

NORTH AND EAST PLANS PANEL

THURSDAY, 17TH AUGUST, 2017

PRESENT: Councillor N Walshaw in the Chair

Councillors B Cleasby, C Dobson,
R Grahame, E Nash, J Procter, K Ritchie,
P Wadsworth and G Wilkinson

SITE VISITS

A Member site visit was held in connection with the following proposals: Application No.17/00017/FU - Change of use and alterations of financial and professional services (A2) to form non-residential institution (D1) at 31 Avenue Crescent, Leeds, LS8 4HD and Application No.17/01922/FU - Single storey side extension at Pine Chase, Skye Lane, Scarcroft, Leeds, LS14 3JA and was attended by the following Councillors: E Nash, K Richie and N Walshaw.

25 Appeals Against Refusal of Inspection of Documents

There were no appeals against the refusal of inspection of documents.

26 Exempt Information - Possible Exclusion of the Press and Public

There were no items identified where it was considered necessary to exclude the press or public from the meeting due to the nature of the business to be considered.

27 Late Items

There were no late items of business, however, the Chair did accept the inclusion of supplementary information in respect of Agenda Item No.8 Land at Spofforth Hill, Wetherby (Application No. 17/02543/COND) – Minute No. 32 refers

28 Declarations of Disclosable Pecuniary Interests

There were no declarations of any disclosable pecuniary interests made at the meeting.

29 Apologies for Absence

Apologies for absence were received from Councillors: S Hamilton and S McKenna

Councillor P Gruen was in attendance as a substitute.

30 Minutes

Draft minutes to be approved at the meeting
to be held on Thursday, 14th September, 2017

RESOLVED – That the minutes of the previous meeting held on 13th July 2017 were accepted as a true and correct record.

31 Matters Arising

On a point of information, Councillor Cleasby informed Panel that his birthday was on 15th July and not 14th July as referred to in the minutes.

32 16/05185/FU - Change of use of ground floor from Doctors surgery/Pharmacy to Public Bar, two storey rear extension; beer garden area; external alterations including new doors and windows, condenser and extraction equipment to roof; new fencing and parking to rear, 39 Austhorpe Road, Cross Gates, LS15 8BA

With reference to the meeting of 15th June and 13th July 2017 and the decision to defer consideration of the application to enable officers to assess submitted information in respect of on-site parking, refuse, delivery arrangements and to allow sufficient time for both officers and the public to comment on the revised noise related information.

The Presenting Officer now submitted a further report which provided the latest submissions from the applicant, the latest comments from Highways Officers and Environmental Health officers and representations from Ward Members, Cross Gates Residents Watch Group and also other local residents/ third parties

The Chief Planning Officer read out a statement from Councillor P Grahame reiterating her general position as referred to in paragraph 6.2 of the submitted report and that resident's concerns had been fully articulated to officers so as to achieve the revisions that had been made.

It was also reported that a further 16 letters of objection, which raised no new issues, had been received, 1 further letter of support, referring to issues previously made, had also been received. It was further reported that the Dental Practice had read the Panel report and were pleased officers and the applicant had addressed some of the issues of concern, however, reservations were expressed about the impact of noise and potential Anti-social behaviour for patients and staff

Members noted the revised plans were now acceptable to Highways officers and the previously recommended reasons for refusal were no longer applicable. Environmental Health officers had considered the revised/ additional noise assessment and had raise no objections, subject to the imposition of appropriate conditions.

The Panel received representation from Mr E Judge and Mr K Furness, representing Crossgates Watch who were objecting to the proposal. Mr Judge informed Panel that the information contained in the noise assessment survey was inaccurate and could not be relied on. There was also other potential

noise issues from activities taking place in the beer garden and also from patrons making their way home. The proposed service arrangements, deliveries, may be potentially dangerous to pedestrians. In certain places Austhorpe Road would be reduced from a width of 6m to 4.5m. Parking in the vicinity would also be difficult. Concern was also expressed about the proposed fire escape plans, suggesting they were inadequate for 550 customers, staff and staff from the Dental Practice, garden furniture and the 3m high fence would also contribute to fire safety issues.

Questioned about the accuracy of the noise assessment survey, Mr Furness suggested the readings of the survey were compromised by the noise of a motorbike in the area at the time the readings were taken.

Referring to the inadequacy of the fire escape routes, the Chief Planning Officer said it was not for the planning system to second guess other regulations.

