



Planning Services

Leonardo Building
2 Rossington Street
Leeds LS2 8HD

DELEGATION REPORT

REPORT OF THE CHIEF PLANNING OFFICER

WARD: Adel & Wharfedale

Application: 17/00763/FU

Address: Unit 1
Pool Business Park
Pool Road
Otley
LS21 1FD

Applicant: Mr A Johnson

Proposal: Change of use for light industrial (B1) to (A3) restaurant

Application advertised by means of:

Site Notice	3 March 2017
Advert Posted	
Neighbour Notification letters posted	
Publicity Expires on	24 March 2017

PROPOSAL:

The application is for the change of use and alteration to a vacant commercial unit to a restaurant.

SITE AND SURROUNDINGS:

The application relates to an existing B1 office building within the Pool Business Park. The site is located on the edge of Pool village. The site is within the Green Belt.

RELEVANT PLANNING HISTORY:

PREAPP/16/00023 - Change of use of industrial premises to cafe/restaurant – Advice given regarding the requirement for a sequential test.

PUBLIC/LOCAL RESPONSE:

7 letters of support have been received including one from the former constituency MP Greg Mulholland.

2 letters of representation have been received raising the following concerns:

1. There are sufficient cafes and restaurants in Pool and nearby Otley.
2. The extra traffic generated by the restaurant will be detrimental to highway safety.
3. The restaurant may result in late night noise and food odour detrimental to residential amenity.

CONSULTATIONS RESPONSES:

Highway Development Control: No objections subject to conditions

Environment Agency: Comments and suggested conditions

Flood Risk Management: No objections subject to a condition requiring a Flood Warning and Evacuation Plan

Health and Safety Executive: No objections

PLANNING POLICIES:

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 currently comprises the adopted Local Development Framework Core Strategy (2014), those policies saved from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Local Plan.

The Local Development Framework **Core Strategy** was adopted by the Council on 12th November 2014. The following policies contained within the Core Strategy are considered to be of relevance to this development proposal:

General Policy – Sustainable Development and the NPPF

Spatial Policy 1 – Location of Development

Spatial Policy 8 - Economic Development Priorities

Spatial Policy 11 - Transport Infrastructure Investment Priorities

Spatial Policy 13 - Strategic Green Infrastructure

Development Plan:

Leeds Core Strategy:

Policy T2: Highways

Policy EC3: Safeguarding Existing Employment Land and Industrial Areas

Policy P2: Defined Town Centres

Policy P8: Sequential and Impact Assessments for Main Town Centre Uses

Unitary Development Plan Review (2006) - Saved

Policy GP5: General planning considerations

N33: Green Belt

MAIN ISSUES:

- 1) Principle of development
- 2) Design and Layout
- 3) Residential Amenity
- 4) Trees and Landscaping
- 5) Highway Safety and Parking
- 6) Other issues
- 7) Local Representations
- 8) Conclusions

APPRAISAL:

Principle of Development

The main considerations in assessing the suitability of the proposal relate to loss of employment and town centre uses.

- i) Loss of Employment

The application site forms part of a larger area comprising a number of buildings in employment use. The applicant states that the building the subject of the application has an implemented planning permission for office use. The requirements of Part A of Core Strategy Policy EC3 apply (Safeguarding Employment Land and Industrial Areas) and need to be considered where loss of employment (B1a) is proposed. It relates to the district wide provision of employment land outside areas of shortfall. Unlike general employment use, the Pool/Otley area does not have a shortfall of B1a office space. Given that it is not an area of shortfall for office use, it is considered that the existing building would not prejudicially affect the supply of employment land to meet the district wide need for employment land.

ii) Town Centre Uses

The proposed restaurant use is a town centre use located in an out of centre location. The requirements of Policy P8 of the Core Strategy apply. Proposals for A3 uses located outside a residential area should undertake a sequential assessment using a 10 minute catchment area together with the City Centre.

The 10 minute drive time includes a number of other centres in addition to Otley and

Burley-in-Wharfedale, in particular Guiseley, Yeadon, Horsforth and Holt Park. As originally

submitted, the applicant limited the sequential assessment to Otley and Burley only, casing the market requirements of the proposed restaurants but providing no further justification. It was considered that this approach to the sequential assessment did not appropriately apply the requirements of Policy P8. Consequently, the applicant was advised that a more comprehensive sequential assessment was required including all centres within the 10 minute catchment. This further assessment has been undertaken and submitted and it adequately demonstrates that there are no other sequentially preferable sites available for the development. It is considered that the requirements of Policy P8 have been satisfied.

In addition to the requirement of Policy P8 there is also some concern with the isolated location of the proposed restaurant. However, the site is within an existing office and commercial development on the edge of Pool-in-Wharfedale, albeit this village does not have a designated local or town centre and on a public transport route between Pool and Otley. As such, the location is not considered to be so isolated as to justify refusing permission.

The proposal is for a change of use of an existing office building with limited external alterations. As such, it is considered that the proposal complies with all relevant policy relating to development within the Green Belt.

Design and Character

The proposal includes only minor alterations to the external appearance of the building. As such, no concern with design and character arise.

Residential Amenity

Consideration has been given to the impact the development will have on residential amenity. The building is sufficiently separated from the properties on the opposite side of Pool Road to ensure there is no conflict with these properties from noise and odour from the operation of the restaurant. The additional vehicular movements are not considered to be of a level that will result in an unreasonable increase in noise issues from vehicular movements arising from the proposal.

Highway Safety and Parking

Careful consideration has been given to the impact the proposed change of use will have on parking and highway safety locally.

