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**Report of the Chief Planning Officer**

**PLANS PANEL EAST**

**Date: 26<sup>th</sup> January 2012**

**Subject: Application 11/01678/FU & 11/01679/ADV – Appeal by Ladbrokes PLC against the refusal of planning permission for change of use of part of a market (A1 use) to betting office (A2 use) with shop front alterations at 95a Queen Street, Morley, Leeds, LS27 8DW.**

**The appeal was allowed.**

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**Electoral Wards Affected:**

**Morley South**

Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**RECOMMENDATION:**

Members are asked to note the following appeal decision.

**1.0 THE APPEAL WAS DEALT WITH BY WRITTEN REPRESENTATIONS**

1.1 This application was recommended for approval by Officers, however Members of Plans Panel East resolved to refuse permission for the change of use the premises to a betting office on the grounds that the proposal would, by removing a prominent part of the market on the main shopping thoroughfare and consequently transferring market activity further to the rear of the premises, harm the distinct character and the vitality of the S2 Morley Town Centre and reduce the level of activity and interest to this important Town Centre shopping area site to the detriment of the vitality of the Town Centre. The advertisement application was refused on the grounds that it was premature in the absence of a permission for the change of use.

**2.0 ISSUES IDENTIFIED BY THE INSPECTOR**

2.1 The main issues identified by the Inspector was the effect of the proposed change of use on the viability and vitality of Morley Town Centre and the effect of the proposed advertisements of the character and appearance of the Conservation Area.

### **3.0 SUMMARY OF COMMENTS**

#### Alterations to the street frontage.

- 3.1 The Inspector observed that the well defined Queen Street frontage entrance to the market would be unaffected by the proposed redevelopment and that it would remain a strong focal point within the street. Indeed, a new active shop front on this prominent corner would significantly improve the appearance of the building to the benefit of the streetscene. The Inspector further commented that the Hope Street frontage, currently rather featureless and uninviting rendered wall along with the loss of the doorway within Hope Street would not be of detriment as there was a further entrance on this frontage located further down Hope Street.

#### Access and Connectivity of the market to the main shopping area

- 3.2 The Inspector noted that as the main Queen Street entrance was retained in the proposal, the route through the market to the Town Centre would not materially change and therefore the connectivity between the market and the Town Centre would not be lost. The Inspector observed that although the thoroughfare through the main Queen Street entrance would be slightly narrower than the existing one, it would not deter shoppers by obstructing access to the market, nor would it be dark and unattractive on account of the new flooring and lighting proposed
- 3.3 Furthermore, the Inspector saw no evidence that the loss of the entrance on Hope Street would markedly reduce footfall to the market as there is another entrance located further along Hope Street.

#### Presence, role and character of the market

- 3.4 The Inspector commented that the loss of floor space to the market would be relatively modest and rather than diminish shopping activity or deter people from visiting the market, it would increase footfall in the vicinity of the site and sustain retail activity within the centre through linked trips to shops and other outlets.
- 3.5 Whilst acknowledging the concerns of Council regarding the vitality of the Town Centre, he considered that the relatively small amount of lost floor space did not persuade him the Councils' argument could be supported. Moreover, he considered that the proposal accorded with National Policy in terms of PPS4 which encourages economic expansion, regeneration and the promotion of diversification and wider choice in town centres.

#### Other matters

- 3.5 The Inspector considered other matters raised in representations, including highway safety, the proliferation of betting offices and emergency escape.
- 3.6 The Inspector considered that in the vicinity of the new entrance was an area where traffic levels and vehicle speeds are low and that pedestrian safety would not be unduly compromised, the proliferation of betting offices was something for market forces and competition to resolve and that there was no evidence to suggest that the proposal would prejudice evacuation of the building.

#### Conclusion

- 3.7 The Inspector concluded that the proposal would not materially harm the vitality and the viability of Morley Town Centre and did not conflict with National nor Local Policy and therefore allowed the appeal. As a consequence of this, as the signage

application was acceptable as it would preserve the character and appearance of the Conservation Area and the Inspector also allowed this appeal.

#### **4.0 DECISION**

4.1 Both appeals were allowed subject to conditions by letter dated 10<sup>th</sup> November 2011

#### **5.0 COSTS**

5.1 There was an application made by the appellant. This application was refused but the Inspector concluded that whilst he had reached a view contrary to that of the Council, the Authority had provided sufficient evidence to support its reason for refusal, which was based on reasonable planning grounds. The Inspector notes that the application was considered by both Officers and Panel against the relevant policies on precise and accurate evidence and exercised a judgement as they were entitled to do.

5.2 The Inspector concluded that the application was dealt with in the correct manner through a site visit, panel presentation and public speaking both for and against and the request from members that a further report be brought back setting out possible reasons for refusal, and that this process did not amount to unreasonable behaviour.

