



Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 18th August 2011

Subject: APPLICATION NUMBER 11/02100/FU – single storey rear extension and alterations. APPLICATION NUMBER 11/02101/FU – 3 air conditioning units. APPLICATION NUMBER 11/02102/ADV – 3 externally illuminated signs and 1 non illuminated sign. APPLICATION NUMBER 11/02103/FU – 1.6m high fencing. All applications relate to 102 Burley Road, Burley, Leeds.

APPLICANT

Tesco Stores Ltd

DATE VALID

24 May 2011

TARGET DATE

19 July 2011

Electoral Wards Affected:

Hyde Park & Woodhouse

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION

APPROVE 11/02100/FU, 11/02101/FU, 11/02102/ADV & 11/02103/FU SUBJECT TO SPECIFIED CONDITIONS

APPLICATION 11/02100/FU – SINGLE STOREY REAR EXTENSION AND ALTERATIONS

1. Time limit on full permission
2. Development carried out in accordance with the approved plans
3. Total net sales area shall not exceed more than 280 sqm.
4. Non-food (clothes, toys, electrical and gardening items) shall not be sold from the premises.
5. Materials to match the existing
6. Prior to commencement of building works, full details of the alterations to property that are necessary to insert the double door to the front to be approved.
7. Details and provision or secure cycle parking
8. Details and provision of bin storage
9. Unless otherwise agreed in writing with the Local Planning Authority use of the car park should be restricted to staff only

10. The development shall not be brought into use until full details of measures to provide suitable servicing arrangements have been agreed by the Local Planning Authority and implemented thereafter.
11. Hours of opening limited to 0700 hours to 2300 Monday to Sunday
12. Delivery hours, including waste removal, limited to 0730 hours to 2100 Monday to Sunday

APPLICATION 11/02101/FU – 3 AIR CONDITIONING UNITS

1. Time limit on full permission
2. Development carried out in accordance with the approved plans

APPLICATION 11/02102/ADV – 3 EXTERNALLY ILLUMINATED SIGNS AND 1 NON ILLUMINATED SIGN

1. Development carried out in accordance with the approved plans

APPLICATION NUMBER 11/02103/FU – FENCING

1. Time limit on full permission
2. Development carried out in accordance with the approved plans
3. The fencing shall be no higher than 1.6m unless other agreed in writing by the Local Planning Authority
4. Details of the colour of the fence and air conditioning units shall be approved by the Local Planning Authority and implemented as such.

1.0 INTRODUCTION:

- 1.1 The Chief Planning Officer considers that this application should be referred to the Plans Panel after a request from Councillor Harper due to the impact on the local economy, vitality and viability of the local centre, parking and highway safety, noise and quality of the proposed signage.

2.0 PROPOSAL:

- 2.1 *11/02100/FU* – The application is for a single storey rear extension; single storey infill extension; and, alterations. The applicant is not seeking permission for a change of use from public house (A4) to shop (A1) as this alteration is permitted development.
- 2.2 The single storey extension is proposed to be located immediately behind an existing side extension and will effectively square this area off. To the rear there is currently a small gap between extensions that the applicant is proposing to infill. These alterations together amount to 58sqm, which is 8sqm over what could be achieved under permitted development rights. The proposals are to be constructed from matching brick, have a flat roof, and do not include any openings.
- 2.3 The side extension currently includes four small ground floor windows. The proposal includes removing these and inserting grey automatic doors. However, the stonework that currently exist above the widows is to be retained. The existing window frames to the ground floor, stall riser and door frame are also to be painted grey.

