

Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 7th June 2012

Subject: APPLICATION 12/00514/FU– Alterations to part of existing trolley bay area to form garden sales area to supermarket. Morrison's Supermarket, Windsor Court, Morley, Leeds, LS27 9BG.

APPLICANT

Wm Morrisons Supermarket
Plc – Mr. Mike Proctor

DATE VALID

15/02/12

TARGET DATE

11/04/12

Electoral Wards Affected:

Morley South

☐ 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. Approval granted in accordance with plans.
2. All external storage shelving units shall be removed within two weeks of the date of permission and the land shall remain clear thereafter (unless as otherwise agreed under condition 3 of this permission).
3. Following removal of the external storage shelving units, no further shelving units shall be erected or used on site unless details of the size, location and use have been submitted to and approved in writing by the Local Planning Authority.
4. Any shelving units approved shall be erected and used in accordance with these approved details. There shall be no loss of car, bicycle or motorbike parking spaces as a result of the use of the garden sales area or any associated external storage (including relocated trolley storage areas).
5. The structure hereby approved shall be used only for the purposes of sales ancillary to the main use.

Reasons for approval: The proposal is for a small scale development and subject to conditions will not impact detrimentally on accessibility or highway safety. The application is considered to comply with policies GP5, BD5 and A4 of the UDP Review 2006, as well as guidance contained within the National Planning Policy Framework and, having regard to all other material considerations, is considered acceptable.

1.0 INTRODUCTION:

- 1.1. The application is brought to Plans Panel at the request of Cllr Elliott, who raises planning concerns such as accessibility, use and impact on other traders. Cllr Elliott has also requested a site visit by Panel Members. Cllr Varley also requests a site visit be made.
- 1.2. The application is retrospective in nature, although the application form does not reflect this, at the time of submission the structure had been erected and was in use. Compliance action was commenced but is currently held in abeyance to allow the planning application to be determined.
- 1.3. The application has passed its expiry date and therefore an appeal against non-determination can be made. Members should note that planning permission is not required for retail sales as this is the lawful use, it is required only for the physical structures.

2.0 PROPOSAL:

- 2.1. The application is made retrospectively as the structure has already been installed and is in use. A timber and wire cage structure has been erected within an area that was formerly used as a trolley storage bay, approximately half of the area is taken up by the cage.
- 2.2. The cage is fitted with freestanding shelving units, on which are displayed a number of garden plants and products to form an external garden sales area. Shelving units are also provided externally to the trolley bay. The cage is fitted out with a till unit, and there are also a number of advertisements which are the subject of a separate application for advertisement consent (12/00515/ADV).
- 2.3. The trolley bay is located on the pedestrian forecourt area between the store entrance and the car park. Additional trolley parking has been proposed adjacent to the existing trolley bay however this does not require planning permission.

3.0 SITE AND SURROUNDINGS:

- 3.1. The application site sits within the curtilage of this town centre supermarket, on an area of paving that is located between the main store entrance and the car parking areas. The site is occupied by a large, open sided, covered trolley bay, into half of which the cage structure has been placed.
- 3.2. On the day of a site visit the garden sales unit was in operation with shelving both inside the cage and externally in front of the cage. The unit was busy, and due to its location was attracting a lot of attention from passing customers. The trolley bay lies adjacent to the main pedestrian access from the Morrisons site to the town centre.
- 3.3. The site itself is level, however the access to the town centre then slopes downwards from the supermarket.

