

NORTH AND EAST PLANS PANEL

THURSDAY, 5TH SEPTEMBER, 2013

PRESENT: Councillor D Congreve in the Chair

Councillors C Campbell, R Grahame,
M Harland, A McKenna, J Procter,
G Wilkinson, J Harper, M Lyons and
C Towler

35 Late Items

The Chair admitted one late item of business to the agenda -
Application 13/02718/OT Outline application for a maximum of 29 dwellings
with vehicular access and an urban park on land at former Yorkshire Bank
Sports Ground Allerton Grove Moor Allerton (minute 44 refers)

The report required urgent consideration as it contained the most up to
date information which was not available at the time of agenda despatch and
following consultation with Ward Members, it was felt in the best interests of
the Council and other parties concerned that the matter be considered without
delay

36 Chair's opening remarks

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

37 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.
However, Councillor M Lyons and Councillor J Procter brought to the Panel's
attention their membership of the West Yorkshire Integrated Transport
Authority, as Metro had commented on several of the applications being
considered by Panel

In respect of application 13/01672/FU – Land off Swarcliffe Avenue
LS15, Councillor R Grahame brought to the Panel's attention that this site was
within the Cross Gates and Whinmoor Ward of which Councillor R Grahame's
wife was a Ward Member

38 Apologies for Absence

Apologies for absence were received from Councillor Macniven who
was substituted for by Councillor Towler

39 Minutes

RESOLVED - That the minutes of the North and East Plans Panel meeting held on 8th August 2013 be approved

40 Application 12/00725/OT - Outline application for employment park and laying out of access at Aberford Road Garforth LS25

Further to minute 28 of the North and East Plans Panel meeting held on 8th August 2013, where Panel deferred consideration of an application for outline planning permission for an employment park and laying out of access on land at Aberford Road Garforth, to enable proper consideration by Officers of late information which had been received, including reference to noise evidence, the Panel considered a further report

Plans, photographs and drawings were displayed at the meeting

Officers presented the report and outlined the planning history of the site which was zoned in the UDPR(2006) for employment purposes.

Members were informed that the site had been used for open cast mining in the past; had been re-vegetated and was currently used for grazing

Although previous approvals had been granted for employment use on the site, these had lapsed, however the scheme before Panel was considered to be appropriate for current market requirements

The deletion of the B1 (office) use on the original outline approval for the site had given way to increased B8 (storage and distribution) use which had led to local concerns about noise nuisance due to increased numbers of HGVs at the site and 24 hour operating. To address the concerns about the impact of additional HGVs in the area, it was proposed to amend the HGV weight restriction to prevent the potential impact of HGVs travelling through Garforth. Other highway works relating to speed limit reduction and waiting restrictions were also proposed and it was the view of Officers that the scheme improved local connectivity

Regarding noise nuisance, Members were informed that the Council's Environmental Protection Team had considered the additional information submitted prior to the previous meeting and were of the view there would be no detrimental impact on residential amenity resulting from the proposals

Drainage details were outlined, with Members being informed that surface water would be accommodated in swales and attenuation ponds and be discharged at greenfield run off rates

The Section 106 contributions were outlined, as set out in the submitted report

In terms of distances from the nearest residential property, these were given as being 32m and, to the corner of unit 4, 20 -22m, although the detailed design and layout were not matters under consideration in the application

Receipt of two further letters of representation were reported, with the concerns raised in these being outlined to Members

The Panel heard representations from an objector and the applicant's agent who attended the meeting

Members discussed the application and commented on the following matters:

- the impact of the proposals on the residents of The Weigh House, which was located adjacent to the site and the need for their residential amenity to be protected, including TV reception, heating and drainage systems
- the jobs to be created through the scheme and the need for local employment to be provided
- the noise levels at the site and how the proposals had been evaluated
- the existing noise levels from the A1/M1 link road and concerns that these had not been taken into account when evaluating noise issues from the proposal before Panel
- the need to ensure that the weight restrictions on Aberford Road were amended and enforced
- that regard should be had to a feasibility study being undertaken in Garforth relating to parking
- the need to consider carefully the introduction of Traffic Regulation Orders on nearby roads and to minimise disruption for local residents

Officers provided the following responses:

- that a condition had been included requiring a structural survey of the Weigh House and that further conditions could be imposed in terms of TV reception, heating and drainage systems
- that Members' requirement of local employment was noted and that a clause in the Section 106 agreement made reference to local training and employment initiatives
- regarding noise levels, that a logarithmic manner was used to calculate these, rather than simply adding existing and projected noise levels together. Members were informed that all noise levels had been taken into account and that the traffic noise would not increase by a level which was noticeable to the human ear
- that the points raised regarding the feasibility study in Garforth and the introduction of TROs would be noted

