



Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 11 August 2011

Subject: APPLICATION 11/01749/FU Change of use of shop (A1 use) to hot food take away (A5 use) with new shopfront and flue at 384 Dewsbury Road, LS11

APPLICANT

Mr Rehman

DATE VALID

28.04.2011

TARGET DATE

23.06.2011

Electoral Wards Affected:

Beeston & Holbeck

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 conditions set out below:

However if Members are minded to refuse the application, a reason for refusal is suggested at para 2.10 of the report.

1. Standard time limit (3 years)
2. Development in accordance with approved plans
3. Details of sound insulation to first floor flat to be submitted
4. Hours of opening 08:00 – 23.30 Monday to Saturday, 08.00 to 23.00 Sundays and Bank Holidays.
5. Hours of delivery 07.00 to 18.00 Monday to Saturday with no deliveries on Sundays or Bank Holidays.
6. A scheme of odour control to be submitted to the Local Planning Authority.
7. Submission of details of any mechanical ventilation or air conditioning units
8. Submission of details of sound insulation of plant and machinery (including extraction systems, fans, ducts, air conditioning units.)
9. Provision of grease trap
10. Submission of details for provision of waste and litter
11. Removal of permitted development rights for change of use to A3

Reason for approval;

The application is considered to comply with policies SF15 and GP5 of the UDP Review, and having regard to all other material considerations including conditions to protect residential amenity, it is considered acceptable.

1.0 INTRODUCTION:

1.1 This application was recommended for approval by Officers at the Plans Panel East meeting on 16th July 2011 and was brought to Plans Panel at the request of Councillor's Ogilvie and Gabriel due to concerns regarding existing problems from Take-Aways in this parade with noise, smell, litter and increased traffic/parking problems.

1.2 At the Plans Panel meeting Members were concerned regarding the prevalence of hot food takeaways in this parade and within the wider area, due to concerns regarding the retail function of the parade as well as potential nuisance and anti-social behaviour problems that can be associated with hot food Take Aways.

2.0 SUMMARY

2.1 Officers have surveyed the number of hot food take away A5 uses in the surrounding area, as follows;

- There are 10 hot food take aways within Dewsbury Road S2 centre. This centre consists of approximately 65 commercial properties.
- There are a further 9 hot food take aways along Dewsbury Road outside of the S2 centre (including those within the parade of shops relating to the application at 384 Dewsbury Road)
- There are 3 take away uses close to the junction of Dewsbury Road with Tommy Wass public house. It should be noted that this is identified as a future centre within the LDF core strategy preferred options.

2.2 Within the wider area away from Dewsbury Road, at Beeston Hill/ Beeston Road as well as Tempest Road and Barkly Road there are also a further 13 hot food take aways and one extant permission. Beeston Hill is also identified as a future centre within the LDF core strategy preferred options.

2.3 The parade of shops which the application premises is within consists of 14 units made up of the following uses;

- A1 shops x 4
- Part A1 use x 2 (No. 382 laundrette/ dry cleaners & No. 396 sandwich shop/ café)
- A2 financial and professional services x 2
- A5 hot food takeaways x 5 (although two of these constitute one unit which has been subdivided into two hot food take aways)
- Vacant units x 2 (including application premises)

2.4 It is also worth noting that excluding the 2 vacant premises within the parade, 8 of the existing 14 units are daytime uses. And although a hot food take away use, KFC also operates during the daytime from 11.30am.

2.5 Members queried how long the application premises had been vacant for and the letting agent has confirmed that the unit has been vacant for 18 months with little

interest. No. 402 within the parade is also vacant however this has only come on the market within the last couple of months.

2.6 Members also discussed anti social behavior concerns raised by local residents. The crime statistics for the area have been requested from West Yorkshire Police, however no information has been received and this will therefore be reported verbally if available.

