



## Report of the Chief Planning Officer

### NORTH AND EAST PLANS PANEL

Date: 17<sup>th</sup> April 2014

**Subject: APPLICATIONS 14/00706/FU & 14/00707/LI Single storey extension including raised decking area with glass balustrading and new bin store to rear of a Listed Building, Bar THR3, 9 Market Place, Wetherby, LEEDS, LS22 6LQ**

#### APPLICANT

Enterprise Inns PLC

#### DATE VALID

6<sup>th</sup> February 2014

#### TARGET DATE

3<sup>rd</sup> April 2014

#### Electoral Wards Affected:

Wetherby

Yes

Wetherby  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: GRANT FULL & LISTED BUILDING PERMISSION subject to the following conditions:**

#### Application 14/00706/FU

1. Time limit
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.
3. Details including the material and colour of the walling materials and the door to be submitted.
4. No amplified music within the proposed extension.

#### Application 14/00707/LI

1. Time limit
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.

### 1.0 INTRODUCTION

- 1.1 This application is brought to Plans Panel at the request of Councillor John Procter who has expressed concerns relating to potential noise disturbance the proposal will

cause to neighbouring residents. The Councillor has requested that Panel Members visit the site.

## **2.0 PROPOSAL**

- 2.1 Permission is sought for the construction of a single storey extension with a decking area and a bin storage space to the rear of this Grade II listed restaurant and bar. The rear extension and decking area will be constructed over an existing outdoor seating area that is currently used by customers. The extension will measure 6m in depth, 6m in width and 3.8m in height. The elevations of the structure will be cedar clad and will feature a retractable roof. The decking area will project 3.3m beyond the rear elevation of the proposed extension and will be 6.2m in width. The rear most edge of the decking will feature 1m high glass balustrades with aluminium frames.
- 2.2 The bin storage area will be located to the rear of the existing rear extension. It will be a wooden clad structure measuring 1.5m by 3.2m and will be 1.9m in height.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application relates to a mid-terraced stone built listed building which is used a bar. The site is part of a parade of shop units, within the S2 district centre of Wetherby. The site forms part of the Conservation Area and is designated as a Prime Shopping Frontage within the Leeds Unitary Development Plan. The rear of the site fronts Scott Lane, which is a narrow back road where the site is visible. The rear of the site features an outdoor seating area which is enclosed from both sides by extensions. Many of the properties on street have been extended to the rear. Although the site is within the commercial centre of Wetherby there are residential properties to the east of the site; most notably the flats of Castle Keep and Scott Mews.

## **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 The site has a long history of planning and listed building applications for alterations and extensions to the building. More recently, the following applications have been submitted:
- 07/06757/LI- Listed Building application for timber decking area with balustrading and jumbrella to rear courtyard of public house. (Approved at Plans Panel 17 JANUARY 2008)
  - 07/06761/FU - Timber decking area with balustrading and jumbrella to rear courtyard of public house ((Approved at Plans Panel 17 JANUARY 2008)
  - 07/00814/LI- Listed Building application for two wall mounted externally illuminated letter signs; one externally illuminated projecting sign and addition of two spot lights to public house. (Approved)
  - 07/00815/ADV- Two wall mounted externally illuminated individual letter signs; one externally illuminated projecting sign and two up/down spot lights to public house. (Approved)
  - 06/06743/FU: New entrance doors to front and rear and installation of retractable awning structure to rear patio area to public house. (Approved)
  - 06/06747/LI: Listed building application to carry out alterations to form new entrance doors to front and rear and installation of large awning to rear patio area to public house. (Approved)
  - 14/00141/ADV- One illuminated sign, one non-illuminated sign and four floodlights. (Approved)

- 14/00142/LI Listed building application for signage and floodlighting (Approved)

## **5.0 HISTORY OF NEGOTIATIONS:**

5.1 None

## **6.0 PUBLIC/LOCAL RESPONSE:**

- 6.1 The applications has been advertised as affecting the setting of the Listed Building and character of the Conservation. Site notices were posted affecting a Public Right Of Way via on 21.02.2014. The applications were advertised in the Boston Spa and Wetherby News on 27.02.2014
- 6.2 One objection letter has been received. The comments made highlight that the proposal may cause noise disturbance for the residents of Scott Lane and should these applications be granted the use of loud speakers or televisions should be restricted and that the double doors between the extension and the decking is closed at all times.

## **7.0 CONSULTATIONS RESPONSES:**

- 7.1 Conservation Officer- no objection and comments that the proposal will allow the listed building to retain dominance when viewed from the rear, and will also enhance the character of the space. The Conservation Officer further states that the development will not adversely impact on the special character of the listed building, and that the works are relatively reversible and thereby protecting the integrity of the historic building.

