



**Report of the Chief Planning Officer**

**Plans Panel East**

**Date: 25 November 2010**

**Subject: Application 09/02589/FU – Single Storey Retail Store, petrol station and office/warehouse unit with car parking and landscaping on land at St George’s Road, Middleton, Leeds**

**APPLICANT**

Asda Stores Ltd

**DATE VALID**

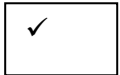
19 June 2009

**TARGET DATE**

23 February (Planning Performance Agreement)

**Electoral Wards Affected:**

Middleton Park



Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION:**

**Defer and delegate the application to the Chief Planning Officer for approval subject to the conditions set out in 23 February 2010 Officer Report and subject to the applicant entering into an agreement under S106 of the Planning Act to cover the following matters:**

- Local jobs and training creation
- Relocation of Brandon Medical within the local area
- Public transport contribution of £1,052,114
- Provision of bus shelters and real-time information displays as set out in the report
- Travel planning including payment of £6, 375 evaluation monitoring fee (for retail store and B1/ B8 unit)
- On-site public realm provision in accordance with approved plans
- Off-site public realm £190, 000 (including improvements to the steps/ramp linkage on St George’s Road to the existing shops to created a new terraced link area – approximate cost £150K)

**The Panel is also recommended not to enforce a current legal restriction which affects the application site, under Section 52 of the Town and Country Planning Act 1971 (the predecessor of the current Section 106). This states that “Pursuant to Section 52 of the Town and Country Planning Act 1971, not to use the Property for any purpose**

**whatsoever other than for light industrial, general industrial, warehousing and ancillary office accommodation". This was entered into by Leeds City Council, the former owner of the application land, and other parties at the time of the Council's sale of the land to others.**

**The Panel is also recommended to agree in principle to the closure of Holme Well Road under the Planning Act.**

## **1.0 INTRODUCTION**

- 1.1 This report is provided to update Members on the progress officers have reached in determining this application since the Plans Panel resolution of 23 February 2010. The purpose of bringing this application back to the Panel is for Members to reaffirm the resolution to grant planning permission (subject to the conditions set out in the 23 February 2010 Panel Report) as there are considered to be no new material planning considerations which would justify a different approach to the application. Members should note that Tesco's have resubmitted their application for the development of the adjacent site, Benyon House but it is essentially the same as the previous proposal.
- 1.2 At the 23 February 2010 Plans Panel, Members resolved to defer and delegate the application to the Chief Planning Officer for approval, subject to the conditions set out in the officer report (subject to specified amendments) and subject to the applicant entering into an agreement under S106 of the Planning Act to cover the following matters :
- local jobs and training creation
  - relocation of Brandon Medical within the local area
  - public transport contribution of £1,052,114
  - provision of bus lay-bys, bus shelters and real-time information displays as set out in the submitted report
  - travel planning including payment of £3750 monitoring fee
  - on-site public realm provision in accordance with approved plans
  - off-site public realm (including improvements to the steps/ram linkage on St George's Road to the existing shops to create a new terraced link area – approximate cost £150,000)
  - off-site highway works including improvements at the Throstle Nest/Middleton Ring Road roundabout
  - to secure the adoption by the Council of the new access road leading from St George's Road to the Household Waste site
- 1.3 The Panel also agreed not to enforce a current legal restriction which affects the application site, under Section 52 of the Town and Country Planning Act 1971 (the predecessor of the current Section 106). This states that 'Pursuant to Section 52 of the Town and Country Planning Act 1971, not to use the Property for any purpose whatsoever other than for light industrial, general industrial, warehousing and ancillary office accommodation'. This was entered into by Leeds City Council, the former owner of the application land and other parties at the time of the Council's sale of the land to others
- 1.4 The Panel agreed in principle to the closure of Holme Well Road under the Planning Act.

- 1.5 The approval was also subject to the Secretary of State not wishing to call the application in for his own determination following a referral under the provisions of the Town and Country Planning (Consultation) (England) Direction 2009.
- 1.6 The minutes of 23 February 2010 Plans Panel East meeting are attached to this report.

## **2.0 REFERRAL TO SECRETARY OF STATE**

- 2.1 Under the Consultation Direction 2009 (circular 02/09) there is a requirement under paragraph 5.(1) 'development outside town centres' to consult the Secretary of State (SoS) where the Local Planning Authority does not propose to refuse the application. Following the February Plans Panel meeting, application 09/02589/FU was therefore referred to the Government Office Yorkshire and Humber. The Government Office confirmed on 29 March 2010 that intervention by the Secretary of State would not be justified as the application does not, in the Secretary of State's view, raise issues of such wider significance as to require a decision by him. The decision as to whether to grant planning permission remains with the Council.