2.7 Members expressed concern regarding the lack of policies to deal with proliferations of hot food take away uses and this matter will therefore be considered at a future Joint Plans Panel meeting. However Members were advised that at present the UDPR does not contain a policy to protect parades of shops such as those surrounding the application site. It should also be noted that policy SF11 referred to in the previous report has not been saved by way of the direction from the Secretary of State and therefore can no longer be applied. However policy EC13 of Planning Policy Statement 4 – Planning for Sustainable Economic Growth (PPS4) deals with applications affecting shops and services in local centres and villages and advises that local planning authorities should;

a) take into account the importance of the shop to the local community or the economic base of the area if the proposal would result in its change or loss.

b) refuse planning applications which fail to protect existing facilities which provide for people's day to day needs.

2.8 As reported previously however, where a parade of shops is not part of a designated centre there is no specific policy within the UDP Review to protect the range of uses, however policy S4 does recognise a need to maintain and enhance the vitality and viability and availability of shopping services generally and recognises that without regulation there is a danger than non retail uses could dominate shopping frontages in a way that would undermine the retail function. It should be noted however that policy S4 refers to S1 and S2 centres and also identified S4 centres, and the application site is not within any of these defined centres.

2.9 Members attention was drawn to the costs decision in 1995 regarding 380 Dewsbury Road (KFC) based on a refusal relating to residential amenity. Whilst Members do have concerns regarding amenity and the proposed use, it is clear that this was as a result of the number of hot food take aways which would result in the parade. At the time of the appeal decision at 380 there were 2 existing take aways within the parade and the appeal premises then became the third. Since then one more hot food take away has opened and one has been subdivided into two units. Therefore resulting in 5 hot food take aways currently operating at the parade. The application site 384 would therefore be the sixth hot food take away. Whilst the appeal decision at 380 only resulted in 3 hot food take aways being present, it is still considered that the decision established an acceptance of hot food take aways based on the matters for consideration under policy SF15 regarding hot food take aways.

2.10 Officers have looked at other areas where there is known to be proliferation of A5 uses and in areas such as Headingley or Chapel Allerton, under the licensing section a 'Cumulative Impact Policy' has been introduced in order to restrict licenses for premises selling hot food between the hours of 11:00 and 5:00 – however this would not relate to the premises that this application applies to.

