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**Report of the Chief Planning Officer**

**SOUTH AND WEST PLANS PANEL**

**Date: 23 May 2013**

**Subject: PLANNING APPLICATION 13/00212/FU**

**Change of use of retail unit to estate agency at 36 Town Street, Farsley, Pudsey, Leeds**

**APPLICANT**

Mr David Naylor

**DATE VALID**

15.01.2013

**TARGET DATE**

12.03.2013

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**Electoral Wards Affected:**

**Calverley & Farsley**

Yes

Ward Members consulted

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**RECOMMENDATION:**

Approval recommended subject to specified conditions.

1. Development to be commenced within 3 years
2. Development to be carried out in accordance with approved plans

In reaching a decision the case officer dealing with the application has worked with the applicant/agent in a positive way to produce an acceptable scheme in accordance with paragraphs 186 and 187 of the National Planning Policy framework.

In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government guidance and policy as detailed in the National Planning Policy Framework, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), the Regional Spatial Strategy 2008 (RSS) and The Development Plan, the Leeds Unitary Development Plan Review 2006 (UDPR).

GP5, T2, N19, S2, SF7, SF10a, BC9.

## Farsley Conservation Area Appraisal and Management Plan

On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.

### **1.0 Introduction:**

- 1.1 This is a retrospective application for a change of use of previously vacant retail unit to an estate agency at 36 Town Street, Farsley, Pudsey, Leeds. This is considered acceptable and would not have a detrimental impact on the viability and vitality of Farsley Town Centre. It would not reduce the proportion of primary frontage units below 30% limit laid out within policy SF7, and is therefore recommended for approval.

### **2.0 Proposal**

- 2.1 This retrospective application seeks permission for the change of use of the previously vacant retail unit at No. 36 Town Street to the A2 letting Agents.
- 2.2 Other than a new fascia sign, there will be no external alterations to the premises. Internally there are no physical alterations.
- 2.3 The remainder of the floor area has become a sales area. The upper floors will remain in use as separate dwellings, the stairwell to the rear will no longer be used as such and forms a store area.
- 2.4 There are 3 full-time employees and 2 part-time employees.
- 2.5 The proposed opening hours are 0900 hours to 17.30hours Monday to Friday and 0900hours to 1600hours Saturday.

### **3.0 Site and Surroundings-**

- 3.1 The site is a 3 storey stone building with a shop unit below which was previously in A1 use and has subsequently become a A2 shop unit, last used as Belle Maison 'home furnishings'. (With residential above on both floors).
- 3.2 The site is located within the Primary Shopping Frontage of Farsley Town Centre, as defined by UDP Policy S2, and is identified as a positive structure within the Farsley Conservation Area Statement.
- 3.3 Hainsworth Square to the rear is a privately owned road. It has a grassed verge to the side which borders the church and a narrow strip of stone flags to the front of the houses. There is no access from the site onto this road due to the change in levels. The upper floors of the building consist of a single unit of residential accommodation, accessed from the rear via Hainsworth Square.
- 3.4 The shop unit has a deep timber fascia board stained a dark brown colour which is set above dark brown stained timber panels framing either side of the full height white upvc glazing units with a part white upvc /glazed side entrance door. The shop unit occupies the lower ground floor.

- 3.5 Internally the premises are divided into a large sales area to the front /store and staff area to the rear with adjoining wc/ facilities.
- 3.6 Farsley Town Street is mainly characterised by tall stone buildings in a traditional style and consists of a mixture of ground floor retail with residential uses above. Parking is almost entirely on-street in marked bays.
- 3.7 Land levels slope down gradually to the North.
- 3.8 This parade of shop units fronts onto Town Street, and has a natural break formed by the side vehicle access and Back Lane. The shop frontage is detailed as follows

Unit no	Use class per unit	Length A1 uses per unit	Length - Other uses per unit	
28	A1			
30/32	A1	16.5m		32 under consideration
34	A1	7.3m		
36	Proposed A2		5m	
38	A1			
40	A1			
42	A1	20.5m		
44	A1			
46	A1	9.8m		
48	A5		5m	
50	A5		4.9m	
52	A2		5M	
<b>TOTAL</b>		<b>54m total A1 uses</b>	<b>20m total non retail</b>	<b>74m total frontage length</b>

### 3.0 Relevant Planning History:

3.1 None.

### 4.0 Statutory Consultations:

4.1 None.

### 5.0 Non Statutory Consultations:

5.1 Local Plans –

5.2. The Local Plans officer commented that the break in the Farsley primary frontage equate to two separate frontages. Therefore, policy SF7 should apply separately to each frontage and not be combined to both frontages. The UDP guidance on Shopping Frontages is set out below:

5.3 SF7: Within primary shopping frontages (Defined in the inset map book), proposals for change of use of retail at ground floor level to non-retail within use class A2 or A3 may be acceptable where the proportion of non-retail uses does not exceed 30% of the total frontage length and the proposal does not result in more than 20% continuous frontage in non-retail use.

