



Leeds
CITY COUNCIL

Originator: Andrew Crates

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Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 14th September 2017

Subject: 17/01319/OT - Outline application for public house and associative car parking, landscaping and infrastructure on land at Coal Road, Whinmoor, LS14 1NW

APPLICANT
Samuel Smiths Brewery

DATE VALID
12th April 2017

TARGET DATE
7th June 2017

Electoral Wards Affected:

Crossgates and Whinmoor

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: GRANT PERMISSION subject to the following conditions:

1. Time limit on outline
2. Reserved matters to be submitted
3. Development in accordance with the approved plans
4. Details of footways to be submitted
5. No removal of vegetation between 1st March and 31st August
6. Provision of Bat roosting features
7. Feasibility of infiltration drainage
8. Detailed surface water drainage scheme to be approved and implemented
9. Detailed foul water drainage scheme to be approved and implemented
10. Submission of a Phase II Site Investigation
11. Provision for amended remediation strategy
12. Remediation verification report
13. Importation of soil

1.0 INTRODUCTION:

1.1 The application is presented to Plans Panel at the request of Cllr Peter Gruen, following concerns expressed by local residents about highway issues.

2.0 PROPOSALS:

2.1 This outline application proposes a public house and associated car parking, landscaping and infrastructure. Whilst the submitted plans are detailed for illustrative purposes, the application is made in outline, with all matters reserved.

2.2 An illustrative layout plans has been submitted and indicates an ability to provide 60 customer parking spaces, including 3 disabled parking spaces, in addition to 3 further spaces, including one disabled parking space adjacent to the manager's accommodation. The layout also indicates what is stated to be an existing site access at the north-western corner of the site being reused, providing access from Coal Road. Additionally, a new access is also shown at the south-eastern corner of the site, providing access from Skeltons Lane. A service yard is illustrated to the eastern side of the building. The remainder of the space around the proposed building and car parking areas is to be soft landscaped, including the provision of an outdoor seating area to the north of the building.

2.3 In addition to the above, plans have been submitted showing elevations and floorplans for the public house itself. Notwithstanding the level of detail shown on the plans, it is stressed that the application is made in outline only, with all matters reserved for future determination including the detailed size of the public house and also the level of parking.

3.0 SITE AND SURROUNDINGS:

3.1 The site is currently occupied by an area of agricultural field at the junction of Coal Road and Skeltons Lane. The site is level and contains some hedgerow vegetation to the highway boundaries.

3.2 The area to the north of Skeltons Lane is flat and has a rural, agricultural appearance. The land to the south is occupied by suburban housing, generally two storeys in height and in a mixture of architectural styles.

3.3 The junction arrangements at the junction of Skeltons Lane / Coal Road currently comprise a give way junction, with Coal Road having priority. This arrangement has been in situ since the removal of a mini roundabout approximately two years ago.

4.0 RELEVANT PLANNING HISTORY:

4.1 12/02571/OT - Outline Application for means of access and erect residential development (circa 2000 dwellings), retail, health centre, community centre and primary school development, with associated drainage and landscaping – resolution to grant permission, subject to completion of S106 agreement – relates to land to the west, north and east of the site – pending determination.

4.2 17/04351/LA - Construction of a dual carriageway orbital route incorporating new roundabouts, cycle and pedestrian bridges, underpass and overbridge; laying out of country park – pending consideration.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 PREAPP/16/00595 – Proposed public house – advised that the principle of development is acceptable, subject to addressing detailed highway issues.
- 5.2 With respect to discussions as part of the current formal submission, further information has been sought relating to anticipated parking requirements for the proposal.

