



Report of the Chief Planning Officer -

SOUTH AND WEST PLANS PANEL

Date: 9th July 2015

Subject: Application number 14/04851/FU – Construction of 2 new retail units (class use A1) and associated amendments to car parking at Savins Mill Way, Kirkstall, Leeds LS5 3RP

APPLICANT

William Morrison
Supermarkets plc

DATE VALID

12th September 2014

TARGET DATE

10th July 2015

Electoral Wards Affected:

Kirkstall

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION

DEFER and DELEGATE approval to the Chief Planning Officer subject to the conditions specified and the completion of a Legal Agreement within 3 months of the date of resolution of this Panel to include the following obligations:-

1. An off-site highways contribution of £25,000 for signalling works to improve traffic movements through the junction at the site access with Savins Mill Way and at the junction of Bridge Road with Savins Way.
2. Travel plan monitoring fee of £5000.

1. Time limit on full permission
2. Notwithstanding the approved plans, details of cycle storage to be provided.
3. Notwithstanding the approved plans, details of cycle/motorcycle storage to be provided.
4. Details of contractors' storage area to be submitted and approved.
5. Submission and approval of a Phase 2 Site Investigation.
6. Need for submission and approval of a new Remediation Statement.

7. Submission and approval of Verification Reports.
8. Intrusive site investigations to be carried out in relation to previous coal mining activity.
9. Separate systems of surface and foul water to be supplied and approved.
10. Details of contractor's access, storage and parking to be submitted and approved.
11. Landscaping scheme to be submitted and approved.
12. Samples of walling and roofing materials to be submitted and approved.
13. Submission and approval of a travel plan.
14. Submission and approval of a coal recovery plan.
15. A parking and servicing management plan shall be submitted and approved.
16. Implementation of flood mitigation measures described in the FRA dated 13th November 2014.
17. Provision of staff cycle parking and showering facilities within units.
18. Landscape management plan to be submitted and approved.
19. Vehicular areas to be laid out, surfaced and drained.
20. Hours of delivery restricted to outside peak hours (ie outside 0730-0930hrs and 1530-1830hrs daily).
21. Hours of opening restricted to 0900 – 2100hrs Monday to Saturday and 1000-1700hrs Sundays and bank holidays.
22. Hours of construction and associated deliveries restricted to 0800 – 1800hrs Monday to Saturday and 0900 – 1600hrs Sunday and bank holidays.
23. Restriction to non-food retail uses.

1.0 INTRODUCTION:

- 1.1 This application is brought to Plans Panel in response to concern from ward councillors about the scheme exacerbating highway congestion in the locality. It is acknowledged that at Peak times the Kirkstall Gyratory operates under congestion and motorists and road users can experience delays in getting through this junction. It is important for Members to distinguish between the existing traffic and junction flows and the extent to which this planning application adds to that traffic and to determine this application on its own merits.
- 1.2 Members are advised that one of the main considerations with this application is whether the mitigation measures proposed for signalling works to improve traffic movements through the junction at the site access with Savins Mill Way and at the junction of Bridge Road with Savins Way are sufficient to overcome the extra traffic generated by the development. It is not within the scope of this application to seek to address existing junction/traffic concerns beyond the extra traffic generated by this application.

2.0 PROPOSAL:

- 2.1 The proposal is for two additional retail units at the Kirkstall Retail Park. Each of the units has 557m² ground floor area and 418m² mezzanine floor area giving a total of 1950m² additional retail floor space.
- 2.2 The units will be sited adjacent to the existing sports shop on an area of car parking behind the petrol station. Design and materials of the proposal will match the existing units on site.
- 2.3 A CIL payment of £107,250 is due on the development. The applicant has confirmed they will pay their CIL liability.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is within the Kirkstall Retail Park, a retail centre based around a large supermarket with 3 additional units. The units border the North East and South East sides of the car park with sports pitches to the West. There is a petrol station to the North of the car park with access in to and out of the site. The area of the site to be used is currently occupied by a range of recycling bins.
- 3.2 The site is within Kirkstall S2 town centre on a busy intersection. The river passes close to the West of the site while there is another retail park to the North. To the North East of the site is the Tesco's site.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 There is no planning history for these units which are within the parking area of the retail park.

