PPS5 and PPG13. It is considered that the scale of the proposal in this District Centre is appropriate; that the increase in the scale of the store would not have an adverse impact on the vitality and viability of Armley Centre and other nearby centres; the scheme would improve the environmental quality of the Armley centre; will result in an increase in the number of jobs; the means of access and layout are acceptable and would not detract from the character and appearance of the locality and conservation area; the proposed signalised junctions, 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. 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 Leeds UDP (2006) and RSS (2008) policies and national planning guidance and having regard to all other material considerations is considered acceptable.

1.0 INTRODUCTION:

1.1 This outline application seeks approval for a significant retail development near Town Street, Armley. The application comprises an A1 consent for a superstore comprising 8,360 sq m (90,000 sq ft) excluding atrium, with associated car parking, petrol filling station and shop, three new retail units, new "town square" and off-site highway improvements.

1.2 A Progress Report was considered at Panel on 15th July 2010 and this report aims to update members on subsequent negotiations. The proposal is now at a stage where a formal recommendation of approval can be made.

2.0 PROPOSAL:

2.1 The application was submitted with various elements of supporting information including a Design and Access Statement, proposed site plan, proposed elevations, proposed sections and proposed three dimensional perspectives. All of these drawings/plans were illustrative. However, since submission of the application details of both means of access and siting have been submitted to be formally considered at outline stage.

2.2 The proposed site layout shows the footprint of a superstore with 8,360 sq m GIA (plus 900 sq m GIA atrium for access by a travelator). A total of 508 car parking spaces are associated with the main store. Access would be off Modder Avenue and the main elevation would face Modder Avenue. Servicing would be off Carr Crofts to the rear of the store.

2.3 Illustrative elevations show a largely rectangular superstore building on stilts, with undercroft parking at ground floor level and one floor of retail above. The illustrative materials comprises a mix of aluminium curtain walling and timber wall cladding with a low pitched roof. The application does not identify hours of operation.

2.4 The proposed layout also proposes the demolition of six unlisted buildings in the Conservation Area to be replaced by a Petrol Filling Station (4 pump) and shop at the junction of Modder Avenue and Carr Crofts with access off Carr Crofts. Three additional retail units comprising 235 sq m and retention and refurbishment of the "Carpet Mill" shop (former chapel) on Town Street are also proposed. A concurrent application for Conservation Area Consent to demolish these properties (10/02364/CA) remains to be determined.

2.5 To serve the development off-site highway improvements comprise a widened and improved road junction at Carr Crofts/Town Street which would be signalised. The applicant has also offered to contribute towards a signalisation scheme for the Carr Crofts/Tong Road junction as required by Highways.

2.6 The proposed layout provides for a public space area connecting Town Street and the store although landscaping is a reserved matter.

3.0 SITE AND SURROUNDINGS:

3.1 The site is located within the designated Armley town centre; the majority of which is located to the south of the shops on Town Street. The site slopes up Carr Crofts from Town Street towards the railway line and contains limited vegetation, mostly

comprising a line of shrubs along the railway line and trees along Modder Place, Station Road and behind 41 Carr Crofts. The site comprises a number of elements as follows:

Land between Carr Crofts, Modder Avenue and Station Road

- 3.2 This comprises a variety of commercial buildings namely a modern 2-3 storey waste transfer station on Carr Crofts, 2-3 storey Victorian industrial premises and parking facing Modder Avenue/Station Road.

Land between Carr Crofts, Town Street, Modder Avenue

- 3.3 This land lies within the Conservation Area and comprises a large 2 storey stone built commercial premises on Modder Avenue, the site of a demolished Victorian commercial premises behind and three two storey properties along Carr Crofts. The latter three properties comprise a modern brick built Indian restaurant building, Victorian red brick detached house and rendered Victorian Sunday School building.

Land fronting Town Street

- 3.4 This comprises a 3 storey Victorian retail premises at the junction off Carr Crofts and Town Street (with three occupiers) and a former stone built chapel (The Carpet Mill).

Surroundings

- 3.5 The site is surrounded by retail units on Town Street to the north, open land and the new Sports and Leisure centre to the east, railway line and commercial buildings to the south and the Armley Health centre/semi-detached properties off Station Road/commercial buildings off Station Road to the west.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 The only application relevant to this site is a previous application for a supermarket (H24/284/87) which was withdrawn in October 1990.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Initial informal meetings were held with Policy Officers and Development Control officers in December 2009. Support was given for the principle of retail development on this site. Formal pre-application discussions were not pursued by the applicant.
- 5.2 Following submission the applicant was requested to provide an assessment of the impact of the development on the Conservation Area (which was subsequently submitted). In addition formal notification was made that the Local Planning Authority considered the highway details fundamental to any assessment at outline stage and that details of the means of access would be required at outline stage.
- 5.3 On 15th July 2010 Panel considered a Progress Report and made a number of comments as follows:

- queried scale and effect on Armley Town Centre; wanted comparison with other comparable stores.
- proposals will result in relocation of jobs from existing business and new jobs.
- concern regarding demolition of buildings in the conservation area. Keen to see retention of corner building.
- could petrol station be moved to retain buildings in the conservation area and improve linkages to the town centre.
- would a smaller store be viable?
- queried adequacy of Tong Road junction and whether this should be signalled.
- concern re accessibility and suitability of the railway bridge and whether this should be two way.

5.4 Subsequent negotiations have covered these areas and siting has been formally submitted at outline stage. Responses to these comments are incorporated in the Main Issues section.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application was advertised by site notice posted 2nd June 2010 and 12th December 2010 as a major development affecting the character of a Conservation Area.

6.2 Fifteen individual representations have been received (as at 7th April 2011) comprising eight representations of support, two objections (one from from NJL consulting on behalf of the Coop) and five representations of partial support/partial objection.

