
Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 7 September 2017

Subject: APPLICATION 17/02609/FU Change of use of former bank to A4 public house and 2 storey extension to rear, former HSBC Bank, Charlton House, Oxford Road, Guiseley

APPLICANT

Potting Shed Trading Ltd

DATE VALID

9 May 2017

TARGET DATE

8 September 2017

Electoral Wards Affected:

Guiseley and Rawdon

☐ Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION: GRANT PERMISSION subject to the conditions specified below:

1. Time limit condition
2. Plans to be approved;
3. Materials to be approved
4. Hard and soft landscape scheme to be approved in writing and implemented.
5. Landscape management plan
6. Preservation of retained trees/hedges/bushes
7. Tree protection measures
8. Provision for replacement trees/hedges/bushes
9. Details of access, storage, parking, loading/unloading of contractors plant, equipment materials, vehicles
10. Specified operating hours (construction) of 08.00-18.00 weekdays, 09.00-14.00 Saturdays; no Sunday / Public Holiday operations;
11. Hours of opening of the Public House shall be restricted to 08.00 to 24.00 Last orders shall be 30 minutes before the closing time specified in this condition.
12. All outside areas and the canopied first floor area when the canopy and any external doors or windows are open shall not be used for the consumption of food or drink after 21.00 on any night. There shall be no food or drinks consumed outside of the building except in the defined areas.

13. Bottles shall not be placed in any outside receptacles before 08.00 or after 08.00.
14. There shall be no amplified music or televisions audible outside of the premises at any time.
15. There shall be no deliveries to the site before 08.00 or after 18.00 Monday to Saturday and not before 09.00 or after 13.00 on Sundays and public holidays.
16. Plant and mechanical equipment shall not be audible above 5ba at the nearest noise sensitive point.
17. Details of acoustic fencing and bin stores and cycle/motorcycle storage and parking shall be approved prior to the commencement of building works and installed prior to first use of the Public House.
18. A car park management plan including details of the proposed car park barrier and its operation shall be submitted and approved
19. Details of excavations to be approved (as the site is near railway land)
20. Details of any external lighting shall be approved

1. INTRODUCTION:

- 1.1 This application is brought to Panel at the request of Ward Members Councillor Graham Latty and Councillor Paul Wadsworth and due to the level of interest in the proposals from local residents as they consider it raises issues which affect more than the immediate neighbours.

2. PROPOSAL:

- 2.1 The proposal is for alterations and refurbishment and the change of use of a former HSBC bank within the A2 planning use class, and 2 flats above, to an A4 public house together with alterations, a two storey extension to the rear
- 2.2 The principal proposed change to the building is a 2 storey rear extension which extends out 7m from the existing main rear wall of the building. The ground floor element of this and part of the first floor element is constructed of stone. The first floor stone built extension infills an L shape formed by the current arrangement at the rear of the building and has a flat roof. The remaining first floor element of the extension features a canopied roof which can be retracted in good weather to create an open first floor terrace. There is also a first floor open balcony seating area and a ground floor outdoor seating area to the rear.
- 2.3 It is also proposed to erect 4 sheds between the building and the boundary with the railway cutting which would be used for eating and drinking.

3. SITE AND SURROUNDINGS:

- 3.1 The application building is stone and Victorian in origin and appears to have originally been built as a detached residential villa in the Victorian style from pitched faced regularly coursed stone. There is a large flat roofed extension to the front elevation capped with a balustrade, built in ashlar stone in the classical style. This addition is perhaps contemporary with the historic change of use of the building to a bank which was a branch of the Midland Bank prior to becoming HSBC. There is a car park to the rear of the building served via an access from Oxford Road.
- 3.2 The building is located in a prominent location in Guiseley Town centre adjacent to the railway line and the Oxford Road bridge over the railway line. The building is

within the defined Guiseley Town Centre and the building is identified as a positive building within the Guiseley Conservation Area.