5.0 PUBLIC/LOCAL RESPONSE:

- 5.1 **Ward Councillors** were consulted and briefed on 7th November 2014. Councillor Illingworth has objected to the scheme and has raised the following concerns:

- The local road network will not be able to handle all the development currently envisaged without adding two further units.
- The site will be needed in the future to make the gyratory work properly.
- The highway assessment is based on unjustified assumptions which underestimate the capacity of the highway network.
- The nearby site on the BHS site will generate far more traffic than has been estimated and should be more accurately modelled.
- Likewise the Kirkstall Forge site.
- The Tesco site cannot be ignored even though it is vacant.
- The network capacity has been over-estimated with network links being too short and unresolved conflicts between vehicles and pedestrians.
- Realistic traffic modelling should be undertaken.
- More bus lanes should be provided and sustainable travel should be prioritised.
- Better access to the Tesco site should be provided and improvements to Commercial Road should be implemented.
- Morrisons should be converted to a 'left-in, left-out' access for most customers to avoid conflict with buses and potentially allow buses to enter the site. Access should be taken across the site of the units proposed in this application.
- Buses should be prioritised and queuing traffic should not be allowed to impede the core network around Peel Square.

- 5.2 3 letters of representation have been received in relation to the application. All object to the scheme and the following points are raised:

- Concern about traffic flows on Kirkstall gyratory
- Ability of local highway network to cope with further traffic
- Supportive of Cllr Illingworth's concerns

6.0 CONSULTATION RESPONSES:

Statutory Consultees:

ENVIRONMENT AGENCY: Flood risk is reduced as a result of the bund which acts as informal defence to the site. The proposed development is exposed to residual risk in the event of the bund being inadequately maintained or breached. The FRA submitted with this application identifies flood resilient design measures.

Non Statutory Consultees:

CONTAMINATED LAND TEAM: No objections, conditions recommended.

PUBLIC RIGHTS OF WAY: The permissive footpath will be diverted around the car park which will be more accommodating for members of the public to use.

HIGHWAYS: Parking provision on the site is acceptable; conditions can be requested to secure cycle parking, motorcycle parking and servicing arrangements. Some concern remains however about the impact of the proposal on highway congestion in the locality and we are awaiting further advice on this.

TRAVEL PLANS: Staff cycle parking, electric vehicle charging points and motorcycle parking should be provided. Pedestrian movements across the car park should be improved.

COAL AUTHORITY: Further boreholes required as there may be historic shallow coal mining activity on the site. This can be dealt with by a condition requiring intrusive site investigations. A report should be submitted to demonstrate that the opportunity to recover any coal present within the site has been considered.

NGT PUBLIC TRANSPORT: Contribution of £63796 requested for strategic transport enhancements. This has been replaced by CIL.

DRAINAGE: Conditions recommended

YORKSHIRE WATER: Conditions recommended

7.0 PLANNING POLICIES:

7.1 Government Policies

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system.

It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Para. 23 of the NPPF requires that planning policies should promote competitive town centre environments and set out policies for the management and growth of centre over the plan period. The LPA should define a network and hierarchy of centres with defined town centres and primary shopping areas.

Para. 22 of the NPPF states that a sequential test should be applied to planning applications for main town centre uses which are not in an existing centre.

7.2 Development Plan Policies

Core Strategy

As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan currently comprises the adopted Local Development Framework Core Strategy (2014), those policies saved from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Local Plan.

The Local Development Framework **Core Strategy** was adopted by the Council on 12th November 2014. The following policies contained within the Core Strategy are considered to be of relevance to this development proposal:

The following policies are relevant:

Policy SP2 – Hierarchy of centre

Policy P1 – Town and local centre designations

Policy P2 – Acceptable uses in town centres

Policy P6 – New comparison shopping in town centres

Policy P10 – Design

Policy T1 – Transport Management

Policy T2 – Accessibility requirements and new development

Policy EN2 – Sustainable design and construction

Policy EN5 – Managing flood risk

- GP5 – General planning considerations.
- BD5 – New buildings and amenity

Policy GP5 and BD5 have been saved into the Core Strategy.

