

## **Plans Panel (East)**

**Thursday, 30th September, 2010**

**PRESENT:** Councillor D Congreve in the Chair

Councillors B Chastney, R Finnigan,  
R Grahame, P Gruen, G Latty, M Lyons,  
K Parker, J Procter and D Wilson

### **55 Chair's opening remarks**

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

### **56 Late Items**

There were no formal late items, however Panel Members were in receipt of the following additional information to be considered at the meeting:

Application 10/02503/FU – 10 The Paddock Thorner LS14 – Written representations from Thorner Parish Council and a copy of the Thorner Parish Plan Review dated August 2010 (minute 63 refers)

### **57 Declarations of Interest**

The following Members declared personal/prejudicial interests for the purposes of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct:

Applications 10/01593/FU and 10/01594/CA – Wetherby Health Centre St James's Street Wetherby LS22 – Councillor Lyons declared a personal interest as a member of West Yorkshire Integrated Transport Authority as Metro had commented on the proposals (minute 64 refers)

### **58 Apologies for Absence**

Apologies for absence were received from Councillor Alan Taylor who was substituted for by Councillor Chastney

### **59 Minutes**

**RESOLVED** - That the minutes of the Plans Panel East meeting held on 2<sup>nd</sup> September 2010 be approved

### **60 Application 09/03138/FU - Appeal summary, 10 Elmete Avenue, Scholes**

Further to minute 48 of the Plans Panel East meeting held on 2<sup>nd</sup> September 2010 where Panel received a verbal update on a recent appeal decision in respect of land to the rear of 10 Elmete Avenue LS15, Members considered a detailed report of the Chief Planning Officer

It was the decision of the Inspector to allow the appeal against non-determination of an application for planning permission for the erection of 3 new dwellings and double garage to rear garden at 10 Elmete Avenue LS15, subject to conditions and with an award of costs against the Council

Members were informed that having obtained legal advice in respect of the claim for costs against the Council, Officers had been informed any claim would be unlikely to be successful as the Council would need to prove that the decision which had been made was wrong in law

Reference was made to discussions on this matter at the Joint Plans Panel meeting which had taken place on 23<sup>rd</sup> September 2010 and the Head of Planning Services read out a letter to be sent to the Secretary of State, for Communities and Local Government, outlining the concerns raised by this decision, with a copy to be sent to all Members of the Plans Panels, all Leeds MPs, the Executive Member for Development, the Planning Minister and the Chief Planner in the Department of the Communities and Local Government

Members again reiterated their concerns at the decision which the Inspector had made and welcomed the letter, with the suggestion being made that copies of it should also be sent to the local residents

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

**61 Application 10/02814/FU - Part two storey part single storey front, side and rear extension (dormer window is permitted development) - 41A Stainburn Crescent, Moortown LS17 6NE**

Further to minute 47 of the Plans Panel East meeting held on 2<sup>nd</sup> September 2010 where Panel agreed to defer consideration of the application for a site visit, Members considered a report of the Chief Planning Officer

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

Officers presented the report which related to an application for extensions at 41A Stainburn Crescent Moortown LS17

Members were informed that a previous, larger scheme had been withdrawn and proposals for a smaller scheme had been discussed, however Officers were of the view that the revised scheme was also overdominant and could not be supported. A possible reason for refusal of the application was included in the submitted report

The Panel heard representations from the applicant

**RESOLVED** - That the application be refused for the following reason:

The Local Planning Authority considers that the proposed development by reason of its scale, design and siting results in inappropriate, overly large and dominant feature that will harm the host dwelling, relationship between the house and adjoining property and in turn, the amenity of the neighbouring residents. As such it is contrary to Policies GP5 and BD6 of the Leeds Unitary Development Plan (Review 2006) as well as guidance contained in Planning Policy Statement 1 – Delivering Sustainable Development

**62 Application 10/03112/FU - Part two storey part single storey side and rear extension - 4 Farm Hill Way, Leeds LS7 2SQ**

Further to minute 47 of the Plans Panel East meeting held on 2<sup>nd</sup> September 2010 where Panel deferred consideration of the application for a site visit to take place, Members considered a report of the Chief Planning Officer

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

Officers presented the report and referred to an earlier application for extensions which had not been carried out in accordance with the previously approved plans. Enforcement action had been taken and an appeal against that had been lodged; the application before Panel was seen as a compromise between the previous approval and what had been built