- 3.3 To the south of the site is a shopping parade which turns the corner into the Otley Road/A65 which is Guiseley's principal shopping street, On the opposite side of Oxford Road is a small landscaped area and a cobbled street – Station Road – which leads to Guiseley train station and adjoining this road is the Station pub which fronts onto the Otley Road.
- 3.4 There are nearby residential properties, Springfield Court, Oxford Court Villas and Hornbeam Court which are described in more detail in the Appraisal section below

4. RELEVANT PLANNING HISTORY:

- 4.1 None

5. HISTORY OF NEGOTIATIONS:

- 5.1 Prior to the application being submitted a pre-application enquiry was submitted by the applicant - PREAPP/17/00012
- 5.2 The advice given was that the use of the building as a pub was in principle considered to be acceptable but that careful consideration would need to be had to the potential impact of the proposed use on the amenities of nearby residents. A proposal at that stage to close the existing rear car park to cars and turn the whole of that area into outside eating and drinking space has not been pursued in the current planning application.
- 5.3 A meeting was held in Guiseley to discuss the proposals on 19 July 2017 (after submission of the planning application) This meeting was arranged by Ward Members and was attended by Councillor Graham Latty and Councillor Paul Wadsworth, by representatives of the nearby residential apartments, and by representatives of the applicant. Local residents expressed their concerns about the potential impact of the proposal on nearby residents in terms of noise and highway safety matters, whilst the applicant emphasised their commitment to ensuring that residents were not affected harmfully and that any issues arising would be promptly addressed.

6. PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been advertised by means of press and site notices

Councillor Graham Latty has objected to the application:

'Highways. The access/egress is via a narrow drive with a fairly big drop on one side, erecting a fence for safety would have the effect of narrowing it even further. The entrance is the wrong side of a brow which reduces visibility for traffic approaching and when delivery wagons need to reverse in they would need the whole road width in order to line up with the entrance. The narrowness of the drive would make their reversing quite hazardous. Similarly any vehicles exiting the drive have a restricted view to the right and local traffic comes over the brow at a fair speed.

Parking or Lack of parking. Guiseley has a parking problem anyway and should this pub be a success then the lack of on-site parking would mean that there would be

a severe local problem. This would be exacerbated by the predominantly Permit Parking in place in the area which leaves few options for the casual parker.

Noise nuisance. The building is very close to three residential blocks of apartments, Oxford Court, Springfield Court and Hornbeam Court. All are within tens of yards of the proposed pub and would have severely reduced amenity as a result. It would also seem from the plans that some residents of Springfield would have their windows overlooked. Several of the apartments in Oxford Court are looking directly onto the rear of the building where the outside activity would be and Hornbeam looks directly onto the front.

Finally, having seen a report into the problems they have had with the Bingley operation

I believe you have had sight of this- I would not want the same sort of problems visited on Guiseley.

that at the meeting I stressed my concerns about highway safety in particular the blind brow adjacent to the gateway and the difficulty of entering and exiting a very tight gateway into traffic that is sometimes quite quick and is not able to see cars hidden by the brow'.

6.2 Councillor Pat Latty has objected to the application:

'I would like to register my objection to this application. I am fully in support of the objections of local residents, particularly those in Springfield Court and Oxford Court.

I am concerned that the closeness to these residential apartments is such that there is bound to be intrusive noise from the outside use and also from cars and brewery delivery wagons. There is also the loss of privacy and overlooking, particularly the widows of Springfield Court.

The entrance to the property is narrow and in a very bad place just by the hill over the railway which means traffic coming in to Guiseley cannot be seen until too late. I am also very concerned that the lack of customer parking will cause problems in the vicinity where there is already a shortage of parking'.

6.3 Councillor Paul Wadsworth has objected to the application

I would like to add my objection to the conversion of the HSBC Bank to a bar/eatery. It is an unsuitable application for the reasons listed in the other objections. Particularly on Highways grounds as the access/egress is via a blind bend on a very busy road. There will be very limited parking on site which is another problem as parking availability is already a major issue in the area.

