

NORTH AND EAST PLANS PANEL

THURSDAY, 12TH MARCH, 2015

PRESENT: Councillor R Charlwood in the Chair

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

136 Chair's opening remarks

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

137 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests, however in respect of Application 15/00554 – proposals for a medical centre at King Lane LS17 - Councillor Cohen brought to the Panel's attention that he had publicly supported the scheme so would retire to the public gallery during consideration of this matter (minute 142 refers)

138 Apologies for Absence

Apologies for absence were received from Councillor Selby, with Councillor Nash substituting for him

139 Minutes

RESOLVED - That the minutes of the North and East Plans Panel meeting held on 5th February 2015 be approved

140 Matters arising

The Head of Planning Services reported that the Secretary of State's decision on an appeal against non-determination of a planning application for 400 dwellings on a PAS site at Bagley Lane Farsley had been received, with the appeal being dismissed. In reaching this decision Members were advised that it had been agreed that Leeds City Council did have a five year housing plan and had some scope for flexibility through having a 5% buffer. Other considerations had been the adverse impact of the proposals on the character and identity of the area

Members were informed this decision, which would be reported to each of the Plans Panels was welcomed and should give cause for house builders in the city to consider this very positive decision

The Panel welcomed the decision on this site and tribute was paid to the work of planning officers in defending the LPA's position on appeals and for producing persuasive evidence to put before Inspectors

141 Application 14/05100/FU - Raise roof height of main dwelling; two storey extension to front; two storey extension to side/rear; single storey extension to side; dormer windows to rear roof place and create living space in roof - 7 Bracken Park Scarcroft

Plans, photographs and drawings were displayed at the meeting

Officers presented the report which sought approval to alterations and extensions to an existing residential dwelling at 7 Bracken Park, Scarcroft LS14

The main issues for consideration by Panel were outlined as being the design and character and the impact on the street scene. Members were informed that the proposal has been revised in consultation with Ward Members

In respect of the side extension, Officers were of the view this was acceptable; it was subservient to the main dwelling and was in keeping with the height of the neighbouring dwellings. In terms of impact of the proposals on the living conditions of neighbours, it was felt there were sufficient separation distances and that on balance, the proposals were not considered to be significantly harmful to the living conditions of the residents of no.9 Bracken Park

The Panel heard representations from an objector – the resident at 9 Bracken Park - who outlined his concerns about the proposals to the Panel, which included:

- concerns about overshadowing and loss of light
- that the proposals were overbearing, particularly the size of the rear extension
- the need for planning policy to be applied fairly

The Panel then heard representations from the applicant's agent who provided information which included:

- the extensive discussions which had taken place with Officers on the scheme
- that efforts had been made to address the objection from the resident of 9 Bracken Park
- that revisions had been made to the proposals to reduce its scale which was now considered to be appropriate and in keeping with the character of Bracken Park

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

- overshadowing and whether sun path diagrams had been submitted in order to address the concerns which had been raised

- the lack of a site visit and that this would have proved useful in helping understand the issues under consideration
- the design of the side extension and that the deletion of this element could improve the overall appearance of the scheme
- issues of height, particularly when taking into account the sloping nature of the site
- the extent of the glazing to the rear. The Panel's Lead Officer advised that decision makers needed to approach the issue of design with care as planning policy advised that local authorities should not be prescriptive and should not attempt to impose architectural styles or tastes. In this case, there would be limited views of the glazing due to it being at the rear. This was disputed as due to the land level differences, the rear of the dwelling would be capable of being seen from Syke Lane and when internally lit, the dwelling would be highly visible
- that the applicant had done all required by Officers to revise the proposals to submit a scheme which was capable of being supported
- the protocol for requesting a site visit

The Panel considered how to proceed

RESOLVED - That determination of the application be deferred for one cycle to enable a Members site visit to be arranged to consider the issue of overshadowing and that the Chief Planning Officer be asked to submit a further report which included sun path diagrams to assess the impact of the proposals on the amenity of the neighbouring resident

142 Application 15/00554/FU - Full application for two storey medical centre with associated parking and pharmacy (A1) - Land at King Lane Moortown LS17

At this point, Councillor Cohen withdrew from the meeting and sat in the public gallery

