



Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 22 October 2009

Subject: APPLICATION 09/02973/FU – Demolition of existing public house and replace with single storey A1 retail unit at the Old Golden Fleece, Elland Road, Churwell, Morley, Leeds, LS27 7TB

APPLICANT

Mr J Baker

DATE VALID

28 July 2009

TARGET DATE

22 September 2009

Electoral Wards Affected:

Morley North



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT PERMISSION subject to the following conditions;

Conditions:

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

10. Landscape scheme.
11. Implementation of landscape scheme.
12. No piped discharges of surface water.
13. A feasibility study into the use of infiltration drainage.
14. Water disposal.
15. Details of storage and disposal of litter.
16. Specified opening hours (07.00 – 23.00, Monday to Saturday).
17. 12 month temporary consent for Sunday trading hours (07.00-23.00)
18. Specified delivery hours (between 07.30 – 18.30 Monday to Friday, 9.00 – 18.00 Saturday).
19. Lighting restrictions.
20. Details of extract ventilation system.
21. Provision of grease trap.

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

1.0 INTRODUCTION:

- 1.1 The application is brought to Panel for determination at the request of Councillor Leadley on the grounds of its sensitivity given that Churwell is not recognised as having an (S2) local centre in the UDPR. There has also been a great deal of public interest both for and against the proposal.
- 1.2 Councillor Leadley has also requested a site visit so that Members can assess the setting of the proposed development in the townscape and its relationship with neighbouring houses.

2.0 PROPOSAL:

- 2.1 Involves the demolition of the existing public house and seeks planning permission for the erection of an (A1) retail unit on the Old Golden Fleece site off Elland Road, Churwell.
- 2.2 The proposed single storey mini market is to be occupied by 'Tesco' and will comprise 280m² of retail floor space and 90m² of storage space. It will be constructed of brick and render with hipped tiled roof over with a raised section of roof to the right hand corner frontage. The mini market is proposed to the north east part of the site. Access for both customer and service vehicles will be gained from an existing access at the north west corner of the site (adjacent to 37/43 Elland Road). Service vehicles will pull into the service bay at the front and exit the site from an existing access point in a central location of the site.
- 2.3 The remainder of the development comprises of surface parking to the southwest side of the site and a service area to the front, with soft landscaping proposed to the front boundary, northeast boundary (adjacent to Little Lane) and the southeast boundary (adjacent to the rear gardens of properties fronting Back Green).

- 2.4 Sunday trading hours have also been revised and it is now proposed to trade 7.00am until 11.00pm on a Sunday rather than 11.00 am to 4.00 pm as stipulated on the application form. (12 month temporary consent recommended in order to monitor its impact on neighbouring amenity, given that back ground noise on a Sunday will be a lot quieter than any other day of the week).
- 2.5 Trading hours will be 7.00am – 11.00pm, seven days a week. Deliveries will be made up to 6 times a week via a 12.6m articulated vehicle. Deliveries will also be made via 7.5m ton and 3.5 ton vehicles, at ad-hoc times during the day. No deliveries will be made before 7.30am on a morning or after 18.30 pm of an evening – Monday to Saturday and before 9.00am or after 18.00pm on a Saturday. No deliveries will be made on a Sunday. (Conditioned accordingly).
- 2.6 The scheme would create 8 full time jobs and 24 part-time jobs, equivalent to 20 full-time jobs.

3.0 SITE AND SURROUNDINGS:

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

4.0 RELEVANT PLANNING HISTORY:

None relevant

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The pre application advice from officers stated that a retail development of this nature was potentially acceptable. Other advice given was that its was important to ensure that any scheme had an 'active' shopping front to Churwell Hill rather than a blank wall, and that the layout /design attracts pedestrian use in order to help strengthen its role as an attractive local centre which is not geared solely to car use.

5.2 Following discussions between the council and the applicants, amendments to the scheme were submitted on 21 September 2009. These amendments included; revisions to the access arrangements; re-positioning of the building to north east side of the site; servicing moved to the front of the site and revisions to the car parking layout with additional car parking spaces introduced (increased from 16 to 21). Further to these revisions, the two disabled parking bays have been moved closer to the building to allow for better access. It is also proposed to retain and recover the existing mosaic (trade mark of Melbourne Brewery) which is currently found on the frontage of the building, and incorporate it as a corner feature at the front of the site.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Site notices were posted on 28th August 2009 and 22nd September 2009 .

