

NORTH AND EAST PLANS PANEL

THURSDAY, 21ST FEBRUARY, 2013

PRESENT: Councillor D Congreve in the Chair

Councillors C Campbell, R Grahame,
M Harland, C Macniven, A McKenna,
E Taylor, G Wilkinson, B Selby and G Latty

40 Chair's opening remarks

Whilst the intention had been to hold the meeting in committee rooms 6 and 7 of the Civic Hall, in view of the number of public present for the meeting, the Chair announced that the meeting would take place in the Council Chamber and there was a short delay to enable the move to take place

Following the relocation, the Chair asked Members and Officers to introduce themselves for the benefit of the public in attendance

41 Late Items

There were no late items

42 Declarations of Disclosable Pecuniary and other Interests

There were no declarations of disclosable pecuniary or other interests

43 Apologies for Absence

Apologies for absence were received from Councillor J Procter who was substituted for by Councillor G Latty

44 Minutes

RESOLVED - That the minutes of the North and East Plans Panel meeting held on 20th December 2012 be approved

45 Application 12/03250/FU - Change of Use of vacant public house to community and welfare centre with ancillary accommodation and additional car parking - The Lingfield - Lingfield Drive Moortown LS17

Plans, photographs and drawings were displayed at the meeting. A Members site visit had taken place earlier in the day

Officers presented a report of the Chief Planning Officer on an application for a change of use of a vacant public house to a community and welfare centre with ancillary accommodation and additional car parking at The Lingfield, Lingfield Drive LS17

The location of the premises was outlined in respect of the surrounding area, with Members being informed of the location of nearby shops and residential properties

The proposed uses of the premises were outlined with Members being informed that the community rooms would be available for hire with discounts being proposed for groups in the LS17 postcode area. The planned opening hours would be 8.30am – 10.30pm, except during Ramadan, where the prayer room would be open after 10.30pm but the numbers using the prayer room would be restricted to 65 people

Outside the premises, an area of unmarked hardstanding would be marked out for 73 spaces which would include cycle parking and disabled parking spaces. An unauthorised fence had been removed and a close-boarded fence and planting was proposed

Members were informed that the main issues related to:

- Principle of development – that the proposal was for a community building; this was an appropriate use in principle and would bring a disused building back into use, although this would need to be weighed against concerns, for example, highways safety
- Parking – that the amount of parking being proposed was acceptable subject to a condition regarding the layout
- Noise and amenity – that the previous use of the premises was as a public house. In terms of the opening hours, LCC Environmental Health had been consulted who were satisfied with the proposed conditions and the restriction of the numbers able to access the prayer room after 10.30pm during Ramadan

Members were informed that a key consideration was community cohesion and equality and that concerns had been raised locally. The Council had a duty under Section 149 of the Equality Act 2010 to foster good community relations between people who shared a protected characteristic and people who do not share it. "Protected characteristics" covered by the Equality Act include race and religion or belief. This duty was a material planning consideration, to which the Panel would need to have due regard when reaching a decision on the application

Members were informed of the receipt of an additional 60 letters of objection which repeated previous issues which had been raised regarding highways safety, noise and disturbance, not a sustainable form of development and impact on the character of the area

If minded to approve the application, it was recommended to reword condition 6 to delete the reference to prohibiting PA systems within the building and to add a further condition requiring that if such systems were installed, details of use, specification etc be submitted and approved in writing prior to use

Members were also informed that condition 15 specifying the building should not be used for weddings or other functions be deleted as 'other functions' was not sufficiently precise and issues regarding noise, floorspace for use by visitors etc were covered in other conditions

The Chair stated that in this case, he would allow each side a maximum of 5 minutes to make representations to Panel

The Panel heard from an objector and two representatives of the applicant who attended the meeting

The Panel commented on the following matters:

- the objector's statement that the Panel did not have the authority to determine the application
- a leaflet about the application which had been circulated locally
- whether the Police had indicated they had concerns about the proposed use of the premises
- the conditions relating to numbers and opening hours
- the ways in which the local community would become involved in the centre
- the possibility of granting a temporary planning permission and for this to be reviewed at a later date
- condition 21 – a scheme for community use – and that further details were required including how it could be enforced
- condition 15; the need to set a capacity for the building at other times and whether the previous public house use enabled wedding receptions to take place
- highway issues and the a possibility of requiring the applicant to fund a TRO if car parking occurred outside the nearby shops. The Panel's Highways representative stated that the Council's Traffic Department would monitor the situation and advise if a TRO was necessary, with this being dealt with by way of a planning obligation rather than a condition

Officers provided the following information:

- regarding the comment of the objector that he would query whether it was in the Panel's powers to grant planning permission to this applicant, the Panel's Legal adviser stated that Panel should consider the applicant at their face value and that unless there were any real evidence presented by the objector that the applicant had associations with terrorism then it was lawful for the Panel to consider the application
- that the Police was not a statutory consultee for planning applications so it was not necessary to seek a view from them. The Panel's Lead Officer stated that Members had heard emotive language during the meeting and that he would advise Members to concentrate on the planning aspects of the case, i.e. highways and amenity issues, along with community cohesion which was a planning consideration and for Members to decide on the weight of that in this case
- concerning granting a temporary planning permission, the Head of Planning Services stated that a temporary planning

permission would be unlikely to be considered in view of the refurbishment required to the building which would result in much capital expenditure

