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Supplementary Information – Full Council – 10<sup>th</sup> September 2014

Agenda Item 10 – Minutes that were previously unavailable

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# Agenda Item 10



Councillors

## **Legal & Democratic Services**

Governance Services

4<sup>th</sup> Floor West

Civic Hall

Leeds LS1 1UR

Contact: Kevin Tomkinson

Tel: (0113) 24 74357

Fax: (0113) 3951599

Email: [kevin.tomkinson@leeds.gov.uk](mailto:kevin.tomkinson@leeds.gov.uk)

Our Ref:

Your Ref:

5 September 2014

Dear Councillor

## **COUNCIL – 10<sup>th</sup> SEPTEMBER 2014**

Please find attached for your attention minutes that were not available when the agenda was despatched.

Please attach these papers to your agenda for the meeting.

Many thanks.

Yours sincerely

**Kevin Tomkinson**  
**Principal Governance Officer**



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## **NORTH AND EAST PLANS PANEL**

**THURSDAY, 21ST AUGUST, 2014**

**PRESENT:** Councillor R Charlwood in the Chair

Councillors R Grahame, M Harland,  
J Procter, G Wilkinson, M Lyons,  
B Cleasby, B Selby, S McKenna, D Cohen  
and J Akhtar

### **36 Chair's opening remarks**

The Chair welcomed everyone to the meeting and asked Members and Officers to introduce themselves

### **37 Exempt Information - Possible Exclusion of the Press and Public**

**RESOLVED** - That the public be excluded from the meeting during consideration of the following parts of the agenda designated exempt on the grounds that it is likely, in view of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information as designated as follows:

The report referred to in minute 43 under Schedule 12A Local Government Act 1972 and the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that it contains information relating to the financial or business of any particular person (including the authority holding that information). It is considered that if this information was in the public domain it would be likely to prejudice the affairs of the applicant. Whilst there may be a public interest in disclosure, in all the circumstances of the case, maintaining the exemption is considered to outweigh the public interest in disclosing this information at this time

### **38 Late Items**

There were no late items

### **39 Declarations of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interest. The Chair stated that for the applications at Allerton Grove (minute 47 refers) she would vacate the chair and leave the room as she was a Ward Member

### **40 Apologies for Absence**

Draft minutes to be approved at the meeting  
to be held on Thursday, 25th September, 2014

Apologies for absence were received Councillor Macniven who was substituted for by Councillor Akhtar

#### **41 Minutes**

**RESOLVED** - That the minutes of the North and East Plans Panel meeting held on 24<sup>th</sup> July 2014 be approved

#### **42 Application 14/01805/FU - Detached dwelling to garden plot - land rear of 16 Park Avenue LS8**

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

Officers presented the report which sought approval of an application for a detached dwelling to garden plot at the rear of 16 Park Avenue LS8, which was situated in a Conservation Area and close to Roundhay Park

The varied nature of the house types and the materials used in the surrounding area were highlighted. Members were informed that the proposed dwelling was of a modern design, however the Council's Conservation Officer had not objected to the proposals and as the site was well screened, it was not felt that the proposal had a detrimental effect on the character of the area

The vehicular access arrangements were outlined which would be from Park Lane,

The receipt of an additional letter of objection was reported, however it was stated this did not raise any new matters

The Panel heard representations from a local Ward Member, who outlined his concerns, which included:

- the design of the proposed dwelling
- issues of overlooking
- drainage issues, particularly in view of proposals for a swimming pool for the host property
- loss of trees
- access arrangements and highway concerns
- the impact on a neighbouring resident of work already undertaken at the site
- out of character with the Conservation Area

The Panel then heard representations on behalf of the applicant who provided information which included:

- the extent of the loss of trees
- the vehicular access arrangements and that Highway Officers were satisfied with the proposals
- that the neighbour dispute referred to was not relevant to the consideration of the planning application

The Panel discussed the application and commented on the following matters:

- drainage and the need for further details to be provided
- access arrangements for the proposed dwelling and host property. The Panel's Lead Officer proposed an additional condition to stipulate that vehicular access would only be from Park Avenue
- proposed materials
- the design of the dwelling; concerns that a Design Officer was not in attendance; the proximity of traditionally designed dwellings to the site and the difference in approach to design from that scheme to the one under consideration

The Panel considered how to proceed. On the issues raised about design, Members were informed that Officers could only respond to the designs put forward by applicants and that it was working practice to consult the conservation officer on design issues of developments of this nature and size within a conservation area