## **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. The Development Plan for Leeds currently comprises the Leeds Unitary Development Plan (Review 2006) which is supplemented by supplementary planning guidance and documents. The Development Plan also includes the Natural Resources and Waste Development Plan Document (2013): Developments should consider the location of redundant mine shafts and the extract of coal prior to construction.

### Local Planning Policy

- 8.2 The building is Grade II Listed, and sited within the Wetherby Conservation Area. The site is also within the S2 Town Centre of Wetherby.
- GP5 – general planning considerations.
  - T2 – highway and access issues.
  - S2 – Town Centres
  - N16 – Extensions to LB must relate sensitively to the original.
  - N17 – Existing detailing relating to character and appearance of original LB should be retained.
  - N19 – Extensions in Conservation Area should respect character and appearance.

- BD6- All alterations and extensions should respect the scale, form, detailing and materials of the original building.

### Wetherby Conservation Area Appraisal and Management Plan

8.3 The site is located within the historic core of Wetherby. The Conservation Area Appraisal following highlights the following key ways to retain character of this area:

- Use of magnesium limestone of appropriate colour and grain as predominant building material.
- Retention of traditional built forms
- Retention and reinforcement of finegrained
- urban environment
- Retention of high levels of activity at street level
- Retention of traditional shopfronts and hanging signs

### Emerging Local Development Framework Core Strategy

8.4 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26<sup>th</sup> April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination.

8.5 The Core Strategy has been the subject of independent examination (October 2013) and its policies attract some weight, albeit limited by the fact that the policies have been objected to and the Inspector's Report has yet to be received (currently anticipated in Autumn 2014).The Inspector has produced a schedule of Main Modifications.

8.6 The following draft policies from the Core Strategy are considered relevant to the application:

- P10: Design
- P11: Conservation

### National Planning Policy

8.7 The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

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. It is

considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF.

- 8.10 With regards to heritage assets the NPPF states that 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.

## 9.0 MAIN ISSUES

### 10.0 APPRAISAL

- Impact on Design and Character of the Listed building and Conservation Area
- Impact upon Living Conditions
- Highways Safety
- Conclusion

#### Impact on Design and Character of the Listed building and Conservation Area.

- 10.1 There is a presumption in favour of preserving listed buildings subject to the alterations proposed not diminishing the special architecture or the historic value of the building. It is considered that the extensions and decking area proposed will not result in important elements of the Listed Building being removed and the impact of the works will not detract from the special architectural character or historic interest of the building.
- 10.2 It is noted the extension as well as the decking, bin store and the glass balustrades are of a more contemporary design when compared to the main building. However, the proposed development being constructed using mainly wood, aluminium frames and glass, gives the proposed structures a light weight appearance which will appear soft on this stone building. Furthermore, the rear elevations of the buildings on this terrace, are not the most visually appealing, and have been extended with extensions of various different scale, design and materials. Therefore, it is considered that the works proposed will appear subordinate to the main building and will not be harmful to the special architectural character or historic interest of the listed building, nor is it considered that development will harm the character and appearance of the Conservation Area in general.
- 10.3 The Conservation Officer has also assessed the scheme and has raised no objection stating that listed building will retain dominance when viewed from the rear.

#### Impact on Residential Amenity

- 10.4 Concerns have been raised by a Ward Member and a member of the public that the development will generate high levels of noise which could harm the amenity of neighboring residents. As, the extension and decking is proposed to replace an existing outdoor seating area, it is considered that this area already generates noise. Whilst it is noted that the development will provide a greater level of shelter from the weather and thereby potentially may lead to more people choosing to use this area of the site, it is considered that the additional levels of noise will be reduced by the enclosure proposed around the seating area. Furthermore, the extension and decking will be located some 40m away from the residential dwellings on Scott Lane, which

suggest that the noise levels that will be generated as a result of the development will not unreasonably harm the living conditions of the neighbouring residents or at least not to a significant degree above that is currently experienced.

#### Highway Safety

- 10.5 The proposal will not raise highway safety concerns as the proposal is located within the S2 Centre of Wetherby where off street parking is restricted and that the existing levels of off street parking to the rear of the site will be retained.

#### Public Representation

- 10.6 The comments made by members of the public and Ward Councillor's concerning the increase in the levels of noise and the subsequent impact on neighbouring residential amenity, has been addressed in the report.

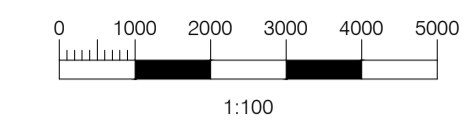
### **11.0 CONCLUSION**

- 11.1 The applicant seeks permission to construct a single storey extension, decking area with glazed balustrades and a bin store to the rear of this Listed Building. It is considered that the proposal will not harm the architecture of the Listed Building or the character of the Conservation Area. Furthermore, it is considered that the proposal will not harm neighbouring residential amenity or highway safety. Therefore, it is recommended that full and Listed Building permission should be granted.

