



## Report of the Chief Planning Officer

### PLANS PANEL WEST

Date: 29th March 2012

**Subject: APPLICATION 11/04959/FU - PART TWO STOREY, PART SINGLE STOREY REAR EXTENSION WITH RELOCATION OF FLUE AND CONDENSER UNITS; ADDITION OF ACCESS RAMP TO FRONT AT 4 ST ANNE'S ROAD, HEADINGLEY, LEEDS LS6 3NX.**

#### APPLICANT

Mr G Marks

#### DATE VALID

7 December 2011

#### TARGET DATE

1st February 2011

#### Electoral Wards Affected:

Weetwood

Yes

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

### RECOMMENDATION:

#### REFUSE for the following reasons:

The Local Planning Authority considers that the proposed enlarged building would result in an increase in capacity of the restaurant and thereby an increased demand for vehicle parking and additional vehicle manoeuvres in a locally congested location close to a major junction, with no additional provision for off-street parking. This would be to the detriment of highway safety and would be contrary to policies GP5, T2 and T24 of the Leeds UDP Review (2006).

#### 1.0 INTRODUCTION:

- 1.1 This application was previously considered by Panel Members at the meeting of 1<sup>st</sup> March 2012. During the discussion of this item the applicant offered to reduce the number of covers provided to 100 from 110, and to re-surface of the area to the rear

of the property. In the light of this change Panel Members decided to defer consideration. Members also requested further clarification regarding the status of the unauthorised pay-and-display car park opposite the site, as well as information regarding the applicants travel survey.

## **2.0 PROPOSAL:**

2.1 The proposal is a full application for a rear extension to a restaurant, enabling an increase in the amount of covers in the restaurant from 72 to 100, plus the relocation of an existing flue and the addition of an access ramp to the front.

## **3.0 SITE AND SURROUNDINGS:**

3.1 The site is a restaurant, known as 'Sukhothai', which is housed in a two storey brick building which is part of a parade. Elsewhere in the same parade there are a range of uses, including shops, offices, restaurants and a take away.

3.2 The parade is identified as a Secondary Shopping Frontage, and also lies within the Headingley Town Centre boundary.

## **4.0 RELEVANT PLANNING HISTORY:**

4.1 10/01144/FU – external seating area with retractable canopy and covered eating area to front – refused for reasons relating to design and highway safety.

4.2 11/01459/FU – Part 2 storey, part single storey rear extension with relocation of flue and a/c units – refused for reasons relating to highway safety.

4.3 (nearby unit in same parade) 10/03806/FU – change of use of vacant retail unit (Class A1) to restaurant (Class A3) to facilitate an extension to the adjoining Italian restaurant and laying out of new parking area to rear with addition of new cycle stands to front, at Salvo's Restaurant, 111 Otley Road – approved.

## **5.0 HISTORY OF NEGOTIATIONS:**

5.1 The application has been the subject of a previous application as above determined on 1<sup>st</sup> June 2011, and a subsequent pre-application meeting on 15<sup>th</sup> July 2011.

## **6.0 PUBLIC/LOCAL RESPONSE:**

6.1 The application has been publicised by means of site notices; a total of eight representations have been received.

6.2 Becketts Park Residents Association object to the proposal on the following grounds:

- The proposal would result in an increase in cars attempting to park in the vicinity; local roads are already heavily parked during the day and in the evening; the restaurant attracts customers from outside the local area and the proposed 53% increase in covers is substantial and could set a precedent.

6.3 An additional objection makes similar points:

- Car parking is already an issue in and around this site. Any increase in the number of covers at this site will only increase the number of cars parking in the surrounding residential streets causing further disruption to local residents and increasing the risks to health and safety.

6.4 Representations in support of the proposal comprise five support letters which make the following points:

- The proposals would improve the facilities offered by the restaurant;
- The proposals would improve the visual amenity of the parade;
- The restaurant is an asset to the community and people travel from far and wide to visit it.

6.5 Additionally a petition containing 382 signatures has also been received. This states that the petition is to support the planning application to extend the restaurant and improve the facilities.

## **7.0 CONSULTATIONS RESPONSES:**

7.1 Highways –

Objections, the application cannot be supported

- No provision of cycle parking for staff and no space has been left to accommodate this, which would have a further impact on the available servicing and parking space at the back of the building;
- The extension to the rear of the property would further impact on the shared parking area, which is already constrained and poorly surfaced. The footprint of the extension is still 2m deeper than the existing footprint. The extension would move bins further into the parking and servicing area and this could only be detrimental to the operation of this area. An extension would set a precedent for other buildings in the parade.
- Car parking within the vicinity of the site is currently an issue and as the proposal reduces available parking and servicing space whilst increasing the capacity of the restaurant it could only be detrimental to road safety.
- The scheme does not provide additional off street parking and would increase demand for parking in an area which already attracts a high concentration of on street parking. Additional demand for parking could only be detrimental to road safety.

