



**Leeds**  
CITY COUNCIL

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**Report of the Chief Planning Officer**

**PLANS PANEL EAST**

**Date: 27<sup>th</sup> August 2009**

**Subject: APPLICATION 09/01906/FU SINGLE STOREY RETAIL FOOD STORE WITH 79 PARKING SPACES AND LANDSCAPING AT FORMER SITE OF LION AND THE LAMB PUB, YORK ROAD, LEEDS**

**APPLICANT**  
ALDI STORES LTD

**DATE VALID**  
19<sup>th</sup> MAY 2009

**TARGET DATE**  
18<sup>th</sup> AUGUST 2009

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**Electoral Wards Affected:**

**KILLINGBECK & SEACROFT**

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**RECOMMENDATION:**  
**REFUSE for the following reason:**

The proposed retail food store would be sited outside of a defined centre (as defined by UDP Policy S2). The applicants have failed to satisfy the City Council of the need for the development, that the proposed store would have no detrimental impact on the vitality or viability of nearby town or local centres and that there are no suitable town centre locations where it could be more appropriately located. The Local Planning Authority therefore considers that the proposal is contrary to the guidance contained within PPS6 and Policy S5 of the City Council's Unitary Development Plan.

**1.0 INTRODUCTION:**

- 1.1 This application is brought to Plans Panel East at the request of ward Cllr Brian Selby. The reason provided "It is the overall principle of retail development and any possible departure from existing policy, having regard to the nature and scale of the proposed development, linked to the impact on the area in respect of a decision to either grant

or refuse the application. For these reasons I (*Cllr Selby*) consider that it is in the public interest that panel consider the matter.”

- 1.2 Plans Panel members are advised that this site is presently subject to appeal proceedings. The City Council determined to refuse a previous planning application at this site for a retail store (Ref:08/03982/FU). The proposal was refused on the grounds related to the site’s out-of-centre status; adverse impact on visual and residential amenity and failure to meet the necessary public transport enhancements. The appeal is to heard by a hearing and the date has been confirmed for 13<sup>th</sup> October 2009. It is to be noted that the refusal grounds relating to visual and residential amenity as well as public transport enhancements are not repeated. This submission is considered to have addressed those concerns. The outstanding appeal should not prejudice the ability of Plans Panel to determine this current proposal.

## **2.0 PROPOSAL:**

- 2.1 This full application seeks permission to construct a retail food store which will accommodate 1,538 sqm of floorspace. The net sales floor area will be 1,125sqm and will predominantly contain convenience goods (15% of the floorspace will contain ancillary comparison goods sales).
- 2.2 The store building is rectangular in footprint with dimensions of 56m in width and 28-34m deep. The building is positioned to the western portion of the application site and is oriented to face eastwards. The retail store’s loading bay and storage areas are located to the northern part of the building with the refrigeration plant equipment enclosed within the confines of the building.
- 2.3 The customer entrance is to incorporate a glazed canopy with south facing elevation largely glazed. The building is proposed to have natural white through colour render to its external walls and will sit on a brickwork plinth. The building will utilise a flat roof and will elevate to a height of approximately 5.8m. The building has a strip of high level glazing that coupled with the entrance canopy are to be powder coated with anthracite colouring. The ‘back of house’ element ( as annotated on the site layout plan) is set back from the front wall of the store and is to be constructed of a buff brick.
- 2.4 The proposed layout has landscaped beds to its perimeter to retain existing trees/shrubs or to provide scope to supplement with new tree planting. To the York Road frontage, a low stone wall is to be erected. To the western boundary the 1.9m high metal railings are to be retained and matching railings to be erected where there is a break in the treatment. These railing will continue to the northern boundary. A 1.8m high close-boarded fencing is to be erected along the common boundary of the application site and the adjacent Old Lamb Guesthouse.
- 2.5 The car park to the store is positioned at the front and to the southern side of the building. The vehicular and pedestrian access is achieved off York Road. The store will provide 71 car parking spaces (incl. 5 disabled and 5 family spaces). From a detailed aspect, the applicants propose the installation of a traffic island to the north of the site, on York Road; Traffic Regulation Order for waiting restrictions in vicinity of site; amendments to street lighting, signing, lining and drainage as part of new access; closure of redundant access; provision of dropped kerbs/tactile paving at existing crossing facility on York Road. In addition, the applicant’s have submitted a

Travel Plan and have agreed to provide a financial contribution towards public transport enhancements.