The Panel also heard from Mr J Pyper, the applicant's representative and Mr S Naylor, a local resident, who both spoke in support of the application.

Mr Pyper informed Panel that the proposed development would create up to 50 full and part time jobs in the area. A similar development had recently been created in the Garforth area and this was considered as a huge success. He suggested that any noise associated with the operation of the proposed premises raised as an issue, could be addressed by condition.

Mr Naylor said that it was his view that the majority of local residents supported the application, Crossgates Watch did not represent the views of local residents. Mr Naylor said the existing building was an eyesore, if the application was to be granted it would regenerate the area.

Questioned by Members about the suggestion that the fire escape was inadequate, Mr Pyper said that the Architectural Plans complied with Building Regulations.

Responding to a questions about the number of deliveries per week, Mr Pyper suggested that 11 – 12 deliveries per week may be required for these particular premises and that Weatherspoon's could adapt to meet the local road network.

The Chair sought further clarification about the noise assessment survey and the suggestion that the readings were compromised

Mr Chris Chittock (noise Consultant representing the applicant) said no increase in noise levels were monitored from the site. Referring to the suggestion that the readings were compromised, Mr Chittock said, there was a lot of misunderstanding by Crossgates Watch, the agreed measurement position was taken to assess the impact on the gable end of 15 Beaulah Terrace.

Questioned about the noise from moving empty bottles, Mr Pyper said “bottling out in an external area” would be subject to condition.

Members queried if there could be any compromise on the hours of use of the beer garden.

Mr Pyper suggested if there was excessive noise from the beer garden then a compromise may be justified.

In response to Members questions, the following were discussed:

- The proposed build out on Church Lane would result in the narrowing of Austhorpe Road and may lead to queueing traffic
- The proposed delivery area was very close to the bus stop and could lead to parking issues
- There appeared to be a significant shortage of parking in the area

In responding to the issues raised, Officers together with the applicant’s representatives responded as follows: The proposed build out would allow for easier manoeuvring, Highway Officers were also of the view that this particular area was not a major conflict point because there were other manoeuvring locations on Austhorpe Road; Addressing the delivery area, officers confirmed that servicing could take place at the present time, the proposed build out would assist traffic turning onto Austhorpe Road and into Church Lane, Highway Officers expressed the view that North Road was not suitable for deliveries. On the issue of car parking Officers confirmed there would be an element of on street parking but not to the detriment of highway safety, the developers had also produced their own transport assessment which concluded there was no significant traffic impact.

In offering comments, Members raised the following issues:

- Congestion along Austhorpe Road was a major concern
- Parking in the Crossgates area would be difficult
- Seek an increase in the off-site highway contribution to address any resulting problems
- Consider an earlier closure of the Beer Garden with a possible review in 12 months-time
- Consider reduced opening hours at the weekend (Friday/Saturday)
- A further investigation of the loading arrangements was required, to also consider the position of the lift
- Possible relocation of the bus stop
- Concerns were expressed about the mixed use of the building
- The existing building was an eyesore and development was welcome

RESOLVED – That the application be deferred for officers to undertake further negotiations in respect of the following:

- To consider reduced opening hours for use of the Beer Garden
- To consider reduced opening hours (for the entire pub) during the weekend (Friday/Saturday)
- To seek an increase in the off-site highway contribution to address any resulting problems (with pay back clause retained if not required)
- To revisit the proposed service arrangements – To include the utilising of North Road and/ or reducing the distance between service vehicles on Authorpe Road and the provision of a service lift to minimise potential for conflict with pedestrians
- To seek further clarification regarding refuse collection – in particular relating to bottle collection
- To seek a review of on-site parking with a view to increasing provision
- Building Control to provide a view with regard to the suitability of the egress arrangements in the event of a fire
- To request the applicant to make contact with Dental Practice to seek an understanding of its future operation and any potential for relocation

33 17/02534/COND - Consent, agreement or approval required by conditions 6, 8, 20, 24 and 36 of Planning Application 13/03051/OT, Spofforth Hill, Wetherby

The Chief Planning Officer submitted a report regarding the location of a pelican crossing under application reference 17/02534/COND (Consent agreement or approval required by conditions 6, 8, 20, 4 and 36 of Planning Application 13/03051/OT) at Spofforth Hill, Wetherby.

An addendum report providing legal clarification was circulated at the meeting as supplementary information.

Site photographs and plans were displayed and referred to throughout the discussion of the application.