4.0 RELEVANT PLANNING HISTORY:

- 4.1. 12/00515/ADV – Retrospective application for advertisements for garden sales unit. This application is awaiting determination.
- 4.2. The remaining history of the site reflects its historical use as a retail unit. In 2007 approval was given for replacement trolley bays with shelters to the car park, however this does not appear to have included the trolley bay affected by this application. No conditions appear to have been attached on any permission that would restrict the use of these trolley bays, or prohibit their loss, removal or re-use.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1. The applicants have been asked to consider provision of pedestrian shelters for people waiting to be collected by taxi etc. This however was a request only and cannot form part of the planning permission as it is not a material consideration. No response was received.
- 5.2. The applicants were asked to provide information on where the trolleys that were being displaced were to be moved to as there were concerns that they may end up causing obstruction within the highway areas. In response to this a plan was submitted showing where they were to go.
- 5.3. The applicants were also asked to re-consider the external shelving units and concerns regarding accessibility were raised. The plans were amended to show shelving along the pedestrian accessway between Morrisons and Windsor Court. This matter is discussed in the appraisal below.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1. A general site notice was posted on 24/02/12. The publicity expired on 16/03/12.
- 6.2. Ward Members
- 6.3. Both Cllr's Varley and Elliott have objected to the scheme on the grounds that:
- Changes have already been carried out.
 - Where will trolleys now be stored?
 - Other shops in town sell gardening equipment and supplies.
 - Morrisons do not input into the town.
 - Shoppers waiting for taxi's have no shelters.
 - Lower floor of the supermarket could be used for these goods.
 - Parking spaces should not be lost.
 - Entrance is already restricted in access terms.
- 6.4. Morley Town Council – object to the scheme on the grounds of;
- No explanation of where trolleys will be relocated to, currently they seem to stand on the pedestrian space in front of the garden centre causing further access problems.
 - Obstruction to safe passage of pedestrians who are diverted towards moving traffic due to the shelving.
 - Unit conceals the cycle and motorcycle parking.
- 6.5. One further letter of objection has been received from a local user of the site, who objects on the grounds that the external shelving causes obstruction and forces pedestrians into the vehicle circulation areas. It is also claimed that Morrisons have previously stated that the land does not belong to them. *The application form has been signed to state that the land belongs entirely to the applicant.*

7.0 CONSULTATIONS RESPONSES:

Non-statutory:

- 7.1. Highways: Object to the application on the grounds that the external sales area causes an obstruction. Pedestrians entering the footway from the south-eastern side of the car park, including those using the 7 disabled parking bays, will have to spend a further 5.3m in the car park highway than previously, in order to manoeuvre around the outer display area. The Dutch Trolleys displaying the sales goods are approximately 1.8m in height, substantially taller than most people and therefore blocking access visibility between the pedestrian area and the car park.
- 7.2. There are also possibilities of compost spillages to the pedestrian area, during movement of the display trolleys, that will be hazardous in wet weather.
- 7.3. Access Officer: The garden centre itself being located within the existing trolley bay structure is not objected to. The applicants should clarify how they are going to deal with the trolley storage capacity which is being displaced [Response, the applicants have provided a plan which shows where the displaced trolleys will be located]. When the site was visited the external sales area extended out in front of the garden centre structure by 6.2m. It is the external sales area that is a major concern in terms of access.
- 7.4. The external sales area is located on what is currently a pedestrian route, and the main pedestrian route from some of the adjacent disabled persons parking bays up to the store entrance. The external sales area is blocked which means that pedestrians, including disabled people will have to travel up the vehicle circulation route, an extra 6.2m to get to the safe pedestrian area. Cars would be turning into this area and may not be able to see the pedestrians due to the external section. This area should be removed or moved on the grounds of highway safety.
- 7.5. Following negotiations with the applicant about these issues they advised that the external storage shelves could be moved to an alternative location, and suggested that they line the existing walls of the supermarket, and the trolley bay, either side of the walkway to Windsor Court. Further comments from access and highways were as follows:
- 7.6. Highways DC – The 4m minimum width would be plenty of space, however if this is at the top of the walkway to Windsor Court would there be possibilities of congestion at this bottle neck?
- 7.7. Access Officer – My only concern with the proposed location is the loss of the building line on the shop entrance side. Blind or partially sighted people would find it a lot more difficult to navigate and negotiate the area as they do not have the clear wall line to follow. Plants being in this area would be a significant obstruction for them which does not currently exist. Plants on the other edge i.e. the trolley bay edge are not such a concern as this is not the route to the main store entrance.
- 7.8. These matters are addressed in the appraisal below.

8.0 PLANNING POLICIES:

Development Plan

- 8.1. The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006) (UDP) 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 still being at the draft stage. The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development including housing. It is not considered that there are any policies of relevance within the RSS given the very minor nature of the proposal.

- 8.2. The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 with the consultation period closing on 12th April 2012. Following consideration of any representations received, the Council intends to submit the draft Core Strategy for examination. The Core Strategy set sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. As the Core Strategy is in its pre submission stages only limited weight can be afforded to any relevant policies at this point in time.
- 8.3. Adopted Unitary Development Plan (Review) 2006 (UDPR). The following policies are of relevance:
- GP5 – general planning considerations.
 - A4 – Development and refurbishment proposals should be designed to ensure a safe and secure environment, including proper consideration of access arrangements, treatment of public areas
 - BD5 – general amenity considerations.

