



Report of the Chief Planning Officer

PLANS PANEL NORTH AND EAST

Date: 4th October 2012

Subject: The report refers to the following applications proposing various alterations and externally illuminated signage to the Old Star Inn, Leeds Road, Collingham, LS22 5AP

12/01807/FU- 3 air-conditioning units, 1 condenser unit in the rear yard and 2.4m high stone screening wall.

12/01808/FU- Alterations to the front and rear elevations and hard surfacing front car park and rear service yard.

12/01810/ADV- 2 externally illuminated signs.

APPLICANT

Tesco Stores LTD

DATE VALID

23rd April 2012

TARGET DATE

18th June 2012

Electoral Wards Affected:

Harewood

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:

12/01807/FU- 3 air-conditioning units, 1 condenser unit in the rear yard and 2.4m high stone screening wall.

1. Time limit on full permission (3yrs).
2. Develop in accordance with approved plans.
3. Details of external walling materials to be submitted.
4. Sample panel of the stonework to be provided.

12/01808/FU- Alterations to the front and rear elevations and hard surfacing front car park and rear service yard.

1. Time limit on full permission (3yrs).
2. Develop in accordance with approved plans.

3. Details of surfacing materials to be submitted.
4. Areas to be used by vehicles to be surfaced and drained using permeable materials.
5. Details including materials and colour of the doors and windows.
6. Submission and implementation of a tree planting scheme in the car park.
7. The development shall be carried out in accordance with the agreed Car Park Management Plan.
8. The development shall be carried out in accordance with the agreed Servicing Management Plan.

12/01810/ADV- 2 externally illuminated signs.

1. Time limit on full permission (5yrs).
2. The colour scheme of the proposed free standing sign to be submitted for approval.
3. The details of the material of the proposed fascia sign to be submitted.

Full details of the conditions (including any amendments as necessary) to be deferred to the Chief Planning Officer

Reasons for approval: These applications are considered to comply with policies GP5, BD6, N19, BD8, BD9 and T2 as well as guidance contained within the Collingham Conservation Area Appraisal and Management Plan as well as the Supplementary Planning Document 'Advertising Design Guide' and having regard to all other material considerations.

1.0 INTRODUCTION:

- 1.1 The applications were discussed at the 6th September Plans Panel. The key issues which emerged from the discussion related to parking arrangements, bin storage, the relationship of the property to the remaining unit on the site and the weight that should be applied to the fallback position (i.e. that the applicant can use the property for retail purposes without needing to obtain planning permission from the Council). Panel resolved to defer determination of the application to enable further consideration of the issues raised.
- 1.2 The following details have been submitted so that an adequate assessment can be made of the issues raised in the September Plans Panel:

Weight to be attached to the fallback position

- 1.3 The 'fall - back' position is a material consideration where it can be shown that the development and uses to which the site might be put without further planning permission, having regard in particular to the Use Classes Order, would bring about a similar situation to that for which permission is sought. In this case the use of the premises which are the subject of the planning application can be changed from their current use (A3 restaurant) to an A1 retail use without the need for further planning permission. As with any material consideration, the weight to be attached to it is a matter for the decision maker depending on the circumstances. So, for example if the fall- back position is more theoretical than real then this will reduce the weight to be attached to it as a material consideration. By contrast, if there is a real prospect that the fall back position could be realised then the weight to be attached to it will inevitably be greater – and it is likely to be regarded by any decision maker as a highly material

consideration which should be accorded considerable weight. Officers take the view that the fall-back position is capable of being realised, is more real than theoretical and therefore should be accorded considerable weight. The ability to change the use of the premises to retail is not disputed by the agent for the Parish Council, who states in his letter of objection of 1st June 2012 “..... *the Parish Council appreciate that the principle of the proposed retail use is appropriate, given the established use of the property,*”

Letter from the letting agents CBRE outlining the intentions for the vacant unit

- 1.4 The letter states that Tesco Plc will take approximately 4,000 sq ft of the existing building leaving a second unit of 2,000 sq ft at ground floor and similar space on the first floor. No detailed marketing of the smaller unit has taken place and will not until Tesco's have obtained planning permission for their unit. There has been enquiries about the unit, with currently two parties being particularly interested. The interested parties are looking to use the property for either retail or as a kitchen showroom.