Panel considered how to proceed with concerns remaining about the proximity of the scheme in relation to The Weigh House, although it was accepted that this was a matter which would be considered in the Reserved Matters application

RESOLVED - To defer and delegate the application to the Chief Planning Officer for approval, subject to the conditions set out in the submitted report, plus additional conditions to require a scheme of measures to protect TV reception for The Weigh House and to mitigate any effects of the proposals on that property's heating and drainage system and following completion of a Section 106 Agreement to cover the following additional matters:

- travel plan (including monitoring fee of £11,665)
- improvements to bus stop 24237 at a cost of £10,000

- public transport improvement contribution at a cost of £449,683, inclusive of an extension to local bus services
- implementation of a controlled pedestrian crossing over Aberford Road
- implementation of speed limit amendment on Aberford Road
- implementation of HGV weight limit restriction amendment on Aberford Road (to prevent HGVs from turning out of the site towards Garforth)
- agreement to undertake a feasibility study to investigate and implement as appropriate the need for waiting restrictions and/or residents parking on Aberford Road or other streets in the vicinity of the site
- agreement to fund additional Traffic Regulation Orders on nearby roads if a need can be demonstrated
- local training and employment initiatives (applies to both the construction and subsequent operation of the development)

In the circumstances where the Section 106 Agreement 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

41 Application 13/01875/FU - Residential development of eleven detached dwellings with associated access, car parking, drainage and landscaping - Castle Mona Lodge, Wetherby Road, Scarcroft LS14

Plans and graphics were displayed at the meeting. A Members site visit had taken place earlier in the day, where Members had also viewed another residential development in the area which had been constructed by the same applicant

Officers presented the report which sought permission for eleven detached dwellings; access, parking; drainage and landscaping on an allocated housing site in the village of Scarcroft

Members were informed that outline planning permission had been granted for a development comprising 11 houses and that the current scheme was similar in design and layout from that considered in the previous outline application

A mix of materials were proposed, with the three large properties being constructed in stone, and the eight properties forming a cul-de-sac being constructed in brick

In terms of the required greenspace contribution, a section of land to the south of the site next to the village hall and a commuted sum would be transferred to Scarcroft Parish Council and that work towards this transfer was underway

In respect of the principle of development, this had been established on the previous, outline application; Highways were satisfied with the proposals and their previous concerns had been addressed through the layout now proposed and the issue of the greenspace contribution had been satisfactorily addressed

Concerning the objections to the proposals from neighbouring residents, the distance from the development to the nearest dwelling was 30m, which was in excess of that required in 'Neighbourhoods for Living' and

Officers considered the proposals would not cause significant impact on residential amenity

Regarding design, whilst the inclusion of chimneys had been requested, only a limited number had been included

Members commented on the following matters:

- the need for the blackberry bushes on the site to be retained
- that the houses would look better if chimneys were provided on all 11 dwellings
- the need to carefully consider the boundary treatments to avoid the situation which occurred on the Syke Green development where hedgerows were cut back and replaced by timber fences
- the importance of ensuring high quality materials were used and that careful attention be paid to the shade of brick to be used

RESOLVED - To defer and delegate the application to the Chief Planning Officer for approval, subject to the conditions set out in the submitted report and subject to further negotiations regarding chimneys being provided to all dwellings and that this together with details regarding materials and landscaping conditions to be agreed in consultation with Ward Members and following completion of a Section 106 Agreement (Deed of Variation) to cover the following obligations:

- provision of off-site land for Greenspace
- provision of commuted sum of £18,512 towards Greenspace
- Metro contribution towards MetroCards
- S106 Management fee

In the circumstances where the Section 106 Agreement 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

42 Application 13/02459/FU - Two storey rear extension, alterations to existing front gable and bay, single storey extension to rear and both sides, new gates and railings to front - 7 Belvedere Road LS17

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

Officers presented the report which sought permission for extensions and alterations including boundary treatments to a residential dwelling at 7 Belvedere Road LS17

Although it was the view of Officers that the proposals were acceptable, and that front gables were not alien to the area, local concerns had been expressed, particularly the impact of the development on the residential amenity for residents of the neighbouring property

The Panel heard representations from an objector and the applicant's agent who attended the meeting

Members commented on the following matters:

- the distance to the boundary of the proposed side extension, that this appeared tight and whether this complied with guidance. Members were informed that a single storey extension could be sited up against an existing boundary and

that in this case, there was a 1m separation distance so it was acceptable

- concerns that the rear extension was overdominant and could lead to overshadowing