- 2.4 *11/02101/FU* – The application is for three air conditioning units and a Condenser to be positioned on top of the proposed single storey rear extension. The two air conditioning units for the sales area are to measure 970mm (W) x 370mm (D) x 850mm (H) and the cash office unit is proposed to be 780mm (W) x 290mm (D) x 540 (H). The air conditioning units are required to be elevated above the condenser to prevent the hot air from the air conditioning units interfering with its running.
- 2.5 *11/02102/ADV* – The original application has been revised so the proposal now contains three externally illuminated signs and one non-illuminated advertisement. These consists of the following:
- Externally illuminated aluminum projecting sign (positioned in the same location as the existing pub sign) measuring 800mm (W) x 90mm (D) x 800mm (H).
 - Externally illuminated aluminum projecting sign (positioned between the proposed automatic door and existing archway) measuring 800mm (W) x 90mm (D) x 500mm (H).
 - Pinned off, non-illuminated, lettering (to replace the existing signage) around the stone head of the original entranceway.
 - Externally illuminated (with low energy level compact fluorescent lamps) fascia panel with pinned off lettering measuring 1500mm (W) x 1500mm (H) (to replace existing pub signage to the rear) set 4m off the ground.
 - Vinyl signs are deemed consent.
- 2.6 *11/02103/FU* – The applicant is seeking permission for a 1.6m high fencing to form an enclosure around the plant equipment. The other alterations proposed do not require planning permission. The proposal has been amended and now consists of a powder coated (to match existing brickwork) aluminum louvered enclosure measuring 1.6m.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to a brick built historic public house with ornate stone detailing, two large bay windows, and slate hipped roof. The property is of a two storey height with a two storey flat roof side and rear extensions. To the rear there is a car park with six spaces enclosed by a large red brick wall. There is a gradient within the locality that falls from the north-east to the south-west.
- 3.2 The Queen, the Rising Sun and the Cardigan Arms are a trio of public houses built in the area be Tetley's in the late 1800s. The Cardigan Arms is listed as a great many of its original features have remained. Unfortunately, the interior of The Queen is no longer of a standard that makes it suitable for listing. The Queen is named in the adopted Little Woodhouse Neighbourhood Design Statement as a building of interest (p31).
- 3.3 Burley Road is characterised by a mix of commercial and residential property. The site is considered to be situated in a 'edge of centre' location due to the close proximity to Woodsley Road Local Centre. The land use to the rear of the site is predominately residential.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 11/00720/CLE: Certificate of Existing Lawful use as a public house (use class A4).
Approved on 28.03.2011

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The Highway officers expressed some concern regarding the delivery arrangements for the store and requested a delivery management strategy. Discussion regarding the appropriateness of a loading bay on Burley Road and delivery arrangements followed this. To resolve the concerns over having multiple restrictions on Burley Road, the loading bay has been relocated to Westfield Terrace and will be solely for the purpose of loading. There is a slight gradient within Wesley Terrace so the vehicle will always face Burley Road to avoid cages sliding onto the highway. Cages will enter the store via an existing door within the side elevation fronting the Westfield Terrace.
- 5.2 Originally the signage application contained 5 illuminated signs and 1 non illuminated sign. As previously outlined, the proposals have now been amended and consist of 3 illuminated signs and 1 non illuminated sign. The fascia sign has been removed due to the location (second floor of the side extension) and design of the proposal, and replaced with a projecting sign at ground floor level. The advertisement over the (original) entranceway was positioned on the stone head and obscured the detailing so this has been substituted for individual letters (pinned off lettering) positioned around the stone head. The advertisements proposed to the side elevation have been removed and replaced with a small vinyl sign inside the ground floor window.
- 5.3 The plant area and enclosure have been reduced in scale to diminish the impact on visual amenity. The air conditioning units have been bought closer together and located tighter to the building so the size of the enclosure has been reduced. In addition, the material of the enclosure has been altered from fence panelling to an aluminium louver coloured (red) to match the brick work.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been advertised by means of site notices posted 10th June 2011. Copies of all plans and supporting information have also been made available on public access.
- 6.2 Councillor Harper has objected to the proposal for the following reasons:
- Many local small family business's are likely to be badly affected. This could lead to the loss of local jobs and the closure of local shops and the possibility that the shops affected will be boarded up and could remain empty, which will not improve the look of the area.
 - Local residents are also concerned about the parking issues on Burley Road and in the surrounding streets. Locals who use the existing shops mostly live local so there is no problem at present but a new Tesco Express is likely to attract more passing trade and cars etc and the problem of parking and noise in the area especially the surrounding area.
- 6.3 G Mulholland MP has objected to the proposal for the following reasons:
- As Chair of the Save the Pub Group, I believe the loss of The Queen will be a serious blow to the busy Kirkstall and Burley area and surrounding communities, encouraging sociable and responsible drinking. The Queen could yet become a community pub and perform a very valuable function as a meeting place for people of all ages and contribute to social cohesion.

