



Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 21st July 2011

Subject: Application Number 11/01290/FU – Change of use and alterations including addition of two extractor fans to retail unit to form two restaurants/takeaways at 194B to 194C New Road Side, Horsforth, Leeds.

APPLICANT

Perion Estates Ltd – Ms
Patra Heaton

DATE VALID

28 March 2011

TARGET DATE

23rd May 2011

Electoral Wards Affected:

Horsforth

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION

APPROVE SUBJECT TO SPECIFIED CONDITIONS

1. Time limit on full permission
2. Development in line with the approved plans
3. The number of covers shall be limited to 60 for number 194b and 58 for 194c at any one time .
4. All of the areas to be used by vehicles must be hard surfaced and drained, such that surface water from within the site does not discharge onto the highway. The use of loose material is not acceptable.
5. The vehicle parking areas must be no more than 1:12.5 (8%) in gradient and must have cross-falls of no more than 1:40 (2.5%).
6. All of the parking spaces must be clearly marked out on site prior to the development first coming into use.
7. Car park signage advising that the car park is only for the use of staff and patrons of the units in the parade must be erected prior to the development first coming into use.
8. A car park lighting scheme must be submitted for approval by the LPA and must be implemented prior to the development first coming into use.
9. Details of extract ventilation system to be submitted and installed

10. Provision of facilities for storage and disposal of litter to be submitted and implemented

11. Provision of grease trap

12. Opening hours limited to midnight Friday, Saturday and 2300 hours rest of week

13. Hours of delivery restricted to Monday to Saturday 1000 to 1800 hours and no delivery on Sunday and bank holidays.

1.0 INTRODUCTION:

1.1 The Chief Planning Officer considers that this application should be referred to the Plans Panel after a request from Councillor Townsley and Councillor Cleasby due to the impact on parking and highway safety plus the proposal is within a Cumulative Impact Area.

2.0 PROPOSAL:

2.1 The application is for the change of use of one retail unit into two units for A3 and A5 uses. Each unit will comprise of a separate restaurant with a take away facility. The proposal will operate on two floors and one unit will have 58 covers and the other will have 60 covers. The kitchens will be on ground floor at the rear of the premises. There is a car park to the rear shared by the other units in the row. This currently can accommodate around 20 car parking spaces. As part of the application this car park will be laid out formally plus there are also some unused garages that will be demolished and will create around 7 additional car parking spaces.

2.2 There will be some external alterations to the rear. One window on each of the properties on the upper floor will be reduced in size. This allows for a proposed extractor flue for each of the property. This will be 0.4 metres in width and 4.6 metres in height and will extend 0.8 metres above the roof.

3.0 SITE AND SURROUNDINGS:

3.1 The site is one retail unit which had previously been two units in a row of commercial buildings. There are six units in total. Two are used for restaurants and the other two are retail units. The application site is vacant at the moment. The building is two storey with a flat roof. The upper floors are used as commercial space and there are no residential above any of the six units. The building is set back from the street with a wide pavement to the front. The two restaurants have decking with seating on the front elevation within this wide pavement. There is a bus stop with bus layby in front of these shops. The property is in the commercial area of Horsforth on the busy A65. There are a variety of uses within the vicinity including a pub, other retail units and residential. The row is outside of the S2 centre. The car park is to the rear and beyond this is a residential property and an allotment.

4.0 RELEVANT PLANNING HISTORY:

None of relevance

5.0 HISTORY OF NEGOTIATIONS:

5.1 The application was received in March 2011. Highway officers had some reservations about the application and requested a car park survey to be submitted. The submission of this led highway officers to undertake their own car park survey. The applicant was requested to amend the plans so that the garages to the rear

where removed to provide additional car parking and the existing car park to be white lined. Revised plans to cover this have been submitted.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 Councillor Cleasby and Councillor Townsley have objected to the proposal for the following reasons:
- The two restaurants and takeaways are located in the Cumulative Impact Area and should be refused.
 - Between them there are 122 covers with only 20 car parking spaces plus another restaurant uses this car park. Where will they park as cannot on the road due to residents only parking.
 - In relation to takeaway service the only pull in area is a dedicated bus stop with no parking and stopping so where will people park who use the takeaway service

Horsforth Town Council object to the proposal as the cumulative effect of similar business to existing will be detrimental to parking in this area.