The Panel's Lead Officer corrected some typographical errors in the report before Panel and asked that if minded to approve the application, a further condition be added in respect of details of access and parking to be submitted

Officers referred to further representations on behalf of the objectors which had been sent to all Panel Members

The Panel heard representations from an objector who attended the meeting  
Members commented on the following matters:

- the size of the extensions and that these were too big
- the detrimental impact of the extensions on neighbouring properties and within the streetscene
- that whilst the Officer's recommendation was to approve the application, the view that had this not been to retain elements that had already been built and that previously planning permissions had been granted for extensions, then it may not have been put forward for approval
- concerns that what had been built differed considerably from what had been approved
- the need for a clear message to be sent that where development had not been built in accordance with approved plans, Panel would not automatically approve an application to regularise it

**RESOLVED** - That the Officer's recommendation to approve the application be not accepted and that the Chief Planning Officer be asked to submit a further report to the next meeting setting out possible reasons for refusal of the application based upon the concerns raised by Panel relating to overdevelopment leading to harm in terms of residential amenity and the streetscene

### **63 Application 10/02503/FU - Single storey side extension - 10 The Paddock, Thorner, LS14 3JB**

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

Officers presented the report which sought permission for a single storey side extension at 10 The Paddock Thorner LS14, which was situated in the Thorner Conservation Area

Members were informed that a similar extension had been approved to the adjacent property in 2009

Officers reported receipt of an additional letter of representation from Councillor Castle expressing concern about the loss of visual gaps between buildings within the conservation area

The Panel heard representations on behalf of the applicant and from an objector who attended the meeting

Members discussed the application and were of the view that the decision taken on 9 The Paddock last year was a factor in considering the proposal

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

(Under Council Procedure Rule 16.5, Councillor J Procter required it to be recorded that he voted against the matter)

**64 Applications 10/01593/FU & 10/01594/CA - Part two storey part three storey residential care home with 58 bedrooms and two storey block of 8 extra care flats with car parking and landscaping and Conservation Area consent for demolition of existing health centre - Wetherby Health Centre, St James's Street, Wetherby LS22**

Plans and photographs were displayed at the meeting. A site visit had taken place earlier in the day which some Members had attended

Officers presented the report which sought permission for the demolition of the existing health centre at St James's Street, Wetherby, which was situated in the Conservation Area and its replacement with a residential care home with extra care units, car parking and landscaping

Details of the design and proposed materials were outlined as were the Section 106 contributions. In terms of car parking spaces there would be 14 spaces provided for the residential home and 4 spaces in the extra care accommodation

Members were informed of the receipt of a further representation from Wetherby Silver Band

Officers were of the view that the proposals would positively enhance the Conservation Area and were respectful of the adjacent listed building. If minded to approve the application, an additional condition requiring details of the covered walkway between the main nursing home and extra care flats was requested

Members commented on the following matters:

- that the principle of development was supported but that some basic issues needed to be addressed
- the level of car parking to be provided and whether visitor parking had been taken into account when deciding upon the provision of 14 spaces
- whether the use of the car parking spaces would be unrestricted
- whether the proposed level of parking had been assessed against the document 'A Parking Strategy in Wetherby 2010 – 2014 and beyond'
- the energy conservation aspects of the proposals
- whether a drainage assessment had been undertaken and evaluated
- whether the extra care flats would be managed or whether they could be sold off individually
- the staffing levels for the facility
- whether Ward Members had been consulted on the proposals
- a lack of detail in the landscaping proposals
- the pitch of the roof as shown on the graphics which seemed particularly steep

Officers provided the following responses:

- that the level of car parking had been assessed with regard to the UDP guidelines and the TRICS database and Officers were confident that the car parking demand from the development could be comfortably met within the 14 spaces to be provided. In terms of the 4 spaces available for the extra care flats, this was the maximum level required by the UDP
- that the TRICS database was based on real development and the demand for parking from other residential homes had been taken into consideration
- that the parking spaces would be unallocated, apart from the ambulance space
- that the Panel's Highways representative was familiar with document referred in respect of a parking strategy in Wetherby and was of the view that the scheme would not lead to a detrimental impact in terms of parking in Wetherby Town Centre
- that in respect of sustainability, the proposals included the use of photovoltaics which would provide hot water to the facility
- that a drainage assessment had been undertaken and relevant conditions were included
- that the extra care flats would be managed and could not be sold off individually
- that the staffing levels were based around a three shift system, with 14 staff on duty during the day and 6 at night
- that Wetherby Town Council had been consulted on the proposals but that local Ward Members had not been involved

