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## **SOUTH AND WEST PLANS PANEL**

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Meeting to be held in the Civic Hall, Leeds on  
Thursday, 6th December, 2012  
at 1.30 pm

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### **MEMBERSHIP**

#### **Councillors**

J Akhtar	J Bentley	P Wadsworth	R Finnigan
M Coulson		R Wood	
C Gruen			
J Harper (Chair)			
C Towler			
P Truswell			
J Walker			

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**Agenda compiled by:  
Andrew Booth  
Governance Services  
Civic Hall  
Tel: 0113 24 74325**

# A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p data-bbox="675 427 1406 495"><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p data-bbox="675 539 1358 680">To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded)</p> <p data-bbox="675 725 1390 866">(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	

Item No	Ward	Item Not Open		Page No
2			<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></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><b>RESOLVED –</b> That the press and public be excluded from the meeting during consideration of the following 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, as follows:-</p> <p><b>No exempt items or information have been identified on the agenda</b></p>	
3			<p><b>LATE ITEMS</b></p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	

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4			<p><b>DECLARATIONS OF DISCLOSABLE PECUNIARY AND OTHER INTERESTS</b></p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-18 of the Members' Code of Conduct. Also to declare any other significant interests which the Member wishes to declare in the public interest, in accordance with paragraphs 19-20 of the Members' Code of Conduct.</p>	
5			<p><b>APOLOGIES FOR ABSENCE</b></p>	
6			<p><b>MINUTES - 8 NOVEMBER 2012</b></p> <p>To receive and consider the minutes of the meeting held on 8 November 2012</p>	3 - 10
7	Farnley and Wortley		<p><b>APPLICATION 11/03820/FU - STONEBRIDGE MILLS, STONEBRIDGE LANE, WORTLEY</b></p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the laying out of an access road and to erect a retail foodstore with service yard, covered and open car parking and landscaping.</p>	11 - 32
8	Weetwood		<p><b>APPLICATION 12/04246/FU - SUKOTHAI, 4 ST ANNES ROAD, HEADINGLEY</b></p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for a part two storey, part single storey rear extension with relocation of flue and condenser units and addition of access ramp at front.</p>	33 - 40
9	Adel and Wharfedale		<p><b>APPLICATION 12/03537/FU - POOL COURT ARENA, POOL BANK, NEW ROAD, POOL IN WHARFEDALE</b></p> <p>To receive and consider the attached report of the Chief Planning Officer for an application for an office extension to stables and new outdoor riding arena.</p>	41 - 48

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10	Guiseley and Rawdon		<p><b>APPLICATION 12/04516/FU - RAWDON SERVICE STATION, APPERLEY LANE, RAWDON</b></p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the demolition of existing service station and redevelopment to provide a new petrol filling station, comprising of canopy/forecourt, sales building with ATM, underground storage tanks and car parking.</p>	49 - 56
11	Adel and Wharfedale; Guiseley and Rawdon; Horsforth; Otley and Yeadon		<p><b>LEEDS BRADFORD INTERNATIONAL AIRPORT - MONITORING REPORT</b></p> <p>To receive and consider the attached report of the Chief Planning Officer regarding night time aircraft movements, noise levels and air quality.</p>	57 - 64
12	Bramley and Stanningley		<p><b>APPLICATION 12/03260/FU - FORMER PRESTIGE CAR SALES CENTRE, 2 TOWN STREET, STANNINGLEY</b></p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for change of use and alterations of former car sales showroom to retail unit (A1 use) and electrical wholesaler with trade counter (B8 use)</p>	65 - 78
13	Horsforth		<p><b>APPLICATION 12/03599/FU - LOW GREEN FARM, 40 LEEDS ROAD, RAWDON</b></p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for a refrigerated chiller extension with car parking area and landscaping</p>	79 - 90
14	Horsforth		<p><b>APPLICATION 11/02389/FU AND APPLICATION 11/02390/LI - CORNMILL ROAD, HORSFORTH</b></p> <p>To receive and consider the attached report of the Chief Planning Officer regarding applications for a part two and part three storey office block and listed building permission to demolish a former corn mill building</p>	91 - 110

Item No	Ward	Item Not Open		Page No
15			<b>DATE AND TIME OF NEXT MEETING</b> Thursday, 10 January 2013 at 1.30 p.m.	

To:

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

**Chief Executive's Department**  
Democratic Services  
4<sup>th</sup> Floor West  
Civic Hall  
Leeds LS1 1UR

Contact: Andy Booth  
Tel: 0113 247 4325  
Fax: 0113 395 1599  
andy.booth@leeds.gov.uk  
Your reference:  
Our reference: ppw/sitevisit/  
28 November 2012

Dear Councillor

**SOUTH AND WEST PLANS PANEL – SITE VISITS – THURSDAY, 6 DECEMBER AT 1.30 pm**

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

- 1 11.00 a.m. Application 12/03599/FU – Low Green Farm, 40 Leeds Road, Rawdon – Leave 11.20 a.m. – if travelling independently meet on Old Lane
- 2 11.30 a.m. Application 11/02389/FU – Corn Mill, Cornmill Fold, Horsforth – Leave 11.40 a.m. – if travelling independently meet overlooking site on Cornmill view

Return to Civic Hall at 12.00 p.m. approximately

**A minibus will leave the Civic Hall at 10.35 am prompt.** Please contact Steve Butler Area Planning Manager (West) Tel: (0113) 2243421 if you are intending to come on the site visits and meet in the Civic Hall Ante Chamber at 10.30 am

Yours sincerely

**Andy Booth**  
**Governance Officer**

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# Agenda Item 6

## SOUTH AND WEST PLANS PANEL

THURSDAY, 8TH NOVEMBER, 2012

**PRESENT:** Councillor J Harper in the Chair

Councillors J Akhtar, J Bentley, M Coulson,  
R Finnigan, C Gruen, C Towler, P Truswell,  
P Wadsworth, J Walker and R Wood

### 17 **Declarations of Disclosable Pecuniary and other Interests**

Councillors P Truswell and J Harper declared interests on Agenda Item 11, Application 10/04404/FU – Junction of Moorhouse and Old Lane, Beeston and Agenda Item 12, Application 11/04306/OT – Site of Asda Store, Old Lane Beeston due to their membership of the Co-operative Society.

### 18 **Minutes**

**RESOLVED** – That the minutes of the meeting held on 11 October 2012 be confirmed as a correct record.

### 19 **Matters arising from the Minutes**

Application 12/03260/FU – Former Prestige Car Sales Centre, 2 Town Street, Stanningley

It was reported that discussion was ongoing with the applicant and a report would be brought to a future meeting of the South and West Plans Panel.

### 20 **Application 12/03599/FU - Low Green Farm, 40 Leeds Road, Rawdon**

The report of the Chief Planning Officer introduced an application for a refrigerated chiller extension with car parking and landscaping at Low Green Farm, 40 Leeds Road, Rawdon.

It was reported that representations had been made by Ward Members and had requested that the item be deferred for a site visit.

**RESOLVED** – That the item be deferred to allow for a site visit.

### 21 **Application 12/03473/FU - 35 Claremont Drive, Leeds, LS6 4ED**

The report of the Chief Planning Officer brought back the application for the change of use of a former children's home to a 7 bed house in multiple occupation (HMO) at 35 Claremont Drive, Leeds. The application had been previously considered at the Plans Panel (West) in September 2012 and

South And West Plans Panel in October 2012 when Members had requested a further report setting out reasons for refusal based upon their concerns.

Further issues highlighted in relation to the application included the following:

- Previous permission granted at the property was for the purpose of the National Children's Home only and should they cease to own the property then the use would revert back to Class C3 Dwelling House.
- Since the October meeting, the applicant had engaged the services of a Planning QC and the Panel were made aware of his comments.
- When the application was previously considered, it was not known that the property was currently occupied. Should the Panel resolve to refuse the permission, subsequent enforcement action would be necessary.

Further to Members comments and questions, the following issues were discussed:

- Concern that the Panel was not been given a clear enough direction on reasons for refusal. Members sought further legal advice on reasons for refusal and were asked to consider whether the property could be brought back into use as a family home and whether grounds for refusal would be strong enough to support any potential enforcement action.
- Reference to previous representations made by local residents and that this could be considered as grounds towards enforcement action.
- The property was very large at 7 bedrooms to be brought back into family accommodation – it was reported that it was previously converted into flats that would suit family accommodation. Further to this it was commented that even if it was converted back to two flats there was likely to be around the same number of occupants as if it was a HMO.

**RESOLVED** – That the application be refused as per the officer recommendation outlined in the report.

## **22 Application 12/02491/OT - Victoria Road, Headingley**

The report of the Chief Planning Officer introduced an outline application for a residential development and retail store at Victoria Road, Headingley.

The application was withdrawn prior to the meeting.

## **23 Application 12/02712/FU - Land at Woodhouse Street, Woodhouse, Leeds**

The report of the Chief Planning Officer brought back an application for a part three storey part four storey block of 18 cluster flats (112 rooms), retail store at ground floor, associated parking and landscaping at land at Woodhouse

Street, Woodhouse, Leeds which was considered at the meeting of South and West Plans Panel held in October 2012.

Members were reminded of their reasons for the previous refusal of this application and these were outlined in the report. It was reported that there had been further discussions with the applicant who was exploring a revised scheme and intended to engage Ward Members and the Panel to present a revised scheme for a pre-application presentation in the near future.

**RESOLVED** – That the application be refused as per the officer recommendation outlined in the report.

**24 Application 10/04404/FU - Junction of Moorhouse and Old Lane, Beeston, Leeds**

The report of the Chief Planning Officer introduced an application for the erection of a retail store with car parking and landscaping at the junction of Moorhouse Avenue and Old Lane, Beeston.

Prior to the consideration of this item, Members were reminded of the subsequent application on the agenda which was also for a retail store at an adjacent location. An emphasis was made on the need to consider each application individually and it was reported that both applications had been recommended for refusal on retail policy grounds.

Members had attended a site visit prior to the meeting and site plans and photographs were displayed.

Further issues highlighted in relation to the application included the following:

- The application had been submitted to Plans Panel (East) in September 2012 with a recommendation for approval. Prior to that meeting, the application was withdrawn following objections for the applicant of the adjacent site.
- Further letters of support and objection that had been received.
- The applicant had stated that there were no alternative preferable sites in the locality.
- The proposed development would be a single storey building that was commensurate with the height of nearby residential properties.
- Existing access to the site would be used with pedestrian access off Old Lane.
- TPO trees would be retained.
- All other matters, including design were considered to be acceptable.
- It was acknowledged that there were concerns regarding Dewsbury Road Town Centre and the applicant had been asked to consider alternative locations.

The applicant's representative addressed the hearing. The following issues were highlighted:

- The application had been well supported locally as a result of public consultation.
- There would be highway improvements.
- The proposal would increase local employment opportunities and increase shopping choice in South Leeds.
- The proposals would see the redevelopment of a derelict site.
- In response to a Members question, it was reported that approximately 75% of staff employed would come from the immediate local area.
- There had been a full retail impact assessment and it was not felt that the proposals would have a significant impact on any other areas.

Further to the applicants representations, it was reported that there was a difference of opinion between officers and the applicant with regards to the sequential test issue and the Council's retail consultant was asked to address the meeting. He raised the following issues:

- Dewsbury Road Town Centre had not delivered full shopping facilities as expected and appropriate sites for development should be considered.
- This proposal would reduce the commercial prospect of other operations on Dewsbury Road.
- Reference to policy and strategy and the use of town centres.

In response to Members comments and questions, the following issues were discussed:

- Dewsbury Road Town Centre was identified in the UDP over 6 years ago and had still not been developed – it was felt that this policy may influence too heavily and could other ways of developing Dewsbury Road Town Centre be found.
- The proposal would improve the area and create jobs.
- If members were minded to vote against the recommendation it was reported that further work would need to be carried out for the cumulative impact on Beeston and Dewsbury Road Town Centre.
- There were other examples of similar stores adjacent to each other elsewhere, should there be approval given to both applications then there would need to be a consideration of the Impact on traffic and other retail operations.

**RESOLVED** – That the officer recommendation for refusal be not accepted and the application be deferred for further negotiation.

## **25 Application 11/04306/OT - Site of Asda Store, Old Lane, Beeston**

The report of the Chief Planning Officer introduced an outline application for the demolition of existing buildings and erection of a retail foodstore (Class

A1), with car parking, landscaping and access at the site of the existing Asda store, Old Lane, Beeston.

Members had attended a site visit prior to the meeting and site plans and photographs were displayed.

Further issues highlighted in relation to the application included the following:

- Further information from the applicant and letters of support had been received.
- An alternative site on the Dewsbury Road Town Centre had not been identified.
- There was an extant permission to expand the current premises.
- Existing access to the site would be used and improved.
- TPO trees would be retained.
- There were no concerns in relation to siting, layout, highways or design.

The applicants representative addressed the meeting. The following issues were highlighted:

- The proposals represented a significant investment in Leeds and would provide up to 140 jobs in a deprived area.
- The current store did not meet the needs of customers.
- A 1,000 signature petition had been received in favour of the proposals.
- Work carried out by Asda in the local community.
- A representative of a local primary school also spoke in support of the application and referred to the community life programme carried out with Asda and how they would benefit further from the proposed scheme.

In response to Members comments and questions, the following issues were discussed:

- Asda employed over 5,000 staff across Leeds and approximately 80% were from within a 2 mile radius of where they were based.
- The unused buildings to the rear of the currents store would be demolished.
- Comments regarding Dewsbury Road Town Centre as discussed on the previous application were reiterated and Members were asked to consider the impact should this and the previous application be approved.

**RESOLVED** – That the officer recommendation for refusal be not accepted and the application be deferred for further negotiation.

## **26 Application 12/04061/FU - Cockburn High School, Gipsy Lane, Beeston**

The report of the Chief Planning Officer introduced an application for an all weather grass football pitch including changing facilities, eight lighting columns and fencing at Cockburn High School, Gipsy Lane, Beeston.

Members were shown photographs and plans of the site.

Further issues highlighted in relation to the application included the following:

- Sport England had withdrawn their objections and were happy to support the scheme.
- The Council's conservation team were now satisfied that the lighting would be acceptable in relation to bats that nested in the area.
- A further letter of objection had been received from a local archery club.
- The site was within the grounds of the current Cockburn High School playing fields.
- The pitch would be surrounded by 3 metre high fencing and there would be 8 15 metre high lighting columns.
- The location of the pitch had been moved to take it further away from residential properties.
- The all weather pitch would improve PE provision at the school as the current pitches often became waterlogged and unusable.
- The views of local residents were not considered detrimental to the application and it was recommended for approval.

A local resident addressed the meeting with concerns. These included the following:

- Concern of noise and light pollution.
- Potential for vandalism and anti-social behaviour.
- Increased traffic and noise from traffic.
- Potential for lighting being left on late at night.

A representative of the school addressed the meeting. He highlighted the following issues:

- The facility would enhance sporting facilities at the school and support the curriculum.
- It would provide opportunity for sports other than football including hockey, handball and a permanent tennis area.
- Approximately 80% of usage would be by the school.
- The scheme had been revised following meetings with local residents.
- There had been no objections from the police or highways.

In response to Members comments and questions, the following issues were discussed:

- The site would be fully secured and there would not be open access. Staff would be on duty at all times and the lighting would only be used until 9.00 p.m.
- The facility would be 80 metres from the nearest residential properties.

**RESOLVED** – That the application be approved as outlined in the report and subject to the following conditions:

- The turf pitch and changing rooms to be constructed in accordance with Sport England’s Technical Guidance.
- Submission of community use scheme for approval prior to first use.
- Bat roost survey to be carried out May to September 2013.
- Bat commuting/foraging survey to be carried out May to September 2013.
- Submission and approval of facilities management plan and implementation prior to first use of pitches. To include management of car parks, turning off of lights, security and management of general access to the facilities.

**27 Application 12/03373/FU - Church of the Nativity, Westerton Road and Waterwood Close, West Ardsley**

The report of the Chief Planning Officer introduced an application for the demolition of a church building, laying out of access and erection of 14 dwellings at the Church of the Nativity, Westerton Road and Waterwood Close, West Ardsley.

Members were shown photographs and plans of the site.

Further issues highlighted in relation to the application included the following:

- It was proposed to erect 14 two storey dwellings on the site.
- Distances between the proposed and existing dwellings met guidelines.
- Impact on highways – the proposals conformed to highways guidance. There would be improvements to footpaths.
- Impact on local schools – this had been discussed with Ward Members and the scheme was below the threshold for Section 106 contributions to education.

In response to Members comments and questions, the following issues were discussed:

- Concern regarding the impact on schools and poor public transport issues.
- There had been contact from the local MP on behalf of local residents asking that the cumulative impact be considered.
- Concern that the proposals and impact of other nearby developments wouldn’t comply with sustainability guidelines within the National Planning Policy Framework.

**RESOLVED** – That the application be approved as per the officer recommendation and conditions outlined in the report.

**28 Application 12/03494/FU - Hunger Hill, Morley**

The report of the Chief Planning Officer introduced an application for the change of use of a vacant warehouse to a private hire taxi booking office with car parking and installation of radio mast at Hunger Hill, Morley.

Further issues highlighted in relation to the application included the following:

- The application had previously been granted on a temporary basis.
- In the two years of temporary operation there had only been one complaint and that was not substantiated.
- There were no residential properties on Hunger Hill.
- There had been previous concerns regarding access. There had been no accidents at the site and highways felt the proposals to be acceptable.
- There would be improvements to the road surface and parking area which would reduce vehicular noise.

**RESOLVED** – That the application be approved as per the officer recommendation and conditions outlined in the report.

**29 Date and Time of next meeting**

Thursday, 6 December 2012 at 1.30 p.m.





Originator: Carol  
Cunningham  
Tel: 0113 247 7998

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## Report of the Chief Planning Officer

### *PLANS PANEL WEST*

Date: 6<sup>th</sup> December 2012

**Subject: Planning application number 11/03820/FU – Laying out of access road and erect retail foodstore with service yard, covered and open car parking and landscaping at Stonebridge Mills, Stonebridge Lane, Wortley.**

<b>APPLICANT</b>	<b>DATE VALID</b>	<b>TARGET DATE</b>
Tesco Stores Ltd and Santon Developments Ltd	8 September 2011	8 December 2011

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<b>Electoral Wards Affected:</b>  Farnley and Wortley  <input type="checkbox"/> Yes (Vard Members consulted referred to in report)	<b>Specific Implications For:</b>  Equality and Diversity <input type="checkbox"/>  Community Cohesion <input type="checkbox"/>  Narrowing the Gap <input type="checkbox"/>
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### **Refusal for the following reason:**

1. The proposed development comprises a substantial foodstore with a sizeable comparison goods area in an out of centre location. It is considered that the proposal is contrary to national and local policy guidelines and in particular will have an adverse impact on Armley Town Centre in relation to the comparison element and will significantly impact on the ability to bring forward a substantial supermarket in an in centre location which already has permission and which is critical to delivering regenerative benefits to the Town centre and Armley in general. As such it is considered that the proposal is contrary to advice in paragraphs 23 to 27 of the National Planning policy Framework , policies SP7, S2, S3, and S5 of the adopted UDP Review and policies SP2, SP8, P2, P5, P6 and P8 of the emerging Core Strategy

## **1.0 INTRODUCTION:**

- 1.1 The Chief Planning Officer considers that this application should be referred to the Plans Panel as it is a major development which will have a significant impact within West Leeds. Members will recall that a position statement was considered by Plans Panel in November and December last year. The complete development being promoted by the applicants also included the refurbishment and change of use of some of the listed buildings at Stonebridge Mills adjacent to the site and the parallel listed building consent which also to facilitate this development and seeks consent to demolish some of the unlisted buildings on the site and two ancillary listed buildings on the Stonebridge Lane frontage.
- 1.2 At the November meeting Members deferred the application for a site visit in relation to the conversion of the listed buildings on the site and requested further information in relation to the listed building works on the site. In December Members had the following comments to make:
- Members were strongly of the view that listed buildings should be retained where possible. The scheme should come forward with a total package for the historic buildings on site including their reuse with viable uses and not just proposals to use some and seal and secure others.
  - In the meantime existing buildings to be retained should be protected to prevent further deterioration.
  - Reclamation and reuse of stone should any buildings be demolished.
  - Ensuring the retained mill pond had value by securing a management plan.
  - Highways issues – Members were shown details of access to the site and proposed road layouts.

## **2.0 PROPOSAL:**

- 2.1 Outline planning permission for a supermarket with access and a new build/conversion of existing buildings to a mixed development was granted in 2005 and this permission was renewed in 2008. A reserved matters application for a supermarket was approved by Panel in August 2011. This proposal was for a supermarket with a 2321 square metres (24,990 square feet) net sales area.
- 2.2 This current application involves a supermarket is on the part of the site covered by the reserved matters approval. The proposal does extend beyond the reserved matters application into the site adjacent which has the listed buildings and Mill Pond. The Mill Pond will be further reduced in size as a result. The proposed store will have a gross floor space of 9,317 square metres and net sales floor space of 4,907 square metres – more than double the size of the previous detailed approval. The store will be two storey in scale with a car park underneath the store and the retail area at first floor level accessed via a traveller. The car parking underneath the store together with some surface car parking gives a total provision of 467 spaces.. There is a service yard on the upper level which is located on land between the store and the adjoining historic mills complex.
- 2.3 The access for the previously approved scheme involved an additional leg from and the remodelling of the roundabout at the junction of the Ring Road and Stonebridge Lane. This scheme involves the retention of the roundabout as is but introducing traffic lights with the store accessed off an access road directly from the Ring Road approximately 100 metres from this roundabout with the remodelling of the Ring

Road between to create the right number of lanes to make the scheme work. The access off the Ring Road will also have a traffic light controlled junction and involve and construction of a new bridge over Wortley Beck (in a different location than shown on the previously approved scheme ).

- 2.4 The proposed building will be two storey and is proposed to be constructed from natural stone facing, glazing and larch cladding panels. The front elevation will be glazing and natural stone facing. The overall height on this elevation will be 14 metres at its lowest point and 16 metres at its highest . There is a 'Travelator' lobby on the front elevation which will be at a lower height of 12 metres. On this elevation will be a composite cladding and natural stone facing wall to the service yard. The side facing the listed buildings will be faced in natural stone and glazing and will contain the access road to the service yard. Part of this elevation will cover the plant well which is located to the rear on the boundary with residential properties. This plant well will be covered with louvres. The other side elevation facing the car park will be glazing and larch cladding panels. The rear elevation will be larch cladding panels and louvres to the plant well.
- 2.5 To the rear of the site on the eastern boundary the building will form the retaining wall for the length of the banking to the rear. On this boundary with the car park will be a crib wall which was approved as part of the previously approved scheme. On the top of this crib wall will be a wooden knee high rail. Above both the store and crib wall the land rises and will have landscaping, some existing and some proposed. On the boundary of this landscaping and the gardens of the residential properties to the north will be a 3 metre high weld mesh fence.
- 2.6 The southern boundary which is on the boundary with the open land allocated as Local Nature Area LNA38 in the Unitary Development Plan will also have the crib wall for part of its elevation then an open mesh fence with a hedge on the LNA side. The western boundary is along Wortley Beck. There will be a flood wall on the car park boundary and proposed access road on the Wortley Beck side. This is to protect the car park and store from flooding from the Beck. This wall will extend the entire length down to the roundabout. This will be faced on both sides in stone to match the stone on the proposed store. Between the flood wall and the beck will be an extensive area of landscaping which ranges between 20 to 50 metres in width. Some of this will be existing vegetation with supplementary planting. The boundary with the listed building complex will be a stone faced wall on both sides with railings above.
- 2.7 In relation to landscaping there will be a significant loss of trees, bushes and shrubs from the site. This removal has already been approved for the smaller scheme. The amount of landscaping proposed is more than the previous scheme as the border separating the development from the boundaries is wider and allows for more planting.
- 2.8 A Section 106 agreement formed part of the previous approval for the smaller development. The agreement included:-
- £500,000 to carry out improvements within the Armley, Farnley and Wortley and Bramley community areas with first consideration to be given to the improvement of Armley Town Centre; localised highway improvements in Wortley including a footpath between the Bawn Estate and the Ring Road and a pedestrian crossing

to the north west of the Ring Road roundabout should such a crossing be considered necessary

- £20,000 for improvements to the two adjacent bus stops on the Ring Road  
Consultation with Metro and Bus Operators to require that a bus service is provided to the site or an existing bus route is diverted to the site to coincide with the opening of the supermarket.

2.9 An additional requirement for bus stops on Stonebridge Lane and real time passenger information as part of this application was considered a reasonable request and should be included as part of the scheme.

2.10 There are a range of listed buildings on land adjacent to this proposed supermarket. A change of use planning application to convert some of these buildings into residential has been submitted. This application originally involved conversion of two buildings on the site for 17 affordable dwellings with the rest of the buildings on the site being made air and water tight but having no specific use. When this scheme was brought to Panel last year there was concern regarding the buildings that were not being restored and Panel suggested that the plans were amended to allow for the restoration of all the buildings that were remaining on the site.

2.11 Since then a masterplan for the site has been submitted. This shows that each of the buildings remaining on site will be fully restored and will have an end use to ensure their long term viability. This includes two buildings which currently house the equipment used when the site was a working mill. This equipment will be restored in situ and the buildings surrounded it fully restored to form a small heritage centre for the local community. Other uses proposed for the buildings are general storage, cycle storage and bin storage linked to the affordable homes.

2.12 This change of use application currently relies on access from the access road provided as part of this application for the larger supermarket. Without this access the application would not be able to be supported. Officers consider that until a decision is made on the supermarket application then this change of use application should remain undetermined at this time as it is directly affected by it . Along with this planning application is a listed building application for demolition of some of the buildings on site ( mostly unlisted ) and for building works required to facilitate the above change of use. This application also involves the demolition of two listed buildings which are considered to be in a poor state or repair and would require complete demolition and rebuild if they were to be brought back into use. This loss of the two listed buildings gives an opportunity for a bus stop layby to be incorporated to the planning application for the supermarket. Again it is considered that a decision cannot be made on this application until it is clear what decision will be made in relation to this larger supermarket application.

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

3.1 The site consists of an area of green land beyond a complex of traditional historic industrial buildings located on the south east side of Stonebridge Lane/Silver Royd Hill known as Stonebridge Mills. Some of these existing buildings are listed. The Farnley/Wortley Beck runs along the south eastern boundary of the site with the Leeds Ring Road beyond. The existing access into the site is off the bend on Stonebridge Lane/Silver Royd Hill through the area of buildings and suffers from limited visibility.

