
Report of the Chief Planning Officer

NORTH & EAST PLANS PANEL

Date: 19th October 2017

Subject: 17/01896/FU – Change of use from bank (A2) to a bar/restaurant (A3/A4) at Yorkshire Bank, 53-55 Harrogate Road, Moortown, Leeds, LS7 3PY.

APPLICANT
K D Properties

DATE VALID
22nd May 2017

TARGET DATE
25th October 2017

Electoral Wards Affected:

Chapel Allerton

☐ Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION: DEFER and DELEGATE approval to the Chief Planning Officer subject to the following conditions and the prior completion of a section 106 Agreement to cover the following:

- **£5,000 contribution by the developer to the public realm works in the highway at the junction of Stainbeck Lane and Harrogate Road**

In the circumstances where the Section 106 has not been completed within 3 months of the Panel resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer.

1. Time limit
2. Development to comply with approved plans
3. No openings within the side elevations of the existing building
4. Opening hours 9:00-00:00 Monday to Sunday
5. Delivery hours to be 06.30 - 07.30
6. Prior to commencement of development a Servicing Management Plan shall be submitted and agreed in writing
7. Details of any flue or plant to be erected to be submitted for approval
8. Details of alterations to external appearance shell of building to be submitted for approval

1.0 INTRODUCTION

- 1.1 Members will be aware that the application was reported to the last Plans Panel on the 14th September 2017. Panel sought clarification on the usage and the opening hours. The agent has since confirmed that they seek a change of use to A3/A4 (bar/restaurant) and the opening hours will remain the same as originally applied for.
- 1.2 The application proposes the change of use of Yorkshire Bank (A2) 53-55 Harrogate Road to a bar/restaurant (A3/A4)
- 1.3 The application is reported to Plans Panel at the request of Ward Members Councillors Jane Dowson, Mohammed Rafique and Eileen Taylor. The concerns raised are: Increased volume of traffic and noise, on street parking, overdevelopment of the area, and number of bars/restaurants in the area is considerable.

2.0 PROPOSAL

- 2.1 The application seeks the change of use of Yorkshire Bank (A2) to a (A3/A4) bar/restaurant. There are no proposals to alter the front external appearance of the building. There are minor alterations to the side elevation (north east elevation) with the addition of a fire escape door and a hatch to the bar, within the rear elevation the existing door and stairs will be removed and a window will be added to mirror the size and scale of the existing windows. An existing window will be changed to a door and stairs leading from the proposed kitchen area. The proposed opening hours are from 9.00am to midnight 7 days a week. The application form sets out that 5 people will be employed (full time) by the use. There is no parking provision currently on the site and none is proposed as part of this application.

3.0 SITE AND SURROUNDINGS

- 3.1 The application site is number 53-55 Harrogate Road. The site is a detached building located on the junction of Harrogate Road and Stainbeck Lane. The site is located within the designated Town Centre (Chapel Allerton) but is not classed as a primary or secondary frontage. The site is also located within Chapel Allerton Conservation Area and is classed as a positive building in the Chapel Allerton Conservation Area Appraisal.
- 3.2 The building is flat roofed and is cast stone and concrete with a grey granite plinth. The site is located next to the new Aldi site which is currently under construction and lies to the north of the application site. Surrounding the site there are a range of different types of commercial properties ranging from bars/restaurants, fishmongers and take aways. The site, formerly the Yorkshire Bank is currently vacant.

4.0 RELEVANT PLANNING HISTORY

- 4.1 34/62/01/FU – Disabled access ramp to front of bank Approved 23.04.2001

- 4.2 34/85/97/SI – 2 internally illuminated fascia signs and 1 internally illuminated projecting sign to bank Approved 22.12.1997
- 4.3 34/247/96/FU – Cash dispenser to bank Approved 27.12.1996
- 4.4 H30/20/76 – One illuminated fascia box sign, size 6.7Mx0.7m, and height above ground 6.25m. Approved 08.03.1976
- 4.5 H30/309/74 – 2 pairs of air cooled condenser units to roof of computer centre Approved 14.10.1974

5.0 HISTORY OF NEGOTIATIONS

- 5.1 None.

6.0 PUBLIC/LOCAL RESPONSE

- 6.1 The application was published by site notice dated 13th April 2017.
- 6.2 31 letters of representation have been received, 22 objections, 8 letters of support and 1 comment have been made, one letter of objection received by Leeds Civic Trust Planning Committee
- 6.3 As previously mentioned Ward Members Councillor Jane Dawson, Councillor Mohammed Rafique and Councillor Eileen Taylor have raised concerns regarding the application these concerns are:
- The number of bars/restaurants in the area is considerable and has in many people's view reached saturation point.
 - A restaurant will generate increased volume of traffic. This is already a problem in the area which is already extremely busy especially at peak times.
 - Yet another restaurant in an area with more than ten existing eating establishments with the related noise, traffic, etc. Also, if the chemist that already exists moves, it will leave a shop unit vacant which may well be either another food outlet or an extension of one of the existing bar/restaurants.
 - On-street parking – The area is already under great strain in respect of on-street parking. Yet another property will undoubtedly cause further problems.
 - Over development – increasing the density of development in the area is detrimental to the street scene.
 - The infrastructure of the area (e.g. street cleaning, bins etc.) is already under considerable strain. An additional bar/restaurant will place this infrastructure under further pressure.
 - This is an iconic building in the area and there is considerable interest in the application.
 - As mentioned in our previous objection letter this area is covered by a Cumulative Impact Policy.
- 6.4 Concerns raised by objectors:
- Any more bars/restaurants is definitely not required in Chapel Allerton

