

## **NORTH AND EAST PLANS PANEL**

**THURSDAY, 31ST OCTOBER, 2013**

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

Councillors C Campbell, R Grahame,  
M Harland, C Macniven, A McKenna,  
J Procter, G Wilkinson, M Lyons and  
E Nash

### **57 Chair's opening remarks**

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

### **58 Declarations of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interest. However Councillor Lyons and Councillor J Procter brought to the Panel's attention their membership of the West Yorkshire Integrated Transport Authority, in the event that Metro had commented on the applications

### **59 Apologies for Absence**

Apologies for absence were received from Councillor J Harper who was substituted for by Councillor Nash

### **60 Application 13/01065/FU - Laying out of car park to proposed allotments - Land to the rear 84 and 86 High Ash Drive Alwoodley LS17**

The Panel's Lead Officer referred to revised plans for the proposals which the applicant had recently submitted. It was noted that on the Members site visit which had taken place earlier in the day, the site had been considered on the basis of the new plans

Panel was asked to agree to the withdrawal of the report from the agenda and that if no further significant objections were raised to the revised plans, that the application be deferred and delegated to the Chief Planning to determine

**RESOLVED** - That the report be withdrawn from the agenda and that if no further significant objections were made to the revised plans, that determination of the application be delegated to the Chief Planning Officer

### **61 Update on former 'D' Car Park - Portland Crescent**

Minutes approved at the meeting  
held on Thursday, 28th November, 2013

In response to comments made by Members on the site visits earlier in the day, the Head of Planning Services confirmed that the permission granted by City Plans Panel for a hotel on the site of the former 'D' car park on Portland Crescent would be for a five star hotel to be completed in 2015. If any Members required further details on the proposals, these could be provided. In response to a comment by Councillor R Grahame, the Head of Planning Services agreed to provide him with details about the employment and training initiatives arising from the development

## **62 Minutes**

**RESOLVED** - That the minutes of the North and East Plans Panel meeting held on 3<sup>rd</sup> October 2013 be approved

With reference to minute 53, Application 10/05048/EXT – Temple Green – land to south of East Leeds Link Road, Councillor Grahame advised that the proposed meeting with Asset Management Officers had not yet taken place. The Panel's Lead Officer agreed to look into this for Councillor Grahame

## **63 Application 13/9/00161/MOD - Non-material amendments to application 11/0165/FU for three replacement dormer windows to rear and reduction in height of existing two storey front extension - 61 High Ash Avenue Alwoodley LS17**

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

Officers presented the report which sought approval for non-material changes to a previous application

The planning history of the site was outlined, with the original permission being granted in 2002. Since that time there had been a prolonged planning issue which had included enforcement and prosecution. The previous owner had sold the property on and Officers had undertaken discussions with the new owner (the applicant), on the nature of the changes needed to bring the dwelling in to line with the planning permission. An extension of time application had been granted to allow the applicant to complete the works by December 2013

The application before Members was for amendments to a previous approval which Officers were of the view were acceptable. If Panel was not minded to accept the proposed changes, an indication on how this lengthy matter could be resolved, was requested

The Panel heard representations from an objector and the applicant who attended the meeting, which included:

- the impact of the proposals on the streetscene
- the message sent out by agreeing in this particular case to the proposed changes
- the need for the amendments to enable the house to function as required

Members discussed the following matters:

- the length of time taken to resolve the matter and the difficult situation endured by residents during this time
- the objector's concerns at the impact of the proposals on the streetscene; that this reason had been cited on applications which had been refused around the city and whether there had been any policy changes on this matter
- the different views of the objector and applicant on the head height at the top of the stairs and the need for this to be clarified

The Head of Planning Services explained the planning enforcement process; the delays to this which could occur if an applicant would not co-operate and that in some cases a further step of taking out an injunction against an applicant had to be considered. In respect of the current owner, much progress had been made and there was a willingness to undertake the works, albeit with some relatively minor amendments

The Head of Planning Services also advised that although a limited view of the streetscene had been taken by the objector, the wider view and that which physically would be seen looking up the street, would mean that the proposals were acceptable in the wider streetscene. Members were informed that this matter was subjective and that there had not been any change in policy in relation to this issue

Regarding the internal head height, Members were informed that whilst there was a big void when entering the property there was a pinch point further up which the proposed amendments would satisfactorily address