The Leeds Parking SPD recommends 30 parking spaces between the existing offices and photo studio. In addition to this, parking will be required for the existing car showroom and proposed restaurant plus approx. 960sqm of space which is still 'To let/under development'. In total the Transport Statement provided with the application concludes the Leeds Parking SPD would recommend in the region of 173 parking spaces if all of the 'To let' units are used as B1a office space. Total provision on the site is 101 spaces and although there could be some dual use with the restaurant being the only business open in the evenings, there is clearly a potential short fall in parking provision on the site.

The Transport Statement sets out the expected parking accumulation amongst the existing units and proposed restaurant. The methodology relies on calculations from the TRICS database and provides a rough estimate of how busy the car park could get based on an average of surveys taken from business parks and restaurants elsewhere in the country. The TS notes that there should be more 'spare' capacity than is calculated due to there being vacant units at the site and the car show room occupying a large proportion of the space.

Whilst there are some doubts over the figures presented the Highway Officer does not necessarily disagree with the conclusion that both car parks (totalling 101 spaces) should adequately accommodate the proposed mix of businesses. However, due to the potential large short fall from the parking standards set out in the Leeds parking SPD a base survey of existing car park use should be provided to show how the TRICS data compares to actual current use. In addition, if town centre and edge of centre restaurants are discounted from the TRICS survey the resulting parking accumulation shows that the eastern car park alone may not be big enough to accommodate restaurant customers, the results are attached below and indicate 'average' peak demand of 53 cars could be expected at the proposed restaurant (based on 690sqm GFA).

In order to ensure that customers do not park on A659 Pool Road it would need to be made clear that the western car park is also available to customers of the restaurant and there should be a direct link from that car park in to the venue. Details of signage and access should be provided. Lighting should be provided in both car parks.

A Car Park and Servicing Management Plan may also help to ensure that the car parks operate satisfactorily, for example directing staff of the restaurant to use the western car park only and for the restaurant to fund Traffic Regulation Orders should parking become an issue following occupation.

In response to the comments from the Highway Officer the applicant's highway engineer has provided the following detail regarding parking accumulations. The table below shows the results.

10:00-11:00	71.8
11:00-12:00	82.0
12:00-13:00	113.3
13:00-14:00	115.5

14:00-15:00	95.8
15:00-16:00	83.6

As you can see the accumulation reduces significantly but still 14 – 15 over capacity over the middle two hour period. With regard to the car showroom that contributes about the same amount (14 – 15) to the total which is based on generic car showroom rates – the showroom only has about 8 staff so the specific low key / bespoke use might mean we would be only 7 - 8 vehicles over capacity over 2 hours. In addition given this calculation is based on 100% of the remaining floor space (whether it is occupied or not at the present time) being in office use (a proportion may well have a B1c type use) then in our view this situation is unlikely to ever occur in practice and even if it did the number of vehicles are low / not material.

A pedestrian route between the two car parks will be created by providing an opening in the western car park boundary (at its eastern end) to allow patrons to walk the short distance along the Pool Road footway between the two. Signs to this effect will be provided within the car parks. At busy times restaurant staff will direct customers to use the western car park – this can be included in a Car Park Management Plan.

In the unlikely event a parking problem related to the operation of the site becomes evident then a condition requiring a TRO to be funded is acceptable to our client.

The Highway Officer has reviewed this additional information and has concluded that, subject to condition to cover cycle parking, pedestrian access and a Car Park Management Plan, no significant parking or highway safety issues will result from the change of use. As such, the proposed development is compliant with Policy T2 of the Leeds Core Strategy and Policy GP5 of the Unitary Development Plan Review (2006).

Other issues

There are no other relevant planning issues.

Letters of representation

All the issues raised through the local consultation process have been considered in reaching a recommendation on the proposal.

Conclusions

It is recommended that planning permission is granted.

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 Schedule.

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

- 3) Prior to the commencement of the use of the restaurant a Flood Warning and Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority. The operation of the restaurant shall be carried out in accordance with the approved plan.

To mitigate flood risks in accordance with NRWLP policy Water 7 and GP5 of the UDP

- 4) Development shall not commence until details of cycle/motorcycle parking and facilities have been submitted to and approved in writing by the Local Planning Authority. Details shall include the method of securing the cycles and their location, provision of showers and storage lockers. The approved cycle/motorcycle parking and facilities shall be provided prior to occupation of the development and thereafter be retained for the lifetime of the development.

To ensure sufficient cycle parking is provided.

- 5) Development shall not be occupied until details of the pedestrian access arrangements from the eastern car parking area and details (including location and size) of proposed signage directing customers to use both car parks and clearly visible to motorists, have been submitted to and approved in writing by the Local Planning Authority. The

approved works shall be completed before the development is occupied and retained for the lifetime of the development.

To ensure appropriate pedestrian access is provided.

- 6) Development shall not be occupied until a Car Park and Servicing Management Plan (inc. timescales) has been submitted to and approved in writing by the Local Planning Authority. The plan shall be fully implemented and operated in accordance with the approved timescales.

To ensure the car park is appropriate managed.

- 7) The opening times of the restaurant shall be limited to 11.00hrs to 23.00hrs Monday to Saturday and 11.00hrs to 22.30 hours on Sunday and Bank Holidays.

In the interest of residential amenity locally.

For information:-

- 1) In reaching a decision the case officer dealing with the application has worked with the applicant/agent in a positive way to produce an acceptable scheme in accordance with paragraphs 186 and 187 of the National Planning Policy framework.

This recommendation relates to the following Approved Plans

Plan Type	Plan Reference	Version	Received
Site Location Plan/Red Line/OS Plan	202	C	13.02.2017
Block Plan/Layout Plan	221	E	13.02.2017
Proposed floor plan(s)	220		13.02.2017