



**Report of the Chief Planning Officer**

***SOUTH AND WEST PLANS PANEL***

**Date: 17<sup>th</sup> May 2018**

**Subject: Planning Application 18/00367/FU- Change of use of land to car sales, siting of porta cabin and storage container (to accommodate a generator) and fencing on land at 245 Elland Road, Beeston, Leeds**

**APPLICANT**

Mr S Spencer

**DATE VALID**

17.1.2018

**TARGET DATE**

18.5.2018 (PPA)

**Electoral Wards Affected:**

Beeston and Holbeck

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. Temporary 3 year use.
2. List of plans to be approved.
3. Details of fencing to be submitted and approved by the LPA.
4. Maximum of 20 cars to be displayed on site for sale.
5. Scheme to control noise emitted from generator to be approved in writing by the LPA. The scheme shall limit noise to a level equal to the existing background noise level (L90)
6. Delivery of vehicles to be restricted between the hours of 09:00 and 19:00 Monday to Friday.
7. Hours of use restricted to 09:00 and 20:00 on Monday to Fridays, 09:00 and 16:00 on Saturdays and 10:00 and 14:00 on Sundays
8. Car and Servicing Management Plan to be approved by LPA.

## **1.0 INTRODUCTION**

- 1.1 This application is to be considered by Plans Panel due to an outstanding objection from Highways.

## **2.0 PROPOSAL**

- 2.1 The proposal is for the change of use of land for car sales, and siting of a site office, storage container and wc.
- 2.2 The remainder of the site (approximately 3/4 of it) would be used for parking on match days at Elland Road Football Ground which lies opposite. The applicant has stated this would occur less than 28 days a year, and therefore does not require planning permission, and doesn't form part of this application.
- 2.3 The proposed car sales element is located at the rear of the site and it is stated only a maximum of 20 cars would be displayed. A portacabin office building (6.1m x 3.05m) and wc is proposed on this part of the site. This part of the site is to be divided from the rest of the site by 2m high 'mesh security fencing'.
- 2.4 On the vacant, occasional parking use section of the site; it is proposed to site a 'metal shipping container' which is 6.1m x 2.44m and 2.59m in height. This container is to be used for storage and will house a 'silent' generator. The container will also store ancillary equipment which is required for the occasional match day parking use.

## **3.0 SITE AND SURROUNDINGS**

- 3.1 The application site consists of a cleared site which lies on the southern side of Elland Road, directly opposite Leeds United Football Stadium. Historically the site accommodated a building used for the servicing of coaches. This building has been demolished, apart from one wall, approximately 4m in height which now acts as the rear boundary wall of the site. The site slopes upwards south to north, and lies between a Subway food outlet and Public House on the Elland Road frontage. Residential properties lie adjacent to the site, to the south and west on Heath Crescent and Heath Grove. This section of the Elland Road corridor (where the application site lies) is commercial in character with most businesses offering services which appear to mainly serve the patrons attending football games, such as A3 and A4 uses.

## **4.0 RELEVANT PLANNING HISTORY**

- 4.1 16/04390/FU. Part single and part two storey building comprising 3 retail units (A1) and a children's day nursery with roof top nursery garden area and with car parking. Approved 23.1.17 (consent not implemented)
- 4.2 06/00533/FU. Two/ Three storey block of 16 flats with 18 car parking spaces. Appeal Allowed 11/01/2007
- 4.3 21/374/04/FU. Single storey non-food retail unit with 15 car parking spaces. Refused 06/07/2005

- 4.4 21/195/01/OT. Outline application to erect retail unit. Withdrawn 30/07/2002
- 4.5 21/196/01/OT. Outline application to erect A3 food and drink use unit  
Withdrawn 30/07/2002

## **5.0 HISTORY OF NEGOTIATIONS**

- 5.1 The application has been amended since it originally submitted due to Officer concerns on the impact on adjacent residential occupiers. An area of hard-standing for the siting of a hot food van has been omitted from the scheme, and the proposed storage container has been reduced in size, and sited directly behind the large garage at 1 Heath Grove (so it is not visible to the occupiers of this property). A proposed WC has also been relocated from the front of the site. It is now proposed within the rear enclosed car sale compound.

