



Leeds
CITY COUNCIL

Originator: J.Bacon

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Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 12th July 2012

Subject: APPLICATION Ref: 11/05212/FU Demolish existing retail units and erect 5 retail units with associated car parking and landscaping at former Netto foodstore, York Road, LS14.

APPLICANT
McLagan Investments LTD

DATE VALID
13th January 2012

TARGET DATE
13th April 2012

Electoral Wards Affected:

KILLINGBECK & SEACROFT

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

DEFER and DELEGATE approval to the Chief Planning Officer subject to the following conditions and the signing of a S106 agreement covering:

- bus stop upgrade contribution (£10,000)
- tactile paving works contribution (£3,500)

In the circumstances where the S106 has not been completed within 3 months of the resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer.

1. Time limit on full permission (3yrs).
2. Develop in accordance with approved plans.
3. Details of external walling and roofing materials to be submitted.
4. Details of surfacing materials for footpath.
5. Details of boundary treatments to be submitted (including acoustic fencing to northern boundary).
6. Details of proposed site levels to be submitted.
7. Area used by vehicles surfaced and drained.
8. Details of method to close off Barwick Road access to be submitted.
9. Details of cycle parking facilities to be submitted.

10. Submission of landscaping details and implementation.
11. Protection of existing trees/vegetation.
12. Tree replacement.
13. Restriction on demolition/ construction hours (not before 07.30 Mon-Fri/09.00 Sat nor after 19.00 Mon-Fri/13.00 Sat).
14. Submission of scheme to control noise from any external plant.
15. Details of extract ventilation systems.
16. Details of waste/recycling facilities to be submitted.
17. Restriction on specified opening hours (08.30-20.00 Mon-Sat & 10.00-17.00 Sun).
18. Restriction on delivery hours (07.30-18.30 Mon-Sat & 10.00-16.00 Sun) and submission of Car Park and Delivery Management Plan.
19. No lighting fitment to be directly visible from dwelling/or hazard for highway.
20. Restriction on retail floorspace for comparison goods (no more than 15% net sales area).
21. Minimum floorspace for convenience goods.
22. Feasibility study into use of sustainable drainage methods.
23. Details of surface water disposal to be submitted.
24. Oil and petrol interceptor to areas used by cars.
25. Submission of site investigation report.
26. Amendment to remediation statement.
27. Submission of verification report.

Full details of the conditions (including any amendments as necessary) to be deferred to the Chief Planning Officer

Reasons for approval: This application is considered to comply with policies GP5, BD5, N12, N13, N25, T2, T2b, T2c, T2d, T6 and LD1 of the UDP Review as well as guidance contained within the NPPF and having regard to all other material considerations. Although this proposed retail development is located outside a defined centre the fallback scenario is a material consideration that has been afforded significant weight and having regard to all other material considerations the application is recommended for approval.

1.0 INTRODUCTION:

- 1.1 This application was presented to Plans Panel (East) on 7th June 2012 with an officer recommendation for Members to defer and delegate for approval. Members resolved not to accept that recommendation and requested that the application be deferred to enable further negotiations on the design, scale and siting of the retail units, with particular regard to addressing the impact of the proposal on the residents to the rear of the site. Members requested that officers submit a further report for Panel's consideration.
- 1.2 Since the Plans Panel meeting officers have met with the applicant and discussed potential amendments to the scheme to address those concerns expressed during the June Plans Panel meeting. Having regard to those concerns the applicant has carried out a number of amendments to the design and layout of the development proposal and these are outlined below:
 1. The entrance feature of Unit 1 has been re-positioned to the opposite side of its front elevation and Unit 1 now incorporates curtain wall glazing along its Barwick Road frontage which is considered to improve levels of activity and add visual interest to this readily visible elevation.