The Panel considered how to proceed

**RESOLVED** - That the non-material amendment to the approved scheme 11/01051/FU be granted

**64 Application 13/03839/FU - Variation of condition 12 of previous approval H30/259/82 to allow deliveries between 07:00 until 18:00 - Monday to Saturday and until 18:00 on Sundays - Morrisons Supermarket Roundhay Road LS8**

Plans and photographs were displayed at the meeting

Officers presented the report which sought approval for a change to the hours of delivery at the former Blockbusters video store on Roundhay Road which was now a small Morrisons store. An extension of one hour each morning was being requested

The proximity of the premises to the nearest residential dwelling was highlighted, with the mitigation measures proposed by Morrisons in terms of delivery management being outlined, with this being controlled by condition

Members were informed that the store was located in a commercial area and within the district centre and that the opening hours were in line with those approved for other supermarkets

Members discussed the application and commented on the following matters:

- Sunday deliveries and the extent of these

- noise nuisance, particularly from reversing lorries and the possibility of dispensing with the warning sound in favour of a member of staff being used to ensure safety
- the effectiveness of delivery management plans, particularly for supermarkets; the number of complaints received by Councillors relating to this matter and the need for mitigation measures to be clear, agreed in writing prior to approval and any subsequent breaches to be addressed
- that the photographs displayed did not accurately reflect the constrained area set aside for store deliveries

As the applicant's agent was in attendance, the Chair invited him to provide factual information in response to questions raised by the Panel

Further discussion took place relating to the need for the additional hours of delivery in view of the store currently operating with slightly shorter delivery hours and the problems raised by conversions of empty premises to small supermarket stores which were often sited close to residential areas

As there was an indication that Members might be minded to refuse the application, the Chair invited the applicant's agent make representations to the Panel

In summary these related to:

- Officer support for the application
- the proximity of the premises to the Oakwood District Centre
- that mitigation measures could be implemented to overcome the concerns raised
- the possibility of granting a temporary consent, for one year

The Panel considered how to proceed, with proposals both to accept a 12 month temporary permission and to refuse the application being made and voted on

**RESOLVED** - That the Officer's recommendation to approve the application be not accepted and the refusal of the application be deferred and delegated to the Chief Planning Officer due to concerns about general disturbance and the impact on the amenity of nearby residents

As two proposals were made, for clarity, the Panel was asked to re-confirm the voting on the resolution to refuse

**65 Application 13/02206/FU - Detached two storey annexe accommodation with attached garage and car port to side of Applegarth - Orchard Drive Linton Wetherby LS22**

Plans and photographs were displayed at the meeting

Officers presented the report which sought approval of an application for a two storey annexe accommodation with car parking at Applegarth, Orchard Drive, Linton, to address some minor discrepancies relating to the previous approval which was currently being implemented

Members were informed that the proposals were 220mm larger and 100mm wider than those previously approved. Concerns had also been raised locally about the materials being used to construct the annexe.

Officers advised that the annexe would be clad in stone and would match the existing dwelling

Conditions would be imposed restricting the dwelling to an annexe which was ancillary to the existing dwelling. For clarification condition no 6 in the submitted report would be amended to reflect this. A further proposed amendment was reported in respect of condition no 4 which would include a requirement for top opening bathroom and kitchen windows

If minded to approve the application, further conditions were proposed in respect of the absence of windows in the porch; details of the privacy screen to the balcony to be provided and the layout of the annexe

Members discussed the application and sought clarification of the balcony arrangement, which was provided. Concerns were voiced about the overall appearance of the annexe which seemed considerably larger than had been expected, and that the concerns raised by local residents about the project could be understood. Whilst the change from render to stone cladding was welcomed, the importance of ensuring the finish of the building was acceptable was stressed

In view of these comments, the Head of Planning Services suggested that the recommendation be changed to enable the application to be deferred and delegated for approval

**RESOLVED** - That the application be deferred and delegated to the Chief Planning Officer for approval subject to the conditions as set out in the submitted report, with the following amendments:

Condition no 4 – to include ‘windows to be top opening’

Condition no 6 – to delete words ‘an extension’ and replace with ‘annexe ancillary to’ and additional conditions as follows:

- Notwithstanding approved plans, no window/s to be inserted to porch
- Details of privacy screen to balcony to be submitted and approved prior to first occupation
- Annexe shall be laid out as a living room, kitchen, bathroom, garage and car port and shall be retained as such thereafter

and subject to resolving the issue of the stone finishing to the building

**66 Applications 13/02897/FU and 13/02896/CA - Demolition of two storey side/rear extension, detached garages, kennels, enclosures and outbuildings and new three storey side extension to 1 Sandhill Villas and erection of one detached dwelling at 1 and 2 Sandhill Villas Sandhill Thorner Leeds**

Plans, photographs and drawings were displayed at the meeting

Officers presented the report which detailed the proposals contained in the application which related to a site located in the Green Belt and in a Conservation Area

Although Officers were recommending the application relating to the demolition be approved, the application for the side/rear extension and detached new dwelling was recommended for refusal. On this point Members were informed that the suggested second reason for refusal in the submitted

report which related to highways issues be removed as a revised plan had been submitted to overcome the concerns expressed by Highways Officers

Members were informed that no objections to the scheme had been made by the Parish Council and that there was local support for the proposals

Officers were satisfied with the proposed demolitions as the current structures were not a positive feature in the Conservation Area. Whilst the residential extension element of application 13/02897/FU was acceptable as it was permitted to extend existing properties up to 30% in the Green Belt, the new build element of the application was of concern to Officers and that refusal of this application was being recommended to Members

In terms of the very special circumstances cited to justify harm to the Green Belt caused by the inappropriate development, Members were informed that the applicant's agent was of the view that the site was brownfield land and that the removal of the existing kennels and runs would be of benefit and would ease the situation regarding on-street parking

Officers advised they did not accept the view that the site was brownfield land; that there were no records of complaints being received about on-street parking in the vicinity of the site and that the slight improvement afforded by the demolitions did not outweigh the harm to the Green Belt from the proposed new dwelling

The Panel heard representations from the applicant's agent, and the applicant who attended the meeting and provided further information which included:

- the view that the site was a brownfield site
- planning policy
- the very special circumstances of the case
- correspondence from the Council's Environment Protection Team
- the local support for the proposals and the wish of the applicant to continue living in the area

The Panel considered how to proceed. Although there was sympathy with the applicant there were also concerns about the impact across the city of not adhering to policy and allowing a new dwelling to be constructed in the Green Belt

**RESOLVED –**

Application 13/02897/FU

That the application be refused for the following reason:

The Local Planning Authority consider that the proposed detached dwelling is inappropriate development within the Green Belt as it falls outside the list of exceptions to the restrictive approach to development within the Green Belt detailed in local and national policy. The Local Planning Authority also consider that the new dwelling by virtue of its size, scale and siting harms the openness and character of the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and as no very special circumstances have been demonstrated the proposal is considered contrary to the aims and intentions of policy N33 of the Leeds Unitary Development Plan (Review) 2006 as well as guidance contained within the National Planning Policy Framework

Application 13/02896/CA

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

**67 Applications 13/03145/EXT and 13/03164/EXT - Extension of time period for planning permission 10/02142/EXT for change of use, part demolition and extension to offices to form 15 flats and erection of part two and part three storey block of 22 flats with car parking and extension of time for associated Listed Building application - Mansion House Mansion Gate Drive LS7**

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

Officers presented the report which sought permission for an extension of time for a further three years to the unimplemented planning permission granted in 2007 and then extended in 2010 along with the associated Listed Building application

Members were informed that a separate recommendation for the Listed Building application had been omitted from the report in error. In respect of the status of the site, this had been incorrectly stated in the report as being previously developed land when it was part greenfield and part brownfield land

For extension of time applications, consideration needed to be given to any changes in planning policy or any physical changes to the area. In terms of the first matter, Members were informed that there had been no significant changes in planning policy which would affect the application. In respect of other changes there had been further deterioration of the building; that works had been done to make it more watertight and that theft and vandalism had taken place at the property. The Council's Conservation Team had drawn up a new schedule of works to protect the building but that funding was awaited for these works, with the applicant having to repay the Council for the costs incurred for the remedial works

The local concerns raised about the deterioration of the building and the delay by the applicant in implementing the approved scheme were noted, however it was the view of Officers that not granting the extension of time period would put the building at further risk. Assurances were also given that the works to the Listed Building would be done before the new build element was commenced

Members were also informed that the applicant had recently submitted a Statement of Intent which referred to the difficult financial climate which had delayed the scheme but that a more viable scheme for houses and flats on the site was being considered, with an application to be submitted in the next 3-4 months

