

NORTH AND EAST PLANS PANEL

THURSDAY, 8TH OCTOBER, 2020

PRESENT: Councillor K Ritchie in the Chair

Councillors D Collins, R Grahame,
D Jenkins, E Nash, N Sharpe, M Midgley,
T Smith and B Anderson

CHAIRS OPENING COMMENTS

The Chair welcomed everyone to the remote meeting of the North and East Plans Panel.

The Chair explained that internet connectivity may be an issue for some participants and suggested it may be appropriate to appoint a Deputy Chair who could assume the Chair should the Chair lose connectivity. The Chair proposed that Councillor Elizabeth Nash be nominated as the Deputy Chair, the proposal was seconded, upon being put to the vote the motion was passed.

19 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

20 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

21 Late Items

There were no late items.

22 Declarations of Disclosable Pecuniary Interests

No declaration of disclosable pecuniary interests made.

23 Apologies for Absence

There were no apologies.

24 Minutes of 13th August 2020

RESOLVED – That the minutes of the meeting held on 13th August 2020 be approved as a correct record.

25 Matters arising

Members were provided with the following updates:

Minute 16 -19/04950/FU - Development of 58 no apartments for retirement/lifestyle living exclusively for residents of age 55+, associated communal spaces, access Grove Lane and new landscaping land adjacent to Grove Park Care Home Grove Lane, Meanwood,

- The applicant had now confirmed that they did not wish to enter into further negotiations on this application and they wanted the application to be determined on the basis of the submitted plans.
- Accordingly, officers, were now progressing to issue a refusal of planning permission under delegated authority in line with the Panel resolution.
- The applicant had indicated that they may submit a new planning application for a similar form of development but the scheme would be revised in an attempt to address the concerns raised by Panel.
- There was mention of an agreement between Yorkshire Switchgear and the council that two green fields should remain undeveloped. Following Plans Panel colleagues in Legal had investigated this and were unable to find a record of such an agreement. It was noted that the search was hampered by the limited amount of information at our disposal.

Minute 17 – 18/04343/RM - Outline application for the demolition of existing buildings to provide a new pathology facility including partial basement, new external waste compound, associated hard landscaping and access arrangements Leeds Teaching Hospitals NHS Trust St James Hospital, Beckett Street, Burmantofts Leeds;

- Application ref. for the St James Pathology application should be: 20/01844/OT.
- Also confirmed a Tree Preservation Order was placed on the Oak tree – dated 20th August 2020

26 **20/03322/FU - CHANGE OF USE FROM A RESIDENTIAL PROPERTY (C3) TO A FOUR BED HOUSE IN MULTIPLE OCCUPATION (C4) 4 BELVEDERE MOUNT BEESTON LS11 7ED**

The Lead Planning Officer advised the Panel that the item had been added to the agenda in error and was formally withdrawn from the agenda as the North and East Plans Panel had no jurisdiction to consider the application.

27 **20/03654/FU - VARIATION OF CONDITION 3 (OPENING HOURS) OF APPROVAL 19/07083/FU TO AMEND OPENING HOURS TO 07:00 HOURS TO 23:00 HOURS MONDAY TO SUNDAY INCLUDING BANK HOLIDAYS 138 HARROGATE ROAD MOORTOWN LS7 4NZ**

The report of the Chief Planning Officer requested Members consideration on an application to vary condition 3, opening hours of approval 19/07083/FU to

amend the opening hours to 07:00 hours to 23:00 hours Monday to Sunday including bank holidays at 138 Harrogate Road, Moortown, LS7 4NZ.

Members were informed of the following points:

- The premises are located in the town centre of Chapel Allerton which is a commercial area. The main entrance to the premises is from Harrogate Road;
- To the east of the premises are residential properties;
- The premises are already open from 7:00am to 19:00 hours;
- There are a number of licensed premises within the area including the Co-op, Aldi Store and independent licensed premises;
- There are also fifteen pubs and restaurants in this location with six of these opening beyond 23:00 hours. The Regent Public House has opening times Thursday to Saturday until midnight. It was noted that the Thai Restaurant close by had a licence until 23:00 hours, however closes at 22:00 hours;
- Comments had been received from residents who had raised concerns in relation to the terrace area and outside space. The comments received were of the view that the outside area should be closed from 19:00 hours, with access and egress after this time being from the Harrogate Road entrance.