**RESOLVED** - That determination of the application be deferred for one cycle for further consideration of the design of the proposals, to include a review by an officer of the Council's Design Team; further information on drainage and highways, particularly the introduction of a segregated driveway between the two properties occupying the site; details on how other applications in close proximity to the subject site were dealt with in design terms and the Chief Planning Officer's further report to also include the additional condition as proposed relating to boundary details

(Councillor J Procter joined the meeting during consideration of this matter)

**43 Application 13/03606/FU - Demolition of existing buildings and erect part 3 and 4 storey later living retirement housing accommodation, with 41 residential units, communal facilities, landscaping and car parking - Land and buildings adjacent to Devonshire Lodge Devonshire Avenue Roundhay LS8**

Further to minutes 24 and 26 of the North and East Plans Panel meeting held on 24<sup>th</sup> July 2014, where Panel deferred consideration of the application for further information relating to the viability of the scheme, as there was a significant shortfall in the contributions pot being offered by the applicant, the Panel considered a further report of the Chief Planning Officer. Appended to the report was further financial information which was considered in private

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

At the start of the closed session, the Chair welcomed a representative of the District Valuer who could respond to questions and comments on the financial viability statement provided by the applicant

The Panel discussed the exempt information with the main issues being:

- the breakdown of the costs and whether all the detailed costs were appropriate to have been included
- professional fees and the need for a further breakdown of these

At this point the public were re-admitted to the meeting

The Panel commented on the application and whilst the design and other aspects of the scheme met with approval, concerns remained about the level of the Section 106 contributions being proposed, despite the detailed considerations of the financial information provided

**RESOLVED** - That determination of the application be deferred to enable Officers to negotiate further with the applicant on the level of the S106 package and that following these discussions, a further report be brought to Panel for determination of the application and for Panel Members to be informed of the role of the District Valuer

**44 Application 14/00946/FU - Erection of a food store with associated access, car parking and landscaping - Former Vauxhall Car Dealership Sandbeck Lane Wetherby LS22**

Further to minute 14 of the North and East Plans Panel meeting held on 19<sup>th</sup> June 2014, where Panel considered a position statement on proposals for the erection of a food store with associated access, parking and landscaping at the former Vauxhall car dealership, Sandbeck Lane Wetherby, Members considered the formal application

Plans and graphics were displayed at the meeting

Members were informed that the applicant had taken on board concerns raised and had revised the scheme to enable the building to be moved away from the boundary of nearby residential dwellings, with additional hedging being provided; that brick would be used for the building as opposed to white render as originally proposed and that two additional parking spaces would be provided

Officers proposed amendments to the following conditions:

- conditions 12 and 13 regarding delivery and opening hours, with the removal of the proposed restrictions in respect of Bank Holidays
- deletion of condition 22 as a satisfactory Service Management Plan had been submitted
- conditions 24 and 26 relating to restriction of goods for sale and provision of electric vehicle charging points, to be deferred for consideration in consultation with Ward Members

The receipt of four additional letters of representation was reported

The Panel discussed the application, with the main issues being raised relating to:

- the landscaping at the front and side elevations and that this should be conditioned in consultation with Ward Members
- the traffic mitigation measures proposed, whether these would be as successful as envisaged and the need for a review method and further mitigation measures to be included



- the time line for the commencement of works and the need to secure the site to prevent inappropriate use
- local employment

Councillor J Procter as a Ward Member, commended the way the applicant's representatives had engaged in a constructive and professional manner and regarded it as an example of how an application for a food store should be dealt with

**RESOLVED** - To defer and delegate approval to the Chief Planning Officer subject to the conditions set out in the submitted report, subject to amendments to conditions 12 and 13; deletion of condition 22; conditions 24 and 26, to be in consultation with Ward Members; the landscaping to the front and side elevations of the food store to be in consultation with Ward Members and the completion of a Section 106 Agreement to secure the following:

- public transport infrastructure contribution £67,354
- bus stop improvement contribution £10,000
- employment and training
- funding of waiting spaces should off street parking issues arise
- travel plan monitoring fee
- clauses in respect of a review method and further mitigation works if required, to the mini-roundabout

In the circumstances where the Section 106 has not been completed within 3 months of the resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer

#### **45 Application 14/01224/FU - Laying out of access road and erection of 14 dwellings - Land off Century Way Austhorpe LS15**

