

## **NORTH AND EAST PLANS PANEL**

**THURSDAY, 15TH MAY, 2014**

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

Councillors C Campbell, M Harland,  
C Macniven, J Procter, G Wilkinson,  
J Harper, M Lyons, J Hardy and C Towler

### **137 Opening remarks**

Councillor Macniven referred to this being the last meeting for Councillor Janet Harper who was stepping down as a Councillor and thanked her for the experience and expertise she had brought to North and East Plans Panel and wished her well for the future

Councillor Macniven also pointed out that this would be Councillor Congreve's last meeting for some time as he was to be the next Lord Mayor, with Councillor Janet Harper as Lady Mayoress who would discharge these roles with grace and poise

The knowledge and judgement Councillor Congreve had brought to Panel was highlighted as was the sensitive and tactful way he reached decisions and it was stated that he would be a hard act to follow

Councillor Procter also paid tribute to Councillor Harper and Councillor Congreve and acknowledged the difficult job involved in chairing a plans panel, particularly balancing all of the competing interests and considered that North and East Plans Panel under Councillor Congreve's leadership had achieved the right balance and that Leeds was a better place for this

Councillor Campbell echoed these sentiments and stated that Councillor Harper and Councillor Congreve would be missed and that the chairing of the panel had always been with good humour, cheerfulness and in an open-handed and fair manner

On behalf of Officers, the Chief Planning Officer acknowledged the length of time Councillor Harper and Councillor Congreve had been involved with Plans Panels and that they had played important roles in the development of Leeds. Mr Crabtree thanked them for their good working relationships with Officers and wished them well in their Mayoral duties

In responding and also on behalf of Councillor Harper, Councillor Congreve thanked everyone for their kind words and praised the high standard of Planning Officers and the help and support they had provided. The importance of reaching the correct decision, in respect of planning matters was emphasised, with Councillor Congreve stating that it was the hard work of Members and Officers which enabled this to be done and that both he and Councillor Harper would miss this aspect of their work

### **138 Declarations of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interests

### **139 Apologies for Absence**

Apologies for absence were received from Councillor R Grahame and Councillor A McKenna, with Councillors Hardy and Towler substituting for their respective colleagues

### **140 Minutes**

**RESOLVED** – That the minutes of the North and East Plans Panel meeting held on 17<sup>th</sup> April 2014 be approved

### **141 Matters arising from the minutes**

With reference to minute 135 of the meeting held on 17<sup>th</sup> April 2014 – Application 13/02572/FU – residential development on former Whitebridge School Cartmell Drive Halton LS15, which had been deferred for one cycle to enable a meeting with Ward Members to take place, the Panel's Lead Officer stated that the legal clarification was being sought in relation to issues concerning viability and that a report would be brought back to Panel as soon as possible

### **142 Application 13/05235/FU - Full application for 189 new homes including affordable homes and elderly persons apartments, commercial facilities including retail and industrial/employment units and outline application for additional commercial at the Millennium Village, Park Lane, Allerton Bywater WF10**

Further to minute 69 of the North and East Plans Panel meeting held on 31<sup>st</sup> October 2013, where Panel received a pre-application presentation on proposals for a mixed-use development at the Millennium Village, Park Lane Allerton Bywater, Members considered the formal application

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

Officers presented the report and outlined the revisions to the scheme since it had last been presented, which now included a reduction in the number of residential units from 191 to 189; reduced scale and re-design of the commercial zone included in the full application and an outline application for additional commercial uses accessed off Bramwell Road

The layout of the development was outlined, which would be in three components, with access arrangements also being highlighted. Members were informed that the adjacent land – the former timber site - would not be prejudiced by the development under consideration

The proposals for parking within the development were outlined, with Panel being informed that parking areas taken directly off Flockton Road and

Haigh Moor Way, and that there would be a loss of some greenspace to accommodate the parking, something which had been raised in the pre-application presentation. Local objections had been made to the loss of greenspace and whilst this had not originally been envisaged as part of the design code, it was a response to the parking problems which were currently taking place on the site

Receipt of additional representations were reported which included one from Councillor J Lewis supporting residents' concerns about parking on Beeston Way and that the applicant should fund parking restrictions. Two further letters of objection from local residents were reported but that these had not raised any new issues

If minded to approve the application an additional condition regarding investigation in respect of land stability should be included in response to comments which had been received from the Coal Authority

The Panel heard representations from an objector who provided information to the Panel which included:

- local concerns regarding parking and loss of greenspace
- road speed issues
- road safety concerns
- ecological concerns

The Panel heard representations from the applicant's representative who provided information to Members which included:

- details of the parking scheme
- the rationale for the devised parking arrangements

Members discussed the application, with the key areas of debate relating to:

- loss of greenspace
- the inclusion of flats over garages and whether this was against local planning policy. The Panel's Lead Officer advised that he was not aware of any policy which prohibited flats over garages
- affordable housing and elderly persons apartments and whether the correct balance between these had been achieved. Members were informed that the same approach to affordable housing had been used on the adjacent Barratt Homes site and had been successful
- the land owned by Network Rail; the provision of a footpath along the former railway line but that houses were now proposed on part of this area and the reasons for this change
- pedestrian and cycle access through the site and the need to include access arrangements to the land beyond at this stage. The Chair advised that access beyond the site boundary would need to be dealt with if and when an application for that land was submitted

