

## **NORTH AND EAST PLANS PANEL**

**THURSDAY, 5TH FEBRUARY, 2015**

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

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

### **120 Chair's opening remarks**

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

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

**RESOLVED** - That the public be excluded from the meeting during consideration of the following part of the agenda designated exempt on the grounds that it is likely, in view of the business to be transacted for 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 appendix to the main report referred to in minute 134 under Schedule 12A Local Government Act 1972 and the terms of Access to Information Procedure Rule 10.4(5) and on the grounds it contains information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. It is considered that if this information was in the public domain there would be potential legal implications in respect of the information contained within the appendix

### **122 Late Items**

The Chair admitted one late item to the agenda, reference 14/00927/UHD3 – Reighton House Moor Lane East Keswick LS17. The item was considered to require urgent consideration due to the sudden recommencement of works on the site whilst there were outstanding concerns about the lawfulness of such works. A copy of the covering report and related exempt information had been circulated to the Panel prior to the meeting (minute 134 refers)

### **123 Declarations of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interests, however the Panel's Lead Officer, Mr Newbury, stated that in respect of

application 14/02832/FU – 1 East Park Parade, that he knew the applicant, so would leave the room when the application was considered (minute 130 refers)

## **124 Minutes**

**RESOLVED** - That the minutes of the North and East Plans Panel meeting held on 8<sup>th</sup> January 2015 be approved

## **125 Application 14/06905/FU - Land rear of Shoulder of Mutton Public House Garmont Road Leeds LS7**

The Panel's Lead Officer informed the meeting that the applicant had withdrawn the proposals and had notified the Council of this shortly before the meeting had commenced

## **126 Application 13/03881/FU - Jewitt Lane Collingham - Appeal decision**

Further to minute 118 of the North and East Plans Panel meeting held on 27<sup>th</sup> March 2014 where Panel did not accept the Officer's recommendation to approve an application for four dwellings on land at Jewitt Lane Collingham, the Panel considered a report of the Chief Planning Officer setting out the Inspector's decision

It was the decision of the Inspector to dismiss the appeal

**RESOLVED** - To note the report

## **127 Application 14/01805/FU - 16 Park Avenue Roundhay LS8 - Appeal decision**

Further to minute 75 of the North and East Plans Panel meeting held on 23<sup>rd</sup> October 2014, where Panel resolved not to accept the Officer's recommendation to approve an application for a single dwelling within the grounds of an existing property, the Panel considered a report of the Chief Planning Officer setting out the Inspector's decision

The decision of the Inspector was to allow the appeal

Concerns were raised about the shared drive arrangements, with the Panel's Lead Officer advising that the Inspector had issued a full planning permission and was satisfied with the access arrangements proposed

The Head of Planning Services informed Members of notifications received in respect of appeals on a number of PAS sites. Members were also informed of a recently received appeal decision at Devonshire Lodge, which had been considered by Panel on several occasions in the last quarter of 2014. The appeal had been dismissed due to the low level of affordable housing being provided, although different offers of affordable housing had been made at the appeal hearing. A costs application had been made by the appellant and the Inspector had concluded in this case that the Council had

acted unreasonably as it had not provided a viability statement. Members were informed that a detailed report would be submitted to Panel in due course and that discussions were ongoing with Legal Services to challenge the costs application

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

**128 Application 13/01537/FU - Nine detached dwellings with access road and alterations to existing bungalow at land rear of 20 - 30 Syke Lane Scarcroft**

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

Officers presented the report which sought approval for nine dwellings on a brownfield site at the rear of 20-30 Syke Lane, Scarcroft, which was situated close to the Green Belt and surrounded by trees, a number of which were covered by TPOs

Members were informed that Officers were of the view that the principle of development was acceptable; that the design and character of the scheme were not out of keeping in what was a mixed area; that the proposals did not affect the residential amenity of neighbours; that slight alterations to plots 8 and 9 were required to improve the spatial setting of these dwellings in relation to the neighbouring property and that no objections had been received to the proposals from neighbours or the Parish Council

