

Report of the Chief Planning Officer

Report to Plans Panel North & East

Date: 5th January 2017

Subject: 16/05622/FU – Change of use from a vacant retail unit (class A1) to a hot food take away (class A5) including a new shop front and installation of extraction/ventilation unit at 42 Main Street, Garforth, LS25 1AA.

APPLICANT

Dominos Pizza UK & Ireland

DATE VALID

12 September 2016

TARGET DATE

6th January 2016

Electoral Wards Affected:

Garforth and Swillington

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 specified conditions:

1. Time limit
2. Development to comply with approved plans
3. Opening hours 8 – 23.30
4. Parking spaces for delivery vehicles to be made available during opening hours
5. No amplified tannoys/music noise
6. Extraction equipment to operate below background noise levels
7. Bins detail including times to be agreed
8. Grease Trap
9. Details of shutters
10. Details of the colour of the flue to be submitted and agreed.
11. Details of a noise management scheme to minimise disturbance to local residents.

1.0 INTRODUCTION

- 1.1 The application proposes the change of use of vacant unit number 42 Main Street Garforth from a shop (A1) to a Hot Food Take Away (A5) with new shopfront and installation of extraction/ventilation equipment.

- 1.2 The application is reported to Plans Panel at the request of Ward Member Councillor Mark Dobson who feels that the proposal will adversely impact on health & wellbeing and is also concerned about the number of take aways on Main Street.

2.0 PROPOSAL

- 2.1 The application seeks the change of use of the ground floor unit (last use A1) to a A5 use Hot Food Take Away (HFTA) with alterations to shop front and a/c units to the rear. There are two allocated parking spaces to the rear of the site.

3.0 SITE AND SURROUNDINGS

- 3.1 The site forms part of a primary shopping frontage with the designated Town Centre (Garforth).

- 3.2 The application site is number 42 Main Street located towards the northern end of the parade and is vacant at present. Above there are offices which are accessed from a door to the side of the application site. The parade itself is a 1960s concrete flat roofed parade with a small horizontal canopy at first floor level. There are offices above at first floor. There is parking to the rear of the site for the parade which is privately managed. There is designated on-street parking along the site frontage on Main Street. Within the primary shopping frontage parade the present uses are:-

20 – A1 (Coop)
22 – A1 vacant (was Travel Agents)
24 – 26 - A1 (Pharmacy)
28 – A1 (Charity shop)
30 – A1 (Bakery)
32 – A1 (Florist and Grocers)
34 – A2 (Estate Agents)
36 – A1 (Card Factory)
38 – A2 (Leeds Building Society)
40 – A1 (Hairdressers)
42 – A1 vacant APPLICATION SITE (was fashion shop)
44 – 54 – Sui Generis and D1 (Betting Shop and Dental Surgery)

- 3.3 To the rear of the site is the car park and beyond that are a number of residential properties.

4.0 RELEVANT PLANNING HISTORY

- 4.1 16/05930/ADV – Two Illuminated signs - pending as for signs for the change of use
- 4.2 48 Main Street, Garforth - 15/05351/FU – change of use from shop/college/Academy to Dental Surgery – approved 2nd November 2015
- 4.3 73 Main Street, Garforth - 13/01327/FU – change of use of ground floor sales shop to HFTA (A5). – refused 15 May 2013– allowed at appeal 6th February 2013.

4.4 42 Main Street, Garforth - 07/003276/FU – change of use of shop (A1) to A2 – approved 13/7/07 – it appears that this has not been implemented but no evidence has been provided.

5.0 HISTORY OF NEGOTIATIONS

5.1 None

6.0 PUBLIC/LOCAL RESPONSE

6.1 The application was published by site notice dated 30th September 2016.

6.2 22 letters of representation plus the Garforth Neighbourhood Forum have been received, 21 objections and 1 of support and the following comments have been made:-