- 3.2 The majority of buildings on the adjacent site are of stone construction but there are some brick and cladding buildings. Within this area are a mill chimney, a water tank tower, a reservoir and adjoining the site entrance a row of three cottages.
- 3.3 There are a number of Listed Buildings within the adjacent complex. These comprise a group of buildings dating from the 1830s - early 20<sup>th</sup> Century. There are four listings on the site covering approximately 11 buildings. These are located mainly in the northern part of the site and consist of:-
- The Old Mill, Engine House and Boiler House (Buildings 1,2 and 3)  
 Row of workshops to the north fronting Stonebridge Lane (Buildings 6 to 11)  
 The Mitre House and 2 cottages to the south west fronting Stonebridge Lane (Buildings 4 and 5)  
 Row of 3 cottages to the north west fronting Silver Royd Hill (Buildings 12 to 14)
- 3.4 The buildings are now generally run down with all of the units vacant and in need of investment and regeneration.
- 3.5 The adopted UDP context identifies under Policy S6 that potential exists for retail development of a form which would remedy the known deficiency of convenience goods retailing facilities in Farnley/New Farnley/Lower Wortley in the vicinity of Stonebridge Mills. The explanation to the policy states that a retail impact study will normally be required to assess an appropriate scale of development when specific development proposals are advanced under this policy.
- 3.6 There are no other site specific policies relating to the site but the Ring Road frontage is designated as greenspace and Urban Green Corridor and a Leeds Nature Area. LNA 38 (Silver Royd Hill) includes the beck to the south of the site and adjoining land to the east and higher ground to the north east above the proposed car parking area. There is a Tree Preservation Order in place on the site and the site adjoins Wortley Beck to the south west.
- 3.7 To the rear of the site the land increases in height significantly and the boundary is formed by the rear gardens of residential properties on Silver Royd Drive. The site has a range of vegetation and trees on the site, some having to be removed for the development.

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

11/02394/LI – renewal of listed building application to demolish some buildings within the grounds of the listed buildings approved 14/9/11

11/00897/RM – reserve matters application for a supermarket approved 25/8/11

07/07851- renewal of outline permission 24/192/00/OT to layout access and supermarket and new buildings/change of use of existing buildings for a mix of uses approved 8<sup>th</sup> December 2008

08/04037/LI: Amendment of condition 3 of previous approval 24/359/05/LI approved 8/12/08 This was to change the planning permission number that was reference in condition 3 to the renewed planning permission number

24/359/05/LI: Listed building application to demolish various buildings on the Ring Road frontage to achieve the access – approved – 10th January 2007 and linked to the approval of 24/192/00/OT

24/192/00/OT: Outline to layout access and supermarket & new buildings/ change of use of existing buildings for a mix of uses - approved – 28th April 2005 with a Section 106 agreement

## 5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Officers have been negotiating with the developer in relation to this proposal over the last 18 months. Much of that period has been taken considering the retail impact of the larger store and pursuing a complete package of works to the historic buildings. .

## 6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 Leeds Civic Trust have commented on the application stating in summary;

Proposed store is large and involves widening of the Ring Road to three lanes encroaching on present 'grazing' land (involving removal of trees and bushes). Is an out of town store and inappropriate development in this area.

- 6.2 There have been 31 objections to the application concerned regarding the following matters:

### Highways

- Farnley Ring Road running to full capacity
- Adding another lane of traffic will add to problems in terms of road safety
- Access sits too close to the Ring Road
- Access will restrict my access in and out of my drive
- 24 hours and dotcom will mean endless stream of delivery lorries and vans
- Increase in accidents rates in area as people race the lights
- More cyclists on footpaths increasing the risk to pedestrians
- The proposed supermarket is not classed as acceptable walking distance as a direct route is not possible.
- Residents would have to walk up steep hills on either side of the store with their shopping
- Difficult for cyclists to go to the store due to steep hills on either side
- Current bus routes do not go the New Farnley plus frequency of buses in area is poor

### Noise

- Noise pollution by the supermarket itself and the traffic coming and goings
- Impact on health due to the noise pollution
- Noise from delivery vans which are proposed for 24 hours a day
- 24 hour opening and deliveries goes in conflict with the conditions on the smaller scheme

### Comments on submitted Environmental Noise Assessment

- Only involves one house on Silver Royd Way where there are 3 houses nearer the proposed car park
- Houses are higher on a hill and the proposed service yard is a storey higher than approved scheme so noise closer to houses.
- As proposal is in a valley with steep side it will have a 'amplitheatre effect' which will echo
- Survey only details noise levels in houses what about in the gardens

- HGV revving to get up proposed ramp will be very noisy
- Headlights flashing into gardens and houses
- Need to assess all gardens and houses on the Silver Royds

### Comments on submitted Retail impact assessment

- is misleading as uses data that is two years old and householder survey from a different catchment area
- Catchment area would support smaller scheme but not the larger one
- Tesco catchment area based on their needs to justify development
- Foodstore now proposed is double the original scheme and will deter potential food retail operators which will seriously jeopardise the Armley scheme's implementation.
- Catchment area adopted is too small given the size and expected influence of the foodstore proposed. Catchment area for Armley supermarket contained a population of 125,000 whilst this is less than 50,000 despite the supermarkets being the same size
- The catchment area implies that there is very limited overlap between this proposal and the Armley stores catchment area and that Stonebridge Mills will serve a different area and people from Wortley/Farnley/New Farnley are outside of the Armley supermarkets catchment which is not the case.
- The previous consent is adequate to address the deficiency in this area and conforms with Policy S6 in the Unitary Development Plan.
- If consent granted it will undermine planned investment in Armley town centre which is seen by the Council as a regeneration priority.

### Flooding

- Increase chances and severity of flooding
- Flood management plans focus on how to protect supermarket not other sites within the area.
- Building of supermarket will increase surface run off so increase risk of flooding
- Water discharges into Wortley Beck which is small and struggles to cope with high rainfall

### Wildlife and trees

- Impact on wildlife in the area such as foxes, bats, natural habitat
- Tearing down of trees, destroying allotments, spoiling lovely green area.
- Building now two storey so greater impact on the surroundings
- Loss of trees will raise carbon footprint and major impact on wildlife
- Damage to the largest existing Mill Pond

### Others

- House values will decrease
- Already too many supermarkets within the area
- If Armley supermarket is constructed question how many are needed
- Emphasis given to comparison goods rather than mixed development
- Should be supporting the proposed supermarket at Armley and the regeneration of Town Street

- No severe lack of retail provision in the area
- Impact on local shops
- Loss of listed buildings just for a supermarket
- Original scheme for area included community facilities as well as a supermarket whereas this scheme ensures that the supermarket has priority and community facilities abandoned.
- Concerned regarding the underground car park and the fact it presents a bomb threat and used for unsavoury activities

There has been 365 standard objection letters which state:

- far too large to fit in with local area
- the impact on carbon footprint
- 18,000 cars per week visiting the store causing pollution to a valley area from car fumes and noise creating 6 lanes of traffic on the Ring Road.
- Up to 400 job losses
- Possible closing down our local convenient stores and public houses
- The construction of new lanes on Ring Road would cause chaos to a very busy road possibly being closed to one lane while work goes on does not bear thinking about.

There have been a number of petitions that have submitted with 577 signatures in total. These have stated the following:

- Building not in proportion to the site that is proposed
- Increased traffic along the Ring Road
- 24 hours deliveries and noise caused by them
- Potential damage to local businesses, in particular local shops in the Bawn, Farnley Ring Road, Lower Wortley Road and Whingate areas.
- Lack of access to the site for pedestrians
- Environmental damage to wildlife, plant and tree species
- Increased pollution, 18200 extra cars per week
- Money to other wards (Armley)
- 3 lanes on each carriageway with traffic light controlled junctions that would need to be built to access the store, will ultimately cause congestion at peak times and safety issues for pedestrian access.
- already enough supermarkets within easy reach

6.3 There have been 14 letters of support which state:

- Good and much needed shopping alternative for local residents
- Ensures that the mill buildings are brought back to life
- Jobs promised for local people
- Consider that the road network will not be busier
- Will be in walking distance for local residents so saves money on buses and taxis
- Morrisons has had monopoly in the area for long enough
- Seen proposed photograph of new store and consider that the design is acceptable
- Will improve what is slowly turning into a eyesore



- Great benefit to the community of Farnley and Wortley
- Will benefit the OAP's and people on low income in the area.

There have been 335 standard letters of support submitted via the applicant agents which state that the proposals are set to bring many benefits to the area including:

- over 400 new jobs with up to half guaranteed for local long term unemployed
- New convenient supermarket shopping for residents of Farnley and Wortley.
- Bringing the historic mill back into active use as new flats and apartments.

## 7.0 CONSULTATIONS RESPONSES:

### 7.1 Highways – Conditional approval recommended

Transport Policy – Travel plan should be included in a section 106 agreement along with a Travel Plan review fee of £4000. Slight amendments to the travel plan required

Metro – No objections subject to amendments to some elements of existing infrastructure:

Public Transport Improvements and Developer Contributions – a contribution of £576,976 is required and this is on top of any bus stop infrastructure required on Stonebridge Lane and Ring Road.

Neighbourhoods and housing – conditional approval recommended

Fixed plant – the report has opted to place a overall fixed level for noise from plant which is consider low enough to not cause harm in gardens and inside residential properties.

Deliveries to store – information submitted that would ensure that deliveries should not have a detrimental impact on neighbours...needs a condition for a delivery management plan.

Home deliveries – suggested that these don't start till at least 7am on weekdays and a later start at the weekends.

Customer traffic – 24hour use of car park unlikely to cause disturbance to surrounding dwellings and the benefits from being primarily under the store level

Increased local traffic – this will be a slight increase which shouldn't have a detrimental impact in terms of noise

Air Quality Team – No objections on submitted information however suggest that there are a number of Electric Vehicle recharging bays within the development or 'cable and enable' an area of the car park

Environment Agency – Conditional approval recommended

Main drainage – Conditional approval recommended

Contamination Team – Conditional approval recommended

Yorkshire Water – No objection subject to conditions

Ecology officer – removal of trees and vegetation with a corridor of trees along the boundary to the rear of the site is not sufficient to enable creation of nothing more than a line of trees and shrubs with no ecological provision.

- Pond further reduced in size and no space on the development for a replacement pond
- Common toads are present in pond so works need to ensure that the toad breeding habitat remains and that toads are able to migrate in and from the pond.
- Further details of the bridge over the beck is required.

Conservation Officer – The development of the supermarket will dominate the site and impact on the setting of the listed buildings. That being said the mill complex is quite enclosed and the open green space does not form a direct part of its character. The benefits to the listed building complex would balance the construction of the supermarket. However, the benefits to the listed buildings is negligible and is not sufficient for the long term preservation and enhancement of the site. Satisfied generally now with the package of measures suggested for the grouping of historic buildings which would regenerate the group and provide much needed investment into the group in terms of works to the fabric and providing suitable uses.

Landscape officer – No major concerns regarding this application as the principle has been accepted by virtue of the recent approval. Conditional approval recommended

English Heritage – We do not consider that it is necessary for this application to be notified to English Heritage.

## **8.0 PLANNING POLICIES:**

8.1 National Guidance on retail and heritage policy is provided in the National Planning Policy Framework NPPF ( March 2012) Paragraphs 23- 27 deal with ensuring the vitality of town centres and paras 126 -141 deal with conserving and enhancing the historic environment. There is also guidance in relation to requiring good design and promoting sustainable transport. The NPPF includes a presumption in favour of sustainable development and para 14 sets out how that should be applied in decision making.

8.2 The Development Plan consists of the Regional Spatial Strategy (RSS) and the adopted UDP. It is not considered that there are any relevant determining policies in the RSS but the following policies in the adopted UDP Review (2006) are relevant;

SA7: Strategic Aim to promote the physical and economic regeneration of urban land and buildings within the urban areas, taking account of the needs and aspirations of local communities.

GP2: Development on vacant, under-used or potential redevelopment sites.

GP5: Resolution of detailed planning considerations.

GP7: Planning obligation.

E7: Proposals for non-employment uses on employment land.

N4: Greenspace provision for residential developments.

N8: Urban green corridors.  
 N12: Urban design principles.  
 N14: Presumption in favour of preservation of Listed Buildings.  
 N15: New uses in Listed Buildings.  
 N23: Design of incidental open space around built development.  
 N24: Development proposals abutting green belt, green corridors or other open land.  
 N50: Impact of development on LNA.  
 N51: Design of new development and enhancement of wildlife habitats.  
 T2: Access for new development.  
 T5: Provision for pedestrians and cyclists in new development.  
 T6: Provision for disabled people in new development.  
 H4: Residential development on non–allocated sites.  
 SP7: Priority is given to the maintenance and enhancement of the City Centre and town centres.  
 S2: Vitality and viability of town centres shall be maintained and enhanced.  
 S3: Enhancement and maintenance of town centres.  
 S5: Major retail development outside the defined S1 and S2 centres will not normally be permitted.  
 S6: Retail development where known deficiency of convenience goods retailing.

The Publication Draft of the Core Strategy was issued for public consultation on 28<sup>th</sup> February 2012 with the consultation period closing on 12<sup>th</sup> April 2012. Following consideration of the representations received, Executive Board recently resolved to publish a final set of revisions prior to submitting the draft Core Strategy for examination. The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. As the Core Strategy is now relatively close to submission it is considered that some weight can be given to the policies contained within;

Spatial Policy 2 – hierarchy of centres and spatial approach to retailing, offices, intensive leisure and culture

Spatial Policy 8 – economic development priorities part vii) developing the city centre and town/local centres as the core location for new development

Policy P2 – acceptable uses in and on the edge of Town centres – includes shops, supermarkets and superstores

Policy P5 – approach to accommodating new food stores across Leeds. States that a number of town centres could perform more successfully if they include a major food store and Armley is mentioned.

Policy P6 – approach to accommodate new comparison shopping in town and local centres

Policy P8 – sequential and impact assessments for town centre uses

## **9.0 MAIN ISSUES AND APPRAISAL**

1. Principle of development and retail impact
2. Highway and Transport matters
3. Design
4. Boundary Treatments
5. Landscape and Ecology
6. Residential amenity
7. Job Creation
8. Impact on listed buildings
9. Flooding

## 1. Principle of development

- 9.1 The site is allocated in the UDP under Policy S6 and this is indicated by a blue star on the Proposals Map, the policy states;

POTENTIAL EXISTS FOR RETAIL DEVELOPMENT OF A FORM WHICH WOULD REMEDY THE KNOWN DEFICIENCY OF CONVENIENCE GOODS RETAILING FACILITIES IN THE FOLLOWING LOCATIONS:

- a. FARNLEY/NEW FARNLEY/LOWER WORTLEY – IN THE VICINITY OF STONEBRIDGE MILLS, RING ROAD, FARNLEY

Following the review of the UDP in 2006, this policy and site allocation remains unchanged.

Paragraph 9.2.7 of the UDPR states that the retail proposals of 2500sqm (gross) floorspace or more will be considered 'major' for the purposes of UDPR policy. This policy does not give support to any comparison goods retailing.

- 9.2 The Leeds City, Town and Local Centre Study 2011 also identifies that the deficiency still exists in this area and identifies the Stonebridge Mills site as a suitable provider.

- 9.3 The NPPF adopts a centres first approach for retail development specifically stating that Local Authorities 'should require applications for main town centre uses to be located in town centres then in edge of centre locations and only if suitable sites are not available should out of centres sites be considered'. The centres first approach is already contained within the UDP and is carried forward in the emerging Core Strategy.

Paras 23 to 27 of the NPPF are clear about ensuring the vitality of town centres and ensuring that all is done to ensure this including the provision of sites and where town centres are in decline planning positively for their future to encourage economic activity.' A sequential approach should therefore be adopted and where an application is outside of a town centre an impact assessment should be undertaken. Para 26 and 27 sets out what this should cover including the impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more such factors the application should be refused.

Policy S5 of the Unitary Development plan states that major retail development outside of defined centres will not normally be permitted.

- 9.4 Planning permission was granted on this site in August 2011 for a supermarket that had a 2,321 square metres net retail area. The majority of this floorspace was convenience shopping in an area of deficiency identified in the UDP so it was considered at the time that the supermarket at that stage complied with the UDP policy at that time. The NPPF has been issued since that decision but largely continues advice previously given on retail planning in PPS6..

- 9.5 It is accepted that there is a deficiency in convenience shopping facilities in this part of the City and that this is long standing - there have been a number of attempts to address this matter over the years culminating in the approval for the supermarket at Stonebridge Mills. This application involves a net retail floorarea of 4,907 which is

more than double the previous approval. This proposal also has a 33% comparison goods element which is the area of the store that would compete with the range of goods offered within the Town Centres located nearby. Smaller stores offering comparison goods would be easier accommodated in the town centres mentioned previously, the need for a large increase in comparison goods on this site goes against town centre policy, nor is it in line with Policy S6 of the UDP which does not mention comparison goods.

- 9.6 A retail impact assessment (R.I.A) has been submitted with the application and officers have indicated that they do not agree the catchment area shown within the report or the use of the household survey for the Leeds centres study which was for a different purpose and have requested that this impact assessment is revised. There have been extensive discussions and exchange of correspondence between the developers agents and officers in relation to this matter with a clear difference of view on this matter. Officers have also obtained independent retail advice on the submissions made regarding the impact of this supermarket on town centres within the area. The shopping habits of people in the locality are important for defining a realistic catchment and it is clear that stores of different sizes and offer will have varying degrees of draw to customers in the surrounding area. It is likely that catchment areas will overlap.
- 9.7 The RIA submitted with the application discounts the proposed large supermarket in Armley which has permission as it would not address the deficiency in the Farnley/New Farnley/Lower Wortley as it considers that the Armley store and this proposal serve different catchment areas. This RIA also states that the Armley Store is not located in a central area within Farnley/New Farnley/Lower Wortley area and for this reason would not meet the deficiency of convenience goods in this area. This has been assessed by officers using a 10 minute off peak drive time which shows that the Farnley/New Farnley/Lower Wortley areas are within the catchment area for Armley store and would be served by the proposed Armley supermarket conflicting with the findings in the submitted RIA.
- 9.8 The current scheme should be assessed in relation to the proposed impact on the surrounding town centres. The submitted RIA details that Armley is the only centre within the proposed catchment area for this new superstore, however officers consider that the application needs to be assessed in relation to the town centres of Farsley, Kirkstall, Bramley, Pudsey and Armley.
- 9.9 In terms of Farsley the nature of this town centre is such that it is not considered that the proposed supermarket will have a detrimental impact on this town centre. In terms of Kirkstall this proposal will not have a detrimental impact as it is dependent on a different catchment area. Members will be aware that Tesco have revised proposals submitted for a new large in centre store at Kirkstall which are under consideration.
- 9.10 Pudsey Town Centre is currently a thriving centre which caters for a specific local market and performs this role very well. Pudsey does not have a major store, never has had nor have any options been identified to provide one. Its on the back of this that there is already a out of centre supermarket at Owlcotes. The supermarket operates independently of Pudsey Town Centre and attracts different shoppers. As Pudsey is thriving alongside an out of town supermarket which is close by its very unlikely that a larger store at Stonebridge Mills which is a much longer journey from Pudsey than Owlcotes would have a detrimental impact on Pudsey Town Centre.
- 9.11 Bramley Town Centre is like Pudsey in that it is a thriving centre which caters for a specific local market the majority of which go to Bramley either by foot or public

transport. There is a small Tesco in the Town Centre itself and there could be concerns that Tesco would pull out of Bramley Town Centre if permission was granted for the larger supermarket at Stonebridge Mills. The loss of the Tesco's at Bramley could then impact on the vitality and viability of Bramley Town Centre. Discussions have been ongoing with Tesco regarding this matter. Tesco's representatives have stated that the Tesco's in Bramley Town Centre is one of Tesco's top earning stores and they do not intend to leave Bramley Town Centre if consent was granted for the larger supermarket at Stonebridge Mills. Tesco have confirmed that their lease at Bramley is for another 15 years to 2027 and Tesco are currently in discussions with the new owners of Bramley Town Centre in relation to a revamp of the store as whilst the supermarket is one of their top profit stores it is not the most attractive at the current time. As Tesco have a lease for another 15 years and they are investing money in the refurbishment of the store it is very unlikely that Tesco will leave Bramley if planning permission was granted for the larger supermarket. For these reasons it is considered that there will not be a detrimental impact on Bramley Town Centre.

- 9.12 The situation with Armley Town Centre is different. Armley is the closest town centre to the application site and there is currently no major supermarket in Armley or within the vicinity of Armley Town Centre. Armley is not as successful as Pudsey and Bramley and does contain some empty retail units although it is accepted that these are far too small to accommodate a superstore. However, planning permission was granted in January 2012 for a 8360 square metre (90,000 square feet) supermarket in Armley. This approved supermarket is a Town Centre location which is in line with advice within both the NFFP and policies within the Unitary Development Plan.
- 9.13 The Armley supermarket is a sequentially preferable site, has planning permission and will improve the vitality and viability of Armley Town Centre which so far has no large food store. The Leeds City Centre, Town and Local Centres Study (July 2011) supports the view that Armley is in need of a large food store and this is a key consideration in relation to the strategy for the area. It is considered that a Tesco store of the size now proposed, more than double that of the existing permission and with a sizeable comparison goods element, would have a significant impact on the viability of the Carr Crofts site and bringing a future supermarket forward. As a town centre site this has to have priority and now that planning permission has been approved should be given a suitable amount of time to be implemented. This is entirely consistent with both national and local policy and is a key consideration in the determination of this application.

## 2. Highway and Transport Matters

- 9.14 A 5-arm roundabout, replacing the 4-arm roundabout at the Outer Ring Road (A6120) and Stonebridge Lane was approved for the reserved matters smaller scheme. This application involves signalisation of this roundabout but not an access directly off this roundabout. The access for this scheme has changed and will be directly off the Ring Road approximately 100 metres from this roundabout rather than another leg off the roundabout. This will also involve signalisation of the access and egress. The highway will be increased from 2 lane both ways to 3 ways both ways. Negotiations regarding the access and alterations to the highway network have been ongoing.
- 9.15 A transport assessment has been submitted for the development. This has been assessed by officers and it is considered that the development can be

accommodated within the area subject to the proposed highway improvements without the detrimental impact on the safe and free flow of pedestrians and vehicles.

- 9.16 There are a variety of other highway improvements that are required as part of the development. These include a new pedestrian crossing on Stonebridge Lane and improved footway. There will also be two new bus stops on Stonebridge Lane. To accommodate a bus stop and bus layby on the same side of Stonebridge Lane as the application site would involve the demolition of two existing listed buildings numbers 4 and 5. These bus stops and layby will improve accessibility by public transport to the store as there is a proposed footpath through the residential site linking the bus stops and the store. This part of the site is flat so is an acceptable link to public transport.
- 9.17 A Green Travel Plan has been submitted which requires some amendments. A green travel plan monitoring fee will be required and this along with a revised Green Travel Plan can be incorporated into any s106 agreement.
- 9.18 The parking proposed for the supermarket is below the standards required for the amount of floor space proposed. However there is a large population surrounding the site that will not use the car to access the store. The developer is paying for improvements to public transport so there is no objection to the level of car parking proposed.
- 9.19 A contribution towards public transport improvements will be required and this will be £576,976 and this will be on top of any bus stop infrastructure required on Stonebridge Lane and the Ring Road. Metro have also requested that the scheme should provide for the two new bus stops on Stonebridge Mills, pedestrian access through the residential site to the store, relocation of a bus stop on the Ring Road and improvements to the frequency of the number 80 with diversions for the supermarket and extension into New Farnley. The bus stops and access have already been discussed above and the improvements to the bus services would also be funded by this development. Any contributions can be secured through a section 106 agreement.
- 9.20 Overall it is considered that the proposal for a supermarket in this location will not have a detrimental impact on the safe and free flow of pedestrian and vehicular traffic subject to the highway improvements discussed above.

### 3. Design

- 9.21 The design of the supermarket is consistent with the materials and design of the adjacent listed buildings and the permission for the smaller store. The store will have glazing and stone to the front with stone, glazing and larch panels to the side elevations. The rear elevation will be larch panels. The store is much bigger in scale than the previous approval being up to 16 metres in height in some places. The current approval is for a store that is 6 metres in height. The proposal is two storey with the store on the upper level on stilts above the proposed car park. The main store is on a flat site and there is existing landscaping and additional planting proposed which will help to soften the appearance of the building in its setting. The use of glazing will also ensure that the building will not appear as a prominent feature in the street scene. Both the properties to the rear and the properties on the other side of the Ring Road going into Farnley are at a higher level than the proposed store so will look down onto the roof scape. The buildings roof is shallow and is broken up by features such as **roof ventilators** which along with the planting

should ensure that the visual amenity from these properties is not impacted to a detrimental extent.

- 9.22 Officers have some concerns regarding the design as it is important that the building does effectively address the ground and the main view visible when entering the site will be the service yard at an elevated height. There is also concern that the building is double in height and located closer to the listed buildings impacting on their setting. Some changes have been discussed with the applicants but formal revisions to the plans have not yet been submitted.
- 9.23 The proposed car park is mainly under the store with a small element of surface car parking to the side of the proposed store. This reduces the impact of the development in terms that there are no large areas devoted solely to car parking and the impact on visual amenity that this can create.
- 9.24 Overall the design of the store is modern and its impact on the local area and on the listed buildings nearby is sensitive and so needs careful consideration.

#### 4. Boundary treatments

- 9.25 The eastern elevation to the rear of the site will require significant retaining walls due to the significant change in levels in this location. To the rear of the store the retaining wall will be the building itself. The rest of the eastern elevation along side the car park will have a retaining wall which will be covered with a timber crib lock wall and planted with landscaping. This crib wall was approved for the whole length of the eastern boundary in the approval for the smaller store. Above both the building and the crib wall will be a landscaped area which will have existing and proposed landscaping. Further information is required as to how the construction works will be carried out for the store and its impact on current and proposed landscaping. This will allow officers the opportunity to assess whether the store as a retaining wall will have a greater or lesser impact than the crib wall previously approved. Beyond this landscaping will be a weld mesh fence which will form the boundary treatment between the development and the rear gardens of the properties along this boundary. The weld mesh fence was approved as part of the smaller scheme. A weld mesh fence was considered visually more acceptable than a palisade fence but still gave residents the security they required.
- 9.26 The southern boundary with the adjacent LNA will have the crib wall for the first part of the boundary as there is a change in levels. The rest of this boundary will be a weld mesh fence on the store side of this boundary and a hedge on the LNA side. This is acceptable in this location as the weld mesh fence will provide security but will allow views through of the hedge that will be planted behind. The hedge is also an acceptable boundary treatment on the LNA boundary.
- 9.27 There will be a flood wall erected to the western side of the proposed car park and the beck side of the access road all the way down to the existing roundabout. This is required to prevent the existing Beck flooding the car park and store. The flood wall will be 1.2 metres in height and will be stone faced on both sides. There will be coping above this wall which needs to be stone and not concrete and a condition can be attached to ensure that this is the case. This wall was approved as part of the smaller supermarket scheme.