- No more drink or food applications in Chapel Allerton the area is already saturated with them.
- More traffic noise and litter.
- Consider using the building for the community as a whole rather than just for commercial use.
- The Cumulative Impact Policy was introduced partly to do this and partly to stop the growth in violent crime and reports of nuisance. It has worked.
- the range of businesses and services on offer in Chapel Allerton is becoming increasingly focussed on bars and licensed food outlets
- Concerns the internal features will be lost in this conversion
- Suggest that the building should be regarded as a Non Designated Heritage Asset, even without sight of the interior, based on the nearly unaltered, elegant and very “of its period” exterior and also its very visible location.
- No permission should be given until the current Listing Application with English Heritage has been determined and also photos and information about internal features have been made available to all parties concerned.

6.5 Comments in support:

- Better that the building is being used rather than left empty.
- Would be nice if used as a cinema
- Hope the façade of the building will be retained in all its details, including for instance the windows
- Think this is an excellent opportunity to repurpose an historic building to ensure it can be enjoyed by the community. It will add to the appeal of the neighbourhood and support the local economy. Its location is ideal to avoid disturbing residents in the area.
- Support the change of use to a bar/restaurant which should further enhance the vibrant and welcoming centre of Chapel Allerton
- Many high streets have numerous unoccupied buildings; I would rather see the change of use than the building be left unoccupied for long periods.
- We do not want another building stood empty in Chapel Allerton
- As long as the renovator keeps the original features intact I feel a bar/restaurant in this space would add to the vibrancy and desirability of Chapel Allerton
- This development is by far the most reasonable proposal to ensure this building of note and prominence remains, ensuring the character of Chapel Allerton stays intact.
- A bar/restaurant development will ensure a long-term tenant in the building and will compliment nearby businesses whilst being in keeping with local needs.
- My family and I have lived in Chapel Allerton for the past 15 years and wholeheartedly support a restaurant in our village.
- We chose this area to live because of the vibrant eclectic mix of bars, shops and restaurants and we feel having another would only offer more choice to the locals and increase the footfall to existing businesses.
- The village needs more bars and restaurants to keep it vibrant.
- If you don't want another bar restaurant - that's OK; don't go there
- At least it won't be left as an empty eyesore

- I don't actually think we've reached capacity yet and more life we can breathe in the heart of the village the better. Good luck to them.
- Hope the refit is done sympathetically

7.0 CONSULTATIONS RESPONSES

- 7.1 Flood Risk Management: - The change of use would not impact on the surface water drainage of the site. FRM has no objections to the proposal.
- 7.2 Contaminated Land: – No objection as the proposed change of use is between low vulnerability commercial uses
- 7.3 Highways: - The site has an existing commercial use and is located within the Chapel Allerton Town Centre with this in mind an outright highway objection might be difficult to justify, However details of the servicing requirements of the proposed use and how this would be accommodated within the Town Centre, taking into account that the existing side road adjacent to the building is to be closed off as part of an ongoing supermarket development. Following additional information relating to delivery hours and the type of delivery vehicle to be used, a condition is to be added to provide a Servicing Management Plan before work commences and on this basis Highways raise no objections.

8.0 PLANNING POLICIES

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2 Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires development, as a whole, to preserve the appearance and character of Conservation Areas.

Development Plan

- 8.3 The development plan for Leeds consists 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.
- 8.4 The site is located in the designated Chapel Allerton Town Centre but is not within a Primary or Secondary shopping frontage
- 8.5 The following Core Strategy policies are relevant:
- General Policy 1 – Presumption in favour of sustainable development
 SP1 – Location of development in main urban areas on previously developed land.
 SP2 – Encourage vitality and viability of town centres.
 P1 – Town and Local Centre Designations
 P2 – Acceptable uses in and on the edge of town centres
 P10 – High quality design.
 P11 - Conservation

T1 – Transport Management

T2 – Accessibility.

8.6 The following saved UDP policies are relevant:

GP5 – General planning considerations

S4 – maintain and enhance vitality, viability and availability of shopping services generally.

8.7 The following SPGs and SPDs are relevant:

Parking SPD

Street Design Guide

Car Parking Guidelines (December 2015)

Leeds Parking Policy Supplementary Planning Document (December 2015)

Chapel Allerton Conservation Area Appraisal and Management Plan (22 October 2008)

Chapel Allerton Community Plan and Design Statement (CANPLAN. November 2011)

National Planning Policy

8.8 The National Planning Policy Framework (NPPF), published on 27th March 2012, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.

8.9 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

Relevant sections are:

- Requiring good design
- Ensuring the vitality of town centres
- Conserving and enhancing the historic environment
- Highways – resist development that has a severe impact

9.0 MAIN ISSUES

1. Principle of development.
2. Highway impact
3. Historic Status of Building
3. Residential impact
4. External alterations

- 5. Section 106 Agreement
- 6. Representations

10.0 APPRAISAL

Principle of development.