In respect of the revised scheme for 100 covers:

- The proposed layout extends the building footprint into the rear yard area which would narrow the already constrained space available in the rear yard area;
- The offered limit of 100 covers would go some way to reducing the potential added demand for on-street car parking from customers;
- The resurfacing of the rear yard area could not be secured through the planning application as it does not fall within the red line boundary.

7.2 Environmental Health – no adverse comment

## **8.0 PLANNING POLICIES:**

8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan

unless material considerations indicate otherwise. The development plan consists of the Regional Spatial Strategy for Yorkshire and the Humber adopted in May 2008 and the Leeds Unitary Development Plan Review (2006).

8.2 The most relevant Policies in the adopted Leeds Unitary Development Plan are outlined below.

Policy GP5 refers to detailed planning considerations and states that development proposals should seek to avoid loss of amenity.

Policy S2: This stated that the vitality and viability of the following town centres will should be maintained and enhanced.

Policy BD6 refers to the scale, materials, character and design of extensions.

Policies T2 and T24 seek to maintain adequate levels of vehicle parking provision with no undue detriment to other highway users.

National Planning Policy Guidance:

PPS1 Planning for Sustainable Development

PPS4 Planning for Sustainable Economic Growth

### **Emerging Core Strategy**

The Publication Draft of the Core Strategy was issued for public consultation on 28<sup>th</sup> February 2012 with the consultation period closing on 12<sup>th</sup> April 2012. Following consideration of any representations received, the Council intends to submit the draft Core Strategy for examination. The Core Strategy set sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. As the Core Strategy is in its pre submission stages only limited weight can be afforded to any relevant policies at this point in time.

## **9.0 MAIN ISSUES:**

9.1 The following main issues have been identified:

- Vitality and viability of the local centre
- Visual amenity
- Neighbour amenity
- Highways

## **10.0 APPRAISAL:**

10.1 The application site is located within a local centre. A restaurant use is compatible with this area as it is identified as a main town centre use in national planning policy such as PPS4. Such a use is therefore broadly acceptable in principle.

10.2 The proposal seeks consent to erect a two storey extension to the rear of the building, and to relocate an existing flue. The area to the rear of the parade is presently a somewhat untidy area which is used by businesses in the parade for ancillary purposes. The area comprises an unmade track which slopes down to the northern end of the parade. Vehicles are parked informally on this track, which presumably belong in the main to employees working in the businesses. The area is also used for bin storage, although much of this is fairly haphazard. To the rear of the track there is also a line of lock-up garages. The application indicates that two of these garages belong to the applicant.

- 10.3 The rear of the application property is a somewhat untidy collection of extensions, air conditioning units and a large flue. The property has a single storey rear extension, which is partly render finished, and partly brick. This projects approximately 3.5m. Four air conditioning units are attached to the rear elevation at first floor level, and a large and prominent flue also emerges at the same level and rises above the eaves.
- 10.4 The proposal would rationalise this situation somewhat by creating a part single and part two storey extension. The ground floor elevation would have a brick plinth and white painted render. This would then have pitched tiled roof, and there would be a smaller first floor element. This would have a flat roof and be render finished. The air conditioning units would be relocated to the roof, and the flue would be altered such that it would run up the side of the extension. Roof lights would be added to illuminate existing bedrooms on the first floor which would be reconfigured in order to increase the amount of accommodation.
- 10.5 The proposed extension would rationalise the somewhat untidy rear elevation, and to this extent it would represent an improvement. However at the same time the extension would be quite large, projecting out some 5.5m, with a width of 9.6m.
- 10.6 Overall it would be a fairly prominent visual incursion into the shared area to the rear, but not to the extent that permission should be refused on design grounds.
- 10.7 The proposed relocation of the flue could potentially cause noise and odour problems to existing residential occupiers within the unit. However it is recommended that additional conditions requiring details of noise levels etc from this flue, and the air conditioning units, could be obtained via appropriately worded conditions.
- 10.8 The proposal as amended would increase the amount of covers in the restaurant from the current provision which is stated to be 72, to 100, revised from the original figure of 110. This represents an increase of 39%. However 84 of these are shown to be downstairs in the main part of the restaurant, while an additional 16 are shown to be included within a function room upstairs. As depicted neither of these spaces would be used to their full capacity. The applicant's Design and Access Statement states that the function room would only be used from time to time for special occasions. The applicant states that the function room would not be used as a general overflow for the restaurant but instead would only be used via a booking system. The applicant has therefore suggested the use of conditions limiting the use of this area to bookings only and for a maximum of 100 covers overall. By this method, the applicant suggests that the parking demand generated by the proposal would be lessened.
- 10.9 It is considered that the proposed extension would generate a demand for an additional eight parking spaces, four to each of the ground floor restaurant area and to the first floor function room respectively. The reduced numbers of covers to the ground floor could reduce the potential added demand for parking from customers to a total of five spaces. The UDP guidelines would suggest seven spaces for the function room, however booked groups of diners would be more likely to travel together, and as such a reduced figure has been identified.
- 10.10 The applicant also states that all the staff either live in the premises or locally in the Headingley area, thus it is suggested that the proposal would not cause an increase in demand for staff parking. Additionally the applicant does not think it necessary to provide long stay cycle parking for staff, as required by the UDP parking guidelines.

