
Report of the Chief Planning Officer -

SOUTH AND WEST PLANS PANEL

Date: 29th May 2014

Subject: Application number 14/01096/FU – Change of use of shop to betting shop (A2), installation of new shop front, two air conditioning condenser units, one satellite dish and one TV aerial at 7 Cliffe Court, Yeadon LS19 7YU

And Application number 14/01094/ADV – One internally illuminated fascia sign and one non-illuminated projecting sign at 7 Cliffe Court, Yeadon LS19 7YU

APPLICANT

William Hill

DATE VALID

24th and 25th February 2014

TARGET DATE

21st and 22nd April 2014

Electoral Wards Affected:

Otley and Yeadon

☐ Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

1.0 INTRODUCTION

- 1.1 These applications are brought back to panel following discussions at the May 1st panel where Panel resolved to refuse application 14/01096/FU for the Change of use to betting shop (A2), installation of new shop front, two air conditioning condenser units, one satellite dish and one TV aerial at 7 Cliffe Court, Yeadon and requested that the application be brought back to Panel with draft reasons for refusal concerning the loss of vitality and viability in the town centre and the over-concentration of betting shops within the town centre. Application 14/01094/ADV for one internally illuminated fascia sign and one non-illuminated projecting sign was deferred.

- 1.2 Officers referred to the recent Ministerial statement– Gambling Protections and Controls - on proposed policy changes allowing Local Authorities greater control over the number of betting shops opening in their area. This is in the light of a perceived proliferation and over-concentration of such uses in some town centres. This can only be given limited weight however as such proposals are at an early stage and have not yet undergone any period of review or independent scrutiny.
- 1.3 Within Yeadon town centre there are 2 existing betting shops, one opposite the site and the other at the east end of the town centre. It is not considered that the existing number and location of betting shops within Yeadon combined with the application under consideration could be construed as either an over-concentration or a proliferation as they account for only 5% of units in the centre. Therefore, as there are no planning policy grounds for a refusal related to this, the reason for refusal proposed by officers is related solely to loss of vitality and viability in the town centre.
- 1.4 In response to the comments made by Panel members the following reason for refusal is therefore put forward for consideration:
- The Local Planning Authority considers that the proposed change of use will result in the loss of the only remaining A1 unit in a secondary shopping frontage and will therefore be significantly detrimental to the vitality and viability of the town centre contrary to policies S2 and SF8 of the Leeds Unitary Development Plan Review (2006) and the National Planning Policy Framework.**
- 1.5 No comments were made relating to the signage application 14/01094/ADV at the last panel, it is therefore considered that the application could be determined in line with officers' recommendation to grant consent, as the only relevant considerations for an advertisement application are amenity and public safety and such matters have no bearing on the decision on the change of use application.

GRANT Advertisement Consent subject to the following conditions

- 1 Time limit on advertisement consent**
- 2 Standard conditions for advertisement consent**

Report of the Chief Planning Officer -

SOUTH AND WEST PLANS PANEL

Date: 1st May 2014

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And Application number 14/01094/ADV – One internally illuminated fascia sign and one non-illuminated projecting sign at 7 Cliffe Court, Yeadon LS19 7YU

APPLICANT

William Hill

DATE VALID

24th and 25th February 2014

TARGET DATE

21st and 22nd April 2014

Electoral Wards Affected:

Otley and Yeadon

☐ Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATIONS

14/01096/FU

GRANT PERMISSION subject to the following conditions

- 1. Time limit on full permission**
- 2. Removal of existing external roller shutters**
- 3. The shop front shall remain as clear glazing with no internal signage etc. obstructing views in to the unit**

14/01094/ADV

GRANT PERMISSION subject to the following conditions

- 1. Time limit on advertisement consent**
- 2. Standard conditions for advertisement consent**

1.0 INTRODUCTION

- 1.1 The applications are brought to panel at the request of ward Councillor Colin Campbell who has concerns about the use of internal illumination on signage in the Conservation Area, the design of the shop front and the loss of a retail unit within the town centre. Members are advised that two applications are presented for consideration which can be determined independently of each other, and that two decisions are required

