



Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 25th November 2010

Subject: Application 10/04252/FU – Variation of condition no. 15 (opening hours) and condition no. 16 (delivery hours) of approval 08/02993/FU (Demolition of shopping parade and erection of retail food store with service yard, covered and external car parking and landscaping) at Waitrose, Capitol Parade, Green Road, Meanwood, Leeds, LS6 4JW

APPLICANT
Waitrose PLC

DATE VALID
20th September 2010

TARGET DATE
20th December 2010

Electoral Wards Affected: Moortown

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. The opening hours of the premises shall be restricted to 0830 hours to 2100 hours Monday to Friday, 0830 hours to 1900 hours on Saturdays, 1000 hours to 1700 hours on Sundays and 0800 hours to 2000 hours on Bank Holidays with the exception of the period from [date of granting permission] to [date 6 months from grant of permission], when the opening hours of the premises shall be restricted to 0800 hours to 2100 hours Monday to Friday, 0800 hours to 2000 hours on Saturdays, 1000 hours to 1700 hours on Sundays and 0800 hours to 2000 hours on Bank Holidays, and the 21st, 22nd and 23rd December 2010 and 21st April 2011 when the opening hours of the premises shall be restricted to 0800 hours to 2200 hours.
2. The hours of delivery to and from the premises, together with loading and unloading within the premises shall be restricted to 0730 hours to 2030 hours Monday to Friday, 0800 hours to 2030 hours on Saturdays and 0830 hours to 1700 hours on Sundays, with the exception of the period from [date of granting permission] to [date 6 months from grant of permission], when the hours of delivery to and from the premises,

together with loading and unloading within the premises shall be restricted to 0700 hours to 2030 hours Monday to Friday, 0700 hours to 2030 hours on Saturdays and 0830 hours to 1700 hours on Sundays.

3. Unless otherwise approved in writing by the local planning authority, the store shall be operated in accordance with the Servicing Management Plan Issue 2 dated July 2010 and approved September 2010.
4. Unless otherwise approved in writing by the local planning authority, any further planting or landscaping to be carried out at the site shall be carried out in accordance with Bamber and Reddan drawings 0708-BZ(P)-001 revision D, 0708-AZ(P)-003 revision C, 0708-AZ(P)-004 revision A, 0708-AD(P)-007 revision G and 0708-AD(P)-014 revision A and Ground Control drawings GC.17576.006 revision D, G.17576.007 revision D, GC.17576.001 revision D, GC.17576.003 revision F, GC.17576.004 revision B and GC.17576.005 revision B.
5. If, within a period of five years from the planting of any trees or plants as part of the approved landscaping scheme for the store in accordance with the plans listed in condition 2 above, those trees or plants or any trees or plants planted in replacement for them is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective another tree or plant of the same species and size as that originally planted shall be planted at the same place in the first available planting season, unless the local planning authority gives its written consent to a variation. If such replacements die within twelve months from planting these too shall be replaced, until such time as the local planning authority agrees in writing that survival rates are satisfactory.
6. Unless otherwise approved in writing by the local planning authority, the landscaping at the site shall be managed in accordance with the approved Soft Landscape Management and Maintenance Report revision E prepared by Ground Control Ltd and dated 16th February 2010.
7. The Car Park Management Plan at Appendix M of the originally submitted Transport Assessment shall be complied with for the lifetime of the development, unless otherwise approved in writing by the local planning authority.
8. Retention of existing trees.
9. The oil interceptor at the site shall be retained and maintained in a satisfactory condition for the lifetime of the development.
10. The shutters to the undercroft parking area shall be used to secure this area when the store is not in operation unless otherwise approved in writing by the local planning authority. The shutters shall be maintained in good condition for the lifetime of the development.
11. Details of any additional external lighting to the store shall be submitted to and approved in writing by the local planning authority prior to their installation. The lighting shall thereafter be installed in accordance with the details thereby approved.
12. The combined noise level of fixed plant on the premises shall not exceed 38dB(A) during the hours of 07.00-23.00 and 32dB(A) during the hours of 23.00 to 07.00 when measured and/or calculated at the nearest sensitive premises.

