



Leeds
CITY COUNCIL

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Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 15th AUGUST 2013

**Subject: Planning Application 13/01965/FU
Change of Use of vacant shop (A1) to restaurant (A3), at 6
Rodley Lane, Rodley, Leeds, LS13 1HU**

APPLICANT

DATE VALID

TARGET DATE

Mr Kadir Kayalar

17TH May 2013

12th July 2013

Electoral Wards Affected:

Calverley and Farsley

☐ Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

☐

Community Cohesion

☐

Narrowing the Gap

☐

RECOMMENDATION: Refuse planning consent on the following grounds

The Local Planning Authority considers that, by reason of the restricted vehicular access to the rear parking area and limited parking provision, the proposed development, due to its size which is a significant enlargement of the existing business would lead to high levels of on street parking on adjacent residential streets where parking demand is already high. This would create conflict with existing residents parking patterns which would cause a threat to highway safety. As such, the proposed development is contrary to policies GP5, T2 and T24 of the Leeds Unitary Development Plan Review (2006) and the Street Design Guide Supplementary Planning Document.

1.0 INTRODUCTION:

- 1.1 This application is brought before Plans Panel at the request of Councillor Carter who supports the application.

2.0 PROPOSAL:

- 2.1 The application is for change of use of vacant shop (A1 use) to restaurant (A3 use). The proposal will extend an existing restaurant business which currently exists in the adjoining premises at number 4.
- 2.3 The proposal would provide an additional 64sq m of restaurant/ dining space.

3.0 SITE AND SURROUNDINGS

- 3.1 The application site consists of a vacant shop which was last in use as a cycle shop. The building is stone built and appears to have been constructed in the late 19th century. The building is 2 storey in height with a hipped roof. The property fronts on Rodley Lane, which runs through the centre of Rodley and accommodates a mixture of both residential properties and other 'A' uses.
- 3.2 A carpet shop is located in the adjacent property at number 8. The application property has a single storey side extension occupied as a separate unit (number 4) and is occupied by a Greek Restaurant. The application seeks to extend this restaurant into the adjoining unit (number 6) which is currently vacant.
- 3.3 The property has a traditional shop front, with pillars and cornice detailing. The property has solid internally fitting roller shutters. The site also has a small rear parking/ yard area which are accessed by the side of number 4. To the rear of the property lie several pairs of semi-detached dormer bungalows which face onto Canal Road. A 2m high wooden fence and mature vegetation separate the rear garden of these properties from the rear curtilage area of this application site.

4.0 Relevant Planning History:

- 4.1 25/136/02/FU Alterations and part new frontage to form additional shop
Approved 20th June 2002

5.0 HISTORY OF NEGOTIATIONS

- 5.1 This application was subject of a pre-application enquiry. The applicant was advised there would likely to be highways concerns due to a lack of dedicated parking.

6.0 PUBLIC/LOCAL RESPONSE

- 6.1 The application was publicised by a site notice which was posted adjacent to the site on 31st May 2013. An advert was also placed in the local press on 6th June 2013. To date no objections have been received to the application.
- 6.2 Local ward members were informed by e-mail of the application on 14th June 2013. To date Councillor Carter has replied stating he supports the application as 'it boosts local business', and that the proposal is 'better than an empty shop'.

7.0 CONSULTATION RESPONSES

- 7.1 Highways Object due to the lack of off street car parking

8 PLANNING POLICIES

- 8.1 National planning policy and guidance includes:
- | | |
|--------------|---|
| Paragraph 7 | Supporting growth and innovation |
| Paragraph 9 | Making it easier for jobs to be created in cities, towns and villages |
| Paragraph 20 | Meeting the development needs of business |
- 8.2 Development Plan Leeds Unitary Development Plan Review 2006
- GP5 General Planning Considerations
 - T2 Highway Safety
 - BD4 Mechanical Plant and Associated Pipework
 - BD6 Extensions and Alterations
 - N19 Development within Conservation Areas
 - SF15 Hot Food Take-Aways

9.0 MAIN ISSUES

- Principle of Development
- Amenity Considerations
- Impact on the Character of the Conservation Area
- Highways/ Parking

10.0

APPRAISAL

Principle of Development

- 10.1 The principle of this application is concerned with the change of use of a vacant A1 use, which lies outside any local centre, to form an enlarged restaurant (A3 use). There is no protection afforded to A1 uses which lie outside allocated local centres. There are no policies within the adopted Leeds UDP which are concerned with proposed restaurants. Policy SF15 is concerned with proposed Hot Food Take-aways and offers guidance on the amenity issues surrounding food business premises. The proposal is considered to be compatible with other uses which front onto this section of Rodley Lane, which include Hot Food Take-aways, other restaurants and Public Houses. The proposal is therefore considered to be acceptable in principle, subject to an assessment against all normal development control considerations.