6.0 PUBLIC/LOCAL RESPONSES:

- 6.1 The application has been advertised by site notices posted 28th April 2017.
- 6.2 A total of 15 letters of representation stating objections have been received. The following main issues are raised:
- Concern that the proposals are adjacent to the junction of Coal Road / Skeltons Lane / Red Hall Lane, which is considered a dangerous and has been the subject of a significant amount of discussion locally, including with Ward Members.
 - There is already significant concern about the amount of traffic using Coal Road, Skeltons Lane and Red Hall Lane.
 - All construction vehicles should only access the site from the north and not use Skeltons Lane or Red Hall Lane.
 - All service / delivery vehicles should only use the Coal Road access and not the Skeltons Lane access.
 - The access from Skeltons Lane is unacceptable, being opposite residential properties and close the nearby dangerous cross roads.
 - A pub on the site will attract a significant amount of additional traffic, exacerbating traffic concerns, as well as noise/air pollution
 - All traffic must be factored in, including the new commercial developments at the southern end of Coal Road.
 - The local area is poorly served by public transport and so future patrons are likely to drive, exacerbating traffic problems.
 - The principle of a pub adjacent to the primary school proposed in the Northern Quadrant planning application (12/02571/OT) is fundamentally unacceptable.
 - A pub will give rise to additional noise pollution in the local area and impact on the amenity of existing residential properties close by.
 - Environmental Health officers are already monitoring noise and air pollution at existing houses close to the junction.
 - There is a lack of footways around the edges of the site.
 - The local area is already served by existing local pubs and another one is not required.
 - The site would be better used as a playground or a public park.
 - The proposals do not take account of the proposed East Leeds Orbital Road (ELOR) or the Northern Quadrant proposals. The proposal would be better sited elsewhere within the Northern Quadrant.
 - The amount of car parking should be doubled.
 - Site notices were posted around the site, but they are difficult to view given the lack of footways. Another letter states that no site notices were posted. No neighbour notification letters were sent to nearby residents.

- 6.3 A total of 2 letters of representation stating support have been received in relation to the application. The representations received raise the following issues:
- Children do not play on Skeltons Lane, Coal Road or Red Hall Lane and therefore there are no safety issues associated with the junction.
 - Whilst there may be a little more traffic, this should not be a reason to object.
 - A successful application will enhance the local area and complement other facilities which have recently been developed in the wider local area.
 - The proposals are a welcome addition to the local area, though footways would be beneficial along the site frontage.

7.0 CONSULTATION RESPONSES:

Highways:

- 7.1 The context of the site and the wider Northern Quadrant proposals are noted. Whilst there is no fundamental objection to the Coal Road access, it is considered preferable to have one point of access from Skeltons Lane. Based on the level of public floorspace specified in the application form (300sqm), the Leeds Parking Policy generates a figure of 100 car parking spaces being required for this use class. Comment is also made on the technical detail of the service yard and its usability. An appropriate level of parking will need to be agreed at Reserved Matters.

Flood Risk Management Team:

- 7.2 No objection subject to the imposition of appropriate drainage conditions.

Contaminated Land:

- 7.3 No fundamental objection is raised and conditions are recommended to ensure that appropriate remediation takes place and that the site is made suitable for use.

8.0 PLANNING POLICIES:

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, the Development Plan for Leeds currently comprises the Leeds Core Strategy (Adopted November 2014), saved UDP Policies (2006), included as Appendix 1 of the Core Strategy, the Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013) and any made Neighbourhood Plans.

These development plan policies are supplemented by supplementary planning guidance and documents. The UDP allocates the site for housing purposes, as part of the East Leeds Extension.

Core Strategy

- 8.2 The following Core Strategy (CS) policies are relevant:

SP1	Location of development
SP6	Housing requirement and allocation of housing land
SP7	Distribution of housing land and allocations
H1	Managed release of sites
P9	Community facilities and other services

P10	Design
P12	Landscape
T1	Transport Management
T2	Accessibility requirements and new development
EN2	Sustainable design and construction
EN5	Managing flood risk

Saved Unitary Development Plan (UDP)

8.3 The following saved policies are considered to of relevance:

GP5	General planning considerations
N23	Landscape design
N25	Boundary treatments
BD5	Design considerations for new build
H3	Delivery of housing on allocated sites
LD1	Landscape schemes.

Natural Resources and Waste Development Plan Document (NRWDPD)

8.4 The following DPD polices are relevant to all sites:

WATER7	No increase in surface water run-off, incorporate SUDs
LAND1	Land contamination to be dealt with

Supplementary Planning Guidance/Documents (SPGs/SPDs)

8.5 The following guidance/supporting documents are considered to be of relevance:

SPG22 Sustainable Urban Drainage
 SPD Street Design Guide
 SPD Designing for Community Safety
 SPD Sustainable Design and Construction
 SPD Leeds Parking

National Policy

8.6 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight they may be given. Guidance relating to highway safety and amenity impacts are considered to be particularly important at this stage.