Letter from Transport Planning Associates regarding car parking numbers (TPA are private highway consultants who have been commissioned by the applicant)

- 1.5 Based upon floor space allocations and the likely use of the two units on the site, TPA have suggested that 70% of the car parking spaces should be allocated to Tesco Express and 30% to the remaining unit.
- 1.6 On the parking spaces allocated for Tesco, it is suggested that a 20 minute parking restriction is imposed. TPA believes that the average duration of stay in an Tesco Express of a similar floor space is 7 to 10 minutes. Therefore, 20 minutes would be more than sufficient for shoppers.
- 1.7 TPA considers that in total 15 to 20 parking spaces would be required to serve the two units.
- 1.8 The Management Plan incorporates the recommendation made by TPA. Tesco will be allocated 12 parking space (70%) whilst 5 parking spaces (30%) will be allocated to the remaining unit. Signage will be installed to indicate the parking designations, with the Tesco spaces being restricted to a 20 minute stay duration. A car park management company will be commissioned to enforce the management plan.
- 1.9 From the perspective of a highway officer there are good reasons for conditions to be attached to any permission granted that secure the implementation of an appropriate car parking and servicing management plan/s. However, strong arguments exist to have a management plan that facilitates some flexibility in the use of the car parking. For example to allow the car park to be used by shoppers visiting other shops in the locality by keeping the car parking spaces unallocated and easing any time limit restriction imposed. The service management plan could address issues such as the timing of deliveries, the size of vehicles and the routing of them. This could be achieved through the imposition of a suitably worded conditions that require the details to be agreed with the local planning authority.

Bin Storage

- 1.9 The bin storage unit is highlighted on the submitted plan referenced (P) 103-3. The plan shows a Euro bin store facility within the service yard adjacent to the 2 a/c units, pushed against the main wall of the building.
- 1.10 The previous report, updated to reflect the legal advice received (see paragraph 1.3 above) is set out below for Members information.

2.0 PROPOSAL:

12/01807/FU- 3 air-conditioning units, 1 condenser unit in the rear yard and 2.4m high stone screening wall

- 2.1 The application proposes to mount three air conditioning units to the rear of the building and to create a service yard as well as the installation of a condenser unit. It is also proposed that the service yard would be enclosed by a 2.4m high stone wall which also features paneled metal railings and a timber gate.

12/01808/FU- Alterations to the front and rear elevations and hard surfacing front car park and rear service yard

- 2.2 The existing front entrance comprises of a porch with traditional doors. The application proposes to replace the doors with electric sliding doors and to position the sliding doors to sit flush with the main building. The porch itself, which comprises of front pilasters and fascia panel, will be retained.
- 2.3 An existing boarded up front entrance bay located to the eastern wing of the building will re-opened and fitted with a door.
- 2.4 It is further proposed that the front parking area and the rear yard will be resurfaced with tarmac and the parking bays will be formalised with white markings.

12/01810/ADV- 2 externally illuminated signs.

- 2.5 Two externally illuminated Tesco Express signs are proposed to replace the existing signs. The existing freestanding sign to the front of the site would be retained. The freestanding sign will be modified to display the name of the occupier (Tesco Express) and the opening and closing times. The sign will be painted in the company's corporate colours and new lights will be installed.
- 2.6 A new fascia sign is proposed to replace the existing fascia sign on the building. The fascia sign will be of a similar size to the existing but the lettering style and the colour will be different.

3.0 SITE AND SURROUNDINGS:

- 3.1 This application relates to part of the former Old Star Inn in Collingham which previously operated as a restaurant and public house in mixed use. The site is located within the Collingham Conservation Area and is an important gateway feature. The former Old Star Inn is adjoined by a car sales showroom and forms a prominent island site which is bounded by Main Street to the south, Harewood Road to the north and Mill Lane to the west. The site comprises of the main stone building and the parking areas to the front and rear. The car park to the front of

the site can be accessed via Main Street and Mill Lane, whilst the site can also be accessed to the rear off Harewood Road.

4.0 RELEVANT PLANNING HISTORY:

4.1 The application site has been subject to a number of planning applications which relate to the various extensions and signage to the property. The details of the previous applications are summarised below.

- H31/193/91/- Alterations to form enlarged kitchen and enlarged restaurant, and extension to form porch, to restaurant and bar. Approved, September 1991
- H31/271/87/One internally illuminated wall sign, size 4.88m x 1.98m, height above ground 2.44m (underside), one non-illuminate. Approved, January 1987
- H31/335/86/- Change of use, involving alterations of commercial garage, to public house function rooms. Refused March 1987.
- H31/132/84/- One externally illuminated individual letter wall sign, size 5.2m x 0.5m, height above ground 3.4m (underside). Approved July 1984.
- H31/106/84/- Alterations and extension to form porch to rear, glazing of portico to front, creation of escape door. June 1984.