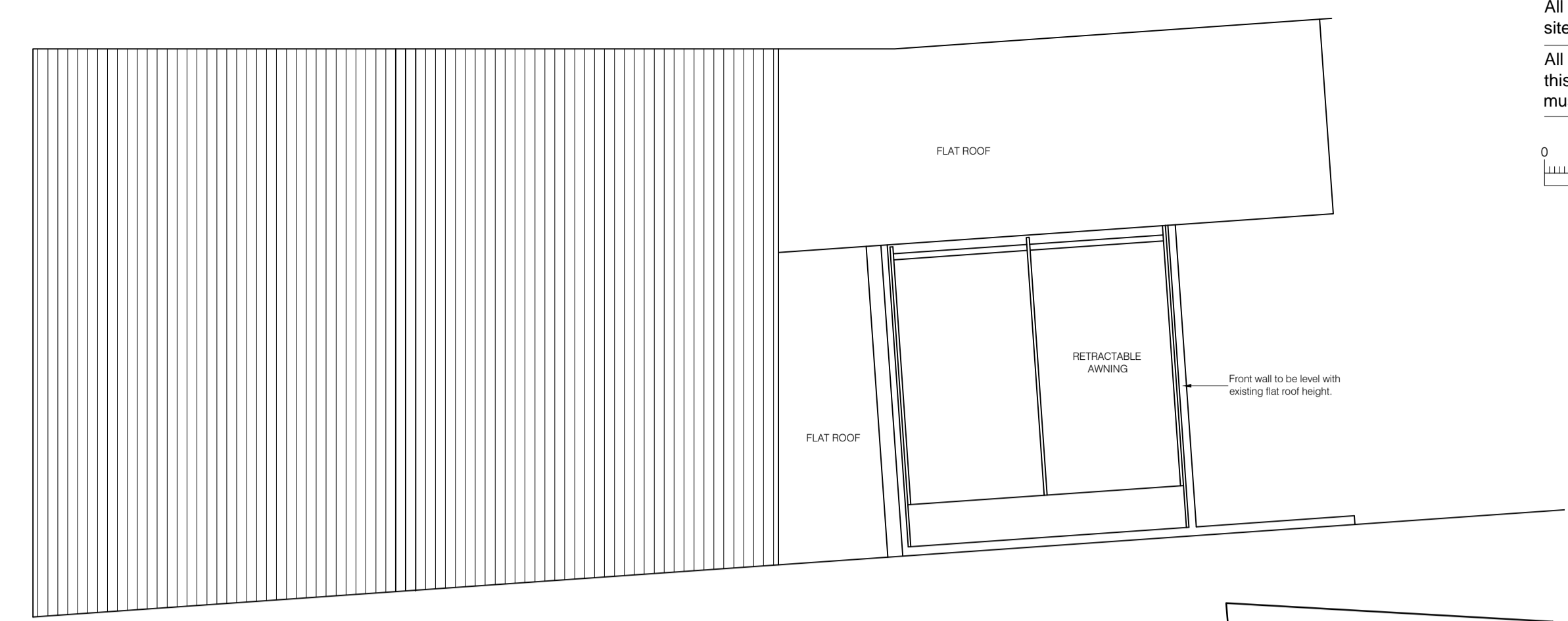
#### **Background Papers:**

Application file: 14/00706/FU & 14/00707/LI  
Certificate of Ownership: Signed by agent Tracy Neal on behalf of Applicant.