2.0 PROPOSALS:

- 2.1 The full planning application is for the change of an A1 unit (currently empty but previously in use as a travel agent) to an A2 unit (betting shop). Replacement air conditioning units are proposed to the side of the building with a new satellite dish and TV aerial on the roof of the building. A new shop front is proposed with an aluminium frame, recessed entrance door and internal roller shutter to the door.
- 2.2 The advertising consent application is for an internally illuminated fascia with backlit lettering and an externally illuminated projecting sign.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is a ground floor shop unit within the Yeadon Conservation Area. It is currently empty but has previously operated as a travel agent.
- 3.2 The unit is one of 3 modern purpose-built stone properties integral to the Morrison's supermarket which front onto Yeadon High Street.
- 3.3 The site is within the designated S2 shopping centre and is in a 'secondary shopping frontage'. The other units within the secondary frontage are both building societies.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 08/01507/ADV – internally illuminated fascia and projecting sign at 7 Cliffe Court – approved
- 13/04533/ADV – internally illuminated fascia sign and externally illuminated projecting sign at 6 Cliffe Court – approved
- 13/00851/ADV – externally illuminated fascia and 1 internally illuminated projecting sign at 5 Cliffe Court – approved
- 4.2 13/00849/FU – change of use of vacant ground floor unit (A1) to building society use (A2) at 5 Cliffe Court – approved
- 28/67/95/FU – change of use of retail unit to building society office at 6 Cliffe Court - approved

5.0 PUBLIC/LOCAL RESPONSE:

- 5.1 Councillor Campbell has objected to the signage application for being inappropriate to the Conservation Area as a result of its illumination.
- 5.2 Councillors Campbell and Lay have objected to the full application for change of use to a betting office for the following reasons:

Inappropriate shopfront for the Conservation Area
The retail provision will be unacceptably eroded
The proposal is contrary to the Council's commitment to reduce reliance on companies which disproportionately affect poor or disadvantaged communities

- 5.3 An objection on behalf of a nearby business has been received against the change of use application. This raises the following issues:

Lack of assessment of the policy implications of the proposal
Loss of retail use
Condenser units and satellite dish are inappropriate to the Conservation Area

6.0 CONSULTATION RESPONSES:

Highways

- 6.1 No objection to the signage application

7.0 PLANNING POLICIES:

- 7.1 Under Section 38 of the Planning and Compulsory Purchase Act 2004, decisions on planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

- 7.2 The development plan for Leeds is made up of the adopted Leeds Unitary Development Plan (Review 2006) (UDP).

- 7.3 The site is within the Yeadon Conservation Area, S2 shopping centre and a secondary shopping frontage. The following policies are therefore relevant to the consideration of the application:

GP5 – General planning considerations, including amenity.

T2 – Highway safety

BD7 - New shopfronts should relate architecturally to the buildings in which they are inserted; the use of security glass or open mesh grilles will be encouraged and solid shutters permitted only in exceptional circumstances.

BD8 – Signs must be well designed and sensitively located within the streetscene.

BD9 – Projecting and illuminated signs will only be permitted in Conservation Areas where they do not detract from visual amenity, the building or the character of the street.

BC7 – Development in Conservation Areas to be in traditional natural materials.

S2 – The vitality and viability of the designated town centres will be maintained and enhanced to ensure access for all to a wide range of forms of retailing and other related services. Non retail development will not normally be permitted where it would significantly reduce the shopping function of the centre.

SF8 – Within secondary frontages proposals for a change of use to non-retail within use class A2 and A3 will be considered on their own merits.

Draft Core Strategy

- 7.4 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. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed and examination has largely taken place.
- 7.5 As the Council has submitted the Publication Draft Core Strategy for independent examination and the Inspector has indicated suggested modifications which have now been advertised weight can now be attached to the document and its policies.
- 7.6 The following policies within the Draft Core Strategy are relevant.
- Spatial policy 2 – Hierarchy of centres and spatial approach to retailing, offices, intensive leisure and culture.
Policy P10 – Design
- 7.7 Within the Issues and Options for the Site Allocations Plan of the Local Development Framework the site is within the primary shopping area but no longer identified as secondary frontage.

Supplementary Planning Guidance and Documents

- 7.8 The following Supplementary Planning Documents (SPDs) are relevant to the consideration of the proposals:

Yeadon Conservation Area Appraisal
Advertising Design Guide

National Planning Policy

- 7.9 The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system.