6.2 Following revisions to the scheme the re-notification period does not expire until 6th October, and therefore any additional letters of representation received will be reported verbally to the Plans Panel meeting.

6.3 Councillor Robert Gettings, member for Morley North registered the following concerns to the original proposal:

- Increase of traffic on a very busy narrow road.
- Impact on neighbouring residents from noise associated with late night openings, delivery vehicles and cars.
- Highway safety implications.

Representations - in support

6.4 Morley Town Council made reference to the sensitivity of the proposal in that the site is not situated within a designated S2 centre in the UDPR, however were generally in support of the proposal subject to the following matters being addressed; the provision of more parking spaces, disabled parking bays being moved closer to the store and controls to minimize the risk of on-street parking.

Further representation was received from the Morley Town Council in regards to the revised scheme. Their comments generally welcomed the changes, however again made reference to the site not being located within a defined S2 centre in the UDPR

6.5 A letter of support has also been received from Churwell Action Group (committee members) – Town Councillors; Joseph Tetley, Councillor Joyce Sanders, Councillor Wenda Whitehead, Denise Blower, Margery Kirk, Lewis Beever, Janet Harrison, making the following comments on behalf of the majority of their members:

- The Tesco store will provide much needed fresh food provision i.e. (butchers, bakers, greengrocers etc.) to local residents.
- There are no “fresh” shopping facilities to cover Churwells growth in population.
- The provision of an ATM will reduce the need to travel to draw money from a cash machine.
- The site is in a poor state Tesco will keep it in much better condition than it is at the moment.
- The retail unit will reduce the need to travel by car given that it will mainly be used by local people.

- The site is fronted by a lay-by and has parking facilities plus plenty of room for loading and unloading. The public house coped quite well with this and therefore it should not be a problem.
- It is generally felt that the retail use would be less likely to generate noise nuisance than the public house use .i.e. shouting and fighting up until 1.00am in the morning and on occasion necessitating visits from the police.

6.6 Fifteen letters of support have been received from local residents making the following comments:

- The proposal will bring much needed shopping facilities to the local neighbourhood;
- The current site is an eyesore and a target for local youths to vandalise;
- The new development would be an asset to the local area as existing shops do not sell perishable goods such as fresh fruit and meat;
- The proposed development will be particularly useful for the elderly and disabled who currently have to travel to Morley for their basic shopping needs;
- The shop will have its own parking area therefore will cause no additional traffic problems on Churwell Hill, unlike the existing shops;
- The new development will increase choice for local residents without having a detrimental effect on existing businesses;
- Competition can only be a positive outcome for existing stores who will manage to retain their custom if they research their market well;
- The Old Golden Fleece attracted its fair share of trouble and had a late license which caused much disruption to local residents. This development would reduce this disruption from previous levels;
- The development would provided jobs and services to the community;
- Rejecting the application would risk the building falling into to disrepair through vandalism and runs the risk of increasing crime in the area;
- Delivery lorries accessed the site whilst it was a public house, there is no change in the safety issue in regards to deliveries;
- The road is wider than the road outside Brookfields garage and can handle the traffic adequately;
- Sufficient parking and excellent pedestrian access;
- Should have no adverse impact on residential amenity;
- A good use of the current redundant plot which will afford the community a further retail option;
- The existing shops unfortunately have poor or no parking and have limited stocks concentrating more on the 'off license' sales rather than grocery's and fresh foods etc and over the years have not attempted to improve their situation.
- Undue pressure imposed on local residents to sign petitions in local stores against the proposal. This method of objection is underhand and unfair.
- The area is long overdue a local store of this kind which provides fresh and affordable products, without having to travel to Morely or Leeds.
- Current shops only offer a limited supply of goods and are only open certain hours, where as a Tesco will be open for longer hours which makes it more convenient for the public.
- A zebra crossing of some sort around the site would help as Elland Road is busy and the nearest crossing is further up the hill.

Representations – objecting

6.7 Objections received consist of (11) letters from local residents, 4 petitions with 1008 signatures and (414) duplicated pro-forma letters. The pro forma letters have been reduced in number, as on inspection there were found to be a number of duplicated

letters and also some withdrawals. The petition and pro-forma letters were sent in by 4 local shops (The Brookfield Group, A.K. News, Rays General Store and Churwell Food Market).