5.0 HISTORY OF NEGOTIATIONS:

5.1 Discussions during the course of the planning application have focused primarily on the request for following information;

- Clarifications of the site boundary.
- Vehicle turning plan.
- Submissions of plans showing a stone wall screening to the plant units.
- Site management plan

5.2 Revised plans have been submitted showing all the details requested.

5.3 Following the September Plans Panel, discussions were held with the Agent to discuss the Panel's request for additional information.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The applications were publicised as affecting the character of the Conservation Area by site notices that were displayed on 27th April 2012. The applications were publicised in the Boston Spa and Wetherby News on 11th May 2012.

6.2 The Local Ward Members and members of the Parish Council have also been briefed on the applications. Ward Members requested the submission of the following additional information:

- A noise survey required to evaluate the implications of the proposed air conditioning units.
- Details of turning circles for delivery vehicles.

- Details of the size of delivery vehicles.
- Details of how parking and servicing to the Tesco store will impact upon the parking and servicing of the remaining A4 use.

6.3 A planning consultant has been employed by the Parish Council to make representations on their behalf. The comments received raise the following concerns;

- The applications are not accompanied by a Transport Statement investigating the impact on traffic flows.
- Safe access is required.
- Safe pedestrian crossings required.
- Insufficient parking spaces available on site.
- Noise survey required to assess the impact of noise from the plant/equipment.
- The applications should be accompanied by a Statement of Community Involvement.
- The plant screening should be in keeping with the character of the existing building.
- A stone wall should be provided along the Harewood Road boundary.
- The proposed wall to the front of the site should be taller and be re-positioned to create more pavement width.
- The proposed resurfacing should consider defining the pedestrian areas and connect these to the new and existing pedestrian facilities.
- Details of the proposed repair materials should be provided.
- The position of the free standing sign is unclear from the plans.
- The deliveries to the site should be controlled.

6.4 There are 469 objections letters recorded and 40 support letters have been received.

6.5 The objection raised centre around the following issues;

- The parking area is inadequate for the needs of the site.
- The access is inadequate for the proposed use of the site as an A1 Tesco Express.
- Tesco Express does not belong in a village.
- Increase in traffic and vehicle movement.
- Lack of a pedestrian access.
- Negative impact on village shops.
- Increase in traffic.
- The proposed wall will affect visibility at the junction.
- Pedestrian crossing areas are required.
- Part of the Pub will remain vacant, which will adversely impact on the character of the area.
- Large delivery vehicles coming to and from the site will disturb neighbours.
- The extended opening hours will disturb neighbours.
- Potential risk of increased anti social behaviour.
- The use of the site as an A1 convenience store is inappropriate.
- The rear yard being inadequate for a large delivery vehicle to turn.
- Noise from plant and equipment disturbing neighbours.
- The proposed signs will have an adverse impact on the character of the area.

- The timber-screening fence will appear out of character with the Conservation Area.
- The illumination of the signs will be out of character with the Conservation Area.
- The removal of a grass verge and the construction of a stone wall will have an adverse impact on the character of the area.
- The free standing sign being too large for the site.

6.6 The letters of support make the following comments;

- The proposed Tesco Express will improve services in the area.
- The store will reduce the need to travel by car for their grocery shop.
- The proposal will bring the site back into use.
- The store will create jobs.

7.0 CONSULTATION RESPONSES:

Statutory:

7.1 None

Non-statutory:

- 7.2 The **Highways Officer** originally commented that the overall external boundary of the site (red/blue line combined) stops short of the adopted part of Mill Lane, thus leaving a gap between the service yard and the means of access to the external highway network, it also suggested that the line of the front boundary is incorrect and that the proposed front wall may be positioned on highways land.
- 7.3 The applicant has submitted a revised site plan to correct the blue line boundary and to show the wall positioned within the site boundary.
- 7.4 The Highways Officer also requested the following;
- Provisions of a signalised pedestrian crossing on the A58.
 - Pedestrian crossing to be provided on Mill Lane.
 - The vehicle access off Mill Lane is reconfigured.
 - Resolving the red line boundary issues in the vicinity of the rear service yard off Mill Lane.
 - Requirement for a Traffic Regulation Order to allow delivery vehicles to use the service yard.
 - A Service Management Plan
- 7.5 Following revisions the Council's Conservation Officer raises no concerns relating to the signage or any other aspect of the operation development proposed.
- 7.6 The Conservation Officer recommends that the applicant is advised to resurface the parking areas to the front and rear using a mixture of materials, including tegular blocks at the entrance, and a lighter asphalt to define the parking spaces. It is considered that would lessen the impact of the existing tarmac, which is considered to have a negative impact on the Conservation Area.
- 7.7 Concerns were raised by the Conservation Officer with regards to the fence proposed to enclose the plant units to the rear. The plans have been revised to now show a stone wall to enclose the proposed plant.

