



Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 12 July 2012

Subject: APPLICATION 12/01666/FU – Pergola and railings to front of restaurant to provide external seating area at the Bengal Brasserie restaurant building, 2 Victoria Court, Wetherby, LS22 6JB

APPLICANT
Bengal Brasserie

DATE VALID
22 June 2012

TARGET DATE
29 June 2012

Electoral Wards Affected:

Wetherby

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 following conditions:

1. Time limit
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.
3. The hours of use of the pergola hereby permitted shall be restricted to no later than 22.00 hours each evening.
4. Full details of any lighting fitment(s)
5. Timber frame to be stained grey
6. Samples of slate flooring

Reasons for approval: This application has been considered in accordance with the requirements of the RSS and UDPR 2006 and policy guidance within the National Planning Policy Framework. It is not considered that any significant impact would be introduced on the amenity of other nearby occupiers or to the visual amenity of the Conservation Area or have a harmful effect on parking and highway safety. The application is considered to comply with policies GP5, N19, S2, T2 and T24 as well as guidance contained within Wetherby Conservation Area Appraisal and Management Plan and having regard to all other material considerations, as such the application is recommended for approval.

1.0 INTRODUCTION:

1.1 This application is brought to the July Plans Panel at the request of Councillor John Procter who raised concerns on the grounds that the proposed development would impact on the residential amenity of neighbouring properties.

2.0 PROPOSAL:

2.1 The application seeks to construct a timber framed pergola (stained dark grey) with a glazed roof to the front of an existing purpose built restaurant.

2.2 The pergola would encase an existing external terrace creating an external seating area, although in principle the decked area can already be utilised for such seating.

2.3 The front of the pergola would also have a stainless steel and glass balustrade, whilst the existing timber deck being replaced with slate flooring.

3.0 SITE AND SURROUNDINGS:

3.1 The application site is situated within the boundaries of Wetherby Conservation Area (Identified in the Wetherby Conservation Area Appraisal and Management Plan as Character Area 1) and the Town Centre.

3.2 Wetherby retains a strong historic character with a concentration of important historic buildings in the centre of the town, a number of which have Listed status. There is a uniform palette of materials and its historic street pattern are all key elements which contribute to its distinctive character.

3.3 The majority of buildings in the Conservation Area date from the late 18th or 19th centuries and are generally of fairly standard domestic form, of two or three storeys and respecting either classical Georgian or vernacular forms of design and proportion. The characteristic walling material in the Conservation Area is locally-quarried magnesian limestone, although pale grey limestone has been used in some recent buildings. Roofs are generally covered with Welsh slate and pantiles also occur on some historic buildings and provide an additional element in the street-scape.

3.4 In respect of the application site; the property is a modern detached, two storey red brick building under a pitched roof. The site is located north of Victoria Street and south of Horsefair. Opposite the application site is a medium scale retail unit (Marks and Spencers) with residential properties above, within the immediate area as well as other services one would expect within a town centre.

3.5 A car-park that serves the restaurant, retail and residential provides 40 parking spaces with access into the car-park achieved from Victoria Street. The car-park operates a restrictive use of 90 minutes. However the residential parking is restricted for use by residents only with users of the retail and restaurant services have 14 designated parking spaces.

3.6 Whilst within the Conservation Area, the application site, the immediate residential and the retail unit are modern additions with the Conservation Area and the town centre.

4.0 RELEVANT PLANNING HISTORY:

4.1 11/05186/FU – Change of use of restaurant (A3) to form restaurant and take-away (A3/A5) – Refused at February East Plans panel on grounds of insufficient car-parking and noise and disturbance.

4.2 31/246/05/FU - Detached two storey restaurant – Approved 26 August 2005
The hours of opening were restricted from 0800 hours to 2330 hours Monday to Saturday and 1100 hours to 2300 hours on Sundays.

4.3 31/61/01/FU - Mixed development comprising office units, 24 flat, retail and a change of use and extension to unit on High Street to form a cafe/restaurant with associated parking spaces to be provided – Approved 22 January 2002

5.0 HISTORY OF NEGOTIATIONS:

5.1 Not applicable.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 A site notice was posted 25th May 2012 as affecting the character of a Conservation Area. The publicity expiry date was the 22nd June 2012. No letters of representation have been received from local residents in response to the site notice advertising this application.