- 6.8 In addition to the above representations three letters of objection have also been received from Rapley's, Commercial Property and Planning Consultants on behalf of Brookfields Group (competitors who own the petrol filling station/mini market, off Elland Road in Morley).
- 6.9 **Note:** A small number of residents who signed the letters/petitions (7) have since retracted their objections on the basis that they either knew nothing about their objection or they had felt pressurised by the local shop owners into signing the letter/petition. Six out of these seven correspondents stipulated that they were supportive of the proposal.
- 6.10 Objections to the original and revised proposal are as follows:
- The proposed store is not located in an existing town, district or local centre and as such is considered inappropriate in this location, due to the potential impact upon the vitality and viability of existing shops in Churwell and Morley (contrary to Planning Policy Statement 6 'Planning Town Centres').
 - The development fails to meet the key tests set out in PPS6 'Planning for Town Centres' in regards to retail unit in out of centre locations.
 - The proposal would have an adverse impact on highway safety given the juxtaposition of the existing access points and their proximity to the junctions of William Street, Little Lane and Old Lane, causing traffic to queue and block adjacent junctions.
 - The proposal will intensify the use of the site attracting high volumes of visitors.
 - The proposed car parking spaces do not meet the car parking standards as set out in Appendix Volume 2 of the UDP and is highly likely to result in on street parking to the detriment of road safety.
 - No staff parking has been allocated.
 - Layout fails to demonstrate how large articulated lorries would access the site in forward gear and exit safely.
 - The layout fails to demonstrate how customers will access the store safely from any parking spaces. No pedestrian routes have been included on the site plan.
 - Disabled bays are inappropriately positioned within the site.
 - The proposal will have a negative affect on local shops leading to closure and erosion of choice and would cause the loss of the post office.
 - Detriment to residential amenity from noise pollution caused by intensification of use and activities associated with such a use i.e. service lorries moving round the site, noise generated from cars starting, doors slamming, reversing sirens and noise associated with customers.
 - Detriment caused to residential amenity from lighting pollution, overlooking and relationship of principal windows of neighbouring properties to the car park and retail store.
 - Parking area would promote anti social behavior.
 - The existing convenience stores are and have been adequate for residential needs.
 - Local choice should not be eroded by a 'Tesco' store.
 - The revised layout fails to demonstrate (by means of swept path analysis) how the 12.5m articulated vehicle will access and egress the site in forward gear.
 - The use of the lay-by, by delivery vehicles is against Highways Officer recommendations as it would potentially cause hazard by; obstructing pedestrian movement across Elland Road and obstructing visibility splays onto Elland Road

for vehicles turning in and out of the site in either direction. The lay-by is also used for shoppers assessing the adjacent shopping parades, if fully utilized, the delivery vehicles would block the main carriageway being unable to park in the lay-by.

- Shortfall of proposed parking spaces compared to the UDPR maximum standards.
- Question the layout in regards to: width of the highway between the proposed disabled bays and opposite parking bay, resulting in vehicle and pedestrian conflict.
- No pedestrian access routes identified on plan
- The revised plans fail to demonstrate where the secure cycle parking space is.
- The revised plans fail to demonstrate where the air conditioning units are located in relation to neighbouring properties and what size they are
- Further notification to neighbours should be given because of the change of Sunday opening hours from 11.00 – 16.00 (as stipulated on the application form) to 07.00 – 23.00.
- Car parking Justification Statement needs updating because there are now more parking spaces than previously submitted.

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory:

None

7.2 Non-statutory:

7.3 Highways: Initial concerns relating to parking, servicing, pedestrian and vehicular access have been addressed in the revised scheme.

7.4 Tracking diagrams have been used to demonstrate that the service yard can be accessed by a 12.6m vehicle without over-running the centre line of either Elland Road or the main car park access into the face of oncoming traffic.

7.5 A total of 21 parking spaces have been accommodated within the latest car park layout which is 4 spaces short of the maximum the UDPR would allow. Whilst more parking spaces would be desirable, it is considered that an objection could not be sustained.

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

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

- 7.8 Neighbourhoods and Housing: Comments received 26/08/2009 and 07/10/2009 - No objection to revised scheme, subject to conditions.
- 7.9 Land Drainage: Comments received 30/072009 - No objection subject to conditions.
- 7.10 Yorkshire Water: Comments received 03/08/2009 - No observations required.

8.0 PLANNING POLICIES:

- 8.1 The RSS adopted may 2008 provides the strategic for planning policy for the Yorkshire and Humberside region. Given the strategic nature of this document it is considered that there are no direct policy implications for this proposal.

The Leeds UDPR was adopted on 19th July 2006 for use, inter-alia in the determination of planning applications. Of that Plan the following policies are considered relevant:

The application site is unallocated in the UDP.

