



Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 1st August 2019

Subject: 19/00898/FU- Change of use of garage to form A1 retail unit at The Beauty House, 2 Haigh Moor Road, Tingley, Wakefield, WF3 1AA

APPLICANT	DATE VALID	TARGET DATE
Leeds City Council	10 April 2019	Extension to be confirmed

Electoral Wards Affected:

Ardsley and Robin Hood

Yes

Ward Members consulted
(Referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

RECOMMENDATION: GRANT PERMISSION subject to the specified conditions:

1. Time limit on full permission
2. Development carried out in accordance with approved plans
3. A1 retail unit only occupied/operated by owner of 2 Haigh Moor Road or related family member.
4. Car parking plan to be implemented to create 7 spaces
5. One parking space reserved for residential tenant and one reserved for A1 use
6. Parking space size
7. Details of bin store
8. Forecourt area in front of A1 unit to remain free from obstruction
9. Cycle parking details
10. Details of boundary treatments
11. Restriction of opening hours (08.00-19.00 Mondays to Saturdays, 10.00-16.00 on Sundays and Bank Holidays)
12. No new windows
13. Rear garden not to be used in relation to A1 unit
14. Use only for retail sales use class A1 notwithstanding the General Permitted Development Order
15. Use only for retail sales as defined by Use Class A1

1.0 INTRODUCTION

- 1.1 The application is brought to South and West Plans Panel at the request of Ward Councillor Lisa Mulherin. She is concerned that the proposal would exacerbate the existing parking problems at this junction, and that there is a possible future use of the unit as a café. Councillor Mulherin raises material planning considerations that give rise to concerns affecting more than immediate neighbouring properties and therefore, in line with the terms of the Officer Delegation Scheme, it is appropriate to refer the application to Panel for determination.

2.0 PROPOSAL

- 2.1. This application seeks planning permission for the change of use of the detached garage at The Beauty House at 2 Haigh Moor Road in Tingley, to an A1 retail shop use.
- 2.2. The garage is within the boundary of the The Beauty House salon's curtilage granted in November 2016 under 16/05612/FU. It is linked to that permission as the area identified as its cycle store, and has a parking space in its forecourt used by the tenant of the residential flat on the first floor of The Beauty House building. The salon is operational although the associated parking layout has not been fully implemented as per the conditions on that permission.
- 2.3. The garage measures approximately 3.4m by 6.8m. Physically the proposal is to remove the front up and over garage door and replace it with a door and large window. The existing side single door will be changed to French doors. The remainder of the fenestration will remain, and the garage will be painted to match the grey colour tone of 'The Beauty House' frontage.
- 2.4. The applicant intends to sell health and beauty products, deli foods, and hot drinks and soup. There will be no requirement for an oven and food preparation would be outsourced. There would be two small tables for customers to eat in. However, the description of development allows for an open A1 use which does not restrict the goods to be sold, as is explained further within this report.
- 2.5. The opening hours sought are 8.00am-7.00pm Mondays to Fridays, 9.30am-6.30pm Saturdays, 10.00am-4.00pm on Sundays and Bank Holidays.
- 2.6. It is noted that the description of the proposal has changed twice since the original submission of the application, with associated site notice and neighbour notification also undertaken. This is as a result of further information being made available as to the nature of the intended use, and therefore its relationship with the main salon business/main building. For the avoidance of doubt, this report is on the basis of the description 'change of use of garage to form A1 retail unit'.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is at the corner junction of Haigh Moor Road and Westerton Road and comprises a detached building in use as a beauty salon with a residential flat above, formerly a post office. The detached garage which is the subject of this application is set to the west of the main building with access via a forecourt/drive off Westerton Road. It is adjacent to a pair of semi-detached houses, and separated from the front drive with a low wall. The main Beauty House building is set back from the highway with a hardstanding area to the front and sides for parking, with the remaining boundaries being hedging. The main building has a residential flat at first floor. The area is

predominantly residential, and to the north on the opposite side of Westerton Road are a hairdressers, café, and convenience shop/post office.