It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Specifically with regard advertisements paragraph 67 of the NPPF states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should

be subject to control only in the Interests of amenity and public safety, taking account of cumulative impacts.

8.0 MAIN ISSUES

- Principle of development
- Impact on the S2 centre
- Design and character
- Impact on the Conservation Area
- Amenity/Safety
- Highways issues

9.0 APPRAISAL

Application number 14/01096/FU – Change of use to betting shop (A2), installation of new shop front, two air conditioning condenser units, one satellite dish and one TV aerial

- 9.1 The full application for the change of use to A2 needs to be considered in relation to relevant UDPR policy and policy contained within the NPPF. The site is within a small secondary shopping frontage of 3 units of which 2 have already been granted planning permission for a change of use to A2. The opposite side of the road is primary frontage which is mainly non-retail use at this point.
- 9.2 UDPR policies S2 and SF8 are particularly relevant to this scheme. Policy S2 states that non-retail development within designated S2 centres will not normally be permitted where it would reduce significantly the shopping function of a centre. Policy SF8 seeks to safeguard the overall retail character of shopping centres while recognising that non-retail uses do provide a service.
- 9.3 The proposed A2 use is an appropriate town centre use that, in principle, will contribute to its vitality and long term viability. The proposed change of use will result in the entire secondary frontage being in A2 use however it is only a small parade of 3 units with the Morrisons store on one side a social club on the other. Policy SF8 recognises that non-retail uses provide a service in town centres and the proposed A2 use is considered to complement the existing retail function of the town centre
- 9.4 The wider town centre provides a range of convenience and comparison retail provision together with other financial and leisure services. It is therefore considered that the use of this unit as building society or other business within the A2 Use Class will not significantly impact on the retail provision of the town centre.
- 9.5 The emerging Site Allocations Plan is at the Issues and Options stage with the first consultation having been undertaken during the Summer 2013. Within this Plan, the site is no longer designated as secondary shopping frontage but still identified as part of the Primary Shopping Area. During the consultation period no objections were raised to the Yeadon designations. The change in designation reflects the parade's loss of retail function and is reflected in a similar change in designation for the units at the other side of Morrisons.

Design and Character

- 9.6 The proposal is to change the shopfront, which is currently aluminium with a large shop window and stone stall riser, to a revised aluminium shopfront with an inset

door. The proposal is in line with the other shopfronts in the parade. The units are purpose built in stone with a contemporary design. The shopfronts are large and predominantly glazed with large aluminium box fascias. The proposed shopfront preserves this character and is therefore considered to comply with policy BD7 of the UDPR. The existing external roller shutters will be removed and replaced with an internal roller shutter. The Conservation Area Appraisal states that shopfronts should respect the period and proportion of the building within which they are set and should use high quality materials. It further requires that shopfronts should preserve or enhance the special character of the area. The proposed shopfront is considered to satisfy this adopted guidance.

- 9.7 The proposed air conditioner units replace the existing units sited down the side of the building and will be substantially similar in size, style and position.
- 9.8 The proposed TV aerial and satellite dish will be placed to the rear of the roof and will have minimal from the public highway given the height and front gable feature of the building.

Application number 14/01094/ADV – One internally illuminated fascia sign and one non-illuminated projecting sign

- 9.9 The proposed signage is acceptable in principle subject to detailed design considerations.
- 9.10 The applicant has amended the signage application to show an internally illuminated fascia and a non-illuminated projecting sign. The fascia sign will fit within the existing stone band above the shop front and is similar in scale to the adjoining properties. The lighting will provide illumination only to the letters of the sign with the bulk of the fascia non-illuminated. Whilst it operated as a travel unit, the property had both an internally illuminated fascia and projecting sign and advertisement consent has been given for both types of signage on the adjoining units within the past year.
- 9.11 Policy BD9 requires that projecting and illuminated signs in Conservation Areas do not detract from visual amenity, the building or the character of the street. As has been stated, the signage is in keeping with the scale and design of neighbouring properties and sited within the inset above the shopfront. The level of illumination is considered appropriate to a busy high street and the character of the Conservation Area.

Amenity/Safety

- 9.12 The level of illumination is minimal and as such there is considered to be little impact on amenity. In addition the proposal is considered to raise no safety issues.