2. The re-positioned customer entrance of Unit 1 allied to reducing the surplus space within the service yard has freed-up space within the central portion of the site to move and extend Units 2-5 eastwards. The dimensions of this retail block have been amended and resulted in a reduction to its depth by 0.85m.
 3. The combination of reducing the depth of the retail block and re-positioning the retail block within the site have realised an increased 2.0m set away from the northern boundary. Thus increasing the separation distance from the nearest properties (which have blank gable ends facing onto the site) from 9.6m to 11.6m and increasing the separation distance from the nearest property facing onto the side from 15.2m to 17.2m away from the rear of these retail units.
 4. In addition to the physical re-positioning of the retail block of units 2-5 within the site changes have been carried out to its proposed roof form. The revised mono-pitch roof slopes down towards the northern boundary and results in an overall 1.2m reduction in the eaves height at the rear of the building thereby further reducing the impact of the building on those residents to the rear (Stocks Rise).
 5. Following further consultation with Ward Members (see paragraph 1.5) the acoustic fence has been re-sited to sit just behind the existing fence that was only recently erected.
 6. The appearance and design of the respective retail units has been reviewed. The inverted roof form detailed in the earlier scheme has been deleted and replaced by a shallow mono-pitch roof design which is consistent to all units (the amendments to the roof were also introduced to alleviate dominance/height concerns to adjacent neighbours). The proposed elevations of the retail units contain a greater proportion of brickwork and the glazed entrances to individual units are more clearly defined offering an improved composition to the elevations.
- 1.3 The application was originally presented to Plans Panel at the request of the three ward councillors (Cllrs Graham Hyde, Brian Selby and Veronica Morgan). The ward councillors registered their objection to the original proposal on grounds of overdevelopment, road access not resolved and priority on elderly flats close to the development. Since the last Panel, the above amendments were presented to ward councillors on Thursday 28th June 2012 for comment. The revised plans were tabled alongside the scheme presented at Plans Panel in June to clearly demonstrate the comparisons between the two sets of proposals.
- 1.4 Of particular interest to Ward councillors was the relationship between the rear of units 2-5 and the residential properties on Stocks Rise. To this end, Ward councillors were content with the amendments carried out by the applicant which showed an increase in the separation distance between these buildings by 2m. It was also noted that the increased separation distance enabled more space for bins to the rear of the retail units.
- 1.5 Comments were also made on the retention of the existing boundary fencing that aligns the northern boundary. Ward councillors advised that sections of the fencing were only recently replaced by the ALMO and expressed a preference to position any proposed acoustic fencing up against the inside of the existing fence to assist with buffering the nearby residents from the development proposal.
- 1.6 Ward councillors expressed no particular view on the appearance of the originally proposed units or the revisions carried out to the elevations and roof form of the latest re-design although felt that the re-positioning of the customer entrance to

the Barwick Road side of unit 1 made sense and the introduction of glazing to this side is supported.

- 1.7 Overall, the Ward councillors were content with the latest revisions to the proposed scheme on the basis the acoustic fencing be positioned to inside of existing fencing. The Ward councillors were informed of the intention to return the planning application back to July Plans Panel as a recommendation for approval.
- 1.8 During the course of negotiations with the applicant the opportunity was taken to amend the details of the side elevation of Unit 1 which faces onto Barwick Road. The amended plans include sections of glazing to this side to add visual interest to this elevation.
- 1.9 Since the June Plans Panel meeting one additional letter of representation has been received from a resident on Stocks Rise (No.24) commenting that something needs to be done with this site as it is scruffy and inviting to groups of youths. The resident expressed no objections to the proposal so long as they adhere to delivery/opening hours so as not to disturb neighbours. A further comment was received from the resident remarking that the proposal should not interfere with their roof mounted solar panels. In regard to these comments, restrictions are to be imposed on the delivery and opening hours and given the separation distance between the proposal and the neighbour's property it is not considered to interfere with the levels of sunlight received by their installed solar panels.
- 1.10 Following the comments made at the Plans Panel meeting in June, the wording of the planning condition relating to boundary treatments is to make clear the requirement to provide an acoustic fence along the northern boundary.

2.0 PROPOSAL:

- 2.1 This full application seeks permission to demolish the former Netto foodstore and adjacent retail units (former Carphone Warehouse/Motorworld). These units have a total retail floorspace of 1,039sqm. Of this, the existing Netto store took up approximately 604sqm of floorspace. The proposal involves the redevelopment of the site to provide 5 retail units with a combined retail floorspace of 1,055sqm. As such, the proposal will result in an overall increase of retail floorspace by 16sqm. The 5 proposed units will comprise one larger retail unit (390sqm), and four smaller retail units ranging from 140-186sqm in size. The proposed units are to be occupied for the purposes of A1 retail use.
- 2.2 The larger proposed retail building is positioned within the north-eastern portion of the application site and is oriented to face westwards out over the car parking, but now also has a southerly aspect over York Road. The store building is rectangular in footprint with dimensions of 14m in width and 28m in depth. The building is positioned close to the Barwick Road frontage, set back by approximately 2m from the edge of the pavement. The building is positioned at a splayed angle to the northern boundary and is 14-24m away. This retail unit is sited 21m (at its closest) from the dwellings at 24-28 Stocks Rise. The other 4 retail units are grouped together and stand parallel with the northern boundary some 9.6m away (2m further away the previously). These units are oriented to face onto the car parking. The retail units form a building 44m in width and 14m in depth and are positioned 11.6m from the blank gable ends of No.12 Stocks Rise and No.870 York Road and separated from the rear elevation of No.874-876 York Road by around 17.2m.

