

NORTH AND EAST PLANS PANEL

THURSDAY, 13TH DECEMBER, 2018

PRESENT: Councillor N Walshaw in the Chair

Councillors D Collins, R Grahame,
D Jenkins, E Nash, K Ritchie, S Seary,
A Wenham and G Wilkinson

The site visits were attended by Councillors Walshaw, Collins, Nash, Ritchie, Seary, Wenham and Wilkinson.

63 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

64 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

65 Late Items

There were no late items.

66 Declarations of Disclosable Pecuniary Interests

No declarations of disclosable pecuniary interests were made. However, the follow declarations of other interest were received from:

Cllr. Wilkinson – In relation to Item 8 declared that he had sat on the Licensing Sub-Committee that had granted the Premises Licence. It was his view the he could be seen to have already made a decision, therefore he would withdraw from the meeting for this item.

Cllr. Collins informed the Plans Panel that she owned a public house and therefore might have a different perspective on a couple of items.

67 Apologies for Absence

Apologies had been received from Councillor Arif and Councillor Dobson.

68 Minutes - 8th November 2018

RESOLVED – That the minutes of the meeting held on 8th November 2018 be approved as a correct record, subject to the following amendment:

Page 4 of the agenda pack (13th December 2018) bullet point 2 in relation to protected playing pitch - Cllr. Collins wished it to be recorded that she had raised the issue that the proposal was in conflict with Leeds Local Plan Policy Map 6a, November 2017.

69 18/01609/FU - DEMOLITION OR BRAMHAM HOUSE, RETENTION OF FRONT FAÇADE AND REDEVELOPMENT TO FORM CARE HOME, WITH

8 CLOSE CARE DWELLINGS, 6 CLOSE CARE APARTMENTS AND 10 DETACHED HOUSES, LAYING OUT OF ACCESS ROAD AND NEW VEHICLE ACCESS TO FREELY LANE BRAMHAM HOUSE BOWCLIFFE ROAD BRAMHAM WETHERBY LS23 6QY

The report of the Chief Planning Officer set out an application for the demolition of Bramham House, retention of front façade and redevelopment to form care home, with 8 close-care dwellings, 6 close-care apartments and 10 detached houses, laying out of access road and new vehicle access to Freely Lane at Bramham House, land between Bowcliffe Road and Freely Lane, Bramham.

Members had been on a site visit earlier in the day. Photographs and plans were shown throughout the presentation.

Members were informed of the following points:

- The site is redundant and lies on the edge of the village of Bramham and is part owned by the Council and the Yorkshire Ambulance Service National Health Trust;
- The site is allocated for housing within the development plan;
- The proposal is for a mixed residential, care home and close-care scheme, considered to represent a sustainable form of development;
- Objections had been received these were summarised at point 6.1 of the submitted report;
- A number of concerns had also been raised by Ward Member Cllr. Lamb and by the Bramham Parish Council as set out at points 6.3 and 6.4;
- The proposed development is considered to be acceptable in terms of traffic impact;
- A number of conditions are recommended relating to the provision of electric charging points, car parking spaces, gradient and the delivery of the widening of Freely Lane and junction improvement works;
- There are limited local services with a post office and local convenience store in Bramham Village;
- The design of the 10 residential dwellings would be in keeping with the area using traditional materials and design with chimneys;
- The close care building would be more modern in design and set back slightly;
- Some trees would be lost. However the trees that were left in the small wooded area would be managed;
- There has been incidents of Anti-Social Behaviour on the site.

Members were advised of the following information:

- Additional representations (4 Residents) had been received these were read out at the meeting;
- Corrections to the report, it was noted that the site is not white land. It is allocated for housing;
- Neighbourhood Plan

- The report references an earlier draft which is still on the Bramham Parish Council website and not updated. The plan has now been to examination and the examiner has published his report. The LPA is yet to make a formal decision on the modifications but expect that this will be done within the next week. The policies referred to within the Panel report are essentially the same.
- The Panel report at paragraph 8.12 references a survey at Appendix 3 of the Neighbourhood Plan, (31% of respondents fully support proposals for Bramham House). It was noted that the survey took place prior to this application and was in reference to some form of development not the actual development that was subsequently submitted.
- Highways were satisfied with the proposals for the widening of Freely Lane;
- Discussions are still ongoing in relation to S106 money and the off-site greenspace contribution;
- Affordable housing does not meet Policy H5 criteria, but meets National Planning and Policy Framework definition and is considered a pragmatic approach in light of other material planning considerations and would deliver 58% affordable / lower cost close-care housing, instead of 35%;
- Additional conditions to be imposed in relation to details and gradients of footpath to Bowcliffe Road.