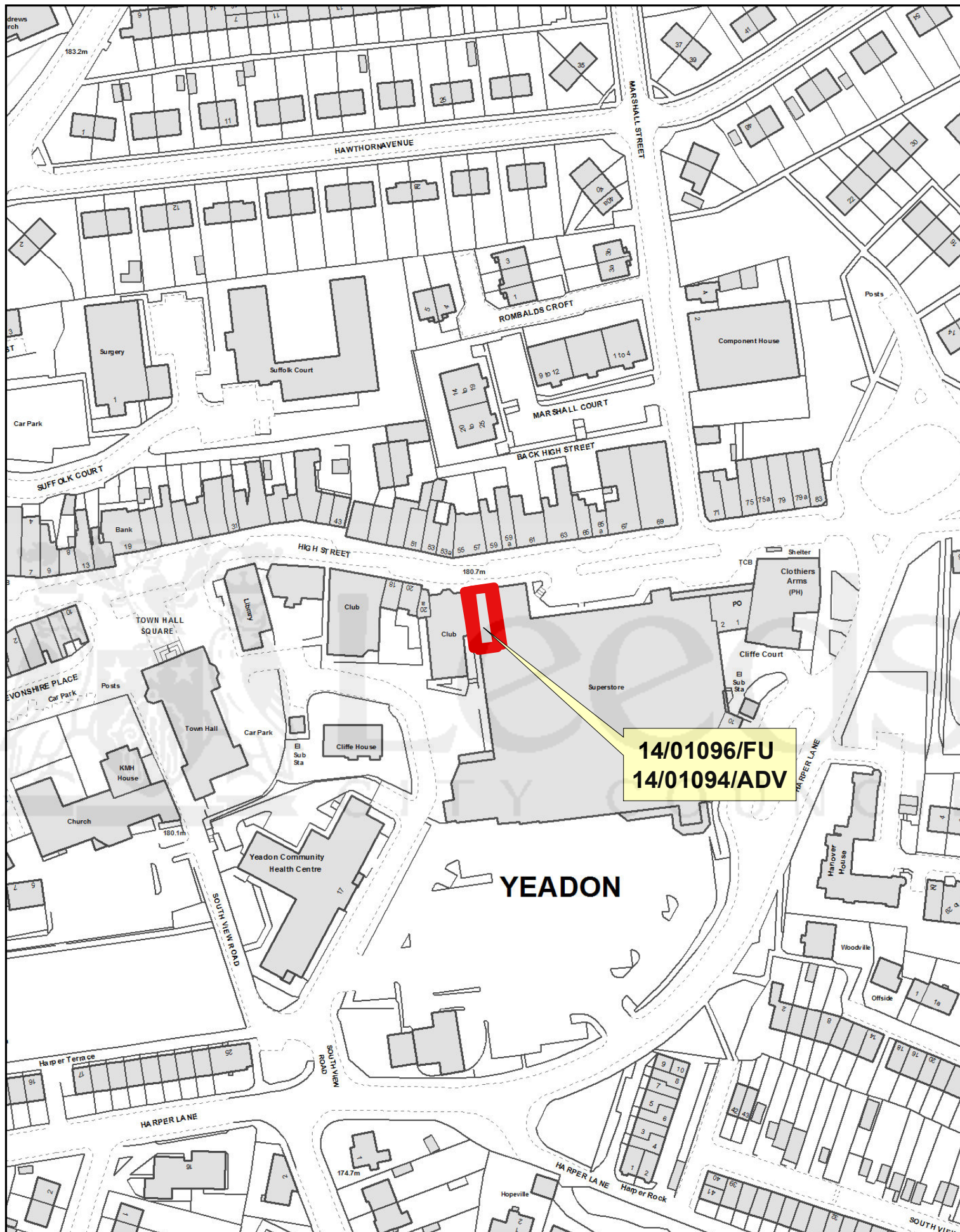
Highways

- 9.13 The proposal raises no specific highways concerns.

10.0 CONCLUSION

- 10.1 Approval of application **14/01096/FU** is recommended subject to specified conditions
- 10.2 Approval of Advert Consent **14/01094/ADV** is recommended subject to specified conditions

Background Papers:
Planning application file.



SOUTH AND WEST PLANS PANEL

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