#### 5. Landscape and Ecology



- 9.28 The site is the subject of a Tree Preservation Order made in 2000 and consists of groups of trees along the beck, adjoining the pond, 10 hawthorn trees along a field boundary within the site and an area of woodland to the north and east to the rear of existing housing. The development involves the loss of some trees but does involve improvements and tree planting as part of the proposal. The tree consultant at the outline stage for the smaller scheme made the point that with such a major scheme including replanting and landscaping it is inevitable that the character and nature of the area will change. This change is considered to be from a relatively even age tree structure with limited species diversity to a more varied age and species structure of more significant ecological value.
- 9.29 There will be some tree retention along the eastern boundary with the residential properties and some along the existing beck area. Objections have been received regarding the loss of trees, vegetation and the impact on the existing flora and fauna on the site. However, the level of tree and vegetation loss is not as significant as the loss that was approved for the smaller store.
- 9.30 The access road being moved allows for more land on the junction of Stonebridge Lane and the Ring Road to be planted than the previous access which will help to soften the development from views off the Ring Road. There is a bridge proposed over the Wortley Beck for the proposed access. A bridge has previously been approved for the access for the smaller supermarket so the principle of a bridge over Wortley Beck has already been agreed. Further information into the precise details of this bridge and its impact on the Beck and ecology in this area will be required and this could form a condition attached to any approved scheme.
- 9.31 A full ecological survey and bat survey have been submitted as part of the application. This showed that there are no bat roosts present on the site but the land is used to supply food for the bats. The report states that there will be two habitats created as part of the development. The first habitat is the landscaping to the rear of the store and the boundary with the existing houses. This remaining corridor is not of sufficient width to enable the creation of habitat and will be just a line of trees and shrubs. As the plant equipment and the service yard is located on this side there will be noise and disturbance which will hinder the wildlife using this corridor. The second habitat is within the new hedgerows that will be along the access road and a swale corridor to the south of the beck, this will provide limited compensation for the habitats that will be lost. However, as permission has already been granted for a supermarket on the site and this scheme allows for more retention of vegetation, wider borders on the boundary for planting and more planting than this scheme should impact less on the fauna and flora of the site.
- 9.32 The application also involves a further reduction in the size of the existing mill pond on the site. The principle of reduction in the length of this mill pond was approved under the outline permission for the smaller scheme but this application reduces the mill pond down by another third. The pond itself has some limited wildlife and ecological interest but has been polluted in the past. The pond is a breeding environment of the common toad and compensation for the loss of some of the pond should have been replaced in another part of the site but there is no space to house another pond. The works to reduce it in size should ensure that the toad breeding habitat is maintained and there should be provision in the layout for the migration of toads to and from the pond. This can be conditioned.

## 6. Residential amenity

- 9.33 There are residential properties across the Ring Road separated from the development by the beck, areas of landscaping and the Ring Road itself. The Ring Road is a busy road during daytime hours so any noise and disturbance from the operation of the supermarket and the comings and goings of traffic should not produce any additional impact on residential amenity in terms of noise and disturbance to those residents. However, the proposal involves both 24 hour opening and 24 hours delivery which will produce traffic at times when the Ring Road is quieter and could have a detrimental impact on residential amenity. The smaller supermarket had its opening and delivery hours limited to times between 0800 and 2000 hours due to the potential for impact on residential amenity in terms of noise and disturbance. This proposal is more than double the size of the previous scheme and therefore will have more deliveries and more customers than the current approval. Whilst it is appreciated that the client would wish to offer 24 hour shopping to its customers it does have to be aware that this is supermarket within a partly residential setting.
- 9.34 There are also residential properties on the eastern boundary of the site which are closer to the supermarket. These properties are at a higher level and are separated from the development by their own gardens. The service yard is also located on their boundary and it a storey higher than the smaller approved scheme. This along with the comings and goings of customers, cars and lorries all have the potential to impact on the residential amenity of the residents. The operation of the supermarket and the service yard during the day is unlikely to cause any detrimental impact in terms of noise and disturbance due to the noise already created from the Ring Road. When the Ring Road is quieter during evenings, overnight and weekends then there is potential for noise disturbance from the supermarket. Should the store have 24 hours opening and deliveries then this has the potential to impact significantly on the residential amenity of the occupiers of these properties.
- 9.35 A noise report has been submitted with the application and environmental health have looked at this report and concluded that the measures to reduce disturbance to local residents would bring the noise levels down to the levels that are considered acceptable to residents even over the 24 hour period. The noise survey was carried out at one residential property which is the nearest house to the service yard and plant equipment which will produce the highest level of noise associated with the scheme. Objections have been received from other occupiers of the Silver Royds who have requested that noise surveys are carried out at their properties. Environmental officers have concluded that the noise levels at these other properties will be lower than the house chosen for the noise survey so considered no additional works are require.

#### Job creation

- 9.36 Tesco have stated that there will be approximately 400 jobs created for the local area, not including the number of jobs that there will be for the construction of the supermarket. Tesco will use local labour and are happy for a section 106 agreement ensuring that the jobs will be provided for local people – they have , as a company, a positive track record in supporting local employment initiatives and retraining /retaining those who have been long term unemployed.

#### Listed buildings

- 9.37 The other applications submitted with this application involves a substantial package of investment to regenerate the historic mills complex and give the buildings active ongoing uses. Whilst the applicants are not putting forward the argument that the

larger supermarket is enabling development it is clear that the level of investment needed to secure and improve this group of buildings could not be achieved by just looking at the buildings on their own. The other applications involve the demolition of additional buildings that did not form part of the previous consent. They also involve the demolition of two further listed buildings on the site. A justification has been submitted for the loss of these two listed buildings which include some structural information which shows that these two buildings are in a very poor state of repair. For them to be used they would have to be completely demolished and rebuilt so they would be a modern building taken on the appearance of the previously listed buildings. In their place will be a wall that will still give the sense of enclosure on the application side of the development. Officers have agreed with the findings of the justification and structural information in relation to these two buildings - 4 and 5.

- 9.38 The scheme for the other listed buildings now includes full restoration for the other listed buildings on the site and is strongly welcomed and supported including their use as affordable housing and a heritage centre. There may be some conflict with residential amenity if the store was to open 24 hours but residential is considered acceptable in principle in this location.

#### Flooding

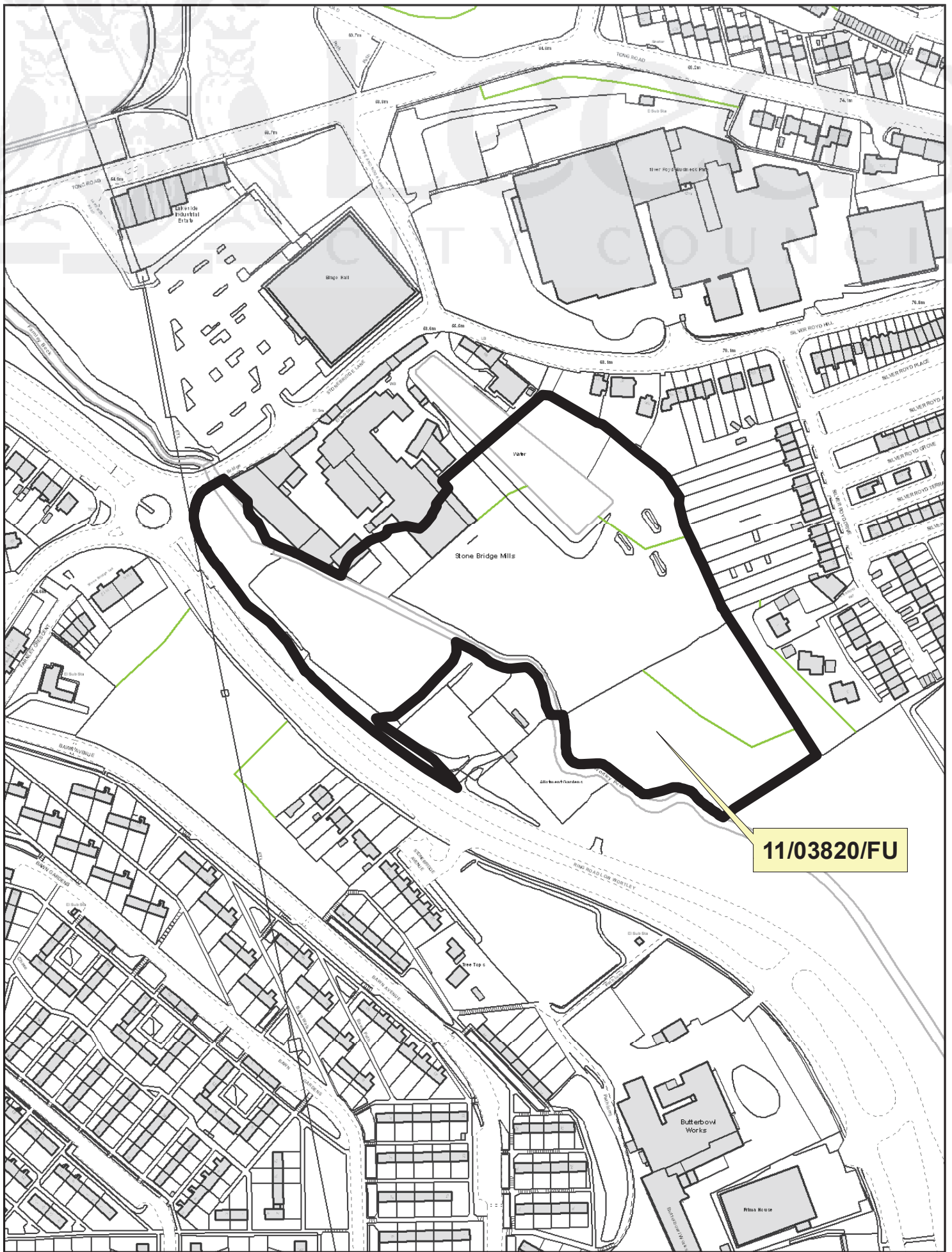
- 9.39 The application has submitted a Flood Risk Assessment which has measures to ensure that the store does not flood or the surrounding area. There will be a large storage tank underneath the store to store and release water slowly in times when rainfall is high. There is also a flood wall proposed which will protect the store from flooding of the Beck and send the additional water from the Beck to the storage tank below.
- 9.40 It is considered that providing the measures detailed in the Flood Risk Assessment then there should be no additional impact to the surrounding area in terms of flooding.

## **10 CONCLUSION:**

- 10.1 There is no argument that the site is in an out of centre location. The convenience goods deficiency locally has been recognized for many years and approval has already been given on the site for a smaller supermarket which can be implemented.
- 10.2 The present proposal would more than double the size of the store and introduce a substantial comparison goods element. In terms of the wider regenerative proposals on this site the proposal to reuse and reinvest in the historic buildings is welcomed and supported. The store would also bring local jobs and investment which is clearly in line with national objectives in encouraging growth. Together these factors should be given significant weight.
- 10.3 Officers consider however that the key consideration in this case is the impact the substantial uplift of retail floorspace will have on existing local town centres and this should be given overriding weight in the balancing exercise.
- 10.4 Whilst there has been disagreement about methodology and catchments the concerns of officers remain the impact on Armley town centre from the increase in comparison goods and the effect that a size of this store would have in bringing forward a substantial convenience supermarket in Armley. The Armley supermarket has been given permission which is extant. National guidance is clear in the NPPF

that where an application fails the sequential test or is likely to have significant adverse impact on town centre vitality or on existing, committed and planned public or private investment in a centre then the application should be refused.

- 10.5 It is accepted that the possibility of a larger store at Stonebridge Mills will have an impact on potential retail occupants coming forward at Armley. A decision on this application is therefore important both to the applicants and the developers of the site at Armley. Given the strong desire to give the scheme at Armley the best chance of success when it is in centre and important to the future regeneration of Armley then members are advised that in the balance they should give greater weight to this matter than the economic and heritage benefits which this application provides.
- 10.6 Whilst there are concerns about 24 hour operation on this site, ecology and design and the full Section 106 package is not fully clear it is not felt that any of these matters in themselves are sufficient to include as reasons for refusal because if members were minded to support the application then they would be subject to further negotiation and clarification.
- 10.7 On balance, therefore, members are recommended to refuse the application for the reason given.



11/03820/FU

# WEST PLANS PANEL

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Originator: Patrick Bean

Tel: 39 52109

## Report of the Chief Planning Officer

### PLANS PANEL SOUTH & WEST

Date: 6<sup>th</sup> December 2012

**Subject: APPLICATION 12/04246/FU – part two storey, part single storey rear extension with relocation of flue and condenser units; addition of access ramp to front at Sukhothai, 4 St Annes Road, Headingley, Leeds LS6 3NX.**

<b>APPLICANT</b>	<b>DATE VALID</b>	<b>TARGET DATE</b>
Mr G Marks	10.10.12	5.12.12

<p><b>Electoral Wards Affected:</b></p> <p>Weetwood</p> <p><input type="checkbox"/> Yes Ward Members consulted (referred to in report)</p>	<p><b>Specific Implications For:</b></p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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### RECOMMENDATION:

GRANT PERMISSION subject to the following conditions:

1. Commencement of development within 3 years.
2. Approval of plans
3. Samples of all external walling, roofing and surfacing materials to be approved prior to commencement of development
4. Use of booking system for first floor function room
5. details of flue and air conditioning units
6. further details of dropped kerb and bollards to be agreed and implemented
7. implementation of travel plan measures
8. cycle and motorcycle parking to be provided
9. vehicle areas to be laid out
10. In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the National Planning Policy Framework and (as specified below) the content and policies within Supplementary Planning Guidance (SPG) and The Development Plan consisting of The Yorkshire and Humber Plan - Regional Spatial Strategy 2008 (RSS) and the Leeds Unitary Development Plan Review 2006 (UDPR).

GP5, BD6, T2, T24, S2

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

## **1.0 INTRODUCTION:**

1.1 This application is brought to the Panel as it is a re-submission of an application which has previously been refused consent by the Panel.

## **2.0 PROPOSAL:**

2.1 The proposal is a full application for a rear extension to a restaurant, enabling an increase in the amount of covers in the restaurant from 72 to 100, plus the relocation of an existing flue and the addition of an access ramp to the front.

2.2 This application is identical to the previous application 11/04959/FU considered by Panel on 29<sup>th</sup> March 2012 which was refused consent for reasons relating to traffic and transport grounds. Changes to the status of the 'pay and display' car park opposite the site are however considered to be a material change in circumstances.

## **3.0 SITE AND SURROUNDINGS:**

3.1 The site is a restaurant, known as 'Sukhothai', which is housed in a two storey brick building which is part of a parade. Elsewhere in the same parade there are a range of uses, including shops, offices, restaurants and a take away.

3.2 The parade is identified as a Secondary Shopping Frontage, and also lies within the Headingley Town Centre boundary.

## **4.0 RELEVANT PLANNING HISTORY:**

4.1 10/01144/FU – external seating area with retractable canopy and covered eating area to front – refused for reasons relating to design and highway safety.

4.2 11/01459/FU – Part two storey, part single storey rear extension with relocation of flue and a/c units – refused for reasons relating to highway safety.

4.3 11/04959/FU - Part two storey, part single storey rear extension with relocation of flue and condenser units; addition of access ramp to front - refused for reasons relating to highway safety.



4.4 (nearby unit in same parade) 10/03806/FU – change of use of vacant retail unit (Class A1) to restaurant (Class A3) to facilitate an extension to the adjoining Italian restaurant and laying out of new parking area to rear with addition of new cycle stands to front, at Salvo's Restaurant, 111 Otley Road – approved.

## **5.0 HISTORY OF NEGOTIATIONS:**

5.1 The application has been the subject of two previous applications as above determined on 1<sup>st</sup> June 2011 and 29<sup>th</sup> March 2012.

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

6.1 The application has been publicised by means of site notices; a total of sixteen representations have been received which support the proposals.

6.2 Representations in support of the proposal make the following points:

- The proposals would improve the facilities offered by the restaurant;
- The proposals would improve the visual amenity of the parade;
- The restaurant is an asset to the community and people travel from far and wide to visit it.

6.3 Additionally a petition containing 117 signatures has also been received. This states that the petition is to support the planning application to extend the restaurant and improve the facilities.

## **7.0 CONSULTATION RESPONSES:**

7.1 The original Highways consultation response sought further clarification / information regarding the proposed parking refund scheme, works to the site frontage and traffic management signage. These have been provided as referred to below. Other comments referred to cycle parking, surfacing to the rear yard, which is considered acceptable.

7.2 The existing parking restrictions were introduced following work with the business owners present at that time, the existing signage for limited waiting is tucked tight against the shop frontages because the shop owners objected to them being near the kerb-line as they would normally be and the footway is private. If Sukhothai other businesses affected are happy for signs on 50mm square poles to be fixed on the footway near to the kerb line then it can be arranged with Traffic Management. However, as the works would affect other frontages it cannot form part of the planning proposal. Sukhothai's commitment to try to work with other businesses to deliver the changes as part of the travel plan is adequate for the purposes of the application.

7.3 The plan provided in the travel plan shows a dropped kerb and bollards will be used to protect an area for pedestrian access from the road. However the plan is not to scale and therefore a condition should be attached to any approval requiring further details to be agreed and implemented prior to occupation of the extension.

7.4 The revised travel plan details a refund scheme which will need to be managed by Sukhothai but allows customers to produce evidence of a ticket which is not exhaustive. Advertising the refund scheme will be important to its success and the travel plan commits to advertising it on the restaurant website as well as within the

restaurant. The revised travel plan advises long stay cycle parking will be available to staff in the garages at the rear of the restaurant.

## **8.0 PLANNING POLICIES:**

- 8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan consists of the Regional Spatial Strategy for Yorkshire and the Humber adopted in May 2008 and the Leeds Unitary Development Plan Review (2006).
- 8.2 The most relevant Policies in the adopted Leeds Unitary Development Plan are outlined below.

Policy GP5 refers to detailed planning considerations and states that development proposals should seek to avoid loss of amenity.

Policy S2: This states that the vitality and viability of the following town centres will should be maintained and enhanced.

Policy BD6 refers to the scale, materials, character and design of extensions.

Policies T2 and T24 seek to maintain adequate levels of vehicle parking provision with no undue detriment to other highway users.

National Planning Policy Framework

### **Emerging Core Strategy**

The Publication Draft of the Core Strategy was issued for public consultation on 28<sup>th</sup> February 2012 with the consultation period closing on 12<sup>th</sup> April 2012. Following consideration of any representations received, the Council intends to submit the draft Core Strategy for examination. The Core Strategy set sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. As the Core Strategy is in its pre submission stages only limited weight can be afforded to any relevant policies at this point in time.

- 8.3 National Planning Policy Guidance:

The National Planning Policy Framework came into effect on 27<sup>th</sup> March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development.

## **9.0 MAIN ISSUES:**

- 9.1 The following main issues have been identified:

- Vitality and viability of the local centre
- Visual amenity
- Neighbour amenity
- Highways

## **10.0 APPRAISAL:**

- 10.1 The application site is located within a local centre. A restaurant use is compatible with this area as it is identified as a main town centre use in the National Planning Policy Framework. Such a use is therefore broadly acceptable in principle.
- 10.2 The proposal seeks consent to erect a two storey extension to the rear of the building, and to relocate an existing flue. The area to the rear of the parade is presently a somewhat untidy area which is used by businesses in the parade for ancillary purposes. The area comprises an unmade track which slopes down to the northern end of the parade. Vehicles are parked informally on this track, which presumably belong in the main to employees working in the businesses. The area is also used for bin storage, although much of this is fairly haphazard. To the rear of the track there is also a line of lock-up garages. The application indicates that two of these garages belong to the applicant.
- 10.3 The rear of the application property is a somewhat untidy collection of extensions, air conditioning units and a large flue. The property has a single storey rear extension, which is partly render finished, and partly brick. This projects approximately 3.5m. Four air conditioning units are attached to the rear elevation at first floor level, and a large and prominent flue also emerges at the same level and rises above the eaves.
- 10.4 The proposal would rationalise this situation somewhat by creating a part single and part two storey extension. The ground floor elevation would have a brick plinth and white painted render. This would then have pitched tiled roof, and there would be a smaller first floor element. This would have a flat roof and be render finished. The air conditioning units would be relocated to the roof, and the flue would be altered such that it would run up the side of the extension. Roof lights would be added to illuminate existing bedrooms on the first floor which would be reconfigured in order to increase the amount of accommodation.
- 10.5 The proposed extension would rationalise the somewhat untidy rear elevation, and to this extent it would represent an improvement.
- 10.6 The proposed relocation of the flue could potentially cause noise and odour problems to existing residential occupiers within the unit. However technical details of alterations to the flue and air conditioning units could be required by condition in order to address this.
- 10.7 The proposal as amended would increase the amount of covers in the restaurant from the current provision which is stated to be 72, to 100, revised from the original figure of 110. This represents an increase of 39%. However 84 of these are shown to be downstairs in the main part of the restaurant, while an additional 16 are shown to be included within a function room upstairs. As depicted neither of these spaces would be used to their full capacity. The applicant's Design and Access Statement states that the function room would only be used from time to time for special occasions. The applicant states that the function room would not be used as a general overflow for the restaurant but instead would only be used via a booking system. The applicant has therefore suggested the use of conditions limiting the use of this area to bookings only and for a maximum of 100 covers overall. By this method, the applicant suggests that the parking demand generated by the proposal would be lessened.
- 10.8 It is considered that the proposed extension would generate a demand for an additional eight parking spaces, four to each of the ground floor restaurant area and to the first floor function room respectively. The reduced numbers of covers to the

ground floor could reduce the potential added demand for parking from customers to a total of five spaces. The UDP guidelines would suggest seven spaces for the function room, however booked groups of diners would be more likely to travel together, and as such a reduced figure has been identified.

- 10.9 The applicant also states that all the staff either live in the premises or locally in the Headingley area, thus it is suggested that the proposal would not cause an increase in demand for staff parking.
- 10.10 The applicant has, however, supplied a Travel Plan, although one is not required for this scale of development.
- 10.11 This includes a number of proposed measures designed to encourage sustainable travel, such as encouraging staff to use taxis or car share, and encouragement of staff to use buses, walk or cycle. Travel packs would be provided to staff to achieve this, and a fee provided to the City Council in order to monitor the travel plan.
- 10.12 The area around the parade already suffers from high levels of on-street parking demand. The applicant considers that the site is well located for public transport links, and has a high demand from customers who attend the site on foot. A survey included within the Travel Plan suggests that around 50% of customers currently travel to the restaurant by car, while around 20% walk. However off-street parking provision in the locality is poor.
- 10.13 Members at the previous Panel meetings questioned the status of the 'pay and display' car park close to the site. At the time of the previous meeting this was unauthorised but was the subject of a planning application to regularise its use. This has now been approved, providing a total of seven spaces for public use, in addition two spaces for the neighbouring flats and three for the adjacent businesses on Otley Road. The submitted Travel Plan includes a survey of the use of this car park, which finds that usage of the car park is low during the day, and low to medium in the evening. There is therefore spare capacity in this car park for the majority of the time.
- 10.14 The applicant therefore proposes to provide a subsidised parking scheme for its customers whereby they provide the ticket number, or a photograph of the ticket, and the cost of the ticket would be deducted from the bill in the restaurant. It is concluded that on balance any additional car parking could be absorbed without detriment to highway safety.
- 10.15 In addition the submitted Travel Plan suggests that customers arriving by car can legitimately use the Headingley Taps car park. However this is situated approximately 0.5km from the site.
- 10.16 The proposed extension would to some degree impact upon the rear parking area by reducing the amount of space available. This area is already constrained, and poorly surfaced. While the area to the rear of the property would be resurfaced, this is shown on the submitted plans as the area to the rear of the property only within the applicants red line. The applicant has stated however that they have had discussions with neighbouring occupiers such as Salvo's in respect of resurfacing a larger part of the rear yard area. It is stated that Salvo's in particular will join in with the surfacing works, although the agreement of other occupiers does not appear to have been secured. While there would clearly be some benefit in laying out the rear yard area it should be noted however that such work would not form part of the

current application and its delivery could not be ensured; therefore it should not form part of the consideration of this application.

- 10.17 The site includes two lock up garages to the rear of the yard. It is understood that these are presently used for ancillary storage, however the application states that they would be used for long stay staff cycle parking. This would be in addition to two cycle parking stands which would be provided for customers to the front of the premises.
- 10.18 Currently parking on both sides of the service road to the front of the restaurant can cause the route to be blocked to wider/longer vehicles. The proposal now includes bollards to be installed along the inside kerb line across the frontage of the restaurant to discourage parking and improve pedestrian access. Additionally the applicant has agreed to the use of the frontage of the restaurant for signage required by LCC Traffic Management. This is because waiting restrictions along the service road are not clear due to the footway being in private ownership, and as such the City Council has been unable to erect appropriate signage. Therefore the proposal will assist in addressing this issue.
- 10.19 The footprint of the proposed extension is approximately 2m deeper than the existing footprint. The proposal would therefore move bins and parking further into the yard area. The extension of the footprint of the building is a concern as the rear yard area is already constrained, and the proposal would to some extent exacerbate this. However if the existing extension, with parking at right angles to the wall, is measured the footprint of this would be approximately the same as the proposed extension with parking aligned parallel to the wall. If the parking to the rear of the extension is formalised in this way then overall it is considered that the impact of the extension on access provision would be small. A swept path analysis has been provided which demonstrates that turning adjacent to the staff parking at the rear of the property by typical delivery vehicles would be unaffected by the proposed extension.

## **11.0 CONCLUSION:**

- 11.1 After careful consideration of all relevant planning matters it is considered that the proposed development is acceptable subject to the imposition of suitable conditions. The proposal is therefore recommended for approval.

### **Background Papers:**

Application file;  
Certificate of Ownership.