- 10.1 The site is located within the designated Chapel Allerton Town Centre but not within a Primary or Secondary shopping frontage. A bar/restaurant is identified as an acceptable use in principle in this location in line with policy P2 subject to all other material considerations.
- 10.2 The application site is an existing detached commercial unit. Although concerns have been raised regarding specific aspects of the proposed use, the proposed use of the building for commercial purposes is already established, and in this context there would be no objection to its ongoing commercial use in principle, subject to a detailed consideration of its implications.

Historic Status of Building

- 10.3 The building is located within the Chapel Allerton Conservation Area wherein there is a duty for the local planning authority to preserve the appearance and character of that area. There are two main areas for consideration relating to this application and this duty. First relates to the alterations to this positive building in the Conservation Area and the second relates to the impact of the use on the character of the area. By way of background Members should note that English Heritage received an application from CANPLAN to have the building Statutorily Listed the LPA was notified of this application on the 18th May 2017. Historic England decided not to include the former Yorkshire Bank to the List of Buildings of Special Architectural or Historic Interest. The reasons being:

"The former Yorkshire Bank at Chapel Allerton, designed in 1935 by Clifford Medley and opened in 1937, is not recommended for listing for the following principal reasons:

** Architectural quality: it is a well-designed building incorporating Art Deco influences, but overall it lacks the strong level of architectural flair and distinction required for listing;*

** Interior quality and survival: the interior has been subject to significant alteration that has compromised its architectural integrity and character, and where features do survive they are of a standard quality and design;*

** Lack of group value: there are no neighbouring listed buildings with which to share group value."*

- 10.4 Notwithstanding this, had the application for the Listing been successful, this would not in and of itself have rendered the proposed change of use unacceptable in principle. Indeed, advice from Central Government on such issues is that alternative uses are often necessary in order that the Historic Asset does not fall into a state of disrepair.

- 10.5 Following discussions with Conservation it was considered that the proposed change of use, is not considered to have a detrimental impact on the character or appearance of the Conservation Area. There are no significant external alterations proposed (see 10.12 below) to the building and therefore the form of the building and its architectural detailing will remain intact. Furthermore it is considered that the re-use of this building will secure the beneficial use of the building and the use is appropriate to the town centre location (and consequentially this part of the Conservation Area). Consequentially it is considered the proposal, when considered in the round, will positively contribute to the character and appearance of the Conservation Area.

Highway Impact

- 10.6 The approved Aldi application (16/01182/FU) located to the north of the site has a condition attached stating that
- “Outside of the normal opening hours of the store as retail premises the car park will be made freely available for use by members of the public.”
- 10.7 This condition was imposed to help alleviate on street parking within the Chapel Allerton Town Centre, once Aldi is opened. Accordingly, parking will be available outside of opening hours close to the application site. Nevertheless, given the Town Centre location of the application site, it is difficult to justify that the change of use would have such an adverse impact on the highway situation of the Town Centre so as to justify a refusal of planning permission. Indeed the journey's made to town centres by shoppers and users of facilities offered in the town centre are often varied comprising linked trips, trips for specific and short durations and other trips for longer durations depending on the time of day and the purpose of the specific trip. The change of use is therefore considered acceptable in highway terms.
- 10.8 The applicant has agreed to provide a contribution to the future Public Realm scheme for the closing of the junction of Stainbeck Lane and Harrogate Road junction of £5000.00. This will be secured through a Section 106 agreement.
- 10.9 Additional information relating to the proposed delivery regime and delivery vehicle type has been sought and following consideration of this information, a condition restricting deliveries to the property is recommended to ensure that conflict with the normal operation of the highway closest to the site is minimized (junction of Stainbeck Lane and Harrogate Road).

Residential Amenity

- 10.10 There are residential properties located to the south west and to the site. The residential properties to the west of the site are located above existing commercial properties on Pelham Place. The distance to the nearest residential property from the side elevation is approx. 5.8m away and these properties are located at first and second floor level. There are three small windows within the existing side elevation of the former Yorkshire Bank at first floor level but are located further at the back along the side elevation of the existing building. It is considered that the

location of these properties, which are separated by their external walls will not be adversely affected upon by the proposed change of use, indeed many of them are already located above existing A3/A4 type uses which will have a more direct relationship with occupiers of these properties than the application site.

- 10.11 To the north of the site are semi-detached and detached dwellings on Grosvenor Park. They are approximately 69m away from the site (to the boundary), and notwithstanding that they are elevated in relation to the application site, being separated from it by the proposed Aldi car park it is considered that they will not suffer any adverse impact as a result of this proposed change of use.

External alterations

- 10.12 As previously mentioned in point 2.1 of the report there are minor alterations to the side and rear elevation of the existing building. The existing front elevation will not be altered and will retain the original characteristics of the building. These alterations will not create a negative impact to the existing positive building and there immediate locality, given their location. At this stage there are no proposals to alter the external appearance of the building. The Yorkshire Bank signage will be removed and as of yet there are no proposals submitted for replacement signage which will be the subject of an application under the Advertisement Regulations.

Section 106 Agreement

- 10.13 The Community Infrastructure Levy Regulations 2010 set out legal tests for the imposition of planning obligations. These provide that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 10.14 The heads of terms for the S106 agreement would be as follows:
- £5,000 contribution towards public realm works in the highway at the junction of Stainbeck Lane and Harrogate Road.
- 10.15 The provision of this obligation is required as part of the overall development plan policies and in line with the NPPF and having had regard to the specific details of the proposal. In particular, this is set out specifically within the Chapel Allerton Community Plan and Design Statement (CANPLAN). It is therefore considered reasonable to include this within the legal agreement as a means of securing this additional benefit to mitigate the public realm and parking issues in light of the nature of the change of use and likely increase in footfall.