Cllr. Harrington speaking against the recommendations informed the Plans Panel of the following points:

- Initial consultation with officers and developers had been good;
- Access to the site needs to be addressed prior to the start of the development due to restricted parking and access near to the Pavilion;
- No parking for construction traffic on Freely Lane;
- No construction traffic to be allowed through the village;
- No construction deliveries before 9:30 on after 3:00pm;
- Need to increase parking spaces for staff as there is no reliable bus service;

On behalf of the applicant Mr Windress addressed the Panel informing them of the following:

- Conditions are in place to address points raised in relation to construction traffic;
- There had been consultation meetings with residents, parish and ward councillors. Consultation would be ongoing;
- Some CIL money would be made available to the parish council;
- There would be a management and maintenance plan for the trees;
- The western access was steep and had been looked at with Highways. This access would be used only for pedestrian access;

In response to questions from Members the Panel were informed of the following:

- That no further trees would be planted as there would be considerable costs in relation to the management and maintenance of the trees already in the location;
- Freely Lane road widening would take place prior to the start of the development and would be wide enough for footpaths;
- Car parking provision meets the requirements and currently proposes 36 spaces. However, the developer could look at the potential to add more spaces;
- Integral garages are within guidelines;
- Negotiations were still ongoing in relation to greenspace;
- There had been police reports on incidents of Anti-Social Behaviour at the site. The Leeds Anti-Social Behaviour Team patrolled the area on a daily basis;
- Negotiations would be had with the developer in relation to deliver times.

It was agreed that consultation would continue with parish and ward councillors rather than establish a Consultative Forum facilitated by officers.

RESOLVED – To defer and delegate approval to the Chief Planning Officer as set out in the submitted report subject to the following amendments:

- An additional condition to be imposed in respect of:
 - Details and gradients of footpath to Bowcliffe Road
- Condition 19 to require the off-site highway works to be carried out before development commences
- Condition 28, construction management plan, to require no parking of contractor vehicles on Freely Lane and no construction traffic to be routed through the village. Discussions are also to take place with the applicant concerning hours of construction deliveries with a desire to avoid school drop off and collection times

Cllr. Wilkinson withdrew from the meeting at 14:45

**70 18/05379/FU VARIATION OF CONDITION 23 (OPENING HOURS)
MEANWOOD PARK CAFE THREE COTTAGES GREEN ROAD
MEANWOOD LEEDS LS6 4LD**

The report of the Chief Planning Officer sought approval of a variation of condition 23 (opening hours) of planning application (12/00466/FU) to allow opening hours of 08:00 hours to 22:00 Monday to Thursday; 08:00 to 23:00 hours Friday to Saturday and 09:00 to 22:00 hours on Sundays and Bank Holidays at Meanwood Park Café, Three Cottages, Green Road, Meanwood, Leeds, LS6 4LD.

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

Members were advised of the following points:

- This is a grade II listed building located at the opening of Meanwood Park
- Local Ward Councillors had objected to the proposals. It was also noted that Councillors Bentley and Gibson of the neighbouring ward of Weetwood had also raised concerns which were set out at 1.2 of the submitted report.
- 106 letters of objection and 121 comments of support had been received. It noted that a number of the objections raised concerns in relation to noise implications of the proposed extended opening hours.
- Members were advised that the nearest residential property was located 45m away to the south of the proposed premises.
- Members were informed that this site had recently been granted a Premises Licence which proposed late night drinking within the establishment and for music to be played within the site. Members noted that the restriction of the premises to a café/ restaurant would mean that the sale of alcohol cannot become the predominant business model for the site;
- Highways had raised no issues with the proposals in relation to impact on surrounding roads;
- It was noted that the applicant had now signed the correct certificate of ownership. Following the submission of a revised ownership certificate and the service of the required Notice by the applicant on the freeholder of site the recommendation is amended to:
 - Defer and delegate the grant of planning permission to the Chief Planning Officer pending the expiry of the period of the Notice served on the freeholder of the site. In response to the receipt of the Notice should the freeholder make representations that raise significant new material planning considerations the application will be reported back to Panel for determination
- Cllr. Bentley wanted the following to be highlighted to Ward Members:
 - When the 2012 permission was granted it was deemed necessary to protect residential amenity through a restriction on opening hours. But paragraph 10.3 of the officer report fails to demonstrate an change in circumstances since the 2012 permission was granted and why the residential amenity can be less protected
 - The applicant describe the premises now as a 'bar'. Could some criteria be established and conditioned in any permission that would trigger a change of use application if the bar business becomes dominant.
 - Incorrect information being given in respect of ownership of the premises as stated on the application form.

Members were advised that legal advice had been sought in relation to the certification of ownership and the application could proceed. Members noted that planning permission would be required to change to another use such as a bar.