6.4 8 letters of comment from local residents have been received to date (2nd September 2011) and one petition with 1323 signatures received by the Local Planning Authority on 19th July 2011. Local residents comments can be summarised as follows:

- Concern over Tesco moving into the vicinity and having a negative impact on local business and community cohesion.
- The local community have several convenience stores within the locality so there is not a need for another one.
- The extension is objected to as the additional space would allow a greater range of stock raising the bar of competition that the surrounding local business can not compete with.
- Concern over the local environment in relation to discarded waste from convenience foods.
- The traffic considerations for local residents and businesses which operate around this facility will be adverse. Traffic turning into the facility from the Leeds direction will represent a potential accident risk.
- The proposed loading bay to Westfield Terrace will displace parking provision for local businesses and introduce risks to highway safety.

6.5 Comments from Leeds Civic Trust are summarised as the following:

- The Queen is an important part of the history of pubs in Leeds, one of a trio of similar period pubs in the locality which also include the Rising Sun and the Cardigan Arms on Kirkstall Road. It is also an important building in the townscape and is highlighted in the recently adopted Little Woodhouse Neighbourhood Design Statement (a Supplementary Planning Document).
- We do object to the alterations and signage, the design of which shows little respect for the quality and fine detailing of this significant heritage asset.
- The alterations to form a modern glazed entrance replacing a series of narrow arched windows with stone keystones is a crude attack on the carefully balanced original elevation.
- The proposal involves removing the interior of the ground floor to create a single space. We object to the loss of original room divisions which will no longer be discernible. We also object to the addition of opaque film to the bay windows which give a blank appearance which is no substitute for the etched glazing which boasts the name of the pub. This too provides the appropriate level of obscurity and rather more elegantly.
- One of the main features of this building is the central doorway surround, with its baroque door case including a segmental stone arch and carvings of barley and hops. The proposal is to remove the original lettering spelling out "The Queen" which follows the curve of the arch, and replace it with Tesco Metro lettering in a manner which completely ignores and obscures this fantastic feature. The removal of traditional Tetley signs at the side and rear of the building is also unnecessary: they are features which record the heritage of the building and would not detract from a new use.

7.0 CONSULTATIONS RESPONSES:

7.1 Access Team – No objection.

7.2 Highways - The Highway Authority has carefully considered the highway implications of the proposals contained within applications 11/02100/FU and 11/02102/ADV and comment as follows:

- Access to the rear parking area is through a residential car park. However, the application concerns only a small extension to an existing building which can already be used as a small convenience store without the need for further planning permission, no concerns regarding the use of the car park can be raised.
- The extension to the back of the building does not affect manoeuvrability in the rear yard area and no concerns can be raised.
- The floor area of the extension equates to an additional 1 parking space for customers over the existing use according to UDP guidance. The proposed extension does not reduce the available parking and given the sites location in an area where on street parking restrictions are in place, an objection to increased parking demand resulting from the proposal would be difficult to justify.
- Traffic Management have been consulted regarding the proposed extension in relation to whether it would be appropriate to alter the TRO. Concerns were raised regarding the likely delivery demands of the store and the applicants were asked to demonstrate how they intend to manage deliveries via a delivery management strategy.
- Secure cycle parking should be provided in accordance with UDP guidance due to the proposed increase in floor area. Details and provision of secure cycle parking should be a condition of any subsequent approval.
- No objections are raised to the proposed advertisements.

