

Appeal Decision

Site visit made on 13 September 2016

by Beverley Wilders BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 October 2016

Appeal Ref: APP/N4720/W/16/3153199

White Cross Garage, Bradford Road, Guiseley LS20 8NJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Andy Johnson against the decision of Leeds City Council.
 - The application Ref 16/02176/FU, dated 24 March 2016, was refused by notice dated 2 June 2016.
 - The development proposed is described as works to include: Conversion of existing car showroom by remodelling facades to meet Land Rover corporate brand image. Demolition and reconstruction of former valet bay/stores to form a new parts store and MOT facility. Replacement wall cladding and roof to the existing workshop and wash/valet bay structure. Formation of a new first floor ancillary area. Re layout of site parking/vehicle display and boundary treatment.
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Decision

1. The appeal is allowed and planning permission is granted for works to include: Conversion of existing car showroom by remodelling facades to meet Land Rover corporate brand image. Demolition and reconstruction of former valet bay/stores to form a new parts store and MOT facility. Replacement wall cladding and roof to the existing workshop and wash/valet bay structure. Formation of a new first floor ancillary area. Re layout of site parking/vehicle display and boundary treatment at White Cross Garage, Bradford Road, Guiseley LS20 8NJ in accordance with the terms of the application, Ref 16/02176/FU, dated 24 March 2016, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area including the adjacent Conservation Areas.

Reasons

3. The appeal site comprises an existing commercial building in use as a car showroom and associated services together with extensive areas of parking around the building. The site fronts a busy main road and the existing building comprises various elements including a curved frontage constructed from a mixture of rendered walls, glass and timber boarding together with more utilitarian structures at the rear. There is a limited amount of landscaping incorporating tall, slim trees along the site frontage. The immediate surrounding area is mixed in character and appearance with the use of various
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building materials and includes a number of flat roofed buildings including a large, modern commercial building adjacent to the site together with other commercial and residential buildings. The site is opposite the boundary of Tranmere Park Conservation Area (TPCA) and the rear of the site adjoins Guiseley Conservation Area (GCA).

4. The proposed alterations and extensions to the existing building would result in a relatively slight increase in height of some parts of the building including the frontage and would result in flat roofed, angular elements to incorporate glazed shopfronts and clad in a combination of grey and silver cladding. The limited existing landscaping would be removed and bollards would be erected along the site frontage. I have had regard to the concerns raised regarding the appearance of the proposed building and the proposed use of materials.
5. I acknowledge that the proposal would result in a significant change to the appearance of the building and would increase its size. However, having regard to the mixed character of the area, the mixed palette of building materials locally and the sites position adjacent to a busy main road and near to other commercial premises, I do not consider that the proposal would be harmful to the character and appearance of the area or would fail to preserve the character and appearance of the adjacent Conservation Areas. The fact that the existing building is referred to within the TPCA appraisal and that the same materials as the ones proposed are not evident in the immediate vicinity does not mean that the proposal is unacceptable or that it would be harmful to the streetscene and adjacent Conservation Areas having regard to the lack of homogeneity nearby. For the same reasons I do not consider that the proposal fails to reinforce local distinctiveness.
6. In my view the proposal would not result in a building of an uncompromising industrial design but rather the proposed building would be a relatively simple, modern building designed for purpose and located in an area characterised by a mixture of building sizes, styles and designs. Though smaller scale residential properties are located adjacent to the site along Bradford Road, the proposed building would be set away from the site boundaries and would be visually separate from nearby residential properties and would be physically separated from them by parking areas.
7. The site is separated from the TRCA by the busy and wide main road and the part of the TRCA nearest to the site comprises a variety of styles of commercial and residential buildings including flat roofed buildings. Though the rear of the site adjoins the GCA, in the main the GCA is set away from the site and the buildings position to the front of the site, away from the GCA boundary means that its impact on the GCA would be limited.
8. Taking the above matters into consideration, I conclude that the proposal would not adversely affect the character and appearance of the area including the adjacent Conservation Areas. It therefore complies with policies P10 and P11 of the Leeds City Council Core Strategy, policies GP5 and N19 of the Leeds Unitary Development Plan, relevant paragraphs of the National Planning Policy Framework and to guidance contained within the Guiseley and Tranmere Park Conservation Area Appraisals. These policies and guidance seek, amongst other things, to ensure that new development provides good design that is appropriate to its location, scale and function and conserves and enhances the historic environment.