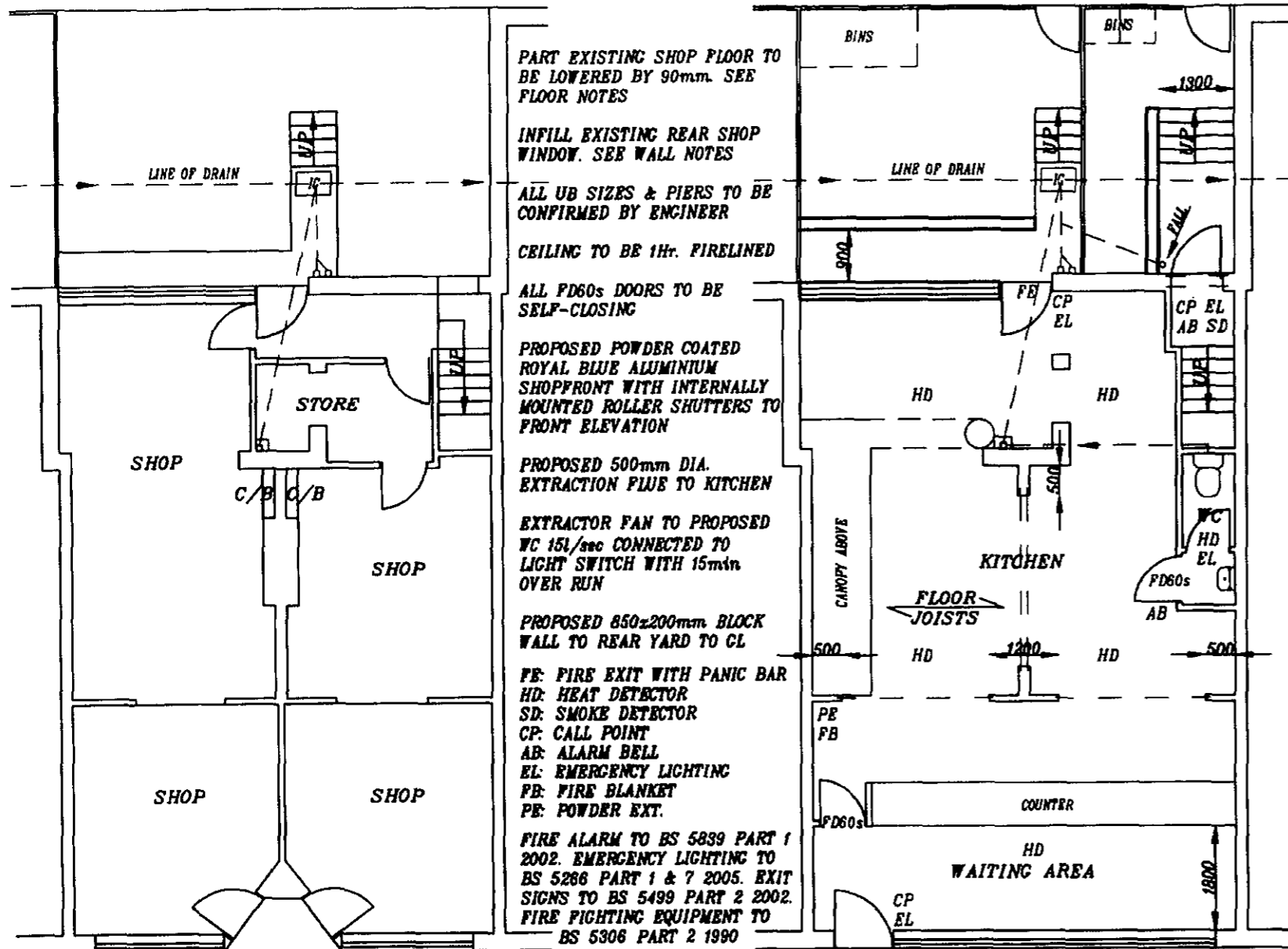
- 2.11 This application is still recommended for approval as whilst there are a high number of hot foot take aways in the wider area these are distributed across two designated centres and two emerging centres (as part of the LDF core strategy). The application premises has been vacant for some 18 months and there is potential therefore that refusal of the application would lead to a continued and prolonged vacancy rather than supporting the retail function of this parade. This, together with the limited policy basis for refusal and the appeal decision at 380 Dewsbury Road have lead to the recommendation that the application should be approved.
- 2.12 However, if Members are minded to refuse the application which would result in six hot food take away uses operating on the parade, then it is considered that the proposal could be considered to conflict with the aims of policy S4 and the requirements of policy EC13 of PPS4 and therefore the following reason for refusal is suggested;

The proposed change of use would increase an existing proliferation of hot food take aways which would alter the character and function of this parade of shops and would be detrimental to future vitality and viability of the shopping parade due to a lack of variety of uses particularly during daytime hours. The proposal is considered to conflict with the aims of policy S4 of the Leeds UDP Review 2006 as well as the requirements of policy EC13 of PPS4.

Background Papers:

Application file: 11/01749/FU.

Certificate of Ownership; Certificate A signed on behalf of applicant.



