



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 13th June 2013

Subject: 12/05296/FU - Demolition of existing building and erection of a foodstore to the rear of the site with associated access, car parking, servicing and landscaping at site of Allerton House, Harrogate Road, Chapel Allerton.

APPLICANT

Optimisation Developments
Ltd

DATE VALID

21st February 2013

PPA TARGET

15th June 2013

Electoral Wards Affected:

Chapel Allerton

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: REFUSE PERMISSION for the following reason(s):

1. The Local Planning Authority considers that the proposed development would be harmful to the overall character and appearance of the Conservation Area and the townscape character and local distinctiveness of Chapel Allerton. The proposal will fail to integrate into the District Centre due to its layout, siting of building, overall design, lack of landscaping, car park/hard surfaced dominated frontage, the design of the servicing arrangements, management of change in levels and associated retaining wall and will fail to take the opportunities present to enhance the Conservation Area, streetscene or the District Centre. The proposal is therefore considered to be a poor response to this important site and is contrary to Leeds UDP review policies GP5, N12, N13, LD1, Supplementary Planning Documents, Chapel Allerton Neighbourhood Design Statement, the Chapel Allerton Conservation Area Appraisal and Management Plan and the NPPF.

1.0 INTRODUCTION:

- 1.1 This planning application is presented to Plans Panel due to the prominent location of the site in Chapel Allerton, the sites planning history and the significant public interest in the site.
- 1.2 The proposal comprises of a foodstore to the rear of the site. A separate application for a new foodstore by the same applicant is proposed to the front of the site and is reported on the same agenda (13/00694/FU). Each application shall be determined on its own merits.
- 1.3 The principle of a foodstore on this site within the designated town centre is deemed acceptable, in line with both national and local planning policy. The proposed store has no significant impact upon residential amenity but provides a car parking dominated frontage above street level. The last application determined on the site was for a store to the rear of the site with car parking to the front and was refused under delegated powers on 15th June 2012. Accordingly officers are unlikely to support a store located to the rear of the site.
- 1.4 The two planning applications were presented as a joint position statement to 18th April 2013 North and East Plans Panel and a site visit was carried out. Members made the following comments on the applications:
- Concern regarding use of access and car park and delivery/servicing manoeuvres close together and knock effect for whole site and the store to the front would have less impact on these arrangements.
 - Further consultation to occur with Environmental Protection Team on proposed delivery hours and the acoustic mitigation measures for the front location regarding noise impact.
 - The need for the site to be developed but community unsure supermarket appropriate.
 - The likely levels of employment to be created .
 - Car parking levels - 84 parking spaces on the scheme to the front of the site and 71 spaces on the scheme to the rear.
- 1.5 Members comments of the specific questions set out in the position statement were:-
- There were no further comments on highways issues.
 - Both schemes had positive and negative elements. Concern raised regarding the layout of the store to the rear with car park to the front and its access arrangements to the car park and for deliveries as this would cause congestion and hold ups. Concerns about pedestrian access to the store to the rear and lower car parking amounts and impact of large car park at the front was not in keeping with the Conservation Area.
 - The store to front has less impact on the Conservation Area and the delivery arrangements were safer but would have an impact on nos 1 and 3 Grosvenor Park and mitigation measures would need to be looked at and good sound attenuation measures be required.
 - Both applications with regard to design have positive elements but the store to the front of the site benefited from better materials and design; more glazing was required to the streetscene and should provide an active frontage rather than being covered in stickers and posters.
 - hours of delivery were a concern with 7am – 9pm being considered to be more appropriate than the 6am –midnight being proposed.
 - public realm - it was noted that the local community required an area of open space at the junction of Harrogate Road and Stainbeck Lane and that this should be explored further.

- Applicant was expected to become involved with the local community and the provision of public open space was an opportunity for them to show their commitment.
- parking limits of a maximum of 3 hours was acceptable as it would discourage commuter parking and enable shoppers to visit other local shops and facilities.
- the need for the landscaping scheme to be considered in detail.
- applications should be determined by Panel rather than being delegated Officer.

1.6 Following the Plans Panel meeting, Officers have gone back to the applicant and discussed the issues raised. These issues are raised more fully in the appraisal section of this report. However, in summary, the main changes to the scheme relate to the proposed delivery arrangements to the store. The applicant has provided information which shows the swept path of an articulated heavy goods vehicle and indicates that there would be 1 or 2 of these delivery vehicles servicing the store per day. The majority of deliveries would be smaller vehicles. During such deliveries, a banksman will be employed to guide delivery vehicles into the loading bay and will seek to manage any conflict with customers.

2.0 PROPOSAL:

2.1 This is a full planning application proposing a new Wm Morrison Supermarket Plc store to the rear of the site with parking and landscaping to the front:-

1389m² gross internal floor area
 1444m² gross area to external wall
 925.7m² net sales area
 Access to the southern part of the site
 71 parking spaces

2.2 Opening hours: Monday to Saturday 07.00 to 23.00 and Sundays 10.00 – 16.00

2.3 Layout - The store is situated adjacent to the western boundary of the site set back from Harrogate Road. The building at just over 41 metres in width lies approximately 3-4 metres from the northern boundary retaining walls of the Grosvenor Park properties and 4-5 metres from the retaining wall and trees which align the southern boundary.

2.4 The east facing elevation (front) is situated some 58 -65 metres back from the Harrogate Road boundary, this space is filled predominantly by the developments car park and associated landscaping. The new access road and additional planting areas have resulted in this area being re-planned from the previous application. An additional row of tree planting has been introduced adjacent to Harrogate Road which has led to a reduction of 2 spaces from the previous planning refused scheme. The scheme now includes parking for 69 vehicles and up to 2 trolley bays and has a central planting area within the car park.

