



Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 17th March 2011

Subject: Planning application 10/04815/FU – Part single, part two-storey retail store, with car parking, to former garage/petrol filling station site at 700-702 King Lane, Moortown, Leeds, LS17 7AW.

APPLICANT

Burgess Group PLC – Mr S
Roberts

DATE VALID

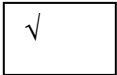
22nd October 2010

TARGET DATE

17th December 2010

Electoral Wards Affected:

Alwoodley



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT PERMISSION subject to the following conditions:

1. 3 year time limit on permission.
2. Development to be carried out in accordance with the approved plans.
3. Demolition to be carried out in accordance with Bat survey.
4. Samples of walling and roofing materials to be submitted.
5. Samples of surfacing materials to be submitted.
6. Details of fencing and/or walls to be provided.
7. Area to be used by vehicles to be laid out.
8. Provision of off site highway works including re-instatement of footways, Traffic Regulations Orders and a zebra crossing to King Lane.
9. Signing of ingress and egress.
10. Service and car park management plan to be submitted and agreed.
11. Details of bollards to be erected along the northern boundary between the back edge of the footway and No. 704 King Lane to be submitted.
12. No external storage.
13. Details of storage and disposal of litter to be provided.
14. Preservation of existing trees and other vegetation.
15. Protection of existing trees and other vegetation.

16. Tree protection in relation to excavations.
17. No remediation to be carried out until a survey of White Clawed Crayfish has been carried out and a method statement prepared, if appropriate.
18. Demolition to only take place between 07:30 and 18:30 on weekdays and 09:00 and 13:00 on Saturdays, with no operations on Sundays or Bank Holidays.
19. Details of fixed plant and sound attenuation measures to be agreed.
20. Opening hours restricted to 07:00 – 23:00 on weekdays and Saturdays and 10:00 – 16:00 on Sundays and Bank Holidays.
21. Delivery hours restricted to 07:30 – 19:00 on weekdays and Saturdays and 10:00 – 16:00 on Sundays and Bank Holidays (including refuse collection).
22. Details of extract ventilation systems to be submitted.
23. Installation and operation of air conditioning.
24. Provision of a grease trap.
25. No lighting fitment to be visible from nearby properties.
26. Details of foundations to be agreed following consultation with Yorkshire Water.
27. Finished floor level to be at least 0.6m above the embankment level of the watercourse.
28. No trees to be planted or structures erected within 9m of the watercourse without consent from the Local Planning Authority.
29. Details of the treatment of the watercourse to be approved.
30. Balancing flows to achieve a minimum 30% reduction of existing peak flow rates.
31. Details of on-site storage provided for additional run-off from storm events up to the 1 in 100 year + climate change to be agreed.
32. Details for dealing with surface water discharges to be agreed.
33. No piped discharges shall take place until the surface water drainage works are approved.
34. Submission of remediation strategies to demonstrate that the site is suitable for use.
35. Procedure for dealing with unexpected contamination.
36. Submission of a verification report on completion of the works.
37. Submission of verification report to demonstrate no detrimental impact on the environment.

Full details of the wording of the conditions to be delegated to the Chief Planning Officer, including any amendments as considered necessary.

Reason for approval: It is considered that the principle of development of a retail unit in this location is acceptable. Whilst the proposals are finely balanced in highways terms, it is considered that subject to the implementation of the proposed highway works, the scheme is acceptable. The design and scale of the building is appropriate to its location. The application is considered to comply with policies GP5, T2, T5, T6, T24, N12, N13, N38B, N49, N51, S8, S9, BD3, BD5 and BD7 of the UDP Review.

1.0 INTRODUCTION:

- 1.1 The application is brought before Plans Panel at the request of Cllr Peter Harrand (Alwoodley Ward). Cllr Harrand's initial concern related to the access and egress of traffic using King Lane, volumes of traffic, conflict between service and customer's vehicles and the potential for on-street parking on King Lane. Cllr Harrand also considered that a S106 agreement must be in place before the application is approved. However, further to the submission of revised plans, Cllr Harrand now supports the application.
- 1.2 This planning application is a re-submission, following the withdrawal of a previous scheme (planning application 10/01566/FU) which proposed the erection of a retail store with car parking to the former garage/petrol filling station site.