Plans, photographs and artist's impressions were displayed at the meeting

Officers presented the report which sought approval for an access road and laying out of a small residential development at land off Century Way LS15, which was allocated for employment purposes as part of the Thorpe Park development and so was a departure from the adopted Unitary Development Plan

14 dwellings were proposed, these being a mix of four and five bedroom properties. The design of the dwellings were relatively traditional in appearance and generous car parking spaces, including garages were proposed

In response to a question from the Panel, Members were informed that as the scheme was small, no education contribution could be sought. Details of the nearest schools were provided

**RESOLVED** - To defer and delegate approval to the Chief Planning Officer subject to the conditions specified in the submitted report and the completion of a Section 106 agreement to secure:

- contribution towards the provision of off-site greenspace - £42,651.97
- contribution towards the provision of residential metrocards for future occupiers – 14 x £475.75

In the circumstances where the Section 106 has not been completed within 3 months of the resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer

**46 Election of Chair for applications at former sports ground Allerton Grove Moortown**

As Councillor Charlwood was a Ward Member for Moortown, she chose to withdraw from the meeting whilst these applications were considered  
Nominations to chair the meeting in her absence were sought

**RESOLVED** - That Councillor Selby be appointed to chair the meeting during consideration of the applications at Allerton Grove

Councillor Selby in the Chair

**47 Applications 14/01839/RM - Reserved Matters application for 29 dwelling houses at former sports ground, 14/04370/RM - Reserved Matters application for layout of urban park and 14/04371/FU - Change of Use of land to outdoor educational land - Land at former sports ground - Allerton Grove Moor Allerton**

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

Officers presented the report which related to three applications on a former sports ground at Allerton Grove. The outline application was considered by North and East Panel at its meeting on 5<sup>th</sup> September 2013

Members were informed that although all three applications were inter-related, separate determinations would be required

In respect of the red line boundary for the residential development, this had moved by 3m due to the layout of the dwellings, however Officers were of the view that this alteration had no detrimental impact on the usability of the open area

Details of the residential development in respect of materials and garden sizes were outlined. Members were informed that one tree would need to be removed but that mitigation planting would be provided

In respect of the application for a new urban park, this was being designed by Officers within City Development and that Planning Officers were satisfied with the proposals. The park would be accessible from Shadwell Lane and would be available for use by the wider public

The Change of Use application for approximately 0.2 ha of land was outlined; this being for use of the land for educational purposes by Moortown Primary School. Members were informed that no buildings would be able to be erected on this part of the site and that a Deed of Variation in the S106 Agreement would be required for this land

Following the submission of revised plans, a further period of consultation had taken place with details of the further representations received being outlined to Panel

The Panel heard representations from an objector who outlined his concerns which included:

- loss of open space
- nature conservation issues
- loss of a Memorial Lime tree
- the need for Allerton Grove to be resurfaced after development works had concluded
- the need to retain the existing litter bin
- the security of the play area
- differing opinions about the land over a period of time

The Panel then heard from the applicant's agent who made reference to the following matters:

- the status of the land and that it was private land
- that the TPO protected trees within the site would be retained
- that the issue raised about the Memorial Lime tree would be looked into
- that resurfacing works to Allerton Grove would be considered

Members discussed the applications, with the main areas of focus being:

- the length of time the land had ceased to be a sports ground
- the amount of land being given to Moortown Primary School and their response to this offer
- long-term maintenance of the urban park

**RESOLVED** – To note the small variation of the boundary between the housing land and the proposed urban park shifting some 3 metres or thereabouts to the north to allow an adequate layout for the housing, and:

Application 14/01839/RM - to grant approval for Reserved Matters for the construction of 29 dwellings on the revised site area subject to the conditions set out in the submitted report

Application 14/04370/RM – (layout of urban park) to grant delegated authority to the Chief Planning Officer to approve those Reserved Matters in consultation with Ward Members, following the expiry of the public consultation period and no new, significant planning matters being raised and subject to the conditions set out in the submitted report

Application 14/04371/FU – (change of use of land to outdoor education land) – to grant delegated authority to the Chief Planning Officer to approve in consultation with Ward Members, subject to the expiry of the public consultation period and no new, significant planning matters being raised and subject to the conditions set out in the submitted report