In relation to accessibility, the site accessed on to the A58 and there were bus services within the village envelope, however, these did not meet the Council's Core Strategy Accessibility Standards, but on balance, taking into account other material planning considerations, it was felt the application could be recommended for approval

The Panel considered the proposals, with comments being made on a range of issues, which included:

- previous applications for development on the site
- drainage issues, including the permeability of the site and whether all drainage works would be undertaken within the site boundary. Members were informed that Yorkshire Water were satisfied with the proposals and that all of the drainage works would occur within the site
- accessibility
- highways issues including the need for construction traffic to be properly managed in view of the narrowness of Syke Lane and the proximity of a busy Golf course nearby
- detailed design issues relating to plots 8 and 9 and their visibility from the road due to their elevated position, with particular concerns about the views of the gable ends of these properties; parking arrangements at the existing bungalow and that alterations to enable parking at the rear of the bungalow should be considered, rather than the front parking indicated on the model; the height of proposed retaining walls and the need to

ensure that no street lights were included within the development

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 with an amendment to condition no 14 to include details for contractor delivery routing and to address the following issues, in consultation with Ward Members:

- the drainage impact on local springs and surface water run off
- amendments to the proposed dwellings for plots 8 and 9
- parking arrangements to the existing bungalow
- no street lighting to be provided within the scheme

**129 Application 14/04558/FU - Detached house within grounds at Boston Spa Methodist Church High Street Boston Spa Wetherby**

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

Officers presented the report which sought approval for a detached house within the grounds of Boston Spa Methodist Church. Members were informed that the proposal formed part of a wider project to improve the access arrangements and internal configuration of the church, with these works forming a separate application which was currently being considered by Officers. The scheme before Panel was a revision of a larger scheme which had been submitted originally and was felt to better respect the setting of the nearby Listed Church and the Conservation Area

The access and parking arrangements were outlined, with Members being informed that parking provision was from a shared driveway into the site, with a number of other residences, offices and a doctor's surgery. Whilst Highways Officers had raised concerns about aspects of the proposals, Planning Officers were of the view that one additional dwelling would not lead to significant harm to highway safety and that this was also balanced against the applicant's need to fund improvement works to the adjacent church

If minded to approve the application, two additional conditions were suggested, these relating to provision of further details of the access and that the driveway to be of a no dig construction

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

- the maximum number of dwellings served off a private drive, which was stated as being five in the Street Design Guide
- that the Street Design Guide policy requirements were not included in the policy section of the report
- that the access arrangements were not policy compliant in relation to the number of dwellings off a private drive, but were being put forward for approval. Members were informed that the policy regarding the number of dwellings served off a private drive was not being ignored; the objectives of that policy, including highways safety had been taken account and weighed up against other elements in this case. Members were

concerned that the submitted report did not provide sufficient detail on this matter

- the likely outcome at appeal if the application was refused on highways grounds, with the Head of Planning Services stating the Council could find it difficult to defend in this case
- the design of the dwelling and how this would relate in context to the historic Ebor Way. The Panel was informed that the section of the Ebor Way which contained the site had been taken into account when considering the design proposals submitted by the applicant and that a clean-cut building which made use of the views to the river was proposed, rather than replicating features of other buildings within the locality. Concerns remained about the design of the dwelling in this location
- the impact of the proposals on the garage at 203 High Street and what measures could be taken. Members were informed that a condition was proposed which would require the submission of existing and finished ground levels
- the associated proposals for the church; that both applications should be considered side by side and the lack of a binding link between these two applications to justify the enabling development of the application before Members
- concerns that Ward Members had not been kept informed of changes to the application

The Panel considered how to proceed

A proposal to defer determination of the application for Officers to assess the application for the works to the church was made, seconded and voted upon. Following an equality of votes, the Chair used her casting vote against the motion to defer. A proposal to accept the Officer's recommendation to approve the application was made, seconded and voted upon. Following an equality of votes, the Chair used her casting vote