Government Planning Policy

- 8.4. National Planning Policy Framework 2012

9.0 MAIN ISSUES

- Principle of development
- Accessibility

10.0 APPRAISAL

Principle of development

- 10.1. The supermarket and its curtilage has a permitted use for A1 retail and in the original permissions there were no restriction placed on where this retail use could take place, or that ancillary structures had to be retained. Accordingly the use of the trolley bay for sales purposes would fall under the permitted use of the whole site and consequently this element of the proposal does not require planning permission.
- 10.2. Similarly the trolley bay can be used for other purposes as there are no restrictions on its use. The issue of trolley storage is an operational matter for the applicants rather than a planning matter.
- 10.3. The only matters therefore that need consideration are the operational development of the cage structure, and the issue of accessibility. The cage structure is a very lightweight, temporary type feature which is mostly hidden within the trolley bay, so that only the front and side is visible. The structure is not of a build that causes detriment to visual amenity or local character and as such no objection is raised to the structure itself, which is considered to comply with all relevant policy.

Accessibility

- 10.4. The garden centre itself causes no obstruction being located within the trolley bay, however the external shelves are currently located to the front of the bay, extending the sales area by 6m beyond the front of the trolley bay. This leaves a depth from 2m to 6m in front of the external shelving that is pedestrianised (the distances vary due to the radius of the junction).
- 10.5. Objections are raised to this external storage due to its extent and positioning. The area lies adjacent to cycle and motor cycle parking, and disabled parking bays, and is directly in line with the store entrance doors. In order to reach the store any pedestrian coming from the side parking bays would have to walk within the vehicle area, around the shelving areas, in order to get onto the paved area, rather than being able to walk directly to the store entrance.
- 10.6. This is considered to result in an unsafe environment for pedestrians, particularly those who have mobility issues, young children, or are pushing heavy trolleys. On the day of the site visit there was a number of people gathered around the external shelving which caused further obstruction of the clear paved area.
- 10.7. The shelving is also high, 1.8m, which restricts visibility and could result in conflict between pedestrians and vehicle users, particularly anyone exiting from the cycle and motor cycle parking area which is directly adjacent to the trolley bay.
- 10.8. To overcome this issue the applicants have offered to relocate the external storage area to the walkway area that leads down to Windsor Court. This walkway has a width of 5.4m closest to the store entrance, narrowing down to 4.6m before reaching shop unit 21 Windsor Court. The dutch trolley's measure 0.6m deep x 1.4m wide. Approximately 4 of these units could be located on the side wall of the trolley bay, within an existing set back, without any significant overhang of the bay walls. It would not be possible however to line the opposite wall (formed by the side of the stall) without the shelving units overhanging the existing building line.
- 10.9. Access officers raise concerns regarding the use of the store side wall as a location due to the irregularity it would cause in the building line which could be problematic for visually impaired people who may use the building line to navigate by. There is however a lip on the archway which marks the point at which the walkway goes under cover, so there is already irregularity in the building line.
- 10.10. The additional shelving units could also go to the other side of the trolley bay, which is shown on the plans as cycle and motorcycle parking. This area is paved with bollards, and apart from a couple of cycle stands and recycling bins there is very little of anything here. The loss of a metres width would be unlikely to be detrimental to access in this location, subject to provision of suitable cycle parking facilities elsewhere which could be conditioned for.
- 10.11. Whilst the external shelving is considered to be detrimental to pedestrian safety in its current location, it is considered that it could be adequately placed elsewhere without causing similar problems. There was a condition originally placed on the outline permission that precluded any external storage, it is felt that external storage in general would be detrimental to the area, leading to clutter, obstruction and poor visual amenity. However the storage units are intended to be seasonal, and can be moved as required, plus as they are used for storing plants on, they are not visually detrimental.
- 10.12. It is recommended that a condition be applied to any permission to ensure that the external shelving units are removed from the existing location, and moved to another location to ensure they no longer cause an issue for accessibility.

11.0 CONCLUSION

- 11.1. The actual use of the trolley bay area for sales purposes does not require planning permission, however the cage structure does as it is operational development, and the external shelving units are considered to require planning permission due to the previous restriction on external storage.
- 11.2. It is considered that the cage structure does not impact detrimentally on visual amenity or local character, and that the use of the trolley storage area for sales is not a matter for planning control.
- 11.3. The current configuration for the external shelving causes concerns with regard to accessibility, however it is accepted that there would be suitable alternative locations for this which could be determined through a condition.
- 11.4. The proposal is therefore recommended to Members for approval subject to conditions to ensure that a suitable location is found, no other external storage takes place and that there is no loss of any vehicle, bicycle or motorcycle parking facility.

Background Papers:

Application file.