S8: Promotes maintenance and enhancement of viable neighbourhood shopping.

S9: Acceptability of small retail developments outside S1, S2 and local centres.

GP5: Development should resolve detailed planning considerations.

N12: The development should respect then fundamental priorities of Urban design

N13: The development should give regard to the character and appearance of their surroundings.

BD5: Buildings should be designed with consideration to their own amenity and that of surroundings.

T2: Development should be served adequately by highways, public transport and make sufficient provision for cycle use and parking.

LD1: Requirements for adequate landscaping for developments.

LDF proposal: Churwell is recognized as having the attributes of a Local Centre and it is included in a list of local centres in the Core Strategy 'Issues & Alternative Options' (Table 5) which was published for consultation in Oct 2007.

PPS1 – Delivering Sustainable Development

PPS6 – Planning for Town Centres

PPG13 - Transport

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of Retail Development

- 10.1 There are no specific proposals for the site in the UDPR and the application must therefore be considered against the general policies of the UDPR.

- 10.2 In regards to shopping policies within the UDPR, 'the main objective of these policies is to ensure that the residents of Leeds have good access to modern shopping facilities. The main thrust of which is to build upon the existing town centres (S2 centres) for the provision of complete range of shopping facilities for main shopping requirements. However, the provision of town centre shopping facilities is not enough to ensure access for everyone'.
- 10.3 Beyond these centres there is also an important role for the smaller neighbourhood shopping centres, local shopping parades and corner shops. Such centres provide for the day-to-day shopping needs (mainly food and household necessities) for the immediate surrounding communities' and are especially important for residents without access to a car, with limited mobility, as well as providing a service to all residents in meeting their day-to-day needs. Such centres provide an important role both economically and socially in the local community and can also reduce the need to travel by car and thus reduce carbon dioxide emissions.
- 10.4 This proposal is for a retail shop unit with 280 m² of retail floor space. The total proposed retail floor space is less than that considered to be 'major' for the purposes of the UDP retail policies.
- 10.5 Policy S9 and National Government Guidance PPS6 advises that developments smaller than those dealt with in policy S5, outside the defined S1 and S2 centres or local centres will not normally be permitted unless they can demonstrate: that the development could not be accommodated within an existing S1, S2 or local centre or on the edge of such centres; and that its scale would not undermine the vitality and viability of these centres or prejudice local provision of essential daily needs shopping; and address qualitative or quantitative deficiencies in shopping facilities; and is readily accessible to those without private transport; and does not entail the use of land designated for housing or key employment sites.

The applicant has submitted a retail justification statement which address these issues. Officers accept that it meets these requirements.

- 10.6 Site location: This scheme involves the demolition of the existing public house which is to be replaced with a retail unit within the shopping area of Churwell. Whilst Churwell is not defined in the UDPR as being a 'local centre' the site is located within an area which the Council recognises as having the attributes of a local centre and is included in a list of local centres in the Core Strategy 'Issues & Alternative Options' (Table 5) which was published for consultation in Oct 2007.

Whilst identified local centres do not, as yet, have defined boundaries, this particular site sits close to the centre of retailing activity in Churwell and is definitely regarded as falling within it. Boundaries for Local Centres will be defined in a future 'Site Allocations Development Plan' which are likely to start work on in early 2010.

Although presently this document carries little weight, its relevancy is that it indicates future policy direction.

- 10.7 Impact on Local Centres: The nearest local centres are Morley Town Centre and White Rose Shopping Centre, these centres are in excess of 1.5 miles away from the edge of Churwell and are dominated by two large supermarkets (Morrisons and Sainsburys). This proposal is to provide convenience shopping for the local area which is re-affirmed by the modest scale of the proposal. The convenience store is to provide a local service which is unlikely to impact on the vitality or viability of

surrounding centres such as Morley town centre. The nature of this convenience store is that of a 'top-up' shopping facility to meet the everyday needs of local people, the majority of whom live within 650 m of the site and will walk to the store.