**RESOLVED** - That the application be granted subject to the conditions set out in the submitted report, plus additional conditions requiring the driveway to be of a no dig construction; further details regarding the design of the driveway and a method of construction to prevent possible subsidence of the existing garage at 203 High Street

**130 Application 14/02832/FU - Change of use of doctors surgery to 8 bedroom house in multiple occupation (HMO) - 1 East Park Parade LS9**

Having a declared an interest in this matter, through knowing the applicant, the Panel's Lead Officer, Mr Newbury, withdrew from the meeting at this point

Further to minute 101 of the North and East Plans Panel meeting held on 27<sup>th</sup> November 2014, where Panel deferred determination of the application for further discussions with the applicant on the type of accommodation being proposed, particularly the inclusion of shared toilet facilities, Members considered a further report

The Panel was informed that each of the residential units would now be en-suite, although the shared nature of the development would remain through the provision of a communal lounge/dining room

The receipt of a further letter of objection from a previous objector was reported, with its contents being outlined to Panel

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

Following the determination of this application, the Panel's Lead Officer resumed his seat in the meeting

**131 Application 14/06409/FU - Alterations and side extension to existing end terrace dwelling to form block of 6 apartments including associated landscaping - 146 Chapeltown Road LS7**

Plans, photographs, drawings and an artist's impression of the proposals were displayed at the meeting. A Members site visit had taken place earlier in the day

The Panel's Lead Officer presented the report which sought approval for the refurbishment of 146 Chapeltown Road and to extend the property to create a modern extension of 6 apartments. The site was located in a Conservation Area and close to a nightclub and was considered to be critical in terms of the regeneration of the area. Members were informed that a fire on the site in 2005 had led to the book-end terrace being demolished and no 146 Chapeltown Road being badly damaged. As no positive development proposals had come forward, the Council was well advanced with the legal matters involved to recover the site. The proposals for the residential development would be in partnership with a Housing Association and although no 146 Chapeltown Road could revert to residential use without planning permission, there would not be the opportunity to protect the amenity of the apartments, which the application as presented, could provide

The condition of a horse chestnut tree in the corner of the site was the subject of debate, with the Council's Landscape Officer being of the view this was healthy, and the applicant – Leeds City Council Regeneration – disputing this. Due to the proximity of the proposals, the tree was threatened and whilst it could be controlled by condition, it was felt that greater weight should be put on delivering the proposed scheme over the future health of the tree

The existence of a nightclub close by, which also held activities outside the premises posed implications for future residents of the apartments and that noise mitigation measures were proposed

Detailed design issues were outlined to Panel. It was reported that one objector had produced a plan of a different form of development which related more closely to the existing architecture, however this was not the scheme which was under consideration

The Panel heard representations from two objectors who outlined their concerns, which included:

- the importance of the site to the Conservation Area
- detailed design issues including reinstatement of the book-end terrace property

- the need for the site to be redeveloped
- that detailed plans for the development of a multi-purpose function room extending into the site had been developed but were not supported by the Council
- matters relating to the legal process for the recovery of the site

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

- the need for residential accommodation in the area
- the positive statement the proposals would make
- detailed design issues

Members discussed the application, with the main areas of discussion focussing on:

- the funding for the scheme
- the legal issues associated with the recovery of 146 Chapeltown Road
- whether the correct procedure had been followed in terms of serving the Certificate of ownership. The Panel's Lead Officer explained the process and confirmed that it had been correctly carried out
- possible noise nuisance from the nightclub and the extent of noise assessments which had been undertaken to support the recommendation to grant planning permission
- hours of opening for licensable activities with concerns that prospective residents would not be attracted to the accommodation, despite its good design, in view of possible noise nuisance from the nightclub. Members were informed that the noise mitigation measures proposed included sound insulation to the adjoining wall; appropriate glazing; siting the bedrooms to the rear of the development and possibly including mechanical ventilation and a high wall to the front
- the number of residential units above licensed premises in the City Centre and that with the appropriate measures in place these two uses could be successfully accommodated in close proximity
- that consideration of the application was premature in view of the land not yet being in the ownership of the Council