## **PROGRESS ON S106 LEGAL AGREEMENT**

- 2.2 Following the SoS decision not to call in this application for determination, officers have negotiated with the applicant and their solicitors on the terms of the legal agreement, in accordance with the requirements of the Panel Resolution. The terms of an agreement have now been agreed between the Council and Asda and has been placed on the planning register and should be capable of execution following the Plans Panel meeting. The s106 agreement is in accordance with the resolution of the Plans Panel meeting of 23<sup>rd</sup> February 2010 and includes obligations for the following matters;
- £106, 000 for the enhancement of five identified bus stops
  - £40, 000 contribution towards Middleton district centre improvements to include car park resurfacing, landscaping and improvements to shop fronts
  - £150, 000 district centre public realm improvements to the steps/ ramped pedestrian linkage to Middleton district centre
  - £6, 375 travel plan monitoring evaluation fee (£3, 875 for the retail store and £2, 500 for the B1/ B8 unit)
  - On site public realm works
  - £1,052,114.00 Public Transport Improvements Contribution, of which £750k will be used by the Council to secure a new community bus service, improvements to the 88/88A service or any equivalent service, and £302,114 to be used in accordance with Public Transport Improvements and Developer Contributions SPD
  - Relocation of Brandon Medical within an identified area including Middleton, Beeston, Hunslet, Morley and Rothwell (as shown on the plan presented to 23 February 2010 Plans Panel meeting), prior to commencement of development
  - Not to occupy the development until it has transferred the relocation site to Brandon Medical at no cost other than by exchange of land interests the

precise terms to be agreed between the parties and Brandon agree to accept the transfer of the relocation site within 3 months of the date of the offer of a transfer being made.

- Training and employment initiatives for the future occupation of the development and in the construction of the development including:-
  - Where reasonably practical to use reasonable endeavours prior to the occupation of any building constructed within the Development and from time to time thereafter at the reasonable request of the Council to send details of job opportunities available for that part of the Development to the Jobs and Skills Services
  - To use reasonable endeavours to use local contractors and subcontractors and materials supplied by local firms and companies.
  - To use reasonable endeavours to offer positions of employment to Leeds residents.

2.3 In addition the draft Section 106 agreement records the agreement of the Panel not to enforce the terms of the s52 agreement which affects the site and restricts the use of the building for any purpose other than industrial, light industrial and general industrial, warehousing and ancillary office accommodation.

2.4 All highway works are to be dealt with through conditions.

### **3.0 TESCO APPLICATION - BENYON HOUSE, MIDDLETON**

3.1 Application 09/01727/FU was also considered by Members at the Plans Panel meeting of 23 February 2010 and the application was refused on 15 March 2010 in accordance with the Plans Panel resolution for the following reason;

*The application is one of two which seek permission to build a large retail store on locations outside Middleton District Centre. It has been resolved to grant planning permission to another application which is considered more likely to encourage convenient linked trips to the existing District Centre in accordance with Development Plan Strategy, notably Unitary Development Plan (UDP) Policy 3A and also Planning Policy Statement 4, 'Planning for Sustainable Economic Growth' (PPS4), Policy EC3.1. In these circumstances, this application is considered to be contrary to UDP Policy S5(2), Regional Spatial Strategy Policy E2A and PPS4 Policies EC17.2 and EC15:C. in that it is considered that it will:*

- *result in unacceptable cumulative impacts on the vitality and viability of a number of defined centres,*
- *change the role of Middleton in the shopping hierarchy contrary to existing development plan strategy, and*
- *prejudice the LDF process in relation to its strategy for the provision of shopping facilities and the identification of a sustainable hierarchy.*

3.2 Application 10/04652/FU for a single storey retail store with service yard, car parking and landscaping at the Benyon House site was submitted by Tesco Stores Ltd on 12 October 2010 and is a resubmission of application 09/01727/FU. The application is essentially the same as the previous proposal.

3.3 The supporting information submitted with the second Tesco's application raised concerns regarding the timing and deliverability of the Asda scheme and progress both on signing the s106 agreement and finding a site for Brandon Medical to relocate to. They make the point that it is settled law that a planning decision (in this case the grant of planning permission) must be taken on the basis of all material

considerations at the date of the grant and should there be any change of circumstances between the resolution and the grant, these must be taken into consideration.