To authorise that the Chief Planning Officer negotiate the necessary Deed of Variation to the Section 106 Agreement signed in connection with the original grant of Outline Planning Permission reference 13/02718/OT in order to allow an allocation of part of the land previously allocated as urban park to be allocated for Moortown Primary School use

Following consideration of these applications, Councillor Charlwood resumed her seat in the meeting and resumed the chair

Councillor Charlwood in the Chair

**48 Application 14/02619/FU - Change of use of stable including alteration to form one holiday cottage - Land off Wetherby Road Scarcroft LS14**

Plans, photographs and drawings were displayed at the meeting  
Officers presented the application which sought approval for the change of use and alteration of a stable to form a holiday cottage on land off Wetherby Road Scarcroft LS14, which was sited in a Conservation Area and the Green Belt

Members were informed of policy issues in respect of the re-use of buildings in the Green Belt; the inconsistency of the Council's development plan policies with the NPPF on the re-use of buildings in the Green Belt and that the more up to date guidance of the NPPF should be preferred in this case

The Panel was advised there were no objections to the application on highways grounds, impact on the Conservation Area, Public Rights of Way or ecology or drainage. The Parish Council had not objected to the proposals but local concerns had been raised

The Panel discussed the application, with the main areas of debate being:

- the extent of the proposed conversion, with concerns that the detailed works had not been provided
- concerns that the building could become a permanent residential dwelling as opposed to a holiday home
- the support for the application, with it being noted this was not local support
- the approach of Officers to the relevant policies in this case with concerns this was incorrect
- the precedent which could be set in this case and the implications it could have city-wide

The Panel's Lead Officer stated that Officers also had concerns about the application and that whether the policy test had changed was a matter of debate. As a way forward he suggested a site visit to better understand the issues involved and to seek further clarification of the extent of works proposed to facilitate the conversion

**RESOLVED** - That determination of the application be deferred to enable a site visit to take place; that further information be provided on the totality of the works proposed and that neighbouring LPAs, particularly North Yorkshire be contacted to see how they have approached any similar applications

**49 Applications 14/03111/FU and 14/04107/FU - Grain store and general store - Sandbeck Lane Wetherby LS22**

Plans, drawings and photographs were displayed at the meeting  
Officers presented the report which sought approval of applications for a grain store and general store at Sandbeck Lane Wetherby

Members were informed that the applications being considered followed earlier refusals at the nearby Park Hill Farm

An Officer from the Council's Asset Management Section was in attendance to respond to queries from the Panel

If minded to approve the applications, an amendment to condition no 4 was proposed which would include changes of use

The Panel discussed the applications, with the main issues relating to:

- the nature of the site; that it was now enclosed but had been an open site when Ward Members had first been consulted on the proposals
- the scale and massing of the buildings and their impact on the area
- the extent of the holding
- land ownership changes, with the view this had prompted the submission of these applications
- the siting of the buildings
- the public benefit that may arise for the people of Leeds
- the proximity of the Leeds/North Yorkshire boundary to the site
- that the bulk of the site was a SHLAA site, coded amber and potentially to accommodate 1100 dwellings, with this not being taken account of in the report The Head of Planning Services advised that the coding of the site as amber did not carry any weight in the determination of the application

The Panel considered how to proceed

**RESOLVED** – To defer determination of the application for additional Information including information regarding SHLAA; the views of North Yorkshire to the proposals and possible controls to be included on the re-use of the land and buildings

**50 Application 14/03876/FU - Single storey side and rear extension - 13 St Margaret's Grove LS8**

Plans and photographs were displayed at the meeting

Officers presented the application for a single storey side and rear extension at 13 St Margaret's Grove LS8, which had been brought to Panel as the applicant was an Officer within City Development so the application could not be determined by Officers

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

**51 PREAPP/14/00001 - Proposed residential development involving demolition of existing buildings, conversion of listed building and new housing comprising circa 92 dwellings with associated parking, public open space and landscaping and conversion of Woodlands to a**

## **convenience retail store and car parking - Land at Scarcroft Lodge Wetherby Road Scarcroft - Pre-application presentation**

Plans, photographs and graphics were displayed at the meeting

Members considered a report of the Chief Planning Officer on pre-application proposals for the redevelopment of the npower site, at Scarcroft, - formerly used by Yorkshire Electricity - to provide residential accommodation, parking, public open space and a convenience store. The site was situated in the Scarcroft Conservation Area and was in the Green Belt. The Panel also received a presentation from the applicant's agents

A representation from Councillor R Procter was reported, with the contents of this being outlined to the Panel

