

## **NORTH AND EAST PLANS PANEL**

**THURSDAY, 19TH OCTOBER, 2023**

**PRESENT:** Councillor J Akhtar in the Chair

Councillors B Anderson, J Heselwood,  
D Jenkins, R Jones, J McKenna, M Millar,  
N Sharpe and R. Stephenson

### **SITE VISITS**

Councillors Akhtar, B Anderson, Heselwood, Jones, McKenna, Sharpe, and Stephenson attended the site visit earlier in the day.

#### **44 Appeals Against Refusal of Inspection of Documents**

There were no appeals.

#### **45 Exempt Information - Possible Exclusion of the Press and Public**

There were no exempt items.

#### **46 Late Items**

There were no formal late items.

#### **47 Declaration of Interests**

Members did not declare any interests.

#### **48 Apologies for Absence**

No apologies were received.

#### **49 Minutes - 21st September 2023**

**RESOLVED** – That the minutes of the previous meeting held Thursday, 21<sup>st</sup> September 2023, be approved as an accurate record.

#### **50 Subject: 23/01507/FU – Phased development to comprise demolition of existing buildings and erection of a food store (Use Class E), care home (Use Class C2) and eight senior living homes (Use Class C3) with associated access, parking, servicing area and landscaping at Mercure Hotel, Leeds Road, Wetherby, LS22 5HE.**

The report of the Chief Planning Officer presented an application for a phased development to comprise demolition of existing buildings and erection of a

food store (Use Class E), care home (Use Class C2) and eight senior living homes (Use Class C3) with associated access, parking, servicing area and landscaping at Mercure Hotel, Leeds Road, Wetherby, LS22 5HE.

Members of the Panel attended a site visit earlier in the day.

Photographs and slides were shown throughout the officer presentation, and the following information was provided:

- The proposal seeks permission for a phased development to comprise demolition of existing buildings and erection of a food store (Use Class E), care home (Use Class C2) and eight senior living homes (Use Class C3) with associated access, parking, servicing area and landscaping.
- At the time of the report being prepared, 122 objection comments had been received, including responses from Wetherby Town Council, Wetherby Civic Society, Better Wetherby Partnership and Leeds Civic Trust.
- 611 support comments had been received at the time of the report being prepared
- The reasons for refusal are set out as follows:
  - Principle of development which prejudices delivery of a housing site – a substantial proportion of the site is of non-housing use and would thereby prejudice the plan-led approach for development that is adopted in Leeds. It is also considered that this may add pressure on greenfield sites.
  - Principle of out of town retail development – it is considered that the proposed development of a food store in an out-of-centre location has a significant impact on the vitality and viability of Wetherby Town Centre and contrary to wider objectives of the local development plan and the National Planning Policy Framework (NPPF).
  - Harm to heritage assets – Wetherby Conservation Area and the Grade II listed West Lodge, as well as negatively impacting upon the significance of a non-designated heritage asset, Grange View.
  - Impact to trees– the proposal includes unacceptable mitigation of tree loss and there is a poor relationship to TPO=designated trees in particular, as well as open land beyond the key gateway. It was noted that the officer report does not make reference to Core Strategy Policy SP13, and this is to be included in the reason for refusal if Members were minded to follow the Officer recommendation.
  - Amenity – there are concerns regarding poor standard of amenity for residents, and poor outlook distances to rear boundary windows and front windows. There are also poor garden areas in terms of shape and usability in terms of sun-light that can access them. There is also only a 1m buffer between the car park to the food store and senior living home gardens.