- 3.2 It is noted that the parking layout required as part of the permission 16/05612/FU for the change of use of post office to beauty salon has not been fully implemented. The hedge to the west of the current parking has not been removed or the area beyond laid out for parking to create a total of 7 spaces. This breach has not been subject to any enforcement action. If the current proposal is approved, then the same parking layout would be required via a new condition on the new permission.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 16/05612/FU: Change of use and alterations of vacant post office to beauty salon and complimentary therapy. Approved 02.11.2016.
- 4.2 15/05974/FU: Change of use of former post office to residential use to form enlarged dwelling. Approved 18.12.2015.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The application description has changed twice since submission, which reflected the benefit of increased clarity from the applicant over her intentions rather than any major change in what was proposed.
- 5.2 Information with the initial application submission inferred that the change of use would only be for Beauty House customers to have food associated with their treatments. No changes were proposed to the outside of the garage. Description 'Change of use of garage to form beauty treatments/shop (class use Sui Generis/A1)'.
- 5.3 After discussion with applicant it became apparent that her intention was for the garage to be open to any customers, with the main building used for food preparation, albeit limited hot food. For clarity description changed to: 'Change of use of garage to form ancillary A1 food and drink sales.' This would still allow a small element of café use.
- 5.4 Following case officer concerns about disabled access, changes to the elevations were proposed to create French doors in the side and rear. Officer advice that the rear doors would not be supported due to impact on the neighbouring gardens, lead to the proposal to leave the rear elevation as it currently is and to not use the rear garden.
- 5.5 Revised plans were received to show the front garage door changed to a door/window and no front parking on the forecourt to allow for disabled access. Details received relating to the proposed opening hours/products to be sold set out that the food preparation could be outsourced to any home kitchen. There was therefore no specific relationship between the use of the garage and main Beauty House building, so the potential future use of the garage has to be considered as a separate unit, therefore description changed to as current: 'Change of use of garage to form A1 retail unit.'

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1. The application was advertised by Site Notices (three Notices put up due to changes of application description) on 23rd April, 13th May, and 28th May 2019.
- 6.2. Neighbour Notification Letters were issued on 25th April, 10th May, and 28th May 2019. The following representations have been received.

- 6.3. Ward Councillor Lisa Mulherin has raised concerns (as expressed in para. 1.1 of this report) and requested the application be determined by the Plans Panel.
- 6.4. 14 letters of objection have been received with 4 being multiple objections from the same objectors following the changes to the application description. Some issues raised relate to the initial description and uncertainty about the exact use and have in effect been superseded by the changes/clarification made, but for clarity all comments made are set out below:

- Lack of existing and proposed parking, will create more illegal on-road parking and within private car park of opposite café/hairdressers
- Traffic increase and road safety concerns, conflict with bus stop/busy junction
- Not suitable so close to a bus stop
- Double yellow lines and pedestrian crossing should be put in place
- Assume dropped kerb will be needed
- No need for further food sales in the local area
- Shouldn't compete with existing businesses
- Amenity impact on neighbouring properties, out of character changing from residential to commercial, noise and disturbance, possible music, smells, loss of privacy day and evening, air pollution from smoking outside
- Unreasonable opening hours
- Amenity issues from use of rear garden
- Lack of detail of waste collections
- Lack of toilets
- Risk of future separate sale of the garage, possible enlargements
- Risk of future change of use to a full café
- Lack of ability to enforce ancillary nature of permission
- Misleading descriptions and lack of clarity of proposal
- Unlikely to only be for Beauty House customers
- Lack of consultation to nearby properties
- Insufficient detail about hot food preparation, fire safety
- New cycle storage required
- Reduced security through rear garden to neighbouring properties
- Possible drainage issues
- Lack of clarity over parking plan
- Potential increase in crime
- Possible nesting birds in the trees to be removed

7.0 CONSULTATIONS RESPONSES:

7.1 Highways: No objections to original scheme or revised descriptions, on the basis of the parking being implemented as required by the approval and conditions for the change of use to the Beauty House. The garage A1 use will require 1 parking space out of the Beauty House parking area, and the tenant above will now use another of the spaces. The 5 remaining spaces will be used by customers of the Beauty House, this would be acceptable. The application will not significantly change vehicular movements.

7.2 Flood Risk Management: No objections.

8.0 PLANNING POLICIES:

8.1 Section 38(6) of the Planning and Compulsory Purchase Act states that for the purpose of any determination to be made under the Planning Acts, the determination must be

made in accordance with the development plan, unless material considerations indicate otherwise. The development plan currently comprises the adopted Local Development Framework Core Strategy (2014), those policies saved from the Leeds Unitary Development Plan (Review 2006) (UDP), the Aire Valley Leeds Area Action Plan (2017), the Natural Resources and Waste Local Plan (2013 and 2015), the Site Allocations Plan (2019), and any made neighbourhood plan.

Local Planning Policy

8.2 The Core Strategy (2014) sets out the strategic planning policy framework for the District. The following core strategy policies are considered to be relevant to this application:

P8: Sequential and impact assessments for main town centre uses.

P10: Seeks to ensure that new development is well designed and respects its context.

T2: Accessibility requirements and new development.