The Panel considered how to proceed

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

43 Application 13/01672/FU - 18 houses with landscaping and car parking - Land off Swarcliffe Avenue Swarcliffe LS14

Plans, photographs and graphics, including the latest revisions to the proposed layout of the scheme were displayed at the meeting. A Members site visit had taken place earlier in the day

Officers presented the report which sought permission for 18 houses with landscaping and car parking provision on land at Swarcliffe Avenue LS14. Members were informed that planning permission had been granted in 2005 for a residential scheme for 19 houses but that this had not been implemented and the approval had now lapsed. A slightly smaller scheme was now proposed which reflected the current housing demand

When first publicised, 10 residents of Langbar Gardens, which was adjacent and opposite to the site had expressed concerns. Following amendments to the proposals, one letter of objection had been received, with the concerns being read out to Panel

Currently further revisions were being discussed with the applicant as shown on the graphics displayed to Members

Comments from Ward Member, Councillor P Gruen were brought to the Panel's attention regarding concerns about the intensity of the scheme and the view that 16 dwellings on the site could overcome issues about separation distances

Members commented on the following matters:

- that people with disabilities were not being catered for as no single storey dwellings were being proposed. Officers stated that single storey properties were being provided elsewhere
- disappointment that the former housing office had needed to be demolished
- the lack of chimneys on this scheme and the reasons for this. Members were informed that chimneys had not been included as there were none on surrounding properties
- the difference in the layout on this scheme compared to that considered earlier by the Panel at Castle Mona Lodge and that what was being proposed was too cramped and would not work
- the possibility of stating a maximum number of dwellings on the site, i.e. 16, but subject to consultation with Ward Members
- that the scheme as presented was not acceptable in its current form and whether simply tinkering with the number of dwellings on the site would be sufficient to overcome the problems which existed
- the poor quality landscaping being proposed

- that despite previous concerns raised by City Plans Panel to the design of some residential schemes and in view of the number of new homes which were likely to be built in Leeds in coming years, volume house builders did not seem to demonstrate high aspirations in terms of design and layout for all areas of the City and put forward standard house types, rather than offering some variation. The Head of Planning Services advised that a date had been set for the workshop involving Members from all 3 Plans Panels together with Officers and house builders to help raised the standards of housing development in the City

The Panel considered how to proceed

RESOLVED - To defer and delegate to allow Planning Officers the opportunity to negotiate further with the applicant on an amended site layout to secure a better design quality. Having reached a satisfactory resolution, the application is recommended for approval subject to the conditions set out in the submitted report, any additional conditions deemed necessary following the amendments and in consultation with Ward Members. In the event that agreement cannot be reached, that the application be returned to Panel for determination

44 Application 13/02718/OT - Outline application for erection of no more than 29 dwellings with vehicular access and an urban park - Land at Former Yorkshire Bank Sports Ground, Allerton Grove, Moor Allerton

Plans, photographs and drawings were displayed at the meeting

Officers presented a report seeking outline planning approval for a residential development not exceeding 29 dwellings, access and the creation of an urban park on a vacant site which was allocated as a Protected Playing Pitch in the UDPR (2006) and as such represented a departure from the development plan. If minded to approve the application, this would need to be referred to the Secretary of State for his consideration. Members noted there was an unresolved objection from Sport England

The receipt of three further representations was reported with the concerns raised in these being outlined to Panel. Reference was made to the high level of objections from residents of the nearby development – The Spinney

Members were informed that a previous scheme for the site proposed 33 dwellings but that this had been revised and now proposed no more than 29 dwellings, with four of these being affordable housing. All of the residential development would be restricted to the southern third of the site and access would be taken off Allerton Grove. Pedestrian access would also be from Allerton Grove with a further access off Shadwell Lane

All of the boundary vegetation would be retained and enhanced and the proposals would provide an opportunity for informal play areas and a wetland area on the site

The fact that the site had been vacant for over 10 years was considered to be a material planning matter

Whilst the scheme would bring benefits to the local community, these had to be considered against the loss of a formal sports pitch

An additional condition was proposed relating to sightlines. Members were also informed that the Lime Tree Avenue and Allerton Grove were currently subject to a residential Permit Zone to address business and commuter parking issues and that this might need to be extended into the residential development at the developer's cost

The Panel heard representations from an objector and from a local Ward Member in support of the application and the applicant's agent who attended the meeting

Members commented on the following matters:

- the objection by Sport England and the nature of this. The latest e-mail from the organisation dated 4th September 2013 was read out to Panel
- highways issues, particularly the access at Lime Tree Avenue, with the Panel's highways representative stating that the 21 two-way vehicle movements at peak times would not all be from this street and that Officers did not consider the additional vehicle movements would be a significant issue
- the site layout and why the access roads came so far into the site. With the agreement of the Chair, the applicant's agent was invited to respond and advised that this was due to the location of several mature trees on the Shadwell Lane frontage and in the centre of the site. There would also be a need for vehicles to enter into the site to maintain the open space
- greenspace provision and whether Officers had requested a commuted sum for improvements to playing pitches elsewhere. The Head of Planning Services made reference to the need for facilities in the locality and that as at least two-thirds of the site would be public amenity space it was felt that what would be provided would be equivalent provision to facilities sited elsewhere. In terms of the objection from Sport England, that this was a technical objection as it contravened policy N6 but that Officers were of the view that what was being sought was the best for the local community
- the view that the question regarding off-site replacement playing pitch provision should have been put to the developer

RESOLVED - To defer and delegate to the Chief Planning Officer for approval, subject to the conditions set out in the submitted report plus an additional condition requiring sightlines to be submitted and agreed and following referral and consideration of the application by the Secretary of State and the prior completion of a Section 106 Agreement to cover the following additional matters:

- dedication of a fully landscaped park to the City Council
- commuted sum payment in relation to the future maintenance of the public park
- provision of 4 affordable unit
- commuted sum payment in respect of £10,000 towards public transport enhancements
- provision of Metro cards to occupiers

In the circumstances where the Section 106 Agreement 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 12/03805/CLP - Certificate of proposed lawful use of land outlined in red on the submitted site plan for the siting of caravans for permanent residential occupation - Moor Lodge Caravan Site - 103 Blackmoor Lane, Scarcroft LS17

Prior to consideration of this matter, Councillor Wilkinson stated that the site was within the Harewood Ward and not the Wetherby Ward as stated on the agenda

Plans and photographs were displayed at the meeting

Members considered a report of the Chief Planning Officer on a certificate for proposed lawful use of the land outlined in red on the submitted plan for the siting of caravans at Moor Lodge Caravan Park, Blackmoor Road LS17

Members were informed that the planning merits of the application were not for consideration in this case and that a legal determination was required with the key test being on the balance of probabilities about the use of the site, based upon the evidence

In terms of use, the site was first used in 1949 for camping, with planning permission being granted for a caravan site in 1962. No conditions were attached to that permission

On the basis of the information available, Officers were satisfied that caravans had existed on the site, within the red line boundary for over 14 years

The advice sought from Counsel was outlined to Panel with Members being informed that Counsel was of the view that the Certificate of Proposed Lawful Use should be granted

Members commented on the following matters:

- the land to south of the red line boundary; that caravans were being parked in this area and that this should also be part of the discussions. The Panel's Legal Adviser stated that the certificate which had been applied for did not include this area of land so could not be considered and that the Certificate of Proposed Lawful Use could not amend the application description which stood at 76 caravans. The Head of Planning Services stated that the original 1962 planning permission did not include the land to the south of the red line boundary; that some evidence existed that it had been in use for at least 10 years but that did not necessarily indicate it had permanent use
- why no enforcement action had been taken in respect of the land to the south of the subject site
- the boundary treatment required as part of the 1962 permission and whether this had been maintained
- that from the images shown to Panel, around 57 caravans could be seen on the land and that might be considered acceptable,

yet what was being proposed was a much higher level, with concerns about this. On this matter the Panel's Legal Adviser stated that there were no limit to the number of caravans which could be put on site but that the applicant had voluntarily agreed to limit this to 76, so giving the Council some degree of control

- that all the evidence seen by Counsel should be made available
- concerns about how 76 caravans could be accommodated within the red line boundary and the need for clarity on this
- the need to understand the phrase 'caravan pitch' and to recognise that in 1962, the size of caravans were much smaller than those of today

In view of the issues raised by the application, a request to view the site was made by Councillor Campbell

The Chair agreed to this and proposed that determination of the application be deferred to enable further consideration of the information

RESOLVED – That consideration of the application for a Certificate of Proposed Lawful Use be deferred to enable Councillor J Procter to meet with Officers to discuss the case and the evidence in detail and in the event that he was satisfied with the information provided and that his concerns were addressed, including the issue of the proposed number of caravans on the subject site, that the granting of a Certificate of Proposed Lawful Development be deferred and delegated to Officers. In the event that agreement could not be reached, that a further report be submitted to Panel and that a site visit be arranged at that time

During consideration of this matter, Councillor Wilkinson left the meeting

46 Date and Time of Next Meeting

Thursday 3rd October 2013 at 1.30pm in the Civic Hall, Leeds