A delivery management plan and details of the loading bay on Westfield Terrace have been submitted for consideration. The Highways Authority commented as follows:

- Traffic Management will support the introduction of a loading bay on Westfield Terrace.
- No further highway objections are raised to the proposals.

7.3 Mains Drainage – No objection.

7.4 Neighbourhoods and Housing – After careful consideration the Environmental Health Team have the following comments in relation to applications 11/02100/FU and 11/02101/FU.

- There are residential properties to the rear, the nearest on Westfield Court. The proposed opening hours are 0700 hours until 2300 hours. The proposed change is likely to be an improvement on the previous use but in order to protect the amenity of the existing residential area a condition specifying hours of deliver, loading and unloading should be applied to any decision notice.
- Application 11/02101/FU contains a noise report that states the air conditioning units are at such a distance from the nearest residential premises that no noise will be audible. Therefore this department has no adverse comments to this application.

8.0 PLANNING POLICIES:

8.1 Relevant Unitary Development Plan Policies;

- Policy GP5 refers to detailed planning considerations and any loss of amenity.

- Policy N12 details that development should respect the fundamental priorities for urban design, with spaces between buildings being considered of considerable importance.
- Policy N13 refers to design and new buildings.
- Policy S6 seeks to encourage modern convenience goods retailing proposals in areas where residents have poor access to these facilities, in particular in the following areas: burley/kirkstall/hyde park/woodhouse
- Policy S8 states that the maintenance and enhancement of viable neighbourhood shopping will be promoted by the local planning authority.
- Policy T2 sets out the criteria to avoid any undue loss of available off-street parking whilst maintaining levels of highway safety for all highway users.
- Policy BD6 refers to the scale, materials, character and design of extensions.

8.2 National Planning Advice

- Planning Policy Statement 1 (PPS1) Delivering Sustainable Development – Sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
- Planning Policy Statement 4 (PPS4) Planning for Sustainable Economic Growth – Sets out planning policies for economic development.

9.0 MAIN ISSUES

- Principle of development
- Highways
- External alteration
- Signage
- Impact on residential amenity
- Representations

10.0 APPRAISAL

Principle of development

- 10.1 The applicant has submitted four applications in total and none of them are seeking a change of use. The explanation for this is that a change of use from a public house (A4) to a food store (A1) is permitted development. The total net sales area is to be 245 sqm which is defined as a convenience store (ie less than 280 sqm net sales) and not subject to the Sunday trading restrictions. The Tesco Express would function as a "top-up" shop serving the needs of passing trade and local residents within walking distance.
- 10.2 Due to the change of use being permitted development and the scale of the operation, the applicant is not required to conduct a sequential test. However, if a sequential test was required the site would be considered an "edge of centre" location. This is due to the site lying within 300m of the nearest Local Centre (Woodsley Road, Burley Village). The planning statement incorrectly refers to Hyde Park Corner being the nearest centre. The site is well connected to the local centre as there are a number of commercial uses on the Burley Road frontage which links to Woodsley Road (of which the Queen ph is one). There are not any suitable

premises within Woodsley Road Local Centre that would accommodate a Tesco Express. Considering these factors, a sequential test would conclude that the site was suitable.

- 10.3 The proposal is unlikely to introduce a significant impact on the Woodsley Road Local Centre as a whole. EC16.1 discusses impact and advises that a proposal located on the edge of centre should be of an appropriate scale in relation to the size of the centre and role in hierarchy of centres. The proposal is comparable to other convenience stores situated in edge of centre locations within Leeds and would comply with UDP policy S6. A survey of the Local Centre has identified a couple of units currently provide convenience goods. However, the centre as a whole has a variety of uses and so this application is unlikely to undermine its vitality. Furthermore, the change of use is permitted development and the scale of the extension is minimal.
- 10.4 In conclusion, having taken into consideration the specific circumstances of this application, it is not justified to request a sequential test or retail impact assessment.
- 10.5 A condition will be added to the decision notice restricting the total net sales area to no more than 280 sqm (which reflects the Sunday trading rules) and food sales only, to avoid the shop expanding beyond the parameters which are acceptable under this application.

