

NORTH AND EAST PLANS PANEL

THURSDAY, 13TH JUNE, 2013

PRESENT: Councillor D Congreve in the Chair

Councillors C Campbell, R Grahame,
M Harland, C Macniven, A McKenna,
J Procter, G Wilkinson, J Harper and
M Lyons

1 Chair's opening remarks

The Chair welcomed everyone to the meeting, particularly Councillor Janet Harper who had joined the Panel this municipal year, and Councillor Lyons who had returned to Panel after a short absence

Members and Officers were then asked to introduce themselves for the benefit of the public attending the meeting

2 Declarations of Disclosable Pecuniary Interests

Although there were no declarations of disclosable pecuniary interests, Councillor R Grahame brought to the Panel's attention that he was a Governor at the Co-operative Academy as he felt it was in the public interest to do so in view of the proposals for a new school at Florence Street Harehills, (minute 9 refers)

3 Minutes

RESOLVED - To approve the minutes of the North and East Plans Panel meeting held on 16th May 2013

4 Application 13/00011/FU - Two storey side extension - 28 Penlands Crescent LS15

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

Officers presented the report which related to an application for a two storey side extension at 28 Penlands Crescent LS15, which Members were recommended to refuse due to the impact of the proposals on the four English Oak trees which were situated off site and within the garden of 7 Burr Tree Garth and were covered by a blanket TPO which covered the estate

Members were informed that whilst the applicant had sought to overcome possible damage to the tree roots during construction of the proposed extension, which Officers considered could be acceptable, there

remained the concerns about the impact of the proposals on the future health of the trees and that over time, there could be pressure to prune or remove the trees, once the extension had been built. It was noted that agreement on the impact of the proposed extension on the trees could not be reached between the Council's Tree Officer and the applicant's arboriculturalist

The Panel heard representations from the applicant who attended the meeting

Members discussed the following matters:

- the national and local guidelines relating to these matters and that the Council's guidelines provided distances to be achieved, whereas national guidance was not so specific
- the difficulty of carrying out works so close to trees without damaging the roots
- the roof design of the extension and whether a hipped roof might be more suitable to pull it further away from the trees
- the possibility of siting an extension elsewhere. Members were informed that initially the applicant had sought an extension to the front of his property but that there were concerns about the impact of this on the protected trees
- whether the TPO could be lifted. The Council's Tree Officer advised that TPOs could be revoked, but this was a rare occurrence

Members considered how to proceed

RESOLVED - That determination of the application be deferred for further negotiations to take place, including a different form of extension, possibly at the front of the dwelling and that the matter could be deferred and delegated to the Chief Planning Officer, unless agreement could not be reached, whereby the application should be returned to Panel for determination

5 Application 13/00775/FU - Change of Use from A1(shop) to A5 (hot food take away) - 147 The Avenue Alwoodley LS17

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 a change of use of an A1 shop to an A5 hot food take away in a small parade of shops on The Avenue, Alwoodley LS17

Members were informed that the premises, which was currently vacant, was situated at the end of a parade of shops which was surrounded by residential properties

The proposals were for a fish and chip shop with opening hours of 11.30am – 8.00pm, Monday – Saturday and no opening on Sundays. No external seating would be provided and that the applicant had agreed to a condition requiring the provision of litter bins outside the premises for use by customers. Officers pointed out that in terms of opening hours, the same hours had been accepted by a café unit further along the parade

In respect of car parking and highway safety, as this was an existing unit, it was necessary to consider what the parking requirements were for the

A1 use and whether, for the proposed A5 use, these would have a materially greater impact. Having fully considered the matter and noted the number of concerns raised by local residents about highway safety, it was the view of Officers that the proposed use would not have significantly greater implications in terms of traffic movements and parking requirements. At the early evening peak time for the fish and chip shop, other shops were closed, so levelling out any traffic impact caused by the proposals. A condition requested by Highways had been included which restricted the use of the premises to A5 hot food take away to prevent it from becoming an A3, restaurant and café use