13. All delivery and service vehicles shall disable reverse beepers and refrigeration units attached to the vehicle prior to site entry.
14. The total net area of retail floorspace at the store shall not exceed 2487 square metres.
15. The walls, fences and other permanent boundary treatments installed at the site in accordance with the details on Bamber and Reddan drawings 0708-BZ(P)-001 Revision D and 0708-AD(P)-014 revision A shall not be altered or removed without the written consent of the local planning authority.
16. Within 6 weeks of the date of this permission, details of the provision of cycle parking for the public at the entrance to the store shall be submitted to the local planning authority for approval in writing. Within 3 months of the date of approval of these details in writing by the local planning authority, the cycle parking shall be provided in accordance with the details thereby approved.

An informative note referring to the Section 106 Agreement signed as part of the original application for the store is also recommended.

Reasons for approval: It is considered that the proposed extended opening hours are acceptable on a temporary 6 month basis at this stage to allow the impact on local residents and the local highway network to be monitored. Subject to restrictions to this effect, the proposals are therefore considered to accord with policies GP5 and T2 of the Leeds Unitary Development Plan Review and the guidance contained within the Street Design Guide SPD and PPS1 and PPS4.

1.0 INTRODUCTION:

- 1.1 This application is reported to Plans Panel because of the history of the site. The original application for the new Waitrose store was determined by Plans Panel and concerns raised at that time by local residents including noise from deliveries have been raised in response to this new application to extend the approved delivery and opening hours. It is therefore considered appropriate that the current application is also determined by Plans Panel and the Chief Planning Officer has decided not to exercise his delegated powers in this instance.

2.0 PROPOSAL:

- 2.1 Permission is sought to vary conditions 15 and 16 of planning application 08/02993/FU, which relates to the development of the recently-opened Waitrose store on Green Road in Meanwood. The approved times and proposed variations are as follows:

	Opening			Delivery		
	Mon-Fri	Sat	Sun	Mon-Fri	Sat	Sun
Approved	8.30-21.00	8.30-19.00	10.00-17.00	7.30-20.30	8.00-20.30	8.30-17.00
Proposed	8.00-22.00	8.00-22.00	No change	7.00-20.30	7.00-20.30	No change

- 2.2 Information submitted with the application advises that the proposed extension in approved opening hours is sought to provide greater flexibility in opening hours, allowing the store to remain open for longer at busy periods such as the period before Christmas. They advise that it is not the intention to open from 8am to 10pm

every day, and that the existing opening hours would be retained and operated for the majority of the year.

- 2.3 In terms of the proposed extension in delivery hours to allow deliveries from 7am on Monday to Saturday, the applicants have advised that only a single delivery would take place within the period between 7.00 and 7.30, and that this would take place in line with the store's approved Servicing Management Plan, which requires reversing beepers to be disabled before vehicles enter the site and refrigeration units to be switched off as soon as possible. A noise assessment has been submitted in support of the application.
- 2.4 The applicants have suggested that, in the first instance, permission only be granted for the extended opening and delivery hours for a temporary period of 6 months to allow any effects on neighbouring residents and the highway network to be monitored, and to allow the Council to assess any future application for a permanent extension in opening and/or delivery hours in the light of any complaints or concerns which may be raised. The 6 month period during which extended hours are proposed would include the Christmas period, allowing the situation to be monitored during one of the store's busiest periods.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to the recently-opened Waitrose store on Green Road in Meanwood. The site is within Meanwood town centre, and is surrounded by a mix of commercial properties to the east, a Grade II Listed church to the south and residential properties on Green Crescent to the north, Gordon Drive to the west and Monkbridge Road to the south. Customer access to the site is via pedestrian and vehicular entrances on Green Road, while the service yard for the store is located between the church and 83 Monkbridge Road, with access taken from Monkbridge Road. The site is enclosed by a mix of fences and planting, with timber fencing around the car parking area and 3m high acoustic fencing around the service yard.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Permission was granted for the demolition of the former shopping parade on the site and the erection of the new store in April 2009 (application 08/02993/FU). Additional plant and equipment to the service yard was approved in June 2010 (application 10/01847/FU).
- 4.2 An application for signage was approved in May 2010, and a subsequent application for revisions to the proposed signage was approved earlier this month (applications 10/01309/ADV and 10/03197/ADV respectively).
- 4.3 All other planning history relates to the shopping parade which formerly occupied the site. The only application of note is application 26/42/03/FU, which granted permission for a variation in the parade's approved opening hours, allowing opening from 8am to 10pm on Mondays to Saturdays and 10am to 4pm on Sundays.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Prior to the submission of the application, planning and environmental health officers held a meeting with the applicants and their agent to discuss the proposals. Concerns were raised regarding the potential for additional noise arising from the extension in delivery hours in particular, and the applicants were advised to submit a noise assessment as part of the application. The possibility of a 6 month 'trial period'

was discussed to allow any impact on neighbours or on the highway network to be monitored.

