



Leeds
CITY COUNCIL

Originator: Marianne
Adams
Tel: 242224409

Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 30th September 2010

Subject: APPLICATION 10/02982/FU Change of Use of retail unit (A1 use) to restaurant (A3 use) at 9 Bank Street, Wetherby, LS22

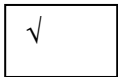
APPLICANT
Mr P Kong

DATE VALID
30/6/2010

TARGET DATE
25/8/2010

Electoral Wards Affected:

Wetherby



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. Three year statutory time limit
2. Development to be carried out in accordance with approved plans
3. End of flue to be painted matt black
4. Sound insulation details
5. Extract ventilation
6. Machinery details
7. Air conditioning
8. Litter bin
9. Grease trap
10. Revised opening hours
11. Delivery hours
12. Noise report

Reason for approval: The application is considered to comply with policies GP5, N18A, T2 and SF8 of the UDP Review 2006 and having regard to all other material considerations, including being an appropriate use within a town centre which will have no undue harm to the living conditions of nearby residential properties, the application is recommended for approval.

1.0 INTRODUCTION:

- 1.1 The application is being reported to Panel at the request of Ward Councillor John Procter who is concerned about the cumulative impact of a further restaurant in Wetherby town centre. In addition, Cllr. J Procter has stated that Ward members also have concerns about the number of complaints that licensing have received on this application.
- 1.2 The loss of a retail unit for an alternative town centre compatible use such as a restaurant over 2 floors is acceptable in principle because Church St is a secondary frontage within the district centre of Wetherby. The external flues have been rerouted internally with only a small projection protruding near to a chimney. The appearance is therefore acceptable in the conservation area. The restaurant will be open from 11am every day until half past midnight on every day except Sunday when it will close at slightly earlier at midnight. Environmental Health requires various standard conditions and supports the later opening times as they are in keeping with an existing restaurant closely. Highways consider that there is no parking or other highway safety problem with this use within a town centre.

2.0 PROPOSAL:

- 2.1 The application seeks approval for a change of use from retail to restaurant (A3) use at No. 9 Bank Street both ground and first floors. The application proposes to provide an internalised flue with small matt black coloured external metal projection through the roof to the eastern/ side elevation. It is proposed that the premises will open from 11.00 hrs- 00.30 hrs Monday to Saturday and 11.00 hrs to 00.00 on Sundays. It is estimated that there will be up to 40 covers with 4 to 6 tables on the ground floor for lunch and about 15 tables on the first floor. The applicant is an established restaurateur and chef within the local area including Harrogate and will be offering a Thai menu which should expand the choice currently offered by the various eateries along Church Street.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to a retail store located at the junction of Bank Street and Church Street in Wetherby Shopping Centre. Church Street is a secondary shopping frontage. The site also forms part of the Wetherby Conservation Area. The host property is a traditional stone built 2 storey end terraced structure. The new shop front to Church Street has been recently constructed. The north elevation to Bank Street remains and reads as a dwelling house with central door and a number of sash windows. There is a commercial garage site adjoining to the east.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 09/05303/FU -Approval for new shop front to west elevation i.e. Church Street
- 4.2 H31/169/83/- Redevelopment to form 2 shops, each with toilet and kitchen, with office over, to existing garage and yard to rear. (Approved)

- 4.3 H31/291/81/- One non illuminated wall sign size 4.8m x 0.37m height above ground 4.4m (underside) to printers shop. (Approved)
- 4.4 H31/254/81/- External alterations, of part of proposed printers' office, to showroom. (Approved)
- 4.5 H31/73/81/- Change of use of dwelling house to printers. (Approved)

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Pre application discussions were not undertaken.
Revised plans indicate internalised flues with small projections from the roof.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 Site notices of the proposal's impact on the character of the conservation area were posted 7/7/2010
No letters of representation have been received

7.0 CONSULTATIONS RESPONSES:

- 7.1 **Statutory:**
None

- 7.2 **Non-statutory:**

- 7.3 Access- no objection to the change of use as no alterations are proposed.

