



Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 16th June 2011

Subject: APPLICATION 11/01368/FU Change of use of shop to tea room (A3 use) at 37 Commercial Street, Rothwell, LS26

APPLICANT
Ms V Gabriel

DATE VALID
12th April 2011

TARGET DATE
7th June 2011

Electoral Wards Affected:
Rothwell

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 time limit (3 years)
2. Development in accordance to approved plans
3. Hours of opening 07.00 hrs to 18.00hrs Monday to Saturday and Bank Holidays
4. Hours of delivery 08.00 hrs to 20.00 hrs Monday to Saturday
5. Provision of grease trap
6. Details of storage and disposal of litter to be provided
7. Details of extract ventilation system which should include a filter to be provided prior to commencement

Reason for approval: On balance, the proposed development is considered acceptable, subject to the conditions, as it will not serve to undermine the objectives of retail planning policy and it will make a positive contribution to the vitality of Rothwell centre.

1.0 INTRODUCTION:

- 1.1 This application is brought to Plans Panel for the following reasons:-
- The applicant is an officer of the Council and related to Councillor Angela Gabriel an elected member for Beeston and Holbeck .

- In line with protocol a declaration received from Councillor Gabriel confirming the submission of the change of use application in her daughters name and the intention for the business to be in partnership with Councillor Gabriel.

2.0 PROPOSAL:

- 2.1 The application proposes a change of use from a retail unit (A1 use) to a Tea Room (A3 Use)
- 2.2 The proposed hours of opening are 07.00 hrs to 18.00hrs Monday to Saturday including Bank Holidays.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is an existing vacant retail terraced property in the middle of a terraced commercial row that continues down half of the length of the street. The street is pedestrianised and consists of a variety of retail units. The site is within Rothwell Town Centre and the designated Rothwell Conservation Area, and is located within an S2 shopping centre.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 None relevant to the application site.
- 4.2 Application 10/00769/FU – 33 Commercial Street Rothwell.
Change of use including new frontage of shop to ground floor Café/Restaurant (Class A3 Use) and separate first floor offices (Class B1 Use)
Approved 26/04/2010

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Pre application officer advice given on 4th March 2011
A daytime tea room in one of the two vacant units within this primary frontage would be acceptable for an A3 use. The comments are given without prejudice to the Councils formal consideration of any future planning application.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised by way of site notice posted on site 21st April 2011. The publicity period expired on 12th May 2011.
To date no representations have been received.
To date no Ward member representation received.

7.0 CONSULTATIONS RESPONSES:

- 7.1 **Highways**
The site is accessible via alternative modes of travel. There is no vehicular access to the site, servicing will be undertaken from Commercial Street, which is protected with Traffic Regulation Orders to prevent servicing occurring at inappropriate times.

No parking is provided and given the proposed use , this is acceptable. The scheme raises no specific road safety concerns. No highway objections are raised as the proposed is acceptable in highway terms.

7.2 **Environmental Health**

The application premises is situated in the main Commercial Street in Rothwell town centre . Other commercial businesses form the majority of the surrounding premises , although there are some residential premises beyond the immediate vicinity. The proposed class use can create significant disturbance to occupants of nearby properties , especially from cooking odours , plant noise and noise from patrons coming and going late in the evening. These issues can be adequately controlled through effective planning conditions. However this application is for daytime opening hours only.

7.3 Conditions required for details of storage and disposal of litter to be provided, details of the extract ventilation system and provision of grease trap would help mitigate any odours and safe disposal of litter.

8.0 **PLANNING POLICIES:**

8.1 The Development Plan for the area consists of the Regional Spatial Strategy and the adopted Unitary Development Plan Review (UDPR), along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDPR but at the moment this is still undergoing production with the Core Strategy still being at the draft stage. The following policies of the Adopted Leeds Unitary Development Plan (Review 2006) are relevant:

- Policy GP5 seeks to avoid problems of environmental intrusion and loss of amenity.
- Policy SF7 details that within primary shopping frontages proposals for change of use of retail to A2 or A3 may be acceptable where the proportion of non –retail uses do not exceed 30% of the total frontage length .
- Policy N19 ensures that developments in conservation areas contribute towards the character of the area.
- Premises is located within the S2 Shopping Centre within a primary shopping frontage.
- Premises is located within Rothwell Conservation Area.

9.0 **MAIN ISSUES**

1. Design and impact on the Conservation Area
2. Impact upon vitality and viability of a Primary Shopping Frontage
3. Neighbour Amenity
4. Conclusion

10.0 **APPRAISAL**

Design and impact on the Conservation Area

10.1 No external alterations are proposed and therefore there should be no adverse impact on the character of the Conservation Area. Within this primary shopping

frontage there are a number of vacant units of which this is one. The change of use would allow a currently vacant unit to be brought back into use. This would help in regenerating the area which would contribute towards a positive impact on the character of Rothwell Conservation Area.