## **6.0 PUBLIC/LOCAL RESPONSE**

- 6.1 Three site notices were posted around the site on 25th January 2018. To date three objections have been received to the application.
- 6.2 The points raised in the objections are highlighted below.
- Proposal will place additional traffic on a very busy road
  - No need for additional retailers/ food outlets in this location
  - Competition with existing food take-aways
  - Odour caused by food being cooked in a van
  - Noise caused by outside seating area
  - Proposal will create litter
  - Proposal will contribute to ill health and obesity
  - Additional traffic on Elland Road
  - Increased risk to highway safety
  - Increase in traffic will worsen air quality

## **7.0 CONSULTATION RESPONSES**

### **Statutory:**

#### **7.1. Highways:**

Object and recommend refusal, unless the applicants funds the relocation of a pedestrian crossing. The proposal is contrary to safety advice of the Local Transport Note (LTN) 2/95, which recommends a 5m minimum distance between the point of access and a pedestrian crossing. Turning right into the site from Elland Road would likely have adverse impact on the safety of pedestrians using the zebra crossing. The Transport Statement refers to the minimal number of traffic associated with the development proposals and the adequate visibility splays at the site access onto Elland Road and makes no mention of the potential conflict between vehicles and pedestrians as a result of vehicles waiting to turn right into the site.

#### **7.2 Health and Safety Executive**

The HSE does not advise on safety grounds, against the granting of planning permission in this case.

**Non-Statutory:**

7.3 Air Quality

Objections have been received on Air Quality concerns, and that the proposal will worsen air quality in this locality. The Air Quality Team have confirmed that there is no Air Quality Management Area in this location.

7.4 Contaminated Land

The proposed end use of the development is considered low sensitivity with no breaking of ground or soft landscaped areas proposed. Based on the available information, we have no objection to planning permission being granted and have no further comments to make with regards to this planning application

7.5 Environmental Health

The proposed generator is likely to produce a low frequency sound. If it operates at night then it could certainly cause problems to nearby residents even if there is a reasonable distance, therefore recommend planning condition which deals with sound insulation. Note- the applicant has confirmed the generator would only be in use during daytime hours when the car sale office is open and in use.

**8.0 PLANNING POLICIES**

8.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Leeds comprises the Adopted Core Strategy (2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013 together with any made neighborhood plan.

8.2 The site is unallocated both through the adopted UDP and advanced SAP.

Adopted Core Strategy

8.3 The following Core Strategy policies are considered most relevant:

Policy SP1: Location of development

Policy P10: Design

Policy P11: Conservation and Listed Buildings

Policy P12: Landscape

Policy T1: Transport Management

Policy T2: Accessibility requirements and new development contributions

Saved Policies - Leeds UDP (2006)

8.4 The following saved policies within the UDP are considered most relevant to the determination of this application:

GP5: Development Proposals should resolve detailed planning considerations.

### National Planning Policy Framework (NPPF)

- 8.7 The National Planning Policy Framework (NPPF), published on 27<sup>th</sup> March 2012, and the National Planning Practice Guidance (NPPG), published March 2014 replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.
- 8.8 The NPPF constitutes guidance for Local Planning Authorities and its introduction 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.
- 8.9 The NPPF establishes at Paragraph 7 that there are three dimensions to sustainable development: economic, social and environmental of which the provision of a strong, vibrant and healthy community by providing the supply of housing required to meet the needs of present and future generations is identified as a key aspect of the social role. Within the economic role, it is also acknowledged that a strong and competitive economy can be achieved by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.
- 8.10 Paragraph 17 sets out twelve core planning principles, including to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs, ensuring high quality design but also encouraging the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

## **9.0 MAIN ISSUES**

- 9.1 The main issues to consider in the determination of this application include the following:
- Principle of Development
  - Amenity Considerations
  - Design/ Appearance
  - Highways/ Parking
  - Air Quality
  - Other Issues

## **10.0 APPRAISAL**

### Principle of development

- 10.1 The proposal is for the use of land for Car sales (Sui Generis). The site lies unallocated in the Leeds UDP and in the advanced SAP. There are no policies concerning such uses within the adopted Core Strategy. The site lies along a commercial corridor, with many differing uses serving Elland Road FC, with residential

properties located to the rear, and the side of the site. There are other car sales uses located nearby on Elland Road. The proposal seeks to develop a vacant brownfield site, with a new business.