Ms Adamson speaking against the recommendations informed the Panel of the following points:

- There had been restricted opening hours on the previous application and there had been no changes to circumstances;
- This report does not address the issue of noise. Evening events and weddings would result in noise nuisance;
- Meanwood Valley is a natural amphitheatre and representations from both sides of the park speak about noise travelling;
- An 18 month temporary condition was offered which in Ms Adamson's view showed that the Planning section were cautious about the applicant;
- No input had been provided by the Council's Nature Team on the impact of the conservation area;
- Ms Adamson was of the view that the Council's Licensing process was vastly flawed as she was of the opinion that only 39 of the supposed comments of support were valid;
- Highways had not objected as they were looking at the proposal solely on the change of hours
- 10.9 of the report claims that there will be no external alteration. Ms Adamson claimed to have knowledge that officers had negotiations with RDF Limited who actually own the site on plans to extend the building and of a grant being offered;
- Of the view that a café did not need to open until 10:00pm;
- Of the view that a lot of customers would not be ordinary park uses;
- Was of the opinion that even with the extended hours the café would not be able to pay back the proposed investment in the site;
- Ms Adamson questioned whether it was appropriate for the Plans Panel to take a decision on this application as she suggested that the people and processes were far from being open and transparent.

In answer to Members questions in relation to noise currently and on the Premises Licence being accepted, the Panel were informed by Ms Adamson that the café was still operating its current hours and that the alcohol licence would not be used until the outcome of this Plans Panel was known.

The applicant was present for questions only. He informed the Panel:

- That no one currently lived in the flat above the premises;
- The café was currently open 08:00am to 6:00pm and that alcohol was not served;
- He wished for the café/bar to offer food and alcohol in the style of tapas and wine;
- It would not be a sports bar, wants something similar to Roundhay Park Café
- Events are currently held in the park and do make noise, there had recently been a farmers market but he was not aware of any complaints being made;
- In relation to a temporary permission for 18 months the Panel were advised that a lot of investment would be required to make the café viable therefore he would prefer a permanent permission:

- The counter would be set up as a deli counter rather than a bar;
- In relation to traffic impact it was noted that the extended hours requested were outside of the peak travel times;

Members considered all the written and presented information.

RESOLVED – To defer and delegate the grant of the planning permission to the Chief Planning Officer pending the expiry of the period of Notice served on the freeholder of the site to inform them of the submission of the application. In response to the receipt of the Notice should the freeholder make representations that raise significant new material planning considerations the application will be reported back to Panel for determination.

Panel requested that the following conditions be added:

- No amplified music to be played outside of the building
- Glass bins not to be emptied between the hours of 20:00 hours to 09:00 hours on any day

Cllr. Wilkinson re-joined the meeting at 15:20.

71 18/05927/FU CHANGE OF SHOP (A1) TO BAR (A4), REPLACEMENT SHOPFRONT AND EXTERNAL SEATING TO FRONT STONEGATE ROAD MEANWOOD LEEDS LS6 4HZ

The report of the Chief Planning Officer asked for Members consideration on a change of use of shop (A1) to bar (A4), replacement shop front and external seating area to front at 3 Stonegate Road, Meanwood, LS6 4HZ.

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

The application was brought to Plans Panel at the request of Councillor Hamilton on the grounds of impact on the character, vitality and viability of the Meanwood Centre should be assessed in addition to the parade of units that comprise the primary shopping frontage.

The proposal was set out at point 2 of the submitted report and included the hours applied for as:

- 09:00 to 00:30 Monday to Saturday
- 09:00 to 23:30 Sunday and Bank Holidays

Members were advised that two full-time staff and two part-time staff would be operating at the premises at any one time.

Members were also advised that an application for a premises licence under the Licensing Act 2003 had recently been granted. It was noted that there was a revision to point 7.4 of the submitted report, Entertainment Licensing

comments – Opening hours should read as 11:00-00:00 Monday to Saturday, 11:00 – 23:00 Sunday.

The application was for the ground floor, basement and seating to the outside of the front of the premises.

It was noted that there had been 155 letters of support.

Members' discussions included:

- Smoking areas;
- None disposal of glass bottles between 7am and 11pm as outlined within the Licensing Act
- Consistent opening hours with premises further along the parade.
- That the use of the outside seating area be restricted to 10:00pm on any evening in the interest of protecting the amenities of nearby residents.

RESOLVED – To grant permission subject to the conditions set out in the submitted report and the imposition of the following, additional, conditions:

- No amplified music to be played outside of the building;
- Glass bins not to be emptied between the hours of 20:00 hours to 09:00 hours on any day;
- The outside seating area not to be used between the hours of 22:00 hours to 09:00 hours on any day

72 Date and Time of Next Meeting

The next meeting of the North and East Plans Panel will be on Thursday 10th January 2019 at 1:30pm.

The Chair wished everyone a Merry Christmas.