



Leeds
CITY COUNCIL

Originator: Aaron Casey

Tel: 0113 247 8059

Report of the Chief Planning Officer

PLANS PANEL NORTH & EAST

Date: 31 October 2013

Subject: APPLICATION 13/03839/FU - Variation of Condition 12 of previous approval H30/259/82 to allow deliveries between 07:00 until 18:00 Monday to Saturday and 08:00 until 18:00 on Sundays to the Morrisons store on Roundhay Road, Leeds, LS8 4BA.

APPLICANT

Wm Morrison Supermarkets Plc

DATE VALID

16 August 2013

TARGET DATE

11 October 2013

Electoral Wards Affected:

Roundhay

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: GRANT permission subject to the following conditions

1. Time limit
2. Development to accord with approved plans
3. Management Plan for deliveries levels, types of vehicles, best practices (i.e. engines, refrigerator equipment turned off whilst delivery vehicles stationed)
4. Hours of Delivery 07:00 until 18:00 Monday to Saturday and 08:00 until 18:00 on Sundays.

1.0 INTRODUCTION

- 1.1 This application is brought to the Plans Panel for consideration at the request of Councillor Billy Urry as it is his view that the proposed hours would create problems in terms of noise and disturbance thereby reducing the living conditions of nearby residents on Oakwell Mount.

2.0 PROPOSAL

- 2.1 This application is for the variation of Condition 12 of H30/259/82 which restricts delivery to 08:00 until 18:00 Monday to Saturday.

The applicant seeks a variation to allow deliveries from 07:00 until 18:00 Monday to Saturday and introduce deliveries on Sundays from 08:00 until 18:00.

Vehicle Type

A 7.5 tonne vehicle with a maximum length of 7 metres. All other deliveries such as bread and newspapers would be undertaken by companies external to Morrisons normally delivering using smaller vehicles.

Delivery Frequency

The agent for the applicant has informed the Local Planning Authority that on average two Morrisons deliveries are made every day. One earlier in the morning, which delivers fresh produce; and one mid-morning, which delivers groceries. Other deliveries will include non-Morrisons deliveries for bread and newspapers.

The frequency of deliveries will vary dependent on the purchase activity and whether additional deliveries are required as a result.

3.0 SITE AND SURROUNDINGS

- 3.1 The application relates to the former Blockbuster store located at 633 Roundhay Road, Leeds, LS8 4BA. The building is a purpose built retail store comprising, single storey and brick built and forms part of a group of six units fronting Roundhay Road. The application property falls within the boundaries of the local Oakwood centre where an array of shops and services can be found. The unit is also identified within the Leeds UDP (2006) as being on a secondary shopping frontage.
- 3.2 To the rear of the store is a service yard and parking facilities for the application property which is accessed via Oakwell Mount. To the back of this parking area and service yards are the residential properties along Oakwell Mount. A 3m – 3.5m high brick wall bounds the rear of the parking/service areas and acts as a robust screen between the commercial and residential sites.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 The six units were granted planning permission in 1982 (H30/259/82) and since that time various planning applications have been received for signage and shop fronts.
- 4.2 13/02059/FU – Three condenser units and enclosed plant equipment with fencing to service yard. This application was considered by Members on the 11 July 2013 and it was resolved to defer and delegate approval to the Chief Planning Officer subject to further negotiations on the implementation of a scheme of measures to mitigate noise nuisance and for the applicant to re-locate one of the units to accord with the plans (the applicant had already sited the units at the time this application was in from of Members). Details have recently been received by Officers and a response from the Environmental Protection Team is pending.
- 4.3 13/01792/FU – Variation of condition 23 of approval 30/259/82 to allow deliveries between the hours of 0600 until 2300 Monday to Sunday. This application was withdrawn as the Local Planning Authority informed the agent acting for the applicant that the proposed hours would not be supported.

5.0 THE HISTORY OF NEGOTIATIONS

- 5.1 The application has been assessed as submitted and it is considered that there has been no reason to engage into negotiations with the applicant's agent regarding the proposed variation to the delivery hours.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 A site notice was posted on Roundhay Road in front of the application property on the 30 August 2013 advising that any representations should reach the Local Planning Authority ("LPA") by the 7 June 2013.
- 6.3 One letter of objection has been received from the occupants of No.37 Oakwell Mounts and an objection has been raised by Councillor Bill Urry.
- 6.4 The occupants of No.37 Oakwell Mount raise concerns that are summarised below:
- The actual level of deliveries that would be undertaken during the day.
 - The type of vehicles to be used.
 - Adequate manoeuvrability for larger lorries on Oakwell Mount.
 - Noise and disturbance as a result of deliveries.
 - Sunday deliveries will erode the peace and quiet of the area.
 - The situation regarding the Tesco Store is completely different and cannot be used as a comparison during the assessment of the delivery times proposed.
- 6.5 Comments received from Cllr Urry:
- I wish to object to this application because of the impact on local residential amenity. I ask that no relaxation of delivery hours is agreed by Plans Panel with a possible limited exception for Sunday newspapers.
 - The application applies to the site of the former Blockbusters shop and the 1982 planning restriction clearly anticipated relatively limited deliveries to a shop with a lower physical volume of deliveries than a supermarket.
 - However, the 1982 planning conditions also reflected the close proximity of housing and this issue remains extant. No.37 Oakwell Mount in particular backs onto the car park of the Morrisons store, and it is to here that deliveries will be made. In practice