The Panel considered how to proceed

**RESOLVED** - To defer and delegate approval to the Chief Planning

Officer subject to the conditions set out in the submitted report; an additional condition requiring investigation in respect of land stability and the completion of a Section 106 agreement to secure the following:

- Affordable housing – 28 units
- Education – Primary - £118,893  
Secondary - £338,592
- Off-site greenspace - £17,649
- Bus stop real time information - £10,000
- Employment and training initiatives

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

**143 Application 14/00944/FU - Retrospective application for outbuildings and pigeon lofts to side/rear of dwelling house - Iris House Scott Wood Lane Miles Hill LS7**

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 retrospective approval for outbuildings and pigeon lofts at Iris House, Scott Wood Lane LS7

The planning history of the site was outlined with Members being informed that the approval of an application in 2011 for a detached dwelling removed permitted development rights for additional buildings and required the provision of a turning head and resurfacing of the private road to the property. The application for determination sought to regularise the situation, with representations having been received, details of which were included in the submitted report. Members were informed that although the turning head which had been provided was not 14m in width, as required, Officers were satisfied with what had been provided and were recommending approval of the application

The Panel heard representations from an objector who attended the meeting and provided information to Members which included:

- that the applicant was in breach of planning permission
- that the Local Planning Authority had not properly followed up after granting planning permission and had not taken enforcement action early enough
- the required road width of the previous planning permission had not been complied with
- elements of the report were misleading

The Panel considered the application, with following main issues being discussed:

- involvement of the Council's Environmental Protection Team (EPT) in this case. Members were informed that the EPT had not been consulted and that it was unclear what information could be provided from them which would impact on the

planning merits of the case. Concerns about disturbance and nuisance associated with the use could be a material planning consideration, regard had to be had to the scale of the use, the extent of activity and the proximity to neighbouring properties in reaching a decision on the application

- the erection of structures by the applicant despite permitted development rights being withdrawn
- enforcement action which had been taken; that a Stop Notice had not been issued and that such a Notice was not often used but could be used by the Council on a more frequent basis. The Chair acknowledged the importance of Stop Notices and suggested this matter be discussed by Joint Plans Panel
- the number of birds owned by the applicant, with concerns being raised at the impact of this number of pigeons in a residential area
- the verisimilitude of the statements given by the applicant in respect of the number of birds and times of activity in view of the disregard given to requirements of the previous planning permission
- the proximity of the site close to an open field and that the modern pigeon lofts were an improvement visually on the old lofts which had been on site

Members considered how to proceed

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

**144 Application 13/05941/COND - Consent, agreement or approval required by condition 3 of planning application 13/00955/FU - Oak Tree Cottage 26 Church Lane Bardsey LS17**

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

Members considered a report of the Chief Planning Officer relating to a condition attached to a previous planning approval at Oak Tree Cottage, Bardsey LS17, which was situated in a Conservation Area. The condition being considered related to the commencement of construction of stonework which required approval of a sample panel prior to the works being carried out

The Panel was informed that the site was one of the oldest dwellings in the village, with the predominant material in the area being yellow sandstone, although some elements of gritstone featured in the area, so grey tones were also in existence

Members were informed that a sample panel had been erected but before written approval was given, works commenced so that a substantial part of the approved extension had been built and comprised predominantly grey stone. Officers had concerns about this and had asked for increased yellow stone to be incorporated; more vertical mortar joints to be provided to improve the appearance and with lime mortar to be used

The latest response from the applicant was read out to the Panel

Members discussed the issue, with the main concerns being raised relating to:

- the type of stone being used
- that reclaimed stone was being used and where this had been obtained from. Members were informed that the stone had been sourced from a former school in Halifax
- that the proposed materials did not reflect the character of the host property and in response to a question from the Panel, the Deputy Area Planning Manager confirmed that if the sample panel had been seen, it would not have been approved
- that a Stop Notice would have prevented further work being undertaken when the matter first came to light
- the importance of planning policy BC7 in this case which stated that development within conservation areas would normally be required to be in traditional, local materials
- the historic nature of Oak Tree Cottage
- the effectiveness of increased mortar joints and that the face of the stone being used was rough which was not in keeping with the character of the village
- the colour of the gritstone and that this could not be altered by washing/sandblasting and would darken as it weathered

Members remained unhappy with the proposals as set out in the submitted report, with the view being that some of what had been partially constructed should be demolished and rebuilt in a stone which matched that used on local buildings

The Panel considered how to proceed

**RESOLVED** - That the Officer's recommendation to agree the stonework constructed on site be not agreed and that save for those parts of the extension used to retain the rear/side garden, which would be hidden from view, that all parts of the extension which would be exposed should be constructed from a stone which matched that used on local buildings, with the stone being agreed in consultation with Ward Members

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

Thursday 19<sup>th</sup> June 2014 at 1.30pm in the Civic Hall, Leeds