- 2.3 All of the proposed units are single storey in height and have shallow monopitch roofs. The buildings are to be constructed of facing brickwork, dark grey cladding and glazing panels to the public facing elevations. The larger retail building incorporates a glazed feature above the customer entrance which projects through the roofline. The larger store building has a service goods area located to its northern side suitable for shared use and this area is to be enclosed by high fencing.
- 2.4 The proposed layout has landscaped beds to the perimeter of the site and proposes to retain the existing trees to the south-western corner. New landscaping areas are to be provided to the edges of the site on the York Road frontage, within the customer car park and between the store building and the dwellings on Stocks Rise. Tree planting is also to be introduced within the triangular portion of land to the east. The stone walling to the York Road and Barwick Road frontage is to be retained. Moreover, acoustic fencing of various heights, is to be installed along the northern boundary. In addition, a new footpath is proposed to be laid out to create a link between the footpath that runs to the rear of the site and the footpath along Barwick Road.
- 2.5 The proposed car park is positioned to the front of the retail stores, within the south-western portion of the site. Presently, vehicular access at the site is achieved from both Barwick Road and York Road. This proposal will result in closure from Barwick Road meaning that vehicular access is achieved solely from York Road. Two new pedestrian accesses are also to be created from York Road and Barwick Road. The car park will accommodate 47 spaces (incl. 3 disabled spaces) and provision is to be made for cycle parking. The proposal allows for the segregation of the customer car park and service/delivery areas which runs to the rear of the retail units. In addition, the applicant's propose to upgrade existing bus stop facilities through a financial contribution. A Travel Plan Statement accompanies the applicant's proposals.
- 2.6 This application is not supported by a retail assessment nor any statistical analysis. The applicant advises that whilst the redevelopment of the site requires assessment against the relevant development plan and national planning guidance the existing unrestricted retail use on site coupled with an extant planning permission for retail development (Ref:09/02338/FU) is highly material.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is located within Seacroft, approximately 6km east of Leeds city centre. The site is 0.4ha in size and is positioned to the east side of the junction of York Road and Barwick Road. The site is unallocated within the City Council's Unitary Development Plan.
- 3.2 The site currently contains boarded up buildings (former Netto, Carphone Warehouse and Motorworld stores) with the remainder of the site covered by hardstanding aside from a cluster of trees to the south-west corner. The application site also includes a triangular shaped portion of grass that lies to the east of the retail units.
- 3.3 The application site slopes gently from its highest point, adjacent to Barwick Road, down to the north/ north-western boundary. To the north lie residential properties. These properties are two storey in height. The eastern-most of these properties are set at a lower ground level, approximately 1.5m below the ground level of the application site. Moving westwards the site levels become more comparable.

- 3.4 The existing building is a flat roofed structure and is constructed of white coloured metal cladding. The adjacent former retail units are also flat roofed and like the larger store are single storey in height. Vehicular access to the retail stores is achieved either from York Road or Barwick Road. A bus stop lies adjacent to the site on Barwick Road but this is not used by the bus service operator.
- 3.5 To the opposite side of York Road lies a recently opened Aldi supermarket and a Grade II listed Building (The Old Lamb). To the south, beyond the dual carriageway (Barwick Road), is a commercial parade. The area is however predominantly residential in character.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 The application site has been subject to two previous planning applications which are considered to be of great relevance to this present proposal. The details of the previous applications are summarised below.
- 4.2 Application Ref:08/06757/FU sought planning permission to demolish the existing retail units on site and erect a replacement retail food store. During the assessment of the application concerns were raised by officers in regard to the fundamental planning policy issue out of centre retail development; layout and appearance concerns and their impacts on the visual amenity of the locality and impact on the amenity of adjacent residents. The applicant was advised of officers concerns and the application was subsequently withdrawn on 21st April 2009.
- 4.3 Application Ref:09/02338/FU sought planning permission to demolish the existing retail units on site and erect a replacement retail food store. This application related to a single large retail foodstore that provided 938sqm of retail floorspace. Plans Panel determined to grant permission which was issued on 19th March 2010.
- 4.4 Plans Panel Members' attention is also drawn to a planning application submitted by Aldi who sought permission to construct a new retail store at the former site of the Lion and Lamb public house located opposite to this site. Member's may recall that Plans Panel determined to grant permission for the new Aldi store (Ref:09/01906/FU) on 24th September 2009.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Discussions during the course of the planning application have focused primarily on site layout matters and the following amendments to the scheme are summarised below:
 - Submission of site section details illustrating physical relationship between proposed retail units and nearby residential properties on Stocks Rise.
 - Re-configuration of the customer car park and removal of the vehicular access onto Barwick Road. Addendum to Transport Statement submitted.
 - Greater separation distance provided between two building to avoid visually awkward overlap of building frontages.
 - Use of facing brickwork to replace timber clad panels; and introduction of further glazing to York Road frontage elevation.
 - Applicant to commit to contribute towards upgrading bus service facilities (£10,000) and works to provide tactile paving to pedestrian crossing at junction of York Road and Barwick Road.
 - Further revisions have taken place since the last Plans Panel meeting, as summarised in section 1.0 of this report.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was publicised as a major development affecting the setting of a listed building and a Right of Way by site notice display on 27th January 2012. Three letters of representation has been received from a member of the public.
- 6.2 Officers briefed the three Ward Councillors of the proposals on 29th February 2012. Following that briefing, Cllr Graham Hyde (on behalf of his ward colleagues) raised objection to the scheme on the following grounds:
- That the site looks to be over developed in the number of units on the site.
 - That the road access is not resolved.
 - The priority of the elderly person flats to the rear are close to the new development.
 - In addition, Cllr Graham Hyde requested that the application be presented to Plans Panel (East) and requested that a site visit be carried out.
- 6.3 In light of the above concerns, officers forwarded revised plans and additional information submitted by the applicant which sought to address officer and member concerns. The Ward Councillors were invited to make any further comment on these revisions and whether they overcame their objections. No further comments have been received. More recently, discussions have taken place with Ward Members and these are summarised in section 1.0 of this report.
- 6.4 One letter of representation received from the member of the public commented that although he expressed support to the principle of retail development at the site he has three concerns:
- Concern about re-instating the access onto York Road (lead to accidents with more traffic pulling out- especially considering Aldi access opposite).
 - Suggests that traffic calming measures (speed bumps) be introduced onto York Road (adjacent the site).
 - Late night opening of units (until 10ppm) e.g. Asda Local/ takeaway/ restaurant- already have 6 takeaways opposite.
- 6.5 Since the application was presented to Panel in June, two further letters of representation have been received, the details of which are summarised in paragraph 1.9.