this already means that (generally) daily deliveries are being made by lorries reversing into or out of a restricted area just yards from a residence.

- There are also other houses very close by, and the problem is exacerbated because vehicle access to the Morrisons car park is from a residential road Oakwell Mount. Any delivery vehicle manoeuvring in a restricted space in so narrow a road will inevitably cause local disturbance – No. 37 will be most affected, but there
- are other properties close by on Oakwell Mount and on adjacent side roads. I am aware that Morrisons has undertaken to use smaller vehicles to deliver to this store in future, but I have only seen lorries when I have walked through the site.
- The comparison in the application with the nearby Tesco and Cooperative stores which have less restricted delivery hours, fails to acknowledge that both are set in their own large car parks so that their loading bays are set a considerable distance from residential property, and vehicle manoeuvring takes place in a much less restricted space.
- I would add that Morrisons took over the property and opened the store in full knowledge of the proximity of residential property, and of the restricted space for deliveries. They should also have been well aware of the restricted delivery times in the 1982 Planning Conditions.
- The relatively small size of the store, and the ability to deliver twice on Saturdays, should not cause any issues all that is needed is a minor rescheduling of delivery schedules. The only item that would be likely to cause a significant issue were say Sunday deliveries not allowed, would be Newspapers which clearly cannot be delivered in advance.
- I suggest that Plans Panel could agree to a single newspaper only delivery on Roundhay Road on Sunday morning

7.0 CONSULTATIONS RESPONSES:

7.1 Highways

It is considered that a highway objection to the proposed hours of delivery would be difficult to justify as traffic levels between 07:00-08:00 would be generally lower than those after 08:00.

8.0 PLANNING POLICIES:

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Leeds Unitary Development Plan (Review 2006).

8.2 The Leeds Unitary Development Plan (Review 2006) is the development plan for the whole of the Leeds district. The application site is identified within the Leeds UDP (2006) as falling within the boundaries of Oakwood local centre and on a secondary shopping frontage.

- 8.3 The below Leeds UDP policies, supplementary development documents and national guidance are considered to be relevant to this application.

Local

Policy GP5 - refers to development proposals should seek to avoid loss of amenity.

Policy BD6 – alterations should respect the original building

Policy S2 – refers to local centres

Policy T2 – refers to Highway safety

- 8.3 National Planning Policy Framework (2012):
- Promotion of sustainable (economic, social and environmental) development.

9.0 MAIN ISSUES

- Effect on residential amenity
- Highways
- Representations
- Conclusion

10.0 APPRAISAL

Effect on residential amenity

- 10.7 The current hours that the store can have deliveries fall within the period of:
- 08:00 until 18:00 Monday to Saturday only.

The applicant seeks an extension of these hours so that deliveries can be made from:

- 07:00 until 18:00 Monday to Saturday.
- Sundays between the hours of 08:00 until 18:00.

The agent for the applicant advises that the Morrison's delivery vehicle type would be a 7.5 tonne vehicle with a maximum length of 7 metres. All other deliveries such as bread and newspapers would be undertaken by companies external to Morrisons normally delivering using smaller vehicles.

In respect of delivery frequency; the agent for the applicant advises that on average two Morrisons deliveries are made every day. One earlier in the morning, which delivers fresh produce; and one mid-morning, which delivers groceries. Other deliveries will include non-Morrisons deliveries for bread and newspapers. No details of delivery patterns have been specified for the non-Morrison's deliveries but it is reasonable to assume that generally bread and newspapers will be delivered in the morning, although it is possible that dependent on the purchase activity additional deliveries may be required. There would also be an afternoon delivery of local newspapers (e.g. the Yorkshire Evening Post) but the delivery of such publications tend to be by smaller vans.

- 10.8 To the rear of the supermarket is a car-park that can be utilized by patrons of the store as well an area where deliveries for the store take place. A 3.0m/3.5m high brick wall runs along the rear boundary with a residential property (No.37 Oakwell Mount) that creates a definitive visual break from commercial to residential uses. In part it also acts as an acoustic barrier between the noise and disturbance of the use of the car-park and delivery area. However the proximity of No.37 means that there will be a level of noise and disturbance from the commercial function at the application site.