7.0 CONSULTATIONS RESPONSES:

Environmental Protection Team - there are residential properties within the vicinity so conditions required for extract ventilation system, storage and disposal of litter and grease trap.

Highways - The Highway Authority has carefully considered the highway implications of the proposals and comment as follows:

The site is situated in what is considered to be a sustainable location just outside of the Horsforth New Road Side S4 centre. In this location there are numerous shops and amenities which serve the needs of local residents. These facilities also attract passing trade.

New Road Side is a classified highway (A65) and is a major distributor road and bus route.

As part of the initial highway response to the application the Highway Authority requested that the applicant carry out surveys of the rear car park at evening peak times.

The existing car park is not marked out but can accommodate approximately 20 vehicles.

As part of the proposals the applicant's have indicated that the capacity of the existing car park would be increased from 20 to 27 parking spaces. This would be achieved by removing all but one of the 8 existing garages and by marking out of the resulting car parking spaces to achieve a more efficient layout. This represents an increase of approximately 35% on the existing parking provision.

The surveys carried out by the applicant showed that the majority of spaces were on a Friday evening (17 spaces) whilst on Saturday and Sunday evenings more spaces were observed to be available.

For robustness, a Highway Officer also visited the site on the evenings of Saturday 28th May, Sunday 29th May, Friday 1st July and Saturday 2nd July 2011. These visits also showed varying degrees of spare capacity in the car park e.g. on the evening of Friday 1st July only 4 vehicles were parked in the car park at 7:30 whereas on Saturday 2nd July there were 14 vehicles at 7:30.

The Highway Officer also observed the existing parking trends which take place on the adjacent highway network and particularly noted that there was spare capacity on New Road Side to the south east of the site where unrestricted kerbside parking areas are marked out on both sides of the highway. It was observed that space for

in excess of 25 vehicles was available at the kerbside on all of the above dates. It was also noted that the majority of vehicles associated with no's 124 to 192 New Road Side were observed to be parked on the un-named rear service road in preference to the A65.

It is acknowledged that the parking proposed is below the UDP maximum parking guidelines. However, given the findings of the surveys, the improvements to the car park capacity, it's marking out, signing, lighting and the demonstration of the availability of extensive kerbside parking spaces in the immediate vicinity of the site, the Highway Authority considers that on balance, the proposals are acceptable subject to the following conditions being attached to any subsequent planning approval:

1. The number of covers must be limited to that shown on the approved plans.
2. All of the areas to be used by vehicles must be hard surfaced and drained, such that surface water from within the site does not discharge onto the highway. The use of loose material is not acceptable.
3. The vehicle parking areas must be no more than 1:12.5 (8%) in gradient and must have cross-falls of no more than 1:40 (2.5%).
4. All of the parking spaces must be clearly marked out on site prior to the development first coming into use.
5. Car park signage advising that the car park is only for the use of staff and patrons of the units in the parade must be erected prior to the development first coming into use.
6. A car park lighting scheme must be submitted for approval by the LPA and must be implemented prior to the development first coming into use.

8.0 PLANNING POLICIES:

Relevant UDP policies;

BD5 – new buildings design consideration given to own amenity and surroundings.

T2 – development capable of being served by highway network.

T24 – car parking guidelines.

GP5 – detailed planning considerations should be resolved including design and loss of amenity.

SF15 – gives advice in relation to Hot Food Take Aways

9.0 MAIN ISSUES

1. Principle of development
2. Highways
3. External alteration
4. Impact on residential amenity
5. Cumative Impact Assessment
5. Representations

10 APPRAISAL

Principle of development

- 10.1 The properties are not located within any 'S' centre so there is no restriction on the conversion of the retail units to non retail uses. There are also two restaurants in the block already and other commercial uses within the near vicinity. Policy SF15 gives advice in relation to Hot Food Take Aways (HFTA). This states that HFTAs will not normally be acceptable unless they meet a number of criteria. This relates to

residential amenity and highway matters which are addressed below. They should also not impact on a listed building and the conservation area. There are no listed buildings nearby and the site is not within the conservation area. They should also conform to the relevant policies for change of uses in shop frontages in a variety of situations. Policy SF11 use to relate to the change of use from retail to non relate in small shop frontages similar to the application site. This policy was not carried through and is no longer a policy in the Unitary Development Plan. For these reasons the principle of development is considered acceptable.