Representations

- 10.16 The main material planning considerations raised have been addressed in the main body of the report. Below are other areas of concerns raised by objectors;

- The Cumulative Impact Policy was introduced as a Licencing Policy and is not a planning policy and carries very limited weight in the determination of this application. However, it has some relevance to the to the broader context against which this proposal will be judged in that there are concerns about the cumulative effects of the concentration of similar uses within the town centre. When considering this factor regard has to be had to the fact that the site has historically been in a non-retail use and the other matters relating to the conservation area and residential amenity as set out in the report. The CIP in itself does not weigh heavily against the planning merits of the case.
- Concerns that the internal features will be lost in this conversion. The building is not Listed and internal alterations in this instance would not constitute development for the purposes of Planning.
- No permission should be given until the current Listing Application has been determined and also photos and information about internal features have been made available to all parties concerned. The application to have the building Listed has been determined English Heritage have not included the building on the List of Buildings of Special Architectural or Historic Interest, reasons for this are reproduced in point 10.3 of above report.

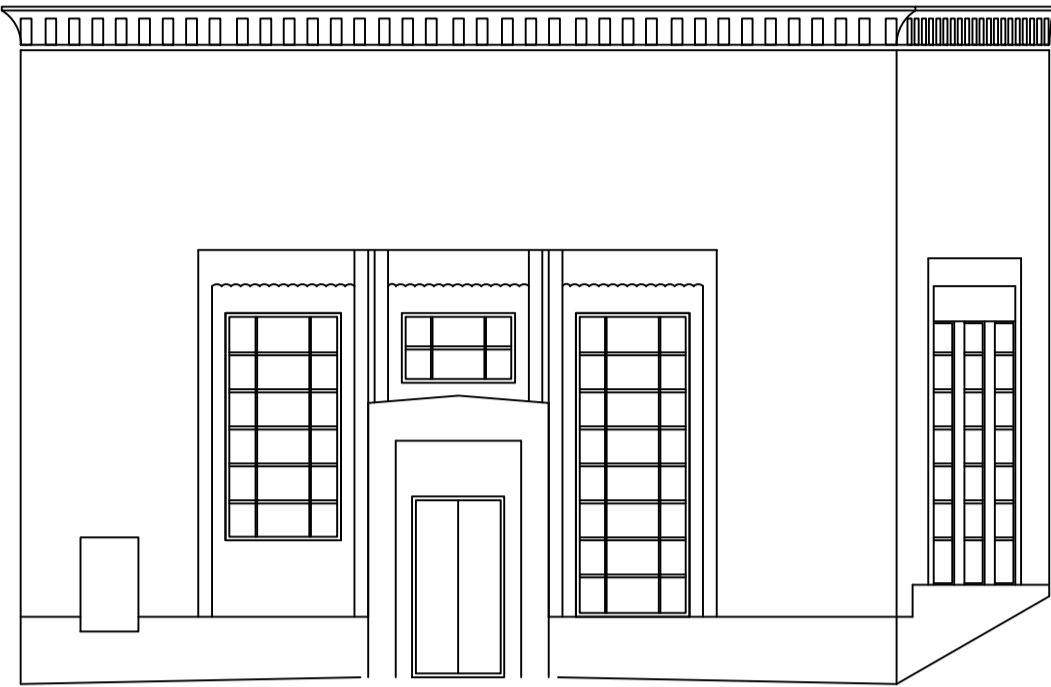
11.0 CONCLUSION

- 11.1 It is considered that the proposal is acceptable in planning policy terms and having regard to the commercial nature of the Town Centre, the vacancy of the property and its wider context, that the proposal would not cause any significant problems relating to issues of residential amenity or highway safety and will enhance the Conservation Area. The proposal is therefore recommended for approval, subject to conditions.