- 10.2 It is considered that a car sales use can co-exist in harmony with the adjacent residential properties, in this location given the type and function of other surrounding land uses, which are considered to be more intensive and noisy. This will be explored in full in the amenity section of this report. The application is therefore considered acceptable in principle, subject to normal development control considerations.

#### Amenity Considerations

- 10.3 It is not considered that the proposal would have an adverse impact on the living conditions of any adjacent occupiers. The site lies on a busy road, between a Public House and a Subway take-away to the frontage onto Elland Road, opposite Leeds United football Ground. The rear of the site (where the proposed car sales use, and portacabin sales office is located) is separated from the properties beyond (located on Heath Crescent) by a brick wall which is approximately 4m in height. This would screen all the structures and cars on the site from the view of these residential properties. The dwellings located on Heath Grove and Heath Crescent at the nearest point, are located approximately 15m away from the site.
- 10.4 The applicant is seeking consent to open between the hours of 09:00 and 20:00 on Monday to Fridays, 09:00 and 16:00 on Saturdays and 10:00 and 14:00 on Sundays. There is no concern with regard to these sought after opening hours. Given the character of this locality, and the openings hours of adjacent land uses (which operate until 23:00) the sought after opening hours are not considered to be unreasonable or late. It is not considered that the proposed use is intensive or noisy, as it relates only to the display and sales of cars, not repairs or servicing etc.
- 10.5 The proposed metal storage container has been reduced in size, and is aligned to be sited behind the large garage at 1 Heath Grove, so it is not visible to the occupiers of this property. This element of the proposal will not have any impact on the occupiers of this property in terms of dominance or over-shadowing, due to the garage acting as a screen. The submitted plans do indicate this container would contain a generator, which the applicants have confirmed would power the sales office, is silent, and would only be used during daytime opening hours. The container is to store ancillary equipment which is required for the occasional match day parking use, such as fold away chairs, cones and other paraphernalia required to direct and organise match day parking, it is not considered this use could create any amenity issues for adjacent residents.
- 10.6 Environmental Health have recommended a condition which places a duty to limit noise (from the generator) to a level equal to the existing background noise level (L90) when measured at the nearest noise sensitive premises, given the lack of information submitted on the proposed generator. Subject to this condition, it is therefore not considered that the proposal would have any adverse impact on the living conditions on adjacent occupiers.

#### Design/ Appearance

- 10.7 The proposal includes two pre-fabricated structures these are located within the site, away from the immediate frontage with Elland Road. Such structures are typically associated with the function of car sales. The site lies along a commercial corridor

which include other car sales use, although these are located in purpose built showrooms. Given the derelict state of the site at present, it is considered the proposal would improve and tidy the condition of the site. However, due to the pre-fabricated nature of the proposal, it is considered that only a temporary consent would be appropriate. The applicants have agreed to this, and requested 3 year consent, this would be conditioned on the approval of the application.

- 10.8 The proposed wc, is located at the very rear of the site, between the office and existing brick 4m high wall, and is to be screened by new mesh fencing. Due to its siting will be screened from view. The proposed mesh fencing which is to be located within the site, to separate the car sales area, is considered to be appropriate given the site location and use. This form of fencing is considered to be an improvement when compared to palisade fencing for example, however the application doesn't contain drawings of this fencing, other than a written description, so full details will be conditioned on the approval. It is considered the proposal does comply with policy P10, given the temporary nature of the structures and temporary consent sought.

