

SOUTH AND WEST PLANS PANEL

THURSDAY, 11TH JANUARY, 2018

PRESENT: Councillor C Gruen in the Chair

Councillors B Anderson, S Arif, J Bentley,
D Congreve, M Coulson, T Leadley,
D Ragan, C Towler and R Wood

SITE VISIT

Site visits were attended by Cllr Coulson, Cllr C Gruen, Cllr Anderson and Cllr Wood.

70 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

71 Exempt Information - Possible Exclusion of the Press and Public

There was no exempt information.

72 Late Items

There were no late items.

73 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

However Cllr. Coulson in relation to Item 7 – Application 14/03052/FU – Former Musgrave Court Residential Home, Crawshaw Road, Pudsey, LS28 7UB, informed the Panel that he had been in correspondence with the Planning Officer.

74 Apologies for Absence

Apologies for absence were submitted on behalf of Councillor P Davey and Cllr. R Finnigan.

Cllr. T Leadley was present at the meeting as substitute for Cllr. Finnigan.

It was noted that Cllr. J Bentley had informed the Chair that he would be late to the meeting.

75 Minutes - 7 December 2017

RESOLVED – That the minutes of the meeting held on Thursday, 7 December 2017 be approved as a correct record with the following amendment:-

Minute 66 last paragraph second bullet point to read;-
Concern regarding the loss of greenbelt land during the examination of the UDP.

76 Application 17/03052/FU - Former Musgrave Court Residential Home, Crawshaw Road, Pudsey, LS28 7UB

Prior to the start of this application Cllr. Coulson informed the Panel that the nursery on Ratcliffe Lane was private and not in Council ownership and indicated in the report.

The report of the Chief Planning Officer presented an application for a new build care home on the site of the former Musgrave Court care home.

Members noted updates to the conditions as follows:

- Condition 13 Travel Plan implementation to include a monitoring fee;
- Condition 23 Reinstatement of redundant footpath crossings also to include the need for vehicle crossings

Members were also asked to note further representations from Stuart Andrew MP who raised concerns in regard to the proposed number of patients to be cared for at the home and of the scale of the proposals.

Cllr. Richard Lewis had also raised concerns in regard to the mass of the proposed building and access issues along Ratcliffe Lane.

Members were informed that the previous care home of 36 beds had been demolished in 2014 as it was deemed not economically viable for the Council to run and the land had been sold.

Members had visited the site earlier in the day. Plans and photographs were shown throughout the presentation.

Members were requested to note the change in levels in the area and the mature trees in the area and on the site.

10.10 of the submitted report was brought to the Panel's attention which set out the measurements of the proposed building with the boundaries of neighbouring properties.

The Panel was informed of the following points:-

- The build was to be part 2.5 storey, and part 3 storey comprising of 86 bed spaces;
- Floors to be reached via 2 staircases or 2 lifts, the housing for the lifts would be in the loft space;
- The loft space would be used for staff area and laundry;
- The build would be stone with a slate style roof;
- 5 trees would have to be removed to allow access to parking area, the trees are not protected;

- Car parking for 27 cars which would include 2 disabled bays 1 car share space, 1 electric vehicle space, bay for ambulance and space for motorcycles and bicycles;
- Access to parking taken off Crawshaw Road;
- Refuse vehicle would need to reverse into site.

Members were informed that car parking did fall 2 spaces short however, it was similar to other care homes in Leeds.

Members were also informed that the applicant had worked with officers on the design of the building to break up the roof line to alleviate the dominance over neighbouring buildings.

Graham Oak, Professor Mike Stein and Emma Firbank were at the meeting speaking against the recommendation they informed the Panel of the following points:-

- The proposal contravened guidelines set out in the Supplementary Planning Design Guide for this type of building;
- No conservation officer report although it had been requested and reassurance that there would be one;
- Only two storey buildings in the area;
- Loft space unnecessary so could reduce height;
- Laundry services could be provided elsewhere;
- Highways guidelines had stipulated that all vehicles should be able to access and leave site forward facing;
- No ventilation was shown on plans for mechanical systems which would be required;
- No materials had been specified;
- Reference to coverage by foliage was misleading as the building would dwarf the lower trees and bushes;
- New care home would be an increase of 136% in residency;
- 30% increase in height;
- The proposal would change from a care and caring home with strong community links to a large institution;
- Increase in traffic and associated air pollution, air pollution had not been addressed in the report;
- Increase in parking on Crawshaw Road and surrounding streets which already has limited parking space and limited parking at town centre car parks; and
- Safety concerns due to increase in traffic especially with service vehicles using single track road to access the site.