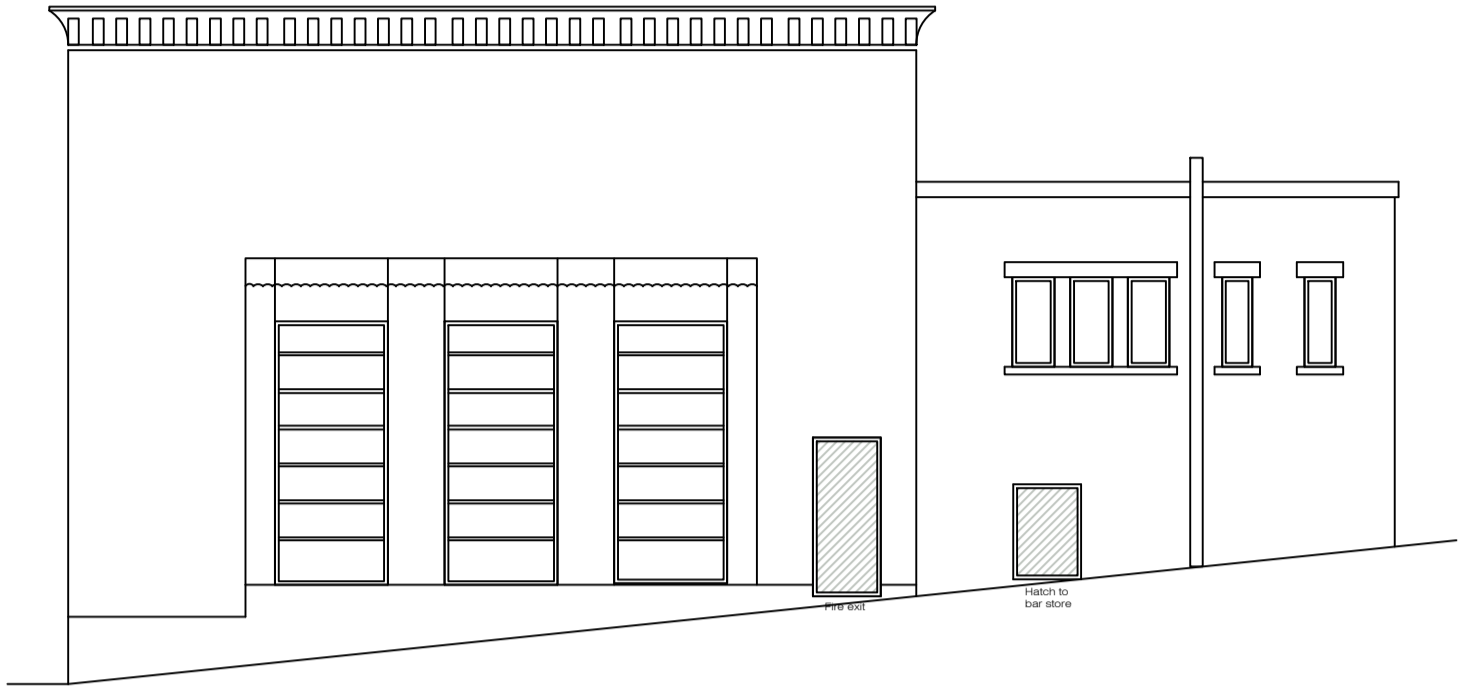
Background Papers:

Application file: 17/01896/FU

Certificate of Ownership: Certificate A signed by the agent.