### Highways

- 10.9 Highways have raised objections to the application, due to the proximity of the pedestrian crossing and the existing access into the site. The Local Transport Note (LTN) 2/95 published by the Department of Transport recommends methods for designing and installing all types of crossings, including zebra crossings, puffin crossings, toucan crossings and pelican crossings. This document states a minimum of 5 metres between pedestrian crossings and conflict points at uncontrolled junctions. The existing access into the site is located approximately 3m away from the pedestrian crossing which lies adjacent to the site.
- 10.10 The pedestrian crossing caters for pedestrian movements in both directions along Elland Road. Highways have stated that there is potential conflict between pedestrians using the crossing and vehicles waiting to turn right into the site. A single vehicle would overhang the pedestrian crossing and obstruct drivers to pedestrians who are on the pedestrian crossing. Highways state the risks to highway safety for pedestrians exist whether the permission is temporary or permanent and as such the zebra crossing needs to be moved to allow vehicles turning right into the site to do so without resulting in detrimental impact to pedestrian safety.
- 10.11 Highways also state it should be noted that when the site is used for match day parking there is heavy Police presence and in addition Traffic Management measures are in operation at Elland Road thereby resulting in the characteristics of this section of the highway network operating in a different way to a typical day. Highways objects to the proposals as they are likely to result in adverse impact to highway safety. Highways have requested the pedestrian crossing is relocated and this is funded by the applicant, this is estimated to cost circa £20 000. To address the highways concerns, the applicants have produced a Transport Statement, which makes the following points.
- The existing site access is historical and was present prior to the pedestrian crossing being implemented by LCC in 2007. As such the presence of the site access and potential redevelopment of the site should have been considered when the location of the pedestrian crossing was consulted upon and designed. Failure of this been done, should not be at the expense of the applicant, in respect of funding its re-location.

- The developer has confirmed that the vehicles to be sold on the site will be driven onto the site with trade plates or delivered on a recovery truck, as such no car transporters will be required to access the site.
- The developer has also chosen to enter into a private agreement with Forge Recycling to collect their waste, as such the largest vehicle requiring access to the site will be the Forge Recycling refuse truck which is 7.4m in length and therefore there will be no reserving out, onto Elland Road.
- 2.4 x 90m visibility splays are achievable. Elland Road is subject to a 30mph speed restriction and as such, in accordance with the DMRB, visibility requirements are 2.4 x 90m.

10.12 The applicant have stated in their supporting statement that generally locating a second-hand car is now largely done online and only a final, test drive and collection, visit to the actual sales office is required. It is considered that the vehicular trips associated with a second-hand car sales business will be minimal.

10.13 The submitted TA illustrates that given the area of the site proposed to be used for car sales is only 0.0387 of a hectare (387 sq m), based on the daily trip rates obtained from TRICs, the vehicular trip generation forecast by the proposals would be minimal. In fact the TRICs data suggests one arrival and one departure per day on weekdays, this may increase slightly over the weekend, and however the surrounding highway network will be much quieter. In view of this, and the fact the access is existing, and pre-dates the installation of the crossing, the temporary nature of the site, it is considered unreasonable and unnecessary to place a duty on the applicants to re-locate the nearby pedestrian crossing due to the high cost levels involved with this, and the low trip generation the proposal would create. A restriction to displaying a maximum of 20 vehicles at one time, can be conditioned on approval to ensure the business does not expand, to ensure vehicle numbers to the site remain low. A condition is also proposed which relates to car park management and servicing.

#### Air Quality

10.14 Objections have been received to the application on Air Quality concerns, and that the proposal will worsen air quality in this locality. The Air Quality Team have confirmed on the previous application that there is no Air Quality Management Area in this location, however in response to concerns raised about Air Quality with the nearby Park and Ride scheme, and the new Police Station, diffusion tube monitoring began at 273 Elland Road in August 2016, and in the first 4 four months of data (August to November 2016) but the result for that period is 25  $\mu\text{g}\cdot\text{m}^{-3}$ . Although an increase may result with further winter monitoring (concentrations are always higher in winter months) It is not considered that there is any likelihood of the annual average for a full year exceeding the Air Quality objective of an annual average of 40  $\mu\text{g}\cdot\text{m}^{-3}$  and as such there is no reason to declare an Air Quality Management Area in this location. It is not considered the proposed use, which has a very low trip generation would increase air quality levels beyond 40 $\mu\text{g}\cdot\text{m}^{-3}$ . It is considered the impact of this proposal on air quality would be negligible.