7.8 The Council's Environmental Protection Team conclude that the sound output from the plant units will be low and due to the adequate separation distance from residential dwellings, the noise from the plant will not harm the living conditions of surrounding residents.

8.0 PLANNING POLICIES:

8.1 The Development Plan for the area consists of the Regional Spatial Strategy and the adopted Unitary Development Plan Review (UDPR), along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDPR but at the moment this is undergoing production with the Core Strategy still being at the draft stage.

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 draft Core Strategy 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 The site is located within the Collingham Conservation Area and is marked as a positive building in the Collingham Conservation Area Appraisal and Management Plan. The following policies are considered to be of relevance:

- Policy GP5 refers to development proposals should seek to avoid loss of amenity.
- Policy BD6 states that alterations and extensions should respect the scale, form, detailing and materials of the original building.
- N19: all new buildings or extensions in Conservation Area should preserve or enhance the character or appearance of the area.
- Policy BD8: refers to all signs be well designed and sensitively located.
- Policy BD9: States that illuminating signs will only be permitted within the Conservation Area where they do not detract from visual amenity.
- Policy T2: highway safety.

8.4 Relevant Supplementary Guidance:
Supplementary Planning Document 'Advertising Design Guide' (2006).

8.5 Collingham Conservation Area Appraisal and Management Plan highlights that the parking area in front of The Old Star Inn and the service yard to the rear are unsympathetic to the appearance of Collingham. It recommends that tree planting, soft landscaping and stone boundary walls could all lessen the impact of the parking and enhance the special character and appearance of the conservation area.

8.6 Draft Core Strategy 2009 (Preferred Approach) identifies Collingham as a smaller settlement. Smaller settlements have been identified within the settlement hierarchy as being above the village/rural level, yet they do not all have appropriate facilities to serve local day-to-day needs. In these centres small-scale new retail, leisure, and community facilities to serve local day-to-day needs will be supported where they can be clustered to form a community focus.

8.7 Government Planning Policy Guidance:
National Planning Policy Framework (NPPF, 2012)

9.0 MAIN ISSUES

1. Principle of development
2. Impact on visual amenity and the character of the Conservation Area
3. Residential amenity
4. Highways implications
5. Planning obligation
6. Public representation

10.0 APPRAISAL

Principle of development:

10.1 In terms of the principle of the retail use of the development site, a change of use from A3 – A1 is permitted development and therefore there is a fall-back position in this case. Officers are of the view that there is a realistic prospect of this fall-back position being realised (i.e. it is not a theoretical fall-back position) and therefore it is a highly material consideration when it comes to the consideration of the application. The proposals should be considered in the light of what the site could be used for without requiring planning permission.

12/01807/FU- 3 air-conditioning units, 1 condenser unit in the rear yard and 2.4m high stone screening wall.

10.2 The three air conditioning units and the condenser unit will be located in a dedicated plant area to the rear of the site. It is further proposed that this plant would be screened by a 2.4m high stone wall with gating. Given that the plant equipment proposed will not be visible from public vantage points, it is considered that they will not have a significant detrimental impact on the character of the Conservation Area.

10.3 The stone wall proposed to screen the plant equipment will match the stone of the existing building. Therefore, it is considered that the wall will not appear out of place nor will it have an adverse impact on the character of the Conservation Area. The Conservation Officer has not raised concerns with regards to the visual impact of this enclosure. A condition should be attached to ensure the stone proposed is of a high quality and is similar to the existing building.

12/01808/FU- Alterations to the front and rear elevations and hard surfacing front car park and rear service yard.