2.5 The store has a single customer entrance on the northern corner of the front elevation. Access can be gained to the store entrance on foot from Harrogate Road using the path located adjacent to the site access road. The southern access point from Stainbeck Road is via a footpath travelling along side the existing Yorkshire Bank building. A pedestrian crossing with a central island is positioned to allow safe crossing over the site entrance giving access to the site or the pedestrian walkway along Harrogate Road to the north.

- 2.6 The delivery bay access is located on the southern side of the front façade away from the sites closest residential properties on Grosvenor Park. The delivery bay is set back from the main facade to mark the lower hierarchy function of the elevation.
- 2.7 The building is approximately 8.1 metres tall to the highest point from the proposed finish floor level of the store. The store is predominantly single storey but has a small area of plant at 1st floor level in the warehouse. The proposed building would finish visually at a parapet 8-9 metres above ground level, concealing a lower flat roof. It would therefore be some 10 metres lower than the existing building (3 floors) finishing around 1.5 - 2 metres above the lowest extension of the existing building.
- 2.8 The existing building takes the form of a roughly square main building with lower extensions stepping down to the east, Allerton House occupies slightly more than 50% of the length of the site. The proposed building is roughly square, finishing nearer to the northern and southern boundaries due to its greater width. The proposed store would occupy approximately 40% of the length of the site
- 2.9 Access, Parking and Cycle storage - Access to the site is gained to the car park via a newly created access point adjacent to the existing access along the side of the Yorkshire Bank. The only customer access to the store is located on the right hand corner of the building, adjacent to the to nos 3 and 5 Grosvenor Park residential properties. The proposal will accommodate 71 parking spaces (of which 2 spaces which will be occupied by trolley shelters). Of the 71 spaces 5 will be accessible bays for use by disabled blue badge holders and 2 will be dedicated parent and toddler bays. 71 parking bays equates to a ratio of 1 space per 20 m.sq. Both the Accessible bays and Parent and Toddler bays are located adjacent to the store with easy access to the entrance. The scheme incorporates 3 short stay cycle stands (stores 6 bicycles) and 3 cycle lockers for long stay use.
- 2.10 The Building Design - the building has been designed and orientated with a primary façade facing Harrogate Road and the site entrance, and secondary façades to the remaining elevations. The north, south and west elevations of the building are plain non-fenestrated facades reflecting the functional aspect of the building. High level windows have been excluded due to the poor anticipated light quality (due to the building being 'dug in' and the surrounding trees and features) and the requirement for storage on external walls.
- 2.11 Natural light will be delivered into the building via the proposed roof lights. The materials used in this elevation are composite metal cladding panels at which produce a smooth faced appearance and will be neutral grey in colour to diminish any visual impact the building may have. At plinth level the elevations will be faced in brick but as mentioned above these elevations will not be visible due to the nature of the site.
- 2.12 The east facing elevation is the primary faced to the building and hosts all the activity of the building. The materials proposed on this elevation are red brick, sandstone and glass as the primary components.
- 2.13 The delivery bay area is set back from the primary entrance façade, adjacent to the parade of shops with residential properties above at Pelham Place and is less prominent when viewed in perspective. This element of the façade is clad in a rain screen cladding panel similar in appearance to the composite cladding panels on the other elevations.
- 2.14 The store is set back right back from the road and the design of the store comprises large areas of glazing into the façade with red brick and sandstone cladding panels.

- 2.15 The sandstone takes the form of stack bonded rain screen cladding panels at high level. Using materials such as sandstone in this manner away from the traditional application of a heavy, load bearing, bonded material reinforces the contemporary style of the proposals.
- 2.16 Landscaping –An area of soft landscaping area is now proposed where the existing access road lies, with a small area of landscaping to the car park and a line of trees. vegetation along the Harrogate Road Frontage and retaining walls is being provided facing onto the Harrogate Road frontage.
- 2.17 The key differences from the previously refused scheme are:-
- Changes to the frontage to Harrogate Road (external works and planting)
 - Improved highway access into the proposed development
 - Landscape proposals to the car park
 - Strengthening the quality of the boundary wall through use of materials and appropriate design.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is 0.56 hectares and lies off Harrogate Road in the centre of Chapel Allerton and is bounded by Pelham Place 2 – 18 Stainbeck Lane to the South, The Mustard Pot/ Chapel Allerton Tennis Club to the west, residential properties of 1 – 9 Grosvenor Park to the North and Allerton Hill to the north east of the site.
- 3.2 Land levels rise across the site and there is a significant difference in levels between Grosvenor Park and the site.
- 3.3 The site has formerly had two office buildings on it. One building, closest to Allerton Hill, has been demolished and Allerton House remains vacant on the site.
- 3.4 Existing access to the site is taken from Harrogate Road at the corner with Stainbeck Lane adjacent to the Yorkshire Bank. Another vehicular access exists onto Allerton Hill, adjacent to 1 Grosvenor Park.
- 3.5 The site lies centrally within the S2 Chapel Allerton Centre and is a prominent site. The Chapel Allerton Conservation Area was extended and now includes this site within it.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 12/00822/FU - Demolition of existing building and erection of a foodstore to the rear of the site with associated access, car parking, servicing and landscaping – refused under delegated powers on 15th June 2012 for the following reasons:-

1) *The LPA considers that the proposed development would be harmful to the overall character and appearance of the Conservation Area and the townscape character and local distinctiveness of Chapel Allerton. The proposal will fail to integrate into the District Centre due to its layout, siting of the building, overall design, lack of landscaping, car park/hard surfaced dominated frontage, management of change in levels and associated retaining walls and will fail to take the opportunities present to enhance the Conservation Area, streetscene or the District Centre. The proposal is therefore considered to be a poor response to this important site and is contrary to Leeds UDP Review policies GP5, N12, N13 and LD1, the guidance contained within Supplementary Planning Documents Chapel Allerton*

Neighbourhood Design Statement, the Chapel Allerton Conservation Area Appraisal and Management Plan and the NPPF.