8.3 The following Unitary Development Plan Review (2006) policies are also considered to be of relevance:

GP5: Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

BD6: All alterations and extensions should respect the scale, form, detailing and materials of the original building.

N25: Relates to boundary treatments and ensuring these are appropriate.

8.4 The Supplementary Planning Documents of relevance are the Parking SPD (2016) and the Accessible Leeds SPD (2016).

Core Strategy Selective Review (CSSR):

8.5 Hearing sessions relating to this selective review of the Core Strategy were completed at the end of February/beginning of March 2019 and the Inspector's Main Modifications were published on April 10th 2019. Executive Board recommended that these Modifications be subject to consultation at its meeting on 16th May and this expired at the end of June. The CSSR is anticipated to be adopted in September. The advanced nature of the CSSR is such that significant weight can be attached to the revised policies where relevant. However, no policies are considered directly relevant to the determination of this application.

Revised National Planning Policy (NPPF) (2019)

8.6 The National Planning Policy Framework (2019) sets out the Government's planning policies for England and how these are expected to be applied. Achieving good quality design and not causing harm to highway safety are referenced as being important to achieving sustainable development.

9.0 MAIN ISSUES

1. Principle of Development
2. Access
3. Visual Amenity
4. Residential Amenity (overlooking, overshadowing and over dominance)
5. Highways
6. Representations

10.0 APPRAISAL

Principle of Development

- 10.1. The site is unallocated in the Local Plan. The change of use to A1 is for the detached garage approximately 23 sqm. which benefits from a D1 use as part of the wider salon permission.
- 10.2. There is no specific relationship between the garage and main Beauty House building/use in terms of food preparation or customers, and the application description reflects this and is a change from the original description which referred to an ancillary use. However, it does share the same red line boundary, would use a parking space within the main forecourt, and would share bin and cycle storage. Therefore the proposal has to be considered within the context of the usage of the rest of the site, and any potential future use. In order to address the difficulties which may be encountered with both the creation of a standalone planning unit/curtilage were the garage to be sold off, and the need to retain suitable parking and bin/cycle storage, a condition is proposed. The condition would state that the A1 retail unit shall only be occupied/operated by the owner of 2 Haigh Moor Road or a related family member.
- 10.3. Core Strategy Policy P8 allows for new retail units under 200sqm with no requirement for a sequential test. The NPPF also encourages economic growth and the unit is very small. Although there have been objections relating to competition with nearby businesses and the lack of need for another retail outlet, the in principle planning policies are satisfied.
- 10.4. The applicant has stated that the types of goods to be sold are deli foods which would include salads, meats, cheese, baked goods including bread and cakes, quiches and pies, soup, speciality teas, and coffee, chocolate, gluten free and vegan options. There will be no requirement for an oven and food preparation would be outsourced. There would be two small tables for customers to eat in, with that percentage estimated as 15% although as a new business it is hard to be accurate.
- 10.5. A small element of hot food/drinks and/or eating in is allowed within an A1 use as long as food is not cooked on site. Officers have considered whether to impose a condition to restrict the goods sold to only these products proposed by the applicant. However, it is not considered that such a condition would meet the required tests, namely that it would not be reasonable on the basis that no harm would be created by having a wider range of goods, either within the applicant's proposed new business or any future business which may take over the unit. It would unreasonably restrict a new business and could not properly be enforced. Therefore the application is to be determined as an open A1 consent. This is also discussed in relation to residential amenity below, and conditions imposed to restrict any changes which may otherwise be allowed under the Use Classes Order or the General Permitted Development Order.
- 10.6. Overall therefore the principle of the proposal is acceptable.

Access

- 10.7. A new retail unit is being created and therefore it needs to be accessed by all persons under the Accessible Leeds SPD. This is the main reason for the requirement to create level access into the new frontage via the existing drive, and have no obstructions on that driveway. This will be imposed via a condition.

Visual Amenity

- 10.8. Policy GP5 advises that development proposals should resolve detailed planning considerations including landscaping and design, and Policy BD6 relates to all alterations and extensions and advises that they should respect the scale, form, detailing and materials of the original building. This advice is also reflected within Policy P10.
- 10.9. Relatively minor changes are proposed which will replace the front garage door for a door and window, and replace the side door with French doors. The garage will be painted to match the grey on the Beauty House cladding. Although this will clearly change the nature of the building from a domestic scale garage to a commercial property, the proposal is considered in itself to have a neutral effect on visual amenity.
- 10.10. As part of the proposal the parking layout approved under the Beauty House permission (and which has only been partly implemented) will be drawn across as a new condition on this application in order that it is fully implemented. This parking plan as approved required removal of some hedgerow and vegetation and opened up views across the frontage of the wider site. This visual impact has already been assessed under the previous permission as being acceptable. Details of boundary treatments will be conditioned and may require replacement hedging.
- 10.11. As such the conversion is not anticipated to have any implications for visual amenity and complies with Policies P10, GP5, and BD6.