I am also concerned about the outside drinking areas and have reservations about the impact on local residents, of the extra noise and possible anti-social behaviour of the clientele, having read about the problems at the Bingley establishment. As there are 3 three residential blocks of apartments, Oxford Court, Springfield Court and Hornbeam Court very close to the site I do not believe this to be a good use of the site. Unless all these issues are addressed (and because it is a major change) I will have to ask that it goes to Plans Panel.

6.4 There have been 76 objections from local residents raising the following issues

- Noise and disturbance to nearby residences, particularly in the evening, from customers – particularly using outside areas - and amplified music. Noise from the adjacent railway line is limited as trains are moving slowly and at this point the railway is set in a cutting.

- There would be additional noise from use of the bin store which is situated adjacent to Springfield Court flats (this has been relocated in revisions to the scheme)
- Inadequate car parking provision and limited opportunities for on-street car parking in the surrounding area due to existing demand including from the nearby railway station.
- The access is at a hazardous point near the brow of the road – use of this by delivery lorries would be dangerous
- Taxis dropping off patrons at this point on Oxford Road would create a hazard.
- The use would exacerbate congestion on already congested local streets.
- Food and drink containers being deposited on the adjacent railway line
- The 2-storey rear extension and outdoor roof terrace would not be in keeping with the character of the Conservation Area.
- Guiseley is already over-provided with food and drink establishments and there is no need for another
- There have been problems with noise and disturbance at the Bingley Potting Shed premises

6.5 There have been 196 comments in support of the application residents raising the following issues:

- The business would provide a family food and drink venue in Guiseley of a type which is currently lacking, which will enhance the variety and attractiveness of the town which is suffering from vacant shop units
- The Regent on Otley Road closed in recent years and this would provide a replacement facility
- The business would provide investment into the economy of the town and create jobs
- It is well situated close to bus stops and the train station

7. CONSULTATION RESPONSES:

7.1 The following consultation responses have been received:

7.2 Yorkshire Water: No objection subject to conditions requiring agreement of foul and surface water drainage.

7.3 Highway Authority: No objections

7.4 Network Rail: No objections in principal to the application but has asked that consideration be given to the following:
It is noted that the proposed building and basement extensions are located within 5 metres of the railway boundary at the top of a railway cutting. Given the location of the site, it is imperative that the developer liaise with the Asset Protection Team prior to any work commencing on site, to establish that any excavations and construction work can be carried out safely and with no impact to the operational railway infrastructure. Conditions and directions on any planning permission are requested to deal with:

- Fail Safe Use of Crane and Plant

- Excavations/Earthworks near to the railway line to require approval
- Secure boundary to the railway line to be maintained
- Vibro-impact Machinery
- Scaffolding
- Lighting

7.5 Flood Risk Management: No objections subject conditions requiring the submission and agreement of drainage details.

7.6 LCC Licensing: A premises license was granted by the Council on the 27 June 2017 for the 'sale by retail of alcohol, provision of late night refreshment, Performance of live music, Performance of recorded music'. Consented hours for the sale of alcohol are:

Mondays to Saturdays –	10.00 to 01.00
Sunday -	10.00 to 23.00

8. 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 for Leeds is made up of the adopted Core Strategy (2014), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013 and any made neighbourhood plan.

8.2 The National Planning Policy Framework (NPPF) sets out the Government's planning policies and contains policies on a range of issues including housing, sustainable development, Green Belt, conservation, the local economy and design.

8.3 In respect of design it states that "good design is indivisible from good planning" and Local Authorities are encouraged to refuse "development of poor design", and that which "fails to take the opportunities available for the improving the character and quality of an area and the way it functions, should not be accepted".

8.4 Paragraph 131 states:

"In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness"

8.5 Paragraph 132 states:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any

harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.”

8.6 Core Strategy policies:

Policy SP2 The Council will direct retailing, offices, intensive leisure and culture, and community development to the City Centre and designated town and local centres in order to promote their vitality and viability as the focus for shopping, employment, leisure, culture, and community services.