- 2.6 The application is supported by a retail statement which:
- includes an assessment of existing convenience expenditure within a 5-minute drive time of site (£55.23m in 2010) with an expected increase in convenience expenditure of £3.09m by 2014.
  - states that the proposed store, if approved, would from its convenience goods element have a turnover estimated to be £3.65m- comparison goods turnover of £0.64m.
  - identifies residual convenience expenditure capacity within the catchment area of £6.70m- indicating a significant level of unmet need. Trade diversion from nearby operators (Netto, Tesco Metro, Asda) would not be harmful.
  - maintains that there is a qualitative need for additional retail floor space. Deep discounters, such as Aldi, are not well represented within the catchment area which is dominated by large supermarkets. Advising that Aldi will be able to stock a wider, and to a degree, a different product range than the adjacent Netto store offering improved choice and healthy competition in the catchment area.
  - states that the proposed store will principally fulfil a neighbourhood shopping role. Customers will use other shops and stores- therefore complimentary to the existing pattern of trading in existing shopping centre/superstores.
  - The applicants have undertaken a sequential assessment as part of their retail statement and considered and subsequently discounted 5 development sites within Crossgates and Seacroft town centres. These sequentially preferable sites were discounted broadly for three main reasons: too small; lack of street frontage; roads not suitable for traffic generated. In considering the sites, the applicants maintain they have demonstrated that there are no sequentially preferable sites to accommodate the proposed development.
  - refers to positive feedback following community consultation exercise which focused on the need for a supermarket on York Road; need for increased choice and competition; removal of a local eyesore (cleared site) and the provision of job opportunities.
  - refers to physical regeneration benefits of redeveloping cleared site; 15-20 jobs created.

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

- 3.1 The application site is located within Seacroft, approximately 6km east of Leeds city centre. The appeal site is positioned to the north side of the junction of York Road and Barwick Road. The site is unallocated within the City Council's Unitary Development Plan. The Lion and the Lamb pub formerly stood on the site however this building has since been cleared and now the site contains patches of hardstanding and overgrown vegetation.
- 3.2 The southern boundary of the site abuts the private rear gardens of 3 pairs of semi-detached dwellings (2 storey, red brick and tile roof). There is a pocket of vegetation/tree growth to the south-western corner of the site and further round to the west are open playing fields which lead up to Parklands School and South Parkway. The application site is elevated above this open land. To the north lies a Grade II listed building (Old Lamb) and beyond lie residential properties and the Seacroft conservation area. There is an additional pocket of vegetation/tree growth to the north-western portion of the site. Trees in this area are subject to a Tree Preservation Order (03/2008).

3.3 The eastern boundary aligns with York Road and opposite stands Netto retail food store. Adjacent to Netto are two other retail units and beyond the dual carriageway (Barwick Road) is a commercial parade. The area however remains predominantly residential in character.

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

4.1 The application site has been subject to previous planning applications which are considered to be of relevance to this present proposal. The details of these are summarized below:

4.2 Application Ref: 07/06683/FU sought planning permission for the erection of a single storey retail food store with 74 car parking spaces. During the assessment of this application concerns were expressed by LCC officers in regard to the fundamental planning policy objection (an out of centre retail development); proposed layout and store appearance adversely affecting the visual amenity of the locality and due to the close proximity of the store to residents, impacting adversely on their amenity. The applicant's were advised of officers concerns and the application was subsequently withdrawn on 22<sup>nd</sup> January 2008.

4.3 A further application, Ref: 08/03952/FU, was submitted following the withdrawal however the proposal demonstrated minimal alterations from the previous submission, failing to overcome the concerns outlined above. The application was refused permission (officer delegated) on 30<sup>th</sup> September 2008. The applicants lodged an appeal against this refusal and it is this decision which a Planning Inspector will consider in October.

4.4 Plans Panel members' attention is also drawn to two recent planning applications submitted by Netto to redevelop their site off York Road which stands opposite this application site. Application Ref:08/06757/FU sought consent to demolish the existing Netto store and two adjacent retail units (Carphone Warehouse/ Motorworld) and erect a replacement single storey retail unit with 63 car parking spaces. This application was withdrawn due to LCC officers concerns relating to the fundamental planning policy issue (out of centre retail development); layout and appearance concerns centering around making the best use of this prominent site; and the impact the proposed retail store had on the amenity of adjacent residents. A subsequent application (Ref:09/02338/FU) seeks permission to again demolish the retail units and rebuild a new Netto retail unit with 59 car parking spaces and is presently under consideration.