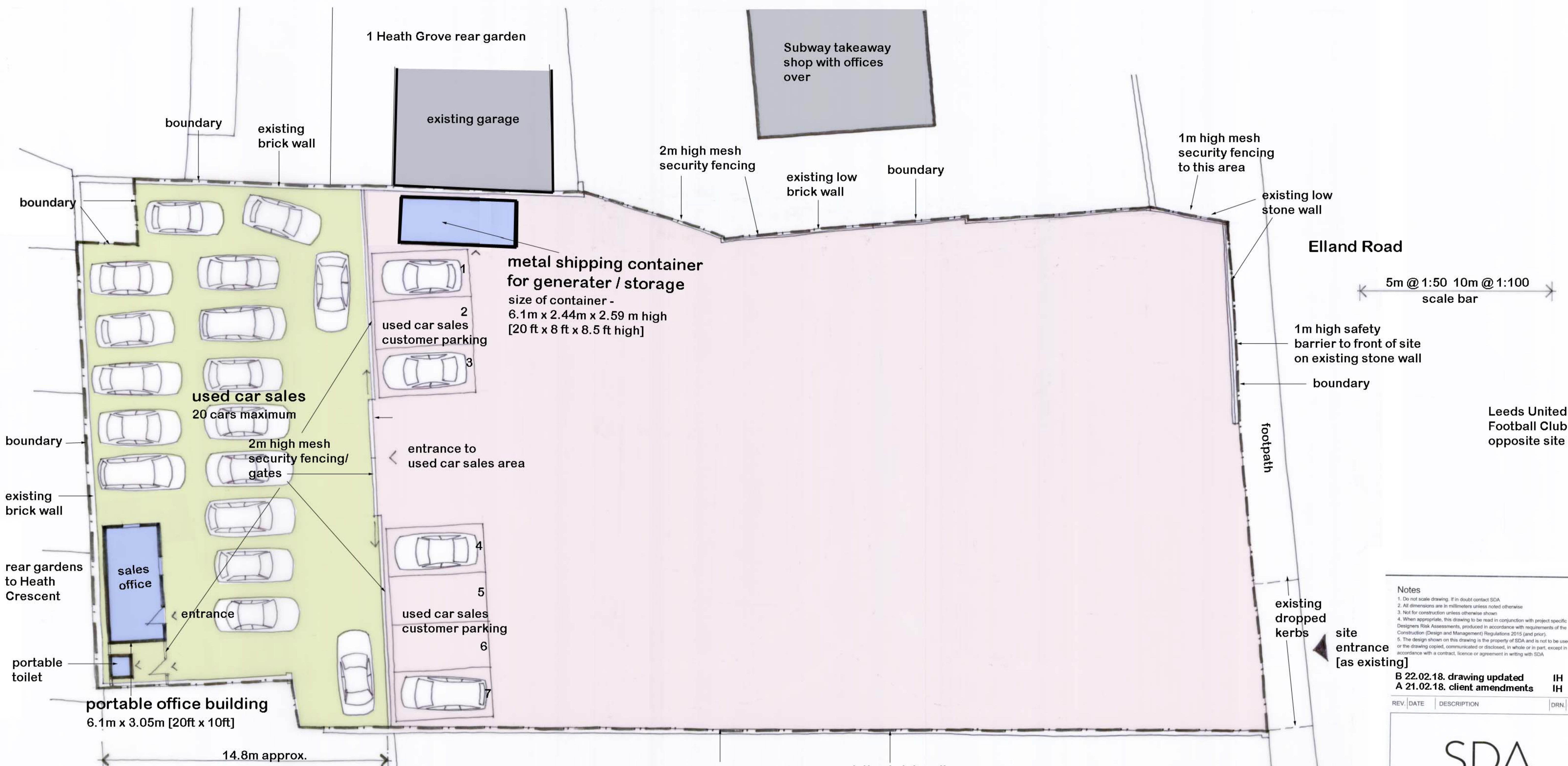
#### Other Issues

10.15 The majority of the points raised in the objections relate to the proposed hot food take-away, which was previously included in the application, but has now been omitted from the application.