Two residents Ms Marshall and Ms Gill attended the meeting to raise their concerns. However, due to technical issues Ms Gill was unable to speak, therefore, Ms Marshall informed the Panel of the following points which incorporated Ms Gill's concerns also;

- The residents had no objection to the extending of the opening hours of the premises. However, they were concerned that the rear of the premises where the proposed beer garden and terrace are close to residential properties on Back Allerton Terrace;
- The property had originally been a house and many of the residents of Back Allerton Terrace had bought their homes when the property was a house. However, when the change of use came before Plans Panel the developers had said that this would be a family run delicatessen with no alcohol sold and would close at 19:00 hours. Less than a year on the owner has now applied to extend the opening hours to 23:00 hours and for a licence to sell alcohol;
- The planners on the original application restricted the opening hours as it was noted that the rear of the premises is within a residential area. The residents were of the view that the developers had renegaded against the original proposals and were disappointed;
- The view of the residents was that now it had an alcohol licence the opening hours should be from 10:00am which would be in line with other licensed premises in Chapel Allerton, and were willing to have the premises open until 23:00 hours inside but 19:00 hours for the outside areas;
- Residents' concerns were that the beer garden and large roof terrace would have an impact on their lives with people eating, drinking and smoking. Even if the premises were to close the outside area at 21:00

hours as there are 8 young children living in the residential properties to the rear;

- The view of the residents was that the original time of 19:00 hours to close the outside area would be acceptable to all parties.

In response to member's questions the Panel were informed that the residents had no experience of what it could be like but had concerns that the premises had a large roof terrace and beer garden but both were close to residential properties and this area was the main concern in relation to noise issues especially if the outside area was open beyond 9pm. The residents also raised concerns in relation to building noise.

Mr Salaris the applicant and owner of the premises informed the Panel of the following points;

- He lives in the Chapel Allerton area and has done for fourteen years, his son goes to the local school. He also has a daughter who has recently lost her job due to Covid -19 and she would work in the family business;
- He wants to bring a bit of the culture and feel of Italy to Chapel Allerton for people to enjoy the food, cheeses, wine and cakes from Italy;
- He was also proposing to deliver a click and collect service. He had been informed that if he wished to open later he would need to complete an application for this;
- He has been on with this project for two years, he has tried to meet all the concerns raised and wanted to live peaceably with his neighbours;
- He was willing to close the gates and the outside space at 21:00 hours, however the gates would be required for disabled access;
- He had arranged with the waste collection service for collection to be made between 8:00am and 20:00 hours so as not to disturb his neighbours;
- He wanted to make this hospitality business work.

Responding to questions from the Panel, Mr Salaris informed the Members of the following:

- The outside area would be for diners, it would not be a beer garden, there would be no draught beer sold. He wanted people to be able to have a glass of wine and plate of cheese, he wanted this to be classy and he would also be selling confectionary, coffee and tea;
- If the limited hours of use were reduced to 19:00 hours this would affect his business model and it would affect his takeaway service also;
- The rear outside area would also be the area for those who wished to have a cigarette;
- The current restrictions due to Covid-19 were an issue at present with the confectionary business, but he still wished to go ahead with the takeaway service;
- If 21:00 hours was to be the cut off point for outside use he would go round his customers explaining that they need to go inside as it was the policy of the establishment. It was noted that this would not be such an issue in the winter as not many customers would want to sit outside.

However, in summer space would need to be left for customers to go inside at 21:00;

- Condition 14 of the submitted report addressed the egress and access from Regent Street to be limited to 21:00 hours.

Members were reassured that Mr Salaris would ensure the management of the outside areas, and that they would be cleared by the imposed 9:00pm time limit. It was the view of the Panel that Mr Salaris was being reasonable and wished to work with the residents.

The Panel suggested an additional condition be added, so that any future structural work such as a canopy over the outside area would require planning permission.

RESOLVED – To grant permission as recommended in the submitted report, with an additional condition that any further structural work would require planning permission.

28 Date and Time of Next Meeting

The next meeting of the North and East Plans Panel will be on Thursday 5th November 2020, at 1:30pm.

The meeting concluded at 14:35