



Planning Services

Merrion House
110 Merrion Centre
Leeds LS2 8BB

DELEGATION REPORT

REPORT OF THE CHIEF PLANNING OFFICER

WARD: Adel & Wharfedale **Application:** 23/04049/FU
Address: 856 Leeds Road **Applicant:** Mr T Brewer
Bramhope
Leeds
LS16 9ED

Proposal: Change of use of ground floor retail unit to hot food takeaway and construction of an acupuncture clinic; associated hard and soft landscaping

Application advertised by means of:

Site Notice
Advert Posted
Neighbour Notification letters posted
Publicity Expires on 25 August 2023

Proposal:

Change of use of ground floor retail unit to hot food takeaway and the conversion and extension of detached garage to be used as an acupuncture clinic; associated hard and soft landscaping.

Site and Surroundings:

The application relates to a semi-detached property comprising a vacant shop and apartment. The site is located adjacent to a large residential development currently under construction. Residential properties are located on the opposite side of the road. The site is located in the defined Green Belt.

Relevant Planning History:

Previous Applications:

None

Pre-App Discussion:

None

Consultations:

Highways – No objections subject to submission of additional information

Mains Drainage – No objection

Public/Local Response:

Bramhope Parish Council: Objections

With regards to the proposed car parking provision, the Parish Council doubts whether 4 (1 of which is disabled) parking spaces for customers of the takeaway will be sufficient and are concerned that parking will spill out on to the A660 causing road safety issues, due to the close proximity of the Kings Road roundabout to the site.

The Parish Council notes the overlap of opening hours of the acupuncture clinic and the takeaway and whether the issue of parking could be addressed by limiting the opening hours of the clinic at peak takeaway usage times.

The development should not have any adverse or unacceptable impact on the amenity of residents of any nearby dwellings.

As the site is within the Green Belt, the application should comply with NPPF paragraph 149c allowing development in the Green Belt providing that "the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building."

To mitigate for the removal of a length of beech hedging to accommodate the new extended car park new hedging should be planted along the full length of the rear boundary of the site adjacent to the open fields of the Green Belt. There should be a condition that all hedging and trees are to be maintained and retained for the lifetime of the development.

Materials used for the surfacing of the new area of car park should be permeable and not tarmac. The use of tarmac could result in run off onto the A660. The surfacing should comply with SuDS requirements. During periods of heavy/prolonged rain this area has been subject to flooding/standing water caused by run off from the fields to the rear of the site and at times floods across the A660, overwhelming the current drainage infrastructure

9 letters of objection have been received raising the following concerns:

1. Noise, nuisance and odour associated with a hot food takeaway
2. Highway safety and parking issues resulting from customer vehicles
3. A hotfoot takeaway is not required due to wider cost of living and obesity issues,
4. The development could result in more takeaways being proposed in Bramhope to detriment of its character.

10 letters of support have been received.

Planning Policies:

The following policy advice is considered to apply:

Core Strategy

P2 - Acceptable uses in and on the edge of town centres

P10 – Design

P11 - Conservation

Relevant UDPR Policies (Saved):

GP5 – Requirement of Development Proposals

N19 – Conservation

N33: Development within the Green Belt

National Planning Policy Framework (“NPPF”) (2019)

MAIN ISSUES

- 1 Amendments
- 2 Principle of Development
- 3 Visual Amenity
- 4 Residential Amenity
- 5 Highways
- 6 Representations

APPRAISAL

Amendments

As part of the application discussions, the scheme has been amended to remove parking from the side and rear of the site and to relocate the clinic building further to the west of the site.

Principle of Development

The site is located within the Green Belt. As the site is an existing shop and flat it is considered that the change of use to the retail unit are acceptable with regards Green Belt policy. The modest staircase extension and replacement of the existing garage with the clinic will not result in demonstrable harm to the openness or character of the Green Belt. The parking layout has been amended to ensure the retention of the garden/landscaping area to the side and rear of the property – this helps lessen any potential impact on the development from the enlarged parking area.

With regards to the principle of development, while the site is located outside a town or local centre, it is on the edge of the built envelope of the Bramhope and involves the change of use of the existing retail unit. Bramhope comprises a mix of small retail parades and individual retail units – including a new small convenience store constructed as part of the new housing development immediately adjacent the site. In this context, it is considered that a hot food takeaway and clinic in this location does not result in an inappropriately isolated commercial use nor will it undermine the vitality or viability of nearby town and local centres.

Visual Amenity

The proposal involves minor changes to the main building, including a small side extension to house the new staircase. These changes will not result in harm to the visual amenity of the attractive existing building.

As previously discussed, the layout of the parking and clinic has been amended to reduce the visual impact of this part of the development. It is considered that the extended parking area and new clinic building will not result in harm to visual amenity locally.

Residential Amenity

The site is located with a predominately residential area therefore it is essential that careful consideration is given to the impact a takeaway will have on residential amenity through noise, nuisance and odour. The site is located away from existing residential property, Otley Road separating the site from the closest residential properties opposite and the adjacent landscaping around the attenuation tank providing separation to the properties constructed and to be constructed on the adjacent residential development

Given these separation, any noise generated and comings and goings will be located away from residential properties.

However the hours of opening will be between 12.00hrs and 22.00hrs thereby limiting any disturbance during night time hours.