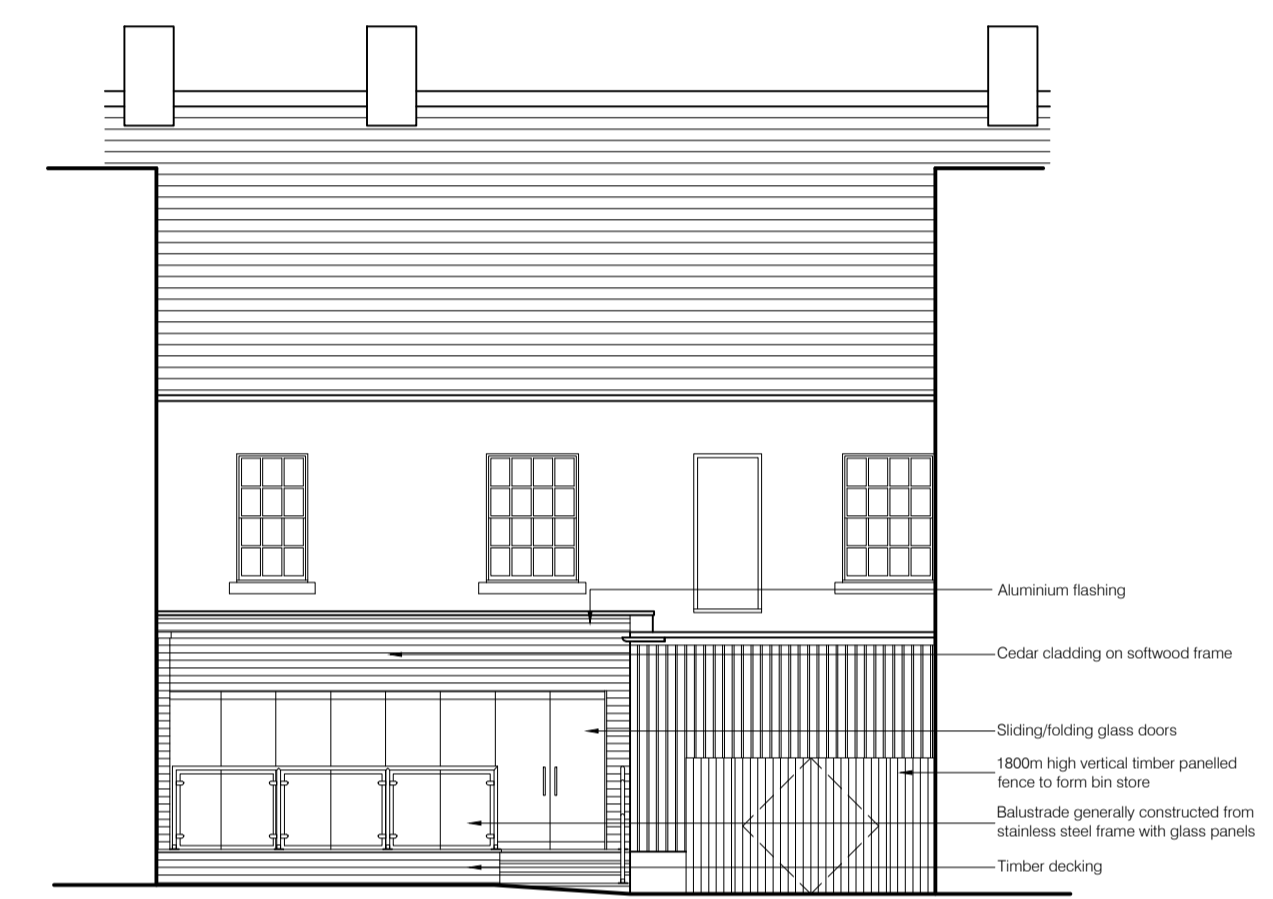
All dimensions to be checked on site prior to work commencing on site. Any discrepancies must be reported to MR+P  
 All dimensions to be checked on site prior to work commencing as this property has not been surveyed by MR+P. Any discrepancies must be reported to MR+P



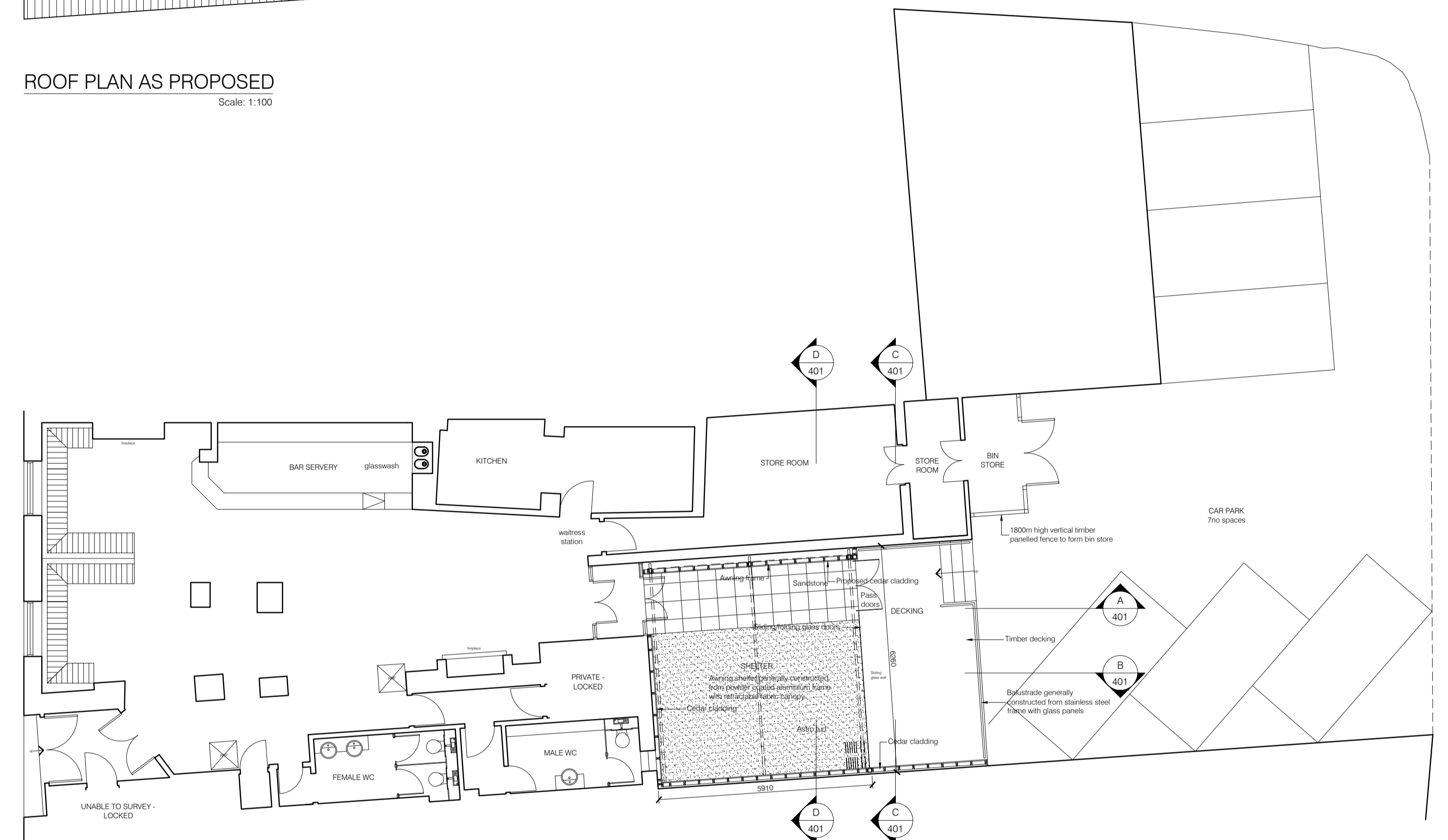
**EAST ELEVATION AS PROPOSED**  
 Scale: 1:100