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

5.1 Initial discussions and correspondence concerning the construction of a retail store at this site date back to June 2006 and discussions have continued through the submission of three separate planning applications. Prior to the submission of this latest proposal and the lodging of an appeal against the previous refusal, LCC officers met with the applicant and their representatives. This meeting took place on 16<sup>th</sup> March 2009 where the applicant's tabled a revised proposal indicating a re-positioning of the retail store, and turning the building 90 degrees clockwise, from the southern portion to the western portion of the site. Aldi advised that they had adopted a non-standard appearance store building and have sought to move the building away from the residential properties along Inglewood Road.

## 6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The applicant appointed consultants to assist the community consultation process for the new store. The consultation comprised of:
- a meeting with LCC officers on 16<sup>th</sup> March where the principle and design issues were discussed.
  - two briefing meetings with local ward members (24<sup>th</sup> February & 1<sup>st</sup> April) to understand the wider community's vision for the site.
  - a public exhibition, displaying copies of the proposals was held on 16<sup>th</sup> April at Seacroft Village Hall, York Road (between 4pm and 8pm). In addition, correspondence was sent to ward councillors, group leaders, members of Plans Panel East, local MP and head teachers for nearby schools. Furthermore, information briefs were distributed to 926 properties in the area.
- 6.2 The public exhibition was attended by 42 local residents. In total, 111 response were received with 94% in support. The consultants' report that the most consistent positive comments related to the need for a supermarket in York Road; need for choice competition; removal of local eyesore; job opportunities for people. 2% of contributors raised objection, based on increased competition for existing small businesses and oversupply of supermarkets in area. 5 residents raised reservations relating to traffic.
- 6.3 The application was publicised as a major development affecting the setting of a listed building by site notice display on 27<sup>th</sup> May 2009. In addition 6 neighbour notification letters were sent out dated 20<sup>th</sup> May 2009. The expiry date for the publicity period was 18<sup>th</sup> June 2009.
- 6.4 A total of 38 letters of representation have been received from local residents to the original proposals. 36 letters expressed support for the submitted proposals and the grounds on which the support was based are listed below:
- New store will provide competition/variety/fill a gap with reasonable priced goods, Netto store opposite untidy/undesirable, alternative to Tesco.
  - Development will provide employment for local builders/staff recruitment
  - Improve outlook of the proposed site- *dealt within the appraisal section*
  - Aldi good value for money/pleasant surroundings- *dealt within the appraisal section*
  - New store located near residential properties- walking distance/not far to go- *dealt within the appraisal section*
  - Picture of the Aldi store very appealing- *dealt within the appraisal section.*
  - Improve area ready for housing developments for Seacroft regeneration.
  - Youths congregate on cleared site and cause problems.
- 6.5 1 letter raised objection on the following grounds:
- Already a store at this junction. This part of York Road is narrow with residential properties alongside. Another store would bring more traffic which is already busy, causing noise & pollution- *dealt within the appraisal section*
- 6.6 1 further letter passed comment that the only problem would be the extra volume of traffic- *dealt with in the appraisal section*

## **7.0 CONSULTATIONS RESPONSES:**

### **7.1 Statutory:**

Highways comments dated 10<sup>th</sup> June 2009. No objections subject to provision of pedestrian island on York Road, narrowing of site access (to reduce pedestrian crossing length), annotate pedestrian route across car park. Parking ratio ok.

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

Drainage comments dated 3<sup>rd</sup> June 2009. No objections, suggested conditions (details of surface water drainage; surface water discharges to pass through interceptor; study into infiltration drainage methods; 30% reduction of existing peak flows; details of on-site storage for storm events 1 in 100yr).

Yorkshire Water comments dated 6<sup>th</sup> July 2009. No objections, suggested conditions to address separate system of drainage; details of foul & surface water drainage; surface water discharges to pass through interceptor.

Metro comments dated 26<sup>th</sup> May 2009 requesting a financial contribution to make improvements to the bus stop on York Road (northside of Old Lamb Guesthouse).

Environmental Health comments dated 5<sup>th</sup> June 2009. No objections although safety concerns raised about use of car park for delivery, customer vehicles and pedestrians; close-boarded fencing to extend to sides of residential properties; noise level of plant room requested. Response: the revised layout plan indicates safe pedestrian crossing route through the car park.