- 3.4 Tesco's suggest that :- (a) The passage of time since the Council resolved to grant planning permission for the Asda scheme; and (b) the apparent lack of progress in terms of identifying a suitable relocation site for Brandon Medical, together with the obligation in the draft Asda Section 106 agreement requiring that development of the Asda scheme cannot commence until Brandon Medical has been relocated. are both material changes in circumstances, not least because the issues call into serious doubt the timescales for delivery of the Asda site (as urged by Asda) and the safeguarding of the Brandon Medical jobs in the immediate locality, as assumed by the Council back in March when preferring the Asda application to Tesco's.
- 3.5 In relation to timescales for implementation of the Asda development, it is important to note that the decision of the Plans Panel was made in the knowledge that there could be no guarantee that the Asda targeted opening date of 29 November 2011 would be achieved. For example, the CCRE report to 23 February Plans Panel which considered both proposals referred to the need to relocate an existing business before redevelopment of the Asda site can take place. Also on the issue of the implementation of the development, a specific question was raised by a Member of the Panel on the Road Closure Order which would be required to facilitate the development of the Asda site and the possible length of time this could take to be obtained. The Plans Panel Legal representative advised that this could take anything up to 18 months to resolve and that whilst planning permission being in place would be a highly material consideration, the outcome of the Order could not be guaranteed. This matter is noted in the minutes of the Panel meeting.
- 3.6 Furthermore, the Lead Officer at Panel also advised that whilst Members would need to have regard to the deliverability of the schemes; it was not a race between the two applicants and that the longer term benefits should be considered rather than which store could be operational the soonest. Again, this advice is reflected in the minutes of the Panel meeting.
- 3.7 In terms of the specific issues raised by Tesco's advisers, whilst details of a possible alternative site for Brandon Medical are confidential at this stage, officers are aware that Asda have been working with Brandon Medical to find a suitable site and Officers consider that there is merit in the site which has been identified. As indicated above, the draft 106 agreement has been finalised, is ready to be executed and therefore the Council is now in a position to grant planning permission.

#### **4.0 CONCLUSION**

- 4.1 This report is provided to update Members on the progress in determining application 09/02589/FU. There are considered to be no material changes in circumstances which would justify a different approach to the application than that reflected in the Plans Panel resolution of 23 February 2010. Officers therefore recommend that Members note the progress that has been made and confirm that planning permission be granted in accordance with the resolution of the Plans Panel on 23 February 2010.

#### **Background Papers:**

Planning application: 09/02589/FU

## Plans Panel (East)

**Tuesday, 23rd February, 2010**

**PRESENT:** Councillor G Latty in the Chair

Councillors D Congreve, M Coulson,  
R Finnigan, C Fox, M Lyons, J Marjoram,  
K Parker, A Taylor and D Wilson

### **181 Chair's opening remarks**

The Chair welcomed everyone to a special meeting of Plans Panel East and asked Members and Officers to introduce themselves

### **182 Declarations of Interest**

The following Members declared personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct  
Councillors Congreve, Fox and Lyons declared personal interests through being members of West Yorkshire Integrated Transport Authority as Metro had commented on both proposals

Councillor Fox declared personal interests through having two family members who were minor shareholders in Tesco

Councillor Taylor declared personal interests through being a member of Wades Trust which was referred to in both reports  
(minutes 186 and 187 refer)

Councillor Congreve also referred to the comments he had submitted on both schemes and which were included in the reports regarding highways issues, but stated that these were without prejudice to the determination of the applications

### **183 Apologies for Absence**

Apologies for absence were received from Councillor Gruen who was substituted for by Councillor Coulson and from Councillor Wadsworth who was substituted for by Councillor Fox

### **184 The order of the meeting**

The Panel's Lead Officer set out the order for consideration of the applications in view of the two proposals being for similar forms of development in close proximity

Members were informed that after consideration of agenda item 6, Officers would present the proposals for Application 09/01727/FU – Tesco. This would be followed by speakers and questions from the Panel. This process would be repeated for Application 09/02589/FU – Asda. The Panel would then discuss both applications and reach decisions

### **185 Application 09/01727/FU Proposal by Tesco Stores Ltd for a retail store at Benyon House Middleton and Application 09/02589/FU - Proposals by Asda Stores Ltd for a retail store on land at St George's Road Middleton**

The Panel considered a report of the Chief Planning Officer prepared by Colliers CRE who had been instructed by the City Council to provide expert advice relating to the retail assessments which had been submitted as part of the two applications being considered and the relationship of these studies to both Council and national planning policies

Mr Connell from Colliers CRE presented the report and outlined the main issues which related to:

- whether planning permission should be granted for a new edge of centre store
- whether both applications could be allowed

- whether one application should be allowed and whether there were grounds to prefer one application over the other

Members were informed that there was a deficiency in convenience shopping in this area although this could be improved by a smaller store than that proposed by either application