- 10.8 Accessibility: This proposal lies in the centre of Churwells shopping area . The edge of the catchment area is approx 750m from the site, the majority of which is within 650 m of the site. TRICS data reveals that on average 56% of customers who live within this catchment area would arrive on foot. Data also shows that people are prepared to walk up to 940 m to shops dependant on weather and terrain conditions. National statistics accept that this distance is an acceptable walking distance. The site is readily accessible to those without private transport, as those with cars would reduce the need for residents to travel by car. Further to this the site is also accessible by bus, being situated on a busy bus route, very close to existing bus stops.
- 10.9 Addressing need: In recent years Churwell has grown rapidly with the introduction of new housing estates such as the Harwills, Hepworths, Ibbetsons and many more smaller residential developments that have been erected on brown field land. Whilst the increase in population has grown, local shopping facilities in Churwell have not and there is a current lack of choice in terms of convenience goods with no provision of fresh food facilities such as; butchers, bakers and greengrocers. The 3 existing convenient stores, sell very little fresh food products, have little or no parking facilities and are closed periodically during the day. Consequently local residents have to travel to Morley Town Centre or the White Rose Shopping Centre for their day-to-day 'top-up' shopping needs. This proposal will provide an important role both economically and socially in the local community by not only reducing the need to travel by car and thus reduce carbon dioxide emissions but will also provide local essential shopping facilities for residents without access to a car and/or limited mobility.
- 10.10 The potential impact the proposal will have on the viability of existing shops. Whilst this is not considered to be a valid planning consideration, there is also no evidence to support the suggestion that the proposal would unduly compromise these existing shops, furthermore it could also be argued that local shops would benefit from the proposal as it would increase footfall in the area, whilst also providing additional parking which would also benefit the local shops. The proposal will bring investment to the area and will attract, maintain and strengthen vitality, whilst also bringing employment opportunity for local residents.
- 10.11 Given the above, it is therefore not considered that the proposal conflicts with the aims of policy S9 or Government Guidance contained in PPS6.
- 10.12 The site currently accommodates a public house (A4 use class) therefore under the General Permitted Development (Amended) Order 2005 this would allow a permitted change to A1 or A2 use i.e. retail shop, bank building society, estate and employment agency. The current building has a similar floor area to the proposed, albeit on two levels. The site has two existing access points off Elland Road and there is parking both at the front and side. Therefore a fall back position exists which would enable the current building to be used for retail purposes without the need for planning permission.

Design and Landscaping

- 10.13 Following negotiation with the applicants, the scheme has been revised to address highway issues. In order to address these issues significant amendments to the

original proposal have been made. These include; the re-positioning of the building/service and parking area and revisions to the access points and how they are used.

- 10.14 The site currently accommodates a red brick, two storey Art Deco style building with flat roofs. The premises are currently vacant and bordered up and the site is in a poor state of repair.
- 10.15 The proposed store is single storey with a hipped tiled roof, to be constructed of brick and render. The shop unit affords an active frontage onto Elland Road being heavily glazed to break up the brick work with a modest raised section of roof to the right hand side of the shop. The new building has been set back into the site, to allow for a service bay at the front and now sits on a similar building line to the existing public house, albeit closer to Little Lane.
- 10.16 The surrounding area consists predominantly of two storey brick built properties and as such it is considered that the single storey building would appear duly subordinate to its neighbouring buildings given its modest scale and set back position. Further to this the use of sympathetic materials would ensure that the building relates well to its surroundings.
- 10.17 The introduction of soft landscaping, trees and hedging to the front side and rear of the site is also proposed. Boundary treatment at the front of the site will now consist of a small stone dwarf wall, with landscaping features behind. This boundary treatment is to enclose the service area at the front whilst also serving to make a positive contribution by enhancing and screening the service area from the streetscene of Elland Road. The stone wall will be similar in appearance to existing boundary treatments which bound the war memorial on the opposite side of Elland Road. Removable bollards are proposed over the existing central access point, (this access point will be used for service vehicles exiting the site only) and are to deter customers utilising this part of the site for parking.
- 10.18 A more robust landscaping scheme is proposed to the embankment bounding Little Lane. This includes the introduction of a number of trees which will enhance and soften the development from the Little Lane aspect. In addition to this a corner feature is proposed at the junction with Elland Road which will display a mosaic (trade mark of Melbourne Brewery) which is currently on the front of the public house.
- 10.19 Further landscaping is also proposed at the rear, again this landscaping will screen this part of the site from neighbouring properties, affording a pleasant aspect at the rear.

(Details of surface materials, boundary treatments and landscaping have been conditioned accordingly).