Highways

- 10.6 *11/02100/FU* – This application was originally presented without any indication of how the store was going to be serviced. Considering that the proposed extension and alterations are intrinsically linked into the operation that Tesco intend for the site, it was considered necessary to request a delivery management strategy. The strategy detailed that deliveries would be undertaken via Burley Street once a loading bay had been installed. This would have been achieved by utilising the parking bays to the front of The Queen and altering the associated Traffic Regulation Order (TRO). To maintain the parking facility for residents, the applicant proposed to have 'loading only' at certain times.
- 10.7 The multiple restrictions necessary for a loading bay on Burley Road would cause confusion resulting in a lack of compliance and difficulties with enforcing the restriction. Due to these limitations, the loading bay has been relocated to Westfield Terrace. This bay will be full time so parking will not be permitted at any time. To ensure the public are aware of this restriction the wording 'Loading Bay' will be marked on the carriageway.
- 10.8 The loading bay is proposed to be 15m long to accommodate 10.35m rigid vehicles. The applicants have submitted a tracking diagram that demonstrates that such a vehicle can comfortably use the bay. Westfield Terrace has a slight gradient so to avoid cages rolling onto Burley Road vehicles will be parked facing Burley Road. To achieve this, the vehicle will turn up Westfield Crescent, drive along Westfield Road, and down Westfield Terrace facing Burley Road. The tracking diagram presented demonstrates that this is possible.
- 10.9 The goods are to be taken from the vehicles on Westfield Terrace and will access the property via an existing entrance within the side elevation of The Queens. The entrance is currently wide enough to take the cages. An internal ramp will be required within the doorway to overcome a levels difference.

External alterations

- 10.10 *11/02100/FU* – To the rear of the property, as previously outlined, the applicant has proposed two relatively modest extensions. The single storey extension is proposed to be set behind an existing side extension and will square this area off. The proposal will be built on what currently houses a flat roofed open sided structure, so will not conflict with any parking or servicing arrangements. The flat roof element is not ideal. However, a roof with a pitch would conflict with existing features found within the first floor of the property and would add to the bulk of the extension. Considering the two metre high boundary wall and the levels changes beyond the rear of the site, the proposal will not introduce visual harm. The infill extension is proposed to remove an existing gap between older extensions, which in visual terms will be an improvement. Both alterations are to be constructed from matching brick.
- 10.11 There are a number of small scale alterations to the front elevation. The most obvious being the removal and replacement of existing signage (see 10.4 for discussion) and the insertion of a glass automatic double door. The other alterations include the removal of aerials, alarm box, a vent, and lights. The proposal also involves the ground floor interior and internal walls being taken out. None of this work requires planning permission.
- 10.12 At ground floor level to the right of the main façade there is currently a row of four small windows. This is where the applicant is proposing to insert the main entrance to the shop unit, which is to be set inline with outer edges of the window frames and below the top lights. The top lights are to be in-filled and a string course inserted. This approach will not affect the symmetry of the building's main façade or the arched passageway. The proposed aluminium and glass are light materials that will sit well with the red brick of the existing property.
- 10.13 *11/02101/FU & 11/02103/FU* – The air conditioning units are proposed to be positioned on top of the roof associated with the single storey extension and screened. This location prevents the units blocking the access via the archway (fronting Burley Road) and cluttering the historic yard. The area to the rear of the public house is residential in nature and due to the gradient beyond the site the plant would be visible from the streetscene. Considering this, there was a need to reduce the scale of the plant (by clustering equipment closer together) and improve the quality of the material.
- 10.14 The conditioning equipment has been clustered closer together reducing the required plant area by 11.25m². The consequence of this is that the air conditioning units have been raised (as discussed in paragraph 2.4) so 300mm of side elevation of the end unit is visible above the enclosure. However, comparing this to the original plant size, or indeed a higher fence, the visual intrusion would be minimal. In addition, the air conditioning units can be finished in an appropriate colour (perhaps red) to further alleviate any visual harm. The outcome of these alterations is a plant area that is set closer to the building and appears less intrusive within the residential context. The screening has been altered from a wire mesh and wooden fence combination to aluminium louver panels. The panels are proposed to be a similar colour (red) to the existing property so they sit well within their context and are not prominent within the streetscene.