PROPOSED 2400mm HIGH PALISADE FENCE AROUND REAR BOUNDARY

EXISTING GROUND FLOOR PLAN

PROPOSED GROUND FLOOR PLAN

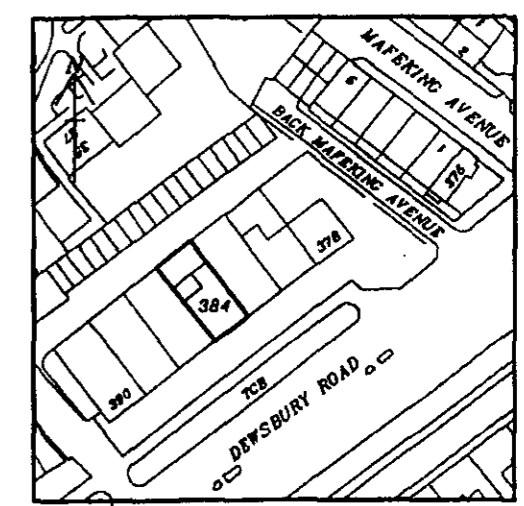
- FOUNDATIONS:**
600x200mm CONCRETE STRIP FOUNDATIONS AT DEPTH TO SUIT. MIN. 750mm.
FOUNDATIONS TO INVERT LEVEL OF DRAINS.
- SUSPENDED TIMBER FLOOR:**
18mm TONGUE AND GROOVED FLOOR BOARDS. 250mm CROWN WOOL SUPPORTED ON INSULATION SUPPORT NET B/W 200x50mm FLOOR JOISTS @400mm c/c WITH STRUTTING AT MID SPAN. VENTILATED VOID. FLOOR JOISTS TO BE SUPPORTED ON GALV. STEEL HANGERS.
U-VALUE: 0.22W/m2K.
- CEILINGS:**
170x50mm SC3 CEILING JOISTS @400mm c/c. 12.5mm PLASTERBOARD WITH SKIM.

- EXTERNAL WALLS:**
100mm BLOCK/RENDER TO OUTER LEAF. 105mm CAVITY RETAINING CLEAR 50mm SPACE. 55mm KINGSPAN THERMAWALL PARTIAL FILL CAVITY WALL INSULATION. 100mm CONCRETE BLOCKS (7N/mm2) TO INNER LEAF. 12.5mm KNAUF PLASTERBOARD. STAIFIX S/S WALL TIES 250mm HR74 WITH RETAINING CLIPS. WALL TIES PLACED 750mm HORIZONTALLY, 450mm VERTICALLY & WITHIN 250mm OF ALL OPENINGS. U-VALUE: 0.22W/m2K. 150x100mm RC LINTELS TO ALL WINDOW AND DOOR OPENINGS. 215x100mm RC LINTELS TO OPENINGS GREATER THAN 1500mm. CAVITY TRAYS ABOVE ALL NEW LINTELS WITH WEEP HOLES @ENDS. PROPOSED WALLS TO BE BLOCK BONDED INTO EXISTING WALLS.