The proposal does however include three short stay 'Sheffield' type cycle stands to the forecourt area.

- 10.11 The applicant has, however, supplied a Travel Plan, although one is not required for this scale of development.
- 10.12 This includes a number of proposed measures designed to encourage sustainable travel, such as encouraging staff to use taxis or car share, and encouragement of staff to use buses, walk or cycle. Travel packs would be provided to staff to achieve this, and a fee provided to the City Council in order to monitor the travel plan.
- 10.13 The area around the parade already suffers from high levels of on-street parking demand. The applicant considers that the site is well located for public transport links, and has a high demand from customers who attend the site on foot. A survey included within the Travel Plan suggests that around 50% of customers currently travel to the restaurant by car, while around 20% walk. However off-street parking provision in the locality is poor. Members at the 1<sup>st</sup> March Panel meeting questioned the status of the 'pay and display' car park close to the site. This is unauthorised and is currently the subject of a planning application to regularise its use. However at the time of writing this application remains under discussion. The applicant has stated that they support this application as it would provide a community benefit, but they consider that even without the potential use of these spaces the proposal would not impact upon parking issues in the locality. The submitted Travel Plan suggests that customers arriving by car can legitimately use the Headingley Taps car park. However this is situated approximately 0.5km from the site.
- 10.14 The proposed extension would clearly impact upon the rear parking area by reducing the amount of space available and thereby worsening provision, principally for staff. This area is already constrained, and poorly surfaced. While the area to the rear of the property would be resurfaced, this is shown on the submitted plans as the area to the rear of the property only. The applicant has stated however that they have had discussions with neighbouring occupiers such as Salvo's in respect of resurfacing a larger part of the rear yard area. While there would be some benefit in laying out the rear yard area it should be noted however that such work would not form part of the current application and its delivery could not be ensured; therefore it should not form part of the consideration of this application.
- 10.15 The site includes two lock up garages to the rear of the yard. It is understood that these are used for ancillary storage, however they are not referred to in the application other than on the red line plan. However the floor plans show that at present much of the existing ground floor extension and much of the first floor area now proposed to be a function room is presently used as storage. No explanation has been given as to where this storage would be displaced to. The use of the garages as storage could also be problematic as they may be difficult to use due to the increasingly constrained nature of the rear area and the use of the unmade track.
- 10.16 The footprint of the proposed extension is only 0.5m shorter than that previously refused under 11/01459/FU, but still 2m deeper than the existing footprint. The proposal would therefore move bins and parking significantly further into the yard area, to the detriment of the use of the yard. The extension of the footprint of the building is a particular concern as the rear yard area is already constrained, and the proposal would exacerbate this. It has been suggested by officers that it may be more appropriate for the applicant to consider extension within the existing footprint. However the applicant considers that if the existing extension, with parking at right

angles to the wall, is measured the footprint of this would be only approximately a metre less than the proposed extension with parking aligned parallel to the wall.