Signage

- 10.15 *11/02102/ADV* – The signage originally proposed was considered excessive and two of the advertisements were not sensitively located. The central doorway surround is

one of the key features associated with this historic building. There is an existing sign in this location that follows the arch of the curve. Initially the Tesco Metro sign obscured this feature but has now been altered to pinned off lettering following the arch.

- 10.16 The fascia sign positioned at first floor height has been completely removed from the scheme due to being at an inappropriate height. Fascia signs are traditionally located over the shop window that is positioned at ground floor level. Given that any signage of this nature would obscure the architectural features of the property, the applicant has proposed a projecting sign with over lighters near the front entrance. There is a second projecting sign to the front elevation with over lighters; located in the same position as the existing. Considering that such a sign is traditional with public houses, the proposal is thought to be appropriate and respond to the character of the property.
- 10.17 Previously the application incorporated two large signs to the side elevation. These were felt to be overbearing and poorly positioned on the elevation. Furthermore, with the two projecting signs positioned to the front elevation and the sign to the rear, there would be a cumulative impact in relation to level of signage over the property. For these reasons the signage has been removed from the scheme. The proposed vinyl film to the bottom windows is considered an improvement on the original scheme. However, this element benefits from deemed consent and so does not require permission.
- 10.18 To the rear of the property there is a relatively large existing sign illuminated by top lighters. The signage application intends to replace this but will respect the existing in terms of proportions and lighting. As previously discussed, the property is not listed so the prevention of features being removed, including existing signage, is not within the control of the Local Planning Authority.

Impact on residential amenity

- 10.19 *11/02100/FU* – There are residential properties near The Queen along Burley Road and to the rear of the site. Therefore, it is important to ensure that the business operation does not introduce harm to residential amenity. Environmental Health has recommended a condition regarding delivery hours which will accompany one concerning operational hours, to ensure the business function does not disturb neighbouring residents enjoyment of their properties.
- 10.20 Tesco have a policy relating to deliveries to ensure they cause minimal disturbance. Vehicle engines and chiller units will be switched off during unloading/loading. The only alarm that remains on is concerned with reversing to meet the relevant health and safety guidelines. Goods cages are fitted with rubberised wheels to minimise noise.
- 10.21 *11/02101/FU* – A noise report regarding the conditioning units has been submitted to the Local Planning Authority and reviewed by Environmental Health. They are satisfied that the distance between the units and the nearest residential property is such that any noise produced will not be audible.

Representations

- 10.22 A number of the concerns raised have been addressed in other sections of the report. Therefore, to avoid repetition, the remaining issues will be discussed here.