Amenity Considerations

- 10.2 The premises are in an area where residences are close by and there is therefore the potential for some impact on residential amenity. The restaurant seeking to extend into the premises is however already in operation and there are a number of other food and drink uses nearby. It is not therefore considered that there would be grounds to refuse permission on grounds of loss of amenity subject to a condition limited opening to no later than 23.00 hours in line with the guidance in policy SF15 of the UDPR which states that hot food takeaways should only open until 23:00 hours in residential areas.
- 10.3 The proposal seeks to increase the number of covers from approximately 25 to 58. This would result in an intensification of the use of the premises. The premises are accessed from the front, and Rodley Lane is a busy vehicular route through West Leeds which leads to Rodley round-about. It is not considered the levels of activity in terms of people frequenting the premises would result in a significant loss of amenity to nearby residents, given the levels of traffic which exist along Rodley Lane. Generally people stay at restaurants for 1 to 2 hours and the turnover of customers is relatively slow, when compared to a hot food take-away for example. It is therefore not considered the general level of activity this proposal would result in, would have an adverse impact on general amenity of this locality.
- 10.4 The property lies between two existing commercial uses. However to the rear of the property lie residential properties. There are no openings within the premises in terms of entrances etc which could have an adverse impact on the occupiers of these properties. The activity created by this proposal will be focused to the front of the premises away from the residential properties.
- 10.5 The proposal does also include an extended flue, which is located to the rear of the property. The point of extraction is level with the eaves of the host building and it is considered to be located at a level which will ensure odours are discharged above the first floor windows of the semi-detached properties which are located to the rear of the site. This will avoid odour nuisance to the adjacent residential occupiers.