6.2 The Town Council were notified 14th May 2012. Members of the Wetherby Planning Committee made comments that a condition should be added if planning permission was to be granted that no meals or drinks to be served outside after 22:00hrs to reduce late night noise for neighbouring residents.

7.0 CONSULTATIONS RESPONSES:

Non-statutory:

7.1 Highways- No objections. Highways Officers are of the view that in their understanding this area can already be used for seating and that this application is to simply add a covered area. Given the level of development and that the site is located in an S2 centre a highways objection would be difficult to justify.

7.2 Access Officer – No objections raised.

Statutory:

7.4 None

8.0 PLANNING POLICIES:

- 8.1 The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006) (UDP) along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy still being at the draft stage. The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development.

The site is located within the Wetherby Conservation Area and town centre as designated in the Leeds Unitary Development Plan Review (UDP) 2006. The site is also identified within the Wetherby Conservation Area appraisal and management plan as being within Character Area 1 of the Conservation Area.

8.2 Unitary Development Plan Review Policies:

Policy GP5 – refers to general amenity

Policy S2 – refers to local centres

Policy N19 – refers to Conservation Areas

Policy T2 – Highway safety

Policy T24 – Parking provisions

- 8.3 Supplementary Planning Document – Neighbourhoods for Living.

- 8.4 Wetherby Conservation Area Appraisal and Management Plan (2010).

8.5 National Planning Policy

From 27 March 2010 The National Planning Policy Framework (NPPF) took the place of the PPS's and PPG's and is now a material consideration when making planning decisions. The NPPF sets out the range of the Government's planning policies and sets out the requirements for the planning system but only to the extent that it is relevant, proportionate and necessary to do so. In particular there is an emphasis on decision making at a local level where communities and their accountable Councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of communities through up to date development plans to achieve the economic, environmental and social aspects of sustainable development.

- The economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.

- The social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being;

- The environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

Circular 11/95 – The use of condition in planning permissions.

9.0 MAIN ISSUES

Design, appearance and impact on the Conservation Area

Residential Amenity
Highways
Representations
Conclusions

10.0 APPRAISAL

Design, appearance and impact on the Conservation Area

- 10.1 The proposed development would be seen within the context of the modern building and those that surround it, i.e. the Marks and Spencers store and the apartments on Victoria Court. The pergola, balustrade and flooring are considered to have a neutral effect on the Conservation Area and would sit comfortably within Victoria Court and within the envelope of the application site.

Residential Amenity

- 10.2 In principle the existing decked area could be utilised already, albeit weather permitting. The proposed pergola would offer shelter from wet weather as there would be a glazed roof, but apart from a 900mm high balustrade and the timber stanchions the structure would be open.
- 10.3 No's 1 to 24 Victoria Court located opposite the application premises and above the Marks and Spencers store are the properties that could be sensitive to noise and disturbance from the application site. The restaurant can currently open until 23:30 Monday to Saturday and 23:00 on Sundays; it is accepted that the glazed roof would offer an increased opportunity to use the existing external space and because of this it is considered reasonable to impose conditions that restrict the use of the external area until 22:00 when residents of the apartments in Victoria Court can reasonably expect a reduced level of noise and disturbance. This also presents the opportunity to monitor the proposed development and local residents have the process to register any problems.

Highways

- 10.4 As part of this application technical advice was sought from Highways. Given that this area can, in principle, already be used for seating and that this application is to add a covered area, no objections were raised by Highways.

Representations

- 10.5 The concern raised by Councillor John Procter with regard to the proposed development impacting on the residential amenity of neighbouring properties and comments made by the Wetherby Town Council regarding the time that the use of the external area should cease have already been covered within this report.
- 10.6 There have been no letters of representation from local residents.