7.0 CONSULTATION RESPONSES:

Statutory:

- 7.1 Coal Authority comments dated 30th January 2012. No objection, recommend condition to cover site investigation works.
- 7.2 Revised Highways comments received dated 30th April 2012 in respect of revised plans. No objection to the proposed reconfigured car parking area and the car parking levels are considered acceptable. The amended access and servicing arrangements are also acceptable although car park and delivery management plan to be secured by condition. Further clarification has been sought on the vehicle tracking diagram for the service yard and comments will be reported verbally at Panel.

Non-statutory:

- 7.3 Land Contamination comments dated 23rd January 2012. No objection. In accordance with applicant's desk top study report it recommended a condition requires the carrying out of site investigation work.
- 7.4 Drainage comments dated 27th January 2012. No objections, suggested conditions covering details of a study into infiltration drainage methods; details of surface water drainage and provision of a surface water oil and petrol interceptor.
- 7.4 Public Right of Way comments dated 16th January 2012. The footpath (runs to northern boundary of site) highlighted is a definitive route and has a width between 1.75-2.1m and should not be encroached upon when erecting fencing.
- 7.5 Metro comments dated 29th February 2012. Request for a financial contribution to make improvements to the bus stop on York Road (to south-west of site) as secured by previous planning consent (09/02338/FU).
- 7.7 Environmental Health comments dated 15th March 2012. No objections although request conditions imposed to safeguard amenity of nearby residents. Conditions to restrict times of demolition/construction; submit details of extract ventilation systems on buildings; details of waste disposal and grease trap in food preparation areas; restrict opening and delivery hours; restrictions on lighting.

8.0 PLANNING POLICIES:

- 8.1 The Development Plan for the area consists of the Regional Spatial Strategy and the adopted Unitary Development Plan Review (UDPR), along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDPR but at the moment this is undergoing production with the Core Strategy still being at the draft stage.
- 8.2 The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 with the consultation period closing on 12th April 2012. Following consideration of any representations received, the Council intends to submit the draft Core Strategy for examination. The Core Strategy set sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. As the Core Strategy is in its pre submission stages only limited weight can be afforded to any relevant policies at this point in time.
- 8.3 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 N13 refers to design of new buildings.
 Policy N25 refers to design of boundary treatments.
 Policy LD1 refers to landscape schemes.
 Policy SA2 seeks to encourage development in locations which reduces the need to travel and promotes use of public transport.
 Policy SA5 seeks to provide a wide range of shops in locations that are accessible to all sections of the community.
 Policy S2 states that the vitality and viability of designated town centres to be maintained and enhanced.