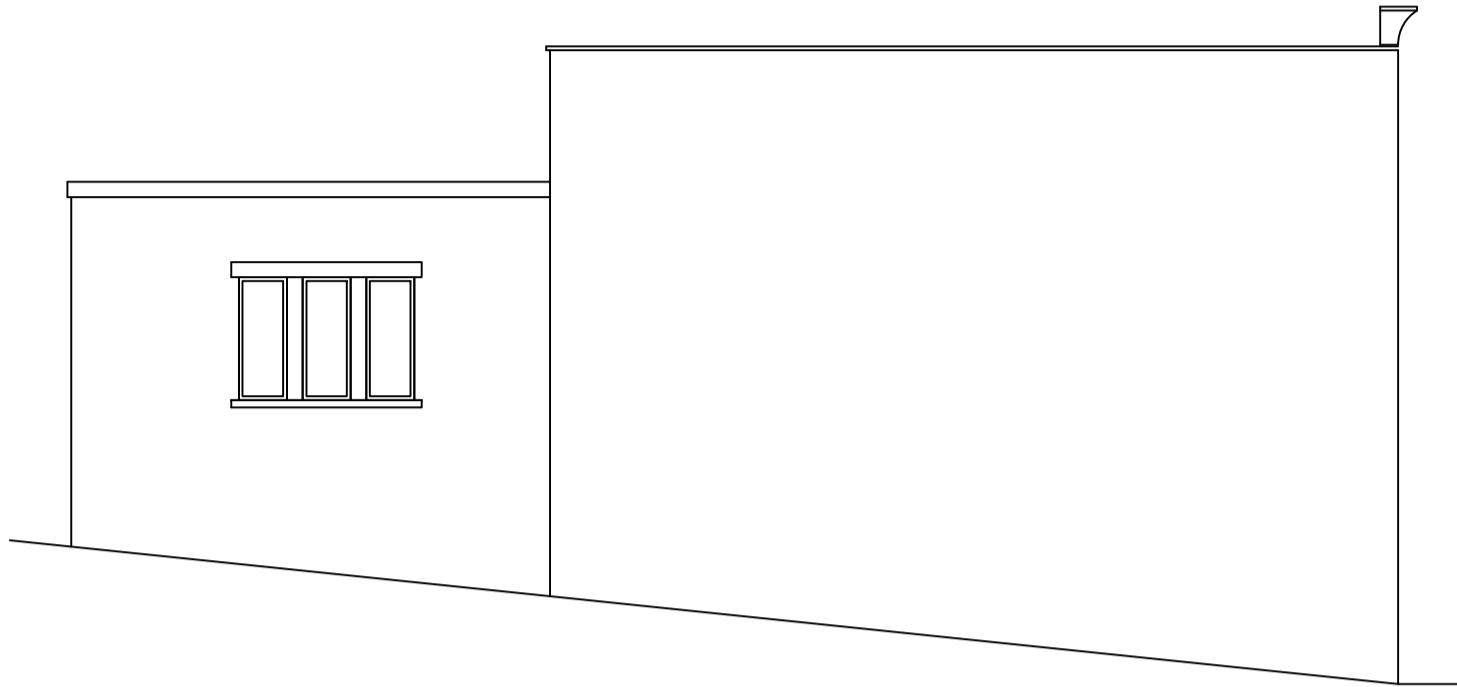
Front elevation
as proposed



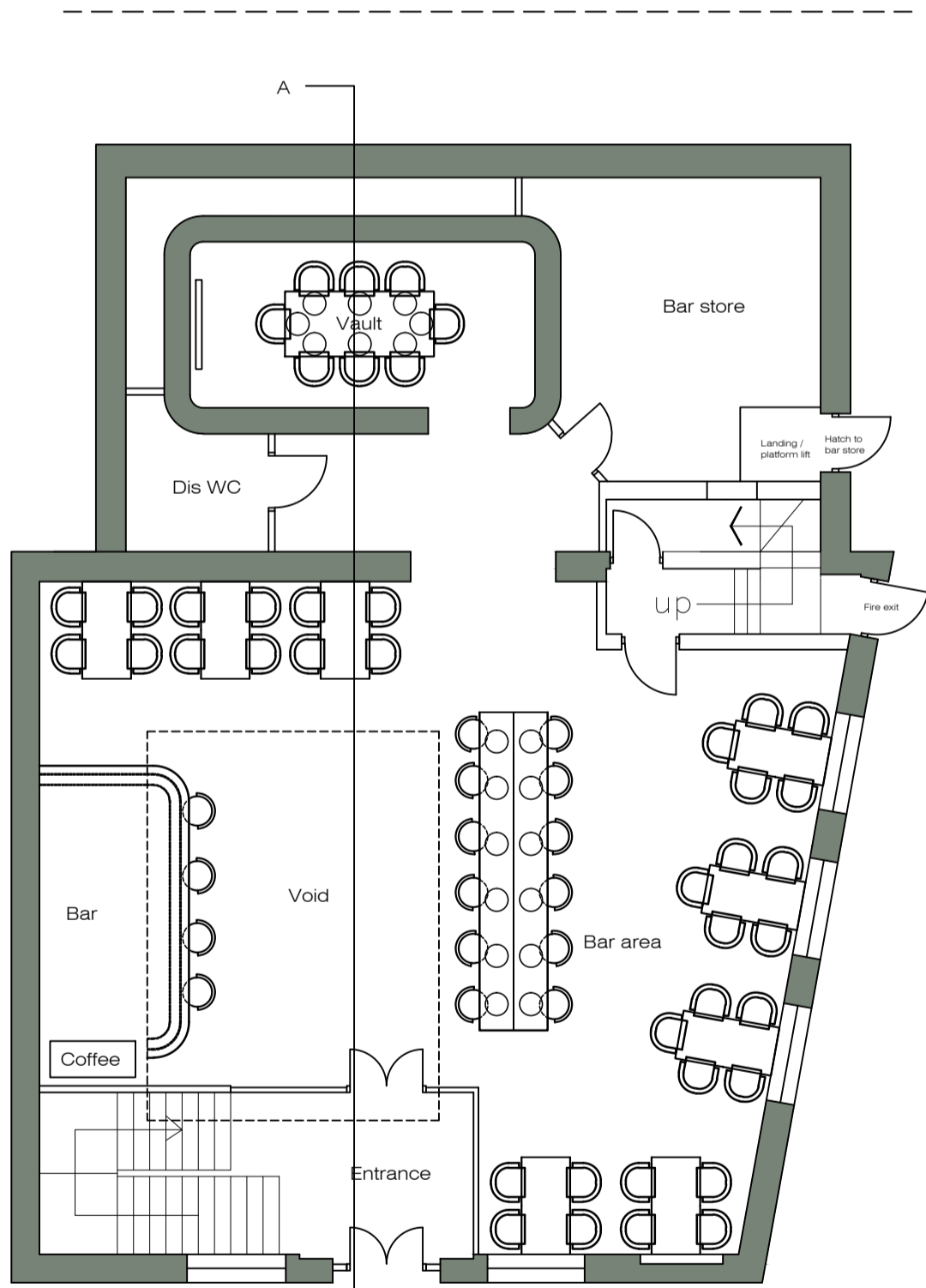
Side elevation
as proposed



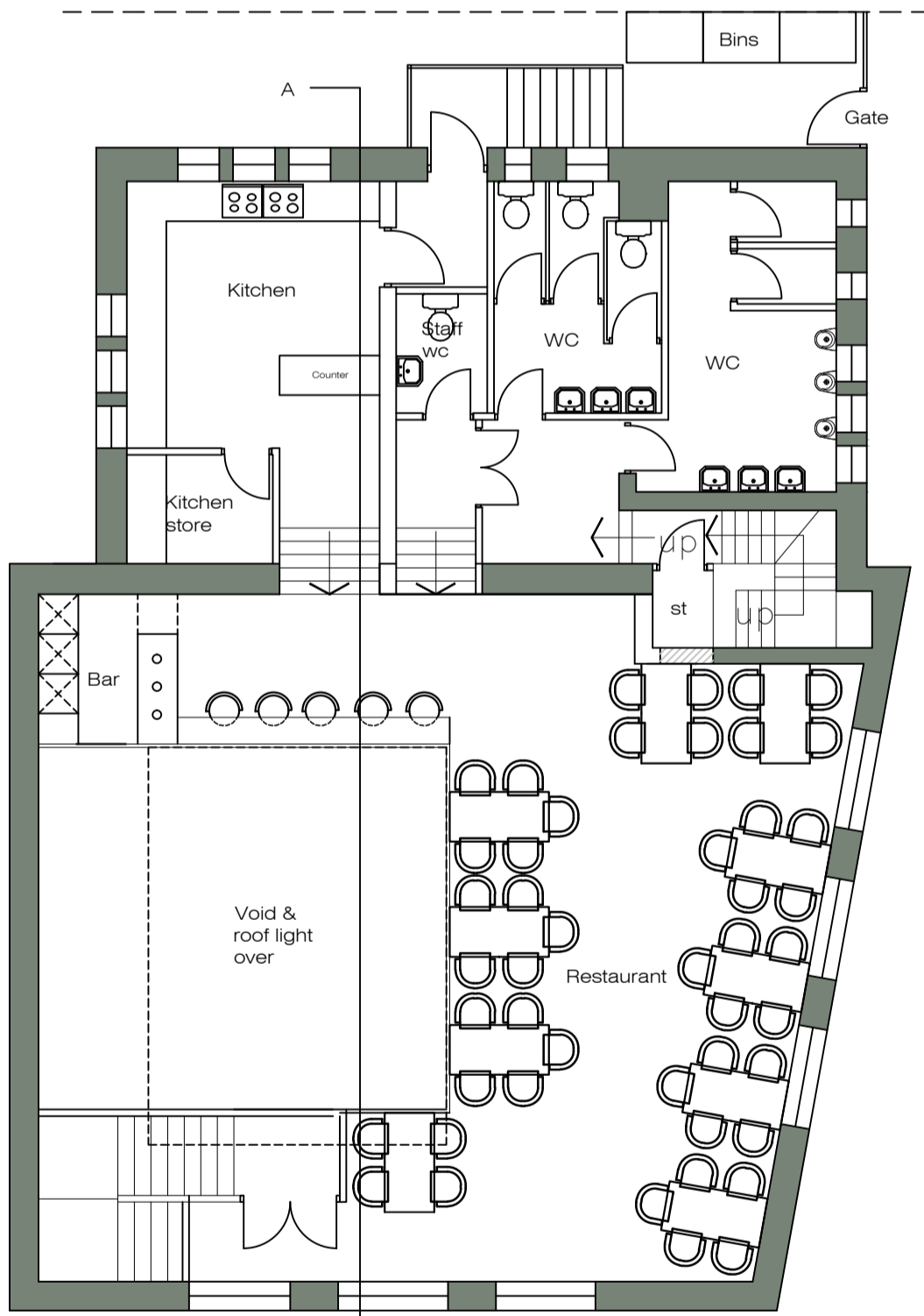
Rear elevation
as proposed



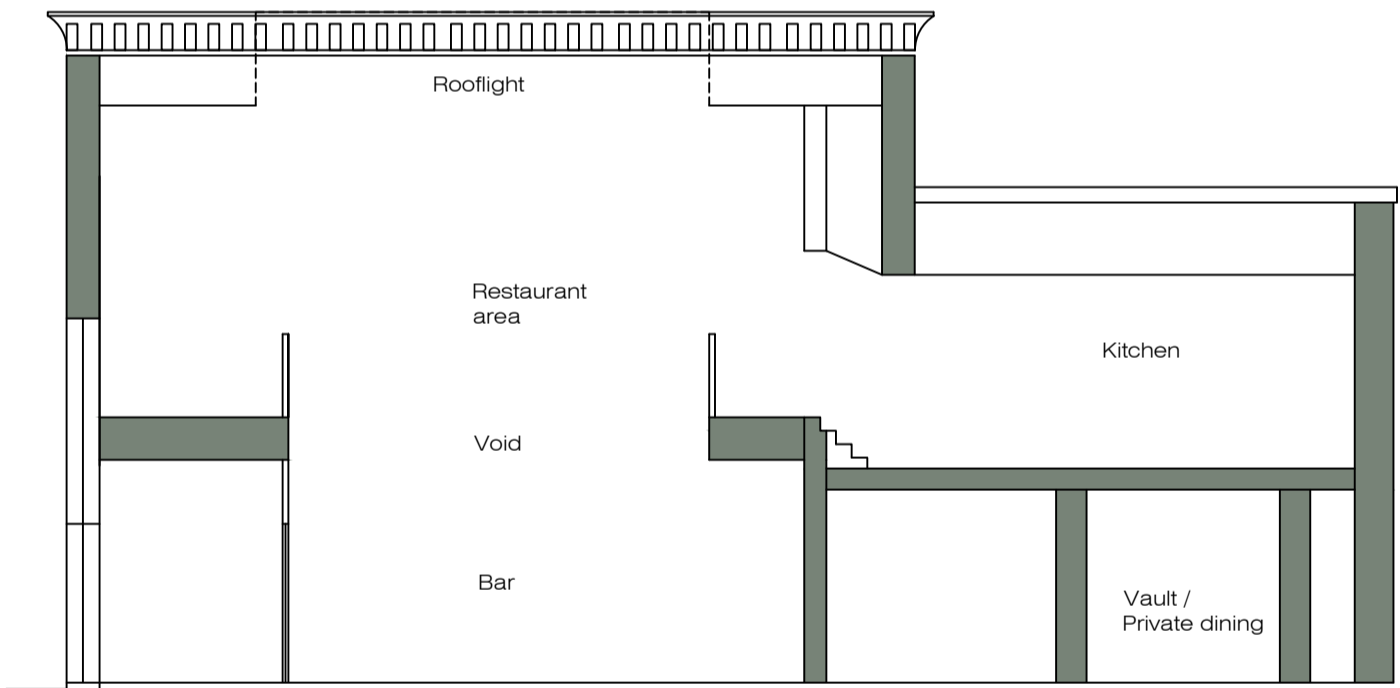
Side elevation
as proposed



Ground floor
as proposed



First floor
as proposed



Section B-B
as proposed

REVISION	DATE	DESCRIPTION

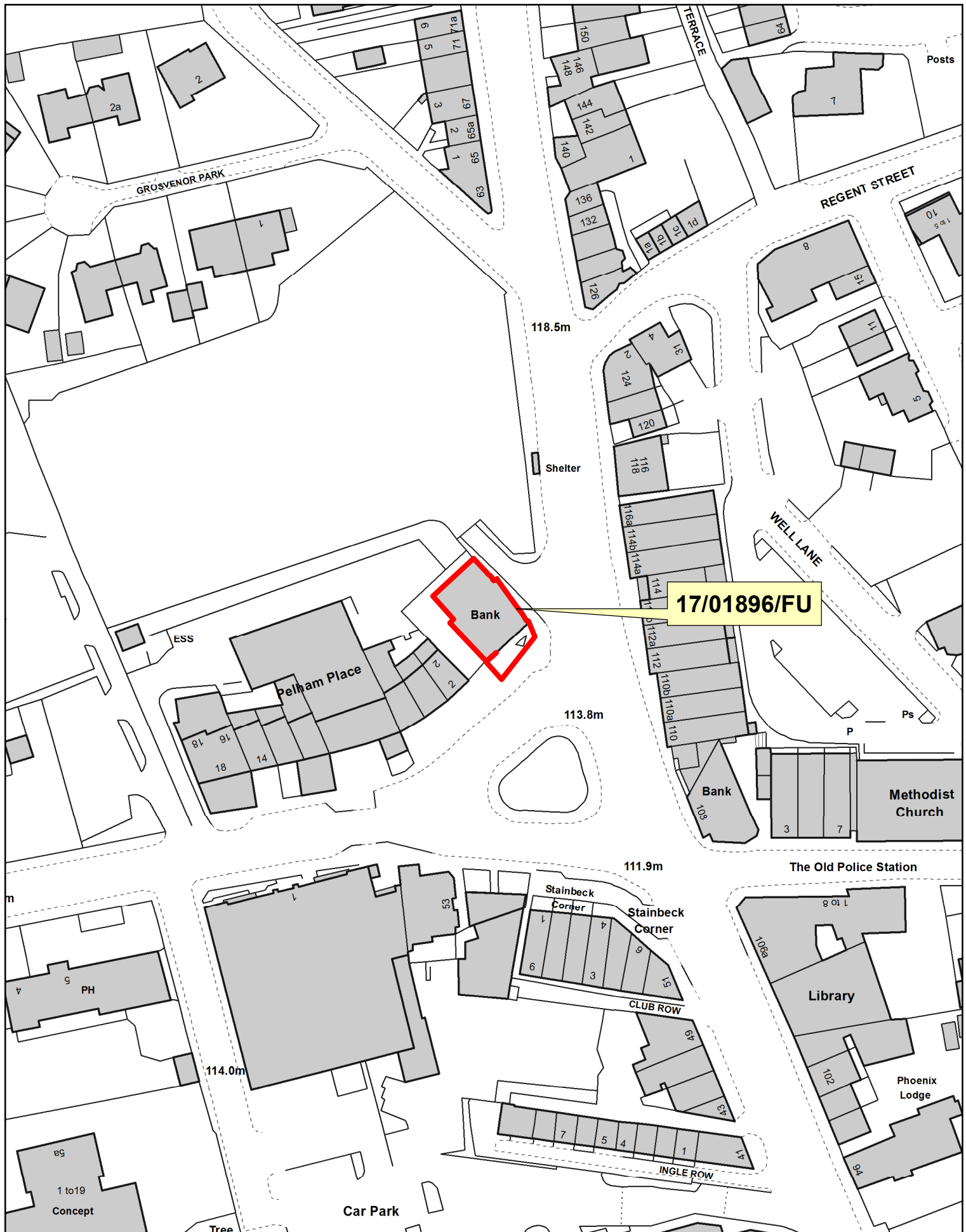
Note to Client : These works will be subject to CDM Legislation

Note to CONTRACTOR Check all dimensions prior to commencing works or ordering any materials Do not Scale On no account are any works whatsoever including foundations to be undertaken outside the boundary of the site without the express permission of the adjoining owner	Note to CLIENT It is your responsibility to check with the Statutory Authorities where all the services, particularly those outside the property are located, and to advise the Contractor accordingly, prior to accepting his quotation for the works Note, this may have both cost and safety issues
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APPROVAL	DATE	DRAWING	AUTHORITY	REFERENCE NO
Building Regulations Planning Approval Planning Submission				

Unit 2, The Office Campus, Paragon Business Park, Red Hall Court, Wakefield, WF1 2UY	01924 380873	A1	1977	Scale
Project Proposed conversion of the Yorkshire bank to a bar/restaurant at 53 harrogate road, chapel Allerton leeds for KD Properties	Date 15/03/2017	R	3	1:100
Drawing Plans elevations Section as proposed	Drg No			





NORTH AND EAST PLANS PANEL

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SCALE : 1/1000