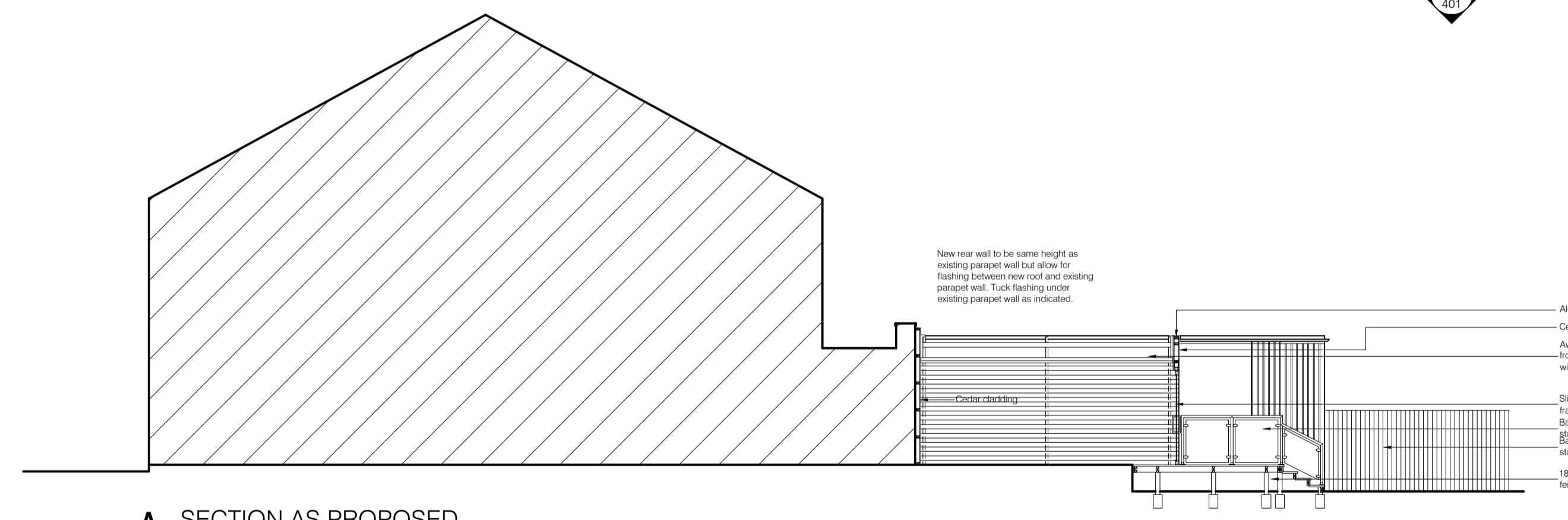
**ROOF PLAN AS PROPOSED**  
 Scale: 1:100