# SOUTH AND WEST PLANS PANEL





Originator: Patrick Bean

Tel: 39 52109

## Report of the Chief Planning Officer

### PLANS PANEL SOUTH & WEST

Date: 6<sup>th</sup> December 2012

Subject: APPLICATION 12/03537/FU – office extension to stables and new outdoor riding area at Pool Court Arena, Pool Bank New Road, Pool in Wharfedale LS21 1EH

APPLICANT	DATE VALID	TARGET DATE
Mrs Susan Stayne-Jackson	21.8.2012	16.10.2012

#### Electoral Wards Affected:

Adel and Wharfedale

Yes Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

### RECOMMENDATION:

#### GRANT PERMISSION subject to the following conditions:

1. Commencement of development within 3 years.
2. Approval of plans
3. Samples of all external walling, roofing and surfacing materials to be approved prior to commencement of development
4. details of boundary treatments
5. Submission of landscape scheme and implementation schedule
6. landscape management plan
7. 5 yr planting replacement
8. vehicle spaces to be laid out
9. lighting restrictions residential properties
10. vehicle passing places plan (PL) 14

11. In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the National Planning Policy Framework and (as specified below) the content and policies within Supplementary Planning Guidance (SPG) and The Development Plan consisting of The Yorkshire and Humber Plan - Regional Spatial Strategy 2008 (RSS) and the Leeds Unitary Development Plan Review 2006 (UDPR).

GP5, BD6, T2, T24

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

## **1.0 INTRODUCTION:**

1.1 This application is brought to the Panel at the request of Councillor Anderson who is concerned about the suitability of the access onto Pool Bank New Road.

## **2.0 PROPOSAL:**

2.1 The proposal is for an office extension to the existing stables, and a new outdoor riding area.

## **3.0 SITE AND SURROUNDINGS:**

3.1 The site is an existing riding school located off Pool Bank New Road. The site comprises an indoor riding arena, as well as ancillary buildings and stables. These are arranged in two blocks, with the stables to the west and arena to the east. The larger buildings such as the arena are typical portal framed agricultural buildings, while the stable block is of more traditional block and render construction.

3.2 The site itself extends to approximately two hectares, and includes areas of grazing land to the south and north of the buildings. The topography rises to the south up Pool Bank. The site is located remotely from the road, and is accessed via a track which runs through a finger of land connecting the buildings with Pool Bank New Road.

3.3 To the east of the boundary there is a residential bungalow, which is occupied by the applicant. The applicant also owns an additional 12 hectares of adjacent land.

3.4 The site lies within the adopted Green Belt to the south east of the village boundary. A band of trees adjoining the western boundary of the site are protected by a Tree Preservation Order.

3.5 To the north of the site there are residential properties facing onto Acorn Way.

## **4.0 RELEVANT PLANNING HISTORY:**

Reference: H29/30/74/

Address: Adjacent To Disused Railway To The Rear Of Firs Hill Court Pool Bank  
Pool (Pool)



Proposal: Corrugated asbestos sheet barn to arthington indoor arena (grid ref 24974466).

Status: A

Decision Date:: 08-JUL-74

Reference: H29/347/75/

Address: Firs Hill Court Pool Bank Pool In Wharfedale (Bramhope)

Proposal: Extension to form toilets, to riding school premises.

Status: A

Decision Date:: 01-DEC-75

Reference: H29/260/79/

Address: Pool Arena Pool Bank New Road Pool (Pool)

Proposal: Detached single storey animal compound, to riding school.

Status: A

Decision Date:: 15-OCT-79

Reference: H29/145/82/

Address: Arthington Showjumping Centre Off Pool Bank New Road Pool

Proposal: Alterations and extension, to form enlarged arena to showjumping arena.

Status: A

Decision Date:: 01-NOV-82

Reference: H29/58/83/

Address: Pool Court Arena Off Pool Bank New Road Pool

Proposal: Detached single storey livestock building, to riding stables.

Status: PD

Decision Date:: 05-SEP-83

Reference: H29/57/83/

Address: Pool Court Arena Off Pool Bank New Road Pool

Proposal: Alterations and extension, to form enlarged animal compound, to riding stables.

Status: PD

Decision Date:: 05-SEP-83

Reference: H29/29/86/

Address: Off Arthington Lane And Off Pool Bank New Road Arthington

Proposal: Alterations and extension to form ancillary bar and restaurant with kitchen, to indoor arena.

Status: A

Decision Date:: 30-MAR-87

Reference: H29/30/86/

Address: Pool Court Arena Off Arthington Lane And Pool Bank Newroad Pool-In-Wharfedale

Proposal: Erection of building to form office, meeting room and judges overnight accommodation.

Status: R

Decision Date:: 30-MAR-87

Reference: H29/16/86/

Address: Pool Court Arena Off Arthington Lane And Pool Bank New Road Pool-In-Wharfedale

Proposal: Change of use and layout of agricultural land to form enlarged equestrian centre incorporating 2 outdoor arenas

Status: R

Decision Date:: 30-MAR-87

## **5.0 HISTORY OF NEGOTIATIONS:**

5.1 None

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

6.1 The application has been publicised by means of site notices and an advert in the Wharfe Valley Times; there have been a total of 13 representations received of which two are in support and 11 are in objection.

6.2 The following issues have been raised:

- increased noise and disturbance;
- increased comings and goings;
- loss of highway safety;
- increase in crime; and
- inappropriate Green Belt development.

## **7.0 CONSULTATION RESPONSES:**

7.1 Highways – no objections subject to two way vehicle passing places and laying out of vehicle spaces

Local Plans / Policy – the site is located within the Green Belt and SLA; no policy objections subject to clarification regarding outside exercise area;

West Yorkshire Police – no objections

## **8.0 PLANNING POLICIES:**

8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan consists of the Regional Spatial Strategy for Yorkshire and the Humber adopted in May 2008 and the Leeds Unitary Development Plan Review (2006).

8.2 The most relevant Policies in the adopted Leeds Unitary Development Plan are outlined below.

GP5 – proposals should resolve detailed planning criteria

BD6 – alterations and extensions should respect the scale, form, detailing and materials of the original building

N32 – extent of Green Belt

T2 - accessibility

T24 – car parking

N37 - SLA

8.3 National Planning Policy Guidance:

The National Planning Policy Framework came into effect on 27<sup>th</sup> March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development.

8.4 Paragraph 89 of the NPPF identifies that the construction of new buildings in the Green Belt is inappropriate, but exceptions to this include provision of appropriate facilities for outdoor sport and outdoor recreation.

## **9.0 MAIN ISSUES:**

9.1 The following main issues have been identified:

- Abandonment
- Visual impact
- Neighbour amenity
- Highway access

## **10.0 APPRAISAL:**

- 10.1 The site is currently vacant and it is thought to have lain unused as a riding school for a period of approximately 12 years. Nevertheless the buildings appear to be in a reasonable condition in view of their age and lack of maintenance.
- 10.2 A number of objectors to the proposals consider that the site has been abandoned in planning terms, and hence the proposals represent a new, and inappropriate, use of Green Belt land. Legal advice received by officers suggests that the issue of whether a use has been abandoned is assessed against four tests. These relate to:
- The physical condition of the property / site; and
  - the period of non-use; and
  - whether there has been intervening use; and
  - the owners intentions for the site.
- 10.3 When assessed against these criteria it does not appear that in planning terms the use has been abandoned. An examination of other similar examples in case law also suggest that due to the condition of the buildings, and relatively short period of non-use that abandonment has not occurred. It has been found that a use can often be stopped for many decades without foregoing the lawful use of the site.
- 10.4 It is true that part of the site has been used for lambing and the grazing of sheep. The applicant indicates this has been for the past three years, although this is contradicted by an objector who claims the figure to be twelve years. However this has been a relatively small scale use for a relatively short period of time and as such this cannot be interpreted as a change of use to agriculture. The proposals can therefore only be considered as renovations, some relatively small alterations and extensions. Planning permission would not be required to resume the equestrian use.

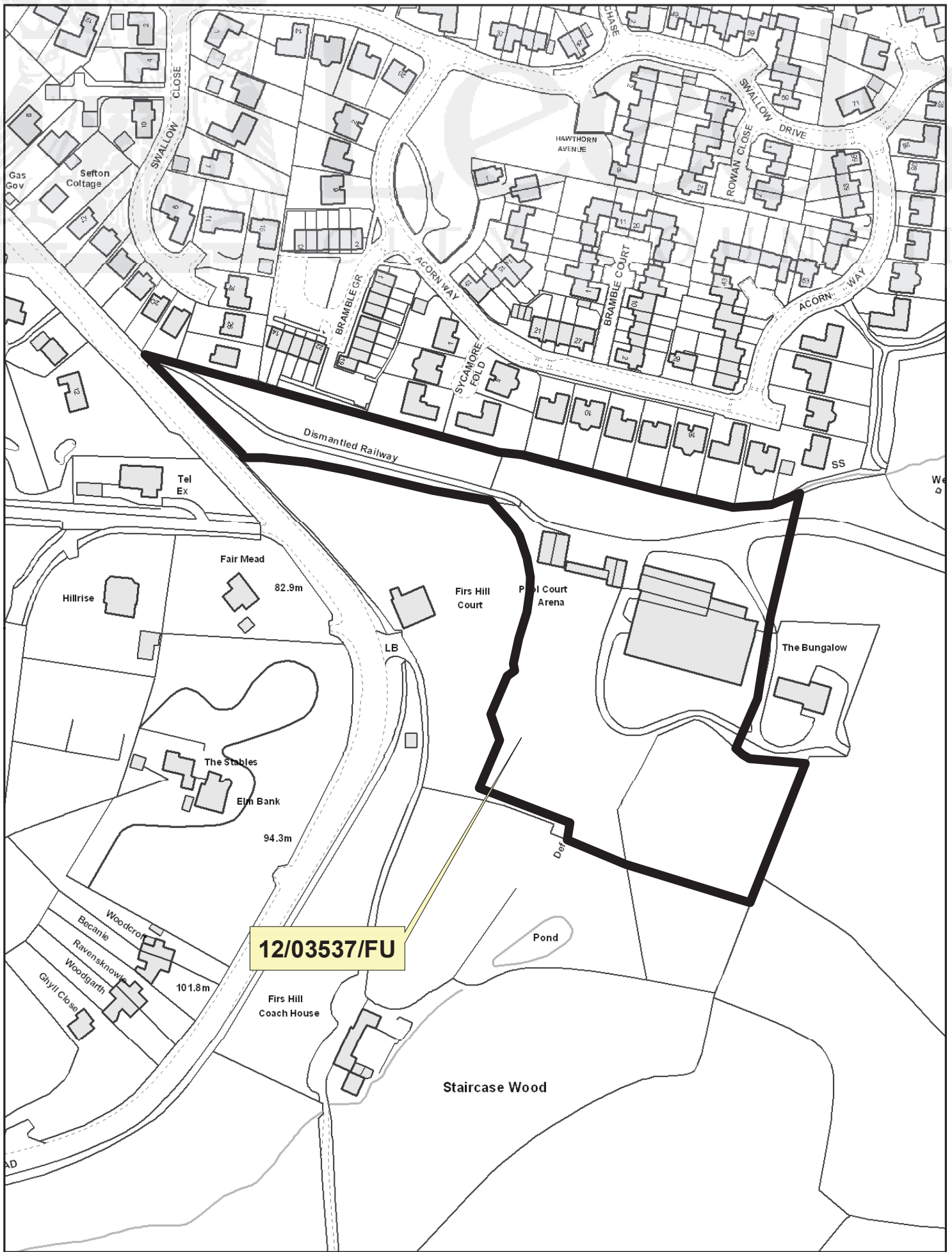
- 10.5 The proposals involve general repairs and renovations, the introduction of four loose boxes under the existing structure to the western end of the site, the construction of a small office and w.c. extension adjoining the eastern end of the stable block, the cladding of a portal frame building with timber boarding, the forming of a small external exercise area, and enclosure fencing.
- 10.6 The office and w.c. extension would total less than 30 sq.m., and hence would provide very limited ancillary accommodation which could only be used in connection with the riding school. The timber boarding and other renovations would improve the appearance of the buildings, which are understandably tired. The proposal also involves the addition of windows and roof lights to the portal framed buildings. The outdoor riding area would comprise a leveled area of approximately 360 sq.m enclosed by a post and rail fence. This would be situated close to the riding arena. Existing external vehicle circulation areas would also be re-surfaced.
- 10.7 The site is proposed to be accessed via an existing track of approximately 200m length which connects to Pool Bank New Road. A number of objectors state that when the site was previously in use, the majority of vehicular traffic accessed the site via field tracks following the line of the old railway track leading to the east which ultimately connect to Arthington Lane. This is disputed by the applicant, who states that the majority of traffic entered the site via Pool Bank New Road. However, whichever access is used has little bearing on the lawful use of the site.
- 10.8 The access onto Pool Bank New Road has adequate visibility in both directions when considered against the Council's adopted guidance. The track is relatively narrow, allowing only one way passage, however the proposal includes the provision of two passing places in order to address this.
- 10.9 Given that the re-use of the site for equestrian purposes is lawful without the need for planning permission, then the proposals need to be considered in the context of the development applied for only, that is the minor extension and the outdoor riding area. These are minor in themselves. Any assessment of the increase in intensity of use must be based upon the proposed increase in buildings on the site. It is not considered that these aspects of the development would intensify the lawful existing use or otherwise increase its impact either visually or in respect of impact upon existing nearby residential occupiers.
- 10.10 The applicant has agreed to provide native buffer planting between the site and properties to the north on Acorn Way. This would help to screen the site and provide an acoustic barrier, and could be appropriately secured by condition.

## **11.0 CONCLUSION:**

- 11.1 After careful consideration of all relevant planning matters it is considered that the proposed development is acceptable subject to the imposition of suitable conditions. The proposal is therefore recommended for approval.

### **Background Papers:**

Application file;  
Certificate of Ownership.



# SOUTH AND WEST PLANS PANEL

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Originator: Patrick Bean

Tel: 39 52109

**Report of the Chief Planning Officer**

**PLANS PANEL SOUTH & WEST**

Date: 6<sup>th</sup> December 2012

**Subject: APPLICATION 12/04516/FU – demolition of existing service station and redevelopment to provide a new petrol filling station, comprising of canopy/forecourt, sales building with ATM, underground storage tanks and car parking at Rawdon service station, Apperley Lane, Rawdon, Leeds LS19 7BZ.**

<b>APPLICANT</b>	<b>DATE VALID</b>	<b>TARGET DATE</b>
Total Bonjour Ltd	24.10.12	19.12.2012

**Electoral Wards Affected:**

Guiseley and Rawdon

Yes    Ward Members consulted (referred to in report)

**Specific Implications For:**

Equality and Diversity   

Community Cohesion   

Narrowing the Gap   

**RECOMMENDATION:**

**GRANT PERMISSION** subject to the following conditions:

1. Commencement of development within 3 years.
2. Approval of plans
3. Samples of all external walling and roofing to be approved prior to commencement of development
4. Samples of all external surfacing materials including pedestrian access and parking areas to be approved prior to commencement of development
5. details of boundary treatments
6. signage scheme re window displays
7. detailed landscape scheme to be submitted / implemented / managed
8. 5 yr planting replacement
9. details of delivery bay screen wall
10. details of floodlighting
11. hours of demolition / construction 0730-1830 Monday-Friday, 0900-1300 Saturday, no operations Sunday/BH
12. details of installation/ operation of air conditioning / plant
13. plant noise limited to 5dB below prevailing background (LA90)
14. opening hours 0600-2300 Monday-Sunday

15. delivery hours 0700-1800 Monday-Saturday, none Sundays/BH
16. lighting restriction residential properties
17. details storage and disposal of litter
18. details of cycle /motorcycle facilities
19. vehicle space to be laid out
20. car park and servicing management plan
21. approved vehicular access plan H830-SK01
22. approved travel plan statement
23. phase 2 site investigation
24. amendment of remediation statement
25. verification report
26. separate systems of foul and surface water drainage
27. In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the National Planning Policy Framework and (as specified below) the content and policies within Supplementary Planning Guidance (SPG) and The Development Plan consisting of The Yorkshire and Humber Plan - Regional Spatial Strategy 2008 (RSS) and the Leeds Unitary Development Plan Review 2006 (UDPR).

GP5, N12, N13, BD5, T2, T24, LD1, S2

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

## **1.0 INTRODUCTION:**

- 1.1 This application is brought to the Panel at the request of Councillor Latty who is concerned regarding the size of the proposed store.

## **2.0 PROPOSAL:**

- 2.1 The proposal is the demolition of an existing service station and redevelopment to provide a new petrol filling station, comprising of canopy/forecourt, sales building with ATM, underground storage tanks, car parking and landscaping.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site is presently occupied by a petrol filling station and small forecourt shop. The site has a broad grassed area occupying a swathe of the northern, eastern and southern parts of the site. The petrol station is accessed by a service road connecting Apperley Lane and New Road.
- 3.2 Adjoining to the west of the site there is car sales area comprising a sales building with a large display forecourt. The nearest residential occupiers are a number of detached properties adjoining the site to the south west. The A65/A658 roundabout junction adjoins the site to other directions, beyond which there are a mix of predominantly residential and employment uses in the locality including a large office building on the opposite side of New Road.



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

- 4.1 10/00450/FU – demolition of car sales building and workshop, and erection of new car sales building with canopy, new car display forecourt and extension to existing petrol filling station site – approved
- 4.2 10/04224/ADV – 2 internally illuminated fascia signs, 1 halo illuminated individual letter sign, 1 externally illuminated freestanding sign, 1 externally illuminated 'V' shaped sign, 8 non illuminated flag pole signs and 1 externally illuminated entrance sign to car showroom – approved
- 4.3 12/01906/FU - Demolition of existing service station and redevelopment to provide a new petrol filling station, comprising of canopy/forecourt, sales building with ATM, underground storage tanks and car parking – withdrawn

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

- 5.1 The proposal has been the subject of a withdrawn application as above, which has subsequently been followed by pre-application proposals which have informed the current scheme.

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

- 6.1 The application has been advertised by means of site notices; one objection has been received from Councillor Latty.

The issues raised include:

- Size of the proposed shop

An objection has also been received from three local traders who object to the proposal on the grounds that the enlarged shop will affect the viability of local businesses.

#### **7.0 CONSULTATION RESPONSES:**

- 7.1 Highways – no objections subject to conditions.  
Contaminated Land Team - no objections subject to conditions  
Air Quality Management - no objections subject to conditions  
Environmental Protection - no objections subject to conditions  
Yorkshire Water - no objections subject to conditions

#### **8.0 PLANNING POLICIES:**

- 8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan consists of the Regional Spatial Strategy for Yorkshire and the Humber adopted in May 2008 and the Leeds Unitary Development Plan Review (2006).
- 8.2 The most relevant Policies in the adopted Leeds Unitary Development Plan are outlined below.

GP5 – proposals should resolve detailed planning criteria  
N12 – priorities for urban design  
N13 – design of new buildings  
BD5 – design of new buildings  
T2 – accessibility  
T24 – car parking guidelines  
LD1 – landscape design  
S2 – local centres

### 8.3 National Planning Policy Guidance:

The National Planning Policy Framework came into effect on 27<sup>th</sup> March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development.

## 9.0 MAIN ISSUES:

### 9.1 The following main issues have been identified:

- Out of centre retail
- Character and appearance
- Landscape
- Highways
- Neighbour amenity

## 10.0 APPRAISAL:

- 10.1 The application proposes to comprehensively redevelop an existing petrol filling station site situated in a prominent location adjacent to a major roundabout junction. In 2010 approval was granted for redevelopment of the large car sales site situated adjoining and immediately to the rear of the site for a replacement car sales building and revised layout to the sales forecourt.
- 10.2 The site is presently occupied by a petrol filling station and associated forecourt canopy, shop and jet wash. Additionally there is a large swathe of grassed area which wraps around the site to the north, east and south. This acts as a valuable visual open space and is prominent in views when approaching the junction from the south and east.
- 10.3 The proposal seeks to introduce a shop building of approximately 460 sq.m. gross, of which the trading area of the shop is shown as approximately 290 sq.m. This is directly comparable with the size of similar proposals which have been approved elsewhere within the district for enlarged shops to petrol filling stations. The NPPF requires that the sequential approach to site selection should be applied to all development proposals for main town centre uses that are not in a centre and not in accordance with an up to date development plan. This is an out-of-centre retail proposal and therefore it requires a sequential analysis.

- 10.4 The applicants have submitted a retail statement which has considered a range of sites both within and on the edge of Rawdon and Yeadon local centres. The applicant considers that the proposal constitutes a service station with ancillary retail, and as such the two uses are linked. Consequently the assessment has concluded that in the majority of cases the sites were unsuitable due to insufficient size. While the issue of the two uses being inextricably linked is not accepted in policy terms, nevertheless the sequential assessment is considered acceptable as no sites were identified which would be suitable to accommodate the uses separately.
- 10.5 The proposals include a building of approximate dimensions 27m x 18m and 5m height. It is of a relatively simple design of silver horizontal panels above a stone plinth. The building would have a flat roof which slightly oversails the building. The glazing wraps around the eastern corner of the building, presenting a visually open frontage not only to the forecourt but also to the street. It would be appropriate to impose a condition in order to protect this from the application of advertising such as internally applied vinyls, which would have the effect of blocking this
- 10.6 The rear southern elevation would include a steel louvered plant enclosure and secure long stay cycle store. Two staff parking spaces are also proposed to the rear.
- 10.7 The revised proposals includes areas of landscape planting to the eastern periphery including shrub planting. However the amount of landscape buffer area would be diminished from the existing situation. As referred to above, the site is a prominent one, being at a junction of four busy roads and the existing open space provides a welcome visual break between built up areas. However the current proposals have been carefully considered in order to retain as much open space as possible to the eastern periphery adjoining the roundabout, and to the largest piece of open space to the northern part of the site. Importantly, the proposal retains an unbroken green buffer strip all along the eastern part of the site from south to north. The proposal includes areas shown specifically as landscape planting, and the detail of this such as planting plans, could be required by condition
- 10.9 The proposal would include some minor re-alignment and widening of the existing internal access road. The existing road currently passes through the petrol station forecourt area, however due to the relocation of the filling station, it would now bypass it. Because of this, it would seem more likely that the access road could be used by motorists traveling between Apperley Lane and New Road to avoid the roundabout junction. In order to address this the applicant has agreed to the introduction of traffic calming measures and has limited the width of the access road. The new traffic management arrangements which were recently installed at the Apperley Lane junction with the roundabout include an enlarged pedestrian refuge. This work was done after consultation with Ward Members and was done to make the area safer for pedestrians. The current proposal would tie in with this as a new pedestrian access into the site would be created opposite the refuge.
- 10.10 The proposal would be acceptable in highway terms in respect of highway access, internal layout, parking etc. A travel plan statement has been submitted with the application and is acceptable. Retail developments at petrol filling stations can cause difficulties if customers park for long periods in pump bays causing other customers to queue. Therefore a car parking management plan could be secured by condition with the aim of minimising queueing at peak times of demand.

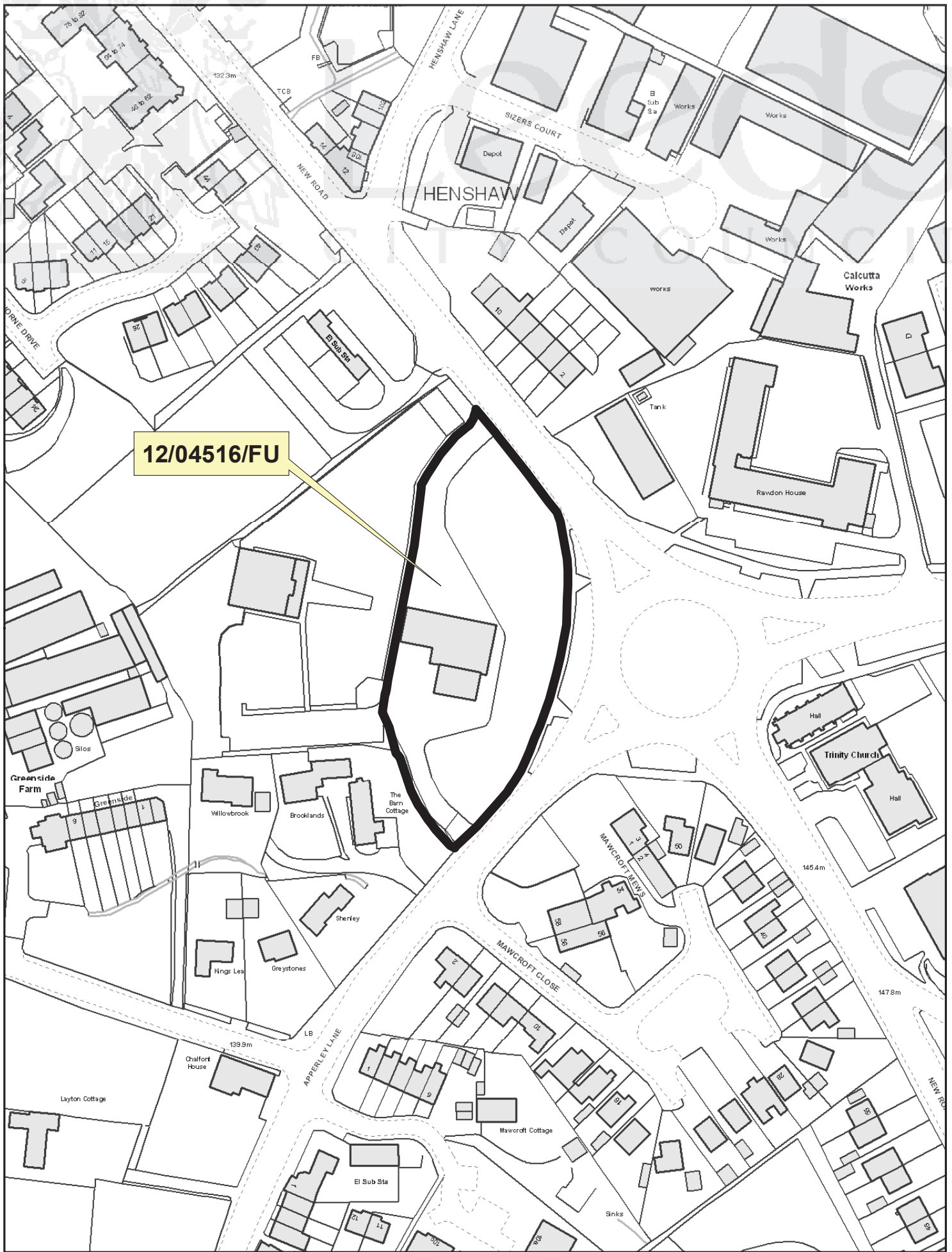
10.11 The site is adjoined to the south west by residential properties, the nearest of which would be approximately 40m from the proposed building. While this is a redevelopment of an existing site, Environmental Health colleagues indicate that they are not aware of any nuisance complaints arising from the current use of the site. Plant such as air conditioning units would be enclosed within a stonework enclosure with louvre doors. It is not considered that such an arrangement would be likely to lead to any loss of amenity for nearby occupiers due to noise etc. The proposed plans also indicate the addition of flood lighting at various points around the site, including at the road junction closest to the dwellings. Details of the proposed floodlighting, as well as boundary treatments, could be secured by condition in order to ensure that residential amenity is protected.

