



Report of the Chief Planning Officer

Plans Panel South and West

Date: 29th May 2014

Subject: APPLICATION NUMBER 14/00970/FU POSITION STATEMENT: Outline Application for single storey retail food store with car parking, landscaping and associated works

At: Land off Tong Road, Farnley, Leeds, LS12 3TN

APPLICANT

Aldi Stores Ltd And Quora
(Wortley) Ltd

DATE VALID

18.2.2014

TARGET DATE

20.5.2014

Electoral Wards Affected:

Farnley and Wortley

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: For Members to note the content of the report and to provide feedback on the questions raised at section 10 of this report.

1.0 INTRODUCTION:

1.1 This application is brought to South and West Plans Panel for information. Officers will present the current position reached in respect of this application to allow Members to consider the impact of the proposal on the deliverability of the Carr Crofts/ Morbaine site, which is located within Armley Town Centre and benefits from outline planning consent for a major retail development.

2.0 PROPOSAL:

2.1 The proposal is for the construction of a detached retail food store of 1499m² with an internal sales area of 1000m² with 83 no car parking

spaces and associated hard and soft landscaping. Aldi UK are a discount food retailer; they propose around 20 – 30 jobs (mixture of part and full-time) once the development is complete.

2.2 The building proposed is of brick construction with a flat roof. The parking area is to be located between the side of the building and the western boundary of the site. The front of the building faces onto Tong Road.

2.3 A draft Section 106 'Heads of Terms' Planning Obligation has been produced which lists the production of a Travel Plan (which incurs a monitoring fee of £2500), a contribution to be made to Public Transport, £50,000 towards off-site highway works at Whingate junction, and to endeavour to make employment opportunities available via the Council's Jobs and Skills Services.

3.0 **SITE AND SURROUNDINGS**

3.1 The application site consists of a former scarp yard, which accommodates a detached property. The majority of the site is vacant and there are still remains of former scrap vehicles and other waste upon the site. It appears the use of the site ceased some time ago. Much of the site is overgrown and there are a number of trees which are mainly located around the site boundaries. The site lies unallocated within the Leeds UDP and is identified as a having a poor impact on the environment of the area.

3.2 The site is almost flat, and is located a lower level than the adjacent highways of Tong Road and Albany Street which lies to the south and east respectively. The site lies within the Farnley and Wortley ward which lies to the south of the site, and abuts the ward boundary of Armley which lies to the north. Locally, many residents perceived the site as being within the Armley area, as oppose to Wortley.

3.3 The site lies on the northern side of Tong Road, in a locality which is characterised by a mix of land uses. The northern side of Tong Road is increasingly residential in character, with the southern side being more commercial in character. Immediately to the north of the site lies the playing field for Whingate Primary School, and beyond this, rows of streets of dense back-to-back properties. To the east lie more modern spaciouly set 1970's type red brick, semi-detached properties. To the south, across Tong Road lies commercial 'shed' type buildings which are occupied by a metal works and car garage. To the west lies a former Public House which has been sub-divided into flats, and Whingate Primary School.

4.0 **Relevant Planning History:**

4.1 There are no records of any previous planning applications for the comprehensive redevelopment of this site. Other previous applications have been for minor alterations to the existing building which are to be demolished and have no relevance to this application.

4.2 Outline planning consent (10/02363/OT) was granted on 25th January 2012 for *'demolition of an existing waste transfer station and other commercial*

buildings to erect a retail superstore with car parking, petrol filling station/shop, three A1/A2/A3 units and public open space', on land off Carr Crofts, Town Street and Modder Place, Armley (known as the Morbaine site). This site lies within Armley Town Centre and has not been implemented.

5.0 HISTORY OF NEGOTIATIONS

5.1 The application has been amended since its submission by increasing the level of detail of the Albany Street elevation by introducing pillars and high level glazing. An increased amount of landscaping is now proposed.

6.0 PRE-APPLICATION COMMUNITY INVOLVEMENT

6.1 The first stage of public consultation was undertaken by the applicants in July 2011. The closest 1,827 properties to the site were sent a newsletter which outlined the proposal. This exercise prompted 158 responses, 98% of which were positive.

6.2 A community consultation evening was held on 28th January 2014 at Whingate Methodist Church. This was attended by 27 people.

7.0 PUBLIC/LOCAL RESPONSE

7.1 The application was publicised by 4 site notices which were posted adjacent to the site on 28th February 2014. An advert was also placed in the local press on 6th March 2014. Letters of notification were sent to 19 adjacent occupiers on Albany Street, the flats contained within former New Inn, and Whingate Primary School.