5.4 **Shopping Frontages:** generally a parade of shops units presenting a continuous frontage interrupted by any features which could be perceived as major physical or visual breaks in the pattern of shopping activity - e.g. roads, a series of residential properties or other breaks such as lengthy blank walls. A street corner would normally be taken as the end of a particular frontage.

5.5 As well as using this definition I consider the maps to be clearly set out, in this case there is a break in the frontage on the map to demonstrate two separate frontages (whereas over smaller ginnels that do not have car access the frontage continues without a break). This is the approach we are taking with the Site Allocations DPD which involves a reassessment on frontages as part of the retail work.

## **6.0 Public/Local Response:**

6.1 General Site Notice Posted on 25<sup>th</sup> January 2013.

6.2 Cllr Carter has requested that the application be considered at Panel, as he would not support the proposal for a change of use of A1 to A2 within the Primary frontage of Farsley Town Centre

6.3 A local member of the Farsley Business Forum has written in on behalf of 31 Town Street with the comments that the proposed change of use a A1 unit to A2 use is objected to as it would harm the vitality and viability of the Farsley Town Centre.

## **7.0 Planning Policies:**

### 7.1 National Planning Policy Framework

The National Planning Policy Framework was published on 27 March 2012.

### 7.2 Core planning principles

Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

### 7.3 Local Policies

1 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 26<sup>th</sup> April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013.

2 As the Council has submitted the Publication Draft Core Strategy for independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

### 7.4 Unitary Development Plan –

1 Policy GP5: development proposals should seek to avoid loss of amenity.

- 2 Policy S2: designated town centres
- 3 Policy SF7: change of use to A2 or A3 within primary shopping frontages only permitted where such uses would not exceed 30% of frontage
- 4 Policy SF10A: change of use to non-retail other than A2 or A3 not normally permitted at ground floor level within defined primary frontage
- 5 Policy N19: new development within or adjacent to Conservation Areas should preserve or enhance the character or appearance of that area.
- 6 Policy BC7: development within CA should be in traditional local materials.
- 7 Policy T2: highway safety and parking