In respect of whether both applications could be allowed, the Panel was informed that UDP Policy S5 and recent government guidance contained in PPS4 stressed the need to consider the impact on the existing centre and the hierarchy of centres. Mr Connell stated that if permission was granted for both stores this would create a shopping magnet which would draw shoppers from a wide area and could be detrimental to shopping areas in Dewsbury Road, Morley and Rothwell. Whilst Tesco had provided information to support the view that both applications could be accommodated in this area, this information was based upon estimates and therefore had to be treated with caution

Regarding whether one application should be preferred over another, the Panel was informed that the Tesco application was further from Middleton District Centre; that it would be necessary to cross a busy access link to the store and that this could discourage linked trips to the Centre

In terms of the Asda application, this was sited closer to Middleton District Centre, creating better links to it and for this reason Colliers CRE were of the view that the Asda application was more favourable than the one submitted by Tesco

In response to questions from the Panel, Mr Connell stated that whilst both proposals were for the sale of food and non-food items the main deficiency in the Middleton/Belle Isle area was for a good quality food store. A store in the region of 4000sqm, ie two-thirds the size of one of the proposed stores would deliver what was needed

That in terms of population growth, the 1400 new homes to be built in Sharp Lane had been taken into account by Colliers CRE in respect of retail issues

**RESOLVED** - To note the report and the comments now made

### **186 Application 09/01727/FU -Single storey retail store with service yard, car parking and landscaping - Benyon House Ring Road Middleton LS10**

Further to minute 17 of the Plans Panel East meeting held on 4<sup>th</sup> June 2009 where Panel considered a position statement on proposals for a supermarket on Benyon House Ring Road Middleton LS10, Members considered the formal application. A site visit had taken place on 4<sup>th</sup> June 2009 which some Members had attended

Plans, photographs, graphics, drawings and artist's impressions were displayed at the meeting

Officers presented the report and stated that the proposals comprised the demolition Benyon House and the erection of a store with a gross external floorspace of approximately 6092sqm. Vehicular access would be from a spur from the existing roundabout and car parking provision of 351 spaces would be provided; provision for cyclists also formed part of the proposals

The new building would occupy a lesser footprint than Benyon House and was sited at a lower level making this less intrusive in terms of height and massing and improving the outlook for residents on Dolphin Lane

The supermarket would be constructed in brick with larch cladding and glazing and would meet BREEAM 'Very Good' standards

Officers referred to the points raised by Members at the meeting on 4<sup>th</sup> June 2009 and how the applicant had responded to issues relating to the service yard; parking; servicing; regeneration; employment; landscaping and public art

Pedestrian links to the store would be increased with five toucan crossings being provided

Members were informed that the overall walking distances within the application were acceptable for an edge of centre site, however these were greater than those within the Asda application

As Middleton District Centre was not owned by the applicant, improvement works to this could not be made, however enhancements through improved linkages and the provision of public art had been included in the scheme

Public transport contributions of over £1m had been negotiated which included a sum of money for the provision of a free hopper bus with an organisation having indicated an interest in operating this. Provision of bus shelter upgrades with real-time information displays formed part of the proposals

A statement on behalf of the Middleton Park Ward Members was included in the report and Officers stated that the application accorded with Ward Members' wishes. Furthermore Tesco had a commitment to partnership working and this had been demonstrated at their Seacroft store

Officers reported the receipt of 11 additional letters of support for the application and 7 letters from local traders objecting to both of the applications

The Panel was informed that in isolation the application from Tesco had taken on board the comments made by Panel Members and Ward Members. However the application from Asda on the adjacent site was a material planning consideration and having regard to planning policy and guidance, particularly PPS4, Officers were recommending refusal of the scheme, with the report containing a possible reason, for Panel's consideration

Members heard representations from the applicant; a local resident who supported the scheme and an objector who attended the meeting

The Panel, noting all the points made in the representations commented on the following matters:

- the distances between the proposed supermarket and the Middleton District Centre and the likelihood of people making linked trips
- the absence of contributions for improvements to Middleton District Centre
- whether in the future a mezzanine floor would be sought for the development
- the number of jobs to be provided through the development
- the view of local people that the jobs and investment arising from the proposals were urgently needed
- the public transport contribution; the provision of a hopper bus for five years and whether this could be required to continue beyond that period

Members then considered the following application

### **187 Application 09/02589/FU - Single storey retail store, petrol station and office/warehouse unit with car parking and landscaping on land at St George's Road Middleton LS10**

Further to minute 65 of the Plans Panel East meeting held on 27<sup>th</sup> August 2009 where Panel considered a position statement on proposals for a supermarket on land at St George's Road Middleton LS10, Members considered the formal application. A site visit had taken place on 27<sup>th</sup> August 2009 which some Members had attended

Plans, photographs and graphics were displayed at the meeting. Members were informed that the layout plan included in the papers was incorrect as this was an earlier version of the proposals which had been amended following the Panel's comments on the position statement