Policy S5 refers to major retail developments.
Policy T2 refers to new development and highways.
Policy T2c refers to Travel Plans.
Policy T2d refers to Public Transport Contributions.
Policy T5 requires safe and secure access for pedestrians and cyclists in new developments.
Policy T6 requires satisfactory access and provision for disabled people.
Policy T7a refers to secure cycle parking guidelines.
Policy T24 refers to car parking guidelines.

- 8.4 Relevant Supplementary Guidance:
Public Transport Improvements and Developer Contributions (SPD, 2008)
Travel Plans (SPD, Draft 2007)
- 8.5 Government Planning Policy Guidance:
National Planning Policy Framework (NPPF, 2012)

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development:

- 10.1 National Planning Policy Framework (NPPF) identifies a presumption in favour of sustainable development and recognises that town centres are at the heart of communities and support to their vitality and viability should be pursued. The national policy strategy, amongst other things and relevant to this proposal, sets out objectives to promote competitive town centres by supporting the growth and management of existing centres by promoting and enhancing retail development in such defined centres in order to improve customer choice. Such considerations should be taken in to account by local planning authorities for town centres uses whether the proposal relates to a new development, an extension to existing facilities, a change of use or, as in this case, the redevelopment of existing retail facilities.
- 10.2 The application site is not allocated within the City Council's Unitary Development Plan (UDP) Review and does not fall within a defined local or town centre boundary. Whilst the site contains three individual vacant retail units and that other retail units are visible from the application site, this location has no collective status in planning policy terms as a "local centre". Therefore, in strict adherence to national and local planning policy guidance this proposed development should be subject to sequential assessment to demonstrate whether the proposal should be accommodated within or on the edge of an existing centre.
- 10.3 The applicant acknowledges that neither national nor local plan guidance confers any special locational status for the proposal. However, central to the applicant's argument is the established planning case law principle of the 'fall-back' position (i.e. what the applicant could do without any fresh planning permission). Planning case law has shown that the weight to be given to any fallback position depends on the real likelihood of any fallback being exercised in the event of refusal of a planning application. Of relevance, is the (Burge vs SOS case) that urged that the

likelihood of a fallback test being exercised is to be considered on the balance of probabilities rather than the balance of possibilities.

- 10.4 To substantiate the applicant's case, they have identified the potential for two fallback positions on the site. The first would be to simply utilise the existing floorspace (open A1 use) and let to retailers to trade from the existing buildings on an unrestricted basis. All the buildings on site are in the control of a single landowner. Although the existing buildings are currently vacant and outdated they are suitable for retail purposes and represent 1,039sqm of retail floorspace. The second fallback position relates to the implementation of the planning permission granted at the site (Ref:09/02338/FU) for a 928sqm retail foodstore. This planning consent was issued primarily on the basis of the first fallback position. The permission related to a retail unit designed for the purpose of modern retailing and could be attractive to various foodstore and other retail operators.
- 10.5 It is accepted that the presence of the existing units holds weight as a fallback position, however, restrictions were imposed on the extant planning permission to limit the extent of retail floorspace provided for the sale of comparison goods (15%). The reason for this was to ensure that this location acts solely as top up shopping for the local community rather than creating a major distinct retail destination which could compete with defined town and local centres. The form and layout of the development has the potential to accommodate multiple occupiers which is in contrast to the extant permission that involved a single store. However, in order to maintain this approach in restricting an area of floorspace for a certain range of goods for sale it is considered reasonable to retain such a condition across the site. Furthermore, to reinforce the day to day shopping aspect of the development a further condition is to be imposed to ensure a minimum level of convenience retailing is provided. Without such restrictions the entire retail floorspace could be for sale of comparison goods, a substantial increase over the extant permission and the actual operation of the site in the past few years.
- 10.6 In light of the above information it is regarded that the fallback positions are material to the consideration of this planning application and should be afforded significant weight. It is considered that there is a strong possibility that the applicant could re-use the existing retail units for open A1 retail use (such a fallback scenario was previously accepted through the grant of Ref: 09/02338/FU) or alternatively implement the 2009 extant permission.
- 10.7 Although concerns still apply in regard to the impact of this modestly larger and re-configured retail development, this must be considered against the fallback of the impact of those existing retail units. Overall, it is therefore considered that the benefits of approving a more rationalised use of the site with modern units, that have potential to generate more jobs, and increased rental values are balanced against the need to not create a comparison goods retailing destination. On balance, it is therefore considered that national policy guidance is met based on the presence of the existing stores on the site and that the development will only result in a modest increase in retail floorspace on site (see para. 2.1).