Highway Safety

- 10.20 The scheme has been revised in line with Highway Authority recommendations. Main access to the site for both customer and service vehicles is now to be taken from the existing access on the right hand side of the site adjacent to 37/43 Elland Road. The service area has also been relocated to the front of the store, similar to the existing arrangement. The other access point will now be used for service vehicles, exiting the site only. A low level wall will enclose the service area at the front with temporary bollards over the service exit point. This will restrict vehicles

using this entrance as an access point. Further alterations to the kerb line have also been made in order to accommodate pedestrian access. All servicing for the store will be made on site from the designated service area.

- 10.21 Whilst access to the site is taken from existing locations, it was considered that the proposed use would be more intensive than the public house, particular in peak hours. The existing access to the left hand side of the site, is only 20m from the adjacent Little Lane/Old Road cross roads junction and also staggered by only 11m from William Street junction opposite. This is known as a left/right staggered junction and the hooking movements created by this arrangement can lead to collisions between vehicles. In order to address this issue the applicant has changed the use of the access points. The main access is now to be taken from the previously proposed service egress. All vehicles will use this entrance for access only. The other access point will be used for service vehicles only which will exit the site at this point. Boundary treatment and bollards will prevent this entrance being used for access purposes. The bollards will only be removed to allow service vehicles to exit the site. This revised layout has moved the entrance access further away from all existing junctions and reduced conflict between right turners into the site and William Street.
- 10.22 The service area has also been relocated to the front of the store, in order to increase parking facilities on site and separate the service area from the customer/staff parking area. The revised service area has been increased in depth so that the largest vehicles (12.6m artic) and all other vehicles can enter the site on the right hand side, in one movement, without running in to the opposing lane either on Elland Road or against vehicles emerging from the proposed car park (swept path analysis, successfully demonstrates this).
- 10.23 Car parking spaces have also been increased from 15 to 21 and consist of; 2 disabled parking bays (adjacent to the store entrance), 15 customer spaces and 4 staff spaces.
- 10.24 Whilst the amount of parking does not meet the maximum standards (25) as stipulated in the UDPR for convenience stores in out of centre locations, the amount of parking is considered acceptable in this instance. The site is in an area which has all the attributes of a local centre, in a sustainable location, on a busy bus route and within walking distance for most of the local residents of Churwell. The proposed parking is therefore considered more than sufficient for this use, in this location.

Note: The existing lay-by has also been retained in order to accommodate shoppers to the adjacent parades.

Residential Amenity

- 10.25 In order to alleviate highway safety concerns relating to intensification of use of the access points adjacent to existing road junctions, the building has been relocated to the left hand side off the site, closer to Little Lane. Whilst it is noted that this part of the site is elevated in relation to residential properties which face onto Little Lane, its single storey scale which affords a 21m separation is considered sufficient to negate undue detriment to their amenity. Further to this the threat to amenity posed by headlights and noise associated with customer vehicles has been alleviated as the parking area is now proposed to the opposite side of the site, screened by the new building and existing boundary treatment.

- 10.26 Similarly, in reference to properties which border the rear boundary of the site, fronting Back Green, the new building retains a distance of 9.5m to this shared boundary and 16.5m to their rear elevations. Bin storage is also proposed to the rear, however this area will be well screened by fencing and robust landscaping, along with the existing hedge on the shared boundary, which is to be retained. It is therefore considered that the proposal would pose little threat to residential amenity in regards to dominance. In addition, dwellings bordering this part of the site are situated to the south east side, therefore they would not experience any overshadowing from the building, given the orientation of the sun.
- 10.27 In regards to the service area, this is now proposed to the front of the site, adjacent to Elland Road as is the existing. The service area has been increased in depth so that the largest vehicles (12.6m artic) and all other vehicles can enter the site on the right hand side, in one movement, without running into the opposing lane either on Elland Road or against vehicles emerging from the car park. Daily deliveries will involve 2 visits being made from the largest (12.6 m) vehicles and smaller vehicles, 1 bread, 1 milk, 1 newspapers during the morning after 7.30 am (conditioned accordingly). All these vehicles can deliver without reversing. The service location nearest Elland Road, also means that deliveries will coincide with the noise activity currently generated off Elland Road, with little need for reversing manoeuvres.
- 10.28 In reference to the access points, these remain as is, with only minor alterations to the entrance points. Service vehicles will now only access the front of the site, in forward gear, adjacent to Elland Road. The parking area is now proposed to the part of the site which previously accommodated a beer garden. This part of the site sits adjacent to 37/43 Elland Road and a parking area which serves flats fronting onto Back Green. Bounding the parking area at the rear is the rear gardens of 12a and 12 Back Green. No 37/43 sits in an elevated position and is served by a 2.0m high retaining wall with a further 1.5 m high close boarded fence over. The existing boundary treatment and its elevated position is considered sufficient to mitigate undue noise intrusion to these residents from activities associated with this use. In order to protect residents at the rear, mitigation measures have been introduced between the parking area and existing hedging, in the form of a 2.0m high close boarded fence. This is considered sufficient to mitigate any intrusion from noise associated from patrons and vehicles. The existing hedging is also to be retained.