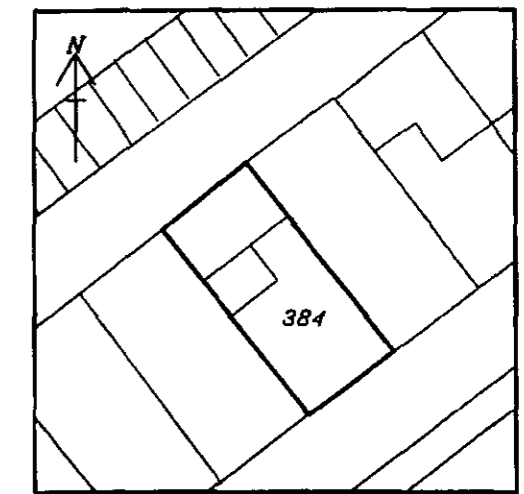
- PARTITIONS:**
ALL PARTITIONS 75x50mm FRAMING @400mm c/c. 12.5mm KNAUF PLASTERBOARD WITH SKIM ON BOTH SIDES. WHERE PARTITIONS DIRECTLY ABOVE JOISTS, 2No. JOISTS BOLTED TOGETHER & FIXED DIRECTLY UNDER PARTITION LINE. 100mm CROWN WOOL INSULATION TO PARTITIONS.
- WINDOWS/VENTILATION:**
DOUBLE GLAZED UPVC ARGON FILLED WINDOWS & DOORS PROVIDE VENTILATION NOT LESS THAN 1/20th FLOOR AREA & INCLUDE 10000mm2 TRICKLE VENTS. GLAZING TO BE LOW E CLASS WITH MIN. AIR CAP 16mm. GLAZING IN CRITICAL LOCATIONS TO BE TOUGHENED. U-VALUE: 1.6W/m2K.
EXTRACTOR FAN TO KITCHEN: 60l/sec.
EXTRACTOR FAN TO UTILITY: 30l/sec.
EXTRACTOR FAN TO BATHROOM: 15l/sec.
- PLUMBING:**
WC: 100mm PVC SOIL PIPE.
WHB: 32mm DEEP SEAL PVC TRAP-WASTE TO BACK INLET GULLEY OR SOIL STACK
BATH/SINK: 40mm DEEP SEAL PVC-WASTE TO BACK INLET GULLEY OR SOIL STACK.
- EXTERNAL DRAINAGE:**
S&VP TO CONNECT TO EXISTING DRAINS VIA NEW IC. ANY DRAINS PASSING UNDER NEW FLOOR TO BE ENCASED WITH 150mm CONCRETE. ANY DRAINS PASSING THROUGH WALLS TO HAVE 150mm RC LINTELS OVER WITH NO JOINT WITHIN WALL THICKNESS. ALL NEW UNDERGROUND DRAINAGE TO BE RUN IN 100mm PVC PIPING.
MIN. FALL TO FOUL: 1:40.
MIN FALL TO SURFACE WATER: 1:60.
RAIN WATER GUTTERS 100mm PVC SECURED TO 200x19mm TIMBER FASCIA & CONNECTED TO 75mm RAIN WATER PIPES TO BACK INLET GULLEYS.
- ELECTRICS:**
ALL ELECTRICS TO APPROVED DOCUMENT (P).
- LIGHTING:**
ALL NEW LIGHT FITTINGS TO HAVE LUMINOUS EFFICIENCY LESS THAN 40 LUMENS/CIRCUIT-WATT.
- HEATING:**
ALL NEW RADIATORS TO HAVE THERMOSTATIC VALVES.
- GENERAL:**
EXISTING FOUNDATIONS, LINTELS AND WALLS TO BE CHECKED ON SITE FOR ADDITIONAL LOADINGS.

ALL WORK TO BE IN STRICT ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS & TO COMPLY WITH ALL RELEVANT BRITISH STANDARDS & BUILDING CODES OF PRACTICE.

THIS IS NOT A WORKING DRAWING. ALL DIMENSIONS & LEVELS MUST BE CONFIRMED ON SITE BY THE CONTRACTOR PRIOR TO COMMENCEMENT OF WORK. DO NOT SCALE. USE WRITTEN DIMENSIONS ONLY.