Impact on visual/residential amenity:

- 10.8 The application site is located adjacent to a highway junction and by virtue of the wide carriageway (Barwick Road) the site sits in a prominent location when it is approached from the west. The larger retail unit is positioned close to the frontage of Barwick Road with the other four units set back towards the northern portion of the site. The customer car park is positioned to the front of the units. Whilst, from

a urban design perspective, it is desirable to position the buildings towards the street frontage, thereby providing more active frontages, the site circumstances (segregation of customer/delivery vehicles, secure customer parking, protect residents from vehicle movements associated with the retail units) do present design difficulties. Nevertheless, the proposed development adopts a similar arrangement to that accepted under the extant planning consent (Ref:09/02338/FU). When viewed from the west the car park has a lower land level to the York Road carriageway and coupled with the retention of the existing low stone walling and tree groupings are considered to ensure an acceptable streetscape is achieved.

- 10.9 Currently the application site comprises mainly of buildings and hardstanding. The revised plans indicate an increased soft landscaped buffer around the perimeter of the site with new trees to be planted to the York Road frontage and close to the northern boundary which separate the store building from the residential properties beyond. Furthermore, new planting is to be carried out to the east of the store building which will act to filter views of the site and assist in its visual setting. Conditions are to be imposed requiring full details of a landscaping scheme for the site. It is considered that the reductions in hard surfacing and the improvements in soft landscaping space will improve the visual appearance of the site. The existing stone walling as well as new acoustic fencing to the northern boundary will provide acceptable enclosures to the site. Full details are to be agreed through planning condition.
- 10.10 The application site is located within an area that is predominantly residential in character, although commercial premises do exist close by. The existing buildings on site are of no architectural merit in either their form, design or construction materials and are not typical of the prevailing built character. The proposed retail units will incorporate a monopitch roof form with overhanging eaves and use a range of walling materials to provide visual interest. The residential properties visible from the site are constructed of red or dark brown brick. As such, given the general character of the local area and the more robust nature it is considered that the use of brickwork (instead of the originally proposed timber) allied to wall cladding on the public facing elevations are appropriate.
- 10.11 The proposed retail units (nos. 2-5) will be positioned closer to the residential properties located to the north (Stocks Rise) than the existing retail buildings on site. As observed within para.3.3 of this report, these properties are positioned on a lower ground level meaning that careful consideration is to be given to ensure that the proposed building and boundary treatment are not unduly dominant or overbearing. The residential dwellings are arranged in tight staggered terrace clusters. The retail building containing units 2-5 is positioned 11.6m from the nearest two dwellings (No.870 York Rd and No.12 Stocks Rise) however these dwellings stand perpendicular to the site with blank two storey gable ends facing onto the site. As a result, it is considered the proposed building will have a minimal impact on their outlook. Adjoining dwellings are set further away from the site with the closest properties facing on to the site at No. 874 & 876 York Rd. These properties are positioned around 17m away from the rear of the proposed retail building and will have a view of the western-most end of the building (where it projects beyond No.870 York Rd). At present, between these properties and the site stands an elevated 2.0-2.4m high close boarded fence (it is positioned on top of a 1.4m high retaining wall) which restricts views into the site from these properties. In view of this, it is considered that although the upper portion of the western end of the retail building will be visible from those dwellings the lower level ground floor aspect will not be significantly different to the existing situation

owing to the height of the existing boundary fencing, the proposed building height and the separation distance achieved between the retail building and the site boundary. The dwellings beyond the north-eastern corner of the site (Nos. 24-28 Stock Rise) will be situated further away and at an angle to the proposed retail units. No.24 has been extended to the rear, however, given the separation distance and boundary fencing proposed the retail units are not considered to be unduly dominant. In addition, the position of the retail buildings will provide a physical screen and buffer to the main comings and goings at the customer car park and mitigate the activity associated with the proposed units.

- 10.12 Towards the north-eastern corner of the site the proposed acoustic fencing will replace palisade fencing providing a to screen the service yard. Currently, no such screening exists to this service yard area. Consequently, whilst the proposed boundary treatment will have a more solid form than the existing palisade and be more visually apparent to those adjacent residents the fencing will prove a more effective screen to buffer the activities associated with the service yard and, on balance, is considered to be of benefit to the occupiers amenities.
- 10.13 In addition to the consideration of the physical impacts that the proposed retail buildings will have on neighbours' amenity, the activities associated with the retail use are also to be assessed. The previous retail function at the site operates largely unrestricted and this application proposal, as with the extant permission, provides an opportunity to place greater control on the operation of the site, where there is little at present, in order to protect neighbour's amenity. For instance, the opening hours and delivery hours are to be restricted by planning condition and noise mitigation measures incorporated as well details of acoustic fencing to site boundary to protect the adjacent neighbours. Furthermore, given the site's closeness to residential properties restrictions are to be imposed on the hours for demolition and construction hours.