6.3 Objections by the Coop are made on the basis that the proposal:

- is contrary to Leeds UDP policy S2, PPS4 and the LDF Preferred Approach Core Strategy document. It would double the upper maximum of floorspace associated with a supermarket and would increase floorspace in the centre by 56%,
- does not show any survey evidence to suggest linked trips with the town centre,
- would be standalone, divorced from the Armley town centre and would compete with existing traders with negative result on vitality and viability.
- unanswered question from RIA re expenditure patterns,
- significant underestimation of likely impact of diverted expenditure from the Coop,
- detrimental impact on in-centre trade and turnover and trade in the wider area as proposal fails to evidence a robust position in capturing trade in the wider area.

An additional resident objection is made on the basis that such a large supermarket would be detrimental to local independent shops and could be the end of Town Street.

6.4 The eight representations of support are made on the grounds that:

- site underused and looks a mess,
- Town Street shops not very good,
- store of this size would be excellent,
- good use of ugly/underutilised land,
- local people would no longer have to travel to a large supermarket,
- employment opportunities for local people,
- current industrial units unsightly,
- would complement Armley Leisure Centre and Armley Moor Health Centre,
- landscaping would encourage people to visit Town Street,
- could have a positive influence over health and well-being of local residents e.g. working with local community groups to encourage healthy eating/activity/living,
- will put Armley back on the map,
- development would provide parking and encourage shopping on Town Street,
- do not believe there would be a negative impact on the Conservation Area,
- proposed town square will be fantastic,
- petrol station no worse than the existing waste disposal site,
- would create sense of pride in the area.

6.5 The five representations of partial support/partial objection comment that:

- no adverse impact on vitality/viability of Town Street, supermarket and footfall has potential to inspire confidence within the town centre,
- need for a quality supermarket without travelling by car,
- is in a sustainable location,
- closure of Waste Transfer Station massively welcomed (generates high level of noise and pollution),
- loss of building on junction of Town Street Carr Crofts regrettable, but not outstanding special merit,
- proposed open space would enhance and benefit the Conservation Area,
- Petrol station should be situated out of Conservation Area adjacent to the train line,
- concern re lack of access to Town Street and potential use of alleys and footpath through the health centre,
- design principles are being ignored by the applicants and conditions required re sustainability, the new units, mature trees, new paving and public art.

6.6 In addition 55 standard letters (with individual signatures) have been received. The letter supports the proposal on the grounds that:

- Armley is poorly provided by foodstores,
- unsightly buildings replaced with modern foodstore,
- land/buildings on Modder Avenue/Town Street of no visual/architectural merit,
- proposal will add to area's visual appearance.

6.7 In addition two petitions have been received in support containing 103 and 125 signatures respectively. The petitions note:

- supermarket welcomed,
- site is an eyesore with environmental problems,
- would not have negative impact on Conservation Area,
- would improve access to local, cheaper shopping.

6.8 Leeds Civic Trust objects on the basis:

- detracts from commercial viability on Town Street,
- buildings on Town Street important part of townscape, demolition would destroy historic fabric of the street,
- residents have access to Armley Moor, better than the proposed public space on road junction,
- oppose demolition of the chapel,
- house and restaurant should be retained on grounds of sustainability,
- every town has its supermarket shed - still time to acquaint citizens with Armley's historic enclaves/buildings of interest,
- impact on Conservation Area,
- highway works will degrade quality of Conservation Area.

6.9 The Victorian Society objects on the grounds:

- damaging effect on retail on Town Street,
- increased levels of road traffic demanding widening junction which will damage Town Street,
- Loss of buildings in Conservation Area which make "positive contribution" i.e.
- demolition of 67-71 Town Street would leave unacceptable gap in street frontage,
- demolition of 43 Carr Crofts when could be refurbished,
- demolition of 41 Carr Crofts as dwelling in reasonable condition,
- demolition of disused building on Modder Avenue recognised in poor condition,
- all these buildings could be retained, and re-used with imaginative conversion,
- welcome retention and refurbishment of former chapel on Town Street.

6.10 Councillors Mckenna and Lowe have written in support of the application on the basis of the need for cheap food, petrol and jobs for constituents and that these outweigh any diminution of the Conservation Area. Councillor Lowe has also written separately agreeing the loss of the buildings in the Conservation Area with no concerns re the location of the petrol station. Considers that it is no good looking at the best for the Conservation Area when the existing site is an eyesore. What is proposed is better and will rejuvenate Town Street.

7.0 CONSULTATIONS RESPONSES:

Statutory:

English Heritage

No comment.

Environment Agency

The Environment Agency originally objected on the basis of the lack of a Flood Risk Assessment (FRA). Subsequent to submission of a FRA the Environment Agency has withdrawn its objection, subject to conditions.

Yorkshire Water

No objection, subject to conditions.

Network Rail

No objections, advice re protection of Network Rail interests given.

Highways

The original consultation response objected and raised concern on a number of grounds. Subsequent to submission of revised plans a revised consultation response has been received and Highways no longer object to the application, subject to the provision of highway works including:

- widening and signalisation of Carr Crofts/Town Street junction,
- widening and signalisation of Carr Crofts/Tong Road junction,
- widening and realignment of Modder Avenue at junction with Station Road,
- provision of shuttle signals across the railway bridge,
- TRO Point Closure Order of Modder Avenue,
- footway provision on south eastern side of Station Road,
- provision of bus lay-be and pedestrian crossing island on Carr Crofts,
- provision of acceptable safety audits.

Non-statutory:

Policy

Policy originally commented on the Retail Statement that this level of convenience floorspace was acceptable, but that the comparison floorspace could have a “more significant impact” on Armley retail. They concluded that the assessment of comparison goods was insufficient and that if a revised assessment found this level of comparison floorspace acceptable, a condition should be imposed limiting the comparison floorspace to that level.

Further to an objection by the Coop and submission of further retail impact information by White Young Green on behalf of the applicant, Policy officers have considered retail impact issues further. They note that in PPS4 terms the scheme comprises a “superstore” and not a “supermarket” and reiterated support for the

principle of a superstore on this site. They conclude that White Young Green's case is agreed and comment that:

- the site lies within the town centre,
- development is consistent with UDP policy S2,
- development is located to promote trips to other town centre uses,
- will contribute to West Leeds Gateway regeneration,
- will help reduce pressure for out of centre development,
- will strengthen Armley as a town centre.