- Already plenty of HFTA in Main Street
 - Recent changes to bigger chains Greggs and Subway independents suffer as a result
 - Dominos in Oulton, Crossgates and Woodlesford can deliver
 - Wetherspoons being built doesn't need any further late night openers
 - Loathe seeing empty shops but needing new businesses that supports the community and its growth
 - Additional rubbish/litter dropping
 - Will be affected by smells and noise
 - Parking an issue in Garforth Car park closes after 6.30pm where they going to park
 - Thorpe Park will put further pressure on Garforth
 - Delivery vehicles bring more traffic
 - Envisage gathering of people
 - Not encourage daytime foot fall and less diverse Main Street will not attract shoppers
 - Against Leeds Vision 2020 and against Core Strategy (disagree with agents planning statement)
 - Promoting more readily available fast food
 - Should LCC support a multi-national?
 - Garforth in state of flux, new supermarket opening, added pressure
 - 'Main Deal' – helps local business
-
- Excellent new addition
 - Employ locals

7.0 CONSULTATIONS RESPONSES

7.1 Highways: In view of the existing commercial use and the site location within the Town Centre of Garforth a highway objection to this application would be difficult to justify. The use will have two off-street parking spaces at the rear which have been indicated as delivery parking within the applicants supporting information.

8.0 PLANNING POLICIES

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

- 8.2. The development plan for Leeds is made up of the adopted Core Strategy (2014), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013.

- 8.3 The site is located in the designated Garforth Town Centre and is in a designated primary frontage.

- 8.4 The following Core Strategy policies are relevant:

General Policy 1 – Presumption in favour of sustainable development

SP1 – Location of development in main urban areas on previously developed land.

SP2 – Encourage vitality and viability of town centres.

P1 – Town and Local Centre Designations

P2 – Acceptable uses in and on the edge of town centres

P10 – High quality design.

T2 – Accessibility.

- 8.5 The following saved UDP policies are relevant:

GP5 – General planning considerations

S4 – maintain and enhance vitality, viability and availability.

SF7 – Primary Shopping frontage

Car Parking Guidelines (December 2015)

- 8.6 The following SPGs and SPDs are relevant:

Parking SPD

Street Design Guide

Leeds Parking Policy Supplementary Planning Document (December 2015)

National Planning Policy

- 8.7 The National Planning Policy Framework (NPPF), published on 27th March 2012, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.

- 8.8 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the

development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

9.0 MAIN ISSUES

1. Impact on vitality and viability of Garforth town centre.
2. Highway impact
3. Residential impact
4. Design of shop front and external alterations
5. CIL
6. Representations

10.0 APPRAISAL

Impact on vitality and viability of Garforth town centre.

- 10.1 The site is located with the designated Garforth Town Centre and is also with a primary frontage under policy SF7. A HFTA is identified as an acceptable use in principle in this location in line with policy P2 subject to all other material considerations.
- 10.2 The primary frontage designation of the parade seeks to maintain where possible an A1 presence of 70% and a 30% non-retail presence with no more than 20% of continuous non-retail frontage. The highest proportion of the units, some of which are double fronted are in A1 uses within the parade, with a small proportion are non – retail, two units are A2 uses and a further two double unit are a betting shop and dental surgery, there are no A3, A4 or A5 units within this shopping frontage. Two units which include the application site are vacant and last use A1. This loss on an A1 unit in this parade is not considered to have a negative impact upon the vitality or viability on the Town Centre. The centre appears to be busy and thriving.
- 10.3 Therefore the present situation is 76.9% retail use and 24.1% non-retail and this falls within the above the policy requirement. The change of use of this vacant unit to A5 does not reduce it to under 30% non-retail uses and retains 70.2% in retail use. This is considered acceptable as it complies with planning policy and as there are no other hot food takeaway outlets within this designated frontage. It also brings a vacant unit back into use and has an occupier ready to move in which is more positive than leaving a unit empty which leaves only one vacant unit in the parade.

Highway Impact

- 10.4 As reported the existing commercial use generates a parking requirement. In light of this and the availability of two parking spaces in the car park behind the parade of shops it is considered that a highway objection to the application would be difficult to justify. There is sufficient dedicated parking within the Town Centre. For these reasons, and noting there is nothing to suggest there are any significant highway safety concerns in the immediate vicinity of the site despite the concerns

which have been raised in the representations received, the highway impacts of the development are considered to be acceptable.