2.0 PROPOSAL:

- 2.1 The application proposes a part single, part two-storey retail store, with car parking, to former garage/petrol filling station site.
- 2.2 The existing buildings on the site are to be demolished and the site cleared. The proposed building is to measure 34.6m (max depth) x 14.6m (max width) x 12m (max height to eaves). The form of the building is essentially a reverse 'L' shape. The front of the building, facing King Lane, is two-storey and has a scale and form similar to a detached house. The remaining larger part of the building is set back approximately 6.5m from the front elevation.
- 2.3 In terms of the use of materials, it is proposed that the front projection be faced with rustic bricks at ground-floor level and stone coloured render at first-floor, separated by a stone band course. The shop fronts to the west and north elevations are to be glazed, set within aluminium powder coated shop fronts and painted white. The remainder of the building is to be faced with rustic bricks and the roof is to be finished with clay pantiles.
- 2.4 Internally, the front projection of the building will include customer circulation and retail sales space at ground-floor level and staff facilities at the first-floor level. The remainder of the building is all on one level and includes the main retail sales area and goods storage space. The gross internal sales area equates to 277.86sqm.
- 2.5 Externally, the front of the site is to be hard surfaced and includes entry and exit points, a pedestrian island, 12 car parking spaces including one disabled car parking space and cycle stands. To the south side of the building an access path is proposed to allow for goods deliveries together with access to the first-floor staff facilities.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to a former garage/petrol filling station site. It is apparent that the buildings have not been in use for some period of time and have a somewhat dilapidated appearance. The existing buildings contain a two-storey element with first-floor accommodation whilst the remainder is commercial height single-storey accommodation commensurate with the former use. The site frontage is hard surfaced, albeit in a poor state of repair. The eastern portion of the site comprises a mixture of hardstanding and grassed area. The eastern and southern boundaries contain a mixture of mature and semi-mature trees and other vegetation. The southern boundary of the site is also adjacent to a beck which flows westwards, into Adel Beck and ultimately on into Meanwood Beck.
- 3.2 The site is located just outside the southern end of a parade of shops which is spread along King Lane, either side of the junction with The Avenue. The units immediately to the north of the site are contained within two-storey buildings of early C20th appearance. The units to the north of the junction with The Avenue are contained within a three-storey block of mid C20th appearance. The remaining area to the east of King Lane is otherwise predominantly residential in character comprising detached and semi-detached properties of mid to late C20th appearance. Beyond the beck adjacent to the southern boundary is a three-storey flats development of late C20th appearance. The area to the west of King Lane contains a significant area of public greenspace with some areas of woodland.

4.0 RELEVANT PLANNING HISTORY:

- 10/01566/FU – Erection of a retail store with car parking to the former garage/petrol filling station site – Withdrawn.
- 06/03311/OT - Outline application for residential development with car parking – Approved.

5.0 HISTORY OF NEGOTIATIONS:

5.1 The first planning application (10/01566/FU) proposed the erection of a retail store with car parking, but was later withdrawn. Following pre-application discussions in relation to highways and design matters, the current revised application was submitted. However, Highways Officers still had concerns with the submitted proposals and following negotiations, the scheme has evolved further.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 3 site notices have been displayed, posted 12th November 2010.

6.2 One letter of representation has been received from Cllr Peter Harrand (Alwoodley Ward) stating concern about the access and egress of traffic using King Lane, volumes of traffic, conflict between service and customer's vehicles and the potential for on-street parking on King Lane. It is also considered that a S106 agreement must be in place before the application is approved. Further to this initial letter, Cllr Harrand has had sight of the revised plans and now supports the application, as amended. Cllr Harrand has also requested consideration of a condition to erect bollards along the northern site boundary in order to prevent drivers from rat-running in front of the parade.