- Highways – the failure to provide a mechanism to deliver necessary on-site and off-site highways works including contributions for highways works to address cumulative impacts on local hotspots, bus stop provision, a crossing on Boston Road, revisions to an existing weight limit from the nearby roundabout and pedestrian connectivity improvements, as well as provision for travel plans for both the food store and residential elements of the development. While the applicant has indicated they are willing to provide, there is no Agreement in place currently, nor under negotiation, via which this would be secured. It was noted that the officer report does not reference Policy D2 contained in the Wetherby Neighbourhood Plan, which sets out that the proposal does not seek and relate to connectivity of new developments. It was confirmed this policy should be included in the reason for refusal if Members were minded to follow the Officer recommendation.
- A similar planning application scheme was withdrawn in 2023 and officers raised concerns regarding the fundamentals of the application.
- The site forms part of an allocated housing site (HG2-20), as allocated in the Site Allocations Plan (SAP) and has an indicative capacity of 86 units.
- The site is within the settlement of Wetherby and opposite designated Green Belt. The site is outside, but adjacent to, the Wetherby Conservation Area. The part of the conservation area to which the application site is adjacent is 'Character Area 3: riverside area.' 12 Boston Road, immediately to the east of the application site, is considered a Positive Building within the Wetherby Conservation Area Appraisal and Management Plan.
- Grange View, a terrace to the east/north of the application site, is considered to represent a Non-Designated Heritage Asset. To the north, east and west of the application is residential development. Properties to Micklethwaite Grove, to the north of the site, and Ings Walk, to the west of the site.
- Land levels fall moving west to east across the site, with the lowest land level of the application site being the care home.
- The application site includes a number of trees that benefit from Tree Preservation Orders (TPO) and there are also a number of individual TPO trees adjacent to the application site, within properties at Grange View and Micklethwaite View.
- Reference was made to the boundary of Wetherby Town Centre. It was noted that there is already existing retail provision within and outside of the boundary.
- The proposed access to the site is to be taken from the A58 Wetherby Road to the south of the application site. The access is to be positioned to the west of the existing access. The existing access is to be closed as part of the proposal.
- A number of section drawings were referred to, to show the massing and scale of the proposed development in relation to neighbouring properties.

- Proposed food store – indicative signage on site subject to advertisement consent. Glazing predominates the frontage on the A58 and stone is proposed to eastern and southern areas of elevations. It is proposed that a food store and delivery bay will be positioned to the north of the site. There will also be parent and child parking bays as well as disabled access.
- Proposed care home – the northern elevation faces Grange View and includes the main access to the care home building. The eastern elevation faces onto the property at Boston Road. Stone is proposed for most of the elevations, as well as render and glazing. The care home is proposed as a 3 storey, with a 4 storey element where the roof terrace and plant room for residents will be. Residents will have the benefit of shared spaces and atriums, as well as activity rooms, training area, cinema, and spa/salon.
- Proposed senior living homes – there are 3 house types, 3X 2-bed units, 4X 3-bed units and 1X 4-bed units. The C3 senior living homes therefore falls within the preferred housing mix ranges as per CS policy H4. There are no formal front gardens to the units and the shape of the gardens to the rear varies. The house types are contemporary in design with a variation of glazing styles to each of the properties.
- The landscaping proposed to the care home and each of the senior living homes will be an extent of patio areas to some of the ground floor units in the care home, hard surfacing and garden areas proposed to the senior living units and tree planting will also be primarily within gardens rather than the creation of a tree lined street scene. There is also a 1.8m boundary treatment proposed along the boundary of the care home.

Since publication of the report, a number of updates are as follows:

- Officer correction of paragraph 157 of the report. Reference to ENV2 is in error. This should read ENV1.
- Additional comments have been received in support of the application on the grounds that there is need for additional retail facilities, desire for another supermarket and the provision of providing local choice rather than travelling further afield.
- Further objection comments have been received regarding the impact on Wetherby Town Centre, scale of the proposal and poor amenity.
- Additional representations have been received from Better Wetherby Partnership and Wetherby Town Council reiterating their earlier objections to the scheme.
- Objection comments have been received from Councillors Lamb and Harrington regarding poor communication between Lidl and ward members / local community. Concerns also related to:
  1. The location of the proposed development.
  2. The proposals being on land allocated for much needed housing.
  3. The proposals not having adequate amenity for residents.
  4. The scale of the proposals being overbearing on neighbouring properties.

5. The proposed access to the site and the roundabout already being heavily congested.
6. Not within Wetherby Town Centre and the adverse impact this may have on the Town Centre's viability, as well as being contrary to Core Strategy policies.
7. Design and layout concerns.

The Area Planning Group Manager commented on correspondence that officers and members had received before the meeting and explained that members have a duty to look at planning applications impartially and deal with them based on planning merits and how applications sit with planning policies. Comments both in objection and support that were received within the statutory timeframe for consultation had been duly considered and were referenced within the Report. The subsequent correspondence was received outside the statutory consultation period but had been summarised for Members. Nonetheless, the report before the Panel was comprehensive and it was safe to proceed and determine the application presented. Members were advised that they were safe to set aside representations received outside of the formal planning process, and to not place weight on them.

