



Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 12th July 2012

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

APPLICANT	DATE VALID	TARGET DATE
Wm Morrisons Supermarket Plc – Mr. Mike Proctor	15/02/12	11/04/12

Electoral Wards Affected:

Morley South

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT PERMISSION subject to the following conditions;

1. Approval granted in accordance with plans.
2. All external display of goods for sale within the application red line boundary shall be removed within two weeks of the date of permission and the land shall remain clear thereafter of all external displays of goods for sale.
3. Within two weeks of the date of this permission the timber cage structure hereby approved shall be painted green RAL 6005 and shall be maintained as such thereafter (unless otherwise agreed in writing by the Local Planning Authority).
4. The structure hereby approved shall be used only for the purposes of sales ancillary to the main use.

Reasons for approval: The proposal is for a small scale development and subject to conditions will not impact detrimentally on accessibility or highway safety. The application is considered to comply with policies GP5, BD5 and A4 of the UDP Review 2006, as well as

guidance contained within the National Planning Policy Framework and, having regard to all other material considerations, is considered acceptable.

1.0 INTRODUCTION:

- 1.1. The application was originally brought to Plans Panel on the 7th June 2012 at the request of Cllr Elliott, who raised planning concerns such as accessibility, use and impact on other traders. Cllrs Elliott and Varley also requested a site visit by Panel Members which was carried out by Members on the 7th June.
- 1.2. At the Panel meeting Members elected to defer determination for one panel cycle for negotiations on the removal of the external Dutch trolleys and on the appearance of the enclosure itself. The applicant has agreed to remove all external Dutch trolleys, and to paint the timber enclosure in Morrison's Green colour, RAL 6005. Conditions are recommended above to address both of these issues.
- 1.3. The application is retrospective in nature, although the application form does not reflect this, at the time of submission the structure had been erected and was in use. Compliance action was commenced but is currently held in abeyance to allow the planning application to be determined. The conditions recommended above reflect that fact that the development is complete and operative and no time limit is put on.
- 1.4. The application has passed its expiry date and therefore an appeal against non-determination can be made. Members should note that planning permission is not required for retail sales as this is the lawful use; it is required only for the physical structures.

2.0 PROPOSAL:

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

3.0 SITE AND SURROUNDINGS:

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

bay lies adjacent to the main pedestrian access from the Morrison's site to the town centre.

- 3.3. The site itself is level; however the access to the town centre then slopes downwards from the supermarket.

4.0 RELEVANT PLANNING HISTORY:

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

5.0 HISTORY OF NEGOTIATIONS:

- 5.1. The applicants have been asked to consider provision of pedestrian shelters for people waiting to be collected by taxi etc. This however was a request only and cannot form part of the planning permission as it is not a material consideration. No response was received.
- 5.2. The applicants were asked to provide information on where the trolleys that were being displaced were to be moved to as there were concerns that they may end up causing obstruction within the highway areas. In response to this a plan was submitted showing where they were to go.
- 5.3. The applicants were also asked to re-consider the external shelving units and concerns regarding accessibility were raised. The plans were initially amended to show shelving along the pedestrian access way between Morrison's and Windsor Court, however following the last Plans Panel meeting the applicant has now agreed to remove all external Dutch trolleys.
- 5.4. The applicant has also agreed to the painting of the timber frame in Green.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1. A general site notice was posted on 24/02/12. The publicity expired on 16/03/12.
- 6.2. Ward Members
- 6.3. Both Cllr's Varley and Elliott have objected to the scheme on the grounds that:
- Changes have already been carried out.
 - Where will trolleys now be stored?
 - Other shops in town sell gardening equipment and supplies.
 - Morrison's do not input into the town.
 - Shoppers waiting for taxis have no shelters.
 - Lower floor of the supermarket could be used for these goods.
 - Parking spaces should not be lost.
 - Entrance is already restricted in access terms.
- 6.4. Morley Town Council – object to the scheme on the grounds of;

- No explanation of where trolleys will be relocated to, currently they seem to stand on the pedestrian space in front of the garden centre causing further access problems.
- Obstruction to safe passage of pedestrians who are diverted towards moving traffic due to the shelving.
- Unit conceals the cycle and motorcycle parking.