- 5.2 A public meeting was held in Meanwood on 15th November 2010 regarding the proposals, where concerns were raised that the proposed extended opening hours could allow the store to open until 10pm every night during the week. The store manager confirmed that this would not be the case, and that the proposed extended opening hours were only required to allow greater flexibility for the store to open later in the busy period leading up to Christmas and on the Thursday before the Easter weekend. He also confirmed that it would be desirable for the store to be able to open until 8pm every Saturday instead of the 7pm closing time which is currently permitted, as this is the store's busiest day. In order to address the concerns raised by local residents, the store manager agreed that he was happy to revise the proposed extended opening hours and apply only for later opening on Saturdays until 8pm, and until 10pm on the 21st, 22nd and 23rd December and the Thursday before the Easter weekend, to provide greater certainty to residents regarding when the store would be open later and to try and overcome some of their concerns in this respect. The wording of the suggested condition has therefore been revised accordingly.

6.0 PUBLIC/LOCAL RESPONSE:

Ward Members

- 6.1 Councillors Harris and Lancaster have objected to the application, raising concerns that once approved the store could extend its opening hours permanently rather than reserving the extended hours for busier periods. He also questions whether there would be any 'community enhancement' as a result of the proposed extended hours, since the store would obviously stand to benefit.
- 6.2 Councillor Hamilton has advised that she wishes to object to the application at this stage until the 'teething problems' with the store have settled down. She advises that residents have concerns regarding the increases in traffic.

Public Response

- 6.3 The application has been publicised by site notice and press notice as a major application. 8 letters of objection and one letter of comment have been received, raising the following concerns:
- Loss of privacy.
 - Noise from deliveries.
 - Increased noise from vehicles in car park.
 - Increased light pollution from store and car park – lights in car park and car headlights shine into neighbouring properties
 - Screening of light and noise from car park is inadequate.
 - Surrounding roads are already congested and parking on nearby roads has increased, including Waitrose staff and customers – extended hours will worsen this.
 - Permission should not be granted for an extension of hours until the existing parking problems around the store have been resolved.
 - Double yellow lines needed.
 - Inconsiderate and dangerous parking from staff and customers at present – obstructing nearby roads. Concerns regarding access for emergency services.

- Traffic is bad at rush hour and is worsened by Waitrose lorries deliveries during these hours. It would be better to limit deliveries to delivery slots to avoid rush hours, maybe 10-2 and 7-9pm.
- Car park remains open for an hour after store closes – extending any parking and traffic problems for another hour.
- Temporary extension of hours will lead to a permanent one.
- All activity at the store should cease at 7pm.
- It is too early to fully assess the impacts of the store, any changes to the agreed arrangements should not be considered for 12 months, to allow a proper evaluation of the impacts on noise, traffic and parking.
- Should wait till after Christmas to get a better idea of traffic in the area.
- Delivery and opening hours and their impact on residents were discussed at length at the Plans Panel meeting when the application was determined, following details consultation with the community and Councillors agreed that the hours approved would be the maximum opening time allowed.

6.4 Two letters of support have been received, making the following comments:

- The store is beneficial to local residents the local economy.
- While the benefits of the store outweigh the negative impacts for those customers who live further away, it is important to consider carefully the impact of the extended hours on the amenity of neighbouring residents. Increased convenience for some should not be at the expense of the living conditions of others.
- Store is convenient for nearby residents to access on foot, however the current opening hours mean that if residents work late and don't get home until 8pm, the store has already closed and they have to travel further afield to shop, resulting in increase car use to other stores such as Sainsbury's in Moor Allerton. Later opening hours would mean local residents could access the store on foot, which is more sustainable.
- Whilst the morning rush hour is obviously congested, the extended opening hours would relate to the evening period after 8pm, when roads are much quieter and there appears to be spare capacity on the local highway network.
- While an additional delivery in the morning rush hour would not alleviate traffic problems, it is unlikely that one additional HGV movement would significantly worsen traffic problems.
- Waitrose is a responsible company and will only utilise the extended hours in a responsible manner.

7.0 CONSULTATIONS RESPONSES:

Statutory

7.1 None.

Non-statutory

Highways

7.2 No objections

Environmental Health

7.3 No objection to permission being granted for a temporary period of 6 months to allow any effects to be monitored.

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). 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. Accordingly, it is not considered that there are any particular policies which are relevant to the assessment of this application.