LOCATION PLAN
SCALE: 1:1250



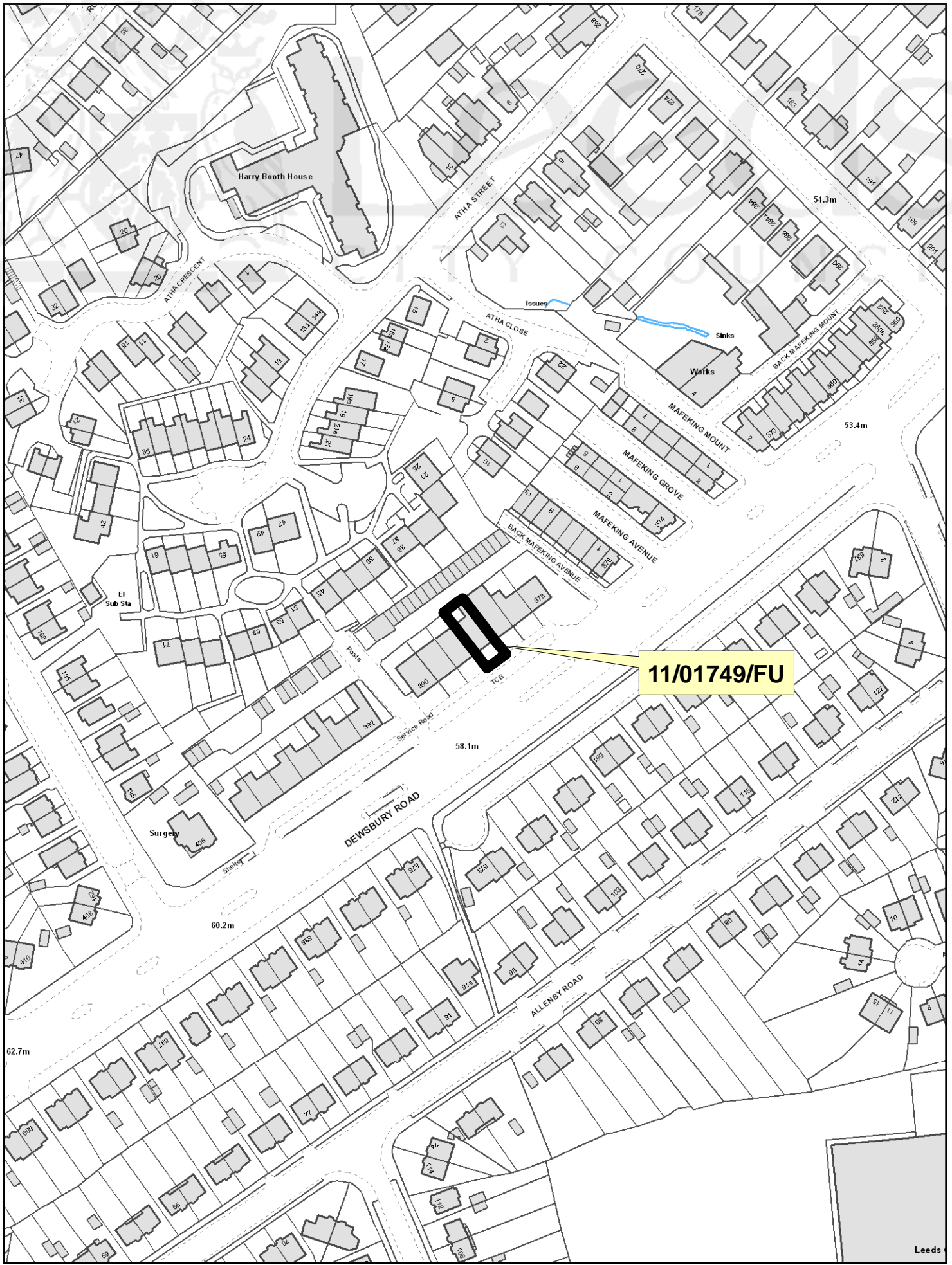
SITE PLAN
SCALE: 1:500

LEEDS CITY COUNCIL
11 JUL 2011
REVISED

AMENDED DATE: JULY 2011

PROPOSED CHANGE OF USE FROM (A1) RETAIL TO (A5) HOT FOOD TAKE AWAY WITH EXTERNAL ALTERATIONS AT 384 DEWSBURY ROAD, LEEDS, LS11 7JX, FOR MR REHMAN

Khawaja PLANNING SERVICES		TELEPHONE 01274 618780
		MOBILE 07956 184960
SCALE: 1:100	DRAWN BY: ZESHAN KHAWAJA	DATE: APR 2011
DRAWING NUMBER: 11/1378/MR1		



EAST PLANS PANEL