10.4 The proposed alterations to the front entrance are relatively minor and include introduction of electric sliding doors and the re-opening of a boarded up entrance door. As the new sliding doors will be located behind the classical portico its visual impact on the character of the Conservation Area will be minimal. It is considered that the re-opening of a section of the building which was originally open, will not adversely impact on the design of the building or the character of the Conservation Area. The alterations to the facade of the building has also been assessed by the Conservation Officer who has raised no concerns. It is considered that a condition should be attached to ensure the materials and the colour of any new fenestration are submitted and approved before being

installation. This will ensure that the fenestration proposed relate symmetrically to the character of the Conservation Area.

- 10.5 The application also proposed to re-surface to the front and rear parking areas and to add new markings for the parking spaces. As the front and rear of the site are currently hard surfaced with tarmac, the proposal to re-surface these areas are acceptable. The Conservation Officer has commented that this aspect of the scheme presents an opportunity to minimise the visual impact of the hard surfacing and it is recommend that a mixture of materials, that are lighter in colour, should be used. It is considered that the hard surfacing materials can be negotiated via a condition requiring the details of the surface materials being submitted.

12/01810/ADV- 2 externally illuminated signs.

- 10.6 Two externally illuminated Tesco Express signs are proposed. The existing free standing gantry sign is proposed to be retained with the Tesco colours being added and new lights being installed. A fascia sign is proposed to replace the existing fascia sign on the building. The fascia sign will be of a similar size but the lettering style and the colour will be different.
- 10.7 There are currently a variety of signs in the area of differing styles and colour. The signs proposed are similar in proportion to the existing arrangements. The proposed signs will be externally illuminated. It is considered that the design, illumination and the proportions of the signs are acceptable and will not have an adverse impact on the character of the Conservation Area.
- 10.8 The proposed colour and the design of the lettering are relatively subtle and unassuming. It is considered that the design and colour will respect the character of the Conservation Area. The Conservation Officer has suggested that the frame of the free standing sign should be painted black and that the sign above the entrance to be painted metal. It is considered that the above suggestions made by the Conservation Officer should be secured through planning conditions.

Impact on residential amenity:

12/01807/FU- 3 air-conditioning units, 1 condenser unit in the rear yard and 2.4m high stone screening wall.

- 10.9 The potential noise from the proposed plant equipment has been evaluated by the Council's Environmental Protection Team. The Environmental Protection Team conclude that the sound output from the units will be low and, due to the adequate separation distance from residential dwellings, the noise from the plant and from the adjacent roads will not harm residential amenity.

12/01808/FU- Alterations to the front and rear elevations and hard surfacing front car park and rear service yard.

- 10.10 The proposed alterations to the front entrance and the resurfacing the parking areas to the front and rear, are minor alterations to the building, which will not have an adverse impact on neighbouring residential amenity.

12/01810/ADV- 2 externally illuminated signs.

- 10.11 The proposed signs are replacements of the existing; therefore the signs do not pose a significant threat to neighboring residential amenity

Highways implications:

12/01807/FU- 3 air-conditioning units, 1 condenser unit in the rear yard and 2.4m high stone screening wall.

- 10.12 The proposed plant equipment and stone wall proposed to screen the plant equipment will not raise highway safety concerns.

12/01808/FU- Alterations to the front and rear elevations and hard surfacing front car park and rear service yard.

- 10.13 The proposed alterations to the front entrance and the resurfacing the parking areas to the front and rear will not have an adverse impact on highway safety.

12/01810/ADV- 2 externally illuminated signs.

- 10.14 The proposed signs are replacements of the existing, therefore the signs do not pose any highway safety issues.

Other matters raised by Highways

- 10.15 As previously mentioned the change of use of the building from an A3 use to A1 (retail) is permitted development and represents a fall-back position which should be accorded considerable weight.

- 10.16 The fact that the site could be used for retail development (or indeed for A3 purposes) without the need for express planning permission, and without the ability of the planning authority to impose controls on the level of parking provision or the management of such needs to be taken into account in the appraisal of the current proposals. However, the proposed works do facilitate the retail use and this use raises wider planning issues particularly concerning parking and servicing. In light of this it is considered appropriate to add conditions to any planning permission granted to address these matters. The applicant has indicated that it is common practice for Tesco to manage their car parks in order to maintain a reasonable turnover of spaces and where appropriate they will install signage and impose restrictions through a car park management company to avoid abuse of the car park / all day parking, which would be detrimental to operation of the store and / or the public highway, whilst also allowing parking to be provided for the public house.