Conservation

Conservation officers responded to the original submission with a number of concerns and queries in particular:

- the proposal weakens the enclosure of Town Street (which is a defining feature of the Conservation Area); could a new building turn the corner instead of the public space?
- impact of the petrol Filling Station on the Conservation Area and
- long distance views (views up the valley and down Town Street are identified as key vistas in the Armley Conservation Area Appraisal).

Further to amended plans providing replacement units for the Town Street/Carr Crofts junction and an assessment of visual impact, the conservation officer concludes that this changes his view. Although the scheme will have some impact on long-distance views it could "satisfactorily integrate" with the Conservation Area.

As regards refurbishment of the former chapel on Town Street a schedule of dilapidation and repair is required, along with a method statement for cleaning, repair and re-pointing as well as elevations/sections at 1:100 scale.

West Yorkshire Archaeology Service

Object to demolition of positive buildings in the Conservation Area and suggest archaeological appraisal if permission recommended.

Travelwise

Revised Travel Plan acceptable.

Transport Policy

No objection, subject to a Public Transport contribution via a S106 agreement of £660,756.00. Contribution complies with CIL regulation and will contribute to local schemes.

METRO

No objections in principle, but share concerns of highways officers re trip generation in already heavily used local highway network. Junction improvements require relocation of bus stops with likely objection from bus operators. Further discussions with highways officers/bus operators required before any approval.

Design

The original Design consultation response concluded that on the basis of information provided, a proper assessment of the scheme could not be made and that the proposal lacked interest and failed to achieve quality spaces.

The application was also considered at Design Review on Wednesday 23rd June chaired by the City Architect with Design Team Leader and a further architect from

the Design Team. The status of the application as outline and drawings as illustrative was clearly presented. It was the Design Review Panel's view that:

- the principle of extending the town centre was acceptable, but the scale of the development was more like an out of town centre and does not comply with this intimate town centre,
- elevations (though illustrative at this stage) were poor and should provide more live/active frontage Carr Crofts as well as Modder Place,
- site layout (although illustrative) had a poor visual connection to Town Centre,
- there were issues of scale and lack of landscaping between the west elevation/car park and semi-detached properties on Station Road,
- it was crucial to retain nodal points and frontage on Town Street.

The Design Review Panel conclusion was that although the proposal lies within the designated town centre, in design terms it would not represent an extension of Town Street but was more like an out of town store next to an existing town centre. The size of development, consequences for the townscape and illustrative proposals were very poor with little to commend them.

Subsequent to revisions to the scheme, formal submission of the layout and amended illustrative plans, Design have commented that scale, massing and disposition is still too big for the general scale of Armley. Position of the petrol station remains poor and the sweeping roof is incongruous. Further work on design is required, although suitable solutions should be achievable.

Subsequent to the submission of amended elevations Design have commented that the revised roof form actually raises the roofline and increases its impact which is an unacceptable response. A potential solution has not yet been offered and a further meeting is suggested.

Landscape

There is little vegetation on site. Well developed landscape structure will be required with variety in surfacing materials. Position of petrol station needs reconsidering. Substantial trees will be needed to soften hard areas.

Mains Drainage

Mains Drainage originally objected that the site is within flood zone 1 and requires a Flood Risk Assessment (FRA), which has now been submitted. The objection has been withdrawn, subject to conditions.

Access Officer

No objection, subject to conditions.

Refuse Collection

No objection.

Environmental Health

No objection in principle, although concerns regarding potential nuisance and dust during demolition, construction and from the proposed use. Conditions suggested to mitigate impact.

Contaminated Land

No objection, subject to conditions.

Benefits cannot be understated, will bring new people into the town and wide footpath linking to town centre welcome.

Regeneration Services

Would want range of goods in the smaller units limited to exclude bulky goods and trade units. Request S106 contribution to town centre management.

8.0 PLANNING POLICIES:

Adopted Leeds UDP Review (2006)

8.1 The site is identified within the main urban area and Armley District Centre as designated in the adopted Leeds UDP (2006). The northern element of the site north of Modder Avenue lies within the Armley Conservation Area. No other allocations or designations affect the site. Relevant policies include:

SA5: strategic aim refers to the desire to ensure a wide range of shops in locations accessible to all members of the community without the car,

SA7: strategic aim to promote physical and economic regeneration of urban land and buildings,

GP5: development to resolve detailed planning considerations inc. access,

GP7: planning obligations to enhance quality of development,

GP12: a Sustainability Assessment is encouraged to accompany all applications for major development,

T2: new development to be served adequately from the existing or proposed highway network,

T2C: all significant generators of travel demand require a travel plan,

T2D: public transport contributions,

T5: access for pedestrians and cyclists,

T6: provision for disabled people,

T24: parking standards,

N12: urban design principles inc. spaces between buildings, good design, visual interest. Best buildings of the past should be retained. New development to respect scale and character of buildings,

N13: design of new buildings to be of high quality and have regard to character and appearance of surroundings, good contemporary design welcomed,

N18A: presumption against any demolition of a building which makes a positive contribution to the character and appearance of a Conservation Area,

N18B: demolition in Conservation Area not allowed unless detailed plans approved,

N19: new buildings to preserve or enhance character and appearance of Conservation Areas,

N22: development control decisions informed by Conservation Area Statements.

N23: incidental open space should be designed to provide a visually attractive setting and contribute to informal public recreation,

N25: boundaries should be developed in a positive manner,

S2: vitality and viability of town centres to be maintained and enhanced. Retail development encouraged and permitted in town centres unless it would undermine the vitality and viability of any S2 centre,

S3: enhancement of town centres promoted to secure refurbishment. Expansion and redevelopment of existing retail premises, environmental improvements and retention of larger redevelopment sites for large unit retailing,

S6: identifies centres deficient in convenience retailing (Armley not identified),

BD2: design and siting should enhance vistas and skylines,

BC7: development in Conservation Areas required in local materials,

LD1: landscape should reflect scale and form of adjacent development, complement views/skylines and provide visual interest,

LD2: altered roads should follow latest government guidance on environmental appraisal and design and minimise the demolition of existing property.