Residential Amenity

- 10.5 There are residential properties to the rear of the car park in the form of bungalows which are over 21m away from the back of the building where the air conditioning extraction units are located. The car park is used through the day for customers, employees of the parade and users of the town centre. This car park is only open until 6.30pm. Nevertheless in order to protect residents from any adverse noise from the operation of the use a condition has been suggested that requires a noise management plan to be submitted and the agreed scheme to be implemented (this would address matters such of the use of the area to the rear of the shop by employees for socializing/smoking etc.). It is therefore considered that the proposed change of use would not have an adverse impact upon their amenity. An extractor flue is also proposed and this matter is addressed below.

Design of shop front and external alterations

- 10.6 A new grey aluminium shop front is proposed which changes the front door to left hand side of the unit and not in the centre of the shop front. Its proposed design is considered acceptable in keeping with the existing parade. No external shutters are proposed but a condition can be added for clarity.
- 10.7 On the rear elevation it is proposed to replace the existing air conditioning unit with a new double one and extract duct will terminate via a louvre grille which will have modern carbon filters fitted.
- 10.8 The design of the new shop front and minor external alterations proposed to the rear are considered acceptable with regard to visual amenity.

CIL

- 10.9 The development is not liable for CIL.

Representations

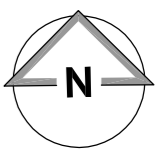
- 10.10 The main concerns about residential amenity and highway safety have already been addressed above. With respect to competition between other takeaway uses, this is not a matter which can reasonably be taken into consideration. In terms of the health agenda, whilst this is a material planning consideration, the Council does not currently have a policy which seeks to resist developments of this nature for this specific reason and other Councils have tended to only have success on this matter where endorsed by further policy guidance (often in the form of an adopted Supplementary Planning Document) which seeks to restrict the number and/or location of these types of uses. Accordingly a refusal due to health concerns is not advanced.

11.0 CONCLUSION

- 11.1 It is considered, on balance, having regard to the commercial nature of the parade, the vacancy of the property and its wider context, that the proposal would not cause any significant residential amenity or highway safety problems and the loss of the unit from a retail use can be accepted in this instance. The proposal is therefore recommended for approval, subject to appropriate conditions which are required to ensure the amenity impacts of the development are acceptable.

Background Papers:

Application file:- 16/05622/FU, Application file: 48 Main Street file 15/05351/FU and Application file: 73 Main Street 13/01327/FU.