Officers presented the report and stated that the proposals were for the erection of a single storey supermarket with a gross external floorspace of approximately 6265sqm; a petrol station and a three storey office/warehouse building together with a new roundabout and new access to the nearby household waste site

The supermarket would be of an attractive, modern design and constructed in red brick, white cladding, timber panels and glazing and would meet BREEAM 'Very Good' standards

To address the Panel's previous concerns, the position of the supermarket and car park had been reversed so enabling the store to be sited further north

In terms of regeneration and employment the development would provide these

Public transport contributions of over £1m had been negotiated which included provision of bus lay-bys, shelters and real-time information displays

Regarding highway improvements, four signalised pedestrian crossings would be provided. Highway Officers were of the view that the road network could absorb the traffic from the development and that it could lead to a reduction in longer journeys to other retail centres

The provision of a new access road had led to concerns being raised by local residents particularly due to possible noise nuisance from delivery vehicles. To remedy this opening hours of 7am – 10pm had been agreed with these hours also applying to deliveries. The creation of an acoustic barrier would further mitigate any possible noise nuisance, with Environmental Health Officers being satisfied at the measures taken. If minded to approve the application a revised condition specifying these hours for opening and deliveries was recommended

Members were informed that the principle of development had been established, although having regard to planning policy and guidance, Officers considered that only one application could be accommodated in the area. The application would involve the loss of an area of employment land,



however Officers were of the view that sufficient sites remained in the area. Additionally, the office/warehouse element of the proposals would provide employment use and the applicant would relocate Brandon Medical, an existing, expanding business currently located on the site, within the local area

A statement on behalf of the Middleton Park Ward Members was included in the report

Officers reported the receipt of 7 additional letters from local traders objecting to both of the applications and one letter from the owner of a local petrol filling station

The Panel was informed that due to the linkages the development would provide to Middleton District Centre and the St George's Centre, Officers were of the view that this application was stronger than the other application being considered and recommended its approval to Members subject to amendments to the following conditions:

- condition 2 relating to hours of opening and delivery
- condition 6 relating to the use of the car park
- condition 9 relating to boundary treatments
- condition 20 relating to details of the new road and visibility splays to be provided

Members heard representations from the applicant and three objectors who attended the meeting

(Councillor Congreve left the meeting during consideration of these representations)

The Panel, noting all the points made in the representations commented on the following matters:

- the contribution within the application for District Centre improvements; that Tesco had not been asked to provide such a contribution; the reasons for this and to note that Tesco had indicated they would be willing to match the sum to be provided by Asda
- the lack of a contribution towards public art, with the applicant's willingness to consider some provision being noted
- the inclusion of a petrol station in the proposals and the possible impact of this on an existing petrol station in the area
- the Road Closure Order which would be required and the length of time this could take to be obtained, with the Panel's Legal representative stating this could take approximately 6 months if the Order was not objected to. However, if a Public Inquiry became necessary, this could take up to 18 months to resolve. In terms of the likely outcome, the Town and Country Planning Act procedure was to be used. The test for these Orders is to enable development to be carried out. Accordingly, whilst the outcome of the Order could not be guaranteed, the fact that planning permission is in place will be a highly material consideration
- the position of the household waste site in relation to the development and whether queues to the waste site could impact on the petrol station and access to the store car park. The Panel's Highways representative stated there was sufficient capacity; that any build up of traffic would not be so great as to impact on the petrol station and that the proposals would improve the current situation
- clarification that the car park would not be open beyond store opening hours as this could lead to nuisance and anti-social behaviour
- the number of jobs to be provided through the development
- that additional jobs would be created within the local area from the relocation by the applicant of a business which sought to expand
- the consultation process which had been carried out and concerns that some residents had not been included in that exercise
- links to Middleton District Centre via St George's Road and the willingness of the applicant to discuss provision of a covered area/moving staircase

The Panel's Lead Officer addressed Members and acknowledged that the recommendation for the Asda scheme included a clause relating to the provision of public realm. He explained that the clause had been included as this was the application which Officers were recommending to Panel for approval. Had the Tesco application been the one to be recommended for approval, then a similar clause would have been included. Having regard to Tesco's commitment given at the meeting to match this funding, Members were informed that in this respect both applications were equal

In terms of the general approach taken to both applications, Members were informed that negotiations had taken place with both applicants on similar levels of S106 contributions but that there were differences based on the individual schemes

The expert advice which had been obtained had concluded that only one store was appropriate in this location. Both schemes would bring benefits to the area, however the conclusion of Officers was that the Asda scheme was preferred based upon proximity and the links which flowed from that. In addition there were regeneration benefits, including those relating to the relocation of Brandon Medical centre and the employment opportunities arising from that