- 10.9 It likely that the restrictions imposed by condition in the 1982 planning permission responded to the trading patterns of that time and what was regarded as acceptable limits in planning terms. The dynamics of the commercial function within the local area and the trading patterns have altered over time where Sunday trading is common place and the 'express' style of supermarket (the store operates as Morrisons version of the smaller stores) becomes more prevalent. However, the matter of protecting the living conditions of residents has not eroded and remains of fundamental importance in considering delivery patterns to commercial premises in close proximity to residential uses.
- 10.10 In respect of the proposed additional hour in the morning Monday to Saturday, where deliveries would commence from 07:00, it is not considered that the additional hour would be significantly more harmful to residential amenity than the existing commencement time of 08:00. The store opens at 07:00 and in principle patrons could start using the car-park to the rear where noise and disturbance from engines, doors slamming and people talking could commence. A management plan for the deliveries can secure control over such aspects as delivery vehicle type and methods of best practice (i.e. turning engines and freezers off whilst in situ) whereas no such control currently exists.
- 10.11 Whilst residents can reasonably expect greater levels of peace and quiet on Sundays the same type of activity as detailed above in terms of the use of the car park currently exists. The store is open at 07:00 on Sundays and the proposed delivery hours to commence at 08:00 and cease at 18:00 hours would coincide with expected activities resulting from the hours of operation.
- 10.12 In light of the above the proposed delivery times are considered to fall within acceptable limits given the unrestricted operating times of the store from 07:00 until 23:00 Monday to Sunday where non-delivery vehicles and activity can occur and deliveries can take place unrestricted between the existing hours as imposed in 1982. Granting planning permission would give the Council some control over the deliveries albeit such activity.
- 10.13 Highways
As part of this application a technical view was sought from Highways. After consideration of the submitted details it was considered that given that the deliveries currently take place without restriction a highway objection to the proposed hours would be difficult to justify. For the Monday to Saturday patterns of delivery traffic level between 07:00 and 08:00 would be generally lower than those after 08:00. No concerns were raised regarding the Sunday delivery times or the manoeuvres of delivery vehicles.
- 10.14 Representations
In response to the advertisement of this application there has been two letters of objection to the revised delivery times. One from the occupants of No.37 Oakwell Mount which is located directly to the rear of where deliveries currently take place and objection from Councillor Urry. The objections are summarised below:
- Residents
- The actual level of deliveries that would be undertaken during the day.
 - The type of vehicles to be used.
 - Adequate manoeuvrability for larger lorries on Oakwell Mount.
 - Noise and disturbance as a result of deliveries.
 - Sunday deliveries will erode the peace and quiet of the area.

- The situation regarding the Tesco Store is completely different and cannot be used as a comparison during the assessment of the delivery times proposed.

Ward Member

- The application applies to the site of the former Blockbusters shop and the 1982 planning restriction clearly anticipated relatively limited deliveries to a shop with a lower physical volume of deliveries than a supermarket.
- The 1982 planning condition also reflected the close proximity of housing and this issue remains extant. In practice this already means that (generally) daily deliveries are being made by lorries reversing into or out of a restricted area just yards from a residence. There are also other houses very close by, and the problem is exacerbated because vehicle access to the Morrisons car park is from a residential road Oakwell Mount. Any delivery vehicle manoeuvring in a restricted space in so narrow a road will inevitably cause local disturbance.
- I am aware that Morrisons has undertaken to use smaller vehicles to deliver to this store in future, but I have only seen lorries when I have walked through the site.
- The comparison in the application with the nearby Tesco and Cooperative stores which have less restricted delivery hours, fails to acknowledge that both are set in their own large car parks so that their loading bays are set a considerable distance from residential property, and vehicle manoeuvring takes place in a much less restricted space.
- Morrisons took over the property and opened the store in full knowledge of the proximity of residential property, and of the restricted space for deliveries. They should also have been well aware of the restricted delivery times in the 1982 Planning Conditions.
- The relatively small size of the store, and the ability to deliver twice on Saturdays, should not cause any issues all that is needed is a minor rescheduling of delivery schedules. The only item that would be likely to cause a significant issue were say Sunday deliveries not allowed would be Newspapers which clearly cannot be delivered in advance. I suggest that Plans Panel could agree to a single newspaper only delivery on Roundhay Road on Sunday mornings.

10.15 Much of the above has already been covered within this report. The point raised Regarding the Tesco Store is noted and it is Officers view that each site must be assessed on their merits therefore what is appropriate for the Tesco site is not necessarily appropriate for this application site. The details in the application do not make it

clear what Morrisons were aware of in terms of delivery restrictions prior to occupation of the unit so comments cannot be made with any certainty, it is however feasible to assume that a key location within the local centre and a presence on the high street were strong incentives to move into the unit despite the restriction imposed in 1982.