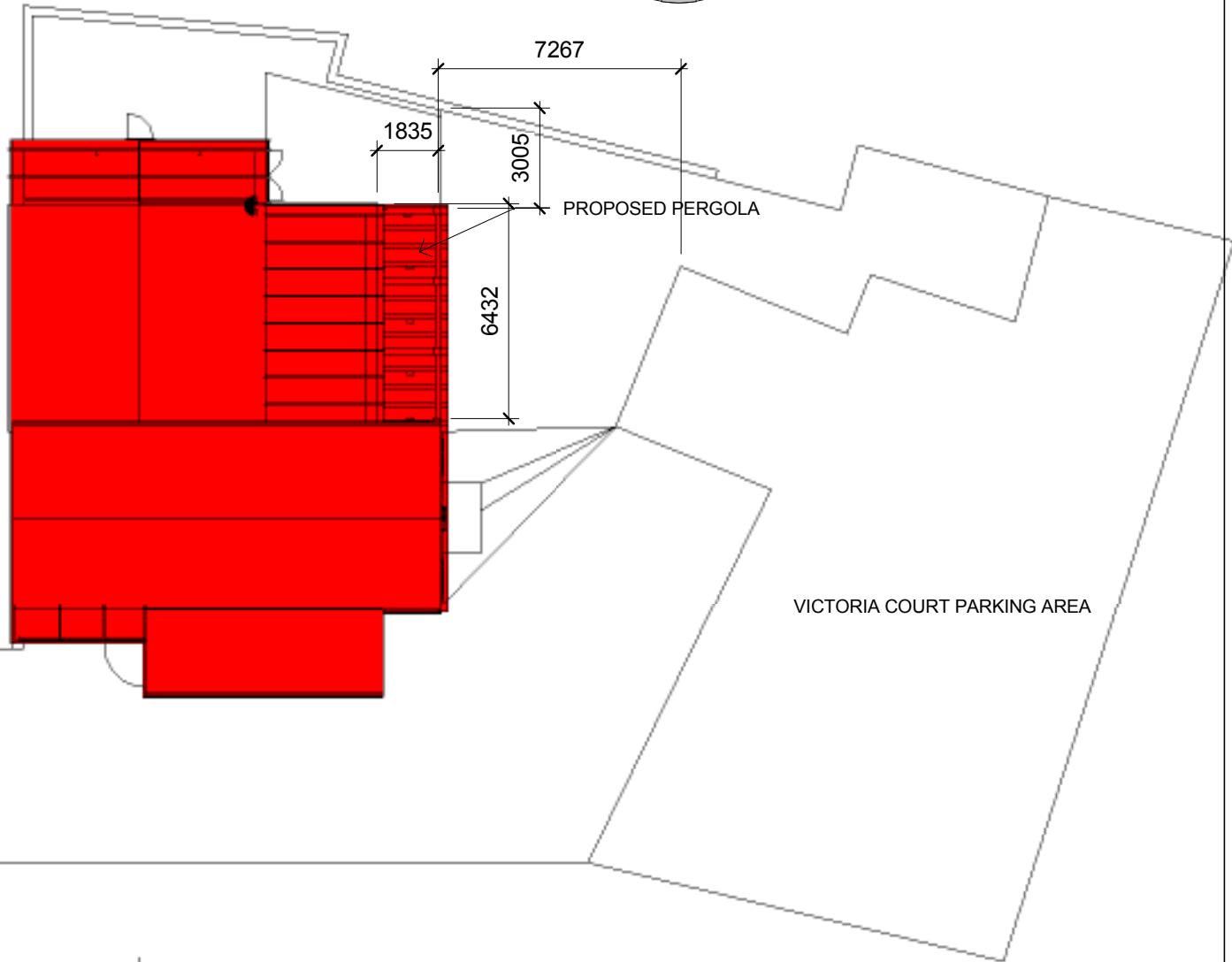
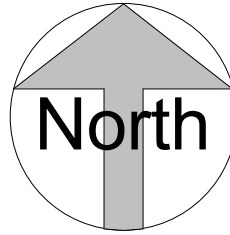
11.0 CONCLUSION

- 11.1 The proposed pergola and outdoor seating area to be included in the extant restaurant function (A3) of the premises is not considered to have any significant effect in terms of the the living conditions of nearby residents, the visual amenity and character of the Conservation Area nor is it considered that the development would introduce significant detriment in respect of highway matters. Therefore subject to conditions it is recommended that planning permission is granted.