0 0.5 1.0 1.5 2.0 2.5m
Scale 1:50

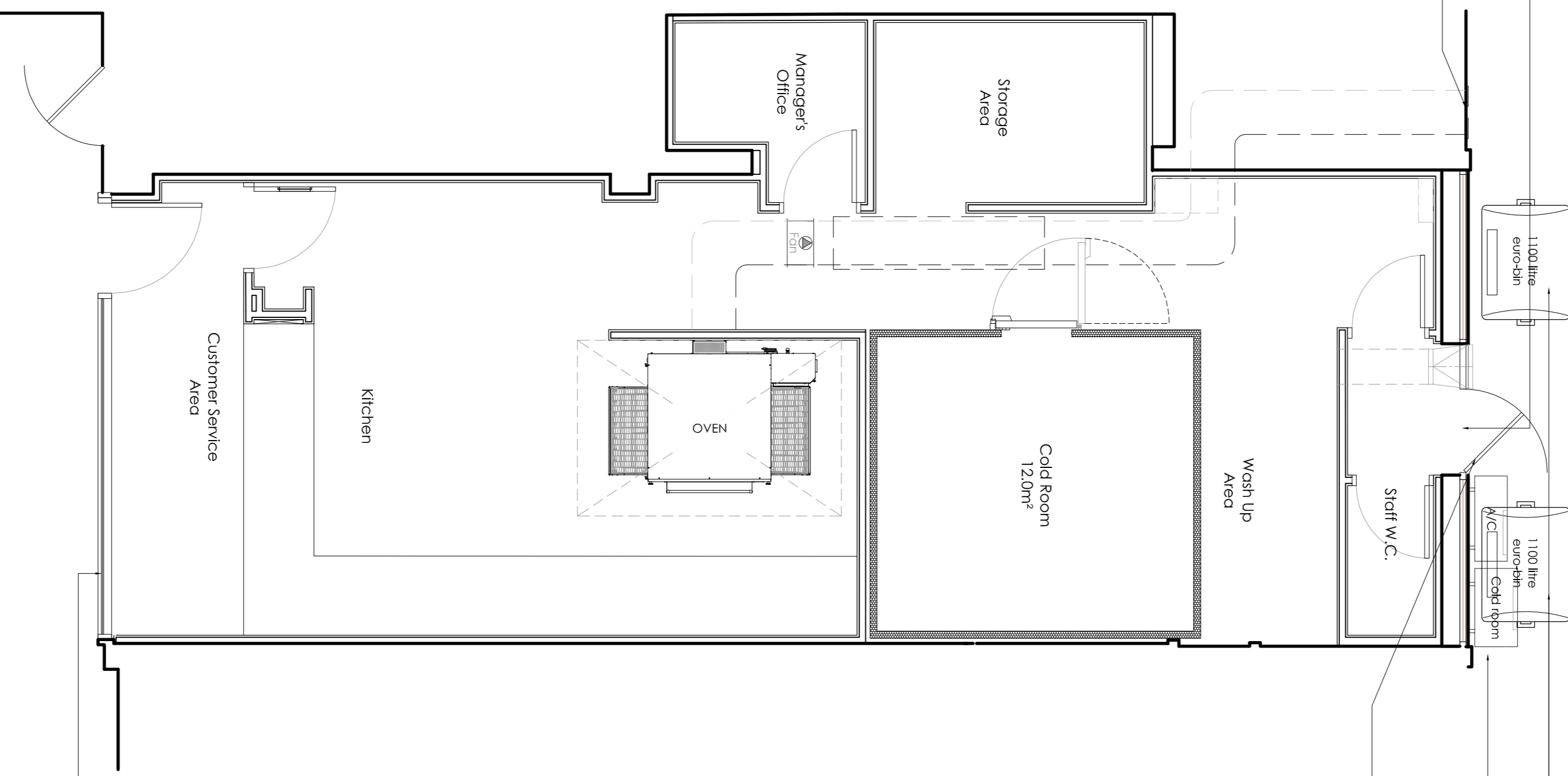
Proposed 400mm dia. fresh air intake wall grille (RAL 7043 Traffic Grey) above existing rear door

Proposed 500mm dia. oven extract duct to run internally at high level within unit, penetrating through side wall into service area, through wall into staff W.C. and wall grilles (RAL 7043 Traffic Grey) on the rear elevation, in the same position as the existing ventilation grilles. Carbon filters to be installed.

Rights of access for maintenance / repair to duct within landlord's area to be confirmed

1100 line
1100 line
1100 line
Staff W.C.
Wash Up Area
Cold Room 120m²
Kitchen
Oven
Manager's Office
Storage Area
Customer Service Area

2-no. bins to be stored in rear yard or existing
A/C and cold room compressors to be wall mounted at high level
Rear door retained with new access controls



Proposed new RFC aluminium shop front with new customer entrance door finished in RAL 7043 Traffic Grey. Under panel finished in RAL 9010 white.

NOTES

- All dimensions and levels are to be checked on site.
- Any discrepancies are to be reported to the architect before any work commences.
- The drawing shall not be scaled to ascertain any dimensions. Work to be fixed dimensions only.
- The drawing shall not be reproduced without express written permission from AEW.
- The architect shall not be responsible for the accuracy or scale discrepancy of base drawings.
- The drawing is based on 'Green Book' Survey Solutions drawing 1/80/3482.01.P (dated 25/04/2016).