7.2 To date 80 letters of support and 1 letters of objection were received to the application. The majority of the letters of support received are contained on standard letters which were sent out to nearby residents by Aldi. It is debatable how much weight can be attached to these standard letters of support received, as ultimately they have been written by the applicant, although endorsed by local residents. Aldi collected a list of 'supporters' from their initial mail drop and once the planning application was submitted to the Local Planning Authority, Aldi wrote to these people asking them to formally support the application.

7.3 This group of 'supporters' were provided with a standard letter of support by Aldi, which was addressed to the Local Planning Authority along with a pre-paid envelope. The covering letter which was sent to local residents even suggested further points for local residents to raise, to add to their letters of support. The points raised in these standard letters of support are summarised below.

- The proposal will improve the appearance of the site
- Increased shopping choice
- Competition is good, Aldi is value for money
- The proposed store has level access and disabled parking
- The proposal will create job opportunities

- Will boost the local economy
- The site is easily accessible and very convenient
- The site has been an eye-sore for years
- The proposal will benefit an elderly population
- Many local people own no car and the proposal will be serve a existing residential population
- The proposal will lessen the need for people to travel to other food stores

7.4 The only objection received is from a resident who lives opposite the site on Albany Street. This representation states that the proposal would overshadow their property and a shadow analysis should be submitted in support of the application.

7.5 At the time of drafting this report no representations had been received from Ward members, the position will be updated if required at Panel.

8 CONSULTATION RESPONSES

Statutory:

Environmental Agency

No objections subject to conditions

Highways

No objection subject to standard conditions, including agreed off-highway works to be secured through a S278 agreement. The store being conditioned to be only occupied by a discount food retailer.

Non-statutory:

Sustainable Development Unit

Considers the appearance of the building would be improved with a pitch roof in place of the flat roof proposed.

Architectural Liaison Officer

No objections, made comments regarding the calibre of glazing etc

Travelwise' (Travel Plan Officer)

The Travel Plan is acceptable. A monitoring fee of £2500 is required.

Contaminated Land Officer

No objections to the proposal subject to a condition which places a duty on the applicant to submit a Remediation Statement.

Access Officer

No objection, the proposal offers level access and an adequate level of disabled car parking.

Environmental Health

No objections subject to conditions which limited the noise level from plant equipment and opening hours

Mains Drainage

No objections subject to conditions.

9 PLANNING POLICIES

9.1 Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

9.2 The Development Plan for the area consists of the adopted Unitary Development Plan Review (2006), the Natural Resources and Waste DPD (2012) along with relevant supplementary planning guidance and documents. The Local Plan (Core Strategy and Site Allocations Plan) will eventually replace the UDP – the Core Strategy has been submitted to the Secretary of State and is currently undergoing Examination and the Site Allocations Plan is at Issues and options stage having been through a period of public consultation in the summer of 2013.

9.3 UDPR

GP5 – Detailed Planning Considerations

GP7 – Planning Obligations

N12 – Priorities for Urban Design

N13 – Design and New Buildings

N25 – Development and Site Boundaries

N39A – Sustainable Drainage

T2 – Transport Provision for Development

T7A – Cycle Parking Guidelines

T7B – Motor Cycle Parking Guidelines

T2C – Travel Plans

T2D – Public Transport Contributions

T24 – Parking Provision for New Development

S2 – Vitality and Viability of Town Centres

S4 – Retention of Retail Character

S5 – Major Retail Development Location (Sequential Test)

BD4 – Plant Equipment and Service Areas

BD5 – Amenity and New Buildings

LD1 – Landscaping Schemes

9.4 Leeds Local Development Framework (emerging)

Development Plan Document - Statement of Community Involvement (2007)

9.5 Supplementary Planning Advice

- Travel Plans (2011) – Supplementary Planning Document (draft)

- Public Transport Improvements and Developer Contributions (2008)

- Supplementary Planning Document

- Building for Tomorrow Today, Sustainable Design and Construction (2010) - Supplementary Planning Document

- Sustainable Urban Drainage in Leeds (2004) - Supplementary Planning Guidance

9.6 National Planning Policy Advice

- National Planning Policy Framework

- Ministerial Statement: Planning for Growth (March 2011)