Regional Spatial Strategy (RSS 2008)

- 8.2 A recent high court decision following a challenge to the Secretary of State's purported abolition of RSS leaves RSS as part of the development plan. However, the Secretary of State's intention to abolish RSS may be taken into account as a material planning consideration. Therefore the amount of weight to be given to RSS is a matter for the decision maker. Relevant policies include:

YH4: Regional cities to be the prime focus for housing.

YH7: First priority to re-use of previously developed land and existing developed areas within town and cities, second infill in cities, third extension to towns and cities. LPA's to make best use of existing transport infrastructure, take into account capacity constraints and comply with public transport accessibility.

LCR1: Focus most development in Leeds and Bradford.

ENV5: Reduce greenhouse gas emissions, improve energy efficiency, developments over 10 dwellings to secure at least 10% renewable or low carbon sources.

T1: Personal travel reduction and modal shift - discourage inappropriate car use and encourage public transport and accessibility to non-car modes.

Local Development Framework (LDF)

- 8.3 Initial consultations on Issues and Allocations were carried out in October 2007 followed by consultation on the Preferred Approach in October/December 2009. The formal publication of the Core Strategy however, will not take place until Autumn 2011, with a Public Inquiry in 2012. The Strategic Sites DPD is not due for publication until 2012. In the context that the LDF is at an early stage, it is considered that it carries little weight in planning decisions at this time.

PPS1 "Delivering Sustainable Development" 2005

- 8.4 PPS1 para 18/19 states that planning should seek to "improve" and "enhance" the local environment and refers to the desire to improve the character and quality of an area (para 13 iv) and enhance the environment (para 19). Para 27 states that planning authorities should improve access to jobs, health, education, shops, leisure and community facilities and open space by foot, cycle or car to reduce reliance on car. Para 27 also states that planning authorities should promote the more efficient use of land through higher density development and bring vacant and underused land back into beneficial use.

PPS4 "Planning for Sustainable Economic Growth" 2009

- 8.5 PPS4 E16.1e) states that town centre uses in a town centre should be assessed whether they are of an appropriate scale in relation to the size of the centre.

PPS5 "Planning for the Historic Environment" 2010

- 8.6 PPS5 policy HE9 includes a presumption in favour of the conservation of designated Heritage Assets; once lost these cannot be replaced. Their loss requires a "clear and convincing justification."

PPG13 "Transport" 2006

- 8.7 PPG13 reiterates that policies for retail should seek to promote the vitality and viability of existing town centres, which are the preferred locations. Para 4 states key objectives as promoting more sustainable transport choices, promoting accessibility to jobs, shopping, leisure and other service by public transport and reducing need to travel by car. Para 76 and 79 state the importance of promoting walking and cycling

as a prime means of access. Para 91 states that the acceptability of a Travel Plan will depend on the extent to which it materially affects the acceptability of development.

SPD “West Leeds Gateway” 2010

- 8.8 The adopted SPD includes an overall vision for a vibrant economy which provides local jobs. A key aim is stated at para 1.3 of supporting the regeneration of west Leeds. Key objectives are listed at para 1.6 including improving the vitality and viability of Armley Town Street. Para 3.6.2 states that Town Street is the commercial focus and it's success is fundamental to regeneration and prosperity of the wider west Leeds area. Para 3.6.7 states a key objective that Armley fulfils it's true potential and remains the principal location for retail for local residents.
- 8.9 The SPD also includes a key objective at para 1.6 of improving the built environment through promoting high quality design and preserving and enhancing the area's heritage to reinforce it's distinct identity and sense of place. Policy WL1 also states “positive” buildings should be retained, unless it is not viable or the proposal preserves or enhance the Conservation Area.
- 8.10 The Armley Conservation Area (and associated appraisal) were adopted on 19th October 2007. Page 2 notes that buildings are tightly packed around lower Town Street and the site is defined as part of character area 1 (“Lower Town Street”). This character area is predominantly 2-storey Victorian and Edwardian interspersed with older sandstone buildings. All buildings (bar one) to be demolished within the Conservation Area are noted as positive. It notes at page 9:

“The degradation of historic buildings could be halted by preventing the loss of the features of importance identified in this appraisal and by high quality new development.”

9.0 MAIN ISSUES

1. Principle of Development
2. Regeneration
3. Impact on Town Centre
4. Conservation
5. Highways/Public Transport
6. Design/Layout
7. Drainage

10.0 ISSUES

1. Principle of development

- 10.1 The proposals represent significant new investment in Armley. The additional retail offer that this superstore will bring will support this town centre in accordance with adopted Leeds UDP strategic aim SA5, plus policies S2 and S3, as well as the West Leeds Gateway SPD. As such the principle of the development should be supported.
- 10.2 Being located within the defined town centre, the proposal would be in a sustainable location, reducing the need to travel by car for local residents and reducing longer trips that are currently made to adjoining centres. As such the development would enhance sustainability in accordance with adopted Leeds UDP strategic aim SA5 and RSS policies YH4, YH7 and T1 as well as PPG13.

- 10.3 Accordingly it is considered that the principle of retail development on this site is acceptable and should be supported.