- 2) *The Applicant has failed to demonstrate that the local highway infrastructure is capable of accommodating the proposed development in view of the increase in trips which will be brought about by the proposed development. The Applicant has also failed to submit an acceptable access arrangement/configuration and failed to demonstrate that the car parking provision is adequate. The proposal is therefore considered to be contrary to policies GP5, T2, T5, T24 of the UDP (Review 2006) together with guidance contained within the Street Design Guide SPD.*

4.2 12/00823/CA - Conservation Area application to demolish vacant former bank premises – refused on 13th July 2012 for the following reason:-

- 1) *The Local Planning Authority considers that in the absence of an approved scheme for the redevelopment of the site, or site remediation, the demolition of the existing building would result in unsightly site which would be harmful to the character and appearance of the Chapel Allerton Conservation Area. The proposal would therefore be contrary to Policy N18B of the Unitary Development Plan (Review 2006) and the guidance contained within National Planning Policy Framework and the Chapel Allerton Conservation Area Appraisal and Management Plan.*

4.3 08/05355/FU - Laying out of access road and erection of multi level, mixed use development, comprising 2 retail units, restaurant, offices, doctors surgery, pharmacy, 14 flats and multi level car park and landscaping - Refused 25th November 2008 on highways grounds, decision dismissed at appeal dated 1st September 2008.

4.4 07/07912/FU - Laying out of access road and erection of multi level, mixed use development, comprising 2 retail units, restaurant, offices, doctors surgery, pharmacy, 2 residential blocks comprising 70 flats and multi level car park and landscaping - Withdrawn 15.04.08

4.5 07/04963/ADV - 4 non illuminated advertisement hoardings - Refused 19.10.07 for reasons of visual amenity and impact to conservation area.

4.6 07/04965/FU - Temporary car park to vacant site - Refused 17.10.07 for reasons of highway safety, visual amenity, impact to conservation area, and residential amenity.

4.7 13/00694 - Demolition of existing building and erection of a foodstore to the rear of the site with associated access, car parking, servicing and landscaping: Under consideration and on the current agenda.

5.0 HISTORY OF NEGOTIATIONS:

5.1 Post the refusal of the application in June 2012, meetings have been held between officers and the developer and with Ward Members.

5.2 The applicants design team attended a meeting on the 4th July 2012 with Cllr Dowson and Cllr Taylor and officers to discuss the refused application(s) (12/0822/FU & 12/00823/CA).

5.3 The applicants design team attended a meeting on 8th November 2012 with officers to discuss the further work done on the proposals for a revised scheme for a store to the

rear of the site and store to the front. Further information has also been submitted in relation to the proposed servicing and delivery proposals.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been publicised as a major application and as affecting the character of a conservation area by means of site notices posted on 1st March 2013 and the application has also been advertised in a local newspaper, published 31st January 2013. The formal consultation period expired on the 22nd March 2013, however this was extended to the 3rd May 2013 to take into account the public meeting that was held on 16th April 2013. The outcome of this public meeting was provided verbally at 18th April Plans Panel.
- 6.2 Public Consultation was carried out by the developer on the two schemes; a public consultation was held on the 24th, 25th and 26th of January 2013 to present schemes for a revised scheme for a store to the rear and a store to the front of the site.
- 6.3 **WARD MEMBERS** – A letter of objection signed by all three Ward Members has been received regarding both applications and the following points are raised:-
- Object in the strongest terms to both applications
 - Members are aware of local feeling from contact with local residents and public meetings.
 - Concern raised and local opinion that insufficient attention has not been paid to the increased traffic and congestion problems that will be caused as a result of these proposals and the deterioration of air quality and impact upon residents with respiratory conditions.
 - The proposed location of the crossing to be provided is not considered suitable as it would be too close to the junction of Stainbeck Lane and the entrance to the proposed development as well as near Allerton Hill Road and Regent Street.
 - Queuing traffic will occur along Stainbeck Lane onto Harrogate Road. There has been a desire to close up the top exit of Stainbeck Lane into Harrogate Road and this needs to be taken into account.
 - Proposal will have an adverse impact upon local businesses; Chapel Allerton is a vibrant community of small shops and local residents want to keep it this way. There are already several supermarkets of a similar size close by.
 - Both development designs are inappropriate for the Conservation Area.
 - From the public meeting it was clear the majority of residents do not want another supermarket. Other outcome of the heated debates at public meeting that if the development was to go ahead then the development would be at the back of the site. We whole heartedly agree with the local residents on this very important point.
 - The original rejection stressed the need to enhance the Conservation Area and neither of the submitted applications comply with this requirement.
- 6.4 At the time of writing this report, the following letters of representations had been received:-

109 letters have been received in total, with 63 letters of objection raising the following issues:

- No shortages of supermarkets in local area;
- Detrimental impact on existing businesses, including on independent traders and the existing Co-Op;
- Increase in traffic and congestion;

- Detrimental impact on pedestrian safety, particularly due to location of service yard;
- Reduction in car parking spaces along Harrogate Road;
- Disputes over applicant's TA and traffic generation figures;
- Access point too close to existing accesses;
- Site is best suited for housing (social or private);
- Multi-purposed development needed, eg, housing, community facilities, pedestrianised shopping area that supports independent traders, hotel, doctors surgery or public park;
- Design is bland and box like and does not fit with local character;
- Design will have impact on Chapel Allerton Conservation Area;
- Increase in noise, litter, light pollution and pollution;
- Increase in noise for residents in Allerton Hill and Grosvenor Park;
- Impact on living conditions of neighbours from delivery noise and plant on roof;
- Increase in vandalism and anti-social behaviour;
- Proposals do not meet CANPlan objectives;
- Inadequate PR exercise by Morrisons;
- Lack of community involvement.