The Presenting Officer explained that in granting planning approval (Application No. 13/03051/OT) there was a provision for the addition of a pelican crossing to Spofforth Hill as part of the off-site highway mitigation works (Condition 20(b)). It was reported that when the Council granted reserved matters approval under application reference 15/07291/RM it was resolved that a Community Liaison Forum (CLF) should be established to consider the technical details of the pelican crossing.

The Presenting Officer reported that the Community Liaison Forum had met on three occasions but had been unable to agree on the precise location of the pelican crossing. It was the view of Officers that in the absence of an

agreed location the matter be referred back to the Panel for further consideration.

One Member suggested there was a lack of willingness by the developer to engage with the CLF to bring the issue to conclusion and that it was entirely appropriate for other options to have been considered and in this case discounted.

In drawing the discussion to a conclusion the Chair said the provision of a pelican crossing had already been agreed at the outline stage and legal clarification had been provided in respect of the technical details.

RESOLVED –

- (i) To note the legal position in relation to the location of the crossing as set out in the addendum report.
- (ii) To defer and delegate approval of the technical details of the crossing to the Chief Planning Officer under condition 20(b) of planning permission reference 13/03051/OT, if having considered the matter agreement of the Consultative Liaison Forum cannot be reached
- (iii) That the Chair on behalf of the Plans Panel be authorised to write to the applicant, Bellway Home Limited, reminding them of their obligation to the Consultative Liaison Forum and the importance of positively engaging with and responding to issues that are raised

34 17/01922/FU - Single storey side extension, Pine Chase, Syke Lane, Scarcroft, LS14 3JA

The Chief Planning Officer submitted a report which sets out details of an application for a proposed single storey side extension at Pine Chase, Syke Lane, Scarcroft, Leeds, LS14 3JA

Site photographs and plans were displayed and referred to throughout the discussion of the application.

The Presenting Officer addressed the Panel, speaking in detail about the proposal and highlighted the following:

- The application proposes a single storey extension; 4.65 metres in projection from the western elevation of the dwelling, 12.05 metres in width with a sloping roof 2.3 metres to the eaves, and measuring 2.544 metres to the ridge. The extension would essentially take the form of a lean to conservatory that would serve the ground floor games room and lounge.

- The application related to a detached property located within the designated Green Belt and Special Landscape Area at the corner of the junction of Syke Lane with Blackmoor Lane in Scarcroft.
- The existing property was a two storey stone built and slate roofed dwelling, of simple symmetrical form and design and set within mature gardens.
- The application dwelling sits almost centrally within the curtilage atop an approximately 9 courses high stone slab. The house sits within verdant surroundings with expansive lawns surrounding the property and boundaries being defined by mature trees to the northern, eastern and western edges of the site. A stone wall interspersed with fencing defines the southern site boundary. Beyond the northern boundary are the mature gardens of a larger scale dwelling 'Bracken Park Lodge' and dwellings on Fern Way are situated opposite on the southern side of Syke Lane. To the west is Moor Allerton Golf Club.

The Presenting Officer reported that the application was being brought before Panel following concerns raised by a Ward Councillor that the house had not been rebuilt, and had instead been previously altered and extended, and was of the view that the extension cumulatively with earlier extensions would be disproportionate and therefore inappropriate development

In response to Members questions, the following were discussed:

- Clarification was sought as to whether the original property had been totally demolished

Responding, Officers confirmed that original property had not been totally demolished (it was not raised to the ground). It was reported that the current building was on the same footprint of the old dwelling with the applicant advising that in order to produce efficiencies in build cost (and by virtue of its good condition) the existing slab foundation was reused. It was also pointed out that some of the external walls and potentially the chimneys survived from the earlier dwelling. However, notwithstanding this, and irrespective of precisely how the current construction was arrived at, in view of the above considerations and the planning history it was considered that in substance and form the house was a new replacement dwelling.

Officers had expressed the view that the recommendation to approve was consistent with Planning Inspectors' decisions in relation to appeals considering proposals for the extension of replacement dwellings, it thereby represented a new chapter in the planning history of the site. Provided therefore that the proposed extension of itself was not disproportionate, the application was therefore considered to be acceptable in principle.

One Member expressed concern at the opinion being provided by officers, he said parts of the original building remained so the current construction should not be viewed as a new replacement dwelling house, the existing policy should be adhered to.