The Panel's Lead Officer also advised that Members would need to have regard to the deliverability of the schemes; that it was not a race between the two applicants and that the longer term benefits should be considered rather than which store could be operational the soonest

Members considered how to proceed

A proposal to agree both applications did not receive majority support

Application 09/02589/FU – Land at St George's Road Middleton LS10 – Asda

**RESOLVED-** To defer and delegate the application to the Chief Planning Officer for approval subject to the conditions set out in the submitted report, subject to the following amendments:

- condition 2 – Hours of opening and deliveries to the supermarket, petrol station and office/warehouse to be restricted to 07.00 – 22.00
- condition 6 – The car park shall remain open to the public free of charge during store opening hours in accordance with a management plan to be agreed
- condition 9 – Boundary treatments including highway retaining walls and details of steps and ramps to be approved
- condition 20 – Details of the new adoptable road including details of visibility splays to be approve

and subject to the applicant entering into an agreement under S106 of the Planning Act to cover the following matters:

- local jobs and training creation
- relocation of Brandon Medical within the local area
- public transport contribution of £1,052,114
- provision of bus lay-bys, bus shelters and real-time information displays as set out in the submitted report
- travel planning including payment of £3750 monitoring fee
- on-site public realm provision in accordance with approved plans
- off-site public realm (including improvements to the steps/ram linkage on St George's Road to the existing shops to create a new terraced link area – approximate cost £150,000)
- off-site highway works including improvements at the Throstle Nest/Middleton Ring Road roundabout
- to secure the adoption by the Council of the new access road leading from St George's Road to the Household Waste site
- 

The Panel agreed not to enforce a current legal restriction which affects the application site, under Section 52 of the Town and Country Planning Act 1971 (the predecessor of the current Section 106). This states that 'Pursuant to Section 52 of the Town and Country Planning Act 1971, not to use the Property for any purpose whatsoever other than for light industrial, general industrial, warehousing and ancillary office accommodation'. This was entered into by Leeds City Council, the former owner of the application land and other parties at the time of the Council's sale of the land to others

The Panel agreed in principle to the closure of Holme Well Road under the Planning Act

The above is subject also to the Secretary of State not wishing to call the application in for his own determination following a referral under the provisions of the Town and Country Planning (Consulation) (England) Direction 2009

Application 09/01727/FU – single storey retail store with service yard, car parking and landscaping – Benyon House – Ring Road Middleton LS10 – Tesco

**RESOLVED** - That the application be refused for the reason set out below and to defer and delegate to the Chief Planning Officer for expiration of the notification period (12<sup>th</sup> March 2010) and subject to no new issues being raised in representations