Background Papers:

Planning application file: 12/01666/FU

Certificate of Ownership: Signed (agent on behalf of the applicant)



BLOCK PLAN AS PROPOSED

1 : 200

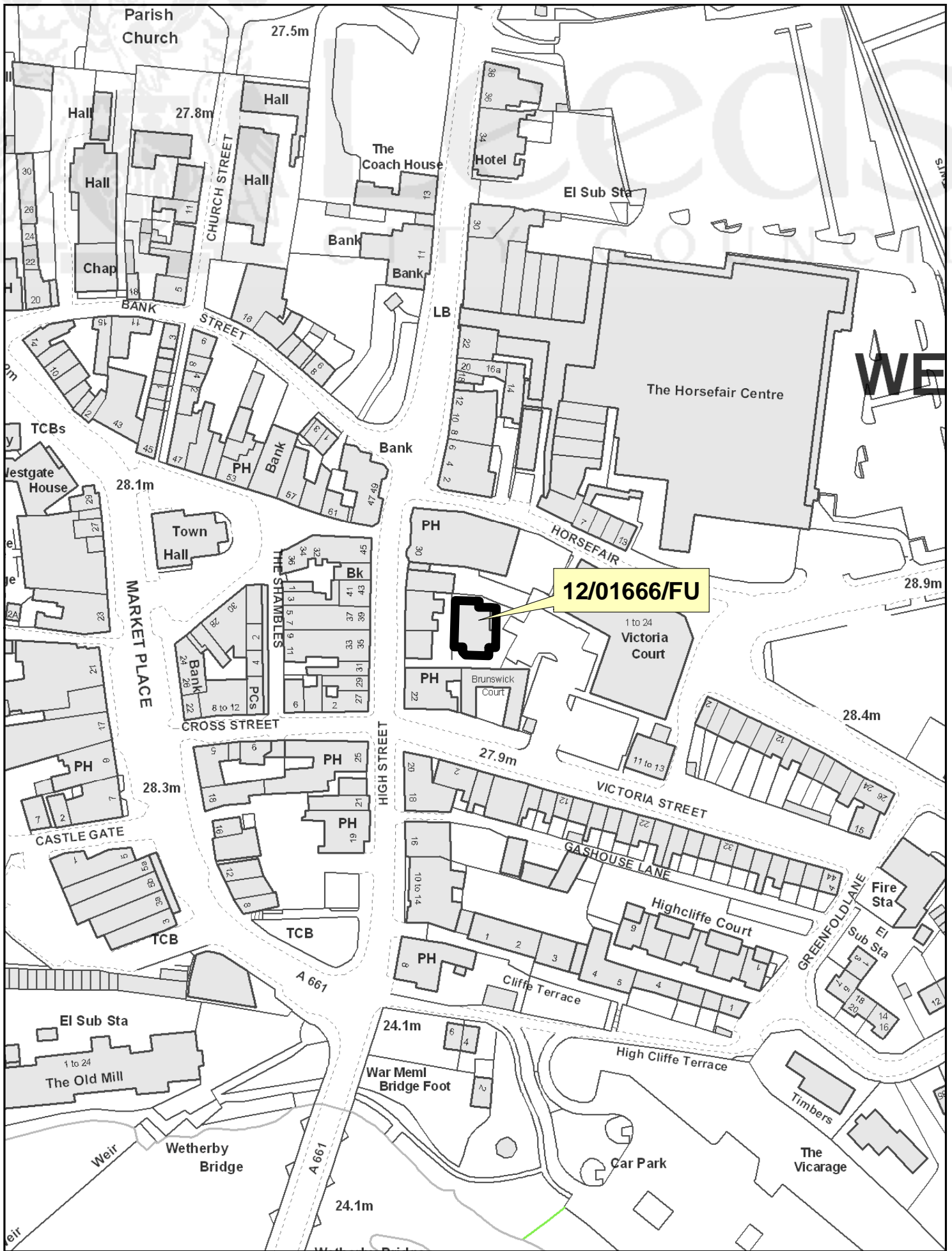
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BENGAL BRASSERIE
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 WETHERBY
 LS22 6JB

BENGAL BRASSERIE WETHERBY

BLOCK PLAN		303-32
Project number	303	
Date	16/03/12	
Drawn by	LR	
Checked by	LR	Scale 1 : 200



EAST PLANS PANEL