Other Members expressed the view that the vast majority of the building had been demolished and therefore, legally this was a new building.

In summing up the Chair suggested that the majority of Members appeared to be supportive of the application

RESOLVED – That the application be approved subject to the conditions specified in the submitted report with the inclusion of an additional condition requiring the removal of the Permitted Development Rights

35 17/00017/FU - Change of use and alterations of financial and professional services (A2) to form non-residential institution (D1), at Avenue Crescent, Chapeltown, LS8 4HD

The Chief Planning Officer submitted a report which sets out details of an application for the change of use and alterations of financial and professional services (A2) to form non-residential institution (D1) at 31 Avenue Crescent, Chapeltown, Leeds, LS8 4HD

Site photographs and plans were displayed and referred to throughout the discussion of the application.

The Presenting Officer addressed the Panel, speaking in detail about the proposal and highlighted the following:

- The application proposed the change of use and alterations from financial and professional services (A2) to form non-residential institution (D1).
- The property was proposed to be used by the Greek Orthodox Church as a Greek School. The school offered education on the Greek language and culture as well as the Greek Orthodox Christian religion.
- The only external alteration was to the rear elevation (ground floor only) which would be the conversion of a window to a door and a door to a window. Otherwise, the overall external appearance would not be altered by this proposal and would retain the appearance of a dwelling.
- The application related to an existing end terraced property which was located on the junction of Avenue Crescent and Hilton Place. To the north of the site are garages and to the south of the site the property faces the garages of properties that front Harehills Avenue.
- The terrace of properties continues to the west and a row of terraced properties exist on the opposite side of Hilton Place facing the application site.
- The site was also located in close proximity to the existing Greek Orthodox Church (to which this proposal relates), which is to the south west on the opposite side of Avenue Crescent.
- The existing property is constructed from brick with a two storey white render bay windows and the roof type is gabled with rooms in the roofspace. The property has a single storey side extension and a lean-to at the rear.

- At present the classes are carried out in portable buildings which are adjacent to the grade II listed building (Greek Orthodox Church). There is a Compliance case currently ongoing which relates to the portable buildings. The temporary consent expired on 3rd June 2017. This proposal seeks to replace the school function of those portable buildings and so ensure their removal.

The Panel received representation from Mr K Withall who was speaking against the proposal. Mr Withall informed Panel that there was a negative effect on the residential amenity of homes in the area. The proposal removed a property from residential use in a residential area, affecting the character of the area. There were numerous community buildings in this area and the level of noise and disruption day and night was already unacceptable. It was suggested that the proposed use was too excessive, the school would operate six days per week, including some evenings and with a church service taking place on Sundays. Mr Withall suggested that no consultation had taken place with local residents. Pavement parking was an issue leading to access difficulties for local residents, although this had been reported to the highway authority, no action had been taken.

Questioned about the response of the highway authority to pavement parking, Mr Withall informed Panel that pavement parking in this area was not considered to be a priority.

The Panel also heard from Mr B Paschali, the applicant, who spoke in support of the application. Mr Paschali informed Panel that the Greek Orthodox Church had operated a school from this site for the past 55 years, furthermore, a school had operated from this site for the past 114 years. It was suggested the school was a stepping stone for community cohesion. Currently 55 pupils were taught in poor quality Portacabins, the proposal was to transfer the school from the Portacabins to the terrace property. The wooden Portacabins would be removed from the site once the transfer had been completed.

In response to Members questions, the following were discussed:

- What were the hours of operation
- Had comments been received from local ward Councillors
- Had the highway issues been properly addressed
- Could a locked metal gate be provided to the Avenue Crescent frontage

In responding to the issues raised, Officers together with the applicant provided the following responses: The hours of operation would be 4.30pm – 8.00pm weeknights and 9.30am – 5.30pm on Saturdays; comments had been received from ward Councillors back in January; a further look at the highway issues may be required and the applicant confirmed that a locked metal gate could be provided to the avenue Crescent frontage

In summing up the Chair suggested Members appeared to be supportive of the application subject to the highway issues being addressed.

RESOLVED – That the application be deferred and delegated to the Chief Planning Officer for approval subject to the conditions specified in the submitted report and following the receipt of a revised plan confirming details of a locked metal gate to the Avenue Crescent Frontage.

36 Date and time of next meeting

RESOLVED – To note that the next meeting will take place on Thursday 14th September 2017 at 1.30pm in the Civic Hall, Leeds.