



Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 13th May 2010

Subject: APPLICATION 10/01347/FU – Amendment to previous approval 09/02973/FU (Demolition of existing public house and replace with single storey A1 retail unit) for repositioning of building and relocation of service area from front to rear at the former Old Golden Fleece Public House, Elland Road, Morley, LS27.

APPLICANT

Mr J Baker

DATE VALID

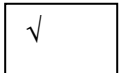
10 April 2010

TARGET DATE

05 June 2010

Electoral Wards Affected:

Morley North



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;

Conditions:

1. Standard time limit condition.
2. Material samples.
3. Surfacing materials.
4. Boundary treatment.
5. Details of acoustic fencing.
6. Surfaces sealed and drained.
7. Service Vehicles to be no greater than 12.6m in size.
8. Service Management Plan.
9. Details of the proposed signage.
10. Submission of a Service Management Plan providing details of servicing arrangements and access to the store room (including scheme to minimize noise disturbance).
11. Cycle parking.

12. Landscape scheme.
13. Implementation of landscape scheme.
14. No piped discharges of surface water.
15. A feasibility study into the use of infiltration drainage.
16. Water disposal.
17. Details of storage and disposal of litter.
18. Specified opening hours (07.00 – 23.00, Monday to Saturday and 08.00 – 22.00 on a Sunday).
19. Specified delivery hours (between 07.30 – 18.30 Monday to Friday, 9.00 – 18.00 Saturday and no deliveries on a Sunday). Deliveries on Public Holidays restricted to one vehicle of a size up to and including 12.6m articulated lorry between 09.00 hours to 18.00 hours.
20. Lighting restrictions.
21. Details of extract ventilation system.
22. Provision of grease trap
23. A scheme for local employment and training;
24. Details of existing and proposed levels and bollard levels;
25. Retention of public house sign

Reasons for approval: The application is considered to comply with policies GP5, S8, S9, N12, N13, T2, LD1 of the UDP Review, as well as guidance contained within PPS1 and PPS6. It is considered that although the site falls outside of a designated town centre there is a demonstrable need for a small retail store in this area, to meet local shopping needs. The shop is well located in a proposed shopping centre, close to existing shops. The proposal has been carefully changed to resolve detailed planning considerations and having regard to all other material considerations is considered acceptable.

1.0 INTRODUCTION:

- 1.1 This application is brought to Plans Panel (East) given that it seeks to vary an earlier permission, ref. 09/02973/FU, as granted at Plans Panel (East) dated 22nd October 2009. This variation amounts to the relocation of the retail unit and the service area on site. The retail unit is now proposed to be relocated to the front of the site and the service bay to the rear. The repositioning of the service area results in the removal of one access point off Elland Road which in turn means that the existing public lay by at the front can accommodate more parked cars (1-2).
- 1.2 The above revisions are required in order to maintain safe pedestrian access and comply with health and safety requirements. This issue has arisen since the last Plans Panel as it has become apparent that the existing site levels and new site levels result in creating a fall on the previously approved service bay at 1 in 10. These are beyond safe parameters and would not satisfy Tesco's, the HSE's or the Council's design standards for delivery and pedestrian areas.

2.0 PROPOSAL:

- 2.1 The application is to vary the previous approval 09/02973/FU by relocating the retail unit to the front and relocate the service bay to the rear of the site in order to comply with statute.