The Legal Officer outlined the public speaking protocol with particular attention drawn to the provisions in respect of applications recommended for refusal. Where an application is recommended for refusal, only if the applicant or supporters have registered their intention to address the Panel, will any objectors usually be allowed to speak. However, a speaker previously registered to speak in favour of the application had confirmed that they would no longer be attending Panel. It was understood that the applicant had not registered to speak. As a result, two speakers previously registered to speak in objection had no speaking rights. Only if Chair thought that Members would not be following the Officer recommendation, would he be able to later use his discretion to give the objectors an opportunity to speak if it was felt necessary.

In responding to questions from Panel Members, officers confirmed the following:

- The most recent application to extend Morrisons was in 2021 for the extension to the home delivery part of the operation and not the sales floor. The most recent application to extend the sales floor, was in 2012.
- Further to a concern regarding the 4 bed unit proposed onsite, it was confirmed that the senior living homes are for those aged over 55 and this may be, for example seeking to accommodate for individual(s) aged over 55 with older children living with them. Although, there is no identified need for such a scenario, it is considered reasonable that such a need would exist. It was also identified that the variation of the mix assists the proposal in meeting Policy H4.
- The site was allocated for housing through the SAP process and accordingly became an allocation in 2019. It was also confirmed that there is a site requirement that this particular site is supported for elderly accommodation and independent living.

- Whether a redevelopment of the existing hotel on the site would be acceptable could not be considered, as Members must look at the application before them and determine that. Hypothetically though, a hotel does not fall within an employment use, but instead a leisure use. Redevelopment of the hotel would therefore replace existing provision, rather than bring about a new employment use of the site. This would arguably have a less significant impact than a new employment or housing use, but this was still only a hypothetical scenario. . In any event, there are sites that have employment allocations on them in the vicinity of the development site.
- If the application is approved, it was confirmed that there may be a potential requirement for additional sites to be identified for housing as this site would not have been able to come forward for housing under HG2 as envisaged within the housing target.
- Officers have included design policies in 3 reasons for refusal and each of the elements pick up on concerns relating to site layout in relation to insufficient landscaping, scale and amenity impact. Concerns regarding the poor design and layout therefore run as a 'common thread' throughout the current, proposed reasons for refusal.
- The application proposal would be capable of meeting Policy G9 which requires Biodiversity Net Gain % provision, subject to detail coming forward.
- Information has not been submitted on where trees will be planted elsewhere in mitigation for the on-site tree loss, and it therefore cannot be confirmed whether that will be considered an appropriate mitigation.

Comments received from members included:

- Members have experienced issues elsewhere with Lidl and its operating hours as well as associated anti-social behaviour and parking related matters.
- Members supported the care home element of the application and acknowledged the need for such housing in this area. Members also commented on the need to provide such accommodation to elderly residents in order to free up the housing market, to alleviate pressures on greenfield sites.
- The site location is not considered appropriate for a supermarket.
- Associated traffic implications.
- Concern regarding the proposed senior living 4 bed unit.
- A member raised concern regarding people living in the care home and being a distance away from Wetherby Town Centre, and issues associated with bus provision and confining elderly residents to the care home.
- Members expressed disappointment at the seeming lack of engagement from the applicant with local residents and Ward Councillors.
- It was welcomed that the Neighbourhood Plan had been referenced and the application's conflict with Neighbourhood Plan policies was noted.

- Leeds' approach to planning decision-making is Plan-led. That should be clearly acknowledged and followed in determination of this application.

A motion was put forward to refuse planning permission as per the officer recommendation. This motion was moved and seconded, and the vote was carried. Therefore it was

**RESOLVED** – To refuse the application subject to the inclusion of reference to Core Strategy Policy SP13 within reason 4 and Policy D2 contained in the Wetherby Neighbourhood Plan within reason 6, for reasons of refusal.

## **51 Date and Time of Next Meeting**

To note the date and time of the next meeting as Thursday, 16<sup>th</sup> November 2023 at 1.30pm.

The meeting ended at 14:55.