42 letters of support raising the following issues:

- Better than previous scheme, as well as safer due to pedestrian crossing;
- Better for pedestrian traffic;
- Chapel Allerton would benefit from a superior supermarket with more choice;
- Store would be within walking distance for local residents;
- Development could fund pedestrian improvements / community space;
- Proposals provide a secure car park;
- Design and car parking better than store scheme to the front;
- Loading bay is located away from residential properties;
- Height of store will not overpower or overlook adjacent residential properties.

4 general letters raising the following issues:-

- Preferable to other scheme

7.0 CONSULTATION RESPONSES:

7.1 Statutory:

Highways:

Given the extent of the access improvements, in conjunction with the introduction of a new signalised pedestrian crossing on Harrogate Road, it is considered that a highways objection on the grounds of an increase in traffic at the site would be difficult to justify. However, additional information was required to demonstrate that the vehicle access is capable of satisfactorily accommodating large delivery vehicles and servicing arrangements. This information has now been provided and still raises issues that could be removed with an alternative layout within the site. Furthermore, in view of the difficult parking conditions within the local area, it is considered that the applicant should provide a financial contribution of £15,000 to enable the existing on-street parking restrictions within Chapel Allerton to be reviewed/upgraded. In terms of parking, a time limit of three hours should be imposed on the usage of the car park, which should allow visitors to shop at the supermarket and also potentially visit other facilities/outlets within Chapel Allerton. This should be formalised and made a requirement of any subsequent planning approval.

7.2 **Non-statutory:**

Policy

The principle of a new foodstore on this site was agreed in principle when the previous application was refused. There have been no changes to the policy framework which would alter this position and so in principle the scheme for a foodstore of this scale is supported, due to its location within the town centre boundary which is therefore an appropriate location for all main town centre uses and is suitable in scale. (There is no requirement for the scheme to undergo a sequential or impact test.)

Access

No comments received.

Land Drainage

The surface water from the site is proposed to be discharged to the public sewer. Given the site topography and proposed layout, this is considered to be acceptable. Conditions are recommended.

Environmental Health

Whilst the submitted noise assessment was not as detailed as would normally be expected, no objection subject to conditions relating to noise on fixed plant, submission of details of plant and odour treatment measures, restrictions on construction and demolition hours, and lighting restrictions.

Land contamination

Additional information is requested from the applicant. However, it is considered that any issues that could arise could adequately be dealt with by the imposition of planning conditions.

Metro

No objections to the proposals provided that the existing bus shelter (no. 13617) on Harrogate Road which will need to be relocated is upgraded and a RTI display is installed. A second bus stop located on Stainbeck Lane (no. 11138) should also be upgraded to have a shelter with RTI display (total cost £40,000). DDA compliant raised kerbs and bus stop clearways need to be provided at both stops where needed.

NGT/Public Transport Contributions

A contribution of £128,026 should be sought in accordance with the SPD.

TravelWise

Further amendments are required to the submitted Travel Plan.

Yorkshire Water

12/05296/FU – No comments received.

Chapel Allerton Neighbourhood Plan Group (CANPLAN)

No comments received.

Leeds Civic Trust

Objects to the proposed development and makes reference to a preference for the alternative scheme instead which is located towards the front of the site.

8.0 PLANNING POLICIES:

8.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area consists of the adopted Unitary Development Plan (Review 2006), along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy.

8.2 Leeds Unitary Development Plan (Review 2006):

The site is located within the Chapel Allerton designated S2 Centre and in the Chapel Allerton Conservation Area.

Relevant policies include:

GP5: General planning considerations.

N12: Priorities for Urban Design.

N13: Design and new buildings.

N19: New buildings within conservation areas

T2: Transport and provision for development.

T2B: Need for transport assessments.

T2C: Travel Plans.

T2D: public transport contributions.

T5: Pedestrian and cycle provision.

T6: Provision for the disabled.

T24: Parking provision and new development.

S2: Vitality and viability of town centres.

S3: Enhancement and maintenance of town centres.

BD3: All new public buildings to provide suitable access for the disabled.

BD5: Amenity and new buildings.

LD1: Landscaping schemes.

8.3 Supplementary Planning Guidance / Documents:

Public transport improvements and developer contributions.

Chapel Allerton Community Plan and Design Statement

Street Design Guide

Chapel Allerton Conservation Area Appraisal and Management Plan

In the Chapel Allerton Community Plan and Design Statement (Neighbourhood Design Statement), states the following about the application site, '*The proposed development of the Yorkshire Bank site has provoked more interest and passion in Chapel Allerton than any other issue.*

8.7 In recent years there have been planning applications for the site, which is now within the Conservation Area and the historic core of Chapel Allerton. These applications have focused on intensive development, including multi level flats, offices, doctors' surgery, pharmacy, shops, restaurant, and car parking. The most recent application was submitted in September 2008, refused by the Council, and subsequently dismissed at appeal in September 2009. A further application is expected in 2011. A key community issue is to ensure development of the Yorkshire Bank site meets the aspirations identified in the community survey and at the Open Day in July 2009.