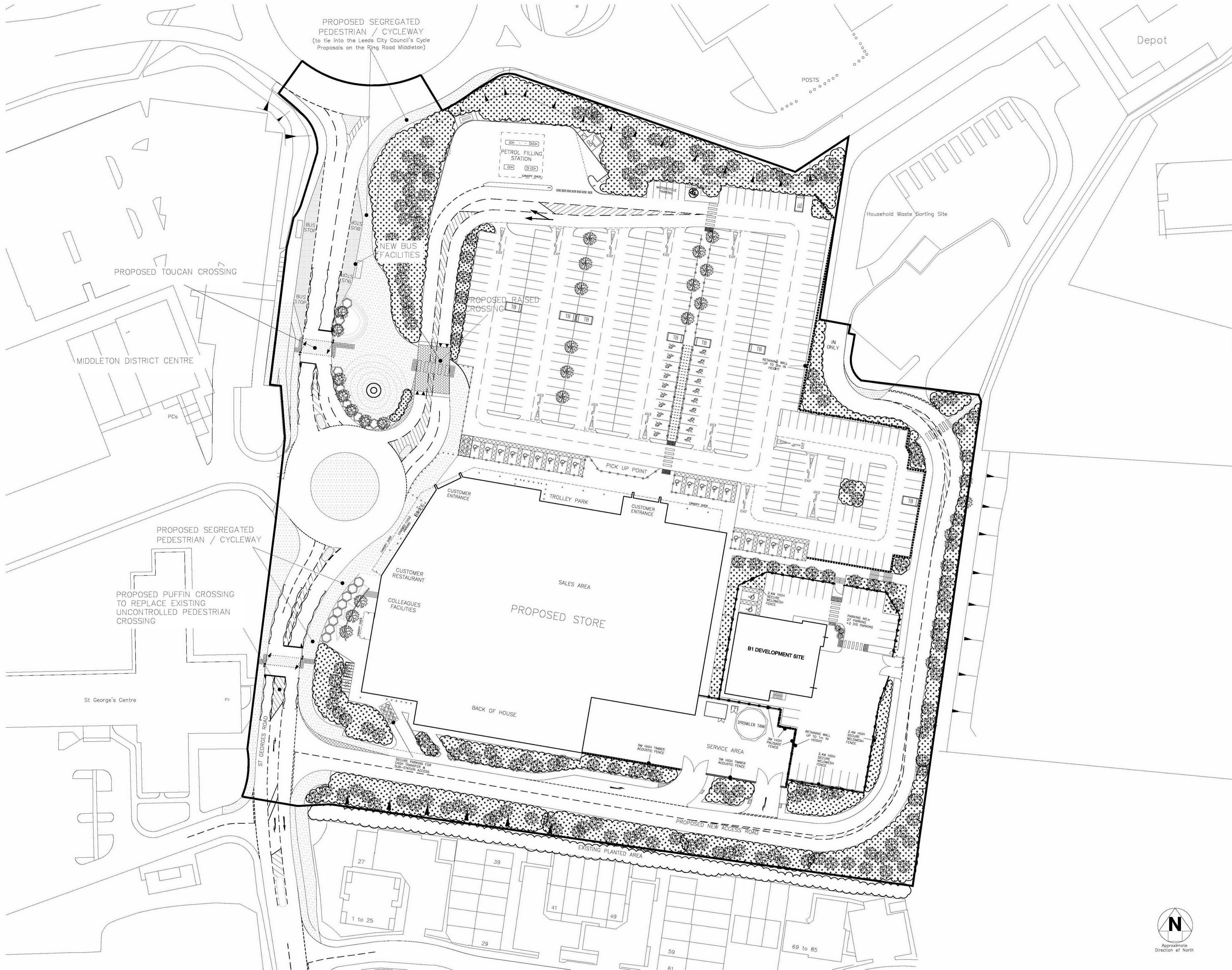
The application is one of two which seek permission to build a large retail store on locations outside Middleton District Centre. It has been resolved to grant planning permission to another application which is considered more likely to encourage convenient linked trips to the existing District Centre in accordance with Development Plan Strategy, notably UDP Policy 3A and also PPS4 Policy EC3.1. In these circumstances, this application is considered to be contrary to UDP Policy S5(2), RSS Policy E2A and PPS4 Policies EC17.2 and EC15:C in that it is considered it will:

- result in unacceptable cumulative impacts on the vitality and viability of a number of defined centres
- change the role of Middleton in the shopping hierarchy contrary to existing development plan strategy and
- prejudice the LDF process in relation to its strategy for the provision of shopping facilities and the identification of a sustainable hierarchy

**188**

**Date and time of next meeting**

Thursday 11<sup>th</sup> March 2010 at 1.30pm in the Civic Hall, Leeds



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XREF'S IN THIS DRAWING

CAR PARKING SCHEDULE

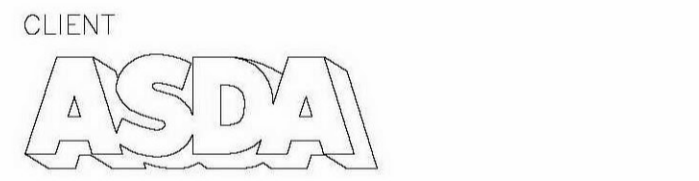
DISABLED SPACES = 20  
 PARENT AND CHILD = 20  
 STANDARD SPACES = 325  
 MOTORCYCLE SPACES = 6  
 TROLLEY BAYS = 8

TOTAL BAYS = 365  
 (Excluding 8no. trolley bays & 6 no. motorcycle spaces)  
 FLOOR AREAS  
 GROSS GROUND FLOOR AREA 63,130 sq.ft.  
 GROSS FIRST FLOOR AREA 4,306 sq.ft.  
 TOTAL 67,436 sq.ft.  
 NET SALES AREA 36,230 sq.ft.

- LEGEND:
- DENOTES EXTENTS OF PROPOSED SITE
  - ..... DENOTES RETAINING WALL
  - DENOTES EXTENTS OF BOUNDARY FENCING
  - \* RECYCLED BOLLARD
  - RAM RAID BOLLARD

NOTE:  
 REFER TO HIGHWAYS ENGINEERS INFORMATION FOR RELEVANT HIGHWAYS DETAILS  
 REFER TO LANDSCAPE ARCHITECTS INFORMATION FOR LANDSCAPING LAYOUT AND DETAILS

No	Date	Description	Drawn/Checked By
E	08/06/09	BOLLARDS ADDED BY LAYOUT AMENDED	mm/ATW
D	1/06/09	GENERAL UPDATE	ATW
C	22/05/09	GENERAL UPDATE	mm/ATW
B	08/05/09	GENERAL UPDATE	ATW
A	30/04/09	HIGHWAYS AMENDED	ja