- 2.2 As previously proposed, the scheme is for a single storey mini market which is to be occupied by 'Tesco' and comprises 280m² of retail floor space and 90m² of storage space. It is to be constructed of brick and render with hipped tiled roof over with a raised section of roof to the right hand corner frontage. The mini market will be located to the north east part of the site, as before, however will be set further forward, nearer to Elland Road, on a similar building line to the adjacent properties 37/43 Elland Road.
- 2.3 The site is now proposed to be served by one existing access point on the north west corner of the site (adjacent to 37/43 Elland Road). The existing central access point will be closed and landscaped. In turn this will allow a further two parking spaces at the front of the store in the public lay-by
- 2.4 The remainder of the development comprises of surface parking to the southwest side of the site and a service area to the rear, with soft landscaping proposed to the front boundary, northeast boundary (adjacent to Little Lane) and the southeast boundary (adjacent to the rear gardens of properties fronting Back Green).
- 2.5 No changes are made to the trading hours; these will remain as agreed previously, 7.00am – 11.00pm, Monday to Saturday and 08.00am – 22.00pm on a Sunday.
- 2.6 As previously approved deliveries will be made up to 6 times a week via 12.6m articulated vehicles. Deliveries made via 7.5m ton and 3.5 ton vehicles, at ad-hoc times during the day. No deliveries will be made before 7.30am on a morning or after 18.30 pm of an evening – Monday to Friday and before 9.00am or after 18.00pm on a Saturday. No deliveries on a Sunday.
- 2.7 Deliveries were permitted on Public Holidays to and from the previously approved store, together with loading and unloading within the premises between 09.00 hours to 18.00 hours for one vehicle of a size up to and including 12.6m articulated lorry (conditioned accordingly).
- 2.8 The applicant has set out that the scheme would create 8 full time jobs and 24 part-time jobs, equivalent to 20 full-time jobs.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is a square shaped piece of land which measures approximately 1,860m² located off Elland Road (A643). The site currently accommodates The Old Golden Fleece public house which stands on a large plot with tarmac car parking to the front (north) and side (east). There is also a large beer garden to the south side of the site (rear). Bounding the east side of the site adjacent to Little Lane is a steep grass verge. Boundary treatment at the rear consists of a mix of fencing and hedging approx 2-3m in height. Properties bounding the south-west side of the site sit in an elevated position, served by a 2.0m high retaining wall with fencing over (overall height 3.5m).
- 3.2 The site currently has two access points reached through a lay by off Elland Road. Directly opposite are two junctions which serve Old Road and William Street. Within the immediate vicinity of the site is a varied selection of commercial premises consisting of: three convenience shops, 2 takeaway food shops, a bookmaker, 2 auto spare shops, a barber, an off license and a bed centre. Further to these shops there are two public houses, New Inn and Commercial. There are also a number of offices, Stanhope Memorial Hall and a building which used to accommodate a co-op

store. In addition, there is also Mullen Theatre Studios and further up Elland Road there is a doctors surgery and a pharmacy.

- 3.3 Elland Road sits on a steep gradient which slopes on a decline from the south-west to the north-east. The site is bounded by Little Lane to the east and Back Green to the south which mostly serve residential properties.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 09/05240/FU: Old Golden Fleece, Elland Road, Churwell, Morley, Leeds, LS27 7TB
Variation of condition 17 (Specified hours of delivery) of approval 09/02973/FU to include bank holidays
Approved: 28-JAN-10

- 4.2 09/02973/FU: Old Golden Fleece, Elland Road, Churwell, Morley, Leeds, LS27 7TB
Demolition of existing public house and replace with single storey A1 retail unit
Approved: 12-NOV-09

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Discussions have been undertaken with colleagues in Highways concerning the relocation of the servicing area.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 Site notices were posted on 16/04/2010 (the notification period expires on 7th May 2010) .
- 6.2 Representations received will be reported verbally to the Plans Panel meeting.

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory:

None

7.2 Non-statutory:

Highway's expressed no objections to the scheme subject to conditions for: details of cycle parking facilities; restriction of size of service vehicles (no greater than a 12.6m arctic); hard surfacing and service management plan.

- 7.3 Traffic management previously requested that the lay-by be retained, this has been accommodated in the revised scheme. In addition they also recognise that Traffic Regulations Orders would not be appropriate for a number of reasons and therefore funding of on street restrictions has not been pursued. Traffic management also consider that the proposal is likely to increase demand for pedestrian crossing in the vicinity. However, note that the existing use can under permitted development rights be converted to A1 retail and therefore given the size of the proposal it is considered that a requirement to provide a pedestrian crossing would be an unreasonable condition. Further to this a pedestrian crossing facility in this location would be very difficult if not impossible due to the large number of access points in the vicinity.