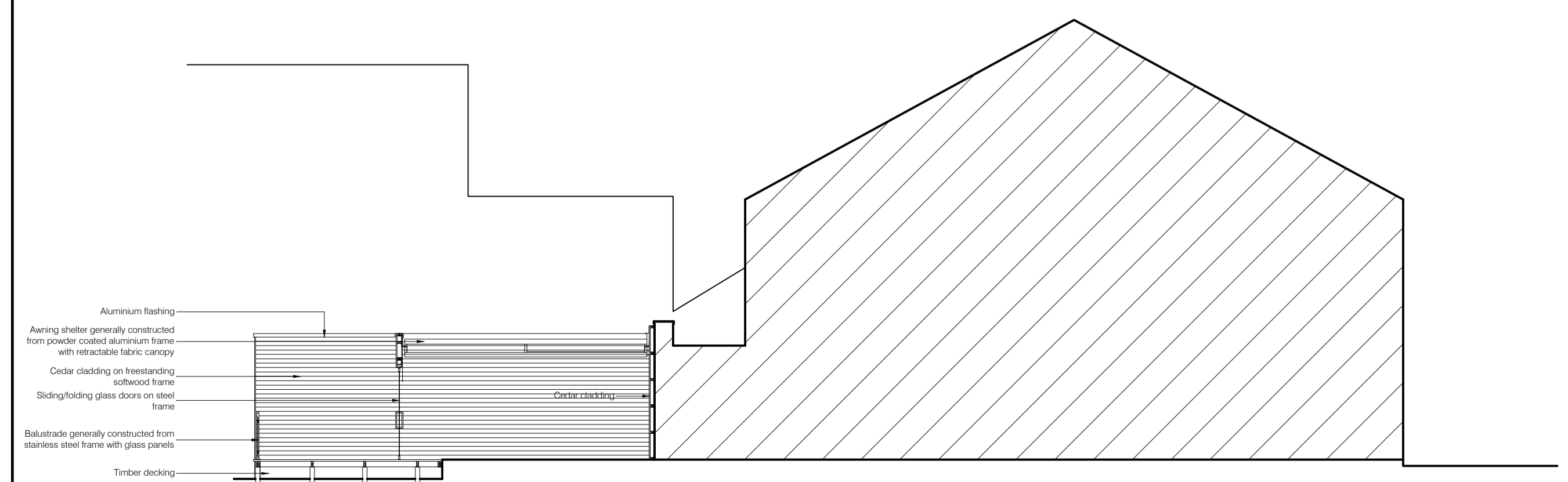
**WEST ELEVATION AS PROPOSED**  
 Scale: 1:100



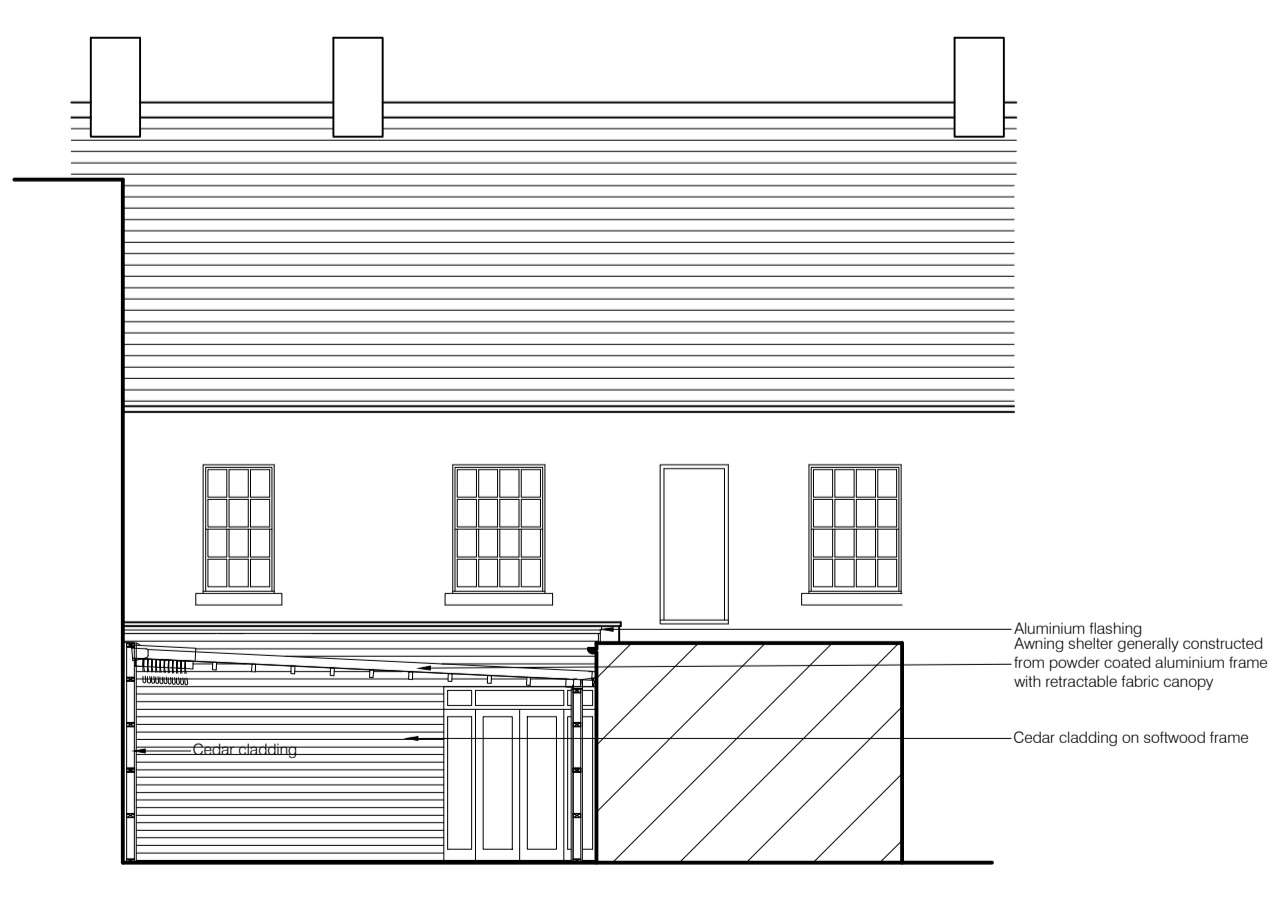
**GROUND FLOOR PLAN AS PROPOSED**  
 Scale: 1:100