9.0 MAIN ISSUES

1. Principle of development
2. Highways
3. Impact on residential amenity
4. Landscape
5. Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The site forms part of the East Leeds Extension housing allocation. The area to the west, north and east of the site is known as the Northern Quadrant and is subject to a current planning application (12/02571/OT) for a residential led development (circa 2000 dwellings), retail, health centre, community centre and primary school development, with associated drainage and landscaping.
- 10.2 Whilst the site is located within a large housing allocation (which extends much wider than the Northern Quadrant planning application), it is anticipated that as development comes forward, it will also contain other complimentary uses, i.e. local shops and services and schools etc. These additional uses will assist in creating more 'liveable' new neighbourhoods, providing convenient access to local services, achievable by modes of transport other than the private car and therefore enhancing the sustainability credentials of the future residential development.
- 10.3 It is considered that enabling other non-residential, but complimentary uses within the area will assist in creating a better 'place' to live, rather than relying on the entire allocation being developed for residential uses to the exclusion of all others. The development proposed in this application will therefore assist in fulfilling the above objective. Accordingly, the principle of development of a public house is supported, subject to technical issues being addressed.

Highways and Transportation

- 10.4 It is noted that local residents are concerned about the existing junction arrangements at Coal Road / Skeltons Lane. Coal Road has priority, with Red Hall Lane and Skeltons Lane giving way to the east and west. Part of the problem currently is that Coal Road, Skeltons Lane and Red Hall Lane currently carry approximately equal amounts of traffic in each direction, making the existing priority give way junction inefficient (giving rise to queuing and acceleration across the junction when gaps in the traffic occur). These traffic patterns have given rise to the complaints from residents close to the junction about noise and air pollution, also as referenced in the letters of objection to this application. Following local consultation via the Whinmoor Forum, highway officers have agreed that the mini-roundabout can be reinstated in order to improve the junction arrangements.
- 10.5 Whilst there have also been comments locally that the junction should be signalised, highway officers consider that this measure is excessive given that the dynamics of the local highway network will change considerably in the future, once development of the Northern Quadrant takes place and subject also to the East Leeds Orbital Road (ELOR) being implemented (subject to planning permission being granted). Accordingly, other less significant and costly works are considered more appropriate in the meantime.
- 10.6 With regard to the current outline application for a public house, it is equally considered inappropriate that the proposed development should fund a signalised junction. The scale and cost of the works would be significantly out of kilter with the relatively modest proposal for a public house. Accordingly, the scale and cost of such works are such that they would not be fairly or reasonably related in scale and kind to the nature of the proposed development, therefore failing the legal tests that apply to securing financial contributions.

- 10.7 Notwithstanding the above and the proposals in the current planning application, more generally, highway officers have considered a package of works including the re-instatement of the mini-roundabout and the closure of Coal Road at its northern end (at the junction with Wetherby Road) which is a measure required in consequence to bringing forward the wider residential development and proposed ELOR in any event. These works would help to break up the flow of traffic such that the mini-roundabout shall operate more successfully than it did previously. It is understood that highway officers are pursuing local consultation on these works in any event and outside the scope of the current planning application. Notwithstanding the comments made from local residents, ultimately there is no technical need for the works to take place in order to make the proposed development acceptable. Therefore there is no requirement for the proposed development to facilitate or fund the proposed off-site highway works.
- 10.8 The application is in outline with all matters reserved, irrespective of the illustrative material submitted. Whilst highway officers advise that the indicated floorspace of the use could in accordance with the Parking SPD require 100 car parking spaces, this is seen as a starting point and is subject to a better understanding of how the use would operate. The applicant has noted that the public house would operate as a family venue with an appropriate food and drink offer. It is therefore anticipated that such a use is likely to be busiest at weekends and is similar to other premises, such as The Wellington public house on Wetherby Road. Officers have looked at this example, which has approximately 68 usable parking spaces (with an additional 13 spaces potentially available beyond a cordoned off area at the far rear of the premises, by the recycling banks). The applicant has also provided information on other public houses, which it considers are similar in nature to the application proposals:
- Golden Jubilee, Yarm – approximately 350m² of floorspace and approximately 40 parking spaces.
 - Six Bells, Strensall – approximately 315m² of floorspace and approximately 35 parking spaces. This is a village location around 10 miles from the centre of York.
 - Buckles Inn, A64 between York and Tadcaster – approximately 400m² of floorspace and approximately 70 parking spaces. This public house is considered remote with no housing anywhere near it.
- 10.9 The illustrative material indicates a total of 63 parking spaces on site, though this could increase if more of the space was utilised and/or the floorspace of the use was reduced, reducing the parking demand. It is therefore considered that, on balance, the likely level of achievable parking provision is comparable to other similar operations close by and a little further afield in more rural, and less sustainable, locations. It is also again stressed that this is an outline application with all matters reserved and that, strictly speaking, there is no requirement for the applicant to indicate any parking proposals at this stage. The matter for consideration is merely one of principle. Nevertheless, the applicant has submitted quite detailed illustrative material and sought to provide further comparative information with a view to addressing the highway consultation response. At a future reserved matters stage, if the Local Planning Authority had concerns about the level of car parking, it could legitimately seek to limit the extent of floorspace in order to reduce the parking requirement, as well as seek revised plans to re-design the detailed layout to create further parking.