6.5. One further letter of objection has been received from a local user of the site, who objects on the grounds that the external shelving causes obstruction and forces pedestrians into the vehicle circulation areas. It is also claimed that Morrison's have previously stated that the land does not belong to them. *The application form has been signed to state that the land belongs entirely to the applicant.*

7.0 CONSULTATIONS RESPONSES:

Non-statutory:

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

obstruction for them which does not currently exist. Plants on the other edge i.e. the trolley bay edge are not such a concern as this is not the route to the main store entrance.

- 7.8. Further negotiation with the applicant has resulted in the external storage trolleys being removed from the scheme which would overcome the objections raised.

8.0 PLANNING POLICIES:

Development Plan

- 8.1. The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006) (UDP) along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy still being at the draft stage. The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development including housing. It is not considered that there are any policies of relevance within the RSS given the very minor nature of the proposal.
- 8.2. The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 with the consultation period closing on 12th April 2012. Following consideration of any representations received, the Council intends to submit the draft Core Strategy for examination. The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. As the Core Strategy is in its pre submission stages only limited weight can be afforded to any relevant policies at this point in time.
- 8.3. Adopted Unitary Development Plan (Review) 2006 (UDPR). The following policies are of relevance:
- GP5 – general planning considerations.
 - A4 – Development and refurbishment proposals should be designed to ensure a safe and secure environment, including proper consideration of access arrangements, treatment of public areas.
 - BD5 – general amenity considerations.

Government Planning Policy

- 8.4. National Planning Policy Framework 2012

9.0 MAIN ISSUES

- Principle of development
- Accessibility

10.0 APPRAISAL

Principle of development

- 10.1. The supermarket and its curtilage has a permitted use for A1 retail and in the original permissions there were no restriction placed on where this retail use could take place, or that ancillary structures had to be retained. Accordingly the use of the trolley bay for sales purposes would fall under the permitted use of the whole

site and consequently this element of the proposal does not require planning permission.

- 10.2. Similarly the trolley bay can be used for other purposes as there are no restrictions on its use. The issue of trolley storage is an operational matter for the applicants rather than a planning matter.
- 10.3. The only matters therefore that need consideration are the operational development of the cage structure, and the issue of accessibility. The cage structure is a very lightweight, temporary type feature which is mostly hidden within the trolley bay, so that only the front and side is visible. The timber parts will also be painted in green to match other structures and the store itself to help it blend in. The structure is not of a build that causes detriment to visual amenity or local character and as such no objection is raised to the structure itself, which is considered to comply with all relevant policy.

Accessibility

- 10.4. The garden centre itself causes no obstruction being located within the trolley bay; however external shelves are currently located to the front of the bay, extending the sales area by 6m beyond the front of the trolley bay. This leaves a depth from 2m to 6m in front of the external shelving that is pedestrianised (the distances vary due to the radius of the junction).
- 10.5. Objections are raised to this external storage due to its extent and positioning. The area lies adjacent to cycle and motor cycle parking, and disabled parking bays, and is directly in line with the store entrance doors. In order to reach the store any pedestrian coming from the side parking bays would have to walk within the vehicle area, around the shelving areas, in order to get onto the paved area, rather than being able to walk directly to the store entrance.
- 10.6. This is considered to result in an unsafe environment for pedestrians, particularly those who have mobility issues, young children, or are pushing heavy trolleys. On the day of the site visit there was a number of people gathered around the external shelving which caused further obstruction of the clear paved area.
- 10.7. The shelving is also high, 1.8m, which restricts visibility and could result in conflict between pedestrians and vehicle users, particularly anyone exiting from the cycle and motor cycle parking area which is directly adjacent to the trolley bay.
- 10.8. In recognition of these concerns the applicant has now undertaken to remove all external Dutch trolleys from the area and to not replace them. A condition is also recommended to ensure that no external storage takes place.

11.0 CONCLUSION

- 11.1. The actual use of the trolley bay area for sales purposes does not require planning permission, however the cage structure does as it is operational development, and the external shelving units are considered to require planning permission due to the previous restriction on external storage.
- 11.2. It is considered that the cage structure does not impact detrimentally on visual amenity or local character, and that the use of the trolley storage area for sales is not a matter for planning control.
- 11.3. The issues with accessibility have been resolved and can be controlled through a condition. The proposal is therefore recommended to Members for approval subject to conditions to ensure no external storage takes place and that the cage structure is painted.