Policy SP8: Economic development priorities – A competitive local economy will be supported through:... (vii) Developing the City Centre and the Town/Local Centres as the core location for new retail, office employment and other main town centre uses,

Policy P10: High quality design

Policy P11: Conservation

Policy P12: Landscaping

Policy T1: Transport management

Policy T2: Accessibility requirements

8.6 Saved UDPR policies:

Policy GP5: General planning considerations

Policy N19: Conservation areas and new buildings

Policy BD6: Extensions and alterations

Policy LD1: Criteria for landscape design;

Policy T7A: Cycle parking

Policy T24: Parking provision

8.7 Supplementary Planning Documents:
Guiseley Conservation Area Appraisal and Management Plan SPD 2012

9. MAIN ISSUES:

9.1 The relevant main issues are considered to be:

- The principle of the proposed use in a defined town centre
- Residential amenity
- Design and the character of Guiseley Conservation Area
- Highway safety

10. APPRAISAL:

The principle of the proposed use in a defined town centre

10.1 The building is located within Guiseley town centre as defined by the Unitary Development Plan. The change of use from an A2 Bank to a Public House is in accord with retail planning policies as both are considered to be ‘Main Town Centre Uses’ which are appropriate to such locations. The proposal would also result in a viable economic use for the building providing jobs and a beneficial new service for Guiseley town. The building is unlikely to revert to use as a bank given the general trend towards branch closures and would not easily lend itself to retail uses due in part to its location on the edge of the main retail area of the town and due to its lack of a shop window street frontage.

- 10.2 The proposal therefore accords with the Core Strategy policies referenced above regarding economic development and the town centres.

Residential amenity

- 10.3 Whilst the building is within a defined town centre it is also in fairly close proximity to a number of residential properties. These are principally:
- Springfield Court - this is a block of flats situated 20m from the building (as proposed to be extended) and 1m from the boundary of the site car park. There are side facing bedroom windows on the gable of the building facing the car park.
 - Oxford Court Apartments – This block is situated 33m away at its nearest point to the application building on the opposite side of the railway line from the building.
 - Hornbeam Court. This is a block of retirement flats at the end of Netherfield Road on the opposite side of the railway line from the building
- 10.4 Careful consideration must be given to any impact the development may have on the residential amenity of nearby residents. During the daytime the proposal is not considered likely to impact on nearby residents as any noise from the premises is unlikely to be audible above existing background noise of traffic and other town centre noise. There is more potential for noise and disturbance to occur during the evening when background noise levels will be lower. Potential for noise would be from the comings and goings from the premises by patrons either arriving on foot from the surrounding area or coming by car or taxi, and from persons using the outside drinking and eating areas. In the case of patrons arriving on foot and by car it is acknowledged that such users may pass the above residences and other nearby dwellings. Given the town centre location of the premises however and the variety of other food and drink establishments open in the town until late in the evening (including the Station pub opposite and other restaurants and bars within 200m of the application site), it is not considered that the additional activity which would result from the proposed use would add to this traffic and thus to noise and disturbance generated, to a discernable degree.
- 10.5 In terms of direct noise from the premises, it is considered that the distance of the premises from the nearest dwellings and the range of conditions proposed, that disturbance would not result. The nearest dwellings to the building are in Springfield Court referred to above. Springfield Court is itself however within the town centre and is set immediately to the rear of the principal retail street in Guiseley on the A65. Oxford Court apartments are further away than Springfield Court and on the opposite side of the Wharfedale railway line from the railway line as is Hornbeam Court. Subject to conditions to secure the closure of the premises at midnight, no use of outside areas after 9 PM, no music to be audible from outside the building and the provision of an acoustic fence around the rear of the site the proposal is considered acceptable in respect of impact on residential amenity and to accord with Policy GP5 of the saved UDPR (2006).

Impact on visual amenity and the character of Guiseley Conservation Area

- 10.6 The building is within the Guiseley Conservation Area and as such the proposed development is required to preserve or enhance the character and appearance of the Conservation Area.