Residential Amenity

- 10.12. Policy GP5 advises that development proposals should resolve detailed planning considerations including seeking to avoid problems of loss of amenity. Directly adjacent to the west of the garage is a carport attached to a semi-detached dwelling at 277 Westerton Road, with the driveways to the garage and that dwelling running alongside separated by a low wall. The garden of 277 is to the south west of the garage. To the south beyond the garden of The Beauty House is another residential dwelling and garden. At first floor within the Beauty House building is a residential flat, which also benefits from use of the rear garden.
- 10.13. Although part way through the determination period it was proposed to insert rear French doors into the garage and potentially use the garden as a spill out seating area, this was removed from the proposal. It is clear that use of the garden for a commercial use would impact on the amenity of neighbouring properties in terms of noise and disturbance. Conditions are therefore imposed to prohibit any conversion to doors in the rear wall or any use of the garden associated with the retail unit. It is considered that this addresses a large number of the concerns of the neighbouring objectors.
- 10.14. Adding conditions to restrict any future use of the A1 changing to a more intensive café use will also address objections, alongside the fact that no hot food is to be cooked within the unit. A condition will be imposed to prohibit any obstruction of the front forecourt area, which as well as allowing for access as outlined in the report above, also means there will be no customer tables permitted out the front of the garage building. This is considered to retain the privacy and amenity of the neighbouring properties.
- 10.15. Proposed opening hours have been specified on the application form as 8.00am-7.00pm Mondays to Fridays, 9.30am-6.30pm Saturdays, and 10.00am-4.00pm on Sundays and Bank Holidays. Although these are longer than the Beauty House allowed opening hours in relation to weekends, and also slightly later opening on weekends

than the convenience store opposite, again it is not deemed reasonable to restrict them below that requested. It is also considered acceptable for the use to remain open on a Saturday to 7pm also and this is reflected in the hours specified in the condition. It is not considered that harm would be caused by the hours proposed or that they are slightly longer hours than the other businesses, bearing in mind the very small size of the unit.

- 10.16. Overall therefore the proposal with proposed conditions is not considered to have any impact on neighbouring residential amenity, and complies with Policy GP5.

Highways

- 10.17. The Parking SPD supports the aims of Core Strategy Policy T2. The Highways team has raised no objections to the proposal in relation to parking or traffic generation or the comments made by objectors relating to highways safety. This is on the basis of the parking being implemented as required by the approval for the change of use to the Beauty House, so that seven spaces are available within its curtilage. A condition will therefore be imposed to require the parking spaces to be implemented prior to first use of the new retail unit.

- 10.18. The application will not significantly change vehicular movements, which is to be expected due to its very small scale. The proposed A1 use would require one parking space, which can be accommodated within the Beauty House parking area, and the tenant above The Beauty House who currently uses the space in front of the garage would use another of the spaces. The five remaining spaces will be used by customers of The Beauty House, which is acceptable. A condition is proposed to require that these parking spaces are reserved for such uses.

- 10.19. Objectors have raised a number of other highways matters, including traffic generation, highways safety, and existing parking problems. Councillor Mulherin considers that any additional use that will generate further regular vehicle movements cannot be safely accommodated in this garage site, and the situation is exacerbated by the lack of full implementation of the approved parking scheme for The Beauty House. However, it is considered that neither these matters are going to be harmfully affected by the small scale of this application proposal, or are outside of its remit in terms of the requirement for instance to create a new pedestrian crossing point.

- 10.20. Therefore, it is considered that the proposals are acceptable and that the development complies with the requirements of the Parking SPD and Core Strategy Policy T2, subject to conditions to require the implementation of the car park plan as per application 16/05612/FU, no obstruction/parking in front of the A1 unit, and details of cycle parking and bin storage to be provided prior to the use commencing.

Representations

- 10.21. The key material planning considerations raised through representations have been discussed above. Many of the matters raised relate to superseded versions of the plans, or a lack of clarity and detail in the application submission information. The imposition of conditions is considered to be a key element in addressing concerns.

- 10.22. In terms of public consultation, the planning application has been publicised by Site Notice and notification letters to the immediate neighbours, which is the appropriate manner taking account the nature of the proposal. This method of consultation is in accordance with the City Council's guidelines for publicising applications.