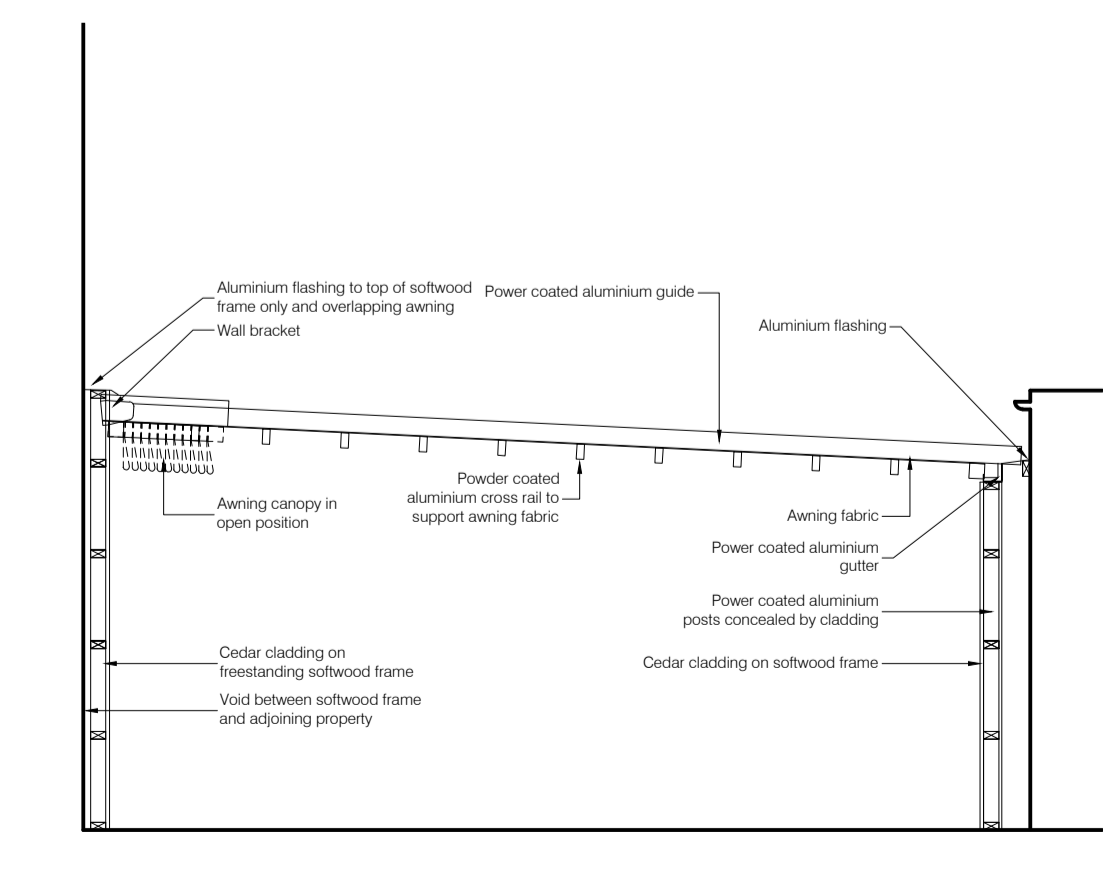
**A SECTION AS PROPOSED**  
 Scale: 1:100



**B SECTION AS PROPOSED**  
 Scale: 1:100



**C SECTION AS PROPOSED**  
 Scale: 1:100



**D SECTION AS PROPOSED**  
 Scale: 1:50

Rev D 15.01.14 Decorations to front elevation changed.  
 Rev C 15.10.13 Painting lines amended and awnings to front elevation omitted from scheme. Bin store reduced in size to rear elevation. Rear extension height reduced to match existing wall.  
 Rev B 24.09.13 Car park added. Proposed extension an decking reduced. Bin store added.  
 Rev A 30.07.13 Cedar cladding and sub-frame repositioned away from adjoining property and clarified as freestanding. Flashing note to adjoining property clarified.