- 10.7 The NPPF is very clear that significant weight should be attached to the reuse and restoration of heritage assets. This substantial Victorian building in a prominent location which has been identified as a positive building in the Conservation Area appraisal is clearly significant. The proposed development would retain the building in a positive town centre use and promote its retention in good order over future years as a positive asset in the Conservation Area.
- 10.8 To the rear is proposed a two storey extension. The ground floor element of this and part of the first floor element is constructed of stone. The first floor stone built extension infills an L shape formed by the current arrangement at the rear of the building and has a flat roof. The remaining first floor element of the extension features a canopied roof which can be retracted in good weather to create an open first floor terrace. Although the form of this is not entirely traditional with respect to the Victorian building, it is considered to be a modern form which will sit harmoniously with the existing building. Situated to the rear, it is also not prominent in most views from the surrounding area. It is concluded that the extension will be an appropriate addition which will preserve the character of the Conservation Area.
- 10.9 It is also proposed to erect 4 wooden sheds between the building and the boundary with the railway cutting which would be used for eating and drinking. These are minor in nature and not prominent and will have a negligible visual impact and thus also serve to preserve the character of Guiseley Conservation Area.

Highways and parking

- 10.10 To the rear of the premises is a car park which on this proposed scheme is shown as laid out for 7 spaces and is reached via an access at the side of the building. Given the town centre location this quantity of car parking is considered acceptable for the use. There is nearby short-stay car parking on Station Road and Netherfield Road and other parking in the surrounding area.
- 10.11 The access in to this car park from Oxford Road is not ideal. The access emerges on to Oxford Road at a point where there is limited visibility to the right due to the hump of the railway bridge, and the access is also close to the busy traffic light controlled junction of Oxford Road with the A65 Otley Road, from which there is sometimes a tailback of traffic. This is however an existing situation and the car park has a long history of usage as such and this must be given significant weight. At this point traffic is also inevitably moving quite slowly. It is concluded that the access and car parking arrangements are satisfactory given the limited vehicle movements likely to be associated with the car park and given the historic and current lawful use of this area as a car park. It is also recommended that the car parking and service proposals be the subject of a management plan condition to deal with matters such as who would be able to access the car park, and service and delivery arrangements.