2. Regeneration

- 10.4 The supporting statement submitted with the application argues that Armley is a deprived area with below average life expectancy, high levels of crime and unemployment and widespread evidence of poverty. Physical and environmental problems abound including run down housing. New investment, social inclusion and physical renewal are part of Leeds City Council's strategy with other key stakeholders.
- 10.5 The "West Leeds Gateway" initiative promotes physical regeneration and job creation in Armley, including enhancing the role of Armley district centre (in particular Town Street) as a retail focus. The Planning Support Statement estimates that up to 400 jobs could be provided which would make a significant contribution to employment generation in the locality. The "West Leeds Gateway" SPD para 3.7.43 seeks to support business growth and help the local community access jobs. Whilst retail use is distinct from business use in planning terms, it is clear that a development of this scale would have significant benefits in terms of job creation in the locality.
- 10.6 In the context that existing business can relocate, that potentially 400 additional jobs will be provided and the poor quality environment of the Waste Transfer Station would be significantly improved, it is concluded that the scheme will have environmental, economic and social regeneration benefits for Armley.

3. Impact on Town Centre

- 10.7 The application is on the basis of an open A1 consent; although the covering letter indicates an intention to divide the 5,017 sq m (net) store into c 3010 sq m convenience goods and c 2007 sq m comparison goods. Policy originally commented that this level of convenience floorspace is acceptable (subject to other development control considerations) but that the comparison floorspace could have a "more significant impact" on Armley retail.
- 10.8 The store lies within the designated town centre but a superstore of this size (which is significantly larger than regular format supermarkets) but the impact of such a store on the vitality and viability of Town Street (especially comparison goods) is a material consideration. The superstore (which is 1,000 sq m larger than that at Kirkstall Morrisons) has been assessed further in terms of potential impact on Armley centre and neighbouring existing centres. Additional information from White Young Green (dated 5h August 2010) was submitted and concluded that the store will not act as a retail destination its own right but would co-exist with specialist retailers in the town centre. An estimated 1,820 additional linked trips to the town centre would be created. The report argues that overtrading at Morrison's at Kirkstall and Tesco's at Bramley means that these will remain viable stores.
- 10.9 Following the Coop objection further information was submitted by White Young Green (dated 30th September 2010). This concluded that there was no evidence of any significantly negative impact on their Somerfield store, or significantly adverse trade diversion.
- 10.10 At Progress Report stage members requested that officers assess the impact of similar stores (Morrisons at Rothwell and Tescos at Batley). Discussions with

Kirklees Council (Policy section) and the former Town Centre Manager for Rothwell have concluded that both stores had very different impacts as follows.

- 10.11 The Morrisons at Rothwell comprised a 6,875 sq m store but replaced an existing Morrisons of 4,438 sq m and did not significantly expand the range of goods sold. Overall the store had beneficial effects on vitality and viability of the town centre and vacancy rates decreased following occupation of the store. It is not clear how much the reduced vacancy rates are attributed to the confidence that the store brought to the town centre, or the additional investment that Leeds City Council were putting into the centre to make it more attractive.
- 10.12 The Tesco's at Batley (c 8,000 sq m with less than 40% of the store devoted to comparison goods) was considered at a call-in inquiry in 2001 and opened in summer 2003. The Inspector concluded that it formed part of the town centre and approved the application. Subsequent monitoring by Kirklees Council considered that initially the store boosted confidence in the centre and was beneficial to vitality and viability. Up to 2006 the town centre saw rising rental level and a reduced vacancy rate. However a subsequent mezzanine in summer 2006 boosted floorspace to c 11,000 sq m. Since the mezzanine was introduced, pedestrian activity has continually reduced and is now 15-20% below its peak in 2003. Local retailers consider that the current store and the range of goods sold, is now detrimental to the centre and has caused this decline in activity, though clearly the recession will also have had an impact.
- 10.13 Having considered the assessment by Policy officers of White Young Green's submissions, the Coop objection and information provided on stores at Rothwell and Batley, it is concluded that with suitable safeguards limiting the maximum comparison goods retail floorspace, that the impact on the existing Armley town centre and surrounding district centres are likely to be acceptable.

4. Conservation

- 10.14 The proposal as submitted results in the demolition of 8 properties (6 buildings) in the Conservation Area; 5 of which are identified in the Armley Conservation Area Appraisal as positive buildings (where demolition will be resisted). The buildings on Carr Crofts form part of the historic street pattern leading to Town Street and the building at the junction of Carr Crofts and Town Street is a key pivot building in the Conservation Area. The building on Modder Avenue is an attractive, although dilapidated stone building. It is noted that one building noted as positive (to the rear of 39-41 Carr Crofts) has already been demolished.
- 10.15 PPS5 policy HE9 includes a presumption in favour of the conservation of designated Heritage Assets; once lost these cannot be replaced. Their loss requires a "clear and convincing justification" which was not available at the time of the Progress Report to Panel. Planning officers agreed with the Conservation Officer's view that
- "The scheme will have a major impact on the Armley Conservation Area which, without compensatory interventions, is considered negative."
- 10.16 Since the Progress Report, siting has been formally included at outline stage. Whereas the original proposal left a large gap in the urban fabric by demolishing all the Conservation Area buildings, the new layout replaces these units with three new retail units that retain the street pattern and visually turn the corner well. The Petrol Filling Station is set back and the shop element turned to provide active frontage to Carr Crofts, re-enforcing the street pattern. It is considered that the loss of these buildings remains detrimental to the conservation area and any opportunity to

refurbish them or complement them will be lost. However the replacement by new units of a scale and potential design that is sympathetic to the Conservation Area is considered to result in a neutral impact overall.

- 10.17 It is therefore concluded that that whilst the proposal will not enhance the character and appearance of the Conservation Area overall, it will preserve that character and appearance. It will have a neutral impact and hence is acceptable.