DESIGN HAZARD IDENTIFICATION

- Proposed layout subject to Building Control approval of fire strategy and access arrangements.
- Where only two lifts it is to be provided, no more than six members of staff may be permitted to be on the platform at any one time. (In accordance with table 1, Welfare Regulations 1992)
- Asbestos survey/repair required prior to commencement

Area Schedule	Existing GIA	Proposed GIA
	91.7 m ²	91.7 m ²

REV	Date	Drawn by:-	Checked by:-
S2			

drawing stage: **Stage 2a - Change Of Use**

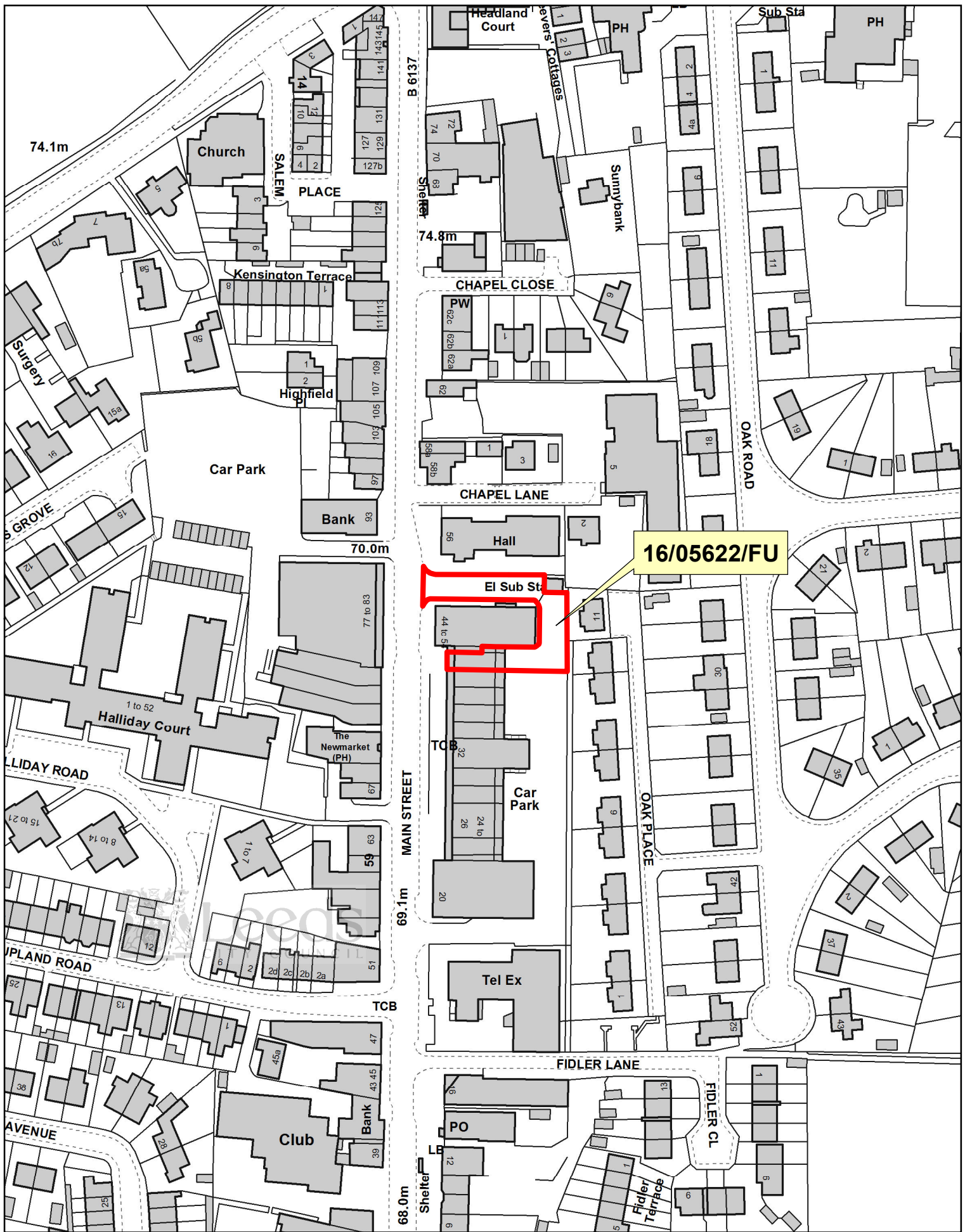
client: **Private Client**

project	site
42 Main Street Gedwith, Leeds LS25 1AA	16004

drawing title: **Proposed GA**

date	drawn	checked
02/08/2016	BSC	EOH
scale: 1:50		

Proposed GA



NORTH AND EAST PLANS PANEL

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PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/1500