7.3 Other Local Development Framework Documents

Draft Site Allocations Plan

Natural Resources and Waste Local Plan

7.4 Supplementary Planning Guidance/ Documents

Street Design Guide

Travel Planning

8.0 MAIN ISSUES

- 1 **Principal of development**
- 2 **Highway issues**
- 3 **Highways response to Cllr Illingworth's comments**

4 Design and character

5 Other issues

9.0 APPRAISAL

Principle of development

9.1 This application is for the development of two new retail units within the existing car park of the Morrison's anchored retail park within Kirkstall Town Centre. The application proposes to increase the size of the retail park by expanding to the north of the existing Intersport unit. The combined floorspace of the units and their mezzanines is 1,950 sqm, representing a significant increase in floorspace in the local area.

9.2 The site is within the Town Centre boundary of Kirkstall Town Centre as defined within the Unitary Development Plan (Revised 2006) and designated within Policy P1 of the Core Strategy. This site is also within the proposed Town Centre boundary of Kirkstall Town Centre within the Site Allocations Plan. The Publication Draft of this document was taken to Development Plans Panel on June 16th 2015. This shows an extended Primary Shopping Area which includes the site and will be the version that goes out to public consultation.

9.3 Policy P2 of the Core Strategy sets out the acceptable uses within town centres. It states:

Town centres offer shopping and services intended to meet weekly and day-to-day requirements. The uses set out below are acceptable in principle in and, subject to a sequential assessment, edge of centre, and will be directed towards the centres listed in Policy P1.

Shops, supermarkets and superstores (inter alia).

9.4 Policy P6 sets out the approach to accommodating new comparison shopping in town and local centres. It states:

(i) In addition to the Primary Shopping Quarter of the City Centre, the town and local centres identified in Policy P1 are acceptable locations for comparison goods provided that they are of a scale compatible with the size of the centre,

9.5 It is considered that, given the recent amendments to the Publication Draft of the Site Allocations Plan to include the site the Primary Shopping Area that there is a strong argument that the proposal should be considered as 'in-centre', and therefore policy compliant and acceptable in principle subject to other material planning considerations.

Highways

9.6 One of the main issues with this application is the consideration of how the extra traffic associated with its customers will affect the highway network and in particular the Kirkstall gyratory. The site is within the designated town centre where retail development is appropriate. There are good public transport links with a number of high frequency bus services and there is a residential catchment around the site within acceptable cycling and walking distances and good pedestrian linkages and cycle routes.

9.7 In relation to highway congestion, the developer has done further modelling of vehicle movements around the junctions local to the site. The conclusions made in their report are:

The results show that the impact of the development proposals during the Friday PM Peak will result in increased queues of between 1 to 2 vehicles on the majority of links with the maximum queue increase being an additional 6 vehicles on Kirkstall Lane (E) at its junction with Kirkstall Hill and Morris Lane. The results also show that during the Saturday peak the addition of the development generated traffic on the local highway network results in minor increases in the Degree of Saturation (DoS) and associated queues on key links. The results also show that the reassignment of pass-by/diverted trips associated with the development proposals will result in capacity enhancements during both the Friday PM and Saturday peak periods on other key links within Kirkstall District Centre.

On the Saturday peak, a comparison between the Base and Predicted results shows that on the Bridge Road (W) right turn movement at its junction with Savins Mill Way, the DoS increases from 124 to 128 with the associated queue increasing from 67 to 76 vehicles (an increase of 9 vehicles). The delay on this link increases from 7 minutes 5 seconds to 7 minutes 51 seconds, an increase in delay of 46 seconds. The total generated trips on this link is 18 vehicle movements which equates to a vehicle every 3 minutes or a 3% increase in traffic flows and is therefore not considered a material impact.

Members should note that a 10% tolerance to assessing traffic flow calculations is usually applied. As such an extra 3% increase in the amount of traffic is likely to be unnoticeable to motorists using the roads around the junction. However, as will be explained in the UTC response below, given the existing levels of traffic and that complaints are received about the junction it is reasonable to ensure that this applicant mitigates the impacts of any increased traffic on this junction.

On the Savins Mill Way (E) left turn movement at its junction with Kirkstall Retail Park, the DoS increases from 92 to 101 with the associated queue increasing from 15 to 24 vehicles (an increase of 9 vehicles) during the Saturday peak. The delay on the link increases from 1 minute 28 seconds to 2 minutes 30 seconds, an increase in delay of 1 minute 2 seconds. The total generated trips on this link is 40 vehicle movements which equates to a vehicle every 1½ minutes or a 10% increase which is within the typical daily variation in traffic flow and is therefore not considered a material impact.