6.3 One letter of representation has been received from Alwoodley Parish Council stating that:

- Details of the application have been made available via their website and the responses from parishioners have been mainly supportive of the scheme. However, it is noted that there are some reservations.
- Reference is made to some factual inaccuracies in the submission, including references to premises which no longer exist and where name changes have occurred.
- Observations about the numbers of unoccupied car parking spaces are also questioned. It is also queried whether there are one or two disabled parking spaces and whether there are 12 or 14 car parking spaces in total. A condition is requested to ensure that two disabled parking spaces are provided and to confirm the amount of overall parking.
- The applicant's statement that there is a reasonable amount of parking nearby, including on-street provision is questioned and it is also noted that permission has been given for a restaurant a few doors away which will alter the demand for parking.
- The Parish Council is concerned about entry and exit to and from the site associated with the amount and layout of car parking. Particular concern is raised in relation to how the site can be satisfactorily serviced with the arrangements proposed, without resulting in a loss of car parking, reducing visibility and forcing customers to park on street. It is also noted that visibility is reduced when the bus

stop is occupied by buses. Questions are also asked as to how the route of servicing vehicles, which are to come from a northerly direction, can be policed.

- Concern is expressed that the proposed ATM machine could exacerbate congestion, particularly if drivers park poorly.
- In general terms, it is suggested that a one way system for the parade south of The Avenue may help to improve traffic flow.
- It is noted that no local enhancements are included as part of the scheme and it is suggested that works to the playground to the west of King Lane may constitute planning gain.

6.4 Two letters of representation have been received from local residents, stating concern about:

- The lack of any pre-application consultation.
- The already difficult parking situation associated with the shopping parade. It is felt that car parking proposals vastly under-estimate the likely increase in car parking demand and it is suggested that the surveys undertaken are inaccurate.
- It is considered that the junction of King Lane and The Avenue is very busy and is often difficult to negotiate when there are stationary buses at the stop close to the application site, due to reduced visibility. This reduced visibility will be hazardous to southbound drivers and those exiting the proposed car park. It is stated that a traffic survey should be carried out to ascertain the effect of the proposals on traffic flow.
- The sustainability credentials of the site are questioned as to why 14 car parking spaces are proposed when the supporting information stresses the significance of encouraging public transport use. It is also considered that this contradicts other areas of the submission where it is claimed that the use will attract local people and school children who are likely to arrive on foot.
- Concern is also raised on the effects that increased competition will have in the neighbouring shopping parades. Whilst it is claimed that 15 jobs will be created, consideration should be given to the jobs that may be lost from other businesses nearby.
- Concern is also raised about the gathering of youths outside the existing buildings and adjacent greenspace. It is considered that this will get worse with the opening of a late opening shop. It is questioned whether the Police have been consulted.
- Concern is expressed about the number and timing of deliveries and what impact the resulting noise and disturbance might have on nearby residents.
- It is acknowledged that drainage improvements have been made at King Lane bridge, although it is noted that flooding can occur outside the application site following heavy rainfall. It is therefore considered that a Flood Risk Assessment is necessary.

6.5 Two letters of representation have been received from local residents stating support for the proposals on the following basis:

- The proposals will enhance the local shopping facilities and provide a greater range of goods.
- It is also felt that the scheme will benefit many local residents who are unable to drive to supermarkets further afield.
- It is considered that the proposed car parking and servicing arrangements are acceptable and would be no more of a problem than if the site were developed for flats. It is felt that considerable congestion is caused by the neighbouring Blackmoor Court flats and on-street parking causes a hazard.

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory:

Environment Agency: - No objections, subject to the imposition of a condition in relation to land remediation.

7.2 Non-statutory:

Contaminated Land: - No objection, subject to the imposition of conditions to deal with land remediation.

Yorkshire Water: - No objection, subject to the building foundations being agreed in writing.