## **11.0 CONCLUSION:**

11.1 After careful consideration of all relevant planning matters it is considered that the proposed development is acceptable subject to the imposition of suitable conditions. The proposal is therefore recommended for approval.

### **Background Papers:**

Application file;  
Certificate of Ownership.



12/04516/FU

# SOUTH AND WEST PLANS PANEL

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Originator: Tim Poupard  
Tel: 0113 2475647

**Report of the Chief Planning Officer**

**PLANS PANEL SOUTH & WEST**

**Date: 6 December 2012**

**Subject: LEEDS BRADFORD INTERNATIONAL AIRPORT - MONITORING REPORT OF NIGHT TIME AIRCRAFT MOVEMENTS, NOISE LEVELS AND AIR QUALITY**

<b>APPLICANT</b>	<b>DATE VALID</b>	<b>TARGET DATE</b>
Leeds Bradford International Airport	Not applicable	Not applicable

<p><b>Electoral Wards Affected:</b></p> <p>Otley &amp; Yeadon Guiseley &amp; Rawdon Adel &amp; Wharfedale Horsforth</p> <p><input type="checkbox"/> N Ward Members consulted (referred to in report)</p>	<p><b>Specific Implications For:</b></p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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**RECOMMENDATION:**

**Members are requested to note the contents of this report, in relation to the night time movements, the noise and the air quality monitoring.**

**That a formal commitment is requested from LBIA and PIA on the introduction of the B777 aircraft for the PIA flights and such commitment includes details on timescales for implementation of this quieter and more reliable aircraft.**

**That a formal procedure is considered that allows notification and justification between Officers and LBIA in relation to PIA flights that arrive late at the airport.**

**Despite recent breaches, Members are asked to reaffirm their continued support for the approach of officers in seeking to resolve any future issue of PIA breaches by continued dialogue rather than formal action at this stage.**

**Officers will update Members on these issues and report again on the night time movements, noise and air quality monitoring in six months time.**

- 1.1 The last monitoring report was considered by Members at the Panel meeting on 8 December 2011 for the period March 2011 to October 2011. During that period there were a no movements which were in breach of the planning condition relating to night flying and aircraft noise.
- 1.2 At that meeting members were also informed that a test flight was planned for the new B777 plane that would be used by Pakistan International Airlines (PIA) and was to be introduced in 2012.
- 1.3 Members resolved to:
  - 1.3.1 Note the report in relation to the night time movements, noise and air quality movements. Members also noted that as aircraft technology evolved, aircraft noise should continue to reduce.
  - 1.3.2 Continue support for the approach of officers in seeking to resolve any future issue of PIA breaches by continued dialogue rather than formal action at this stage, given that no breaches had occurred in the last eight months.
  - 1.3.3 Request an update on the introduction of the B777 aircraft for PIA flights be given at a future Panel meeting.
  - 1.3.4 Require an updated and a further report on the night time movements, noise and air quality monitoring be reported in six months time.
- 1.4 This report is the further monitoring report requested by Members. Unfortunately there has been a delay in presenting this report as officers were undertaking further discussions with LBIA.

## **2.0 BACKGROUND:**

- 2.1 Planning permission to allow 24 hour flying at Leeds Bradford International Airport was granted subject to conditions in January 1994 (Application Reference 29/114/93/FU).
- 2.2 The planning approval contains a number of detailed conditions regarding night flying and its monitoring and prohibits departures and landings in the night-time period by specific types of aircraft.
- 2.3 As part of the 1994 permission the number of night time movements is restricted to 1200 for each winter season and 2800 for each summer season. The night time period is defined as 23.00 to 0700 hours local time and a movement is defined as a landing or departure.
- 2.4 Condition 12 on application 29/114/93/FU stated that “No aircraft movements in the night-time period shall take place until a scheme has been submitted and approved in writing by the Local Planning Authority for the monthly monitoring and reporting to the Local Planning Authority of the number of night-time aircraft movements by type of aircraft. The scheme shall allow for reference to the numbers of and reasons for delayed landings and emergency departures and landings.”
- 2.5 A monitoring scheme has been approved with regular reporting on the following matters:



- 2.5.1 Monthly reporting of the number of night-time aircraft movements by type of aircraft with reasons for any delayed or emergency movements being supplied.
- 2.5.2 Noise monitoring at both the boundary of the Noise Insulation scheme area (at night) and at fixed gateways, to check compliance with agreed Target Noise Levels (TNLs) which are set at 6 to 8 decibels (dB(A)) lower than daytime equivalents.
- 2.5.3 Air quality as measured by nitrogen dioxide (NO<sub>2</sub>) concentrations in and around the airport with two locations inside the airport boundary and four at residential locations close to the main flight paths (two of these four sites are near to existing roads to establish ambient NO<sub>2</sub> levels).

2.6 This monitoring report covers the period November 2011 to October 2012 inclusive;

### 3.0 MONTHLY NIGHT TIME MOVEMENTS:

3.1 During the periods covered by this report, the night-time movements have been as follows:

Month	Number
November 2011	36
December 2011	82
January 2012	92
February 2012	104
March 2012	138
April 2012	198
Winter 2011/12 Total 650	
May 2012	254
June 2012	302
July 2012	315
August 2012	305
September 2012	268*
<i>*Please note no data for 26<sup>th</sup> to 31<sup>st</sup> due to IT problems at LBIA</i>	
October 2012	236
Summer 2012 Total 1680	

3.2 Following a six month period in which there were no breaches of the airports night noise restrictions, there were **eight** movements, during this 12 month period which were in breach of the planning condition which sets out in detail restrictions on the type of aircraft which can operate in the night time period.

3.3 The eight movements which exceeded the night-time noise quotas count restrictions were all PIA flights (A330 aircraft) to Islamabad as set out below;

Date	Departure Time	Operator	Runway
14/01/12	23:56	PIA	32
05/02/12	00:04	PIA	32
26/02/12	01:30	PIA	32
14/03/12	23:02	PIA	32
18/03/12	00:03	PIA	32

12/05/12	23:07	PIA	32
12/09/12	23:59	PIA	32
15/09/12	23:03	PIA	32

3.4 Officers contacted LBIA to request an explanation for these contraventions of the planning condition and have received the following explanations: -

Date	Time	Reason
14/01/12	23:56	The late arrival (arrived 22:15) of the Inbound aircraft forced a late departure.
05/02/12	00:04	Significant snowfall forced snow closure of the airfield and a subsequent backlog of flights forced a late departure.
26/02/12	01:30	Departed late due to the late arrival of the inbound flight (arrived 23:51).
14/03/12	23:02	Departed late due to the late arrival of the inbound flight (arrived 20:59).
18/03/12	00:03	The late arrival (arrived 22:38) of the inbound aircraft forced a late departure.
12/05/12	00:07	Departed late due to the late arrival (arrived 22:39) of the inbound flight.
12/09/12	23:59	Departed late due to the late arrival (arrived 22:17) of the inbound flight.
15/09/12	23:03	Departed late due to the late arrival (arrived 21:08) of the inbound flight.

3.5 The late departure on 5<sup>th</sup> February caused by poor weather conditions is beyond the control of LBIA and is an exceptional circumstance. In relation to the other 7 late departures these were all caused by the late arrival of the incoming aircraft. The PIA flight covers the longest journey time for any service to LBIA (*over eight hours*) which increases the potential for delays. The airport has stated that, if PIA is anticipating a delayed arrival at the airport they are required to follow the procedures set out in the UK Aeronautical Information Publication (AIP) and obtain permission from senior management to allow a late departure, if necessary. On all seven occasions, the aircraft was authorised (by senior management) to depart on humanitarian grounds, to minimise any further distress and discomfort to passengers. Whilst LBIA took the decision to allow the above aircraft to depart they have confirmed that only two complaints were received from local residents in respect of the above departures. It can be seen that when the aircraft arrives late the turn around time for the flight is approx 2hrs, this shows that the airport do ensure that the aircraft leaves LBIA as swiftly as possible.

3.6 Members need to be aware that LBIA has some of the most stringent night-time noise restrictions of all the major UK airports and are currently the only airport not permitted to allow aircraft to depart during the night- time hours that have a noise quota count greater than 0.5. The majority of the main airports in the UK allow noise quota count of 4.0 during the night time period. This is the equivalent of an additional 6 - 8.9 dba above that permitted at LBIA.

3.7 It is accepted that LBIA has and continues to work hard with PIA to minimise night-time breaches. As members are aware, the outcome of these previous discussions are that the number of PIA flights from LBIA has been reduced, and the time that they depart from LBIA has been moved forward by two hours. The result of these ongoing discussions and the changes made is that the numbers of breaches that

have occurred have been reduced over time although the performance over the past 12 months is a retrograde step.

- 3.8 Whilst these eight breaches account for 8% of the PIA flights over the year, at LBIA as a whole they represents only **0.3%** of the total of **2330** movements which took place over the year.
- 3.9 Overall officers still consider that whilst breaches are relatively rare, due to the complexities of air travel there is always the potential for breaches of night noise restrictions, particularly in relation to long haul flights. This is the same situation at other UK airports, where night time breaches do occur regularly. The night time breaches recorded at other regional airports are worthy of note. These being: -
- Bristol Airport – 240 breaches in 2011;
  - Luton Airport – 19 in 2010;
  - Birmingham Airport – 10 in 2012 so far; and
  - East Midlands Airport - Limited information, but 15 breaches in June 2012 alone.
- 3.10 LBIA have stated that they will continue to work closely with PIA and seek to minimise the potential for any future breaches and as part of that process they will seek the replacement of the current fleet with new 777s as soon as possible. They have stated that they will keep the Council updated on progress, but have not given timescales. As required and approved by DEFRA, LBIA also has a noise action plan in place, which sets out a series of objectives to minimise noise emitted from the airport. Using the action plan as a framework, LBIA have stated that they will continue to seek to minimise airport noise on its surrounding communities.

#### **4.0 ENVIRONMENTAL MONITORING:**

- 4.1 The results of environmental monitoring at the airport carried out by the Environmental Studies section of the City Development Department have been received for the period covered in this report. The table of results give details of:
- 4.1.1 Noise monitoring at the boundary of the noise insulation scheme 1994;
  - 4.1.2 Aircraft which exceeded the night-time Target Noise Levels (TNL's) measured by the permanent monitoring system; and
  - 4.1.3 Air quality monitoring around the airport.
- 4.2 The noise monitoring has been carried out at the following places around the airport:
- 4.2.1 Tarn View Road, Yeadon;
  - 4.2.2 Wood Hill Road, Cookridge;
  - 4.2.3 Westbrook Close, Horsforth; and
  - 4.2.4 Beacon House Farm, Yorkgate.
- 4.3 A number of aircraft have been monitored using both runways over the periods to produce an average noise level. The average values for the aircraft types allowed to operate at night were below the boundary criterion of 90 dB(A).

- 4.4 The results continue to confirm the accuracy of the CAA noise footprints on which the noise insulation scheme was based, as the vast majority of aircraft arriving and departing comply with the criteria.
- 4.5 The permanent monitoring system at the airport records which aircraft exceeded the night time target noise levels. Over the periods covered by this report the system recorded the following aircraft:

	1 November 2011 – 31 May 2012		
	TNL (dB(A))	Number	Levels
Departures Runway 32	77.0	15	78 – 79
Departures Runway 14	84.0	0	n/a
Arrivals Runway 32	79.0	25	79 – 82

- 4.6 Members should also note that this permanent noise monitoring is not within the planning regime and specifically controlled via condition. It is however a guide that was established to allow the Council's Environmental Studies Section to review the noise being generated by aircraft arriving and departing.
- 4.7 Even bearing these issues in mind, the above figures represent a very small percentage (1.7%) of overall jet aircraft movements at night and are only a slightly higher dB noise level to the control levels – the differences not being discernible to some listeners.
- 4.8 Air quality monitoring survey results show low average concentrations of nitrogen dioxide (NO<sub>2</sub>) in and around the airport. The levels at 5 No. sites are significantly below the required air quality standards for NO<sub>2</sub>. The 'Terminal Building' site is showing higher than normal levels due to the sighting of an auxiliary power unit adjacent to the diffusion tube resulting in artificially high levels. As this location is not accessible to the general public the levels should not be considered to be indicative of the area. Starting in December 2012 an additional measurement location is planned on the opposite side of the terminal building near to passenger entrances/exits. The general results at the six locations where diffusion tube tests have been carried out are summarised as follows:

	NO <sub>2</sub> (µg/m <sup>3</sup> )
<b>Location</b>	1 November 2011 to 31 October 2012
Brownberrie Lane	25
Scotland Lane	16
Victoria Avenue	22
Novia Farm	26
Terminal Building	60
Main Runway	26

- 4.9 Note The NO<sub>2</sub> concentration is an annual average and is measured as µg/m<sup>3</sup> (microgram's per cubic metre). Under the Air Quality regulations 2000 the annual average NO<sub>2</sub> concentration should not exceed 40 µg/m<sup>3</sup> by 21<sup>st</sup> December 2005 and relates to background levels in residential areas.

## 5.0 RECOMMENDATION:

- 5.1 Members are requested to note the contents of this report, in relation to the night time movements, the noise and the air quality monitoring.

- 5.2 That a formal commitment is requested from LBIA and PIA on the introduction of the B777 aircraft for the PIA flights and such commitment includes details on timescales for implementation of this quieter and more reliable aircraft.
- 5.3 That a formal procedure is considered that allows notification and justification between Officers and LBIA in relation to PIA flights that arrive late at the airport.
- 5.4 Despite recent breaches, Members are asked to reaffirm their continued support for the approach of officers in seeking to resolve any future issue of PIA breaches by continued dialogue rather than formal action at this stage.
- 5.5 Officers will update Members on these issues and report again on the night time movements, noise and air quality monitoring in six months time.

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**Leeds**  
CITY COUNCIL

Originator: Ian Cyhanko  
Tel: (0113) 24 74461

**Report of the Chief Planning Officer**

**PLANS PANEL SOUTH AND WEST**

Date: 8<sup>th</sup> December 2012

**Subject: FORMER PRESTIGE CAR SALES CENTRE, 2 TOWN STREET, STANNINGLEY, LEEDS, LS28 6LQ**

**12/03260/FU CHANGE OF USE AND ALTERATIONS OF FORMER CAR SALES SHOWROOM TO RETAIL UNIT (A1 USE) AND ELECTRICAL WHOLESALE WITH TRADE COUNTER (B8 USE)**

APPLICANT	DATE VALID	TARGET DATE
Albion Electrical Stores Limited	12/03260/FU – 26 <sup>TH</sup> July 20	20 <sup>th</sup> September 2012

**Electoral Wards Affected:**  
**Bramley and Stanningley**

Yes Ward Members consulted (referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: Approve subject to the following additional four highways conditions:**

- Specified off-site highway works, kerb radii/ tactile paving at both accesses**
- No less than 17 spaces shown on the approved plans must be allocated, signed, retained and maintained for A1 retail customers on**

- the ground level of the proposals throughout all a1 retail use opening times for the lifetime of the development
3. Staff for both the A1 retail use and the electrical wholesalers must be allowed to park on the roof of the building for the lifetime of the development.
  4. Details of signage of customer parking for the A1 use, to be submitted to, and approved in writing by the Local Planning Authority
  5. Area of sales/ display/ counter restricted to 50 sq m for the proposed B8 use.

**Other Conditions recommended on previous Panel Report**

1. 3 year time limit;
2. In accordance with the approved plans;
3. Details of Cycle and Motorcycle facilities, notwithstanding the approved plans
4. Vehicle Spaces to be laid out
5. Approved visibility Splays/ Sightlines
6. Duty to comply with Service Management Plan
7. No vehicle over 10.5m in length shall deliver or service to the A1 part of the proposal
8. Details of Lighting Scheme
9. Openings hours to restricted to 07:30 – 23.00 hours for the A1 use and 07:30 – 18:00 for the B8 use.
10. Deliveries between the hours of 08:00 and 18:00 hours
11. Details of all Boundaries

In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the Planning Policy Guidance Notes and Statements, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), the Leeds Unitary Development Plan 2001 (UDP) and the Leeds Unitary Development Plan Review 2006 (UDPR).

Policies GP5, BD6, BD7, N12, N13,

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

**1.0 INTRODUCTION:**

- 1.1 This application is brought back to Plans Panel, after a decision at the 11<sup>th</sup> October South and West Panel to defer the application, following concerns



raised by Members of Panel relating to highway safety. The previous Panel report is appended for information.

- 1.2 Following deferral of the application, the applicant has amended the parking layout within the site, to increase the number of parking spaces for the proposed A1 use only (as the 13 car parking proposed for the proposed B8 use was considered to be an acceptable level) and has provided additional safety benefits to the accesses by introducing kerb radii/tactile paving. Highways Officers are now satisfied with the amendments, subject to the additional conditions which are highlighted above.
- 1.3 The applicant has also provided a supporting letter from the agent who have been marketing the site since January 2012. This letter states that an initial marketing campaign generated a number of leads for potential uses such as children's day-care centre, retail and restaurant uses. However in each case the interested parties concluded that the refurbishment/ alterations costs would be too great to make the project viable. This letter confirms the only 'credible' offer to purchase the building is from this applicant.

## **2.0 FURTHER REPRESENTATIONS**

- 2.1 Since the Panel meeting on 11<sup>th</sup> October 2012, a number of further objections have been received to the application. 23 letters of objection have been received on a standard letter which have been individually signed, and a further petition containing approximately 100 signatures. It would appear these letters and the further petition have been received and organised by the proprietor of an existing A1 store, located opposite the site at 2 Half Mile Lane.
- 2.2 The standard letters received make assertions regarding the adverse impact on highway safety. The points raised in this standard letter are highlighted below:-
  - Half Mile Lane has a history of traffic accidents
  - The proposal will threaten highway safety, making a hazardous junction more dangerous
- 2.3 Additional comments made on these standards letters are highlighted below
  - Half Mile Lane is heavily parked
  - Car users along Half Mile Lane speed
  - Crossing the road is already dangerous
  - A new retail facility will effect existing business's
  - Increase traffic will affect noise levels
  - No need for a new A1 store
  - Children play in the area
  - Late opening hours

- 2.4 Approximately a further 100 signatures have been received on an petition. People were asked to sign the petition on the following grounds.
- Please help to save your local convenience shop
  - Loss of independent shops
  - Road safety issues
  - Noise nuisance
- 2.5 One individual letter, supported by photographs of traffic on Half Mile Lane was received. The points raised in this letter are highlighted below.
- Impact on highway safety
  - Access into the site is too close to the junction of Half Mile lane and Town Street
  - Half Mile Lane is heavily parked up

## **APPRAISAL**

- Amendments to Parking/ Highway Issues
- 3.1 The applicant is now proposing 17 customer spaces (1 below maximum UDP) for the proposed A1 use, and 6 staff spaces on the roof which is considered to be an improved and acceptable parking levels for the proposals. This is an increase of 5 customer spaces, and 6 new staff spaces, when compared to the previous layout plan which was brought to Panel on 11<sup>th</sup> October. Four of these additional spaces are located to the side of the building, in separate area, from the front forecourt area, and the rear car parking serving the proposed B8 use. The other space has been created from re-configuring the front parking area. This level of parking is considered to be acceptable for an A1 use of this size, which is located in a catchment which would allow nearby residents to walk to the premises.
- 3.2 The applicant has also demonstrated that large vehicle deliveries can manoeuvre within both car parks safely subject to management provisions. Conditions would be placed on the approval to ensure a duty to comply with the Management Plan. Deliveries to the A1 retail use are relatively low (2 by 10.35m length vehicles and 3 by transit type vehicles per day) which can be managed via the applicants submitted service management plan.
- 3.3 The applicant is not requested to provide a zebra crossing on Half Mile Lane because the crossing would remove parking for the adjacent existing shop and dwellings, and the surveyed flow on Half Mile Lane is not large enough to meet the threshold for an effective zebra crossing.
- 3.4 Only one vehicular accident was recorded in the last 6 years on the junction of Stanningley Road/Half Mile Lane which was unrelated to the site frontages and accesses.
- 3.5 The increase in vehicular and pedestrian movements can be safely accommodated on the local highway network - Existing combined average

per hour: 13 two-way trips, Proposed combined average per hour: 51 two-way trips which is just over 1 movement per minute and considered not detrimental to the local highway network i.e. this can be safely accommodated on the highway in the vicinity of the site. Access visibilities onto Half Mile Lane and Stanningley Road meet suitable local guidance.

#### Other Issues

- 3.6 A further condition is recommended which restricts the area for sales counter and display within the proposed B8 use to 50 sq m. This is to ensure the sale area remains ancillary to the main function as a trade warehouse (B8 use). The applicant has confirmed they are happy to such a condition being imposed on the approval of this application.
- 3.7 The issue regarding competition between business is not a material planning consideration.

### **4.0 CONCLUSION**

- 4.1 The building is existing, and the proposed A1 use is the only realistic re-use for the building, given other constraints which include the proximity to residential properties etc, as other uses are likely to cause conflict with residential amenity. The benefits of the proposal in terms of regenerations, utilising a brown field site, and providing new jobs and investment is considered to outweigh any concern which relates to highway safety.

### **12.0 Background Papers:**

Application file and Panel Report 11<sup>th</sup> October 2012.



**Report of the Chief Planning Officer**

**PLANS PANEL SOUTH AND WEST**

**Date: 11<sup>th</sup> October 2012**

**Subject: FORMER PRESTIGE CAR SALES CENTRE, 2 TOWN STREET,  
STANNINGLEY, LEEDS, LS28 6LQ**

**12/03260/FU CHANGE OF USE AND ALTERATIONS OF FORMER CAR SALES  
SHOWROOM TO RETAIL UNIT (A1 USE) AND ELECTRICAL  
WHOLESALE WITH TRADE COUNTER (B8 USE)**

<b>APPLICANT</b>	<b>DATE VALID</b>	<b>TARGET DATE</b>
Albion Electrical Stores Limited	12/03260/FU – 26 <sup>TH</sup> July 20	20 <sup>th</sup> September 2012

**Electoral Wards Affected:**  
**Bramley and Stanningley**

Yes Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

- RECOMMENDATION: Approve subject to the following conditions:**
- 1. 3 year time limit;**
  - 2. In accordance with the approved plans;**
  - 3. Details of Cycle and Motorcycle facilities, notwithstanding the  
approved plans**
  - 4. Vehicle Spaces to be laid out**

5. **Approved visibility Splays/ Sightlines**
6. **Duty to comply with Service Management Plan**
7. **No vehicle over 10.5m in length shall deliver or service to the A1 part of the proposal**
8. **Details of Lighting Scheme**
9. **Openings hours to restricted to 07:30 – 23.00 hours for the A1 use and 07:30 – 18:00 for the B8 use.**
10. **Deliveries between the hours of 08:00 and 18:00 hours**
11. **Details of all Boundaries**

**In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the Planning Policy Guidance Notes and Statements, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), the Leeds Unitary Development Plan 2001 (UDP) and the Leeds Unitary Development Plan Review 2006 (UDPR).**

**Policies GP5, BD6, BD7, N12, N13,**

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

## **1.0 INTRODUCTION:**

- 1.4 This application is brought before Plans Panel due to the number of objections which were received late in the application process, in the interests of democracy and transparency.
- 1.2 The application is a re-submission of a recently refused application. The application includes revisions to overcome the previous highway reason for refusal.

## **2.0 PROPOSAL:**

- 2.1 The proposal is for the change of use and alterations of former car sales showroom (sui generis) to retail unit (A1 use) and electrical wholesaler with trade counter (B8 use). The proposal would form two separate planning units.
- 2.2 The proposal seeks to sub-divide the premises, having the retail unit located at the front of the premises and electrical wholesaler to the rear of the premises.

- 2.3 The proposed retail (A1) extends to 372 sq m of floor space, and the proposed electrical wholesaler with trade counter is 500 sq m, over part of the ground floor and basement levels.
- 2.4 The proposed also includes a 2m high enclosure to the eastern side of the building to create a service yard for the proposed A1 use.

### **3.0 SITE AND SURROUNDINGS**

- 3.1 The application site consists of a detached building, which was last in use as a car showroom and associated grounds and parking area. The building is part single storey and part 2 storey's with a roof top parking area which is accessed by a ramp. The building appears to have been constructed in the 1960's and is of a functional, utilitarian appearance. The building has facing materials of render, metal cladding and concrete. The site has a rear parking area which is accessed from Half Mile Lane, which runs along the eastern boundary of the site. This rear parking area is enclosed by palisade fencing which is topped in parts by barb wire.
- 3.2 The site has a frontage onto Town Street/ Stanningley Road, and large forecourt onto this road, which was previously used to display motor cars. This frontage is enclosed by black railings. The locality is mixed in character with residential and commercial/ light industrial properties fronting Stanningley Town Street. A stone built Public House lie adjacent to the site, to the west, and a modern housing development lies to the rear of the site to the north. Stone built back-to-back properties lie to the east of the site, across Half Mile Lane.

### **4.0 Relevant Planning History:**

- 4.1 This application is a re-submission of a previous applications (12/02084/FU) for the same use.
- 4.2 The planning application (12/02084/FU) was refused on 6<sup>th</sup> July 2012 on the following grounds.

*It has not been satisfactorily demonstrated that the servicing of the proposed A1 use can be safely carried out within the front curtilage area, without displacing customer parking, due to the manoeuvring requirements of HGV's. This would result in conflict between vehicles and customers, whilst reducing the level of customer parking, and displacing parking onto the adjacent adopted highway which is located adjacent to a road junction. The application is also not supported by a Servicing Strategy and therefore it is considered that the proposals would be detrimental to safe and free flow of traffic, pedestrian convenience and highway safety. The application is therefore considered to be contrary to policies GP5 and T2 of the adopted Leeds Unitary Development Plan (Review 2006).*

- 4.3 A previous advert application (12/02085/ADV) was also refused planning consent on 5<sup>th</sup> July 2012 on the following grounds.