Again, in light of a 10% tolerance used when assessing vehicle movements it is not envisaged that individual motorists will notice any discernable difference when using the junction but given the existing concerns around the volume of traffic using this junction it is reasonable to ask the developer to fund a scheme which mitigates the impact arising from the extra traffic associated with this application.

On Kirkstall Lane (E) movement at its junction with Kirkstall Hill and Morris Lane, the DoS increases from 104 to 110 with the associated queue increasing from 31 to 45 vehicles (an increase of 14 vehicles) during the Saturday peak. The delay on the link increases from 2 minutes 47 seconds to 4 minutes 12 seconds, an increase in delay of 1 minute 25 seconds. The total generated trips on this link is 16 vehicle movements which equates to a vehicles every 4 minutes or a 3% increase in traffic flows and is therefore not considered a material impact.

- 9.8 The information was sent to Urban Traffic Management and Control (UTMC) who have made the following comments:

I am concerned about the additional traffic these proposals are adding to the network.

While 9 vehicles is not many, it is significant a) in the network that is already very congested, b) in a gyratory system with short links, and c) where the public, shop managers and councillors have regularly complained about congestion. Queues already extend onto the A65 and on Bridge Road back to where the new BHS signals are going in.

It seems rather naïve to say in para 4.5 (of the modelling report) “Customers are unlikely to choose to visit the proposed retail units on a Saturday when the local highway network is at its busiest, and will inevitably decide to shop earlier or later, unless they are passing the site as part of another journey, and therefore not creating an additional trip, but using their existing trip for more than one purpose.” It is far more likely that Saturday congestion will increase. If people did avoid the area a proportion of these would be customers of existing shops and non shopping through traffic.

I do however have a suggestion for mitigation works. I think that a new stage could be introduced into the shopping centre exit which would give more time for the left turn in. In addition it is possible that using advanced detection and gap out technology there could be an additional gain at both these signals and the Bridge Road/Savins Way signals. This would require use of precise camera detection as we would not want the maintenance issues of cutting loops on the car park entrance.

- 9.9 In mitigation for the anticipated increase in queuing traffic from Savins Mill Way in to the Retail Park at the Saturday peak, an off-site highways contribution of £25,000 has been agreed. This will facilitate works to the signals as suggested in the UTMC comments above and will be secured via a S106 agreement.
- 9.10 As the units are built on an area of existing car parking, which also accommodates recycling bins, there will be a loss of parking both as a result of the development and also the need to re-house the recycling bins elsewhere on the site. Current parking levels are approximately 544 spaces with 3 of these being taken up by recycling bins. Following development of the scheme there would be a total of 505 spaces on the site although approximately 8 of these will be required for the recycling bins. The developer has provided data from surveys of the site to show that, following the development, car park usage peaks at 90% on Saturday, with less during this week. The figures have been verified and accepted by Highways officers and parking provision is considered to acceptable for the scheme and the wider site.
- 9.11 The required maximum number of parking spaces for the proposed development is 32 customer parking spaces and 22 staff parking units. The wider site generates a parking requirement of a maximum of 500 spaces for Morrisons and 160 for the remaining 3 units. There would therefore be a maximum requirement of 714 spaces for the site including the new units with an actual provision of 497.
- 9.12 Cycle parking has been relocated to the front of the units to make it more usable while motorcycle parking and staff cycle parking and shower facilities within the units will be conditioned. Servicing will be from the rear via the new layby with turning at the head of the service road. A servicing management plan will be required due to the size of the layby only allowing one large vehicle to unload at a time. Recycling

bins are to be relocated to an area of parking adjacent to the existing pedestrian walkway across the site.