8.2 The site is within Meanwood town centre as designated in the UDP. The following UDP policies are relevant to the consideration of the application:

GP5 – General planning considerations, including amenity
T2 – Highway safety

Relevant supplementary guidance/documents

8.2 Street Design Guide SPD

Government Planning Policy Guidance/Statements

8.3 The following national policy statements are relevant to the consideration of the application:

PPS1: Delivering Sustainable Development
PPS4: Planning for Sustainable Economic Growth.

9.0 MAIN ISSUES

1. Residential amenity
2. Highway safety
3. Other issues

10.0 APPRAISAL

Residential amenity

10.1 Residents' concerns regarding increased noise and light pollution from the store are noted. In terms of delivery hours, it is proposed to extend these to allow deliveries to commence at 7am, which is half an hour earlier than is currently permitted on Mondays to Fridays, and an hour earlier than is permitted on Saturdays. No change is proposed to the permitted Sunday delivery hours, which are 8.30am to 5pm. Details submitted with the application confirm that only one delivery would take place between 7am and 7.30am.

10.2 A noise assessment has been submitted in support of the application, which assesses noise levels associated with a single articulated vehicle delivery against the background noise levels at the nearest neighbouring property at 7am. The delivery vehicle noise level used in the assessment was based on similar Waitrose deliveries at other stores over a number of years. Background noise levels in the vicinity of the Meanwood service yard were surveyed prior to Waitrose's purchase of the site and are used in the assessment. The assessment takes into account the presence of the acoustic fence located along the boundary between the service yard and the nearest neighbouring dwelling, 83 Monkbridge Road. The noise assessment concludes that the proposed single delivery between 7am and 7.30am would result in an increase of 3dB above background noise levels at this time. The Council's Environmental Health Officer has confirmed that this falls within recognised acceptable limits to avoid annoyance to neighbouring residents, and that they have no objections to this element of the proposals on this basis, provided that

permission is only granted for a temporary period of 6 months initially to allow any impacts on neighbouring residents to be monitored.

- 10.3 In terms of opening hours, it is proposed to extend these by half an hour in the morning on Mondays to Saturdays to allow opening at 8am instead of 8.30am, and to allow opening in the evenings until 10pm, which is an hour later than currently permitted during the week and 3 hours later than permitted on Saturdays. Again, no change is proposed to Sunday opening hours. The Environmental Health Officer has again advised that they have no objection to the proposed increase in opening hours. The additional half hour in the morning is likely to have only a minimal impact, since this would coincide with the morning rush hour when background noise levels are likely to be increasing. Residents' concerns relating to the increase in opening hours until 10pm are noted, however it is also noted that the site is located within Meanwood town centre and that there are other commercial premises nearby such as take-aways that would also be open at this time. Whilst it is acknowledged that the Waitrose store is larger than these other nearby uses and may attract more visitors, it is considered that the number of visitors to the store is likely to decrease after 8pm, and that the use of the site would therefore be less intensive than during the day.
- 10.4 The applicants have advised that they only intend to utilise the extended opening hours at peak times of the year, such as the period leading up to Christmas, and that at all other times the store would still close at 8 or 9pm during the week and 7pm on Saturdays. They also propose that under the current application, a 6 month 'trial period' be granted initially, to allow any impacts in this respect to be monitored. The application's submission has been timed to mean that, if permission is granted the extended opening hours would cover this year's Christmas period, thereby allowing the 'worst case scenario' in terms of numbers of customers and later opening to be fully assessed by the Council in terms of its impact on local residents and roads before deciding whether to grant permission for extended hours on a permanent basis.
- 10.5 In the absence of any objection from Environmental Health, it is considered on balance that the granting of permission for extended opening hours on a temporary 6 month basis is acceptable, and would allow any complaints to be monitored by the Council and addressed a part of a subsequent application for permanent permission for the later hours, were such an application to be submitted. In the event that considerable problems do arise from the extended opening hours, the Council would obviously have the option to refuse a subsequent application for permanent permission at that stage.

Highway safety

- 10.6 The Highways Officer has advised that they have no objections to the proposals for an additional delivery in the mornings or to the extended opening hours. Again, it is considered that a temporary 6 month permission would allow any impacts in this respect to be monitored over one of the store's busiest periods, before deciding whether it is appropriate for permission to be granted for extended hours on a permanent basis.