The revised layout as shown is acceptable, subject to conditions.

7.4 Neighbourhoods and Housing: No comments received.

7.5 Land Drainage: No comments received.

7.6 Yorkshire Water: No comments received.

8.0 PLANNING POLICIES:

8.1 The RSS adopted may 2008 provides the strategic for planning policy for the Yorkshire and Humberside region. Given the strategic nature of this document it is considered that there are no direct policy implications for this proposal. The Leeds UDPR was adopted on 19th July 2006 for use, inter-alia in the determination of planning applications. The application site is unallocated in the UDP. Of that Plan the following policies are considered relevant:

- S8: Promotes maintenance and enhancement of viable neighbourhood shopping.
- S9: Acceptability of small retail developments outside S1, S2 and local centres.
- GP5: Development should resolve detailed planning considerations.
- N12: The development should respect then fundamental priorities of Urban design
- N13: The development should give regard to the character and appearance of their surroundings.
- BD5: Buildings should be designed with consideration to their own amenity and that of surroundings.
- T2: Development should be served adequately by highways, public transport and make sufficient provision for cycle use and parking.
- LD1: Requirements for adequate landscaping for developments.
- LDF proposal: Churwell is recognized as having the attributes of a Local Centre and it is included in a list of local centres in the Core Strategy 'Issues & Alternative Options' (Table 5) which was published for consultation in Oct 2007.

8.2 The following national planning policy is relevant:

- PPS1 – Delivering Sustainable Development
- PPS6 – Planning for Town Centres
- PPG13 - Transport

9.0 MAIN ISSUES

1. Principle of Retail.
2. Highway Safety.
3. Residential Amenity.
4. Design/Landscaping.
5. Conclusion.

10.0 APPRAISAL

Principle of Retail Development

- 10.1 The principle for a retail unit on this site was established through the approval of application 09/02973/FU. The shop is well located in a proposed shopping centre, close to existing shops and there is a demonstrable need for a small retail store in this area, to meet local shopping needs.

Highway Safety

- 10.2 The scheme has been revised in line with Highway Authority recommendations. Revisions to the layout include the relocation of the service area to the rear of the store this in turn has allowed for the closure of the existing central access which results in additional parking being made available within the lay-by off Elland Road. Tracking diagrams have been used to demonstrate that the service area can be accessed by a 12.6m long articulated lorry.
- 10.3 A total of 21 parking spaces have been accommodated within the latest car park layout which as before, is 4 spaces short of the maximum the UDPR would allow. However, the revised layout proposes to close an existing access point which would result in a further 2 cars being able to park in the lay-by at the front. The applicant has also made a financial contribution towards a scheme to mitigate against the impact of on-street parking resulting from the development.

Residential Amenity

- 10.4 The building is now set further forward, closer to Elland Road, distancing itself from properties bounding the rear of the site. Whilst it is noted that this part of the site is elevated in relation to residential properties which face onto Little Lane, its single storey scale and distance from the adjacent residential properties is considered sufficient to negate undue detriment to the residents amenity. Further to this the threat to amenity posed by headlights and noise associated with customer vehicles has been mitigated by the screening of the parking area and service area by the new building, bin storage and air handling unit enclosures as well as trees and boundary treatments.
- 10.5 Similarly, in reference to properties which border the rear boundary of the site, fronting Back Green, the new building has distanced itself by a further 10m retaining an overall distance of 18m to the shared boundary. Bin storage is also proposed to the rear, however this area will be well screened by fencing and robust landscaping, along with the existing hedge on the shared boundary, which is to be retained. It is therefore considered that the revised scheme poses little threat to residential amenity in regards to dominance. In addition, dwellings bordering this part of the site are situated to the south east side; therefore they would not experience any overshadowing from the building, given the orientation of the sun.
- 10.6 In regards to the service area, this is now proposed to the rear of the building, along side the customer parking area. The service area is to be positioned in a part of the site which previously accommodated a beer garden. Daily deliveries will involve 2 visits being made from the largest (12.6 m) vehicles and smaller vehicles, 1 bread, 1 milk, 1 newspapers during the morning after 7.30 am (conditioned accordingly). This part of the site is bounded by residential sites 37/43 Elland Road and a parking area which serves flats fronting onto Back Green to the northwest and the rear gardens of