Highways response to Cllr Illingworth's comments

Transport Assessment

- 9.13 The impact of the development has been assessed by use of a Transyt model of the traffic signals encompassing Kirkstall Road, Bridge Road and Savins Mill Way gyratory system. The base model used is the base model agreed for the Tesco development of the Kirkstall District Centre, traffic counts were done in 2011 that includes the QBI impact and committed development traffic from Kirkstall Forge and the BHS development have been added.
- 9.14 The expected additional traffic generation from the proposed units is 61 peak hour weekday trips (17:00 – 18:00) and 91 Saturday Peak hour trips (12:00 – 13:00), not all the trips will be new to the gyratory system. The traffic has been distributed on various route options from the site and the numbers of vehicles on any link of the gyratory calculated, whilst the amount of traffic is not high, the impact, due to the congested nature of the highway is noticeable in relation to the operation of the junction and requires some mitigation to prevent queues extending. Individual motorists will probably not notice any significant changes to how the junction operates in the peak hours.
- 9.15 The Council's UTMC team do however have a suggestion for mitigation works. A new stage could be introduced into the shopping centre exit which would give more time for the left turn in. In addition it is possible that using advanced detection and gap out technology there could be an additional gain at both these signals and the Bridge Road/Savins Way signals. This would require use of precise camera detection so as to not require the maintenance issues of cutting loops on the car park entrance. The estimated cost of this work is £25,000, which the developer has agreed to fund. This will facilitate works to the signals as suggested in the UTMC comments above and will be secured via a S106 agreement.

Access arrangements

- 9.16 Cllr Illingworth has suggested that the area should be used to alter access arrangements to Morrisons and facilitate bus access within the site. It is also suggested that further significant changes are needed to the network to accommodate all development in the area including a left in / left out access to the development.
- 9.17 The internal layout of the Morrisons site is such that buses could not readily circulate, even if the layout were altered, it would result in an increased journey time for passengers not using the development and possibly additional costs to the bus operator to maintain service frequency. The option has been discussed with WYCA who did not offer any support.
- 9.18 The gyratory system of Savins Mill Way, Bridge Road and Kirkstall Road has restrictions on turning movements, if the Morrisons exit were limited to left in / left out, traffic wanting to exit south on the A65 would have to find a location to u-turn as a right turn from Bridge Road onto the A65 is banned for capacity and safety reasons. Similarly traffic arriving from the west on Bridge Road would also have to find a u-turn for the same reason. For the proposal to be viable, the retail park

opposite the Morrisons access would also have to agree to the proposal which is unlikely. As a result it is considered that changes to the access arrangements to the site are unlikely to prove practicable.

Design

- 9.19 The design of the units follows that of the existing units on the site. The units have a shallow pitched roof with a gable to the side with double-height glazed entrance features and an awning over the walkway to the front. Materials are a mix of cladding and pale coloured brickwork to the side, front and rear to match the existing. The roof is clad in dark grey panels to match the existing units.
- 9.20 The proposed units are slightly narrower than the existing to allow for a service bay to the rear. Signage is indicated on the end gable and above the store entrances.
- 9.21 Due to the similarities to the existing units, the design of the proposal is considered acceptable and in keeping with the character of the area. It therefore complies with policy P10 of the Core Strategy and saved policies GP5 and BD5 of the UDPR.

Other issues

- 9.22 The site lies within Flood Zone 3. A Flood Risk Assessment has been provided in support of the scheme. This shows that flood risk to the site is reduced as a result of the existing bund. However, should the bund be breached, the site would be at risk and the FRA therefore suggests flood resilient design measures and a condition is recommended to ensure these measures are implemented.
- 9.23 The Coal Authority has indicated that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority records indicate that the site is likely to have been subject to historic unrecorded underground coal mining at shallow depth associated with the presence of coal which outcropped across the site. The applicant has not submitted sufficient information to indicate whether there are historic shallow coal workings within the site and therefore to protect the future stability of the development further site investigations are to be submitted. This is to be secured via condition.
- 9.24 In accordance with policies Minerals 3 and 9 of the Leeds Natural Waste and Resources DPD, a report should be submitted to indicate that the opportunity to recover any coal within the site has been explored. Submission of the report is to be secured via condition.

