



Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 5th January 2012

Subject: Application 11/01749/FU – Appeal by Mr Rehman against the refusal of planning permission for change of use of shop (A1 use) to hot food take away (A5 use) with new shop front and flue at 384 Dewsbury Road, Leeds, LS11 7JX.

The appeal was allowed.

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:

Members are asked to note the following appeal decision.

1.0 THE APPEAL WAS DEALT WITH BY WRITTEN REPRESENTATIONS

1.1 This application was recommended for approval by Officers, however Members of Plans Panel East resolved to refuse permission for the change of use the premises to a hot food take away on the grounds that the proposal would increase an existing proliferation of hot food take-aways which would alter the character and function of the parade of shops and would be detrimental to the future vitality and viability of the shopping parade due to lack of variety of uses particularly during daytime hours.

2.0 ISSUES IDENTIFIED BY THE INSPECTOR

2.1 The main issues identified by the Inspector was the effect of the proposed change of use on the character of the existing parade of shops on this part of Dewsbury Road.

3.0 SUMMARY OF COMMENTS

Accumulation of hot food take aways (HFTA's)

- 3.1 The Inspector referred to the Council's assessment of 5 out of 14 existing businesses on the parade being HFTA's and this would increase to 6 out of 14 if the appeal proposal were allowed. The Inspector noted that a significant proportion of the units on this parade of shops are already providing a hot food take away service and that the proportion would increase if the proposal went ahead.
- 3.2 However the Inspector considered that despite the Council's references to policy S4 and policy EC13 of PPS4, it is clear that there is little specific policy background to justify dismissal of the appeal based on the effect the proposal would have on the mix of uses within this local shopping parade
- 3.3 The Inspector did recognise that notwithstanding the lack of specific policy support, it is clearly desirable to maintain a range of shops and other uses to meet day to day needs which are locally based and help reduce the need for travel and that an increase in the number of HFTA's at this parade of shops would be detrimental to this objective.

Economic considerations

- 3.4 The Inspector noted that the two small (subdivided) shop units subject of the appeal have been vacant for 18 months and the change of use would therefore be of economic benefit bringing the vacant units back into productive use. The Inspector attached significant weight to this in reaching his decision.

Other matters

- 3.5 The Inspector considered other matters raised by local residents including noise, smell, litter and traffic/ parking problems. The Inspector considered that sufficient parking would be available and that conditions could address the other issues.

Conclusion

- 3.6 The Inspector concluded that the proposal would have an adverse effect on the character of the local shopping parade due to a further reduction in the range of uses. However, the Inspector concluded that on balance the harm caused would not be so significant as to warrant refusal of planning permission having regard to the economic benefits arising from the re-use of the premises which have been vacant for some time. The Inspector also took account that the proposal would not conflict with local and national policies which, in general, seek to promote a range of functions at a higher level within the shopping hierarchy.

4.0 DECISION

- 4.1 The appeal was allowed subject to conditions by letter dated 7th December 2011.

5.0 COSTS

- 5.1 There was no application made by either party for costs.