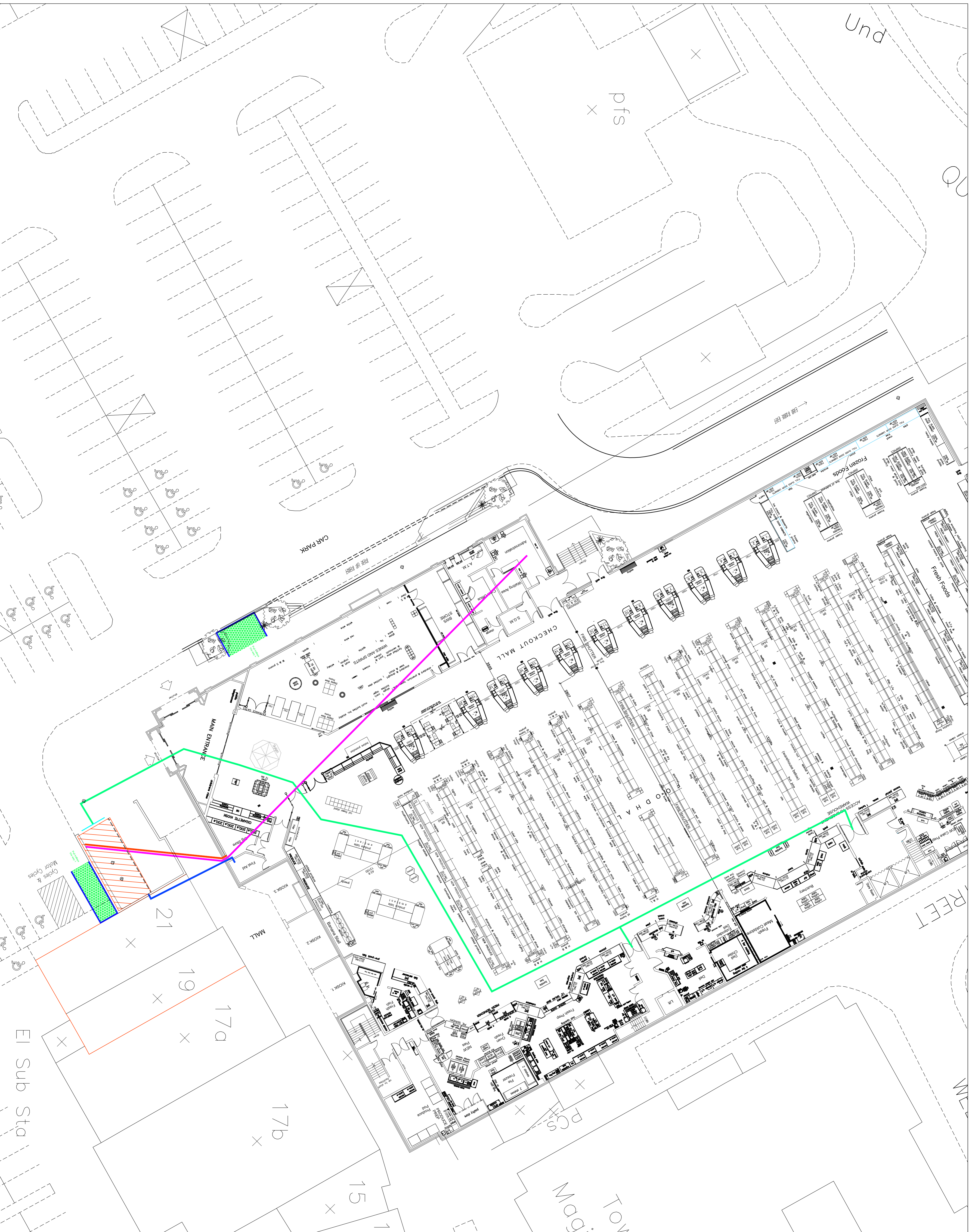
Background Papers:

Application file: 12/00514/FU

Certificate of Ownership – signed as applicant.

Site photographs – on CAPS.

12/00515/ADV – Adverts for the proposed garden store.



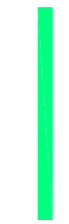


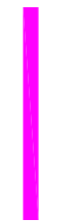


DO NOT SCALE FROM THIS DRAWING

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

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

NOTES:

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

Rev	Date	Amendment
A	13.01.12	Services amended.
B	27.01.12	Redrawn, Stock area reduced, Service routes amended, Stock types amended, Security fence added.
C	28.05.12	Drawing amended to show relocation of essential areas in accordance with planning guidance.
D	26.06.12	Drawing amended to remove seasonal areas.