As a result the proposal would not cause undue harm to amenity.

11.0 Conclusion

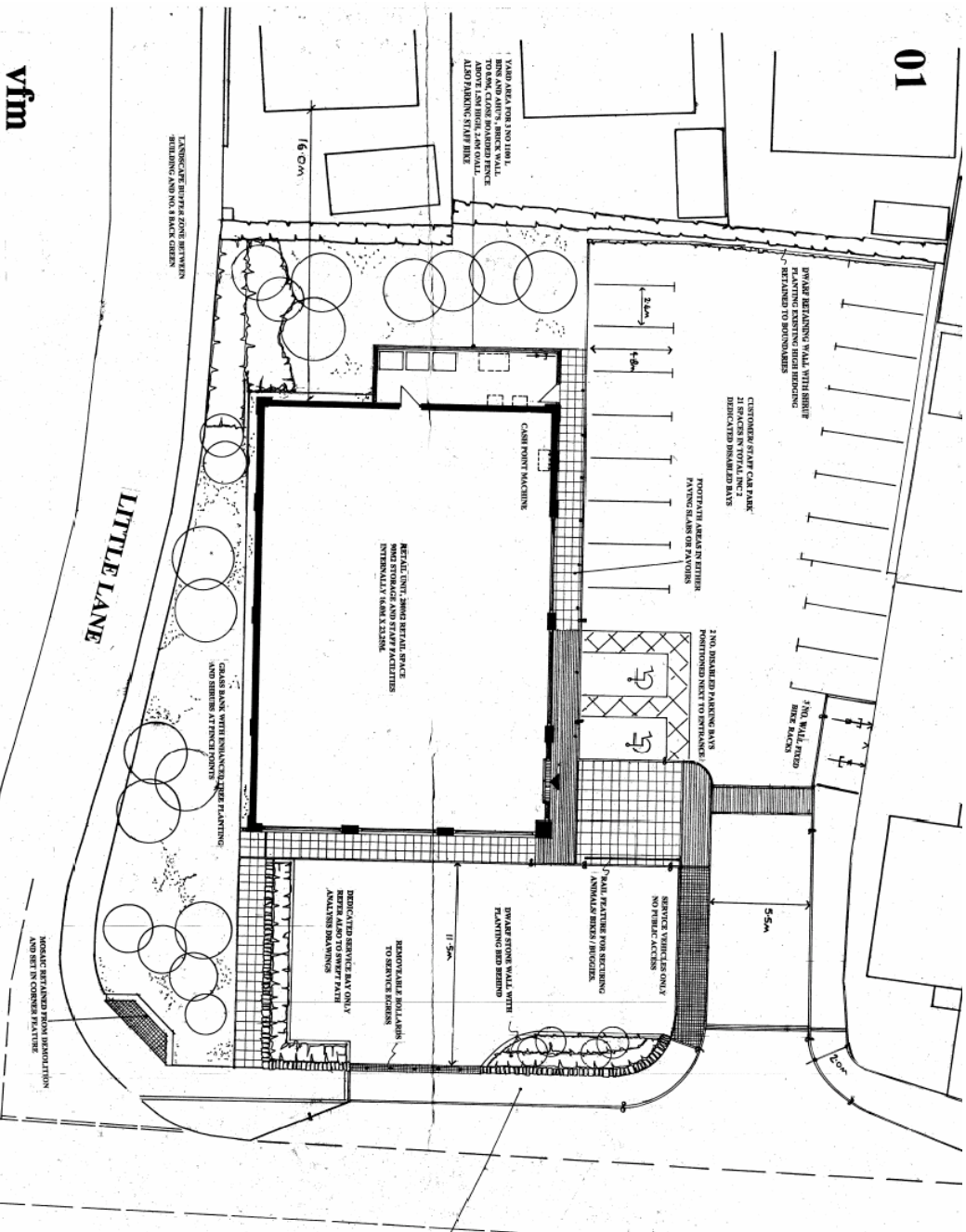
- 11.1 On balance, it is considered that the applicant has successfully demonstrated that there is a need for a small retail store in this area, to meet local shopping needs. The shop is well located in a proposed shopping centre, close to existing shops. The proposal has been carefully changed to resolve detailed planning considerations.
- 11.2 Notwithstanding the above, the public house could also be converted to a similar size retail store without the need for planning permission, however this would result in an inferior design.