ASDA STORES LTD  
 PROJECT  
 PROPOSED NEW STORE  
 ST GEORGES ROAD  
 MIDDLETON

TITLE  
 PROPOSED SITE PLAN

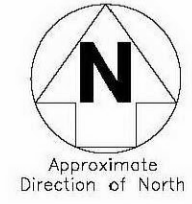
DRAWING STATUS  
**PLANNING**

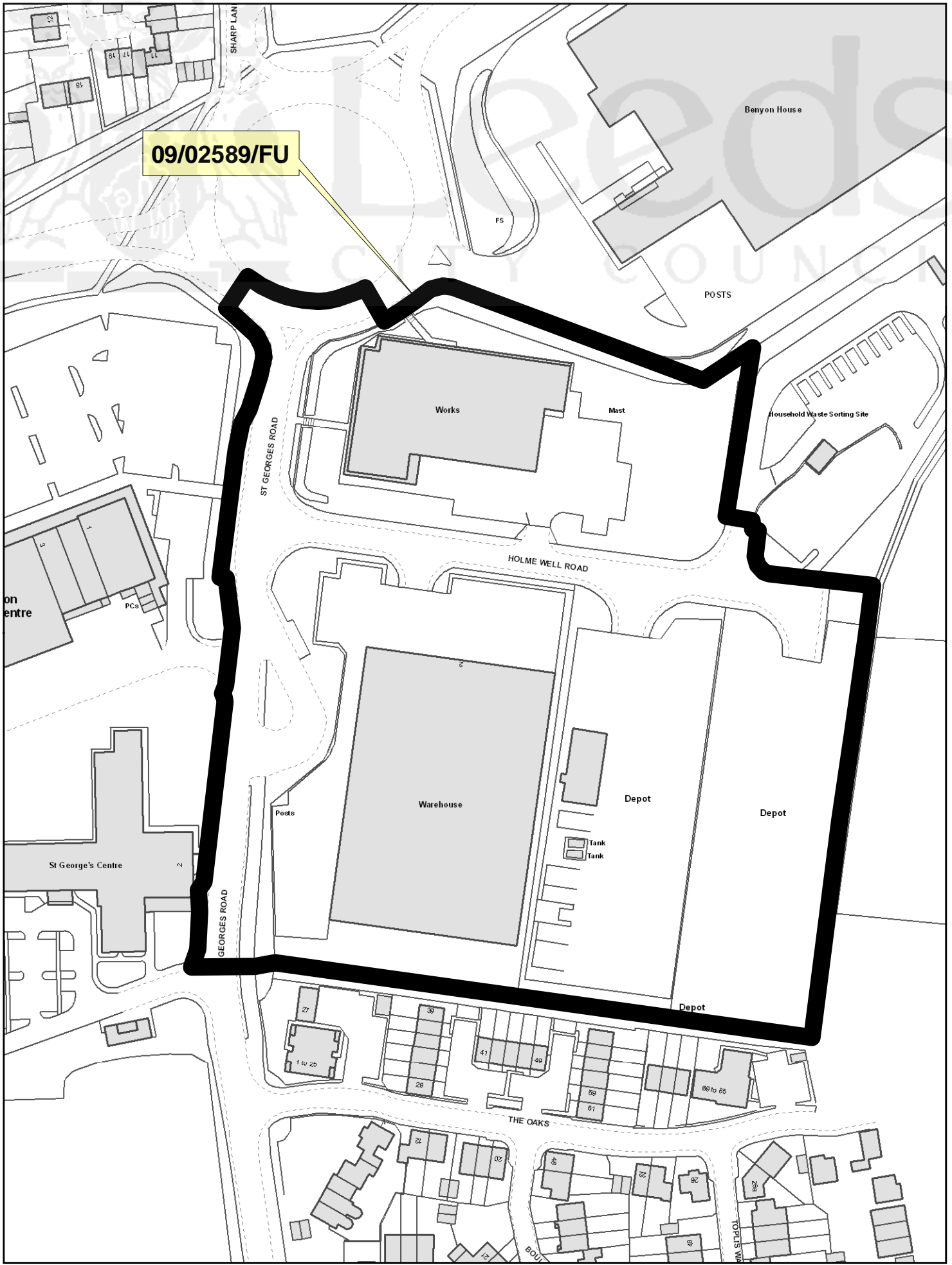
DRAWN	JA	CHECKED	ATW
SCALE	1:500 @A1		
DATE	17-04-09		

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JOB NO.	DRAWING NUMBER	REV
09-059	PL-01	E





09/02589/FU

# EAST PLANS PANEL