- 10.17 The applicant is aware of Ward Member concerns, Parish Council and local resident comments with regard to pedestrian safety and the potential for increased activity as well as the observations raised by the Council's Highway Engineer. With this in mind the applicant has signed a unilateral undertaking to provide a funding contribution of £25,000 towards the cost of providing a controlled crossing on the A58 as a community benefit.

Planning Obligations

- 10.18 From 6 April 2010 guidance was issued stating that a planning obligation may only constitute a reason for granting planning permission for development if the obligation is:

Necessary to make the development acceptable in planning terms - Planning obligations should be used to make acceptable, development which otherwise would be unacceptable in planning terms.

Directly related to the development - Planning obligations should be so directly related to proposed developments that the development ought not to be permitted without them. There should be a functional or geographical link between the development and the item being provided as part of the agreement. **And:**

Fairly and reasonably related in scale and kind to the development - Planning obligations should be fairly and reasonably related in scale and kind to the proposed development.

- 10.19 Applying these legal tests to the current proposals Members are advised that the fall-back position means that the premises can be used for A1 retail without the need for express planning permission. Accordingly it would be possible to use the premises without any highway improvements being undertaken. In such circumstances, the view of officers is that it is not necessary for the applicant to make such a contribution towards the cost of a controlled crossing. Accordingly, officers have not accorded any planning weight to this offer.

Public representation:

- 10.20 The Ward Members in a briefing meeting requested the submission of the various additional information. The applicant has submitted a plan, for information purposes, showing details of turning circles for delivery vehicles using the rear service area. The applicant has also provided information relating to management arrangements including the size of delivery vehicles and the number of daily anticipated deliveries. As set out above a condition is suggested to address this matter. In light of the strength of the fall-back position it is not thought that the refusal of planning permission on highway grounds could be sustained at appeal.
- 10.21 Although requested, the applicant did not provide a noise survey evaluating the noise implications of the air conditioning units/plant to the rear. As this issue was evaluated by the Council's Environmental Protection Team who concluded that the sound output from the units will be low and not harmful to amenity, it was considered that a noise survey is not necessary and the proposal cannot be objected to on this issue.
- 10.22 The comments made by the Parish Council relating to the applications needing to be accompanied by a Transport Statement and a statement of Community Involvement, are noted. It is considered that the applications are proposing relatively minor developments and the Local Planning Authority would not normally ask for, nor can it justify asking for such documents.
- 10.23 The comment made that the screening fence proposed to the rear should be in keeping with the character of the existing building, is reasonable. The applicant has revised the drawings to show the plant equipment being screened by a stone wall that matches the existing building.
- 10.24 The Parish Council advises that a stone wall should be provided along the Harewood Road boundary. Given the nature of the works proposed, it is not considered that the Local Planning Authority can justify asking the applicant to provide a wall along the rear of the site.

- 10.25 The comments made that the proposed wall should be taller and re-positioned, is noted. As the proposed 0.9m highway wall does not require planning permission, the Local Planning Authority has no control over its height or position.
- 10.26 The Parish Council states that the proposed resurfacing should consider defining the pedestrian areas and connect these to the new and existing pedestrian facilities. Given the fall-back position it is not considered that the Local Planning Authority can justify asking the applicant to provide defined pedestrian areas or new pedestrian crossings.
- 10.27 The suggestion that the applicant should provide details of the proposed repair materials is not supported. The building itself is in a generally sound condition and does not require major repair works. Although minor repair works may be required, the repair works are unlikely to materially alter the appearance of the building. Therefore, there is no planning justification for asking the applicant to provide details of this.
- 10.28 The Parish Council highlights that the position of the free standing sign is unclear from the details submitted. The position of the proposed signage is clear on the plans and effectively the freestanding sign will remain in its current position.
- 10.29 The following objection raised by members of the public all relate to issues that results from the site being used as a retail (A1) development and do not directly result from the works proposed under the applications. Given that the use of the site is not under consideration, the applications cannot be refused on any of the points listed.
- The parking area is inadequate for the needs of the site.
 - The access is inadequate for the proposed use of the site as for a supper market.
 - Increase in traffic and vehicle movement.
 - Lack of a pedestrian access.
 - Negative impact on village shops.
 - Tesco's do not belong in a village.
 - Increase in traffic.
 - Pedestrian crossing areas are required.
 - Large delivery vehicles coming to and from the site will disturb neighbours.
 - The extended opening hours will disturb neighbours.
 - Potential raise in anti social behaviour.
 - The use of the site as an A1 connivance store is inappropriate.
 - The rear yard being inadequate in size for a large delivery vehicle to turn.
- 10.30 The concern raised with regards to potential disturbance to neighbouring dwellings by way of noise from the plant and equipment, was evaluated by the Council's Environmental Protection Team. It is concluded that the sound output from the plant units and equipment will be low and, due to the adequate separation distance from residential dwellings, the noise from the plant will not harm the surrounding residential amenity.
- 10.31 The concern raised that proposed wall will affect visibility at the access point, was evaluated by the Highways Officer. No highway safety concerns are raised with regards to the boundary wall.