Impact on the Character of the Conservation Area

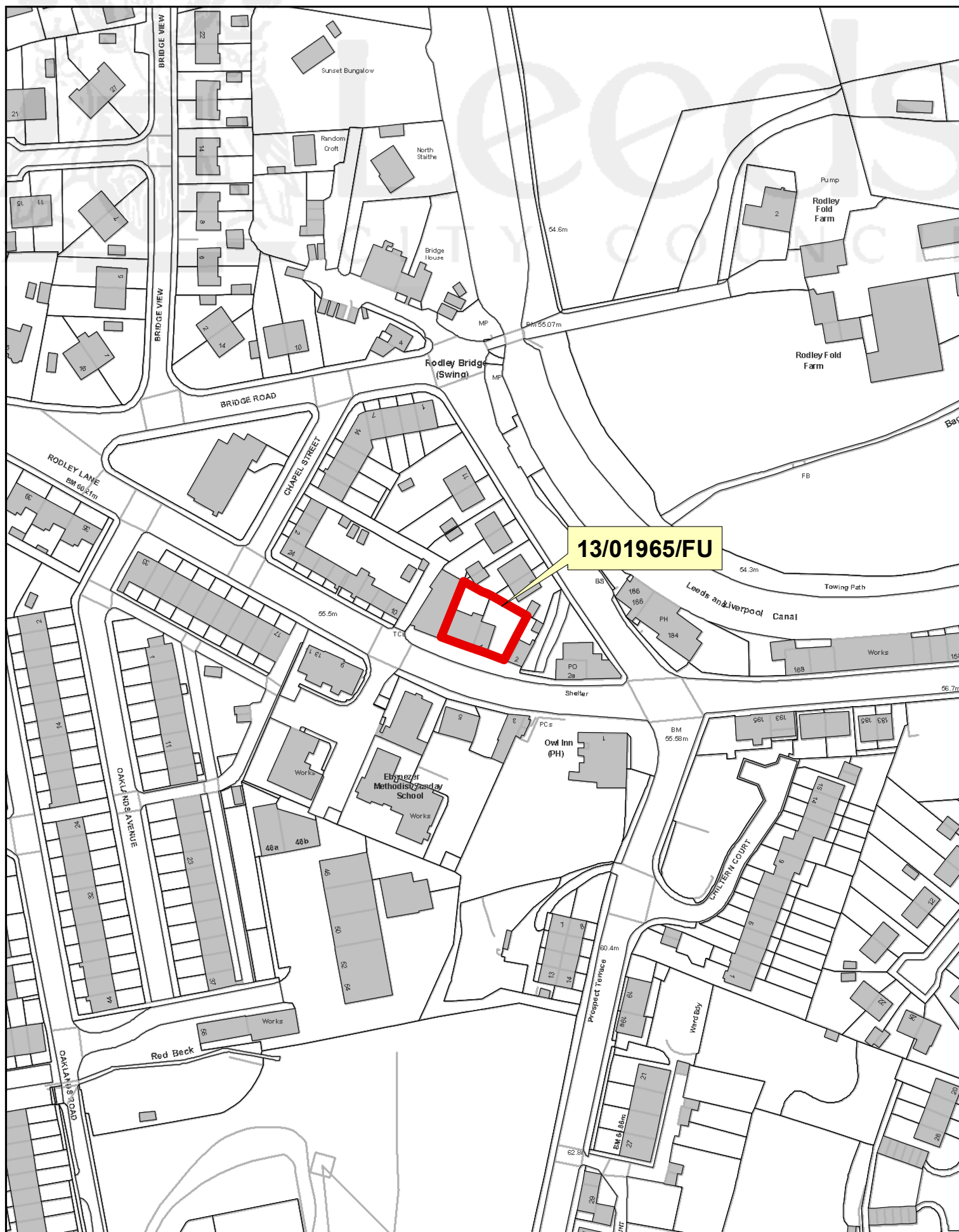
- 10.6 It is not considered the proposed use alone, would have an adverse impact on the character of the Conservation Area the application site lies within. This section of Rodley Lane is characterised by various 'A' uses including Public Houses, Cafes, and Hot Food Takeaways.
- 10.7 The proposed enlarged flue is located to the rear of the building and will be largely screened by the roof of the existing restaurant at number 4, from the views off Rodley Lane. It is considered the impact of this proposal on the character of the Conservation Area is neutral, subject to a condition which would require it to be finished in a matt black colour. Other premises on this side of Rodley Lane have flue equipment located on their rear elevations, and as such these features are characteristic of this Conservation Area,

Highways/ Parking

- 10.8 Highways Officers have objected to the proposal due to a lack of parking. The proposal increases the number of covers up to 58, and the premises only offers 6 parking spaces to the rear of premises. It is considered that in reality, these spaces are only likely to be used by staff, due to the poor access and visibility to this limited rear parking area. Visibility to the rear parking area is further hindered by the existing front decking area and a bus stop.
- 10.9 The parking guidance of the UDP states that for restaurants uses, 1 space is required per 4sq m of floorspace. This results in parking requirements of 16 parking spaces. The shortfall of parking is therefore considered to be significant.
- 10.10 The proposal is likely to be at its busiest in the evening when nearby residents use the surrounding streets for parking. There is a bus stop clearway directly in front of the premises which prohibits any on street for customers. It is therefore considered the proposal would lead to high levels of on-street parking on adjacent residential streets where the majority of the terraced properties do not benefit from off-street parking facilities, and demand for on street parking is high. This is highly likely to cause significant conflict with the existing residents.
- 10.11 It is accepted and acknowledged that the premises could under the changes to the Use Class Orders 2013, change the use of the premises to an A3 use for a 2 year period only. However this fall back position is not considered to be provide justification to allow a permanent change of use at these premises in view of the significant highway safety concerns. It is unlikely the applicants would exercise the right to this change of use due to the investment required to the premises in terms of fit out, and fixtures etc to facilitate the development, for a temporary period of 2 years only. However, this option would remain open to the applicant and would if exercised provide a period to monitor and assess the concerns regards highways safety.

Conclusion

- 11.1 The benefits of the scheme of in terms of supporting a growing local business and bringing back into use a vacant premises are recognised, however on balance the deficiency in parking facilities is significant and likely to cause a problem to nearby local residents. The benefits of this scheme do not outweigh this harm, and therefore the application is recommended for refusal on highway safety grounds.



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