10 MAIN ISSUES

- Principle of Development

Principle of the Development

- 10.1 The site unallocated within the adopted Leeds Unitary Development Plan and approximately half a mile to the south-west of Armley Town Centre. The proposal is contrary to the NPPF and the Leeds City Council Unitary Development Plan (Review 2006) and the emerging Core Strategy, which both seek to direct town centre uses to town centre locations. This therefore means that in line with paragraphs 24 and 26 the application is required to undertake a Sequential Assessment and potentially an Impact Assessment.
- 10.2 The emerging Core Strategy adopts the same town centres first approach endorsed by the NPPF. The Core Strategy has now been through the Examination in Public and whilst there are still matters to be resolved (Gypsy and Travellers and Affordable Housing) the Inspector has indicated that he only wishes to see minor amendments to the policies relevant to this application. It is therefore the formal, legal position of Leeds City Council that the relevant Core Strategy policies should be given significant material weight.
- 10.3 Policy P1 identifies Armley as a Town Centre, the highest order of centre below the city centre.
Policy P5 states:
- (I) Food stores will be directed towards the town and local centres identified in policy P1.
 - (II) Sites on the edge of town and local centres will be considered where there are no available, viable or suitable sites within centres.
 - (III) A number of town centre could perform more successfully as major locations for weekly shopping needs if they included investment in new food store provision and/or redevelopment of existing facilities to expand their retail offer or expand their function. Appropriate provision within centre or on edge of centre will be encouraged, and will be supported where sites can be identified in the following locations:
 - Armley
 - Chapel Allerton
 - Cross gates
 - Dewsbury Road
 - Farsley
 - Headingley
 - Holt Park
 - Horsforth Town Street
 - A new centre at Richmond Hill
 - Holbeck
- 10.4 It is important to note that Armley has been identified in this policy, as it is a Council commitment to deliver new retail facilities within the town. This reflects a permission given for a retail foodstore on the Morbaine site. The Morbaine/Carr Crofts site within the designated centre of Armley benefits

from outline planning permission (10/02363/OT) for a major foodstore circa 8,350 sqm granted in January 2012. This site is sequentially preferable to the proposal site and to be convinced that the proposal has adequately passed the sequential test, there will have to be strong justification for dismissing the Morbaine site. It was envisaged that the development of this Morbaine site by a major food retailer would act as an anchor store, and encourage other retailers to locate within Armley town Centre, acting as a catalyst for the regeneration of the locality. The outline consent of this site also included a new area of public realm.

- 10.5 The applicants have dismissed this site due to legal and ownership issues which they state render the Carr Crofts site complicated and expensive to develop. The title information for the site shows that the site is held in 14 different ownerships, with 22 separate Title entries. With planning consent for a net floor area of 5,017sqm retail floorspace consented on the Carr Crofts site, the Aldi proposal represents only 20% of this net floor area. In terms of turnover, the Aldi proposals would have a turnover of approximately 15% of the estimated turnover for the proposals.
- 10.6 At present the site is occupied by a number of different uses which will generate a return. A large waste management/ recycling facility is present on the site, this business will need an alternative site in the area. The industrial estate which currently occupies the site is almost fully occupied with only 2 units vacant. There are currently boards on the site offering premises to be Let (potentially on a short term licence), which indicates there is no intention to redevelop the site in the short term.
- 10.7 The agents acting for Aldi have stated although they are not privy to tenancy agreements with the existing tenants upon the site, it does not appear that the site is being readied for comprehensive development, and it is estimated that obtaining vacant possession would take 2/3 years, in addition to this full demolition and remediation, as well as establishing other tenants alongside Aldi would take development beyond reasonable timeframe. Therefore the proposal would only occupy part of the site leaving the majority undeveloped. It is unlikely the current owners would be willing to clear the entire site for a development which only occupied approximately 20% of it
- 10.8 The applicants acknowledge the need to regenerate the Carr Crofts area, but state the investment required is substantial, given the fact that the existing site is occupied by a number of users; the returns from redevelopment would need to be high to compensate. They also state that the site, with a number of different ownership requires a viable scheme to be unlocked. The rental level achieved for an Aldi store would not be sufficient to do this. If part of the site were made available to Aldi as part of a stand alone scheme, this could prejudice the long term potential of the wider regeneration of the site and undermine future investment opportunity. The sequential test provided illustrates they are no alternative available sites within a 5 minutes catchment of the application site, including this Morbaine site.