- 10.10 In considering the future development of the Northern Quadrant and the comments received from local residents, on balance, officers consider that the two points of access proposed are acceptable and will also assist in dissipating traffic movements into and out of the site. It is also noted that the illustrative material indicates the provision of footways along the site frontages to Coal Road and Skeltons Lane and details of these can be secured by condition.
- 10.11 Overall, given the level of information submitted and noting the outline nature of the application, it is considered that the principle of development of is acceptable and it should be possible to deliver a public house with an appropriate level of parking. Additionally, it is noted that highway officers are pursuing a package of works to ameliorate the existing concerns that residents have about the operation of the junction.

Landscape

- 10.12 The site presently forms part of an agricultural field and is adjacent to other agricultural fields, to the north of Skeltons Lane. Nevertheless, as described above, the land in question forms part of the East Leeds Extension housing allocation and it is therefore anticipated that it will become developed in the coming years. Accordingly, whilst the development would seemingly encroach into what is currently open land, it will eventually form part of a new residential neighbourhood. It is therefore considered that ultimately, there will be no significant detrimental impact on the landscape character of the area.
- 10.13 The existing site contains some vegetation in the form of part hedgerows, as well as occasional small trees to the field edges of the site. Beyond these areas, grassed margins exist between the site and the kerb edge of Coal Road and Skeltons Lane. The illustrative material indicates the retention of the existing vegetation to the site boundaries, as well as additional tree and shrub planting. Planting is also indicated to the northern and eastern site boundaries, as well as within the site. The implementation of footways to the highway boundaries can take place, though it may be necessary to prune back and/or remove some vegetation. As described previously, the application is made in outline with all matters reserved, including access, and so further consideration of the exact location of accesses, together with the specification of the footways.
- 10.14 Overall, the proposals are considered to be acceptable in terms of their landscape impact.

Impact on residential amenity

- 10.15 The key issues in relation to the impact on residential amenity are traffic, noise and disturbance, opening / delivery hours and construction management.
- 10.16 Many of the objection letters received refer to concerns about the potential traffic impact of the development. The proposed development will generate traffic from customers, though given the relatively modest scale of the proposals, it is considered that the impact will not be so severe as to warrant the refusal of planning permission. Additionally, outwith the planning application considerations, it is noted that highway officers are pursuing the implementation of highway works, in consultation with Ward Members and local residents. It is hoped that these works will help to ameliorate the concerns expressed in relation to traffic queuing, vehicle noise, air pollution and safety.