- 10.32 The issue raised that the proposed signs will have an adverse impact on the character of the area is noted. This issue has already been discussed in the report and it is considered that the illumination, design and proportions of the signs will not have an adverse impact on the character of the Conservation Area.
- 10.33 The concerns raised that the timber-screening fence will appear out of character with the Conservation Area, is a valid point. The applicant has revised the drawings to replace the fence with a stone wall.
- 10.34 The concern raised that the illumination of the signs will be out of character with the Conservation Area, is unreasonable. Given that the existing signs can be illuminated, the illumination of the proposed signs cannot be objected to.
- 10.35 Concern has been raised that the removal of a grass verge and the construction of a stone wall will have an adverse impact on the character of the area. As the proposal wall does not require planning permission, and therefore the Local Planning Authority has no control on this matter.
- 10.36 The concern raised that the free standing sign is too large for the site, is unreasonable. The freestanding sign is an existing structure and therefore not allowing the applicant to use this structure cannot be justified.
- 10.37 A number of objectors have raised issues relating to the fact that the whole of the Old Starr Inn is not being used for retail purposes and thus leaving part of it vacant and open to neglect and dereliction. In this regard the Council cannot insist that the whole of the building is utilised and thus prevent subdivision.

11.0 CONCLUSION

- 11.1 The 'fall-back' position is a material consideration where it can be shown that the development and uses to which the site might be put without further planning permission, having regard in particular to the Use Classes Order, would bring about a similar situation to that for which permission is sought. A change of use from (A3) restaurant to (A1) retail does not require planning consent. The principle of retail use of the site is therefore established. Although the applicant has signed a unilateral agreement to provide a £25,000 funding contribution towards the cost of a controlled crossing, in view of the fall-back position officers are not of the view that it is necessary to make the development acceptable in planning terms and therefore should not be taken into account in determining the planning application.

The following developments are proposed;

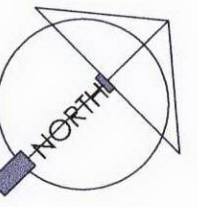
- Positioning of 3 air-conditioning units, 1 condenser unit in the rear yard and 2.4m high stone screening wall to the rear.
 - Alterations to the front porch, reopening of a front entrance and hard surfacing the front car park and rear service yard.
 - Two externally illuminated signs to the front.
- 11.2 It is considered that proposed works proposed will not have an adverse impact on the design of the building or the character of the Conservation Area. It is also considered that the proposals will not cause any harm to the living conditions of any surrounding residents. The existing building is currently in a poor condition and detracts from the character of the Conservation Area and particularly so given that it is a prominent feature in the streetscene. These proposals therefore

represent a positive opportunity to transform the building and to bring it back into beneficial use. In this context it is recommended that the applications are approved.

12.0 Background Papers:

Application files: 12/01807/FU, 12/01808/FU, 12/01810/ADV

Certificate of Ownership (Cert B) served on the landowner Incorporated Trustees of Lady Hastings Charity dated 20th April 2012 .



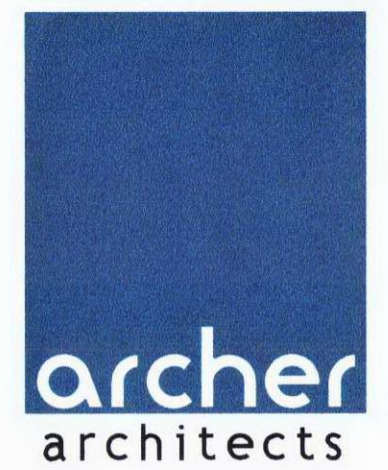
LEEDS CITY COUNCIL
30 JUL 2012
REVISED



--- Inside face indicates extent of publically maintained highways

For PLANNING Purposes

- C. 06.07.12 Fence to service yard amended to coursed stone wall MED
- B. 03.07.12 "Publicly maintained highways" plan undertaken. Parking amended as a direct result of proposed wall needing to be moved back from the previously understood boundary MED
- A. 20.03.12 Timber fence to service yard shown MED