Further to minute 115 of the North and East Plans Panel meeting held on 8th January 2015, where Panel received a pre-application presentation on proposals for a new medical centre with associated car parking and pharmacy, Members considered a further report of the Chief Planning Officer, setting out the formal application

By way of updates to the submitted report, the Panel was informed that colleagues in Contaminated Land Section had no objections to the proposals, subject to appropriate conditions being in place. In terms of greenspace, colleagues in Planning Policy had erroneously commented on the application. Members were informed there was a surplus of amenity space in the area but a lack of outdoor sports provision land, however the site would not be suitable for this use

On the issue of the provision of a footpath from the bus stop, if minded to approve the recommendation, this would be resolved as part of the delegated approval, in consultation with Ward Members. Additional

conditions were also proposed in respect of details of landscaping to be submitted and a scheme of lighting to be submitted

It was noted that Members had been largely supportive of the proposals at the pre-application stage and that further revisions to the scheme in terms of increased disabled car parking provision; access arrangements; design of the building; provision of acoustic screening; provision of trees had been made by the applicant. Members were informed that the proposals would not set a precedent and that the concerns raised about the provision of a flat roof to the building had been considered, it was felt not to be practical to put a pitched roof on the building and that there were examples of flat roofed buildings in the area

The Panel's Lead Officer referred to the recommendation and stated that reference should be made to Section 111 of the Local Government Act 1990

Members discussed the application and commented on the following matters:

- dispersal of surface water on the site in view of the amount of hardstanding being provided and the need for condition 12 to be worded to provide assurances that the development would not exacerbate flooding. The Panel's Lead Officer stated that the list of conditions set out in the submitted report were merely the headlines and that fully worded conditions would be drawn up. The Chair agreed that the wording in respect of this condition would be tightened to address the concerns raised
- highways safety and pedestrian access
- the public transport contribution and what this would be used for. A discussion took place on this, with the importance of involving Ward Members in the decisions taken about the use of public transport contributions being stressed
- the importance of selecting the appropriate tree species for the site and that in view of concerns raised about surface water, Weeping Willows represented a suitable choice as they soaked up water. The Chair supported this view and advised Officers this should be considered

RESOLVED - To defer and delegate approval to the Chief Planning Officer as set out in the recommendation within the submitted report, subject to including reference to Section 111 of the Local Government Act 1990; additional conditions relating to provision of landscaping details; submission of a lighting scheme; the provision of a footpath from the bus stop and the spending of the public transport contribution to be in consultation with Ward Members; the amendment of condition 12 to be worded to meet the full requirements of Flood Risk Management and for consideration to be given to the provision of Weeping Willows as the tree species to be provided on site

Following consideration of this matter, Councillor Cohen resumed his seat in the meeting

143 Application 13/03606/FU - Land and buildings adjacent to Devonshire Lodge Devonshire Avenue - Appeal decision

Further to minute 68 of the North and East Plans Panel meeting held on 25th September 2014, where Panel resolved not to accept the Officer's recommendation to approve a development for scheme of later living retirement housing accommodation, the Panel considered a report of the Chief Planning Officer setting out the Inspector's decision to the appeal lodged by the applicant

The Head of Planning Services presented the report and stated that although the Inspector had dismissed the appeal, he had made a full award of costs against the Council, however it was felt that the Council had good grounds to challenge this, with Members also being informed that the appellant had set out their intention to challenge the Inspector's decision to dismiss the appeal, by way of a Judicial Review

The Head of Planning Services provided further details about the decision to award costs against the Council, which related to affordable housing offer, which the appellants had altered at the appeal

The Panel discussed the report; the decision taken by Panel and the financial viability information which had been provided by a representative of the District Valuer, who had attended several of the Panel meetings. Reference was made to a representative of a commercial company who had advised City Plans Panel on viability issues on a recent case with the view being expressed that the information provided to City Plans Panel had been more concise and had been rooted in the commercial world, so making the information more useful to Panel Members. In noting these comments, the Head of Planning Services stated that engaging commercial experts to assess financial viability appraisals was more costly but this was something he would consider

Concerns were expressed about the Inspector's comments in relation to the supply of employment land with the view being expressed that all land should be annotated with its proper use

RESOLVED - To note the report and the comments now made

144 Date and Time of Next Meeting

Thursday 9th April 2015 at 1.30pm in the Civic Hall, Leeds