Additional comments from Health & Safety Team (Environ. Health) objecting to the current design; articulated vehicles manoeuvring and reversing around car park – presents a foreseeable risk of injury or risk.

## **8.0 PLANNING POLICIES:**

8.1 The application site is unallocated within the Unitary Development Plan however the following policies are considered to be of relevance:

- Policy GP5 refers to development proposals should seek to avoid loss of amenity.
- Policy BD5 refers to new buildings designed with consideration given to both their own amenity and that of their surroundings.
- Policy N12 refers to principles of urban design.
- Policy N23 refers to the setting of new development.
- Policy N24 refers to development proposals abutting open land.
- Policy LD1 refers to landscape schemes.
- Policy S5 refers to major retail developments.
- Policy T2 refers to new development and highways.
- Policy T2d refers to public Transport Contributions.

East and South East Leeds Area Action Plan (LDF- Preferred Options, 2007)

Relevant Supplementary Guidance:  
Public Transport Improvements and Developer Contributions (SPD, 2008)  
Travel Plans (SPD, Draft 2007)

Government Planning Policy Guidance:  
Planning Policy Statement 1: Delivering Sustainable Development (2005)

## 9.0 MAIN ISSUES

1. Principle of development
2. Impact on visual/residential amenity
3. Highways implications
4. Public Transport contributions
5. Other matters

## 10.0 APPRAISAL

### **Principle of development:**

- 10.1 National planning policy concerning town centres identifies that sustainable development is the core principle underpinning planning, emphasising that the planning system has a key role in facilitating and promoting sustainable and inclusive patterns of development, including the creation of vital and viable town centres.
- 10.2 The national policy strategy set outs key objectives to promote town centres vitality and viability by planning for the growth and development of existing centres and by promoting and enhancing existing centres, focusing retail development in such centres and encouraging a wide range of services in a good environment, accessible to all.
- 10.3 These national objectives are reiterated in the City Council's own policies in relation to town centres. Policy S2 aims to maintain and enhance the vitality and viability of specified town centres with retail development encouraged within town centres unless it would undermine the vitality and viability of that centre or adversely affect the range of services and functions within that centre. As stated in Policy S5, major retail development outside the defined S2 centres will not normally be permitted unless the type of development cannot satisfactorily be accommodated within the existing centre, or in the absence of an in-centre site, on a site adjacent and well related to that centre; or that the proposal would not undermine the vitality or viability of a defined centre; that the proposal addresses qualitative and/or quantitative deficiencies in shopping facilities; that it is readily accessible to those without private transport and results in a net reduction in the number and length of car journeys.
- 10.4 The continued view of the City Council is that it is most important that any retail development is encouraged to locate where it best serves all sections of the community, i.e. those dependent on public transport, as well as those with cars. The most accessible locations being the existing centre locations.
- 10.5 The application site is not allocated within the City Council's Unitary Development Plan (UDP) and does not fall within a local or town centre boundary. Whilst other retail units are visible from the application site, they have no collective status in policy terms as a "local centre" and are in any case separated by roads from both the existing out of centre Netto (and adjacent Carphone Warehouse/Motorworld units) and the neighbourhood parade to the other side of the dual carriageway (Barwick Road). Furthermore, the emerging East and South East Leeds Area Action Plan (EASEL AAP), relevant to this location, does not propose the application site for any specified use.