11.0 CONCLUSION

11.1 After due consideration, with focus on the impact on the living conditions of residents on Oakwell Mount, especially those No.37 this application is recommended that planning permission for the proposed delivery hours be approved for the reasons

given above and subject to the conditions at the head of this report. A management plan would allow the Council a level of control over the elements of the deliveries which do not exist currently. On balance it is considered that the additional hours in which deliveries could occur if permission is granted are not significantly outside those hours imposed in the 1982 planning permission. A management plan can secure control over delivery patterns so that they remain within acceptable limits so as to have minimal effect on the living conditions of local residents.

Background Papers:

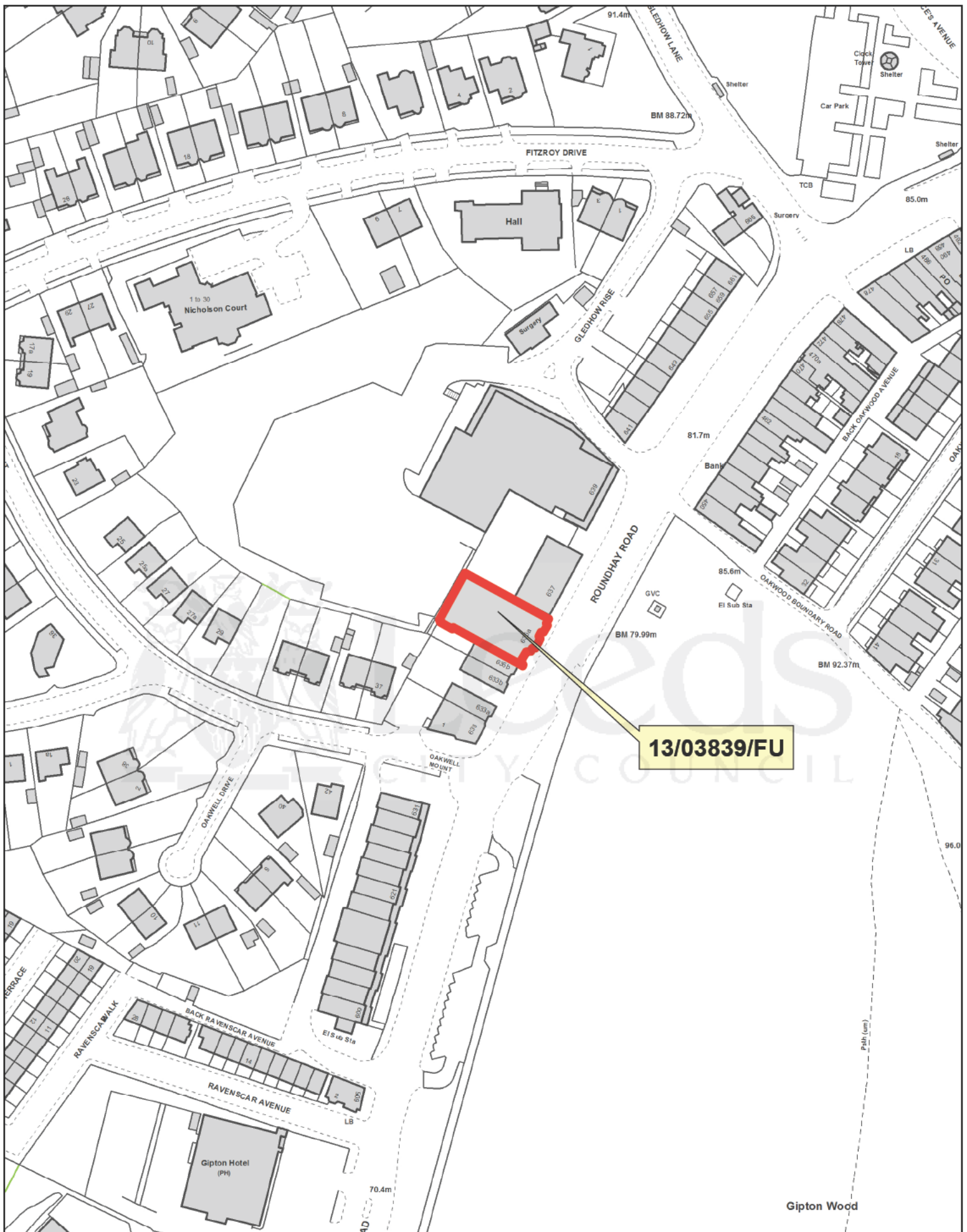
None

Certificate of Ownership (Cert B) signed by the agent for the applicant: 16 August 2013



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NORTH AND EAST PLANS PANEL

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