## 7.5 Farsley Conservation Area Appraisal and Management Plan

### 8.0 MAIN ISSUES

1. Principle of change of use
2. Impact on residential amenity
3. Visual amenity / Conservation Area issues

### 9.0 APPRAISAL

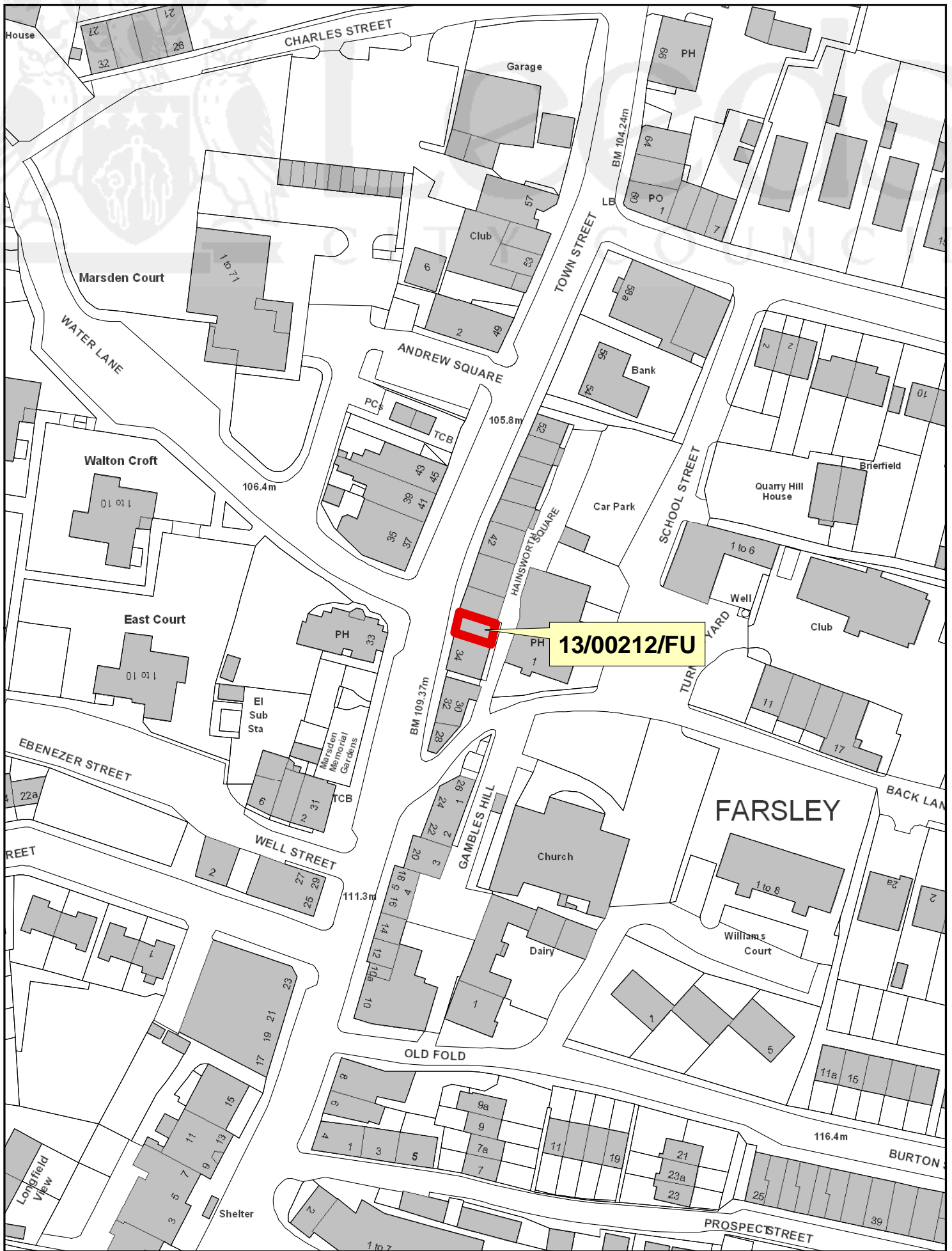
- 9.1 The proposal is located within the Primary Shopping Frontage of Farsley (identified as a town centre under UDP Policy S2). Given its location the proposal should be considered in terms of policy SF7, which states that within the designated primary shopping frontages, changes of use to ground floor retail units to non-retail use should only be considered where (a) the proportion of non-retail uses would not exceed 30% of the total frontage length; and (b) where the proposal does not result in more than 20% of continuous frontage in non-retail use.
- 9.2 In this instance compliance with Policy SF7 has been assessed by the Local Plans officer, who has stated that the guidance for assessing the frontage length should be taken as a measurement of each unit with a frontage length. The calculated percentages should then follow and be in accordance with Policy SF7. The proposal on the basis that of the run of 12 units with a frontage length of 74m, of which unit 36 is a part, only 4 of these units (units 48, 50 and 52) would be non- retail including no 36. This would equate to only 27% of the frontage length being in non retail use. Therefore 73% of uses would be in retail use which is considered to be within the healthier percentage range and exceeds the minimum percentage figure of 30% of retail uses as recommended by Policy SF7. Furthermore, the proportion of the frontage in continuous non-retail use would be 20% which complies with the upper limit of 20% suggested as a maximum in Policy S7. As such, the proposal is considered to fully comply with Policy SF7 and is supported in principle as it would not contribute to an over-abundance of non-retail uses in Farsley town centre, and retains its attractiveness and viability as a shopping facility.
- 9.3 On balance it is not considered that the proposal would significantly detract from the residential amenity of nearby residents. The premises are located within an S2 town centre. The A2 use is not considered to create any additional concerns to that of the previous A1 retail use. The opening hours are considered reasonable for this type of use within the town centre.
- 9.4 Since no external alterations are proposed, other than replacement signage. The proposal is considered acceptable in terms of visual amenity and its impact on the historic building and its Conservation Area context.

## **10.0 Conclusion**

- 10.1 In conclusion, the application is considered to accord with adopted policy relevant to this proposal. It would not reduce the proportion of primary frontage units below 30% limit laid out within policy SF7. The proposal would not be detrimental to visual amenity or the character of the Conservation Area or residential amenity and is therefore recommended for approval.

## **11.0 Background Papers:**

Application files  
13/00212/FU



# SOUTH AND WEST PLANS PANEL

