



Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 15 September, 2011

Subject: APPLICATION NUMBER 11/02856/FU – CHANGE OF USE OF PART GROUND FLOOR AND ALL FIRST FLOOR FROM RETAIL (CLASS A1) TO RESTAURANT (A3) AT 77 and 77a OTLEY ROAD, HEADINGLEY, LEEDS. LS6 3PS

APPLICANT

Turner Associates

DATE VALID

06 July 2011

TARGET DATE

31 August 2011

Electoral Wards Affected:

Headingley

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. Standard 3 year time limit.
2. Details of approved plans.
3. Hours of use of the restaurant to be restricted to 08:00-23:00 weekdays and 08:00-22:30 Sundays and Bank Holidays.
4. The development shall not be commenced until detailed specifications of the proposed platform lift and its implementation have been submitted to and approved in writing by the Local Planning Authority.
5. The development shall not be commenced until a detailed seating plan for the proposed restaurant has been submitted to and approved in writing by the Local Planning Authority.
6. The proposed parking area for the proposals must be allocated, signed and marked appropriately before first occupation of the proposals, and must be retained and maintained thereafter for the lifetime of the development.
7. Details of proposals for the management of litter shall be submitted to and approved in writing by the Local Planning Authority.
8. No development shall take place until details of the extract ventilation system have been submitted to and approved in writing by the Local Planning Authority.
9. No external music.

10. No food delivery service at any time from the premises to customers.

11. No provision of food or drink other than within the building.

1.0 INTRODUCTION:

1.1 This application is brought before Members at the request of Ward Councillor Martin Hamilton, who is concerned about the potential impact of the scheme on Highway safety. Councillor Hamilton has also requested that a detailed seating plan be submitted so that the parking needs of the use can be assessed.

2.0 PROPOSAL

2.1 The proposal seeks to change the use of the ground floor of 77a and the first and second floors of 77 and 77a Otley Road to a restaurant (Class A3).

2.2 The proposed restaurant will be accessed from Otley Road, with customer parking to the rear for 2 vehicles. No external alterations to the frontage are proposed.

3.0 SITE AND SURROUNDINGS:

3.1 The site comprises a distinctive, stone-built commercial property at the end of a terrace. Unusually, the property is higher than the remainder of the terrace although there is no evidence to suggest that its height has been increased since its construction.

3.2 The building is not Listed, although properties to the North of the site within the terrace are Grade II Listed Buildings.

3.3 The property is within Headingley Conservation Area and is a good example of the quality and use of local materials prevalent to this section of the Conservation Area.

3.4 The site is within Headingley District Centre but is not within either a primary or secondary shopping frontage.

4.0 RELEVANT PLANNING HISTORY:

4.1 Following a review of the Council's records the following planning history on the site is considered relevant:-

- 10/03744/FU - Change of use of shop to Solicitor's Office (A2). Approved 26/10/2010 subject to a restrictive condition preventing its use for any other purpose within Class A2.
- It is considered relevant to note a recent approval nearby to the site in the Arndale Centre by Pizza Express for change of use to restaurant. This was approved by Members of the West Plan Panel on 06/04/2010, reference 10/00114/FU, subject to the approval of a detailed parking scheme within the Arndale Centre car park.
- It is also considered relevant to note a recent approval within a short distance of the site by Salvo's Restaurant at 115 Otley Road, to change the use of a vacant retail unit to enlarged restaurant, reference 10/03806/FU. This was approved by Members of the West Plans Panel on 14/12/2010 subject to the approval of a detailed Travel Plan.

5.0 HISTORY OF NEGOTIATIONS:

5.1 This application was submitted following discussions with the applicant in liaison with the Highways Officer. Informal advice was given that the proposal appeared to provide satisfactory parking provision given that the site is in a sustainable location and has dedicated off-street parking available on site.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 This application was advertised by site notices. 4 letters of representation have been received, including one letter from Ward Martin Hamilton and one letter from Councillor Sue Bentley.

6.2 The letter from Councillor Martin Hamilton is a request that this application be brought to Panel and requests that any approval should be conditioned to require a detailed seating plan and also that the premises be conditioned for use as restaurant (A3) only.

6.3 The letter from Councillor Sue Bentley raises concerns relating to the loss of a retail unit and highway safety. Councillor Sue Bentley also raises concerns relating to the Cumulative Impact Policy, which is a Licensing issue.