- 10.6 For retail developments such as this, the applicants are required to demonstrate 5 key tests (need; appropriate scale; no more central sites; no unacceptable impacts on existing centres; accessibility). The applicants submitted a Planning and retail statement and its conclusions are summarised below:
- the applicants contend that the proposed store is a modest scale supermarket which fulfils a neighbourhood shopping role, complementing existing patterns of trading both in existing shopping centre and the larger superstores.
  - the (retail) assessment reports that there is a significant level of unmet need and if shopping patterns remain unchanged would leak out of the catchment area and that trade diversion of the order anticipated would not have a harmful effect on the operation of existing stores.
  - assessed sites at Seacroft Crescent; former Seacroft primary school; and within Crossgates Shopping Centre, demonstrating that there are no sequentially preferable sites within the nearby centres of Crossgates and Seacroft that could accommodate this development.
  - the application site is accessible by bus, cycle and on foot from the surrounding area.
- 10.7 As background, Members are advised that the City Council, in partnership with consultants White Young Green (WYG), has recently completed a Town and Local Centres Study for EASEL and the Aire Valley. This contains detailed analysis of convenience and comparison spending and turnover across the EASEL AAP area, based on original market research. The report's recommendations have been incorporated into the Pre-Submission Draft of the EASEL AAP, currently undergoing public consultation, and also the emerging Core Strategy. The report sets out the location of the network of town and local centres and neighbourhood parades across EASEL, and recommends that the Council should enhance and protect these centres, with growth directed towards the west of the EASEL area and in particular Harehills Lane and Richmond Hill. It is to be noted that the figures contained within this report directly conflict with those provided by Aldi, particularly regarding the level of overtrading and assumptions about catchment areas. In addition, the report's findings and recommendations for EASEL's future regeneration directly contradict with this application proposal.
- 10.8 The proposed Aldi store, even if described as a modest scale supermarket would be larger than the adjoining Netto store and collectively these stores would provide a scale of retail development which is considered inappropriate to an out-of town location. Within the retail assessment, the applicants refer to a significant level of unmet need which if current shopping patterns remain unchanged, would leak out of the catchment area. However, an identified aspect of the aims of the EASEL AAP and wider regeneration initiatives is that the existing shopping patterns do remain unchanged and that shopping is focused into Seacroft and Crossgates, and local centres. Any new retail capacity should be directed into the west of the EASEL area. This is as set out in the Town and Local Centres Study
- 10.9 To define the scope of the retail study of the proposed store a 5 minute catchment area (from application site) was identified by the applicant, including Seacroft and Crossgates centres. Under the previous refused application at this site (Ref:08/03982/FU) a 10 minute drive time catchment area was used. This narrowing of the catchment has resulted in fewer town and local centres being considered in terms of the sequential test. It is considered that if deep discounters such as Aldi are so appealing that there are qualitative arguments for providing such a store on this site, then people will inevitably travel more than 5 minutes by car to get there. Furthermore, bus journeys would also take longer than 5 minutes. Therefore, a 10



minute drive time is considered to be a more accurate measure to reflect the true catchment area. It is the City Council's contention that a wider range of locations should be considered which take into account more preferable locations in Halton, Harehills Lane, Harehills Corner, and Coldcotes Circus in Gipton.

- 10.10 The applicant maintains that "deep discounters are not well represented within the catchment at present which is dominated by large supermarkets." However, this assertion does not take into account the deep discounter (Netto) directly adjacent to the application site, nor the Lidl stores in Halton and Gipton. The applicant argues that there is a distinction between the types of goods sold by Aldi and Netto, and therefore that the companies are not directly comparable. Aldi have provided company information and this is used as a justification of the qualitative need for the scheme. Further adding that the proposed Aldi would be larger than the adjacent Netto and it would be able to stock a wider and to a degree different range of products which will have a material effect on the level of choice for customers. It is considered that if the Aldi were built, in the ongoing attempt to attract customers, there would inevitably be continual price and product competition with the adjacent Netto, these 'week by week' differences would not be enough to justify the scheme in qualitative terms, under PPS6.
- 10.11 Members are informed that the City Council are currently assessing a redevelopment proposal of the Netto site opposite (ref 09/02338/FU) which also includes the Carphone Warehouse and Motorworld retail units. The scheme comprises of the demolition and rebuild to increase the current store size to 928.5 sqm. Although the Netto is out of centre (therefore similar planning policy arguments against a new build scheme apply as to the Aldi site), the Netto proposal has the benefit of a fall back position which the applicant's have advanced as part of their case. The applicant advises that they have the potential to expand into adjacent retail units (Carphone Warehouse and Motorworld- floorspace of 1,039 sqm gross) without requiring the need to obtain planning permission. Therefore, it is considered that the arguments by Aldi, of a qualitative need for additional floorspace in this out of centre location, are of insufficient weight.
- 10.12 Due to the regeneration aspirations for across the EASEL area, and the Area Action Plan ambition and policies the area is regarded as one entity (albeit containing different neighbourhoods and communities), it is appropriate for potential development to look at sites across a wider area than perhaps might be the case outside of the AAP area. However, the applicant has a very narrow focus on only the town centres of Seacroft and Crossgates.
- 10.13 The sequential approach to site selection should be applied to all development proposals for sites that are not in an existing centre nor allocated in an up-to-date development plan document. The applicants identified and discounted 5 alternative sites within Seacroft and Crossgates stating that they have demonstrated that there are no sequentially preferable sites which could accommodate the proposed development. However, the site adjacent to Seacroft Library and a cleared garage site adjacent to Crossgates town centre are considered to be more sequentially preferable than the appeal site and whilst the applicants identify lack of frontage and restrictive size as factors to discount the Seacroft site it is the City Council's contention that these should not be discounted in the sequential test.
- 10.14 As background, sites are available in Harehills Corner and Harehills Lane, including the former Tradex, and the former Compton Arms public house. Importantly, through the EASEL AAP the Council is also seeking to enhance the status and vitality of Coldcotes Circus local centre (Gipton) and a 0.5 ha site adjacent to the current