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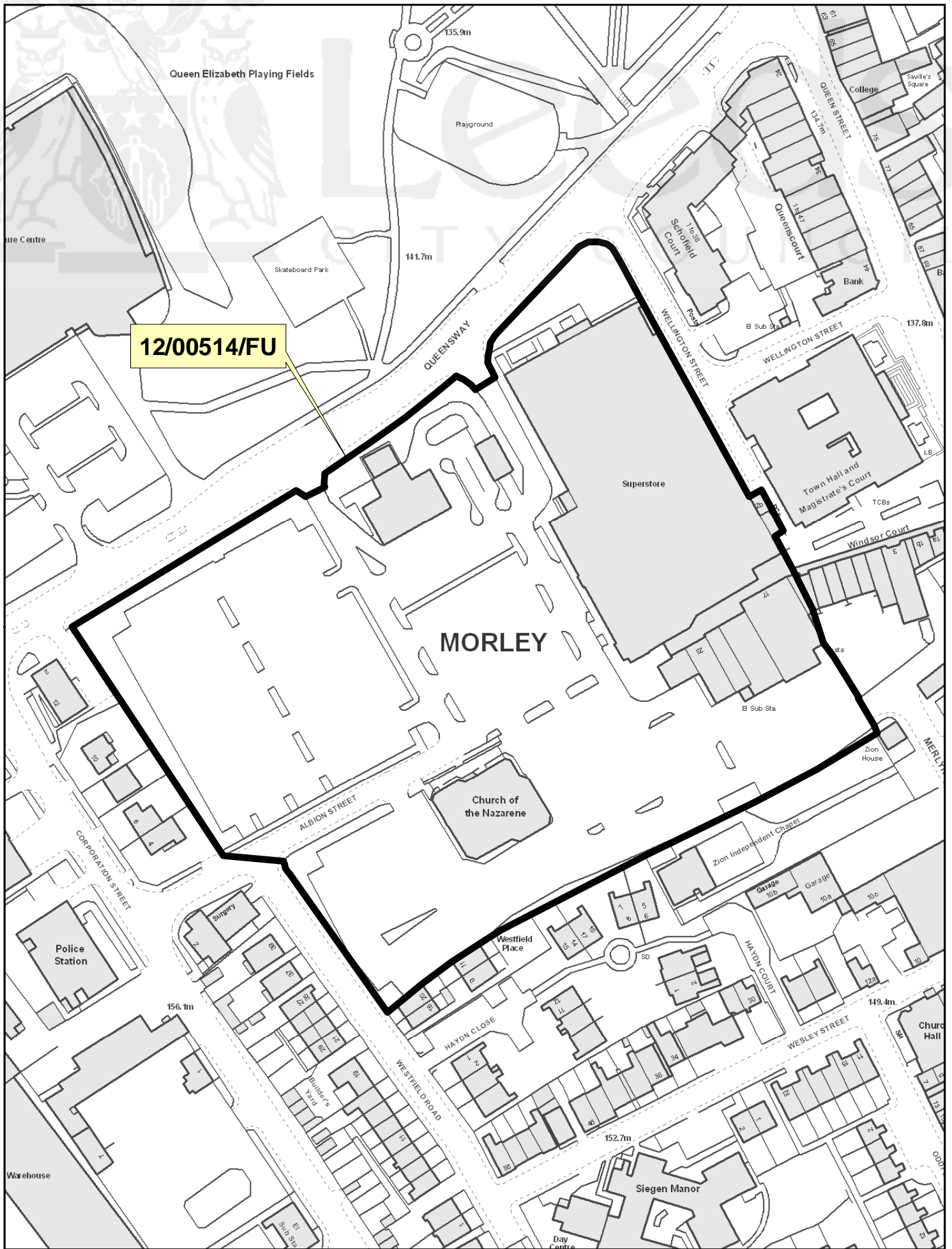
Drawing Title
Overview
 Shuttered Trolley Bay
 GARDEN CENTRES

Scale @ A1 Date Originator Checked Authored
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CONSTRUCTION

Drawing No. **D9548-101-001**

Rev **D**



EAST PLANS PANEL