6.4 The other letters include an objection from the Beckett's Park Residents Association, on the grounds that there already two many restaurants in the locality and that the proposal is likely to result in subsequent changes of use of the premises to Class A4 (bars) or Class A5 (takeaways) and a separate objection from a local resident on the grounds of highway safety and potential harm if the restaurant were to offer a takeaway facility.

7.0 CONSULTATION RESPONSES:

7.1 Highways – No objection subject to approval of parking layout and bin storage.

7.2 Access Officer – No objection to revised scheme.

8.0 PLANNING POLICIES:

8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Leeds Unitary Development Plan (Review 2006) unless material considerations indicate otherwise.

Development Plan:

8.2 The most relevant Policies in the adopted Leeds Unitary Development Plan are listed below.

- Policy GP5 refers to detailed planning considerations and states that development proposals should seek to avoid loss of amenity.
- Policy S2 refers to the appropriateness of development within Defined City Centres
- Policy SF9 refers to changes of use which are not in primary or secondary shopping frontages but are in Defined Town Centres.
- Policy N19 seeks to preserve and enhance areas designated as Conservation Areas, in order to ensure that not only does no detriment result from any form of built development but also that such development should seek to improve and enhance its setting wherever possible.

- Policy T2 sets out the criteria to avoid any undue loss of available off-street parking whilst maintaining levels of highway safety for all highway users.
- Policy A4 sets out a range of guidelines to ensure that the needs of all members of the community are catered for.

Supplementary Planning Guidance

Headingley and Hyde Park Neighbourhood Design Statement 2010

National Guidance/Statements:

- 8.3 In addition to the principal elements of planning policy other advice contained in Planning Policy Guidance Notes and replacement national Planning Policy Statements (PPS) may be relevant, including;
- PPS1 – Delivering Sustainable Development This PPG sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
 - Planning Policy Statement 5 'Planning for the Historic Environment' sets out the Government's policy with regard to heritage assets.

9.0 MAIN ISSUES:

- 9.1 It is considered that the main issues are:
- Appropriateness of use within Headingley District Centre
 - Hours of operation
 - Access for all
 - Parking provision.

10.0 APPRAISAL:

Appropriateness of use within Headingley District Centre

- 10.1 The proposed change of use is within the Headingley District Centre, in a parade of commercial units which is neither a Primary nor Secondary frontage. As such, the principle of the proposal is considered acceptable because the proposed use is likely to increase the diversity of uses within the District Centre without unduly compromising its vitality, which is in line with Policy SF9 of the Unitary Development Plan.
- 10.2 Although concerns have been raised by objectors that the proposal will result in an unacceptable increase in the number of restaurant uses in the locality, planning policies do not exist to curtail a particular form of business use in the wider setting, being instead aimed at ensuring a fair mix of uses within a clearly defined location such a parade of shops. Planning permission cannot, as a rule, be refused on the grounds of over-proliferation of a particular type of business, which is rather a matter for market forces.

Hours of operation

- 10.3 The application as submitted seeks opening hours between 08:00hrs and 00:00hrs. Given the recent approval at Pizza Express located at Units 8 and 9 Arndale Centre, it is however considered appropriate to limit the proposed hours of use in line with that approval, i.e. that the restaurant should not operate later than 23:00hrs weekdays and 22:30hrs Sundays and Bank Holidays.

Access for all

- 10.4 The Access Officer initially objected to the proposal due to lack of access for the disabled. The agent has subsequently revised the scheme to incorporate a platform lift which will provide level access to the building for wheelchair users. The Access Officer has since commented that the revised scheme is now acceptable subject to submission of detailed lift specifications prior to commencement.
- 10.5 A condition will therefore be imposed to require the submission of detailed specifications for the proposed lift, prior to first implementation of the use as a restaurant.