Neighbourhoods and Housing: - No objections, subject to the imposition of conditions to control hours of demolition and construction, store opening hours and delivery hours, bin storage, details of extract systems and lighting.

Highways: - The proposals are finely balanced and whilst there are concerns about the practicalities of the proposed shared car parking and servicing arrangement, it is considered the revised proposals are, on balance, acceptable, subject to the imposition of conditions and off-site highway works including Traffic Regulation Orders and a new Zebra crossing.

Land Drainage: - No objections. A comprehensive Flood Risk Assessment has been carried out and the conclusions and recommendations are considered acceptable. Conditions are recommended.

Police Architectural Liaison Officer: - No objections. It would be expected that the operator would manage any specific issues. Advice is provided on the siting of ATM machines and protection for glazing.

8.0 PLANNING POLICIES:

8.1 The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006) (UDP). The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development. In view of the relatively small scale of this proposal, it is not considered that there are any particular policies which are relevant to the assessment of this application.

8.2 The site is unallocated in the UDP. However, the following UDP policies are relevant to the consideration of the application.

Policy GP5: Requires general planning considerations to be resolved as part of the application.

Policy T2: Relates to the provision of adequate access arrangements.

Policy T5: Adequate facilities for pedestrian/cycle users required as part of new development.

Policy T6: Disabled access and provision should be provided in new developments.

Policy T24: Parking requirements for new development.
Policy N12: Sets out the fundamental priorities for urban design.
Policy N13: Requires the design of new buildings to be of high quality.
Policy N38B: Requires the submission of Flood Risk Assessments where appropriate.
Policy N49: Seeks to safeguard wildlife and habitat resources.
Policy N51: Seeks to enhance existing wildlife habitats.
Policy S8: Seeks to maintain and enhance neighbourhood shopping areas.
Policy S9: Refers to retail development outside defined S1 and S2 centres.
Policy BD3: Requires new public buildings to make suitable provision for disabled people.
Policy BD5: Requires new buildings to be designed with consideration given to both their own amenity and that of their surroundings.
Policy BD7: Refers to shopfront design.

- 8.3 National Planning Guidance:
PPS1 – Delivering Sustainable Development
PPS4 – Planning for Sustainable Economic Growth
PPG13 – Transport
PPS25 – Development and Flood Risk

9.0 MAIN ISSUES

Principle of the development
Highway considerations
Visual amenity considerations
Residential amenity
Flood Risk
Biodiversity
Other matters

Principle of the development

- 9.1 The application site is previously developed land, located at the end of a parade of shops in a local shopping area. The two parades along King Lane, to the north and south of The Avenue do not comprise a defined town or local centre in the UDP Review. However, the well established collection of shops clearly performs the function of serving the immediate residential area.
- 9.2 UDP Policy S8 seeks to maintain and enhance viable neighbourhood shopping areas, including environmental improvements. UDP Policy S9 states that small retail developments outside of the defined S1 and S2 centres will not normally be permitted unless the type of development cannot be accommodated within existing S1, S2 or local centres, it will not undermine the vitality or viability of existing centres, it addresses qualitative and/or quantitative need, it is readily accessible to those without private transport and does not entail the use of land designated for housing or key employment sites, Green Belt or open countryside.
- 9.3 From a development plan policy perspective, in relation to Policy S8, whilst the proposals are for a new retail unit, this will mean the improvement of a currently derelict site and therefore the proposals will enhance the visual amenity and attractiveness of this local centre. In relation to Policy S9, the scale and intended use is for a small day to day needs retail use within a local centre. The application is accompanied by a supporting statement to demonstrate how the proposals comply with Planning Policy Statement 4 (PPS4) – Planning for Sustainable Economic Growth. The statement sets out that the nearest significant shopping destinations are Moor Allerton District Centre (which includes a large supermarket, garden and DIY centre, electrical and other specialist shops) and Harrogate Road at the junction with

Sandhill Mount (which includes a petrol station and a parade of convenience stores). The report considers that both centres are outside the walking distance for the purposes of day to day convenience shopping. The report further considers that the existing mix of shops within the local centre would not be adversely affected, but would rather act as a catalyst to improve the retail offer and put less emphasis on the need to travel by car to larger units in other centres. Accordingly, it is agreed that the proposals would not undermine the vitality and viability of other centres. It is also considered that the proposals would improve the quality of local shopping facilities in a location which is readily accessible to those without private transport. The site is unallocated in the UDP Review and will therefore not conflict with other land use objectives or designations.