Highways

- 10.2 There is a car park to the rear of the building for the application site and the other units in the row. At the current time this car park is not marked out and parking on it can be in a haphazard manner not achieving the maximum number of cars that the car park could accommodate. There are also a series of lock up garages with one belonging to each of the units in question and these are not available for the public to use. A survey of the usage of this car park was carried out by the applicant for a week in May 2011 after a request from highway officers. This showed that during the day the car park had very few users and adequate space capacity. It was a used more on a Saturday and Sunday afternoons than during the week but there were still spaces available in the region of 7 to 8 spaces. The applicant intends to demolish the existing garages creating an additional 7 car parking spaces and formally laying out the rest of the car park. This should allow for there to be 27 car parking spaces in total. As the usage during the day is generally less than 10 with the maximum being 13 the number of car parking spaces rising to 27 is considered sufficient for the change of use from retail to restaurants/take away during daytime hours.
- 10.3 In the evening the survey undertaken by the applicant in May 2011 showed that on a weekday night (Monday to Thursday) the car park had no more than 12-14 cars parked on it. This leaves a surplus which when the additional spaces are created is considered sufficient for the proposed change of use from retail to restaurant/HTFAs. However, the car park survey on a Friday, Saturday and Sunday showed that upto 18 vehicles could be using the car park at any one time. As this was close to the capacity of the existing car park, highway officers undertook their own survey on a weekend evenings this being over the first weekend in July. This survey showed that there was spare capacity on the car park in the evenings. The survey also showed that there was spare capacity on the New Road Side to the east of the development. This capacity on the car park, along with the formally laying out of the car park, the additional spaces to be provided on the car park and the spare capacity on the highway, mean, that on balance there is sufficient parking required for the change of use from retail to a restaurant. With regards to users of the HFTA they could either use the car park or the space capacity on New Road Side.
- 10.4 Overall, on balance, it is considered that the proposed change of use will not have a detrimental impact on parking and highway safety.

External alterations

- 10.5 The proposal does involve some external alterations to the rear of the premises. This involves reducing the size of an upper floor window on both premises to allow for an extractor flue to be positioned to the rear of each premises. Whilst these extractor flues are not ideal in terms of design they are located on the rear so as not to be generally visible in the street scene. There is also an extractor flue on another premises within this row of units, flat roof extensions and an air conditioning unit. It

is considered that due to these factors the two new extractor flues are acceptable and it would be difficult to justify a refusal on design grounds.

Impact on residential amenity

- 10.6 There are no residential properties above this existing row of commercial properties. There are residential properties in the next building block along New Road Side and some residential properties opposite the site. The premises is located on a very busy road which will have a high level of background noise. The car park is to the rear so will not impact on the properties further along New Road Side and opposite as the comings and goings will be pedestrians only, which generally will not be heard over the existing traffic noise. It may be worth restricting opening hours especially during the week when traffic levels will reduce so any comings and goings could cause disturbance. It is suggested that the opening hours are restricted to 2300 hours during the week rising to midnight on a Friday and Saturday evenings. The car park is located to the rear and the side boundary of a residential house forms the back wall of the car park. The comings and goings from the car park could impact on the residential amenity of the occupiers of this property. The car park is existing so there is already an element of disturbance but the comings and goings will increase due to the proposed use. The restricted opening hours should ensure that this increase in comings and goings will not have a detrimental impact on residential amenity to the occupiers of this property.