- 7.4 Highways - no objection- the site has an existing commercial use and is located within the S2 Centre of Wetherby. Bank Street is protected by Traffic Regulation Orders that prohibit daytime parking, and it is considered that the use itself would not generate many vehicle trips during the day. The evening use of the restaurant would be outside the opening hours of many existing commercial uses within Wetherby when parking demand in Wetherby centre would be relatively low; therefore it is considered that it would be difficult to justify a highway objection to this proposal.

- 7.5 Environmental Health – no objection subject to conditions listed below (i.e. 1 to 9) in order to protect the amenities of the occupiers of the surrounding residential properties at upper levels. The application premises comprise an end of terrace 2 storey commercial property which is located at the junction of Bank Street and Church Street in Wetherby Town Centre. It is joined to a retail unit to the rear with offices above. The area immediately around the application site is commercial in character; however there are some residential properties (mainly flats above the shops) located on Bank Street and Church Street.

- 7.6 The proposal consists of a change of use of retail unit (vacant at present) to A3 use. Diagonally opposite on 16 Bank Street is Muse Ale & Wine Bar which has a similar use. It has been proposed in the accompanying Design & Access Statement that the premises will open from 11.00 hrs- 22.00 hrs Monday to Saturday and 11.00 hrs to 21.30 Sundays. However, the applicant has also recently submitted an application for a Premises Licence under the Licensing Act 2003 and has proposed to open

longer hours i.e. to 00.30 hours daily than as proposed under this Planning application. The applicant should, therefore be advised that they will not be allowed to open longer hours under the Premises Licence application (subject to approval by all the responsible authorities) unless they first obtain a planning approval which is subject to the outcome of this Planning application. Given that there have been no issues of concern from the similar late night opening of Muse Ale & Wine Bar which is situated only a few doors away, the Environmental Health will not object to these extended hours subject to closing at midnight on Sunday evenings.

77. No objection subject to standard conditions listed in order to protect the amenities of the occupiers of the surrounding residential properties at upper levels. These conditions relate to sound insulation, extract ventilation, machinery, specified opening and delivery hours, air conditioning, litter bin, grease trap, noise report

8.0 PLANNING POLICIES

8.1 Wetherby Conservation Area and secondary frontage of the S2 Centre of Wetherby

8.2 Leeds Unitary Development Plan (Review) 2006:

- Policy GP5 – seeks to resolve all detailed planning considerations including design, access and amenity.
- Policy SF8 – change of use of shops on secondary frontages to compatible alternative uses such as A3 will be considered on their merits
- Policy N18A – protection of buildings in CAs in order to preserve and enhance the conservation area
- Policy N19 – new build and extensions in / adjoining CAs should preserve and enhance character and appearance
- Policy T2 – development should not cause problems for highway safety and efficiency.
- Policy BC7- use of traditional materials in the Conservation Areas

8.3 Wetherby Conservation Area Appraisal

9.0 MAIN ISSUES

1. Loss of a retail unit
2. Character and appearance of the Wetherby conservation area
3. Impact on Living Conditions
4. Highways

10.0 APPRAISAL

Loss of a Retail Unit

- 10.1 The loss of a retail unit is considered to be acceptable as the proposed restaurant is a compatible town centre use and there are numerous shops nearby to maintain the shopping function within the secondary frontage of Church Street. Policy SF8 states that changes of use to non-retail uses should be on their merits. This change of use would introduce a town centre compatible use, with lunchtime to late evening opening

hours, thereby avoiding issues of closure during the daytime. Units of this type are not at a number within the town centre that would harm the viability of the retail function of the centre. There are also no external alterations so the unit can be readily converted back to A1 uses should market forces make such a use more feasible. A restaurant use will add a service for users of the town centre shops, as well as contributing to evening use of the area. The proposal is considered to comply with policy SF8.