5. Highways/Public Transport

- 10.18 The proposal would result in an additional 1197 two way vehicle trips in the pm peak and 1293 two way vehicle trips in the am peak. This translates as an increase in traffic by 2015 of 29-53% along Town Street and 8-12% on Tong Road.
- 10.19 The original Highways consultation response indicated a number of significant issues that needed addressing prior to determination in particular relating to acceptability of potential traffic flows towards Town Street or Tong Road, level of necessary off-site highway works, clarification of flows in the Transport Statement, redesign of proposed access points and provision of a Travel Plan. Subsequent discussions have resulted in access and siting being determined at outline stage and additional information submitted as follows.
- 10.20 The applicant has supplied two alternative junction arrangements for Carr Crofts/Town Street assessing the potential to avoid demolition of the prominent corner building 65-67, involving demolition of the single storey extensions 65a and 65b instead. Highways have confirmed that neither of these alternatives would be acceptable in highway terms and the formally submitted junction arrangement remains the optimal junction in highway terms.
- 10.21 Further to a highways objection regarding the lack of a signalisation scheme for the Carr Crofts/Tong Road junction, discussions have been ongoing. These have resulted in the submission of informal drawings that demonstrate that a signalisation scheme is achievable. The applicant is willing to offer a financial contribution to the works which involve highway land and a small parcel of LCC land (which Asset Management are willing to discuss with the applicant); although a sum is not yet agreed. It is considered that a grampian condition requiring a scheme to be submitted, agreed and implemented prior to occupation would be reasonable and sufficient to ensure this is delivered. In this context it is considered that there are reasonable prospects that the requirements of such a condition could be met within the life of the permission.
- 10.22 Various revisions to the Site Layout and associated access points to the development are now acceptable. Further discussion regarding the Interim Travel Plan have also resulted in a document that is acceptable to Travelwise. As such the formally submitted Interim Travel Plan should be appended to the S106 agreement and a Full Travel Plan (when a named operator is on board) will be required by condition.
- 10.23 Network Rail had confirmed that a report on the future of the bridge on Carr Crofts (between the site and Tong Road) should be available by the end of March, although this is still awaited. Two scenarios are a) permanent ban over 7.5 tonnes or b) withdraw weight restriction. Highways have concluded that even with single file working the scheme would be acceptable, with shuttle signals across the bridge.

6. Design/Layout

10.24 Further to concerns expressed at Progress Report stage re the illustrative layout and impact on the Conservation Area, subsequent discussions led to the applicant formally applying for siting as part of the outline application and resubmitting the layout with a number of improvements listed below:

- inclusion of new retail units to turn the corner and reinforce the street scene in the Conservation Area,
- setting back of Petrol Station from Carr Crofts,
- improved access and closing off of Modder Avenue,
- new footpath along Station Road,
- store moved forward to improve linkages with town centre,
- store entrance atrium move toward Carr crofts for better visual linkage,
- parking in front of store moved to enhance pedestrian route,
- additional customer pick up and taxi points,
- recycling and cyclist facilities added,
- service yard revisions,
- new bus lay-bye provided on Carr Crofts.

The store involves a large footprint but is of sufficient distance from neighbouring uses to avoid it being potentially overbearing, conditions regarding hours of operation/deliveries are suggested to protect residential amenity. The layout provides for a landscaped area between the town centre and the store. This provides more than just a public footpath but provides opportunity for a landscaped area that will form an attractive link to the town centre. Along with the new retail units on Carr Crofts it is considered that this will provide a positive linkage to the remainder of the Town Centre and encourage linked trips.

10.25 The Design Officer now considers the layout acceptable in urban design terms but remains concerned about the proposed elevational treatment and roof form. Particular concerns have been expressed both by Planning Board and the Design officer at the potential visual impact of the large roof because of it's height and unbroken nature. The applicant was asked to consider revisions to reduce height and break up the unrelieved nature of the roof and suggestions were provided by the Design Team. The applicant has now submitted revised illustrative elevations. However these do not follow the Design advice and actually increase the height in some areas and reduce the breaking up of massing. Design have objected that these proposals are unacceptable and do not follow the design advice provided. Accordingly the latest elevations do not provide any confidence that a suitable roof form can be achieved with this footprint or quantum of floorspace at reserved matters stage.

10.26 However, as these matters are illustrative this does not preclude the grant of planning permission, particularly in the context that the design officer considers that this concern can be designed out. Accordingly it is suggested that an informative to this effect be placed on any decision notice.

7. Drainage

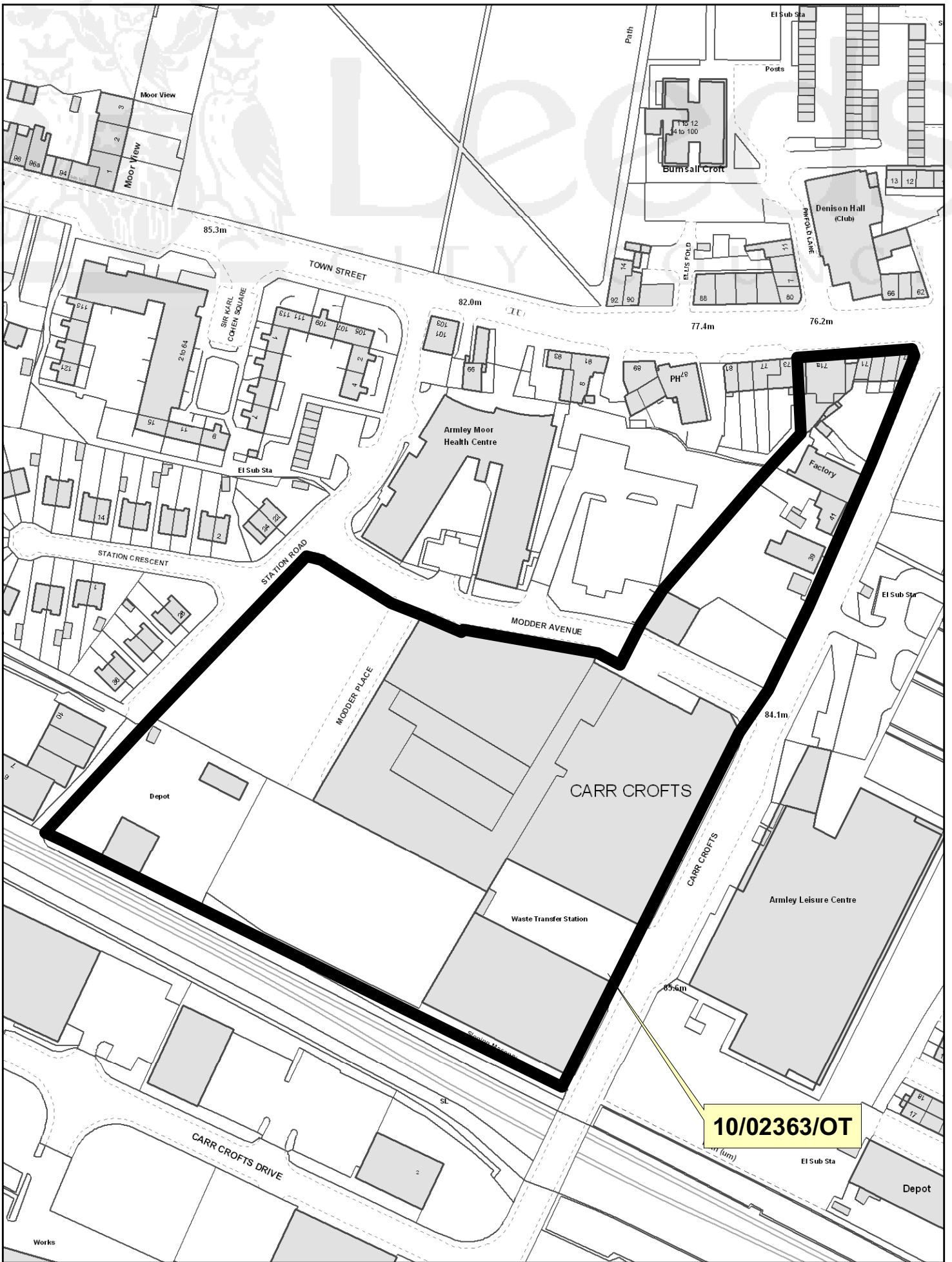
10.27 The Environment Agency, Yorkshire Water and Mains Drainage have now withdrawn their objections subsequent to the submission of a satisfactory Flood Risk Assessment. Standard drainage conditions are recommended.