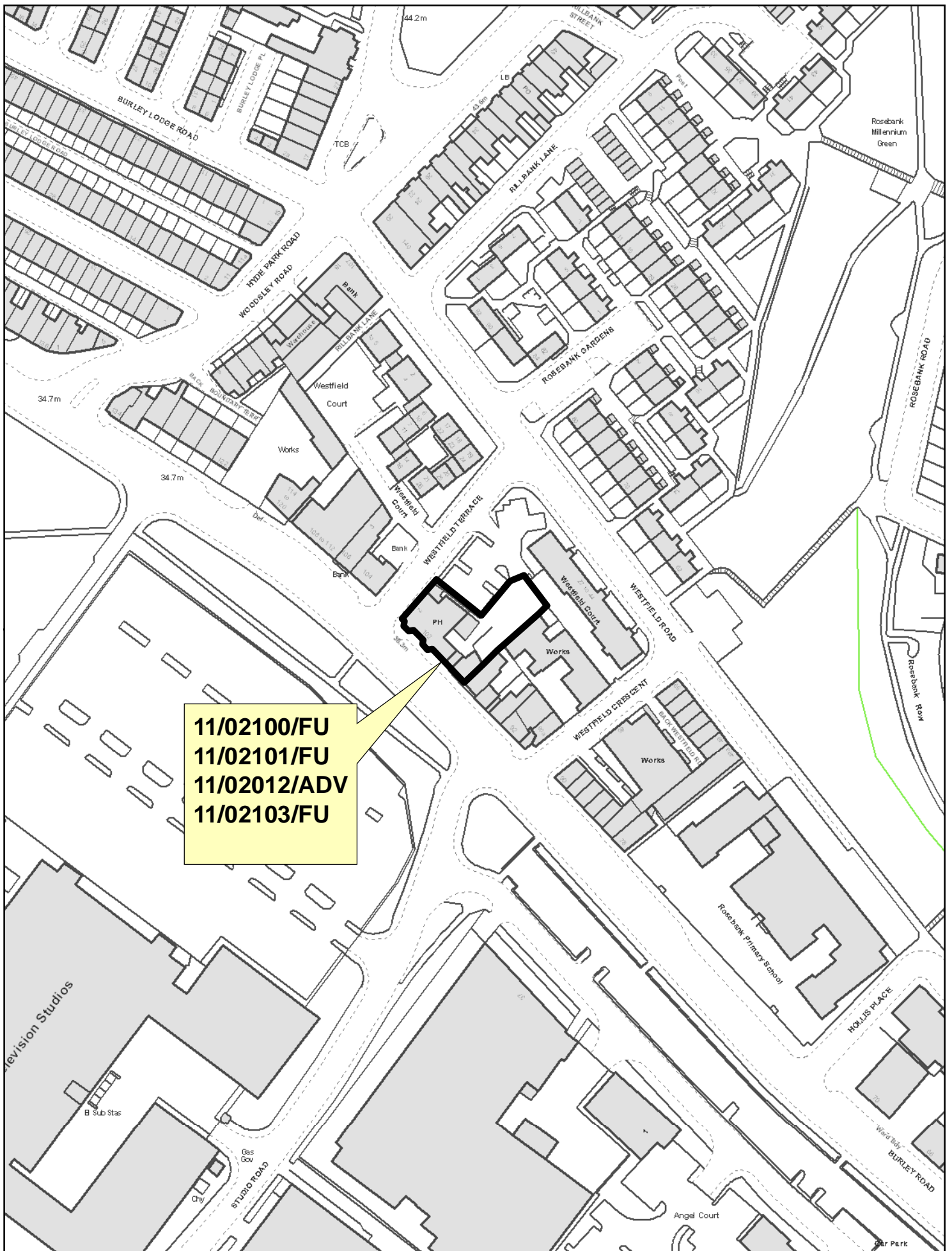
- 10.23 The matter of Tesco introducing further competition to the local area is not a material planning consideration. In relation to the loading bay on Westfield Terrace, the proposal is not removing all of the existing parking and when the Planning Officer visited the site only two cars were parked here. Furthermore, the Highways Officer who manages the TROs has not objected to the proposal.
- 10.24 Concern has been expressed that an opportunity for a community pub is being missed. The Queen has been vacant for some time and no one has come forward to run it as an A4 use. Furthermore, as previously discussed, the change of use is permitted development and so it is not within the Local Planning Authority's remit to question principle. The Queen has been closed for some time, which indicates that its function within the local community is not required.
- 10.25 Customers discarding their waste responsibly is matter of education and not a material planning consideration.

11.0 CONCLUSION

- 11.1 The proposal is considered acceptable in terms of principle, amenity, and highway safety. This development will retain this important historic property in use with minimal alterations to the architectural features. Therefore, is acceptable in relation to the property and the character of the area. Considering this, the proposal complies with the relevant provision of the adopted UDP and national planning guidance. There are no other material considerations that out weigh this finding, so a recommendation of approval is made.

Background Papers:

Application files: 11/02100/FU
11/02101/FU
11/02102/ADV
11/02103/FU



11/02100/FU
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WEST PLANS PANEL