6.0 IMPLICATIONS

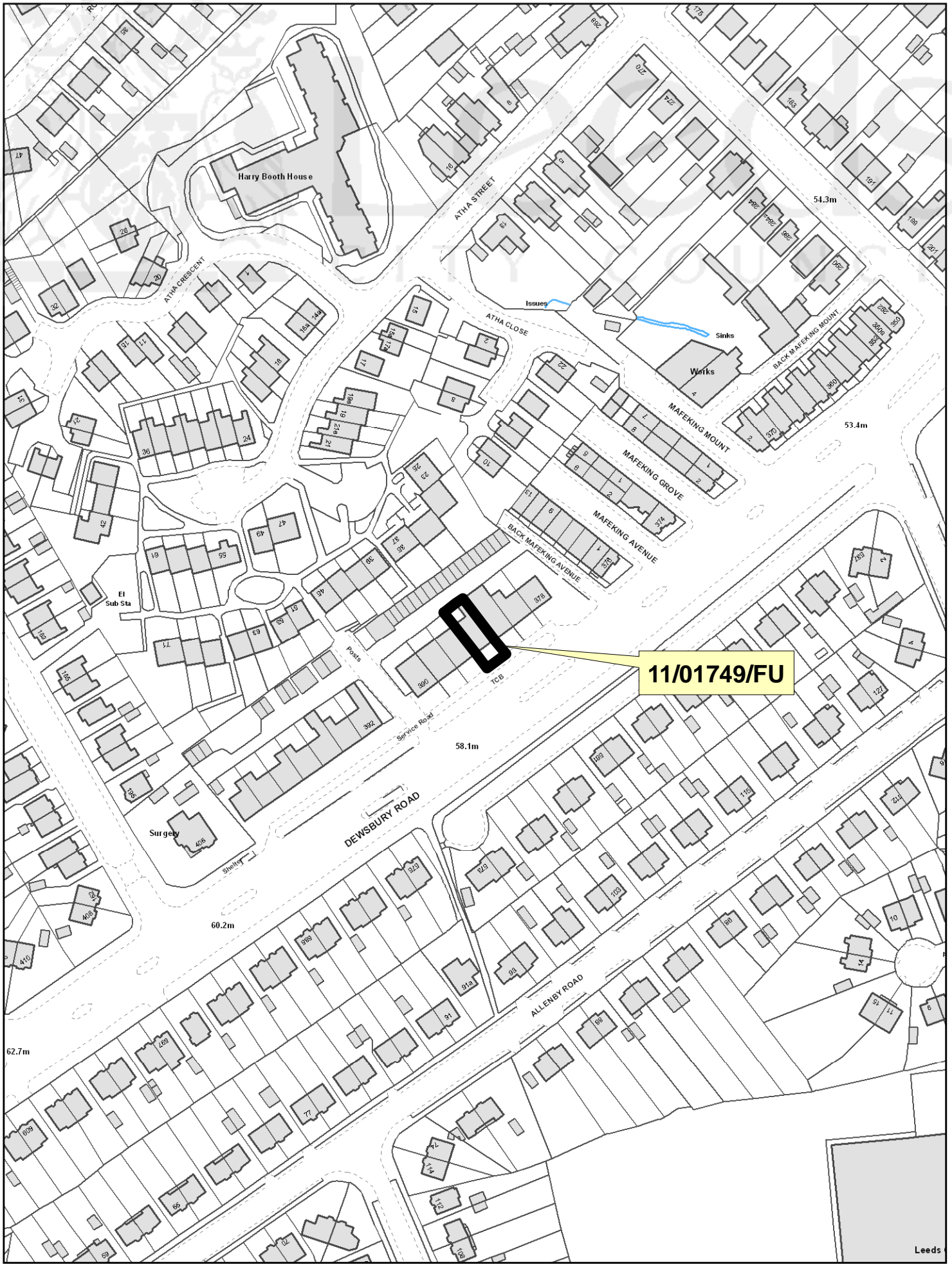
- 6.1 The issue of proliferation of HFTA's and the need to protect the amenity of local residents and daytime vitality of local shopping parades was considered at the Joint Plans Panel (JPP) meeting on 17th November 2011 and the issue was also discussed at Joint Member Officer Working Group on 2nd November 2011. It was agreed that the Policy Team should progress the development of an appropriate retail policy to protect against a preponderance of any one type of use in a locality rather than focus simply on just HFTA's. The JPP were also concerned that the policy should be flexible enough so that the vitality and viability of shopping parades would not be adversely affected. The Inspector's decision in this appeal case recognised the importance of protecting daytime vitality of local facilities, and the

appeal was dismissed having regard to economic benefits and in light of the lack of specific policy basis to justify refusal. Therefore, Members are asked to note the comments of the Inspector in this case and the development of an appropriate retail policy will be progressed by the Policy Team.

Background Papers

Planning Application File

Inspectors Decision Letter



EAST PLANS PANEL