Character and appearance of the Conservation Area

- 10.2. The character and appearance of the conservation area will not be adversely affected by the proposal as amended since there will be a small external projection for the internalised flue in the roof to the east side which will be coloured black by condition. This will be barely visible from public vantage points, and is not of a size or scale that will be harmful to the building or the streetscene. No other external alterations are proposed and other items such as air conditioning etc. can be adequately controlled by planning condition. The proposal complies with policy N18A.

Impact on Living Conditions

- 10.3 Environmental Health have advised that a Premises Licence has been applied for which requests opening from 1100 to 0030, this is longer than that requested by the planning application as originally submitted. Environmental Health have advised that they have no concerns about this extended opening and it is important that the two permissions match to avoid operational problems. There is a similar use opposite the site which has not led to any complaints of noise or nuisance. A number of conditions are required relating to for example: sound insulation; delivery hours; extract ventilation etc in order to protect the amenity of nearby residents who occupy flats mostly at upper levels above the commercial premises. It is noted however that residents in this area are likely to expect a higher level of noise and disturbance than would be expected in a purely residential area. It is considered that the proposal is acceptable and will not detrimentally impact on neighbours. The proposal is therefore considered to comply with Policy GP5.

Highways

- 10.4 The site is located within the town centre and therefore it is not considered that there would be any additional highway safety issues relating to this change of use to another town centre compatible use. The two uses are considered to result in a similar level of activity, and the location means that there is suitable parking and public transport provision available close by. The proposal therefore complies with policies T2 and T24.

11.0 CONCLUSION

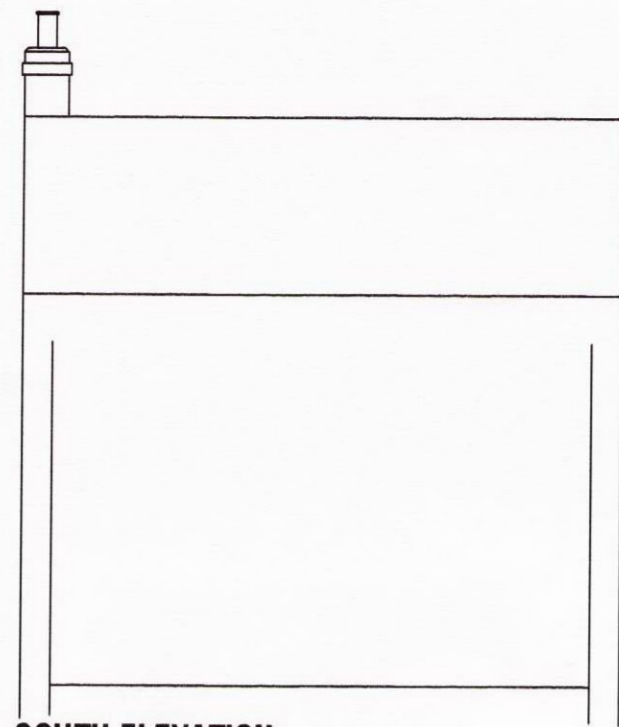
- 11.1 In conclusion, consideration has been given to all the matters raised and on balance it is considered that this particular proposal is acceptable. The change of use is not considered to result in harm to the viability of the town centre or to the amenity of neighbours, and the proposed flue will not lead to harm to the character of the Conservation Area. Conditions can be used to ensure that other issues are suitably controlled and on this basis permission is recommended.