shopping parade is identified in the AAP for mixed use, including retailing. This is a cleared site in Council ownership with a full frontage onto the Circus with potential for further land if required. This site is clearly more sequentially preferable and would have an increased regeneration benefit than the proposed appeal site. In conclusion, the City Council considers that the proposal has not met the requirements of the sequential test under PPS6.

- 10.15 Whilst the analysis contained within the Transport Assessment considers that the application site is an accessible location, UDP policies seek to encourage the use of sustainable methods of transport to existing nodes which happen to be existing local or town centres ...as advocated within the UDP and emerging EASEL AAP.
- 10.16 The applicants have engaged with the local community. The submitted consultation statement shows that the responses received as a result of consultation were mostly supportive. This, however, does not indicate that planning policy can therefore be overridden and indeed one of the reasons for a plan-led approach is to balance the wider public interest.
- 10.17 In addition, Aldi considers that the proposed store can make a positive contribution towards the regeneration of the EASEL area. However, as discussed above developing a food store in this location would actually directly contradict the regeneration aims for EASEL. Granted, the redevelopment of this vacant/cleared site would be a physical regenerative benefit but this argument could be advanced for many other forms of development, for example, housing or employment, which additionally would not cause detriment to the EASEL regeneration aims.
- 10.18 In summary, the principle of retail at this location is the key consideration. The application site is in an out-of-centre location and the City Council are not promoting the site within the emerging EASEL AAP. It is considered that the combined scale of net retail floorspace (of the proposed and existing Netto Store) would be of a scale inappropriate to this location. The applicants have failed to satisfy our questioning of the curtailment of their catchment area and they have not put forward any argument for this location to be allocated as a local centre based on wider regeneration needs. In terms of the EASEL AAP regeneration proposals, this site is isolated from the main regeneration areas to which any direct benefit could be construed. As such, refusal of the application is warranted.

**Impact on visual/residential amenity:**

- 10.19 The proposed development is laid out with the store building positioned to the western portion of the application site with its car park laid out to the front of the building offering direct access to York Road.
- 10.20 The proposed building is contemporary in appearance incorporating clean lines to its design and is to be constructed of white render with tinted glazed panels. Despite being single storey, the store building is by its very nature is a bulky structure and will elevate to a height above the eaves lines of the nearby two storey dwellings. The separation distance between the proposed store building and the neighbouring residential properties along Inglewood Drive is considered adequate to preserve the occupiers amenity. The southern landscape area has been enlarged, enhancing the landscape buffer between those private gardens and the car park and store and provide an appropriate screen planting to help filter views of the site.
- 10.21 The proposed building is positioned away and set behind the adjacent Grade II listed building which is positioned to the back edge of the pavement on the York Road

frontage. This property will remain in visual prominence along the street view. The presence of landscaping and the dwellings on York Road/Inglewood Drive will obscure views of the store from the south and north.