- 9.4 Overall, it is therefore considered that the proposals comply with UDP Policies S8 and S9, as well as the guidance contained within PPS4. In light of this, it is considered that the principle of retail development on this site is acceptable in principle.

Highway considerations

- 9.5 Highways Officers have carefully considered the revised scheme and have subsequently liaised with colleagues in the Traffic Management section and Accident Studies Unit. Overall, Highways Officers consider that the proposals are finely balanced as there are still doubts about the practicalities of a shared parking/servicing arrangement and the effect of servicing on the already limited on-site car parking provisions. However, it is considered that the revised layout has improved the segregation between pedestrians and service vehicles and the introduction of a raised footway between the entry/exit point should prevent drivers from reversing onto King Lane from car parking bays 1 - 6.
- 9.6 Consideration has also been given to whether the introduction of footway/pedestrian improvements and traffic management measures along King Lane in the vicinity of the site would help to mitigate the servicing and parking concerns. Highways Officers feel that there would be merit in introducing a new zebra crossing on King Lane to the south of the site (thus encouraging local journeys on foot), and extending the existing waiting restrictions beyond the site (also to the south) to deter overspill on-street parking, including the possibility of a loading ban to prevent on-street servicing. These works have been suggested to the applicant and initial indications suggest that they would be willing to provide for such works which would be secured through planning conditions and a S278 agreement.
- 9.7 It is noted that the existing pedestrian environment in the vicinity of the site consists of a long dropped footway crossing that merges into the forecourt and extends across the adjacent access and the bridge to the south. It is therefore considered essential that the pedestrian areas are also properly defined and footway levels are restored where dropped crossings are no longer appropriate. The extent of the required footway works should consider the length between the bus shelter (to the north) and the bridge (to the south). Other widening/adjustment works may also be required to the footways on either side of King Lane (to the south) that would feed in to the new zebra crossing. A Service/Car Park Management Plan would also need to be agreed and implemented at the site.
- 9.8 With regard to other matters raised in the letters of representation, it is confirmed that the proposals contains 12 car parking spaces, one of which is to be marked out as a disabled space. The provision of one disabled space is considered acceptable given the relatively small scale of the development. Whilst Highways Officers consider the proposed layout to be acceptable, Cllr Harrand has requested that Members consider a condition requiring the erection of bollards along the northern boundary of the site

(from a point at the rear of the footway to a point level with the front elevation of No. 704 King Lane (Chris Bell Associates). In terms of traffic flow, this would prevent drivers using the space in front of the parade as a rat run to cut out the junction between The Avenue and King Lane. Such a condition has been included in the suggested conditions at the start of this report. The issue of poor parking by customers is ultimately a matter for management of the store to monitor and deal with as appropriate.

- 9.9 It is further considered that the site is in a relatively sustainable location, given its intended use as a store catering for day to day retail needs. It is therefore reasonable to expect many customers to arrive on foot, although where car drivers do park on site, their visits are likely to be for relatively brief periods of time. In conclusion, subject to the funding of a package of off-site highway works, comprising traffic management measures and pedestrian improvements, it is considered that the revised proposals will not have any detrimental impact of the safe and free flow use of the local highway network.