Background Papers:

09/02973/FU

Certificate of Ownership – Signed by applicant.

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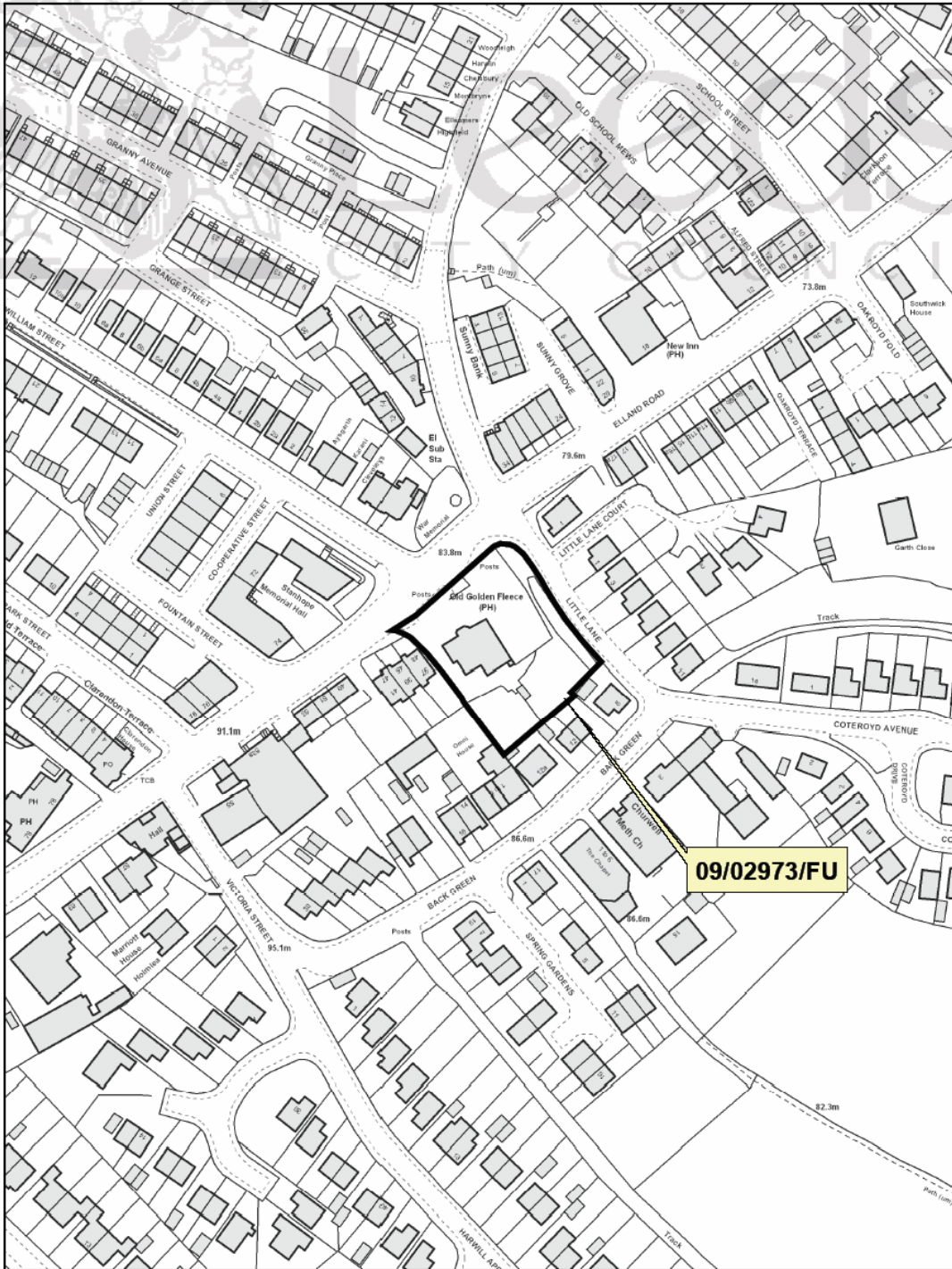
PLANSITE PLAN
 VFM/BRICH 01

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09/02973



EAST PLANS PANEL

Scale 1/1500

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