The Panel heard representations from an objector who attended the meeting and raised issues which included:

- the length of time being taken to develop the site
- the impact of this delay on the condition of the Listed Building
- the soundness of the financial arguments given to explain the delay in implementing the planning permission

- that a more robust stance should be taken to securing and preserving the condition of the Listed Building
- that a one year extension of time should be considered

Members commented on the following matters:

- the urgent need for works to be carried out on the Listed Building and that the relevant Executive Board Member should be made aware of this matter. The Chair agreed for the Panel's Lead Officer to draft a letter to the Conservation Officer and Executive Board Member raising the concerns expressed about the state of the building and that it was on the at risk register
- concerns that the request for a further three years to implement the planning permission could be seen as an opportunity to delay the scheme further and that little good faith had been shown by the applicant in attempting to preserve the property
- that a one year extension should be considered
- concerns about the possibility of flats being considered for the site in view of the difficulties which existed in securing finance for their development
- that a development comprising terraced properties could be more viable

The Head of Planning Services reminded Members that when considering the applications, the need to focus on any changes which had occurred since the last permission was issued and stated the importance of engaging proactively with the applicant or possibly another developer experienced in bringing such schemes to fruition. Although it would be possible for the Council to consider a Compulsory Purchase Order for the building, Members were advised that this had cost implications at a time when the Council was experiencing budget reductions

Members considered how to proceed

**RESOLVED – a)**

Application 13/03145/EXT

That a 12 month extension of time period be granted for planning permission 10/02142/EXT, subject to the conditions set out in the submitted report

Application 13/03164/EXT

That a 12 month extension of time period be granted for Listed Building consent 10/02167/EXT subject to the following conditions:

- 1 Time Limit (12 months)
- 2 Development to be in accordance with the approved plans
- 3 Samples of all external walling including curtain walling, roofing materials and for the heads, cills and copings have been submitted for approval
- 4 Samples of all surfacing materials to the hard surfaced areas have been submitted for approval
- 5 Details of timber goods and glazing to be submitted for approval
- 6 Details of the restoration of the Mansion House staircase to be submitted for approval
- 7 Details of the internal doors (new and retained), architraves and skirting and other internal joinery (including the repair of timber columns and



a full schedule of windows – notwithstanding submitted window details) of the Mansion House are to be submitted for approval

8 Details of the treatment of the plasterwork of the Mansion House are to be submitted for approval

9 Details of the screens to the lateral corridors of the Mansion House are to be submitted for approval

10 Details of the fire prevention and insulation measures to floors and ceilings of the Mansion House to be submitted for approval

b) That a letter be drafted to the relevant Conservation Officer and Executive Board Member regarding the need to progress the remedial works to the building and that Planning Officers be asked to work more closely with relevant Officers in City Development to explore other options for developing the site

**68 Application 13/03703/FU - New two form entry (420) pupil primary school and associated 26 place nursery - Land between Florence Street and Stanley Road Harehills**

Prior to consideration of the following matter, Councillor R Grahame left the meeting

Further to minute 9 of the North and East Plans Panel meeting held on 13<sup>th</sup> June 2013, where Panel received a pre-application presentation on proposals for a new primary school at Florence Street, Members considered the formal application

Plans, photographs, drawings and graphics were displayed at the meeting

The Planning Projects Manager presented the report and stated that whilst Members had supported the proposals in principle, concerns about highways issues and parking had been raised, with further work on these matters being undertaken

Members were informed that a dedicated parent parking area with 22 spaces had now been included. There would be an in and out arrangement to help with traffic flows and an additional area comprising 28 spaces had been included for staff parking

In terms of highways improvements, whilst the opportunity for these were limited, there would be a pedestrian crossing on Stanley Road; a pedestrian crossing on Harehills Road, that Ashton Pace would be closed off and a continuous footway created; Ashley Road would be closed off to cars, with cycle access only being allowed and build outs provided to reduce vehicle speeds on Stanley Road. On Florence Street and Compton Avenue, no vehicle parking would be allowed as part of a TRO; the existing residents' car parking would remain but would enable some short stay parking, with short stay parking also being allowed on Stanley Road

Members welcomed the improvements which had been made but concerns remained in relation to:

- parking on Florence Street for the businesses situated there
- illegal parking by parents at drop off and pick up times and that only a police presence would deter this from occurring

- the impact of queuing traffic back to St James' Hospital
- deliveries to the school and the need for this to be included in the traffic management plan together with arrangements for when the school gates would be opened and closed
- the extent of the problems caused to local residents due to parent parking outside schools
- the possibility that staff would park in the parent parking areas
- NGT and that a stop had been proposed on Stanley Road and whether this could be accommodated
- the possible future extension of the site to a three form entry primary school, with concerns there would be insufficient parking space for a larger school
- the lack of detail in the report in respect of the likely number of car journeys to the school and arrangements with Metro about bus provision
- safe access into the building for pupils

The Planning Projects Manager advised that the submission and agreement of a travel plan was a condition of the planning permission. In relation to access for pupils, Members were informed that measures by way of a barrier and crossing point would enable safe access through the plaza area into the school

Members considered how to proceed and recognised the difficulties in this case in view of the limitations on sites in the area; the need for primary school places and the outstanding issues relating to the traffic management plan

**RESOLVED** - To defer and delegate approval to the Chief Planning Officer subject to the conditions set out in the submitted report and any others he considers to be appropriate and the submission of a satisfactory traffic management plan

**69 Pre-app/13/00521 - Pre-application presentation for the laying out of access and erection of 191 dwellings and commercial/industrial uses at the Millennium Village Allerton Bywater**

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

Officers presented a report of the Chief Planning Officer setting out early stage proposals for a mixed use development at the Millennium Village site, Allerton Bywater

At this point Councillor J Procter brought to the Panel's attention that he knew members of the Wheatley family, as reference was made in the planning history section of the report to an application being granted to Wheatley Construction

Members received a presentation on the proposals from the applicant's representatives who provided the following information:

- that the formal application for the proposals would be submitted in the next few weeks

- that the site had been assessed to determine where positive connections could be made and that the scheme being presented was felt to be robust and addressed the issue of on-street parking which was a problem within the village
- that the scheme was child and pedestrian friendly; had character and created a sense of place
- that a mixture of parking options were proposed
- that the scheme related well to the vacant land adjacent to the site, which was owned by Network Rail, with access to this land being included in the design layout
- that the older persons accommodation would include common areas and terraces and would be sited centrally
- that stone and brick were the main materials proposed for the residential dwellings, with some render details to the gables of some blocks
- that home zones would be provided
- that a small supermarket was proposed together with some other small units, with cedar cladding and blockwork proposed for the commercial units
- that a range of house types were proposed, including some bespoke units and that the affordable housing requirement would be met

Members then heard from Councillor James Lewis as Ward Member who addressed the Panel and commented on the proposals in relation to:

- access arrangements and the need to review the spine roads in the estate
- the need for the Council to move quickly to adopt the roads on the estate
- the housing mix and the need for the affordable housing provision to be tied down to local need and local connections
- that a convenience store was welcomed but that further information was needed on the uses of the other stores

Members commented on the following matters:

- the importance of not cramming in houses which would be detrimental to the existing, well planned estate
- the need for the convenience store to be sited where there would be passing trade
- that the older persons accommodation should be sited close to other facilities and bus stops
- the cycle route and whether this could be extended

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

- that Members agree the development should be designed in accordance with the general principles as set out in the Allerton Bywater Design Code and supplemented by the guidance contained within Neighbourhoods for Living
- to note Members' comments on the layout as currently proposed, including the basic design approach taken for the different components and for the space around Silkstone

Square. Members welcomed the narrow palette of materials which was proposed and stressed the importance of moving away from the timber used on some of the existing residential accommodation

- that Members were content with the general design advanced for the various house types and commercial buildings
- that Members were satisfied on the work carried out so far on the relationship between the site and the neighbouring development in terms of connectivity, access and design approach but that further work was required regarding the cycleway and the Network Rail Land
- regarding the use of homezones and the proposal to provide additional off-street parking accessed directly off Flockton Road and Haigh Moor Way, Members commented that they would like to see additional parking on those two roads
- subject to the comments made about the siting of the convenience store, that Members were generally satisfied with the general mix, scale and proposed siting of the retail, commercial and industrial uses

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

During consideration of this matter, Councillor Campbell left the meeting

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

Thursday 28<sup>th</sup> November 2013 at 1.30pm in the Civic Hall, Leeds