- 10.22 In view of the selection of white render for the store, concerns were raised as to its likely visual starkness when set against a listed building and open land. In seeking to retain the clean and contemporary look of the store building the applicants have attempted to tone down the white colouring to the 'back of house' element. Replacing the render with a buff brickwork so as to make this element of the development appear more recessive both to the adjacent listed building and the main store building itself. It is considered that subject to the submission of appropriate external material finishes the proposed building would not unduly impact on the setting of the listed building. The scheme indicates the provision of low stone walling to provide continuation to the walling feature of the listed building. Specific details of the design of the walling could be secured by an appropriate planning condition. The presence of a high leylandii hedge to the northern boundary separates the listed building and the proposed store building.
- 10.23 In light of the scale, size and appearance of the store it was considered vital that the store and its car park were adequately separated by perimeter boundaries to ensure decent separation from other properties and afford the provision of suitable landscape features. To the west, lie open fields which presently provide unfiltered views into the application site. Given the slightly elevated land level the proposed building has the potential to be visually prominent from this view point.
- 10.24 However, the proposed store is positioned away from the western boundary, and with the irregular boundary line could accommodate landscape planting of a sufficient scale/size to effectively filter views of the development. Supplementary planting to the northern side of the store will bolster the landscape screen. The landscape buffer will help to assimilate the building with its surroundings and deal effectively with the transition between the open land and the application site. Furthermore, planting bays are located within and to the perimeter of the carpark have been bolstered with a varied selection of tree species to add visual interest to the development proposals from the York Road frontage.
- 10.25 As touched on above, adjustments have been made to the alignment of the southernmost car parking bays and as a result the landscape strip has been widened giving greater scope for more substantial planting. This amendment proves beneficial on two counts. Firstly, the alteration will bulk up the visibility screen to this boundary, and secondly, increase the separation distance of the car park from the residential garden areas.
- 10.26 To the northern side of the 'back of house' stands a protected tree and the store building will encroach into its root protection zone. In order to ensure the health and wellbeing of the protected tree is maintained an appropriate condition requiring a method statement of construction could be imposed.
- 10.27 The proposed store will accommodate its storage areas and plant/machinery into its 'back of house'. This equipment is contained within the envelope of the building and is likely to be in operation for 24hrs. This part of the store is positioned adjacent to the some of the outbuildings to the rear of the guest house and could give rise to noise/disturbance to that property. However, it is considered that appropriate conditions could be imposed to assess noise output of equipment (and make necessary recommendations on mitigation measures), details of the ventilation

equipment (noise/odour) and place restrictions on the hours of operation/delivery to mitigate the impact on nearby neighbours.

**Highways implications:**

- 10.27 The proposed development has been subject to some level of discussion between the City Council and applicant to resolve sightlines, parking ratios, servicing and off-site highways works. It is considered that the proposed single access point provides adequate sightline onto York Road. The parking level is below the UDP standards however Highways DC are content that the supporting evidence submitted demonstrates that the proposed provision is sufficient. The proposal will incorporate off-site highways works (incl. traffic island) which could be secured through the imposition of an appropriate Grampian condition.
- 10.28 One issue arising during discussions on the proposed layout concerned the potential conflict between customer safety and the delivery procedure. As illustrated on the proposed layout the manoeuvring of delivery vehicles will take place within the car park area and concerns have been expressed as to the risk of injury to users. Ideally, a segregated access for deliveries and customers should be proposed. It is advised that two deliveries will occur daily, an articulated goods vehicle and a medium sized rigid vehicle will visit the site (the latter before trading starts). Several factors have been taken into consideration including the site constraints, relative infrequency of deliveries, potential for a delivery management plan, operations at other comparable stores and on balance it is considered difficult to sustain a highway objection on this basis.
- 10.29 The proposed development is not considered detrimental to the operation or safe use of the highway.

**Public Transport contributions:**

- 10.30 The proposed use will have a significant travel impact and under the terms of SPD guidance a contribution proportionate to the travel impact of the scheme will be required towards the cost of providing the strategic transport enhancements which are needed to accommodate additional trips on the network. In this instance, a contribution of £68,171 has been agreed between the LCC and the applicant and would be secured through a legal agreement (drafted).
- 10.31 In addition, the applicants' Travel Plan document promotes measures to ensure that users of the development are offered a choice of travel modes to and from the premises. Measures such as providing a shelter, timetable information and a raised kerb at the nearest bus stop (on York Road) have been agreed.

**Other matters:**

- 10.32 In regard to drainage matters, the proposed development will involve a significant increase in the amount of hardsurfacing across the site. Planning conditions would be appropriate to secure details of drainage methods, provision of oil interceptors and subject the development to minimum surface water flows.
- 10.33 Turning to land contamination, the application site was formerly used as a farm then as a public house. Given that the proposal is considered a low vulnerability end use and that there are no landfills within 250m colleagues have no objection to the grant of planning permission subject to a condition that covers any unexpected contamination during works on site.