Parking provision:

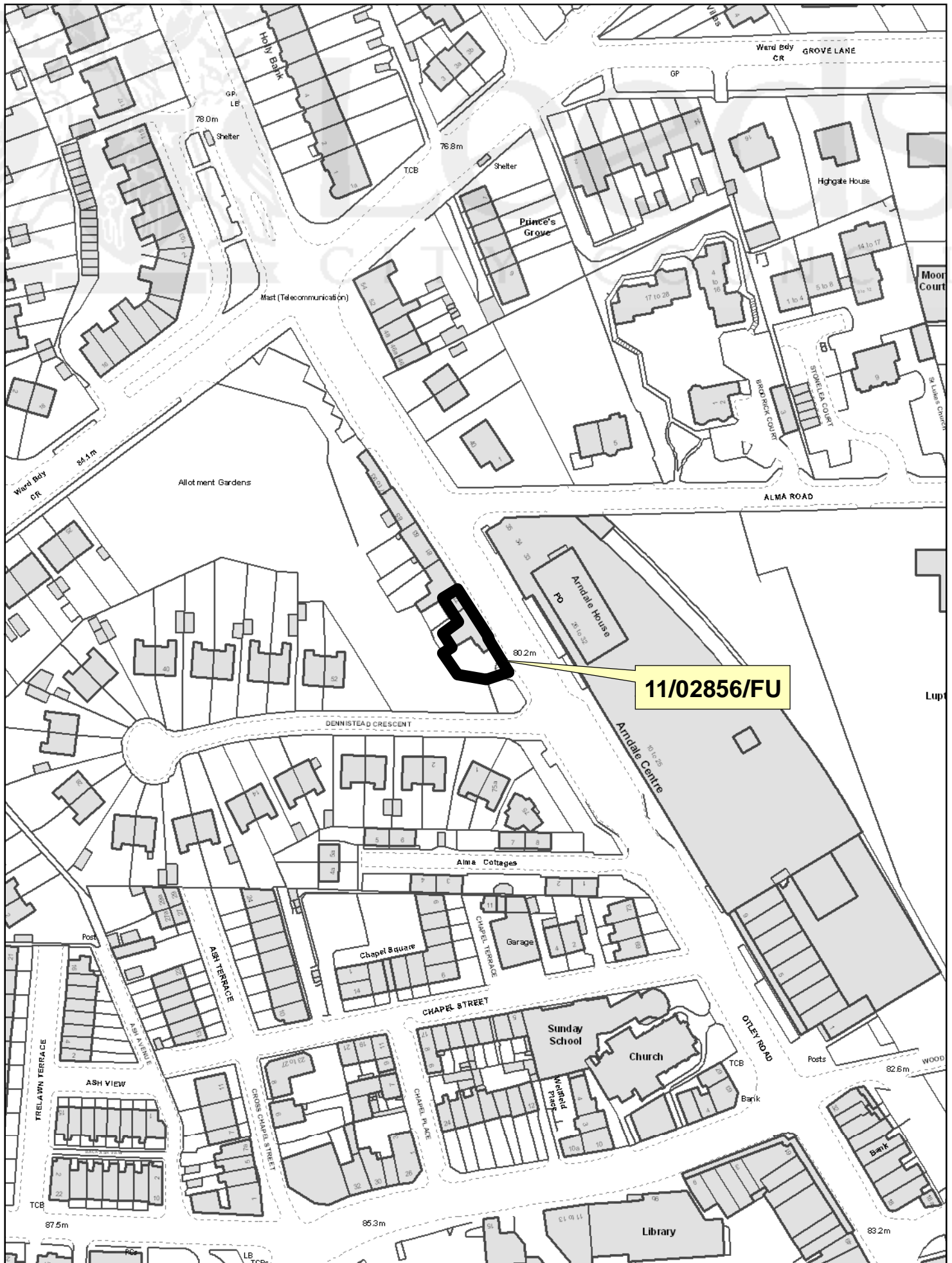
- 10.6 The application indicates that 2 off-street parking spaces will be allocated to the proposed development. The Highways Officer has responded favourably to the application acknowledging that whilst there is a shortfall in off-street parking, the site is within a highly sustainable location with TROs in operation locally and parking available within the adjacent Arndale Centre until 22:00hrs, located opposite the application site.
- 10.7 It is considered, therefore, that the proposed level of parking provision is therefore compatible with the proposal in this location.

11.0 CONCLUSION:

- 11.1 It is concluded that the proposed change of use of the property from A1 retail to A3 restaurant is acceptable, subject to the conditions outlined at the head of this report.

Background Papers:

Application and history files.



WEST PLANS PANEL