Highways implications:

- 10.14 The proposed development will result in the closure of the existing vehicular access off Barwick Road (A64) and all vehicles will be directed to the other existing site access off York Road. Such a diversion of traffic is considered to be beneficial to road safety and a condition is to be imposed to ensure the Barwick Road access is closed. The proposed access point provides adequate sightlines onto York Road and will accommodate customer and service delivery vehicles.
- 10.15 The traffic impact of the proposal is not expected to be significantly different to what could potentially be generated by the existing retail units on site. In light of the site's location coupled with the nature and scale of the development the parking level is considered to be in accordance with the UDP standards.
- 10.16 The proposed development incorporates measures to improve access by sustainable modes of travel and by the closure of the existing access to the A64 improve general highway safety. Overall, the proposed store will replace 3 existing retail stores and will result in a modest increase in retail floorspace and will remove an existing vehicular access onto A64 and segregate the customer car park from the delivery arrangements. In considering these factors the proposal, on balance, would not be detrimental to the operation or safe use of the highway.

Other matters:

- 10.17 This planning application generated three letters of representation from members of the public. Whilst one welcomed the principle of retail units at the site they

raised three concerns. The first two matters relate to highways matters, in that the reinstatement of the access into the site will increase traffic/ create accidents and that traffic calming measures should be introduced. The third matter relates to a query as to whether the retail units will be restaurants/takeaways. In respect of the highways related concerns, the proposal will utilise an existing access point which will serve a development of a similar scale and nature as the existing (albeit the units are currently vacant). The stretch of road on York Road adjacent to the site frontage has no record of traffic accidents and given the suitable design and available visibility of the proposed access and with regard to the separation distance from the highway junction onto A64 Barwick Road (and the existing Aldi access) the means of access is considered acceptable in highways terms. The third matter concerned the future use of the proposed buildings. Ultimately, the application is proposing A1 retail shop units and a separate planning application would be required if the development was to accommodate restaurant (A4 use) or takeaway (A5 use) uses.

- 10.18 Following refinements in the interpretation of public transport contribution criteria the proposal would be required to provide a financial contribution based on the uplift in retail floorspace. This proposal would result in an increase of only 16sqm and as given this very small increase is not considered to provide a financial contribution.
- 10.19 The applicant has offered to fund (£10,000) real time information display unit at a bus shelter adjacent to the site on Barwick Road as well as contribute to the works to install tactile paving to the pedestrian crossing at the junction of York Road and Barwick Road. Such payments could be secured through a s106 agreement.
- 10.20 All of the obligations and contributions proposed within the s106 as contained within this report are considered to be directly related to the development and compliant with the three legal tests introduced by Community Infrastructure Levy.
- 10.21 In regard to drainage matters, planning conditions are to be imposed to secure details of the surface water drainage and restrict the minimum surface water flows from the development.
- 10.22 Turning to land contamination, the accompanying Phase 1 Report recommends intrusive investigation of the site due to the site's previous use as a garage. However, in light of the low vulnerability end use proposed (retail store) it is considered that this investigative work can be adequately secured by planning condition.

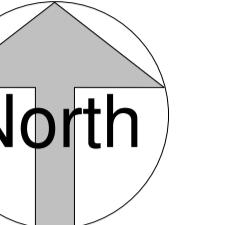
11.0 CONCLUSION

- 11.1 The revisions illustrated within this latest proposal are considered to have regard to those concerns expressed by Plans Panel. The amendments to the site layout afford a greater separation distance to neighbouring residential properties and the alterations to the roof form act to reduce building heights nearest those dwellings to significantly reduce the visual impact of the development. The proposed changes to the appearance of the buildings to incorporate a larger extent of brickwork and reconfigured shop front elevations are considered to improve the architectural design of the retail units. Accordingly, this revised application proposal is presented back to Plans Panel with an officer recommendation for approval.

12.0 Background Papers:

Application file: 11/05212/FU.

Certificate of Ownership (Cert B) served on the landowner (ASDA Store Ltd) signed on behalf of the applicant by the appointed agent dated 9th December 2011.



Key

Red Line indicates extent of site boundary.

NEW HIGHWAYS DESIGN IN ACCORDANCE WITH ON GOING DISCUSSIONS WITH HIGHWAYS.

Building Levels
 Buildings are illustrated at maximum design levels on this plan and within the sections. Actual building levels may be locally reduced by up to 0.25m during construction to achieve minimum waste to landfill as required under Planning Policy Statement 10 (PPS10); Planning for Sustainable Waste Management Plans Regulations 2008.

For Site and Car Park Falls refer to drawing no. PL_13.