11.0 CONCLUSION

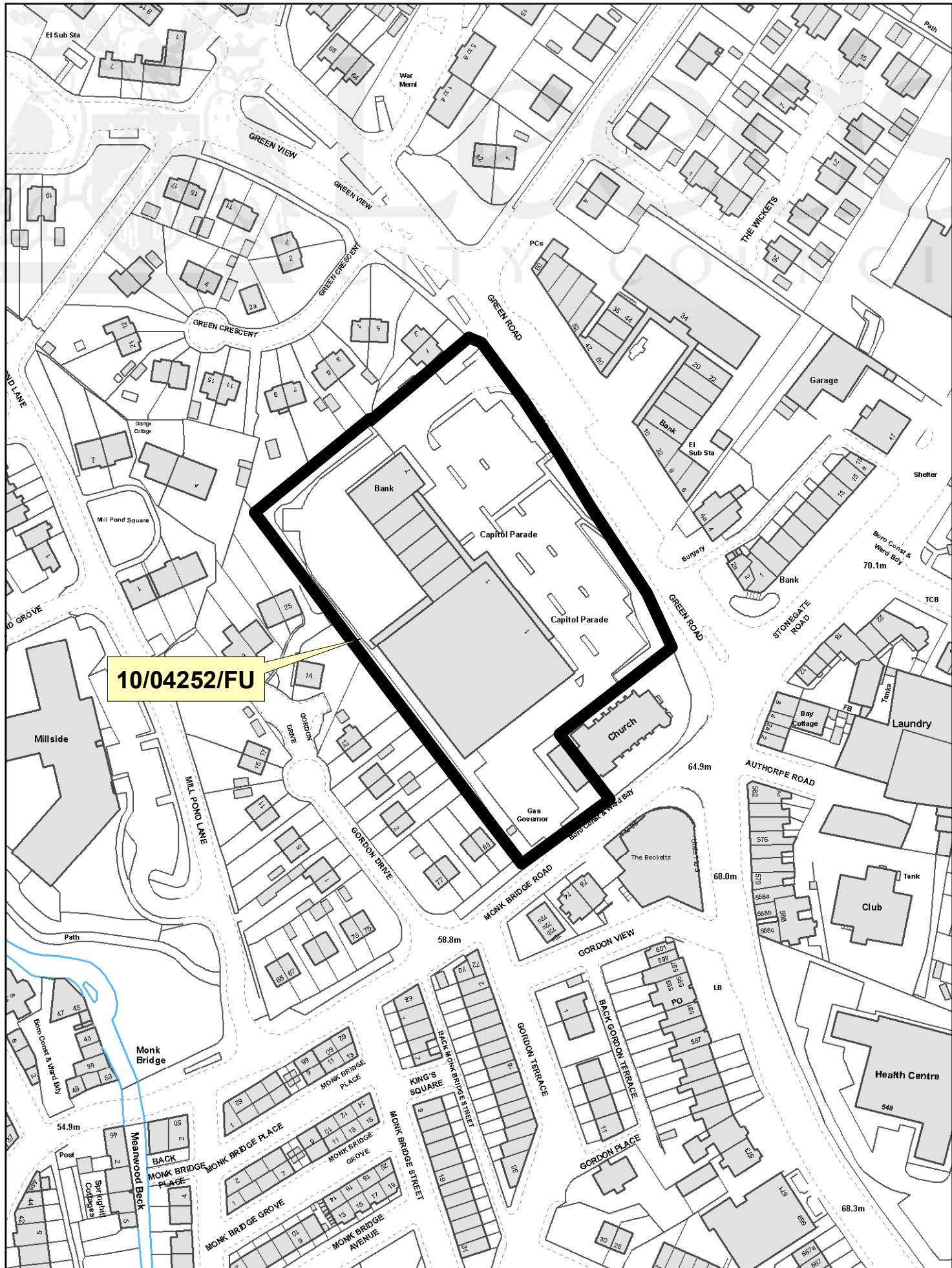
- 11.1 It is considered that the granting of permission for the extended opening and delivery hours on a temporary 6 month basis to include the store's busy Christmas period would allow the Council to monitor the impact of the extended hours on the amenities of local residents and highways prior to determining whether a permanent

extension in opening and delivery hours is acceptable, and to determine whether any issues which do arise can be adequately addressed. It is therefore recommended that the application is approved.

Background Papers:

Application file 10/04252/FU and history file 08/02993/FU.

Notice served and Certificate B signed on behalf of applicant.



10/04252/FU

EAST PLANS PANEL