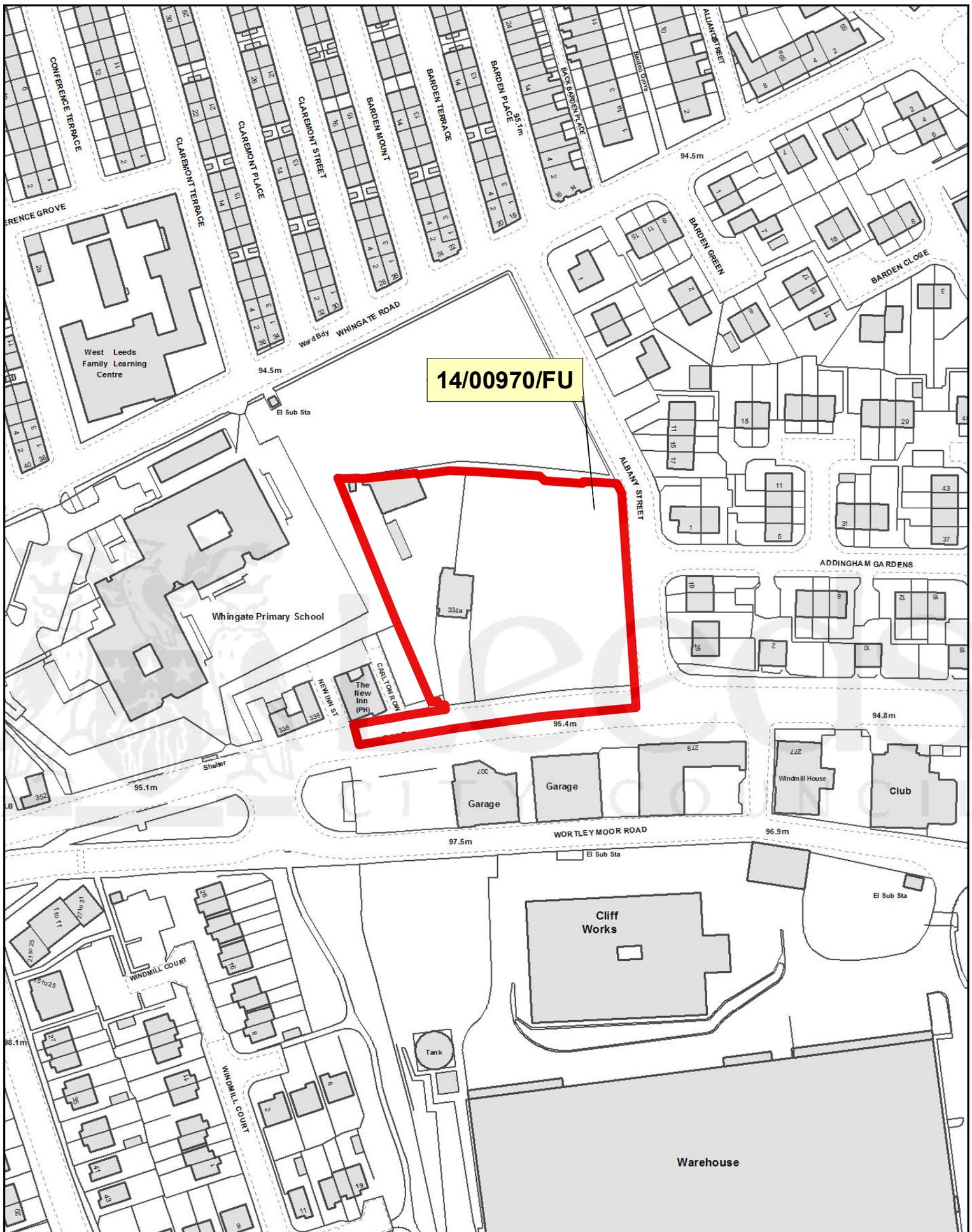
Are members satisfied that it is unrealistic and unviable for this proposal for an Aldi fodstore (circa sale area of 1000sq m) to be developed upon the Morbaine site, Carr Crofts Armley?

- 10.9 The impact of the proposal on the deliverability of the Morbaine site, and impact on the future regeneration of Armley Town Centre is one key issue to consider, but this has to be considered against the benefits of the proposal. The existing condition of this application site is neglected and unsightly, and the proposal would result in environmental and visual improvements on a key site, which is located on a major strategic route through West Leeds. Given the former use of the site, contamination issues, and the proximity to the existing commercial properties located opposite on Tong Road, it is unlikely this site would come forward for housing development. The proposal will also provide new jobs and investment, and provide a discount food store within a relatively densely populated residential area, which would provide residents with an increased food choice and reduce a reliance on transport to visit other food stores.

Are members comfortable with the principle of this proposal to provide a discount foodstore on this out of centre site?

Background Papers:

Application and history files.



14/00970/FU

SOUTH AND WEST PLANS PANEL

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