Professor Stein said that he had lived in the area a number of years and speaking to neighbours they were in favour of replacing the care home with another care home. They recognised the needs of an aging population but felt that the proposed building was too big, too high, too institutionalised and too overwhelming.

Gary Kettlewell and Richard Burrows agents for the applicant informed the Members of the following points:-

- Angela Swift Development have purpose built care homes in the North;
- All homes rated good or excellent with the Care Quality Commission;
- As an operator they have a duty of care to the Care Quality Commission and to residents to ensure financial viability;
- In the past 5 years 126 care homes had closed in the North with only 43 new builds to replace them;
- The growing need for dementia care and the plan for this home to have specialist dementia care facilities;
- 80 people to be employed at the home covering a 24 hour period with most employed from the local area as is their policy;
- Employment of local people most of whom live in walking distance so would negate the need to use car and car parking spaces;
- Family run business which see the home as part of the community providing local employment and using services of local businesses;
- Large vehicles would not be used to service the home;
- Potential contractors for build are number one in the country for considerate construction scheme and have received awards for work in the community;
- Discussions had taken place with officers and it was noted that C2 use was acceptable for this site;
- Agreed parking levels were acceptable;
- The home is close to the Town Centre with reasonable transport provision;
- Scale and height of the building had been reduced following negotiations with officers;
- Impact on conservation area had been addressed at point 10.19 to 10.22 of the submitted report;
- Access off Crawshaw Road was deemed as acceptable;
- The refuse vehicle can exit the site in a forward gear.

Members discussed at length the following issues:-

- Consultation with local residents;
- The demographics of the area;
- Viability of less bed spaces;
- Reduction in scale and height if building;
- Car parking on the site;
- Car parking in the surrounding area;
- Access for larger commercial vehicles;
- Number of staff to be employed at the care home including how many on site at one time and facilities for them such as parking.

At the conclusion of discussions Members were agreed that further negotiations were need in relation to this site and that Ward Members should be invited to join the negotiations.

RESOLVED – To defer the application for further negotiations to reduce the massing and dominance.

Cllr. Bentley joined the meeting during this item.

77 Application 17/06814/FU - Unit 2, Ledgard Way, Armley, Leeds, LS12 2ND

The report of the Chief Planning Officer asked Members to consider a retrospective application for a variation of condition 3 (opening hours) of approval to allow opening hours on Monday to Thursday 10:00 to 01:00, Friday and Saturday 10:00 to 02:00 and Sunday 10:00 to 00:00 at unit 2 Ledgard Way, Armley, Leeds, LS12 2ND.

Members were provided with an update on the marquee currently erected on the site was being used as a smoking area. The applicant had been advised that planning permission would be required. It was noted that the applicant was going to remove the marquee.

Members were informed that since November concerns had been raised that users of the club had been using nearby residential streets for parking. This had raised concerns of highways safety issues. This issue had been checked but were unable to determine that those parking in the area were using the club. It was noted that highways safety would only be compromised if the cars were parked dangerously, such as close to junctions.

Members were asked to note a further email from Rachael Reeves MP who made further comments objecting still on the following grounds:

- Too close to residential area;
- Close to busy centre;
- Not discreet in advertising;
- Current times restrict activity when children are less likely to be around;
- Early morning opening increased disturbance to residents;
- That the club advertises group bookings for up to 250 people and that the car park not adequate for these numbers; and
- Close to Armley Primary School.

Members had visited the site earlier in the day. Photographs and plans were shown throughout the presentation.

Members were advised that the signage outside the club was under investigation. However it was not under consideration at this meeting.

Members were informed that Pandora was a private members club which had been given approval in 2016.