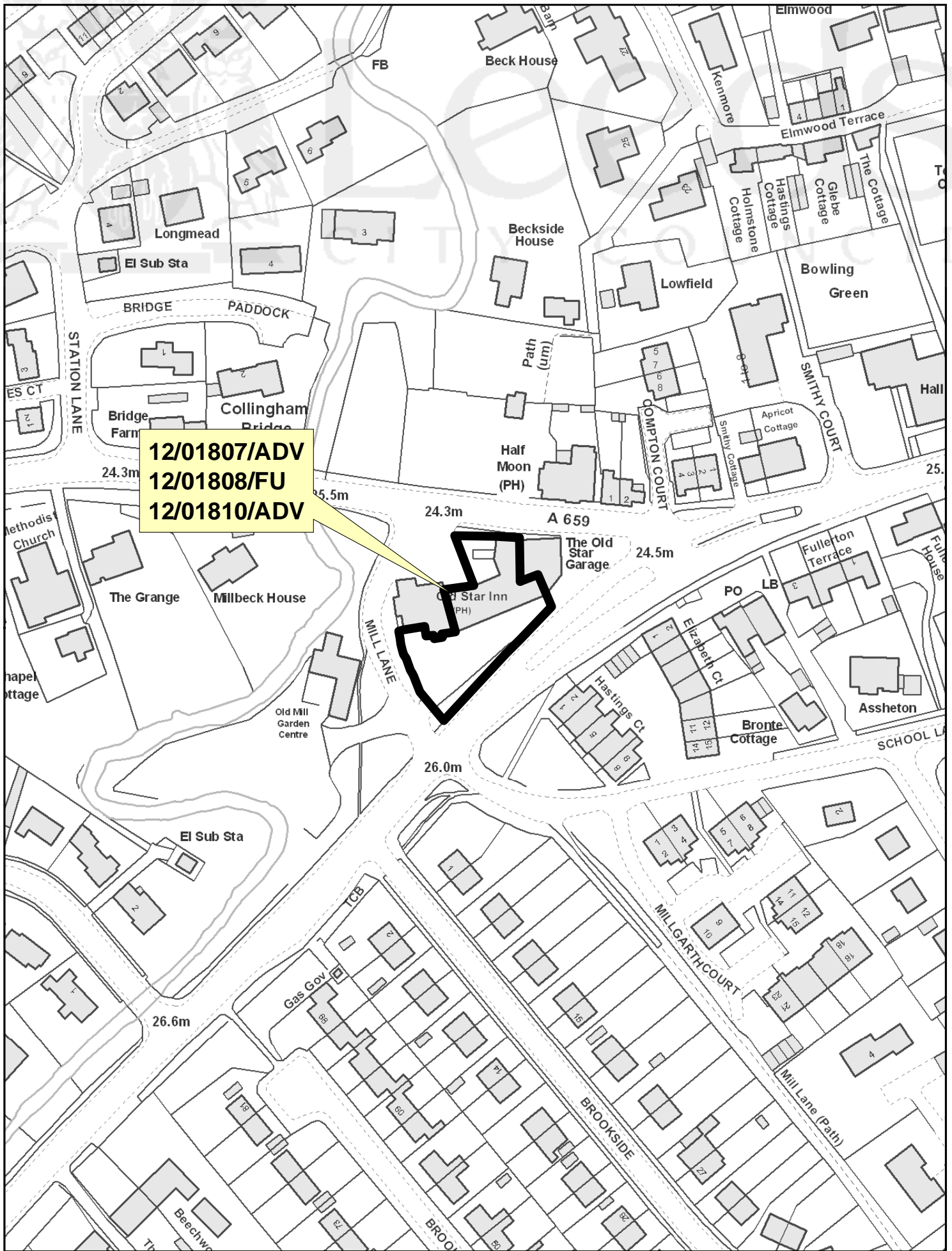


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Client:
TESCO express
Project:
**THE OLD STAR P.H.
COLLINGHAM, LS22 5AP**
Drawing Title:
PROPOSED SITE PLAN

Scale: 1:100@A1	Date: 22.02.12	Drawn: MED	Checked: DJF
Project No: 4063	Drawing No: (P) 503	Revision: C	



12/01807/ADV
12/01808/FU
12/01810/ADV

NORTH AND EAST PLANS PANEL