11.0 CONCLUSION

- 11.1 The application is in outline (now with access and siting at outline stage) with remaining supporting material illustrative. Issues listed in the progress report relating to conservation, highways and drainage issues have now been resolved.
- 11.2 Officers consider that the principal of retail development on this site should be supported and that the proposal is acceptable in planning terms, subject to conditions and a Section 106 agreement. Accordingly the recommendation is for approval.

Background Papers:

Application file 10/02363/OT, associated applications 10/02364/CA and history file H24/284/87.



EAST PLANS PANEL



Originator: Martin Sellens

Tel: 0113 2478172

Report of the Chief Planning Officer

PLANS PANEL EAST - 14TH APRIL 2011
PLANS PANEL WEST - 28TH APRIL 2011
PLANS PANEL CITY CENTRE - 12TH MAY 2011

Subject: PLANNING FOR GROWTH – NATIONAL ADVICE

Electoral Wards Affected:

ALL

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Members are asked to note the report and attached papers and to have regard to them in making planning decisions.

- 1.1 On 31st March 2011 the Chief Planner at CLG (Communities and Local Government) wrote to Chief Planning Officers in all Local Planning Authorities (LPAs)in England drawing attention to the important announcements made in support of the Budget the previous week. The Chief Planner states that the national objectives in “Planning for Growth” need to inform the decisions being made by Local Planning Authorities. The letter includes two annexes which our attention is drawn to – Annex A is a statement by the Minister (Greg Clark) on 23rd March and Annex B contains further advice on planning obligations.
- 1.2 The letter of 31st March and the two annexes are attached to this report in full for Members information.
- 1.3 The Ministerial statement at Annex A is important as it capable of being regarded as a material planning consideration and sets out the steps that the Government expects LPAs to take with immediate effect. The Government’s top priority in reforming the planning system is to promote sustainable economic growth and jobs and the clear expectation is that the answer to development and growth should wherever possible be “yes”, except where this would compromise the key sustainable development

principles set out in national planning policy. The statement makes clear that when the Secretary of State determines applications that come before him he will attach significant weight to the need to secure economic growth and employment. Officers and Members need to bear this in mind when considering planning proposals and reaching decisions.

- 1.4 Annex B gives further advice on planning obligations and states there is a need to ensure that existing planning permissions are built out to help deliver growth and support local economies. The Annex encourages LPAs, where asked to do so by developers, to review obligations taking account of local planning priorities to enable development to proceed on stalled schemes. In doing so understanding the impact of planning obligations on the viability of development will be an important consideration.

- 1.5 There are a number of examples already where we have adopted this approach to enable schemes to proceed e.g Midpoint at Dick Lane, Pudsey and two Mill conversion schemes in Morley. Members will also be aware that following consideration of viability on schemes carried out by DTZ on behalf of the Council revised amounts of affordable housing have been agreed recently as a basis for public consultation by Executive Board to form the basis of a revised interim policy position.

31 March 2011

The Chief Planning Officer
Local planning authorities in England

Dear colleague

PLANNING FOR GROWTH

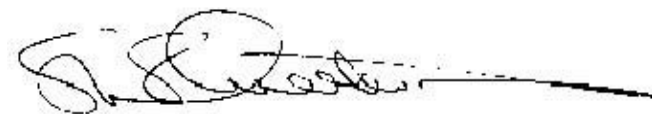
I am writing to draw your attention to the important announcements made in support of last week's Budget. The Growth Review contains ambitious proposals for further planning reform, to ensure that planning supports the sustainable development that we need as the country emerges from recession. A useful summary of the announcements can be found at:

<http://www.communities.gov.uk/newsstories/planningandbuilding/1872022> which you may find helpful for wider briefing.

These objectives need to inform the decisions that local planning authorities are taking now – through plan production as well as development management. The Minister for Decentralisation issued a Written Ministerial Statement on 23 March (**Annex A** to this letter) to emphasise this point and this statement is capable of being regarded as a material planning consideration. Your attention is drawn especially to the weight that the Secretary of State will give to this statement in cases that come before him for decision. I have also attached on **Annex B** further advice on planning obligations. I last wrote to you in May 2009 on this issue and in the light of the written Ministerial Statement take this opportunity to bring this advice up to date.