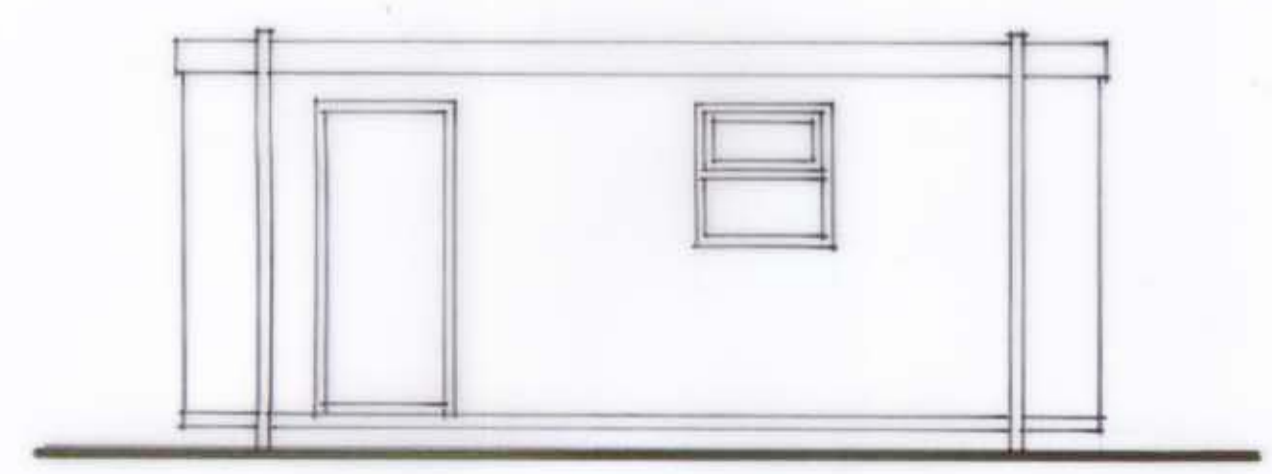


## **11.0 CONCLUSION**

It is recommended that planning permission is granted, for a temporary period of 3 years, due to the pre-fabricated nature of the structures on-site and subject to other conditions which are listed at the beginning of this report.



**PROPOSED SITE PLAN**  
scale 1:100



**PROPOSED FRONT ELEVATION OF PORTABLE OFFICE BUILDING**  
scale 1:50

**Notes**  
 1. Do not scale drawing. If in doubt contact SDA  
 2. All dimensions are in millimeters unless noted otherwise  
 3. Not for construction unless otherwise shown  
 4. When appropriate, this drawing to be read in conjunction with project specific Designers Risk Assessments, produced in accordance with requirements of the Construction (Design and Management) Regulations 2015 (and prior)  
 5. This design shown on this drawing is the property of SDA and is not to be used or the drawing copied, communicated or disclosed, in whole or in part, except in accordance with a contract, licence or agreement in writing with SDA

**B 22.02.18. drawing updated** IH  
**A 21.02.18. client amendments** IH

REV	DATE	DESCRIPTION	DRN	CKD

**SDA ARCHITECTS**

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**PROJECT**  
**Proposed used car sales area, 245 Elland Road, Leeds**