- 10.17 The noise concerns referred to relate to both traffic, as well as the eventual operation of the premises. As above, whilst the development will generate some traffic, the relatively modest scale of the proposals is such that it is not considered that the levels will be so significant against the existing traffic flows as to be able to demonstrate a significant deterioration of amenity in this regard. In any event, the proposed highway works being pursued outside of the application proposals will assist in the improved operation of the crossroads junction and its current noise impact.
- 10.18 Given that the application is made in outline with all matters reserved, it is not yet known what the opening hours or delivery hours of the premises are likely to be. These are matters which are more appropriately dealt with through conditions if and when a reserved matters application is submitted, which will also contain detailed information on the operation of the premises and will be subject to public consultation. The general positioning of the site relative to existing and future properties and is not however unusual.
- 10.19 The proposed development is relatively small scale in nature and so it is not proposed that it be subject to a construction management plan. It is also noted that the future development of the Northern Quadrant will affect the dynamic of how the local network is used in future. It is therefore considered to be more appropriate to re-consider this matter in the future, if and when a reserved matters application is submitted, and when it can perhaps be considered in light of any developing residential proposals at that point in time.
- 10.20 Whilst not relating to the residential amenity of existing properties, some letters of representation also refer to the proximity of the proposed public house to the primary school proposed in the Northern Quadrant planning application. The location of the primary school in the Northern Quadrant scheme is fixed and it is actually proposed to infill residential development between the school and the public house boundary. This separation will therefore provide something of a buffer. In any event, there is no sound planning reason why a public house cannot co-exist in close proximity to or even adjacent to a primary school. Should issues of anti-social behaviour or criminality arise in relation to the public house, such matters must be pursued by other, more appropriate routes, ultimately through the Police. It is not appropriate to control such potential matters through the planning process.
- 10.21 Overall, it is not considered that the proposed public house will have any significant detrimental impact on residential amenity (of both existing residents and future occupants of houses in the Northern Quadrant). Furthermore, it is considered that there will be no significant detrimental impact arising from the presence of a public house relative to the proposed primary school in the Northern Quadrant.

Other matters

- 10.22 Some letters of representation refer to there being more than enough public houses in the locality and suggest that the site would be better used as a playground or a public park. The nearest public house to the application site is The Wellington on Wetherby Road. Nevertheless, it is not for the planning system to control competition between different commercial operators. There are no other public houses in the immediate vicinity and so it is not considered that this is a case where consideration should be given to a proliferation of such uses and any associated impacts.

- 10.23 Whilst the alternative uses are noted, the site is owned by Samuel Smiths Brewery and so it is reasonable that they, as applicant, may wish to develop a public house on the site as part of the wider East Leeds Extension, which for the reasons discussed above, is considered acceptable.
- 10.24 There are known Bat roosts nearby and so it is considered appropriate to impose a condition requiring details of Bat roost features to be incorporated into any future building. Additionally, it is known that a former farm complex existed in the vicinity of the site, which may or may not contain some degree of contamination. Remediation conditions are therefore suggested in order to ensure that the development is made suitable for use.

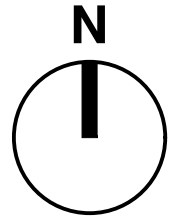
11.0 CONCLUSION

- 11.1 The proposed development is not considered to have any significant detrimental impact in terms of traffic generation, is capable of providing sufficient car parking and can be designed in such a way as to provide appropriate servicing without creating a nuisance to local residents. Detailed matters relating to opening hours and servicing are capable of being controlled through conditions at reserved matters stage. There is therefore not considered to be any significant detrimental impact on residential amenity. The relationships with the proposals contained in the Northern Quadrant planning application are also considered to be acceptable. Whilst in outline, the proposals are considered to have a limited impact on existing vegetation and offer an opportunity for additional planting.
- 11.2 In light of the above, the proposals are considered to be acceptable and are therefore recommended for approval.

Background Papers:

Application file: 17/01319/OT

Certificate of ownership: Signed as applicant



Dashed red line denotes 2.4 x 90m visibility splay

Existing historic opening to be reused for access to car park

Hatching indicates proposed Whinmoor development

Possible cycle storage location

COAL ROAD

New close boarded timber boundary fence

Hatching indicates proposed Whinmoor development

Service yard for deliveries and refuse collection

SKELTONS LANE

Dashed red line denotes 2.4 x 90m visibility splay; new access road to have 6m radius

PROPOSED SITE PLAN

P01 07/02/17 Plan re-orientated

Samuel Smith
ARCHITECTS DEPARTMENT

THE OLD BREWERY
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Property:
**Proposed Development,
Coal Road,
Leeds,**