Visual amenity considerations

- 9.10 The site is currently occupied by redundant buildings associated with the former garage use, which now appear to have fallen into some disrepair. It is considered that these buildings are not of any particular merit and in their current condition, significantly detract from the rest of the King Lane street-scene.
- 9.11 The proposed design has altered significantly since the proposal considered in planning application 10/01566/FU was considered. The original design was for a very functional building that was rectangular in plan form and essentially having the appearance of a warehouse. This design was criticised for its lack articulation and consideration for the local context. Accordingly, following negotiations with Design Officers, the revised design submitted in this application is a reverse 'L' shape, allowing for the two storey front projection to penetrate further forward into the street-scene. It is considered that this design draws the eye to the two-storey form, which is more akin to a dwelling and more in keeping with the form and height of the adjacent shop units. The bulk of the retail store is otherwise hidden away at the back of the site and is out of general view.
- 9.12 In terms of external areas, the front of the site contains the car parking areas and access points. Unfortunately, given the relatively small size of the site, there is no space for additional soft landscaping or tree planting along the King Lane frontage. Instead, the frontage will be more a continuation of the hard surfacing that already exists in front of the parade of shops. The site does however benefit from a number of trees to the southern boundary (adjacent to the beck) and the eastern end of the site. These trees are all to be retained and conditions are suggested to ensure their protection and longer term survival.
- 9.13 Overall, it is considered that the proposal will provide a visual improvement to the character and appearance of the local shopping centre and this stretch of King Lane, without having any detrimental impact on the existing trees.

Residential amenity

- 9.14 The application site is set within the context of a local shopping centre, although it is noted that there are some flats above nearby shop units. A flats development, Blackmoor Court, exists beyond the southern boundary of the site, to the south of the beck.
- 9.15 There is no scope for overlooking from any of the proposed fenestration in the new

building. However, retail units do have the potential to cause noise and disturbance to nearby occupiers by vehicle noise, deliveries and the comings and goings associated with visiting customers. Following consultation with Environmental Health Officers, it is suggested that opening hours of the store are restricted to 07:00 hours to 23:00 hours Monday to Saturday and 10:00 hours to 16:00 hours on Sundays and Bank Holidays. Delivery hours to the store should be restricted to 07:30 hours to 19:00 hours Monday to Saturday and 10:00 hours to 16:00 hours on Sundays and Bank Holidays. Conditions are also suggested to require details of extract ventilation systems and air conditioning units to ensure that there is no noise nuisance, as well as requiring the provision of a grease trap and a restriction on lighting.

- 9.16 With regard to the demolition and construction phases, Environmental Health Officers also suggest a condition to ensure that no works take place before 07:30 hours on weekdays and 09:00 hours on Saturdays, nor after 18:30 hours on weekdays and 13:00 hours on Saturdays. No works should take place on Sundays or Bank Holidays.
- 9.17 Overall, it is considered that the proposed building and use will have no detrimental impact on the residential amenity currently enjoyed by nearby occupiers. Further, conditions can be used to ensure that noise nuisance is controlled and within reasonable parameters during the demolition and construction phases.

Flood Risk

- 9.18 A comprehensive Flood Risk Assessment (FRA) was undertaken for the site following consultation with the Environment Agency, Yorkshire Water and the Council's Flood Risk Management Section. The conclusions and recommendations of the FRA are considered to be acceptable and therefore the surface water drainage proposal for the development should be carried out in accordance with these recommendations. It is noted that the beck adjacent to the southern boundary of the site crosses King Lane in a culvert and there is a grid upstream of this culvert which is maintained by the Council. Drainage Officers advise that if, for whatever reason, surface water cannot be discharged to the public sewer which traverses the southern boundary of the site (parallel and north of the beck), then surface water discharges to the highway culvert must be restricted to greenfield rates of runoff. Conditions are otherwise suggested to require the submission of drainage details.
- 9.19 The applicant has engaged in dialogue with Yorkshire Water with regard to the proposed building encroaching within the 3m stand-off distance to a public sewer that crosses the site. Yorkshire Water have no objections to the proposals provided that suitable foundation details are submitted which show no additional load being transmitted onto the public sewer. It is suggested that this matter is also dealt with by condition.
- 9.20 Overall, it is considered that the site can be re-developed and make appropriate provision for land drainage without contributing to flooding problems locally or downstream.