12a and 12 Back Green to the southeast. No 37/43 sits in an elevated position and is served by a 2.0m high retaining wall with a further 1.5 m high close boarded fence over. The existing boundary treatment and its elevated position are considered sufficient to mitigate undue noise intrusion to these residents from activities associated with this use. In order to protect residents at the rear, mitigation measures have been introduced between the parking area and existing hedging, in the form of a 2.0m high close boarded acoustic fence (conditioned accordingly). This is considered sufficient to mitigate intrusion from noise associated from patrons and service vehicles. The existing hedging is also to be retained.

As a result the relocation of the service area to the rear is not considered to cause undue harm to amenity.

Design and Landscaping

- 10.7 Amendments to the previous approved scheme include; the re-positioning of the building, service and parking areas and the removal of the central access point.
- 10.8 The site currently accommodates a red brick, two storey building with flat roofs. The premises are currently vacant and bordered up and the site is in a poor state of repair.
- 10.9 The design of the proposed store remains unchanged. It is a single storey building with a hipped tiled roof, to be constructed of brick and render. The shop unit affords an active frontage onto Elland Road being heavily glazed to break up the brick work with a modest raised section of roof to the right hand side of the shop. The new building is to be situated closer to Elland Road on a similar building line to the adjacent properties 37/43 Elland Road.
- 10.10 The single storey building appears duly subordinate to its neighbouring buildings. Further to this the use of sympathetic materials and glazing to the frontage ensures that the building affords a live frontage whilst also relating well to its surroundings.
- 10.11 Boundary treatment at the front of the site will now consist of a small stone dwarf wall, with soft landscaping features behind. The stone wall will be similar in appearance to existing boundary treatments which bound the war memorial on the opposite side of Elland Road. The service area is to be relocated to the rear of the store and allows for an improved landscaping scheme on the Elland Road frontage, affording a far better presentation and relationship to the streetscene.
- 10.12 A more robust landscaping scheme is proposed to the embankment bounding Little Lane. This includes the introduction of a number of trees which will enhance and soften the development from the Little Lane aspect. In addition to this a corner feature is proposed at the junction with Elland Road which will display a mosaic (trade mark of Melbourne Brewery) which is currently on the front of the public house.
- 10.13 Further landscaping is also proposed at the rear, again this landscaping will screen this part of the site from neighbouring properties, affording a pleasant aspect at the rear.