- in respect of condition 21, scheme for community use, the intention had been to cover what was included in the Design and Access Statement, this being the gym, job seeking and IT facilities and room hire at discounted rates for local organisations, although the formal documentation for this element had not been received. The condition would be capable of being enforced but the detailed wording for this would need to be drawn up. It was suggested that this be done in consultation with Ward Members
- in relation to condition 15, the building could accommodate 200 people and that whilst there was no proposal to extend the building, a condition had been included which would prevent the caretaker's flat being converted to public use

The report author was congratulated on the thoroughness of her report

RESOLVED - That the application be granted subject to the conditions set out in the submitted report, subject to a rewording of condition no 6 to delete the reference to prohibiting PA systems within the building and that a further condition be added instead requiring that, if such systems are to be installed, details of their use, specifications etc should be submitted for approval in writing before they are used, to ensure that any such systems are acceptable and that any appropriate or necessary noise mitigation measures are incorporated within the building prior to their use; the deletion of condition 15; an amendment to condition 21 to require a scheme of community use to be drawn up and in place prior to use and in consultation with Ward Members and completion of a planning obligation for a TRO.

46 Applications 12/03915/FU and 12/03916/LI - Change of use involving alterations and single storey side extension of vacant public house to form 7 flats and erection of detached retail unit with flat above at the site of - Royal Oak Cross Hills Kippax LS25

Plans, photographs and drawings were displayed at the meeting. A Members site visit had taken place earlier in the day

Officers presented the report which sought full planning permission and Listed Building consent for the refurbishment of the vacant Royal Oak Public House at Kippax LS25

Members were informed that the premises had been vacant since early 2011 and was a prominent building in the Kippax area

The building would be stripped back to its existing frontage and recent additions at the rear would be removed. This would also provide an opportunity to extend the footpath

An earlier scheme had proposed a modern extension to contain 6 flats but this had now been deleted from the scheme

A previous concern raised by English Heritage had been withdrawn on receipt of the revised plans. A room by room assessment would be made of the building's original features

A dual-fronted retail unit was proposed with a 2 bedroom flat above this, with a separate entrance. The design of this unit had also been revised and was a more simple proposal than previously submitted

Members were informed that the deletion of the modern extension had removed many local concerns about the proposal, although concerns remained about the loss of a local pub, with Councillors Wakefield and J Lewis raising this issue. Members were informed that other pubs existed in the area and the proposals would bring a Listed Building back into use. Additional benefits from the proposals would be the widening of the footpath and the provision of a green area around the site

If minded to approve the application, an extra condition was proposed for the Listed Building application to require the reinstatement of the missing chimney. Condition no 9 was proposed to be reworded to take into account the footpath widening

Members commented on the following matters:

- highways safety issues
- loss of another public house
- the concerns of the Parish Council and whether these had been addressed
- the importance of retaining the balance of the property by the requirement of reinstating the missing chimney
- the need to consider possible opening hours of the retail unit if it was to be an Off Licence

Officers provided the following responses:

- that moving the wall back into the site would improve the visibility splay
- that the detailed wording of some of the conditions had taken on board concerns raised by Kippax Parish Council
- that opening hours of the retail unit would be controlled by condition and whilst these had not been specified, they were likely to be the standard hours of 08:00 – 22:00

The Head of Planning Services suggested that a condition in respect of materials for the retail unit be added and the design of any security grills on the shop unit to be agreed with the applicant. In the event that the retail unit was not constructed, some treatment be included for that part of the site

RESOLVED - That the planning application and Listed Building consent be granted subject to the conditions set out in the submitted report, with an additional condition on the Listed Building application to require the reinstatement of the missing chimney with a scheme to be submitted and agreed in writing; rewording of condition no 9 to specify the width of the footpath an additional condition relating to a scheme for treatment of the retail unit if this was not developed and a condition relating to the materials of the retail unit including security shutters

47 Application 12/04634/FU - Single storey detached outbuilding forming ancillary living accommodation to rear of - 30 Upland Road LS8

Draft minutes to be approved at the meeting
to be held on Thursday, 21st March, 2013

Plans and photographs were displayed at the meeting. A Members site visit had taken place earlier in the day

Officers presented the report which sought permission for a single storey detached outbuilding to form ancillary living accommodation on land at the rear of 30 Upland Road LS8

Members were informed that the proposed conditions had been drawn up to restrict the use of the building as a separate dwelling unit, which had been a particular concern to local people

RESOLVED - That the application be granted subject to the conditions set out in the submitted report

48 Application 12/05169/FU - Part single storey and part two storey side extension with Juliet balcony to rear of 10 Montagu View LS8

Plans, photographs and drawings were displayed at the meeting. A Members site visit had taken place earlier in the day

Officers presented the report which sought permission for extensions to the existing property at 10 Montagu View LS8

Whilst the plans showed the presence of windows in the side elevation, these were at a high level and would be obscure glazed and fixed shut

In terms of the proposed Juliet balcony, whilst not being a feature seen extensively in the area, one other such balcony existed close by so this could not be considered as being alien to the area

The receipt of further representations from local residents were reported with Members being informed that these representations contained additional conditions. Having considered these, Officers were of the view they could not be recommended to Panel as they were not felt to be reasonable

The Panel heard representations from an objector and the applicant who attended the meeting

RESOLVED - That the application be granted subject to the conditions set out in the submitted report

49 Date and Time of Next Meeting

Thursday 21st March 2013 at 1.30pm in the Civic Hall, Leeds