*The Local Planning Authority considers that the proposed illuminated totem sign due to its size, height, and siting at a road junction and opposite residential properties is unacceptable, as it would appear increasingly dominant and detract from visual amenity of this locality, particularly to the detriment of occupiers of residential properties opposite. The use of illumination will further exacerbate these concerns. The proposal is therefore contrary to policies GP5 and BD8 of the Leeds UDP Review (2006).*

- 4.4 Following this refusal, a revised Advert application (12/03261/ADV) was submitted along with this application. This application was granted advert consent under delegated powers on XX September 2012.

## **5.0 HISTORY OF NEGOTIATIONS**

- 5.1 There were no negotiations with the applicant prior to the submission of the application. The previous reasons for refusal offered clear guidance to the applicant with the regard to the outstanding issues which needed to be resolved.

## **6.0 PUBLIC/LOCAL RESPONSE**

- 6.1 The application was publicised by 3 site notices which were posted around the site on 10<sup>th</sup> August 2012. To date 8 individual objections have been received to the application, and a petition with approximately 130 signatures.

- 6.2 The points raised in the individual letters of objections are;
- There are too many convenience stores already in the locality
  - Goodlife Stores on Half Mile Lane would be forced to close, leaving people unemployed
  - If a crossing is to be installed, on street parking places which are used by patrons of others local shops, would be lost
  - The installation of a crossing would threaten highway safety
  - Impact on residential amenity in terms of HGV's, deliveries, frequency of customers, noise etc

- 6.3 The submitted petition objects to the application on the following grounds.
- Loss of independent stores
  - Road Safety Issues
  - Noise Nuisance

## **7.0 CONSULTATION RESPONSES**

## **Statutory:**

### 7.1 Highways

No objections subject to conditions.

## **Non-statutory:**

### 7.2 Local Plans

No objection.

## **8 PLANNING POLICIES**

### 8.1 National Planning Framework

### 8.2 Development Plan Leeds Unitary Development Plan Review 2006

- GP5 General Planning Considerations
- T2 Highway Safety
- S8 Maintenance and Enhancement of Neighbourhood Shopping
- E5 Development of employment uses on unallocated sites
- BD6 Extensions and Alterations
- BD7 New Shop Fronts

## **9.0 MAIN ISSUES**

- Principle of Development
- Amenity Considerations
- Alterations / Visual Impact
- Highways/ Parking

## **10.0 APPRAISAL**

### Principle

- 10.1 There are no policies within the adopted Leeds UDP which are concerned with the retention of car sales premises, and to change this use to other uses. The site lies unallocated within the Leeds UDP. The proposal seeks planning consent for both an A1 and B8 use. Local Plans have raised no objections to the proposal. The retail unit has an area of 372 sq m. When assessing the application against the emerging Core Strategy, Policy P8 requires a sequential test to consider centres or neighbourhood parades within 500m walking distance. The Core Strategy is not yet adopted but it does carry limited weight, in any event there are no local centres within a 500m distance and on this basis it is considered the proposed unit satisfies policy P8. Policy S8 of the adopted Leeds UDP supports small retail convenience retailing which would serve a local need. The site lies in an established residential



area and it is considered the proposal does follow the policy guidance of policy S8.

- 10.2 Policy E5 supports employment uses (which include B8 uses) on unallocated sites when the use is compatible with the size, character, location and setting of that area, served by existing infrastructure and is not allocated for housing purposes. It is considered the proposal follows this guidance, given the previous use and the physical form of the building. It is therefore considered that the proposal is acceptable in principle subject to an assessment against all other normal development control considerations.
- 10.3 Most of the objections received seemed to be directed at the fact that that the A1 use is to be occupied by a national food retailer, and this would have an adverse impact on other existing nearby independent convenience stores. Competition between business's is not a material planning consideration and the application can not be refused on these grounds. No details have been provided of the occupiers of the A1 use, and theoretically the A1 use subject of this application could be occupied by a shop, hairdresser, undertakers, travel agents, post office, pet shop, sandwich bar and dry cleaners.

#### Amenity Considerations

- 10.4 The A1 unit seeks consent to open between the hours of 06:00 and 23:00 and the B8 use seeks consent to open 08:00 to 18:00 hours. The Proposed A1 unit is located to the front of the site facing onto Stanningley Road. This unit lies adjacent to the Public House to the west, the highway of Stanningley Road to the south and the highway of Half Mile Lane to the east. Stanningley Road is a busy main vehicular road which is characterised by a mix of differing commercial uses. Residential properties lie to the rear, north of the site, adjacent to the parking area of the proposed B8 use and across Half Mile Lane to the east of the site.
- 10.5 Although it is considered the proposal would be increasingly intensive when compared to the previous use of the site, it is not considered the proposal would have a significant adverse impact on the living conditions of nearby residential properties. The site lies adjacent to a Public House which is also open until 11pm. The retail element of the proposal does not lie adjacent to any residential properties, and is located at the front of the site adjacent to Stanningley Road. A block of flats 40- 45 Half Mile Close do lie to the rear of the site however only the side elevation, which contains one obscured glazed window faces onto this site. The parking area of the proposed B8 use lies adjacent to this block of flats, which will only be in use until 18:00 hours.
- 10.6 The hours of deliveries to the premises will be conditioned between the hours of 08:00 and 19:00 for both proposed uses, should the application be considered to be acceptable in all other respects. These hours are considered to be appropriate even though the A1 use is open until 23:00 hours, as deliveries can be fairly noise intrusive, with HGV reversing etc, when compared to the noise generated by customers visiting the premises. The delivery area is also located nearer to the residential properties located

on Half Mile Lane, when compared to the customer entrance to the A1 unit. This will be secured through planning conditions.

#### Alterations/ Visual Impact

- 10.7 The southern elevation which is the main frontage onto Stanningley Road comprises of a series of glazed window displays fronts, which are separated by concrete columns. Consent is sought to in-fill the end right hand window display with a render exterior. There is no objection to this as the building does not have a symmetrical appearance and is of a functional design. The left hand side of the building has a solid section at ground floor level which this element of the proposal will match. It is considered the proposal follows the policy guidance of BD6 and BD7.
- 10.8 The proposal includes an external enclosure to the east of the building. No elevations of this enclosure have been provided. In principle there is no concern to an enclosure in this location subject to a suitable design. A condition could be placed on the approval of this application for details of all walls and fencing. The existing railings to the front of the site are to be retained, along with the palisade fencing which encloses the rear parking area.

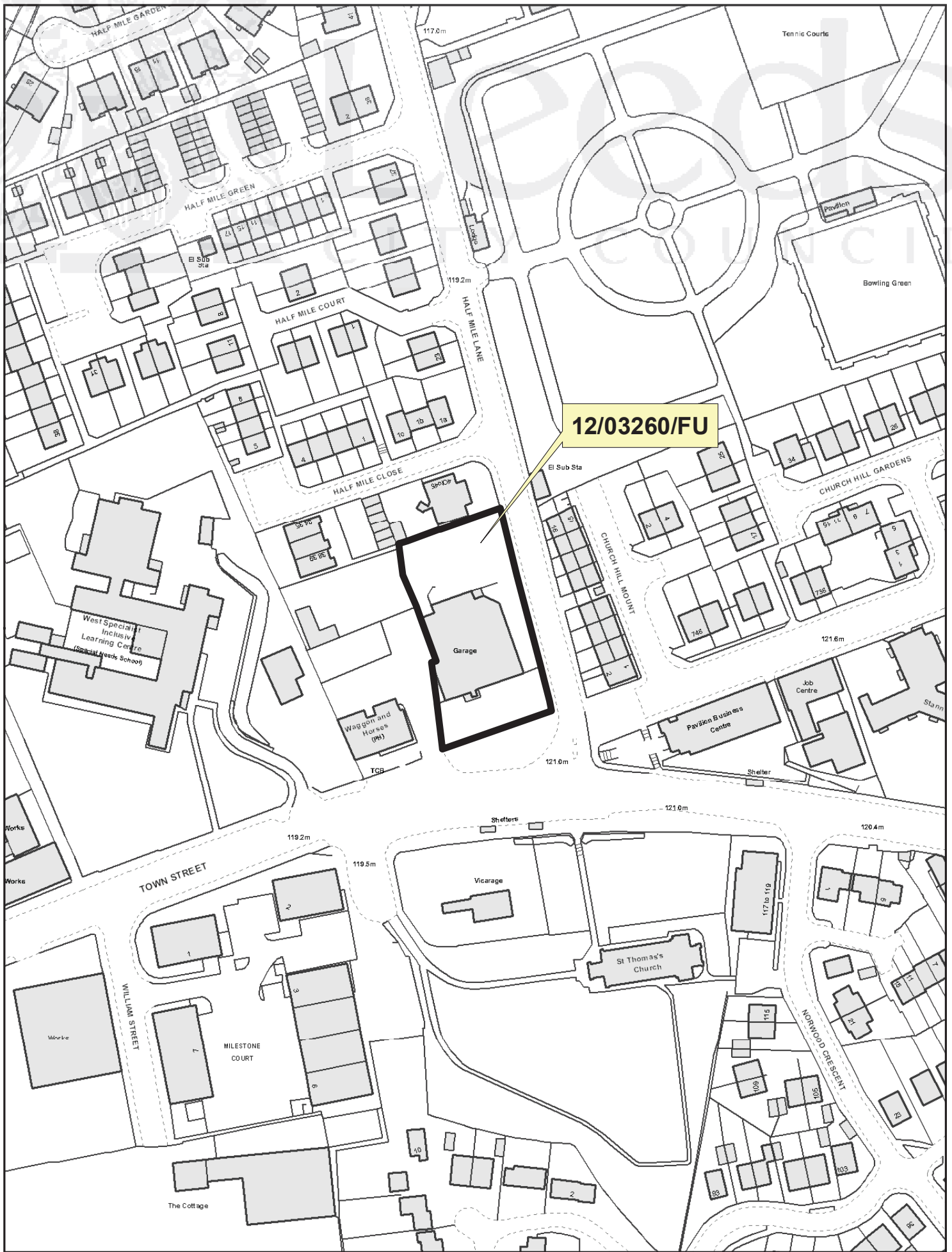
#### Highways/ Parking

- 10.9 The layout of the site has been revised several times at the request of Highway Officers who have concerns regarding the ability of HGV's to manoeuvre within the site, when making deliveries to the proposed A1 use. The application is now supported by a Service Management Plan and Highways have confirmed they are happy with this plan (subject to conditions) and the level of parking proposed. The proposed A1 use has 12 dedicated parking spaces, and the B8 use also has 9 dedicated parking spaces. There are a further 9 overspill spaces located on the roof of the building.
- 10.10 It is considered the proposal overcomes the previous highway reasons for refusal, and the proposal would not result in any threat to highway safety. Highway Officers did originally consider that the applicant should provide a zebra crossing adjacent to the site, but following further information from the applicant does not consider this is now necessary. Some of the objections are directed at the initial request for the zebra crossing, which is no longer being sought. It is considered the proposal follows policy T2 of the adopted Leeds UDP.

#### 11.0 **CONCLUSION**

- 11.1 This application will bring into use a vacant building, which is located in an established urban area. The proposal is considered to follow the policy guidance of the Leeds UDP and is recommended for approval, subject to conditions.

#### 12.0 **Background Papers:** Application file



12/03260/FU

Garage

# SOUTH AND WEST PLANS PANEL



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Originator: R Packham

Tel: 2478204

## Report of the Chief Planning Officer

### **PLANS PANEL WEST**

**Date: 5th December 2012**

**Subject: APPLICATION 12/03599/FU Refrigerated chiller extension with car parking area and landscaping, Low Green Farm 40 Leeds Road, Rawdon Leeds LS19 6NU**

<b>APPLICANT</b>	<b>DATE VALID</b>	<b>TARGET DATE</b>
J Penny and Sons Ltd	30.8.12	25.10.12

#### **Electoral Wards Affected:**

**Horsforth**

Yes Ward Members consulted  
(referred to in report)

#### **Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: APPROVE planning permission, subject to the following conditions:**

1. 3 year time limit
2. Development in accordance with approved plans
3. Sample materials
4. Hard and soft landscape works to be implemented in accordance with submitted details.
5. Timescale for landscape works
6. That part of the site shown to be used by vehicles, on the approved plans, has been laid out, drained, surfaced and sealed, as approved .
7. Cycles and motorcycle facilities to be provided.
8. Hours of delivery restricted to 0700 hours to 2100 hours Monday to Friday only with no such operations taking place on Saturdays, Sundays and Bank Holidays.
9. Close boarded acoustic fence to be constructed along the western boundary of the existing and proposed site area.
10. No plant and/or machinery shall be used on the premises, unless it is enclosed in sound-insulating material.
11. Noise from plant and machinery to be restricted to 5dB below background noise level at noise affected premises.
12. No development shall take place until details of the extract ventilation system provided.

- 13 Hours of construction restricted to 0800 to 1800 Monday to Friday and 0800 to 1300 Saturday. No work Sundays and Bank Holidays
- 14. Phase I Desk Study
- 15 Treatment of unexpected accommodation.
- 16 Verification report
- 17 Surface water drainage to be approved
- 18 Site investigation in accordance with submitted Coal Mining Report (relating to site stability)

### Reasons for approval:

In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the National Planning Policy Framework and (as specified below) the content and policies within Supplementary Planning Guidance (SPG) and The Development Plan consisting of The Yorkshire and Humber Plan - Regional Spatial Strategy 2008 (RSS) and the Leeds Unitary Development Plan Review 2006 (UDPR).

GP5: Development proposals should resolve detailed planning considerations.

N33: Development in the Green Belt.

N37: Development in Special Landscape Areas.

T2: Development proposals should ensure that no new transport and highway problems are created or existing ones exacerbated.

T24: Parking provision to reflect guidelines.

T7A: Provision of cycle parking.

T 7B: Provision of motorcycle parking.

Supplementary Planning Document:

LCC Street Design Guide SPD

The development is not of a type normally considered appropriate in the Green Belt but the City Council considers that the limited effect on the openness of the Green Belt and economic considerations outweigh the limited harm caused by this inappropriate development.

On balance, therefore, the City Council considers there are very special circumstances to justify this development in the Green Belt.

## 1.0 INTRODUCTION

- 1.1 The proposal was reported to Panel in November because it involves a departure from the development plan in that it extends the existing premises further into the Green Belt. Local members have expressed concern regarding vehicle movements and there are 9 objections from local residents. Members resolved to consider the application at the December Panel following a site visit.

## **2.0 PROPOSAL**

- 2.1 The application is for full planning permission and proposes a chiller extension to the south of the existing abattoir and an extension of the curtilage of the abattoir into a field to the south for car and HGV parking.
- 2.2 The proposed chiller room extension adds a further 225m<sup>2</sup> and is a building of dimensions 15m x 15m with a maximum height of 12.8 metres. External roofs and walls will be clad with plastisol coated profile steel cladding to match the already permitted extensions. The gable end of the new extension would abut the existing southern boundary of the abattoir which is well defined by a retaining wall.
- 2.3 The proposed car park extension is located to the south of the retaining wall in an open field which slopes to the south. The submitted drawings indicate that this area will be used for car parking and an HGV "waiting area". The proposed extension to the yard into the adjacent field scales at 56 metres west/east and 14 metres north/south and is rectangular.
- 2.4 In order to enable access to this area from the existing yard the car park area will be raised by between 1 and 2 metres and retained on the southern boundary by a retaining wall shown as being 1.5 metres, the retaining element of which will be 1 metre. An Armco barrier the height of which is not specified will be erected on the yard side of the retaining wall. The new car park will have a concrete surface.
- 2.5 The proposed landscape drawing shows a sloping planting bed to the south of the retaining wall, and the existing effluent plant area, 84 metres long and a minimum of 7.5 metres from the south face of the wall. It is proposed that this area will be planted with trees and shrubs.

## **3.0 SITE AND SURROUNDINGS**

- 3.1 The abattoir is located on the south side of the Leeds Road between Horsforth and Rawdon, within the Green Belt and a special landscape area.
- 3.2 The site, despite its Green Belt status, is developed as an abattoir with the whole site covered either with buildings, or concrete or gravel surfacing. The main building occupies the centre and eastern part of the site. There are a number of ancillary buildings to the north, and between these and the Leeds Road are parking areas. In the north west corner of the site is a house, probably of Victorian origin, which has been subsequently converted to offices with planning permission. Formerly this property had a walled garden to the south but this has been greatly reduced in size in order to accommodate a 200 m<sup>2</sup> chiller extension and additional car parking.
- 3.3 Immediately to the north west is an area of three storey buildings which were originally in residential and industrial use but now also include offices. Immediately west the land is in residential use with properties fronting Low Green and Cliffe Lane to the west and with extensive gardens running to the western boundary of the application site. The nearest property, to the south west, is 20 metres from the south west corner of the site but the property and its garden are screened from the abattoir grounds by a tall coniferous hedgerow.
- 3.4 On the opposite side of Leeds Road the entire frontage is residential and there are two further dwellings on the same side of Leeds Road to the east. Land to the south and south east is in agricultural use.

3.5 Because the land on the south side of Leeds Road slopes quite steeply towards the Aire Valley, the buildings within the site other than those on the frontage are not prominent from Leeds Road. From the east there are views of the eastern edge of the site but it has the appearance of a group of farm buildings. From the south the area is visible from Rodley Lane, but the abattoir is seen against existing development. The proposed chiller room will also be seen against the existing buildings. The site cannot be seen from the west because of existing buildings and vegetation.

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

4.1 There have been a number of recent applications for planning permission to extend the premises.

4.2 Application reference 09/00542/FU related to a retrospective extension with a floor area of approximately 200m<sup>2</sup> (a chiller room) and a new development to the south of this extension with a total floor area of approximately 625m<sup>2</sup> to include a dispatch area and a carcass chiller building. Approved 23.2.2010

4.3 Application 11/00414/FU again proposed similar extensions to those granted in 2010, extended slightly to the west, and also included an extension for a chiller room to the south of the existing building of 225m<sup>2</sup> and an extension to the north, incorporating an office and further chiller room of about 420m<sup>2</sup>, giving a total new floor area nearly 1400m<sup>2</sup>, excluding the floor area of the retrospectively approved building. In addition it proposed the change of use of an existing stone barn to offices and toilets. Approved 24.2.12

4.4 Application 12/01654/FU was for a refrigerated chiller extension identical to the present proposal as well as an extension to the parking and area and associated landscaping which included a larger area south of the existing abattoir. The application was refused on 7.6.12.

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

5.1 Application 12/01654/FU was refused for the following reasons:

- 1) In the opinion of the Local Planning Authority the proposed hardstanding constitutes inappropriate development in the Green Belt and will extend the operational area of the abattoir to the south into open countryside. The Local Planning Authority do not consider that the very special circumstances advanced by the applicant outweigh the harm from inappropriate development together with the detrimental impact that this large area of concrete and its use for parking of cars and HGVs will have on the openness and purposes of the Leeds Green Belt. In view of this the proposal is considered contrary to Policy N33 of the Leeds Unitary Development Plan (Review 2006) and to the advice on the control of development in the Green Belt set out in the National Planning Policy Framework, particularly at paragraphs 79,80,87,88 and 90.
- 2) The large, concrete surfaced car and HGV parking area located in a field south of the existing abattoir will seriously harm the character and appearance of the Woodhall/Calverley/Cragg Wood/ Hunger Hills Special Landscape Area and is therefore contrary to policy N37 of the Leeds Unitary Development Plan (Review 2006).



3) The proposed car and HGV parking area will result in vehicles parking and manoeuvring in an area that is closer than the existing abattoir development to residential properties, particularly the property known as the Bungalow to the west of the site. It is considered that this will result in detriment to the residential amenities of the residents of this property as a result of noise and disturbance and in view of this the proposal is contrary to Policy GP5 of the Leeds Unitary Development Plan (Review 2006).

5.2 Subsequent to this refusal the Planning Services Manager met the applicant and his agent on site to discuss the reasons for refusal. The main issues discussed were the impact of the development on the Green Belt and the Special Landscape Area.

5.3 The refused application differed from the present proposal in that the proposed parking area extended into the adjacent field by 20 metres, beyond the concrete base of the effluent treatment area and the landscape planting along the southern end of the new hardstanding extended only along the boundary of the proposed parking area (i.e. 56 metres). It was suggested by Officers that the visual impact of the proposal could be reduced by restricting the southern extent of the new hardstanding to 14 metres (to match the southern extent of the concrete base of the effluent treatment area) and planting could be extended along the whole of the proposed and existing southern boundary of the hardstanding (84 metres) so that it ran from the conifer hedge on the western boundary to the existing farm access east of the effluent treatment area.

5.4 The current application as submitted incorporated these suggestions. The Council's Principal Landscape Architect subsequently suggested that the area of planting to the south of the proposed development would be more effective if it had a more natural shape (i.e. it did not have a straight southern edge to the field); if the type and location of plant types was revised; and if the buffer planting was extended to the east of the site, along the eastern side of the farm access.

5.5 The applicant has subsequently amended the proposal to address these issues with the exception of the suggestion of planting on the east side of the access road.

## **6.0 PUBLIC/LOCAL RESPONSE**

6.1 The application was advertised by site notices posted on 14 September 2012 in five locations in Leeds Road and Low Green.

6.2 Councillor Cleasby has asked whether a highways contribution could be sought from the applicant to compensate for the increase in traffic and its weight and size.

6.3 There have been 10 emails received from local residents and recorded on CAPS objecting to the proposal although one of these is a duplicate. There are therefore 9 individual objectors

6.4 The following comments have been made:

- Increases in traffic as the abattoir has grown.
- Issues with smell from the development, including burning.
- Proposals are contrary to policies for development in conservation area, green belt and special landscape area. (Various issues cited including

impact on views from the south, car parking and buildings should not be allowed.

- Noise nuisance including early morning and weekend use causing disturbance to families in adjacent residential properties. Engines revving, people shouting, alarms. Disturbance in early morning a particular issue.
- Question the validity of the applicant's noise report.
- Continuous expansion, piecemeal applications. Needs to relocate.

## **7.0 CONSULTATIONS RESPONSES**

### **7.1 Statutory:**

- Highways: No objections
- Flood Risk Management: No objection subject to conditions

### **7.2 Non-statutory:**

- Contamination: No objection subject to conditions
- Neighbourhoods and Housing: Complaints received suggests that the hours of operation specified in the previous consents for this site are not being adhered to. On this basis would recommend refusal. If approval to be granted would recommend conditions relating to hours of operation, restriction of noise levels and construction of acoustic fence, as well as a condition to control working hours during construction.
- SDU Landscape: Reduction in hardstanding from refused scheme. This scheme shows development at its maximum extent to south to be acceptable. Comments made on amendments to landscape buffer in initial proposals have largely been addressed.

### **7.3 Other:**

- Coal Authority: Recommend condition requiring intrusive site investigation.

## **8.0 PLANNING POLICIES:**

Policies of the Leeds Unitary Development Plan (Review 2006)

GP5: Development proposals should resolve detailed planning considerations.

N33: Development in the Green Belt.

N37: Development in Special Landscape Areas.

T2: Development proposals should ensure that no new transport and highway problems are created or existing ones exacerbated.

T24: Parking provision to reflect guidelines.

## 9.0 MAIN ISSUES

Principle of Development in the Green Belt

Impact on the Special landscape Area.

Impact on residential amenity

Highway Issues

Impact on the Low Green Conservation Area

## 10.0 APPRAISAL

### **i Principle of development in the Green Belt**

- 10.1 The site of the abattoir is located in the Leeds Green Belt.
- 10.2 Both the LUDPR and the NPPF state that within the Green Belt permission will only be granted, other than in very special circumstances, for a defined list of developments. The current proposal does not fall within the list of developments considered appropriate for a Green Belt Location and therefore it is incumbent on the applicant to demonstrate that there are very special circumstances.
- 10.3 The applicant has accepted that the development is contrary to the LUDPR and the NPPF, as it is inappropriate development in the Green Belt, but has argued that there are very special circumstances relating to the importance of the proposal to the UK meat supply industry. This is essentially the same argument that has been advanced as justification for previous proposals for the expansion of this business .
- 10.4 In relation to these previous proposals referred to above (applications 09/00542/FU and 11/00414/FU) the City Council took the view that the appropriate approach to Green Belt policy was to assess the impact of the inappropriate development and weigh this against the benefits of the proposals. In both cases it was concluded that the impact on openness was limited and that whilst the development was contrary to the development plan other material considerations, in particular the economic benefits, tipped the balance in favour of granting planning permission.
- 10.5 In relation to the previous proposal, reference 12/01654/FU, for the refrigerated chiller extension and car park, it was considered relevant that the proposal involved extending the operational area of the site into the adjacent field to the south and it was concluded that extending beyond this well-defined site boundary would have a much greater impact on the openness of the Green Belt than previous proposals within the existing operational area. It was also considered that the development would impact on the purposes of the Green Belt as defined in the LUDPR and at paragraph 80 of the NPPF, particularly the purpose of safeguarding the countryside from encroachment.

- 10.6 The conclusion in relation to that application was that whilst the Council accepted the special circumstances to justify the previous proposals on this site, the harm to the Green Belt outweighed these special circumstances in relation to the previous application.
- 10.7 The approach to be adopted in relation to this application should be consistent with the above decisions. That is that the impact of this inappropriate development should be weighed against the very special circumstances.
- 10.8 The applicant's justification for additional chiller space is related to the process for maturing meat for sale. Following slaughter, fresh carcasses are stored in the fresh meat chiller for 24 hours after which they are moved to the carcass maturing chillers for a month. Following this the meat is cut, boned and vacuum packed in the cutting and boning room and the majority of meat is then moved in trays to the existing box chiller where it matures for a further month before dispatch.
- 10.9 At present there is inadequate chiller capacity. There is extant permission for three carcass chillers on the site and once these are implemented there will be sufficient capacity for this part of the process. However the existing box chiller is of inadequate size and as a result the meat is moved off site to chillers elsewhere in West Yorkshire. Extending the box chiller, as proposed in this application, will improve efficiency by ensuring that the whole process can take place on site and will obviate the need to transport boxed meat to other sites to complete the maturing process.
- 10.10 The applicant goes on to stress the economic benefits of the proposal and particularly the fact that the business supports economic growth. It is pointed out by the applicant that the government is committed to support the meat industry and that the proposal is important for production and supply by increasing efficiency as outlined above.
- 10.11 In addition it is argued that Penny's is an important local employer, with 65 staff working at Low Green, and also a significant supplier of high quality meat, particularly in Yorkshire. The proposal is also considered to be compliant with the objectives of Defra's Rural Development Programme for England which include "to improve the processing and marketing of primary agricultural products" by, inter alia, "investment in improved efficiency" to "improve the overall performance of the enterprise".
- 10.12 The NPPF states that planning should proactively drive and support sustainable economic development to encourage sustainable growth and that local planning authorities should look for solutions rather than problems. It states at paragraph 19 that significant weight should be placed on the need to support economic growth through the planning system.
- 10.13 In relation to the impact of the proposal on the Green Belt the extension to the box chiller takes existing buildings to the edge of the existing hardstanding. It is evident that if vehicles are to access the adjacent yard it will be necessary to extend the hardstanding beyond the current southern boundary of the site. However in terms of the issue of harm to the Green Belt, the revised scheme incorporates a number of amendments to the refused scheme. The following are relevant to the consideration of the proposal:

- The decrease in the width of the hardstanding to 14 metres as a result of which the distance to which it extends beyond the existing site boundary is reduced by 6 metres. This also brings the hardstanding in line with the southern edge of the effluent treatment area.
- The increased width and length of the landscape screen to the south of the proposed hardstanding. This screen has been extended along the whole boundary of the site with the adjacent field and has been remodeled to provide a more natural shape, rather than a straight boundary, and the amount and variety of planting increased.