Members considered how to proceed

**RESOLVED** - That the application be deferred and delegated to the Chief Planning Officer in consultation with Ward Members and subject to the conditions set out in the submitted report (and any others he might consider appropriate) and in the event that agreement is not reached with Ward Members, then a further report be submitted to Panel for determination of the application

**65 Application 10/02898/FU - Erection of detached 5 bedroom house with attached double garage to equestrian/kennels/cattery - Cleavesty Centre, Cleavesty Lane, East Keswick**

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

Officers presented the report which sought permission for a five bedroom dwelling house and garage on land situated in the Green Belt

Members were informed that the structures currently on site associated with the equestrian and kennels/cattery use would be demolished and the land not occupied by the dwelling house would be landscaped to use as a domestic garden, growing space and informal landscaping

The design of the property would be contemporary and would achieve a significant level of sustainable construction resulting in significant enhancements to biodiversity

Whilst by definition the proposals constituted inappropriate development in the Green Belt, Officers considered that very special circumstances had been demonstrated which would outweigh the presumption against the grant of planning permission

The Panel heard representations from the applicants agent and Councillor Rachael Procter, a local Ward Member

Members commented on the following matters:

- the design of the property and the lack of consultation with Ward Members on this
- concerns that this could be a forerunner for further development at this site
- that because a site had deteriorated, this was not a reason to grant planning permission
- the principle of development

Members considered how to proceed

**RESOLVED -**

i) That determination of the application be deferred for two cycles to enable consultation with Ward Members on issues including design and landscaping, including details of the scheme and timing of delivery on the proposals and that a further report be submitted to Panel

ii) To note that Members reserved their position in respect of the principle of development

**66 Application 10/02982/FU - Change of use of retail unit (A1 use) to restaurant (A3 use) - 9 Bank Street, Wetherby, LS22**

Drawings, photographs and plans were displayed including plans showing the location of bars/restaurants and the secondary shopping frontages in the area. A site visit had taken place earlier in the day which some Members had attended

Officers presented the report which sought permission for a change of use of a vacant double-frontage retail unit in Wetherby Town Centre to a restaurant (A3 use)

Members were informed that the only physical alteration required would be the inclusion of a small flue to the roof

In terms of opening hours, the applicant was prepared to be flexible and whilst some limited takeaway business had been requested, this too could be flexible

A further letter of representation was reported which raised concerns about the proposed takeaway element in respect of possible litter, increased noise and disturbance; traffic and parking problems

Members commented on the following matters:

- the Cumulative Impact Policy and that this had been used to refuse an application in the area
- whether the proposals contravened policy SF8
- whether the property was DDA compliant
- the emergency exit arrangements
- that the entrance on Bank Street should be used as an emergency exit only

- the importance of shop units being occupied but concerns this was not the best location for such a use, and that the necessary staff facilities were not provided
- the proposed opening hours with concern that the unit might be closed for most of the day
- that the plans of the shopping frontages had not been made available prior to the meeting
- the takeaway element, with Members of the view this should not be included in the proposals

Officers provided the following responses:

- that the Cumulative Impact Policy was a Licensing arrangement and that the way of assessing such applications for development control purposes was through the primary and secondary shopping frontages policy, with the Panel's Lead Officer reading out policy SF8, for Members' information
- that the Council's Access Officer did not raise objections to the application
- a condition could be included to require the door on Bank Street to open inwards and be used for emergency egress only

Members considered how to proceed

A proposal to refuse the application was made and seconded but was not supported by the majority of the Panel

**RESOLVED** - That the application be granted subject to the conditions set out in the submitted report plus additional conditions to prevent the premises used for takeaway business and that the door on Bank Street to open inwards and be for emergency egress only

(During consideration of this matter, Councillor Gruen left the meeting)

## **67 Date and time of next meeting**

Thursday 28<sup>th</sup> October 2010 at 1.30pm in the Civic Hall, Leeds