8.8 Of the Yorkshire bank site, the Chapel Allerton Conservation Area Plan states "...its redevelopment will have a major impact on the character of the core of the settlement and offers an opportunity to enhance the conservation area."

8.9 The community consider that any development on the site should take the opportunity to improve areas of public space and landscaping and should not include any bars given that these are already well provided for and linked to issues of anti-social behaviour. The site is within key views from Harrogate Road approach and any development proposal must have regard to this.

8.10 This Plan supports the Chapel Allerton Conservation Area Appraisal suggested opportunity for enhancement of the conservation area and centre in relation to the Stainbeck Corner and creation of public space which could be delivered by way of planning gain associated with any redevelopment of the Yorkshire Bank Site. The Conservation Area Appraisal advises that: "The closure of the north section of the junction would create a public "square" which would re-create a sense of arrival at the heart of the village. High quality paving and street furniture could contribute to the enhancement of the area. Although a number of practical traffic management problems would have to be overcome, including moving the pedestrian crossing south of Regent Street and making alternative arrangements for parking and taxi waiting outside the Yorkshire bank, the benefit to the townscape would be considerable"

8.11 Development proposals should also be accompanied by a comprehensive traffic management scheme for the locality that provides for a reduction in reliance on car use, for improved pedestrian safety and the enhancement of pedestrian areas.

8.12 The Yorkshire Penny Bank building, adjacent to the development site is recognised in the Conservation Area Appraisal as a building of considerable architectural quality. The community would like to see this building listed in order to ensure its retention.

8.4 Emerging Policy

The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013.

8.5 As the Council have submitted the Publication Draft Core Strategy to the Secretary of State for examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

8.6 National Planning Policy Framework

Planning should proactively drive and support sustainable economic development; and seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (para. 17). Local Planning Authorities should recognise town centres as the heart of their communities and support their vitality and viability (para. 23). Design requirements are set out in section 7 noting that developments should establish a strong sense of place creating attractive and comfortable places to live, work and visit (para. 58). Shared spaces should be promoted to help deliver the social, recreational and cultural facilities communities require (para. 70). Section 12 refers to the historic environment. Para. 131 identifies the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; and the desirability of new development making a positive contribution to local character and distinctiveness.

9.0 MAIN ISSUES

1. Principle of Development
2. Highway issues
3. Layout, design, scale & Impact on Conservation Area
4. Impact upon Living Conditions of Neighbours
5. S106 – Draft Heads of Terms
6. Other matters

10.0 APPRAISAL

Principle of Development

- 10.1 The site is within the S2 centre of Chapel Allerton and currently comprises a vacant office building (Allerton House) and the vacant site of another office building which has been demolished. The scheme comprises of a store of approximately 1400m², gross internal floor area and net sales area of approximately 925.7m².
- 10.2 Policy S2 of the UDP Review 2006 encourages new retail development within the designated S2 centres provided it does not undermine the vitality and viability of the city centre or any other S2 centres. In relation to Chapel Allerton, it is considered that the additional retail floor space will strengthen the vitality of the centre.
- 10.3 The site is unallocated within the UDP but is located within the designated S2 centre of Chapel Allerton and so development of a supermarket is an appropriate use. In addition, based in part on the Leeds City, Town, and Local Centres Study, the Council considers that some centres could perform more successfully as major locations for weekly shopping needs if they included a major foodstore or redevelopment of existing facilities to add to their function. Appropriate supermarket provision within centre or on the edge of centre is therefore to be encouraged in a number of centres, which includes Chapel Allerton.
- 10.4 It is considered that the proposed use and the scale proposed is appropriate for this town centre site location.

Highway Issues

- 10.5 The scheme involves the closure of the existing access points and its relocation further towards the north. The scheme also includes the relocation of the existing bus stop on Harrogate Road as well as the provision of a pedestrian crossing across Harrogate Road. Previous proposals have presented difficulties in addressing the highways issues. This was the principle concern on the Planning Inspector when dismissing a mixed use scheme at a public inquiry. The difficulties mainly related to the methodology of the transport assessment and general lack of information. This has now been addressed by the applicant.
- 10.6 Officers are generally supportive of the scheme regarding the extent of the access improvements and proposed signalised pedestrian crossing. Further information was sought on a number of technical matters, specifically regarding the servicing and delivery arrangements. Information has been submitted which shows the swept path of an articulated heavy goods vehicle and indicates that there would be 1 or 2 of these delivery vehicles servicing the store per day. The majority of deliveries would be smaller vehicles. During such deliveries, a banksman will be employed to guide delivery vehicles into the loading bay and will seek to manage any conflict with customers. This is not considered acceptable with regard to the proposed arrangements for servicing and delivery and the impact this would have on the operation of the site. Whilst the applicant considers that management arrangements

can resolve the issues and conflicts, Highways officers consider that an alternative layout/design would largely address the concerns.

10.7 The applicant will be required to provide contributions towards public transport infrastructure, bus stop improvements, a review of existing on-street parking restrictions and the implementation of a Travel Plan. A condition will also need to be imposed to restrict car parking to no more than 3 hours. This is still under discussion with the applicant at the time of writing this report and will be verbally updated at Plans Panel. It is considered that a maximum stay of 3 hours will provide the opportunity for local shoppers with Morrisons forming part of the community, whilst deterring existing workers within Chapel Allerton and potential commuters into Leeds City Centre.

10.8 The proposed location of the pedestrian crossing has been clarified with Highways Officers and it is confirmed that its proposed location is acceptable with regard to pedestrian and highway safety.