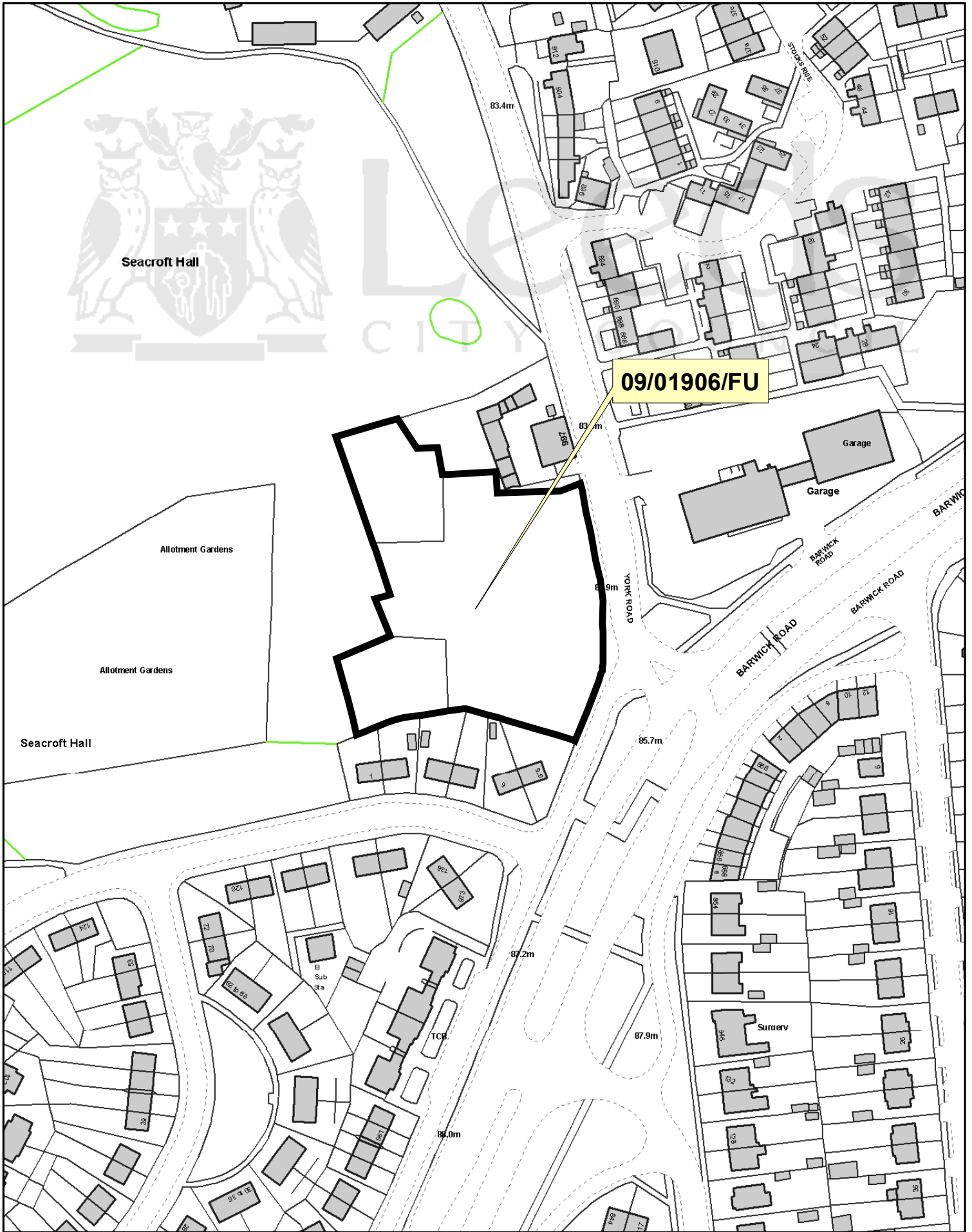
## **11.0 CONCLUSION**

- 11.1 The scale, layout and appearance of the development is considered to respect its surroundings and would not compromise the residential amenity of nearby neighbours or the character and setting of the nearby listed building. The applicants have agreed to make off-site highways improvements and contribute to public transport enhancements and the proposal is not considered to be detrimental to highway safety. Nonetheless, the proposed development is considered contrary to the aims of national and local retail based plan policy and it is the principle of retail development in this location which provokes objection. Accordingly, the application is recommended for refusal on this basis.

### **Background Papers:**

Application and history files.

Certificate of Ownership confirmed by agent acting on behalf of applicant, dated 1<sup>st</sup> May 2009.



# EAST PLANS PANEL



Scale 1/ 1500

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