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PROJECT  
**ENTERPRISE INNS PLC**  
**BAR THR3**  
**MARKET PLACE, WETHERBY**  
**WEST YORKSHIRE, LS22 8LQ**

TITLE  
**GROUND FLOOR PLAN & ELEVATIONS**  
**AS PROPOSED**

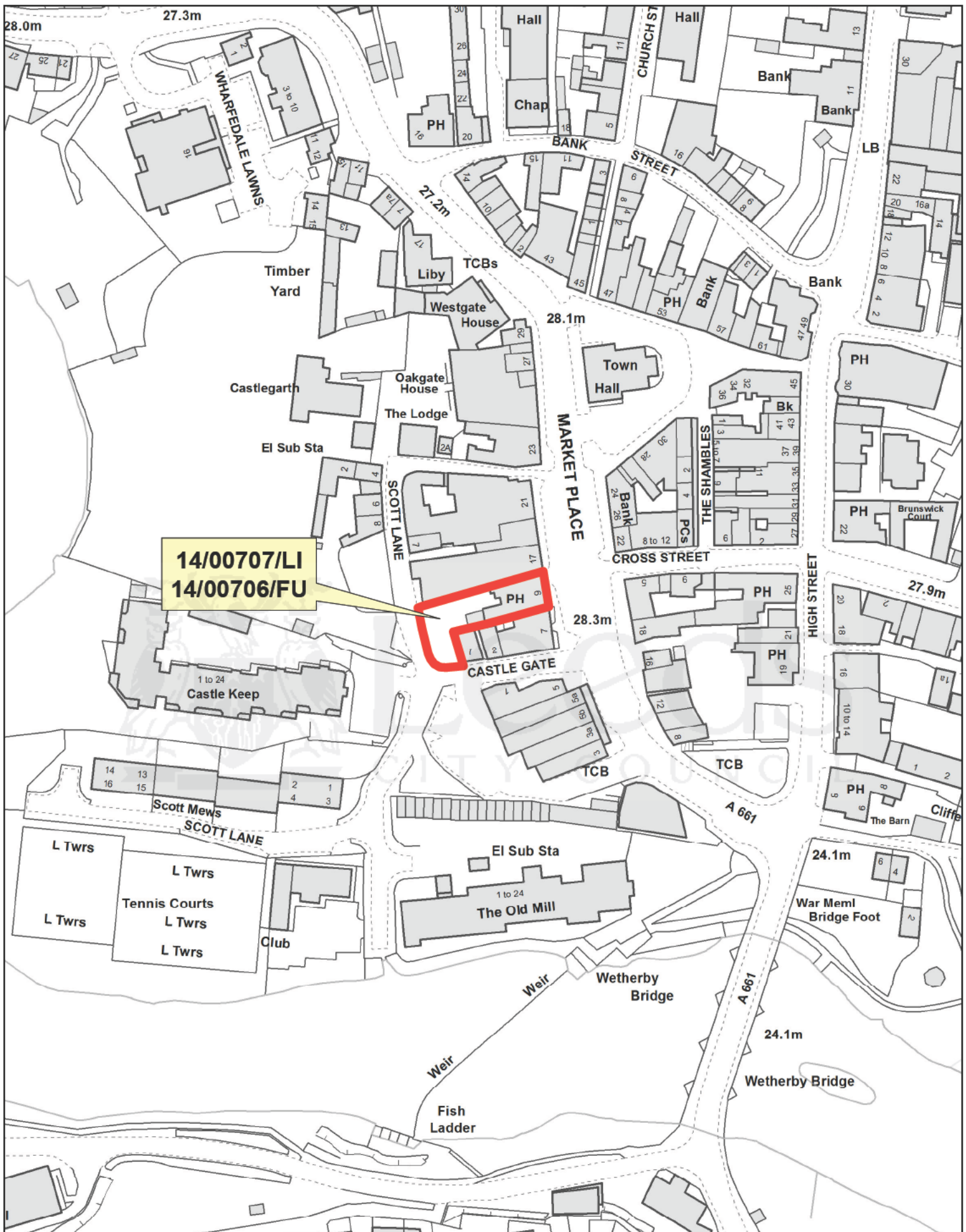
DRAWING STATUS  
**PLANNING**

DRAWN BY: **KJB**

DATE: **JULY 2013**

SCALE: **1:100@A1**

DRAWING No. **5117/401D**



# NORTH AND EAST PLANS PANEL