Layout, design, scale, landscaping and impact on Chapel Allerton Conservation Area

10.9 The site lies within the extended Chapel Allerton Conservation Area, (Character Area 1) and is included within the Chapel Allerton Community Plan and Design Statement as the former Yorkshire Bank Site. The site is in a prominent location within the historic core of the Chapel Allerton Conservation Area and presents a real opportunity to improve this major approach and primary frontage within the settlement. At present, the site is currently underused and in a poor state visually. The relatively recent demolition of the Brutalist building that was located alongside Allerton Hill has left this frontage exposed and empty, to the detriment of the area as it is highly visible from views up and down Harrogate Road as noted in the Conservation Area Appraisal.

10.10 In principle no objection is raised to the demolition of the existing building and redevelopment of this site and, so long as an appropriate scheme can be brought forward.

10.11 No significant changes to the proposals have been made since the previous scheme was refused to enable officers to reach a different conclusion. In particular, the main car park is to be located on the site's main frontage that will undermine the special character of the Conservation Area and retain this 'gap' in the townscape. The store will be constructed well within the site, but will have very little street presence. Moreover in a town centre location, it will be reasonable to assume that much of the custom base will be on foot, however the car park would dominate the public realm and will fail to enhance the pedestrian experience. It is considered that this is an outdated and unsustainable design and should not be encouraged.

10.12 As clearly reiterated in the National Planning Policy Framework (2012) Para: 64: *"Permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions."* It is desirable to develop the site, this scheme fundamentally fails to take the most obvious opportunity to enhance this important site within this unique and historically important setting.

10.13 The site is of significance to the immediate area in that it forms an important part of streetscape vistas. It is a corner and junction site which is important as it can be an important element in bringing together elements of local streetscape from three directions. This is especially true when travelling, by car or foot, both up and down Harrogate Road.

- 10.14 Concerns are raised that the opportunity for a frontage to Harrogate Road has not been taken and that the building seems to be forced to the rear of the site. This will result in an unnecessary void in the streetscape at this important junction for Chapel Allerton. This will also probably result in an unnecessary abundance of advertising on the frontage. The works seem to engender large scale retaining walls to the frontage onto Harrogate Road which is incompatible with an active and engaging street frontage. The proposal then provides a car park to the street frontage that is on a raised level which further disengages the proposed building from the street.
- 10.15 The proposal therefore causes concern over a number of issues relating to the site disposition and the building such as: local character, conservation of local character, the site levels, the landscape response and the general architectural and spatial issues. As such, the proposal to locate the store to the rear of the site fails to integrate with the district centre and cannot be supported.

Impact upon Living Conditions of Neighbours

- 10.16 The mass of the proposed building is reduced vastly from that of the existing building Allerton House which currently occupies the site. The existing building is 4 storeys high, including a high ground floor, finishing with a flat roof at roughly 18-19 metres above ground level and with plant etc rising higher. There is a further short 2-storey section to the east and then a single-storey extension with loading bays.
- 10.17 The proposed height and scale of the building with a flat roof reduces the overall height of the building in comparison to the existing situation. The stepping back of the façade also aides to reduce the transfer of delivery noise north of the site. Reduced noise transfer from the delivery bay area is also aided by the line of mature trees along the southern boundary of the site and the large non residential structure to the rear of Pelham Place.
- 10.18 The main customer entrance to the store is located adjacent to the boundary of the residential properties at nos. 3 and 5 Grosvenor Park and the car park spaces along the boundary with nos 1 Grosvenor Park. This would create constant comings and goings throughout opening times with the nearest residential properties 3 and 5 Grosvenor Park being affected.
- 10.19 The proposed supermarket with regard to its location and height is lower than the existing building is therefore considered not to have an adverse impact upon neighbouring properties amenity. This was the conclusion reached in dealing with the previous scheme that was refused. Environmental Health Officers consider that issues can be addressed satisfactorily by conditions.

S106 Draft Heads of Terms

- 10.20 Below are the proposed planning obligations put forward by the developer. No detailed discussions have taken place regarding specific details at the date of writing this report, particularly since the proposed scheme cannot be supported.
- Public Transport Infrastructure contribution of £128,026;
 - Metro contribution of £40,000;
 - Travel Plan and monitoring fee of £2,500
 - Off-site highways works;
 - Contribution of £15,000 towards a review of parking waiting restrictions;
 - Local employment and training

10.21 From 6 April 2010 guidance was issued stating that a planning obligation may only constitute a reason for granting planning permission for development if the obligation is all of the following:

(i) necessary to make the development acceptable in planning terms.

Planning obligations should be used to make acceptable development which would otherwise be unacceptable in planning terms.

(ii) directly related to the development. Planning obligations should be so directly related to proposed developments that the development ought not to be permitted without them. There should be a functional or geographical link between the development and the item being provided as part of the agreement.

(iii) fairly and reasonably related in scale and kind to the development

Planning obligations should be fairly and reasonably related in scale and kind to the proposed development.

10.22 According to the draft guidance issued for consultation in March 2010, unacceptable development should not be permitted because of benefits or inducements offered by a developer which are not necessary to make development acceptable in planning terms. The planning obligations offered by the developer include the following:-

- £128,026 as a public transport infrastructure contribution. The proposal is likely to have a significant travel impact and a financial contribution will help to ensure that relevant government and local policies relating to the use of public transport are met. The figure has been calculated using the approved formula set out in the SPD which takes into account the size, scale and impact of the proposed development.
- £2,500 as a monitoring fee for a Travel Plan designed to reduce vehicle use by staff and visitors. This is required to ensure that the agreed provisions within the Travel Plan are implemented.
- The contribution of £40,000 to Metro is justified as part of the Travel Plan aims are to improve number of employees traveling by more sustainable modes, and a contribution towards the cost of providing services that employees would use would enable continued provision of these services. The updating of bus stops would provide for real time information displays thereby providing a better service for employees.
- A contribution of £15,000 towards a review of parking waiting restrictions within the Chapel Allerton area as well as the off-site highway works are considered to be necessary as part of the proposed development.
- The obligation to ensure that local people are employed in the development is considered to be necessary.