There are residential units proposed above the unit and above the adjoined unit. While there is the potential for a degree a noise and nuisance from vehicular movements it is considered, given the opening is limited to 22.00hrs that any impact on first floor apartments will not be so significant or harmful as warrant refusal of planning permission.

Therefore it is considered the proposal will not have a detrimental impact on the residential amenity of any neighbouring sites.

Highways/bin storage and collection

In response to highway comments the following amendments have been made to the scheme:

- Binstores separated and clinical waste confirmed internally to clinic;
- EVCP parking bays widened to 2600mm;
- M/cycle bays confirmed secure lock downs and dedicated u/stair cycle store highlighted for residential unit.

As part of the application process, the number of parking spaces have been reduced from 11 to 8 as part of the wider amendments to reduce the impact on the wider Green Belt. It is considered acceptable and appropriate to do this as the clinic will operate mainly during the day where the takeaway will predominantly require parking during the evening hours at a time where the clinic will not be operating. As such, it is considered adequate parking is provided for the development.

Representations

It is noted that the Parish Council and a number of local residents have raised concerns through the local consultation process. The material planning issues have been considered and plans amended to address concerns relating to the Green Belt. Hours of opening conditions will be imposed to mitigate any issues of residential amenity and to ensure there is no conflict in the demand for parking from clinic and takeaway.

Recommendation - Approve

RECOMMENDATION:

Approve subject to the following condition(s):-

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Imposed pursuant to the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans and Specifications above.

For the avoidance of doubt and in the interests of proper planning.

- 3) Notwithstanding the approved plans full details of any external extract ventilation system, including flues shall be submitted to and approved in writing by the Local Planning Authority prior to its installation and the system shall be installed and maintained in accordance with the approved details.

In the interests of amenity.

- 4) Notwithstanding the approved plans prior to the Hot Food Takeaway being brought into use waste collection arrangements shall be agreed and signed with a contractor and thereafter retained. The bins shall be stored within the rear yard area and shall not be stored on the public highway.

In the interests of amenity.

- 5) The opening hours of the hot food takeaway shall be restricted to 12.00 hrs until 22.00 hrs Monday to Sunday and opening hours of the clinic restricted to 9.00 hrs to 19.00 hrs Monday to Sunday.

In the interests of residential amenity and parking.

- 6) Works above the ground floor slab level shall not commence until a plan showing details of all vehicle parking and turning areas has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented, and parking made available for use prior to occupation of the development. The parking shall be retained for the lifetime of the development.

To ensure the free and safe use of the highway.

- 7) Within 5 years of occupation, no approved retained tree/hedge/bushes shall be cut down, uprooted or destroyed nor any tree be pruned, topped or lopped or suffer root

severance (other than in accordance with the approved plans and particulars) without the prior written approval of the Local Planning Authority (LPA). In the event of any such works being carried out without having first sought and received written approval from the LPA the following actions shall be undertaken:

- a) Within one month of the removal, uprooting or loss of any retained tree a replacement planting scheme shall be submitted to and approved in writing by the LPA. That replacement planting scheme shall include the replacement of trees in accordance with current policies (e.g. LAND 2 'Development and Trees') by semi-mature size trees (circumference 25/30cm) or an equivalent offsite mitigation planting scheme, where on site provision is not possible. The mitigation planting scheme shall be implemented in the first planting season following the receipt of the written approval of those details by the LPA. NOTE: trees additionally legally protected by TPO/located in a Conservation Area may result in parallel legal action for criminal damage.
- b) Within one month of a pruning, topping, lopping or root damage of a retained tree, a Professional Arboricultural Report shall be submitted to and approved in writing by the LPA. The report shall include a full assessment of the unauthorised work, remediation proposals and implementation programme. NOTE: trees additionally legally protected by TPO/located in a Conservation Area may result in parallel legal action for criminal damage.
- c) Within one month of removal, uprooting, damage or loss of any retained bush/bushes details of replacement planting and implementation scheme shall be submitted to and approved in writing by the LPA.
- d) Within one month of removal, uprooting, damage or loss of any retained hedges details of replacement planting and implementation scheme, that shall comprise or include "instant hedging" of at least 1m in height, shall be submitted to and approved in writing by the LPA.

Within one week following the implementation of the planting scheme agreed pursuant to a), b), c) or d) above documentation shall be submitted to the LPA that evidences the works have been carried out in accordance with the agreed details. This shall include photographic evidence.

Please note that retained tree/hedge/bush refers to vegetation which is to be retained, as shown on the approved plans and particulars and the condition shall have effect until the expiration of five years from the date of occupation.

In the interests of the character and amenities of the area, the best interests of nature conservation and bio-diversity.

- 8) The external walling and roofing materials shall match those existing.

In the interests of visual amenity.

For information:-

- 1) The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website and further discussion where appropriate to produce an acceptable development. For this particular application, positive discussions took place which resulted in further information being submitted to allow the application to be approved.

This recommendation relates to the following Approved Plans

Plan Type	Plan Reference	Version	Received
Site Location Plan/Red Line/OS Plan			13.07.2023
Proposed floor plan(s)	921.104.B		13.11.2023
Proposed floor plan(s)	921.105.A		13.11.2023
Block Plan/Layout Plan	921.106.B		13.11.2023
Proposed elevation(s)	921.107.B		13.11.2023
Proposed elevation(s)	921.108.B		13.11.2023