In terms of external alterations to the unit, there would be the provision of a flue, which was relatively slim in appearance. The flue would project 1.6m above the eaves level of the building, with this measurement being confirmed to Members in view of different heights being referred to in the submitted report. To address concerns which had been raised locally about potential noise and odour from the flue, this had been positioned away from the flats above the premises

The Panel heard representations from an objector who attended the meeting

Members discussed the application and commented on the following matters:

- the planning history of the site; that a similar application had been refused in 1990 and what had changed since then to merit this application being considered acceptable. Members were informed that a previous application had been refused on the grounds of impact on residential amenity due to the late night opening which had been proposed. This application was for hours closing at 8.00pm, which was felt to be acceptable. Another reason had been the loss of a retail unit in a neighbourhood shopping parade, however policy changes now meant these restrictions no longer applied, with each case now having to be determined on its merits
- the level of local opposition to the proposals and the need to consider the application on planning grounds
- that a hot food take away in this location, so close to a large residential development was not acceptable
- whether there was a need for such a unit in this location
- that the bus terminus close to the premises would add to the parking problems associated with the proposed use of the premises
- the possibility of a delivery service for hot food being operated from the premises. Members were advised that this could be prevented by a condition
- that tight restrictions on opening hours were to be imposed and that the proposal would bring back into use an empty shop unit

Members considered how to proceed. Proposals both for and against the Officer's recommendation were made and seconded

RESOLVED - That permission be granted subject to the conditions set out in the submitted report and additional conditions requiring the provision of

litter bins for customers and that no deliveries of takeaways to take place from the premises

6 Application 13/00565/FU - Two storey, single storey side/rear extension and re-siting of steps with railings 41A Stainburn Crescent LS17

Further to minute 78 of the North and East Plans Panel meeting held on 16th May 2013, where Panel resolved to defer determination of the application for extensions and alterations to 41a Stainburn Crescent LS17, further information and accurate site plans, Members considered a further report

Plans, drawings and photographs were displayed at the meeting

Members were informed that an application for a Non Material Amendment had been received which sought to reduce the width of the side extension from 2.5m to 2.15m

Regarding access to the summer lounge, the applicant had indicated that this would be accessed externally

The Panel's Lead Officer presented the report and outlined the current and previous applications which had been submitted

Receipt of a further letter of representation was reported

Members discussed the proposals and raised concerns about the totality of development on the site

RESOLVED - That the Officer's recommendation to grant planning permission be not accepted and to defer and delegate refusal of the application to the Chief Planning Officer, with reasons for refusal relating to scale and design of the extension resulting in an overly large and dominant feature, causing harm to the character of the area

7 Application 13/00694/FU - Demolition of existing building and erection of a foodstore to the front of the site with associated access, car parking, servicing and landscaping - Site of Allerton House Harrogate Road Chapel Allerton

Prior to consideration of the two applications for this site, Councillor Lyons and Councillor Procter brought to the Panel's attention their membership of the West Yorkshire Integrated Transport Authority as Metro had commented on the applications (minute 8 also refers)

Further to minute 68 of the North and East Plans Panel meeting held on 18th April 2013, where Panel considered a joint position statement in respect of two applications for a foodstore on the site of Allerton House, Harrogate Road, Chapel Allerton, Members considered the formal application for the store to be positioned at the front of the site

Officers presented the report and informed Members that revisions had been made to the scheme, in view of the comments received by Panel. Additional landscaping had been created at the front of the site; a rear access had now been created to the store and the ramp proposed at the side of the store had been deleted and replaced by landscaping

Concerning the glazing, the applicant had considered Members' view that this should not be covered in stickers, but had advised that if some masking was not provided, the views out would be of the backs of freezers, so had proposed that acrylics and stickers be used in this location

In terms of the possible impact on the amenity of 1-3 Grosvenor Park, it was felt that the mitigation measures proposed, which would include an acoustic fence, would be acceptable.