Recently, Steam Complex whose premise had been burnt down, had been using the facilities at Pandora for their clientele. Members were informed that this was the reason for the application to vary the opening hours. The original hours approved were:

- 19:00 to 00:00 Monday to Thursday and Sunday
- 19:00 to 02:00 Friday and Saturday

Members heard that the application before them was for an extension to the operating hours. The hours requested were:

- 10:00 to 01:00 Monday to Thursday
- 10:00 to 02:00 Friday and Saturday
- 10:00 to 00:00 Sunday

Members were advised the use of the premises was lawful and that the business were operating within current planning permission.

Members were informed that the main issue of concern was whether the increase in hours would impact on the number of people visiting the premises and whether this would have an impact on noise and disturbance in the area.

The Panel heard that no complaints had been received in relation to noise and disturbance.

Members noted the advice of the Architectural Liaison Officer who works with the Police that this type of premises are generally self-policing as they operate discreetly and do not tend to have a drinks licence.

The car park was considered to be adequate for the demand taking into account other units using this car park at similar times.

There was no impact on amenity or highway issues. However there was acknowledgment of local feeling.

Ward Councillors Alison Lowe and Jim McKenna attended the meeting and spoke against the recommendation.

Cllr. Lowe informed the Panel of the follow:-

- Not about the business operating in Armley but about the impact of extension of hours on constituents;
- That residents voices were not being heard;
- That residents were distressed about the location of these premises;
- Car parking was not adequate
- Impact on children going to and from school

Cllr. Lowe asked that the application be refused in total. She was aware that the Panel may not be able to refuse and requested that consideration be given to restrict the hours asked for.

Cllr. Lowe went on to say that Pandora had been breaching planning permission of 2016 since day one. She explained that it had nothing to do with Steam but that Pandora had been opening whenever they wanted to.

Armley Ward Councillors were requesting a restriction up on hours requested and provided the following times for consideration of the Panel:

- Monday to Friday – 5pm till Midnight
- Saturday 1:00pm to 01:00am
- Sunday 2:00pm till Midnight

The Panel were informed by Cllr. Lowe that they wanted a later opening time on Sunday as this was a day for family activities such as going to church.

Cllr. McKenna thanked officers for including the representations from local people, local councillors and the local MP within the report. He said that he echoed what Cllr. Lowe had said. He was of the view that officers needed to consider local people not just the applicant.

Cllr. McKenna said that the premises were currently operating legally 39 hours per week. He was of the view that they were exceeding these hours and now were proposing to operate 105 hours per week. He said this was an increase of 270%.

Cllr. McKenna informed the Panel that Pandora had not shown themselves to be good neighbours he said that they had not once requested to meet with local councillors or the local MP and as far as he knew they had not met with local residents.

Cllr. McKenna went on to say that he was of the view that the signage was too large. It was his opinion even with the extended hours these would be breached. He explained to the Panel that prior to Steam burning down they had applied for a 24 hour operation which included facilities for overnight stays.

Mr Mark Hooper the agent attended the meeting and informed the Panel that the extra hours were to enable Steam Complex to operate. He said that both businesses would be using the same facilities and this was the reason for the application. Mr Hooper explained Steam Complex would use the facilities between 10:00am and 6:00pm, then Pandora would use the facilities from 7:00pm to close.

Mr Hooper explained that Steam Complex prior to it burning down had been located on a residential street where there had been a good relationship with the residents and West Yorkshire Police. He said that the premises also did good work in the community offering health screening services.

Mr Hooper informed Members that Steam Complex wished to stay in Armley. He said that most of the customers using Steam Complex were 45 years plus and were just ordinary people going into a building.

Mr Hooper said that the car park was not used by the car wash business that the pet shop used the far end of the car park and that there was sufficient parking for clients using Pandora.

Mr Hooper in response to Members questions said:-

- That the operation would stick to hours as requested;
- He would speak to the owner of Pandora to reduce the sign as a gesture of good will;
- That he was not aware of any consultation with residents as there were no direct neighbours. However he had had a good relationship with residents near his previous premises.

The Panel gave careful consideration of all the information presented to them and discussed at length all the issues raised.

At the conclusion of Members discussions the Panel were of the view that further discussions were needed with the applicant, officers and Ward Councillors.

RESOLVED – To defer the application for further negotiations to reduce hours of opening particularly through the daytime hours.

78 Date and Time of Next Meeting

The next meeting of South and West Plans Panel will be Thursday, 8 February 2018 at 1.30 p.m.