Other Matters

9. In reaching my decision I have had regard to the large number of objections to the proposal and to the concerns raised including those relating to parking, deliveries and highway and pedestrian safety. I note that the Council considers the existing use on the site to be lawful and that in the main the proposed building would be used for the same purposes as the existing building with the addition of an MOT facility. The number of staff on site would increase slightly from 51 to 57.
10. It appears that the highway authority did not object to the proposal subject to the imposition of appropriate conditions and in the absence of any substantive evidence regarding highways matters and having regard to the existing use of the site, I do not consider that the proposal would be likely to result in a material change to the operation of the site in respect of parking, deliveries and highway and pedestrian safety. Consequently though I have some sympathy with the problems experienced by local residents in connection with the current use of the site, I note that a number of highways related conditions have been suggested by the Council and in light of these and the existing use of the site I do not consider that the highways concerns raised justify withholding planning permission for the proposal.
11. Some concerns have been raised regarding the impact of the proposal on living conditions having regard to outlook, air quality and to noise and disturbance from vehicles, vehicle alarms, deliveries, activities within the workshops, music on the premises and lighting. Concerns have been expressed that this would be made worse by the removal of landscaping which currently provides a buffer and reduces noise. Whilst I have had regard to these concerns, I do not consider that the proposal would result in a significant adverse impact on living conditions having regard to the existing size and position of the building and to the use of the site and the current level of activities associated with that use. Whilst the proposals involve an increase in the size of the building, some amendments to the activities taking place and to the site layout, I do not consider that this would result in a material change to the living conditions of nearby residential occupiers. The loss of a view and the effect of the proposal on property values are not reasons to withhold planning permission bearing in mind that the planning system operates in the public interest.
12. There has been some speculation by interested parties as to possible future uses of the building including for industrial purposes. Whilst I have noted the concerns raised, there is no substantive evidence that the building would be used for anything other than the uses applied for and I have determined the proposal before me on its own merits.
13. Finally, I am satisfied that the proposal would not harm the setting of any nearby listed buildings. This is having regard to the scale and nature of the proposal and to the relative position of the appeal site to nearby listed buildings.

Conditions

14. I have had regard to the conditions suggested by the Council. I have imposed a condition specifying the approved plans as this provides certainty. I have also imposed conditions regarding materials and landscaping having regard to the scale and nature of the proposal and to the proposed changes to the car

parking layout. This is in the interests of the character and appearance of the area. I have imposed a condition regarding surface water drainage having regard to the fact that changes are proposed to the car parking layout and to ensure adequate drainage facilities. I consider that a construction management plan is necessary having regard to the site location, the scale and nature of the proposal and to the presence of residential properties nearby. I have also imposed conditions regarding a car park and servicing management plan and requiring the amended parking layout to be provided and thereafter retained. This is having regard to the amended site layout proposed. The requirements of some of these conditions are such that the information required needs to be submitted and agreed before development commences.

15. I do not consider that conditions regarding lighting, car repair and maintenance works, opening and delivery hours and car repair and servicing hours and noise from plant and machinery are reasonable or necessary having regard to the existing use of the site for car sales and repairs and to the nature and scale of the proposal. Additionally I do not consider that a tree protection condition is necessary having regard to the limited nature and extent of existing planting on site and noting that the existing frontage planting is to be removed as part of the proposal.

Conclusion

16. For the above reasons and having regard to all matters raised, I conclude that the appeal should be allowed.

Beverley Wilders

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 1:1250, 18863_01_LP, 18863_03_P, 18863_04_ES, AR58792/112C, AR58792/113B, AR58792/115C and AR58792/121C.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - a. the parking of vehicles of site operatives and visitors;
 - b. access, loading and unloading of plant, equipment and materials;
 - c. the location of any site compound and the storage of plant, equipment and materials used in constructing the development;
 - d. wheel washing facilities;
 - e. measures to control the emission of dust and dirt during construction;
 - f. how the CMS will be made publically available by the developer;
 - g. delivery, demolition and construction working hours;The approved CMS shall be adhered to throughout the construction period for the development.
- 4) No development shall commence until details of a surface water drainage system have been submitted to and approved by the local planning authority. The scheme shall be implemented in accordance with the approved details before the altered and extended building hereby approved is first occupied.
- 5) No development shall commence until details of both hard and soft landscape works, including an implementation programme, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 6) No development shall commence until details / samples of the materials to be used in the construction of the external surfaces of the altered and extended building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 7) The altered and extended building hereby approved shall not be occupied until all areas shown on the approved plans to be used by vehicles have been fully laid out, surfaced and drained and these areas shall not be used for any other purpose thereafter.
- 8) The altered and extended building hereby approved shall not be occupied until a Car Park and Servicing Management Plan, including timescales, has been submitted to and approved by the local planning authority. The plan shall be fully implemented and operated in accordance with the approved timescale and shall be permanently retained thereafter.

- 9) If any tree, shrub or hedge forming part of the approved landscape scheme is felled, uprooted, wilfully damaged, destroyed or removed without the prior written consent of the local planning authority or dies or becomes severely damaged or seriously diseased within five years of the completion of the development hereby approved, it shall be replaced in the next planting season with a tree, shrub or hedge of a similar size and species.