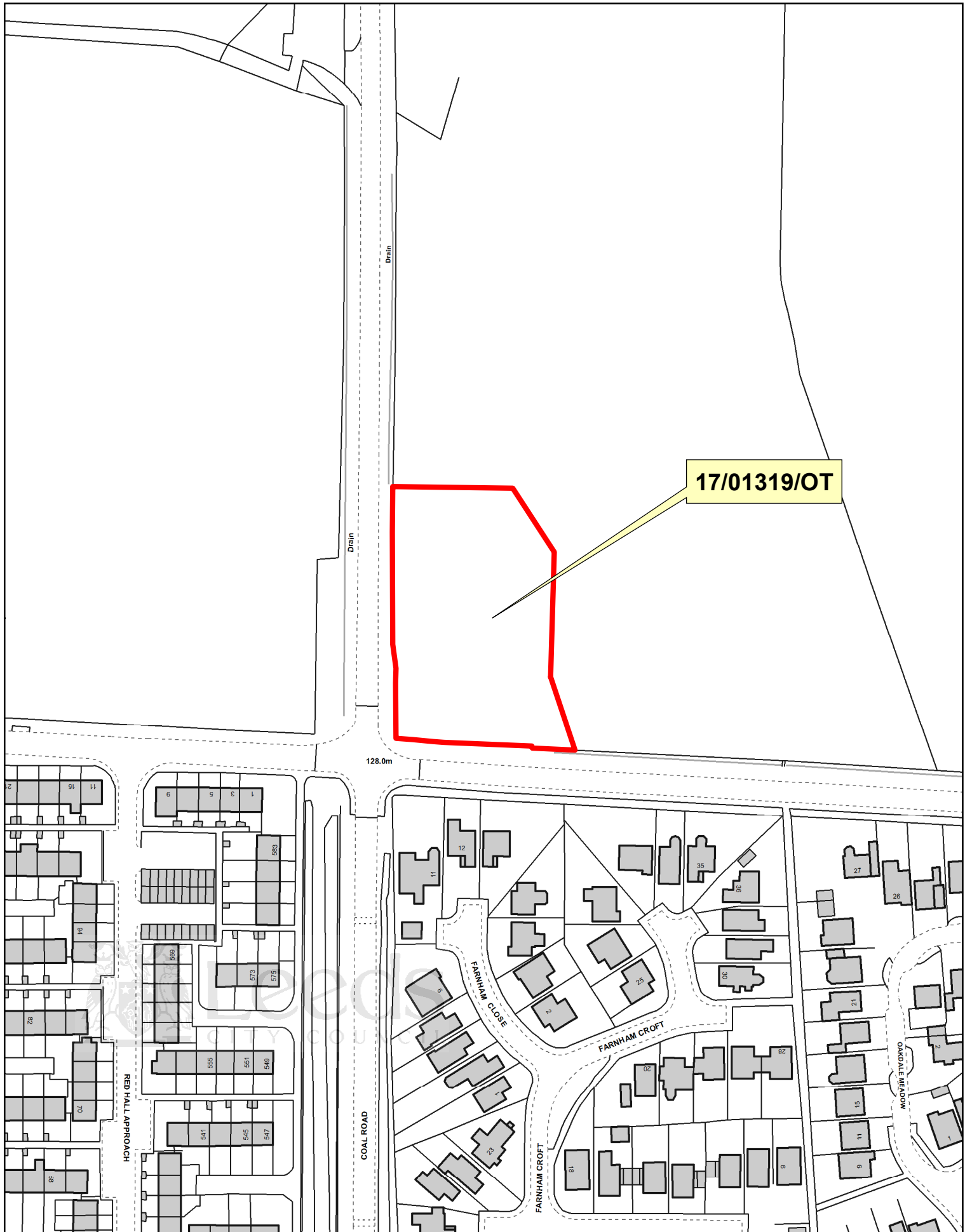
Drawing:
Proposed Site Plan

Scale:
1:500 @ A3

Date: Sep 2016
Drawn: PR

Drawing No.
1663-105

Revision:
P01



NORTH AND EAST PLANS PANEL

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SCALE : 1/1500