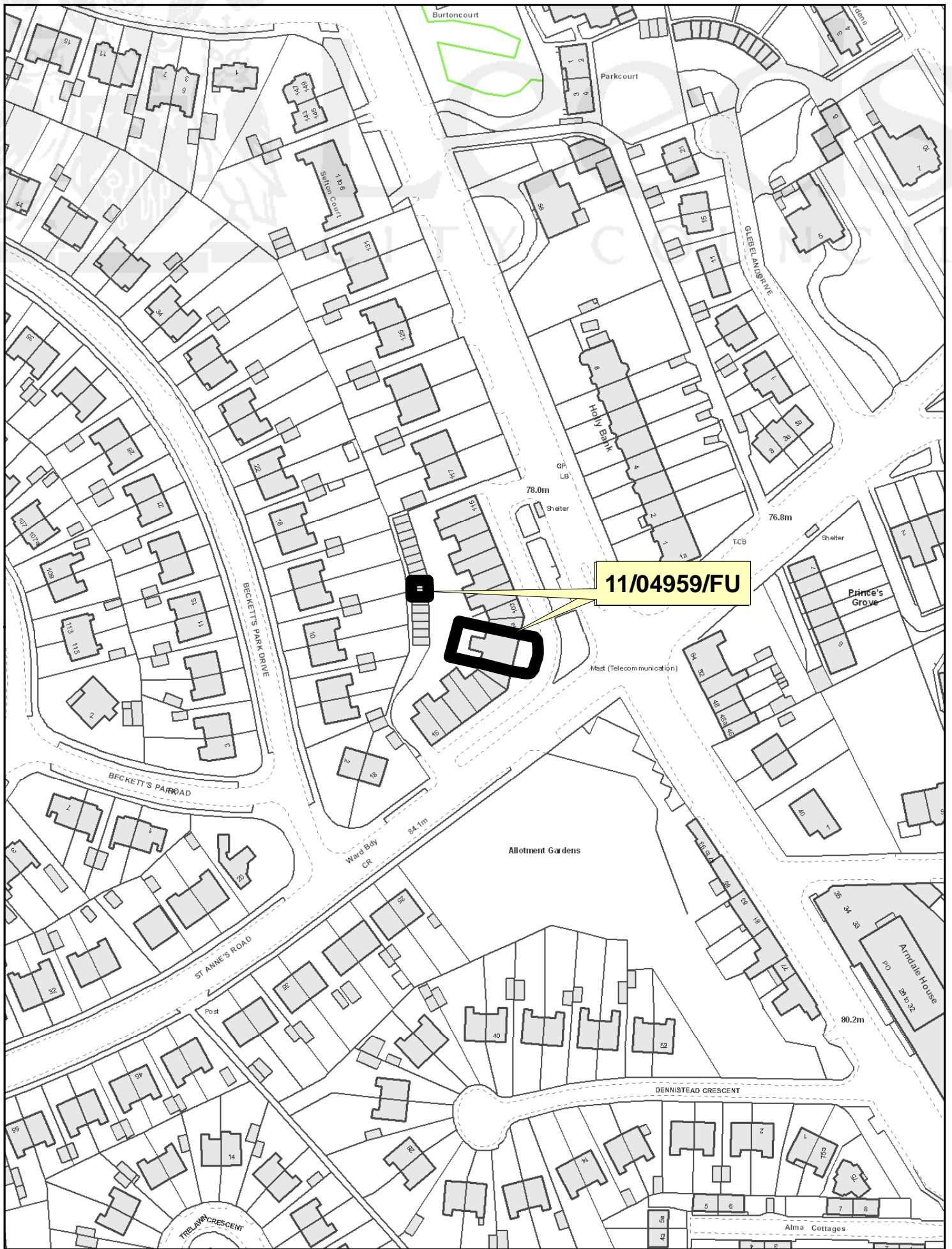
- 10.17 The proposal does not include any additional parking to accommodate the additional demand which will be likely to accrue from the proposed increase in capacity of the restaurant. Car parking is already an issue in the local area, with a high concentration of on-street parking. The proposal would clearly exacerbate this situation.
- 10.18 Overall therefore it is considered that the proposal would be to the detriment of highway safety.
- 10.19 The applicant compares the proposal to the expansion of Salvo's restaurant, which is located within the same parade, and claims that the current proposal is significantly smaller. Panel Members will recall that an application for the expansion of this restaurant was approved by Members at their meeting of 7<sup>th</sup> October 2010. However, in reality this represented a much smaller increase in covers, from 66 to 88, a total of an additional 22 covers or a 33% increase. Additionally, and significantly, the Salvo's proposal was a change of use of an existing unit without extension, as opposed to the current application which seeks to physically extend the premises. The proposal would increase the numbers of covers in the restaurant by almost 40%, while at the same time reducing the amount of space available to the rear of the property.

## **11.0 CONCLUSION:**

- 11.1 After careful consideration of all relevant planning matters it is considered that the proposed development is unacceptable and does not comply with the planning policies set out in the Leeds Unitary Development Plan Review (2006), supplementary planning guidance and national planning guidance. The proposal is therefore recommended for refusal.

### **Background Papers:**

Application file;  
Certificate of Ownership.



# WEST PLANS PANEL