11.0 Conclusion

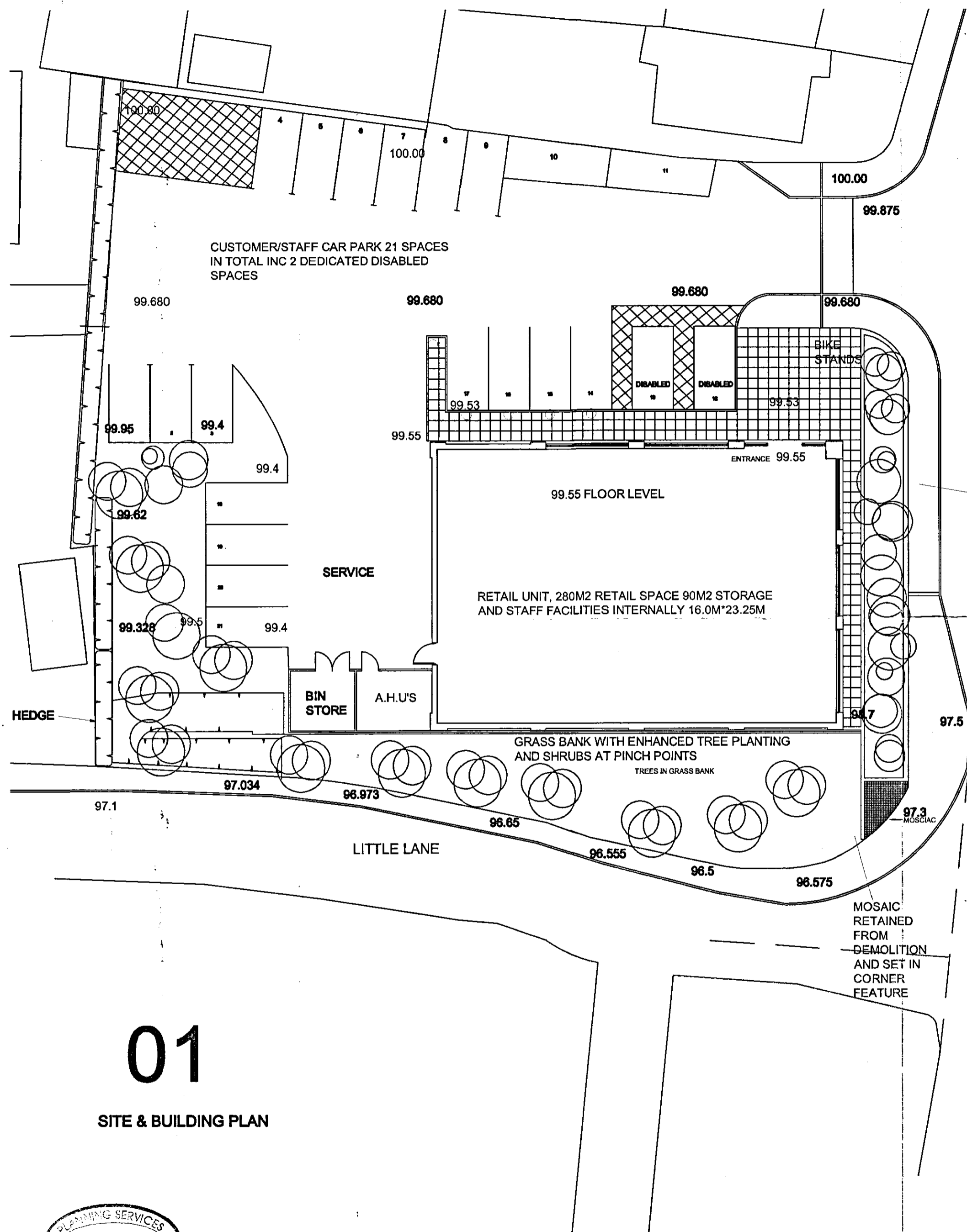
- 11.1 The principle of development was established under planning application 09/02973/FU and it was considered that the applicant successfully demonstrated that there is a need for a small retail store in this area, to meet local shopping needs. The amended proposal has been carefully changed to resolve detailed facilitate revised servicing arrangements without compromising residential amenity unduly.

Background Papers:

10/01347/FU

Certificate of Ownership – Signed by applicant.

10/01347



PUBLIC FOOTPATH RESURFACED



Architects and Construction Managers
 Walnut Tree House, Cross Common Road,
 Dinas Powys, Vale of Glamorgan, CF64 4 TP
 Tel & Fax :02920 515229