Biodiversity

- 9.21 A Bat survey for the existing buildings was submitted with the application and has been considered by the Council's Nature Conservation Officer to be acceptable. No evidence of Bats was found and overall the buildings were assessed as having limited Bat roost potential. The timing and method of demolition should therefore be carried out in accordance with the good practice and timing recommendations made in the report.

- 9.22 The remediation of contamination on the site will require some work to the watercourse. Residual Diesel Range Organics (DROs) compounds, copper and zinc are present in the adjacent beck and it is proposed to raise nutrient levels in the silt to increase the rate of biodegradation with bi-weekly monitoring of both silt and water samples. White Clawed Crayfish have been recorded in Meanwood Beck, of which this beck is a tributary. If White Clawed Crayfish are present, any impact would be temporary in nature and, in the long term, is likely to be beneficial as contamination is removed.
- 9.23 The protection and retention of trees along the southern and eastern boundaries of the site is considered to assist in preserving the biodiversity and habitat potential of the site and surrounding area.
- 9.24 Overall, it is considered that the proposals will have no detrimental impact on protected species and the proposed remediation is likely to improve local habitat potential.

Other matters

- 9.25 Further to Cllr Harrand's initial comments, given the small scale and nature of the proposed development, no S106 agreement is required.
- 9.26 One of the letters of objection expresses concern about the lack of any pre-application consultation. It is unknown what, if any, consultation the developer undertook prior to submitting the planning application. Whilst pre-application consultation is always encouraged, the scale of this proposal falls below the threshold where community engagement would need to be demonstrated, in accordance with the Council's adopted Statement of Community Involvement. However, the City Council has correctly advertised the application in accordance with the requirements of the Town and Country Planning (General Development Procedure) Order 1995, as amended.
- 9.27 The letters of representation express concern about the effects that increased competition would have on other businesses in the neighbouring parades. Essentially, commercial competition is not a planning matter and therefore cannot be considered as part of the decision making process. However, it is worth bearing in mind that the application is supported by a statement in respect of PPS4 which asserts that the proposed use will fulfil day to day retail needs not catered for currently and that the scheme will not undermine the vitality or viability of other nearby centres.
- 9.28 One letter of representation also expresses concern about gatherings and criminal behaviour that may occur as a result of the development, particularly due to the lateness of the proposed opening hours (23:00hours on weekdays and Saturdays and 16:00 on Sundays and Bank Holidays). The West Yorkshire Police Architectural Liaison Officer has been consulted on the application and has advised that there is no material difference in circumstance between the proposed development and the existing parade of units. Accordingly, it would be expected that the applicant would manage any issues that may arise and involve the Police as necessary.

10.0 CONCLUSION

- 10.1 In conclusion, it is considered that the principle of development of a retail unit within this local centre is acceptable. Whilst the proposals are finely balanced in highways terms, it is considered that subject to the implementation of the proposed highway works, the scheme is acceptable. It is considered that the revised design submitted in this application is a significant improvement to that proposed in the previously withdrawn application. Accordingly, an unsightly derelict site will be replaced with an attractive and appropriately sited building that will relate well to its local context.

Further, it is considered that the proposals will have no detrimental impact on residential amenity, will not increase flood risk and will preserve and potentially enhance biodiversity. Overall, it is therefore considered that the proposal is acceptable and the application is therefore recommended for approval.