- 10.14 It is considered that these amendments, resulting from the on-site discussions and accepted by the applicant mitigate the concerns raised in the first reason for refusal by reducing the impact of the development itself on the openness of the Green Belt and also helping to reduce the impact of the existing development.
- 10.15 It is the view of Officers that taking account of the very special circumstances advanced by the applicant, the advice in the NPPF, the differences between the present proposal and the refused application and the amendments made to the present application following submission, the proposal overcomes the first refusal reason from the previous application.

## **ii Impact on the Special Landscape Area**

- 10.16 The site is also within a Special Landscape Area (Woodhall/Calverley/Cragg Wood/Hunger Hills) and Policy N37 of the UDPR applies. In relation to this policy, the test is whether the development proposed will seriously harm the character and appearance of the landscape.
- 10.17 It does not follow that because the development is considered to affect the openness of the Green Belt it will also seriously harm the character and appearance of the landscape, but in the case of the refused application the impact of a large (more than 1000m<sup>2</sup>) concrete apron and associated parking on the land to the south of the abattoir was considered to be seriously harmful to the landscape of this area.
- 10.18 The current proposal reduces the size of the hardstanding by 30%, whilst extending the landscape buffer along the whole southern edge of the site by 50%.
- 10.19 The development will clearly have some impact on the Special Landscape Area. However the policy test is whether the impact is seriously harmful to the character and appearance of the landscape on the SLA. Whilst the initial impact will undoubtedly be apparent, particularly from the south, the growth of the boundary planting will ultimately result in a reduction in the impact of the abattoir as whole on the SLA and it is considered that the reduction in the extent of the hardstanding coupled with the increased buffer planting will mitigate the impact to an extent which is acceptable.

## **iii Residential Amenity**

- 10.20 The third refusal reason in relation to the previous application stated that there would be a detrimental impact on the residential amenities of adjacent properties, in particular the bungalow to the west, as a result of vehicle movements in the extended yard area.
- 10.21 No representations were received in relation to the previous scheme. The present proposal has resulted in 9 representations, however, primarily on the grounds of

amenity impacts of the abattoir, in particular existing noise, smell and levels of traffic.

- 10.22 In relation to noise, the objectors refer, in the main, to late night/early morning and weekend noise. However, the existing development is the subject of conditions, attached to the previous approvals, that specifically exclude delivery to and from the premises, together with loading and unloading within the premises shall be restricted to 0700 hours to 2100 hours Monday to Friday only with no such operations taking place on Saturdays, Sundays and Bank Holidays. The present application also states that the hours of opening are 0700 hours to 2100 hours.
- 10.23 Residents have suggested that the applicant has told them that the movement of vehicles within the area of the abattoir is related to the use of the premises for agriculture. However it is quite clear from the current submission that all of the buildings are used for the purposes of the abattoir.
- 10.24 It is accepted that the use of these premises outside the approved hours would be likely to cause disturbance to adjacent properties and for that reason it is recommended that the time restriction condition should be reiterated on this application. Such use, if proven, would represent a breach of existing conditions (one of the applications was in part retrospective and has therefore been implemented). This matter is being investigated by Environmental Protection and Planning Compliance and necessary action will be taken if it is found that the time limit conditions are being breached.
- 10.25 It is not considered that the current application is likely to result in any increase in traffic or lead to a need to work outside the approved hours since it is intended to increase storage space at the site. Indeed, given that the additional chiller will, according to the applicant, mean that off site storage facilities do not need to be used it could lead to a reduction in traffic.
- 10.26 Taking all these issues into account it is concluded that the current proposal will not cause an increase in noise and will not therefore have any additional impact on residential amenity in this respect.
- 10.27 With regard to smells from the premises, this is again not likely to be an issue in relation to the current proposal as the principle element of the development is a meat chiller and it is other processes at the abattoir that lead to possible odour issues. In any event such matters are covered by other legislation and the Council's Environmental Protection Team monitor this issue and take action as necessary to address the problem.
- 10.28 It is therefore concluded that if the conditions applied to this and other permissions are adhered to and if necessary enforced the amenities of local residents will not be adversely affected.

#### **iv Highway Issues**

- 10.29 The proposal is acceptable in highway terms and the Highway Authority does not object to the proposal. Councillor Cleasby has requested that a highway contribution be sought from the applicant and the advice of Highways Development Control has been sought on this issue.
- 10.30 In response it has been stated that the submitted information indicates that the proposals are for a storage extension only which is unlikely to generate additional

staff increases on the site and the applicant has stated that there will be similar traffic movements from the site as existing. The applicant is proposing formalising parking within the side and rear yards but these are already used by staff for overspill parking.

- 10.31 The extension on the site does not generate any formal highway contributions (i.e. public transport and travel plan etc.) taking into account SPD thresholds. The proposals are also not considered to require any highway improvements at the site access or on the local highway i.e. the existing network can accommodate the proposals safely.
- 10.32 Taking into account the above issues, it would be difficult to sustain a request for highway contributions in relation to this application.

#### **v Impact on the Low Green Conservation Area**

- 10.33 The recent review of the Conservation Area boundary in this area has taken the majority of the site out of the Conservation Area with only a limited area on the Leeds Road frontage now included. The development, when considered in the context of other development in the area, previous planning permissions and the proximity of the Conservation Area, is not considered to be harmful to the character of the Conservation Area.

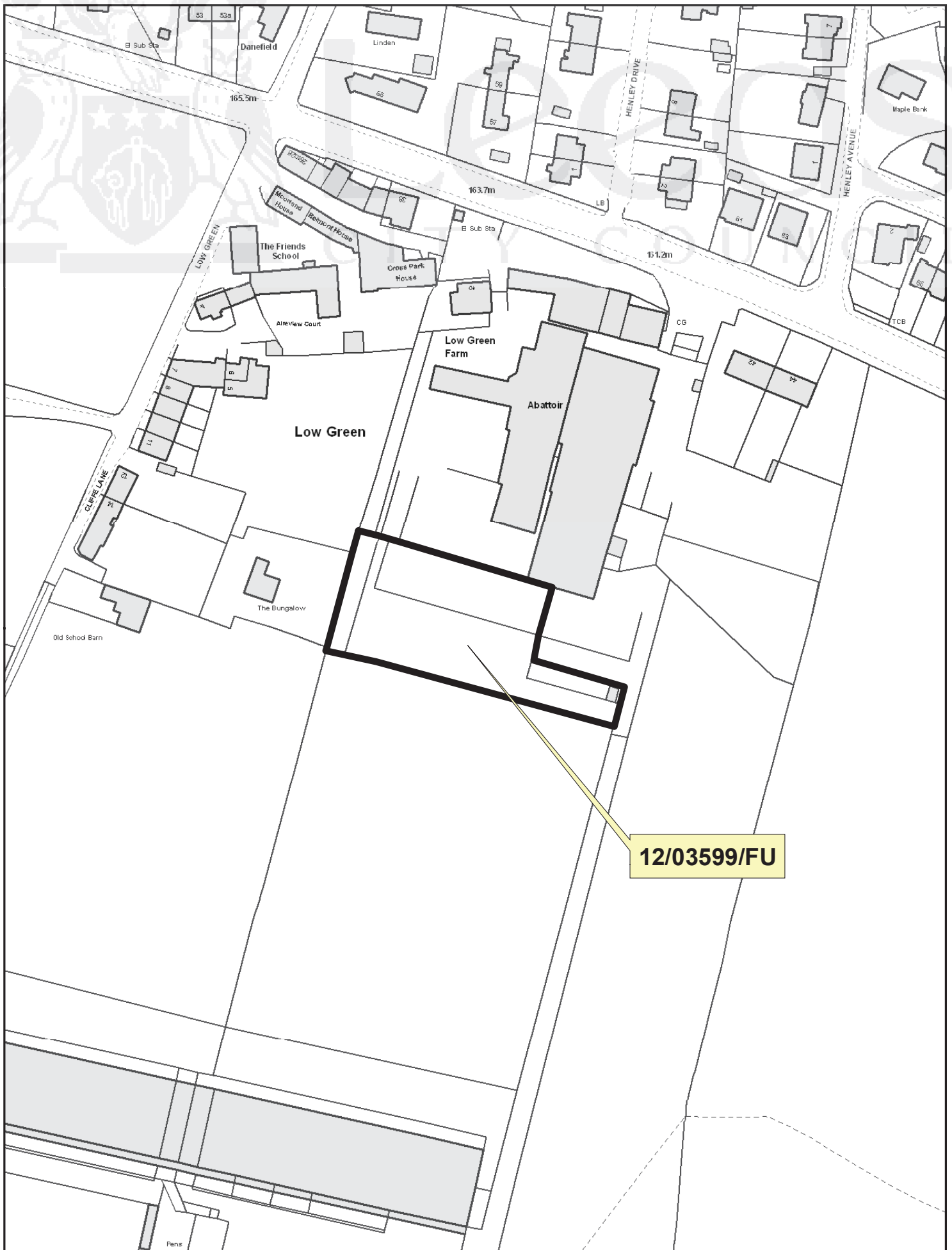
#### **11.0 CONCLUSION**

- 11.1 In light of the above it is recommended that planning permission is granted. Whilst the proposal is inappropriate development in the Green Belt there are very special circumstances of sufficient weight to overcome the impact of the proposal on the openness of the Green Belt. The development would not cause significant harm to the landscape of the Special Landscape Area and would not result in detriment to the residential amenities of adjacent properties provided the conditions are adhered to and enforced.

Background papers:

Application file: 12/03599/FU

Certificate of Ownership: Certificate A submitted



12/03599/FU

# SOUTH AND WEST PLANS PANEL





Originator: Bob Packham  
Tel: 0113 24 78204

## Report of the Chief Planning Officer

### PLANS PANEL WEST

Date: 6<sup>th</sup> December 2012

Subject: POSITION STATEMENT FOR CORNMILL FOLD, HORFORTH

**APPLICATION 11/02389/FU – Part two and part three storey office block**  
**APPLICATION 11/02390/LI – Listed building application to demolish former corn mill building**

APPLICANT	DATE VALID	TARGET DATE
Horsforth Office Park Ltd	3 June 2011	2 September 2011

<p><b>Electoral Wards Affected:</b> Horsforth</p> <p><input type="checkbox"/> Yes Ward Members consulted (referred to in report)</p>	<p><b>Specific Implications For:</b></p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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**RECOMMENDATION: Members are requested to note the progress report below and following the site visit comment on the main issues set out in the report concerning:**

- 1 The proposal to demolish the grade II listed building
- 2 Parking Issues
- 3 Design

### 1.0 INTRODUCTION:

- 1.1 The report relates to two applications by Horsforth Office Park Ltd, the first for listed building consent for the total demolition of a partially demolished Grade 2 listed corn mill, and the second for planning permission for the redevelopment of the site with offices. The purpose of this report is to update Panel on the present position regarding the consideration of these applications and to enable members to visit the site, and then to seek members' views on: the proposal for the demolition of the listed building, without which the development cannot take place; and on parking and design issues relating to the replacement building.

## 2.0 PROPOSAL:

- 2.1 This application is for full planning permission for the erection of a part two storey, part three storey office block with associated car parking. In order for the development to take place a listed building application has also been submitted to demolish the existing derelict corn mill building on the site.
- 2.2 The new building would provide 1008 square metres of floor space, all to be used for B1 Office use. Although a single building, the proposal comprises a number of distinct elements (described as zones A, B and C) which broadly reflect but extend the footprint of the existing building on the site. Reference to the existing and proposed floor plans shows:
1. Zone A, to the north east: Broadly on the footprint of existing building “a” (which has been largely demolished but retains some external walls), this will be a three storey development with lime render walls, pitched grey slate roof, a footprint of 16.1 metres x 11.32 metres, an eaves height of 9.5 metres and a ridge height of 12.5 metres.
  2. Zone B, to the south: This section of the new building would be on the footprint of existing buildings “b” and “c”. This will be a two storey section, with the south façade rebuilt to match the existing using original materials and the east facing elevation constructed of other reclaimed stone all under a reclaimed stone slate roof. The western elevation of existing building “c” and the wall between existing buildings “b” and “c” would be demolished to provide a single open plan floor area including Zone C. Zone B is irregular in shape with maximum dimensions of 12 metres x 9 metres, eaves height of 6.6 metres and maximum ridge height of 9.2 metres.
  3. Zone C, to the west, is outside the footprint of the existing buildings and effectively an extension to Zone B, filling in the open area between the site of the existing building and the retaining wall on the highway boundary to the west. Proposed materials are reclaimed stone and grey slate roof. It is also irregular in shape, with maximum dimensions of 9.5 metres x 12 metres, eaves height of 6.4 metres and ridge height of 8.9 metres.
- 2.3 Adjoining the west elevation of Zone A and the north elevation of Zone B, in what is currently an open part of the site, is a three storey link providing stairs and lift to access the upper floors. This building is proposed to be constructed of timber weather board cladding with a flat roof.
- 2.4 The main entrance to the building will be located to the north of Zone B as part of a mono pitched, single storey “extension”, constructed of new stone, to Zones C and B.
- 2.5 With regard to the remainder of the site, the area to the north of Zone A is to be the car park comprising 14 spaces, two of which are for disabled use. The north west part of the site in addition to the pedestrian access route to the lobby, will be partially block paved, with a pond created to the north of Zone C and cycle and bin stores on the north west boundary. To the south and east of the building the area between the building and the site boundary will be grass with some limited shrub planting.
- 2.6 In addition to the drawings this and the Listed Building application are supported by:

- Design and Access Statement, which identifies the key design issues, stating that the proposal identifies the historic water route on the site, reflects the historic development in terms of scale, creates a sustainable building, retains the south elevation, and takes account of flood levels.
- Planning and Heritage Statement, which explains the background to the scheme and considers the planning policy context.
- Flood Risk Assessment, which concludes that the site can be re-developed safely and without increasing downstream flooding
- Land Quality Works relating to the remediation proposals for the contaminated site.
- Bat Survey which found no evidence of bat roosts but advises hand demolition of the remaining structure and presence of an ecologist on site to deal with any unexpected presence of bats.
- Structural Inspection report which concludes that it would be highly unlikely to be viable to re-use what remains of the existing structure due to the financial costs of implementing the structural requirements. The report highlights the difficulty of underpinning the existing walls, the condition of existing structural timber and the difficulties of addressing the necessary increase in finished floor levels in any conversion to take account of revised flood assessments.
- Viability report, which concludes that the proposal granted permission in 2006, for the conversion of the existing building, is not financially viable but that the current proposal produces a sufficient return to make it viable.
- Historic Buildings Investigation which essentially concentrates on the historic significance of the building and its development.
- Transport Statement, discussing parking proposals and sustainable travel measures.
- Statement of Community Involvement, describing the outcome of the Exhibition at St Margaret's Church on 8<sup>th</sup> December 2010.

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

- 3.1 The corn mill is located in the middle of the Corn Mill Fold development, a residential development comprising flats in 4 blocks to the north, west and south east of the building. To the east is a beck. This property is accessed off Cornmill View, which itself is the western arm of a roundabout only 100m south of the A6120 Ring Road and 1.5km from the centre of Horsforth.
- 3.2 The flats are in four three to five storey blocks which closely abut the site of the mill to the west and north. To the south is an open grassed area. The site of the corn mill is at a lower level than the estate road which runs to the west of the site. A public footpath runs from the estate road to the bridge over the beck to the north east of the site.

## 4.0 RELEVANT PLANNING HISTORY:

- 4.1 The buildings and land at Corn Mill Fold were used as part of the adjacent Dickinson's Scrap Yard in the twentieth century, primarily for the storage of engines. Listed in 1988, the corn mill building had by the turn of the century fallen into disuse and disrepair. The area surrounding the site had been identified by developers as having potential for development, and a number of applications were submitted.
- In 1999 an application to demolish the mill was withdrawn before determination.
  - In January 2003, approval was granted for conversion of the disused mill to offices and for the erection of three office blocks on the surrounding land (27/189/02/FU and 27/188/02/LI). The scheme was designed with the listed building as the central element, the office buildings stepping down towards the Corn Mill in order to provide a suitable setting.
  - Subsequently, in July 2004, approval was granted for residential development comprising 123 flats in 4 blocks (27/224/03/FU). The building is now surrounded by this new residential development to the north-west, south-west and south-east with the beck and open land to the north-east. The permission included a condition that required the submission and approval of a programme to ensure the retention and refurbishment of the listed Corn Mill prior to the commencement of development but did not expressly state when the approved scheme had to be implemented. This, and the subsequent separation of ownership of the Corn Mill from the housing site meant that the construction of the residential development took place without the refurbishment of the mill building.
  - In September 2006 a further listed building consent (reference 06/02204/LI) and planning permission (reference 06/02203 FU) were granted for alteration and change of use of the listed building to offices. The motivation for these new applications was that investigations had shown that the extent of hydrocarbon contamination was greater than originally anticipated and the fabric of the building was in worse state than expected. The applications included drawings showing details of the extent of demolition necessary to address contamination and health and safety issues prior to reconstruction works.
- 4.2 In December 2007 it became clear that more of the external walls of the building had been demolished than shown on the approved drawings and the matter was investigated by the Compliance Service. Following meetings with the applicant a further application was submitted (08/00365/LI), which did not seek to alter the end use but proposed to reconstruct the building on the remaining walls.
- 4.3 The drawings accompanying that application showed that additional demolition (over and above that previously permitted in 2006) had occurred on three elevations:
- On the east elevation the removal of all of the wall above first floor level, compared to the retention of approximately 40% of the wall above this level on the 2002 scheme.
  - On the south elevation the removal of 60% of the upper part of the south facing gable, whereas the 2002 scheme proposed the removal of only the top three courses.

- On the north elevation the removal of nearly all of the walling above first floor level, compared with the retention of the majority in the 2002 application.
- Proposed work to the west elevation remained largely unchanged between the schemes, the building having been demolished above first floor level.

4.4 The applicant submitted a letter justifying the need to amend the scheme with the application, indicating that during the process of demolition necessary for the investigation and treatment of contamination it became apparent that certain areas of wall not scheduled for demolition on the proposed drawings “were in a very precarious and poor condition” and “needed to be removed immediately for health and safety reasons”.

4.5 The parts of the walls retained on site were those that were judged to be structurally sound. The stones that were removed had been individually surveyed, marked and identified on plans and stored at a builder’s yard in Malton, North Yorkshire. The applicant submitted a proposed programme of works indicating that it was intended to begin reconstruction on 1 June 2008 with completion targeted for 11 May 2009.

4.6 The listed building application 08/00365/LI was granted on 18 March 2008 and the alterations were accepted as a minor amendment to the planning permission granted in 2006 (reference 06/02203 FU) on 30 June 2008 (08/9/00260/MOD).

## **5.0 DISCUSSIONS FOLLOWING THE 2008 APPROVAL AND THE SUBMISSION OF THE PRESENT APPLICATION:**

5.1 Following the March 2008 approval, the owners made it clear at this time that it was intended to complete the identified de-contamination works and restore the building. The property was actively marketed for an end user. In view of this and the agreed programme of works, the Area Planning Manager wrote to the owners on 2 May 2008 indicating that he was prepared to recommend to the Compliance Service that action shouldn’t be taken to prosecute them for the unauthorised demolition of parts of the building providing that the programme of works was implemented and the building restored.

5.2 Remediation work on the site started in the summer of 2008. On 8 July a further letter was sent to the owners asking for an update to the timetable, since the owners had indicated in correspondence that more time would be needed to implement the scheme. The applicant indicated that the further contamination problems had arisen and there had been delays in agreeing the requirements of the West Yorkshire Archaeological Service. The latter approved the scope of works in July 2008 but a Final Report was still required before the refurbishment work could commence.

5.3 Agreeing the necessary remediation work took some time and the work itself did not commence on site until 13 October 2008. Following this a further meeting was sought with the owners to discuss the implications for the agreed program of works. That meeting took place on 11 December 2008. At that meeting the Applicant indicated that the location of additional contamination would mean that further demolition would be needed. If the completed building was to be occupied for offices this work would have to be carried out in order for the potential purchasers to obtain insurance. Given this and the mounting costs and losses on the project, the only realistic options for the owners would either be to demolish the building or for the Company to go into liquidation. In view of this the applicant sought guidance on how to go about obtaining listed building consent to demolish the building.

- 5.4 The Contaminated Land Team, who had been working with the owners and the Planning Service to address contamination issues on the site subsequently considered the evidence relating to additional contamination. In February 2009 they confirmed that the material should be removed from the site and agreed with the owner that this may require the removal of the northern wall of the building. These comments and requests for further information were communicated to the owners Environmental Consultant on 17 February 2009. Following further exchanges of information a meeting was arranged with the applicant on 1 April 2009. At that meeting the Contamination Officer supported the removal of the northern wall to deal with contamination by hydrocarbons. The owners asked whether, with further demolition, the better option would be the demolition and rebuilding of the whole listed building.
- 5.5 The implications of demolition were pointed out to the owners at the meeting on 1 April 2009. In addition to the need to justify the demolition of the listed building and support this with information relating to commercial viability of the various options, they were also advised that any such proposal would not only require the support of officers but more importantly that of English Heritage, Local Members and the Plans Panel. It was suggested that the owners should meet with and explain their position to Local Members and the Civic Society.
- 5.6 Following this meeting a letter dated 3 April 2009 was sent to the owners suggesting investigation of an alternative development of the site, retaining the largely intact two storey building but demolishing and rebuilding the already largely demolished three storey section. It was made clear that this was an officer suggestion and without prejudice to the decision of the Council. In any event the applicant replied indicating that the proposal was both impractical and non viable.
- 5.7 In view of this an email was sent to the Horsforth Councillors, transmitting the owner's requests for a meeting to discuss the future of the building. However Councillor Townsley indicated he would attend only if it was to discuss the retention of the building.
- 5.8 Following the response from Councillors the owners did not pursue their proposals for a revised scheme demolishing the building and continued to address contamination issues. In April 2010 the Head of Planning Services and the Owners' agent spoke again and agreed to arrange a review meeting, which was held on 20 May 2010.
- 5.9 It was clear at this meeting that the owners had resolved to pursue the redevelopment of the site on the basis that the retention of the building was, in their view, not feasible, practically or economically. Whilst the owner had shared costing and marketing information whilst pursuing the option to repair the buildings in accordance with the approved listed building and planning applications, it was the view of officers that if demolition was proposed much more information would need to be provided on the practicality and viability of the various options if the Council was to be in a position to make an informed decision.
- 5.10 Prior to the current applications, there has been correspondence with the applicant discussing the technical requirements if a new application is to be submitted. At this stage additional information was submitted on viability and Officers expressed the view that on the basis of the information provided to date new build was the only viable proposition.

- 5.11 The owner was further advised that they would have to apply for listed building consent to demolish the remaining fabric and that further justification for demolishing the listed building including marketing details would be required. It was stressed that the views expressed constituted an officer opinion and that members may not agree with this assessment. Following the submission of the present applications additional information was sought in respect of the viability appraisal and the parking issues.
- 5.12 There have since been additional meetings with the agents for the applications and Local Councillors. At a meeting 18 January 2012 the agents agreed to submit additional information considering the viability of stabilizing the building and effectively leaving it safe as a "historic ruin". In addition further information regarding the applicant's proposals for off street parking in the adjacent flats, including a traffic survey to assess existing parking arrangements, confirmation of the number of units and bed spaces in the present scheme and details of a legal agreement with the management company were to be provided.
- 5.13 In relation the parking issue the applicants have been seeking agreement with the management company of the adjacent flats with a view to utilizing parking spaces related to the flats during the day. However, despite commencing these discussions in September 2011 there had been no real progress by the end of October 2012. It is understood that the management company will have made a final decision on the issue in November and if this is the case the outcome will be reported to Panel. With regard to the submission of the whole package of information agreed in January the applicant has indicated that this may be possible by the end of November but that this is dependent on the response of the management company.

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

### **6.1 Community Involvement:**

The applicants organised a five hour community engagement event on 8 December 2010 at St Margaret's Church, Horsforth. Ward members were invited, an advertisement was placed advertising the event in the Wharfedale Observer and posters were placed around the site and in four other locations in Horsforth.

The event involved the use of display boards and people were invited to make comments and ask questions. 22 individuals attended the event including 2 Ward councillors and representatives of the Civic Society, Town Council and Museum. The SCI notes that the key issues raised in the 6 responses were:

- Insufficient parking provided by the scheme.
- Renovation would be preferable to demolition
- A viable use should be provided for the site
- The proposal better than the ruin on the site.

### **6.2 Publicity:**

The applications were both advertised by means of site notices (Listed building and PRow Major) posted on 24 June 2011, inviting comments by 15 July 2011. In addition a notice was published in the Wharfe Valley Times on 30 June 2011.

6.3 Comments received.

**Ward Councillors** were consulted on 17 June 2011. All three Ward Councillors have objected to the proposals on the basis that the existing listed building should be retained and renovated in accordance with the original intention when the Corn mill development was permitted.

**Horsforth Town Council:** No comment.

Amenity bodies:

**Horsforth Civic Society:**

- would like to see more of the original building rebuilt, and certainly all of the on-site materials being used to form new structure, with the original materials exposed and forming feature walling.
- concerned with the look of the central service tower, should be faced with a more sympathetic material, or indeed formed of stone to match the façade.
- concerned about the safety implications of the inclusion of a pond within the curtilage of the building.
- Consider a maximum "recompense" for failure to restore the original building should be applied in respect of this new application, in the form of maximising Section 106 funding to the community. Some company, somewhere, will benefit very significantly from the situation.
- HCS believes that the community has lost a significant heritage building and that Leeds City Council should recognise this and act accordingly.