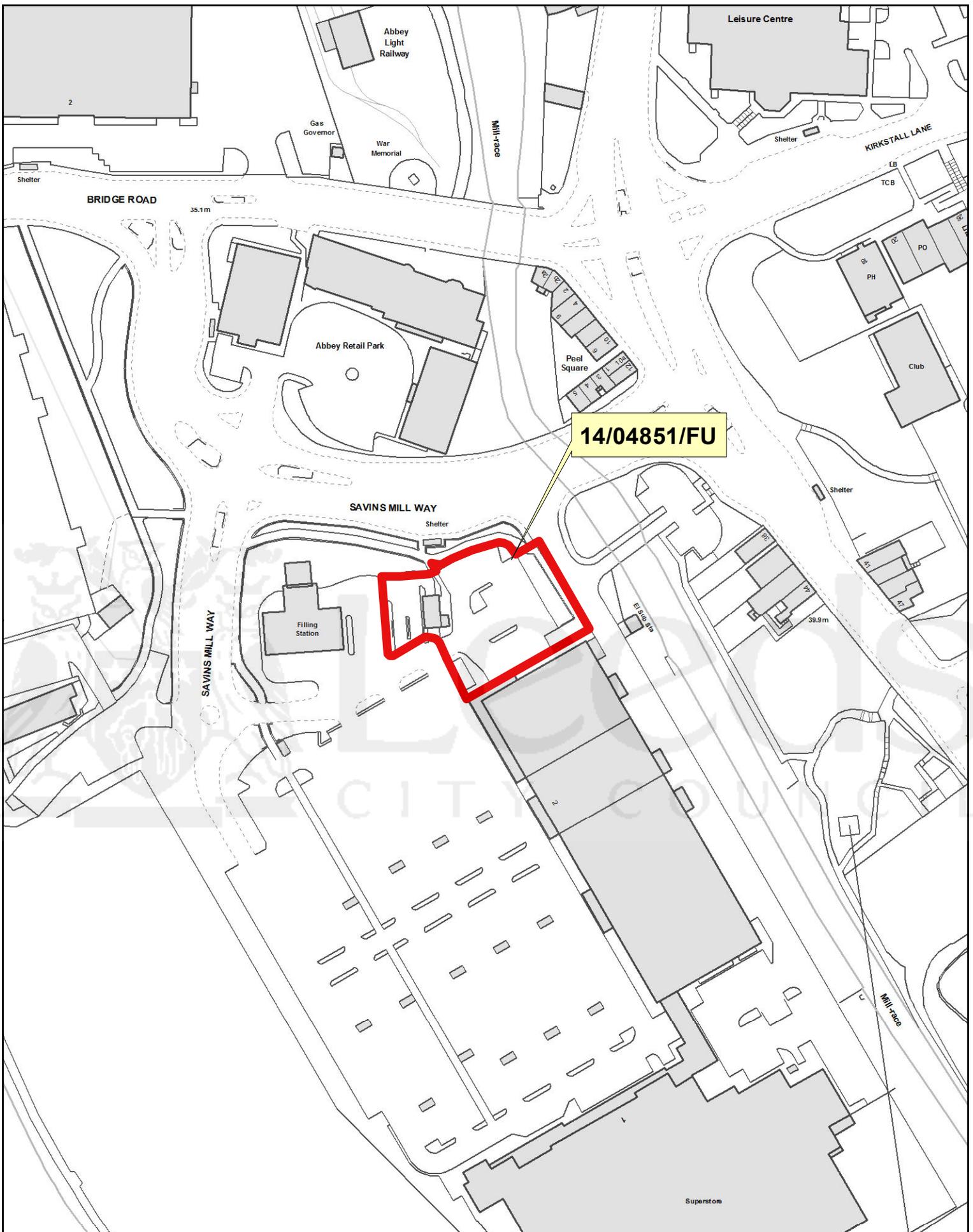
10.0 CONCLUSION

- 10.1 The application is recommended for approval as it complies with relevant policy contained in the UDPR and NPPF. The site is within a designated town centre and, while not within the Primary Shopping Area, the applicant has satisfactorily that a Sequential and Impact assessment is not required. As it has been accepted that there is a good justification for accepting that the site may be included within the PSA in future publications of the Site Allocations Plan, the scheme has been agreed in principle as providing an appropriate use on this site.
- 10.2 The principle concerns relating to the scheme revolve around its impact on the wider highway network. Modelling has been provided of the surrounding highways to

include the approved developments on the nearby BHS and Kirkstall Forge sites but not the Tesco site which does not current have an approved scheme for its redevelopment. This model has shown that the development will result in some increases in queuing traffic but it has been agreed that this may be mitigated by some changes to the signals at a cost of £25000 which the developer has agreed to pay and will be secured by S106 agreement.

- 10.3 In conclusion, the scheme is considered to accord with relevant retail policy and measures have been agreed to mitigate for potential increases in highway congestion. Parking provision has been shown to be sufficient to accommodate the scheme and the location within the designated town centre would appear to be an appropriate one for this form of retail development.

Background Papers Application files: 14/04851/FU



SOUTH AND WEST PLANS PANEL

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