I	29/06/12 Amended Following Comments From Local Authority	RSF	AJD
H	22/06/12 Amended Following comments From Planning Consultant	RSF	AJD
G	20/06/12 Amended Layout of Car Park and Building Design	RSF	AJD
F	13/04/12 Site falls added as agreed with client	mow	
E	05/03/12 removed. Carpark redesigned, car park pedestrian footpaths widths increased from 1200mm to 1500mm. Units 2-5 relocated all in line with LA comments.	mow	
D	04/01/12 Drawing amended following comments from Planning Dept.	CN	SS
C	09/12/11 Drawing amended following comments from Team	CN	SS
B	08/12/11 Drawing generally updated	CN	SS
A	05/12/11 Drawing amended following comments from Design Team	CN	SS
No	Date	Description	By
		Okd	

PROJECT
 Proposed New Retail Units
 York Road, Leeds

TITLE
 Proposed Site Plan

DRAWING STATUS
 Planning

DRAWN	CN	CHECKED	SJS
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SCALE 1 : 250 @ A1

DATE 24/11/11

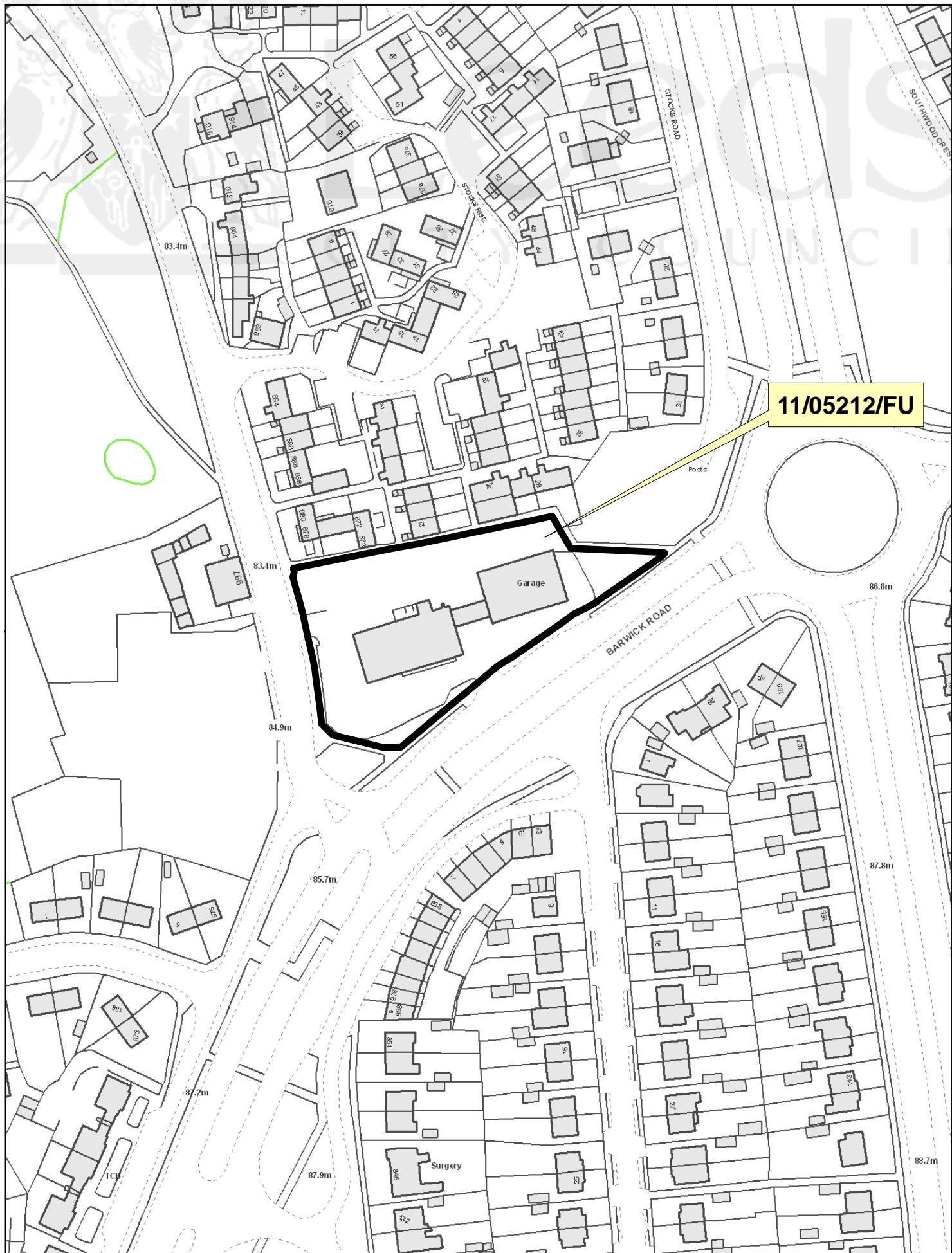
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EAST PLANS PANEL

