

Town and Country Planning Act 1990

Refusal of Full Planning Permission

Applicant:	N Aghdassi	Application Number:	24/00950/FU
Agent:	Planning Unit Mr Don Ritson 16 Chequerfield Avenue Pontefract WF8 2TB	Date Accepted:	4 March 2024
		Date of Decision:	3 June 2024

Proposed Development At: Dental Surgery 2 Breary Lane East Bramhope Leeds LS16 9BJ

Proposal: Variation of condition 2 (approved plans) and condition 4 (use class) to previously approved planning application 23/05069/FU for alterations to the parking layout and to remove the dentists restriction allowing any use within class E

Plans and specifications that this decision is based on:

Plan Type	Plan Reference	Received
Site Location Plan/Red Line/OS Plan		04.03.2024
Block Plan/Layout Plan	23-477-011A	30.05.2024

Planning permission refused in accordance with the plans and specifications for the reason(s) set out below:-

- 1) The Local Planning Authority considers the proposal to allow any use on the site within Class E of The Town and Country Planning (use classes) Order 1987 as amended rather than restricted to a dental practice without further consideration from the Local Planning Authority would likely result in a detrimental impact on the residential amenity of neighbouring sites through an intensification of the use of the site, increased comings and goings, noise, odour and general disturbance. Therefore the proposal is contrary to Policies P9 and P10 of the Core Strategy, saved policy GP5 of the UDPR and the NPPF.
- 2) The Local Planning Authority considers the proposal to allow any use on the site within Class E of The Town and Country Planning (use classes) Order 1987 as amended rather than restricted to a dental practice without further consideration from the Local Planning Authority would likely result in a detrimental impact on the visual amenity of the site and streetscene and conservation area particularly by reason of the need for a footpath and wider access resulting in the loss of wall and grass verge. Therefore the proposal is contrary to Policies P10 and P11 of the Core Strategy, saved policies GP5, BD6 and

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N19 of the UDPR, Bramhope Conservation Area Appraisal and Management Plan and the NPPF.

- 3) The Local Planning Authority considers the proposal to allow any use on the site within Class E of The Town and Country Planning (use classes) Order 1987 as amended rather than restricted to a dental practice without further consideration from the Local Planning Authority would likely result in a detrimental impact on highway and pedestrian safety through an intensification of the use of the site, increased comings and goings, lack of on site parking provision for all uses within the use class and increased indiscriminate on street parking, lack of pavement and substandard access and pedestrian crossing facilities. Therefore the proposal is contrary to Policies P10 and T2 of the Core Strategy, saved policies GP5 of the UDPR, the Transport SPD and the NPPF.
- 4) The Local Planning Authority considers the proposal to allow any use on the site within Class E of The Town and Country Planning (use classes) Order 1987 as amended rather than restricted to a dental practice without further consideration from the Local Planning Authority would likely result in a detrimental impact on the vitality and viability of town and local centres, as many uses within the Class E use class should be directed towards town and local centres in the first instance. Therefore the proposal is contrary to Policies SP2, P1, P2, P3 and P9 of the Core Strategy, saved policies GP5 of the UDPR and the NPPF.

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. This particular application was considered contrary to the provisions of the Development Plan. Further discussions took place to find a solution to address the concerns raised, but no mutually acceptable solution was achievable.

Applicants are requested to remove any site notices related to this application from outside the property to which the application relates.

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990 as amended.

If you want to appeal, you must do so within **six months** of the date of this notice, unless a valid Enforcement Notice exists for the same or substantially the same development. In this

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case the period for appeal is **28 days** from the date of this notice. You should use a form which you can obtain from www.gov.uk/appeal-planning-decision or by email from enquiries@planninginspectorate.gov.uk or by phoning 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to do so unless there are special circumstances which excuse the delay in giving notice of appeal.

You must send one copy of the completed form to planning.appeals@leeds.gov.uk or Appeals Administration, Development Management, Leeds City Council, Merrion House, 110 Merrion Centre, Leeds, LS2 8BB as well as to the Planning Inspectorate at the address on the form.

If you intend to submit an appeal that you would like examined by inquiry, you should notify the Local Planning Authority (planning.appeals@leeds.gov.uk) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) of your intention to appeal a minimum of 10 working days before the appeal is submitted to the Planning Inspectorate.

The notification form and further guidance is available at www.gov.uk/government/publications/notification-of-intention-to-submit-an-appeal