The Growth Review also announced important changes relating to previously-developed land and buildings. The Government will, through the National Planning Policy Framework, localise choice about the use of previously developed land by removing the national target for the amount of housing development that should take place on previously developed land (the 'Brownfield target').

Finally we will also begin consultation very shortly on the Government's proposals to change the Use Classes Order so that it is easier to convert vacant commercial premises to housing.



STEVE QUARTERMAIN
Chief Planner

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Annex A Written Ministerial Statement: Planning for Growth (23 March 2011)

The Minister of State for Decentralisation (Mr. Greg Clark):

The Chancellor of the Exchequer has today issued a call to action on growth, publishing an ambitious set of proposals to help rebuild Britain's economy. The planning system has a key role to play in this, by ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible. We will work quickly to reform the planning system to achieve this, but the Government recognises that many of these actions will take some months to deliver, and that there is a pressing need to ensure that the planning system does everything it can to help secure a swift return to economic growth. This statement therefore sets out the steps the Government expects local planning authorities to take with immediate effect.

The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.

The Chancellor has today set out further detail on our commitment to introduce a strong presumption in favour of sustainable development in the forthcoming National Planning Policy Framework, which will expect local planning authorities to plan positively for new development; to deal promptly and favourably with applications that comply with up-to-date plans and national planning policies; and wherever possible to approve applications where plans are absent, out of date, silent or indeterminate.

Local planning authorities should therefore press ahead without delay in preparing up-to-date development plans, and should use that opportunity to be proactive in driving and supporting the growth that this country needs. They should make every effort to identify and meet the housing, business and other development needs of their areas, and respond positively to wider opportunities for growth, taking full account of relevant economic signals such as land prices. Authorities should work together to ensure that needs and opportunities that extend beyond (or cannot be met within) their own boundaries are identified and accommodated in a sustainable way, such as housing market requirements that cover a number of areas, and the strategic infrastructure necessary to support growth.

When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant - and consistent with their statutory obligations - they should therefore:

- (i) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;
- (ii) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;
- (iii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable

communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);

(iv) be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;

(v) ensure that they do not impose unnecessary burdens on development.

In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions.

To further ensure that development can go ahead, all local authorities should reconsider, at developers' request, existing section 106 agreements that currently render schemes unviable, and where possible modify those obligations to allow development to proceed; provided this continues to ensure that the development remains acceptable in planning terms.

The Secretary of State for Communities and Local Government will take the principles in this statement into account when determining applications that come before him for decision. In particular he will attach significant weight to the need to secure economic growth and employment.

Benefits to the economy should, where relevant, be an important consideration when other development-related consents are being determined, including heritage, environmental, energy and transport consents. The Secretary of State for Culture, Olympics, Media and Sport, the Secretary of State for the Environment, Food and Rural Affairs, the Secretary of State for Energy and Climate Change and the Secretary of State for Transport have consequently agreed that to the extent it accords with the relevant statutory provisions and national policies, decisions on these other consents should place particular weight on the potential economic benefits offered by an application. They will reflect this principle in relevant decisions that come before them and encourage their agencies and non departmental bodies to adopt the same approach for the consents for which those other bodies are directly responsible.

Annex B Planning Obligations

There is a need to ensure that existing planning permissions are built out to help deliver growth and support local economies.

Planning obligations (also known as 'section 106 agreements') are contractual agreements between developers and Local Planning Authorities to deliver what is necessary to make a development acceptable in order to obtain planning consent. Where they are asked to do so, Local Planning Authorities should carefully review planning obligations to ensure that they accord with all the policy tests set out in Circular 5/05. For planning consents for buildings granted after 6 April 2010, the statutory tests set out in Community Infrastructure Levy Regulations 2010 must be met.

Understanding the impact of planning obligations on the viability of development will be an important consideration when obligations are reviewed, particularly where they were reached in different economic circumstances. An appropriate review of obligations, which takes account of local planning priorities, could allow development to proceed on stalled schemes.

The Homes and Communities Agency can provide guidance on best practice (<http://www.homesandcommunities.co.uk/qualityandinnovation>). The HCA is also able to offer advice as a critical friend to local authorities, for example where they may be facing renegotiation of large or complex developments. Where local authorities identify the need for this support as a high local priority, it will be available through the HCA's local teams. The HCA is launching a new Development Appraisal Tool in early April 2011. Local Authorities may find this and other available models to be helpful in considering viability.

The New Homes Bonus will provide a significant additional incentive for Local Authorities to consider development opportunities in their area and ensure stalled proposals come forward for completion. Commencing in April 2011, the New Homes Bonus will match fund for 6 years the additional council tax raised for new homes and long term properties brought back into use, with a premium for affordable homes. The Bonus will sit alongside national planning policy and Local Planning Authorities will continue to be bound by this.

Scale back of planning obligations

For current and future planning obligations negotiations, you will be aware that planning obligations are being scaled back through the Community Infrastructure Levy Regulations 2010. Two key features of the scale back apply to all new planning obligations whether or not CIL is introduced in an area. The first is to impose statutory tests on planning obligations for planning permissions for buildings given after 6 April 2010. Obligations must be:

- necessary to make the development acceptable;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

Second, after 2014, or the adoption of CIL whichever is sooner, Local Authorities will no longer be able to pool more than 5 planning obligations to a single project which could be funded by CIL. This will make S106 tariffs which fund such projects inoperable. The appropriate mechanism for pooled contributions will be the Community Infrastructure Levy, a fairer, more transparent and predictable mechanism where viability is properly assessed at an early stage during preparation of the charging schedule.

Transparency

It is important that planning obligations are made available to the general public to assist in understanding those measures which will address the impact of the development. Article 36 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 requires that a copy of any planning obligation is kept on the planning register (either in paper or electronic form), together with details of any modification or discharge of the obligation.

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