10.23 The proposed development could therefore bring about financial benefits for the local area and it is considered that the Council is justified in seeking such contributions.

Other Matters:

10.24 Public Realm - It is a local aspiration as stated in the Neighbourhood Design Statement paragraphs 8.6 – 8.12 that the north section of the Stainbeck Lane be closed off and a public square created; this has been raised with the applicant but does not form part of the either of the applications. Following the comments from Plans Panel that this should be explored further, the following response has been provided by the applicant that the request does not comply with the regulations of the S106 agreement and that the highway section does not state this is necessary to

make the development work and therefore do not propose to contribute or carry out this work.

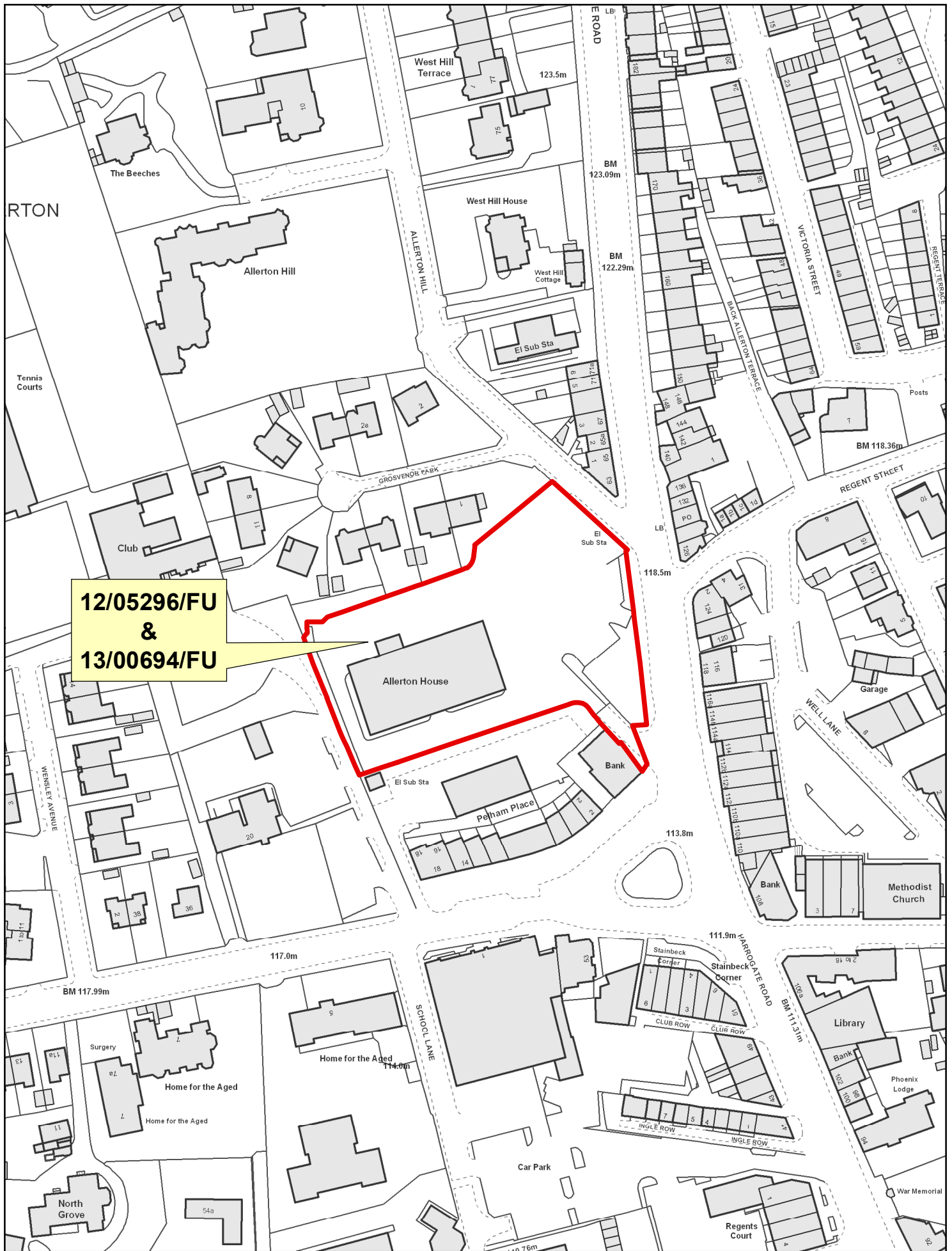
- 10.25 Local Training and Employment initiative – The applicant has advised that 100 jobs would be provided through this new store. This will form part of the S106 Agreement. This should be afforded significant weight with regard to the economic benefits in line with the recent Written Ministerial Statement: Planning for Growth, 23rd March 2011.

11.0 CONCLUSION

- 11.1 Overall it is considered that the principle of a new retail foodstore of the scale proposed within the district centre of Chapel Allerton is acceptable as it complies with local and national retail policy. A new retail development would also regenerate this site and deliver new jobs. The proposed store would be accessible to the local residents of Chapel Allerton and provide comparison and convenience retail facilities needed within the centre. However, given the location of the proposed store towards the rear of the site, it would not address the reasons for refusal from the previously determined application 12/00822/FU in any significant way in that. For the reasons set out in this report it is considered that this form of development would be harmful to the overall character and appearance of the Conservation Area and the townscape character and local distinctiveness of Chapel Allerton. Consequently, the application cannot be supported and it is recommended for refusal as set out at the beginning of this report.