Background Papers

10/02982/FU

Certificate of ownership

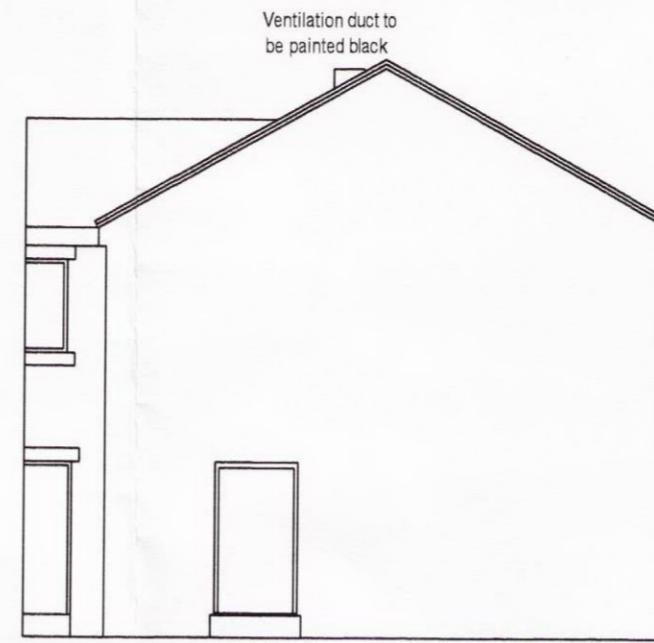
Notice has been served on the owner by the applicant