Cumulative Impact Assessment

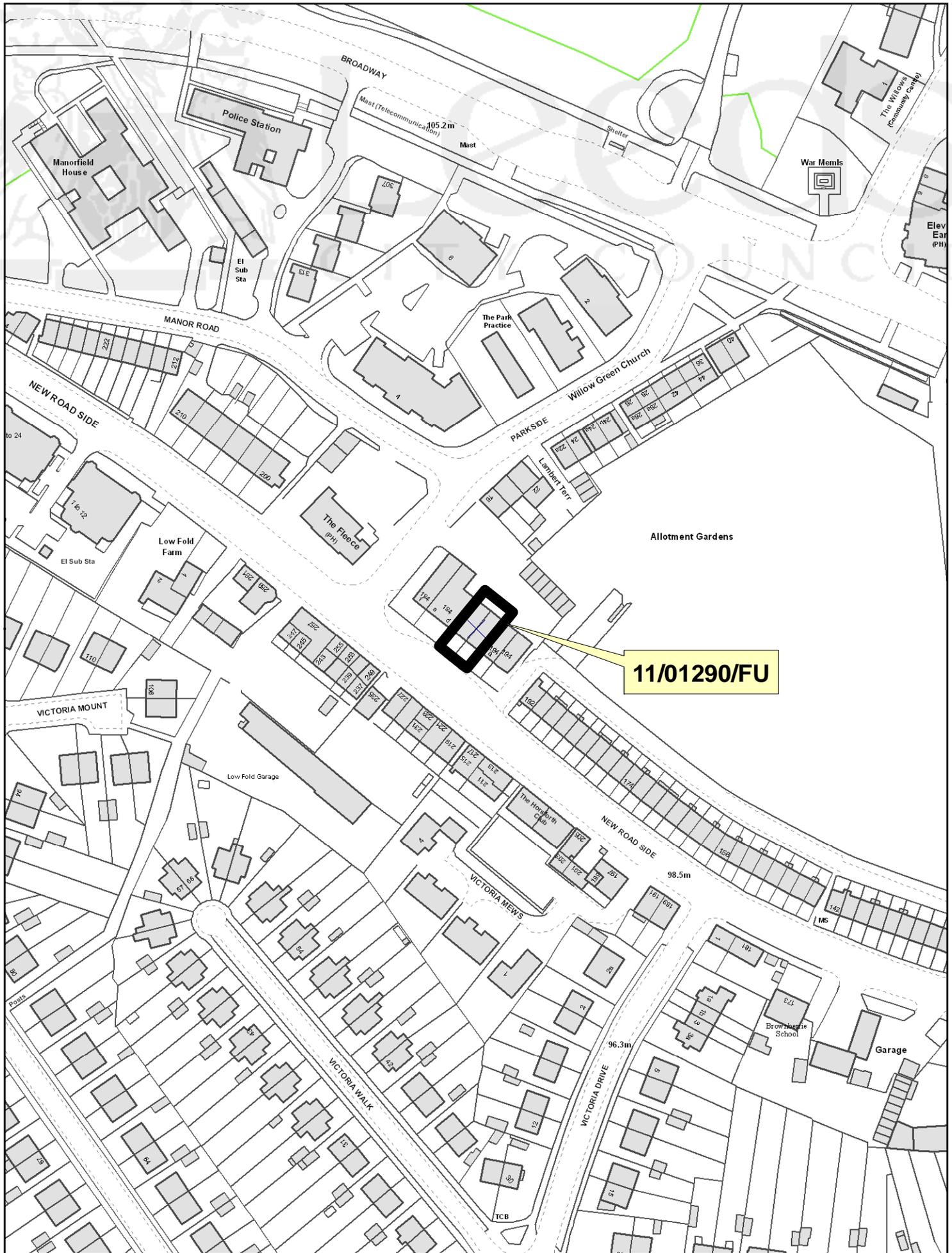
- 10.7 Councillor Townsley and Cleasby have objected to the proposal as the new restaurant and take aways are located within a 'Cumulative Impact Area'. This is not a planning material consideration and relates to licensing. Under the Licencing Act 2003 the cumulative impact policy seeks to limit the growth of licensing premises in areas where the licensing objectives are being undermined by a concentration of these premises. This application site is included with the cumulative impact area for Horsforth. Officers have been liaising with licensing officers in relation to this matter. It will be dealt with by the licensing department and not during the determination of this planning application.

11 CONCLUSION

The proposal is a change of use from one retail unit to two units that will be used for restaurant/Hot food take away. The proposal is considered acceptable in principle as the property is outside of Horsforth S2 centre. The proposal will create additional car parking spaces which offset the change of use from retail to restaurant/hot food take away. With conditions for opening hours and delivery hours the change of use should not have a detrimental impact on residential amenity. Overall the scheme is considered acceptable.

Background Papers:

Application file: 11/01290/FU



EAST PLANS PANEL