11 CONCLUSIONS

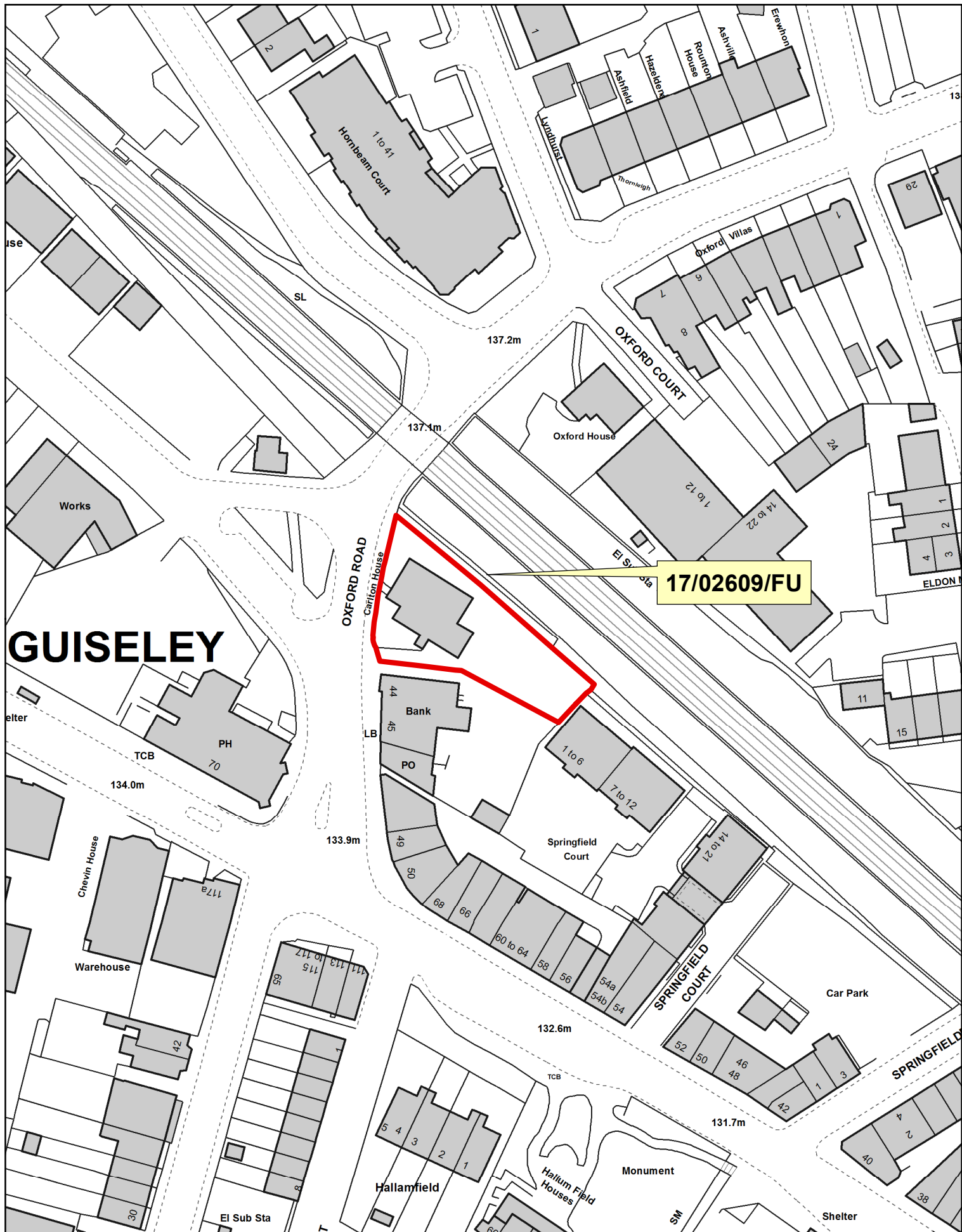
- 11.1 The use of the building as a food and drink establishment is considered as a matter of principle to be appropriate to this town centre location. This is a vacant commercial building in the town centre; it is also a positive and very attractive building in the Conservation area which needs a new use to ensure its future sustainability. It has no 'shop window' frontage as such to the street and this would be difficult to achieve in a manner which would not be harmful to the building which is thus unlikely to be attractive to potential retail users.

- 11.2 The environmental benefits of providing a commercially viable use for this important and historic building are clear. The economic benefits in terms of a new business for the town are also clear and many of the people making representations have commented with regard to the benefits to the town of an attractive food and drink venue which many consider to be a weakness of the current offer in Guiseley.
- 11.3 The concerns of local residents that harm could result through noise must however be given careful consideration and are naturally a key material consideration to be weighed in the planning balance. As outlined above however it is considered that the legitimate concerns of local residents can be properly dealt with through the recommended planning conditions with regard to opening hours, use of the outside areas, amplified music and use of outside bottle storage areas etc. Licensed premises are in addition subject to additional control through the licensing regime which can close down premises where harm is arising from the use.
- 11.4 It is acknowledged that parking for the premises is limited but this is a building in a town centre where it is not expected that each individual business should provide its own car parking. It is also acknowledged that the access to the car park is not ideal but it is important to note that this is an existing situation which would exist for any future business occupying the site.
- 11.5 On balance and weighing up the above matters it is considered that the use can offer significant benefits in terms of the economy and vitality of the town centre and providing a sustainable new use for the building and approval is recommended subject to the conditions at the head of this report.

Background Papers:

Application file: 17/02609/FU

Certificate of Ownership: Signed by applicant



SOUTH AND WEST PLANS PANEL

© Crown copyright and database rights 2016 Ordnance Survey 100019567

PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/1000