The presentation on behalf of the applicant outlined:

- the conversion of the Listed Scarcroft Lodge and how this would be managed
- public open space and landscaping, with some of the trees being retained
- the height of the dwellings which would be 2.5 storeys, as opposed to the 4 storey office building currently on the site
- the level of affordable housing, this being 35%
- the nature of the development which would be bespoke

The Panel then heard from a community representative who outlined concerns about the proposals, which included:

- the extent of the proposals which would lead to an increase in the local population beyond what it could cope with
- the lack of infrastructure to support such an expansion
- a change to the demographics of Scarcroft and the needs of young families, which could not be met
- the impact of the proposals on the character of the area
- impact on a family business
- highways and that access for emergency vehicles could be compromised
- the need for more than one access to be provided
- that the inclusion of a convenience store did not constitute a mixed use for the site
- flooding issues
- sustainability issues

The Panel discussed the proposals, with the main areas of debate being around:

- employment; where npower would relocate to and the impact this would have on local people currently employed at the site
- the need for certainty on where the company would relocate to
- land ownership and that all of what was owned by the applicant had not been included or shown on the submitted plan
- the lack of basic facilities to support a residential development
- the parking provision for the convenience store
- the viability of the convenience store

- the cost implications of the necessary demolitions, particularly the main concrete office building
- the need to clarify the amount of affordable dwellings the scheme would provide and the need for information on the viability position of the proposals
- the extent of the site classed as brownfield land
- the need for consistency in reports about the coding of sites on the Site Allocations Housing DPD map, as reference was included in the report for this site, but not on application considered earlier in the meeting. The Head of Planning Services explained there was a difference and that as a pre-application proposal, the scheme may come forward in the future, whereas the other application referred to had been for determination

In response to the specific points raised in the report, the Panel provided the following comments:

- that in principle, some development could be considered to be acceptable but that the form, size and scope of that required further detailing
- that consideration was needed on the location and viability of a convenience store and that this would need to work for new and existing residents. Concerns were also expressed about the impact of a convenience store on an existing store in Bardsey
- that further work was needed around the proposals of npower to re-locate; to understand where the existing workforce came from and the sustainability issues which could arise from a relocation
- that consideration of issues regarding the design; layout; site access; public transport facilities and planning obligations were premature at this stage

**RESOLVED** - To note the report, the presentation and the comments now made

During consideration of this matter, Councillors Akhtar, Cohen, Lyons and S McKenna left the meeting

## **52 Date and Time of Next Meeting**

Thursday 25<sup>th</sup> September 2014 at 1.30pm

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## **Licensing Sub-Committee**

**Monday, 18th August, 2014**

**PRESENT:** Councillor G Hussain in the Chair

Councillors C Townsley and N Buckley

### **36 Election of the Chair**

**RESOLVED** – That Councillor G Hussain be elected as Chair of the meeting.

### **37 Declarations of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interests.

### **38 Application for the grant of a Premises Licence in respect of Importation 31, 197 Chapeltown Road, Chapeltown, Leeds, LS7 3DX**

The report of the Head of Licensing and Registration presented an application for the grant of a Premises Licence at Importation 31, Chapeltown Road, Chapeltown, Leeds.

The application was for sale by retail of alcohol for sale off the premises. The hours of sale were as follows:

Monday to Friday	11:00 to 23:00
Saturday and Sunday	14:00 to 02:00

It was reported that agreement had been reached with West Yorkshire Police following representations which had requested additional measures with regards to CCTV at the premises, proof of age scheme and a reduction in the proposed hours of opening. Further representation to the application had been received from a nearby premises.

The applicant addressed the hearing and informed the sub-committee that they were willing to reduce the hours of opening in line with the recommendation from West Yorkshire Police to close at midnight on Saturday and Sunday. The applicant further advised that he had experience of running the nightclub next door to the premises.

In response to Members comments and questions, the following was discussed:

- It was proposed to sell mainly French food and drink from the premises.
- Food sales would account for approximately 15% of the business.
- It was not proposed to sell cheap alcohol at the premises.

The Sub-committee went into private session to consider the information presented in the report and presented at the meeting including the representation received and the agreement with West Yorkshire Police.

**RESOLVED –**

That the application be approved as follows:

Sale by retail of alcohol for sale off the premises

Monday to Friday            11:00 to 23:00

Saturday and Sunday        14:00 to 00:00