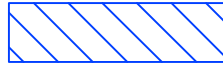
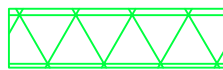




Certificate of Ownership – signed as applicant.

DO NOT SCALE FROM THIS DRAWING

All dimensions to be verified on site and report any discrepancies in writing to Styles & Wood before proceeding with work. All dimensions should read from those values stated in text, on the drawing.

All area dimensions are approximate and can only be verified by a detailed survey of the completed building. Any decisions to be made on the basis of area information shown on this drawing, should include allowances for the increases and decreases inherent in the design development and building processes.

NOTES:

-  Proposed Garden Centre footprint
-  Proposed seasonal extra footprint
-  Proposed trolley relocation areas
-  Access route for stock from warehouse
-  Power installation route
-  Water installation route
-  Data/CAT5 installation route

B	27.01.12	Redrawn. Stock area reduced. Service routes amended. Stock layout amended. Security fence added
A	13.01.12	Services amended.
Rev	Date	Amendment

Address
Morley - 011
Windsor Court
Morley
LS27 9BG

**MORRISONS**

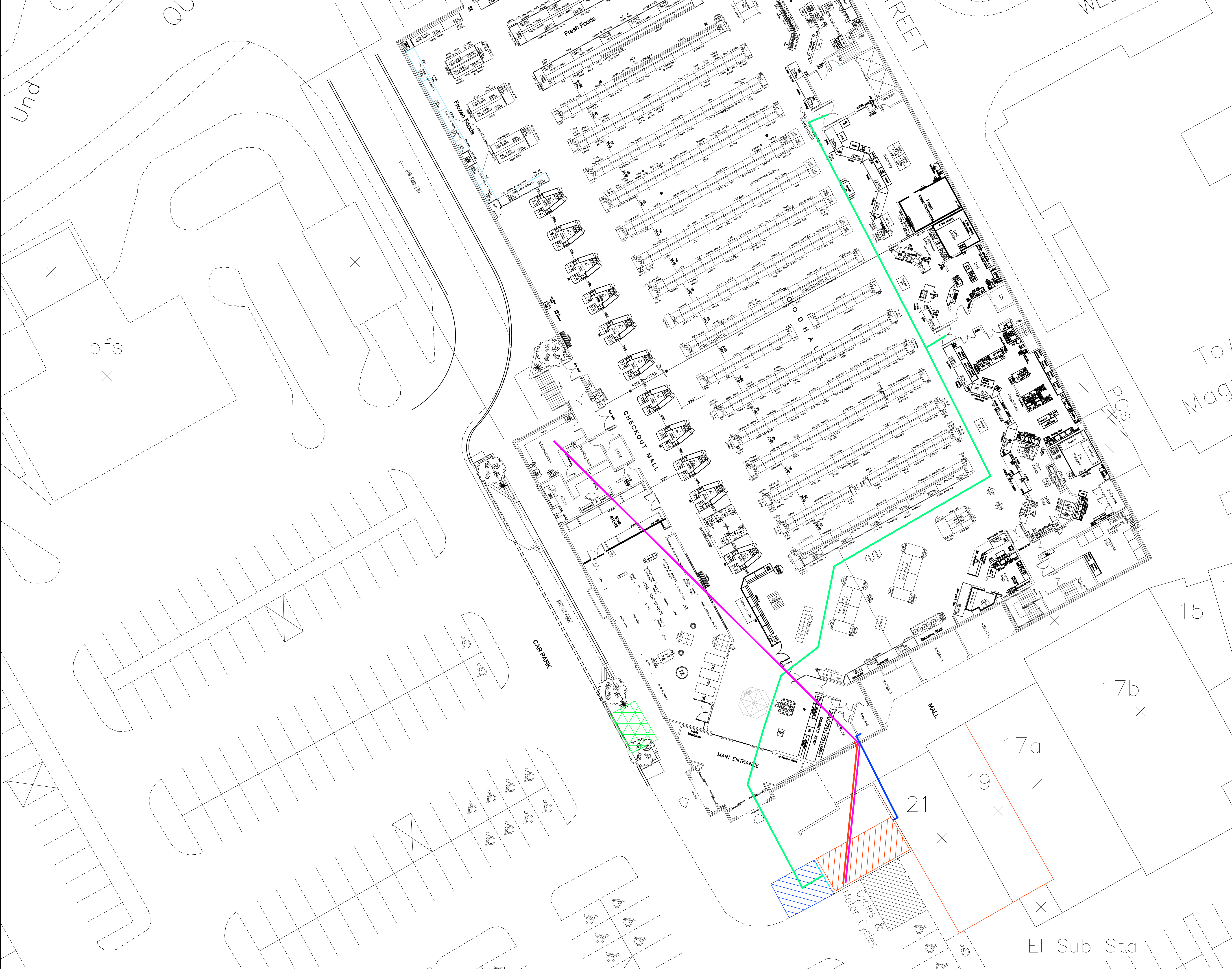
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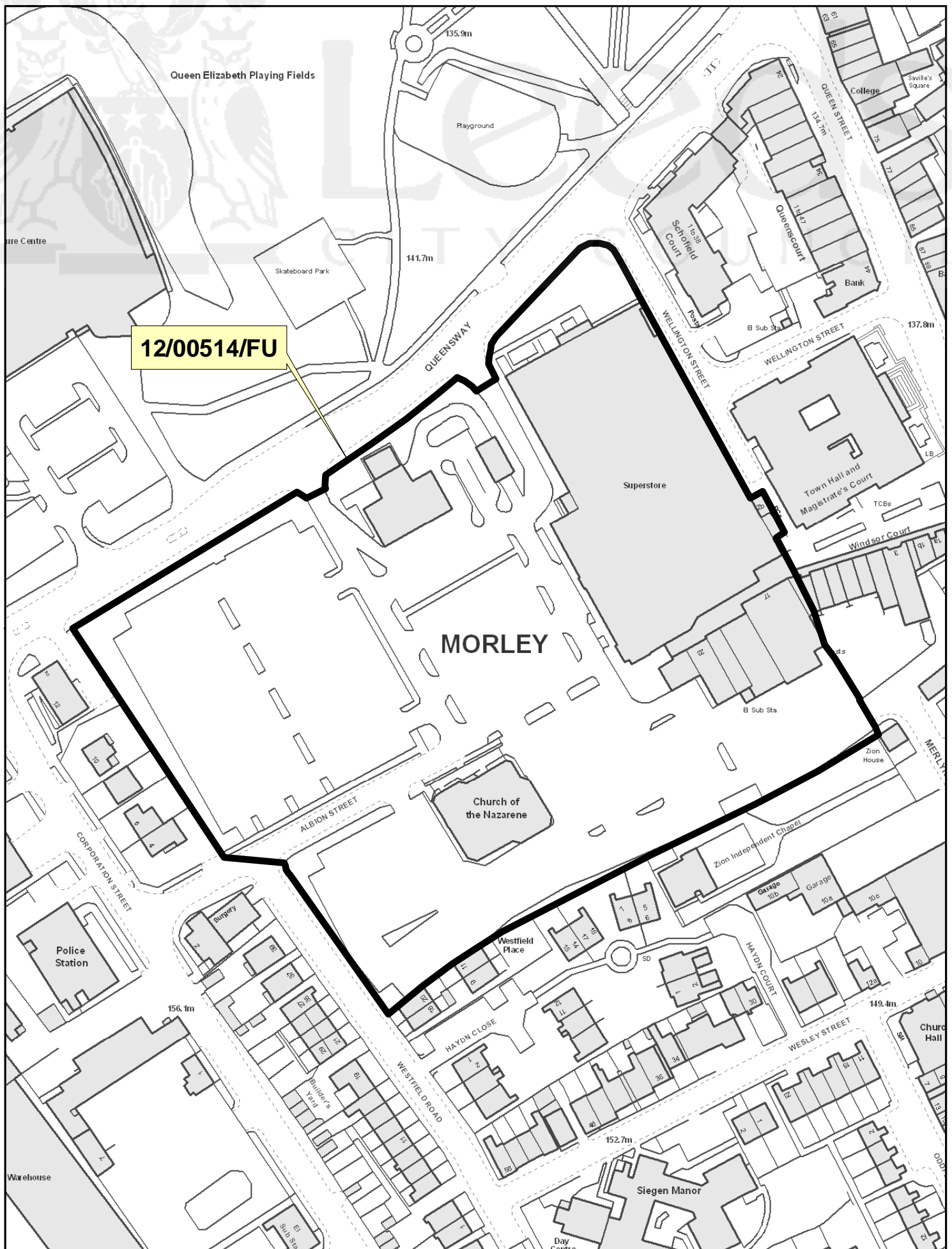
Drawing Title
**Overview
Shuttered Trolley Bay**

Scale @ A1	Date	Originator	Checked	Authorised
1:200	25.10.11	LCH	XXX	XXX

Status
INFORMATION

Drawing No.	Rev
D9548-101-001	B





EAST PLANS PANEL