Receipt of four additional letters of representation were reported, although it was stated that these did not raise any new matters

Members were also informed that a local group objecting to the proposals had arranged for an independent traffic assessment to be carried out. The Panel's Highways representative stated that the independent traffic assessment had raised issues about the car parking, site access and design and location of the pedestrian crossing. Whilst Highway Officers were satisfied with their assessment of the applicant's traffic submission, if minded to approve the application in principle, Highways would wish to carry out an assessment of the objectors' traffic submission, with the application to be returned to Panel for determination if significant highways issues were identified

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

Members commented on the following matters:

- the impact of the proposals on the shops and businesses in the Chapel Allerton area
- the glazing and Members' concerns about the use of stickers; that the applicant's store in Wetherby had addressed the issue by commissioning some vinyls which depicted Wetherby Old Town and that a similar treatment, showing images of old Chapel Allerton could be considered here
- concerns about the traffic implications and the need to check this matter carefully, in view of the different conclusions reached in traffic assessments which had been submitted
- delivery times, with Members being of the view that these should be 07.00 – 21.00 Monday to Saturday and Sunday, as proposed, i.e. 10.00 – 16.00
- the need for a high quality acoustic fence to protect the amenity of the residents of 1-3 Grosvenor Park, was stressed

RESOLVED - To approve the application in principle and to defer and delegate approval to the Chief Planning Officer subject to the specified conditions set out in the submitted report, an additional condition to require details of vinyl stickers to shop windows to be submitted for approval; an amendment to condition 12 to restrict delivery times to 07.00 – 21.00 Monday to Saturday, Sunday to remain unchanged as in the report, a Highways assessment of the traffic submission of the objectors, with the decision remaining delegated if no significant highway concerns were identified and the completion of a S106 Agreement within three months of the date of resolution unless otherwise agreed in writing by the Chief Planning Officer, to cover the following obligations:

- public transport infrastructure contribution - £128,026
- Metro contribution - £40,000

- travel plan and monitoring fee - £2,500
- contribution to review of parking waiting restrictions - £15,000
- local training and employment initiatives

8 Application 12/05296/FU - Demolition of existing building and erection of a foodstore to the rear of the site with associated access, car parking, servicing and landscaping - Site of Allerton House Harrogate Road Chapel Allerton

Further to minute 68 of the North and East Plans Panel meeting held on 18th April 2013, where Panel considered a joint position statement in respect of two applications for a foodstore on the site of Allerton House, Harrogate Road, Chapel Allerton, Members considered the formal application for the store to be positioned at the rear of the site

Officers presented the report and stated that the application was a resubmission of a previously refused scheme, with some minor modifications, which were outlined to Members

Officers presented the report and stated it was felt that the scheme had not addressed the reasons for refusal of the previous scheme and did not enhance the town centre or integrate with it

Receipt of an additional letter of objection which did not raise any new issues was reported, as was an additional letter of support which had been received

Members were informed that a local group objecting to the proposals had arranged for an independent traffic assessment to be carried out

Speakers on the proposals attended the meeting. As the recommendation was to refuse planning permission, the applicant's representative had the opportunity to speak first, however he waived his right to address Panel which also removed the speaking rights from the objector to the proposals

RESOLVED - That planning permission be refused for the following reason:

The Local Planning Authority considers that the proposed development would be harmful to the overall character and appearance of the Conservation Area and the townscape character and local distinctiveness of Chapel Allerton. The proposal will fail to integrate into the District Centre due to its layout, siting of building, overall design, lack of landscaping, car park/hard surfaced dominated frontage, the design of the servicing arrangements, management of change in levels and associated retaining wall and will fail to take the opportunities present to enhance the Conservation Area, streetscene or the District Centre. The proposal is therefore considered to be a poor response to this important site and is contrary to Leeds UDP review policies GP5, N12, N13, LD1, Supplementary Planning Documents, Chapel Allerton Neighbourhood Design Statement, the Chapel Allerton Conservation Area Appraisal and Management Plan and the NPPF