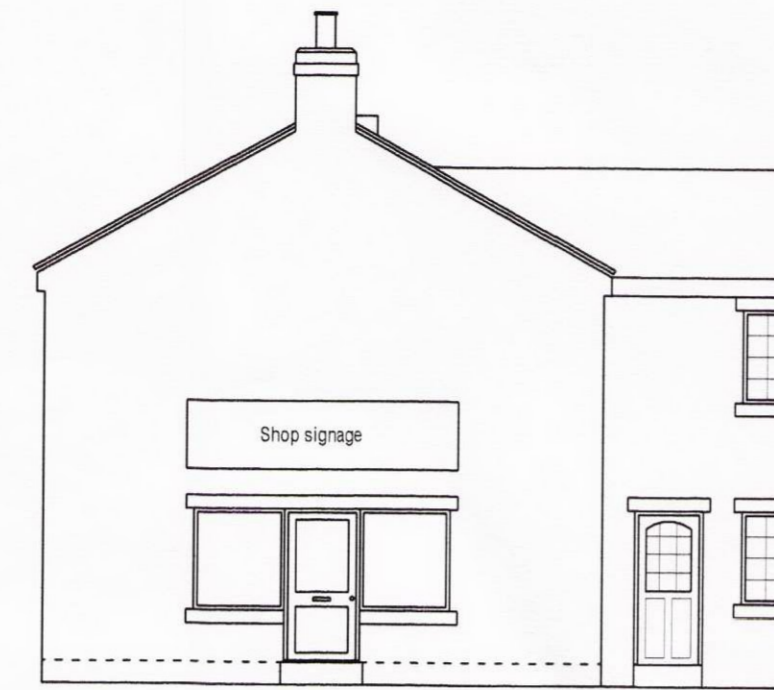
SOUTH ELEVATION
Scale: 1:100



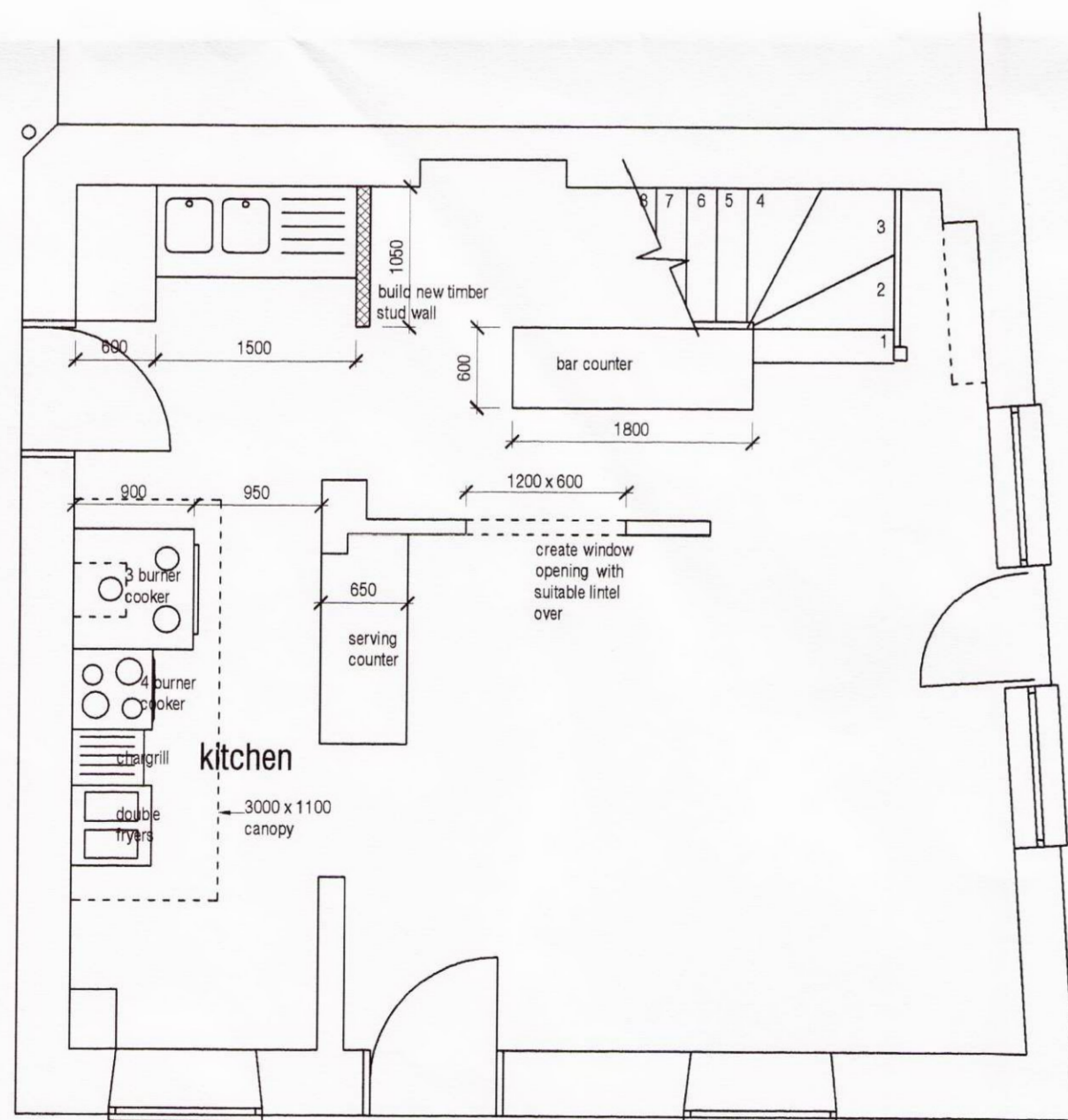
NORTH ELEVATION



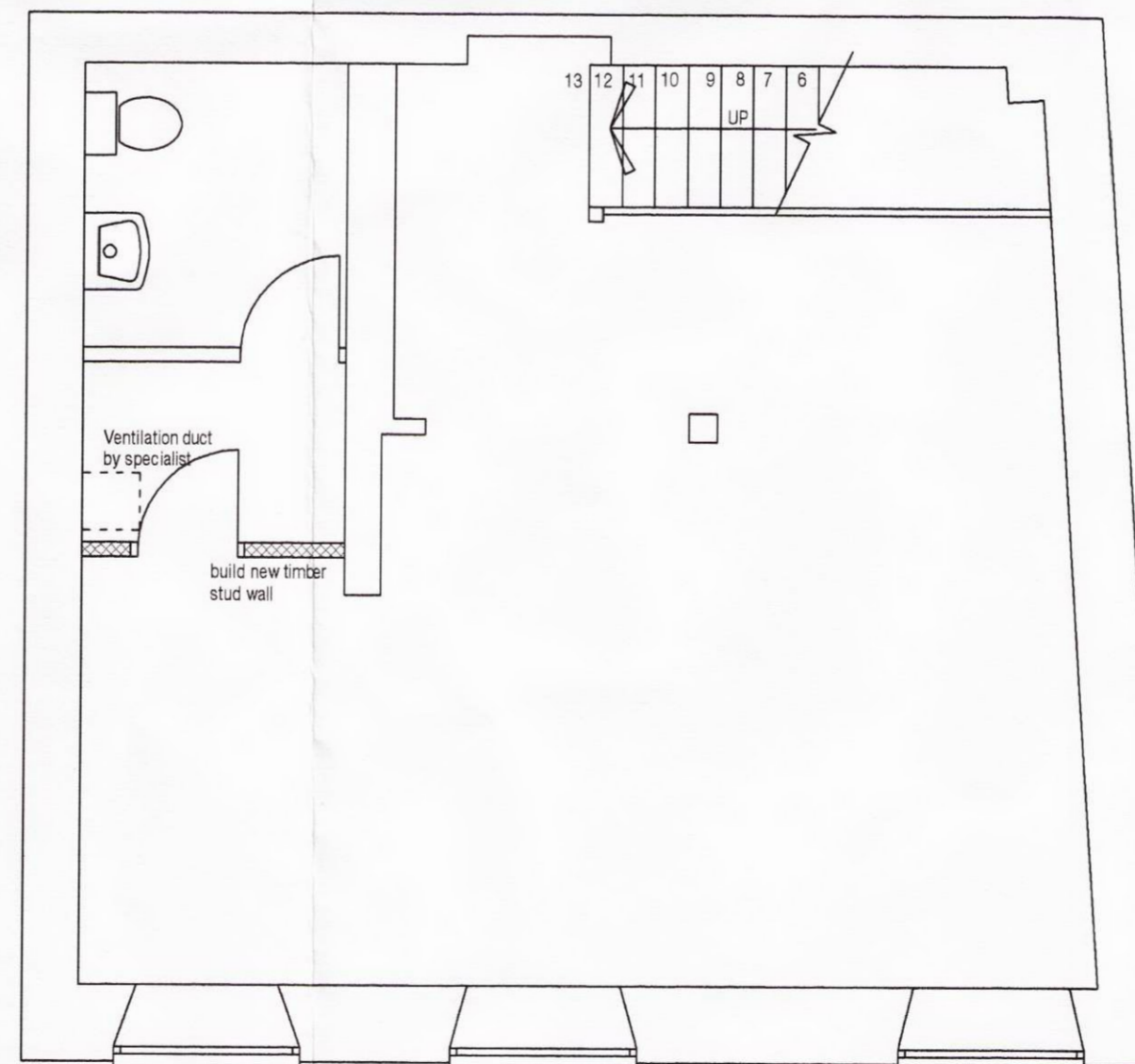
EAST ELEVATION



WEST ELEVATION



GROUND FLOOR PLAN
Scale: 1:50



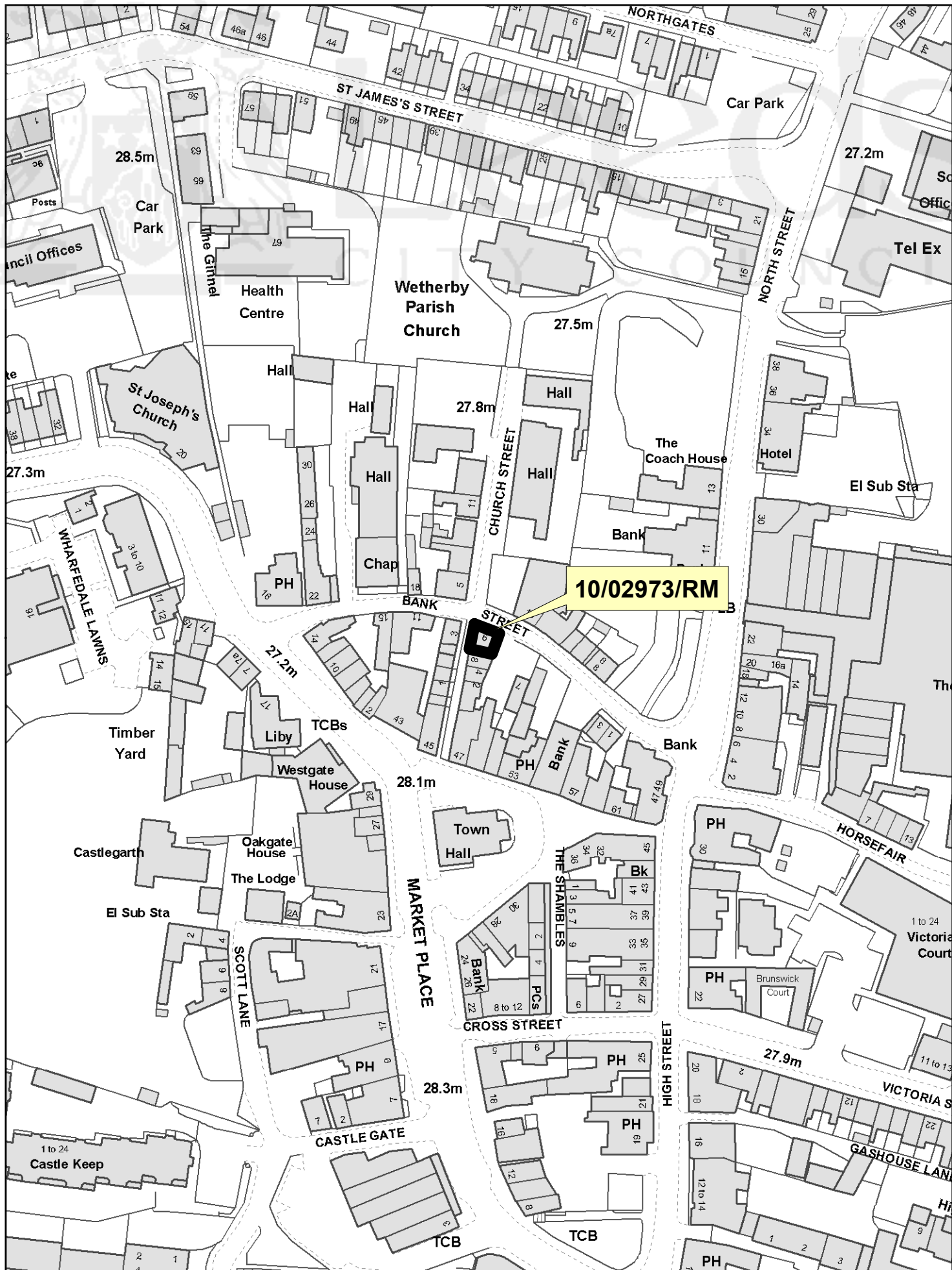
FIRST FLOOR PLAN



The changes shown on this plan do not need further public comment

LEEDS CITY COUNCIL
Please refer to Decision Notice
- 2 AUG 2010
REVISED

PROJECT TITLE NEW THAI RESTAURANT FOR MR KONG 9 BANK STREET, WETHERBY			<i>Rev B</i>
DRAWING TITLE PROPOSED FLOOR PLANS & ELEVATIONS			
SCALE: 1:50 1:100 @ A2	DRAWN: CAROL PETTIFAR	DRAWING NO: K10/1/2	
OWNER:	DATE: 19/06/10		
CAROL PETTIFAR DESIGN			
2 Hillcroft Farm Cottages, Kirkby Lane, Sicklinghall, Wetherby. LS22 4BP Tel: 01937 585221 Mobile: 0788 551 9766 Email: davecarol@pettifar.fsworld.co.uk			



EAST PLANS PANEL