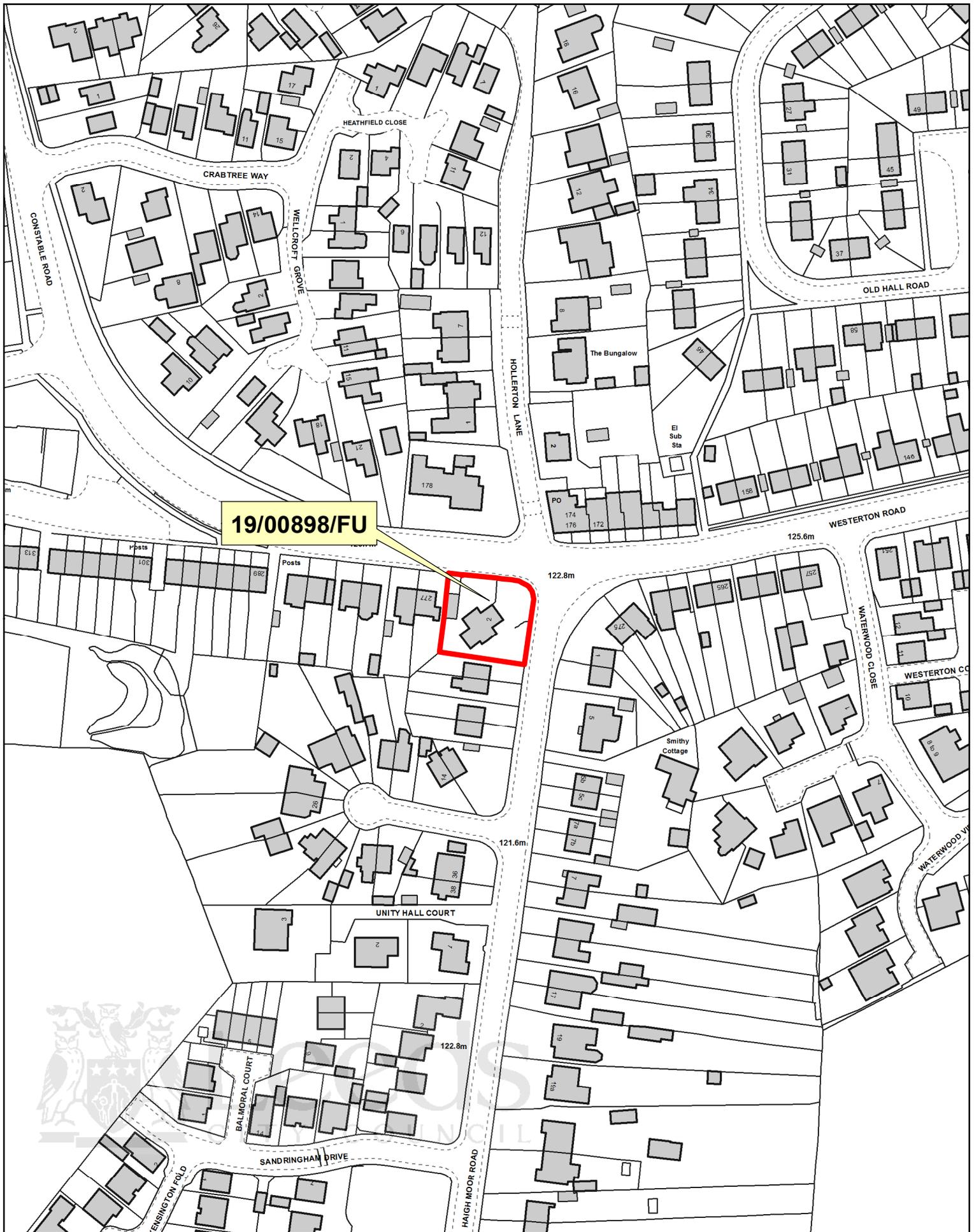
11.0 CONCLUSION

- 11.1 For the reasons outlined in the above report, it is concluded that the proposed change of use of the garage to A1 retail sales would not be detrimental to either highways considerations or the visual or residential amenity of the locality. As such, the proposed scheme is considered to be compliant with the relevant policies and guidance as detailed within this report. Members are therefore recommended to grant planning permission subject to the conditions set out at the start of this report.

Background Papers:

Application file: 19/00898/FU

Certificate of ownership: Certificate 'A' signed by the applicant



SOUTH AND WEST PLANS PANEL

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PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/1500



EXISTING PLAN & PROPOSED PLAN SCALE 1:50

BOUNDARY

NEW PATHWAY.

EXTRA PARKING AREA

BIKE STORE

BIN
STAKE

BOUNDARY