12.0 Background Papers:

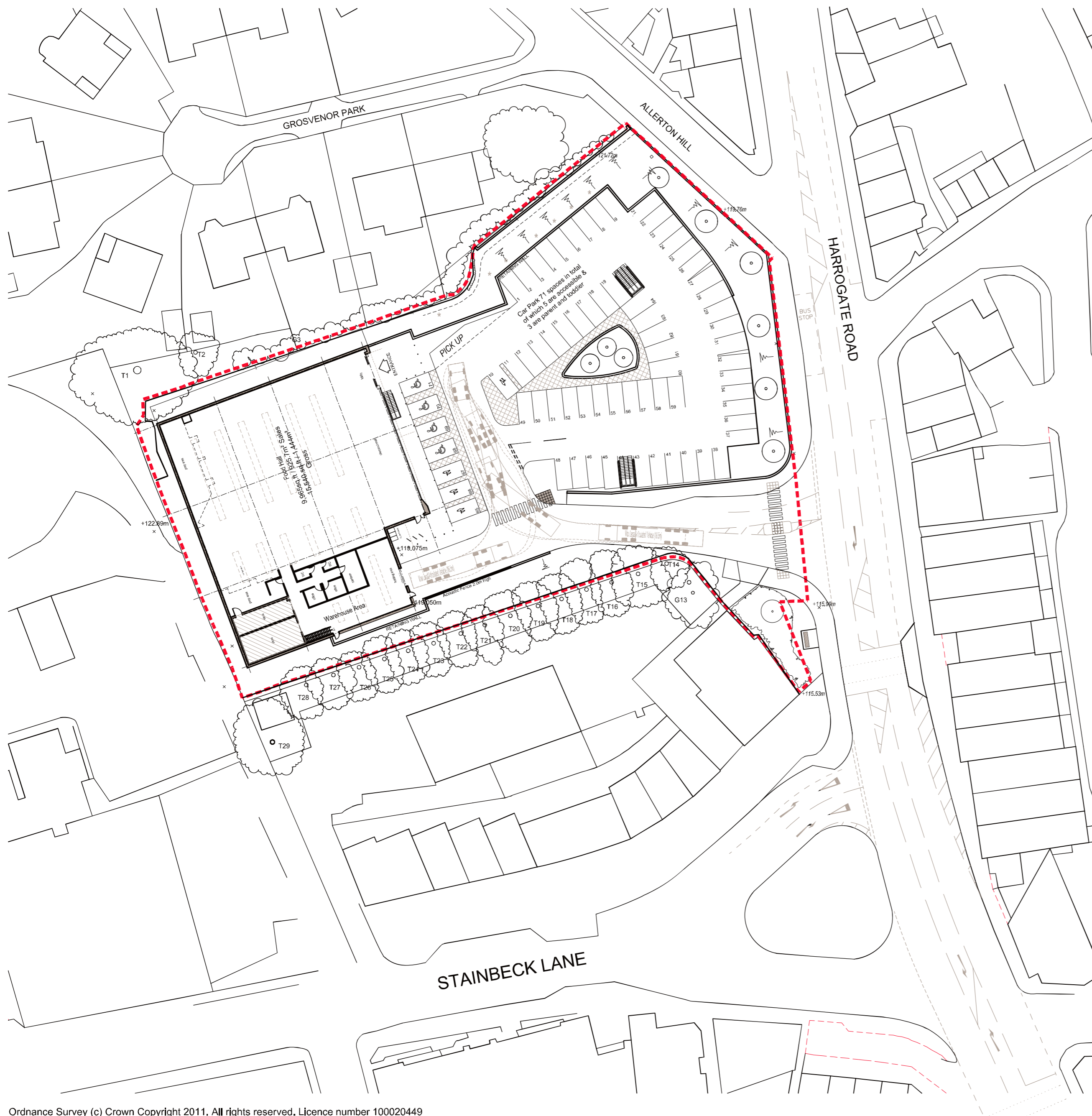
- 12.1 Application file and history file 12/00822/FU.
12.2 Ownership Certificate: Notice served on owners and Certificate B signed (Chapel Allerton Investments LLP).



**12/05296/FU
&
13/00694/FU**

NORTH AND EAST PLANS PANEL





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Revision	E	Date	07/05/2013	Drawn	S.Lunn	Checked	S.Lunn
Parent & Toddler and Disabled parking provision amended, delivery vehicle tracking added. Landscape area adjacent to Yorkshire Bank added.							
Revision	D	Date	13/12/2012	Drawn	N.Page	Checked	P.D.White
Landscaping improved with additional planting							
Revision	C	Date	31/10/2012	Drawn	N.Page	Checked	P.D.White
FFL lowered, Carpark amended to suit Urban Design plans							
Revision	B	Date	17/02/2012	Drawn	S.Lunn	Checked	P.D.White
Acoustic Fence added							
Revision	A	Date	6/02/2012	Drawn	S.Lunn	Checked	P.D.White
Bulking footprint amended, boundary to Harrogate road amended							

Project:
PROPOSED NEW STORE
ALLERTON HOUSE, HARROGATE ROAD
CHAPEL ALLERTON, LEEDS




Client: Optimisation Developments Limited
 Site Plan and Ground Floor Store Plan
 As Proposed

Job No	Drawing No	Revision
3527-76	PL03	E
Date: 23.12.2011 Scale: 1:500 @ A2 Drawn: N.Page Checked: S.Lunn CAD Ref: P:352776/CAD/Planning Drawings		
Note: Do not scale from this drawing. All dimensions to be checked on-site.		

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