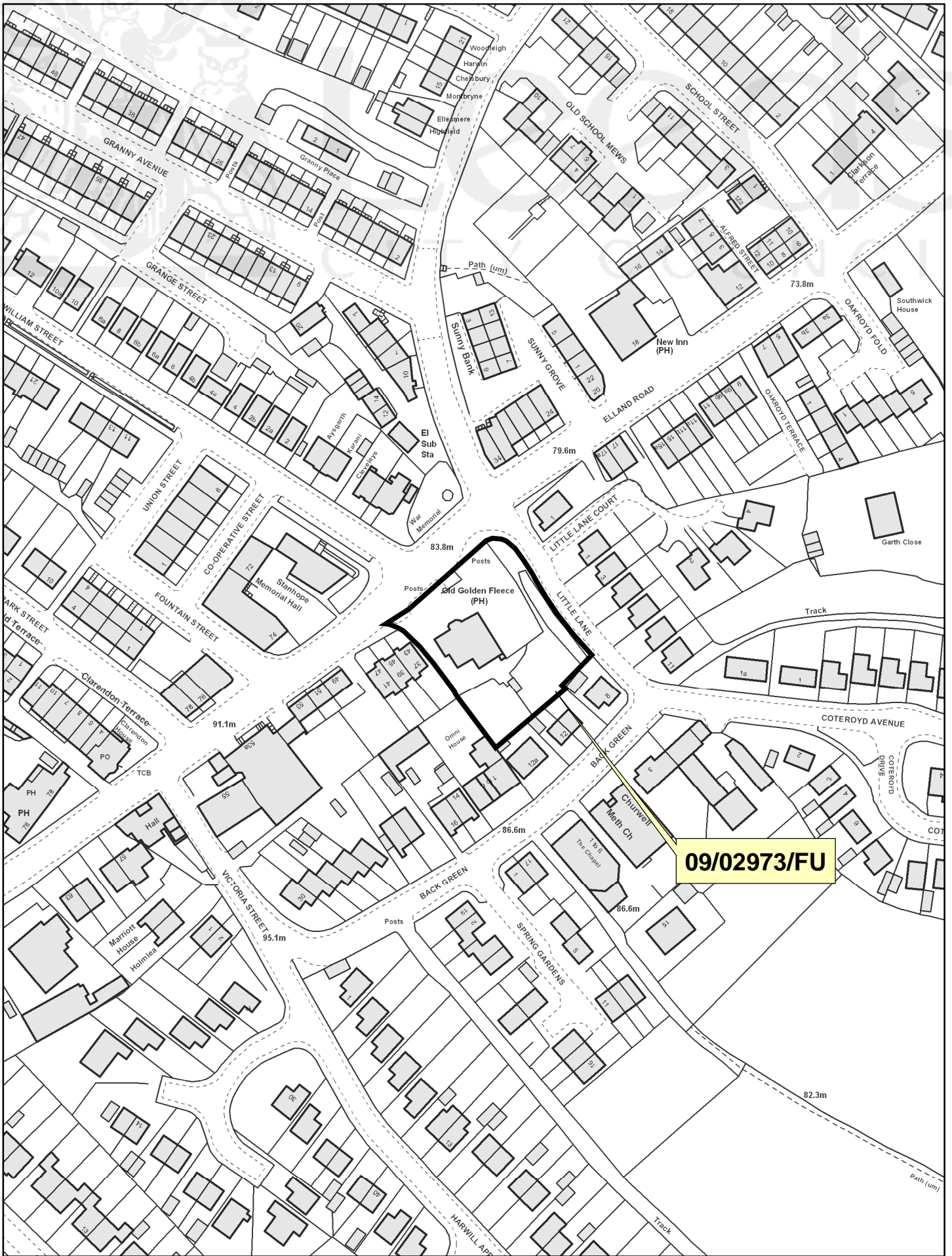
OLD GOLDEN FLEECE SITE
 ELLAND ROAD
 CHURWELL
 LEEDS
 LS27 7TB

1:200 @ A2
 VFM(BH)CH01

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SITE & BUILDING PLAN





EAST PLANS PANEL I

Scale 1 / 1500

PRODUCED BY COMMUNICATIONS, GRAPHICS & MAPPING, LEEDS CITY COUNCIL

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