Impact on vitality and viability of a Primary Shopping Frontage

- 10.2 The proposed change of use relates to an existing vacant shop unit within a primary shopping frontage of Rothwell Town Centre. Policy SF7 details that within primary shopping frontages proposals for change of use of retail to A2 or A3 may be acceptable where the proportion of non retail uses does not exceed 30% of the total frontage length.
- 10.3 The primary frontage that the application premises forms part of consists of 11 premises. The application site number 37 and number 31 are both currently vacant.
- 10.4 The current level of A1 occupancy within this frontage consist of 8 premises, 73% of the frontage. The current level of non retail occupancy is one unit which is A2 and operates as a bank. This is 9% of the frontage . The inclusion of this A3 use would take the non retail element to two units, which is 18% of the frontage. Members should note that there is a recent approval for A3 use at ground floor level and offices at first floor level at number 33 Commercial Street. This was granted permission on 24th April 2010 but to date has not been implemented. If this A3 use at number 33 is implemented this would constitute 3 non retail units of which one is A2 and two A3 . This would increase the non retail element of the shopping frontage to 27%. This does not exceed the limit of 30% as set out in Policy SF7 and is therefore considered acceptable. The change of use of the application site will allow the re –use of a currently vacant unit. The proposal is for a café that is open during the day and it should help generate footfall during the daytime. This should contribute towards regenerating and maintaining the vitality of this shopping frontage.
- 10.5 It is therefore considered that the change of use of the premises to A3 with day time Operating hours from Monday to Saturday will not harm the retailing function of the centre and the principle of the change of use whilst contrary to the strict terms of policy SF7 of the UDP it is considered that the proposal will not serve to undermine the objectives of retail planning policy. To allow this unit to be brought back into use helps regenerate the shopping frontage and is economically sustainable by creating employment opportunities.

Neighbour Amenity

- 10.6 Whilst there are no immediate residential neighbours , and the use is to operate during daytime hours only the recommended conditions by Neighbourhoods and Housing will ensure no harm occurs to the residential amenities of residents opposite.

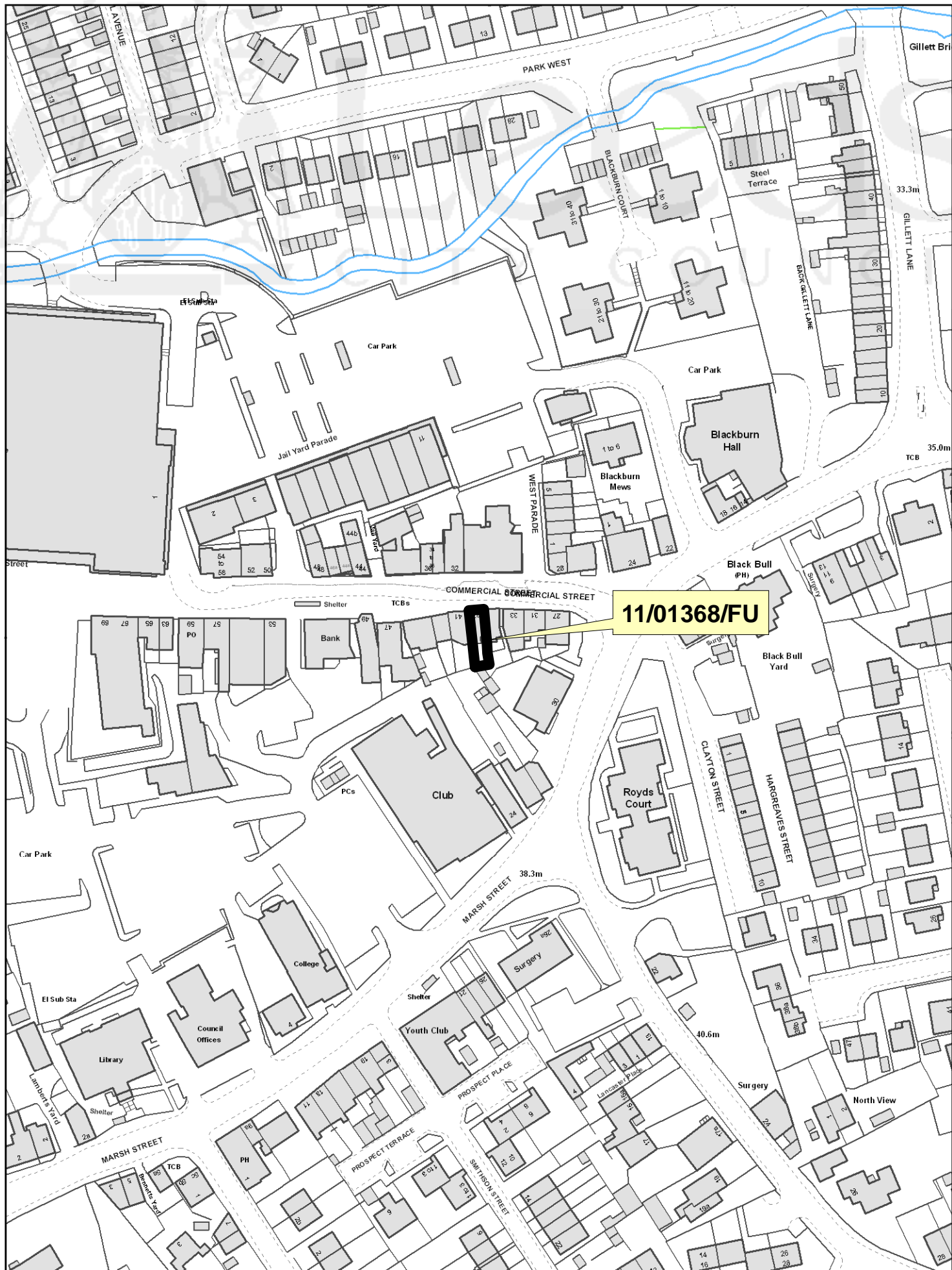
11.0 4. CONCLUSION

- 11.1 On balance, the proposed development is considered acceptable, subject to the conditions, as it will not serve to undermine the objectives of retail planning policy and it will make a positive contribution to the vitality of Rothwell centre.

Background Papers:

Application number 11/01368/FU/S

Certificate of ownership:



EAST PLANS PANEL