5.3 Finally, the Inspector determined that the Panel did not come to a view based upon 'a prejudicial and unjustified view of betting offices' but rather the appropriate matters of relocation of stallholders, the implications of this for the market and its traders and the impact of the use on the character and identity of the market.

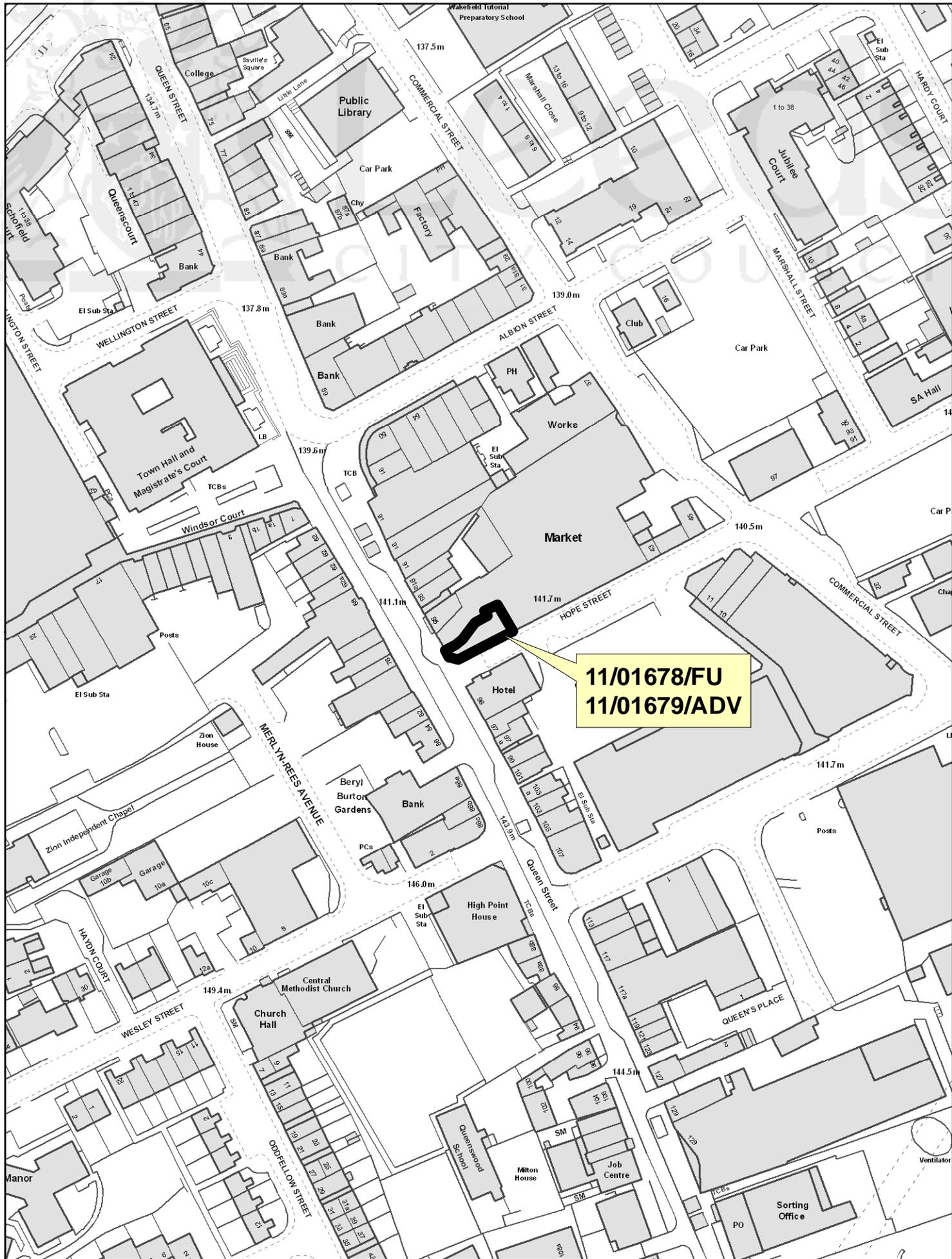
#### **6.0 IMPLICATIONS**

6.1 Whilst the Inspector in this particular instance considered the change of use to be acceptable, he also noted that this was a matter of judgment. The fact that the Inspector did not apply an award of costs and explained the reasoning behind this decision demonstrates that refusing a proposal on judgement issues is acceptable, provided that sufficient evidence and reason is demonstrated, and Members are asked to note this.

#### **Background Papers**

Planning Application File

Inspectors Decision Letter



# EAST PLANS PANEL