**TITLE**  
**Proposed site plan and elevation of portable office**

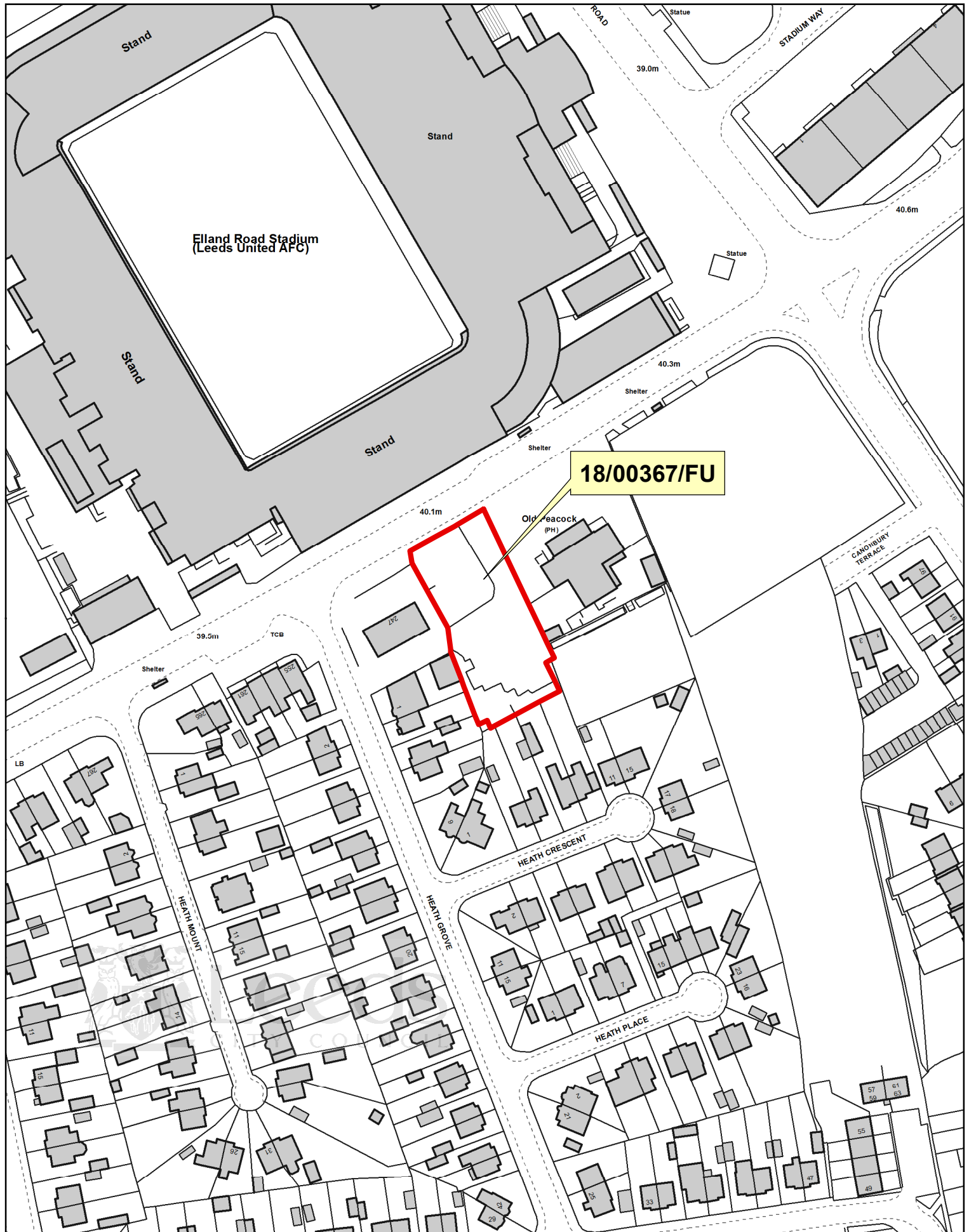
**STAGE**  
**Planning**

**JOB No.** A1H0013 **DWG No.** SK1 **REV.** B

**SCALE** 1:50 / 1:100 @ A1 **DATE** January 2018

**DRAWN** I.Heaton **CHECKED**

BSI REGISTERED FS 56715 UKAS QUALITY MANAGEMENT



# SOUTH AND WEST PLANS PANEL

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PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/1500