**LEEDS CIVIC TRUST:** objects most strongly to the proposed development, and considers that the developer should be made to reconstruct the building as in the original planning approval.

**VICTORIAN SOCIETY:** Strong objections to this application, on matters of principle. We also wish to object to the making public of officers' advice in support of the applicant's scheme, which prejudices the views any outside parties may have about the case.

**ANCIENT MONUMENTS SOCIETY:** Do not formally oppose the present application but the Committee was highly sceptical that it represents a legitimate conservation outcome.

Have "very real fears that this would prove to be a good example of the bad practice of facadism."

**COUNCIL FOR BRITISH ARCHAEOLOGY:** The CBA feels that Horsforth Corn Mill should not be subject to further deterioration or of demolition. Every effort should be made to stabilise, restore and incorporated the mill into a scheme which preserves and enhances this heritage asset for current and future generations. This is not an acceptable treatment of a heritage asset. We ask that your authority refuse the application in its present form.



**One individual objection** received noting that:

- The flats were allowed as enabling development.
- Unfortunately no Section 106 linkage was made.
- The mill buildings have deteriorated greatly since planning permission was granted over 5 years ago.
- The developer should rebuild the Corn Mill as it was - without further enabling development.
- If this application is allowed it will set a terrible precedent.

In addition one representation has been received **in support** of the applications on the grounds that the use of existing residential parking at the adjacent flats will remove the present eyesore and result in a redevelopment of use and value without inconvenience to local residents.

## **7.0 CONSULTATION RESPONSES:**

### **Statutory Consultees:**

**ENVIRONMENT AGENCY:** No objection subject to conditions

**FLOOD RISK MANAGEMENT:** No objection subject to conditions

**YORKSHIRE WATER:** No objection subject to conditions

**ENGLISH HERITAGE:** The application requires the demolition of the remaining structure and a partial reconstruction “in the spirit of the mill site”. We would advise that the materials proposed in the documentation for reuse are fully identified, securely stored and a contract for the reconstruction is in place before the building is further demolished and the site cleared to undertake the proposal.

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for English Heritage to be consulted again.

### **Non Statutory Consultees:**

**NEIGHBOURHOODS AND HOUSING:** Recommend conditions.

**CONTAMINATED LAND TEAM:** No objection to planning permission being granted, subject to Conditions and Directions.

**PUBLIC RIGHTS OF WAY:** Public Footpath No.25 Horsforth subsists over the application site. A diversion order was applied for by Miller Homes in February 2011 concerning the above footpath but there are still some outstanding objections which have not been resolved. If the development is to go ahead a Traffic Regulation Order may be required for the duration of the works.

## **SUSTAINABILITY – CONSERVATION:**

### **Initial comments:**

The statement at paragraph 1.9 of Aspinall Verdi's report sums up the current predicament well:

“The overall amount of floorspace also limits the total value of the scheme, which means that fixed costs of development have to be carried out by a smaller scheme. An example of this is the cost of dealing with contamination of the site. The costs of this are relatively fixed and clearly the smaller the scheme, the greater the relative cost on a per square metre basis”.

In other words, refurbishment of the listed building was always unviable and could only be secured by linking it to the new build, which the City Council failed to do.

### **Procedure**

The listed building application needs to be notified to English Heritage and the amenity societies. If the City Council is minded to grant consent, it will have to be referred to the Secretary of State.

### **Proposal**

The applications are supported by specialist reports which help to make informed decisions on the applications. I find the Aspinall and Verdi's viability report, required by policy HE9.3 of PPS5, particularly useful and I am convinced by the marketing information that concludes that there is no viable office scheme. I assume that the building was marketed for offices because this was the consented scheme, but the question must be asked: what about other uses? I would like some commentary on the comparative values of office use versus residential, which is also a likely use.

On the costs of refurbishment, I would like to see the cost of removing contamination isolated and justified. Is it necessary to remove all contamination from site or can it be capped off?

The structural report is by and large descriptive rather than analytical. The condition of building A (using the notation of the archaeological study) is for everybody to see and I do not disagree that it has to be demolished. I would like more assessment of the condition of buildings B and C which are still standing and contain a large proportion of the first phase of building. Simply put: can these building be retained in situ rather than demolished?

My view on both applications cannot be definitive until I have this information. However, I have some suggestions about the design of the scheme which do not depend on the extent of building retention. The office scheme is a well considered response to the character of the existing buildings and the historical development of the site which is clearly express "new" and "old". My concern is that the South elevation of the mill (whether rebuilt or retained in situ) will appear as though it has been transplanted onto the face of a larger and unrelated scheme and will lack integrity. I suggest that gables of buildings B and C are returned into the new build (the apexes of the gables carried on steels over the open plan office space)

and that the attached new build has flat roofs to expose the three dimensional form of the embedded historic element.

**Comments on revised supplementary report:**

I'm not sure that the revised report takes us much further. It concedes that it is technically feasible to retain the mill (in practice it is the two storey section that we are talking about) but it is difficult to justify this on cost grounds. The "extra" cost is not quantified. Where are we with the appraisal? It is fair to say that if the scheme is marginal, it may not be possible to absorb extra costs.

**SDU NATURE CONSERVATION:** No objection subject to a condition.

**ENVIRONMENTAL POLICY:** Depending on the timescale and the views of the developer, outstanding issues could be agreed through Planning Conditions.

**ARCHITECTURAL LIAISON OFFICER:** I do not wish to make any detrimental comment in respect of this proposal.

**ACCESS OFFICER:** Require some minor amendments to the layout to accommodate requirements.

**HIGHWAYS:** Objections. The proposals would result in a demand for car parking which cannot be satisfactorily accommodated within the site. This would lead to an increase in on-street parking which would be detrimental to the safe and free flow of traffic and pedestrian convenience/safety. Proposals to use the residential parking of the adjacent flats during the day are not considered to be acceptable as this has not been properly assessed (evidence of spare capacity) and it already appears that parking is displaced onto the access roads to the site. In addition the demand for parking from residents of the flats may change over time.

**ARCHAEOLOGICAL ADVISORY SERVICE (WYAAS):** The WYAAS recommend that the current proposals are REFUSED as demolition is an unacceptable and "exceptional" loss of a heritage asset and the significance of a regionally important industrial building.

**ASSET MANAGEMENT:** The appraisals each give, in my opinion, a fair and reasonable view of the key variables, particularly likely revenues and costs involved in such a project which effect viability.

In the current market to attempt to bring back the historic buildings either in part or in whole for either uses is not considered viable and by a long way.

A combination of the high costs associated with the proposals matched by a poor market has made conversion for residential use or office use at the present time unviable.

In reaching these conclusions I have made my own enquiries and undertaken my own assessment and tested over several scenarios to examine how marginal or otherwise the developer's case is and this suggests that sales /revenues would have to rise significantly relative to costs to bring about a marginally viable scheme.

## 8.0 PLANNING POLICIES:

### Development Plan Policies

8.1 The Leeds UDP Review identifies the site within the main urban area with no specific allocations or designations. Relevant policies include:

- N12 - New development should respect character and scale of adjoining buildings.
- N14 – There is a presumption in favour of retention of listed buildings. Proposals for demolition will be permitted only in exceptional circumstances and with the strongest justification
- N16 - Extensions to listed buildings will only be accepted where they relate sensitively to the original buildings. In terms of design, location, mass and Materials. They should be subservient to the original building.
- N17 - Proposals should keep original plan form intact and preserve and repair original features.

8.2 Whilst the Government has indicated an intention to revoke Regional Spatial Strategies the RSS for Yorkshire and the Humber is still part of the Development Plan. The following policy is relevant:

- Policy ENV9: Aims to safeguard and enhance the historic environment, and ensure that historical context informs future development and regeneration and to conserve distinctive elements of the historic environment and enhance local character and distinctiveness.

### Government Policies

- National Planning Policy Framework (March 2012) particularly paragraphs 132 and 133. Para 132 states that great weight should be given to a heritage asset's conservation – the more important the asset, the greater the weight should be. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Para 133 sets out criteria to be used in assessing applications such as this and is quoted in full in the appraisal.

## 9.0 MAIN ISSUES

- 1 Principal of development
- 2 Listed building issues
- 3 Highway Issues
- 4 Design
- 5 Other issues

## 10.0 APPRAISAL

### Principle of development

10.1 Previous planning permission 27/189/902/FU and 06/02203/FU established the principle of B1 (Office) development on the site. The principle of demolishing and reconstructing **parts** of the building was established by applications 06/02204/LI, with minor variations to the rebuilt structure being approved under applications

08/00365/LI (granted on 18 March 2008) and the minor amendment to the planning permission granted in 2006 (reference 06/02203 FU) on 30 June 2008 (08/9/00260/MOD).

### Listed building issues

- 10.1 The mill was listed in 1988 for its historical significance as a corn mill. Initially constructed in the 18<sup>th</sup> century and expanded in the 19<sup>th</sup> century it is built of sandstone with quoins, stone mullion windows and a stone slate roof. It incorporates a small element of re-used medieval material. It is Grade 2 listed and is considered by WYAAS as of regional significance as it has evidence of both water and steam powered milling technology. It is the last of two corn mills in the area – Troy Mill was demolished in the 1970s.
- 10.2 Whilst the principle of rebuilding the derelict listed building has been accepted, on essentially the same footprint and utilising the remaining structure and the materials that had previously been carefully removed and labeled, the present proposal is essentially for the construction of a new building on the site utilising some of the existing materials but on a larger footprint and with an altered external appearance. Whilst the Design and Access Statement seeks to stress the retention and rebuilding, the fact is that the proposal will result in a new building on the site, not the current listed building. The principal issue to be considered, therefore, is whether the demolition of the building can be justified in Policy terms and on the basis of the evidence submitted by the applicants.
- 10.3 Leeds UDP (2006 Review) Policy N14 sets out the criteria against which proposals to demolish listed buildings should be considered. This states that there is a presumption in favour of retention of listed buildings and that demolition will be permitted “only in exceptional circumstances and with the strongest justification”.
- 10.4 Subsequent National Guidance is included in National Planning Policy Framework (NPPF). Paragraph 133 is particularly relevant, stating that:
- Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- the nature of the heritage asset prevents all reasonable uses of the site; and
  - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
  - conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
  - the harm or loss is outweighed by the benefit of bringing the site back into use.
- 10.5. It is clear from the above that the total loss of this grade II listed building should only occur in exceptional circumstances either because the loss will achieve substantial public benefits or all four criteria in paragraph 133 are met.
- 10.6 It is not the view of officers at present that the proposal will deliver substantial public benefits. In this respect the applicant claims that: the quality of design and the viable use of the building; the improvements to the immediate environment; addressing

flood risk and on site contamination; and the contribution to the economic growth of the Leeds City Region will all contribute to a substantial public benefit. Whilst the

building is clearly something of an eyesore in its present state, the mitigation of that problem is not considered to be such a priority to justify the loss of the heritage asset and the other benefits alluded to could potentially be achieved by a scheme along the lines previously permitted by the City Council for conversion and rebuild.

- 10.7 It is therefore considered that if consent is to be granted for demolition all four criteria in paragraph 133 must be met, specifically, that the nature of the asset prevents all reasonable use of the site, no reasonable, viable use can be found; preservation through funding is not possible; and the loss of the asset is outweighed by bringing the site back into use.
- 10.8 The applicant's view in respect of these issues, expressed in the application is in summary:
- A redevelopment scheme is the only realistically viable option. Retention and alternative use is exacerbated by a number of technical issues relating to contamination and flood risk management.
  - Investigation of alternate funding sources or charitable or public ownership options has not been successful.
  - The loss of the asset will protect and enhance the character and historical feature through rebuild, reusing existing materials and reconstructing one of the elevations.
- 10.9 Support for this view is submitted in the form of a viability study by Aspinall Verdi that considers both the approved 2006 conversion proposal and the current scheme and provides detailed financial appraisals of the two schemes.

The main conclusions are that:

The earlier scheme is non viable primarily due to the abnormal costs of development which drive up costs, and with a small footprint the end value is limited.

Marketing of the 2006 scheme for a number of years has failed to produce any result in a competitive market with significant second hand accommodation available.

The present scheme produces sufficient return to justify proceeding with the development.

- 10.10 In addition a structural report submitted by WSP with the application stated that the 2006 proposal was unlikely to be viable and cited the following problems: the cost of underpinning existing foundations at a depth of 2 to 3m in wet and contaminated ground; impractical use of existing walls due to their lack of verticality and condition; problems with existing timber elements; and the impact of revised flood assessments which would leave 20% of existing walls below finished floor levels.
- 10.11 In response to a request by Officers to consider a residential conversion of the building Aspinall Verdi responded that: the sales risk in terms of time taken and price achieved would make any developer or investor unlikely to consider residential

use; it is unlikely that funding could be secured; and the building costs would be unviable.

- 10.12 Following discussions with the developer and local members the applicant has also agreed to consider the implications of retaining the building as a “managed ruin”, but at the time of writing this report this information has not yet been submitted by the applicant
- 10.13 The reports relating to viability have been considered by the Council’s Asset Management Section and are reported in consultation responses. In summary Asset Management’s assessment is that:
- In the current market to attempt to bring back the historic buildings either in part or in whole for either uses (residential or office use) is not considered viable and by a long way.
  - A combination of the high costs associated with the proposals matched by a poor market has made conversion for residential use or office use at the present time unviable.
- 10.14 It is clear from the above that within the terms of the Viability Appraisal submitted by the applicants the proposals to convert the building to offices or residential use are not viable whilst the current application is. It should be noted that the key assumptions made in reaching that conclusions offset the assessed value of the two schemes against the costs of the development including build costs, professional fees, marketing and finance costs. Acquisition costs are not included in the assessment.
- 10.15 In other words the Appraisal only looks at the cost of building the two alternative proposed developments (conversion or redevelopment) against the value of the development once completed. It should be added that the initial Appraisal assesses the position specifically in relation to the current market conditions and looks only at two detailed alternatives for office development and a theoretical assessment of potential for residential conversion. It is for this reason that Officers have sought an assessment of the costs of the “managed ruin” option, since the acquisition costs have, in essence, already been written off.
- 10.16 It is a matter of debate whether the Appraisal and other information submitted with the application is adequate to address the requirements of Policy. Within the context of the assumptions made the results are reasonable. In addition it is likely that in any conversion to offices the removal of contamination and measures to address the flood risk issue would be likely to lead to the demolition of more of the remaining structure and a redesign of the approved conversion scheme in any event.
- 10.17 In considering this issue it is also relevant to note that English Heritage advises that the application should be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice. A number of other consultees oppose the demolition and re-development as reported above including:
- WYAAS: objects to the proposal as demolition is an unacceptable and the “exceptional” loss of a heritage asset and the significance of a regionally important industrial building has not been justified.

- Leeds Civic Trust: wishes to object most strongly to the proposed development and considers that notwithstanding the issues raised by the applicant, consent for this scheme should not be granted, with the developer made to reconstruct the building as in the original planning approval.
- Victorian Society: Wish to make strong objections to this application, on matters of principle.
- Council for British Archaeology: considers Horsforth Corn Mill should not be subject to further deterioration or of demolition. The proposal to demolish and rebuild the façade from building 'B' is not an acceptable compromise. This is not an acceptable treatment of a heritage asset. In conclusion, ask that the authority refuse the application in its present form.

- 10.18 On the basis of all the information the issue remains as to whether there is any alternative viable use for the building. Officers accept that within parameters considered by the applicant the present proposal is viable and the other options discussed are not. However, it may be considered reasonable to require the applicant to undertake further investigation on the potential for charitable or public ownership prior to the consideration of any proposals for further demolition and redevelopment and to submit detailed information in respect of these issues, as well as the information relating to retention as a managed ruin.
- 10.19 There remains the issue of the present condition of the building. It is clear that unauthorised demolition took place between the approval of the 2006 application (September 2006) and December 2007, although the approval of application 08/00365/LI on 18 March 2008 effectively authorised the demolition to that point and approved the rebuilding and conversion of what remained of the building.
- 10.20 Given its present condition the building will continue to deteriorate until it is demolished or refurbished. Paragraph 130 of the NPPF states that where there is evidence of deliberate neglect or damage to a heritage asset the resultant deteriorated state of the asset should not be a factor taken in to account in any decision. The applicant can point out, however, that in seeking to retain the building he has obtained a number of permissions for refurbishment and conversion and the Council has considered these applications on the basis that they would result in the retention of the building and in the belief that the proposals put forward by the applicant were feasible and viable.
- 10.21 With regard to future actions, the Council would have a number of options if permission is refused and the applicant makes no attempt to repair the listed building. These include:
- A notice under Section 215 of the Planning Act 1990 could be served if it was considered that the current condition of the site is affecting the amenity of the area. Such a notice is subject to appeal. If the works are not carried out the local authority may enter the land and carry out the work, recovering "expenses reasonably incurred" from the owner.
  - Section 54 of the Listed Buildings and Conservation Areas Act allows an authority may give 7 days' notice that they intend to execute works they



consider urgently necessary for the preservation of a listed building in their area. Again the owner can be served a notice requiring him to pay the costs of the work and the owner may appeal to the Secretary of State within 28 days that the works are unnecessary or the costs unreasonable.

- Section 48 of the same Act allows the service of a Repairs Notice, specifying what works are considered necessary for the proper preservation of a listed building. If the works are not carried out within two months the local authority can start compulsory purchase proceedings. Other powers exist under the Building Act.

10.22 None of these options are likely to provide quick fixes and all are likely to have budgetary and potentially future asset management implications.

**In light of the above, Members' initial views are sought on the principle of permitting the demolition of this listed building and what further information may be required before a final decision is taken on this issue. If demolition is not acceptable, views on what further action the Council should take are also sought.**

### **Highway Issues**

10.23 Notwithstanding the above issues, the Highway Authority has advised that the application as submitted is unacceptable in that the amount of parking provided on the site is inadequate for the development proposed.

10.24 The basis for this objection is that the floor area indicated on the application forms for the proposed building is 1008sqm, which would generate a maximum car parking requirement of 31 spaces. The proposed level of parking (14 spaces) is considered to be totally inadequate.

10.25 The applicant has suggested that ten car parking spaces could be made available during the day, for parking for office staff, in the car park of the adjacent flats. Town and City Management, who manage the parking bays to the flats consider this to be acceptable in principle. The additional 10 spaces would be provided in perpetuity in accordance with an agreement with the Management Company, not with individual residents. The applicant's advisors consider that because the majority of the residential bays are apparently vacant during the day, this would be a workable joint arrangement which neither party (applicants and management company) consider would lead to problems. To date however the management company have not confirmed that the proposal is acceptable to residents.

10.26 If agreement is reached, the applicant is proposing to include these additional ten spaces in the parking provision available for future employees of the Corn Mill Fold site. Town and City Management would issue employees at Corn Mill Fold with permits to park in allocated spaces which they consider would ensure an enforceable system on site. They consider this is a considerable uplift in provision from the current 14 spaces to 24 spaces and that linked with the availability and reasonable access to public transport as set out in Transport Statement would provide an innovative, practical solution.

10.27 The applicant would be happy to accept a condition on a consent which requires 24 parking spaces as part of the development (14 on site and 10 through the Management Company operating on the adjacent residential site). A S106 agreement would also be considered between the Council, applicant and Town and

City Management to ensure that the arrangement is linked to the planning permission.

- 10.28 This proposal has been discussed in greater detail with the Highway Authority and there is concern that the proposed allocation of car parking in the flats development for the office has been not been adequately assessed i.e. no evidence has been submitted to suggest that there is spare capacity at the times when office workers would require parking spaces.
- 10.29 In addition, as a total of 31 (max) spaces would be required there would still be a maximum shortfall in car parking of 7 spaces. It is also likely that as a result of the office parking, residents and their visitors could be displaced onto the roadways within the site. This already appears to happen to some extent because some residents are reluctant to park in the car parking bays.
- 10.30 The Highway Authority consider that proper management of the site would ensure that residents park in the marked bays not on the access roads and this should be the main aim of the management company, not the leasing off of space to a third party. Only then could it be proved that there was spare capacity.
- 10.31 It is also possible that the personal circumstances of existing residents could change meaning that they could be at home during the day or they may move on and other residents with different demand for parking could take their places.
- 10.32 In essence the applicant's consultants have sought to address the fact that there is inadequate space for parking on the site for the size of building they are proposing by using private domestic parking associated with the adjacent apartment blocks during the working day. Officers are not convinced that this is either appropriate or practical.

**Members' views are requested regarding the level of car parking provided and the proposal to address the shortfall by utilising parking spaces in the adjacent flats during the day.**

### **Design**

- 10.33 In general terms the proposed building design is considered acceptable. English Heritage have made comments regarding the reuse of materials and recommended that a contract for the reconstruction is in place before the building is further demolished and the site cleared to undertake the proposal. If consent were to be granted Officers would recommend that these matters should be addressed and should be dealt with by condition.
- 10.34 The Conservation Officer has expressed concerns about the proposals relating to the proposed south elevation which may appear unrelated to the remainder of the building. Again this could be addressed relatively easily by amending the elevations.
- 10.35 The applicant has been made aware of these comments but has not submitted amended proposals and given that the principle of demolition of this building and the parking proposals are unresolved, has not been requested to do so,

**Members' views on these design issues are requested.**

## **Other issues**

- 10.36 There are a number of other concerns relating to the proposal which have been raised with the applicant which could be addressed by amendments to the proposal if it was otherwise considered acceptable. These include that the footways leading to the site (which were constructed as part of the flats development) are extremely narrow, particularly on the development side, and that as a result of this, pedestrians, especially those with mobility needs, may have to walk in the roadway. To overcome this, the nearside footway around the perimeter of the development should be increased to 2 metres. This would aid pedestrians but will also assist forward visibility around the bend in the roadway.
- 10.37 The Public Rights Of Way Section has indicated that Public Footpath 25 Horsforth crosses the application site and that this will have to be diverted to accommodate the development. They indicate that the developers of the flat development (Miller Homes) have applied for a Diversion Order but that there are outstanding matters which remain to be resolved. Whilst this needs to be progressed in order to accommodate the development, this is unlikely to be a problem for the current proposal and previous planning permissions have been granted for the same site area.
- 10.38 The access officer has also indicated that the disabled user parking spaces shown on the submitted plan need to be revised in accordance with British Standard guidelines i.e. they are not of sufficient size to accommodate the needs of disabled drivers. Amendments could be made to these to meet the guidelines.
- 10.39 All of these “other issues” are essentially minor matters in comparison to the issues of principle relating to the listed building demolition and parking provision raised in this report and they can be addressed if the development is considered acceptable in principle.

## **11.0 CONCLUSION**

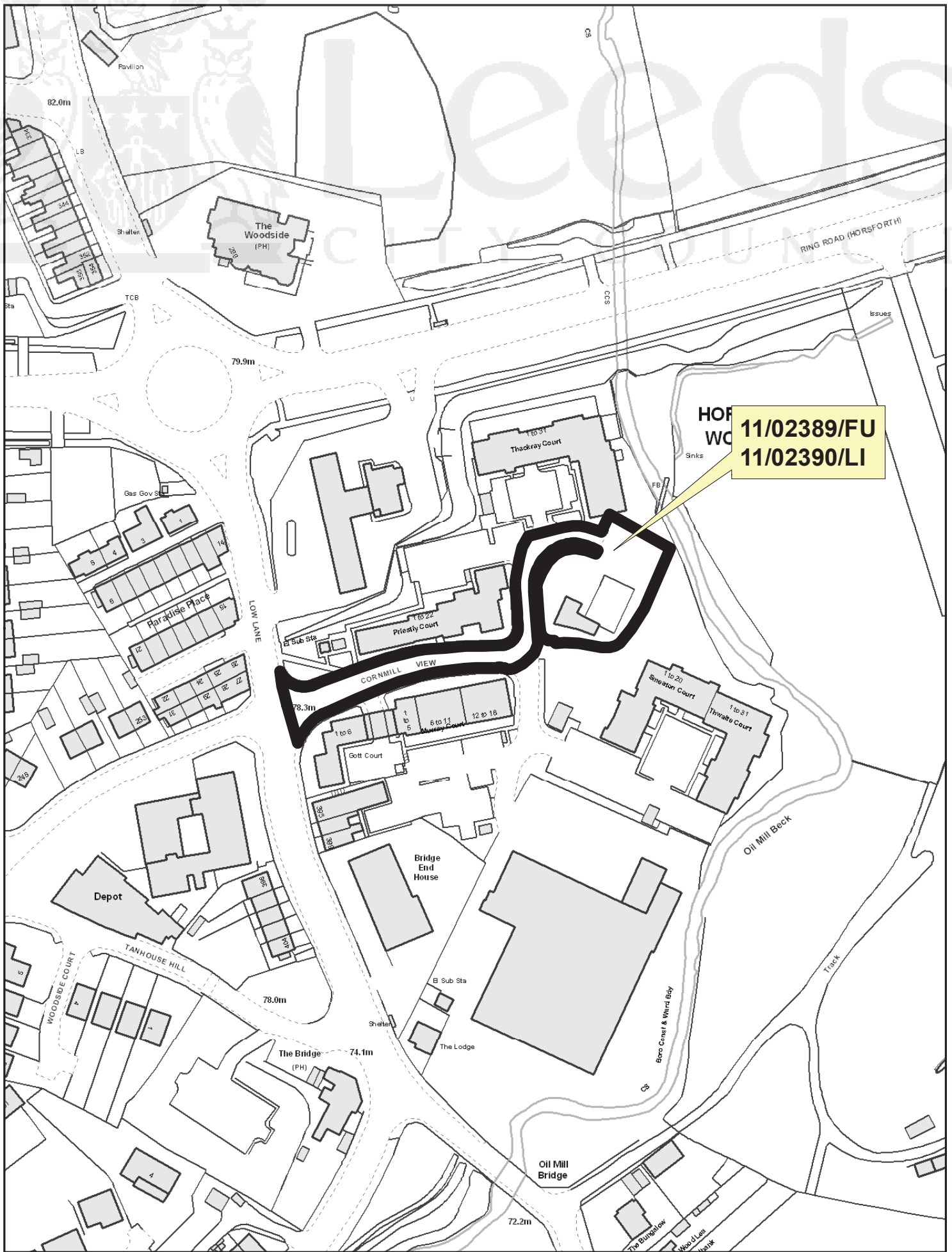
Members are invited to comment on the application at this stage in relation to

### **Principle of development**

#### **Car parking**

#### **Design issue**

- 11.1 The applications will be returned to Panel for formal determination in due course but it was considered that a position statement was appropriate in this case given the complex history and the issues it raises



11/02389/FU  
11/02390/LI

# SOUTH AND WEST PLANS PANEL