Background Papers:

Application file: 10/01566/FU

Application file: 06/03311/OT

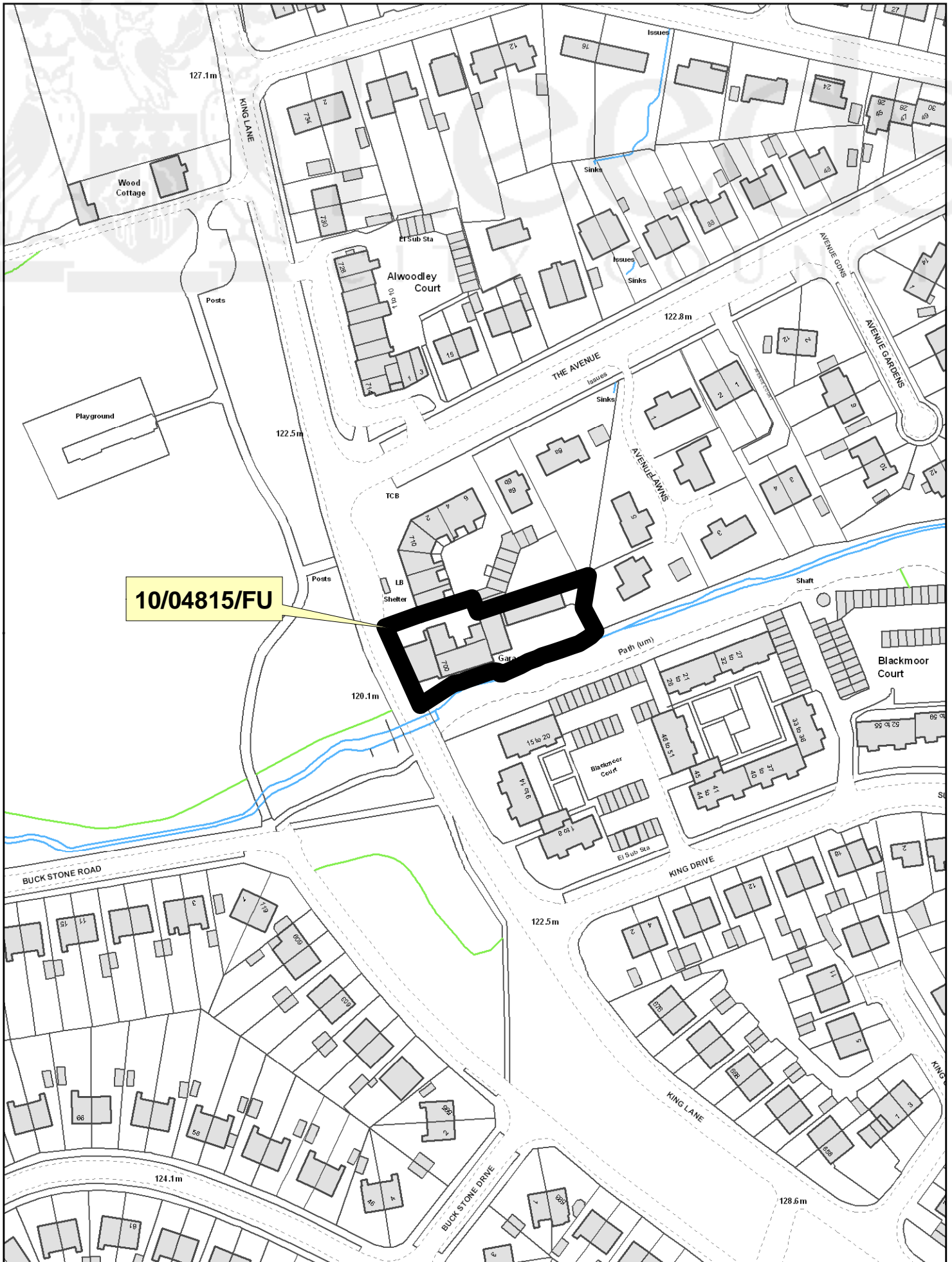
Certificate of ownership:

Notices Served:

Chris Bell Financial Services Ltd, 704 King Lane, Moortown, Leeds

Victoria Faith, Halstead Ferriers, Boyle Hill, Chapelthorpe, Wakefield

Bernard Valentine Brophy, 149A Dartmouth Road, London, NW2 4EN



10/04815/FU

EAST PLANS PANEL