Members considered how to proceed

**RESOLVED** - That the application be granted subject to the conditions set out in the submitted report, with the amendment of condition no. 11 to be amended to require a full noise assessment to be submitted and a scheme to mitigation noise from the nightclub to be submitted and approved prior to occupation

## **132 Application 14/06550/FU - Application for single storey rear extension at Flat 6 The Acres The Avenue LS17**

Plans, drawings and photographs were displayed at the meeting

The Panel's Lead Officer presented the report which sought approval for a single storey extension to the rear of Flat 6, The Acres LS17

Members were informed that the proposals were for a relatively modest extension and although the original proposal was for a first floor extension and balcony, these features had been deleted from the scheme before Panel

There were no planning concerns about the degree of separation from the proposed extension to neighbouring dwellings, although a condition was proposed requiring obscure glazing on two windows, with the position of these being highlighted to Members, for the avoidance of doubt

The Panel heard representations from an objector who advised he was representing a number of local residents. The issues raised included:

- the proposals represented overdevelopment
- the existing over-dominance of the building would have a further negative impact on neighbouring properties
- issues relating to loss of privacy and overlooking

Members discussed the application with concerns being raised relating to overdevelopment and overlooking

A proposal to refuse the application was made and seconded but did not receive majority support

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 and further negotiations with the applicant on the provision of non-opening windows and any other measures considered appropriate to protect the amenity of neighbouring residents

**133 Application 14/02451/FU - Alterations including two storey front and side extensions, two storey rear extension, roof terrace to rear - Quarry House - 49 Bracken Park Scarcroft**

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

Officers presented the report which sought approval for extensions to the front, side and rear of Quarry House, 49 Bracken Park Scarcroft

The main issues associated with the scheme were outlined to Panel

Members discussed the proposals with concerns being raised at the extent of the proposals and the impact large dwellings had in terms of highways and parking issues

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

**134 Late Item - Application 14/00927/UHD3 - Unauthorised alterations to dwelling at Reighton House, Moor Lane, East Keswick, Leeds, LS17 9ET**

Plans, photographs and drawings were displayed at the meeting

With reference to minute 105 of the North and East Plans Panel meeting held on 27<sup>th</sup> November 2014, where Panel resolved to obtain Counsel's opinion on works undertaken at Reighton House, Moor Lane, East



Keswick, and whether these constituted a breach and what enforcement action could be taken, the Panel considered a further report. It was noted that this report required urgent consideration as works had very recently resumed on the property. Appended to the report of the Chief Planning Officer was a report which contained exempt information relating to legal advice obtained by the Council and was considered in private

The Panel's Lead Officer informed Members of the current position in respect of works which had recommenced on site. Whilst the matter had been due to be considered at the North and East Plans Panel of 8<sup>th</sup> January 2015, this was deferred as issues had been raised about the Certificate of Proposed Lawful Development, however, in view of the urgency of this matter, Members were being asked to consider the course of action to be taken

For reference, the extent of the works covered by the Certificate of Proposed Lawful Development was outlined to Panel

A detailed discussion took place on the matters under consideration, with the Head of Planning Services, the Panel's Lead Officer and the Council's Legal representative commenting on aspects of the issues involved

The main areas of discussion included:

- the issuing of the Certificate of Proposed Lawful Development
- the advice sought and obtained from Counsel
- the way forward for the Council
- enforcement action
- that the submission of a planning application be sought

Having considered the information in the report; the exempt appendix, the Officer presentation and comments of Members and Officers, it was:

**RESOLVED** - To note the report and that Members were minded to consider Enforcement Action but at this time chose to reserve their position and for the Chief Planning Officer to undertake discussions with the developer on an alternative scheme as part of a planning application and that a further report be submitted to Panel in due course

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

Thursday 12<sup>th</sup> March 2015 at 1.30pm in the Civic Hall, Leeds