9 Preapp/11/00641 - Proposed primary school - Land at Florence Street Harehills LS9 - Pre-application presentation

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

Members considered a report of the Chief Planning Officer on proposals for a new primary school on land at Florence Street, Harehills and received a presentation on behalf of the development team

Members were informed that the initial proposals were for a 420 place primary school, with 26 nursery places at what would be known as Nightingale Primary School. The scheme would contain an element of future proofing to accommodate further likely need, through a proposed extension for a further 210 places, i.e. a three form entry primary school

Officers advised the Panel that the LEA had explored all available sites in the area, with this one being the only site considered to be suitable

Particular issues in respect of the proposals related to traffic generation and on street parking, with particular problems being experienced due to the proximity of St James' Hospital and the amount of on street parking this generated in the area. In addition there were an excessive number of Traffic Regulation Orders in the area. A further issue was that part of the site currently housed the Stanley Road Household Waste Site and following its closure, land remediation measures would be required to deal with the contamination from this use

A recent meeting had taken place involving Officers, Ward Members and the local MP and whilst in general terms the proposal was supported, there were concerns raised about the lack of a parent/pupil drop off; safety concerns about cycle parking and a lack of staff/visitor car parking spaces. Members were advised that the number of spaces had now been increased to 50

A minor correction to the report was made, with Members being informed that the Natural Resources and Waste Development Plan Document was incorrectly referred to as this was now the Adopted Plan

In terms of the site boundary, attention was drawn to a small area of land at Scarth Avenue which could be included within the site if further car parking was required

The Panel then received a presentation on the proposals from representatives of the development team

Details of the design of the school were provided

In terms of highways issues, Members were informed that despite the surrounding area being a densely packed residential settlement, there was low car ownership, therefore many pupils would arrive on foot so the siting of pedestrian crossings would need to be considered. A zebra crossing was being proposed on Stanley Road with a Pelican crossing being situated on Harehills Road, although this would have a knock on effect for servicing of shops and bus stops in this location and on queuing traffic at the mini roundabout, with further consideration of these issues being needed

Pedestrian entrances to the school would be from Stanley Road, Florence Street and Compton Avenue

Parking around these areas would need to be properly managed and this was likely to result in alterations to the existing parking arrangements in

the streets around the site. Currently there was long stay parking on one side of Stanley Road, with this likely to be altered to short stay parking. On Florence Street there was also some existing long stay parking, however a parking ban would be required along the school side of the street, with the other side being a mix of residential parking and short stay parking. In the Comptons, conversion of some existing residents parking was being considered to a mix of short stay and residents only parking

Members commented on the following matters:

- that a pupil drop off point was essential. Members were informed that this would be located in the car park. Concerns were raised at the practicality of this and that such arrangements led to the car park being blocked and conflict occurring between parents
- that a large number of pupils will arrive at school by car, despite the number of initiatives to discourage this
- that Florence Street was a problematic location for parking
- the loss of the recycling centre with concerns that littering would begin to occur once the site had closed
- that negotiations with Florence Street Club should be considered about using the club car park as a dropping off point during the day
- that the area of land at Scarth Avenue should be incorporated within the site, rather than left
- that to contain parking by parents, a physical barrier to prevent this was required
- concerns about the effectiveness of a three form entry primary school, but an acceptance of the need for large numbers of primary school places to serve this area
- concern that the play area was not large enough to accommodate a three form entry primary school; that there was insufficient green space, compared with the amount of hard surface play area; that an imaginative use of the hard surface play area should be devised; that even a small grassed area could be a well used facility and concerns about the proposals to share facilities with other local schools also being raised
- the need to consider the highways issues for a three form entry primary school at the outset
- the timescale for the scheme, with Panel being informed that the plan was to open the school in September 2015

In summing up the comments, the Chair stated that there were no concerns about the design of the building and whilst the site could be considered to be viable, work was needed to resolve the highways and parking issues to benefit of all concerned

10 Date and Time of Next Meetings

Thursday 11th July 2013 at 1.30pm in the Civic Hall, Leeds
Thursday 8th August 2013 at 1.30pm in the Civic Hall, Leeds